

# AGENDA

---

**Meeting:** Eastern Area Planning Committee  
**Place:** Wessex Room, Corn Exchange, The Market Place, Devizes SN10 1HS  
**Date:** Thursday 25 April 2019  
**Time:** 3.00 pm

---

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)

---

## 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

---

## Substitutes:

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

---

## **Recording and Broadcasting Information**

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

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

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

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

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

## **Parking**

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

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

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

## **Public Participation**

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

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

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

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

# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 10*)

To approve and sign as a correct record the minutes of the meeting held on 28 March 2019.

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 Tuesday 16 April in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on Thursday 18 April. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

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

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

#### 7 **Planning Applications**

To consider and determine the following planning applications.

##### 7a **18/07692/REM - Land South West of Quakers Road, Devizes, Wiltshire** (*Pages 13 - 44*)

Reserved Matters Details of Layout, Scale, Appearance and Landscaping for the erection of 123 dwellings and associated open space including play area, attenuation basins, and site infrastructure at Land at Quakers Road, pursuant to Outline Planning Permission 15/01388/OUT.

##### 7b **18/11901/FUL - 39 Farm Lane, Great Bedwyn, Wilts, SN8 3LU** (*Pages 45 - 64*)

Proposed change of use of existing building to create new residential dwelling, including the demolition and rebuild of part of the structure (the attached outbuildings) and external alterations.

##### 7c **18/11701/FUL - Court Close Farm, 2 White Street, Easterton, SN10 4NZ** (*Pages 65 - 80*)

Demolition of three detached dilapidated buildings and their replacement with a single dwelling including new access.

7d **18/11759/VAR - Dauntsey's School, High Street, West Lavington, SN10 4HE** (Pages 81 - 92)

Variation of condition 2 of planning permission K/42974 to allow for different surface material for outdoor sports track, with proposed landscaping to reduce visual impact.

7e **19/01651/FUL - Garages adjacent to 112 Waiblingen Way, Devizes, SN10 2BP** (Pages 93 - 106)

Demolition of garages and erection of pair of semi-detached houses.

7f **19/01663/VAR - Thatched Cottage, Baldham, Seend, Melksham, Wiltshire, SN12 6PW - APPLICATION WITHDRAWN** (Pages 107 - 116)

Variation of condition 3 of planning permission E/2011/1685/FUL to allow occupation of the annexed accommodation as a separate dwelling unit.

**Please note that after publication of the agenda this application was withdrawn by the applicant, so it will no longer be considered at the Eastern Area Planning Committee on 25 April 2019.**

## 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***

This page is intentionally left blank

## EASTERN AREA PLANNING COMMITTEE

---

**MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 28 MARCH 2019 AT WESSEX ROOM, CORN EXCHANGE, MARKET PLACE, DEVIZES SN10 1HS.**

**Present:**

Cllr Mark Connolly (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Stewart Dobson, Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr James Sheppard and Cllr Jerry Kunkler (Substitute)

---

16. **Apologies**

Apologies were received from Cllr Ian Blair-Pilling who was substituted by Cllr Jerry Knuckler.

Apologies were also received from Cllr Richard Gamble.

17. **Minutes of the Previous Meeting**

The minutes of the meeting held on 31 January 2019 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 31 January 2019.**

18. **Declarations of Interest**

There were no declarations of interest.

19. **Chairman's Announcements**

There were no announcements from the Chair.

20. **Public Participation**

As there were no members of the public registered to speak the Chairman did not note the rules on public participation.

21. **Items**

The following item was considered.

22. **Wildlife and Countryside Act 1981 - The Town and Country Planning Act 1990 Section 257 - The Wiltshire Council Marlborough 30 Diversion and Definitive Map and Statement Modification Order 2018**

There was no public participation.

Craig Harlow, Assistant Rights of Way Warden, introduced a report which recommended that The Wiltshire Council Marlborough 30 Diversion and Definitive Map and Statement Modification Order 2018, be abandoned and withdrawn from consideration by the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA) as the Order no longer meets the legal tests for confirmation.

The Order was to divert public footpath 30 over land at Salisbury Road, Marlborough. The footpath required diverting in conjunction with planning applications 15/02026/OUT and 17/03219/REM.

The application would have diverted 65 metres of path to a new route with an approximate length of 75 metres. The Order was to be diverted so that it would not pass through parking bays and a private garden. As planning permission had been granted by Wiltshire Council it was therefore necessary to divert the public footpath to enable the permitted development to proceed. An Order was made to divert the path and for the diversion to be recorded in the definitive map and statement. This was duly advertised and 6 objections were received.

Last year on 1 November, the Order was considered at a meeting of the Eastern Area Planning Committee and members resolved to forward the Order to SoSEFRA with a recommendation to confirm the Order without modification.

On 30 November 2018 the applicant submitted an application for a non-material amendment (NMA) for the development site which would allow the footpath to remain on its current alignment and not require a diversion. This was approved on 14 December 2018.

The applicant confirmed on 16 January 2019 to officers that they wished to withdraw the Marlborough 30 Diversion Order from consideration as footpath MARL30 was capable of remaining on its current alignment. Hence the recommendation to EAPC that the Order be abandoned.

Cllr Nick Fogg MBE proposed that “The Wiltshire Council Marlborough 30 Diversion and Definitive Map and Statement Modification Order 2018” be withdrawn from consideration by the Secretary of State for Environment, Food and Rural Affairs and the Order be abandoned. This proposal was seconded by Cllr Stewart Dobson.



Cllr Stewart Dobson stated that a request had been made by the local council to change the mix of housing in the applicants development, which they agreed to. However this meant that the footpath needed to be diverted. He had been concerned on hearing that the applicant wished the footpath to stay on its current alignment that the new mix of housing was being abandoned. However, Cllr Dobson was reassured that this was not the case and that the applicant had redesigned the parking bays and gardens to accommodate the current alignment.

At the conclusion of the debate it was:

**Resolved:**

**That “The Wiltshire Council Marlborough 30 Diversion and Definitive Map and Statement Modification Order 2018” be withdrawn from consideration by the Secretary of State for Environment, Food and Rural Affairs and the Order be abandoned.**

23. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 3.10 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

This page is intentionally left blank

**Wiltshire Council  
Eastern Area Planning Committee  
25<sup>th</sup> April 2019**

Planning Appeals Received between 18/01/2019 and 12/04/2019

<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>
18/00614/FUL	Park Farm House 39 High Street, Worton Wiltshire, SN10 5RU	WORTON	Erection of an oak framed garage and guest annexe replacing existing garage/shed.	DEL	Written Representations	Refuse	29/01/2019	No
18/00821/LBC	Park Farm House 39 High Street, Worton Wiltshire, SN10 5RU	WORTON	Erection of an oak framed garage and guest annexe replacing existing garage/shed.	DEL	Written Representations	Refuse	29/01/2019	No
18/09658/FUL	3 Ailesbury Cottages Church Street Collingbourne Ducis SN8 3FN	COLLINGBOURNE DUCIS	Proposed single carport	DEL	House Holder Appeal	Refuse	18/02/2019	No
18/10208/VAR	Inlands Farm, Sunnyhill Pewsey, Wiltshire SN9 5LA	PEWSEY	Removal of condition 4 of planning permission K/039132 relating to the occupancy of the new dwelling	DEL	Written Representations	Refuse	03/04/2019	No

Planning Appeals Decided between 18/01/2019 and 12/04/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
17/08897/FUL	Land East of 2 Prospect Cottages Malthouse Lane Upper Chute SP11 9EP	CHUTE	Erection of a detached dwelling; with parking, turning, landscaping, and private amenity space. Creation of new vehicular access point out onto Malthouse Lane. (Resubmission of Application No. 17/04582/FUL)	DEL	Written Reps	Refuse	Dismissed	07/02/2019	None
18/00445/FUL	Wellaway, Close Lane Marston, Devizes Wiltshire, SN10 5SN	MARSTON	Demolition of existing commercial engineering building and erection of new detached dwelling	DEL	Written Reps	Refuse	Dismissed	05/02/2019	None
18/03794/OUT	Kingfisher House Bath Road Marlborough SN8 1NR	MARLBOROUGH	Detached family home with detached garage (Outline application relating to layout, access, appearance, scale and landscaping)	DEL	Written Reps	Refuse	Dismissed	08/02/2019	None
18/00558/FUL	3- Ailesbury Cottages Church Street Collingbourne Ducis SN8 3FN	COLLINGBOURNE DUCIS	Proposed single carport	DEL	House Holder Appeal	Refuse	Dismissed	05/04/2019	None
15/01209/ENF	Field Opposite Wyatts Lake Farm, Westbrook Bromham, Wiltshire	BROMHAM	Land being used for storage of vehicles and machinery, and earthworks taking place	DEL	Written Reps	-	Dismissed	13/03/2019	None
17/08306/FUL	Land Adjacent 555 New Buildings Enford, Wiltshire SN9 6AY	ENFORD	Retention of two shipping containers stacked on top of each other and associated balcony and platform walkway, and their use as an office and store.	DEL	Written Reps	Refuse	Dismissed	04/04/2019	Wilts Council Applied for Costs - <b>REFUSED</b>
17/00337/ENF	Land Adjacent 555 New Buildings Enford, Wiltshire SN9 6AY	ENFORD	Two shipping containers with staircase and balcony with handrail on an unsupported base.	DEL	Written Reps	-	Dismissed	04/04/2019	Wilts Council Applied for Costs - <b>REFUSED</b>

## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 1

<b>Date of Meeting</b>	25 <sup>th</sup> April 2019
<b>Application Number</b>	18/07692/REM
<b>Site Address</b>	Land South West of Quakers Road, Devizes, Wiltshire
<b>Proposal</b>	Reserved Matters Details of Layout, Scale, Appearance and Landscaping for the erection of 123 dwellings and associated open space including play area, attenuation basins, and site infrastructure at Land at Quakers Road, pursuant to Outline Planning Permission 15/01388/OUT
<b>Applicant</b>	Bellway Homes Limited (South West)
<b>Town/Parish Council</b>	DEVIZES
<b>Electoral Division</b>	Cllr Laura Mayes
<b>Grid Ref</b>	400895 162059
<b>Type of application</b>	Full Planning – Approval of Reserved Matters
<b>Case Officer</b>	Jonathan James

### Reason for the application being considered by Committee

The application is for approval of the details of a major development, which has the potential for impact on the amenity of neighbouring residents; support for the application to be considered at full committee has been highlighted by the Local Member for this area.

#### 1. Purpose of Report

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

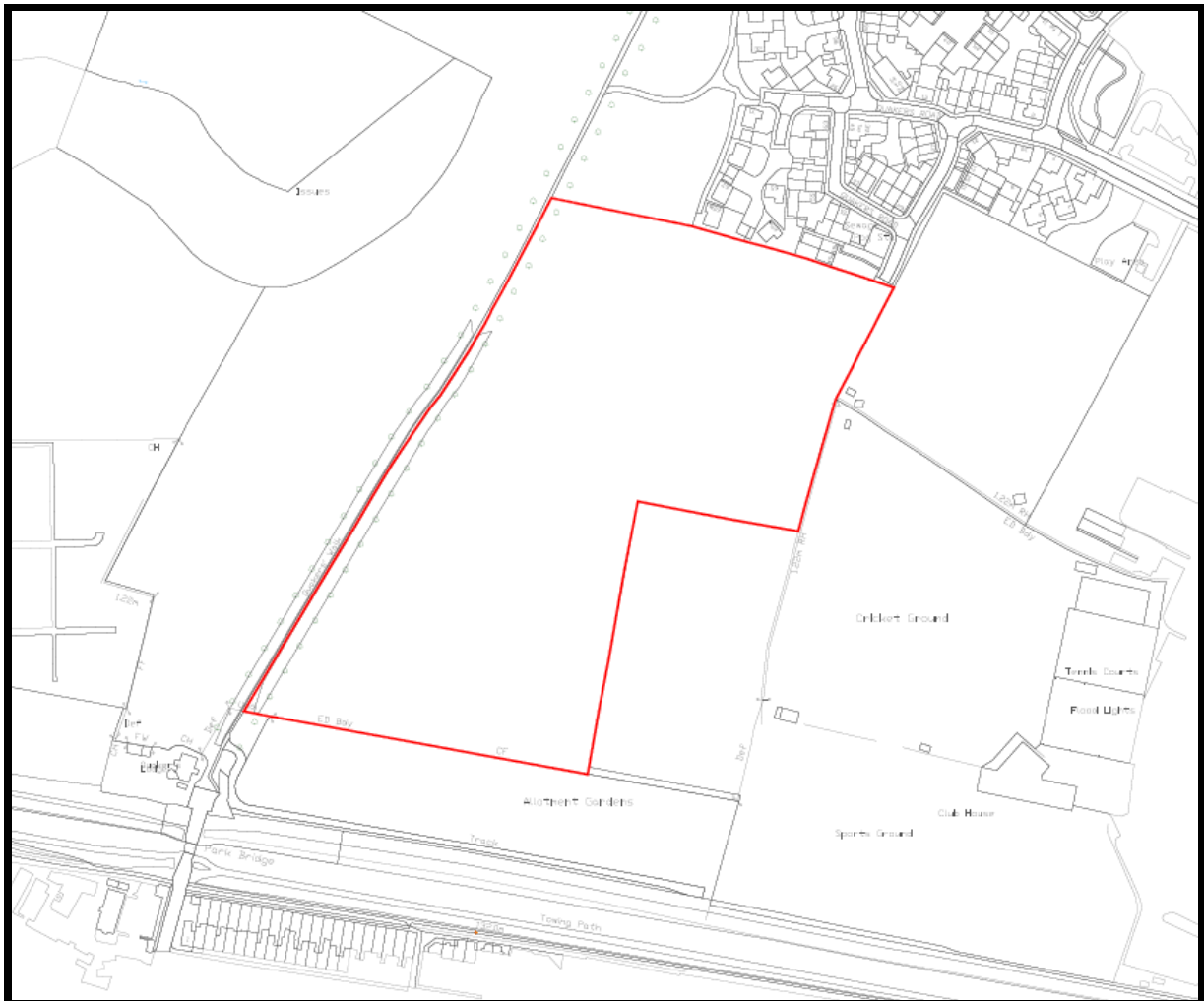
#### 2. Report Summary

Objections have been raised to the visual impact; the impact on neighbour amenity; the impact on highway safety and air pollution; impacts on the environment and ecology. These are considered to be the principle matters raised in representations on the scheme, although many have been determined as acceptable at outline stage.

#### 3. Site Description

The site, which has an area of approximately 4.72 hectares, is in agricultural use. There is a slight drop in level towards a pedestrian route, Quakers Walk, to the west that is 'sunk' into the landscape and flanked on either side by mature trees, which are protected by Tree Preservation Order (TPO). To the north is the Quakers Road residential development, with

Trinity Primary School, completed in 2013. Devizes Sports Club lies to the east with the Wiltshire Police Headquarters and associated grounds beyond, whilst to the south are allotments with the Kennet and Avon Canal beyond.



*Site Location Plan*

A bridge crosses the canal from Quakers Walk to the town on the other side. London Road to the east also provides a public right of way to the town centre for pedestrians and cyclists. Vehicular access to the site is proposed from an existing access onto Quakers Road, an adopted highway that runs to the boundary in the north-east corner of the site.

The site is not in, or adjacent to, a Conservation Area but the tower of the Grade I listed St Mary's Church, some 420 metres to the south-west, is visible from within the site.

The site is around 800 metres to the north of Devizes town centre and is well facilitated with pedestrian and cycle links to the town centre and the facilities on offer within the town. It is recognised that there are employment opportunities within the town that would allow for sustainable transport choices for potential occupiers of the development.



*Aerial (2014)*

There are north and south bound bus stops on London Road immediately to the north of the Quakers Road junction. Service 49 connects the site with the town centre, Swindon, and Trowbridge whilst the X49 is a school service linking to local schools/colleges on a route between Devizes and Trowbridge. A northbound bus stop is provided on Keepers Road to the north of the site and service 1C provides a regular service to and from the town centre. There are also services to Swindon, Trowbridge and Marlborough.

#### **4. Planning History**

K/52761/O - Residential development (about 230 units), new primary school and creation of new access on to the A361 London Road – Approved with conditions (Land to the north)

15/01388/OUT - Outline planning application for residential development of up to 123 dwellings together with associated open space, landscaping, parking and access. Access to be taken from existing site access onto Quakers Road – Called in by Secretary of State, determined following Planning Inquiry – Decision – Approved with conditions.

16/05341/OUT - Outline planning application for residential development of up to 65 dwellings together with associated open space, landscaping, parking and access. Access to be taken from existing site access onto Quakers Road – Approved with conditions

#### **5. The Proposal**

The application is for the approval of reserved matters of all outstanding matters (Details of Layout, Scale, Appearance and Landscaping) for the erection of 123 dwellings and

associated open space including play area, attenuation basins, and site infrastructure at Land at Quakers Road, pursuant to Outline Planning Permission 15/01388/OUT



*Site Layout Plan*

## 6. 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 43 Providing Affordable Homes
- Core Policy 45 Meeting Wiltshire’s Housing Needs
- 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 55 Air Quality
- 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.
- Core Policy 67 – Flood Risk
- Core Policy 68 – Water resources

Devizes Area Neighbourhood Plan (2015)

National Planning Policy Framework (2018)

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

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

**Devizes Town Council** – No objection

**Environment Agency** – No comments, does not affect our remit, the conditions requested have been included and no further comments to add on the reserved matters application.

**Wiltshire Council Landscape** – Following receipt of details the principle outstanding matter relates to the content of the Landscape Maintenance and Management Plan (LMMP). Subject to the inclusion of Landscape Scheme Drawings as additional Landscape

Maintenance and Management Plan (LMMP) appendices, and revised text within the report to reflect legal requirements for TPO tree works and additional tasks added to the maintenance schedule for replacement planting, there are no further outstanding landscape matters for this current application.

**Wiltshire Council Urban Design Officer** – No objection; Following revisions to the scheme the Urban Design Officer has now resolved earlier concerns subject to the imposition of conditions.

**Wiltshire Council Highways Officer** – Accept the layout from a highway perspective, following amendments received over the visitor bay spaces; the site appears otherwise to meet the parking standards. Where side roads are non-adopted bin collection points will be required along the main road; cycle storage requirements also need to be demonstrated.

**Wiltshire Council Affordable Housing Officer** – No objections; proposal provides the required amount of affordable housing as required.

**Wiltshire Council Ecology Officer** – No objection subject to condition; the drainage basins and POS has the potential to affect the integrity of the root systems of the TPO trees along Quakers Walk, which in turn can impact on the ecology of the area. However, these issues have now been satisfactorily resolved.

**Wiltshire Council Arboricultural Officer** – Support; Concerns were originally raised with regard to the impact on the TPO trees running along Quakers Walk from the proposed scheme. However, amendments to the design of the SuDs basins have removed the level of concern regarding this element. Support is now provided subject to conditions.

**Wiltshire Police Architectural Liaison** – Comments that the 1.8m high fences to boundaries are accepted however gates need to be at the top of alleys as well as at the entrance to individual gardens. Amendments to the scheme appear to have resolved this.

**Wiltshire Council Land Drainage** – No objections; foul pumping station has been moved in accordance with advice provided by land drainage team; some further detail required; clarification on certain points should be provided. Conditions on the outline consent.

## **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**

- Not in compliance with neighbourhood plan
- No need for these dwellings
- Impact on neighbour amenity through overlooking
- Loss of privacy
- Impact on neighbour amenity through loss of light and overshadowing

- Visual impact of development along Quakers Walk elevation, with vehicular access and parking along this frontage
- Noise pollution impact on the use of Quakers Walk from housing and access fronting onto this area
- Is the cycleway necessary?
- The cycleway does not connect to any other cycleway/path
- Why is there now an inclusion of a 1.2m high post and rail fence dividing the existing open space from the proposed open space?
- Further funding is required for primary and secondary schools within the area
- Further funding is required for facilities and services for the area
- What further infrastructure is being put in place and the proposed timescales
- Lack of infrastructure within Devizes
- Air and noise pollution
- Impact on user's enjoyment of Quakers Walk
- There should be no lighting along Quakers Walk
- Increase in traffic through the provision of these dwellings
- Conflict between proposed traffic and pedestrians and children using the highways
- Impact on highways through increase in traffic
- London Road in Devizes is very busy and the junction through traffic will need to pass is already extremely congested, adding more houses will make this worse
- Access road to the site is inadequate to cope with the increase in traffic
- Modification to London Road junction required e.g. traffic lights or roundabout
- Air quality issues within Devizes, scheme will result in noxious air pollution
- Concern with the impact of construction traffic on the local road network
- No construction during the weekends
- Impact on protected species/wildlife
- Japanese Knotweed is noted as being within 50 metres of this site along the canal
- Design of the buffer is unacceptable, utilitarian in design, a constant 35m depth, should be undulating and more natural
- Buffer zone too small
- Drainage equipment should not be in buffer zone
- The green space along Quakers Walk is already diminished through the existing housing estate, this will make it worse
- Safety issues through conflict between the attenuation ponds and the play area
- There exists already three underused play areas within the existing Quakers Walk development which do not encroach on the buffer zone
- Conflict with adjacent sports fields
- Potential for anti-social behaviour with increase in dwellings in this location
- Would prefer to see affordable rented dwellings distributed elsewhere on the development site
- Decision has already been made to build
- Insufficient detail relating to:
  - Boundary fences;
  - Clarity on the cycleway.

## **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. 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**

The principle of development has already been established for the provision of up to 123 dwellings on this site at outline stage. The assessment of the details at outline stage, by the Secretary of State, also considered such issues as noise, access to local services, ecology/wildlife, open space, flooding, drainage, air pollution, highway safety and the capacity of infrastructure to accommodate the proposed dwellings. It was concluded that these matters were adequately catered for and so planning permission was given. As the implications of these numbers have already been tested and proven, there can be no grounds for objecting to them now. At the time of determination of the application at outline stage both the WCS (2015) and the Devizes Neighbourhood Plan (2015) were adopted planning documents against which the provision of 123 dwellings at this site was considered acceptable.

### **9.2 Visual Impact**

Objections have been raised that the layout of the site along the western boundary, of dwellings and parking fronting onto a supporting access road facing Quakers Walk, would be visually unacceptable. With reference to the indicative masterplan, which shows the housing along the western boundary of the site to be fronting onto an access road with associated parking facing Quakers Walk, it is considered that an assessment of this impact has already been accepted at outline stage.

On walking along Quakers Walk what is noticeable is that the path is at a slightly lower level in parts than the site. The existing mature trees along the walk provide a sense of enclosure to the users of the path and afford glimpses from the path to the wider countryside to the west and to either housing or the sports pitches to the east. It is agreed that the development of this site will change the outlook from the path to the east. However, with due regard to the proposed planting and landscaping that is proposed within and along the 35 metre buffer zone it is not considered that the changes will be to the detriment of the area. In addition the proposed development presents its front elevation to the street and to Quakers Walk which creates a degree of interaction between the different uses, as opposed to presenting the rear elevation of properties which are then generally bounded by 1.8 to 2.0 metre high boundary features to provide privacy to rear gardens. Bearing in mind that this is not a through road other than for users of the estate the level of traffic along this highway will not be significant.

Concern has been raised at light pollution along Quakers Walk and that there should be no lighting along this path. The proposal does not include lighting along the path of Quakers Walk, although it is considered that a certain degree of lighting will be required along the estate road that runs parallel with it. This however can be reasonably controlled through condition.

As such the concerns and objections are not agreed with in this instance. Comments from the Councils Urban Designer do not object to the final scheme along this elevation either, as such the visual change along this frontage is considered acceptable in this instance.

### **9.3 Ecology**

In carrying out its statutory function, the 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 CP50 WCS (2015). Core Policy (CP) 50 provides the Councils 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.

An ecological assessment has been carried out in support of the scheme and comments have been received from the Council Ecologist on this matter. Whilst it was acknowledged that the drainage basins and POS have the potential to affect the integrity of the root systems of the TPO trees along Quakers Walk, which in turn could impact on the ecology of the area, it is considered that the submitted details on this matter has effectively resolved this issue.

It is considered that the ecology issues have all now been addressed, other than that the location of the reptile refugia, bat and bird boxes (as proposed in the ecology report) should be shown on a plan. The location of these can be reasonably addressed in a condition. The relationship between the retained trees and the swales has now been sufficiently addressed and it is considered that the integrity of these mature trees will not be compromised and they will continue to provide foraging and commuting habitat for bats, birds and a range of small mammals and invertebrates.

### **9.4 Neighbour amenity**

Concerns have been expressed by local residents at the likely impact of the proposed dwellings on the enjoyment of their homes through loss of light, overshadowing and loss of privacy through overlooking.

The only nearby residential properties that could be affected by the proposed scheme lie along its northern boundary and more specifically are numbers 49a, 65a and 65b Quakers Road.



*Indicative Master Plan considered at outline stage*

As was clear at outline stage the proposal included the provision of housing along the northern boundary with rear gardens backing onto the adjacent existing dwellings. The indicative masterplan identified up to 11 properties bordering along this boundary.



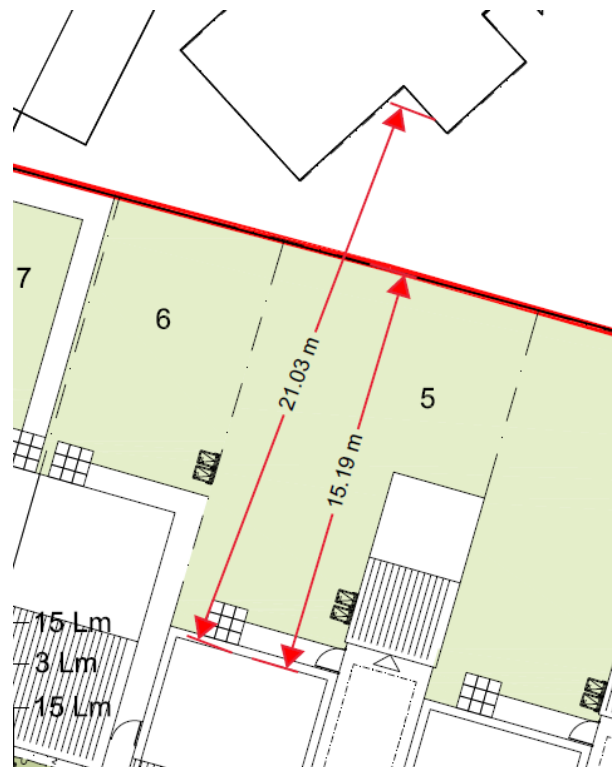
*Proposed site layout (REM)*

The proposed layout shows 12 properties physically bordering the existing dwellings; concerns were initially identified to the agent with regards to the distances between properties along this part of the site and the likely impact on neighbour amenity. The scheme now for consideration allows at its shortest point 10.5 metres from the proposed rear elevation to the boundary with the properties behind, thereby ensuring that the proposed scheme would not create an unacceptable level of overlooking into the garden areas of these properties.

Plots 7 and 8 look onto the garages for 65a and 65b; Plots 11 and 6 and to a degree 3 and 10 look onto gable elevations; Plots 12 and 1 are onto front gardens; Plots 4, 5 and 9 and to a degree 10 and 3 the rear elevations outlook over the rear gardens of the existing properties. At the minimum the distance from the closest properties to the existing boundaries is 10.5 metres - the appropriate distance as guidance recommends.

Numbers 65b and 49a present a gable elevation onto the proposed dwellings and as such there would not be any direct overlooking from the proposed scheme into habitable accommodation on a principle elevation. Objections have been received from the occupiers of 65b at overlooking into their conservatory and that the distance from the proposed rear elevation to the side elevation is less than the required 21 metres. The recognised guidance of 21 metres between rear elevation to rear elevation is acknowledged, however the proposed scheme would create a scenario of approximately 15-16 metres from the rear elevation of the proposed dwellings to the side elevation of the existing conservatory. Bearing in mind that this is a higher density urban location where there exists at present degrees of overlooking between the existing properties of Quakers Walk, it is considered that this minor infringement would not be so severe.

The occupiers of 65a have also objected to the scheme due to loss of privacy. Plot 5 of the proposed scheme presents its rear elevation towards 65a and at its closest point (rear elevation to nearside corner) would be 17.5 metres approximately. However, the rear of 65b is at an oblique angle to the rear of plot 5 and as such would prevent direct overlooking rear elevation to rear elevation. Also the rear elevation of plot 5 to the side windows of the kitchen area would also be 21 metres.



*Plot 5 distances to 65a Quakers Road*

It must be recognised that within urban locations such as this and the densities that are encouraged in the interests of sustainable development of land putting it to its optimum use will likely result in a higher density of development however this would not be considered uncommon or unreasonable. Whilst it is acknowledged that both situations have a degree of impact it is considered that they would not be so severe as to reach a reason for refusal in this instance.

The occupiers have also objected to the scheme on the grounds that the erection of 7 dwellings along their southern boundary (plots 8 to 14) will impact on their property through loss of light. They have requested that if there were more detached dwellings with parking along the sides that this would create more gaps between dwellings and allow for sunlight to filter through.

The concerns raised are acknowledged, however it is considered during the course of peak times of the year that the proposed dwellings would have little to no impact through loss of light to the property. It is acknowledged that the light from a low lying winter sun would be impacted upon through dwellings in this location; however this would not be so significantly different between what is now proposed and if there were more detached properties along this row. It is further considered that this would not be so significant as to warrant a reason for refusal in this instance.

Objections are raised suggesting that the scheme would lead to anti-social behaviour through the increase in dwellings. This is an unfounded suggestion and carries little weight in the determination of this application.

### **9.5 Highway issues**

As described above any issues relating to any potential impact on the wider road network were considered at outline application stage and were found to not be an issue.

With regards to the proposed layout and parking arrangements associated with the current scheme before the Council, no objections are raised by the highway officer who acknowledges that sufficient space is provided for parking in relation to the proposed scheme. No objections are raised to the application by the highway officer and the scheme is now considered acceptable.

### **9.6 Other matters**

Comments have been raised at the lack of infrastructure, within the area. These wider issues have been assessed at outline stage where it was considered that through the planning obligations secured under section 106 and also contributions provided through the Community Infrastructure Levy (CIL) would provide contributions acceptable to the scale and kind of development proposed.

Comments have been raised at the proposed cycle way running parallel to the Quakers Walk. The cycle path appears to end at an unrelated point along the sites northern boundary into the existing buffer zone with no connection to any existing cycle/foot path. However, what has been depicted on the plans is as is required per the conditions of the



consent granted under the outline application. As such whilst the path ends along the boundary without actually connecting to an existing path the applicants have fulfilled the requirements of the outline consent. A further indicative plan has been provided providing a link to an existing path to the north of the site, however as the applicants do not have control over this land and it is outside the curtilage of the site they are not in position to provide this link.

Concerns have been expressed at the size of the buffer zone and the provision of drainage basins and public open space (play equipment) within this area. However, these provisions are fundamentally as per the proposed details which were considered acceptable at outline stage. The reduction of the original proposed basins and the inclusion of underground attenuation has effectively increase the amount of area that can be attributed to public open space and for the play equipment. This has now been considered acceptable.

Concerns have been raised at the potential for conflict between the current use of the adjacent sports fields and the proposed dwellings backing onto this land. It has further been suggested that creation of these dwellings will lead to anti-social behaviour/vandalism of the sports club facilities from residents. Such comments are not evidenced and the current scheme does not propose to have pedestrian access from the rear gardens into the existing sports fields. As such this is reasonably considered beyond the remit of this application. With regards to the proposed boundary treatment between the adjoining sports fields and the proposed development it is required under condition 17 of the outline consent for this to be agreed with the LPA. Whilst a scheme has been submitted for a 1.8m high fence it is considered that the Planning Inspector in imposing this condition was seeking a more substantial barrier and as such the requirements of this condition are considered not to have been met. Further detail will be required with regards to this element.

## **10. S106 contributions**

As agreed under the signed S106 agreement at outline stage – contributions towards affordable housing open space and play equipment, tow path and footpath financial contributions and green travel vouchers.

## **11. 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.

The principle of development and the issues relating to the wider environment have been considered at outline application stage and have been found to be acceptable. It is therefore the consideration of the following matters that carries the greater weight. The visual impact of the proposed scheme has been considered acceptable within this location and detailing such as landscaping and lighting can be reasonably controlled through appropriately worded conditions. Whilst it is acknowledged that a minor degree

of impact would likely occur on the three closest properties to the site this would not be so significant as to result in a reasonable reason for refusal in this instance. Issues relating to ecology, drainage, highways and the environment have all been reasonably resolved through the supporting documents, although it is acknowledged that further clarification on certain points relating to these matters will require further conditions to be imposed. However, these matters now require clarification on minor points as opposed to fundamental issues.

There are three aspects of sustainable development, an economic, social and environmental role, to which 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 accord with the development plan without delay.

Substantial weight is given to the previous consent and the sustainable location of this proposed development. The provision of both market and affordable housing to the local housing market in this area also carries significant support for this scheme. 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**

### **Approve subject to conditions:**

1. No development shall commence on site until an enhanced scheme landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
  - a Landscape plan that includes all ecological mitigation and enhancement *features* (in addition to habitats created).

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 and protected species.

2. No development shall commence on site until a revised Landscape Maintenance and Management Plan (LMMP), including the requirements and conclusions as set out in the Landscape Architects comments (received on the 5<sup>th</sup> April 2019; at Appendix 1) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure the proper management of the landscaped areas in the interests of visual amenity.

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

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

4. No development or earthworks shall take place until a Root Protection Area (RPA) fence in accordance with BS 5837-2012 Design, Demolition and Construction has been erected and checked by the applicants Arboricultural Consultant, Site Manager and Wiltshire Council Arboricultural Officer. Once the fence has been erected, it shall remain in situ until ALL development or earthworks have been completed. Any changes to the area of fencing must be agreed in writing by the LPA.

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

5. No walls shall be constructed on site, until a sample wall panel for each material, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

6. The development hereby approved shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details.

REASON: In order that the development is undertaken in an acceptable manner, to ensure that the roads are laid out and constructed in a satisfactory manner and in the interests of highway safety.

7. No dwelling shall be occupied, until cycle parking facilities 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.

8. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: In order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

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 that Order with or without modification), there shall be no additions/extensions or external alterations, including windows, doors or any other form of openings other than those shown on the approved plans, to the rear elevations of any of the dwellings on plots 1 to 14 of the development hereby permitted.

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 any additions/extensions or external alterations, as described above.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

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

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

**Plans Schedule:**

Author	Title	Reference
Thrive	Site Layout	SL.01 H
Thrive	Coloured Site Layout	CSL.01 H
Thrive	Affordable Housing	AHL.01 D

	Layout	
Thrive	Materials Layout	ML.01 D
Thrive	Street Elevations	SE.01 D
Thrive	Adoptions Plan	ADP.01B
Thrive	Olive Floor Plans & Elevations Render	HT.OLI.per D
Thrive	Olive Floor Plans and Elevations Brick	HT.OLI.peb1 A
Thrive	Olive Floor Plans and Elevations Render	HT.OLI.per1 B
Thrive	Olive Floor Plans and Elevations Brick	HT.OLI.peb A
Thrive	Sandford Floor Plans & Elevations Render	HT.SAN.per D
Thrive	Sandford Floor Plans and Elevations Brick	HT.SAN.peb B
Thrive	Shipton Floor Plans & Elevations Brick	HT.SHI.peb C
Thrive	Shipton Floor Plans & Elevations Render	HT.SHI.per D
Thrive	Shipton Floor Plans & Elevations Recon Stone	HT.SHI.pes C
Thrive	Shipton Floor Plans and Elevations Render	HT.SHI.per1 B
Thrive	Somerby Floor Plans & Elevations Brick	HT.SOM.peb D
Thrive	Somerby Floor Plans & Elevations Render	HT.SOM.per C

Thrive	Somerby Floor Plans & Elevations Brick	HT.SOM.peb1 A
Thrive	Walton Floor Plans	HT.WAL.p C
Thrive	Walton Elevations Render	HT.WAL.er B
Thrive	Walton Elevations Render and Brick	HT.WAL erb C
Thrive	Walton Elevations Recon Stone	HT.WAL.es B
Thrive	Woburn Elevations Brick	HT.WOB.eb C
Thrive	Woburn Elevations Render	HT.WOB.er C
Thrive	Woburn Floor Plans	HT.WOB.p C
Thrive	Woburn Elevations Recon Stone	HT.WOB.es B
Thrive	Woodcote Floor Plans & Elevations Brick	HT.WOO.peb D
Thrive	Woodcote Floor Plans & Elevations Render – Option 1	HT.WOO.per1 D
Thrive	Woodcote Floor Plans & Elevations Render – Option 2	HT.WOO.per2 D
Thrive	Woodcote Floor Plans and Elevations Render – Option 3	HT.WOO.per3 A
Thrive	Woodcote Floor Plans & Elevations Recon Stone	HT.WOO.pes D
Thrive	Wroughton Elevations Render	HT.WRO.er C
Thrive	Wroughton Floor Plans	HT.WRO.p C

Thrive	Wroughton Elevations Racon Stone	HT.WRO.es B
Thrive	Wroughton Elevations Brick and Render	HT.WRO.eb B
Thrive	Plots 93 99 Elevations	P93-99.e1 B
Thrive	Plots 93 99 Elevations	P93-99.e2 B
Thrive	Plots 93 99 Plans	P93-99.p1 B
Thrive	Plots 93 99 Plans	P93-99.p2 B
Thrive	Plots 93-100 Elevations	P93-100.e1 B
Thrive	Plots 93-100 Elevations	P93-100.e2 B
Thrive	Plots 93-100 Plans	P93-100.p1 B
Thrive	Plots 93-100 Plans	P93-100.p2 B
Thrive	2BH – Affordable – End Terrace - Floor Plans & Elevations Brick	HT.2BH.peb D
Thrive	2BH – Affordable – Mid Terrace- Floor Plans & Elevations Brick	HT.2BH-1.peb B
Thrive	2BH – Affordable – End Terrace – Floor Plans and Elevations Brick – Option 1	HT.2BH.peb-1 A
Thrive	3BH – Affordable – End Terrace Floor Plans & Elevations Brick	HT.3BH-1.peb C
Thrive	3BH – Affordable – Mid Terrace Floor Plans & Elevations	HT.3BH-2.peb D

	Brick	
Thrive	4BH – Affordable Floor Plans & Elevations Brick	HT.4BH.peb C
Thrive	3BH Affordable – End Terrace Floor Plans and Elevations Render – Option 5	HT.3BH-5.per B
Thrive	3BH Affordable – End Terrace Floor Plans and Elevations Render – Variation A	HT.3BH-A.per A
Thrive	3BH – Affordable – End Terrace Floor Plans and Elevations Brick – Option 3	HT.3BH-3.peb A
Thrive	3BH- Affordable – End Terrace Floor Plans and Elevations Brick - Option 4	HT.3BH-4.peb A
Thrive	3BH- Affordable – End Terrace Floor Plans and Elevations Brick - Option 5	HT.3BH-5.per A
Thrive	Boundary Details	BD.01.e.A
Thrive	Boundary Details	BD.02.e.A
Thrive	Boundary Details	BD.03.e.B
Thrive	Bike Store Floor Plans & Elevations	BS.pe B
Thrive	Refuse Strategy	RS.01 D
Thrive	Double Garage Plans & Elevations Brick	DG.peb.1 A
Thrive	Double Garage Plans & Elevations Render	DG.per.1 A
Thrive	Single Garage Plans & Elevations	SG.peb.1 A



	Brick	
Thrive	Single Garage Plans & Elevations Render	SG.per.2 A
Thrive	Single Garage Plans & Elevations Stone	SG.pes.3 A
Thrive	Twin Garage Plans & Elevations Brick	TG.peb.1 A
Thrive	Twin Garage Plans & Elevations Render	TG.per.2 A
Thrive	Twin Garage Plans & Elevations Stone	TG.pes.3 A
Hydrock	Highway Longitudinal Sections Sheet 1 Road 1 CH 0-300	1200 P4
Hydrock	Highway Longitudinal Sections Sheet 2 Road 1 CH 110-406	1201 P4
Hydrock	Highway Longitudinal Sections Sheet 3 Road 2, 3 & 4	1202 P4
Hydrock	Highway Longitudinal Sections Sheet 4 Road 5,6, 7 & 8	1203 P4
Hydrock	Manhole Schedule Sheet 1	1300 P8
Hydrock	Manhole Schedule Sheet 2	1301 P8
Hydrock	Engineering Appraisal	1500 P13
Hydrock	Drainage Strategy	1600 P14

Hydrock	Surface Water Exceedance Flow Paths	1601 P5
Hydrock	Attenuation Cross Sections	1602 P3
Hydrock	Vehicular Tracking Sheet 1 Inset 1-9	1900 P9
Hydrock	Vehicular Tracking Sheet 2 Inset 10-18	1901 P8
Hydrock	Vehicular Tracking Sheet 3 Inset 19-25	1902 P8
Hydrock	Vehicular Tracking Sheet 4 Fire Tender and Visibility	1903 P8
Hydrock	Surface Water Outfall Detail	2000 P7
Hydrock	Proposed Offsite Sewer Works Application Boundary	2001 P4
Hydrock	Typical Highway Construction Details	0401 P2
Hydrock	Drainage Technical Note	28 March 2019
Hydrock	Flood Risk Assessment	28 March 2019
Hydrock	SuDS Maintenance & Management Plan	DRD-D-5003 August 2018
MHP	Landscape Proposals Sheet 1 of 2	18076.101 I
MHP	Landscape Proposals Sheet 2 of 2	18076.102 I
MHP	LEAP Proposals	18076.201 D
MHP	Landscape	Updated version 6,

	Maintenance Management Plan	March 2019
MHP	Wet Pond Proposals	18076.111 C
MHP	Wet Pond Proposals	18076.112 A
EDP	Arboricultural Method Statement	Edp4643_r002_A
EDP	Arboricultural Addendum Statement	edp4643_r004a_B
BSG	Ecological Appraisal Report	6 August 2018
BSG	Ecological Management Plan	10 August 2018
BSG	Addendum to ecology report	2 January 2019

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: This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the 25<sup>th</sup> October 2016 and the conditions imposed under application 15/01388/OUT reproduced below.

**For Information - Schedule of conditions imposed by the Secretary of State on the outline planning permission for the site - 15/01388/OUT**

1) No development hereby permitted shall commence in any phase until plans and particulars specifying the detailed proposals for all of the following aspects of the same, herein called "the reserved matters", have been submitted to and approved in writing by the Local Planning Authority for that phase.

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details. Any reserved matters application pertaining to layout shall include the details of the access to the Rugby Club, as shown on the Illustrative Masterplan (Rev 003), dated January 2015 and shall make provision for a 35 metre buffer zone with Quakers Walk.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3) The development hereby permitted shall be commenced either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4) The development hereby permitted shall be carried out in accordance with the approved plans Site Location February 2015; Site Boundary February 2015; and broadly in accordance with the Development Framework Revision 005 January 2015, with the provision of a landscaped buffer to Quakers Walk of a minimum width of 35 metres.

5) No development shall take place until a phasing scheme has been submitted to and agreed in writing by the Local Planning Authority.

6) No development shall commence on site until an Ecological Management Plan has been submitted to and approved in writing by the local planning authority. This should include details of:

- a) Habitat creation and management measures along Quaker's Walk;
- b) Mitigation measures for reptiles;
- c) Monitoring for Annex II bat species;
- d) Enhancements for Wiltshire BAP habitats/species.

For clarity, these details should be represented on a site drawing. All development shall be carried out in accordance with the approved Ecological Management Plan.

7) No development shall commence on site until a Construction Environmental Management Plan, incorporating pollution prevention measures together with precautionary timings and working practices to prevent adverse impacts to sensitive habitats and species, has been submitted to and approved in writing by the local planning authority. The plan shall

subsequently be implemented in accordance with the approved details and agreed timetable.

8) No external lighting shall be installed without the prior approval of the local planning authority. Any request for external lighting submitted pursuant to this condition shall include details of the type of light fitting and information regarding its position, height, orientation and power. The lighting shall be installed in accordance with the approved details and it shall not thereafter be modified unless agreed beforehand in writing by the local planning authority.

9) No development shall commence on site until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the location of construction compound(s) and positions for site office(s);
- e) the erection and maintenance of any security hoarding/fencing;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) hours of construction, including deliveries;
- i) wheel washing facilities.

has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

10) No development shall commence on site until details of protective fencing for the trees along Quakers Walk have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with British Standard 5837 (2012): 'Trees in Relation to Design, Demolition and Construction - Recommendations' and the information shall include details of the type of fencing to be used and its position. Once the fencing has been erected it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising or lowering of ground levels, shall be allowed within the protected area(s).

11) The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been submitted to and approved in writing by the local planning authority which demonstrates that this level or equivalent has been achieved.

12) No development shall commence on site until details of existing and proposed ground levels across the site (including within the Quakers Walk buffer zone), proposed slab levels and details of spoil disposal have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

13) Prior to occupation of the 30th dwelling a 3 metre wide shared use cycleway shall have been provided and made available for use to enable connection with the existing shared use

path in front of 65B Quakers Road, running parallel to Quakers Walk, and connecting at its south western end to Quakers Walk, as indicated in outline on the Development Framework plan January 2015.

14) 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 together with permeability test results to BRE365 plus if a discharge to the canal is proposed details of the Canal & River Trust approval and details of ownership of attenuation ponds, and maintenance regimes, has been submitted to and approved in writing by the Local Planning Authority. Any scheme proposing drainage ponds in the 35 metre buffer zone shall demonstrate how their construction and use is compatible with the purpose of the buffer zone to provide an informal and safe landscaped area. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

15) No development shall commence on site until a scheme for the discharge of foul water from the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and no dwelling shall be occupied until the necessary works serving that dwelling have been completed and made operative in accordance with the approved details.

16) No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

17) Prior to the commencement of development, a scheme setting out the boundary treatment to the adjoining Rugby Club shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the occupation of dwellings.

# Appendix 1

## Wiltshire Council Planning Consultation Response

### LANDSCAPE

**Officer name:** Mark Goodwin CMLI Senior Landscape Architect  
Landscape and Design Team, Economic Development & Planning, Wiltshire Council.

**Date:** 5<sup>th</sup> March 2019

Application No: 18/07692/REM (*Further revised Information*)

Proposal: Reserved Matters Details of Layout, Scale, Appearance and Landscaping for the erection of up to 123 dwellings and associated open space including play area, attenuation basins, and site infrastructure at Land at Quakers Road, pursuant to Outline Planning Permission 15/01388/OUT

Site Address: Land South West of Quakers Road, Devizes, Wiltshire

Case Officer: Jonathan James

### Recommendations

<input type="checkbox"/>	No Comment
<input type="checkbox"/>	Support
<input type="checkbox"/>	Support subject to conditions (please set out below)
<input checked="" type="checkbox"/>	<b>Holding Objection</b> (see conclusion & outstanding matters below)
<input type="checkbox"/>	No objections

### Background

Andrea Kenworthy (AK) (Landscape Officer, Wiltshire Council) has provided landscape planning advice for this application to date. AK has since left the employment of Wiltshire Council. I have reviewed AK's previous landscape advice and consultation responses provided to the LPA to date and provide the following, and hopefully final, landscape comments and observations and recommendations to the LPA on the acceptability of recently submitted further revised information submitted to address the previous landscape officer's comments and feedback.

Further revised, and additional, information has now been submitted by the applicant to address previous landscape officer advice and feedback to date. This includes the following information for the purpose of discharging the Landscaping element of Reserved Matters Condition 1(d) for 15/01388/OUT;

- Site Layout - Dwg. BELL 170619 SL.01 - Rev H
- Coloured Site Layout – Dwg. BELL170619 / CSL.01 Rev: H
- Materials Layout – Dwg. BELL170619 / ML.01 Rev: D
- Landscape Proposals (Sheet 1 of 2) - Dwg. 18076.101 - Rev: I

- Landscape Proposals (Sheet 2 of 2) - Dwg. 18076.102 - Rev: I
- Wet Pond Proposals - Dwg. 18076.111 – Rev: C
- Wet Pond Proposals Southern Pond (Cross Sections) – Dwg. 18076.112 – Rev: A
- Cycle Path Option 1 (illustrative) – Dwg. BELL 170619 CP.01 – Rev: A
- Cycle Path Option 2 (illustrative) – Dwg. BELL 170619 CP.02 – Rev: A
- LEAP Proposals - Dwg. 18076.201 - Rev: D
- 5 Year Landscape Maintenance and Management Plan (MHP) V6 – 25 March 2019)

## **Comments and Observations**

### Foul pumping station

Location accepted and details of perimeter fencing and hedge shown on revised materials and landscape drawings as requested. No further comments.

### Cycleway Connection

2 cycleway options are illustrated within additionally submitted plans. I suggest route Option 1 is preferable for public amenity interests, passing through the POS area on a more direct and pleasant alignment rather than the other more convoluted route (Option 2) which passes a long run of end on parking bays within new streets.

I suggest Highways / Sustainable Transport Officer/s should provide the LPA definitive advice on this outstanding Matter. No further landscape comments.

### SuDS attenuation basins

Further details have been provided for the Wet Pond areas, illustrating profiles and landscaping treatment. I consider these acceptable in terms of amenity. No further comments.

Detailed design appearance of outfall has also been provided within additional drainage drawings. No further landscape comments.

### Landscape planting proposals

Drawings have been revised. No further landscape comments.

### Play provision

Revised LEAP drawing submitted. No further landscape comments.

### Unnecessary Timber Post and Rail fencing

I note the Materials Layout drawing has been revised to remove this unnecessary fence line along the northern edge of the linear POS area close to the pumping station. No further landscape comments.

## **OUTSTANDING MATTERS**

The only outstanding issue which requires further revision in terms of Conditioned landscape matters for this application is the 'Landscape Management & Maintenance Plan'.



## Landscape Maintenance and Management Plan

AK has previously highlighted the importance of identifying the existing TPO Trees adjoining the site, and requested that the legal requirements relating to potential future tree work maintenance is adequately conveyed within the Landscape Maintenance and Management Plan (LMMP).

It is therefore disappointing that this has still not been adequately addressed within the latest version of the LMMP (V6) of this report.

In the spirit of co-operation, and to avoid any unnecessary further delay, I highlight how the LMMP could now be further revised to provide an acceptable plan;

1. Add additional paragraph 2.2.6 within body of report to read;  
"Any proposed tree works identified to be necessary for protected trees covered by '**Tree Preservation Order ref: E/328/W1 (Quakers Walk, Devizes)**' can only be carried out following approval of a planning application to carry out tree works to protected trees, made to the Local Planning Authority (Wiltshire Council)."

(Alternatively add above text /or similar to follow at end of Para. 2.2.3)

2. Copies of the final approved versions of the landscape drawings referenced at section 1.1.3 of the report should be included as an appendix to this report in order to provide site specific clarity of information for the future Management Company / Management Authority. The drawings referenced at section 1.1.3 of the report should also now additionally include the 2 additionally submitted Wet Pond Proposals drawings. 18076.111 – Rev: C & Dwg. 18076.112 – Rev: A

3. Figure 1. Maintenance Schedules - Appendix 1

The Body of the LMMP report refers to 'replacement of failed tree planting' and correspondingly prescribes an annual inspection and replacement task within the corresponding section of the maintenance schedule.

The maintenance schedule should also include an annual task item for inspection and replacement of missing, dead, dying, plants (failed planting) to cover the first 5 years following practical completion for 'Native hedge planting' and 'Ornamental planting' (separating replacement planting task from the monitoring task) i.e;

- Native Hedge Planting -

6.10 – Replacement of failed planting - Doc ref: 2.6.1 - annually (yrs. 1-5 / Nov-March etc.)

- Ornamental Planting -

7.8 – Replacement of failed planting - Doc ref: 2.7.3 - annually (yrs. 1-5 / Nov-March etc.)

## **Conclusion**

Subject to the inclusion of Landscape Scheme Drawings as additional LMMP appendices, and revised text within the report to reflect legal requirements for TPO tree works and additional tasks added to the maintenance schedule for replacement planting, I do not identify any further outstanding landscape matters for this current application.

END

.



This page is intentionally left blank

## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 2

<b>Date of Meeting</b>	25 <sup>th</sup> April 2019
<b>Application Number</b>	18/11901/FUL
<b>Site Address</b>	39 Farm Lane, Great Bedwyn, Wilts, SN8 3LU
<b>Proposal</b>	Proposed change of use of existing building to create new residential dwelling, including the demolition and rebuild of part of the structure (the attached outbuildings) and external alterations.
<b>Applicant</b>	IH & JA McIvor
<b>Town/Parish Council</b>	GREAT BEDWYN
<b>Electoral Division</b>	Cllr Stuart Wheeler
<b>Grid Ref</b>	427864 164583
<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 to Committee at the request of divisional member Cllr Stuart Wheeler. It is considered that the key issues for justifying the consideration of the case by Committee are the fact that the site is a heritage asset within a Conservation Area, the potential for impact on highway safety and car parking provision and the former use of the site.

#### 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 at the principle of development; the potential for impact on highway safety through the provision of insufficient parking and access in association with the proposed scheme; the loss of the facilities associated with the former Inn; and the impact on the character of the area. The main issues are therefore considered to be the impact on highway safety, car parking, heritage and the environment.

#### 3. Site Description

The site lies within the Limits of Development (LoD) of the village of Great Bedwyn, which is defined as a large village. The site is also located within the Great Bedwyn Conservation Area and adjacent to No. 15 High Street to the west, which is a Grade II Listed Building. To

the north east is No. 38 Farm Lane and to the south west is No. 14 High Street, which was formerly the Cross Keys Inn and to which this site formed a part of. Bounding the southeast boundary is Farm Lane and on the opposite side of Farm Lane are a row of existing dwellings. The buildings that form this application including the boundary wall along its roadside are identified within the Conservation Area statement as being significant unlisted buildings.

The existing buildings are single-storey and constructed of brick with a clay tiled roof. They were outbuildings that formed part of the original public house (Cross Keys, 16 High Street), which were the subject of a formal change of use to A2 (Art Consultancy) in January 2017, which also enables it to be used as A1 (retail uses) under permitted development rights. The site also lies within the North Wessex Downs Area of Outstanding Natural Beauty; however as the site remains within the built environment of the village, the landscape setting of the AONB will not be affected by the proposal.

Access is as existing onto the adjacent Farm Lane and would remain unchanged through the proposed development.



Site Location Plan

#### 4. Planning History

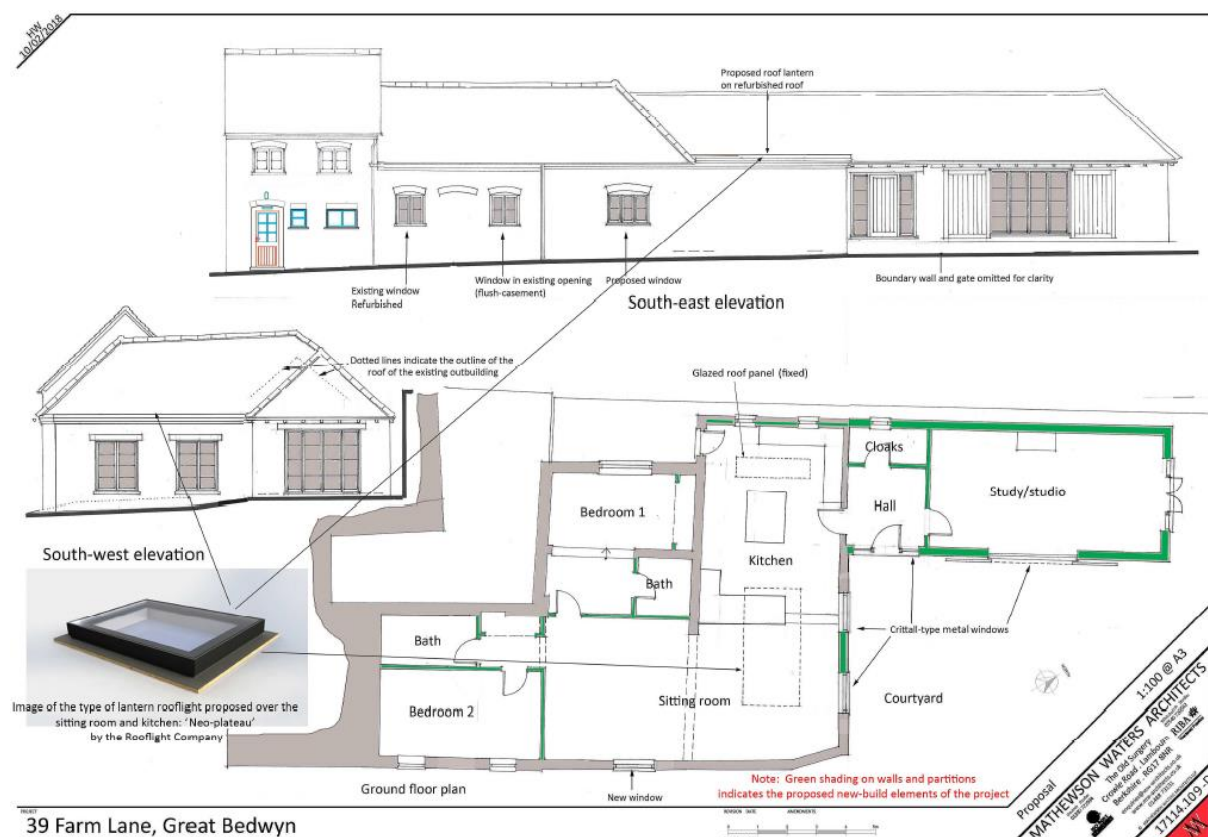
K/76/0252	Demolish outbuildings and create new car park	Refused
K/77/0247	Vehicular access to rear of premises	Approved
K/78/0516	Extension of skittle alley	Approved
K/85/0852	Erection of one dwelling	Refused
18/00496/PNCOU	CoU A2 to A3 (café)	Withdrawn
18/06503/FUL	The introduction of a pedestrian gateway in the side wall of no.16 High Street.	Approved

On the 30<sup>th</sup> March 2017 confirmation was provided to the applicant of the current application (18/11901/FUL) that the Cross Keys Inn would not be listed as an Asset of Community Value (ACV) as it had legally changed use to Class A2 use (Financial and Professional Services) “using its permitted development rights under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2 part 3, Class A.2”.

The only requirements that the owner needed to adhere to was to contact Wiltshire Council to formally enquire as to whether the property had been nominated as an ACV, which they did in November 2016. Having then established that the property had not at that time been listed as an ACV, the requirement of the legislation was that the owner had to wait 56 days before the work to implement the use could commence. Once the 56 days had been reached, the owner notified Wiltshire Council that they had now changed the use of the pub.

## 5. The Proposal

The application originally included the erection of a garden room and the rebuild of the dividing wall between the site and No. 15 High Street; however these elements have now been withdrawn from the application. In addition in line with the concerns raised by the Conservation Officer an amended scheme has been submitted amending the design of the roof lantern to a less prominent feature within the streetscene.



The current proposal before the Council is for the change of use of the existing building to create a new residential dwelling, including the demolition and rebuild of part of the structure (the attached outbuilding) and external alterations.

## **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. Great Bedwyn is designated as a large village
- 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 Great Bedwyn.
- Core Policy 18 – Spatial Strategy: Pewsey Community Area – clarifies that development in the Pewsey Community Area should be in accordance with the Settlement Strategy as set out in Core Policy 1.
- Core Policy 48 – Supporting rural life – clarifies the approach that will be taken to support rural communities outside of the limits of development; the approach to development within rural settlements is set out in Core Policy 2.
- 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 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.

National Planning Policy Framework (2019) (NPPF)

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



Great Bedwyn Conservation Area Character Appraisal and Management Proposal (March 2007)

Managing Significance in Decision Taking in The Historic Environment – Historic England Good Practice in Planning 2 (2015)

The Setting of Heritage Assets – Historic England –Practice Advice Note 3 (2015)

Historic England Guidance *on Making changes to Heritage Assets*

## 7. Summary of consultation responses

**Great Bedwyn Parish Council** – Object; this scheme has raised considerable public opposition (and over 50 objections) and we ask that this scheme should be heard in full planning committee so the public can make representations and witness the deliberations of our elected representatives.

16 High Street and 39 Farm Lane constitute the site of the former Cross Keys public house. The entire site was converted from a public house into A2 (before the government plugged this loop hole in the middle of last year). When considering a variation of the A2 use (which includes the whole site) the application should detail the future use of the entire property in the same way as one would consider the conversion of a house into flats.

We do not feel that the scheme can be properly considered without the plans for the future of 16 High Street. The buildings are in effectively the same ownership and the consideration of planning permission should be refused until such time as a proposal for the entire former Cross Keys site be forthcoming. We would prefer that the whole property was marketed for sale at a fair price in line with Wiltshire Core Strategy (see below). Mr J.Sheerin's letter gives details of his researches into the history of the final years of The Cross Keys and ownership of the site.

**We believe that plans for the rear half of the property cannot be considered in isolation:**

1. Part of the former site is being proposed to be converted to residential use but this impacts upon the viability of the front part of the building which makes an important contribution to the village centre in a conservation area in the North Wessex Downs ANOB.
2. Changes to use of the front part of the site (16 High St) may affect the setting of a listed building (No 15)
3. Plans for the rear half of the site must consider car parking, refuse storage and garden provision for the front half of the property.
4. Tourism is an important part of the Wiltshire Council core strategy (policy 39). Local business have reported reduced footfall since the closure of the Cross Keys. The remaining public house (The Three Tuns) is upmarket and is not always open and does not fulfil the needs of the community or tourists who are using the Kennet and Avon canal, cycling on our National Cycle route or walking the Great West Way. We are a large village with important tourist sites within a mile or so: The Kennet and Avon Canal, Crofton Beam Engine, Wilton Windmill, Wolf Hall and Savernake Forest.

5. See B&B in core strategy (40) - it should be remembered that The Cross Keys formerly provided B&B.
6. See also core policy 49 in relation to public houses.
7. We believe that the Cross Keys site could still provide local employment. As well as re-opening the pub and B&B there are ideas for the rear part of the site including small business units.

**Should the scheme be considered in isolation we suggest that the following should be examined.**

1. Extra vehicles negotiating a tight entrance down a narrow lane near a difficult junction and dangers to pedestrians sharing the roadway.
2. A narrow entrance and tight turning space which might in fact result in vehicles parked elsewhere in a congested village.
3. The preservation of important vista down Farm Lane. Many of neighbouring properties are Article 4. Retention of picturesque walls.
4. Unspecified summerhouse in an elevated site above road in historic vista.
5. Increased height of rebuilt part of building to the north of site.
6. The light lanterns and metal windows not in keeping with conservation area.
7. Height and materials of rebuilt walls should be tightly monitored.
8. Obscured glass in new window looking into Farm Lane.
9. Concern about blocking access to Farm Lane during construction.

**Wiltshire Council Highways** – It needs to be clearly demonstrated that both cars can park and turn within the area. It is considered that with regard to the dimensions of the site it would be feasible to drive into the access and reverse back into the two spaces to eliminate the amount of movements that each vehicle would have to make to exit in a forward gear. An amended plan to show the parking and swept path analysis for 'both' vehicles within the site having reversed into each of the parking space would demonstrate this. The applicant has now provided a swept path analysis that demonstrates that two vehicles can enter and exit in a forward gear and the highway officer is satisfied with the details submitted.

**Wiltshire Council Ecology** – Support subject to conditions; any given permission should be in accordance with the recommendations of the submitted Kingfisher Ecology survey report (Sept 2018).

**Wiltshire Council Conservation Officer** – Recommends conditions for the grant of any consent; the site is identified as a significant unlisted building within the adopted Great Bedwyn Conservation Area Statement. The proposal converts part of the existing structure and replaces a later part of the existing structure with scheme of similar character. Overall the proposals do not demolish an important part of the building range, there is no loss or significant impact on heritage assets as a result of the demolitions and the replacement building is sympathetic to the existing buildings and area in terms of character and materials. The rood lantern should either be removed or a different form of lantern proposed, in order to reduce the visual prominence in this location. The retention of the boundary walls is a positive aspect of the scheme and will preserve the character of the area. Other than the concern over the visibility of the proposed roof lantern, the proposals are considered to preserve the character and

appearance of the designated heritage asset (Great Bedwyn Conservation Area) and the heritage asset itself.

## **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**

- Loss of a community facility;
- Community pubs can be successful;
- The Cross Keys is an asset of community value even if it has not been registered as such;
- Loss of a commercial property, contrary to Wiltshire Core Policies;
- Loss of a pub, meeting place, social events and entertainment;
- The loss of the garden, parking and associated outbuildings with the former Inn (Cross Keys, 16 High Street) to the front of this site would affect the viability of this returning to its former public house use;
- Change of use should be a last option after full consideration of alternative commercial uses;
- The village has lost the bakery, the British Legion and Cross Keys pub;
- Contrary to Core Policies of the Wiltshire Core Strategy;
- Commercial premises and community facilities support each attracting trade to the village;
- No need for an Art Gallery;
- Should be kept as A2 use, would be more in keeping with the needs of the village to provide small business units encouraging local employment;
- Visitors put off visiting Great Bedwyn due to lack of facilities;
- The Great West Way is a major touring route along which Bedwyn is ideally placed, it is therefore essential to maintain facilities and services at Great Bedwyn;
- Village is in need of affordable housing and this proposal does not fulfil that requirement;
- There is a valid case for new housing but not at the loss of a commercial enterprise;
- Object to the change of use, devastating effect on the community both socially and financially;
- Overdevelopment of the site;
- Out of character with the area;
- Proposed lantern lights are out of keeping with the character of the conservation area and will be clearly visible along Farm Lane;
- No plans or elevations have been provided for the summer house;
- Adjacent lane is narrow and busy with both vehicular and pedestrian activity with limited passing places;
- Insufficient "line of sight" for vehicle movements into and out of the site, will impact on highway safety;

- Conflict between vehicles accessing this site and pedestrians using the adjacent lane;
- Recently a child was run over on Farm Lane, there should be a reduction in traffic movements along this lane;
- Alterations to the garden area and adjoining wall separating the site from the highway will change the nature of Farm Lane (have a negative visual impact);
- Additional traffic using the nearby junction with the High Street (from this site) would create an unacceptable impact on highway safety;
- Inadequate parking;
- Lack of parking retained for 16 High Street;
- Parking will be forced onto Farm Lane and obstruct all vehicular traffic including emergency, commercial and refuse lorries;
- Proposed construction works will close the road;
- Noise and dust pollution to neighbours whilst construction works take place;
- Not fit to be a dwelling;
- Inadequate amenity space for 16 High Street;
- Neighbouring properties would be able to view into the proposed roof lantern thereby impacting on the privacy of the proposed occupants;
- Impacts on the waste storage and fuel storage of 16 High Street;
- Impact on the structural integrity of the Cross Keys Inn through the demolition of the outbuilding;
- A community group has been set up to buy the pub;
- Attempts have been made to purchase the former Inn, which have been ignored;
- The village and community has suffered the loss of this facility;
- 39 Farm Lane is not an existing residence, it has been created in 2018;
- The details supplied under the application inadequately describe the work proposed and do not allow for a proper assessment of the scheme;
- Dwelling inaccessible for disabled people;
- Any alterations to the boundary features would significantly affect the character of the street.

### **Support**

- The scheme is in accordance with the policies of the plans;
- The Interim Great Bedwyn Neighbourhood Development Plan is relevant and supports such accommodation at the centre of the village;
- Support the conversion to a residential use;
- The existing structures are in a dangerous and dilapidated state;
- Access to reasonably priced properties is difficult within the village;
- Is there a need for two pubs in the village?
- Design is well thought out supporting conservation of the existing buildings with modern living;
- The heritage of the site is preserved and enhanced;
- The rebuild of the historic eighteenth century brick wall which divides the site from the neighbours is needed;
- Sensitive preservation of the height of the existing buildings, although there is a modest raising of the roof height this will not have a significant impact;

- Neighbouring properties will not suffer loss of daylight or of privacy;
- The fabric of the existing buildings will be preserved, the derelict and ruinous former dog kennels will be demolished and rebuilt to be a part of the residential building. The lawn and the walled garden that surrounds it will be preserved;
- Additional residential accommodation in the heart of the village would be welcome and the proposed design looks good.

#### **Other**

- Objections raised do not provide an accurate representation of the Three Tuns;
- Existing trade is made up of both a drinking establishment and providing a local kitchen;
- The Three Tuns serves as a meeting and gathering space as well as for other village activities hosting local groups and societies, wakes christenings, shoots, boaters, cyclists and ramblers and NYE parties, bands and other seasonal gatherings;
- The Three Tuns employ locals and is open from 10:00am soon to be 7 days a week;
- Additional function space is also proposed;
- The family live and work within the community and have brought the Three Tuns back from total closure and restored it to a viable operation which is an asset to the community;
- The Three Tuns is a mid-range option in the market and the owners work hard to keep the costs down whilst still offering quality food and drink;
- Financial pressures on the industry have increased over the years and the old style pub has been impacted on because of it through ever-increasing cost of goods, labour, taxes (including beer duty, VAT and business rates), utilities, insurance etc. alongside cheap booze being sold in the supermarkets, drink-driving restrictions, smoking bans and people generally socialising more at home to economise;
- Serving good food is a requirement for a successful pub's business model;
- It is important to consider whether a community of this size can really support two independent establishments in today's world.

## **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 (2019) 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. Whilst there is an intention to develop a Neighbourhood Plan for Great Bedwyn this is still at an early stage and does not carry any weight in the decision making process at the current moment in time.

### **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. Great Bedwyn is

identified in Core Policy 18 as a large village and the site is located within the limits of development of Great Bedwyn. As such the principle of development within this sustainable location is considered acceptable.

Consent for the change of use of the former Inn to an A1/A2 use was established under permitted development rights, in 2017, as set out in the Town and Country Planning (General Permitted Development) (England) Order (2015) part 3 'changes of use' by using a 56 day prior notice procedure.

The GPDO allowed for development consisting of a change of use of a building from a use falling within Class A3 (restaurants and cafes), A4 (drinking establishments) or A5 (hot food takeaways) of the Schedule to the Use Classes Order, to a use falling within Class A1 (shops) or Class A2 (financial and professional services) of that Schedule; subject ONLY to the following conditions in relation to public houses:

- *In the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order(2), development is permitted by Class A subject to the following conditions;*
- *Before beginning the development the developer must send a written request to the local planning authority as to whether the building has been nominated;*
- *The development must not begin before the expiry of a period of 56 days following the date of request under paragraph A.2(2) and must be completed within a period of 1 year of the date of that request;*

The Council has acknowledged that the applicant followed the correct procedure and that the A2 use is lawful. Correspondence showing that the owner had questioned whether the former Inn was nominated as an ACV (received 3<sup>rd</sup> November 2016) has been provided as has correspondence relating to its subsequent change of use. During the course of a site visit to review issues raised by objectors, access was gained to the former Inn (16 High Street) which had the appearance that it was being used for an 'Art Gallery' (retail/advisory) use. The applicants confirmed that the doors were not open for public access at all times of the day and that they did operate on an appointment basis. It is considered that the area of the former Inn to the front of the site had clearly undergone and was still undergoing alterations and refurbishment as part of its new use. Access was also granted to the rear buildings (now known as 39 Farm Lane) where again there was some indication of storage associated with the A2 use, albeit on a relatively minor scale.

Comments have been received that state that the proposed development will result in the loss of a community facility and that no marketing exercise has been carried out in order to meet with the requirements of Core Policy 49. However, as the change of use of the building has already occurred to an A2 use there is no need to meet the requirements of Core Policy 49 (WCS, 2015) for conversion to a residential use. The viability of the former Inn use is not pertinent to the determination of the current application; the site has lawfully changed use and has also legally been subdivided from the former Inn (No. 16 High Street).

The former A4 use is no longer material to the determination of this scheme, which is now considered to be an A2 use and the application is for the change of use of the existing structure in order to create a single residential dwelling within a sustainable location. The scheme is therefore considered to comply with Core Policy 2 and 18 of the WCS (2015) and with 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 involves reusing the existing buildings and the partial rebuild of a section of the existing buildings. It is considered that the proposed scheme is of a scale and style that reflects and respects the existing character of the area. It is also considered that the proposed development respects the character and detailing of the existing buildings and as such would therefore be considered acceptable.

Core Policy 51 aims to protect the landscape of Wiltshire; the WCS (2015) under 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. It is considered that as the proposed scheme utilises the existing built form and is bounded on all sides by existing structures and would be seen within this context that it would not have any negative impact on the character of the area or that of the North Wessex Downs Area of Outstanding Beauty (AONB). The proposed development is considered to comply with the requirements of Core Policies 51 and 57 of the WCS (2015) and the NPPF (2019).

## **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 also located within the Devizes Conservation Area and 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 towards the historic environment. Section 16 “Conserving and Enhancing the Historic Environment” sets out an overall aspiration for conserving heritage assets. In particular paragraph 132 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 site incorporates a building range attached to the rear of the former Cross Keys public house on the High Street, and has been identified as a significant unlisted building within the adopted Great Bedwyn Conservation Area Statement. The site is also located within the Great Bedwyn Conservation Area and the adjacent building (No. 15 High Street) to the west of the site is also identified as a Grade II Listed building.

The proposal includes part demolition of the existing building and its replacement with a structure of similar character. This part of the building appears to have had a degree of intervention in the past and externally has 20<sup>th</sup> century detailing such as stretcher bond brickwork and flat brick window lintels. As the supporting Heritage Statement also suggests, this building has been remodelled at various stages since the 19<sup>th</sup> century and this view is agreed with.

It is considered that the proposed scheme does not demolish an important part of the building range, but a relatively modern part of it, so there is no loss or significant impact on heritage assets as a result of the demolitions and the replacement building is sympathetic to the existing buildings and area in terms of character and materials.

The external changes are considered to be unobtrusive and to reflect the character of the area. Concerns were raised at the inclusion of the roof lantern as it would be quite a prominent feature on the flat roof when viewed south towards the High Street; this feature has now been removed and replaced with a lower profile glazed roof opening in compliance with the Conservation Officer suggestion.

A positive of the scheme is the retention of the long, tall boundary walls and this is an important feature along the lane. There are no proposed changes to the boundary wall, such as widening the access to create a visibility splay, and as such the scheme is considered to be sympathetic to the character of the lane. It is acknowledged that the retention of the current access is important in order to preserve the character and appearance of the Conservation Area.

On balance the proposed scheme is considered to preserve the character and appearance of the designated heritage asset (Great Bedwyn Conservation Area) and the heritage asset itself. The scheme would have a neutral impact on the heritage of the area and would comply with the requirements of Core Policies 57 and 58 of the WCS (2015) and with relevant paragraphs of the NPPF (2019).

#### **9.4 Ecology**

In carrying out its statutory function, the 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 CP50 WCS (2015). Core Policy (CP) 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.



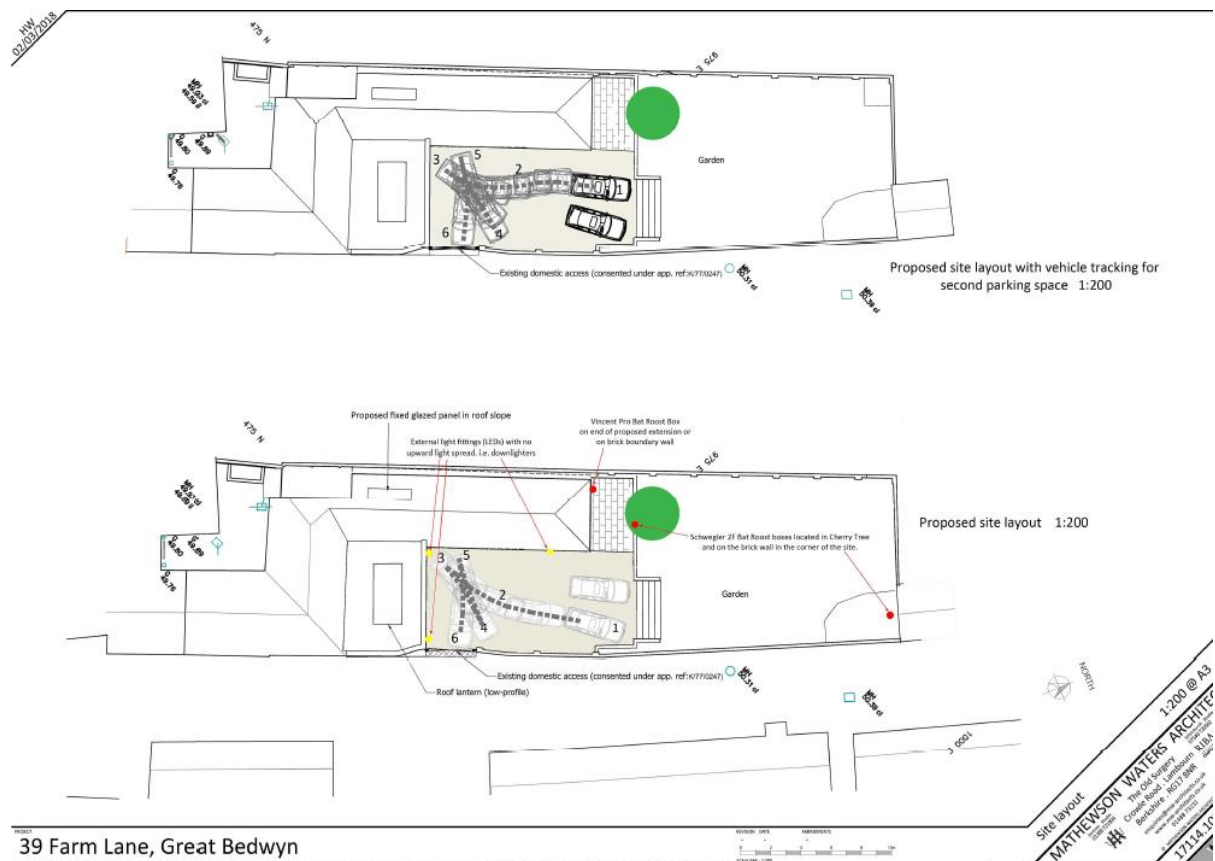
A Phase 2 Bat Survey Report (dated Sept 2018 by Kingfisher Ecology Ltd) has been submitted in support of the application. Comments received from the Council's Ecologist identify that they support the scheme subject to conditions requiring that any given permission should be in accordance with the recommendations of the submitted Kingfisher Ecology survey report (Sept 2018).

On balance it is considered that the proposed scheme would not have a detrimental impact on protected species and that any given permission should be in accordance with the recommendations for ecological mitigation (bats and birds) in the submitted Phase 2 Bat Survey Report (dated Sept 2018 by Kingfisher Ecology Ltd).

### 9.5 Highways Impact

Core Policy 60 Sustainable Transport supports the premise for development within sustainable locations. Core Policy 61 Transport and new development, amongst other criteria, aims to ensure that the proposal is capable of being served by safe access to the highway network. Core Policy 64 Demand Management amongst other criteria supports (d) residential parking standards – the provision of car parking associated with well-designed new residential development will be based on minimum parking standards.

The parking requirements for the new dwelling would be for two parking spaces, which the applicants have demonstrated can be accommodated within the courtyard area through the existing access point on Farm Lane.



Swept path analysis

Comments received from the highway officer acknowledge that the turning movements within the site would be restricted, however based on the drawings supplied it would be feasible for vehicles to enter and exit in a forward gear. The submitted supporting layout plan showing the swept path analysis demonstrates that both cars can park and turn within the proposed parking area for the development. It is considered that two vehicles can enter and exit in a forward gear and the highway officer is satisfied with the details submitted.

It is therefore considered that the proposed scheme would not have a detrimental impact on highway safety bearing in mind the existing access arrangement into and out of the site currently enjoyed by the property. The development is therefore considered to comply with the requirements of Core Policies 60, 61 and 64 of the Wiltshire Core Strategy (2015) and with the relevant paragraphs of the NPPF (2019).

### **9.6 Neighbour Amenity**

Core Policy 57 of the WCS (2015) aims to ensure that proposed development would not have a detrimental impact to the residential amenity of the residents of adjoining properties. The proposed scheme is for the conversion of the existing outbuildings on site with, some partial demolition and re-build and parking and turning. The scheme if approved would create a single storey dwelling with associated parking and turning area and outside amenity space.

It is considered that the proposed development would not lead to any impact on the amenity of neighbouring properties beyond that experienced at present. Any potential for impact through overlooking of the proposed dwelling would not be so significant as to warrant a reason for refusal in this instance.

It is acknowledged that noise and dust during the construction phase has the potential to be of nuisance; however this would be only for a limited period and it is proposed to include a construction method statement (CMS) to agree adequate protection of the neighbouring properties during this temporary period. The scheme is considered to comply with the requirements of Core Policy 57 of the WCS (2015) and with the NPPF.

## **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.

Great Bedwyn is a large village, with limited facilities, although there is an existing railway station offering access to major destinations such as Newbury, Reading and London. The scheme is sited in a central location of the village within the limits of development and would be accessible to the existing local and extended (by rail) amenities and facilities through sustainable modes of transport.

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 considered not to be the case, adequate parking can be provided within the site and the applicant has demonstrated that vehicles can enter and exit in a forward gear.

It is acknowledged that there is some limited positive weight to be given to economic benefits through the likely local employment that may be generated by the development proposed will only be for a limited period of time. There are likely to be social and environmental benefits through the provision of a new dwelling 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.

The scheme is considered to be sympathetic to the heritage contained within the site and of the conservation area 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 justifiable 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 centre of the village.

The NPPF states that there should be a “*presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*” As such, weight should be attached to all three legs of sustainability in the overall balance on concluding whether the site is sustainable or not taking account of the primacy of the development plan (the WCS) which represents the most up to date assessment of what constitutes sustainable development in Wiltshire. It is considered that this proposed development is compliant with these principles.

On balance the development is considered to comply with the policies of the Wiltshire Core Strategy (2015) and the NPPF (2019) and a positive recommendation is made.

## **RECOMMENDATION**

### **Approve subject to conditions**

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

REASON: To comply with the provisions of Section 91 of the Town and Country

Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the Application Form, Heritage Statement and design & access statement (dated 13/12/2018, by H. Waters), Phase 2 Bat Survey Report )by Kingfisher Ecology Ltd, dated Sept 2018) and the following approved plans:

Site Location and Block Plan, Dwg No. 17114.100-A

Site Layout, Dwg No. 17114.105-G

Proposal, Dwg No. 17114.109-D

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

3. No development shall commence on site (including any works of demolition), until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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 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.

4. No development above DPC level shall take place 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 in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

5. Prior to the insertion of any window or door details of all new external window and door joinery shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner, in the interests of the visual amenity and the character and appearance of the area.

6. The external brickwork for the development hereby permitted shall be constructed with a traditional Flemish brick bond.

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

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 those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse hereby permitted or within their curtilage.

REASON: In order to reflect the fact that permitted development rights have been removed within this area under an Article 4(2) Direction and in the interests of preserving the character of the Conservation Area and the setting and historic fabric of the heritage assets and also 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.

8. Development shall be carried out in accordance with the recommendations in the submitted Phase 2 Bat Survey Report by Kingfisher Ecology Ltd (dated Sept 2018) and in accordance with the details shown on the Site Layout, Dwg No. 17114.105-G hereby approved.

REASON: In the interests of protected species and to mitigate against the loss of existing biodiversity and nature habitats.

9. No part of the development hereby permitted shall be first brought into use until the 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: To ensure that adequate provision is made for parking and turning within the site in the interests of highway safety.

INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

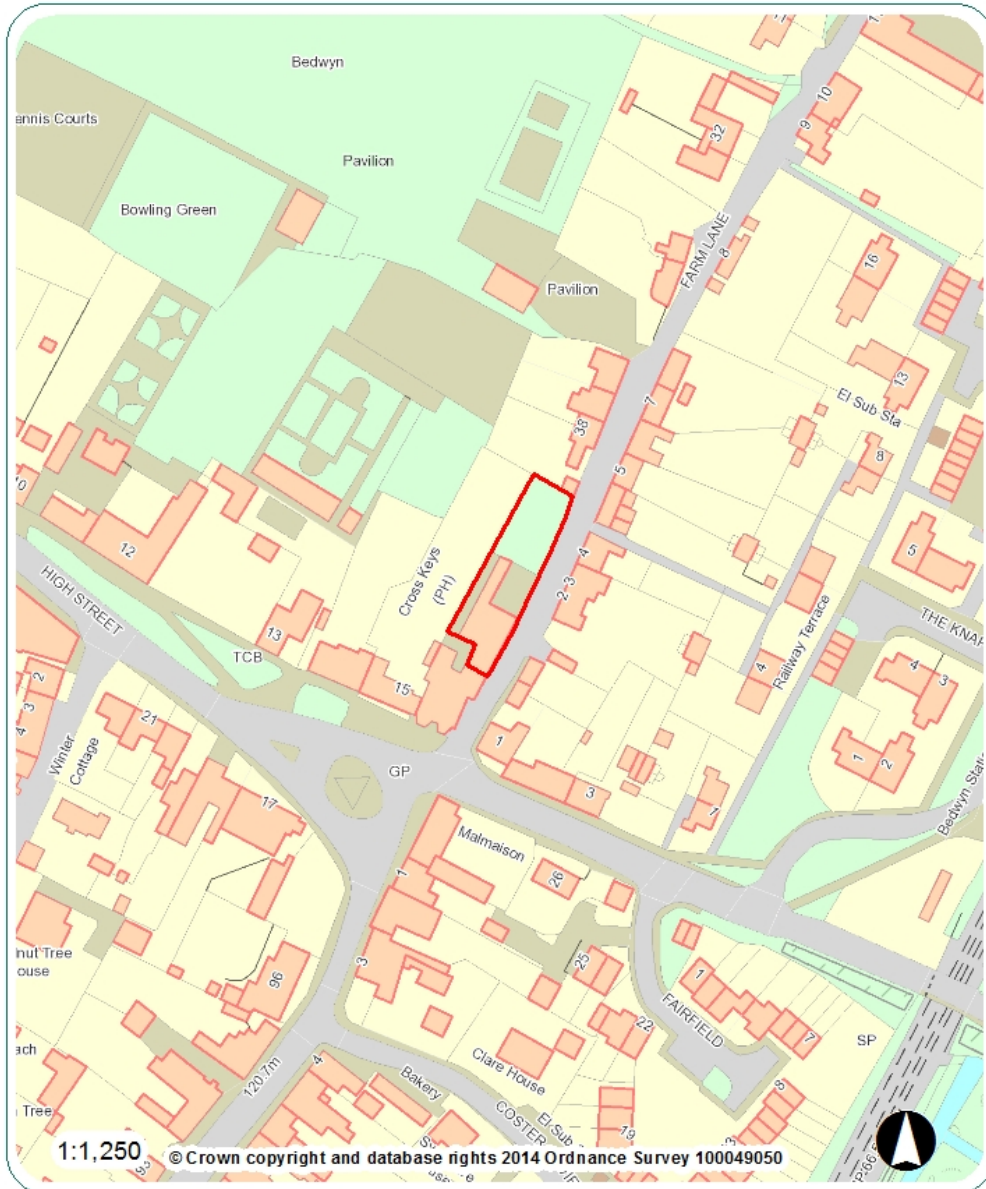
INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

The applicant is reminded of the need to obtain separate listed building consent for the demolition and re-build of the boundary wall between the site and the adjacent property 15 High Street.

This page is intentionally left blank



This page is intentionally left blank



## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No.

<b>Date of Meeting</b>	25 April 2019
<b>Application Number</b>	18/11701/FUL
<b>Site Address</b>	Court Close Farm, 2 White Street, Easterton, SN10 4NZ
<b>Proposal</b>	Demolition of three detached dilapidated buildings and their replacement with a single dwelling including new access.
<b>Applicant</b>	Mr & Mrs Lloyd
<b>Town/Parish Council</b>	EASTERTON
<b>Electoral Division</b>	Urchfont and The Cannings – Councillor Phillip Whitehead
<b>Grid Ref</b>	402133 154836
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Morgan Jones

In accordance with the Council's 'Scheme of Delegation Specific to Planning', this application is brought to committee at the request of Councillor Philip Whitehead on the grounds of the 'visual impact on surrounding area' and 'environmental or highway impact'.

### 1. Purpose of Report

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

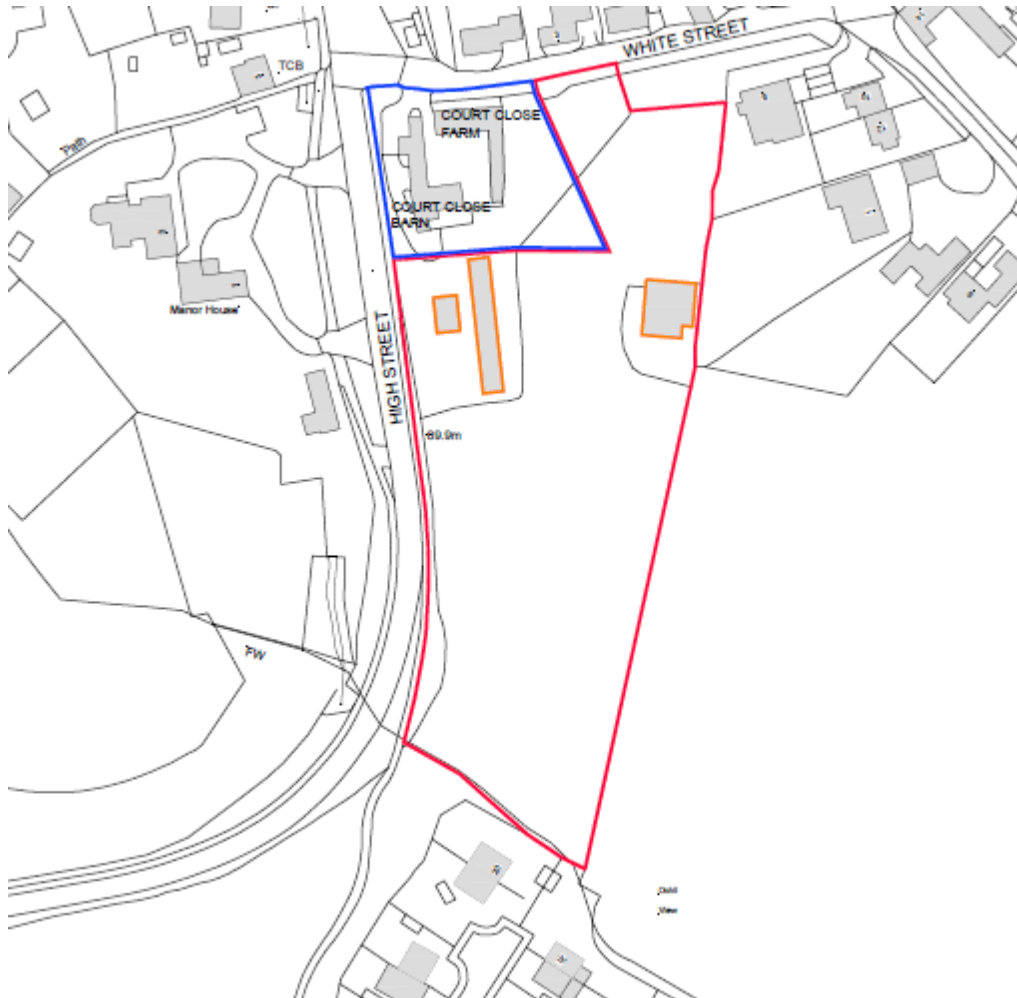
The key issues for consideration are:-

- Principle of development;
- Design and impact on heritage assets & landscape character;
- Impact on highway safety;
- Ecological impact;
- Impact on neighbour amenity.

### 2. Site Description

The application property is Court Close Farm, 2 White Street, Easterton which comprises a Grade II Listed Building of 16<sup>th</sup> century origin and to the rear of the house is a courtyard farm yard which included a low storey cartshed and milking parlour and a timber framed threshing barn (originally thatched). These buildings are within the curtilage of the listed building are considered to be curtilage listed structures. They have been converted under planning permission reference 14/10189/FUL and listed building consent reference 14/10290/LBC to form a detached dwelling with car port. The permissions also involved the refurbishment and extension of the farmhouse. To the immediate south of the listed buildings there are two barns, one barn is constructed of telegraph poles ('pole barn') and corrugated sheeting and the other is a corrugated hut. These buildings do not appear on the historic maps until the second half of the 20th century.

The application site includes the pole barn and corrugated hut and agricultural land to the south and east of the listed dwelling and outbuildings. The land accommodates a modern purpose built agricultural building which is sited close to the eastern boundary of the agricultural field and is situated on higher land. The site lies within the Easterton Conservation Area.

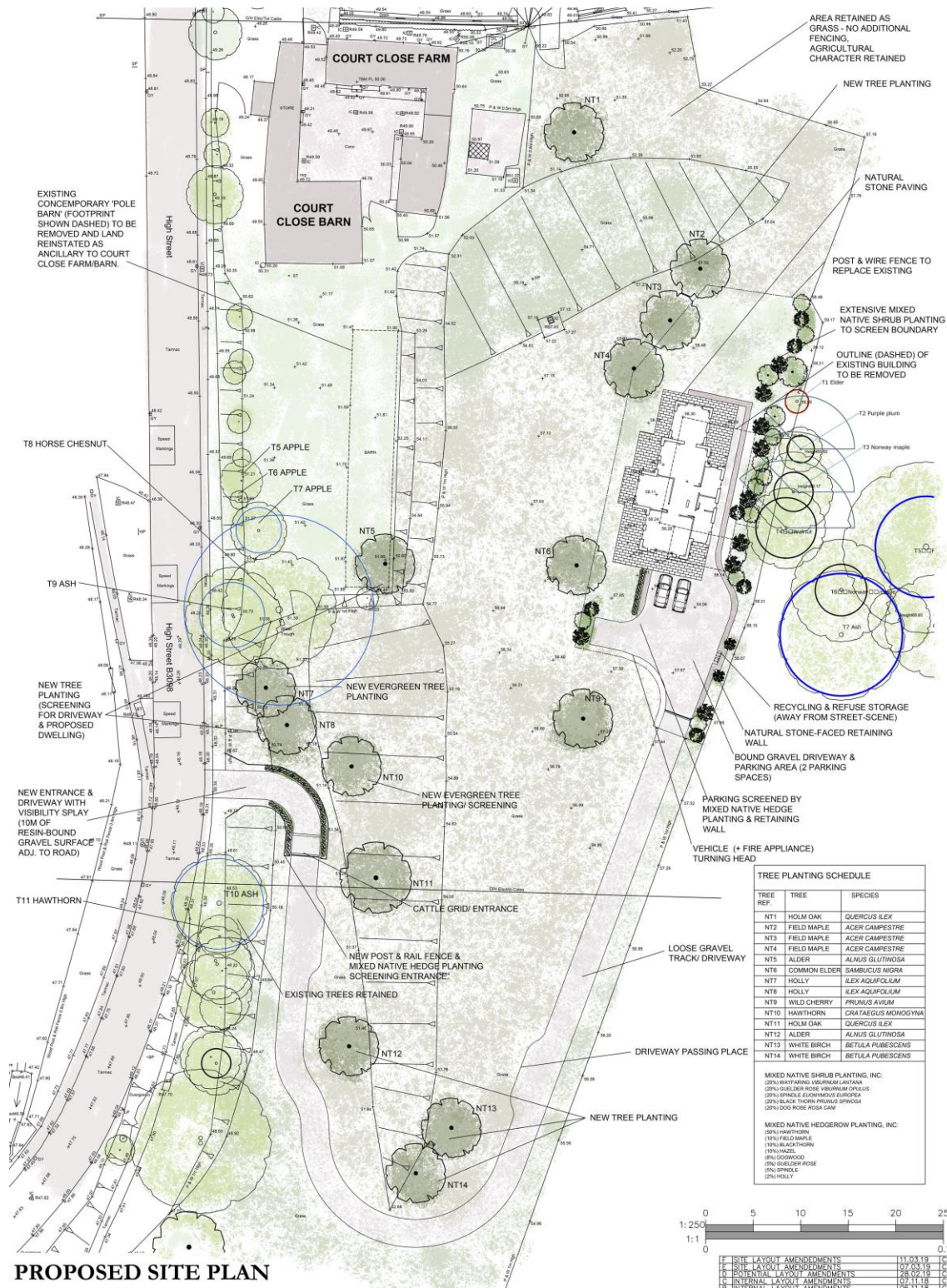


*Site Location Plan*

### **3. The Proposal**

The application seeks full planning permission to demolish the existing agricultural building within the field and the erection of a dwelling which would be accessed via a new access from the High Street (B3098). The proposal also involves the demolition of the 'pole barn' and corrugated hut building.

The Design & Access Statement asserts that "the proposal is appropriate to the area and will complement the adjacent houses whilst enhancing the visual appearance of the site. The overall scale, form and mass are very similar to the existing barn on the site, coupled with the removal of built form of the large, dominating pole barn represents an improvement to the overall Court Close Farm setting. The design has been carefully developed to be appropriate for this context- retention of the overall character and agricultural appearance has been retained, while providing for an adaptable and sustainable family home, providing an improved housing mix for the village".



*Proposed Site Plan*

The main two-storey section of the dwelling is shown to measure 15m in length by 6.6m in width with further single storey sections of the side and rear elevations of the dwelling. The existing ground level of the agricultural building is 58.17AOD and the proposed dwelling will be cut into the land and sited at 56.67AOD (i.e. 1.5m lower than the existing ground level). There will also be other earthworks to secure a new access drive to the property from the High Street.

In terms of the proposed external finish of the dwelling, the Design and Access Statement explains that “our material palette has principally been driven by maintaining and enhancing the ‘agricultural character’ of Court Close Farm. To this end, high quality natural materials have been included; natural sandstone for the plinth and walling (referencing the Greensand Stone plinth to Court Close Farm), untreated natural oak weatherboarding and metal roofing (both referencing the agricultural materials used in the barns and outbuildings on the site”.



*Proposed Front Elevation*



*Proposed Rear Elevation*

The application was originally supported by the following reports and drawings:

- Document. Design and Access Statement (11 December 2018) by Oakwrights Ltd;
- Document. Bat & Protected Species Survey (12<sup>th</sup> November 2018) by Malford Environmental Consulting;
- Document. Technical Note – 5403/01 (December 2016) by Cole Easdon Consultants.

- Drawing no.18.157.LL0.001 (Location Plan);
- Drawing no.18.157.LL0.007 Rev.C (First Floor Plan);
- Drawing no.18.157.LL0.006 Rev.C (Ground Floor Plan);
- Drawing no.18.157.LL0.004 Rev.C (Proposed Front and Side Plans);
- Drawing no.18.157.LL0.005 Rev.C (Proposed Rear and Side Plans);
- Drawing no.18.157.LL0.008 Rev.C (Proposed Roof Plan);
- Drawing no.18.157.LL0.03B Rev.C (Proposed Site Plan);
- Drawing no.18.157.LL0.10 (Site Section AA);
- Drawing no.18.157.LL0.11 (Site Section BB);
- Drawing no.18.157.LL0.12 (Site Section CC);

The application was amended on the 13<sup>th</sup> March 2019 through the submission of the following documents and revised plans. The purpose for updating the application was to try and address some of the technical objections and concerns raised by consultees and third parties. There are no fundamental changes to the original proposal but further technical reports were submitted in response to the comments of the Council Conservation Officer and Arboricultural Officer. The key alterations relate to the slight repositioning of the dwelling and layout of the parking area, and alterations to the arrangement of the new access onto the High Street.

- Document. 15-157LLO Planning Covering Letter
- Document. Heritage Statement (ref AH823/1) (February 2019) by Armour Heritage
- Document. Tree Report by Tree Parts Ltd (9<sup>th</sup> February 2019) & Appendix A Tree Schedule Table
- Document ref. 5403 Revised Access Technical Note
- Drawing no.5402 202 REV A (Proposed Access Layout Drawing)
- Drawing no.CCF/TCP-0123.02.19 (Tree Constraints Plan)
  
- Drawing no.18-157LLO.003 PROPOSED SITE PLAN F
- Drawing no.18-157LLO.004 PROPOSED ELEVATIONS D
- Drawing no.18-157LLO.005 PROPOSED ELEVATIONS D
- Drawing no.18-157LLO.006 PROPOSED GROUND FLOOR PLAN C
- Drawing no.18-157LLO.007 PROPOSED FIRST FLOOR PLAN C
- Drawing no.18-157LLO.008 PROPOSED ROOF PLAN D
- Drawing no.18-157LLO.009 PROPOSED 3D VIEWS A
- Drawing no.18-157LLO.010 PROPOSED SITE SECTION AA A
- Drawing no.18-157LLO.011 PROPOSED SITE SECTION BB A
- Drawing no.18-157LLO.012 PROPOSED SITE SECTION CC A

#### 4. Planning Policy

The **National Planning Policy Framework (NPPF)** with particular regard to Chapters 4 'Decision-Making', 5 'Delivering a Sufficient Supply of Homes', '9 'Promoting Sustainable Transport', 12 'Achieving Well-Designed Places', 15 'Conserving & Enhancing the Natural Environment' and ' 16 'Conserving & Enhancing the Historic Environment' .

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

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 12 Spatial Strategy: Devizes Community Area;
- Core Policy 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 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 67 Flood Risk;
- Core Policy 68 Water Resources;

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

## 5. Consultations

**Wessex Water** – No objection, standard advice and guidance provided.

**Wiltshire Council Highways** – No objection to the amended scheme subject to conditions to ensure the access is laid out to an appropriate standard prior to the occupation of the dwelling.

**Wiltshire Council Ecologist** – No objection.

**Wiltshire Council Conservation Officer** – Objection on the grounds that a dwelling in this location of the size and design proposed would have an adverse impact on the character and appearance of the Easterton Conservation Area. There would be less than substantial harm to the designated heritage asset of the Conservation area.

**Wiltshire Council Public Protection Officer** – No objection.

**Wiltshire Council Arboricultural Officer** – No objection in principle but originally recommended that the scheme be revised to reduce the potential future pressure to fell trees on the adjoining land due to their proximity to the rear of the dwelling and the direction of the sun especially in winter months when the sun is lower. The Officer has no objection to the amended scheme.

**Easterton Parish Council** – Split decision:-

On the 25<sup>th</sup> February 2019 the following comments were provided:-

*“At our January Parish Council meeting members approved this planning application based on the information available to them at the time. Unbeknown to Councillors were the number of objections made by neighbours which **had not been made available to them on the WC planning portal until after this decision was taken.**”*

*Following the disquiet that had become apparent with this proposed development members of the Parish Council met with the applicant and objectors on 10th February. The former reported that, in their opinion, the written objections had been or would be addressed and therefore it was confirmed that the PC raised no objections to this planning application. Given that the Parish Council position had already been determined at its last meeting (and could not be reversed) it was agreed that Councillor Whitehead should take this application to Committee”.*

On the 1<sup>st</sup> April 2019 following the submission of amended plans the **Easterton Parish Council** provided the following comments:-

*“We as a Council are not in unanimous agreement and are split even after discussions and visits to the property. This disagreement in the PC seems to reflect the views in the Village. \*Those 3 Councillors in favour state that permission for the attractive house should be subject to restrictions against any further permitted development in the agricultural field. \*\*Those 2 Councillors against are against any development on this agricultural land. 1 Councillor abstained.”*

## **Market Lavington Parish Council – No comments to make:**

“The Market Lavington parish boundary ends at the southern boundary of the property. The proposed development is at the northern end of the property, well away from the border. The Parish Council therefore considers that it would not be appropriate to comment on this application.”

## **6. Publicity**

The application has been publicised via a site notice and letters sent to properties within close proximity of the site. As a result of the original consultation exercise 7 letters of support were received and 15 letters of objection. The re-consultation exercise carried out following the submission of an amended proposal resulted in the submission of 4 letters of support and 16 letters of objection.

The letters of support outline that the proposal is a sensible redevelopment of a derelict and unattractive building and the design is of a high quality and sensitive to the surrounds. The plot size is also in keeping with the surrounding properties. One additional driveway would not be a cause for concern on a straight section of road with good visibility for the pedestrian and driver. A reasonably sized and screened family home will have a positive impact on the current land, the existing building/barn is dilapidated and something of an eyesore. A sympathetic and aesthetic replacement would be a welcome improvement.

The letters of objection are on the following grounds:

- The development is encroaching into the green belt
- The design of the dwelling is not in-keeping with surrounding houses
- A large residential dwelling in such a prominent position will be entirely out of character for the location
- The development will very significantly affect the privacy of neighbouring properties
- The development will result in the loss of a view
- The development will devalue neighbouring properties
- The proposal will extend the residential footprint of Easterton and will damage the integrity of the village
- The current buildings do not have foundations or proper footings, we see no reason why a new building should fit on the existing footprint of the barn
- There will be disturbance from the construction period.
- The access is taken off the busy High Street
- The fact that the development requires such a meandering driveway to reduce the access gradient suggests that the proposed dwelling location is inappropriate for vehicular access.
- It is erasing an agricultural heritage and removing the remaining open space that separates and defines the boundaries of villages of Easterton and Market Lavington.
- This development falls within the Easterton Conservation area. If allowed to proceed it could affect the character of the village and may set a precedent for future developments in the existing green belt.

The minor revisions to the proposed scheme are noted within the letters received as a result of the re-consultation exercise however it is felt that the main reasons for objecting to the proposal as outlined above have not been addressed and remain concerns. It is felt that moving the house ‘circa 1.5m’ to the west is not an improvement but a retrograde step as it puts the building in an even more prominent position and so would be even more visible on the brow of the hill overlooking the village.

**The Campaign for the Protection of Rural England (CPRE)** requests that the Council refuse the application and encourage the applicant to consider a scheme that would be more sympathetic to the very sensitive surroundings of the site. A second letter commenting on the revised scheme stated that “Trees cannot be guaranteed always to mask the scale and incongruity of the proposed house over the coming years and in the winter months. The principle, in our view, is to preserve or enhance the character of the Conservation Area which the proposals would not do.”

## **7. Planning Considerations**

### **7.1 Principle of Development**

The relevant adopted local development plan document is the Wiltshire Core Strategy (WCS) (adopted January 2015). In accordance with the aims and objectives of the NPPF and in the interests of promoting sustainable development and the protection of the countryside the policies of the plan seek to restrict new residential development to locations within the Limits of Development defined for the towns and villages.

The Settlement Strategy (Core Policies 1 & 2) of the WCS identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. There is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages and development should be restricted to within the limits of development of these other than in exceptional circumstances.

Core Policy 12 ‘Spatial Strategy: Devizes Community Area’ identifies Easterton as a Small Village. The settlement strategy outlines that at Small Villages development will be limited to ‘infill’ within the existing built area and new dwellings will only be supported where they seek to meet the housing needs of the settlements provided that the development:

- i. *Respects the existing character and form of the settlement*
- ii. *Does not elongate the village or impose development in sensitive landscape areas, and*
- iii. *Does not consolidate an existing sporadic loose knit areas of development related to the settlement.*

‘Infill’ is defined within the WCS 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 (par 4.34).

The application site lies on the outskirts of the village outside the main built up area of the settlement on agricultural land. The proposal to demolish the existing barn and construct a new dwelling in its place would therefore result in the creation of a new residential property within the ‘countryside’ as it would not comply with the definition of ‘infill’. The provision of a new dwelling within the agricultural field would not respect the existing character or form of the settlement.

It is proposed that the dwelling would be positioned on the footprint of the agricultural building to be demolished. However, the National Planning Policy Framework definition of ‘*previously developed land*’ excludes land that is or has been occupied by agricultural or forestry buildings and therefore the presence of the existing building should not be used as a justification for its replacement with a dwelling, or a change of use and extension of the built up area of the village through new residential development.

In summary, the site is within the open countryside outside the built up area of the village and it is therefore considered that the proposed development would not amount to a form of ‘infill’



and would therefore fail to comply with the Settlement Strategy of the WCS. The proposed development would conflict with the Council's plan-led approach to housing development. The Council can demonstrate a deliverable 5 year housing land supply within the East Housing Market Area and there are no exceptional circumstances or material planning considerations which justify making an exception on 'principle' grounds to approve the proposed development.

In light of the above, the proposed development is considered to conflict with Chapters 4 & 5 of the National Planning Policy Framework and Core Policies 1, 2, and 12 of the WCS and therefore the principle of residential development is unacceptable in planning policy terms.

## **7.2 Design, Landscape Impact, and Heritage Impact**

The layout and design of new developments must be based on a thorough understanding of the site itself and its wider context, which is particularly important for this proposal due to the location of the site on the edge of the settlement within the open countryside and within the Easterton Conservation Area. The site is also within the setting of the grade II listed farmhouse and associated curtilage listed outbuildings at Court Close Farm.

In terms of the impact on the historic environment, the duty placed on the Council under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 is the requirement to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 sets a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Areas.

Core Policy 58 'Ensuring the Conservation of the Historic Environment' of the WCS specifies that "*development should protect, conserve and where possible enhance the historic environment*" and Core Policy 57 'Ensuring High Quality Design and Place Shaping' seeks to secure good design. The policies seek to ensure that proposals enhance local distinctiveness by responding to the value of the natural and historic environment and require all applications for new development to be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of the area.

The impact on the historic environment through the removal of the existing buildings within the Conservation Area needs to be considered in the first instance then the impact of the proposed dwelling. The agricultural buildings to be demolished are large modern agricultural barns which are in a dilapidated condition. The Council's Conservation Officer advised that they were clearly erected for agricultural use and whilst they contribute to the agricultural character of the area they are of no architectural value and their loss would not have an adverse impact on the conservation area. The removal of the 'pole barn' next to the listed building will be a slight visual improvement as it is out of scale with the historic farmstead and its historic agricultural buildings.

In terms of the impact on the character and appearance of the Easterton Conservation Area, the Conservation Officer advised:-

*"The site of the proposed new house is on the rising land to south east of the village and whilst there are some houses along Clay Road and hidden in the trees this dwelling would be in the open field replacing the existing barn. The barn was sited in this location to serve agricultural purposes and is not considered to be the appropriate location for a house. In order to access the house there would be a long access drive from the main road. In order to reduce its visual impact it would require excavation to lower the ground levels. This site does not front the highway and is detached in an isolated location in the middle of the field. This site is therefore*

*out of character with the pattern of development of the village and would cause some harm to the character and appearance of the conservation area.*

*The design of the new house is influenced principally by the footprint of the existing barn and references to barn design especially the large metal roof and the scale of some of the openings. In order to keep the eaves height low rooms are located within the roofspace thus requiring a proliferation of rooflights which could appear very prominent especially at night with the larger windows in the gable. Houses in the village do not have large expanses of roofing nor large scale windows. I am of view that the new house would not reflect the local distinctiveness of the area nor conserve or enhance the character and appearance of the conservation area”.*

The proposed dwelling would be within the setting of the listed farmhouse and curtilage listed structures, however due to the separation distance the impact on the significance of the listed buildings would be neutral. The Conservation Officer however advised that the loss of the barn closest to the house would have a positive visual impact but the change of the character of the land from agricultural to more domestic is negative due to some loss of agricultural character associated with the historic farmstead.

The author of the Heritage Statement by Armour Heritage submitted in support of the application does not agree with the opinion of the Council Conservation Officer and concludes by stating that *“the proposed development will result a negligible impact on the Conservation Area’s character and appearance. This negligible impact is the result in a slight change to a single largely horizon feature when viewed from limited locations within the Conservation Area, predominantly parts of White Street”*. The Conservation Officer highlighted that the Heritage Statement has been produced to justify the application rather than inform the design. The main focus of this report is purely visual and does not adequately address character and the pattern of development of the conservation area.

It is considered that the introduction of a new residential dwelling with its associated new access within the middle of the agricultural field will result in a clear change to the use, character and appearance of the rural site. Furthermore, the proposed new development would not be in keeping with the established pattern of built development within the Conservation Area as explained by the Conservation Officer. As such, it is considered that the proposal will lead to less than substantial harm to the character and appearance of the Conservation Area. Whilst the scheme will deliver some minor social and economic benefits through the provision of a single dwelling, the benefits are not considered to outweigh the harm to the designated heritage asset.

The character and appearance of the wider landscape must be considered in combination with the character and appearance of the Conservation Area. Core Policy 51 ‘Landscape’ of the WCS seeks to ensure that development protects, conserves and where possible enhances landscape character and must not have a harmful impact upon landscape character. The policy requires developments to have regard to the locally distinctive character of settlements and their landscape settings (criteria ii) and the separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe (criteria iii).

The farmstead is on the edge of the settlement which helps define and soften the transition from the open countryside to the built up residential area of the settlement. It is considered that the development, due to the change to the use and character of the site, the scale, design and appearance of the new dwelling, and associated access encroaching further into the countryside, would erode the rural agricultural character of the site. A significant amount of earthworks to achieve the required levels for the new access and driveway would be required which would represent a significant visual change when viewed from the High Street. It is considered that the proposal would have an adverse impact on the rural character and

appearance of the site and as a result would harm the landscape setting of the village and the existing sensitive transition from the man-made built environment to the natural landscape at the periphery of the settlement.

In summary, the development would result in the demolition of an agricultural building associated with the rural use and character of the site and replace it with a dwelling which would not relate to the development form and pattern of the village. The dwelling would be served by long access track which would extend further into the open countryside. It is considered that the development would harm the character of the landscape and result in less than substantial harm to the character and appearance of the Conservation Area. The provision of a new dwelling would provide some social and economic benefits, however a single dwelling would not result in a significant contribution to the housing need within the area or make a significant contribution towards the vitality of the rural community. The public benefits of the proposed development are therefore not considered sufficient to outweigh the harm to the designated heritage assets.

In light of the above the proposal is also considered to conflict with Chapters 12, 15 and 16 of the National Planning Policy Framework and Core Policies 51, 57 and 58 of the WCS.

### **7.3 Impact on Existing Trees & Ecology**

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

The application is therefore supported by a Bat & Protected Species Survey (12<sup>th</sup> November 2018) by Malford Environmental Consulting. The report advises that the building is not used by bats and the habitat surrounding the building is not scarce, threatened, sensitive or of high conservation status. There is however evidence of previous bird nesting activity within the building therefore mitigation and enhancement measures are set out within the report to ensure the protection of nesting birds. The Council Ecologist has no objection to the proposal.

The Council Arboricultural Officer originally advised that *"the trees within the neighbouring garden have amenity value as they can be seen from the main road and are part of the skyline so therefore could, if necessary, be worthy of future protection. If the current designs are implemented, I foresee overwhelming pressure to remove them at a later date due to their proximity to the rear of the dwelling and the direction of the sun especially in winter months when the sun is lower"*. As a result of these observations, a Tree Report by Tree Parts Ltd was submitted in support of the application and the dwelling repositioned to the west by circa 1.5m, and the driveway repositioned to the east, to remove the pressure to fell the neighbouring trees. The agent states that these changes protect the interests of the neighbouring trees, allowing for future growth and avoidance of overshadowing issues. It was also highlighted that a comprehensive planting plan, allowing for significant biodiversity and visual amenity enhancement for the site has been proposed. This includes 30 linear meters of mixed native hedgerow, 14 native tree specimens and significant additional native shrub planting to the eastern boundary, providing additional privacy/amenity screening for the houses to The Clay, and a substantial wildlife corridor. The Council Arboricultural Officer has no objection to the amended proposal.

### **7.4 Impact on Highway & Pedestrian Safety**

Core Policies 60 'Sustainable Transport' and 61 'Transport and New Development' of the WCS seek to ensure that new developments are located within sustainable locations and are

designed to encourage the use of sustainable transport facilities. Core Policy 61 also seeks to ensure that all new developments are capable of being served by safe access to the highway network.

The Council's Highways Officer originally objected to the proposal due to the configuration of the proposed access and lack of detail in relation to proposed site levels. A revised scheme was subsequently submitted with the driveway access on to the highway realigned to 90 degrees, and an updated Highways technical note submitted by Cole Easdon to confirm the required visibility can be achieved and confirm levels adjacent to the highway.

The Council Highways Officer has no objection to the revised scheme because the junction and the visibility splay shown on the drawing 5403/202 FEB 2019 is considered acceptable. The Officer therefore has no objection to the proposal subject to conditions to ensure the access is laid out to an appropriate standard prior to the occupation of the dwelling.

### **7.5 Impact on Neighbour Amenity**

There have been a number of objections to the proposed development from the residents of neighbouring properties as detailed above. Some of the objections are on the grounds of the impact the proposed dwelling would have on the residential amenity of the occupiers of the dwellings immediately adjoining the eastern boundary of the site. However, it is considered that the revised proposal will not have an unacceptable impact on neighbour amenity. The siting of the proposed dwelling will result in a significant change to the outlook from neighbouring properties, but due to the separation distances between the proposed and existing dwellings; the design of the dwelling with no first floor windows in the rear elevation; and the revised parking layout, it is not considered that a refusal of planning permission on the grounds of harm to neighbour amenity can be justified. The dwelling and driveway have been repositioned to allow the trees close to the site boundary to be retained. Should planning permission be granted conditions can be used to secure full details of hard and soft landscaping to ensure they are appropriate along with restrictions in terms of permitted development rights to guard against any potential future impacts.

### **8. Conclusion**

The application seeks full planning permission for the demolition of the existing agricultural buildings on the site and the construction of a single detached dwelling on agricultural land within the open countryside. The development would not represent 'infill' within the existing built up area of the village and would therefore conflict with the settlement strategy of the Wiltshire Core Strategy.

The development would not respect the established built form of the settlement and would result in a form of development that would conflict with the Council's plan-led approach to housing development. There are no exceptional circumstances to accept the principle of residential development at the site.

The proposed dwelling and associated access would result in the loss of the rural character of the site, which coupled with the overall scale and design of the dwelling, would have an adverse impact on landscape and the character and appearance of the Easterton Conservation Area. The development would result in less than substantial harm to the designated heritage asset and the public benefits of the scheme would not outweigh the harm that would be caused to the heritage asset.

In light of the above, the proposed development is considered to conflict with chapters 4, 5, 12, 15 and 16 of the NPPF and Core Policies 1, 2, 12, 51, 57 and 58 of the WCS. It is therefore recommended that planning permission be refused.

**RECOMMENDATION:** That planning permission be **REFUSED** for the following reasons

1. The proposed development, due to the position of the site within the open countryside on the edge of the village of Easterton, would conflict with the settlement strategy of the Wiltshire Core Strategy. The site is within an agricultural use outside of the built up area of the village and the redevelopment of the site to accommodate a new detached dwelling would not represent 'infill'. The development does not respect the existing character and form of the settlement and would result in an unnatural extension to the built environment. Furthermore, it has not been demonstrated that the development has been designed to meet the housing needs of the settlement.

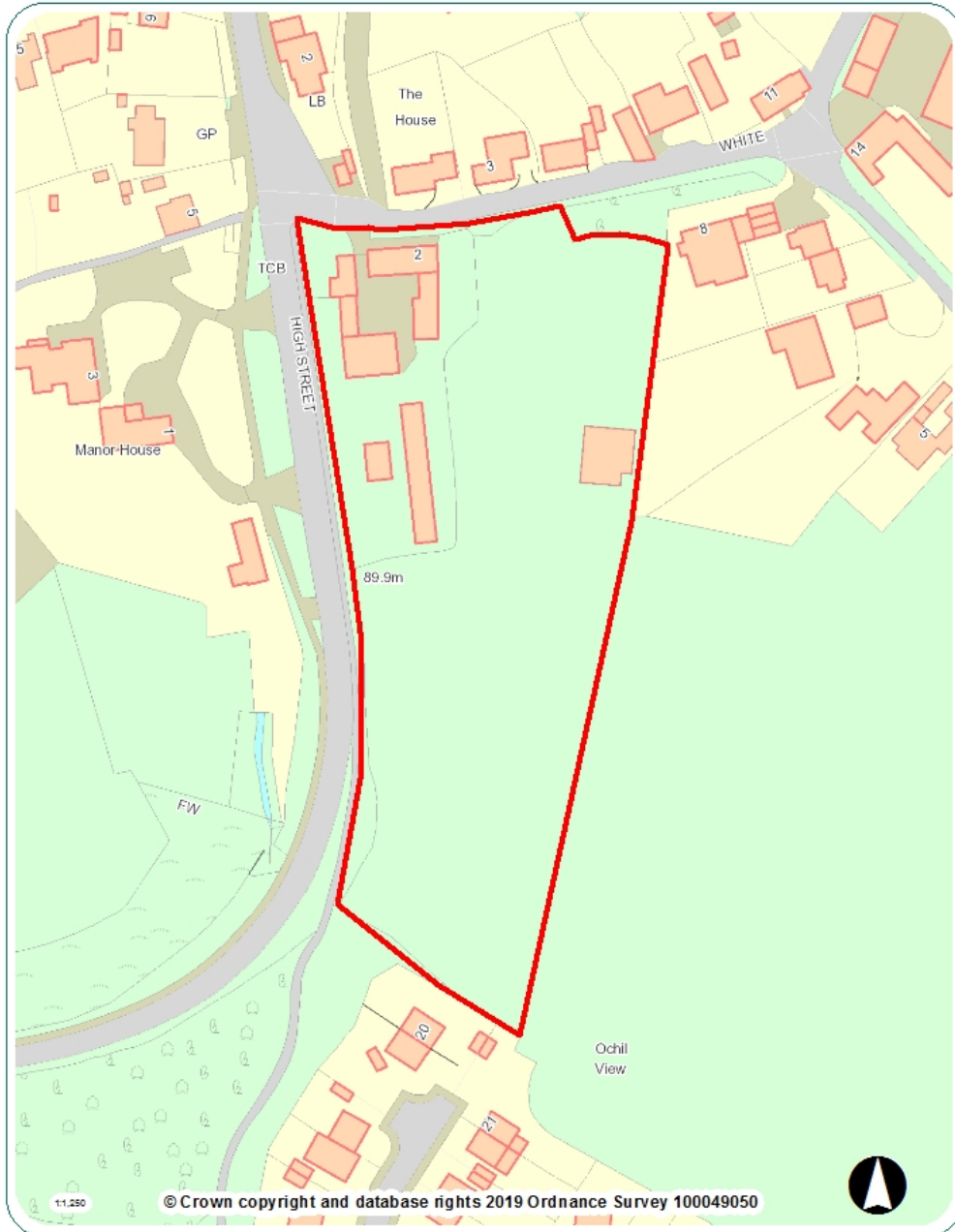
The proposed development is therefore deemed to be unsustainable and would conflict with the Council's plan-led approach to sustainable development. The Council can demonstrate a deliverable 5 year housing land supply within the East Housing Market Area and there are no exceptional circumstances or material planning considerations which justify the approval of the proposed development.

In light of the above the proposed development is considered to conflict with Chapters 4 'Decision-Making' and 5 'Delivering a Sufficient Supply of Homes' of the National Planning Policy Framework and Core Policy 1 'Settlement Strategy', Core Policy 2 'Delivery Strategy' and Core Policy 12 Spatial Strategy: Devizes Community Area of the adopted Wiltshire Core Strategy.

2. The proposed dwelling, by reason of its location, overall form, design and appearance, along with the proposed access, would have a harmful impact on the character and appearance of the site. The provision of a new purpose built dwelling would result in the loss of the agricultural use and character of the site, which coupled with the proposed design, would harm the existing appearance of the landscape and the character and appearance of the Easterton Conservation Area. The development would result in less than substantial harm to the designated heritage asset and the public benefits of the scheme would not outweigh the harm that would be caused to the heritage asset.

In light of the above the proposed development is considered to conflict with Chapters 12 'Achieving Well-Designed Places', 15 'Conserving & Enhancing the Natural Environment' and ' 16 'Conserving & Enhancing the Historic Environment' of the National Planning Policy Framework (2018), Core Policies 51 'Landscape', 57 'Ensuring High Quality Design' and 58 'Ensuring the Conservation of the Historic Environment' of the adopted Wiltshire Core Strategy (2015), and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

This page is intentionally left blank



This page is intentionally left blank



## REPORT FOR EASTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	25 April 2019
<b>Application Number</b>	18/11759/VAR
<b>Site Address</b>	Dauntsey's School, High Street, West Lavington, SN10 4HE
<b>Proposal</b>	Variation of condition 2 of planning permission K/42974 to allow for different surface material for outdoor sports track, with proposed landscaping to reduce visual impact
<b>Applicant</b>	Dauntsey's School
<b>Town/Parish Council</b>	WEST LAVINGTON
<b>Electoral Division</b>	Councillor Richard Gamble - The Lavingtons and Erlestoke
<b>Grid Ref</b>	399976 153650
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Morgan Jones

In accordance with the Council's 'Scheme of Delegation Specific to Planning', this application is brought to committee at the request of Councillor Richard Gamble on the grounds of the visual impact on the surrounding area.

### 1. Purpose of Report

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

The key issues for consideration are:-

- Principle of development;
- Design and landscape character & visual amenity;

### 2. Site Description & Planning History

The application site relates to the playing fields at Dauntsey's School, and in particular the athletics track, which was originally granted planning permission on the 5<sup>th</sup> November 2013 under planning application ref K/42974. The planning permission was granted for the "change of use of agricultural land to use of playing field and outdoor sports facilities". The planning permission was subject to conditions which required the approved new landscaping scheme to be installed around the periphery of the land along with its future maintenance and management. The planning permission also removed permitted development rights for the erection of any form of means of enclosure on the application land. The application clearly specified that the playing fields would be grassed over apart from the areas required for field events.

On the 9<sup>th</sup> May 2008 planning permission ref K58271/F was granted for landscaping and ground remodelling to facilitate planning permission K/42974. The planning permission also involved a new vehicular access to replace the existing access off Cheverell Road, creation of a new set down and pick up facility for students and staff car parking with associated

landscaping, drainage and lighting. The planning permission was subject to conditions which required the approved new landscaping scheme to be installed around the periphery of the land, and removed the ability to install any means of enclosure or lighting without further consent. The application clearly specified that the athletics track was going to be an eight lane grass running track.

These planning permissions permitted the change of use and alteration of the land, as defined in red on the location plan shown below, from agriculture to accommodate outdoor sports facilities. The approved plans showed the position of the athletics track and playing field which were all to be of a grass surface. On the 12<sup>th</sup> December 2017 a Non Material Amendment (NMA) application was approved which allowed the layout of the athletics track and playing fields to be re-configured. The rearrangement of the sports facilities did not involve any engineering works and it was not considered that there would be a material alteration to the planning permission, in particular as all the sports facilities were to be of a grass surface. The approved location of the athletics track is shown on the location plan below.



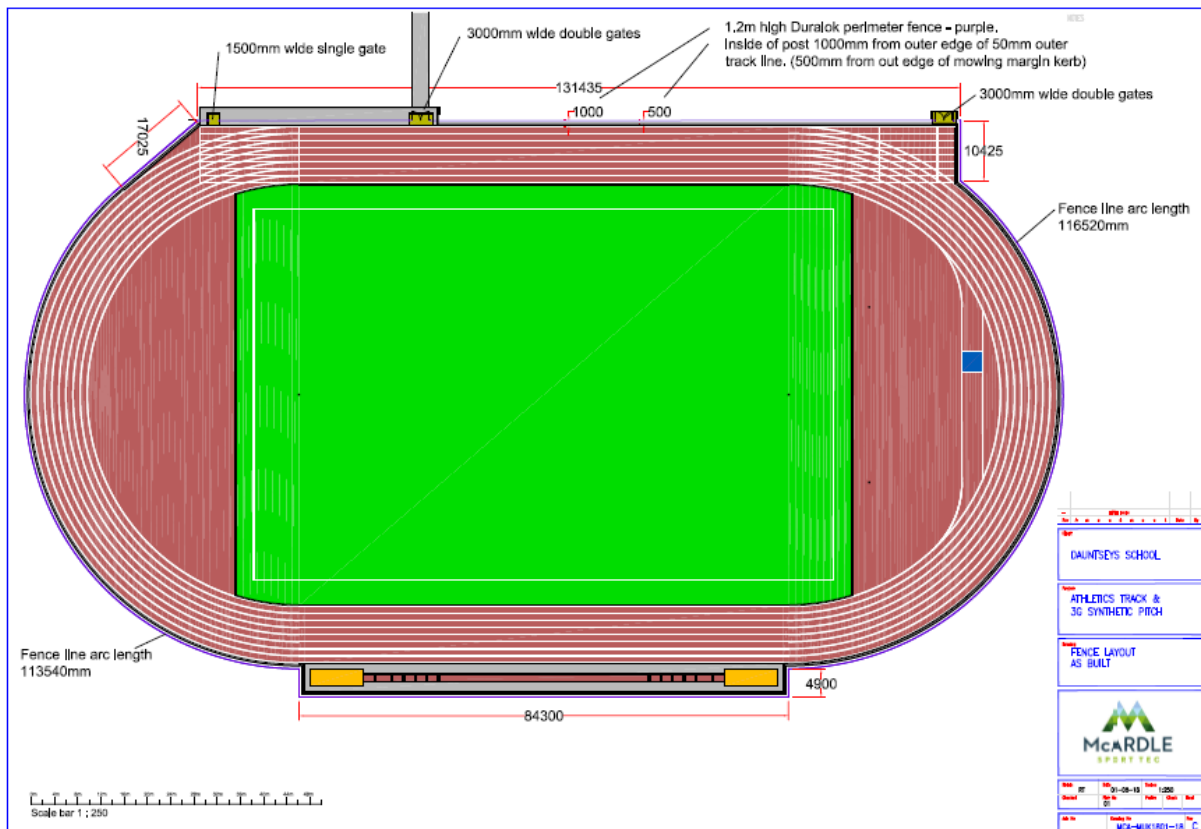
*Site Location Plan*

### **3. The Proposal**

The athletics track has recently been installed in the approved location; however it has a synthetic surface and is surrounded by a white fence. The current application therefore seeks retrospective planning permission to regularise the appearance of the track and the associated fence. The application also proposes some new planting along the south western boundary of

the application site in order to screen the track and fence from views from public rights of way on higher ground to the south of the site.

The covering letter submitted in support of the application states that “This application is submitted as a Section 73A application for development already under way. The construction of the synthetic track is complete and its siting is lawful by virtue of the NMA granted in 2017 (ref: K/58271/F), which approved its relocation to the south of that originally granted planning permission in 2003 (ref: K/042974). This original planning permission did not explicitly specify the surface (i.e. grass or synthetic) in the decision notice or on the approved drawings. The synthetic track was built out on the understanding that the 2017 NMA secured the necessary consent for its location as it would not have been required if the grass track alone were being marked in a different location on the approved outdoor sports pitch land”.



*Proposed Athletics Track*

The application was amended on the 7<sup>th</sup> February 2019 via the submission of an updated landscaping plan and landscape management plan to address the comments and recommendations of the Council’s Landscape & Design Officer.

The Local Planning Authority requested that further amendments were made to the proposed development, in line with the recommendations of the Parish Council i.e. change the colour of the track to green, remove the fencing surrounding the track or paint it a less conspicuous colour, add further planting at the southern end of the site, and remove or camouflage the metal structure within the centre of the track. A reduction of the artificial terracotta surface where it does not form part of the actual running track was also requested. The purpose of the requests was to reduce the visual impact of the development.

The requests were however refused by the applicant. It was specified that it is not possible to change the colour of the track by a simple process of painting or dyeing it, the fencing surrounding the track cannot be removed given that it is required for health and safety reasons

to separate athletes from spectators, further landscaping is not deemed necessary because it has not been requested by the Council Landscape & Design Officer, and the metal structure referred to is a movable cover to protect the high jump mats from the weather and is therefore not development. The applicant's agent also reiterated that none of the terracotta surface can be removed or painted green because the colour of the surface is part of its make-up and therefore the only way to change the colour is to rip it up and relay. It was specified that this is not an economical or sustainable option.

The Parish Council replied stating that "applicant's rejections of West Lavington Parish Council's reasoned propositions by citing Health and Safety issues and costs (the former has been rejected by industry experts, the latter is not relevant) are not valid reasons not to undertake the required adjustments to meet Core Policy 51 and 57". It was also noted that there are no valid reasons submitted as to why the applicant should not be providing additional planting to help mitigate the adverse impact on the natural landscape of the area.



#### 4. Planning Policy

The **National Planning Policy Framework (NPPF)** with particular regard to Chapters 4 'Decision-Making', 8 'Promoting Healthy and Safe Communities', 12 'Achieving Well-Designed Places', 15 'Conserving & Enhancing the Natural Environment' and '16 'Conserving & Enhancing the Historic Environment'.

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

- 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 67 Flood Risk.

**The Kennet Landscape Conservation Strategy Supplementary Planning Guidance** (May 2005) provides detailed information of the landscape enhancement priorities for each of the

different character areas in the former Kennet District Council Area. There are eleven different character areas as identified by the **Landscape Character Assessment** (1999). Although the former Kennet Local Plan has been replaced by the Wiltshire Core Strategy these documents continue to have full weight and are used for the purposes of implementing Core Policy 51 'Landscape' of the WCS as outlined within paragraph 6.74 of the WCS.

## 5. Consultations

**Wiltshire Council Landscape Officer** – No objection to the amended proposal.

**Wiltshire Council Conservation Officer** – No objection.

“The sports track is some distance from the boundaries of the conservation area and any listed buildings. The key issue is the impact on the special landscape area around the village rather than on the built heritage. I consider it more appropriate for our landscape colleagues to provide advice on this application to vary the condition”.

**West Lavington Parish Council** – Object to the proposal and recommends that planning permission is refused.

The Parish Council does not oppose the principle of the development but does object to the application as it currently stands. The consultation response stated that “In order to short-circuit what is manifestly a long-term solution proposed by the School, and which may never prove wholly achievable, West Lavington Parish Council considers that

- in the interests of **today's** community and its walkers' and ramblers' enjoyment of the spectacular vistas afforded by the natural environment, and
- equally importantly, in seeking to **avoid a delay** in use by students of the School and others of the track

the School should:

1. Commit immediately to making the track green in colour in a similar fashion as was required by the National Trust in relation to Stowe School's athletic track, described now as environment friendly
2. Remove the fencing altogether (as at Stowe) or camouflage it by repainting in a colour that ensures merger with the landscape – possibly brown
3. Commence planting in accordance with its supplemental proposed planting scheme, and to include planting at the southern end of the site (where no planting is proposed), the track being visible from the Ridgeway above Market Lavington (not only from Strawberry Hill) and needing eventual screening
4. Remove or disguise with a suitably coloured cladding or paintwork finish (camouflage) in place of the shiny metal, the metal structure within the circle of the track, already built without apparent planning permission, contrary to the explicit requirements of both K/042974 and K/58271/F – and not covered by the latest **Application 18/11759/VAR.**”

In addition to the above the Parish Council advised that the landscaping scheme approved under planning permissions ref K/42974 & K/58271/F was not carried out (except minimally) and the installed fence is a direct breach of one of the conditions of the aforementioned planning permissions which remove permitted development rights for means of enclosure. It was also asserted that the development should not be considered under a Minor Material Amendment application and a full planning application should be submitted for consideration.

## 6. Publicity

The application has been publicised via press and site notices and letters sent to properties within close proximity of the site. As a result of the original consultation exercise 1 letter of

support and 2 letters of objection were received. A re-consultation exercise was carried out following the submission of amended plans on the 7<sup>th</sup> February 2019, as a result 17 letters of support and 14 letters of objection were received.

The letters of support, which include letters from the Wiltshire Athletics Association, Wiltshire and Swindon Sport (WASP) (which is the County Sports Partnership for Wiltshire and Swindon) and Lavington - Track & Field Coaching Trust, are on the following grounds:

- It will be a very valuable and popular asset to our community as well as the school;
- Artificial tracks cost a vast amount of money and our community would be extremely lucky to have such a facility. The type of surface chosen is the most common and safest used by most of our industry, as any other type is liable to become very slippery from moss and algae build up which would be a big health and safety problem;
- The artificial surface will allow for year round use and the artificial athletics track surface is a welcome community amenity;
- An all weather surface will ensure that, amongst others, all the throwing, jumping and hurdling events can be done all year round in safety;
- The development of this athletics facility will be a benefit to the whole community as well as to the school and ensure that it is supported;
- The track will help children get into sport in the area not just in the school;
- The track is entirely appropriate, visually, within the context of the school buildings and grounds. No objection to either the red/terracotta/orange track or white railings;
- The new track is minimal when considered against and within the context of the existing and long standing visual impact of the whole site and village that can be seen from Strawberry Hill. Furthermore the track site will be mitigated over the next 5 years or so by the welcome addition of additional tree and shrub plantings.

The letters of objection are on the following grounds:-

- It has been built without the necessary planning process being followed and results in a severe visual impact on a designated special landscape;
- The process to legitimise the current build relies on changes being described as Minor Material amendments is not correct – a full plans submission should be made so that the final finish of the track and fence can be fully debated and consulted on.
- The proposed landscaping does not fully mitigate the impact the colour of the track and fence has on the landscape and will not be effective for many years. Any conditions placed on the delivery of this screen may be ignored;
- The proposal requires a number of conditions to be amended and the application does not specify which ones they wish to change or what the changes should be. It is therefore too imprecise to be a valid application;
- The wide, far-reaching views from Strawberry Hill toward Pewsey Vale are a significant visual benefit. This amenity has been adversely affected by the eye-sore red of the athletics track;
- The colour of the orange track could be changed to a less obnoxious colour;
- The development is totally out of keeping with the surrounding landscape;
- The colour of the white railing could be changed;
- The proposed landscaping will take years to mature;
- The pictures submitted on the planning website accurately reflect the huge impact it now has on the views across our parish and in particular across the Vale of Pewsey which is a protected landscape;
- The proposed landscaping indicates that what has currently been built would not be acceptable in planning terms had it been included as a new planning application;
- The landscape officer comments appear to take the starting point from the position of what has been built. In my view the negative impact which they are trying to mitigate has been caused by the building of the track without the necessary consent.

Therefore the landscape officer and the planning team must first determine whether the use of a variation clause is the correct approach;

- The landscape officer has raised no objection on the basis of Core policy 51 but I believe a comment on core policy 57 should be considered. In core policy 57 i below it states “*by ensuring that important views into, within and out of the site are to be retained and enhanced*” The current application does not address this important point and again this leads me to believe that the current application procedure is not correct.

#### **Wiltshire Ramblers – Objection:-**

“I would like to object to this planning application on behalf of Wiltshire Ramblers. The bright colour of the track surface is inappropriate on a site which is within the Vale of Pewsey Landscape Character Area. It does appear that, over time, the proposed landscaping will shield the track from views from Strawberry Hill but, however it will take some years to grow. Further, the site is surrounded by public footpaths on 3 sides and the landscaping proposals do not appear to address this aspect of the proposal. We would have no objection to a synthetic track if the colour was more in keeping with the surrounding landscape”.

#### **7. Planning Considerations**

The application seeks retrospective planning permission for the synthetic surface track by amending the original planning permission. Sections 73 and 73A of the Town and County Planning Act 1990 enable changes to be made to existing planning permissions. These changes are known as Minor Material Amendments i.e. changes that do not fundamentally change the scope of the original planning permission but are materially different and therefore require planning permission. In this case, planning permission is sought for a synthetic surface athletics track instead of the grass surface athletics track originally approved. The scheme also seeks retrospective planning permission for the fence that surrounds the athletics track. The fence cannot be considered ‘permitted development’ because the original planning permission removed permitted development rights via a condition for any means of enclosure. The purpose of the condition was to enable the Local Planning Authority to consider the landscape and visual impact of any new development within the application site.

The landscape and visual impacts of the development is the key material planning consideration. In terms of the planning policy background, the National Planning Policy Framework (NPPF) outlines that that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (par 170). Furthermore, Core Policy 51 ‘Landscape’ of the Wiltshire Core Strategy (WCS) outlines that “*development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and be sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies.*” Core Policy 57 ‘Ensuring high quality design and place shaping’ of the WCS seeks to ensure that development proposals enhance local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the exiting pattern of development.

The site lies within the Vale of Pewsey Landscape Character Area (Kennet Landscape Character Assessment (1999)) and the enhancement priorities relevant to this development which have been highlighted by the Council’s Landscape and Design Officer include the need to establish strong landscape structure to absorb existing or new development on the fringes of urban areas and settlements. The Officer has provided the following assessment of the amended proposal:-

*“The athletics track is sited on the south western edge of the school on the fringes of West Lavington. To the south the land rises to Strawberry Hill, an outlying ridge along the escarpment bordering the northern extent of the Salisbury Plain. This ridge is crossed by the Wessex Ridgeway long distance footpath which affords extensive panoramic views northwards towards the athletics track which is particularly prominent. For this reason the LPA has requested that a robust woodland planting scheme to the site boundary is submitted, as mitigation to provide a screening and filtering function to lessen the harmful landscape and visual effects on the wider countryside.*

*The revised planting proposals comprise a clump of woodland planting bordering the north western edge of the athletics track and a 10 to 15m belt of proposed woodland along the existing hedge line. The native tree species include Oak, Hornbeam and Field Maple planted as large specimen trees at 4 to 5m high which will reach on average an expected 12 to 15m high at maturity given the exposed nature of the site. The native mix of scrub planting including Hawthorn, Hazel, Holly and Blackthorn will provide a dense understorey and an effective visual barrier. It is envisaged that this planting will over time become a substantial belt of woodland alongside the athletics track, which is characteristic of the wider landscape. The submitted information includes a Landscape Management Schedule for the longer term management of the woodland.*

*It is acknowledged that the proposed woodland planting may not screen the athletics track in its entirety from all elevated views, however it will provide an effective wooded edge to the athletics track and thereby lessening its prominence within the overall landscape. The proposed planting is also consistent with the enhancement priorities for the Vale of Pewsey LCA, and in particular to create a strong landscape edge to minimise impacts on the surrounding countryside. As such this proposed mitigation is considered to be adequate with regards to Core Policy 51”.*

The synthetic athletics track has been installed on recreational land associated with Dauntsey's School adjacent to the existing artificial multipurpose sports pitches, the majority of which are enclosed by fences and some have floodlighting. It is therefore considered there is no change to the actual character of the landscape in terms of land use and its function but there is a clear visual impact due to the terracotta colour of the synthetic surface and bright white perimeter fencing. The athletics track is not visible from the B3098 Cheverell Road or the A360 High Street which are within close proximity of Dauntsey's School but it is visible and is a prominent feature within the landscape when viewed from higher ground to the south, although it is the larger terracotta surfaced areas within the track perimeter that draw the eye, rather than the track itself. The visual impact of these surfaced areas from direct and uninterrupted views is therefore primarily limited to what can be seen from higher ground leading to and around Strawberry Hill. This is recognised within the planning application which is why a comprehensive landscape scheme has been proposed along the south-west boundary of the recreational land to screen and soften the visual impact of the athletics track. Whilst it is recognised that the landscaping will not screen the entire track and will take a number of years to mature, it will provide an acceptable level of mitigation to the visual impact as confirmed by the Council Landscape & Design Officer. Furthermore, the athletics track is seen against the backdrop of the built up area of the School (with its red brick walls and tiled roofs) and the wider village and is not seen in isolation or against a countryside backdrop. In light of these reasons it is not considered that the landscape and visual impacts of the development are so significant that they would warrant a refusal of planning permission.

## **8. Planning Balance & Conclusion**

The application seeks retrospective planning permissions for the synthetic athletics track and perimeter fencing via an amendment to the original planning permission (ref K/42974). The track has been installed within the approved position but the impact on landscape character and visual



amenity are key material planning considerations which now need to be considered afresh to determine the acceptability of the artificial track and associated fencing.

The athletics track will be a valuable facility to the School and wider community and will contribute towards one of the aims of both national and local planning policy which is to enable and support healthy lifestyles through the provision of safe and accessible green infrastructure and sports facilities. It is unfortunate however from a visual perspective the track itself, and more particularly, the area inset within the perimeter of the track, is of a terracotta colour, and a white fence has been installed around the track, because the facility as constructed has a much greater visual impact than the grass surface track originally approved.

The Local Planning Authority and Parish Council have both requested certain amendments to reduce the prominence of the athletics track within the landscape and its visual impact. Whilst it is disappointing that none of the recommendations have been carried forward by the applicant the application must be assessed as it stands and it is considered that a refusal of planning permission is, on balance not warranted.

The prominent views of the track are only experienced from higher ground and with time the proposed landscaping will provide an effective wooded edge to the athletics track which will reduce its prominence within the overall landscape. Furthermore, the track is seen against the backdrop of the built up area of the school and village rather than being an isolated feature within the landscape. Whilst it is considered the visual impact of the development could be reduced, the scheme must be assessed as submitted, albeit with some updates to the proposed landscape scheme, and on balance it is recommended that planning permission be granted to vary the original planning permission as follows:-

- Condition 1 provides a time limit for the commencement of development which can be removed because the development has commenced;
- Condition 2 lists the approved plans and can be updated to refer to the new plans and documents submitted as part of this current application;
- Conditions 3, 4 & 5 required the approval and implementation of a landscaping scheme along with a landscape management plan. These can be updated to refer to the landscaping scheme and landscape management plan submitted as part of this current application;
- Condition 6 removes permitted development rights for means of enclosure which should remain in place;
- Condition 7 referred to the re-grading of the land which should remain in place.

## **RECOMMENDATION**

That planning permission be **GRANTED** subject to the following conditions.

- 1 The development hereby permitted shall be carried out in accordance with the following approved documents and plans:
  - Drawing no. 1 001 Issue A (Mercers Field Proposed Site Location Plan), received 12.12.18;
  - Drawing no. 1743 2700 Issue A (Site Plan), received 12.12.18;
  - Drawing no. 1743 2710 Issue C (Proposed Planting Plan), received 07.02.19;
  - Document no. 1743-2960 Rev A (Tree & Planting Schedules), received 07.02.19;
  - Document no. 1743-3970 (Landscape Management Schedule), received 07.02.19;
  - Drawing no. MCA-MUK1801-18 Rev C (Fence Layout as Built), received 12.12.18;
  - Drawing no. MCA-MUK1801-02 Rev C (Setting Out as Built), received 12.12.18;
  - Drawing no. MCA-MUK1801-04 Rev D (Drainage Layout as Built), received 12.12.18;
  - Drawing title. Crowd barrier with half mesh, received 12.12.18;

- Drawing no.DAUNT09-OA (Proposed Sportsfield - Section Detail), approved under application K/42974;
- Drawing no.DAUNT09-OB (Proposed Sportsfield - Section Detail), approved under application K/42974.

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

- 2 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the development. 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. The landscaping shall thereafter be maintained in accordance with the approved Landscape Management Schedule.

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

- 3 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, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: In the interests of visual amenity.

- 4 The regarding of the site shall only be carried out in accordance with the details shown on drawing DAUNT09-OA and DAUNT09-OB, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the visual amenity of this edge of the village site.



This page is intentionally left blank

## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 5

<b>Date of Meeting</b>	25 <sup>th</sup> April 2019
<b>Application Number</b>	19/01651/FUL
<b>Site Address</b>	Garages adjacent to 112 Waiblingen Way Devizes SN10 2BP
<b>Proposal</b>	Demolition of garages and erection of pair of semi-detached houses
<b>Applicant</b>	Aster Group
<b>Town/Parish Council</b>	DEVIZES
<b>Electoral Division</b>	Devizes North – Cllr Sue Evans
<b>Grid Ref</b>	400259 161884
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Ruaridh O'Donoghue

### Reason for the application being considered by Committee

#### 1. Purpose of Report

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

#### 2. Report Summary

The main issues to be considered are:

- Whether the use is acceptable in principle (CP 1 and 2);
- Whether the scheme constitutes high quality design (CP 57);
- Whether the scheme would have an acceptable landscape impact (CP 51);
- Whether the proposal would have a negative effect upon highway safety including if there is sufficient parking for the proposed development (CP 61 and 64); and
- Whether the scheme would lead to increased flood risks (CP 67).

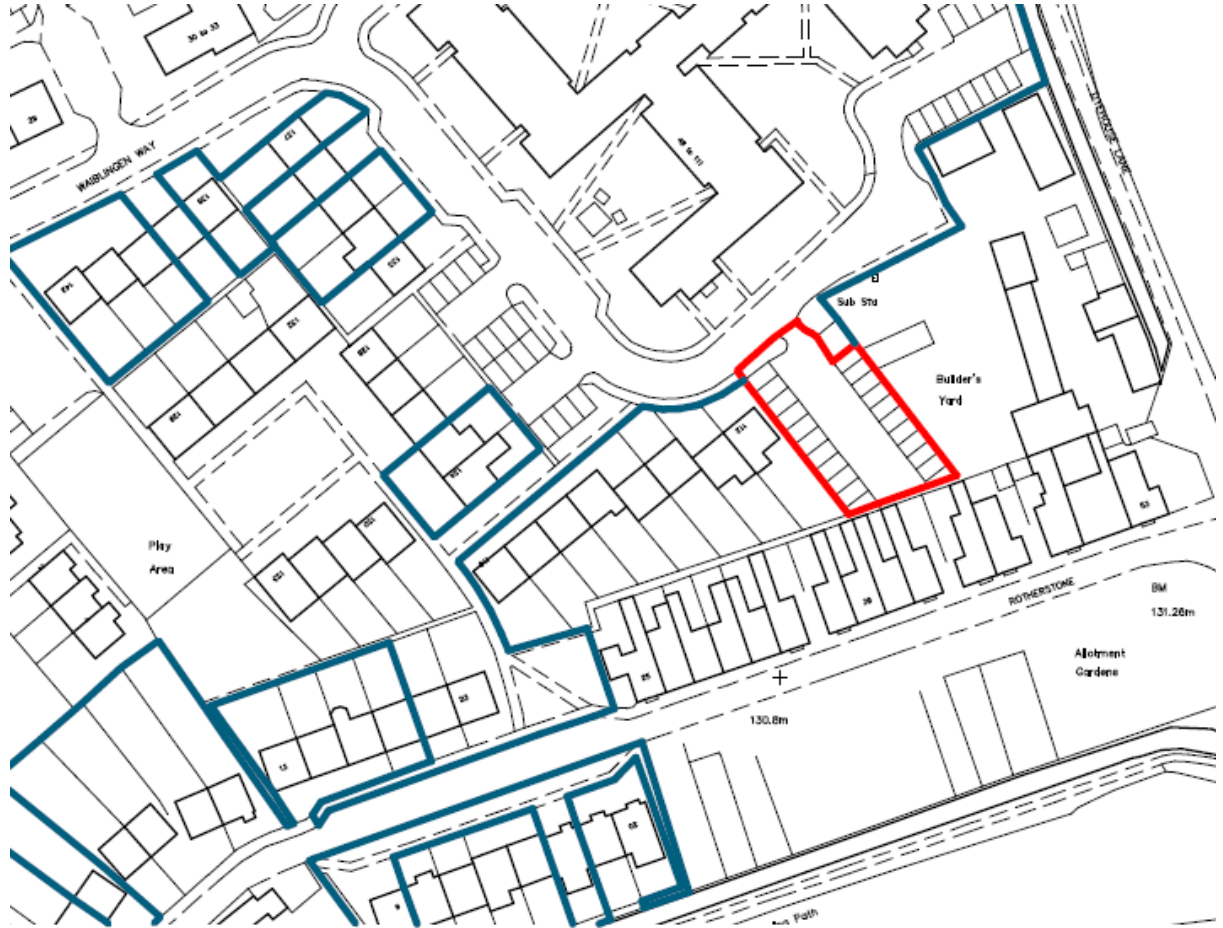
#### 3. Site Description

The application site is located off Waiblingen Way in Devizes which is situated in the North Western part of the town. The site currently consists of 2 rows of garages with turning space in front (21 garages in total). These are privately rented off Aster properties Ltd. The site is surrounded by residential properties that make up the rest of the estate save for the North Eastern side where it backs onto a commercial site. An electricity sub-station exists to the front of the site in the Northern corner of the site.

The site is located within the Limits of Development of Devizes which is classified as a Market Town within the WCS.

There are no notable planning constraints covering the site nor is there any planning history pertaining to it.

Below is a location map with photographs that show the context of the site.



**View of the front of the site looking South**



**View of site from entrance looking North East**

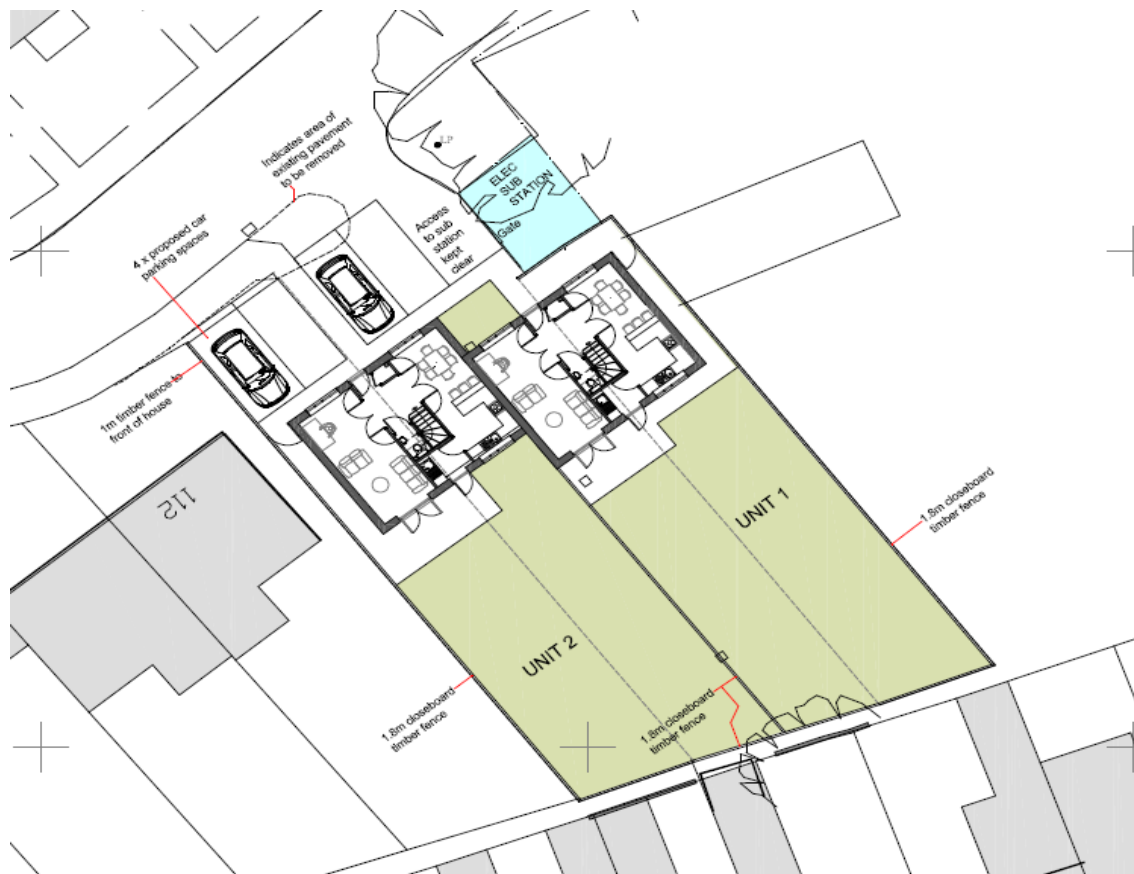




View from the rear of the site looking North West

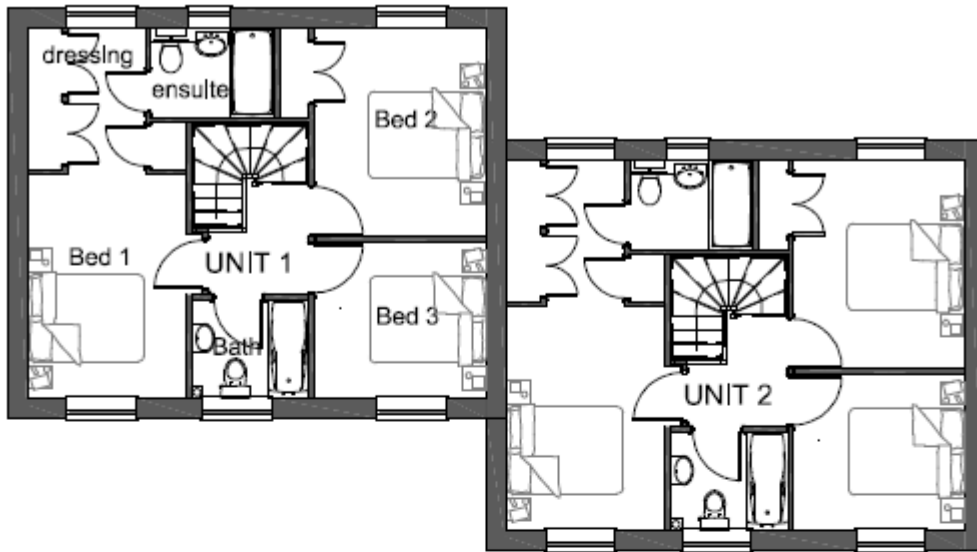
#### 4. The Proposal

The application proposes the demolition of the existing garage block and erection of a pair of semi-detached 3 bed dwellings. The dwellings are to be constructed out of facing brick work with concrete double roman tiles. They will occupy in total, a footprint of approximately 122m<sup>2</sup> (approx. 61m<sup>2</sup> per dwelling) with a ridge height of 7.3m. Each dwelling is to be served by 2 parking spaces.

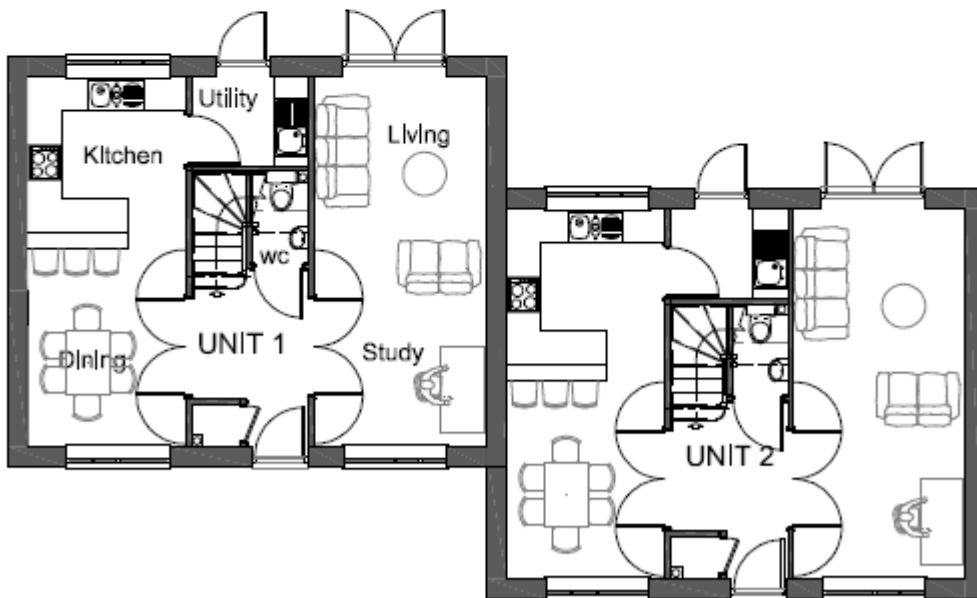


Site Plan

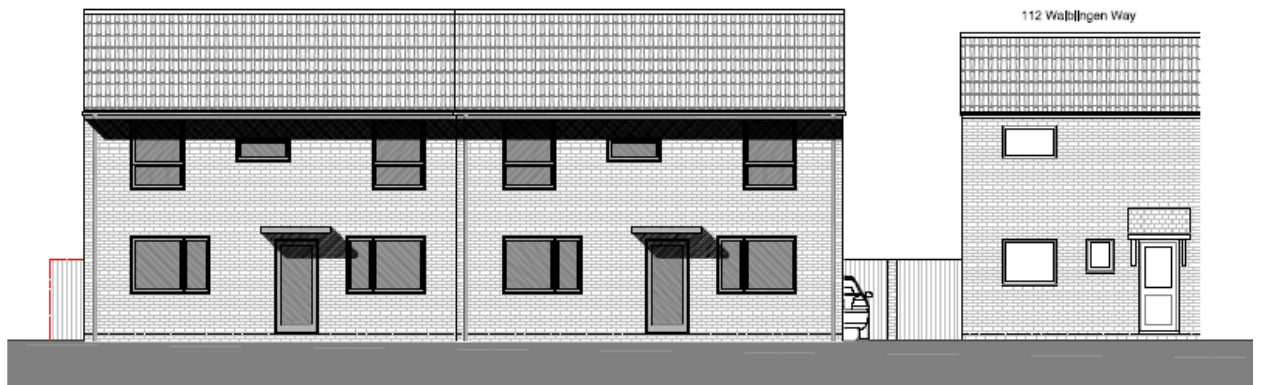




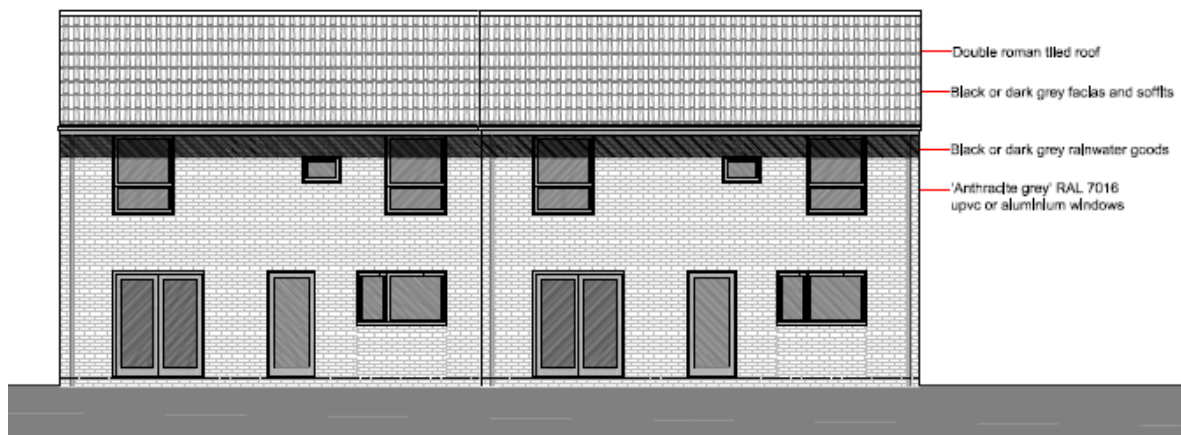
FIRST FLOOR PLAN



GROUND FLOOR PLAN

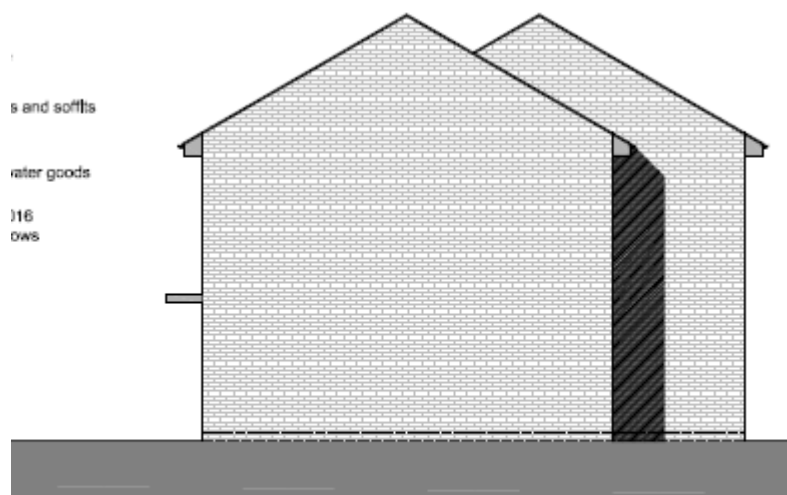


NORTH WEST ELEVATION



ON SOUTH EAST ELEVATION

S



SOUTH WEST ELEVATION

## 5. Planning Policy

### Wiltshire Core Strategy 2015 (WCS):

- CP 1 – Settlement Strategy
- CP 2 – Delivery Strategy
- CP 12 – Devizes Community Area Strategy
- CP 51 – Landscape
- CP 57 – Ensuring High Quality Design and Place Shaping
- CP 61 – Transport and New Development
- CP 64 – Demand Management

### Devizes Neighbourhood Plan July 2015

### National Planning Policy Framework 2019 (NPPF)

#### Supplementary Planning Guidance:

- Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) – minimum residential parking standards.

## 6. Summary of consultation responses

### Devizes Town Council

The Committee considered that the area provides significant and more secure off-street parking. Unless Wiltshire Council can demonstrate that the denial of this space for off-street parking does not breach the criteria for the provision of residential parking in accordance with current planning policy, Devizes Town Council objects to the proposed redevelopment as unsustainable for the community.

### Wiltshire Council Drainage

Holding objection currently on the grounds of lack of supplied drainage information.

To clear the objection we will require:

- Outline plan of foul drainage disposal, including outline consent for the additional flow rate from sewerage undertaker if proposal to connect to mains sewer
- Outline surface water disposal plan, including infiltration testing results to BRE 365 and evidence that any proposed soakaway has a clearance of at least 1m from the groundwater level, allowing for seasonal variations. The plan should demonstrate that the minimum Building Control clearances can be met
- Outline plan for attenuation of discharge rate for the surface water from site
- 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.

### Wiltshire Council Highways

The information provided states that of the 21 garages on the site only 5 are still in use. The applicant states that they have garages in the location which are also under used and can be utilised to replace the displaced 5 spaces. I am minded to take this information at face value/as provided.

The layout of the two dwellings and parking from a highway position is acceptable subject to the following condition:

*No part of the development hereby permitted shall be first occupied until the access, and parking spaces (surfaced in a consolidated material, not loose stone or gravel) 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.*

## **7. Publicity**

The application was advertised by way of a site notice and neighbour notification letters.

## **8. Planning Considerations**

### **8.1 Principle of Development**

The site lies within the Limits of Development (LoD) of Devizes where under Core Policies 1 and 2 new residential development of this scale is permitted. This is of course subject to compliance with other relevant policies of the development plan. Furthermore, the site would also be classified as brownfield land. The WCS highlights the benefits of developing this land first in preference to greenfield sites.

In accordance with the WCS, the Devizes NP allows for this type of development as it is within its settlement boundary.

### **9.2 Design / Visual Impact**

The garages have no architectural merit and do not add any aesthetic value to the character of the street scene. Their loss will not be of any consequence to the visual amenities of the area. Waiblingen Way has several other garage sites with vacant spaces within the estate which can be utilised for those that currently rent one of the garages on this site (only 5 of the 21 garages are in use).

The plot size itself is sufficient to accommodate a development of this scale without the appearance of an overdeveloped site. Spacing between the existing and proposed dwellings is sufficient so as not to appear out of character with the estate and the position of the dwellings in a staggered way ties in with the properties along this side of the street.

The proposed pair of semi-detached dwellings will be of broadly the same height, size and scale as the other properties along Waiblingen Way. The proposed materials will be similar to those used in the construction of the other dwellings on the estate. A materials condition can be imposed to ensure the exact brick and tile do fit with the streetscene.

The arrangement of fenestration will be broadly similar to the other dwellings on the street.

Parking spaces will be provided to the front of the dwellings which is not an uncharacteristic trait of the estate as some of the other dwellings have paved over their front gardens to achieve off-road parking.

Overall therefore, it can be concluded that the proposed development would fit in with the prevailing character of the area in terms of plot size, buildings height, mass, scale and elevational treatment. The character of the streetscene will also be preserved with, arguably some improvement through the loss of the unsightly garages. As such, it represents the design standards expected of Core Policy 57 of the WCS.

The proposed development will sit within a well-established residential area with limited public views into the site from outside of the estate. With this in mind, the development will not have any wider visual impacts beyond the immediate streetscene. Landscape

character will therefore be preserved in accordance with the requirements of Core Policy 51.

### 9.3 Highways Safety / Parking

The proposal provides two off road parking spaces per dwelling which is in line with adopted minimum standards for 3 bed dwellings. The requirements of Core Policy 64 of the WCS are thus met.

The site is currently used for garaging with turning space in front. Given the number of garages, it is fair to say that this point of access on to Waiblingen Way has the potential for greater use under the existing arrangement. The creation of two independent access points to serve the dwellings will not generate as much potential traffic and therefore it would be difficult to object on the grounds that it would be prejudicial to highway safety. It is concluded that a safe and suitable means of access can be attained.

At present the applicant has confirmed that only 5 of the garages are in use. The garages will be lost as a result of this proposal. However, Waiblingen Way contains a number of other garage sites where there are vacant spaces sufficient to accommodate the 5 in use garages that will be lost here. It is considered that any displaced parking as a result of this proposal would be absorbed by the free garage spaces that exist throughout the rest of Waiblingen Way. As such, there should be no adverse impacts to highway safety by reason of increased on-street parking.

In any event, the right to park in these garages could be removed at any moment by Aster Properties Ltd. without needing to make an application to the LPA. This point should be considered as a potential fall-back position that would have the same impacts but without any control from the Council.

Accordingly, the development is capable of being served by a safe and suitable means of access in accordance with Core Policy 61 of the WCS and will not be an unacceptable impact to highway safety (NPPF paragraph 109).

Furthermore, no objections have been raised by the Local Highways Authority subject to conditions to censure that the access and parking are laid out prior to occupation in a consolidated material.

### 9.4 Drainage

The site is not in an area of surface water vulnerability nor is it within the flood zone. The whole site is currently covered by a non-permeable surface. The proposed development would see a reduction in the amount of non-permeable surface within the site through the introduction of garden spaces.

The applicants have stated that they intend to use soakaways to deal with surface water drainage with foul sewage going to the mains sewer.

A holding objection is in place by the Council's Drainage Engineer as they wish to be satisfied that in principle the site can be drained using soakaways i.e. they wish to see percolation testing to ensure there is at least 1m of unsaturated soil exists between the base of the soakaways and groundwater level. They also want an outline plan of foul drainage disposal, including outline consent for the additional flow rate from the sewerage undertaker as the proposal is to connect to the mains sewer.

The objection put forward by the Drainage Team (LLFA) is the only outstanding issue with the site. They are not however, a statutory consultee on the application as it is not a major application. It is in fact minor development, to which the PPG states is unlikely to raise significant flood issues. Furthermore, the level of information the LPA should request on a planning application should be proportional to the type or amount of development proposed.

Given the location of the site, and taking account of the factors identified above, the LPA is satisfied that this information could be secured via a planning condition and that this would be the proportionate response to an application of this nature. If there is a problem on the site with the use of soakaways or if connection to the main sewer is not possible, then alternative methods will have to be explored for the drainage scheme. This would be covered by the imposition of planning conditions.

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

The development is considered to be acceptable in principle. The design of the scheme meets the standards set out in Core Policy 57 of the WCS and it will not have any harmful impacts to landscape character thus also complying with Core Policy 51.

Whilst concerns have been raised about the loss of parking, the Local Highway Authority has raised no objections to the development. The applicants have demonstrated that the loss of the garages will not result in an increase on-street parking as other empty garages on the estate exist that could be taken up. Local and national planning policy has thus been satisfied in this instance and a refusal to grant planning permission on these grounds would be difficult to substantiate at appeal.

There are no further technical objections to the site that cannot be overcome through the use of appropriate planning conditions.

As such, the balance lies in favour of approving the application as it accords with the up-to date development plan for the area (the WCS). There are no material considerations (including the NPPF) that would indicate a decision should be made otherwise.

### **RECOMMENDATION:**

That planning permission be granted subject to the conditions outlined in this report.

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - Application Form
  - Drg. Ref: Location \_ 1796-OS.dwg
  - Drg. Ref: P1-1796-Planning.dwg
  - Drg. Ref: BDS-09-18 - Topographical Survey

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

- 3 No development shall commence on site above ground floor slab level until the exact details and samples of the materials to be used for the external walls and roofs have

been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 4 No part of the development hereby permitted shall be first occupied until the access, and parking spaces (surfaced in a consolidated material, not loose stone or gravel) have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety

- 5 No development shall commence on site above ground floor slab level 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: In order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 6 No development shall commence on site above ground floor slab level 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: 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.

- 7 **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).

- 8 **INFORMATIVE:**

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352.





This page is intentionally left blank

## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 6

<b>Date of Meeting</b>	25 <sup>th</sup> April 2019
<b>Application Number</b>	19/01663/VAR
<b>Site Address</b>	Thatched Cottage, Baldham, Seend, Melksham, Wiltshire, SN12 6PW
<b>Proposal</b>	Variation of condition 3 of planning permission E/2011/1685/FUL to allow occupation of the annexed accommodation as a separate dwelling unit
<b>Applicant</b>	Mr Brian Atkinson
<b>Parish Council</b>	SEEND
<b>Electoral Division</b>	Summerham and Seend – Councillor Jonathon Seed
<b>Grid Ref</b>	392734 159985
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Nick Clark

### Reason for the application being considered by Committee

The application is to be considered by the planning committee at the request of Councillor Seed for the following reason:

“The applicant has justified the proposal on the basis of paragraph 79 d) of the new NPPF and backed up their case with a comparable planning appeal decision. This is a new provision in the NPPF and as such I would like the interpretation of the new provision to be made by Members and to be fully considered and debated at the planning committee”.

#### 1. Purpose of Report

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

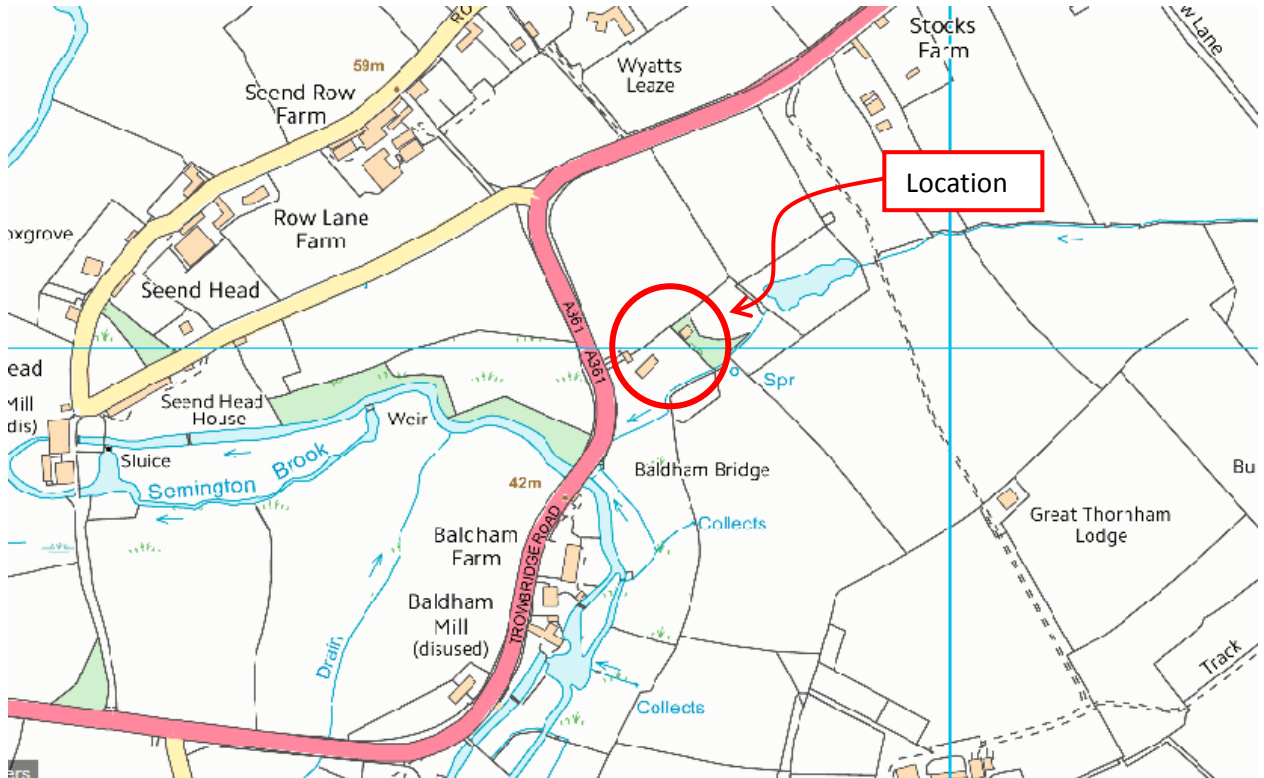
#### 2. Report Summary

The proposal is assessed against the policies of the development plan, which are the primary consideration, and Government guidance in the NPPF, particularly paragraph 79. Seend Parish Council object to the proposal.

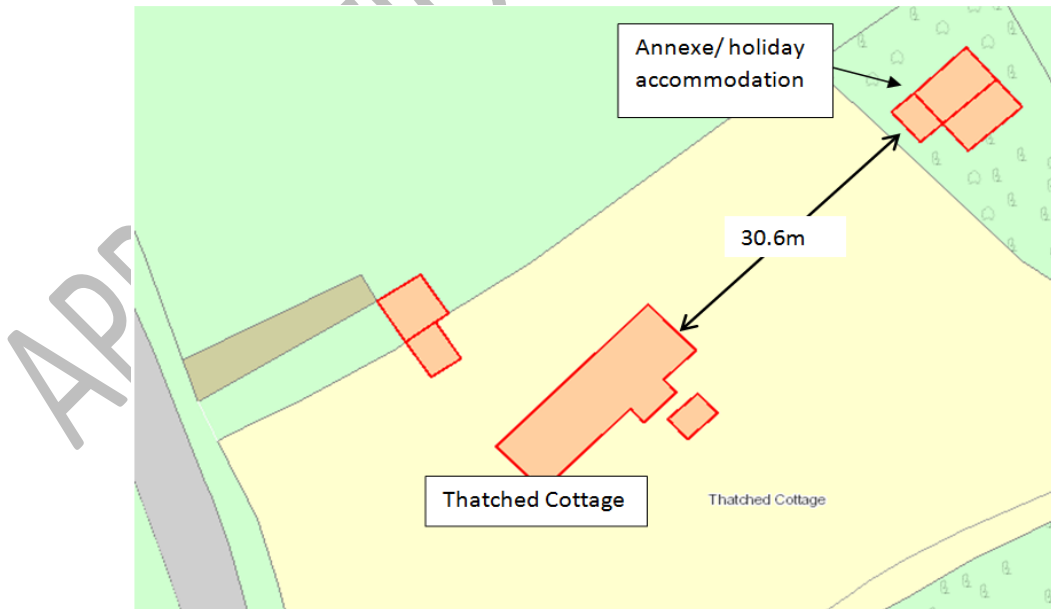
#### 3. Site Description

The application concerns an outbuilding to Thatched Cottage, that was largely reconstructed, extended, converted and thatched following consent in 2011 to provide holiday accommodation or accommodation ancillary to the use of Thatched Cottage.

The site is in a relatively isolated rural position, on the east side of the A361 to the north side of Baldham Bridge.



The site is located outside the Limits of Development for Seend designated in the Wiltshire Core Strategy, where rural policies apply.



#### 4. Planning History

K/50782/F

Erection of a two storey thatched extension.

Approved

## 5. The Proposal

The application seeks removal of condition 3 of the 2011 planning consent that restricts use of the building to ancillary and holiday accommodation. The condition reads:

*The accommodation hereby permitted shall remain as ancillary accommodation to the principal dwelling, namely The Thatched Cottage, Baldham, or shall be occupied for holiday purposes and shall at no time be occupied as a person's sole or main place of residence. A register (including names and main home addresses) of all occupiers of the accommodation for holiday purposes shall be collated and maintained by the occupier of The Thatched Cottage, Baldham, and this information shall be available at all reasonable times on request by the Local Planning Authority.*

### REASON:

*To ensure that the accommodation hereby permitted may not be used as a separate dwelling in this open countryside location where new development is restricted in accordance with national and local planning policy and guidance.*

In other words, the application seeks to allow the annexe/ holiday accommodation to become an independent dwellinghouse with no occupancy restrictions.

## 6. Local Planning Policy

The development plan so far as is relevant comprises the Wiltshire Core Strategy (2015).

The following policies of the Wiltshire Core Strategy are of particular relevance to the proposal:

CP1	Settlement strategy
CP2	Delivery strategy
CP3	Infrastructure requirements
CP15	Melksham Community Area Strategy
CP48	Supporting rural life
CP57	Ensuring high quality design and place shaping
CP60	Sustainable transport
CP61	Transport and new development
CP62	Development impacts on the transport network

Government policy for rural housing is set out in section 5 of the National Planning Policy Framework, with paragraph 79 being of particular relevance.

## 7. Summary of consultation responses

<b>Seend Parish Council:</b>	<p>“Seend Parish Councillors unanimously agreed that the application should be refused for the following reasons.</p> <p>Condition 3 (that the accommodation must remain ancillary to the principal dwelling) that was placed on the original planning application (E/2011/1685/FUL) for the conversion/rebuilding of the derelict building to provide ancillary residential accommodation should remain in place because the reasons for imposing the condition had not changed. The property is still in open countryside where new development is restricted in accordance with national and local planning policy and guidance. Councillors strongly felt that this should be upheld.</p> <p>There was also concern that if the application to remove the condition was removed, it may set a dangerous precedent for other similar developments to do the same”</p>
<b>Wiltshire Council Highway Officer:</b>	<p>The site is in an unsustainable location in respect of access to services, amenities and facilities, contrary to Core Policy 60 &amp; Core Policy 61. Visibility at the access onto a bend on the A361 needs to be improved. No objection however if the use is supported by other policies.</p>

## 8. 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.

### 8.1 Principle of development

Core Policy 1 and Core Policy 2 together with Core Policy 15 dictate against new residential development outside recognised Limits of Development within the Melksham Community Area, unless specifically sanctioned by other ‘exception’ policies of the Core Strategy.

The principle of the development is thus contrary to the development plan unless supported by one of the exception policies.

### Exception policies

A key exception is under Core Policy 48, which supports the re-use of redundant or disused buildings for residential purposes in isolated locations where justified by special circumstances, in line with national policy. There is nothing to suggest however that the building is currently redundant or disused for this exception to apply.

National policy is nonetheless a material consideration, and the relevant provision is to be found in paragraph 79 of the National Planning Policy Framework, which allows for *'the subdivision of an existing residential dwelling'*.

The applicant relies on an appeal decision in Devon where the meaning of *'subdivision of an existing residential dwelling'* was held to apply to the segregation of an annexe from a house. In that case however the annexe and the main house comprised a single building. There was an interconnecting doorway between the annexe and the main part of the house. It is thus fully understandable in that instance that the Inspector held that the change amounted to *'subdivision of an existing residential dwelling'*. It seems doubtful however that the Inspector in that case could have arrived at the same conclusion if she had been considering an annexe located 30m from the house.

The language of para. 79 clearly applies to sub-division of a single dwelling. In the case of Thatched Cottage there are two separate buildings; Thatched Cottage itself, and the self-contained 1½ storey 2-bedroom dwelling sited some 30m away (a legal agreement and planning condition restrict its use to either annexe accommodation or for holiday use).

The NPPF does not offer any definition of the word 'dwelling'. By any logical or rational interpretation however it is not considered that the two buildings at the site could together be considered to form a single dwelling, or that removal of the condition limiting use of the building to holiday and annexe use would constitute 'subdivision of an existing residential dwelling', so as to gain support from para. 79 of the NPPF. It is pertinent to note in this respect that the government changed the proposed wording of this clause from 'sub division of an existing residential property' in the draft revision of the NPPF to 'sub division of an existing residential dwelling' in the final version.

A further exception under Core Policy 48 is the conversion and re-use of buildings for residential purposes but this is only supportable where there is clear evidence that employment, tourism, cultural and community uses are not a practical proposition. The application does not make the case for, or provide any clear evidence for, the preferred uses (including the existing holiday or annexe use) not being a practical proposition.

#### 8.2 Access and highway safety

Core Policy 60 and 61, in short, seek to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives. As noted by the Highway Officer, the site is poorly located with respect to access to local services, amenities and facilities. There is no footway or cycleway along the A361 and the road is unlit along this section, with no convenient or safe pedestrian route to the nearest bus stops. The Highway Officer also notes the sub-standard visibility of the access onto the A361. The introduction of a further independent dwellinghouse on the site would thus be contrary to Core Policy 60 and Core Policy 61.

For the reasons above it is concluded that the development would be contrary to the development plan. In accordance with Section 70(2) of the Town and Country Planning

Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 permission must therefore be refused unless material considerations warrant otherwise.

### 8.3 Other material circumstances

Other than the agent's own interpretation of the NPPF, the application does not suggest any material considerations to weight against the conflict with the adopted policies, and no such considerations are otherwise to be found. Whilst the extent to which the building is used for holiday versus annexe accommodation is unknown. Continued holiday use however is fully supported by the Core Strategy as well as tourism studies that show a healthy demand for such properties. If use of the building for annexe accommodation ceased, this could well then result in pressure for further extension of Thatched Cottage.

The point raised by the parish council (who object to the proposal) about the potential precedent is also relevant. The Council has encouraged the re-use of suitable structures in rural locations for tourist accommodation to boost the rural economy – the supply could be reduced if these are subsequently lost to unrestricted occupation.

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

The principle of development of new independent residential accommodation in outside recognised Limits of Development is in conflict with the policies of the development plan. Furthermore the removal of the restriction on holiday/ annexe use of the building is not supported by paragraph 79 the National Planning Policy Framework, which applies only to sub-division of a single dwelling.

Due to the location, occupants of the house would be heavily car-dependent, but with access onto the A361 offering sub-standard visibility, the intensified use of the access resulting from independent use of the house would be detrimental to highway safety.

As such, both in principle and in practice, the development would be contrary to the development plan and the National Planning Policy Framework. With no circumstances sufficient to warrant otherwise, the application is recommended for refusal.

## **RECOMMENDATION**

That planning permission is **REFUSED** for the following reasons:

1. Use of the building as an independent dwellinghouse, outside recognised Limits of Development, would be contrary to Core Policy 1, Core Policy 2 and Core Policy 15 of the Wiltshire Core Strategy.
2. The site is in a location poorly served by local services and amenities and the adjoining road is unlit, has no footway or cycleway, and no convenient or safe pedestrian route to the nearest bus stops. As such the occupants of the dwelling would be heavily reliant on the use of private cars for the majority of day to day trips, contrary to Core Policy 60 and Core Policy 61 of the Wiltshire Core Strategy,



and intensified use of the sub-standard access would be detrimental to highway safety, contrary to Core Policy 61 of the Wiltshire Core Strategy.

---

APPLICATION WITHDRAWN

This page is intentionally left blank



This page is intentionally left blank