

AGENDA

Meeting: Eastern Area Planning Committee

Place: [Access Online Meeting](#)

Date: Thursday 10 September 2020

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

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

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Membership:

Cllr Mark Connolly (Chairman)
Cllr Paul Oatway QPM (Vice-Chairman)
Cllr Ian Blair-Pilling
Cllr Stewart Dobson

Cllr Peter Evans
Cllr Nick Fogg MBE
Cllr Richard Gamble
Cllr James Sheppard

Substitutes:

Cllr Ernie Clark
Cllr Anna Cuthbert
Cllr George Jeans

Cllr Jerry Kunkler
Cllr Christopher Williams
Cllr Graham Wright

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AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 18*)

To approve and sign as a correct record the minutes of the meeting held on 9 July 2020.

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.

During the ongoing Covid-19 situation the Council is operating revised procedures and the public are able participate in meetings online after registering with the officer named on this agenda, and in accordance with the deadlines below.

[Guidance on how to participate in this meeting online.](#)

Statements

Members of the public who wish to submit a statement in relation to an item on this agenda should submit this electronically to the officer named on this agenda no later than 5pm on Monday 7 September 2020.

State whom the statement is from (including if representing another person or organisation), state points clearly and be readable aloud in approximately 3 minutes. Up to three speakers are allowed for each item on the agenda.

Questions

Those wishing to ask questions are required to give notice of any such questions electronically to the officer named on the front of this agenda no later than 5pm on 3 September 2020 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 7 September 2020.

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 members prior to the meeting and made available at the meeting and on the Council's website; they will be taken as read at the meeting.

6 **Planning Appeals and Updates** (*Pages 19 - 20*)

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 **18/09889/FUL - Land at South Street, Avebury, SN8 1QZ** (*Pages 21 - 38*)

Erection of dwellinghouse with garaging and access.

7b **20/03194/LBC & 20/04069/FUL - Barn at Southcott Manor, Southcott Road, Pewsey SN9 5JF** (*Pages 39 - 50*)

Retention of glazed doors to 2 original cart door openings.

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

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ONLINE ON 9 JULY 2020.

Present:

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

Also Present:

Cllr Stuart Wheeler.

13. **Apologies**

There were no apologies for the meeting.

14. **Minutes of the Previous Meeting**

The minutes of the meeting held on 30 January 2020 were presented for consideration and it was;

Resolved:

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

15. **Declarations of Interest**

There were no declarations of interest.

16. **Chairman's Announcements**

The Chairman announced that if the Committee took a short break at any point, the broadcast would continue.

Therefore, he requested that Members and Officers did not engage in discussion during that break and that they muted their microphones.

17. **Public Participation**

The Chairman detailed the procedure for the meeting and the procedures for public participation which were set out at item 5 of the agenda.

18. **Planning Appeals and Updates**

The Chairman requested that Andrew Guest, Major Projects and Performance Manager, introduce the Appeals Report as detailed on pages 27-30 of the agenda pack and requested that Members email any questions on the report to Andrew Guest.

Andrew Guest stated that he had nothing to add to the list of decisions detailed in the report but was happy to receive questions.

The Chairman proposed a motion that the Committee note the updates, this was seconded by Cllr Paul Oatway QPM. It was

Resolved:

To note the report on completed and pending appeals.

19. **Planning Applications**

The following planning applications were considered.

20. **20/02218/FUL - Land opposite Hungerford Road, A338, East Grafton, Marlborough, Wiltshire, SN8 3DF**

Public Participation

David Lemon (Applicant) provided a statement in support of the application.

Aaron Smith (Agent) provided a statement in support of the application.

Bill Clemence provided a statement in support of the application.

Grafton Parish Council provided a statement in support of the application.

Andrew Guest, Major Projects and Performance Manager, presented a report which recommended that planning permission be refused for the erection of 15 dwellings with access onto A338, formation of bus stop layby on A338, parking and associated landscaping with change of use of agricultural land to residential garden land.

Key details were stated to include the following.

In planning policy terms East Grafton was a small village in the countryside and the application lay beyond the Eastern edge of the village in the countryside. Wiltshire Council Core Policy 1 (CP1) and Wiltshire Council Core Policy 2 (CP2) limit development in small villages to infill, which was defined as the filling of a small gap within the village that was only large enough for not more than a few dwellings. Therefore, the proposal, being for 15 dwellings and not being within the village did not meet this definition. Consequently, it was classed as unsustainable development and was contrary to CP1 and CP2.

In addition, the NPPF stated that permission should be refused for major developments (which this would be classed as) in the Area of Outstanding Natural Beauty (AONB) other than in exceptional circumstances and where it

can be demonstrated that the development was in the public interest, which was not the case for this proposal, as detailed in the report.

There were also issues with the proposal having a detrimental impact on views in the area and the proposal not meeting the exception policy for affordable housing in rural areas (CP44). Whilst it was accepted that the Local Authority could not now demonstrate a five year housing supply, there was only a modest shortfall and recent appeal decisions (contained in the agenda pack) concluded that the overall strategy of the Wiltshire Core Strategy remained desirable and effective.

There were no technical questions for the officer.

In accordance with the procedure for virtual meetings public statements were then read out by the Democratic Services Officers, as detailed above, with any further statements included in Agenda Supplement 1 along with the committee presentation.

The unitary division member, Cllr Stuart Wheeler, Burbage and The Bedwyns, spoke in support of the application. Cllr Wheeler's main points concerned: the shortfall on the five year housing supply meaning that certain applications should be looked upon favourably; that the AONB had not been consulted and were in support of the application; that the definition of infill was restrictive and open to interpretation; the Wiltshire Council Residential Development Project had made an offer on the six affordable homes and the proposal was supported by the community and the boundaries of the village were up for debate.

In response to public statements the officer directed the Committee again to the appeal decisions concerning the five year housing supply. It was explained that there was no settlement boundary for East Grafton as it was a small village and as such was considered as being in the countryside, where only infill development was permitted. The Wiltshire Council Residential Development Project team had confirmed that the offer made was not intended to support the planning process and the offer would only become relevant if the approval was granted, as had been stated in the offer.

Prior to the debate Cllr Mark Connolly proposed a motion to refuse the application as per the officer recommendation. This was seconded by Cllr Ian Blair-Pilling.

A debate followed where issues raised included that this was first class agricultural land which the Country was losing rapidly. The proposal was the wrong scheme for the site and the applicant could consider looking at other routes such as the Rural Exception Site Scheme or a Neighbourhood Plan could be developed by the Parish and community. The role of the Committee was to determine if this application fitted within planning policy. Planning inspectors had stated that the core strategy still carried weight despite the five year land supply not quite being met.

At the conclusion of the debate it was;

Resolved:

That planning permission be refused, for the following reasons -

1. **Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the County, and identifies five tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, Large Villages and Small Villages. Within the Settlement Strategy East Grafton is identified as a Small Village. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined boundaries, or limits of development. Beyond the limits - and including the Small Villages - is countryside.**

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier. The policy states that within the limits of development of those settlements with defined limits there is a presumption in favour of sustainable development, and at Small Villages in the countryside development will be limited to 'infill' within the existing built area (defined 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"); but outside these parameters, other in circumstances as permitted by other policies of the Plan, development will not be permitted, and that the limits of development may only be altered through identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans. The application site is not identified for development in a Development Plan Document or Neighbourhood Plan.

Core Policy 18 of the Wiltshire Core Strategy sets out the 'Spatial Strategy' for the Pewsey Community Area in which East Grafton lies. It confirms that over the plan period approximately 600 new homes will be provided in the Area consisting of a range of sites in accordance with Core Policies 1 and 2. The latest housing figures, published in the Wiltshire Housing Site Allocations Plan Topic Paper 3 Addendum (July 2018) confirms that the indicative requirement for the Wiltshire Core Strategy plan period (2006-2026) in the Pewsey Community Area has been met, i.e. the current residual requirement for the Pewsey Community Area is 0 dwellings due to completions and extant permissions. In identifying its supply of specific deliverable housing sites Wiltshire Council uses suitably defined sub-county areas as referred to in the Wiltshire Strategic Housing Market Assessment and the Wiltshire Core Strategy, titled 'Housing Market Areas'. The Pewsey Community Area lies within the East Wiltshire Housing Market Area. The Topic Paper also shows that there is at least an 8 year housing land supply in the East Wiltshire Housing Market Area at this time.

This said – and notwithstanding the above figures – in terms of paragraphs 11 and 12 of the National Planning Policy Framework, a recent appeal decision elsewhere in the wider Wiltshire Council area has confirmed that there is, in fact, a housing shortfall, this in the context of supply being calculated county-wide now that the Wiltshire Core Strategy is more than 5 years old and in view of some sites not being deemed as imminently deliverable. The confirmed supply is in the range of 4.42 to 4.62 years. But, regardless of this – and as determined by the appeal inspector – there remains substantial benefit in maintaining a plan-led system, and accordingly the overall strategy of the Core Strategy to direct development to the most sustainable settlements remains both desirable and preferable in meeting the objectives of the Framework. The Inspector confirmed, *“Even at the lower end of the range there is a relatively modest shortfall in housing land in the Wiltshire Council area. The local housing need derived from the standard method is very similar to the housing requirement contained in the CS for the relevant five-year period and so there is no reason to think that the strategy will not continue to be effective, particularly in light of recent progress in adopting the Housing Site Allocations Plan”*.

Accordingly, very significant weight is still given to the Wiltshire Core Strategy policies; in terms of paragraph 59, the Core Strategy is still “boosting significantly the supply of housing” in the Area in any event. It follows that further other, or ‘windfall’, sites, or sites delivered outside of any housing site allocations DPD or neighbourhood plan, continue to be not required at this time and will continue to be deemed unsustainable in the context of the Wiltshire Core Strategy.

This proposal itself is to erect 15 houses, etc. on land which is in the countryside and which does not comply with defined criteria for ‘infill’ development in Small Villages. Under Core Policies 1, 2 and 18, this does not accord with the Settlement and Delivery Strategies as a matter of principle. The Strategies are designed to ensure new development satisfies the fundamental principles of sustainability and so it follows that where a proposal such as this does not accord with them then it is unsustainable in this defining and overarching context. The site is not identified for development in a Site Allocations Development Plan Document, nor in a Neighbourhood Plan. Furthermore, there are no material considerations or exceptional circumstances, including set out in other policies of the Plan (including Core Policy 44), which override the core policy’s positions. The proposal is, therefore, contrary to Core Policies 1, 2 and 18 of the Wiltshire Core Strategy and paragraphs 10-12 of the National Planning Policy Framework.

- 2. The application site lies within the North Wessex Downs Area of Outstanding Natural Beauty. In the context of paragraph 172 of the**

National Planning Policy Framework the proposal – for 15 dwellings on a c.0.9 ha site – comprises ‘major’ development. As there are no exceptional circumstances, and as the development is not required in the public interest, the presumption that planning permission should be refused for major development, as set out in the NPPF, applies. For reasons set out in reason for refusal no. 1, there is no ‘need’ for the proposed development; there is scope for residential development to be provided outside the designated area or in some other way; and the proposal would, in any event, have a detrimental effect on the environment and landscape.

Regarding landscape impact, the proposal would be detrimental to the Landscape Character Area (LCA) in which it is located, and would have harmful visual effects, albeit at a local level. In terms of the LCA, it is identified as having an essentially rural, agricultural character within which “small-scale, sensitively-designed development, associated with built form, could be successfully accommodated without adverse impacts”. The proposal – being ‘major’-scale (in terms of size and quantum of development); *and* being not sensitively-designed (in terms of form / layout of buildings, and resulting limited opportunities for landscaping/mitigation); *and* being not associated with existing built form (by encroaching on to open land and coalescing with other scattered development outside of the existing village) – would not be sympathetic to the specific LCA, and more generally would not protect, conserve or enhance the landscape character of the wider area. In terms of the visual effects, the local views towards the site are identified in isolation to be adverse. Again, by reason of the size/quantum of development and the insensitivities of the design (notably, with inadequate opportunities for meaningful mitigation), these impacts are considered to be unacceptable, the development failing to protect, conserve or enhance the visual amenities of the landscape hereabouts. This is contrary to Policies 51 and 57 of the Wiltshire Core Strategy and paragraphs 170 & 172 of the National Planning Policy Framework.

3. The application fails to provide any mechanism to ensure that the provision of essential infrastructure, services and amenities made necessary by the development can be delivered. The essential infrastructure, services and amenities include affordable housing, open space/recreation areas, highways infrastructure, and waste/refuse collection facilities (and/or contributions towards such infrastructure, services and amenities). This is contrary to Core Policy 3 ('Infrastructure requirements') and, more specifically, Core Policy 43 ('Providing affordable homes') and Core Policy 52 ('Green Infrastructure') of the Wiltshire Core Strategy and 'saved' Policies HC34 and HC37 of the Kennet Local Plan; and paragraphs 56-57 of the National Planning Policy Framework.

4. The proposed development, by reason of the number of market houses proposed and the size of the scheme, fundamentally undermines the Council's approach to rural exception sites set out in Core Policy 44, and if approved, would set an undesirable precedent that could hinder the delivery of such affordable housing across the county.
5. **INFORMATIVE TO APPLICANT: Notwithstanding reasons for refusal 1, 2 and 4, reason for refusal no. 3 may be overcome in the event of the applicant completing an appropriate planning obligation. The reason for refusal is necessary in the event that there is an appeal and such an obligation is not completed or not satisfactorily completed.**

21. **20/01631/FUL - Honey Street Mill, 2 A Honeystreet, Pewsey, Wiltshire, SN9 5PS**

Public Participation

Alex Whittle provided a statement in objection to the application

Robert Carpenter Turner provided a statement in objection to the application.

Nicola Sidney provided a statement in objection to the application.

Richard Cosker (Agent for the applicant) provided a statement in support of the application.

John Wyles (Applicant) provided a statement in support of the application.

Camilla and Piers Hampton provided a statement in support of the application.

Alton Parish Council provided a statement in objection to the application.

Jonathan James, Senior Planning Officer presented a report which recommended that planning permission be granted with conditions for the change of use of a former factory building to D1 exhibition hall (for a Crop Circle Exhibition) - Resubmission of 19/10296/FUL.

Attention was drawn to the late observations. It was stated that objections were maintained on the proposal in relation to comments on the inaccuracy of visitor numbers; ticket sales not being an accurate representation of visitor numbers; inaccuracies on details submitted; lack of proper accounts; objections to the exhibition but not the café; the subject of the exhibition; no disabled access; references to insufficient parking and highways safety impacts, which contained no new comments other than those contained in communications already received and addressed.

Late letters of support had also been received which included support for the scheme; benefits for the area; the proposal was a valuable education resource; the scheme brought tourism to the area; the scheme supported local businesses.

The conversion to the exhibition centre had already taken place with minimal alterations to the building. Key details were stated to include the provision of parking and highways safety. The building currently had planning permission for B1 and B8 uses. Taken in isolation, if applying the parking standard for those

uses equated to a maximum requirement for 4 parking spaces. If the D1 use was granted this would also give a maximum requirement for 4 parking spaces. The wider site, including the café, shop and warehouse had 34 spaces in total. Plans and photographs of the site were shown.

Members of the committee then had the opportunity to ask technical questions of the officer. Clarification was sought on the whether the maximum requirement for parking was the same in the current B1/B8 use and the proposed D1 use. It was confirmed that the floor area of the building associated with the conversion had the same requirement of 4 parking spaces, whether in B1/B8 use or D1 use. It was acknowledged in the report that there was a shortfall of parking across the wider site, but the situation would not be made worse by this proposal.

In accordance with the procedure for virtual meetings public statements were then read out by the Democratic Services Officers, as detailed above, with any further statements included in Agenda Supplement 1 along with the committee presentation.

The unitary division member, Cllr Paul Oatway, spoke in objection to the application. The main concerns raised were related to parking issues at the site. It was stated that 80 letters regarding the proposal had been received.

In response to public statements the officer stated that the Council had acknowledged the shortfall of parking across the site, it had formed part of the overall assessment and had not been ignored when making the recommendation on the application. The proposal to convert the warehouse from B1/B8 use to D1 use would not make the scenario worse. They had received 84 letters on the application, however it should be noted that 47 of the letters had been generated by 2 objectors and that the split between objections received and support received was almost equal.

Prior to the debate Cllr Mark Connolly proposed a motion to grant planning permission with conditions as per the officer recommendation. This was seconded by Cllr James Sheppard.

A debate followed where the following issues were discussed. The proposal would not cause detriment to the parking situation as it had the same requirement as the current use for 4 parking spaces. Following planning policy, no grounds could be seen to refuse the application. Some Cllrs when visiting the site had not encountered parking problems and felt that officers had used the correct criteria when assessing parking. It was suggested that an informative should be added that coaches should drop off their passengers and park elsewhere, not taking up parking spaces on the site.

Cllr Stewart Dobson proposed an amendment to the motion, that an informative should be added prohibiting the parking of coaches on the site, the final wording of this informative was to be delegated to officers. This was seconded by Cllr Mark Connolly. It was

Resolved:

To amend the motion to grant planning permission with conditions as per the officer recommendation, with the addition of an informative to prohibit the parking of coaches on the site. The final wording of which was to be delegated to officers.

Other issues raised included the fact that the car parking bays were not clearly marked, that the photographs of the site and the agreed shortfall over the whole site proved that there was not enough parking. Others stated that if the parking was full when a visitor arrived they would go on to another location. There was no proof that the photos shown of people parking on the road were visitors to the site.

At the conclusion of the debate it was;

Resolved:

To grant planning permission with the following conditions as per the officer recommendation, with the addition of an informative to prohibit coaches parking at the site. The final wording of the informative would be delegated to officers.

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

Application Form; Agents email (dated 13/05/2020); Agents email (dated 24/04/2020) with breakdown of floor areas; Location Plan, Ground and First Floor Plans Dwg No. 02; Existing Car Parking Plan, Dwg No. BDS-05/20; Proposed Car Parking Plan, Dwg No. BDS-05/20; Crop Circle Centre and Exhibition (back ground and break down of visitor numbers, rcvd 10/06/2020)

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

- 2. There shall be no customers/members of the public within the exhibition hall hereby approved outside the hours of 11:00 to 17.30 from Monday to Sunday.**

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

- 3. Within one month of the date of this decision, the parking scheme as approved under the approved plan, Proposed Car Parking Plan, Dwg No. BDS-05/20, under condition 1 above, shall have been laid out for the use of parking in accordance with this detail. This area shall be maintained and remain available for this use at all times thereafter.**

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

4. INFORMATIVE TO APPLICANT:

Notwithstanding the details hereby permitted this planning consent provides for an exhibition hall only as shown on the approved plans and outlined in red. This does not grant consent for the retail unit as also shown on the submitted details.

5. INFORMATIVE TO APPLICANT:

The applicant is advised to discourage coaches from parking at the Honey Street Mill site itself, and to instead request that operators safely 'drop-off' and 'pick-up' passengers at the roadside entrance only.

22. Rights of Way Items

The following Rights of Way items were considered.

23. Highways Act 1980 - The Wiltshire Council Burbage 6 (Part) Extinguishment Order 2020

Public Participation

Adrian Noviss, (Agent for the applicant) provided a statement in support of the application.

Craig Harlow, Definitive Map Officer presented a report which recommended that “The Wiltshire Council Burbage 6 (part) Extinguishment Order 2020” should be determined by SoSEFRA with Wiltshire Council recommending that the Order be confirmed.

Key details were stated to include the following: Wiltshire Council received an application dated 19 July 2019, made under Section 118 of the Highways Act 1980, to extinguish part of the width of footpath Burbage 6, on the grounds that it was not needed for public use. The section to be extinguished measured 3.3 metres wide by 21 metres long. At that point the path was recorded as being 8 metres wide. The path would retain a width of 4.7 metres if the Order was confirmed. The legal test under section 118 was to consider whether the path was needed. Consultations had been carried out and two objections had been received. It was determined that the section of footpath to be extinguished was not needed for public use as the path would still be wide enough (4.7 metres) for the public to use. Once made the Order received one objection. This was considered and was addressed in the officer’s report. The Officer was proposing that the Order be confirmed as that section of the path was not needed for public use and any use was very limited. The Order would also not have a negative effect on the public using the footpath.

In accordance with the procedure for virtual meetings public statements were then read out by the Democratic Services Officers, as detailed above, with any

further statements included in Agenda Supplement 1 along with the committee presentation.

Cllr Mark Connolly proposed a motion that “The Wiltshire Council Burbage 6 (part) Extinguishment Order 2020” should be determined by SoSEFRA with Wiltshire Council recommending that the Order be confirmed, as per the officer recommendation. This was seconded by Cllr Paul Oatway, QPM.

A debate followed where the following points were made. The case seemed clear cut and the width of the path that would remain, which was 4.7 metres wide, was wide enough to allow the public to continue to use the path without any issues.

At the conclusion of the debate it was;

Resolved:

That “The Wiltshire Council Burbage 6 (part) Extinguishment Order 2020” should be determined by SoSEFRA with Wiltshire Council recommending that the Order be confirmed.

24. **Wildlife and Countryside Act 1981 s.53 ("the 1981 Act") - The Wiltshire Council Grafton 29 (Part), 29A, 30 and 31, Burbage 1 (Part) and Collingbourne Kingston 34 Definitive Map Modification Order 2019**

Public Participation

Lewis Ballin provided a statement in objection to the application.

Jack Edwards (Agent for Southgrove Farm) provided a statement in objection to the application.

Amy Richards provided a statement in objection to the application.

Rosie Pack provided a statement in support of the application.

Annabelle Roycroft provided a statement in support of the application.

Bill Riley (Applicant) provided a statement in support of the application.

Nigel Baybrook of Collingbourne Kingston Parish Council provided a statement regarding the application.

Sally Madgwick, Definitive Map and Highways Records Manager presented a report which recommended that The Wiltshire Council Grafton 29 (part), 29A, 30 and 31, Burbage 1 (part) and Collingbourne Kingston 34 Definitive Map Modification Order 2019 was submitted to the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA) with the recommendation that the Order is confirmed as made.

Key details were stated to include the following: The Council had a statutory duty under Section 53 of the Wildlife and Countryside Act 1981 to keep the definitive map and statement under continual review and to make legal orders to correct it where errors were found. A basic premise in regard to highways was ‘*once a highway, always a highway*’. Evidence had been found that showed that a number of rights of way linking West Grafton with Collingbourne Kingston should be recorded as restricted byways. They were currently recorded as a

mixture of footpaths and bridleways. A restricted byway was a public right of way for walkers, horse riders, cyclists and carriage drivers. There would be no right to use a mechanically powered vehicle on a restricted byway and it would be an offence to do so.

It had been found that the majority of the route was awarded to the public as a 40 foot wide Public Carriage Road in an Inclosure Award in 1792 and this was highly weighted evidence. This was the last legal event effecting the route. Maps, plans and documents had also been found which were consistent with the route being a public road. Evidence had also been discovered labelling part of the route as a road as far back as AD 961.

The order had received 2 representations of support and 2 objections. Due to the objections being received the Order would need to be sent to SoSEFRA for determination. The Council and SoSEFRA could only take into account objections that were relevant to the evidence, for example evidence of legal extinguishment of the public rights on the route. Landowners concerns, and objections related to management concerns which were not relevant to the determination of the Order could not be considered.

Representations to the Committee showed some misunderstanding, this process was about correctly recording the route. Currently one of the landowners permitted walkers to walk on a permissive route which it was stated would be withdrawn if the Order was confirmed. Permissive routes were between the landowner and the users of the route and not a matter for Wiltshire Council under section 53 of the Wildlife and Countryside Act 1981 and therefore were not relevant to the Committee's decision.

Members of the committee then had the opportunity to ask technical questions of the officer. It was stated that in 1952 the route had been recorded as a footpath, but that did not extinguish the previous rights. If the Order was confirmed, there was a wholly separate legal process whereby the landowner could change the route to a footpath or bridleway. It was confirmed that in 2006 an Act of Parliament had extinguished the public right to use the way with a mechanically propelled vehicle. It was clarified that in 2026 all unrecorded historic rights on footpaths and bridleways could be extinguished which was why it would be risky to delay the determination. However, regulations giving further clarification were awaited. The awarded width of the route was 40 feet.

In accordance with the procedure for virtual meetings public statements were then read out by the Democratic Services Officers, as detailed above, with any further statements included in Agenda Supplement 1 along with the committee presentation.

In response to public statements the officer stated that this was an evidence based procedure and if the Committee came to a decision contrary to officer recommendation they would need to state their reasons for doing so.

Cllr Mark Connolly proposed a motion that the Wiltshire Council Grafton 29 (part), 29A, 30 and 31, Burbage 1 (part) and Collingbourne Kingston 34

Definitive Map Modification Order 2019 be submitted to the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA) with the recommendation that the Order was confirmed as made, as per the officer recommendation. This was seconded by Cllr Ian Blair-Pilling.

A debate followed where issues were raised. Cllr Stewart Dobson felt that there may need to be compromise on this occasion and that possibly this route was more suited to being a bridleway rather than a restricted byway. There may be issues with people using quad bikes or motor bikes on the restricted byway. It would also be detrimental if the landowner removed the permissive route for walkers. Other Councillors stated that the Committee needed to follow the laws applicable on this occasion and that there was no legal reason not to confirm the Order. This would also provide a safe route for walkers, cyclists and horse riders.

At the conclusion of the debate it was;

Resolved:

That the Wiltshire Council Grafton 29 (part), 29A, 30 and 31, Burbage 1 (part) and Collingbourne Kingston 34 Definitive Map Modification Order 2019 be submitted to the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA) with the recommendation that the Order was confirmed as made.

25. **Urgent items**

There were no urgent items.

(Duration of meeting: 2.00 - 4.40 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

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

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**Wiltshire Council
Eastern Area Planning Committee
10th September 2020**

Planning Appeals Received between 25/06/2020 and 28/08/2020

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
19/11356/FUL	Marshfield 85 High Street Great Cheverell SN10 5XR	GREAT CHEVERELL	Demolition of existing bungalow and erection of 3 new bungalows	DEL	Written Representations	Refuse	07/07/2020	No
19/11921/OUT	Land at The Clay Easterton, SN10 4PB	EASTERTON	Outline application with some matters reserved for the proposed erection of 4 no. self/custom build dwellings and associated works.	DEL	Written Representations	Refuse	10/08/2020	No
20/00157/FUL	Longcroft, Marten SN8 3SJ	GRAFTON	First floor extension to single storey bungalow (amendment to 19/07919/FUL).	DEL	House Holder Appeal	Refuse	29/07/2020	No

Planning Appeals Decided between 25/06/2020 and 28/08/2020

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
19/06243/FUL	Fosburys Field Crowood Lane Ramsbury Marlborough Wiltshire, SN8 2SQ	RAMSBURY	Conversion/ reuse of redundant stables and barn to residential dwelling and garage/ store	DEL	Written Reps	Refuse	Dismissed	31/07/2020	None
19/08651/OUT	Meadow Farm Jockey Green Great Bedwyn Marlborough SN8 3PB	GREAT BEDWYN	Demolition of existing commercial and agricultural buildings and redevelopment of the site to provide five dwellings	DEL	Written Reps	Refuse	Dismissed	16/07/2020	None
19/10765/FUL	22 Oxford Street Aldbourne, SN8 2DQ	ALDBOURNE	Retrospective application for an elevated timber viewing platform.	DEL	House Holder Appeal	Refuse	Dismissed	07/07/2020	None
19/11555/FUL	15 Edwards Meadow Marlborough SN8 1UL	MARLBOROUGH	Two storey rear and front extensions.	DEL	House Holder Appeal	Refuse	Dismissed	09/07/2020	None

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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	10 September 2020
Application Number	18/09889/FUL
Site Address	Land at South Street, Avebury, SN8 1QZ
Proposal	Erection of dwellinghouse with garaging and access
Applicant	Centurion (Western) Limited
Town/Parish Council	AVEBURY
Electoral Division	West Selkley – Councillor Davies
Grid Ref	409412 169575
Type of application	Full Planning
Case Officer	Nick Clark

The application has been called in for consideration by the committee by Councillor Davies for consideration of the visual impact upon the surrounding area, and the proposed design in terms of bulk, height, general appearance

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 key issues for consideration are: -

- The principle of the development
- Impacts on the character and appearance of the area
- The impact on the heritage setting of the Stonehenge & Avebury World Heritage Site, the nearby Avebury Conservation Area and nearby non-designated heritage assets.

3. Site Description

The c. 0.06-hectare site comprises a vacant parcel of land located towards the eastern edge of Avebury Trusloe. The land appears to have historically formed part of a paddock or small field, which in the past has been sub-divided to provide a play area to the east of the site, and the 2013-approved Barley Cottage to the west.



The site is located on the north side of South Street; the site frontage being formed by a low sarsen stone retaining wall with hedging above. On lower ground on the opposite side of South Street are the thatched September Cottage and Strawberry Cottage.

4. Planning History (as a part of wider site/s)

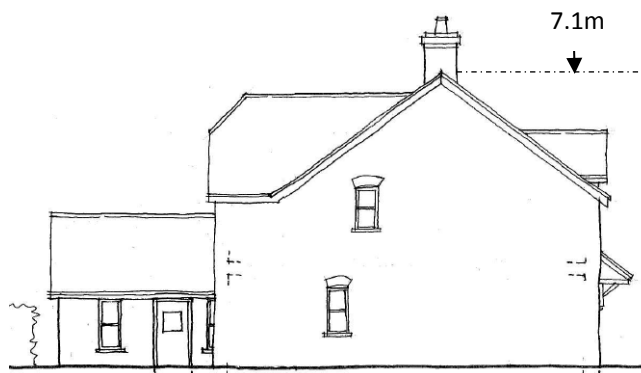
K/76/0364	Erect fencing for play area	Approved
K/82/0523/DP	Residential development	Approved
K/84/0807/DP	3 Dwellings and access to adj. land for car parking	Approved
K/37964/O	Residential development (outline application)	Refused

5. The Proposal

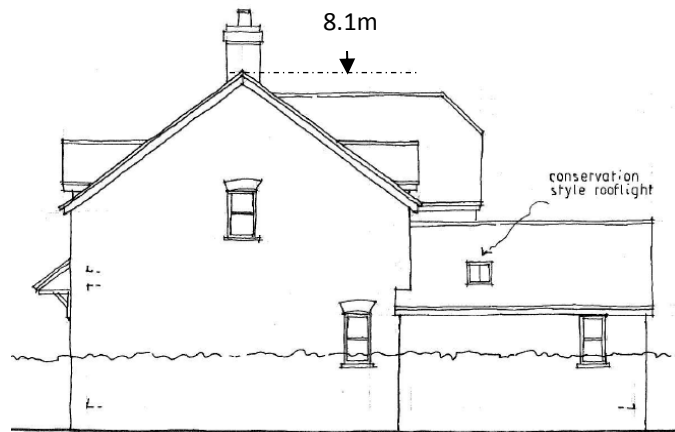
The application proposes erection of a brick and slate detached 1½ storey 4-bedroom dwelling with detached single garage/ study with access gained from South Street. The dwelling would be 7.5m high in the middle of the front elevation. Due to sloping ground the height would increase to 8.1m on the east side.



Front elevation



West side elevation (towards Barley Cottage)



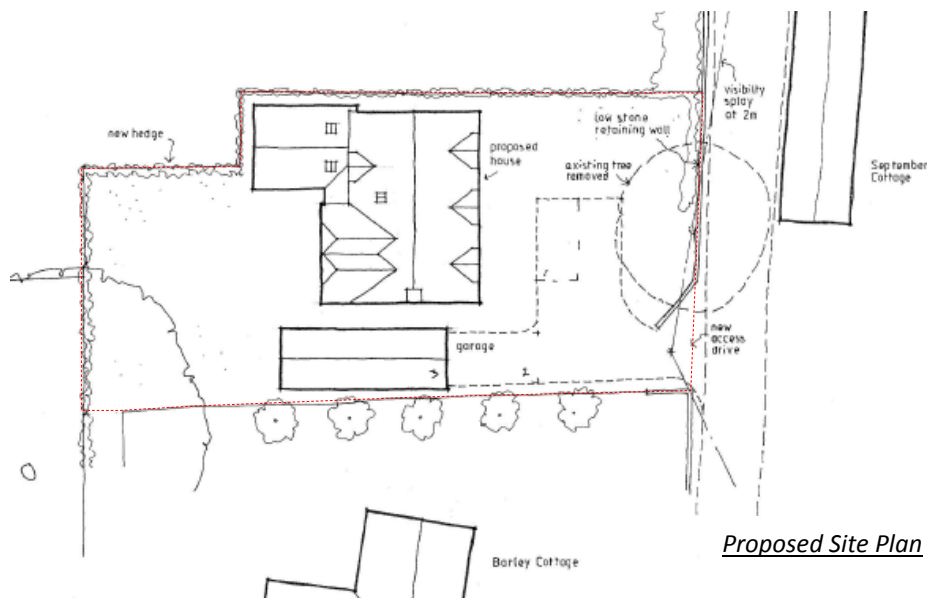
East side elevation (towards play area)



Rear elevation (north)

The proposals have been subject to revision during the course of consideration to reduce the size and impact of the dwelling, with additional information provided; most recently a Heritage Statement and Site Section drawing received on 27th May 2020.

Access would be gained from South Street by a new access formed by a gap in the frontage sarsen stone wall.



6. Local Planning Policy

The Development Plan

7.

Wiltshire Core Strategy

CP1	Settlement strategy
CP2	Delivery strategy
CP14	Marlborough Area Strategy
CP51	Landscape
CP57	Ensuring high quality design and place shaping
CP58	Ensuring the conservation of the historic environment
CP59	The Stonehenge, Avebury and Associated Sites World Heritage Site and its setting
CP60	Sustainable transport
CP64	Demand management
CP67	Flood risk

Other policies and guidance

[National Planning Policy Framework](#)

[Planning Practice Guidance \(national\)](#)

North Wessex Downs AONB [Management Plan 2019-2024](#)

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

7. Summary of consultation responses

Avebury Parish
 Council:

Objection:

At its meeting on 7 July, Avebury Parish Council agreed that documents submitted by the applicant recently do not address the Council's points of concern sent you by letter dated 9 April, in particular:

* The proposal does not meet our local housing needs as identified in Avebury Parish's Housing Needs Survey (March 2017)

* The photo-montages taken from random and, in several instances, remote places do not show the adverse impact of the new house on adjacent properties although one (AD002 proposed) does, confirming that the mass and height of the building proposed would completely dominate the small historic September Cottage opposite

* The continuity of the heritage asset cut sarsen wall would be destroyed notwithstanding the applicant's expressed desire to preserve it (Fowler Planning Statement para.6.5)

* To describe the proposal as legitimate infilling of a "vacant plot" (Heritage Statement, para.3.25) or (inaccurately) "a disused plot" (Heritage Statement para.5.3) is misleading since the land immediately to the east is occupied by the village's play area and is thus open space

* The proposal conflicts with Wiltshire's own principles of built environment guardianship e.g. "development should protect, conserve and where possible enhance the historic environment" (Core Policy 58) since self-evidently it does none of these things.

Accordingly we request that Wiltshire Council rejects the latest proposal.

County Archaeologist:	No objection subject to prior archaeological investigation
WHS Officer:	No objections subject to details
Wiltshire Council Highways Officer:	No objection subject to conditions
Wiltshire Council Drainage:	Objection – lack of surface water drainage details
Wiltshire Council Conservation Officer:	No objection but concerns re cumulative impacts and inadequate heritage assessment.
Historic England:	No comment

CPRE:	<p>Objection:</p> <ol style="list-style-type: none"> 1. Inappropriate size and height relative to opposite property and play area. 2. Loss of sarsen stone walling. 3. Conflict with CP 57, since it would neither make a positive contribution to the character of the county nor of the locality in terms of scale, design or neighbourliness.
Avebury Society:	<p>Objection:</p> <ul style="list-style-type: none"> • Excessive height within the AONB & WHS • Impact on the play area and setting of September Cottage • Further site section drawings required
Other:	<p>9 local letters of objection received:</p> <ul style="list-style-type: none"> • Does not constitute 'infill' • Excessive size and height – needs to be lowered • Overbearing upon September Cottage – sections needed to show relative height • Loss of privacy to Barley Cottage • Loss of sarsen stone walling within the WHS • Impact on the adjoining play/ recreation area • Tree loss • Access geometry is tight

8. Publicity

A site notice was placed adjacent to the site and there has been direct consultation with immediate neighbours and statutory consultees. Revised plans reducing the size of the house were subject to re-consultation in March 2019.

9. Planning Considerations

9.1 The principle of development

WCS CP 1 and CP 2 set a hierarchy of settlements within Wiltshire, under which Avebury Trusloe is designated as a small village. The Spatial Vision of the Core Strategy directs new housing to be developed in the larger settlements (which excludes small villages) unless for excepted purposes. One such exception is for 'infill' in the 'built area' of small villages; defined in CP 2 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".

The application site does not form a gap between buildings, but a gap between Barley Cottage and the play/ recreation area. The play area is considered to be within the village such that the development, rather than extending the village into open countryside, would be filling a 'gap within the village', albeit that it is not a typical gap between buildings.

CP2 requires infill development in small villages to be 'meet the housing needs of settlements'. The 2017 Housing Needs Assessment recommended only additional 1 and 2-bedroom properties in Avebury. The Assessment is now 3 years old however and with the development contributing to wider housing supply, the lack of identified need for a 4-

bedroom dwelling is not considered sufficient to disapply the support for infill development in this instance.

CP 2 also requires that infill development meets the criteria considered in turn below:

i) Development must respect the existing character and form of the settlement

The 1½ storey 'cottage' style of the dwelling is similar in design to the neighbouring 7.5m high Barley Cottage:



*Barley Cottage
(from 2013 file)*

The design of the dwelling is thus considered to be appropriate to the setting. It would continue the existing spaced development along the north side of South Street and would be set-back from the street similar to Barley Cottage and as such would not harm the form of the village.



Streetscene

ii) The development does not elongate the village or impose development in sensitive landscape areas

As infill development, and with the opposite September Cottage projecting further eastwards than the proposed dwelling, there would be no village elongation or landscape imposition. The site is within the built-up limits of the village.

iii) The development does not consolidate an existing sporadic loose knit areas of development related to the settlement

The single dwelling on the plot would reflect the generally loose grain of development along the north side of South Street. The side garage would provide good visual separation from the boundary with Barley Cottage, and whilst the development would be only 1m from the boundary with the play area, the proximity to the boundary would be off-set by the openness of the play area.

It is thus concluded that the principle of development as infill within a small village is acceptable under CP 2.

Whilst the principle of the development is supportable, the development also needs to be considered against other policies as below, particularly considering the sensitive heritage setting of the Stonehenge & Avebury World Heritage Site, the nearby Scheduled Monuments, Avebury Conservation Area and non-designated heritage assets.

9.2 Stonehenge & Avebury World Heritage Site

Core Policy 59 requires proposals to demonstrate that the development will have no individual, cumulative or consequential adverse effect upon the World Heritage Site and its Outstanding Universal Value.

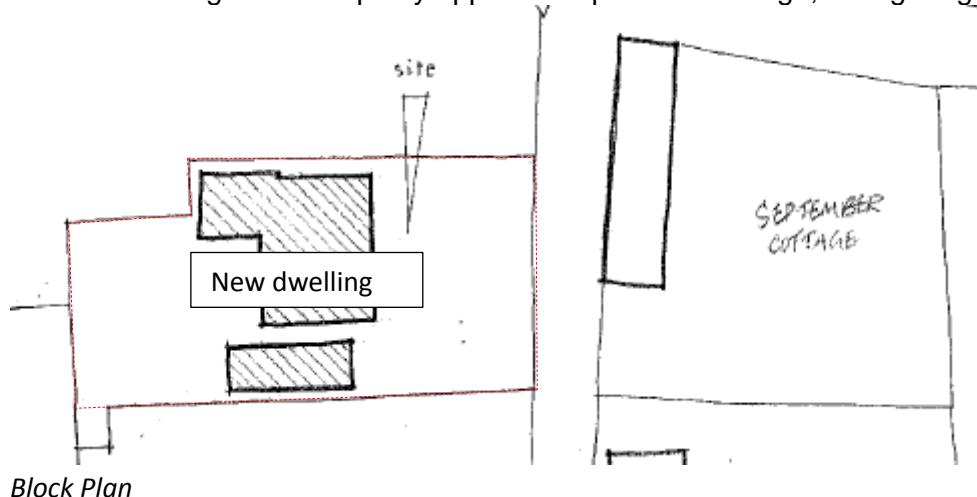
The application is supported by a Heritage Statement that considers the impact of the development on designated heritage assets. With the use of visual impact assessments, the statement concludes that there would not be any harm to the nearby Avebury Conservation Area. It similarly surmises that there would be no harm to the Outstanding Universal Value of the World Heritage Site. The Council's World Heritage Site Officer is satisfied with the methodology and conclusions of the assessment

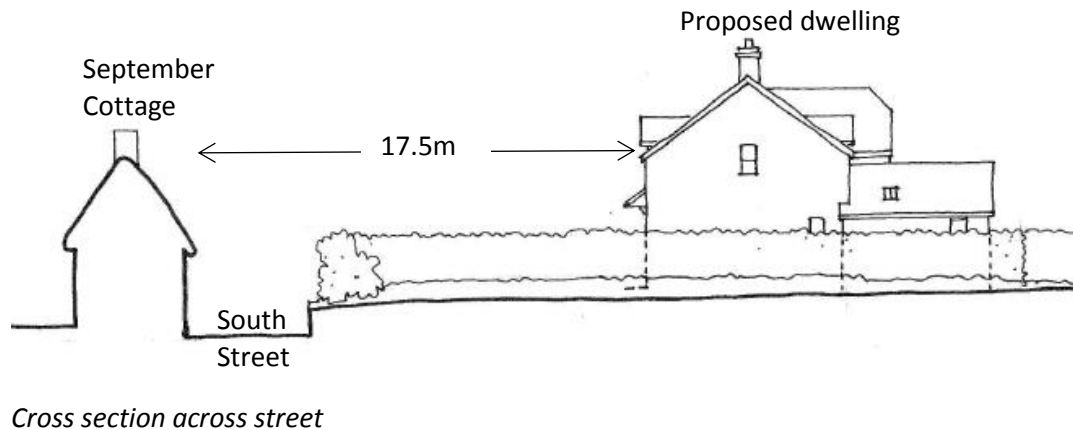
9.3 The impact on non-designated heritage assets

Core Policy 58 provides that development should protect, conserve and where possible enhance the historic environment, and more particularly for non-designated heritage assets, provides that 'distinctive elements of Wiltshire's historic environment [...] which contribute to a sense of local character and identity will be conserved, and where possible enhanced.' The National Planning Policy Framework advises that any harm to heritage significance needs to be weighed against benefits.

September Cottage is a non-designated heritage asset by reason of its evident age and traditional construction materials; its heritage significance including the aesthetic value of its front and end elevations as appreciated from the street; and the positive contribution that the dwelling makes to the setting within the World Heritage Site.

The new dwelling would be partly opposite September Cottage, on higher ground:





A number of respondents raise concern at the relationship between the new dwelling and September Cottage. September Cottage has a roof height of 6.5m above street level and the finished height of the new dwelling would be c.3m higher than this. The new house would be slightly off-set from the aspect of September Cottage however. September Cottage is prominent within the street but the new dwelling would be largely out of the line of sight.

Given the 17.5m distance between the 2 buildings as well as the new house being set behind the frontage retaining wall and planting above, the 2 dwellings would not be viewed together. September Cottage would continue to be experienced within the narrow corridor of vision along the street and the new dwelling would not impede on this view. It is thus concluded that new dwelling would not impact on the setting of September Cottage to a degree that would harm its aesthetic value or heritage significance.

It is thus concluded that there would not be any harm to the heritage significance of either September Cottage.

The stone wall alongside South Street is also a non-designated heritage asset, and the Conservation Officer, whilst not raising an objection, comments as follows:

“Sarsen stone walls are a traditional feature of the whole Avebury/Avebury Trusloe area, and the local vernacular building material is used in many buildings, boundary treatments and drainage channels. It goes without saying that Sarsen stone is of great local significance due to its use in the creation of the stone circle, itself being of national and world importance. The use of the same stone within boundary walls forms an important relationship between the carriageway throughout the village and Trusloe area.

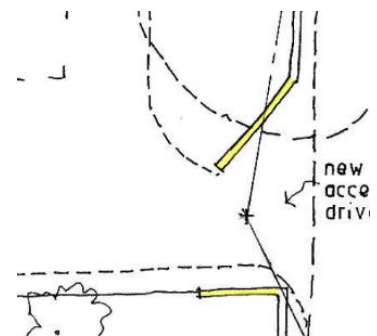
The creation of a new vehicular access within such a stretch of wall will obviously changes the character of it, as well as the character of the lane and its provision as a setting for the heritage assets opposite the site. The wall itself can indeed be classed as a heritage asset, due to its heritage and positive contribution to the local area and

how it offsets the setting of nearby vernacular buildings. The size of the stones is also of importance to this character – the existing show the stones exactly as they are found, giving the appearance of grazing sheep when they are found scattered on the ground's surface (as seen in the fields around Avebury and the Marlborough Downs). The stones that have been used to form the access further along the lane are much smaller and not the traditional size and form of those within the historic walling.

The submitted heritage assessment attempts to address the impact on the setting of the proposals on listed buildings within the locality, but does not address the impact on heritage assets, such as September Cottage and the wall itself. This wall already appears to have several more recent 'breaks' punched through it to provide vehicular access. Cutting through the wall again results in the creation of another urbanised feature that has a visual and physical impact on the rural setting of the immediate area, which is eroded over time by proposals such as this."

The wall is 30m+ in length. Creation of a new access would result in a loss of / realignment of a c. 6.25m length of the wall.

It is proposed that the stones to be removed from the wall to form the access will be re-used in forming the realigned wall either side of the access. The use and presence of the stones will thus be maintained and whilst there will be a change to the alignment of the wall and the formation of an additional access would have a visual impact, it is concluded that the impact on, and harm to the heritage significance of the wall would be at the low end of the scale of harm.



The NPPF (para. 197) advises that such harm should be taken into account, with a balanced judgement to be made having regard to the scale of harm and the significance of the heritage asset. The wall is outside the conservation area and is not a designated heritage asset. Whilst it makes a positive contribution to the character of the area and wider heritage setting and has some heritage significance as identified by the Conservation Officer, it is concluded that subject to the reuse and retention of the stones in forming the access walls, the limited harm to the significance of the wall is outweighed by the benefit of the contribution of the development to housing delivery. Condition 8 as recommended below would secure full details of the protection and reuse of the stones.

9.4 Setting of the Avebury Conservation Area and nearby listed buildings.

The dwelling would be c. 60m from the western boundary of the Avebury Conservation Area. It would not feature in any key views into or out of the conservation area and would not harm the conservation area setting. The closest listed building is Vine Cottage, 30m to the south west of the site, on the opposite side of the street and beyond the neighbouring Barley Cottage. The distance and physical segregation is sufficient to avoid any adverse impact on the setting of the building, or the more distant listed buildings to the east and north east.

9.5 Residential amenities

September Cottage has a number of windows facing towards the street. They are positioned towards its eastern end where they would not be directly opposite the new

dwelling and with the intervening street and landscaping there would not be any material impact on amenities in terms of lost privacy or overbearing. In terms of daylight, the height of roadside hedging currently limits the angle of daylight to the windows, and the off-set position and height of the dwelling would not have any further material impact in this respect.

Barley Cottage is set on c. 0.6m higher ground than the proposed dwelling and has a side-facing dormer bedroom window facing towards the site. The window would be sited c. 16m from the flank elevation of the new dwelling. Subject to the bathroom window in the west elevation of the new dwelling being obscure-glazed and non-opening or high-level opening there would not be any material impact in terms of lost privacy or overbearing.

9.6 Impact on the play/ recreation area

The dwelling would be located c. 1m from the boundary with the play area, with the main 2-storey flank wall extending alongside the fence for a length of 7.4m, and the single storey wall for a further 5.8m. A minimal hedge suggested alongside the boundary. Fenestration at ground and first floor levels would provide a degree of natural surveillance over the play area as well as breaking up the expanse of brickwork. As such it is concluded that the development would not materially impact on the public use and enjoyment of the recreation area.

9.7 Access and movement

The Highway Officer is satisfied with the proposed access arrangements, and recommends a number of planning conditions relating to:

- Sealed surfacing
- Provision of access and parking before occupation
- Surface water drainage
- Access gradient
- Construction method
- Visibility splays

The suggested gradient is achievable and the conditions are considered reasonable and necessary in the interests of highway safety and convenience.

10. Conclusion (The Planning Balance)

The application proposes a single dwelling on a vacant plot within the small village of Avebury Trusloe. The principle of the development is supported by the provision within CP 2 for infill development. Although the development does not meet the 2017 locally identified need in Avebury for 1 and 2-bedroom dwellings, the proposal for a 4-bedroom home is supported by the wider housing needs within settlements.

In the sensitive heritage setting of the Stonehenge & Avebury World Heritage Site, the World Heritage Site Officer is satisfied that there would be no adverse impact on the Site's Outstanding Universal Value. The impact on the sarsen frontage retaining wall would amount to a low level of harm to its heritage significance, but with it not being within the conservation area and not being a designated heritage asset, and subject to the re-use of the wall stones in forming the access the small level of harm to its heritage significance is considered to be

outweighed by the contribution of the development to housing delivery. The opposite September Cottage is also not a listed building and the new dwelling would be sufficiently distanced from the cottage and viewed separately such that its impact on the setting of the cottage would not harm its heritage significance. There would also be no material harm to neighbouring amenities or the public use and enjoyment of the neighbouring play area. With access and parking arrangements being acceptable it is concluded that the development would be in accordance with the development plan.

RECOMMENDATION

That planning permission be GRANTED subject to the following conditions:

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

REASON

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

-
- 2 Subject to the conditions below the development shall be carried out in accordance with the following approved drawings and details:

Location Plan	180714-01
Block Plan	180714-03A (received 11th March 2019)
Design Scheme	180714-04 (received 11th March 2019)
Topographic Survey	SWS081823topo
Heritage Statement	26/05/2020 (received May 27th 2020)
Site Sections	180714-06 (received May 27th 2020)

REASON

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

-
- 3 i) No development shall commence on site (including formation of an access) 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 erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) measures to control the emission of dust and dirt during construction;
 - g) a scheme for disposing of waste resulting from construction works (including excavation); and
 - h) hours of construction.

has been submitted to, and approved in writing by, the Local Planning Authority.

ii) The so-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 includes insufficient detail to demonstrate how the works are to be undertaken. The above details are needed 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, and setting within the Stonehenge & Avebury World Heritage Site and dangers to highway safety, during the construction phase.

-
- 4
- i) No development shall commence above ground floor slab level until the details of the following have been submitted to and approved in writing by the local planning authority:
 - a) external materials to be used in the walls and roofs (including ridge tiles),
 - b) the materials and finishes of boarding on the dormer windows,
 - c) materials and finishes to be used on the exposed flank sides of the dormer windows,
 - d) materials to be used in all soffits, fascias and barge boards,
 - e) window arches and cills,
 - f) windows,
 - g) the material and finish of the garage doors,
 - h) materials and finish of the front porch canopy, and
 - i) rainwater goods.
 - ii) The development shall not be carried out other than in accordance with the so-approved details.
 - iii) All external timber joinery as so-approved shall thereafter be so-maintained and if the need arises, shall not be replaced other than using materials and finishes as so-approved.

REASON

In the interests of visual amenity and the character, appearance and heritage setting of the area.

INFORMATIVE

The details to be submitted under this condition should include details such as product literature and photographic examples, and only if requested, samples to be made available for inspection on the site.

The window details to be submitted should include for timber windows with a painted finish; the windows to be designed without storm proof sections and to be set back a minimum of 80mm in reveals.

-
- 5
- i) Prior to the first occupation of the dwelling or the substantial completion of the development (whichever is the sooner) there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, the details of which shall include:-
 - a) location and current canopy spread of all existing trees and hedgerows on the land to be retained,
 - b) a plan showing the location and extent of all new planting,
 - c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities,
 - d) means of enclosure (including any existing fences to be retained),
 - e) all hard and soft surfacing materials.
 - ii) All so-approved soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or following the substantial completion of the development whichever is the sooner.
 - iii) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.
 - iv) Any trees or plants which, within a period of five years of planting, die, are removed, or become seriously damaged or diseased (including those to be retained) 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.

v) Where replacement of failed plants is carried out under part (iv) of this condition, the requirements of part (iv) are to apply to the replacement planting as from the date of it being carried out.

vi) All hard landscaping shall also be carried out in accordance with the approved details prior to the first occupation of the dwelling 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, in the interests of neighbouring amenities and the character and appearance of the area and setting within the North Wessex Downs AONB and World Heritage Site.

INFORMATIVE

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The details to be submitted under part (i)(d) of this condition shall in particular include full details of proposals for the front boundary wall and driveway returns using stone recovered through creating the driveway entrance.

-
- 6 The development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON

In the interests of highway safety.

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

REASON

In the interests of highway safety.

-
- 8 i) There shall be no disturbance of the front boundary wall or other works for formation of the access from South Street until there has been submitted to and approved in writing by the local planning authority:
- a) A method statement for removal and protection of stones removed from the wall, and details for their safe storage on the site until re-used.
 - b) Full details for the construction of the return walls forming the access using the stones, including details of the tie-in to the retained length of wall.
 - c) Timing for commencement of construction of the dwelling following completion of these works.
- ii) The development shall be carried out in full accordance with the so-approved details and there shall be no occupation of the dwelling until the access walls have been constructed in accordance with the so-approved details.

REASON:

In the interests of the character and appearance of the area and maintaining the heritage

interest of the sarsen stone wall.

-
- 9 i) 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 measures, has been submitted to and approved in writing by the Local Planning Authority.

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

REASON

The application contained insufficient information to enable this matter to be considered prior to granting planning permission. Surface water drainage proposals need to be agreed before development commences in order that the development is undertaken in an acceptable manner, commencement of the development could prejudice the options for drainage. Drainage measures thus need to be determined at the outset to ensure that the development can be adequately drained in the interests of controlling flood risk and highway safety.

-
- 10 The gradient of the access way shall not at any point be steeper than 1:15 for a distance of 10 metres from its junction with the public highway.

REASON

In the interests of highway safety and accessibility.

-
- 11 i) No part of the development shall be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level.

ii) The said visibility splays shall be maintained free of obstruction at all times thereafter.

REASON

In the interests of highway safety.

-
- 12 i) The first-floor window in the west elevation shall be glazed with obscure glass only and is to be permanently fixed shut unless the lower cill level of the opening part of the window is set at a height of no less than 1700mm above the finished floor level of the room served by the window.

ii) The said window shall be permanently so-maintained in perpetuity.

REASON

In the interests of neighbouring amenity and privacy.

-
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows or other form of openings other than as shown on the approved plans, shall be inserted above ground floor ceiling level in the west elevation of the development hereby permitted.

REASON

In the interests of residential amenity and privacy.

-
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or

enlargements of any building forming part of 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 additions, extensions or enlargements.

INFORMATIVE

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The proposal includes alteration to the public highway and the consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried within the highway, including its verges. The applicant will also need to apply for a Vehicle Crossing Licence in order to create the new access. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details



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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	10 th September 2020
Application Number	20/03194/LBC & 20/04069/FUL
Site Address	Barn at Southcott Manor, Southcott Road, Pewsey SN9 5JF
Proposal	Retention of glazed doors to 2 original cart door openings
Applicant	Mr & Mrs R. Middleton
Town/Parish Council	Pewsey
Electoral Division	Councillor Jerry Kunkler – Pewsey
Grid Ref	SU 16976 59439
Type of application	Listed Building Consent and Full Planning
Case Officer	Pippa Card

Reason for the application being considered by Committee

In accordance with the Council's 'Scheme of Delegation Specific to Planning', the LBC application has been brought to committee at the request of Councillor Jerry Kunkler at the request of Pewsey Parish Council. The counterpart FUL is also being presented to the Committee for continuity purposes.

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 listed building consent and planning permission.

The key issue for consideration is the impact of the retention of the glazed doors on the special interest of the grade II listed building and its setting.

2. Site Description & Planning History

The application site lies within the grounds of Southcott Manor and the rural hamlet of Southcott, which itself is located to the south of the village of Pewsey. It can be accessed along the narrow country lane that starts as Ball Road within the village and then runs from Kings Corner in a southerly loop to Southcott and Green Drove, on the south-west edge of Pewsey, until it joins the Everleigh and Salisbury Roads.

The site consists of a grade II listed timber framed thatched barn, the sole surviving historic barn that was originally part of a complex of barns, the rest of which were gradually lost throughout the later 19th and early 20th centuries. The barn sits within a large garden plot that forms the curtilage to the grade II listed Southcott Manor, which can be accessed via two entrances, one to the north, the other to the south of the site. The settlement lies within the North Wessex Downs Area of Outstanding Natural Beauty.

The wider site is given to lawned gardens, fields and a large apple orchard and is well treed

on its roadside boundaries, which retains a high level of privacy making the barn itself difficult to see from the public realm and can only be fully appreciated from within the site.



Site Location Plan

Related planning history is as follows:

- K/17595 – change of use from storage to production of organic cider and apple juice. Approved 01/07/1991.
- E/2011/1657/LBC – insertion of steel flitch plate to repair broken purlin. Approved 25/01/2012.
- 14/07361/LBC – replacement of the thatched roof. Approved 24/09/2014.

3. The Proposal

The application seeks listed building consent and full planning permission for the retention of two sets of glazed doors, installed in the barn's cart openings on the south and north elevations in August 2017.

The glazed doors were installed without the benefit of listed building consent or planning permission in 2017 and the Council was made aware of the unauthorised works via an Enforcement complaint received on 17th February 2020. The applicants are now seeking to rectify the situation by submitting the two applications to gain permission for the works to the grade II listed barn.

The Agent has addressed comments received as a result of the consultation exercises, stating the following:

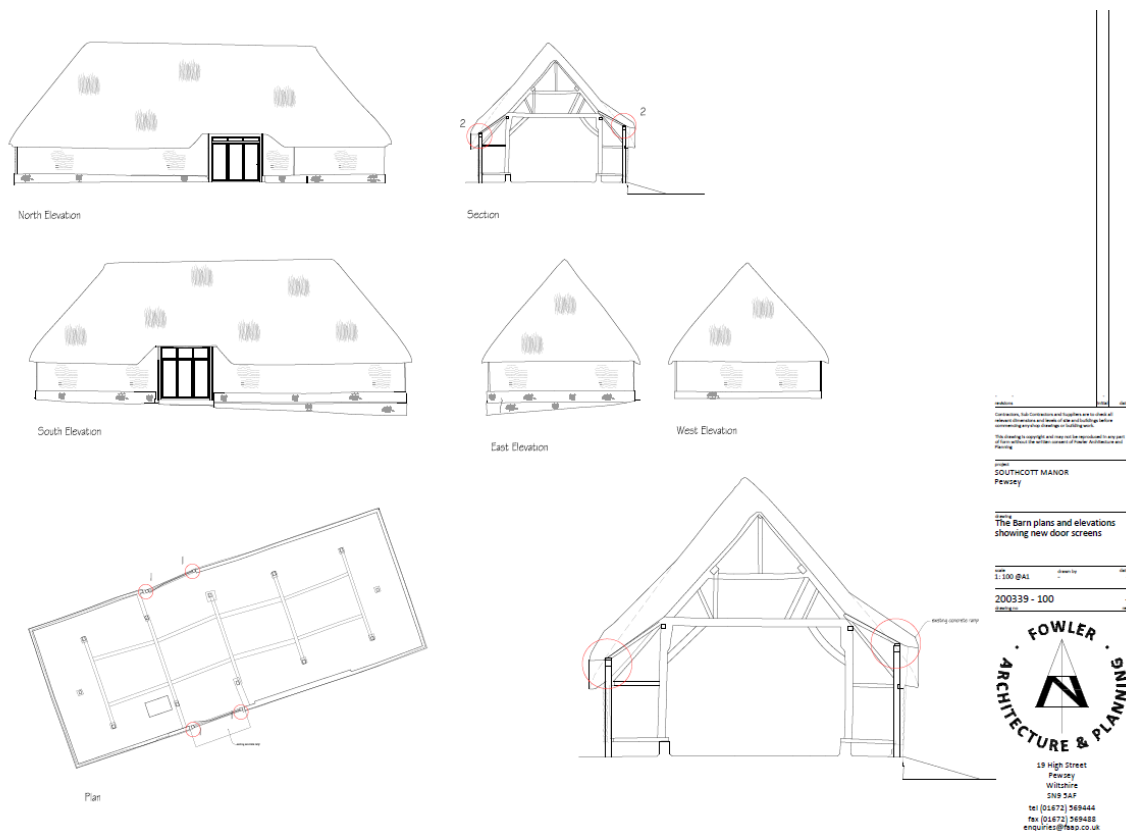
Use of the Building

- These current applications are not proposing to change the use of the subject building.
- The proposed development is the installation of two glazed screens.
- The Applicants have confirmed that the barn continues to be used for the apple

harvest, and storage of agricultural machinery.

Barn Owls

- The Applicants have never seen barn owls in the barn since they purchased Southcott Manor in 2010.
- The previous owners, Mr. and Mrs. Pitman, informed the Applicants that they had been there in 1998 (circa), but once the owl boxes had been installed in the barn they left and had not been seen since.
- The Applicants have confirmed that prior to the re-thatching of the barn in 2013 (circa), they liaised with both Natural England and Constable Miles in the Rural Crime Team to confirm that there was no evidence of nesting barn owls.
- Indeed, they took photographs of the inside of the boxes and the floor, confirming there was no evidence of owls. They also sought advice from an ecologist who also confirmed the same.
- Natural England felt that there was no reason (from an ecological point of view) why the Applicants could not continue to repair the thatch, which was leaking and causing further damage to the purlins.



Proposed Site & Elevation Plans

4. Planning Policy

- **Planning (Listed Building and Conservation Areas) Act 1990** – Sections 16 & 66 – the requirement 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 **National Planning Policy Framework (2019)** outlines government policy, including the historic environment (Section 16) and in particular paragraphs 192 & 193.
- The adopted **Wiltshire Core Strategy**, with particular regard to:
 - Core Policy 57: Ensuring High Quality Design and Place Shaping;
 - Core Policy 58: Ensuring the Conservation of the Historic Environment
- The **North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019 – 2024**.
- The **Pewsey Neighbourhood Plan**.

Additional guidance:

- National Planning Policy Guidance provides guidance on making changes to Heritage Assets.
- Historic England’s *Advice Note 2 – Making Changes to Heritage Assets* is also relevant guidance for applying the policies within the NPPF.
- Historic England’s “Conservation Principles” provides policy and guidance for the “sustainable management of the historic environment”. Additional guidance is also contained within the following publication:
 - *Historic Environment Good Practice Planning Advice Note 2 – Managing Significance in Decision-Taking in the Historic Environment*
- Historic England’s *Adapting Traditional Farmbuildings – Best Practice Guidelines for Adaptive Reuse* (2017).

5. Consultations

Wiltshire Council Ecology Team – Discussions have taken place with the Ecology Team, who commented that it is unfortunate that the works have already been undertaken and therefore the potential to allow for the protection of species has been lost, and the damage has already been done. The applicants could install owl nesting boxes in the vicinity as a mitigating factor to outweigh the harm done, however there is no policy or legislative reason that allows for these to be installed via condition. The Officer has suggested that two informatives are added to the decision notice and these are listed below.

Pewsey Parish Council – Objection to the proposals:

1. The installed glazed screens are considered completely inappropriate for the c.17th century barn: they destroy the visual aspect of the building. No reason has been given for these changed, other than the protection of the listed building from the elements.
2. Concerns that the applicants have committed an offence under the listed building regulations by undertaking radical changes to the building without the necessary permissions in place.
3. The original purpose of the barn’s doors was to allow for access for horse drawn vehicles and ventilation of the building. Blocking these doorways is out of keeping and inappropriate for the building.

4. The environmental effect on the building has not been addressed – there is evidence of nesting barn owls within the building.
5. The application is not for the change of use to the building, which is understood to be required, as the understanding is that the building is in agricultural use due to the storage of apple crates within it.
6. The Manor House is listed (as is the Barn) and it could reasonably be considered that any development to the barn would adversely affect the Manor House – which would be undesirable and contra-policy.
7. The Pewsey Village Design Statement *'is clear that Listed buildings should be respected, to quote: "Very few buildings are listed (in Pewsey) which makes a strong conservation policy all the more important. Restoration and adaption of old buildings need to be sympathetic to their character"*. This application is anything but sympathetic to this very ancient building and its original use⁷.
8. The Pewsey Neighbourhood Plan in paragraph 5.3 states that *"Listed and non-listed buildings and features that contribute positively and significantly to the character of the village will be preserved and enhanced"* It is our contention that the barn complies with both these characteristics without the recent addition of glass screens⁷.

6. Publicity

The applications have been publicised via a site notice and adverts within the local press. As a result, 4 letters of objection were received, on the following grounds (summarised in no particular order):

- The barn has had a change of use, tantamount to a barn conversion.
- The addition of doors reinforces the fact the barn has been converted.
- Concerns that entertainment events with a bar and music and additional traffic/parking anticipated, are to be held here as a commercial venture.
- The barn has already had commercial events within it (a web address was provided in one letter – this was looked into but only a '404 page not found' message was displayed).
- The loss of the barn as a barn owl nesting site.
- Southcott is serviced by a single-track road and was never intended to be a destination to attract attendees of social events such as dances and weddings. The resultant traffic and noise is not in keeping with the classification of the area as ANOB.
- A retrospective application for installing doors on an agricultural building which should clearly be an application for the change of use to a commercial unit is clearly incorrect.
- Southcott Manor appears to be changing into a holiday destination and events location.
- The proposal does not conserve the building and is detrimental to ecology and biodiversity.
- The proposal is not sympathetic to the surrounding built environment nor to the building itself.
- The proposal does not conserve this Heritage Asset, it seeks to fundamentally change it and its purpose.
- The proposal results in substantial harm to the designated heritage asset.
- The addition of doors renders the barn unusable for an agricultural use.

Upon receipt of additional supporting information (Ecology Assessment and Heritage Statement) on 31st July 2020, re-consultations were sent to the authors of the original representations received, including the Parish Council.

7. Planning Considerations

The applications seek listed building consent and full planning permission to retain the two sets of glazed doors, which were installed in the building without the benefit of consent. The applications have been submitted on the back of an Enforcement complaint and the intention is for the situation to be rectified.

The main consideration is the impact that doors have on the special interest of the listed building i.e. are the changes harmful to the significance of the designated heritage asset?

The special interest of the grade II listed barn lies in its simple vernacular construction of timber framing with a combed wheat reed thatched roof. The elevations are timber clad with traditional weatherboarding and it is a good surviving example of a late 17th/early 18th century threshing barn. The heritage statement provided dates the building to the 18th century rather than the 17th century, although the age is not contested. The observations that it has been altered, extended and changed throughout this time are sound. Originally the building would have had two sets of paired timber threshing doors fixed to these openings, so that they could be closed to protect the crop stored within from the elements. These doors have been lost over time and although the list description notes that there are cart doors in the second bays, there is no evidence that they were in situ at the time of listing (30th October 1987) or that they have been removed since listing. It is known by officers from visits carried out since 2010 that the barn did not have doors then.

The approach to provide a means of enclosing structures such as this barn is quite a frequent proposal when the building has become redundant for its original use. The change of use from storage to one for activities relating to the production of cider was approved in 1991 and the current owners have realised a need to provide a secure building for the storage and protection of the product and associated equipment within the building. Adaptive reuse of any redundant farm building can safeguard the building from deterioration by providing it with a long-term use, particularly so when in a secure ownership and it has an active use that protects the building for the foreseeable future.

In terms of the building's character, it would originally have had solid timber doors. The glazed doors have enclosed the barn to the elements rather than blocking them up: the doors are in sections and can be fully opened due to them being fitted into runners enabling them to be fully opened for access, as required. The glazed doors also preserve the view through the building that was possible prior to the changes. Historic England's guidance on adapting traditional farm buildings supports the approach of providing large format glazed openings that help retain a more industrial character for the building as opposed to multi-panes that are more domestic in character. The approach taken here is considered to be in line with guidelines that are applicable on a national level and relevant at a more local level.

The NPPF requires the proposals to be assessed on the level of harm caused to the significance of the designated heritage asset (paragraph 193). Substantial harm is usually reserved for the total loss or destruction of a designated heritage asset or development within its setting: this is therefore not relevant here, as the building is being retained and there is no development within its setting. Although the addition of the glazed doors is an alteration to the building, the impact on the building is that relating to the visual and aesthetic qualities of the vernacular building, as no intervention or loss of historic fabric has been required in order to implement the changes.

Due to the use of large format glazing set within metal frames, the screens/doors are sleek and minimal in appearance. The vertical divisions of the separate panes echo the verticality of the timber supporting posts within the aisled barn and Historic England guidance notes, when treating cart door openings, that *'new entrance screens which are slightly recessed*

with a simple vertical emphasis can be effective, which has been the approach here. As a result, the doors have minimal visual impact on the building and the view through the building has been retained and the changes are not considered to cause harm to the building and its character.

The concerns of the community in relation to the ecological impact of the changes to the building are noted. The Ecological Assessment (EA) provided with the application does confirm that there is evidence of birds entering the building through small gaps within the elevations and that fresh bat droppings have also been witnessed, providing evidence that the building is still being used by some species. Both the Council's Ecologist and the EA statement have suggested that additional bat and bird nesting boxes could be provided within the riparian property boundary to mitigate any harm done to alleviate any concerns raised on this matter. Informatives have been suggested by the Council's Ecology Team to be included on a positive decision.

With regard to the comments relating to the lack of an application for the change of use, this has not been applied for, as the use of the building for production of organic cider and apple juice was approved in 1991. The Agent and Applicants have confirmed that the use continues to be for the apple harvest and associated agricultural equipment. Comments have been received regarding the current use not being in accordance with the planning permission approved in 1991, however no evidence to support these claims has been provided. The layout of the building has not changed, and is not proposed to be changed.

8. Planning Balance & Conclusion

The applications seek listed building consent and planning permission to retain the installed glazed doors to the grade II listed barn. The policies of the Wiltshire Core Strategy, in particular Core Policy 57 'Ensuring High Quality Design & Place Shaping' and Core Policy 58 'Ensuring the Conservation of the Historic Environment', all seek to secure a high quality of design and to protect the historic environment. NPPF paragraphs 192 and 193 are also relevant as they relate to the Council's duty to conserve the listed building and assess the proposals against any potential harm to the building's significance.

The scheme is considered to accord with the aims of these policies. The retention of the glazed doors will not harm the significance of the designated heritage asset, its setting or the special qualities of the North Wessex Downs AONB. The barn is only fully appreciated from within the grounds of Southcott Manor and therefore is not a prominent feature within this rural part of Southcott.

In conclusion, it is considered that the scheme does not have a harmful impact on the listed barn's historic fabric and overall character as a traditional farm building, as the large format glazed doors allow views through the building as were possible prior to their installation. The barn would originally have had solid timber doors on these openings to protect the crop from the elements and allowing this building to be secured from potential loss of valuable agricultural equipment ensures a more viable long-term use for the building, which is in its best interests for future preservation. The strong strength of feeling against the proposal by the local community is recognised, however it is considered that there are no valid grounds to refuse listed building consent or planning permission for the proposal. It is therefore recommended that listed building consent and planning permission be granted.

RECOMMENDATION

That listed building consent and planning permission be **GRANTED** subject to the following conditions:

20/03194/LBC

No time limit is required as the works have already been carried out. Therefore the following are recommended:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Design & Access Statement
 - Drawing no. 200339-01 – Location Plan
 - Drawing no. 3669-001 Rev B – General Arrangement Plan

Dated as received 14th April 2020.

- Drawing no. 200339-101 – Barn elevations and floor plan showing original openings
- Drawing no. 200339-100 – Barn elevations and floor plans showing new screen doors
- Drawing no. 200339-1 – Door Jamb Detail
- Drawing no. 200339-1A – Opening Jamb Detail
- Drawing no. 200339-2 – Door Head Detail
- Drawing no. 200339-2A – Opening Head Detail
- Heritage Statement by Forum Heritage Services
- Inspection Survey for Bat Roost and Bird Nesting Potential by All Ecology
- Schedule of works

Dated as received 31st July 2020.

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

2. INFORMATIVE TO APPLICANT

The applicant should note that the approval of this application does not include the change of use to the building.

3. 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 including roosting bats. The protection extends beyond the individual animals to the places they use for shelter or resting. 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.

4. INFORMATIVE TO APPLICANT

General enhancement where impacts low: Although no evidence of bats and birds was found during the survey of the existing buildings, the proposed development offers an opportunity to incorporate features for bats and birds as part of the construction of the replacement dwelling, annex and garage, as a biodiversity enhancement in accordance with paragraph 175 of the National Planning Policy Framework. As an enhancement, roosting opportunities can be incorporated into buildings at very little cost, such as integral bat bricks (e.g. <http://www.ibstock.com/sustainability-ecozone.asp>), bat tubes (e.g. http://www.nhbs.com/2fr_schwegler_bat_tube_tefno_162812.html) or Habibat (<http://www.habibat.co.uk/>), which will not interfere with the living space of the

building and require no maintenance. Other products are available from alternative suppliers. The Bat Conservation Trust (BCT) website provides a product list that may be useful to the applicant / agent (http://www.bats.org.uk/pages/new_build.html). Similar products are also available for nesting birds.

20/04069/FUL

No time limit is required as the works have already been carried out. Therefore the following are recommended:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Design & Access Statement
 - Drawing no. 200339-01 – Location Plan
 - Drawing no. 3669-001 Rev B – General Arrangement Plan

The above dated as received 11th June 2020.

- Drawing no. 200339-101 – Barn elevations and floor plan showing original openings
- Drawing no. 200339-100 – Barn elevations and floor plans showing new screen doors
- Drawing no. 200339-1 – Door Jamb Detail
- Drawing no. 200339-1A – Opening Jamb Detail
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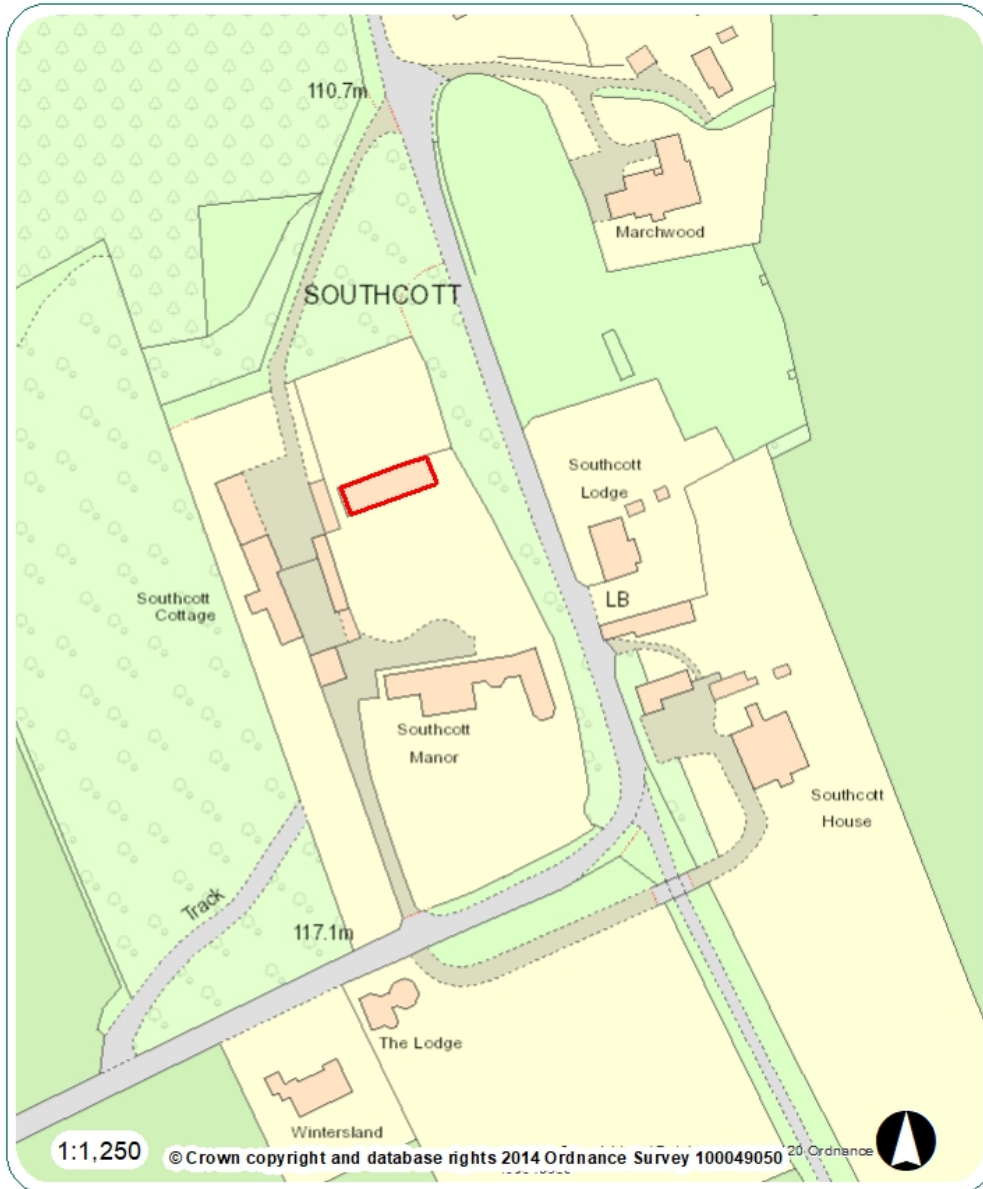
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