

# AGENDA

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**Meeting:** Eastern Area Planning Committee  
**Place:** Wessex Room, Corn Exchange, Market Place, Devizes SN10 1HS  
**Date:** Thursday 6 September 2018  
**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Tara Shannon, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

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

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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## Membership:

Cllr Mark Connolly (Chairman)	Cllr Peter Evans
Cllr Paul Oatway QPM (Vice-Chairman)	Cllr Nick Fogg MBE
Cllr Ian Blair-Pilling	Cllr Richard Gamble
Cllr Stewart Dobson	Cllr James Sheppard

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## Substitutes:

Cllr Ernie Clark	Cllr Jerry Kunkler
Cllr Anna Cuthbert	Cllr Christopher Williams
Cllr George Jeans	Cllr Graham Wright

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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 - 16*)

To approve and sign as a correct record the minutes of the meeting held on 12 July 2018.

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 Thursday 30 August 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 Monday 3 September 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 17 - 18*)

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

#### 7 **Planning Applications**

To consider and determine the following planning applications.

##### 7a **18/04942/FUL - Community Centre, Southbroom School House, Estcourt Street, Devizes, SN10 1LW** (*Pages 19 - 42*)

Proposed redevelopment of the existing Old Southbroom School Buildings to provide 6 new residential dwellings comprising 1 Studio; 4 two bedroom flats; and 1 two bedroom town house, with associated external works, to include conversion of the existing redundant WC block into bike and bin storage (Resubmission of 17/09283/FUL).

##### 7b **18/04151/FUL - Lowerhouse Farm, Lower Chute, Wiltshire, SP11 9DX** (*Pages 43 - 54*)

Conversion and extension of outbuildings and stables to form 3 dwellings.

#### 8 **Urgent items**

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

### **Part II**

*Items during whose consideration it is recommended that the public should be*

*excluded because of the likelihood that exempt information would be disclosed*

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## EASTERN AREA PLANNING COMMITTEE

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**MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 12 JULY 2018 AT WESSEX ROOM, CORN EXCHANGE, MARKET PLACE, DEVIZES SN10 1HS.**

**Present:**

Cllr Mark Connolly (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Ian Blair-Pilling, Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble, Cllr James Sheppard and Cllr Christopher Williams (Substitute)

**Also Present:**

Cllr Sue Evans

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32. **Apologies**

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

33. **Minutes of the Previous Meeting**

The minutes of the meeting held on 14 June 2018 were presented for consideration, and it was:

**Resolved:**

**To approve and sign as a true and correct record the minutes of the meeting held on 14 June 2018.**

34. **Declarations of Interest**

Councillor Richard Gamble declared a non-pecuniary interest in application 18/04676/FUL by virtue of his position as Portfolio Holder for Heritage, Arts and Tourism. Due to that position he was also a Trustee of the Wiltshire Historic Buildings Trust. He declared he would consider the application on its merits with an open mind as he debated and voted on the item.

Councillor Richard Gamble also declared a non-pecuniary interest in application 18/03223/FUL by virtue of his previous position as Portfolio Holder for Education and Skills, during this tenure, the developer, McCarthy & Stone had offered to provide turning circles for buses at the Braeside outdoor education centre on the site. He declared he would consider the application on its merits with an open mind as he debated and voted on the item.

Both Councillor Mark Connolly and Councillor Christopher Williams declared a non-pecuniary interest in application 18/03223/FUL by virtue of the fact the builder was known to them. They declared they would consider the application on its merits with an open mind as they debated and voted on the item.

35. **Chairman's Announcements**

There were no announcements.

36. **Public Participation**

The rules on public participation were noted.

37. **Planning Appeals and Updates**

The report on completed and pending appeals was presented for consideration. The Chairman noted that the Committee had previously voted to refuse application 17/05767/FUL, however it was allowed on appeal.

**Resolved:**

**To note the update.**

38. **Planning Applications**

The following planning applications were considered.

39. **18/04676/FUL - Land rear of Perrys Cottage, 29 Andover Road, Ludgershall, Wiltshire SP11 9LU**

**Public Participation**

Mr Bob Edwards, on behalf of the applicant, spoke in support of the application.  
Mr Aaron Smith, agent, spoke in support of the application.  
Cllr Owen White, Chair of Planning for Ludgershall Town Council spoke in support of the application.  
Cllr Christopher Williams, unitary division member for Ludgershall and Perham Down, spoke in support of the application.

Georgina Wright, Senior Conservation/Planning Officer presented a report which recommended that permission be refused for the erection of a dwelling with access and parking (following the withdrawal of 18/01573/FUL).

Key issues were stated to include the following:

This was a full application proposing the subdivision of the plot and the development of most of the existing garden with an additional two storey dwelling. The current property on the site, Perry's Cottage, was grade II listed for its historic significance. The Conservation Officer objected to the application



on the grounds that less than significant harm would be caused by the subdivision of the plot reducing the visual and physical separation of the cottage from its neighbours.

An update was provided to the Committee containing clarification relating to the heritage assessment of the application. The application had been accompanied by a Heritage Statement produced by Forum Heritage Services. This concluded that 'the setting of the listed building has been obliterated to such an extent that no further harm may be done'. After due consideration, the Conservation Officer's assessment was contrary to the applicant's heritage adviser. It was considered that the proposed severance and development of the plot would adversely affect the setting of the Grade II listed cottage, reducing its visual and physical separation from its neighbours. It was also likely to reduce its desirability/use and maintenance in the long term and therefore would result in less than substantial harm to the significance of the heritage asset. Therefore the recommendation was to refuse the application.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on some of the photographs of the site regarding the positioning of the new dwelling. It was clarified that the new dwelling would face the shops adjacent to the site and would be situated 2m from the boundary fence.

Members of the public then had the opportunity to present their view to the committee as detailed above. During public statements Ludgershall Town Council and Councillor Christopher Williams, unitary division member for Ludgershall and Perham Down, highlighted that Perry's Cottage was owned by Ludgershall Town Council. It was stated that monies raised by the sale of the land would be used to renovate and maintain Perry's Cottage. Perry's Cottage would be rented out, therefore the application provided community benefit.

In response to public statements the officer stated that these details were not provided with the application, which was made by an independent person rather than Ludgershall Town Council, and therefore had not been taken into consideration.

A debate followed, whereby many members stated they felt that the damage to the site had already occurred due to the encroachment of many tall, modern buildings around the site. Therefore the addition of the new dwelling may enhance the appearance of the site, as the roofline, being slightly higher than that of the cottage, formed a 'visual bridge' between the cottage and surrounding buildings.

Other issues raised included the community benefit to be derived from the monies raised by sale of the land to a developer being used for the maintenance and upkeep of Perry's Cottage. It was also stated that the heritage asset would be enhanced as a result of the application as monies raised would go to the maintenance and upkeep of Perry's Cottage.

Councillor Christopher Williams proposed a motion to grant planning permission, against officer recommendation, with conditions being delegated to planning officers. This was seconded by Councillor Paul Oatway. At the conclusion of the debate it was;

**Resolved:**

**To GRANT planning permission, with conditions to be delegated to planning officers.**

**Reason:**

**Paragraph 134 of the NPPF states that harm may be acceptable where there are clearly defined and achievable public benefits, and where those benefits could not be achieved by less harmful means, either at this site or elsewhere. The Committee stated that any harm caused to the heritage asset was outweighed by the community (public) benefit the application would bring. The Committee also stated that Core Policy 58 of the Wiltshire Local Development Framework applied as the heritage asset, Perry's Cottage, would be enhanced by maintenance undertaken with monies raised.**

40. **18/03223/FUL - Browfort Campus, Bath Road, Devizes, Wiltshire SN10 2AP**

**Public Participation:**

Maggie Hemmings, Services and Development Manager for Vision West of England, spoke in objection to the application.

Alan Whetherley, Site Advisor for Vision West of England, spoke in objection to the application.

Carla Fulgoni, agent, spoke in support of the application.

Andy Geddes, Devizes Town Council, spoke in objection to the application.

Cllr Sue Evans, unitary division member for Devizes North spoke in objection to the application.

Morgan Jones, Senior Conservation/Planning Officer presented a report which recommended that permission be granted, subject to conditions, for the erection of six age exclusive chalet bungalows with car parking.

The main issues to be considered were:

The site is the former headquarters of Kennet District Council and was within the limits of development for Devizes. Planning permission had previously been granted in 2016 to demolish existing buildings on the site and build 55 assisted living apartments. That development was nearing completion. The current proposal was for 6 age exclusive bungalows on the same site. Policy H3 of the Devizes Area Neighbourhood Plan (DANP) allocated the site for 60 dwellings, so the combined applications adhered to the development plan. The proposed bungalows would match the apartments in style. Access would be provided using existing routes within the site and the scheme would not result in overdevelopment.

Details were provided of late correspondence received since the publication of the Committee report, including a heritage statement and comments on the Conservation Officer's observations from David Beardmore, Architect. The officer highlighted that no new issues were raised in this correspondence.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on the number of dwellings on the site. The proposed scheme would take the number of dwellings to 61, when the DANP had allocated the site for 60 dwellings. The officer explained that the figure was a guide and as such the extra dwelling did not present any significant planning issues.

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

In response to public statements the officer stated that although there may be some loss of light on site, when planning standards were applied there would be no justifiable reason to refuse planning permission. It was felt that it would be unreasonable to expect the developers to change the layout of the site when they were using existing infrastructure. Regarding concerns raised about traffic on site, especially for users of Wiltshire Sight, a charity supporting blind and visually impaired people, the officer stated that traffic would be significantly reduced on site as compared to when the site was a functioning office complex. Heavy vehicles would reduce once the build was complete.

Councillor Mark Connolly proposed a motion to grant planning permission, with conditions, as per the officer recommendation. This was seconded by Councillor Paul Oatway.

A debate followed whereby concerns were raised by members about the number of dwellings going over that proposed by the DANP. However, others felt that this did not constitute overdevelopment, as the proposed scheme would mean the site was only 1 dwelling over the number stated in the DANP and 55 of these were apartments.

There were also concerns raised over the comparison of traffic on site when it was an office complex versus that associated with the proposed scheme, given that the office closed many years ago. In response others stated they did not feel that 6 extra dwellings would raise traffic levels significantly.

Other issues raised included the concerns raised by Wiltshire Sight and the feeling that these had not been properly addressed.

It was also stated that accommodation of the type proposed was needed.

At the conclusion of the debate it was;

**Resolved:**

That planning permission be GRANTED subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - Document. Design and Access Statement (ref 16.001 / April 2018) by HGP Architects, received 06.04.18;
  - Drawing. SO\_2529\_03\_AC\_001 Site Location Plan, received 11.05.18
  - Drawing. SO\_2529\_03\_AC\_005 Site Location Plan, received 06.04.18;
  - Drawing. SO\_2529\_03\_AC\_002 Existing Site Survey, received 06.04.18;
  - Drawing. SO\_2529\_03\_AC\_010 Proposed Site Layout - Roof, received 06.04.18;
  - Drawing. SO\_2529\_03\_AC\_011 Proposed Site Layout – Ground, received 06.04.18;
  - Drawing. SO\_2529\_03\_AC\_020 Rev A Bungalow Plans & Elevations, received 11.05.18
  - Drawing. SO-2529-02-LA-001 Rev B General Arrangement Plan - Wider Site, received 06.04.18;
  - Drawing. SO-2529-02-LA-003 Rev A Planting Plan - Wider Site, received 06.04.18;
  - Drawing. 9988-KC-XX-YTREE-TTP01Rev0 Tree Protection Plan, received 06.04.18;
  - Drawing. 9988-KC-XX-YTREE-TCP01Rev0 Tree Constraints Plan, received 06.04.18;
  - Document. Arboricultural Method Statement (ref: 9988-KC-XX-YTREEMethodStatement-Rev0) by Keen Consultants, received 29.05.18
  - Drawing. 034.0094.005.A Individual Access Visibility Splays, received 12.06.18;
  - Drawing. 034.0094.004.D Bungalow Tracking, received 12.06.18;

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

3. 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 buildings 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.

4. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until the tree protective fencing as shown on the approved Tree Protection Plan and in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been erected.

The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

**REASON:** In order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

5. The development hereby permitted shall be carried out in accordance with the approved Arboricultural Method Statement (ref: 9988-KC-XX-YTREE-MethodStatement-Rev0) by Keen Consultants.

**REASON:** In order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

6. No railings, fences, gates, walls, bollards or other means of enclosure shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**REASON:** To safeguard the character and appearance of the area and the setting of The Cedars.

7. 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 gates, walls, fences or other means of enclosure, other than those approved under condition 6 of this permission, shall be erected or placed anywhere on the site on the approved plans.

**REASON:** To safeguard the character and appearance of the area and the setting of The Cedars.

8. No development shall commence on site until a scheme for the discharge of surface water from the site (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 brought into use until surface water drainage has been constructed in accordance with the approved scheme.

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

9. No development above the damp-proof course level of the dwellings hereby permitted shall be carried out on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**REASON:** The 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.

10. No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The visibility splay for each property shall be 2.4m x 27m to the centre of the access, as shown on drawing no. 034.0094.005.A, with no obstruction above 600mm. The areas shall be maintained for those purposes at all times thereafter.

**REASON:** In the interests of highway safety.

**11. INFORMATIVE TO APPLICANT:**

The Council's Environmental Health Officer (Environmental Control & Protection) recommends that:

1. In terms of noise audible at any site boundary, the hours of construction should be restricted to the following times:-

Mondays - Fridays 07:30 – 18:00hrs

Saturdays 08:00 – 13:00hrs

Not at all on Sundays or Bank and Public Holidays

2. No burning shall take place on site during the construction phase.

**12. INFORMATIVE TO APPLICANT:**

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

**13. INFORMATIVE TO APPLICANT:**

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](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).

41. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.20 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

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



**Wiltshire Council  
Eastern Area Planning Committee  
6<sup>th</sup> September 2018**

Planning Appeals Received between 29/06/2018 and 24/08/2018

<b>Application No</b>	<b>Site Location</b>	<b>Parish</b>	<b>Proposal</b>	<b>DEL or COMM</b>	<b>Appeal Type</b>	<b>Officer Recommend</b>	<b>Appeal Start Date</b>	<b>Overturn at Cttee</b>
17/10801/PNCOU	Agricultural Building Dunkirk Hill Farm Dunkirk Hill, Devizes Wiltshire, SN10 2BD	DEVIZES	Notification for Prior approval for a Proposed Change of Use of Agricultural Building to a Dwellinghouse (Class C3), and for Associated Operational Development.	DEL	Written Representations	Refuse	14/08/2018	No
17/10956/FUL	Woodlands Woodborough, SN9 5PG	WOODBOROUGH	Single storey and two storey extensions	DEL	House Holder Appeal	Refuse	04/07/2018	No
18/05072/TPO	11 The Orchard Urchfont, SN10 4QX	URCHFONT	Fell one Scots Pine.	DEL	Written Representations	Refuse	08/08/2018	No

There are no Planning Appeals Decided between 29/06/2018 and 24/08/2018

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## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 1

<b>Date of Meeting</b>	6 <sup>th</sup> September 2018
<b>Application Number</b>	18/04942/FUL
<b>Site Address</b>	Community Centre, Southbroom School House, Estcourt Street Devizes SN10 1LW
<b>Proposal</b>	Proposed redevelopment of the existing Old Southbroom School Buildings to provide 6 new residential dwellings comprising 1 Studio; 4 two bedroom flats; and 1 two bedroom town house, with associated external works, to include conversion of the existing redundant WC block into bike and bin storage (Resubmission of 17/09283/FUL)
<b>Applicant</b>	Mr Martyn Kemp
<b>Town/Parish Council</b>	DEVIZES
<b>Electoral Division</b>	DEVIZES NORTH – Cllr Sue Evans
<b>Grid Ref</b>	401060 161542
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Jonathan James

### Reason for the application being considered by Committee

The application has been called-in by the divisional member, Cllr Sue Evans, due to concerns regarding highway safety and car parking provision.

#### 1. Purpose of Report

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

#### 2. Report Summary

Concerns have been raised regarding the potential impact on highway safety as a result of insufficient parking and inadequate access in association with the proposed scheme. The main issues are considered to be the impact on highway safety, car parking, heritage, and the environment.

#### 3. Site Description

The site is located within the market town of Devizes, within the designated conservation area, and along a narrow one-way street (Estcourt Crescent). The existing buildings on site are Grade II listed.

Estcourt Crescent is predominantly made up of dwellings in a Victorian terrace, accessed off the A361 main through road for Devizes. The boundaries predominantly comprise masonry walling and metalled fencing, with some hedgerow to the north-east corner. The topography of the site is generally level throughout, albeit with a step down in level along the southern boundary down to the adjacent highway (A361).



The existing buildings are currently in use under a 'Guardianship'; that is where occupiers live for a reduced rent and to enable safeguarding and maintenance of the existing buildings. Prior to this, the buildings were used for community purposes, including offices, a Youth Centre and a Vision and Hearing Support Centre.

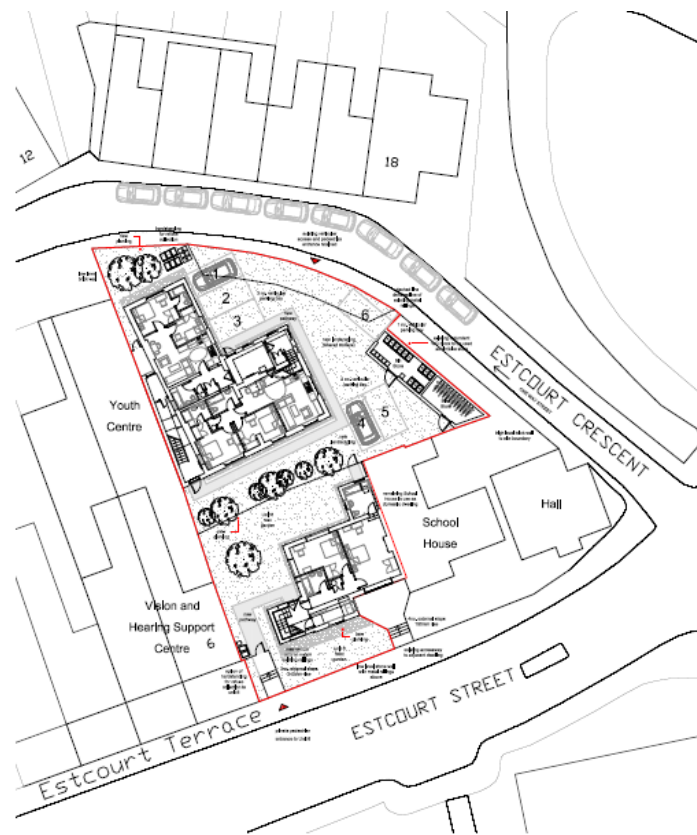
#### 4. Planning History

- |              |  |
|--------------|--|
| K/31447/L    | To demolish existing utility room and rebuild.   |
| K/17692      | FORMATION OF LAY-BY OFF ESTCOURT CRESCENT  |
| K/46850/L    | Internal refurbishment including new fire doors, stud partitions and electrical re wiring. Refurbishment/ replacement of external doors and minor pointing repairs – consent granted                                 |
| 16/03512/LBC | Replacement windows – consent granted.   |
| 17/09283/FUL | Proposed redevelopment to provide 7 new residential dwellings apartments with associated external works, to include conversion of the existing redundant WC block into bike and bin storage – application withdrawn. |
| 17/09521/LBC | Alterations to facilitate 17/09283/FUL – application withdrawn.  |

18/05546/LBC Alterations to listed building to facilitate 18/04942/FUL. Currently undetermined.

## 5. The Proposal

The application is for the conversion of the existing buildings on site to create six new dwellings, comprising 1 studio; 4 two bedroom flats; and 1 two bedroom town house, with associated external works, including the conversion of the existing redundant WC block into bike and bin storage. The application is a re-submission 17/09283/FUL, which was withdrawn due to concerns about the number of units proposed. There is an associated listed building application – this has not been called-in and is undetermined pending the outcome of the committee meeting.



**SITE PLAN**

## 6. Local Planning Policy

### Wiltshire Core Strategy 2015 (WCS):

- Core Policy 1 – Settlement Strategy. This identifies settlements where sustainable development will take place, with a settlement hierarchy running from Principal Settlements through market towns and local service centres to large and small villages. Devizes is listed as a Market Town.
- Core Policy 2 – Delivery Strategy – in order to deliver the sustainable development envisaged in CP1, CP2 sets out the delivery strategy. Again, this

states that houses will be delivered in sustainable locations, with a presumption in favour of such development within the limits of development defined on the policies map. This site is identified as falling within the limits of development of Devizes.

- Core Policy 3 – Infrastructure requirements – aims to ensure for the provision of necessary infrastructure requirements where appropriate.
- Core Policy 12 – Spatial Strategy: Devizes Community Area – clarifies that development in the Devizes Community Area should be in accordance with the Settlement Strategy as set out in Core Policy 1.
- Core Policy 49 – Protection of Rural Services and Community Facilities – aims to protect community facilities from inappropriate development.
- Core Policy 50 – Biodiversity and geodiversity - Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale.
- Core Policy 51 – Landscape – the supporting text for this in paragraph 6.85 identifies the need to protect the distinct character and identity of the villages and settlements in Wiltshire. Development should protect, conserve and where possible enhance landscape character, and any negative impacts must be mitigated.
- Core Policy 57 – requires new development to make a positive contribution to the character of Wiltshire
- Core Policy 58 – Ensuring the conservation of the historic environment – requires development to protect, conserve and where possible, enhance the historic environment, and states that designated heritage assets and their settings will be conserved.
- Core Policy 60 – Sustainable transport – The council will use its planning and transport powers to help reduce the need to travel particularly by private car this will be achieved by planning developments in accessible locations.
- Core Policy 61 – Transport and new development – New development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives. The proposal must be capable of being served by safe access to the highway network.
- Core Policy 64 – Demand management – residential parking standards.

Devizes Area Neighbourhood Plan (2015)

National Planning Policy Framework (2018)

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

Historic England Guidance *on Making changes to Heritage Assets*

## **7. Summary of consultation responses**

**Devizes Town Council** – Objects; insufficient parking.

**Wiltshire Council Conservation Officer** – Supports subject to conditions; the buildings are grade II listed. Whilst the front building is only described in the list description all the buildings are considered to be listed as contemporary and associated with the host building as part of the school complex. The buildings are also located within the Devizes conservation area. The key consideration from the Historic environment for both the planning and listed building perspective is the impact on the special interest of the listed building and the character and appearance of the conservation area.

The existing buildings are largely unaltered in terms of the internal arrangements and features. The buildings retain the open teaching spaces with fireplaces in each room. The rear building is remarkably well intact especially at first floor level with the open space, the trusses and boarded ceiling, fireplaces and large windows. It is disappointing that the Design and Access statement has not fully analysed the significance of the building in terms of their use, internal plan form and proportions. Only external appearance and features are particularly mentioned.

In terms of the historic environment the primary consideration is the duty placed on the Council under sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Heritage Statement gives a background description to the building and sets out the scope of works and impacts on the building. The scheme is a revision to a previously submitted application.

The proposals, due to the proposed change of use and subdivision of the spaces, will cause some harm to the significance of the designated heritage asset. The level of harm is less than substantial. Therefore consideration needs to be given to paragraph 134 of the NPPF. The harm needs to be weighed against the public benefits of the proposal, including securing the optimum viable use. The residential use is according to the viability report to be a viable option. This change of use scheme has now been designed to have the minimum impact on the fabric and layout and proportions of rooms to enable delivery of a residential scheme. Therefore in this balance of securing the future of the historic building the scheme is acceptable.

**Wiltshire Council Highway Officer** – The principle of a residential conversion has been accepted due to the fall-back position relating to not only vehicle numbers but also vehicle movements (i.e. how vehicles move around and in and out of the site), which has seen vehicles reversing and manoeuvring at this location historically. Therefore it should be noted that though a “new residential”, in highway planning terms the site is a change of use and is acceptable to be considered for a reduction of parking standards. The application has been discussed with a senior colleague and there is an agreement in this instance to allow a relaxation in parking standards on the basis that the site is located close to the town centre with a footpath link to the nearby supermarket.

It is obvious that Escourt Street and the surrounding road network are both subject to heavy parking and/or subject to waiting restrictions. With any development the highway authority is required to consider the implication of an application on adjacent streets, planning guidance sets boundaries within which decisions can be made. Any decision should also be made within the boundaries of the weight given to the building itself. In this case this is a

redevelopment of a building (rather than a new build) meaning that some weight must be given to promoting a use that allows the building to be retained/utilised and takes into account previous movements and parking arrangements.

As the road network in the vicinity is so heavily parked and is subject to restrictions it means that any additional vehicles are less likely to be displaced onto the immediately adjacent carriageways and as such a reduction under Policy P6 in the LTP 2011-2026 can be applied. (NOTE POLICY P6 BELOW). This is also true in regards to the nature of the building (conservation) and the location of the proposal (location and bedroom numbers being 1 or two bed properties) which also offers an option to allow a relaxation on parking requirements. A reduction in the requirement for visitor spaces is accepted (this being only 1 space) due to the neighbouring short term formal on street parking which is within walking distance of the site.

It is agreed to accept 1 space per unit that is 6 spaces in total. This leaves a shortfall from the adopted standards of only 4 cars. It is considered that this shortfall does not constitute a significant cumulative detriment as determined within the NPPF guidance. The number is relatively small and as such any *possible* displacement is likely to be accommodated within the *wider* road network.

POLICY P6 states: A set of minimum parking standards for residential development (based on allocated parking) has been developed to provide a basis for this approach. Reduced residential parking requirements will be considered in the following circumstances:

- Where there are significant urban design or heritage issues (conservation/heritage)
- Where parking demand is likely to be low (town centre/bus route/walking distance to employment, schooling)
- Where any parking overspills can be controlled. (adjacent road network has waiting restrictions and parking)

However, in my response to the amended drawings below I make it clear that any reduction in parking standards must be supported by evidence that access to all spaces can be achieved with limited manoeuvring.

The applicant has provided a drawing showing a manoeuvre for bays 4 and 5. However this movement appears to be showing vehicles reversing out on to the highway without the benefit of turning to face the correct way when exiting. Given that this is a one way road it is not ideal to have vehicles having to utilise excessive manoeuvring to accommodate access. It is considered that the applicant should be aiming to show that vehicles can enter and leave in a forward gear. However, if this is not achievable it is considered that similar movements are likely to be currently taking place and as such would not raise an objection if demonstration cannot be provided due to the current fall-back position.

It is worthy of note that though the applicant is providing 6 allocated spaces there is some remaining space on the site that with possible agreement between residents could be used for additional parking for visitors for example.



It has been previously suggested that a possible reduction in unit numbers may be worth considering, however it is acknowledged that the scheme to be considered is the one presented and as such I wish to conclude with the comments as above.

Following the request for a Construction Management Statement, provision of detail of a 'collection day' refuse point and further detail of the vehicle movements of cars entering and exiting the site, the following comments were provided:

It is acknowledged that a visitor space cannot be achieved within the site constraints and that this requirement could be set aside. The turning diagrams still show manoeuvres that are likely to result in vehicles entering and leaving the site in reverse. However, as discussed at length previously it is considered that these movements are taking place currently. When we visited the site the other day there were cars parked in similar locations that would have had to utilise the same action for access. The addition of the bin collection area is noted.

I am happy to accept the Construction Management Statement and am very pleased to see the note which states that NO vehicles associated with the construction will be parked on Estcourt Street and I am noting that this should also include private staff cars.

**Wiltshire Council Land Drainage Engineer** – Supports subject to conditions. Application form states foul drainage to go to main sewer but says how this will be achieved is unknown – this is a full application thus it should have been resolved and indicated in the application. Application form says storm water disposal to go to main sewer via a sustainable drainage system – no storm water sewers shown in vicinity of the site – WW does indicate sewer in road is combined. It should be noted that WW would look for storm water discharge rate to be reduced on redevelopment. There may be on site drainage which will need to be diverted. No drainage details with submission

**Wiltshire Council Ecologist** – No objections. Any given permission should be in accordance with the recommendations for ecological mitigation (bats and birds) in Section 5 of the submitted Bat and Protected Species Survey (Malford Environmental Consulting, 2 November 2017).

**Wessex Water** – No objections to this application. The applicant has indicated that foul sewerage will be disposed of via the main sewer. Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as "surface water") will be disposed of via sustainable drainage systems and the main sewer. There are no sewers or water mains running across the site that could be affected by the proposed development. Detailed application must prove a minimum 30% reduction in total flow from site to account for climate change; further reductions may be required by the planning authority depending upon local circumstances.

## **8. Publicity**

The application has been advertised by way of a site notice, advertisement within the local press and by letter to neighbouring properties. The following is a summary of the responses received:

## Object

- Highways Impact – application should be rejected
- Insufficient parking on site
- Insufficient parking within the surrounding streets to accommodate additional parking/traffic generated by the proposed development
- Parking for existing residents is difficult
- Existing buildings on site should be demolished and number of dwellings reduced to allow for adequate parking
- There should be a reduction of the number of units, thereby reducing the requirement for parking
- Highway Officer view to set aside the requirements for extra visitor bays unacceptable
- It is acknowledged that the Highway Officer states that parking is at capacity in the area, it is illogical that this is used to justify a reduction in parking requirement for the site
- The plans ignore the number of disabled residents and that due to the inadequate pavements people are forced to walk along the road
- The CMS states that works vehicles will need reversing alarms, does that mean that all residents cars using the site should have these too
- Reversing movements into the street is unacceptable and would create a hazard
- There should be adequate turning space within the site for vehicles to leave in a forward gear
- The proposed parking spaces look difficult to access and/or egress
- Emergency and service vehicles cannot obtain access along Estcourt Crescent and will put lives in danger
- Loss of layby will restrict emergency and other vehicles
- Highway is one way
- Scheme does not comply with policy PS6 of the WCS in relation to providing adequate parking for the site
- Should be retained for a community use
- The loss of such community facilities drives the younger generation away
- Loss of parking for existing carers
- Lack of sewerage and surface water details
- Leakage from the drainage system into existing neighbouring cellars is a problem and a cause of considerable damage to the properties
- Insufficient detail for the proposed drainage
- Do not accept that the reduction of the scheme by one unit would affect the viability
- Overdevelopment of the site
- Concerns over refuse collection
- Insufficient amenity space as required under PPS7
- Impact on neighbour amenity through loss of privacy
- There is a covenant restricting the use of the building to educational or ecclesiastical purposes only
- Not aware that the site has been appropriately marketed

- The site is located within the Conservation Area and is Grade II Listed - has heritage been considered?

## 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 states that “*determination must be made in accordance with the development plan unless material considerations indicate otherwise*”. Paras 2 & 11 of the NPPF (2018) reiterate and confirm this requirement. This is the starting point for determination. The Wiltshire Core Strategy, adopted in January 2015 is the relevant development plan for the purposes of this proposal, as is the Devizes Area Neighbourhood Plan (2015)

### 9.1 Principle of Development

Core Policy 2 identifies that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. Devizes is identified in Core Strategy Policy 1 as a market town, the second level within the settlement strategy, which ‘*have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.*’ As identified within the WCS (2015) there are currently over 10,000 individuals on the council’s housing waiting list, with Chippenham, Trowbridge and Devizes Community Areas having some of the highest levels of demand. The demand has unlikely reduced in the last three years.

The viability assessment that has been carried out in support of the application demonstrates that the conversion of the existing structure to either a community or commercial use would be unviable. With due regard to the existing residential properties adjacent to the site, it is considered that the use of the site for intensive or intrusive commercial activities would be in conflict with the surrounding residential uses and would harm the occupiers’ reasonable living conditions. The evidence base also identifies that during the last two-and-a-half years, the diocese has not been approached for letting the structures for a community purpose. In addition, this site is **not** registered as an asset of community value (ACV). As such, whilst it can be reasonably argued that the application before the Council does not meet every requirement of Core Policy 49, in that a six month marketing exercise has not been carried out, it is considered that the viability assessment credibly demonstrates that the site would not be viable for either a commercial or community use.

The Neighbourhood Plan (DANP, 2015) very specifically seeks to prioritise the development of previously-developed land within Devizes and limits the development of greenfield sites, which is entirely in line with Core Policy 2. In that regard, the DANP (2015) is in full conformity with Core Policy 2 of the WCS. The proposed development utilises previously-developed land within the limits of development of Devizes. The development will provide a mixture of new housing which could enhance the vitality of the town centre and importantly, bring the site back into a viable use and safeguard the heritage of the site in the long-term.

The Devizes Joint Strategic Assessment 2011 identified affordable housing as being one of the major housing issues facing the town. Furthermore, it clarified the number of applicants on the housing register, with 863 single bedroom and 344 two bedroom dwellings being sought. It is considered that the proposed properties would be affordable by design; that is, the size of property is such that it will create a natural market restriction on the value of them. However, it should be noted that they do not accord with the definition of affordable housing in the WCS (2015). It is considered that the proposed units would add to the diversity of housing/accommodation stock within the Devizes area, thus meeting a need for smaller apartments and dwellings.

Whilst it is acknowledged that the Neighbourhood Plan provides for new development within the Devizes area, the Localism Act allows Neighbourhood Plans to provide more than the allocated number of houses for its area but does not permit any reduction. As such, the development of this windfall site should be viewed in addition to the provision of the required numbers within this sustainable location.

The proposed development represents an appropriate level of development within a town centre location, which incorporates a mix of type of properties that would have a positive impact in economic, social and environmental terms. As such, the scheme is considered acceptable in terms of the policies of the WCS (2015), the DANP (2015) and of the NPPF.

## **9.2 Visual Impact**

The Wiltshire Core Strategy identifies the need to protect the distinct character and identity of the villages and settlements in Wiltshire. Policy 57 and the NPPF seek to encourage high quality design in new development. The proposed scheme re-uses the existing buildings and thereby is considered to reflect and respect the existing character of the area. In line with Policy H2 of the DANP, all new housing must be capable of being readily assimilated within the existing built environment and the social fabric of the settlement. The proposed conversion respects the character and historic fabric of the existing buildings and would therefore be acceptable. As such, the proposed development is considered to comply with Core Policy 57 of the WCS (2015) and Policy H2 of the DANP (2015).

## **9.3 Heritage Impact**

In terms of the historic environment, the primary consideration is the duty placed on the Council under sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The property is located within the Devizes Conservation Area. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Areas.

The NPPF outlines government policy regarding the historic environment. Section 16 “Conserving and Enhancing the Historic Environment” sets out an overall aspiration for conserving heritage assets, in particular paragraph 193, which states: *when considering*

*the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).* Wiltshire Core Strategy Policy CP58 relates to Ensuring the Conservation of the historic environment and states that *designated heritage assets and their settings will be conserved.*

The buildings are grade II listed. Whilst only the front building is only in the list description, all the buildings are considered to be listed as contemporary and associated with the host building as part of the school complex. The buildings are also located within the Devizes Conservation Area. The key heritage consideration is the impact of the proposal on both the special interest of the listed building and the character and appearance of the conservation area.

The existing buildings are largely unaltered in terms of the internal arrangements and features. The buildings retain the open teaching spaces with fireplaces in each room. The rear building is remarkably well intact, especially at first floor level with the open space, the trusses and boarded ceiling, fireplaces and large windows. It is disappointing that the Design and Access statement has not fully analysed the significance of the building in terms of their use, internal plan form and proportions. Only external appearance and features are particularly mentioned. The Heritage Statement gives a background description to the building and sets out the scope of works and impacts on the building. The scheme is a revision to a previously submitted application.

#### Change of use

The best use for a building is its original use and in this case this was as a school and part of its special interest lies in its use, the design of the internal spaces as well as the particular features. It is important to keep historic buildings in use in order to help conserve them. When considering a change of use to a listed building it is important to find the optimum viable use i.e. the one which does the least damage to the special interest of the listed building but is viable not necessarily the most profitable use.

The use of the building as a school ceased a long time ago but more recent uses have included a nursery, youth centre and offices. These more recent uses did not entail many changes to the fabric and layout of the buildings. There was an application for listed building consent for fire doors to youth centre. Works have been done to the front building in association with office use i.e. suspended ceiling, cabling and power points.

The applications are accompanied by a viability report which is a desk-based valuation assessment. It is noted that in the viability report there has been an assessment of community and office uses. However, it is difficult to fully assess this information without the background figures. It is also noted that no marketing of the property has been undertaken so the market has not been fully tested for alternative uses. However, the conclusion of the report is that the most viable use is for residential use.

A residential conversion of the buildings to flats will have an impact on the special interest of the listed building. The proposals show substantial subdivision of the principal spaces by the addition of partitions. The Historic England *Guidance on Making changes to Heritage Assets* identifies that:

*45 The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (whether decorated or plain, principal or secondary) and other features are likely to form part of its significance. Indeed they may be its most significant feature. Proposals to remove or modify internal arrangements, including the insertion of new openings or extension underground, will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations.*

*46 The sub-division of buildings, such as threshing barns and churches, that are significant for their open interiors, impressive proportions and long sight lines, may have a considerable impact on significance. In these circumstances the use of pods or other design devices that allow the entirety of the space to be read may be appropriate.*

This scheme has been substantially altered compared to the previous proposals, reducing the amount of proposed subdivision of the key spaces.

#### Front Building - Former Vision and Hearing Support Centre

The ground floor has been architecturally compromised by the insertion of suspended ceilings and computer trunking. However, both ground and first floor retain their historic open floor plan. There are fireplaces and an historic staircase.

The proposal does involve subdivision of the ground floor to form bedrooms and bathrooms, however, the more intact classroom on the first floor will be retained as an open plan living space. The subdivision of the ground floor does involve some harm due to impact on the historic floor plan and proportions of the room. The external works involve removal of the fire escape to the side and repair of the window. This will be a positive improvement to the external appearance of the building.

#### Rear Building – Youth Centre

The interior of this building is of higher quality than the front building, particularly at first floor level. The large classroom with, exposed timber trusses and timber boarded ceiling, ornate fireplaces and large windows, is of particular architectural quality associated with its school use. The scheme has been revised to limit the extent of subdivision in order to minimise the impact on the significance of the listed building. Two flats will be created in the main first floor classroom with partitioning limited to the central area thus maintaining much of the spatial quality and leaving the trusses, ceiling, fireplaces and windows fully exposed to view. There is of course some compromise to the layout and proportions of this room and thus, a level of harm to the significance of the listed building.

On the ground floor, there will be an intensification of subdivision and a change to the proportions so some loss of the spatial integrity of the rooms. Unit 1 will have an odd subdivision to create bedroom 2 which is not ideal and it would have been preferable for this to have been a one bedroom flat with a larger open plan kitchen/dining/living room. The key feature of this room - the historic fireplace - will be retained. As with the front building, the external appearance will be improved by the removal of the fire escape.

## Summary

The proposals, due to the change of use and subdivision of the spaces, will cause some harm to the significance of the designated heritage asset. The level of harm is less than substantial. Therefore, consideration needs to be given to paragraph 196 of the NPPF. The harm needs to be weighed against the public benefits of the proposal, including securing the optimum viable use. The residential use is, according to the viability report, a viable option. This change of use scheme has now been designed to have the minimum impact on the fabric and layout, and proportions of rooms to enable delivery of a residential scheme. Therefore, in this balance of securing the future of the historic building the scheme is considered acceptable.

### **9.4 Ecology**

In carrying out its statutory function, the local planning authority must have sufficient information to judge whether the proposal would be likely to result in any adverse impact to protected habitats or species, in line with NPPF and with Core Policy 50 WCS (2015). Core Policy 50 provides the Council's stance on biodiversity and how development must take into consideration the importance of such features and species using an area, how they can be maintained and where it is deemed necessary to alter a feature, appropriate mitigation. The presence of any protected species would be a material consideration within the planning system.

A Bat and Protected Species Survey (Malford Environmental Consulting, 2 November 2017) was submitted in support of the previous application. Comments received from the Council's Ecologist identified that they had assessed the submitted Bat and Protected Species Survey and note that the consultant concludes that two of the buildings proposed for works show features with potential for supporting small numbers of non-breeding common bats. This would usually require further investigation via additional survey work, however the conclusions reached by the applicant's consultant were agreed with in that there is no requirement for any survey work given the nature of the features and the type of works involved in the proposal.

On balance, it is considered that the proposed scheme would not have a detrimental impact on protected species and that any given works undertaken should be in accordance with the recommendations for ecological mitigation (bats and birds) in Section 5 of the submitted Bat and Protected Species Survey (Malford Environmental Consulting, 2 November 2017). This can be secured via condition.

### **9.5 Highways Impact/Parking**

Core Policy 60 Sustainable Transport supports the premise for development within sustainable locations. Core Policy 61 Transport and New Development, inter alia, aims to ensure that the proposal is capable of being served by safe access to the highway network. Core Policy 64 Demand Management, inter alia, requires the following:

(d) residential parking standards – the provision of car parking associated with well-designed new residential development will be based on minimum parking standards.

Strong objections have been received from local residents within the area, who have stated that the proposed scheme does not provide sufficient parking for the proposed number of units. Estcourt Crescent, Estcourt Street and the lower end of London Road have restricted parking capacity, and all streets currently have problems with lack of on-street parking, as shown in the following photographs:



Estcourt Crescent is not only used by local residents, but is currently heavily used by other people who park for long periods during the day if they can find a space, and who work in the town centre. This problem has become worse since the permit scheme was introduced in Victoria Road. There is also a constant flow of people visiting the dentists on Estcourt Street, who park in Estcourt Crescent throughout the day. Staff from the dentists also park in the street for the whole working day. There have also been examples of people living in the centre of Devizes leaving cars in Estcourt Crescent for a number of days as long-term parking.

It is acknowledged by residents that Estcourt Crescent is a public road and that they have no priority on usage, but they demand that serious consideration to the issue must be given by Wiltshire Council, where they know there will be displacement of vehicles caused by the development that will lead to further parking and congestion especially where there are no other places close-by to park.

The concerns of local residents are acknowledged and have been taken into consideration in reaching a recommendation on this application. However, the site does have an existing use which could potentially generate an equal or increased level of associated traffic and movements - due regard must be given to this fall-back position. It has to be acknowledged that this is not a new-build but a conversion that constitutes redevelopment of previously-developed land. The fall-back use and any similar already approved use is/will be associated with a level of vehicle movements and parking which is likely to be the same or indeed may possibly exceed that associated with the proposed residential use. The fall-back situation, in turn, means that the proposed



residential use will not result in a significant detrimental impact because the types of vehicle movements and parking have already taken place to some extent on the site, something which nearby residents will have become accustomed to.

Access to the site would remain in the same position; however, concerns have been raised that vehicles cannot enter and exit the site in a forward gear. For example, some of the parking spaces would require vehicles to reverse out onto the adjacent highway. Whilst this is acknowledged to be less than ideal, it corresponds with the existing access and parking arrangements. It has been stated that vehicular movements from the site would be in conflict with pedestrian movements along the road, due to the poor state of the existing pavements. These concerns are also acknowledged, but vehicular movements from the site exist at present and as such the proposed development would not result in such an increase in movements that there would be a significant impact on highway safety.

Core Policy 64 identifies that “reduced residential parking requirements will be considered where there are significant urban design or heritage issues, where parking demand is likely to be low or where any parking overspill can be controlled”. This is reflected within Policy PS6 of the LTP (2011-2026) and is referred to in the highway officer’s response. They acknowledge that the adjoining highway is heavily parked and is subject to restrictions, which means that any additional vehicles are less likely to be displaced onto the immediate adjacent carriageway, as well as making the site less desirable to car owners. The site is also constrained by heritage issues, the buildings being Grade II Listed and the site located within the conservation area.

The town centre, numerous public and paid car parks, a dental practice, a supermarket, public open space, Devizes Infants School, Devizes School, Devizes Leisure Centre, restaurants, shops and facilities are all within walking distance of the site. As such, the site is considered a sustainable location for such development, thus encouraging walking and cycling for most daily activities. The proposal also provides on-site bicycle storage in line with policy to encourage the use of alternative transport modes. Core Policy 61 supports the provision of new development so that it is located and designed to reduce the need to travel and to encourage the use of sustainable alternatives. Visitor parking is easily accommodated in nearby public parking areas or within the limited on-street parking bays.

There has now been a reduction (of one) in the number of properties proposed, since the original submission (under application 17/09823/FUL) and comments received from the highways officer acknowledge that that this is a sustainable town centre location. As such, they consider that a relaxation of the level of parking usually associated with new development is acceptable in this instance and raise no objections. It is therefore considered that the proposal, on balance, complies with the criteria of Core Policies 60, 61 and 64 of the WCS (2015), the policies of the DANP (2015) and the WLTP (2011 – 2016) Car Parking Strategy (March 2011) and with the relevant sections in the NPPF.

## **9.6 Neighbour Amenity**

Core Policy 57 of the WCS (2015) aims to ensure that proposed development would not have a detrimental impact on the residential amenities of the residents of adjoining properties.

Concerns have been raised by local residents that the proposed raising of the steps located at the front of the property leading onto Estcourt Street by 24cm (240mm) will impact on the privacy of front gardens/yards as well as the front rooms (sitting room/lounge). This they feel is unacceptable, unless the wall were to be heightened to accommodate the increased height of the steps.

Issues relating to loss of privacy through overlooking relate to that from proposed new windows in development and those that are new habitable rooms. This issue is not generated through the raising of some steps that provide access to the site. Whilst the concerns are acknowledged, the degree of impact from the rising of the steps would not be so significant as to warrant a reason for refusal on amenity grounds.

## **10. Conclusion (The Planning Balance)**

In determining this application, the local planning authority is fully aware that if development accords with an up-to-date Local Plan it should be approved, and that proposed development that conflicts should be refused unless other material considerations indicate otherwise. In this case, the proposal is considered to comply with the up-to-date policies of the development plan. There are three aspects of sustainable development - economic, social and environmental. The NPPF identifies that there is a presumption in favour of sustainable development. This is seen as a golden thread running through the decision making process and that local planning authorities should approve development in accordance with the development plan without delay.

Devizes is a market town, which is defined as a settlement that has the ability to support sustainable patterns of living in Wiltshire through current levels of facilities, services and employment opportunities. Market towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities. The scheme is sited in a central location and would be highly accessible to local amenities and facilities through sustainable modes of transport.

The Devizes Area Neighbourhood Plan clarifies within its site allocation policies that development proposals should be sited closer to the town centre, should be of a higher density, that the preferred housing will be one and two bedroom units suitable for single people or retired couples and that limited parking provision will be made available for these dwellings. As such, the proposed scheme is considered to comply with the principles for development within the adopted neighbourhood plan.

Paragraph 109 of the NPPF states 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”. As clarified within the highway officer’s comments, this is not considered to be the case.

It is acknowledged that there is some positive weight to be given to economic benefits through the likely local employment that may be generated by the development proposed for a limited period of time. As are there likely to be social and environmental benefits through the provision of new dwellings within the local housing market, within a sustainable location, through the retention and safeguarding of the existing heritage on site and reuse of previously developed land. It is considered in this instance that the public benefit that would likely occur through this development would outweigh the less than significant harm that would be caused to the significance of the listed building.

The scheme is considered to be sympathetic to heritage assets (the listed buildings and the conservation area) site and it is considered that there would not be an adverse impact on any protected species.

Whilst the concerns and objections raised by local residents are acknowledged, they do not amount to a sustainable reason for refusal in this instance. Overall, the scheme offers the chance to improve the external appearance of the building, find a viable new use and provide additional residential accommodation within the town centre.

On balance the development is considered to comply with the policies of the Wiltshire Core Strategy (2015), the NPPF and the Devizes Area Neighbourhood Plan and a positive recommendation is made.

#### **RECOMMENDATION**

Grant planning permission subject to the following conditions:

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

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

2 The development hereby permitted shall be carried out in accordance with the Application Form, Viability Appraisal Report (dated 20th April 2018), Heritage Statement (May 2018), Construction Management Statement (PKA Architects) and the following approved plans:

Location and Site Plan, Ref. S1\_1670\_Existing Building Survey.dwg

Vision and Hearing Support Centre Floor Plans, Ref. S3\_1670\_Existing Building Survey.dwg

Youth Centre Floor Plans, Ref. S2\_1670\_Existing Building Survey.dwg

Youth Centre Elevations (1 of 2), Ref. S4\_1670\_Existing Building Survey.dwg

Youth Centre Elevations (2 of 2), Ref. S5\_1670\_Existing Building Survey.dwg

Vision and Hearing Support Centre Elevations (1 of 2), Ref. S6\_1670\_Existing Building Survey.dwg

Vision and Hearing Support Centre Elevations (2 of 2), Ref. S7\_1670\_Existing Building Survey.dwg

Site Plan, Ref. P1\_A\_1670\_Plan 3.dwg

Youth Centre Floor Plans, Ref. P2\_1670\_Plan 3.dwg

Youth Centre Floor Plans, Ref. P3\_1670\_Plan 3.dwg

Vision and Hearing Support Centre Floor Plans, Ref. P4\_1670\_Plan 3.dwg

Youth Centre Elevations (1 of 2), Ref. P5\_1670\_Plan 3.dwg

Youth Centre Elevations (2 of 2), Ref. P6\_1670\_Plan 3.dwg

Vision and Hearing Support Centre Elevations (1 of 2), Ref. P7\_1670\_Plan 3.dwg

Vision and Hearing Support Centre Elevations (2 of 2), Ref. P8\_1670\_Plan 3.dwg

Youth Centre Mezzanine Internal Elevation, Ref. P9\_1670\_Plan 3.dwg

Vehicular Access/Egress, Ref. P10\_1670\_Parking.dwg

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

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

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

- 4 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from any access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall prove a minimum 30% reduction in total flow from the site to account for climate change. The development shall not be first brought into use 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.

- 5 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- \* a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- \* means of enclosure;
- \* all hard and soft surfacing materials;
- \* retained historic landscape features and proposed restoration, where relevant.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6 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) for residential purposes 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.

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

REASON: In the interests of highway safety.

- 8 No part of the development hereby permitted shall be brought into use, until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

- 9 All works connected with the development hereby permitted shall be carried out in strict accordance with the recommendations for ecological mitigation (bats and birds) in Section 5 of the submitted Bat and Protected Species Survey (Malford Environmental Consulting, 2 November 2017).

REASON: In the interests of protected species and their habitats.

- 10 All works shall be carried out in strict accordance with the contents of the approved Construction Management Statement (PKA Architects, received 19th July 2018).

REASON: In order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 11 **INFORMATIVE TO APPLICANT:**

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species Regulations 2010 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an

independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk) or visit the Bat Conservation Trust website.

12      INFORMATIVE TO APPLICANT:

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/communityinfrastructur](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructur)  
elevy.

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18/04942/FUL  
Community Centre  
Southbroom School House  
Estcourt Street  
Devizes  
Wiltshire  
SN10 1LW



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## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 2

<b>Date of Meeting</b>	6 <sup>th</sup> September 2018
<b>Application Number</b>	18/04151/FUL
<b>Site Address</b>	Lowerhouse Farm Lower Chute Wiltshire SP11 9DX
<b>Proposal</b>	Conversion and extension of outbuildings and stables to form 3 dwellings
<b>Applicant</b>	Ms Stella Coulthurst
<b>Town/Parish Council</b>	CHUTE
<b>Electoral Division</b>	THE COLLINGBOURNES AND NETHERAVON – Councillor Blair-Pilling
<b>Grid Ref</b>	431219 153197
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Richard Nash

### Reason for the application being considered by Committee

This application has been called in by the local Member due to local concerns over the scale of development (i.e. density) and car parking.

#### 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 report considers the following planning policy issues surrounding the proposed development, together with community and consultee responses.

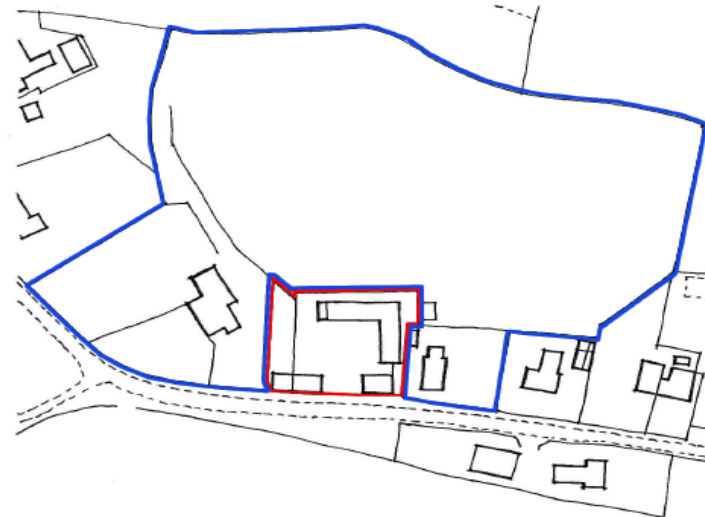
- Principle of Development
- Character and Visual Amenity
- Neighbouring and Occupier Amenity
- Listed Building
- Conservation Area
- Highways and Parking
- Ecology
- Landscape
- Drainage and Water Sources

The report concludes that the proposal would be acceptable subject to conditions.

#### 3. Site Description

The application site comprises a range of outbuildings and stables connected with Lowerhouse Farm and arranged around a courtyard on the north-west side of the road passing through Lower Chute. There are residential properties to the north-east and south-west, with agricultural land to the north-west and opposite. The access to the site sits approximately centrally to the road frontage, with a circular drive running around a grassed area within the courtyard area. The building to the southern part of the site is a barn of brick and block construction with external shiplap style cladding and tiled roof. To the road frontage on the eastern part of the site is a small open fronted cartshed. The main stables building is of an L shape and constructed of brick under a slate roof.

The boundary between the civil parishes of Chute and Chute Forest cuts across the front part of the site. The site is within the Chute Cadley and Lower Chute Conservation Area; and Lower Farmhouse, to the south-east, is a Grade II Listed Building. The site is also within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and a Water Source Protection Zone.



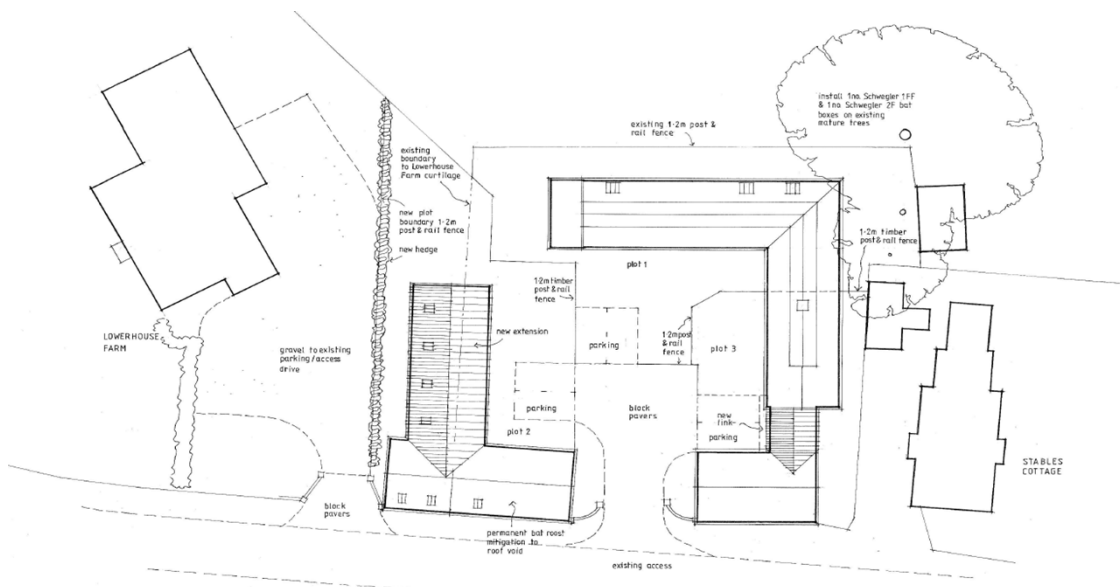
LOCATION PLAN

**4. Relevant Planning History**

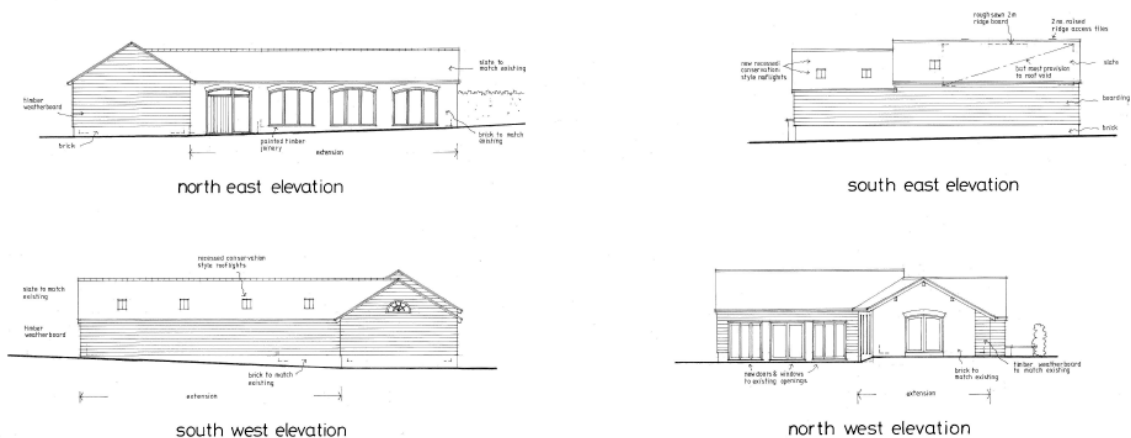
The site was redeveloped pursuant to Planning Permission K/81/0973 and Listed Building Consent K/81/1006/LB in 1981. These consents permitted the demolition and replacement of some outbuildings and alterations to remaining outbuildings to equestrian and ancillary uses to Lower Farmhouse. The approved scheme involved the loss of historic fabric and reconstruction of the barns.

**5. The Proposal**

The application proposes the conversion and extension of the outbuildings to create three new dwellings, including off road parking.







### Plot 2 elevations

## 6. Planning Policy

National Planning Policy Framework

National Planning Practice Guidance

Wiltshire Core Strategy

Core Policy 1 (Settlement Strategy); Core Policy 2 (Delivery Strategy)

Core Policy 3 (Infrastructure Requirements); Core Policy 26 (Spatial Strategy for the Tidworth Community Area)

Core Policy 50 (Biodiversity and Geodiversity); Core Policy 51 (Landscape)

Core Policy 57 (Ensuring High Quality Design and Place Shaping)

Core Policy 58 (Ensuring the Conservation of the Historic Environment)

Core Policy 61 (Transport and Development); Core Policy 68 (Water Resources)

Other Documents

Wiltshire Local Transport Plan (Car Parking Strategy)

## 7. Summary of consultation responses

**Chute and Chute Forest Parish Councils:** - Object due to overdevelopment in Conservation Area and unsatisfactory parking arrangements.

**Wiltshire Council Conservation Officer:** - The scheme is relatively sensitive to the character of the buildings and the Conservation Area. There would of course be some loss of stabling character with the introduction of domestic fencing, gardens, parking spaces, bins and other domestic clutter.

Main concern, albeit not directly subject of this application, is the level of benefit that these buildings provide to the principal listed building. Loss could lead to future pressure for provision for outbuildings within curtilage of listed dwelling. It might make sense to retain (with extension, possibly) the site of plot 2 with the listed building, so that it has a direct link with its own historic stable yard and retains useful outbuilding options.

**Wiltshire Council Highways:** - The development proposed will not detrimentally affect highway safety and recommend that no highway objection be raised to it, subject to the following:

The existing access shall remain ungated or the existing gates permanently fixed in the open position, in the interests of highway safety.

**Wessex Water:** - No Objections. General advice offered to Applicant.

**Wiltshire Council Drainage:** Holding objection on the grounds of lack of drainage details. The application notes that a septic tank will be used and surface water disposal to soakaway, but there is no supporting evidence with this.

We will require:

- Outline plan of foul drainage disposal, including supporting evidence that the septic tank can accommodate the additional discharges to it.
- Outline surface water disposal plan, including infiltration testing results to BRE 365 and evidence that any proposed soakaway has a clearance of at least 1 metre from the groundwater level.
- Outline plan for attenuation of discharge rate for the surface water from site – As brownfield development, Wiltshire Council policy is to seek reduction in discharge rate to greenfield levels.
- Detailed design can be undertaken via conditions, but the applicant is required to show evidence that the site can be drained effectively to gain support.

## 8. Publicity

The application was publicised by way of a site notice, a press advertisement and letters to neighbouring properties. In response, 14 Objections received from the community on the following grounds (in summary):

- Proposal does not comprise 'infill development' as defined in CP2
- Over Development
- Impact on local character
- Visual impact
- Limited amenity space for occupiers
- Overlooking between proposed dwellings
- Impact on setting of Listed Building
- Impact on Conservation Area
- Impact on Area of Outstanding Natural Beauty
- Inadequate parking provision
- Impact on ecology
- Drainage issues
- Loss of outbuildings leading to future development pressure on Lower Farmhouse
- One or two converted dwelling(s) would be acceptable

## 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

Section 55 of the Town and Country Planning Act 1990 defines the meaning of development as the means of carrying out of building, engineering, mining, or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. The development plan accepts the principle of development subject to the aims and objectives of policy being met.

The Chutes are collectively identified as a Small Village under CP1 and CP26, where new development is normally limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. CP2 is supportive of infill development in Small Villages, which is defined at Paragraph 4.34 of the Core Strategy as *'the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling'*.

In this case the site sits within a linear element of development, and within this, between two residential properties, and the proposal comprises the conversion and extension of existing buildings to provide a low number of new dwellings (3 in total). For these reasons it is considered that the proposal is acceptable in principle, subject to more details and site specific policies as discussed below.

### **9.2 Character and Visual Impact**

Development within the locality tends to have a traditional character but, as is typical of a village that has grown organically over centuries, there is not a particularly consistent design. Plots shapes and sizes also vary in the locality.

The proposal seeks to retain the visual character of the existing buildings, with a reasonably modest extension that would have the effect of closing off the courtyard area – but would not add bulk to the road frontage buildings. For these reasons, and given the fact that the site is situated within an existing linear development, it is considered that the proposal would not have a detrimental impact on the character or visual amenity of the site or locality, nor an adverse impact on the landscape of the AONB.

### **9.3 Neighbouring and Occupier Amenity**

The proposed conversion should have no material additional impact on existing neighbouring amenity in terms of outlook, shadowing, overbearing effect or overlooking. The siting and design of the proposed extension is such that it should have no material impact on the amenity of the neighbouring dwelling to the south-west.

The layout of the site is such that there is a minimal amount of curtilage to the rear of the buildings – the bulk of open space being within the courtyard. Because of this the amenity space for the proposed dwellings would be predominantly to the front of the dwellings, largely out of the public domain but with a high degree of inter-visibility with other occupiers of the development, and further limited by the need to provide parking spaces and bin storage.

It is acknowledged that this is not ideal but it is nevertheless a common occurrence with courtyard style conversions, where the desire to retrain building layouts is an important counter-balance. Given these considerations, and that there are no other reasons for resisting the proposal, it is considered that a reason for refusal relating to occupier amenity would be unlikely to be sustainable in this case.

### **9.4 Heritage Assets**



As noted above, the site is located within a Conservation Area and adjacent to a Grade II Listed Building. The buildings on the application site are considered to have historical and architectural merit in their own right. The Conservation Officer has noted that the scheme is relatively sensitive to the character of the buildings and the Conservation Area although there would be some loss of character with the introduction of domestic fencing, gardens, parking spaces, bins and domestic clutter. To some extent this could be controlled by means of a planning condition but it is inevitable in the case of a conversion which, as discussed above, is considered acceptable in principle in this location.

The Conservation Officer's main concern, which it is acknowledged is not directly subject of this application, is the level of benefit that the buildings currently provide to the principal listed building. The loss of the buildings for this purpose could in turn lead to future pressure for provision for outbuildings within curtilage of the listed dwelling. This concern is understood but a reason for refusing planning permission for the current proposal on these grounds would not be sustainable as any future proposal for outbuildings to the principal dwelling would have to be judged on its own merits at that time.

### **9.5 Highways and Parking**

The proposal is for two 3 bedroom dwellings and one 2 bedroom dwelling. Current parking standards require 2 parking spaces for each of these dwellings and the submitted drawings show how this can be achieved. As noted above, the Highways Officer's view is that the development proposed will not detrimentally affect highway safety and they therefore recommend that no highway objection be raised subject to a condition regarding gates. The illegal or inconsiderate parking of vehicles on the public highway is not a matter for control by the planning system.

### **9.6 Other Matters**

A Phase 1 and 2 Bat Report (which also deals with Barn Owls and other nesting birds) has been submitted with the application. The nature of the proposal is such that it would not have any material impact within the AONB.

Notwithstanding that the Drainage Engineer has stated a 'holding objection' to the proposal it is considered that the information required can be reasonably dealt with by planning condition. CP68 requires that development proposals within a Water Source Protection Zone must assess any risk to groundwater resources and groundwater quality and demonstrate that these would be protected throughout the construction and operational phases of development. This can also reasonably be dealt with by planning condition.

## **10. Conclusion (The Planning Balance)**

The proposal is acceptable in principle. The physical and planning constraints of the site are such that development options are limited. However, the proposal represents a comprehensive and sensitive development that would retain the visual amenity and character of the locality without resulting in any detrimental impact in respect of other material planning considerations.

## **RECOMMENDATION**

Grant planning permission, subject to the following Conditions:

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

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

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

Planning Statement

160811 01 (Site and Location Plan)

160811 02 (Proposed Plans)

160811 03 (Plots 1 and 3 Proposed Elevations)

160811 04 (Plot 2 Proposed Elevations)

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

- 3** Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

(i) Large scale details of all external joinery (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;

(ii) Full details of proposed rooflights, which shall be set in plane with the roof covering;

(iii) Full details of external decoration to joinery; and

(iv) Full details and samples of external materials.

The works 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 preserving the character and visual amenity of the conservation area and the setting of the adjacent listed building.

- 4** The existing access shall remain ungated or the existing gates permanently fixed in the open position.

REASON: In the interests of highway safety.

- 5** The development shall be carried out in full accordance with the recommendations contained in the Phase 1 and 2 Bat Report prepared by Lindsay Carrington Ecological Services (October 2016 Updated March 2018).

REASON: To protect the ecological interests at the site, in the interests of biodiversity.

- 6** No development shall commence on site until a scheme for the discharge of foul water from the site, incorporating sustainable drainage details, has been submitted to

and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul 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.

- 7** No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/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 shall commence on site until an assessment of risk to any groundwater resources and groundwater quality, including evidence of how these would be protected throughout the construction and operational phases of development, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in full 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, to ensure that groundwater resources and groundwater quality are protected.

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

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