

AGENDA

Meeting: Western Area Planning Committee

Place: [Access Online Meeting](#)

Date: Wednesday 19 August 2020

Time: 3.00 pm

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

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

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Membership:

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

Substitutes:

Cllr Kevin Daley	Cllr Jim Lynch
Cllr David Halik	Cllr Steve Oldrieve
Cllr Russell Hawker	Cllr Toby Sturgis
Cllr Jon Hubbard	Cllr Ian Thorn
Cllr George Jeans	Cllr Philip Whitehead
Cllr Gordon King	Cllr Graham Wright

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Public Participation

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

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 - 30*)

To approve and sign as a correct record the minutes of the meeting held on 22 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 Thursday 16 August 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 12 August 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 14 August 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 31 - 32*)

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

7 **Planning Applications**

To consider and determine the following planning applications.

7a **20/01219/FUL and 20/02055/LBC - Manvers House, Bradford on Avon** (*Pages 33 - 64*)

7b **19/02719/OUT - Steeple Ashton Kennels And Cattery Edington Road, Steeple Ashton** (*Pages 65 - 84*)

7c **20/04037/FUL - 17 Blenheim Park, Bowerhill** (*Pages 85 - 98*)

7d **20/01681/FUL - Land Adjacent Brickfield Farm House, Stokes Marsh, Coulston** (*Pages 99 - 112*)

8 **Urgent Items**

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

Part II

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

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 22 JULY 2020 AT ONLINE.

Present:

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

Also Present:

Cllr Horace Prickett and Cllr Andrew Bryant

103 **Apologies**

There were none.

104 **Minutes of the Previous Meeting**

The minutes of the meeting held on 17 June 2020 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 17 June 2020.

105 **Declarations of Interest**

There were no declarations of interest.

Cllr Gibson noted for clarity, in regard to application 19/09800/FUL, 12a Frome Road, that in 2016 prior to becoming a Wiltshire Councillor, she had submitted a planning application on behalf of a relation of the neighbour and objector for 12b. This did not in any way influence her decision in calling in the application.

106 **Chairman's Announcements**

There were no Chairman's Announcements.

107 **Public Participation**

Cllr Clark had submitted three questions (W-20-01, W-20-02, W-20-03) for which a response had been provided, as detailed in pages 19 – 21 of the agenda pack.

Supplementary questions

Cllr Clarke then read three supplementary questions, these were:

W-20-01 - What faith can local residents have in a planning process that allows conditions to be ignored, section 106 notices (planned for in perpetuity) to be varied at will, and where matters can be regularised effectively through variations?

Officer Response:

When there is a breach of a planning condition, applicants can legitimately apply to vary or remove a condition imposed as part of any grant of planning permission to seek the Council's approval. As the decision maker, the LPA would be tasked with assessing the merits of each potential change to condition(s) or to vary the terms of any legal agreement.

W-20-02 - Is Wiltshire Council so cash strapped that it cannot complete its responsibilities effectively? This gives builders a 'carte blanche' to behave however they want.

Officer Response:

Whether the Council takes direct enforcement action over any breach of planning control, is a discretionary option to be dutifully weighed up in terms of public expediency and reasonableness all of the options available at that time. The Government sets out a clear direction on how it expects LPAs to act, based on proportionality and reasonableness.

W-20-03 - When the government sets out the expectations through the NPPF and planning authorities are unable to carry it out, is recourse to the ombudsman the only avenue?

Officer Response:

No. If there are examples where it is thought the Council has not behaved appropriately, there is a two stage complaints process, with the initial complaint first stage complaint usually completed and responded to by the service. If that response is not accepted by the complainant, then there is the option to move to the second stage, where the complaint would be looked at by the Council's corporate complaints team and in some cases, the legal team.

Question

Cllr Fuller had submitted one question, which was responded to and detailed on pages 3 - 4 of Supplement 1, which was published online dated 20 July 2020.

There was no supplementary question.

108 **Planning Appeals and Updates**

The Planning Appeals Update Report for 08/06/2020 to 10/07/2020 was received presented by Development Management Team Leader, Kenny Green.

Resolved:

To note the Planning Appeals and Update Report for the period of 08/06/2020 to 10/07/2020 as attached to the agenda.

109 **Planning Applications**

The Committee considered the following applications:

109a 19/09800/FUL: 12a Frome Road, Bradford-on-Avon, Wiltshire, BA15 1LE

Public Participation, Statements read out by the DSO

Statement of objection by Anthony Phillips, on behalf of Dr and Mrs Tees

Statement of support by Tara Maizonnier (Agent)

The Planning Officer, Jemma Foster, introduced a report which recommended granting planning permission, subject to conditions, for the demolition of an existing dwelling and outbuilding and erection of 5 residential dwellings with alterations to the existing boundary wall to accommodate a widened vehicular access.

The application had been deferred in June to see if the applicant could achieve a visitor parking space and a turning head within the site. This had been achieved and was now part of the proposal.

Key issues highlighted included the Highways and the Biodiversity improvements now included in the proposals. The addition of a visitor parking space which had replaced the bin storage area and there being no previously reported collisions from the existing dwelling, which currently had no turning head.

The allocated visitor parking was in an area already in use for parking, so there would be no additional impact on neighbouring properties.

Each dwelling would have one covered parking space and one other space at the front with the inclusion of a cycle storage area.

Materials were all considered to be appropriate, the site was in close proximity to the school, shops and train station.

The wellbeing of neighbouring trees was protected by the confirmation of a no dig area included in the plans, with root protection of these trees during building

phase. There were no TPO's for the trees on site, however the site was in a conservation area. An additional condition from the Tree Officer had been included in the construction method statement.

A Highways condition regarding deliveries had been agreed to by the agent.

There were no technical questions of the Officer for this application.

The Democratic Services Officer, Kieran Elliott, read out the public statements that had been submitted prior to the meeting, as detailed above. All statements were also available to view in the Agenda Supplement 1, published prior to the meeting.

Cllr Sarah Gibson, Division Member, spoke regarding the application noting that when it had come to committee in June, it had been deferred due to the issues associated with access and parking.

Cllr Gibson expressed concern about the timing of bringing this application back to committee so soon after the June meeting and highlighted concerns about the proposed development, specifically in relation to the amount of amenity space being proposed for the number of houses, and pointed out that the only space being provided for recreation and amenity purposes on the site, that would not be used for bin and cycle storage and car parking, would be a small area at the end of the development towards to northern end of the site.

By incorporating a turning circle in the revised plans, the proposal would remove even more communal amenity space, and reasserted the view that the site was not large enough for 5 family dwellings, and argued that the obvious and sensible solution would be to remove at least one dwelling.

Whilst accepting that the additional parking space had been incorporated into the revised submission, Cllr Gibson emphasised that on-street parking would not be a realistic option as any space is taken up very quickly given the demand of parking in the immediate area along Kennet Gardens.

Cllr Gibson also observed that the proposed development was more like vertical flats, with a difficult access along a narrow lane. Whilst there was mention made to on-site cycle storage, it was not visible on the site.

Cllr Gibson then moved a motion to refuse planning permission against officer recommendation citing conflicts with adopted Wiltshire Core Strategy CP57 parts 7 and 11 in terms of there being a lack of on-site amenity space for future residents and overdevelopment of the site.

The motion was seconded by Cllr Palmen.

During the debate that followed, the main points raised were that the applicant had been asked to incorporate revisions highlighted and deferred at the June committee meeting, which they had done. It was accepted that the inclusion of

the revised elements had consequential impacts, but these were considered acceptable.

The motion of refusal failed.

Cllr Gibson then moved the motion of approval in line with officer recommendations, subject to the additional conditions, relative to securing a construction method statement along with details on deliveries to avoid 9am-3pm during school term time.

Cllr Palmen seconded the motion with the additional conditions.

Following the debate, the committee voted on the motion of approval with conditions.

RESOLVED

That application 19/09800/FUL be Approved in line with Officer recommendation, with the following conditions:

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

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

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

PL001 (existing block and site plan), PL002 (existing site plan 1 of 2), PL003 (existing site plan 2 of 2), PL004 (existing house layout), PL005 (existing elevations), PL006 (existing sections), PL007B (proposed block plan and drainage plan), PL008B (proposed site plan 1 of 2), PL009B (proposed site plan 2 of 2), PL010C (proposed ground floor plan and views), PL011C (proposed first and second floor plans), PL012B (proposed elevations), PL013 (proposed street scene), PL014A (proposed 3D views), SK01E (site access visibility), DD/A1 (topographic site survey), SP01A (swept path analysis), SP02A (swept path analysis)

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

- 3 **No development shall commence on site until a construction management plan, detailing the time of deliveries (including school term time deliveries), the projected construction hours, and the erection of fences and the drainage arrangements during the construction phase and the provision for the**

installation of attenuation storage prior to the installation of any upstream drainage infrastructure has been submitted to and approved in writing by the Local Planning. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to ensure acceptable amenity levels for neighbouring properties and to reduce conflict with the nearby school vehicular and pedestrian traffic and the reduction of flood risk elsewhere.

- 4 No development shall commence on site until a scheme for the discharge of surface water from the site/phase, including sustainable drainage systems has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

- 5 No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development on residential receptors, in particular, the residential dwelling (12A) on the access road to the site. The plan shall include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation

viii. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to respect the amenity of nearby neighbouring properties.

- 6 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development until protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations" has been erected to fence off the entire garden area/open space located North of the site (as shown in green on drawing number PL009B . The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

This protected area shall not be used for the storage of materials and/or equipment, mixing of materials and shall be kept clear of any associated building works.

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

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

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

REASON: The application contained insufficient information to

enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity and the Conservation Area.

- 7 The development hereby approved shall be carried out in accordance with the mitigation section of the 'Dusk Emergence and Pre-dawn Re-entry surveys for Bats' dated September 2019 and carried out by All Ecology Ltd.

REASON: To ensure adequate protection of protected species.

- 8 The development hereby approved shall be carried out in accordance with the conclusion section f) the 'Great Crested Newt eDNA Analysis' Report dated May 2019 and carried out by All Ecology Ltd.

REASON: To ensure adequate protection of protected species.

- 9 The development hereby approved shall be carried out in accordance with the Section 4: Recommendations of the Ecological Appraisal dated September 2019 by All Ecology Ltd.

REASON: To ensure adequate protection of protected species and improve biodiversity on the site

- 10 No development shall commence beyond slab level until a scheme of hard landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include: -
- o boundary treatment (including individual plot boundary treatment);
 - o means of enclosure;
 - o car park layouts;
 - o other vehicle and pedestrian access and circulation areas;
 - o all hard surfacing materials;
 - o minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

All hard landscaping shall all be carried out in accordance with the approved details prior to the occupation of any part of the development

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the

Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of neighbouring amenity

- 11 No development shall commence beyond slab level until details of the proposed access alterations, including the provision of a continuous footway across the site access, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first occupied until the said works have been completed in accordance with the approved details.**

REASON: In the interests of highway safety.

- 12 No development shall commence beyond slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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

- 13 No works shall commence on the turning head until details of the groundworks and a construction method statement (CMS) have been submitted to and approved in writing by the Local Planning Authority. The CMS shall include the no dig specification alongside more detail in respect of level changes to accommodate the thickness of the footings, linings and finished surfaces. The development shall then be carried out in accordance with the approved details.**

REASON: in the interest of protecting the neighbouring trees.

- 14 The vehicular access hereby approved shall remain ungated in perpetuity.**

REASON: In the interests of highway safety.

- 15 The dwellings hereby approved shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.**

REASON: In the interests of highway safety.

- 16 The dwellings hereby approved shall not be occupied until the access and turning areas have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 17 The dwellings hereby approved shall not 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 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety

- 18 The dwellings hereby approved shall not be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans

REASON: In the interests of highway safety and the amenity of future occupants.

- 19 The dwellings hereby approved shall not be occupied until the locations of 4 bat boxes within the site have been submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be in place prior to the first occupation of the dwellings hereby approved and shall remain in perpetuity.

REASON: In the interests of biodiversity.

- 1 **INFORMATIVE TO APPLICANT:** The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will

be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

- 2 **INFORMATIVE TO APPLICANT:** When discharging condition 3, to safeguard the safety of school children accessing and leaving the nearby primary school during term time, construction deliveries should be restricted between 9am and 3pm.

- 3 **INFORMATIVE TO APPLICANT:** In order to discharge conditions 3 and 4 above, the following will need to be included as part of any future discharge of condition application:
" Evidence that the surface water drainage system is designed in accordance with national and local policy and guidance, specifically CIRIA C753 (The SuDS Manual), the Non-statutory Technical Standards for SuDS and Wiltshire Council's Surface Water Soakaway Guidance;
A plan showing the cross sections and design of any attenuation pond and its components.
Pre and post development surface water discharge rates.
The proposed ownership details of the drainage infrastructure;
Any third-party agreements for discharge to their system (temporary and permanent).
Where a connection to a surface water sewer is proposed, confirmation and acceptance of an agreed connection point and discharge rate for surface water disposal from the sewerage undertaker.
Construction plan detailing how the site will be drained during construction such that the flood risk to others is not increased

- 4 **INFORMATIVE TO APPLICANT:** To avoid disturbing nesting birds and breeding season, no works should take place to the site boundaries between March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Council Ecologists.

Furthermore, the applicant/ developer must be mindful that bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC

Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). All site operators must be informed that if bats are discovered, all works should stop immediately, and Natural England should be contacted for advice on any special precautions before continuing.

- 5 **INFORMATIVE TO APPLICANT:** The applicant/developer is strongly encouraged to have an open dialogue with the adjacent school and nursery as early as possible prior to the proposed demolition and construction works. The discussion should include details pursuant to the timing of deliveries, the projected construction hours and erection of fences.
- 6 **INFORMATIVE TO APPLICANT:** The developer/applicant is required to reach an agreement with Wessex Water with respect to finalising foul water and clean water connections.
- 7 **INFORMATIVE TO APPLICANT:** The developer/applicant is advised to follow guidance produced by Wiltshire Fire & Rescue Service in terms of precautionary measures to reduce the risks of fire and on-site measures to deal with an emergency. This advice is often in addition to building regulation requirements. Further guidance can be obtained regarding the on-site provision of fire hydrants and a water supply for the purposes of fire-fighting.
- 8 **INFORMATIVE TO APPLICANT:** The developer/applicant is advised to incorporate water efficiency measures into this scheme to provide resilience to some of the extremes of weather conditions that climate change brings. It benefits future residents by reducing water bills, and also benefits wider society by making more water available at times of shortage. The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be promoted and implemented. An appropriate submitted scheme should include a water usage calculator showing how the development would not exceed a total (internal and external) usage level of 105 litres per person per day.

110 **19/10471/FUL: 3a Church Lane, Limpley Stoke, BA2 7GH**

Public Participation, Statements read out by the DSO

Statement of objection by Nick Brindley

Statement of support by Chris Beaver (Agent)

Statement of support by Mr A Holdoway (Applicant)

Statement of objection by Limpley Stoke Parish Council

The senior planning Officer, Jemma Foster, introduced the report which recommended granting planning permission, subject to conditions, for the erection of two dwellings and associated landscaping and access works.

It was noted that a committee member site visit had taken place earlier that day to comply with the June committee meeting deferment.

Key issues highlighted included, the small village status of Limpley Stoke, the 'made' Neighbourhood Plan (NP) and its policy on residential infill development as well as green belt and impacts upon the nearby listed church.

The committee was advised that the application was considered compliant with the adopted Wiltshire Core Strategy, the National Planning Policy Framework (NPPF) and with the 'made' Neighbourhood Plan. The application would deliver two additional dwellings within what was considered to be part of the established village (noting that the made Neighbourhood Plan specifically created a settlement boundary for the village and included the site within it, and that the application was in accordance with the infill policies).

The committee were informed of the proposed highway improvements including enhanced visibility and ecological safeguards. It was also confirmed that none of the Bath asparagus which was present on the site would be removed as part of the construction works.

The committee was advised that officers and the conservation consultees raised no objection in terms of the impact the proposed development would have upon the setting of the nearby listed church.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on seeking clarity on whether the proposal would be policy compliant infill development, mindful that the site owner had benefitted in recent years of having two dwellings approved under the infill policy.

In response, the committee was informed that neither the made Neighbourhood Plan nor the adopted Wiltshire Core Strategy prescriptively prevented more than 2 dwellings being allowed as infill development, and that there was no policy prohibition for subdividing a plot further to create more infill opportunities.

The Democratic Services Officer, Kieran Elliott, then read out the public statements that had been submitted prior to the meeting, as detailed above. All statements were also available to view in the Agenda Supplement 1, published prior to the meeting.

The Division Member, Cllr Johnny Kidney, was unable to attend the meeting and provided his apologies prior to the meeting and prepared a statement which was read on his behalf by the Democratic Services officer. The main points were:

The committee was advised that this was the first occasion that Limpley Stoke Parish Council had asked Cllr Kidney to call in an application.

Members were advised that the site was very sensitive, being located within the Green Belt, the AONB and a Special Landscape Area, as well as being within the setting of the Grade II* listed St Mary's Church.

In 2015, Limpley Stoke Parish Council was one of the first in Wiltshire to adopt a Neighbourhood Plan, which was unique in that it was created as part of a cross-boundary collaboration with Freshford Parish in Bath and North East Somerset.

Members heard that over the past few years, there had been some concern raised that the 'made' Neighbourhood Plan policies had been overlooked, which the PC found to be very frustrating in its efforts to engage positively for planning and development purposes.

Both Limpley Stoke and Freshford Parish Council argue that the site in question had already benefited from an infill development, with No.3 Church Lane being subdivided into two additional plots in 2016 to create what were now: No.3, No.3A and No.3B Church Lane.

The Parish Council did not object to that previous development, as it was considered to be in line with its infill policy. However, both Parish Councils argued that sub-dividing the newly created No.3A property and site into a further additional two plots leading to effectively infill of infill, which would conflict with the Neighbourhood Plan.

This proposal would be a step too far, particularly given the site's sensitivity. As members would be aware, a significant number of local residents had also expressed opposition to these plans, as had the Church committee of St Mary's.

Wiltshire Council's Core Strategy provides a definition of infill within section 4.34 which asserts that: "*For the purposes of Core Policy 2, infill is 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. Exceptions to this approach will only be considered through the neighbourhood plan process or DPDs.*"

As both Parish Councils regarded the current application as failing to satisfy the definition of infill, it should be refused. In allowing the application, the Neighbourhood Plan would be undermined.

Cllr Kidney's Statement opined that Parish Councils themselves, were best placed to interpret what they intended when setting out their infill policy.

Noting the conflict with the NP, the landscape sensitivity of the site and visual impact on the setting of the Grade II* listed St Mary's Church, both Limpley Stoke and Freshford PCs identified policy grounds for refusal as CP2 and NPPF paragraph 145.

Cllr Kidney's Statement also suggested there would be a conflict with paragraph 12 of NPPF relating to their being a conflict with the Neighbourhood Plan.

Cllr Kidney asked the Committee to consider the policies set out in the NP and take on board the views expressed by those who worked so hard to produce it.

Following the above, it was noted one member that the site visit had been very useful, in assessing the likely effects of the proposed development, adding that whilst he appreciated the local concerns, he was satisfied that the development would be acceptable, and there would not be substantive grounds to refuse planning permission.

At the start of the debate a proposal was moved by Cllr Seed, seconded by Cllr Carbin to approve planning permission in line with the officer recommendation as set out in the report.

The Chair requested officers to clarify the impact the development would have on the green belt and the policies relating to infill development compliance. In response, officers advised that the case officer's report set out the detailed assessment and that there would be no harm to the green belt as the site was considered an acceptable infill opportunity, and as far as officers were concerned, the application was compliant with the made Neighbourhood Plan and adopted Wiltshire Core Strategy.

Points further discussed included the potential harm to the setting of the listed church, however the committee was advised that both Historic England and the Council's Conservation Officer had both been consulted and raised no objections.

Following the debate, the motion of approval was voted on.

Resolved

That application 19/10471/FUL be approved in line with Officer recommendation, subject to the conditions:

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

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

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

Received on 31st October 2019: Location Plan, 18086-SK01 (junction improvements), D01 Rev A (Drainage Strategy)

Received on 15th April 2020: 002 Rev4 (site plan), 003 Rev 3 (proposed ground floor plan), 004 Rev 2 (proposed first floor plan), 005 Rev 3 (E&W elevation plan), 006 Rev 4 (long section and N&W elevation plan), 007 Rev 4 (proposed site sections), 010 Rev 2 (roof plan)

Received 25th June 2020: Planting Plan (Drawing Number 318_PP_01_rev B)

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

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

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

The development hereby approved shall be carried out in accordance with the 'Discussion and Conclusions' section of the revised Extended Phase 1 Habitat Survey' report by Stark Ecology (April 2020), the Bath Asparagus Technical Note by Stark Ecology (June 2020) and the revised Planting Plan (Drawing Number 318_PP_01_rev B).

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures in accordance with NPPF, that were prepared and submitted with the application before determination.

Prior to any lighting being installed on the site details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be carried out in accordance with the approved details.

REASON: Many species active at night (bats, badgers, otters) are

sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

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

REASON: In the interest of highway safety and to ensure adequate off-street parking, access and turning facilities for the proposed dwellings.

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

REASON: In the interest of highway safety and to ensure no material is discharged onto the highway.

8. No part of the development shall be first occupied until the visibility splays shown on the approved plans (18086-SK01 Rev B) have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interest of highway safety and to ensure occupants of the proposed dwellings can leave the site in a safe manner.

9. No part of the development hereby permitted shall be first occupied until the junction improvements have been carried out in accordance with the approved plans (18086-SK01 Rev B).

REASON: In the interest of highway safety.

10. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be

replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

INFORMATIVES TO APPLICANT:

1. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

The consent hereby granted shall not be constructed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the Council's vehicles crossing team on vehicleaccess@wiltshire.gov.uk and 01225 71335.

111 **19/12153/VAR: McDonald's Restaurant, 235 Bradley Road, Trowbridge, BA14 0AZ**

Public Participation, Statements read out by the DSO
Statement of support by Brad Wiseman (Agent)

The Senior Planning Officer, David Cox, introduced the report which recommended granting the variation to condition 3 imposed on W/96/00587/FUL to modify the opening hours to 06:00-23:00 Monday to Saturday.

The application had been deferred at the June committee meeting to enable officers to secure additional information on traffic, litter and noise generation.

The committee was advised that the application before them should solely consider the planning merits of the proposed extension of the opening hours as set out in the report.

The committee was informed that following the publication of the committee agenda, a late supportive submission had been received by officers from North Bradley Parish Council and their supportive comments, specifically in relation to litter management were read out by the case officer.

The case officer summarised the updated comments from the public protection officer in relation to noise and litter as well as the additional comments provided by the local highway authority – both of whom raised no objections.

Key issues highlighted included the site was located within a mixed-use area, and part of a well-established retail park accessed off one of the main arterial routes into and out of the town. Litter was not considered to be problem as far as the public protection team were concerned who reported no recent received nuisance or litter-based complaints from the public relative the site and litter management by McDonalds, which appeared to reinforce the supportive comments received from North Bradley Parish Council.

The Committee was informed that recently reported and documented background noise levels along Bradley Road at 06:00 had been reviewed by the public protection team and these were found to be quite high due to existing vehicular noise. With this baseline situation, the committee were advised that noise relating to vehicles using the drive thru would not be substantively audible and would not be defensible grounds to refuse planning permission.

The committee was also advised that the proposal would not lead to highway conflicts or substantive harm and by opening 90 minutes earlier in the morning, there would only be a limited extra number of people accessing the premises and site, some of whom may arrive by cycle or on foot.

There were no technical questions to the officer from members.

The Democratic Services Officer, Kieran Elliott, then read out the public statements that had been submitted prior to the meeting, as detailed above. All statements were also available to view in the Agenda Supplement 1, published prior to the meeting.

Cllr Andrew Bryant, as Division Member, spoke regarding the application with the main points focusing on the proposed variation to the opening hours from 07:30 to 06:00 and referenced the planning application site history for the premises and the nearby Costa and KFC establishments.

Cllr Bryant informed the committee that McDonalds was originally granted permission to operate between the hours of 07:30 – 23:00 in 1996 and had an application to vary the hours refused in 2017.

The site history for KFC was also outlined which included a refusal in 2010 for opening hours of 07:00 – 23:00 on the grounds of proliferation of fast food outlets in this area. This was when McDonalds was the only other restaurant being present within the retail park.

In March 2011, KFC successfully appealed the aforementioned refusal and was permitted to open to the public from 07:30 – 23:00 – operating hours that would match McDonalds.

In 2018, Costa was granted permission to be open to the public from 07:30 (as a revision to what they originally wanted) in the interest of neighbouring amenity and to be synchronised with the other fast food outlet, McDonalds.

In 2019 permission was permitted to Costa to open from 06:00 with the reason given '*to synchronise with the other outlets in the area*' – which Cllr Bryant opined was totally erroneous as there was no other food outlet operating within the retail park before 07:30. So, it remained unclear who Costa would be synchronising with.

Members heard Cllr Bryant express great concern about how the food outlets had evolved over time through various applications to the detriment of nearby residential properties.

Highlighting the 2010 case officer's report, when KFC was refused permission, all the cited reasons and concerns had now increased.

In terms of litter, a recent visit found that the site was general well managed with bins being emptied. However, a lot of the litter was found further afield.

In terms of site activity, the committee heard Cllr Bryant's concerns about staff arriving at 05:00 and leaving around midnight, as the workers would need to set up each day and tidy up and close day for 06:00-23:00 operating hours.

Cllr Bryant outline some reasons why the application for a variation should be refused, stating CP57 part 7 - neighbouring amenity.

Cllr Horace Prickett, the division member for North Bradley & Southwick spoke as the adjoining local ward member. Cllr Prickett referenced the letter of recognition and appreciation from the Parish Council which had been read by the DSO, in terms of the effort a McDonalds employee had made to collect litter in the local area.

The committee was also informed that North Bradley also employs a litter picking person also. As far as the Woodmarsh area was concerned, Cllr Prickett and the Parish Council argued that in terms of litter, McDonalds did a good job in keeping it clean.

In response to the expressed concerns about the determination of the Costa application in 2019 and the reasoning given 'to synchronise with other outlets', officers informed the committee, that that was clearly anomalous. Members were informed that the report set out the full assessment of the application in 2019 and whilst the reasoning was irregular, as no other outlet was operating at 6am, the relevant planning assessment concluded that opening at 6am would not result in substantive harm.

Cllr Davis then moved a motion of approval with conditions, in line with the officer recommendation and as detailed in the report.

This was seconded by Cllr Wickham.

A debate then took place where Members discussed whether there were strong planning reasons for refusal and that Costa being the other outlet on the site already had permission to open at 06:00 if it chose to.

Following the debate, the motion of approval was voted on.

RESOLVED

That application 19/12153/VAR be Approved in line with Officer recommendation, subject to the following conditions:

1. The use hereby permitted shall only take place between the hours of 06:00-23:00 Monday-Saturday (including Bank Holidays) and 07:30 - 23:00 on Sundays. Deliveries shall not take place between the hours of 23:00 to 06:00 Monday-Saturdays nor before 07:30 or after 23:00 on Sundays.

REASON: In the interests of neighbouring amenity and to be synchronised with the other nearby takeaway food/restaurant outlet.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and supportive statements:

Site Location Plan and Covering Statement Letter - both received 23 December 2019; response letter to Committee received 3 July 2020 and Site Management Plan - received 6 July 2020

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

3. The development hereby permitted shall be carried out in strict accordance with the submitted details of the approved Site Management Plan at all times in perpetuity.

REASON: In the interests of neighbouring amenity.

INFORMATIVES TO APPLICANT:

1. The applicant is respectfully advised to consider adding to or making more prominent, existing advertisements that encourage customers not to drop litter or to not have loud music or radios when using the drive-thru.

The applicant is also respectfully encouraged to promote the use of sustainable modes of transport other than using private motor vehicles for their staff, and for those who drive to McDonalds to consider car share potential and to park as far away from Bradley Road as reasonably possible in order to reduce potential noise disturbance and to encourage a more environmentally friendly and carbon free future.

112 **20/01219/FUL and 20/02055/LBC: Manvers House, No.3 Kingston Road, Bradford On Avon, BA15 1AB**

The Chairman, Cllr Newbury left the meeting at this stage and Cllr Jonathon Seed took the Chair.

Public Participation, Statements read out by the DSO

Statement of objection by Klas Hyllen (Neighbourhood Group)

Statement of support by Mel Clinton (Agent)

Statement of support by Robert Moore (Custodian)

Statement of support by Colin Scragg (Marketing Agent)

Statement of objection by Bradford on Avon Town Council

The senior planning officer, Steven Sims, introduced the report which recommended granting planning permission and listed building consent, subject to conditions, for alterations and extensions to existing office building including erection of mansard storey on north wing; change of use of central building and southern wing from B1 offices to form 2 dwellings (C3).

It was noted that two late representations had been received but these had raised no new substantive issues from one neighbouring resident and the Town

Council, although members were advised that during the case officers presentation mention would be made to the key issues being highlighted by those objecting to the application.

The committee was informed that the site was located within central Bradford on Avon (BoA) and within the BoA conservation area. Manvers House was a Grade II listed building with a number of other listed buildings nearby. The committee was advised that the subject property was located in a mixed-use area with commercial and residential development and the site context was detailed in the officer's report and the committee presentation slides.

Members heard that the Manvers House application site comprised of three essential elements: the main central 3 storey building with elements dating back to the 17th Century. A 19th century addition built off the south east elevation and a two-storey modern 20th century office wing, which was built off the north west elevation of the original Manvers House property.

The main elements of the proposal were to:

- Convert of the main building from a vacant office to a 6-bedroom dwelling (with no external alterations)
- To alter and convert the south wing from vacant offices to a 3-bedroom dwelling (with external and internal alterations); and
- To construct a new mansard roof to the north wing of approximately 3m in height to provide an additional storey of office space.

The committee heard the case officer report that in response to a local concern raised about the materials to be used for the mansard roof, condition 3 as detailed in the report would require and secure appropriate materials – with the case officers publicly outlining the expectation that the materials would need to be of high quality to reflect and respect the protective status of the subject building and site location.

The proposed uses of the subject building were explained verbally along with direct references being made to detailed parts of the committee report.

The committee was advised that through the use of planning conditions, the Council could secure mitigation and safeguards to ensure that the development would not result in substantively harming neighbouring amenities through securing obscure glazing and preventing additional wall openings. Members also saw a series of slides as part of the presentation which confirmed the existing arrangements and the case officer observed that a degree of overlooking already exists to which due regard should be given.

The case officer advised that the proposed development would not result in significant loss of light or overshadowing to the rear gardens of neighbouring dwellings and conditions could define the terms of any permission.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on the proposed provision of a balcony to the rear, which the case officer advised would not be accessible by office workers and a planning condition could be imposed to prevent any door or wall opening access to such an external roof space.

The Democratic Services Officer, Kieran Elliott, then read out the public statements that had been submitted prior to the meeting, as detailed above. All statements were also available to view in the Agenda Supplement 1, published prior to the meeting.

Cllr Sarah Gibson, as Division Member, stated that she had called the application in mostly at the request of the Town Council due to its concern regarding the loss of commercial office floorspace. The committee was informed that building had been part of the Avon works and the Avon rubber factory for most of its life and had a strategic position as part of appreciating the industrial past for the town and given the previous loss of employment floorspace within the town, this application would lose more office floorspace – which is a concern locally.

Cllr Gibson accepted that the 21th century addition was not of great architectural value but argued that the application submission failed to illustrate what was proposed showing the full local context.

Cllr Gibson observed that the south-west façade, looking from the back, and appreciating the level changes, there would be a considerable amount of overbearing and overlooking effects for the existing buildings and all of the windows should be obscured glazed.

Cllr Gibson raised a proposal for the committee to consider deferring making a decision to enable committee members to visit the site to see the property and its local context to assist in determining the proposed development for the mansard roof and the potential impacts on neighbouring buildings behind.

This motion of a deferral was seconded by Cllr Ridout.

The Committee then debated the proposal of deferral, with Cllr Davis questioning the merits of a deferment given that the committee had heard and seen a comprehensive presentation and report. Cllr Gibson in response remarked that a site visit would be beneficial for members to see for themselves the relevant levels of the buildings and the nearby properties to the rear.

Following the debate, the motion of a deferral for a member site visit was voted on which included a request for the case officer to ascertain whether the occupiers of 1-2 Kingston Road would permit the committee members access to the neighbouring properties.

RESOLVED

That application 20/01219/FUL & 20/02055/LBC be deferred pending a members site visit.

113 **20/03166/FUL: 45 Seymour Road, Trowbridge**

No Public Statements were received

The senior planning officer, Matthew Perks, introduced the report which recommended granting planning permission, subject to conditions, for a proposed new dwelling.

Key issues highlighted included: the scale of development, the visual impact upon the surrounding area, the relationship to adjoining properties, design – bulk, height, general appearance, environmental/highway impacts, and the car parking provision.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on the relationship of the site to neighbouring dwellings, the established building line for the street site and the proposed vehicular access and parking close to the road junction.

No statements had been received from the public.

Cllr Edward Kirk, as Division Member, spoke regarding the application a focused his comments on arguing that the proposal constituted as site overcrowding and the proposed design would not be in-keeping with the area.

Cllr Kirk proposed refusal grounds siting CP57 part 3 - which was seconded by Cllr Clark.

During the debate the committee considered the character of the area, the principle of accommodating a dwelling on the plot, the design of the proposed dwelling and the local context which included a bungalow located opposite that has a side extension of its own.

Note: Cllr Carbin left the meeting at 19:00 and did not take part in the vote.

Following the debate, the motion of refusal against officer recommendation was voted on citing a conflict with Wiltshire Core Strategy Core Policy 57 and the NPPF.

RESOLVED

That application 20/03166/FUL be refused against Officer recommendation for the following reason(s):

The development would be seen as a prominent and cramped form of development which would not be in keeping with the established character of the area due to its form and siting and would therefore

undermine the prevailing sense of place and local distinctiveness, and fail to demonstrate the high quality of design and respect for the local context as required by Core Policy 57 of the adopted Wiltshire Core Strategy and the National Planning Policy Framework.

Following the cessation of the published committee business, the committee thanked and paid tribute to Matthew Perks in recognition of his service through the years and assistance given to many of the Cllrs as it was appreciated that the 22 July meeting would be his last before retiring.

114 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 7.08 pm)

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

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

**Wiltshire Council
Western Area Planning Committee
19th August 2020**

Planning Appeals Received between 10/07/2020 and 07/08/2020

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
19/08686/FUL	Land Adjacent 2a Clivey, Dilton Marsh BA13 4BQ	DILTON MARSH	Erection of 3 bed house.	DEL	Written Representations	Refuse	14/07/2020	No
19/10108/WCM	Corsley House Deep Lane, Corsley BA12 7QH	CORSLEY	The creation of a landscape and amenity bund with ancillary native tree planting to enhance residential amenity, biodiversity, drainage and the overall setting of a Grade II Listed Building with the ancillary diversion of an existing public right of way at land to the north of the A362, Corsley, Warminster	DEL	Written Representations	Refuse	20/07/2020	No

There are no Planning Appeals Decided between 10/07/2020 and 07/08/2020

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	19 August 2020
Application Number	20/01219/FUL and 20/02055/LBC
Site Address	Manvers House, No.3 Kingston Road Bradford On Avon BA15 1AB
Proposal	Alterations and extensions to existing office building including erection of mansard storey on north wing; change of use of central building and southern wing from B1 offices to form 2 dwellings (C3).
Applicant	Mr Moore
Town/Parish Council	BRADFORD ON AVON
Electoral Division	Bradford on Avon South - Councillor Sarah Gibson
Grid Ref	382740 - 160964
Type of application	Full Planning
Case Officer	Steven Sims

Reason for the application being considered by Committee

This application was deferred at the 22 July Western Area Planning Committee to enable the Councillors to attend a site visit. Councillor Gibson has requested that the two applications at Manvers House be called-in for the elected members of the committee to determine should officers be minded to approve planning permission and listed building consent for the proposed development citing the following concern:

- The proposed change of use to residential is contrary to the neighbourhood plan.

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

- Principle of development
- Impact on the setting of the listed building/Conservation Area/adjacent listed buildings
- Impact on the living conditions of adjacent residents
- Highway issues/Parking
- Other issues

3. Site Description

Manvers House is a grade II* listed building located within the settlement limits of Bradford on Avon and within the Bradford on Avon conservation area. The building consists of three main elements namely: the principal three-storey central building built in Bath stone - parts of which date back to the 17th century, a single storey 19th century addition built off the southeast elevation and a two-storey modern 20th century office development adjoining the northwest elevation.

The existing front elevations facing Kingston Road are detailed by way of a street elevation plan on the following page, with site photos and location plans providing some local context.



Manvers House - Existing front elevation as seen from Kingston Road

As can be seen for the following photos there is an obvious separation between the listed element of the main central 3 storey building and the 20th century modern office development:

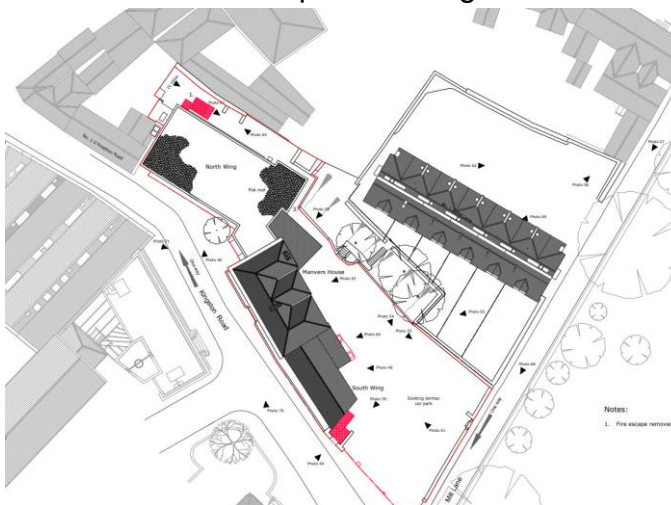


Photo of modern 20th century addition - Manvers House

Photo of 17th century main building - Manvers House

The listing refers mainly to the three storey and single storey elements of Manvers House. The property fronts Kingston Road and has a car park to the side that stretches round to the rear that can accommodate approximately 23 cars. A tree that is subject to a Tree Preservation Order is positioned directly to the north of Manvers House within the grounds of No. 6 Mill Lane.

Manvers House site plan existing



Manvers House aerial photo





There are a number of listed buildings near to Manvers House which are illustrated above as hatched properties. The building is located within the centre of Bradford on Avon where there are a variety of uses including residential, retail and commercial.

4. Planning History

19/04593/LBC - Works to enable the building to be subdivided into three smaller office buildings – Approved 01.08.2019

W/08/000918/LBC - Conversion of Manvers House to form 6 dwellings and one office suite (Class B1) and erection of 7 new build dwellings and associated works – Refused 10/09/2008 for the following reason:

1. The application as submitted is considered to result in harm to the character of the listed building by reason of loss of historic fabric and new partitions resulting in poor proportional arrangements with regard to windows and fireplaces. As such the proposal is contrary to advice in PPG15, Structure Plan Policy HE7 and Policy C28 of the West Wiltshire District Plan Policy 1st Alteration (2004).

W/08/00917/FUL - Conversion of Manvers House to form 6 dwellings and one office suite (Class B1); and erection of 7 new build dwellings, and associated works – Refused 10/09/2008 for the following reasons -

1. *In the opinion of the Local Planning Authority the available evidence does not justify the loss of the existing employment land at the Manvers House Site. The loss of such employment land is contrary to Policy E5 of the West Wiltshire District Plan Policy 1st Alteration (2004).*

2. *The proposed conversion of the main section of the Listed Building into a six-bedroom residential dwelling lacking associated private useable amenity area commensurate with the scale of the property would result in a cramped form of development to the detriment of the amenities of the future occupiers of the dwelling. As such the proposal would be contrary to Supplementary Planning Guidance Residential Design Guide and Policy C31a & H24 of the West Wiltshire District Plan Policy 1st Alteration (2004).*

3. *The creation of 13 dwellings on the site generates demand for additional primary school places in the locality. The submitted application does not include any mechanism for the provision of such facilities and as a result is contrary to the requirements of Policy DP2 of the Structure Plan and Policy S1 of the West Wiltshire District Plan Policy 1st Alteration (2004).*

4. *The creation of 13 dwellings on the site generates demand for public open space provision in the locality. The submitted application does not include any mechanism for the provision of such facilities and as a result is contrary to the requirements of Policy R4 of the West Wiltshire District Plan Policy 1st Alteration (2004).*

The above cited 2008 refused applications sought to convert Manvers House into 6 dwellings (including 4 flats within the 20th century modern section) which would have resulted in the loss of almost all the employment floor space, save for the one B1 office space.

W/94/00670/LBC – Internal modifications and general upgrading together with limited external repairs/reinstatement to building 90/91 – Approved 29.09.1994

5. The Proposal (application 20/01219/FUL and 20/02055/LBC)

5.1 Application 20/01219/FUL is a full application seeking permission to change the use of the main 17th century central part of Manvers House into a 6-bedroom dwelling, to change the use of the single-storey 19th century addition into a 3-bedroom maisonette and to construct a third floor onto the 20th century northwest block, to provide office use. Minimal alterations are proposed to the exterior of the 17th century main house under this application which would leave the essential character and appearance unchanged. The 6-bedroom dwelling would have the bedrooms at the first and second floor levels and a living room, kitchen and dining room on the ground floor level. The dwelling would have an area of private amenity space to the rear measuring approx 114 square metres, a bin store and 2 allocated parking spaces within the car park. The 3-bedroom maisonette would have the bedrooms on the ground and first floor levels and a kitchen, living room/dining room at ground floor level. This unit would have one dedicated parking space to the rear and would have access to a small courtyard measuring approx 18 sq. metres for amenity purposes. This courtyard would also accommodate a small cycle store (2 cycles) and a bin store. The proposed roof addition to accommodate an additional 158sqm of office floor space would have a mansard roof that would retain and increase the provision of modern office space. The roof would extend the height of the north block by approx 3 metres. 7 parking spaces are proposed in the courtyard to the east of the main building to serve the offices and

to the rear of the north block 2 cycle shelters are proposed providing accommodation for 12 cycles.

5.2 Concurrent to the 20/01219/FUL planning application, listed building consent is sought under application 20/02055/LBC which seeks approval for the associated works to the listed building to bring about the change of use and for the construction of the third-storey to the northwest block. The listed description is as follows:

C18. Ashlar frontage, hipped pantiled roof. 3 storeys 7 windows, double-hung sashes, glazing bars (except on ground floor), architrave surrounds. End windows on ground floor have triangular pediments on moulded stone brackets. Simple moulded cornice with plain parapet, plain string at 2nd floor window sill level and heavy moulded and dentilled cornice at 2nd floor level. Cut-stone brackets between window architraves and both cornices. Central doorway with semi-circular head, 6-panelled door and fanlight. Door opening heavily rusticated, with triple keystone and imposts. Tuscan half-columns, rusticated with square blocks, architrave, plain frieze and moulded and dentilled cornice. Single-storey extension to right with stone-tiled roof, 4 windows, 3 light casements with stone mullions and flat drip moulds.

Nos 3, 6 and 9 together with the section of wall and gatepiers at the Hall form a group

5.3 Works within the 17th century main house include - modern openings forced though into the north wing would be sealed off, the modern corridor partitions and office kitchen fittings would be removed, and a new opening is planned to the kitchen area to provide access into the garden terrace area. Within the 19th Century annex the following alterations are proposed - the modern ceiling would be removed, and a new staircase would be constructed to access the loft space while the existing entrance block would be extended to provide additional internal space with new roof lights being proposed.

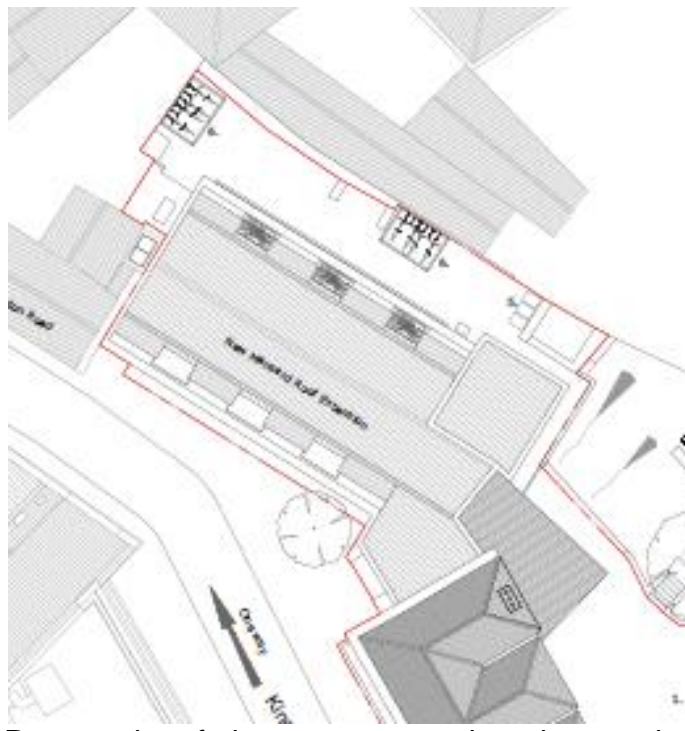


Proposed Street Elevation
1:100
Proposed front elevation



Proposed Rear Elevation
1:100

Proposed rear elevation



Proposed roof plan new mansard northwest wing

6. Planning Policy

Wiltshire Core Strategy (WCS) - Relevant policies include: Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 3: Infrastructure requirements; Core Policy 7: Spatial Strategy – Bradford on Avon Community Area; Core Policy 35: Existing Employment Land; Core Policy 41: Sustainable construction and low-carbon energy; Core Policy 51: Landscape; Core Policy 57: Ensuring high quality design and place shaping; Core Policy 58: Ensuring the Conservation of the Historic Environment; Core Policy 60: Sustainable Transport; Core Policy 61: Transport and Development; Core Policy 62: Development impacts on the transport network

West Wiltshire District Local Plan (saved policies) TC1 Upper Floor Uses in Town Centres

The made Bradford on Avon Neighbourhood Plan (BOANP) – especially Policies BE1, E1 and T2

Supplementary Planning Guidance and Wiltshire Local Transport Plan 2011- 2026

National Planning Policy Framework 2019 (the Framework) – especially chapters: 2. Achieving Sustainable Development; 5. Delivering a Sufficient Supply of Homes; 9. Promoting Sustainable Transport; 12. Achieving Well-Designed Places; and 16. Conserving and Enhancing the Historic Environment

7. Summary of consultation Responses

Bradford on Avon Town Council: Objects for the following reasons:

Retention of existing employment sites is vital to the future of Bradford on Avon. The Bradford on Avon Neighbourhood Plan seeks to stimulate, secure and protect economic activity in the town through retaining existing employment sites and creating new by encouraging commercial activity in the town centre and this site is historically a key component of the town's economy.

The Wiltshire Council Adopted Core Strategy strongly supports the retention of employment in the town and Core Policy 35, *Existing Employment Sites* and Core Policy 36 *Economic Regeneration* are relevant considerations.

Similarly the National Planning Policy Framework 2019 seeks to ensure sustainable development as being economic, social and environmental as an integral whole.

At the local level reducing outward commuting can contribute to improving the traffic problem in the town and the retention of employment will aid the town's economic performance. In housing terms the allocation for the town to 2026 has been achieved.

Manvers House is a key employment site in Bradford on Avon with the potential to attract a level of activity similar to that that has just be re-allocated to Kingston Farm. Unlike other employment spaces it has the attraction of adequate private parking.

Insufficient justification has been submitted to support the change of use and the Town Council urges Wiltshire Council to refuse the application.

Bradford on Avon Preservation Trust: Objects for the following reasons:

This interesting and historic building was used for many years, since Avon Rubber left the site, by Hitachi and that clearly indicates that it was attractive to a high-profile company for commercial use. We need more employment opportunities in the town, not less.

Despite the retention and extension of part of the commercial building at the site, the proposals would result in a significant net loss of commercial floor space as a result of the change of use of a principal portion of the property to residential use.

The Bradford on Avon Neighbourhood Plan seeks to stimulate, secure and protect economic activity in the town through retaining existing employment sites and creating new by encouraging commercial activity in the town centre.

It is important that employment provision is maintained within the town to support the local economy. It is critical to the continued vibrancy of Bradford on Avon as a commercially successful town. The proposed change of use would harm the local economy and be to the detriment of the vitality and viability of the town centre which already contains a mix of different uses.

Moreover, there is more than adequate parking provision for a commercial property.

We therefore object to this application which would result in the loss of a commercial use for which insufficient justification has been submitted. No evidence other than a glossy marketing brochure has been submitted that would indicate that the site has been fully marketed for commercial use.

Regarding the principal listed building we would point out that the interior of this historic building has been much altered in the past to the detriment of its character and integrity. However, there is no reason why historic features could not be preserved and reinstated as part of scheme for employment use.

The proposals would be contrary to the Bradford on Avon Neighbourhood Plan and to the Wiltshire Core Strategy and should be refused.'

The Council's Conservation Officer: No objection subject to conditions.

This is a Grade II* listed building in the centre of Bradford on Avon in the Conservation Area and surrounded by other listed buildings. The significance of the listed building lies in its fine architectural detailing and its historic fabric. It's plan form has changed gradually over the years, but the central listed building has retained much of its internal character. The significance of the Conservation Area and the settings of the surroundings listed buildings relies on the historic street pattern and the built environment that together contributes to the character of the historic industrial working town.

Alterations to the existing extension - The listed building has an attached extension forming a modern set of offices. This extension would be separated off from the main listed building internally and would become essentially a separate building. This extension is not of high architectural quality or materials although the facing blocks do respect the colour of the local stone. The proposal to add a mansard roof to this part of the building would result in a more finished appearance overall and would remain subservient to the main listed building. The use of a mansard behind a parapet is in keeping with the town's wide variety of roof types and would not conflict with other features of the street scene within the Conservation Area. The replacement of the existing windows with new alternatives would also enhance the appearance of this part of the building.

Works to the main building - The conversion of the main listed building and its southern historic addition into two dwellings is compatible with the character of the this listed building. Whilst it has been in commercial use for long periods of its life, it is suited for residential use. The works to the main listed building internally mainly consists of blocking door openings to divide the buildings, adding some minor internal partitioning and adding kitchen and bathroom facilities. These are uncontroversial works that would not result in harm to the character or fabric of the listed building. The plan form would be somewhat restored, albeit with minor partitioning added. Joinery details have been submitted and these are acceptable. The most impactful alteration would be the replacement of the majority of the roof structure to the south wing. The existing roof structure is a set of simple trusses with struts – a Victorian mix of timbers that have been increasingly propped and supported by newer timbers over the years.

The roof structure has failed and been subsequently repaired, supported and propped and it is at the point where further repairs become difficult. This scheme proposing the change of use is an opportunity to address the problem fully and result in a complete roof structure to take the building into its next phase of life.

Conclusion - For the north existing extension the proposal would result in an enhancement to the Conservation Area and the setting of the listed building due to the new windows and the additional storey. The main listed building would be maintained almost as is, only minor changes, resulting in a neutral impact to its historic fabric and character. The south wing would have some loss of historic fabric, but this is fabric at the end of its useful life and the opportunity is here to safeguard the wider structure for the future. Therefore, I have no objections to this scheme.

Economic Development Team: Objects for the following reasons (with a caveat):

Manvers House is located in Bradford on Avon's town centre. This is a Grade II listed building which provides high-quality, central office space in the town benefiting from parking to the rear. It is centrally located, close to amenities and services and very accessible. It helps to provide with employment opportunities in the Town Centre for its residents and supports the local economy.

CP35 states that it is important to retain existing employment uses outside the Principal Employment Areas to maintain diversity and choice of sites for employers and allow for local business expansion.

This site supports the Council's strategic objective to deliver a thriving economy by providing employment space and thus helping to provide a range of job opportunities in Bradford on Avon.

Residential development on this site would therefore be contrary to the objectives underpinning CP35.

Objective 3 of the Bradford on Avon Neighbourhood Plan seeks to stimulate, secure and protect economic activity in Bradford on Avon through a process of retaining existing employment sites and providing new opportunities. One key issue this objective is meant to help tackle is the need to minimise the continued loss of employment land to housing.

Residential development on this site would therefore be contrary to the objectives underpinning Objective 3 of the Neighbourhood Plan.

Wiltshire Council's Economic Development Team therefore objects to the proposals.

However, it should be appreciated that adopted Wiltshire Core Strategy CP35 does allow for changes of use and loss of employment floor space if evidenced that the property is no longer commercially viable for its present or any other employment use and that, in addition, it has remained unsold or un-let for a substantial period of time (of at least 6 months), following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account the prevailing market conditions.

Highways Team: No comments.

Drainage Team: No comments

Historic England: No comments

8. Publicity

This application has been publicised via press advertisement and site notices and individual posted letters that were sent to all neighbouring properties within close proximity of the site. As a result of the publicity, 15 representation letters have been received raising the following concerns:

- The submission has factual inaccuracies and inaccurate plans
- The development would cause overlooking/loss of privacy to neighbouring residents and loss of light/sunlight/overshadowing and the officer's committee report analysis is not accepted by third parties
- There would be an overbearing impact
- The development proposes poor use of materials and would not preserve or enhance the character of the conservation area
- The new roof addition is of poor design
- There would be adverse impact on trees
- The development would have an adverse impact on nearby heritage assets
- Loss of employment floorspace - contrary to made Neighbourhood Plan
- Loss of parking
- The marketing exercise is criticised and is considered 'out of date' with third party objector claiming there is a viable commercial future for the property
- Inadequate level of private amenity space for future occupiers
- No 'notice of intention' has been volunteered pursuant to the Party Wall Act
- Manvers House was never solely residential
- Loss of views

9. Planning Considerations

9.1 Principle of Development

9.1.1 Conversion to residential use - The site lies within the town settlement boundary of Bradford on Avon with the adopted Wiltshire Core Strategy defining Bradford on Avon as a Market Town. Core Policy 2 asserts that within the limits of development within market towns, there is a presumption in favour of sustainable development.

9.1.2 Loss of employment floor space - The development proposes the change of use of the main 17th century central 3 storey building and southern 19th century wing from B1 office use to residential use (extending to approx. 476 square metres). The scheme also proposes the erection of a mansard floor addition to the northern wing of the building for B1 office use (providing approx. 158 square metres) which would, provide for approx. 635 square metres of office floor space for commercial use (note: the existing floorspace measures 953 square metres).

9.1.3 With the proposed residential considered, the scheme would result in a net loss of approx. 318 square metres of office floorspace overall.

9.1.4 Objective 3 of the Bradford on Avon Neighbourhood plan states - *'to stimulate, secure and protect economic activity in Bradford on Avon through a process of retaining existing employment sites and providing new opportunities. Also, to encourage appropriate commercial activity in the town centre to support the day and evening economy and to encourage the diversification of rural businesses including the use of redundant rural buildings for alternative employment uses.'*

9.1.5 Due to the change of use to residential, employment use on site would be reduced, however the employment site is not being lost. In addition, by allowing the erection of the mansard roof to the main 20th century office block, the site becomes more suitable for modern office use because the floorspace being lost is the less commercially viable 17th century main building and later 19th century addition which are considered unsuited for modern business needs. The change of use would also allow the preservation of the listed building in its current form.

9.1.6 Policy E1 of the Bradford on Avon Neighbourhood Plan goes onto state that: *'Sustainable business and employment development within or adjacent to Bradford on Avon will be supported.'*

9.1.7 The site is located within the centre of Bradford on Avon which is considered to be highly sustainable with very good public transport links. The train station is located approx. 1/4 mile away, and although limited, there are some public car parks nearby. Officers consider the development complies with Policy E1 of the made neighbourhood plan.

9.1.8 Adopted WCS Policy CP7 – which is the Community Area Policy for Bradford on Avon is supported by paragraph 5.35 which states that:

“the economic self-containment of Bradford on Avon will be addressed through delivering employment growth as part of strategic development and retaining all existing employment sites”;

And,

“the loss of employment land in Bradford on Avon will not be supported, in accordance with Core Policy 35. New employment development, in addition to the strategic allocation, will be supported. This will help address the historic loss of employment land in the town due to market forces and the attractiveness of Bradford on Avon to retired people, second home owners and commuters, which have exerted pressure on former employment sites in the town to be converted to residential use”

9.1.9 Adopted WCS Core Policy 35 'Existing Employment Land' moreover states that:

“Within the...Market Towns (e.g. Bradford on Avon) ...proposals for the redevelopment of land or buildings currently or last used for activities falling within use classes B1, B2 and B8 must demonstrate that they meet, and will be assessed against, the following criteria:

- i. The proposed development will generate the same number, or more permanent jobs than could be expected from the existing, or any potential employment use.*
- ii. Where the proposal concerns loss of employment land of more than 0.25 ha in the Principal Settlements, Market Towns or Local Service Centres it is replaced with employment land of similar size elsewhere at that settlement.*
- iii. It can be shown that the loss of a small proportion of employment floorspace would facilitate the redevelopment and continuation of employment uses on a greater part of the site, providing the same number or more permanent jobs than on the original whole site.*
- iv. The site is not appropriate for the continuation of its present or any employment use due to a significant detriment to the environment or amenity of the area.*
- v. There is valid evidence that the site has no long term and strategic requirement to remain in employment use; the ability of the site to meet modern business needs must be considered, as well as its strategic value and contribution to the local and wider economy both currently and in the long term. It must be shown that the site is no longer viable for its present or any other employment use and that, in addition, it has remained unsold or un-let for a substantial period of time (at least 6 months), following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account prevailing market conditions.*
- vi. The change of use is to facilitate the relocation of an existing business from buildings that are no longer fit for purpose to more suitable premises elsewhere within a reasonable distance to facilitate the retention of employment.”*

9.1.10 Taking each of these criteria in turn:

In terms of criteria i) the scheme proposes a net loss of approximately 33% of the office space in the building. However, the office space to be lost consists of the main 17th century building and later 19th century addition which has proven difficult to let and is considered less commercially viable. The remaining office space (approx 635 sq. metres) would be located in the modern 20th century wing of the building and would be of sufficient size to accommodate between 30-40 employees depending on floorspace to employee ratios. The offices remain vacant and the new mansard roof would increase the amount of modern open plan office space which is considered to be more commercially viable and less likely to remain vacant.

9.1.11 Criteria ii) as listed above, is not relevant to this case due to the size criteria.

9.1.12 In terms of criteria iii) the proposed development to convert the listed building to residential use would, in the words of the conservation officer '*safeguard the wider structure for the future*' and facilitate the continued use of the site for employment uses. Allowing some of the office space on site to be converted to residential would help deliver the remaining employment area which otherwise may remain vacant. However, it is recognised that the change of use would decrease the amount of office floorspace overall.

9.1.13 In terms of criteria iv) the scheme does seek to retain some office floorspace and the mansard roof addition would not result in substantive harm to the amenities of adjacent residents. This issue is considered in more detail within section 9.3 'Impact on the living conditions of adjacent residents' later on in this report.

9.1.14 In terms of criteria v) the applicants have submitted a marketing report in support of their application which confirms that the building is currently vacant and has been marketed by Carter Jonas since June 2019. The report states that the majority of enquiries related to the occupation of the modern office block. The report concludes by asserting that

'It is considered likely that tenants will be found for the modern block but not for the historic buildings due to the cellular nature of the accommodation they provide'.

The property was listed on the Carter Jonas website and a number of recognised commercial property portals and mailed to applicants on Carter Jonas database, commercial agents and a number of larger office occupiers within the immediate area. Advertising was targeted towards companies looking for office space ranging between 1,992 and 8,367sq.ft. Interest in response to the marketing has focused primarily on the modern office block with a total of 4 of the 5 enquiries related to this use. However, none of the enquires progressed to letting. Further details on the submitted marketing report can be found in the Appendix attached to this report

9.1.15 Criteria vi) is not relevant in that there is no relocation of any business proposed.

9.1.16 The proposed change of use affects the main 17th century three-storey building and the 19th century single-storey southern annex. Due to the listed status of the building, both of these sections of Manvers House are considered less than ideal for continued office use as confirmed by the marketing report.

9.1.17 Revisions made by Government to permitted development rights in recent years has set out a clear direction to allow for more flexibility in terms of converting commercial property into residential use. The Town and Country Planning (General Permitted Development) (England) Order 2015) as currently amended, allows for the change of use of B1 offices to residential use without the need of planning permission (under Class O of the Order). Whilst this provision does not (at present) extend to this specific case, due to the listed status and the proposed operational development, in recent weeks, the Prime Minister has publicly announced Government plans to radically reform the planning system to introduce greater freedom for buildings and land in town centres to change to residential use, especially where vacant and redundant. The <https://www.gov.uk> website lists the government news articles and includes a press release dated 30 June 2020 titled "PM: Build, Build, Build". Until legislation is passed, we will not know how far the Government will pursue a 'radical' revision to the planning system, but the press release sets out the clear intention of Government to systematically provide additional means by which new homes are delivered – potentially outside of the development management planning control.

9.1.18 NPPF paragraph 81 section d) states that planning policies should: *'be flexible enough to accommodate needs not anticipated in the plan, [and to] allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances'*.

9.1.19 NPPF paragraph 85 section f) moreover states that planning policies should: *'recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.'*

9.1.20 The proposed change of use at Manvers House would constitute a net loss of approximately 318 sq. metres of B1 office floor space which equates to an approximate loss of 33% of commercial floor space within the building. Officers acknowledge that the application breaches the Bradford on Avon Neighbourhood Plan, which through Objective 3, seeks to redress the imbalance between living and working, and to ensure that employment and commercial activity are retained. However, due regard must be given to the caveated requirement set within WCS CP35 and NPPF paragraph 153 where marketing exercise evidence concludes that the ongoing viability of the commercial floor space within the older parts of Manvers House is questionable. This development would not result in the total loss of commercial floor space and from the evidence submitted, officers are satisfied that the loss of approximately 320 square metres of commercial floorspace to be used as residential is justified and would not adversely affect the local economic activity of the town to such a degree that planning permission should be refused.

9.1.21 Moreover, and following the expert conservation advice provided by the Council's conservation officer, officers are mindful of NPPF paragraph 185 which sets out the positives derived from sustaining heritage assets through viable uses rather than have them left vacant.

9.1.22 The proposed roof addition to the main 20th century office wing to the northwest would provide greater flexibility for commercial offices in new open plan floorspace which would accord with objective 3 of the Bradford on Avon Neighbourhood Plan.

9.1.23 The proposed sensitive conversion of the main 17th century building and 19th century southern annex would remove the modern interventions which would deliver a degree of betterment in terms of the interiors of the listed buildings.

9.2 Impact on the setting of the listed building/Conservation Area/adjacent listed buildings

9.2.1 NPPF paragraph 193 states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. ... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

9.2.2 Paragraph 194 of the NPPF leads on to stress that: *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."*

9.2.3 Paragraph 196 of the NPPF moreover asserts that: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”*

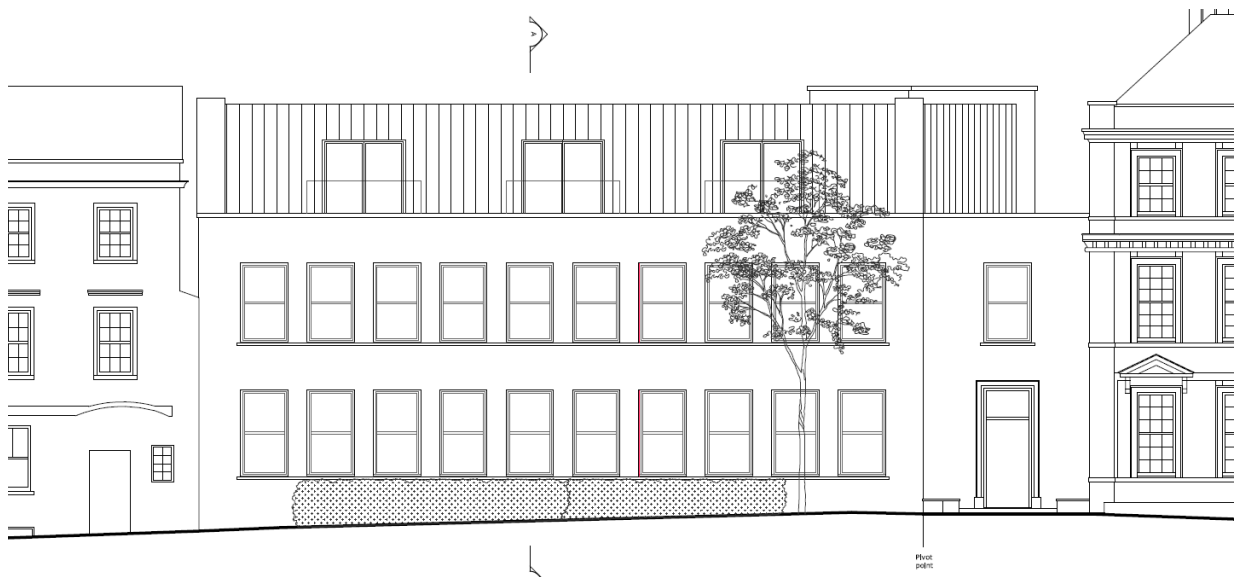
9.2.4 Core Policy 57 of the Wiltshire Core Strategy requires: *“A high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through... being sympathetic to and conserving historic buildings”*.

9.2.5 Whilst WCS Core Policy 58 echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of heritage assets.

9.2.6 Manvers House is a grade II* listed building located in the centre of Bradford on Avon and within the Bradford on Avon Conservation Area. The significance of the listed building lies in its fine architectural detailing and its historic fabric. Its plan form has changed gradually over the years, but the principal part of the listed building has retained much of its internal character. The significance of the Conservation Area and the setting of the surroundings listed buildings relies on the historic street pattern and built environment that together, contribute to the character of the historic industrial working town.

9.2.7 The conversion of the main listed building and its southern historic addition into two dwellings is considered compatible with the heritage asset. Whilst it has been in commercial use for long periods of the years, it is suited for residential use. The works to the main listed building internally extends to blocking up modern door openings to divide the buildings, adding some minor internal partitioning and kitchen and bathroom facilities. These are uncontroversial works that would not result in causing harm to the character or fabric of the listed building. The plan form would be somewhat restored, albeit with some minor partitioning. Joinery details have been submitted and these have been appraised and accepted by the Council’s conservation officer.

9.2.8 The most impactful alteration would be the replacement of the majority of the roof structure to the south wing. The existing roof structure is a set of simple trusses with struts – a Victorian mix of timbers that have been increasingly propped and supported by newer timbers over the years. The roof structure has failed and been subsequently repaired, supported and propped and it is at the point where further repairs become difficult. This scheme creates the opportunity to address the problem fully and result in a complete roof structure to take the building into its next phase.



New mansard roof to north block (Kingston Road elevation)

9.2.9 The listed building has an attached extension referred to as the north block forming a modern set of offices. This extension would be separated off from the main listed building internally and would essentially become a separate building. The current extension is not of high architectural quality or materials although the facing blocks do respect the colour of the local stone. The proposed construction of a mansard roof **(as shown in plan form above)** would result in a more cohesive finished appearance overall that would remain subservient to the main listed building. The use of a mansard behind a parapet would be in keeping with the town's roofscape and would not conflict with other features of the street scene within the Conservation Area. The replacement of the existing windows with new alternatives would enhance the appearance of this part of the building. Overall, the proposed materials are considered acceptable.

9.2.10 The main listed building would be maintained almost as is with only minor changes, resulting in a neutral impact to its historic fabric and character. The south wing would have some loss of historic fabric, but the associated fabric is at the end of its useful life and the opportunity exists to safeguard the wider structure for the future.

9.2.11 The development would, overall, cause no harm to the heritage assets and the alterations proposed to the modern 20th century addition and southwest 19th century annex, would result in an enhancement and betterment to the character of the conservation area. For the same reasons, the development would cause no harm to the adjacent listed buildings. The scheme therefore complies with WCS Core Policy 58 and the Framework.

9.3 Impact on the Living Conditions of Adjacent Residents

9.3.1 WCS Core Policy 57 titled: 'Ensuring High Quality Design and Place Shaping' requires development to have regard to the compatibility of adjoining buildings and uses, the impact achievable within the development itself, including the consideration

of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

9.3.2 A number of residential properties border the application site or are located nearby, including No's 1-2 Kingston Road to the west, No.24 Silver Street to the north and No's 1 to 6 Mill lane to the northeast.

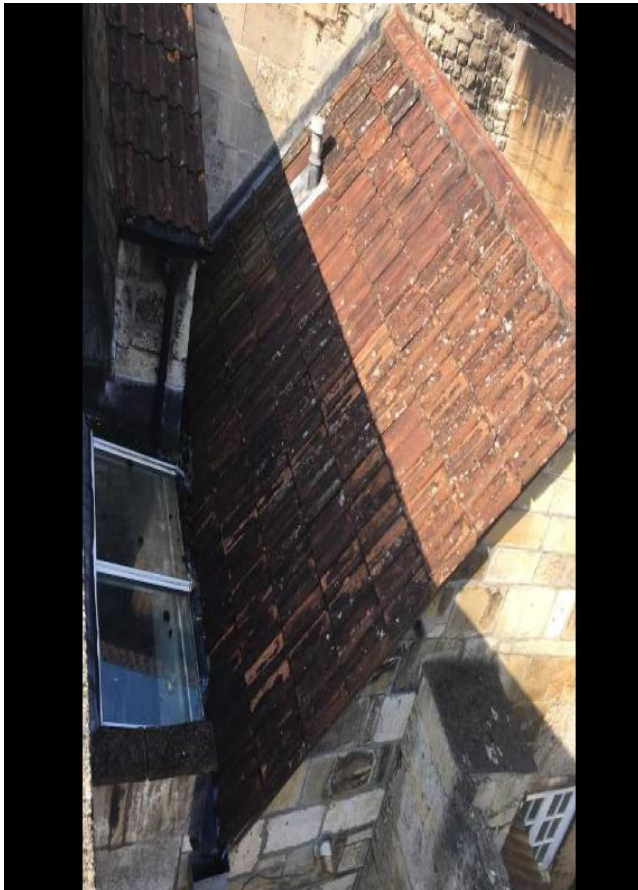


Photo of rooflight No. 1-2 Kingston Road

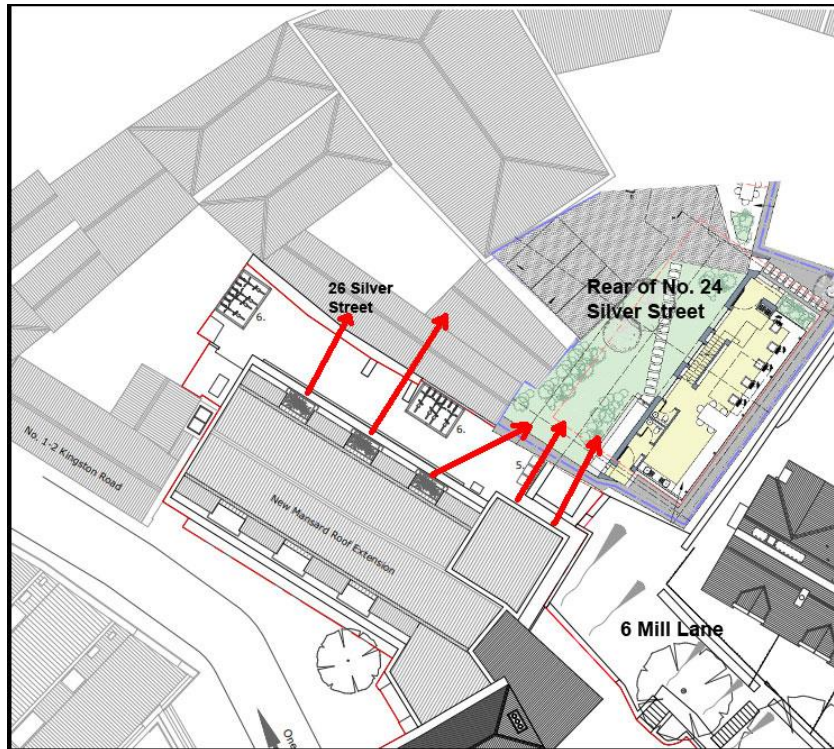
9.3.3 In terms of neighbouring impacts to No's 1-2 Kingston Road, a skylight to this property sits adjacent the northwest wing of Manvers House and third parties have complained about a potential loss of light from the proposed third floor extension. The sky light which is shown in the photograph is set within a valley which is already overshadowed by both the existing flank wall of the Manvers House North Wing and No's 1-2 Kingston Road, as can be seen opposite. In addition, as detailed on plans for the conversion of No.1-2 Kingston Road from offices to residential approved in 2000 (under application W/00/00551/LBC) the skylight, located in the northeast corner of the building, serves a first-floor kitchen – which is not a recognise habitable room.

Within a late representation submission, the occupiers of 1-2 Kingston Rd asserted having “direct and unimpeded ‘sun’ light during the sun’s orbit”. The photo proves that Manvers House property casts a

shadow at present, although Officers are pleased to read that the occupiers still have direct sun light and would still benefit form daylight penetrating the skylight after the roof extension is constructed, if approved. This is because a shadow to be cast would depend upon the sun’s orbit. As such, and being mindful of the sun’s orbit, officers submit that the development would not result in significant levels of additional loss of light and the harm caused would not warrant a refusal of planning permission.

9.3.4 Residents at No. 24 Silver Street have complained that the area directly to the rear of their property which forms an area of amenity space following the demolition of the rear outbuilding under application 16/08409/FUL (as detailed on the plan below), would be overlooked by the proposed new mansard roof. Works to the rear of No. 24 Silver Street are currently ongoing. The separation distance from the northern boundary of Manvers House and the southern boundary of this amenity space is approx. 5.5 metres, in addition, due to level changes in the area, this amenity space is located opposite the first-floor level of Manvers House north block staircase. Officers

accept that the mansard window closest to the staircase and windows from the new second floor staircase would result in some overlooking of the amenity area (as detailed in the plan below). However, it should be noted that this amenity space is already directly overlooked by neighbouring properties fronting Silver Street and side windows to No. 6 Mill Street. Consequently, a condition is recommended to be imposed on any planning permission requiring that these three windows to the new mansard and staircase be obscurely glazed. The remaining 2 rear windows of the mansard would overlook an outbuilding to the rear of No. 26 Silver Street and an area of car parking adjacent the amenity space of No. 24 Silver Street (detailed in the plan below).



New mansard to north wing and relationship with adjacent properties

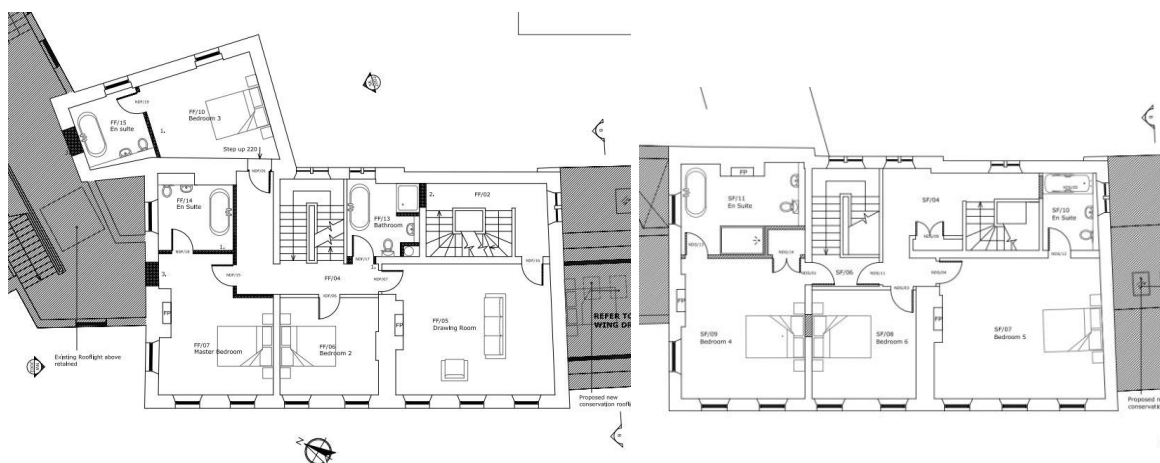


Photo from rear of No. 24 Silver Street that would face new roof addition and stairway

9.3.5 In addition, it is considered that due to the separation distance and limited height of the proposed Mansard roof (approx. 3 metres), the development would not result in substantive loss of light or result in overbearing impact to neighbouring properties and residents, including the amenity space to the rear of No. 24 Silver Street.

9.3.6 The separation distance between the rear elevation of Manvers House and the rear elevation of the properties at Mill Lane is approx. 11 metres (viz. No. 6) and 27 metres (viz No. 3) as the properties angle away from each other. At its closest, the rear boundary of No. 6 is approx 3 metres from the northern boundary of Manvers House while the rear boundary of No. 3 is approx 14.5 metres from the northern/rear boundary of Manvers House. In terms of the impact of the development on properties at Mill Lane it must be stated that these properties are already overlooked by the existing office development and in particular by the windows at the second-floor level. In addition, the rear gardens of No's 1-6 Mill Lane, in particular the southern aspect of the gardens, are already overlooked by rear windows of existing properties fronting Mill Lane.

9.3.7 It is appreciated that with the proposed conversion, the use of Manvers House would change but the number of people potentially looking out of the windows towards the neighbouring properties would be materially reduced. In addition, the application proposal would result in three windows at the second-floor level (facing north) serve non-habitable rooms such as a stairway and hallway. Whilst of the four north facing windows at first floor level, one would serve a stairway and two would serve bathrooms and for those serving the bathrooms, they would be obscurely glazed. The remaining window would serve a bedroom (as detailed in floor plans and photo of existing north elevation below). Although this would result in some overlooking of neighbouring property, in particular the residents at No. 6 Mill Lane, it should be noted that this window is not new and the potential for overlooking from this window already exists.



Main building Manvers House proposed first floor

Main building Manvers House proposed second floor

9.3.8 It is recognised that the southeast facing windows serving the new staircase to the new mansard roof would overlook the rear gardens of properties at Mill Lane, in particular No. 5 and No. 6 Mill Lane (as detailed on the plan of the new mansard roof to the northwest wing above). However, these properties are already overlooked by existing windows serving the offices as detailed in the photos below.

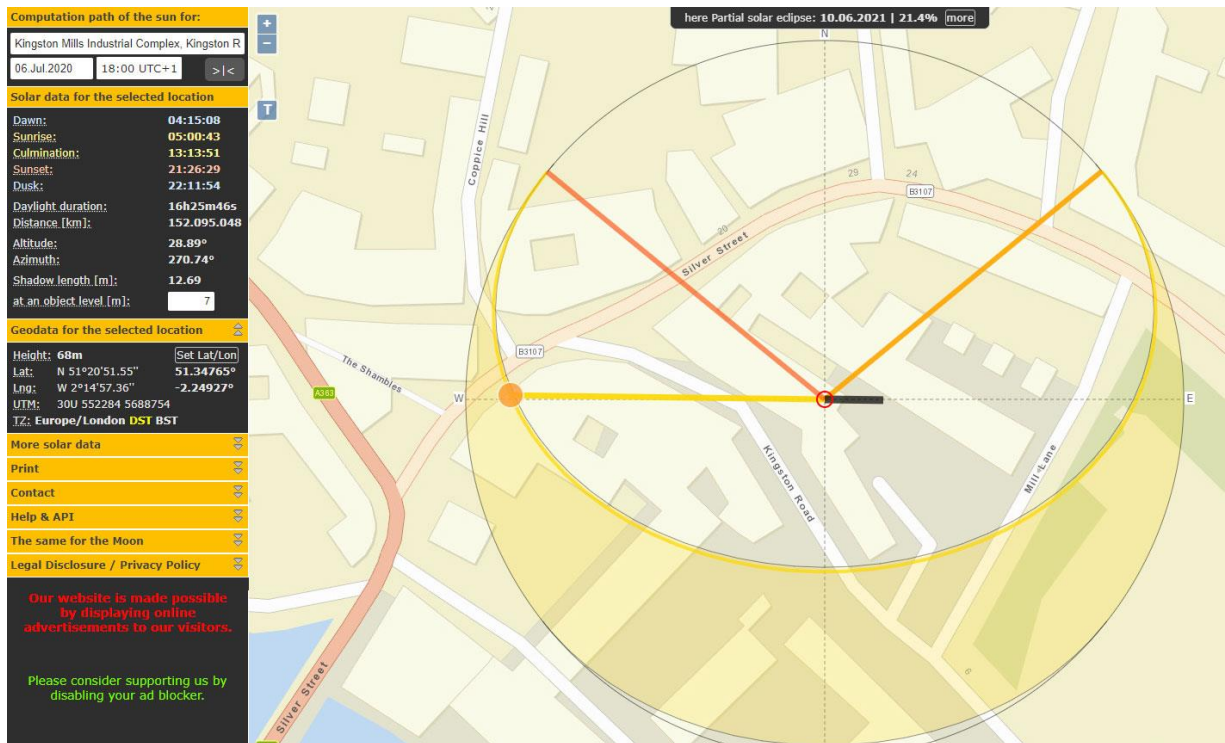


Photos from rear garden of No. 6 Mill Lane towards existing NE and N elevations of Mansard House

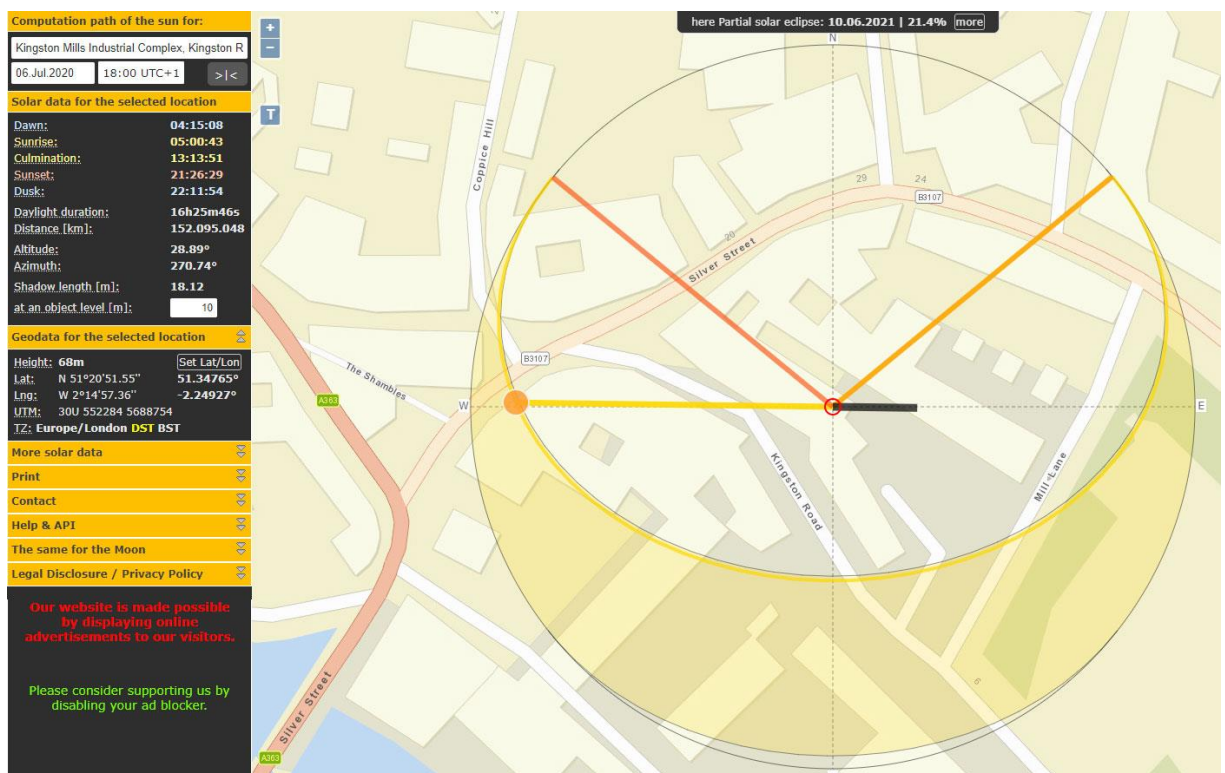
9.3.9 As such it is not considered that the overlooking resulting from the change of use, in particular any overlooking of properties at Mill Lane, would be so detrimental to the living conditions of residents that the application should be recommended for refusal.

9.3.10 A planning condition is however recommended for any approval requiring the new southeast facing second floor windows to be obscurely glazed in addition to the windows in the main central building serving bathrooms.

9.3.11 Specific to the proposed erection of the second-floor stairway (an increase in height of approx. 3 metres) and roof addition, officers have had due regard to the sun's orbit and potential for causing overshadowing and loss of light to the rear garden of No. 6 Mill Lane especially during late afternoon and evenings. However, officers are satisfied that the impacts would be temporary for part of the day/evening and would not result in significant detriment to the living conditions of the residents of No. 6 to justify a refusal of planning permission. As can be seen from the Sun calculation test below taken at 6 pm on a July evening the rear garden of No. 6 Mill Lane is already in shadow, and although the proposed extension to the staircase would increase this overshadowing, it would be limited during the day.



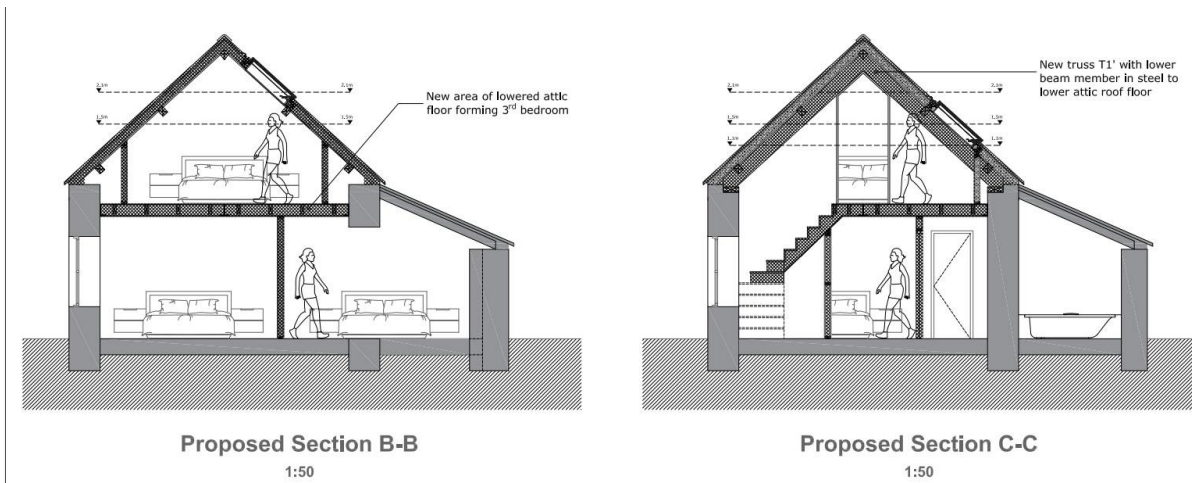
Sun calculation - Impact on rear garden of 6 Mill Lane - Existing height of building



Sun calculation - Impact on rear garden of 6 Mill Lane - Proposed height of building

9.3.12 The scheme proposes new roof lights to the east wing to serve a bedroom and hallway (which is not considered a habitable room) in the first floor of the 19th century conversion however due to the height of the rooflights and/or separation distance from the rear boundaries of properties at Mill Lane and the higher elevation of the

properties at Mill Lane, this aspect would not cause undue harm in terms of loss of privacy or overlooking to neighbouring residents.



9.3.13 Due to the separation distances and juxtaposition of the new mansard roof to the north wing in relation to residential properties at No's 25 to 30 Lamb Yard, there would be no additional overlooking or loss of privacy to residents of these flats.

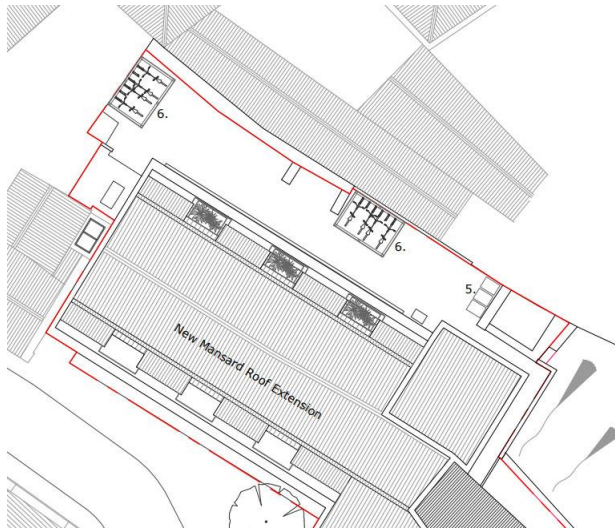
9.3.14 The proposed development would not lead to significant levels of loss of privacy, overlooking or overshadowing to neighbouring residents to warrant a recommendation for refusal, and officers are satisfied that the development complies with WCS Core Policy 57 and the NPPF.

9.4 Highway Issues/Parking

9.4.2 The aim of Objective 6 of the Bradford on Avon Neighbourhood Plan seeks 'to improve the pedestrian environment in the town, encouraging people to walk or cycle rather than use their cars thereby assisting in the improvement of the overall environment and air quality.' Meanwhile, Policy T2 states that 'Development proposals that would result in the loss of public or private parking capacity will not be supported unless they can show that alternative capacity will be provided elsewhere or can show that the proposals will result in a reduction in the need for off-street parking.' However, paragraph 109 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

9.4.3 The application seeks planning permission for the change of use of part of Manvers House from offices to form a 6-bed dwelling and a 3-bed dwelling in addition to the erection of a mansard roof for office purposes. Currently, the property has 23 off road parking spaces located to the side and rear of Manvers House with access off Kingston Road. The applicant proposes to reduce the total number of spaces to 10 with 2 spaces being allocated to the 6-bed property, and 1 space for the 3-bed property. This would leave 7 spaces remaining for the office use. This would constitute as a Local Transport Plan shortfall of 2 off road parking spaces for the residential use and about 14 spaces for the office use.

9.4.4 Officers acknowledge that there is limited off road parking in the immediate area and would argue that the traffic restrictions found on the surrounding roads would not likely lead to displaced car parking causing a problem to local residents. Instead, with the subject property being considered as a sustainable location, and within short walking distance to public transport links including the train station, the proposed on-site parking deficit is not considered unacceptable, and it is noted that the Council's highway authority has raised no objections.



Proposed cycle shelters

to be constructed and made available prior to occupation. It is proposed 2 cycle shelters accommodating 12 cycle spaces would be located to the rear of the north block as detailed in the following plan. Design of these shelters would also be conditioned.

9.4.6 The reduced amount of parking for the proposed development would not lead to such levels of harm to highway safety in the immediate area as to warrant a recommendation for refusal.

9.5 Other Issues

9.5.1 Other issues have been raised by third parties namely criticising the accuracy of the submitted plans and stating the submission contains factual inaccuracies. Officers secured revised plans and details to redress these concerns, and the presented application for member consideration is considered to be of sufficient standard to inform a full and proper assessment which is supported by a detailed design and access statement that contains the marketing exercise and particulars.

9.5.2 Additional concern has been raised by third parties about the level of amenity space available for future occupiers of this development. A rear garden space extending to approx. 114 square metres would be available for the main 6-bed dwelling and a private courtyard extending to approx. 18 square metres would be available for the 3-bed maisonette. There are no adopted plan policies prescribing the size of amenity space for residential development in Wiltshire. Instead, each case must be assessed on its own merits. In this particular case, officers are satisfied that within this town centre location, the proposal is acceptable.

9.5.3 Additional concern has been raised about the impact of the development on a nearby tree (Grey Poplar - see below) that is subject to a Tree Preservation Order (TPO). However, officers are satisfied that the development would not impact on the tree. A condition will be applied to any approval requiring details of tree protection during construction.



TPO Tree (Grey Poplar) located in the rear garden of No. 6 Mill Lane

9.5.4 Third parties have also commented on loss of views however, a loss of a view over other land and property is not a material planning consideration.

9.5.5 Third parties have also argued that no 'notice of intention' has been volunteered by the developer in regard to the Party Wall Act. However, this is a civil legal matter between third parties, and is not a planning issue.

10. Conclusion (The Planning Balance)

Manvers House is grade II* listed building located within the settlement limits of Bradford on Avon and within the Bradford on Avon Conservation Area. The building consists of three main sections; a principal three-storey central building dating back to the 17th century, a single storey 19th century addition erected off the southeast elevation and a 2-storey modern 20th century office development adjoining the northwest elevation.

The proposed development would result in the loss of 320 sq. metres of office floor space, however it is considered this loss would be offset by facilitating the new viable uses of the property which would comprise a mix of residential and continued office/commercial floor space that would not only preserve the listed building, but with the removal of the modern interventions, and the construction of an appropriate well designed new roof, would provide a heritage betterment.

The proposed development would have reduced parking provision however this would be offset to some degree by encouraging use of alternative more sustainable modes of transport and reducing the dependency upon private motor vehicles.

The proposed development would not adversely impact the living conditions of neighbouring residents and the development would cause no harm to the grade II* listed building or adjacent / nearby listed buildings.

The proposed development would provide 2 additional market dwellings and, with the addition of the new mansard roof, would facilitate the continued use of the site for employment purposes and preserve the listed building in its current form. There would also be some short terms benefits during the construction phase through direct and indirect job creation.

Overall, officers are satisfied that the development should be supported subject to conditions.

RECOMMENDATION: APPROVE subject to the following conditions

Recommended Conditions for planning application: 20/01219/FUL

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

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

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

- 19044_NP-XX-XX-DR-A-1001-C Location Plan
- 19044_NP-XX-XX-DR-A-1002-D Existing Site Plan
- 19044_NP-XX-00-DR-A-1003-B Existing Ground Floor Plan
- 19044_NP-XX-01-DR-A-1004-B Existing First Floor Plan
- 19044_NP-XX-02-DR-A-1005-B Existing Second Floor Plan
- 19044_NP-01-00-DR-A-1006-B North Wing Existing Ground Floor Plan
- 19044_NP-01-01-DR-A-1007-B North Wing Existing First Floor Plan
- 19044_NP-01-02-DR-A-1008-B North Wing Existing Roof Plan
- 19044_NP-02-00-DR-A-1009-B Main House Existing Ground Floor Plan
- 19044_NP-02-01-DR-A-1010-B Main House Existing First Floor Plan
- 19044_NP-02-02-DR-A-1011-B Main House Existing Second Floor Plan
- 19044_NP-03-00-DR-A-1012-B South Wing Existing and Proposed Ground Floor Plan
- 19044_NP-03-01-DR-A-1013-B South Wing Existing and Proposed First Floor Plan
- 19044_NP-01-00-DR-A-1016-B North Wing Proposed Ground Floor Plan
- 19044_NP-01-01-DR-A-1017-B North Wing Proposed First Floor Plan
- 19044_NP-XX-00-DR-A-1018-C North Wing Proposed Second Floor Plan
- 19044_NP-02-00-DR-A-1019-B Main House Proposed Ground Floor Plan
- 19044_NP-02-01-DR-A-1020-B Main House Proposed First Floor Plan
- 19044_NP-02-02-DR-A-1021-B Main House Proposed Second Floor Plan
- 19044_NP-XX-XX-DR-A-1022-E Proposed Site Plan
- 19044_NP-XX-00-DR-A-1023-B Proposed Ground Floor Plan
- 19044_NP-XX-01-DR-A-1024-B Proposed First Floor Plan
- 19044_NP-XX-02-DR-A-1025-C Proposed Second Floor Plan
- 19044_NP-XX-XX-DR-A-2001-B Existing and Proposed Street Elevation
- 19044_NP-XX-XX-DR-A-2002-D Existing SE Elevation
- 19044_NP-XX-XX-DR-A-2003-D Existing-Proposed Rear Elevation
- 19044_NP-XX-XX-DR-A-3001-A Existing Section A-A
- 19044_NP-XX-XX-DR-A-3002-B Existing and Proposed Sections B-B, C-C and D-D
- 19044_NP-XX-XX-DR-A-3021-C Proposed Section A-A
- 19044_NP-XX-XX-DR-A-4001-B Door Architraves and Skirtings Detail
- 19044_NP-XX-XX-DR-A-4004-B French Door Detail
- 19044_NP-XX-XX-DR-A-4005-A Rooflight Detail
- 19044_T05_001_A_Door Schedule

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

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

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- details of methods to protect the tree subject to a TPO located to the rear of 6 Mill Lane during construction works. These methods shall be in accordance with British Standard 5837 (2012): "Trees in Relation to Design, Demolition and Construction - Recommendations" and shall be maintained for the duration of the works;
- means of enclosure;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. bin stores, cycle shelters, furniture, play equipment, refuse and other storage units, signs, lighting etc).

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development, protection of existing important landscape features, in the interests of the character and appearance of the Conservation Area and preserving the character and appearance of the listed building.

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

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

5. Before the development hereby permitted is first occupied the windows in the northeast and southeast elevations of the new second floor mansard roof serving the WC and stairway and the eastern most northeast facing window of the new mansard roof serving the new office space and the windows in the north elevation serving the en-suite and bathroom at first floor level of the Main House shall be glazed with obscure glass only [to an obscurity level of no less than level 4] and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

6. No part of the development hereby approved shall be occupied until the parking area shown on the approved plans (Dwg No. 1022 rev E) has been consolidated, surfaced and laid out in accordance with the approved details. The parking area shall provide two parking spaces to be allocated to the new 6-bed dwelling, one space for the new 3-bed maisonette and 7 spaces for the office use. Thereafter, the parking area shall be maintained and remain only available for such use in perpetuity.

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

7. No part of the office development shall be occupied until the cycle parking facilities shown on the approved plans (Dwg No. 1022 rev E) have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

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

8. No part of the office development shall be occupied until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring with the results being made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

Informatives

1. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website:

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

2. The applicant is advised to make contact with Wessex Water to ensure the site is served by appropriate water and foul water connections.

Recommended Conditions for application: 20/02055/LBC

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

19044_NP-XX-XX-DR-A-1001-C Location Plan
19044_NP-XX-XX-DR-A-1002-D Existing Site Plan
19044_NP-XX-00-DR-A-1003-B Existing Ground Floor Plan
19044_NP-XX-01-DR-A-1004-B Existing First Floor Plan
19044_NP-XX-02-DR-A-1005-B Existing Second Floor Plan
19044_NP-01-00-DR-A-1006-B North Wing Existing Ground Floor Plan
19044_NP-01-01-DR-A-1007-B North Wing Existing First Floor Plan
19044_NP-01-02-DR-A-1008-B North Wing Existing Roof Plan
19044_NP-02-00-DR-A-1009-B Main House Existing Ground Floor Plan
19044_NP-02-01-DR-A-1010-B Main House Existing First Floor Plan
19044_NP-02-02-DR-A-1011-B Main House Existing Second Floor Plan
19044_NP-03-00-DR-A-1012-B South Wing Existing and Proposed Ground Floor Plan
19044_NP-03-01-DR-A-1013-B South Wing Existing and Proposed First Floor Plan
19044_NP-01-00-DR-A-1016-B North Wing Proposed Ground Floor Plan
19044_NP-01-01-DR-A-1017-B North Wing Proposed First Floor Plan
19044_NP-XX-00-DR-A-1018-C North Wing Proposed Second Floor Plan
19044_NP-02-00-DR-A-1019-B Main House Proposed Ground Floor Plan
19044_NP-02-01-DR-A-1020-B Main House Proposed First Floor Plan
19044_NP-02-02-DR-A-1021-B Main House Proposed Second Floor Plan
19044_NP-XX-XX-DR-A-1022-E Proposed Site Plan
19044_NP-XX-00-DR-A-1023-B Proposed Ground Floor Plan
19044_NP-XX-01-DR-A-1024-B Proposed First Floor Plan
19044_NP-XX-02-DR-A-1025-C Proposed Second Floor Plan
19044_NP-XX-XX-DR-A-2001-B Existing and Proposed Street Elevation
19044_NP-XX-XX-DR-A-2002-D Existing SE Elevation
19044_NP-XX-XX-DR-A-2003-D Existing-Proposed Rear Elevation
19044_NP-XX-XX-DR-A-3001-A Existing Section A-A
19044_NP-XX-XX-DR-A-3002-B Existing and Proposed Sections B-B, C-C and D-D
19044_NP-XX-XX-DR-A-3021-C Proposed Section A-A
19044_NP-XX-XX-DR-A-4001-B Door Architraves and Skirtings Detail
19044_NP-XX-XX-DR-A-4004-B French Door Detail
19044_NP-XX-XX-DR-A-4005-A Rooflight Detail
19044_T05_001_A_Door Schedule

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

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

- Samples of external materials
- Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
- Large scale details of all internal joinery (1:5 elevation, 1:2 section);
- Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- Details of all new or replacement rainwater goods

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.

Appendix I Copy of Marketing Report produced by Carter Jonas

The Principle of the Proposed Uses

6.1 The site is within the Bradford on Avon urban area and is considered to be an appropriate location for residential development under Core Strategy policies CP1 and CP7.

6.2 The current B1 employment use is a key consideration in relation to the principle of the proposed conversion of the historic buildings to residential use. In this respect, the buildings are vacant and have been marketed by Carter Jonas since June 2019 through the following marketing channels:

- Particulars – marketing produced (see Appendix 3)
- Property has been listed on the Carter Jonas website and a number of recognised commercial property portals
- Property mailed to applicants on Carter Jonas database, commercial agents and a number of larger office occupiers within the immediate area
- Advertising of the property acknowledges the Listed Building Consent to split the building into a number of smaller office suites and is targeted towards companies looking for office space ranging between 1,992 and 8,367sq.ft.

6.3 Interest in response to the marketing has focused primarily on the modern office block (Figure 1 – building A). There have been five enquiries, four of which relate to the modern block only. However, none have been progressed to letting terms for a variety of reasons, as detailed below:

- 1 Interested in occupation of the whole. A new start-up company without any track record and no guarantors offered. Not progressed due to lack of covenant strength, track record or willingness to offer director guarantees.
- 2 – Party looking for open plan offices of 4,000 sq ft within a 10 mile radius from existing office based north of Bath. Premises discounted due to location from existing office and parking provision.
- 3 – Local based company looking for open plan offices. Viewed modern extension only and whilst premises suited requirement internal issues have meant they are not currently in a position to progress.
- 4 – A local company interested in the modern annex only. They are still interested but are not in a position to sign heads of terms
- 5 – A local company interested in taking a single floor of the modern annex only. They have opted to remain in their existing facility.

6.4 It is considered likely that tenants will be found for the modern block but not for the historic buildings due to the cellular nature of the accommodation they provide. The proposal therefore seeks to increase the amount of modern, open-plan officer space by 130m² (1,399 sq ft) through an additional floor to the modern block to provide a total of 503m² (5,414 sq ft). The historic elements are to be brought into residential use, more suited to their configuration and character.

6.5 In accordance with the provisions of Core Strategy policy CP35, the proposal therefore retains and expands the modern employment space for which it is considered there is likely to be demand and safeguards the heritage assets, which are unsuited to modern business needs, by bringing them into residential use, in keeping with the original purpose of the principal listed building.

6.6 Overall, it is considered that the principle of the proposed development is in accordance with national and local planning policy.



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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	19 August 2020
Application Number	19/02719/OUT
Site Address	Steeple Ashton Kennels And Cattery Edington Road Steeple Ashton BA14 6HP
Proposal	Outline planning application for the demolition of existing buildings/structures, and residential development (Class C3) of up to 9 no. dwellings; with associated car parking, turning, landscaping, private amenity space, access arrangements, and provision of footway - External access not reserved (Re-submission of Application No 18/07416/OUT).
Applicant	Mr & Mrs T McColgan
Town/Parish Council	STEEPLE ASHTON
Electoral Division and Ward Member	SUMMERHAM AND SEEND – Cllr Jonathon Seed
Grid Ref	390,810 156,090
Type of application	Full Planning
Case Officer	David Cox

Reason for the application being considered by Committee

Cllr Jonathon Seed, as the Unitary Ward Member, requested that should officers be minded to refuse this application, it should be brought before the elected members of the western area planning committee for its determination and to specifically consider the visual impact upon the surrounding area, the relationship to adjoining properties as well as the design and highway impacts.

1. Purpose of Report

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

2. Report Summary

The main issues discussed in this report are as follows:

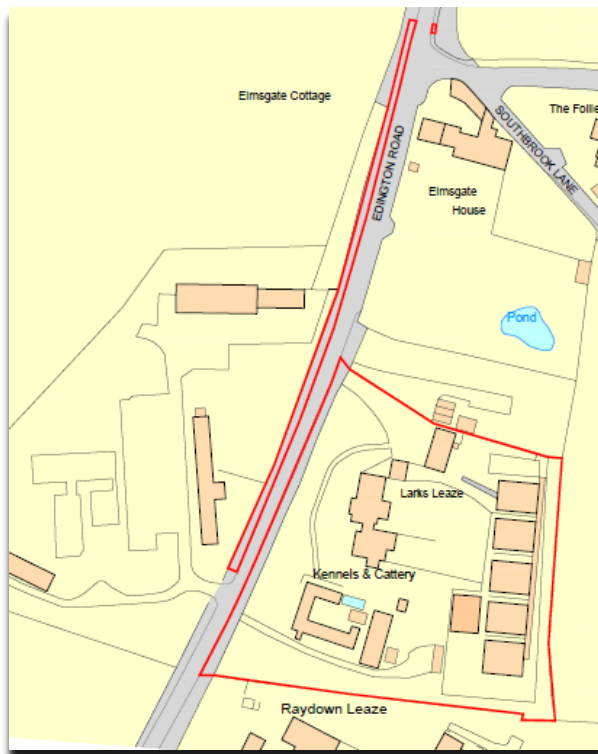
- The Principle of the Development
- Meeting Wiltshire's Housing Needs
- Highway Safety and Parking
- Impact on Landscape
- Impact on Ecology
- Impact on Designated Heritage Assets
- Drainage Matters
- s106/CIL Contributions

3. Site Description

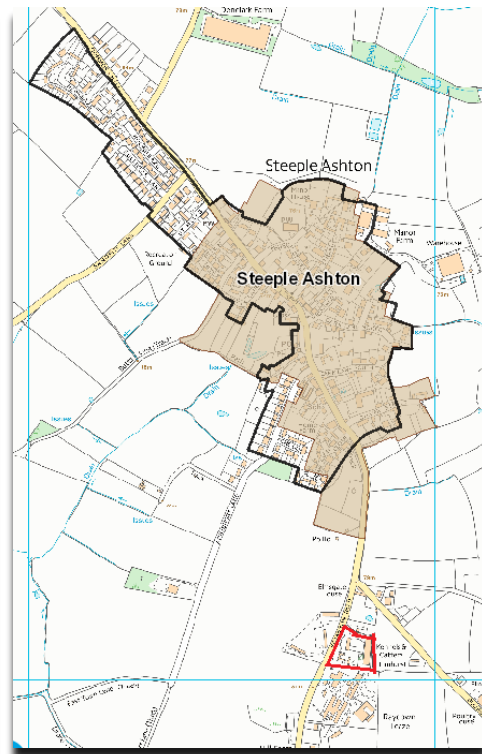
The application site comprises a site area of approximately 0.91 hectares which has a number of buildings including 'Larks Leaze', a residential property and a residential annex, in addition to the numerous dog kennel and cattery outbuildings. There are two existing vehicular accesses to the site, with the main one being located at the northern corner of the site served by Edington Road with the second being located further to the south (which is understood to be mainly used for deliveries). The site area referenced above does not include the land take up for the proposed new pavement along Edington Road.

The application site is located within the open countryside and approximately 450 metres away from the established village settlement boundary limits of Steeple Ashton. The application site

is not subject to any specific land designation (e.g. AONB or Green Belt) but the Council's mapping constraint database indicates that the site is prone to ground water flooding issues.



Site Location Plan



Extract from Wiltshire Core Strategy

The above two inserts reveal the location of the application site in relation to the village limits (identified by the thick black line above right) and the conservation area (illustrated in brown). There is, at present, no pavement on either side of the road serving the application site, and the nearest pavement is located some 115 metres to north and near to the junction with Southbrook Lane (illustrated above left).

To the immediate north of the site, a timber log store business operates along with 'Elmsgate House', a grade II listed building some 80 metres from the site. To the west there is a business unit where bespoke kitchens are made (by Stephen Graver) which also includes a former office unit that benefits from prior approval to convert it into 4 dwellings under Schedule 2, Part 3, Class O of the General Permitted Development Order (under application 17/04002/PNCOU). It should also be noted that the office unit located closest to the application site (to the west, and as illustrated by the above left insert) was refused permission for 10 residential units by application 16/11247/PNCOU due to noise nuisance concerns associated to the adjacent businesses and land uses. Officers duly noted that the Parish Council were opposed to the PNCOU development citing noise, transport and highway concerns. The application was refused for the following reason:

1) The proposal by reason of the impacts of noise from the kennel boarding premises to the east on the intended occupiers of the development would be contrary to paragraph 123 of the National Planning Policy Framework 2012 and due to the provisions within paragraph W, the condition set out in paragraph O.2 of Class O, Part 3, Schedule 2 of the General Permitted Development Order 2015 (as amended). The PNCOU refusal was not appealed.

4. Planning History

The annex to 'Larks Leaze' was first granted permission by applications W/74/0429 (which gained permission for a *bungalow to be occupied by the manager of the on-site business*) and

W/75/0578 which had conditions imposed limiting the occupants of the bungalow to either work in the making of dog food (at Larks Leaze) or to manage the adjacent dog kennel business.

Under application W/84/00987 permission was granted for an annexe extension to the bungalow to be occupied by the retiring parents, and upon approving the application the LPA imposed a planning condition linking the bungalow to Larks Leaze to avoid the two being separated.

Additional dog kennels were approved in 1984 under application W/84/00852/FUL and a cattery development was approved in 1985 by application W/85/01182/FUL. Additional cattery related development was approved in 1992 under application W/92/00131/FUL. In 1996 application W/96/00880/FUL was however refused for the retention of two caravans to be occupied for staff accommodation.

More recently, application 18/07416/OUT for 9 dwellings at the Larks Leaze site was withdrawn.

5. The Proposal



Proposed indicative site plan – the accesses are part of the outline application

This outline application seeks permission to demolish all of the dog kennels and cat cabins and to erect up to 9 dwellings (whilst retaining the existing dwelling and annexe identified as the largest building block above) all of which would be served by the two existing vehicular accesses. The indicative plans show that the main existing access (at the northern end of the site) would be used to serve 6 of the proposed dwellings units 3-8. Whilst the existing southern access would serve units 1-2, 9 and the existing Lark Leaze property – with a widened access.

This application has been subject to revisions since March 2019 reducing the number of vehicular accesses from four to two, and providing an 8-10-metre-wide 'reptile and wildlife' buffer along the site boundaries following extensive negotiations with the Council's ecologist.

The applicant also proposes to construct a new pavement link (on the western side of Edington Road) to connect with the existing pavement some 115 metres to the north.

For the avoidance of any doubt this is an outline application, whereby the Council is invited to consider the principle of residential development with the proposed vehicular means of access being the only detailed matter for consideration.

Matters relating to the appearance, layout, scale and landscaping would be 'reserved matters' for future applications, should members resolve to approve this outline application. The plan included on the previous page is therefore indicative and should be treated as being for illustrative purposes only.

As there are no Wessex Water sewers in close proximity to the site, a private drainage system would be required for the site with individual Package Treatment Works discharging to a drainage field at the east of the site. All surface water from within the site would be discharged by soakaways which have been sized based on infiltration rates established during a ground investigation.

The application is accompanied by a Planning Statement, an Affordable Housing Statement, a Transport Statement, an updated Drainage Report, an updated Bat Survey and Ecological Appraisal Report and an updated Arboricultural report.

6. Planning Policy

The Wiltshire Core Strategy (WCS) - The following Core Policies (CP) are relevant when assessing this application: CP1 (Settlement Strategy); CP2 (Delivery Strategy); CP3 (Infrastructure Requirements); CP15 (Melksham Area Strategy); CP43 (Providing Affordable Housing); CP44 – (Rural Exception Sites); CP45 (Meeting Wiltshire's Housing Needs); CP50 Biodiversity and Geodiversity; CP51 (Landscape); CP57 (Ensuring High Quality Design and Place Shaping); CP58 (Ensuring the Conservation of the Historic Environment); CP60 (Sustainable Transport); CP61 (Transport and Development); CP62 (Development Impacts on the Transport Network); CP64 (Demand Management); CP67 (Flood Risk)

When adopting the WCS, some policies remain saved from the West Wiltshire District Local Plan (1st Alteration) (WWDLP) U1a – foul water drainage

Wiltshire Housing Land Supply Statement – Base Date April 2018 – published August 2019

Wiltshire Housing Site Allocations Plan – adopted February 2020.

Wiltshire Council Groundwater Management Strategy 2016

Wiltshire Council Countryside Character Area Assessments – Avon Vale and Rolling Clay Lowland E5

Wiltshire Council Bat Special Area of Conservation (SAC) Guidance

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

The Habitat Directive and Habitat Regulations

7. Summary of Consultation Responses

Steeple Ashton Parish Council – “No objection with comment.

The PC seeks clarification that the drainage planned for the development is adequate for the number of houses proposed, [and] further clarification is also sought that the footpath, which would be on the internal boundary of the site, would remain accessible to the general public”.

Wiltshire Council Housing Officer: No objection subject to securing a s106

I have reviewed the latest updated Affordable Housing Statement and the layout plan which have now been submitted:

The main affordable housing policy issue regarding this site is that it is outside the settlement boundary and is not being proposed as a 100% AH site under CP44. Instead, the site for affordable housing provision purposes, is being assessed against the NPPF requirements as a site extending to approximately 0.9 ha (which exceeds the 0.5 ha threshold set by the NPPF) which means – where that where there is a demonstrable need – the AH policies of the Wiltshire Core Strategy (namely CP43, CP45 and CP46) should be applied. As there is no Neighbourhood Plan, or even a current Rural Housing Needs Survey for Steeple Ashton, due regard should be given to the Melksham Community Area demonstrable need (which includes Steeple Ashton and the surrounding parishes) using data from our Housing Register(s).

With reference to the update AH Statement (dated November 2019), the applicant now accepts and proposes to provide for 30% on-site affordable housing provision (rounded up to 3 units) to be provided at nil subsidy in line with CP43 and CP45 Core Strategy policies and procedures and requirements.

For indicative purposes only at this stage, it is noted that the submitted revised block plan shows the AH plots as:

- Plot 1 - 1 x 2bed 4-person House (measuring) 83.61 m2 - Shared Ownership
- Plot 2 - 1 x 3bed 5-person House (measuring) 99.13 m2 - Shared Ownership
- Plot 9 - 1 x 2bed 4-person House (measuring) 83.61 m2 - Shared Ownership

This would satisfy the AH policy requirements regarding the number of units and parking bays, tenure type and the minimum sizes required to be provided on site should the scheme be supported and come forward. The mix of tenure advised would need to be reviewed/checked again at the time of any REM application to ensure it remains in line with current demonstrable need at that time - as policy requires. The completed affordable dwellings would be required to be transferred to a Registered Provider, approved by the Council, or to the Council, on a nil subsidy basis. The Local Authority would have nomination rights to the affordable dwellings, secured via a s106 Agreement.

Wiltshire Council Tree Officer: No objection subject to conditions. The revised number of accesses (and the indicative layout) is a far better solution which addresses the initial tree concerns.

Wiltshire Council Highways Officer: No objection subject to conditions and planning informative.

The amended drawings change the scheme significantly. Two vehicular access are now proposed and whilst no visibility splays have been provided, it has been previously established that these can be achieved in both locations and a planning condition could secure these. The

geometry of both accesses is acceptable although full details would be required before any works commence, along with full specification details for the footway.

A proposed new footpath within the Larks Leaze site is shown at a width significantly less than 2m which would serve 4 units and would not be within the public highway and on this basis, the width is acceptable in this instance. The proposed internal footpath would join the public highway adjacent to the northernmost access and would need to be kerbed. At this point, an informal crossing point would be provided across Eddington Road. The footway at this point is angled and would need to be formed using a radius kerb and be of a width of 2m within the public highway, but again, this can be conditioned.

The internal layout is acceptable, with adequate car parking and turning provided for each unit and sufficient width and turning provision provided for a refuse vehicle.

A new footway is also proposed on the opposite side of Eddington Road which would provide a continuous pedestrian route to the village. This provision is very much welcomed and would need to be subject to a s278 Highways Agreement for its construction. The precise construction details of this footway would be dealt with under the s278 process, but it would need to be constructed at 2m width where possible, and have a positive drainage solution along the entire length of the new footway, as currently, the road drains into the adjacent highway ditch.

Wiltshire Council Drainage Officer: No objection subject to conditions. The updated Drainage Statement has addressed the initial drainage holding objection. Conditions would be required to iron out the details to support any subsequent Reserved Matters application. The revised information demonstrates that the site can be drained effectively.

Wiltshire Council Environmental Health Officer: No objection subject to a planning condition.

Wiltshire Council Archaeology Officer: No objection subject to a planning condition.

Wiltshire Council Ecologist: No objection based on the revised site plan and additional information, subject to conditions.

Natural England: No comments. Confirmed and accepted the HRA conclusions of the Council's ecologist.

Wessex Water: No objection but note there are no public sewers in or near the application site.

8. Publicity

A site notice was displayed at the site frontage and 9 neighbour notification letters were posted in the Spring of 2019 when the application was first submitted which led to two third-party representations which can be summarised as follows:

- The development is excessively dense for such a non-urban location. Houses should be reduced and more garden and green spaces made available
- The site is within the impact risk zone of a SSSI which is related to unique geology of this locality. The application does not make any assessment of the potential impact on the underlying geology
- Concerned over the lack of provision for wildlife in the site including swifts. Conditions should be added to ensure that provisions are included

Following the submission of revisions and updated statements in late 2019, a further public re-consultation exercise led to three additional third-party representations comprising two objections and one letter of support which can be summarised as follows:

- There is a drainage waterway on the eastern boundary of the site abutting my property Elmhurst, Southbrook Lane. This waterway floods during periods of heavy rain and throughout winter onto my property and drains into waterway along the frontage. There is a pond which in reality is a swamped area which also spills onto my field where livestock (sheep) graze
- The development must not raise the flood level risk across my land
- The application still proposes the felling of a large number of trees. Given the importance of trees as carbon sinks, shouldn't we be forcing development to provide environmental improvement by increasing the number of trees on large sites such as this to help combat climate change?
- The drainage strategy seems to imply connection to a foul drain along the main road which Wessex Water says doesn't exist?
- It would be incompatible to place surface and foul water discharges in close proximity to each other.

In early 2020 following additional amendments made to the application a further public consultation exercise resulted in 3 further representations (2 objections) and one general comment (noting here that the three public consultation exercises as referenced above, resulted in 4 contributors in total). The most recent public consultation resulted in the following comments:

- The proposed drainage strategy is still not satisfactory
- The s106 should include funds for future drainage maintenance
- The reduction in the site area (but retaining 9 units) makes this too dense a development
- The proposed vehicular access points are not safe or satisfactory
- The ecological recommendations are welcomed but integral swift bricks should be included for each dwelling.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved and enshrined within the WCS, constitutes the relevant development plan for the Melksham (CP15) community area.

9.1 Principle of the Development

9.1.1 The adopted Wiltshire Core Strategy (WCS) sets out the agreed 'Settlement Strategy' and 'Delivery Strategy' for development across the County. Core Policy 1 refers to the Settlement Strategy, and identifies four tiers of settlement, namely: 'Principal Settlements', 'Market Towns', 'Local Service Centres', and 'Large and Small Villages'. Within the Settlement Strategy, Steeple Ashton is identified as a Large Village – which are defined as locations with a limited range of employment, services and facilities. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development. Beyond these limits is open countryside., where the Larks Leaze application site is located.

9.1.2 Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy' which identifies the scale of growth appropriate within each settlement tier. The policy states that within the limits of development there is a presumption in favour of sustainable development; but outside the established defined limits, further residential development is discouraged

unless it satisfies other policies of the Plan and can be fully justified, for purposes identified by WCS paragraph 4.25.

9.13 The adopted WCS assert that the limits of development may only be altered through the identification of sites for development through the adoption of Site Allocations Development Plan Documents (DPD) and Neighbourhood Plans. Steeple Ashton does not have a Neighbourhood Plan and the recently adopted Wiltshire Housing Site Allocations Plan DPD did not alter the village limits of Steeple Ashton to include this application site.

9.1.4 Paragraph 4.25 of the Core Strategy sets out a list of 'exception policies' for rural housing outside of settlement limits, which includes an option (where there is a demonstrable need) for 100% affordable housing on rural exception sites) which links with CP44. This is not what the applicant proposes, but instead, has offered three units to be affordable housing as required by CP43 and CP45. The application does not satisfy any of the 'exception policies' and as such, officers find that the application conflicts with the Core Strategy and specifically CP1, CP2 and CP15

9.1.5 Members will however be aware that the Council cannot currently demonstrate a 5-year housing land supply, and in accordance with the NPPF and Government direction, the Council cannot apply full weight to its strategic housing policies, but that is not to say that substantive weight cannot be applied, and moreover established case law, confirms that the weight to be afforded to strategic housing policies (such as CP1 and CP2) is a matter of planning judgement for the decision maker. Whilst the Council's August 2019 published **Housing Land Supply Statement** with a baseline date of 1 April 2018, identified a 5.07 years supply of land for housing for the North & West HMA (which includes the 5% buffer), in early February 2020 pursuant to the appeal at Purton Road (ref APP/Y3940/W/18/3202551), the Council's monitoring and evidence manager confirmed that the Council could not demonstrate a 5-year supply of housing when tested against Local Housing Need for Wiltshire (which became a requirement after 20 January 2020 when the adopted Wiltshire Core Strategy was 5 years old) - when NPPF para 73 became engaged – which establishes the following: -

73. Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or*
- b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.*

Mindful of the above, applications involving the provision of housing, must be tested against the provisions set out within NPPF paragraph 11, which requires that: -

11. Plans and decisions should apply a presumption in favour of sustainable development.

*For **plan-making** this means that:*

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁵, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For **decision-taking** this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

9.1.6 At the referenced public inquiry, the Council accepted that Wiltshire's deliverable supply of land for housing (when tested against the local housing need) was somewhere between 4.42 and 4.62 – to which, the Purton Road appeal Inspector opined the following:

““Even at the lower end of the range agreed between the parties, 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 Core Strategy 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”.

9.1.7 Within paragraphs 20 and 29 of the 6 April 2020 Purton Road appeal decision letter, the Inspector argued that despite the modest housing land supply deficit:

“...there remains substantial benefit in maintaining a plan-led system. The overall strategy of the Core Strategy to direct development to the most sustainable settlements remains desirable and accords with the objectives of the Framework” and that “the [Purton Road] appeal site was not located in an area supported by the development plan. It would involve housing development in the countryside, remote from all settlements identified for development in the Core Strategy...[and] there was a clear conflict with policies CP1, CP2 and CP19 (the relevant community area) for the Core Strategy.”

9.1.8 Whilst Officers acknowledge that the Purton appeal was dismissed due in part, to there being a made Neighbourhood Plan in place which allocated land for housing whereby the 3 year housing land supply test was invoked, the above quotation is considered extremely important to maintain the primacy of the development plan and specific to Wiltshire, the calculated housing shortfall was deemed to be ‘modest’ and that there was an over-arching ‘substantial benefit’ in maintaining the hierarchal and plan-led approach of the Core Strategy and that the strategic approach the Council has to directing new housing to sustainable, appropriate locations as set out within CP1, CP2 and for Melksham, CP15, remains very

sound. Whilst Officers appreciate that strategic policies such as CP1, CP2, CP15 and CP57 cannot be given 'full weight' whilst NPPF para 11 is engaged, these policies deserve to be given substantial weight in the planning balance.

9.1.9 In January 2020 the WCS became 5 years old, but as was successfully argued at the Purton Road appeal, the strategic policies remain of critical importance in terms of directing appropriate, sustainable development to the right locations in accordance with the Framework. It is also of material importance to recognise that this application proposal would only make a very limited contribution to redress the housing supply deficit. It is also of material importance to reflect upon the application physical separation from the settlement limits being approximately 450 metres from the southern edge of Steeple Ashton. In recent months, at the May strategic planning committee, the Council resolved to approve much larger housing development proposals outside of settlement limits at Malmesbury and Lyneham (that would both require s106 agreements), but would provide for upwards of 121 additional dwellings on the outskirts of the two settlements and would not constitute as isolated residential developments. The Larks Leaze residential development would result in 9 additional dwellings being physically detached from the village of Steeple Ashton and the same planning weight afforded to the Malmesbury and Lyneham cases would not be appropriate for this case.

9.1.10 Although the applicant proposes to provide a pedestrian footway along the western side of Edington Road, the village provides limited shopping, employment and leisure opportunities and so, there would be a reliance placed on private motor vehicles, and given that the site is not identified for residential development, it would run contrary to the aims of promoting sustainable development and directing new housing growth to committed and allocated sites as detailed in the WCS and the recently adopted Wiltshire Housing Sites Allocation Plan (WHSAP).

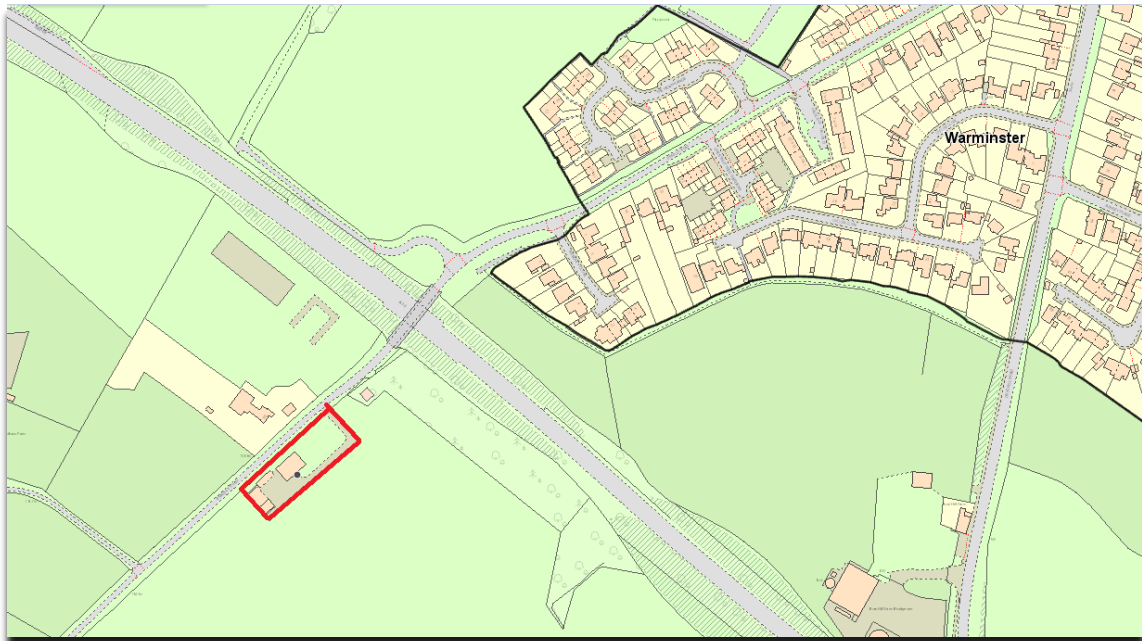
9.1.11 Since the Purton Road appeal decision, appeal reference *APP/Y3940/W/20/3245400* was dismissed on 16 June 2020 by another planning inspector pursuant to the Council's refusal of 19/06023/OUT which sought to demolish commercial buildings and erect 8no. dwellings at a site currently used by A and G Minibuses, Paddock Wood, Bradley Road, Warminster, BA12 7JY. The dismissed appeal further supports the argument that small-scale housing outside of settlement limits would not substantively redress the current housing supply shortfall. Moreover, the Warminster site was 150 metres outside of the town limits of development on a brownfield site that was not considered a suitable and sustainable location for housing.

9.1.12 In paragraph 10 of the Paddock Wood appeal decision the Inspector concluded that:

"I also see no reason to dispute the fact that development that does not comply with Core Policies CP1 and CP2 should be considered unsustainable, and in conflict with the principal aims of the Framework."

And in paragraphs 14 and 15, the Inspector argued that:

"there is no reason to think that the WCS will not continue to be effective, particularly in light of recent progress in adopting the Wiltshire Housing Site Allocations Plan; and that there remains substantial benefit in maintaining a plan-led system" ...[and] that no firm evidence has been submitted to cause me to reach a different view to my colleague Inspector on these matters, and I therefore consider it appropriate to still give significant weight to Core Policies 1, 2 and 31" (the Community Policy for Warminster).



9.1.13 In paragraph 16 the Inspector reflected upon the Paddock Wood appeal site's rural situation (to which to above insert refers) and pedestrian connectivity by arguing that:

“any new housing development on the site would be rather isolated from the settlement of Warminster and the services and facilities within it. Furthermore, although a footway extends from the site towards the town it is not continuous, but ends at the northern side of the A36 overbridge with a gap of close to 50m where only a relatively narrow grass verge exists before the footway resumes. Whilst in some respects this may not be seen as an excessive gap, it could clearly present an obstacle to anyone wishing to walk into Warminster, especially for those with children or pushchairs, or with mobility difficulties.”

9.1.14 The lack of a continuous footpath was a determining factor in terms of dismissing the Paddock Wood appeal, but the appeal also failed because of its physical detachment from the established town limits, and the primacy of the development plan and the adopted strategy to direct new housing in sustainable locations was of materially relevant, and these considerations are apposite for the Larks Leaze proposal – which would be three times the distance outside of Steeple Ashton (at circa 450 metres distant) compared to the unsustainable Paddock Wood site being 150m distant from Warminster.

9.1.15 Officers fully acknowledge that there would be some benefits derived from approving and delivering 9 dwellings, most specifically the provision of three additional affordable housing units and the commitment to construct a new footpath to connect the site with the nearest existing footpath some 115 metres to the north, but these benefits would not outweigh the harm this development would have in terms of compromising the plan-led system and the Council's adopted approach to sustainable development.

9.1.16 Linked with the above, Wiltshire Council has declared a “Climate Emergency” and planning decisions should be based on sustainable development principles. As set out above, this proposal would substantively conflict with the WCS core policies 1, 2 or 15 and none of the exception criteria linked to CP2 or paragraph 4.25 would be satisfied. Furthermore, even with the proposed footpath to allow for a ‘crossing point’ over to the existing footpath on Edington Road, the sites location and with the “*limited range of employment, services and facilities*” would still result in future occupiers depending upon private motor vehicles for most journeys.

9.2 Wiltshire Housing Site Allocations Plan and Neighbourhood Planning

9.2.1 The Wiltshire Housing Site Allocations Plan (DPD) revised some settlement boundaries and allocated new sites for housing but it did not allocate any sites at Steeple Ashton, and it did not amend the village settlement limits to include the Larks Leaze site.

9.2.2 Mindful that there is no Neighbourhood Plan Steeple Ashton, the Wiltshire Housing Site Allocations Plan states that in locations where there may not yet be an appetite to prepare a Neighbourhood Plan, the WHSAP considered whether these communities could accommodate additional sustainable housing and those that could, now have allocated sites, but at Steeple Ashton, no such sites were considered necessary based on need within the wider Housing Market Area.

9.3 Meeting Wiltshire's Housing Needs

9.3.1 The Wiltshire Core Strategy (WCS) sets out in Core Policy 45 that “*new housing both market and affordable must be well designed to address local housing need incorporating a range of different types, tenures and sizes of homes to create mixed and balanced communities*”.

9.3.2 Allied to the above, the applicant was asked to demonstrate how the proposal would satisfy WCS CP45 and in response, an ‘*Affordable Housing Statement*’ was submitted in late 2019 which set out a commitment to provide 3 affordable dwellings within the scheme. However, should outline permission be granted, the applicant would be expected to address the requirements of CP45 in terms of evidencing how the types of houses (which would in detail at REM stage) would meet local housing need.

Plot	Bedrooms	Size (sqm) GIA	Tenure
1	2	83.61	Shared Ownership
2	3	99.13	Shared Ownership
3	4	115.94	Open Market
4	4	136.38	Open Market
5	3	96.99	Open Market
6	3	96.99	Open Market
7	4	136.38	Open Market
8	3	114.27	Open Market
9	2	83.61	Shared Ownership

9.3.3 The insert above is taken from the applicant's Housing Statement which proposes that the market housing would comprise three x 3-bedroom dwellings ranging from 96.99m² to 114.27m²; and three x 4-bedroom dwellings ranging from 115.94m² to 136.38m² all having off road parking and relatively large gardens. It is not known however if this type of housing option would meet any unmet demand within the village and wider community area as this analysis has not been submitted to officers.

9.4 Impact on Highway Safety and Car Parking

9.4.1 The Council's Highways Officer is satisfied that visibility splays of 2.4m x 120m in both directions for both vehicular accesses can be achieved.

9.4.2 Each proposed dwelling would have sufficient off-road parking spaces to meet the requirements of the adopted Council Local Transport Plan and Car Parking Strategy. The development would not lead to adverse impacts on highway safety, and as such, the application would not conflict with paragraph 109 of the NPPF which asserts that:

“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

9.5 Impact on Landscape

9.5.1 Wiltshire Core Strategy Core Policy 51 titled ‘Landscape’ states that development should protect, conserve and where possible enhance landscape character and requires any negative impacts being mitigated as far as possible through sensitive design and landscape measures. The policy states that proposals should be informed by and be sympathetic to the distinctive character areas identified in relevant Landscape Character Assessment(s) and any other relevant assessments and studies; and proposals need to demonstrate that the following matters have been considered with the landscape conserved and enhanced as appropriate:

- The separate identity of settlements and the transition between man-made and natural landscapes;
- Visually sensitive skylines, soils, geological and topographical features;
- Landscape features of cultural, historic and heritage value;
- Important views and visual amenity;
- Tranquillity and the need to protect against intrusion from light pollution, noise and motion; and
- Landscape functions including places to live, work, relax and recreate.

9.5.2 Core Policy 57 titled ‘Ensuring high quality design and Place Shaping’ requires new development to, in particular, respond positively to existing townscapes and landscape features in terms of building layouts, built form, height, mass, scale, building lines, etc., to effectively integrate development into its setting. It also requires the retention and enhancement of existing important landscaping and natural features, including trees, hedgerows and watercourses.

9.5.3 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, in particular, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils...*“in a manner commensurate with their statutory status or identified quality in the development plan”*; and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services *“...including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”*.

9.5.4 The West Wiltshire Landscape Character Assessment (dated March 2007) identifies the site forming part of character area E5, which in landscape terms has a *“strong sense of enclosure and tranquillity”*. The recommended *Management Strategy and Objectives* seeks to maintain existing mature hedgerow networks, to conserve the landscape setting of existing settlements and that new development should respect local distinctiveness.

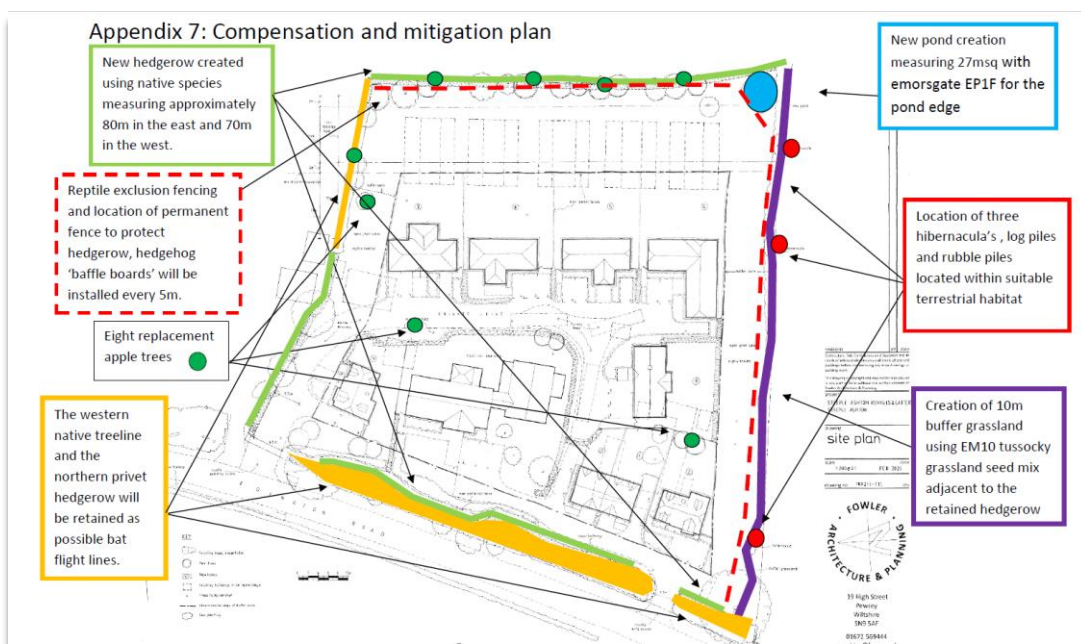
9.5.5 As part of the original submission, four accesses to serve the 9 proposed dwellings and Lark Leaze were proposed which would have resulted in the loss of a significant stretch of the existing mature site frontage along Edington Road to which officers objected.



9.5.6 The photograph above illustrates the current mature landscaped site frontage which would be maintained under the revised submission which seeks to maintain and make use of the two vehicular accesses, although it is acknowledged that the southernmost access would require some rewidening and works to provide for the visibility splays, which would result in some loss of hedgerow, but to an acceptable degree.

9.5.7 The development would also result in a number of trees and shrubs within the site being removed. In terms of WCS CP50 and CP51 requirements as well as NPPF paragraph 170, the application site is considered large enough to accommodate sufficient replacement and additional landscaping as part of any subsequent reserved matters application (should members resolve to grant outline consent).

9.5.8 Officers are satisfied that a planning condition could secure the long-term retention of the western boundary hedgerow along Edington Road and the proposed ecology buffer within the site and that the Council would be able to make a fully informed assessment on any direct impacts at REM stage when the full details and positions of any proposed houses, parking, garaging and accesses are confirmed (should members resolve to approve this outline application).



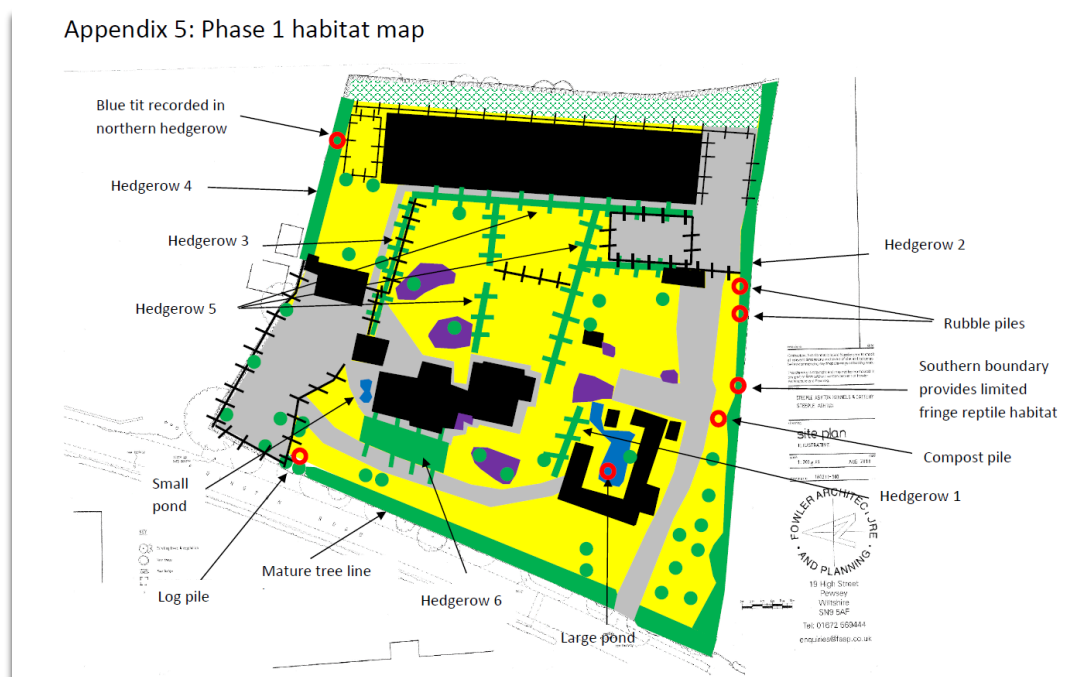
9.6 Impact on Ecology

9.6.1 The applicant's initial Bat Survey and Ecological Appraisal report recommended follow up great crested newt surveys of two ponds which were completed found that great crested newts were absent and that no further surveys were required.

9.6.2 The initial Bat Survey reported that:

"The site was identified to hold moderate potential for foraging and commuting bats due to the availability of habitats on the site, specifically the northern hedgerow, the western tree line and the southern hedgerow and within the immediate landscape. Survey work [would] be required throughout the survey season of 2019 to determine presence/absence of foraging and commuting bats and should high numbers of horseshoe bats be present then additional assessments may be required such as a Habitat Regulations Assessment (HRA)."

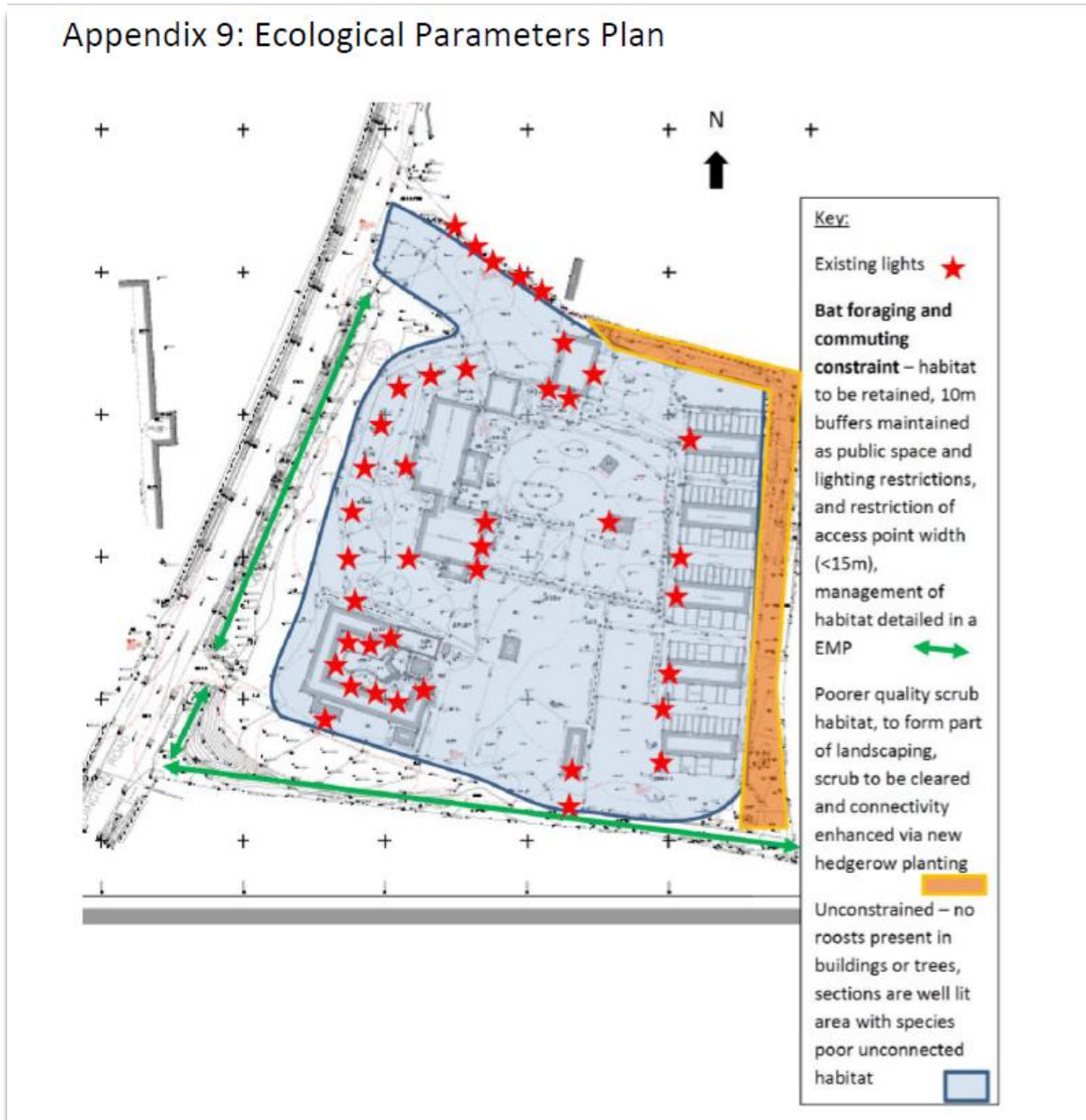
9.6.3 Officers made repeated requests for additional bat survey to be undertaken throughout 2019, which were eventually submitted to the Council after several months delay in March 2020, almost 12 months after the initial submission. The insert below illustrates the phase 1 habitat findings.



Phase 1 habitat map key

Habitat type	Habitat map symbol
Improved grassland	Yellow square with 'A'
Scrub	Green cross-hatched square
Species poor hedgerows (boundaries)	Thick green horizontal line
Species poor hedgerows	Thin green horizontal line with cross-ticks
Building	Black square
Fence	Thin black horizontal line with cross-ticks
Target note 1 (brush pile)	Red circle
Ornamental planting	Purple square
Hardstanding	Grey square
Scattered trees	Green circle
Standing water	Blue circle

9.6.4 This led to the submission of the Ecological Parameters Plan (EPP) which is contained within Appendix 9 of the 2020 Bat Survey and Ecological Appraisal that inter alia provides for a 10m buffer around the edges of the development to be maintained as communal space where there would need to be lighting restrictions in place and its management covered by an ecological management plan (EMP). Officers note that the proposed vehicular access roads would be within the buffer zones, but this in itself is not objectionable. The Council's ecologist is satisfied that the majority of the existing landscaping and the main bat commuting corridors would be maintained and protected. The EPP is reproduced on the following page.



9.6.5 The Council's Ecology Officer has completed a Habitat Regulation Assessment (HRA) and Appropriate Assessment (AA) and is satisfied that the requirements of both have been met. Natural England have also confirmed that the AA has been carried out appropriately.

9.7 Drainage Matters

9.7.1 The site lies within an area classified as Flood Zone 1 which is land having the least risk of being subject to fluvial flooding. However, the immediate area is known to be prone to

groundwater flood risk and the Council's drainage team (LLFA) have spent a significant amount of time securing and reviewing additional drainage information from the applicant which included a revised drainage strategy to which the LLFA find acceptable and support the application, subject to conditions.

9.8 Impact on Designated Heritage Assets

9.8.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting.



9.8.2 Elmsgate House as shown above, is a detached early 19th century Grade II listed building located at the northern end of its plot facing onto the junctions of Edington Road, Southbrook Lane and Spiers Piece. Elmsgate House is considered a landmark building with a 3m tall brick wall on its northern boundary with the property benefiting from wide open countryside views. The property has a very modest almost unassuming vehicular access served off Edington Road with substantial landscaping, much of which is illustrated in the above site photo.

9.8.3 the above right map insert reveals the grounds and curtilage associated to Elmsgate House which is quite considerable with the listed building being positioned approximately 63 metres from its southern boundary and adjacent timber log business to the south and some 83 metres from the application site.

9.8.4 It is submitted that the setting of Elmsgate House does not end beyond its southern boundary and therefore the potential impact of the application on its setting would be very limited. Officers accept that there would be some views of the proposed development from Elmsgate House's garden, but officers are satisfied that two-storey dwellings could be accommodated at the application site without harming the historic setting of Elmsgate House. The Council would be able to fully assess the impacts at REM stage when the full details and appearance of the 9 proposed dwellings would be confirmed. As far as this outline application is concerned, officers are satisfied that the principle of erecting 9 dwellings to replace the existing range of cattery and kennelling would not harm to the historic significance of Elmsgate House.

9.9 s106/CIL Contributions

9.9.1 This application is considered a 'major' application due to the application site area exceeding 0.5 hectares, and in accordance with the NPPF, should members resolve to approve outline planning permission, the local planning authority should seek to secure 30% onsite affordable housing provision through a s106 legal agreement.

9.9.2 The applicant's revised application proposes 3 A/H dwellings (identified as units 1, 2 and 9) that is acceptable to the Council's Housing officer who also accepts the proposed mix which would necessitate specific clauses within a s106.

9.9.3 Should members resolve to grant this outline application, the 'off-site' footpath should also be enshrined within the s106 to secure a more substantive means of securing its delivery along with the standard requirements that the applicant will cover the Council's legal expenses in preparing the s106 and the resulting monitoring fee.

9.9.4 Tariff style developer contributions cannot however be secured (for education, public open space, public arts etc) by virtue of the application proposing less than 10 residential units.

9.9.5 The development would be CiL liable – which would be based on confirmed residential floor area – which would be confirmed at REM stage. 15% of the CiL total would be directed to Steeple Ashton Parish Council (25% is a Neighbour Plan is in place) to be spent on local infrastructure projects.

10. Conclusion (The Planning Balance)

The application proposal is in conflict with the Council's adopted Core Strategy and the established Settlement and Delivery strategies. The application does not satisfy any of the exemption policies, and whilst the development would deliver some social and economic benefits, officers cannot support it for the reasons explained within section 9.1 above.

11. RECOMMENDATION: Refuse for the following reasons

1. The application site is located in the open countryside outside of the established village limits for Steeple Ashton as defined by the adopted Wiltshire Core Strategy. The proposal does not satisfy any of the Council's adopted exemption policies and thus conflicts with the Council's plan-led approach to the delivery of new housing sites outside of the identified limits of development, as set out by Core Policy 2 of the Wiltshire Core Strategy. The proposal would therefore be contrary to Core Policies 1, 2, 15, 60 and 61 of the Wiltshire Core Strategy and would conflict with NPPF paragraph 79 which sets out the adopted approach to directing new housing growth to sustainable locations.



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Date of Meeting	19 August 2020
Application Number	20/04037/FUL
Site Address	17 Blenheim Park, Bowerhill Melksham SN12 6TA
Proposal	Demolition of existing garage to erect a dwelling
Applicant	Mrs Sarah Davies
Town/Parish Council	MELKSHAM WITHOUT
Electoral Division	Melksham Without South - Councillor Nick Holder
Grid Ref	391630 161708
Type of Application	Full Planning
Case Officer	Jemma Foster

Reason for the application being considered by Committee

Councillor Nick Holder has requested that this application be considered by the Western Area Planning Committee if it is recommended for approval by officers, and that members consider the following:

- The scale of development citing overdevelopment
- The visual impact upon the surrounding area and the street scene
- The design – bulk, height, general appearance

1. Purpose of Report

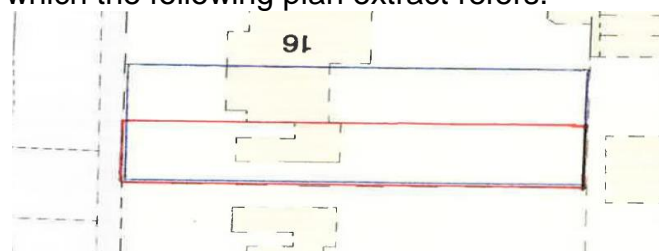
The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be approved.

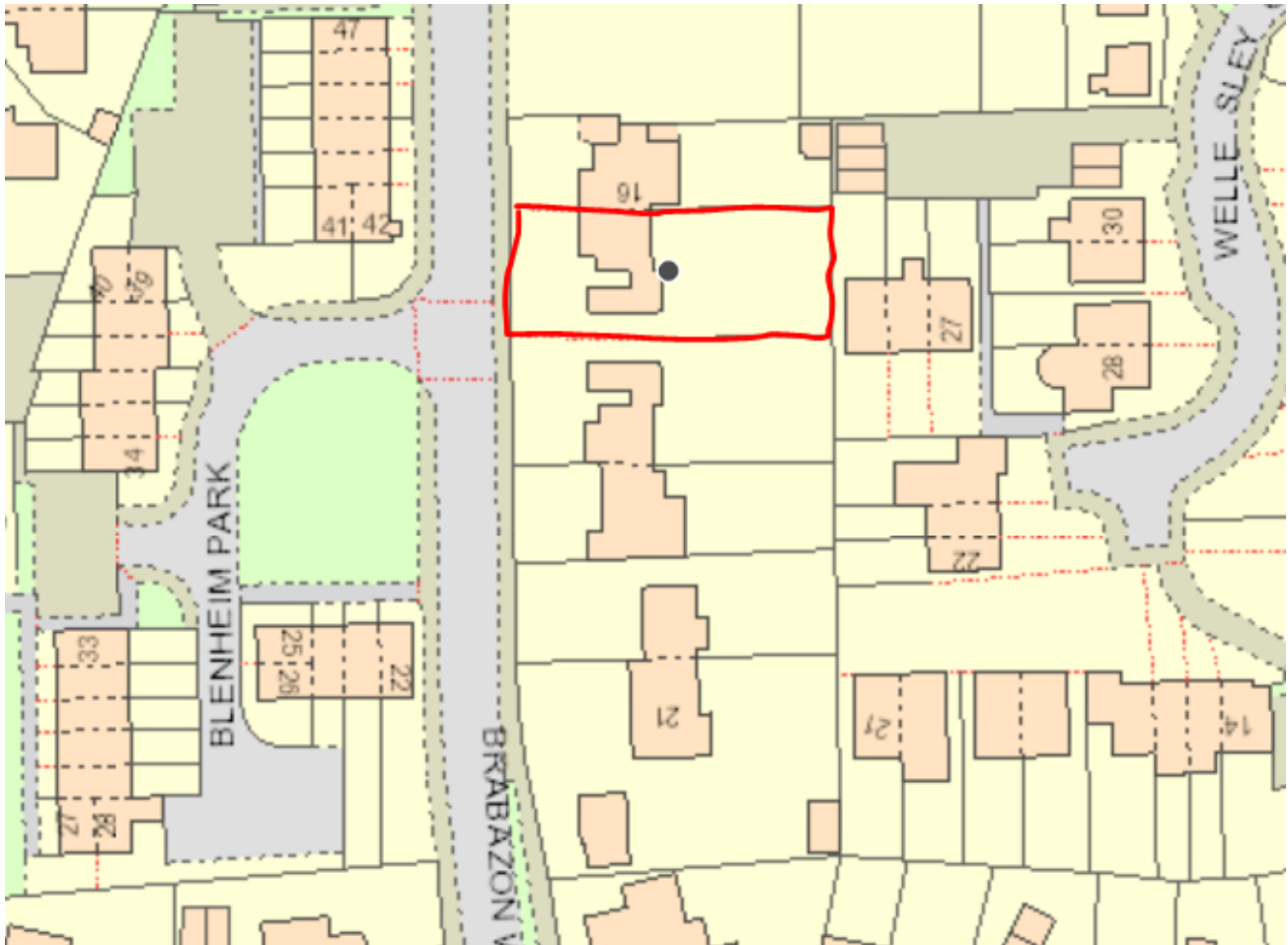
2. Report Summary

The key determining planning issues for this application are considered to be: The principle of development; the design impacts; highway impacts; neighbouring impacts and biodiversity matters.

3. Site Description

The application site at No.17 Blenheim Park is located within the settlement limits of Melksham and Bowerhill village. The subject property is a two-storey red brick semi-detached dwelling which has a single-storey garage and utility room to the south – which are identified as part of the application site – to which the following plan extract refers.





The existing dwelling is shown below left (which along with No's 16 – 21 Blenheim Park) are built with red brick with white uPVC windows and doors under a concrete tiled roof.

The photo below right illustrates the property No's 18-21 Blenheim Park to the south.



Through the years, several extensions have been approved and constructed to these properties including a conversion of double detached garage to form an annexe and a two-storey extension to No. 21. As shown above, these properties have brick gables with cream render to the rear as the following photos reveal:



The dwellings opposite No. 16 – 21 Blenheim Park as shown below, are terraced units with a different design characteristic to the properties on the eastern side of the highway with the elevations being a mix of red brick and render.



4. Planning History

There is no recorded planning history for the subject property other than the historic application in 1976 which included the conversion of No's 17, 19 and 21 into semi-detached dwellings under approved application W/76/00080/HIS.

5. The Proposal

This application seeks permission to demolish the existing single storey link-detached garage and utility room which has a ground floor foot print of 49.5sqm and erect a two-storey two-bedroomed dwelling which would have a ground floor footprint of 47.5 sqm. A terrace of three properties would be created if approved and built, but as confirmed above, the footprint of the new building would be smaller than what currently exists on the site.

In early July, a revised plan was submitted to the Council removing the hedge to the front boundary to allow for a wider vehicular access.

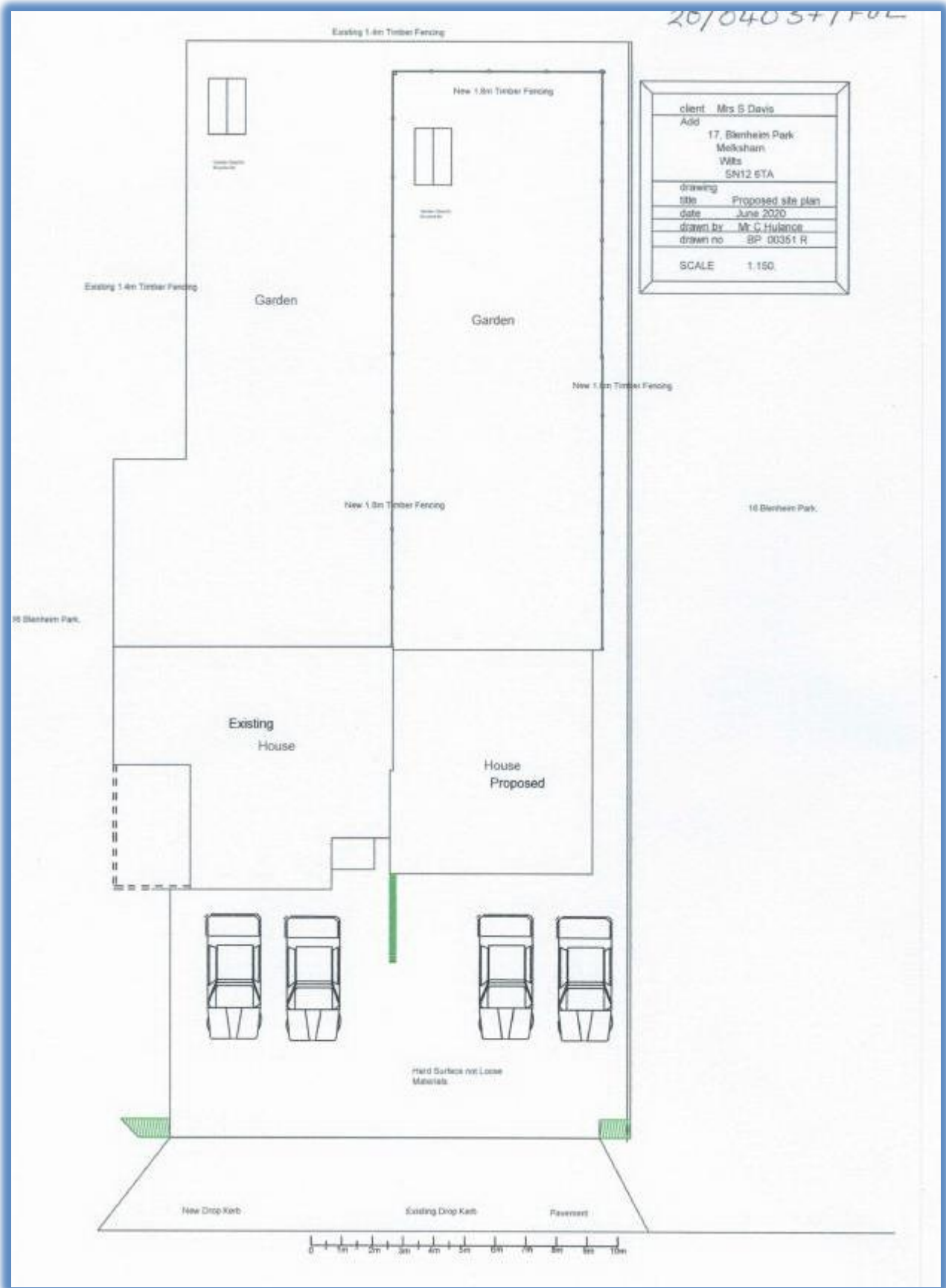
The following reproduced plan extracts illustrate the existing building elevations at No. 17 Blenheim Park:



The following plans illustrate the proposed front and rear elevations for comparison.



The following extract illustrates the revised proposed block plan layout for the site.



6. Planning Policy

The Wiltshire Core Strategy (adopted Jan 2015): CP1 – Settlement Strategy, CP2 – Delivery Strategy, CP15 – Spatial Strategy Melksham Area, CP51, CP57 – Ensuring High Quality Design and Place Shaping, CP60 – Sustainable Transport, CP61 – Transport and New Development, CP64 – Demand Management

Saved Policies for the West Wiltshire District Local Plan (1st Alteration): U1a Foul Water Disposal and U2 Surface Water Disposal

Other Material Considerations

- The Wiltshire Waste Core Strategy (adopted 2009)
- Policy WCS6 - Waste Reduction and Auditing
- The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy
- National Planning Policy Framework 2019 (NPPF)
- Planning Practice Guidance (PPG)
- Circular 06/2005 – Biodiversity and Geological Conservation
- Building for a Healthy Life (2020)

7. Consultations

Melksham Without Parish Council - Objects to the revised application citing concerns about:

- It would be overdevelopment of the site
- It would be out of keeping with the streetscene
- If the application is approved, the brickwork should be the same colour as the existing RAF properties in the vicinity.

Wiltshire Council Highways – No objection subject to conditions.

Wiltshire Council Drainage Team - No objection subject to conditions.

Wessex Water - No objection.

8. Publicity

The application was advertised by a site notice and individually posted neighbour notification letters. The deadline for third party correspondence was 10th July 2020. 3 letters of objection were received which can be summarised as follows:

Principle Issues

- “We live opposite and like the way things look at present and don’t see the need for another house”.

Impact on Area

- This development would ruin the character of the area.
- The dwelling needs to be built with great care and attention to detail, windows, brick colour and texture, roof tiles all need to be as close a match as possible.

Drainage Issues

- Drainage is an issue in the street

- When the water supply to No.17 is switched off, No.19 has no water.
- No 17 currently is the end property on the drainage system descending to the North. Experience of blockages of the shared sewer descending to the south from No 18, occurs on average every 2 years, which indicates that the sewer is at maximum capacity. Any new house at No. 17 must link to the sewerage pipe through No. 17 and would become the new end property on the north sewerage pipeline.

Highway Matters

- “We live opposite and only have a front entrance that gives us problems with people parking outside our front and only door”,
- This proposal would generate more traffic.

9. Planning Considerations

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

9.1 Principle of Development

9.1.1 The application site is located within the limits of development of the market town known as Melksham and Bowerhill Village where there is a presumption in the favour of sustainable development and as such, the proposal in principle, is in accordance with CP1, CP2 and CP15 of the Wiltshire Core Strategy, but requires to be assessed against CP57 and the good design principles set out within the NPPF and Building for a Healthy Life publication.

9.2 Impact upon the Character and Appearance of the Area

9.2.1 Blenheim Park is characterised by a mix of semi-detached and terraced dwellings. The semi-detached dwellings numbered 16 – 21 are of differing designs some of which have had previous single and double storey extensions with brick and rendered elevations. Mindful of the mixed character of the immediate area, the proposed demolition of the existing single-storey garage and utility which have no architectural merit, would be replaced by a two-storey dwelling that would not appear discordant or out of keeping with the character of the area.

9.2.2 The hedge to the front of the property would be removed to provide a new vehicular access. It is acknowledged that there are gaps in the hedged front boundaries of other properties in the streetscene to accommodate vehicular accesses. And the proposal would respect this characteristic. Whilst it is always regrettable seeing the loss of any hedgerow, it should be appreciated that the hedge could be removed at any time without requiring the Council’s consent, and as such, this aspect of the application would not be sufficient grounds to base a refusal on.

9.2.3 The proposed additional dwelling to be constructed off the southern gable elevation of No. 17 would be a sensitive infill. The new dwelling would have external materials to match the existing host property and would be designed in a complementary manner with a slightly reduced ridge height and windows and doors that would match the size of the existing dwelling.

9.2.4 Overall, officers are satisfied that the design, layout and choice of materials would be compliant with adopted Core Strategy Core Policy 57 and the design principles set out within the NPPF and the recently published Building for a Healthy Life.

9.3 Drainage Matters

9.3.1 The planning application indicates that foul sewerage would be disposed via the main sewer and that surface water would be drained via a soakaway. Concerns have been raised from neighbours regarding water and drainage issues in the area, which were subject to consultation review by the Council's drainage Team and Wessex Water.

9.3.2 In response, the Council's Drainage Team have confirmed that the site is not at risk of flooding and raise no objection, subject to a planning condition securing the soakaway design details – which your officers recommend forms part of any planning permission.

9.3.3 Wessex Water confirmed raise no objections as well, but they have confirmed that their sewer records for this area are incomplete and have recommended that prior to any works taking place on the site, the applicant undertakes a private survey to determine the precise locations of all sewers and drainage infrastructure, some of which may be private which may cross through the site. This can be advised by a planning informative, and is recommended.

9.3.4 It is also noted that a neighbour has raised concern with regards to the water supply being turned off at No. 17 affecting other properties. This is not however a material planning consideration that the local planning authority can take into consideration when deciding on this application. It is instead, a civil matter that would need to be taken up with Wessex Water.

9.3.5 As far as drainage matters are concerned, the application is considered acceptable and policy compliant.

9.4 Biodiversity Matters

9.4.1 Paragraph 170 of the NPPF requires planning decisions to contribute and enhance the natural environment. It is accepted that the proposal would result in the loss of a short stretch of hedgerow at the front of the property which would not been compensated for as part of the application proposals. However, officers recommend that permission should be subject to a planning condition to secure a soft landscaping scheme to be submitted prior to the occupation of the dwelling so that the applicant can propose and implement biodiversity betterment, which could extend to bird boxes.

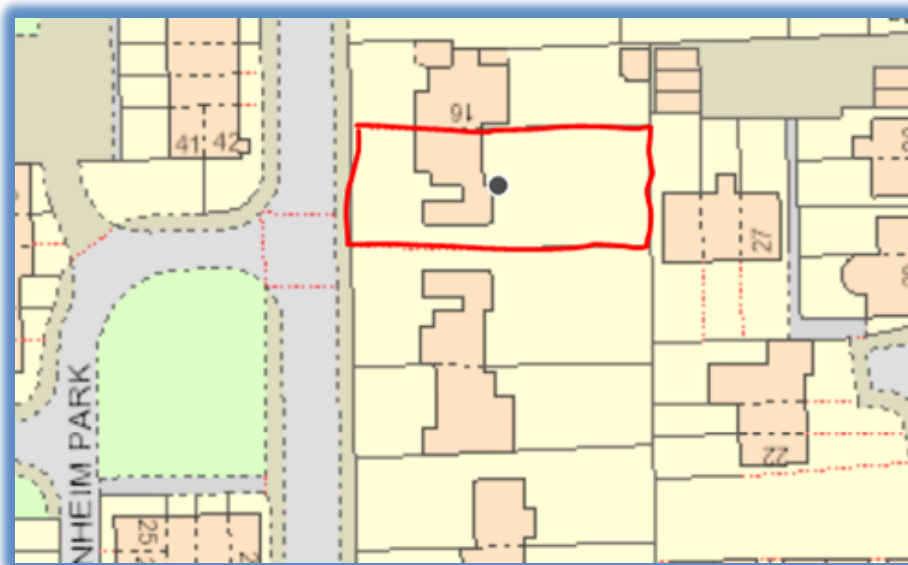
9.5 Impacts to Neighbouring Amenity

9.5.1 The proposed dwelling would be offset from the neighbouring boundary with No. 18 Blenheim Park and by virtue of its orientation and site separation, officers are satisfied that the proposed new dwelling would not cause harmful overbearing or substantive overshadowing.

9.5.2 There are also no windows proposed on the side elevation so as to prevent any overlooking. It is also important to note that the proposed dwelling would not extend any closer to the neighbouring property at No. 18 than the existing garage.

9.5.3 The proposed dwelling would not extend any further to the rear than the existing property. The proposal would result in some overshadowing to the rear towards the end of the day, but this would be temporary and limited to only certain parts of the day. The impacts would not be substantive enough to justify a refusal of planning permission.

9.5.4 The proposed dwelling would have upper floor windows inserted in the rear east facing elevation at first floor level which would introduce some additional overlooking of the garden of No. 17 (the host property) and part of the rear garden of No. 18, but the effects would not be significant enough to warrant a refusal of planning permission, and officers are mindful that the properties already experience various levels of mutual overlooking.



9.5.5 A 1.8-metre-high fence would define the new common boundaries of the rear garden to secure some private amenity space, which be commensurate to many other gardens found in the local area.

9.5.6 The dwellings located further to the east at Wellesley Close are two-storey but are located a sufficient distance away not to be impacted upon by overlooking or overshadowing (note: there would be approximately 21 metres separation to the side elevation of No. 25 Wellesley Close).

9.5.7 As far as amenity is concerned, the application complies with the relevant criteria of CP57 and the NPPF.

9.6 Highway Impacts

9.6.1 Two off-street parking spaces for the existing and proposed dwelling are proposed which complies with the Council's adopted Car Parking Strategy. The Council's highways officer has raised no objections to the proposal subject to a condition requiring the access and parking space be laid out prior to occupation which is considered to be appropriate, and is recommended accordingly. As far as highway matters are concerned, the application proposal complies with CP60, CP61 and CP64 and NPPF paragraph 109.

10. Conclusion

Officers are satisfied that the proposal complies with the relevant policies of the adopted Wiltshire Core Strategy and the NPPF, and is recommended for approval subject to conditions.

RECOMMENDATION: Approve with the following conditions

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

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

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

Location Plan, Existing Site Plan, Block Plan, Existing and Proposed side elevations, existing front and rear elevations, proposed front and rear elevations, existing floor plans, proposed floor plans - Received 15th May 2020:

Revised Proposed Site Layout (BP 00351 R) received 3rd July 2020

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

- 3 No development hereby approved shall commence on site, except for ground investigation work and any necessary site remediation, until infiltration testing and soakaway design details in accordance with Wiltshire Council's Surface Water Soakaway Guidance have been undertaken and submitted to the Council for its written approval to verify that soakaways would be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and be installed prior to the occupation of the development. The development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to ensure that the development can be adequately drained without increasing flood risk to others.

- 4 No development hereby approved shall commence beyond slab level until a scheme of soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- * a detailed planting specification showing all to be retained and new plant species, supply and planting sizes and planting densities;
- * all soft surfacing materials; and
- * biodiversity improvements

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and biodiversity improvements.

- 5 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

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

- 6 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the material, colour and texture of those used in the existing building at No. 17 Blenheim Park.

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

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

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

INFORMATIVES TO APPLICANT:

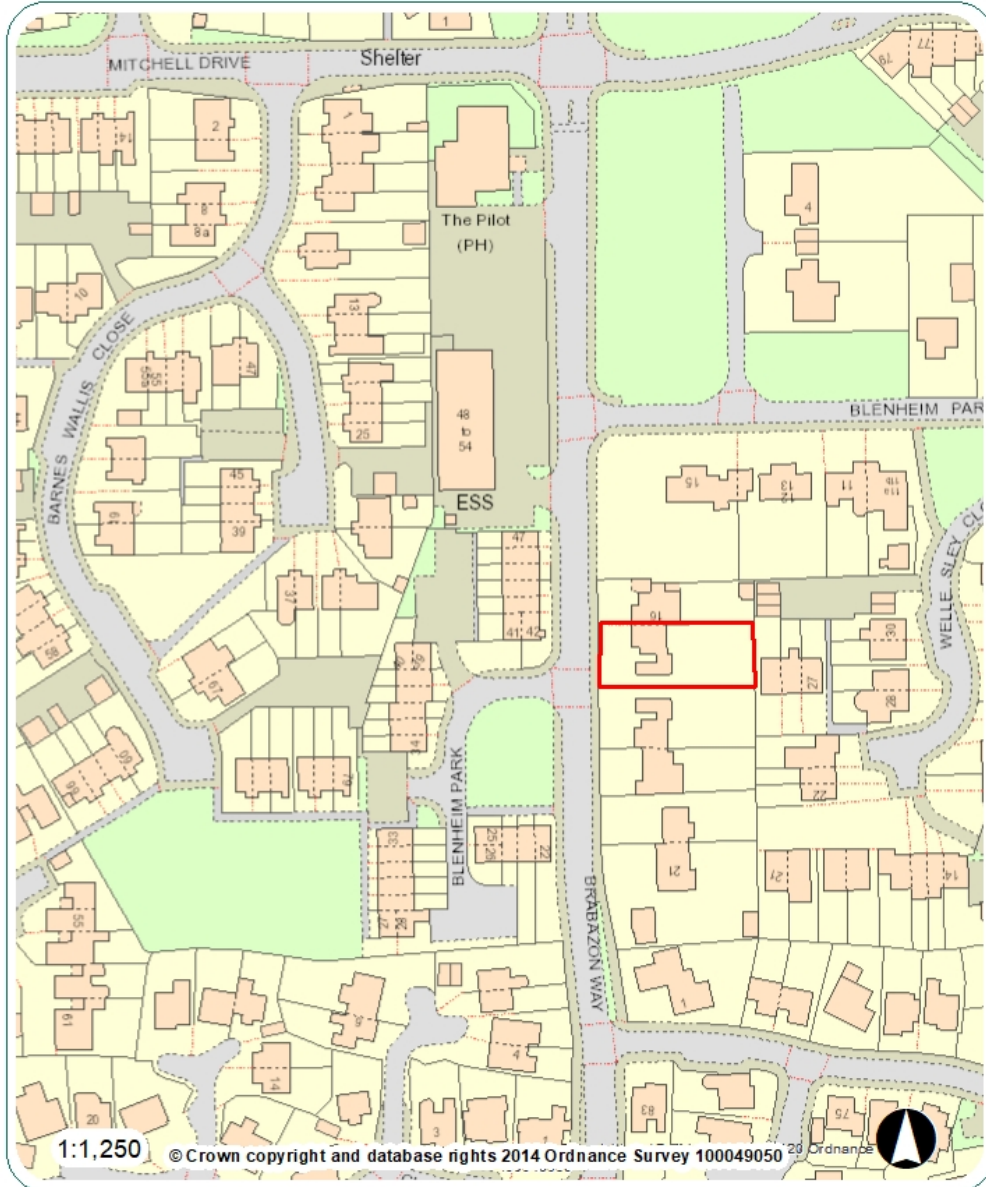
The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

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In order to discharge condition 3, the following information would need to be submitted:

- " A clearly labelled drainage layout plan showing the pipe networks and any links into the soakaway.
- " Evidence that the surface water drainage system is designed in accordance with national and local policy and guidance, specifically CIRIA C753 (The SuDS Manual), the Non-statutory Technical Standards for SuDS and Wiltshire Council's Surface Water Soakaway Guidance
- " Measures to prevent pollution of the receiving groundwater and/or surface waters.
- " Drawings showing conveyance routes for flows exceeding the 1 in 100 year plus climate change rainfall event that minimise the risk to people and property;
- " The proposed ownership details of the drainage infrastructure;
- " The maintenance programme and ongoing maintenance responsibilities of the drainage infrastructure
- " Geotechnical factual and interpretive reports, including infiltration tests in accordance with British Research Establishment (BRE) Digest 365 - Soakaway Design.

The applicant should follow the advice and guidance provided by Wessex Water as contained within their letter dated 15th July 2020 with reference to: WW/NC/ 4272.



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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	19 August 2020
Application Number	20/01681/FUL
Site Address	Land Adjacent Brickfield Farm House, Stokes Marsh, Coulston, BA13 4NZ
Proposal	Change of use of agricultural land to mixed use equestrian and agricultural use and construction of barn with associated access track, hardstanding, turnout area, manure clamp and creation of a landscaped bund
Applicant	Paul Snodgrass
Town/Parish Council	COULSTON
Electoral Division	Ethandune - Cllr Suzanne Wickham
Grid Ref	395044 155314
Type of application	Full Planning
Case Officer	Verity Giles-Franklin

Reason for the application being considered by Committee: Cllr Wickham requested that this application be called-in for the elected members of the western area planning committee to determine should officers be minded to grant permission and to consider the highway and environmental impacts of the proposal. Cllr Wickham also referenced local resident concerns expressed about a lack of public notification.

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

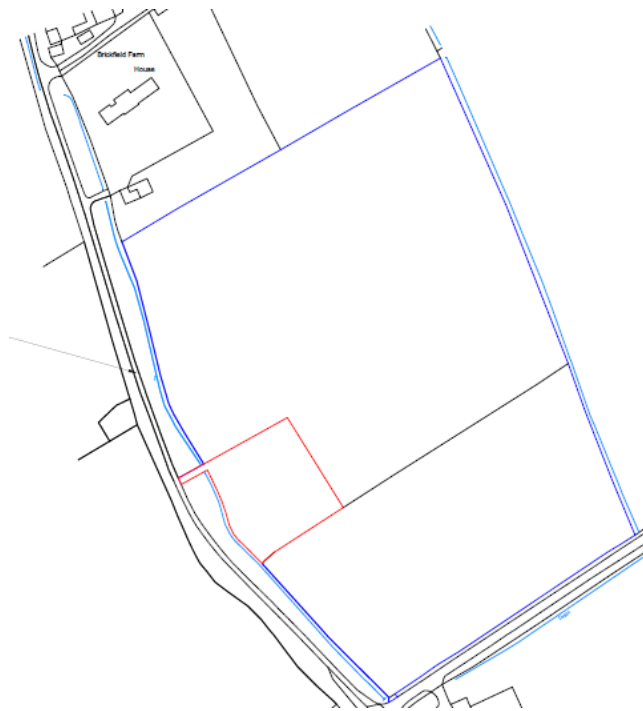
This report appraises the principle of development and partial change of use, and the impact the development would have on the character of the area, as well as the impacts on neighbouring amenity and highway safety.

Coulston Parish Council raise no objections to the application, but thirty-four representations have been received which are summarised within section 8.

3. Site Description

The application site relates to a field enclosed by existing hedgerows, located in the open countryside extending to about 0.94 acres located to the south of Brickfield Farm House and about 1 km to the north of Coulston. There are no public rights of way crossing the application site and the proposed stable building would be accessed via an existing gated vehicular access leading from Stokes Marsh Lane.

The extracts provided below show the location of the proposed application site (in red) as well as other land owned by the applicant (in blue), along with an aerial photograph dating to 2014 which illustrates the extent of the existing hedgerows around the application site.



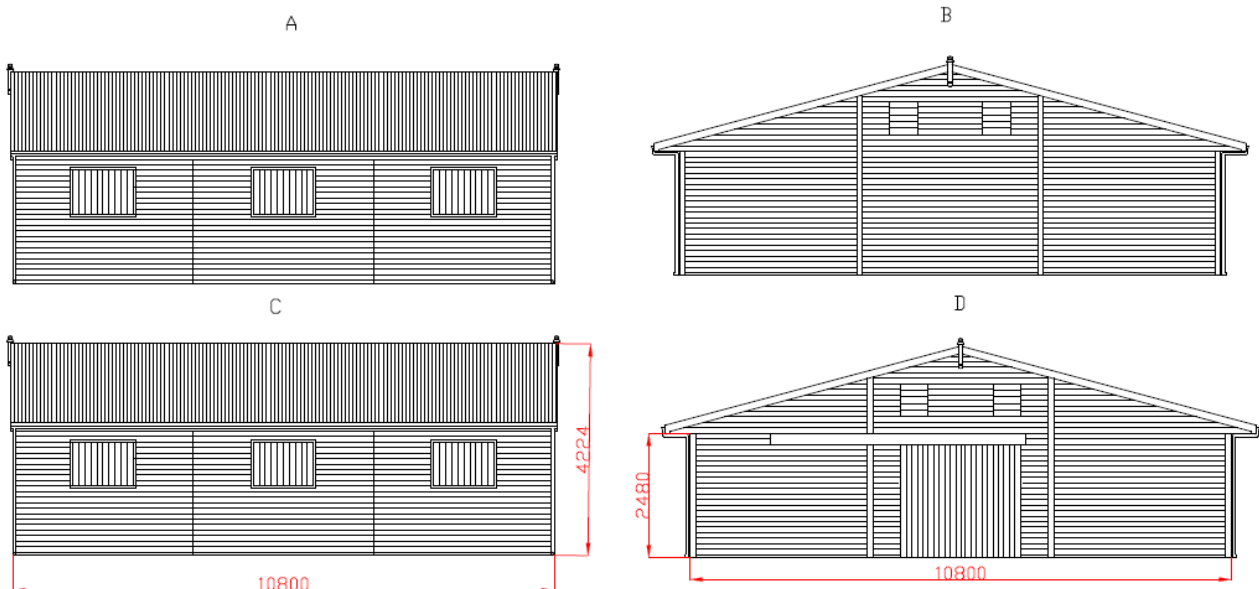
Extract of the submitted location plan



Extract of the 2014 aerial photograph

4. The Proposal

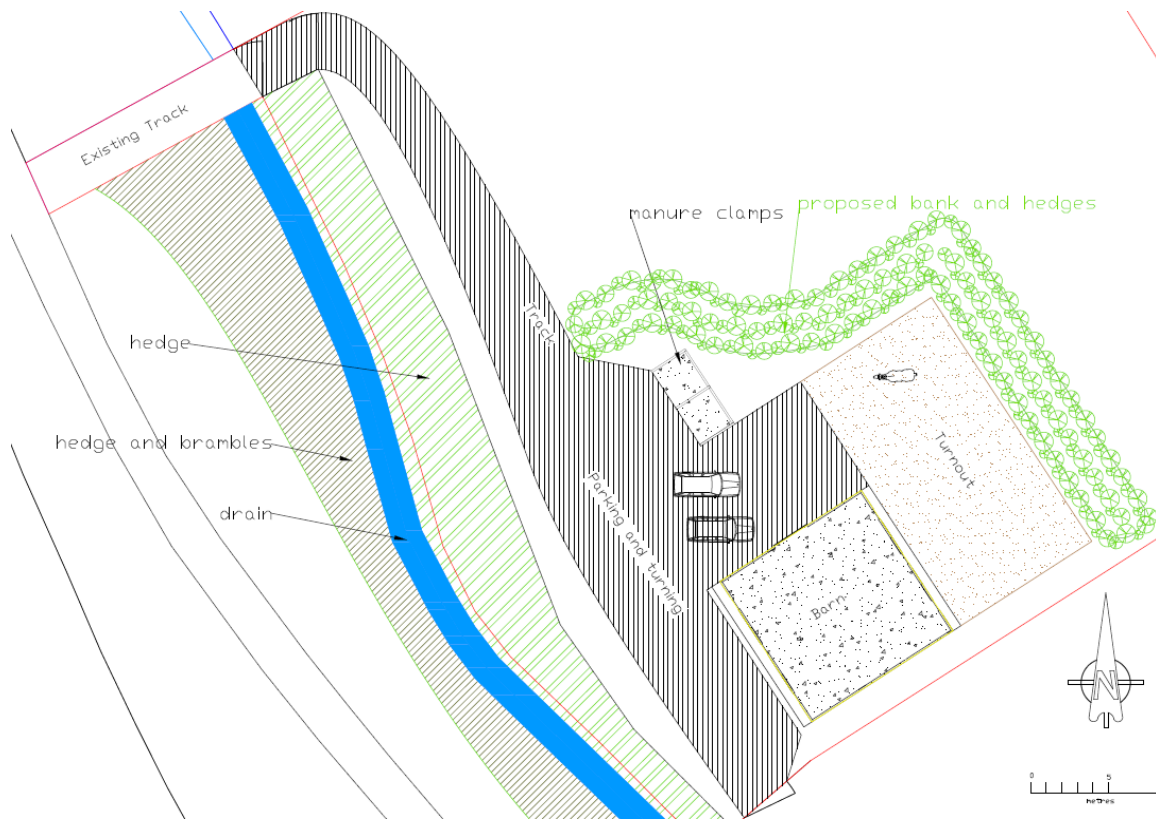
This application seeks planning permission for the change of use of part of an existing agricultural field to mixed use for equestrian and agricultural purposes along with the erection of a timber barn comprising six bays as illustrated above as well as an associated access track, hardstanding, turnout area and manure clamp.



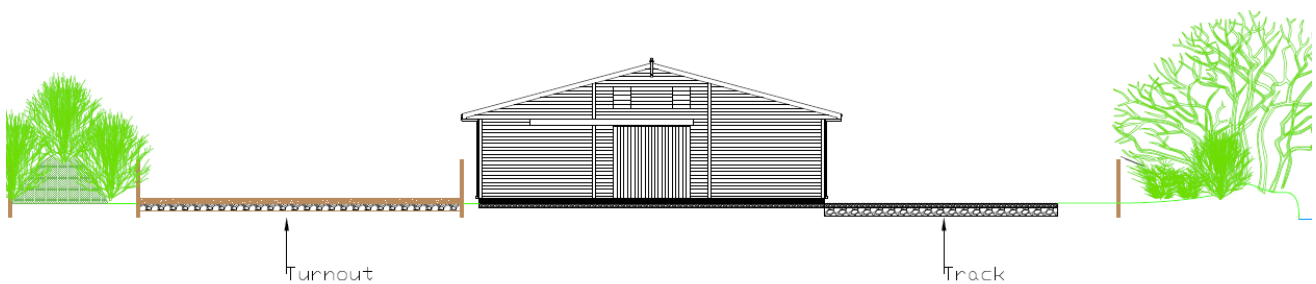
The proposed barn would be constructed from timber shiplap boarding, which would be left to weather silver over time, under a black corrugated Onduline roof.

The barn would be set back about 23m from Stokes Marsh Lane and as illustrated below would be set behind an existing hedgerow and would be accessed off an existing field access. An extended access track would be created along the western edge of the field to serve the proposed barn which

have a square footprint measuring 10.8m x 10.8m (not including the slight roof overhang) and would be approximately 4.23m to the ridge.



The proposal also includes the creation of a c.1.5m high bund to be planted to the north and east of the proposed barn and turnout area, which would be made up of 50% Blackthorn and a mix of field maple, hazel, spindleberry, hawthorn, beech, hornbeam, dog rose and viburnum which would be maintained to a height of c.1.2m. The following extract shows the proposed stable layout, turnout area, the existing hedgerow and proposed landscaped bund.



5. Planning History

None

6. Planning Policy

The adopted Wiltshire Core Strategy (WCS) Core Policies (CP): CP50 - Biodiversity and Geodiversity; CP51 - Landscape; CP57 - Ensuring High Quality Design and Place Shaping; CP61 - Transport and New Development; and CP67 - Flood Risk.

Saved West Wiltshire District Plan 1st Alteration 2004 Policy E10 - Horse Related Development from the which forms part of the WCS

The Wiltshire Local Transport Plan (LTP) 2011-2026 Car Parking Strategy.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are also of material relevance to this application.

7. Summary of Consultation Responses

Coulston Parish Council: No objection.

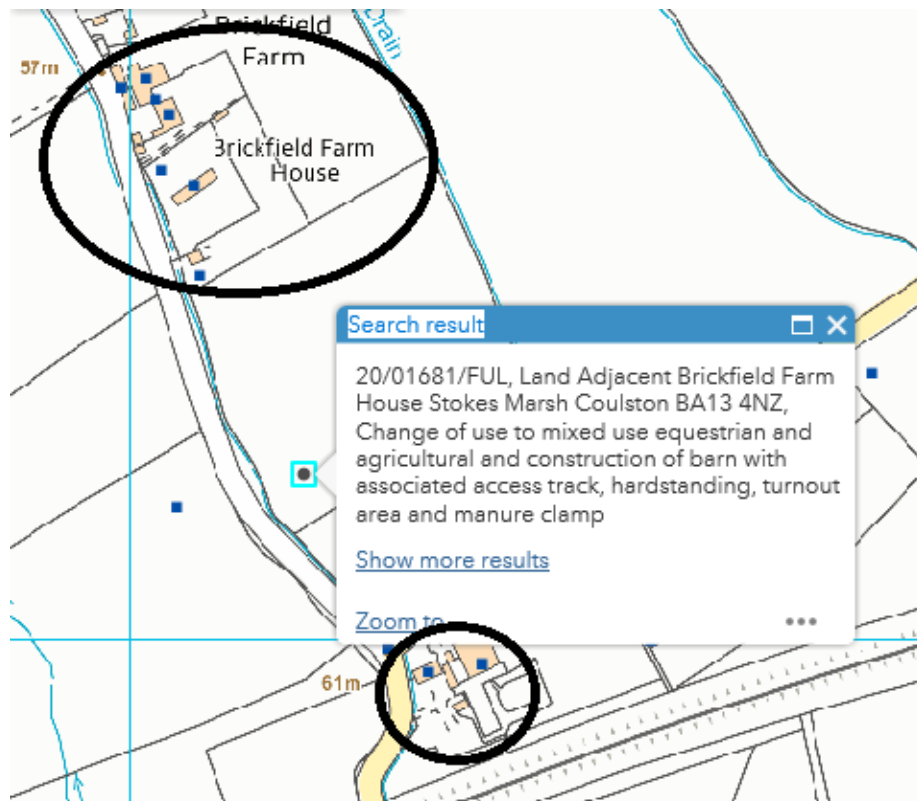
Wiltshire Council Highways: No objection subject to conditions.

Wiltshire Council Landscape & Arboricultural Officer: No objections.

Wiltshire Council Ecology: No comments.

8. Publicity

This application was advertised by five posted neighbour notifications and publication on the Council's website. No site notice was erected during the COVID-19 pandemic and lockdown period, when this application was submitted. The 'neighbouring' properties notified are illustrated below by two circles along with showing their respective proximity to the application site - with the closest property over a 100m distant.



A total of 34 representations were received and published to the Council's planning portal, with some residents submitting more than one representation, raising the following summarised concerns:

- Lack of notification of the application
- Increase in traffic
- Narrowest of the lane and limited passing spaces
- Poor visibility at proposed entrance
- Light pollution
- Noise pollution
- Visual impact
- Impact on wildlife
- Area is classed as a Nitrogen Vulnerable Zone (NVZ)
- Object to the change of use
- Attempting to gain permission for a dwelling
- Precedent that the development would set
- Encroachment in the open countryside
- Fields can become waterlogged/flooded
- Such development should be proven to be financially viable and with agricultural justification
- Inadequate land for horses and cattle

Officer Note: In response to concern raised about the 'lack' of public notification, the previous page sets out the extent to which individual nearby properties were directly notified along with the publication of the application online. However, from the extent of public participation, it is clear that the application has been in the public domain and open for a significant number of third parties to pass comment. In normal circumstances, site notices would have been displayed, but as previously reported, with national movement restrictions imposed due to the COVID pandemic and lockdown, no site notice was erected. Legislatively, no site notice was required in any event. For this type of application, the Council is only required to notify immediate neighbours or display a site notice. The application details have and remain publicly accessible.

From reviewing the submitted representations and Cllr Wickham's call-in request, a significant number of the objectors argued that they should have received a neighbour notification letter or been informed of the application in some way. Officers however consider that sufficient neighbour notification (which exceeded the procedural requirements) was carried out in full compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, which requires local planning authorities to serve notice on "any adjoining owner or occupier" (emphasis added by officers) for this particular type of application for a minimum of 21 days.

An adjoining owner or occupier is defined within Part 3, Article 15, sub section 10 of the abovementioned Order as: "any owner or occupier of any land adjoining the land to which the application relates" (emphasis again added by officers).

The application site does not immediately border any neighbouring properties, as it is surrounded by the applicant's own land. However, the properties to the north and south of the site were individually notified as verified on the previous page.

9 Planning Considerations

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

9.1 Principle of the Development and Partial Change of Use: This application is seeking planning permission for the erection of a barn to be used for the stabling of 2-3 horses and livestock and for the change of use of 0.3 hectares of an agricultural field to mixed use equestrian/agricultural purposes. There is no in principle or policy objection to the proposed development; and as such, in principle terms, it is policy compliant.

9.2 Saved Policy E10 of the WWDP 1st Alteration states that “*proposals for equestrian facilities and changes of use will be required to have regard to minimising their effects on the appearance of the countryside and to highway implications. All such building proposals should have special regard to siting, design materials and construction to ensure they blend in with their surroundings and do not have an adverse impact on the countryside and the natural environment including the water environment*”.



As viewed from Stoke Marsh Lane



As viewed from from within the site

9.3 Officers consider that the location of the proposed barn would have a minimal impact being located in a corner of the field bordered by existing well-established hedgerows to the south and west and would be additionally screen by the proposed landscaped bund. The proposed barn would be accessed via an existing access, with a proposed 55m long track (to be finished in stone) to serve the proposed barn, which would run parallel with the existing hedgerow. The barn and the proposed access track would benefit from a natural backdrop with the hedging and landscaping providing natural screening to minimise the visual impact of the proposed barn when viewed from the public domain. The barn would be a timber structure, left to sliver over time, which would assist with assimilating the structure into the landscape and would not appear discordant or harmful.

9.4 The application site is designated as Grade 4 agricultural land, which is relatively poor quality and of limited value for agricultural purposes. However, it must be noted that the applicant proposes to use the 0.3-hectare application site for mixed use purposes to include agriculture as well as retaining the remaining landholding in agricultural use.

9.5 Within a number of the submitted representations, comments have been made about the site being used for alpaca and dog breeding. For the avoidance of any doubt, the submitted Design and Access Statement confirms that the site would be used to keep two or three horses along with potentially five calves (to be reared and sold at market) and possibly ten sheep, with the remaining bays to be used for storing animal feed, bedding and other farming/equestrian parts. The applicant does not propose to establish a commercial equestrian facility, and the site would not be used for equestrian tuition.

9.6 The barn would be used for personal use only which would not generate significant vehicle movements, as set out in the transport statement the applicant has provided. Subject to planning conditions, the proposed development would satisfy saved policy E10 and would be compliant the NPPF.

9.7 Impact on the Character and the Appearance of the Area: CP51 of the adopted WCS requires development to “*protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures*”.

9.8 CP57 requires all new development to be of a high standard of design and to, amongst other criteria, seeks the retention and enhancement of existing important landscaping and natural features, (including hedges) to enhance biodiversity and create wildlife and recreational corridors, and to ‘respond positively’ to existing landscape features to effectively integrate the building into its setting.

9.9 The submitted Design and Access Statement confirms that no boundary hedgerows would be removed as part of this proposal, and the Council’s tree officer raises no objection, subject to a planning condition being imposed to protect the existing hedgerow during site construction. Further stipulations are made about the future maintenance of the existing hedgerow and when to prune (outside of the bird nesting season). Furthermore, the applicant’s submitted statement confirms that no external lighting would be installed which would ensure the proposed development would not harm the landscape character through light pollution. Officers consider it necessary to impose a planning condition which would require the submission and written approval by the Council for any external lighting at the site, in the interests of the character and appearance of the area and ecology.

The proposed additional landscaping would provide some biodiversity betterment and net gain to comply with NPPF paragraph 170.

9.10 The proposed development to be used for non-commercial use is considered compliant with CP51 and CP57 of the adopted WCS and the NPPF.

9.11 Neighbouring Amenity: The proposed development would not cause substantive detriment to the amenity of the nearby occupiers to justify a refusal. The applicant has provided details of how manure would be managed and disposed of and has illustrated the location of the manure clamps adjacent to the proposed barn, which is considered acceptable and CP57 compliant.

9.12 Highway Safety: The proposed barn would be accessed via an existing gated access (as shown below) which benefits from adequate visibility in both directions and the Council's highway officer raises no objection. The applicant does not propose any new vehicular access off New Road or Stokes Marsh Lane. The application therefore satisfies CP57 and CP61 of the adopted WCS.



9.13 It is however important to note that permitted development rights exist for farmers to create new accesses to a highway, provided that the access is required for associated agricultural development as permitted under Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

9.14 In response to the local concerns, the applicant provided additional information relating to the vehicle movements associated with the proposed use as mixed agricultural and equestrian, which sets out that there would be minimal traffic generation which would predominately be small or medium vehicles. The applicant anticipates that once constructed, there would be likely be one visit a day during the summer, increasing to two visits a day during the winter. In addition to this, there would be an annual vet visit, a farrier would visit five times a year and a tractor and trailer delivering feed twice a year, none of which represents a significant level of traffic generation. It should also not be overlooked that the existing site could be accessed by any number of farm vehicles at present in any case. Given the rural location of the site, agricultural vehicles accessing and leaving fields and

using the rural lanes are recognised as an established characteristic to which officers raise no concern.

9.15 Wiltshire Council's highways department report that Stokes Marsh Lane is a not through road that serves approximately 4 dwellings and 2 farms further along the lane past the application site. Officers acknowledge that whilst the lane is of single vehicle width, given that the application site has an existing field access with adequate forward visibility, any farm related vehicles meeting each other along the lane would most likely be irregular and of limited duration, which raise no highway concern.

9.16 The Council's highways officer has observed that the site would be able to be safely accessed with all associated vehicles being able to leave the carriageway to park up to open and close the access gate, without interrupting other vehicles using Stokes Marsh Lane. Visibility from this vehicular access is considered adequate at 70m x 136m, with the highway verge being particularly wide enabling vehicles exiting the site to be able to see oncoming vehicles and any other road users.

9.17 Officers therefore conclude that based on the expected/proposed low number of vehicle movements and type of vehicles that would visit the site, the proposal would not result in an unacceptable impact on highway safety or contribute towards a cumulative severe impact on the road network to warrant the refusal of the application as directed by paragraph 109 of the NPPF.

10. Conclusion (The Planning Balance)

The proposed development is considered to comply with the requirements of the adopted Wiltshire Core Strategy in particular CP51, CP57 and CP61, and saved policies E10 of the West Wiltshire District Plan 1st Alteration as well as the NPPF. As such, it is considered that planning permission should be granted subject to conditions.

11. RECOMMENDATION: Approve subject to the following conditions:

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

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

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

Drawings Nos: P1, Location Plan; P2 E, Block Plan E, Rev 1; P3, Elevations and Floor Plan; P4, Layout Plan E, Rev 1; L1, Cross Section E, Rev 1; VSI, Visibility Splay; all received on 27 February 2020

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

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

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

4. The hereby approved bund shall be constructed and planted in accordance with the Planting Scheme Statement submitted on 27 February 2020.

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

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

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

6. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "*Guidance Note 1 for the reduction of obtrusive light 2020*" (produced by Institution of Lighting Professionals 2020), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

7. No development shall commence on site until a Construction Method Statement, which shall include the following:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction; and
 - hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities and the natural environment.

8. No site clearance or construction works shall commence on site until a plan is submitted showing the exact location and extent of protective Heras (or similar style) fencing to protect the existing hedgerow and roots. Once approved, the protective fencing shall remain in place for the entire construction phase and until all construction equipment, machinery and surplus

materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

REASON: To safeguard the existing hedgerows and in the interests of visual amenity

9. 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.

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

REASON: In the interests of highway safety.

11. No part of the development shall be first brought into use, 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. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

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

REASON: To ensure that the development can be adequately drained.

INFORMATIVES TO APPLICANT:

1. The applicant is advised that the discharge of the drainage condition does not automatically grant land drainage consent, which is required for any works within 8m of an ordinary watercourse or any discharge into an ordinary watercourse. The applicant remains responsible for obtaining land drainage consent, if required, at the appropriate time.
2. The application involves the alteration of the existing vehicle access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

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