

AGENDA

Meeting: Western Area Planning Committee
Place: The Cotswold Space - County Hall, Trowbridge BA14 8JN
Date: Wednesday 23 January 2013
Time: 6.00 pm

Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718376 or email stuart.figini@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

| | |
|------------------------------|--------------------------------|
| Cllr Trevor Carbin | Cllr Christopher Newbury |
| Cllr Ernie Clark | Cllr Stephen Petty |
| Cllr Rod Eaton | Cllr Pip Ridout |
| Cllr Peter Fuller (Chairman) | Cllr Jonathon Seed |
| Cllr Mark Griffiths | Cllr Roy While (Vice Chairman) |
| Cllr John Knight | |

Substitutes:

| | |
|----------------------|----------------------------|
| Cllr Rosemary Brown | Cllr Tom James MBE |
| Cllr Andrew Davis | Cllr Francis Morland |
| Cllr Russell Hawker | Cllr Jeff Osborn |
| Cllr Malcolm Hewson | Cllr Fleur de Rhé-Philippe |
| Cllr Keith Humphries | |

AGENDA

Part I

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

1 **Apologies for Absence**

2 **Minutes of the Previous Meeting** (*Pages 1 - 24*)

To approve the minutes of the last meeting held on 5 December 2012 (copy attached.)

3 **Chairman's Announcements**

4 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Wednesday 16 January 2013. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Applications**

To consider and determine the following planning applications:

- 6a **W/12/01636/FUL - Heronsview, 91B Winsley Hill, Limpley Stoke, Wiltshire, BA2 7JN (Pages 25 - 46)**
- 6b **W/12/02210/FUL - Land South West of Huntenhull Farmhouse, Huntenhull Lane, Chapmanslade, Wiltshire (Pages 47 - 52)**
- 6c **W/12/02185/FUL - Land North East of Stable Cottage, Huntenhull Lane, Chapmanslade, Wiltshire (Pages 53 - 60)**

7 **Urgent Items**

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

Part II

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

None.

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WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 5 DECEMBER 2012 IN THE RIDGEWAY SPACE - COUNTY HALL, TROWBRIDGE.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Rod Eaton, Cllr Peter Fuller (Chairman),
Cllr Mark Griffiths, Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty,
Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Francis Morland, Cllr Helen Osborn and Cllr Fleur de Rhé-Philippe

102 Apologies for Absence

There were no apologies for absence.

103 Minutes of the Previous Meeting

The minutes of the meeting held on 14 November 2012 were presented.

Resolved:

**To approve as a correct record and sign the minutes of the meeting held
on 14 November 2012.**

104 Chairman's Announcements

The Chairman welcomed Jemma Boustead, Senior Planning Officer to her first Western Area Planning Committee meeting and explained that Jemma would be presenting a number of reports.

The Chairman also welcomed Rob Hannis, Senior Highways Engineer to the meeting and informed the Members that Rob would be leaving the Council shortly. The Chairman thanked Rob for all his hard work and especially for his services to the Committee.

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

105 **Declarations of Interest**

Cllr Peter Fuller and Cllr John Knight declared non-pecuniary interests in the following items as members of Trowbridge Town Council, where the application had been previously considered by its Development Control Committee. They both declared that they would consider the application on its merits and debate and vote with an open mind.

- 6c – Land West of Biss Farm, West Ashton Road, West Ashton; and
- 6g – Land Adjoining 51 Summerleaze, Trowbridge

Cllr Mark Griffiths declared a non-pecuniary interest in the following Items. He declared that he would consider the application on its merits and debate and vote with an open mind.

- 6d – Staverton Church of England Primary School, School Lane, Staverton as Cllr Griffiths knew one of the Governors at the school
- 6f – Land rear of 25 and 26 Union Street, Melksham as Cllr Griffiths and the agent were Melksham Town Councillor's and that the application was previously discussed by the Town Council. Cllr Griffiths did not vote at the Town Council meeting.

106 **Public Participation and Councillors' Questions**

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

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

107 **Planning Applications**

The Committee considered the following applications:

107.a W/12/01412/FUL - Land South Of Four Winds 81 Yarnbrook Road West Ashton Wiltshire

Public Participation

- Dr Angus Murdoch, agent, spoke in support of the application.
- Margaret Workman, representing West Ashton Parish Council, spoke in objection to the application.

The Planning Officer introduced the report which recommended approval, and detailed how the application had been deferred from the last meeting to arrange

a site visit, which had now taken place. The planning application was for a change of use to provide a single private gypsy pitch to include the siting of a mobile home and touring caravan and hardstanding for the parking and turning of vehicles.

The exact location and details of the site in relation to West Ashton and the nearby crossroads were highlighted, and it was noted the site was served by a pavement from Yarnbrook and that Highways officers considered the visibility at the access acceptable.

It was also noted that as the Council had, in its view, permitted the legally required number of Gypsy and Traveller pitches, the application did not need to be considered in the light of urgent need, but only by criteria set out in council policies as detailed in the report, and which officers felt the application abided by.

The Committee then had the opportunity to ask technical questions of the officer.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Francis Morland, then spoke in objection to the application. The Committee then considered the application and debating a number of issues, in particular, the highway safety at the site, to what extent the application would impact on the highways in the area, making the permission personal to the applicant and his mother and occupancy of the site.

Resolved:

That Planning Permission be granted for the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

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 use hereby permitted shall be carried on only by Mr Willam Shered (the applicant), his mother and his resident dependants and shall only be occupied by them whilst they meet the definition of gypsies and travellers as defined in

Annex 1 to the Department for Communities and Local Government document 'Planning Policy for Traveller sites' published in March 2012.

REASON: The personal circumstances of the applicant and his mother have been a significant material consideration that has been taken into account in the decision to grant planning permission for this use on this site.

3 No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than 1 shall be a static caravan, shall be stationed on the site at any time.

REASON: In the interests of the amenity of the area and in order to define the terms of this permission. West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

4 The use hereby permitted shall not be first commenced until works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority for:

- Any entrance gates to be provided at the access shall be set back a minimum of 15m from the carriageway edge of Yarnbrook Road and shall open inwards only;
- The on-site provision of the space shown on the submitted plans for the parking and turning of vehicles; and
- the installation of an ACO drain, on or immediately adjacent to the highway boundary to avoid surface water entering the highway.
- The parking and turning facility, and visibility splays of 160 metres in either direction measured from a point 2.4 metres back from the carriageway edge at the centre of the access shall thereafter be retained.

REASON: In the interests of highway safety West Wiltshire District Plan 1st Alteration 2004 - POLICY: CF12

5 No commercial activities shall take place on the land, including the storage of materials.

REASON: In the interests of the amenity of the area and in the interests of highway safety. West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

6 There shall be no occupation of any caravan, including a static caravan, on site until details of the works for the disposal of sewage have been submitted to and approved in writing by the Local Planning Authority and until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage. West Wiltshire District Plan 1st Alteration 2004 - POLICY: U1a

7 The development hereby permitted shall not be first occupied until the access up to the gates, 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. West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

8 No materials shall be burnt on site.

REASON: In order to minimise nuisance. West Wiltshire District Plan - 1st Alteration -POLICY: C38.

9 Notwithstanding the approved plans no caravan shall be occupied on the site until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include details of existing and proposed planting, including the protection of existing hedgerows and woodland, any new boundary treatments and the surfacing materials to the hardstanding. The landscaping scheme shall be implemented in accordance with the approved details.

REASON: In the interests of protecting the rural character of the area. West Wiltshire District Plan 1st Alteration (2004): POLICY CF12.

10 The development hereby permitted shall be carried out in accordance with the details shown on the following plans:

- Site Location Plan : Received on 25 July 2012; and
- Site Layout Plan : Received on 25 July 2012.

REASON : In order to define the terms of this permission.

Informative(s):

1 The applicant is advised to contact Wessex Water (01225 526000) with regard to connection to, and protection of, water infrastructure.

107.b W/11/02440/FUL - Land South Of Farm Bungalow Deverill Road Sutton Veny Wiltshire

Public Participation

- Mike Keen representing Spitting Feathers – Sutton Veny and Longbridge Deverill Action Group spoke in objection to the application.
- William Owen representing Spitting Feathers – Sutton Veny and Longbridge Deverill Action Group spoke in objection to the application.
- Eamonn Wilmott representing Spitting Feathers – Sutton Veny and Longbridge Deverill Action Group spoke in objection to the application.
- Mr Rafferty representing the applicant spoke in support of the application.
- Ian Bell representing Longbridge Deverill Parish Council spoke in objection to the application.

- William Owen representing Sutton Veny Parish Council spoke in objection to the application.

The Planning Officer introduced the report which recommended approval be granted subject to appropriate planning conditions. He explained that the application was for the demolition of four existing poultry buildings and their replacement with five new structures along with the provision of associated infrastructure including feed bins and hardstanding.

The Committee then had the opportunity to ask technical questions of the officer.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Fluer de Rhe Philipe, then spoke in objection to the application.

The Committee then considered the application and a number of issues were raised, in particular distances from the farm buildings to various local properties in Sutton Veny and buildings in the adjacent industrial estate, increase in traffic and the effect on the local amenity, highway issues. It was noted that odour, dust and noise issues were dealt with by the Environment Agency rather than the Wiltshire Council. It was also reported that the applicant would have to apply for a permit from the Environment Agency as it was proposed the farm would have a capacity exceeding 40,000 poultry birds.

Resolved:

That consideration of the application be deferred until:

- 1) The applicants submit their application to the Environment Agency for the permit required by the EA for the operation of the proposed facility;**
- 2) A site visit by members of the Western Area Planning Committee has taken place;**
- 3) Officers prepare a report on potential reasons for refusal on traffic and amenity grounds for further consideration by the Western Area Planning Committee following the site visit Committee.**

**107.c W/11/01663/REM - Land West Of Biss Farm West Ashton Road
West Ashton Wiltshire**

Public Participation

- David Hutchinson, agent, spoke in support of the application.

The Planning Officer introduced the report which recommended that reserved matters be approved subject to appropriate planning conditions. He explained that the application was for the approval of reserved matters for employment development comprising B1, B2 and B8 uses and associated access and landscaping pursuant to outline permission ref 05/00744/OUT.

The Committee then had the opportunity to ask technical questions of the officer.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Francis Morland, then spoke to the application.

The Committee then considered the application and a number of issues were raised, in particular highway issues in relation to the West Ashton Traffic lights and some minor road alterations to the Yarnbrook crossroads and County Way roundabout in Trowbridge.

Resolved:

That planning permission be granted for the following reasons:

The principle of developing this site as a strategic employment site has been fully established (following the approval of the extant outline application 05/00744/FUL, and most recently on appeal: application W/10/03031/FUL). The reserved matters hereby approved are considered wholly compliant with the adopted development plan and emerging Council policies.

Subject to the following condition(s):

1 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- (a) the parking of vehicles of site operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials used in constructing the development;
- (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (e) wheel washing facilities;
- (f) measures to control the emission of dust and dirt during construction;
- (g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- (h) measures for the protection of the natural environment.
- (i) 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, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38, as well as the NPPF and NPSE.

2 The developed shall be carried out fully in accordance with the recommendations contained within the Ecological Assessment published by Aspect Ecology Ltd dated May 2011.

REASON: In order to protect protected species and their associated habitats.

POLICY: The National Planning Policy Framework (NPPF)

3 No phased development shall commence on site until external lighting details for the site have been submitted to the local planning authority for its written approval. The development shall be carried out in accordance with the approved details.

REASONS: In order to protect against inappropriate levels of lighting detrimentally impacting upon local, neighbouring properties and nature conservation interests.

POLICY: The National Planning Policy Framework (NPPF) and West Wiltshire District Plan – 1st Alteration – Policy C35 and C38.

Note: The applicant is expected to carefully consider any lighting scheme and to have due cognisance of its impact upon neighbouring properties and occupiers as well as to nature conservation interests; and especially have regard to the recommendations contained with the Habitat Creation Management and Monitoring Plan, dated May 2006.

4 For the avoidance of any doubt, and excepting those sections where the existing hedgerow fronting West Ashton Road shall be cut back and opened up pursuant to highway improvements and providing pedestrian linkages, the remainder of the hedgerow and identified tree shall not be cut down, uprooted or destroyed, other than in accordance with the approved plans, without the prior written approval of the Local Planning Authority. Any topping or lopping approval shall be carried out in accordance BS3998: 1989 British Standard for Tree Work or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise. If any 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 equipment, machinery or materials shall be brought on to site for the purpose of development, until a scheme showing the exact

position of protective fencing to enclose all retained trees and hedgerows beyond the outer edge of overhang of their branches in accordance with British Standard 5837: 2005: Tree in Relation to Construction, has been submitted and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. 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 without prior written approval by the Local Planning Authority.

In this condition "retained tree" means an existing tree / section of hedgerow which is to be retained in accordance with the approved plans and particulars; and the paragraphs above shall have effect until the expiration of five years after the completion of the development. No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site 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].

REASON: To prevent trees being retained on or adjacent to the site from being damaged during the construction works and in the interest of visual amenity.

5 Notwithstanding the details shown in respect to the landscaping treatment, no phased development shall commence on site until the following details have been submitted to the local planning authority for its written approval:-

- Full details and measures of protecting the retained section of hedgerow during the course of the phased development;
- A detailed planting specification showing all plant species, supply and planting sizes and planting densities,
- Finished levels and contours;
- Proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- Large specimen trees shall be supplied and planted at a ratio of 25% Semi mature and 75% extra heavy standard (consisting of Oak, Lime and Hornbeam) within the northern landscape buffer. The remainder shall be a mix of standards, and feathered standards in locations to be agreed in writing with the Local Planning Authority; and to be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428.
- Enhanced marginal planting around the balancing pond;

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

POLICY: West Wiltshire District Plan - 1st Alteration Policy C32.

6 All soft landscaping comprised in the approved details of landscaping (Drawing no. P.0678-10-A sheets 1 & 2), 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.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

7 No development shall commence on site until full construction details of the internal road layout have been submitted to and approved in writing by the Local Planning Authority; and the internal roads shall thereafter be constructed in accordance with the approved details so that each new building, when occupied, is connected to the existing public highway by a completed road.

Reason: In the interests of road safety

8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

SITE LOCATION PLAN – Drawing No P.0678_05 received on 31.05.2011
SITE LAYOUT PLAN – Drawing No. P.0678_01-1 received on 31.05.2011
PLANS & ELEVATIONS B2 UNIT D – Drawing No. P.0678_02A
PLANS & ELEVATIONS B2 UNIT I – Drawing No. P.0678_02A
PLANS & ELEVATIONS B8 UNIT G – Drawing No. P.0678_03A
PLANS & ELEVATIONS B2 UNIT H – Drawing No. P.0678_03A
PLANS & ELEVATIONS B1 UNIT TYPE T1 – Drawing No. P.0678_09 (T1)
received on 31.05.2011
PLANS & ELEVATIONS B1 UNIT TYPE T2 – Drawing No. P.0678_09 (T2)
received on 31.05.2011
PLANS & ELEVATIONS B1 UNIT TYPE T2 (HANDED) – Drawing No.
P.0678_09 (T2) received on 31.05.2011
PLANS & ELEVATIONS B1 UNIT TYPE T3 – Drawing No. P.0678_09 (T3)
received on 31.05.2011
PLANS & ELEVATIONS B1 UNIT TYPE T4 – Drawing No. P.0678_09 (T4)
received on 31.05.2011
PLANS & ELEVATIONS B1 UNIT TYPE T5 – Drawing No. P.0678_09 (T5)
received on 31.05.2011

PLANTING PLAN SHEET 1 OF 2 – Drawing No. P.0678_10-A received on 31.05.2011
PLANTING PLAN SHEET 2 OF 2 – Drawing No. P.0678_10-A received on 31.05.2011
BIN STORES AND SERVICE YARD FENCING – Drawing No. P.0678_11 received on 31.05.2011
PHASING PLAN – Drawing No. P.0678_12 – received on 31.05.2011
MATERIALS PLAN – Drawing No. P.0678_13 – received on 31.05.2011
FOOTPATH LINKS – Drawing No. P.0678_14 – received on 31.05.2011
TOPOGRAPHIC SURVEY AND EXISTING VEGETATION – Drawing No. P.0678_15 – received on 31.05.2011
EXTENT OF DEVELOPABLE AREA – Drawing No. P.0678_16 – received on 31.05.2011
ROOF PLAN – Drawing No. P.0678_17 – received on 31.05.2011
CROSS SECTIONS – Drawing No. P.0678_18 – received on 31.05.2011
HORIZONTAL GEOMETRY & SETTING OUT SHEET – Drawing No. P291/100 Rev C – received on 31.05.2011
HORIZONTAL GEOMETRY & SETTING OUT SHEET – Drawing No. P291/101 Rev C – received on 31.05.2011
HORIZONTAL GEOMETRY & SETTING OUT SHEET – Drawing No. P291/102 Rev C – received on 31.05.2011
HORIZONTAL GEOMETRY & SETTING OUT SHEET – Drawing No. P291/103 Rev C – received on 31.05.2011
VEHICLE SWEEP PATH ANALYSIS – Drawing No. P549/106 – received on 31.05.2011
PROPOSED FINISHED FLOOR LEVELS – Drawing No. P549/07 – received on 31.05.2011

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

Informative(s):

1 The developer is reminded that this development is still subject to those remaining extant conditions attached to the decision notice for application 05/00744/FUL which remain necessary and applicable and shall require formal discharge as per the requirements of each condition.

2 The developer is advised to contact Wessex Water's Developer Services to agree either means of diverting an existing public water main or means by which it shall be protected during the construction stages, to ensure that no development takes place until the aforesaid infrastructure has been properly protected. The developer shall also need to reach an agreement with Wessex Water over connecting the development to a public sewer.

**107.d W/12/01890/REG3 - Staverton Church Of England Primary School
School Lane Staverton Wiltshire BA14 6NZ**

The Planning Officer introduced the report which recommended approval be granted subject to appropriate planning conditions. She explained that the application was for an extension to the existing school building.

The Committee then had the opportunity to ask technical questions of the officer.

The Local Member, Cllr Trevor Carbin, then spoke about his concerns in relation to traffic congestion during drop off and pick up times in the local roads and the schools proposed Travel Plan.

The Committee then considered the application and in general expressed its support for the work of the school.

Resolved:

That planning permission be granted for the following reasons:

The proposal by reason of its location, siting and design would not have an adverse impact upon neighbouring amenity or the street scene and complies with Saved Policies C31a, C38 and CF1 of the West Wiltshire District Plan 1st Alteration 2004, the Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy and advice contained in the National Planning Policy Framework

Subject to the following condition(s):

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 drawing numbers 120483 P(0): 07, 08, 09A, 10A, 11A, 12A, 13, 14 received on 18th October 2012.

Reason: For the avoidance of doubt and in the interests of proper planning

3 No development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area having regard to Saved Policy C31a of the West Wiltshire District Plan 1st Alteration 2004.

4 No development shall commence on site until a School 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 and shall be implemented in accordance with the approved details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

Reason: In the interest of highway safety and reducing traffic development to the site having regard to the Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy and advice contained in the National Planning Policy Framework.

5 The development hereby approved shall be carried out in strict accordance with the Phase 1 Habitat Survey written by Clarke Webb Ecology Limited received by the Local Planning Authority on 12th October 2012 unless otherwise agreed in writing.

Reason: In the interest of ecology having regard to advice contained in the National Planning Policy Framework

Note: The Committee requested that Staverton Parish Council should be consulted on the School Travel Plan required by condition 4 before the condition was discharged by Wiltshire Council

107.e W/12/01720/FUL - Land North West Of 2 The Uplands Warminster Wiltshire

Public Participation

- Mr Oyetunde, local resident spoke in objection to the application.
- Mr Melling, local resident spoke in objection to the application.
- Peter Grist, Agent, spoke in support of the application.
- Malcolm Sharp, the applicant spoke in support of the application.

The Planning Officer introduced the report which recommended refusal. She explained that the application was for a proposed dwelling on land north west of 2 The Uplands, Warminster.

The Committee then had the opportunity to ask technical questions of the officer.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Christopher Newbury, then spoke in objection to the application.

The Committee then considered the application noted that the proposal site was outside of the Town Centre Policy Limit.

Resolved:

That planning permission be refused for the following reasons:

1 The proposed development is located outside of the town policy limits defined for Warminster in the West Wiltshire District Plan 1st alteration and by reason of its size, location, design and relationship with adjoining properties would result in a cramped form of overdevelopment which would be out of keeping with the character of the area contrary to the requirements of Saved Policies H1 and C31a of the West Wiltshire District Plan 1st Alteration 2004 and advice contained in the National Planning Policy

Informative(s):

1 This decision relates to drawing numbers MS/01 MS/02, MS/03, MS/04 and drawing annotated as Site and Location Plans received on 12th September 2012.

Reason: For the avoidance of doubt and in the interests of proper planning

107.f W/11/02320/FUL - Land Rear Of 25 And 26 Union Street Melksham Wiltshire

Public Participation

- Tarnia Ruan, local resident spoke in objection to the application.
- Richard Wiltshire, representing the applicant

The Planning Officer introduced the report which recommended approval be granted subject to appropriate planning conditions. He explained that the application was for the erection of 2 dwellings with garages; reinstatement of railings and gate piers across the site frontage; new tree planting; demolition of garden sheds and brick boundary walls.

The Committee then had the opportunity to ask technical questions of the officer.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Stephen Petty, then spoke in objection to the application.

The Committee then considered the application and a number of issues were raised, in particular concerns about flooding, and the impact on neighbouring properties.

Resolved:

That planning permission be granted for the following reasons:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

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 No development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area. West Wiltshire District Plan 1st Alteration 2004 - POLICIES: C17, C18, C19, C31a and H1.

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

- indications of all existing trees and hedgerows on the land;
- details of any to be retained, together with measures for their protection in the course of development;
- all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features. West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32.

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. West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32 5 Notwithstanding the hereby approved plans no development shall commence until final details of a flood mitigation strategy have been submitted to and approved in writing by the Local Planning Authority. This shall include:

- i) Provision of compensatory flood storage on the site to a 1:100 year standard;
- ii) Finished floor levels set no lower than 35.40 metres above Ordnance Datum (AOD);
- iii) Only open boarded fencing used to mark boundaries within 8 metres from the top of bank of the watercourse;
- iv) Method statement, including timetable, for the demolition and clearance of all existing buildings in the application site; and
- v) Details of how the scheme shall be maintained and managed after completion.
- vi) A Protection Scheme for the individual properties

The strategy shall subsequently be implemented in accordance with the approved details before the development is completed and maintained in perpetuity.

REASON: To reduce the risk of flooding to the proposed development and future occupants. To reduce the likelihood of flood flows being impeded.

POLICY: National Planning Policy Framework and its associated Technical Guidance.

6 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and maintained in perpetuity.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy U2 and the National Planning Policy Framework and its associated Technical Guidance.

7 Notwithstanding the hereby approved plans no development including flood compensation works shall be carried out within 5 metres from the top of bank of the watercourse.

REASON: As a precaution in order to avoid any harm to water voles and their burrows (both are protected under the Wildlife and Countryside Act 1981, as amended).

POLICY: National Planning Policy Framework.

8 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 interests of highway safety. West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and H1.

9 No development shall commence within the application site until:

- (a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- (b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

POLICY: National Planning Policy Framework.

10. Before the development hereby permitted is first occupied the first floor window in the west elevation of unit H1 and first floor window in the east elevation of unit H2 shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICIES: C38 and H1.

11 The car ports/garages shall be open fronted (i.e. no doors) as detailed on the approved plans and remain so at all times thereafter.

REASON: In order to encourage the use of car ports for car parking.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: H1.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B, C, D, E, F, G, and Part 2, Class A shall take place on the dwellinghouses hereby permitted or within their curtilages.

REASON: In the interests of the amenity of the area and to preserve the floodplain in perpetuity.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICIES: C31a and C38; and the National Planning Policy Framework.

13 The development shall be carried out in accordance with the hereby approved plans (other than where amended by details submitted to and approved in writing in any subsequent discharge of planning condition application(s)):

Drawing: USBC1 received on 19 October 2012;
Drawing: USBC2 Revision A received on 19 October 2012;
Drawing: USBC23 received on 19 October 2012;
Drawing: USBC6 received on 19 October 2012;
Drawing: USBC7 received on 19 October 2012;
Drawing: USBC22 Revision A received on 19 October 2012;
Drawing: USBC21 Revision A on 19 October 2012; and
Drawing: USBC5 received on 29 March 2012.

REASON: In order to define the terms of this permission.

Informative(s):

1 The developer is advised that a holistic approach to the issues of flood compensation, surface water drainage, landscaping and nature conservation should be developed in order to address the discharge of the pre-commencement planning conditions. For further advice please contact the planning case officer prior to the submission of any application to discharge the planning conditions.

2 The developer is advised that disposal of surface water to soakaways is the preferred option, providing ground conditions permit and percolation tests demonstrate that they are appropriate. The soakaways may require separate approval under Building Regulations and should be constructed in accordance with the BRE Digest No 365 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice". The surface water drainage scheme for the proposed development must meet the following criteria:

- i) Any outflow from the site must be limited to Greenfield run-off rates and discharged incrementally for all return periods up to and including the 1 in 100 year storm.
- ii) The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
- iii) If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) should be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.
- iv) The adoption and maintenance of the drainage system must be addressed and clearly stated.

3 The developer is advised that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Clackers Brook, designated a 'main river'.

4 The developer is advised that safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use machinery, oils/chemicals and materials, the routing of heavy vehicles, the location of work and storage areas, and the control and removal of spoil and wastes.

It is recommended that the developer refer to the Environment Agency's Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

5 The developer is advised that the site has potential for low numbers of reptiles, such as slow worm and grass snake. Therefore any site clearance should be carried out by hand and grass should be maintained as short-cut until construction work commences and all cuttings should be removed from the site.

6 The developer is advised that Wessex Water's infrastructure is recorded as crossing the application site. No building will be permitted by Wessex Water within the statutory easement of 3 metres from the pipeline without their agreement. For further information you should contact Wessex Water on 01225 526000.

7 The developer is advised that pursuant to condition 9, the work, in the form of an archaeological watching brief, should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by Wiltshire Council and there will be a financial implication for the developer. For further information please contact 01249 705502

107.g W/12/01893/FUL - Land Adjoining 51 Summerleaze Trowbridge Wiltshire

The Planning Officer introduced the report which recommended approval be granted subject to appropriate planning conditions. He explained that the application was for the conversion of 51 Summerleaze into two flats and a two storey extension for two flats.

The Committee then had the opportunity to ask technical questions of the officer.

The Local Member, Cllr Helen Osborne, then spoke in objection to the application.

The Committee then considered the application, whilst some Members felt the application was acceptable for the location others had concerns about parking issue, traffic congestion, visual impact and affects on neighbour amenities.

Resolved:

That planning permission be granted for the following reasons:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

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 shall be carried out in accordance with the hereby approved plans:

Drawing: 12-45-1 received on 12 October 2012;

Drawing: 12-45-1-1 received on 12 October 2012;

Drawing: 12-45-1 received on 12 October 2012;

Drawing: 12-45-2 received on 12 October 2012;

Drawing: 12-45-3 received on 12 October 2012;

Drawing: 12-45-4 received on 12 October 2012;

Drawing: 12-45-5A received on 12 October 2012;

REASON: In order to define the terms of this permission.

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

REASON: In the interests of visual amenity and the character and appearance of the area. West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

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

REASON: In the interests of highway safety. West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a

5 No part of the development hereby approved shall be first occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety. West Wiltshire District Plan 1st Alteration 2004 - POLICY: T10

6 The development hereby permitted shall not be occupied until the flank boundary features have been reduced to not more than 0.6 metres for 1 metre

back from the adjacent footway. These features shall be maintained at that height at all times thereafter.

REASON: In the interests of highway safety.

7 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. 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 flats 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. West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

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

REASON: To ensure that the development can be adequately drained. West Wiltshire District Plan 1st Alteration 2004 - POLICY: U2

Informative(s):

1 The developer is advised to contact Wessex Water to ensure that any section 105a sewers (formally private sewers and lateral drains) that may be existing on the site are identified and then, as appropriate, suitable action is taken to ensure proper drainage and sewerage to serve residential property is provided. Wessex Water may be contacted on 01225 526000.

2 The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence may 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.

3 The developer is advised that any details of landscaping should include frontage planting to compliment the built form and soften the hard landscaping /

parking area. To discuss this further you are advised to contact the planning case officer on 01225 770249.

107.h W/12/01609/S73 - Church Farm Brokerswood Brokerswood Westbury Wiltshire

Public Participation

- Bill Lowe, agent, spoke in support of the application.

The Planning Officer introduced the report which recommended approval be granted subject to appropriate planning conditions. He explained that the application was for the variation of condition 3 of planning permission W/11/02859/FUL to allow the annexe to be occupied by person(s) responsible for the upkeep of Church farm.

The Committee then had the opportunity to ask technical questions of the officer.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Francis Morland, then spoke in objection to the application.

The Committee then considered the application and a number of issues were raised, in particular the possibility of a temporary permission.

Resolved:

That the Area Development Manager be authorised to grant planning permission, subject to the conditions set out below, on prior completion of a Section 106 legal agreement to prevent the annexe being sold separately from Church Farm, for the following reasons:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Site location plan received on 18.09.2012

Reason: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

2 The annexe hereby permitted to be extended shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling

known as Church Farm, Brokerswood, or by person(s) responsible for the upkeep of the fabric of the dwelling and the surrounding farmland known as Church Farm, Brokerswood.

REASON: The additional accommodation is sited in a position where the local planning authority, having regard to the reasonable standards of residential amenity, and the planning policies pertaining to the area, would not permit a wholly separate dwelling.

108 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 10.25 pm)

The Officer who has produced these minutes is Stuart Figini, of Democratic Services, direct line 01225 718376, e-mail stuart.figini@wiltshire.gov.uk

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

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

| | | | |
|----------------------------|--|---|---------------------|
| Date of Meeting | 23.01.2013 | | |
| Application Number | W/12/01636/FUL | | |
| Site Address | Heronview 91B Winsley Hill Limpley Stoke Wiltshire BA2 7JN | | |
| Proposal | Demolition of existing dwelling and garage, erection of replacement dwelling and garage with associated works | | |
| Applicant | Mr Iain Clamp | | |
| Town/Parish Council | Winsley | | |
| Electoral Division | Winsley And Westwood | Unitary Member: | Linda Conley |
| Grid Ref | 378616 160933 | | |
| Type of application | Full Plan | | |
| Case Officer | Mr Kenny Green | 01225 770344 Ext 01225 770251 kenny.green@wiltshire.gov.uk | |

Reason for the application being considered by Committee

Councillor Linda Conley has requested that this item be determined by Committee to discuss the following:

The scale of development;
 The visual impact upon the surrounding area;
 The relationship to adjoining properties;
 The design, bulk, height and general appearance;
 The alleged encroachment into Green Belt and beyond curtilage defined limits and in support of Parish Council concerns.

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted subject to conditions.

Neighbourhood Responses -

Thirteen third party supportive letters were received
 One further third party letter was received offering qualified support (supporting the replacement house but not the terracing element)
 One third party letter neither objecting nor supporting the application was received.
 Three third party objections were received (NB: one objector submitted 5 separate representations)

Parish Council Response - Objects for the reasons stated in section 7 below.

2. Report Summary

The main issues to consider are:

- The lawful use of the site
- The planning history of the site and the principle of replacing a dwelling in the Western Wiltshire Green Belt/ Open Countryside
- The impact on the Cotswolds AONB and the West Wiltshire Green Belt

- Design and detailing
- Impact on protected species
- Highway matters
- The Impact on neighbouring amenities, privacies and interests

3. Site Description

The application site at 91B Winsley Hill (also known as 'Heronsview') occupies a sloping site located on the southern side of Woodlands Drive, which is a private road accessed off Winsley Hill sited within the Western Wiltshire Green Belt and the Cotswolds Area of Outstanding Natural Beauty (AONB).

The residential plot is occupied by an existing split level property with a single-storey rear aspect and a two-storey south facing frontage. The property has been much altered/extended over the years and has rendered walls and a slated roof. A bulky detached double garage is located to the north-west of the house.

The site is very well screened by well established, dense woodland both to the rear (Woodlands Drive) which acts as a robust landscaped backdrop, and to the south east, south and south west, within which, and on other sloping sites, further detached residential properties have been built.

The immediate area, including the area known as 'Little Canada' is characterised by a dozen or so residential properties of varying building styles and sizes, several of which have been complete replacements following the demolition of smaller units. Although the area could be considered as a small hamlet, as far as the Development Plan is concerned, the site is located outside a defined settlement envelope; and is therefore, classed as being located within the open countryside. In this area of Winsley Hill and Murhill, it is a recorded fact that the Council has applied a degree of flexibility towards accepting the principle of replacing smaller houses and allowing larger replacement houses, on the proviso that they do not cause harm.

In the case for Heronsview, the Council accepted the principle of allowing a larger replacement house when approving application W/10/00377/FUL - a decision which remains extant but has not been implemented. That application allowed for a materially larger dwelling beyond that which was approved back in 2007. The planning history and the history of the local area are important material considerations for this particular application.

4. Relevant Planning History

89/01984/FUL - Extensions, double garage under, conservatory - Permission 16.01.1990
 90/01227/FUL - Two storey extension detached garage and general improvements - Permission 06.11.1990
 06/03853/FUL - Replacement Dwelling - Refused 14.05.2007
 07/02253/FUL - Replacement Dwelling - Permission (Committee decision) 16.10.2007
 10/00377/FUL - Replacement Dwelling and associated works (material variation to approved reference 07/02253/FUL) - Permission 01.07.2010
 W/12/2140/CLE - Lawful Development Certificate to establish use of land as domestic garden/residential curtilage – granted 31st December 2012.

5. Proposal

Prior to this application being lodged, a series of pre-application discussions and a meeting took place involving the applicant, his agents and the case officer. After the application was submitted and at the request of the case officer, revisions were made to the scheme, including the removal of the entire double garage rear wing extension to reduce the size and scale of the proposed new building. Under this revised submission, the applicant proposes to demolish the existing much altered and extended split level house, the detached garage and log store (totalling approximately 181 square metres) and replace it with a house amounting to 231 square metres.

In this particular case, and in recognition of the extant nature of approved application reference W/10/00377/FUL, the Council must also compare the proposals against the extant permission (which

granted a 5-bed 200 square metre replacement dwelling with a subterranean level and some significant excavation works along with the construction of a replacement garage and log store - a development which remains extant until July 2013.

The following summary calculations quantify the existing, the approved and the proposed footprint:

The existing split level house with its detached double garage/storage outbuilding comprises approximately 181 square metres.

The extant approved replacement house (with garage and log store) allowed a 200 square metre replacement - which equates as a 10.5% footprint increase.

This proposed/revised application seeks to construct a dwelling with a footprint of just under 232 square metres - without a garage or log store.

The applicant has rigidly followed the case officer's advice in maintaining the ridge height of the existing building - so that the proposed new house would not be higher than the existing property. The new house would be re-orientated within the site to facilitate the construction of an enhanced and safer means of access.

The applicant intends to re-use the excavated spoil on-site to reduce the extent to which part of the site slopes. This part of the application has been supported by specialist survey work considering ground stability, land slippage risk and water and drainage management and a construction method statement. For the avoidance of any doubt, the spoil would be created by forming the access drive and the construction of the replacement house with a concealed basement. It should also be noted the initially proposed plans showing the terracing element were inaccurate and these have been superseded by plan drawings, especially Drawing No. P03 Rev A and Drawing No. P04, reducing the terrace and the amount of banking necessary.

The revised application is accompanied by extensive plan drawings, supporting statements and reports comprising:

- a bat emergence survey;
- a design and access statement (which includes comparable calculations viz. the footprint of the existing property, the extant approved re-development and that which is currently proposed);
- an arboricultural impact assessment and method statement; and,
- a geotechnical assessment has been undertaken to establish the ground conditions and land stability.

The proposed development constitutes a material variation to that which was previously approved in both October 2007 and July 2010. The previously cited existence and reference to a paddock has been found to be erroneous. After a rigorous planning history search and on-site investigations, it was concluded that the currently roughly-cut area of grass (which slopes east-west) is and has been for at least, the last ten years been used as a functioning part of the residential curtilage associated to the dwellinghouse. This conclusion is further supported by a declaration received from the previous owner whose family were residents between 1989 and 2007 - confirming that the plot was not used as paddock or for agricultural purposes. The lawful use of the site was duly considered as part of the separate submission (reference W/12/02140/CLE) which legally tested the precision and weight of evidence. As far as this planning application is concerned, the lawful status of the site is residential curtilage/garden and no argument pursuant to loss of paddock or encroachment into agricultural land can be entertained, and certainly, it cannot influence the determination of this application.

6. Planning Policy

Wiltshire Structure Plan 2016

DP1 - Priorities for sustainable development / DP8 - Affordable housing / DP9 - Reuse of land and buildings / DP12 - Western Wiltshire Green Belt

DP14 - Housing, employment and related development in the open countryside / T6 - Demand Management / C1 - Nature Conservation / C3 - Nature Conservation / C5 - The water Environment / C8 - Areas of Outstanding Natural Beauty

West Wiltshire District Plan - First Alteration 2004

C1 - Countryside Protection / C2 - Areas of Outstanding Natural Beauty / C6 - Areas of High Ecological Value, Regionally Important Geological or Geomorphological Sites, and Sites of Nature Conservation Interest / C31A - Design / C32 - Landscaping / C38 - Nuisance / GB1 - Western Wiltshire Green Belt / H19 - Development in the Open Countryside / H20 - Replacement Dwellings / T10 - Car Parking / U1a - Foul Water Disposal / U2 - Surface Water Disposal / U4 - Groundwater Source Protection Area

Adopted Supplementary Planning Guidance

Design Guide - Principles (Adopted 5 July 2004) and Residential Design Guide (Adopted November 2005)

Government Guidance

The National Planning Policy Framework (NPPF) and The Noise Policy Statement for England (NPSE)

The Emerging Wiltshire Core Strategy

Strategic Objectives - Delivering a Thriving Economy; Addressing Climate Change; Providing Everyone with Access to Decent, Affordable Housing; Helping to Build Resilient Communities; Protecting and Enhancing the Natural, Historic and Built Environment; and Ensuring that Adequate Infrastructure is in Place to Support our Communities.

Core Policy 7 - Bradford on Avon Community Area; Core Policy 41 - Sustainable construction and low-carbon energy; Core Policy 45 - Meeting Wiltshire's Housing Needs; Core Policy 48 - Supporting Rural Life; Core Policy 50 - Biodiversity and Geodiversity; Core Policy 51 - Landscape; Core Policy 57 - Ensuring high quality design and place shaping; Core Policy 60 - Sustainable Transport; Core Policy 61 - Transport and Development

7. Consultations

Winsley Parish Council - Objects on two principal grounds:

Firstly, on the intrusion into the paddock and creating a change of use to residential.

Secondly, that the size and scale of the development on this land is unacceptable both in terms of the impact on the openness of the green belt and to neighbouring properties. The size and scope of the terracing and the changed land levels caused by the spoil from digging out the basement accommodation.

Cotswolds AONB Conservation Board - The Cotswolds Conservation Board have advised that they shall not be making any comments on this planning application. This response should be taken as a neutral view, neither objecting nor supporting the proposed development.

Wiltshire Highways - No highway objection to the proposal subject to planning conditions.

Wiltshire Council Ecologist - Having reviewed the ecology survey report (Bat Emergence Surveys, Country Contracts, dated June 2012), I am satisfied with the assessment of the development implications. No ecology based objection is therefore raised, subject to a condition and informative being imposed on any permission.

The survey identified that the detached garage is used as a roost site by a common species of bat, the soprano pipistrelle. The development proposes to demolish the garage, which will result in destruction of the existing bat roost. These impacts will result in a breach of Article 12 of the Habitats Directive, therefore the LPA must consider whether the proposals would be likely to meet the requirements of a derogation licence from Natural England prior to determining the application, and in doing so must consider the three tests which would be applied to any licence application:

- There is no satisfactory alternative
- There are imperative reasons of overriding public interest
- The favourable conservation status of the species will be maintained

The proposals offer little support for the first two tests; however, Natural England's guidance states that the tests should be considered proportionately to the scale of the impact, which in this case is a small roost of a common species. The third test is based upon the mitigation scheme for the development. The outline of a suitable mitigation scheme for bats has been submitted, in accordance with Natural England's Mitigation Guidelines for this species. Mitigation includes a temporary roost for the duration of construction work, and the incorporation of permanent replacement roosting opportunities in the new dwelling, which have been included in the plans (Proposed Site Plan, Elevations & Sections, drawing number P02, June 2012). Overall, I am satisfied that in principle the proposals would meet Natural England's requirements for a European Protected Species licence, and as such a permission could be granted in accordance with Wiltshire Council's legal responsibilities under the Habitats Regulations.

Wiltshire Council Tree and Landscape Officer - Raises no objection to the principle of a replacement dwelling on this site. The current house is difficult to view from within the Limpley Stoke or Winsley area. It can only be partially viewed from the North East facing side of the valley and there would be little to no visible change or impact on the landscape character or other attributes.

A detailed method statement showing the full extent of the engineering operations relative to the formation of the terrace has been submitted as well as submitting mitigation for trees on and adjacent to the site. These details are acceptable and the drainage management and construction method statement should be duly conditioned.

A detailed Arboricultural Impact Assessment and Method Statement have been submitted which are acceptable, subject to a planning condition requiring tree protective fencing and implementation of works in accordance with the aforementioned assessments. The hard and soft landscaping proposals require to be conditioned as well as their implementation.

Wessex Water - No objections, subject to an informative.

Wiltshire Fire and Rescue Service - The Fire and Rescue Service actively supports and encourages the increased use / provision of residential sprinkler systems in properties. They are inexpensive to install (particularly in new buildings), they cannot be accidentally activated, and in new buildings such as this, they can be designed to sit flush with ceilings (behind a cover) so as not to be unsightly. When required, they also cause less water damage than standard fire fighting methods. It is recommended that this guidance is passed to the developer/applicant by way of an informative attached to any permission.

8. Publicity

The application was advertised by site notice and two neighbour notification periods.

Expiry dates: 12 October and 15 November 2012

The application was also advertised as a potential development plan departure with the expiry of the press notice dated 9 November 2012.

Thirteen letters of support from local residents/neighbours were received raising the following points:

- Full support given to what several call a vast improvement with a much 'cleaner unobtrusive design' 'visually more pleasing' with sash windows, well detailed stone walls and 'a simpler roof profile'.
- The current property on the plot is not in keeping with the surrounding properties (in particular with the old Woodlands house at the end of the drive).
- The proposed materials are more in keeping with the houses of the area.
- Local residents are aware of the 2010 permission which is still extant and they argue this proposal is even more impressive and would 'add value to the area'.
- There would be no negative impacts to neighbours or the environment.
- Full support is given for the repositioning of the proposed house and the demolition of the double garage, which would provide better facilities to turn a car round. This has been/would always

be a problem with the existing house and the approved plans. The proposed repositioning will make for a safer entry and exit from the property.

- Sinking the house into the hill side is supported. This shall make the ground floor lower and will reduce the overlooking potential.
- The terrace to the southwest of the house should also be approved as it reduces the overlooking potential.
- The applicants have prepared a considerate scheme for a family dwelling, taking into account the existing planning consent, the impact on their immediate and across-valley neighbours, as well as the environment.
- There would be no detrimental effect on the setting of this property at all, particularly as views of the garden for most people will be from across the valley at a considerable distance, masked by the mature surrounding woodland. The house/site is well screened "no one can see the building".
- The issue of the terracing in the paddock seems to have the support of a number of immediate neighbours and I share the view that the proposed property would be a considerable aesthetic improvement on the current building. The lawn seems well screened by trees, even in winter - from elevated positions, so I cannot see any objection to the terracing.
- The demolition of the existing garage is welcomed, as this is the most visible element, as it stands.

One local resident / third party offered the following qualified support:

- My support is for the proposed new house itself, to be built in a classical style with local materials. Although the house is substantial in size, I understand that this factor is already recognised in an extant planning permission, and that the new design meets the requirement that it should not exceed the original ridge height. The reorientation of the house, which requires an easement across the original building line, is, I think, acceptable, because it will greatly improve the setting for and accessibility of the north-side of the new property.
- Further, it is encouraging that the increase in size is to be achieved efficiently by taking advantage of the new build to construct a full footprint basement and to create use-able space within a mansard roof.

The above is qualified by stating the following concern:

- Strong opposition is raised against the use of the excavated spoil to change the character and appearance of the adjoining paddock. Such a proposal was not contained within the extant planning permission, which states that any proposals impinging on the paddock would have to come forward as a further application for permission. Clearly, the proposal to change the character of the paddock with terracing will have an impact on all the properties adjoining the paddock, and apparently there is no evidence to suggest that they have been approached as part of the planning process. It has been pointed out that, on the south and west boundary edge, the level of the terrace could be as much as five metres above the paddock as it now is, and this would clearly be unacceptable, not least for those adjoining owners.
- The proposal to change the character of the paddock with terracing earthworks should be refused, and that the classical theme of the new house should emulate Bath's Royal Crescent and Prior Park, both of which look out over sloping open grassland. I realise this will mean the removal of spoil off-site and the consequential transport movements and energy use, but I think that course of action is appropriate in this case where it is imperative from all points of view to protect the landscape.

Three third parties submitted the following objections

- As a resident on the opposite side of the Limpley Stoke Valley, I have views directly towards Winsley Hill. The houses in this area are, in general, single storey or low level construction so that they blend in with the landscape. During the summer, many dwellings are obscured by trees and even in the autumn once the leaves have fallen, the buildings still seem to blend with the woodland. A recently started development further down the hill recognises this and the new house, which also replaces an older bungalow, is a modern low level design which will not look out of place and will be in keeping with the natural setting. The proposed development at Heronsview, appears to be very large and completely different to the surrounding houses. Rather than low level, naturally blending with the surroundings, a neo-Georgian design (which is more appropriate to Bath City Centre) with three floors, (four counting the basement) is planned. This will be out of character with the area and dominate the landscape.
- The proposed dwelling would have significant added volume beyond that which was approved in 2010. Historically, increases in cubic capacity have been tightly controlled within the Green Belt.

- The replacement dwelling at 92 Winsley Hill (a neighbouring property) granted under application 05/00762/FUL was subject to severe restrictions on the footprint, size, position and elevations. These restrictions severely limited the scope of the development. This proposal seeks to add approximately 28% on top of the existing footprint.
- I am reliably informed by former residents of 101 and 91a Winsley Hill that part of the site was part of the old Winsley Hill orchard. It is further alleged that in the past, a donkey was kept.
- The revised house is still very large and the proportions will alter the landscape character of this part of the valley. The development will dominate the hillside and not blend well with this AONB/Green Belt location, and it would stand well apart from its neighbours.
- It is understood that the courts (in *Heath & Hampstead Society v London Borough of Camden*) have defined that a material enlargement is based on added floor space, volume and footprint. This proposal is unquestionably materially larger consisting of a 28% footprint increase and a 390% volumetric increase. Paragraphs 87 and 89 of NPPF deals with the issue of what is considered as being inappropriate development - which is by definition, harmful to the Green Belt; which should not be approved except in very special circumstances. It is noted that B&NES planning authority use volume as an indicator of any material enlargement.
- The applicant and his agents are wrong to use application 05/00762/FUL as some kind of precedent. This application only allowed a very nominal (1 sq.m) increase over the previous footprint. No objections are raised against the previously approved application w/10/00377/FUL - even though it allowed a 10.5% increase; and no objections are raised against approved applications w/11/00487/FUL or W/11/02843/FUL at 100 Winsley Hill – which allowed the replacement of a single storey house to a two storey replacement.
- The 9 sq. metre encroachment into the open meadow land would harm the openness of the Green Belt. The area of land has never been used as a formal garden, but has been left as grassland, and many years ago, a donkey was kept on the site.
- The NPPF requires local planning authorities to ensure 'substantial weight' is placed on what harm any new development would cause to the Green Belt.
- The site is a wild life refuge for foxes, deer and badgers.
- The proposed site excavations and site re-modelling would contravene District Plan Policy C1.
- The new house would be positioned closer to neighbouring properties and with a much higher elevation, it would encroach upon and almost dominate neighbouring privacies.
- No evidence has been provided in terms of investigating and reporting on site stability and ground water measurement and management. No historic evidence gathering on localised site conditions and previous land slippage events have been documented.
- If the applicant secures any new building into the hillside through pile-driving, what impact will this have upon neighbouring properties - which have experienced some movement?
- Why was the press notice delayed until October?
- Why was this application not rejected straight away as being materially larger? It should be noted that the original submission was for an even larger house.
- At the Winsley Parish Council meeting, the applicant stated that he would not have bought the property had he been advised at pre-application stage that he would not be allowed to build a larger house than the existing. What indications were given at the pre-application stage?
- In-accurate information has been submitted and contrary to the assertions made within the Design and Access Statement, at no time has the applicant or his representatives, discussed his proposed intentions with ourselves.
- Concerns are raised that the underground water flow might be disturbed which could directly affect adjoining properties directly below the proposed development. A reassurance that the water flow will not be disturbed is sought. Adequate investigations need to be undertaken before granting any permission. It is asserted that any failure by the local planning authority in this regard may leave them open to legal challenge in the courts should subsequent slippage or water damage occur.
- The terracing of the land on the proposed development could also present a stability problem, and again the planning authority should be prepared to assure property owners below the proposed development that adequate measures have been taken to prevent the slippage of such a large volume of earth on what is known to be a fragile hillside. Again, if no such assurance is given, then the authority could leave itself open to legal challenge should other properties suffer.
- The photographs included within the accompanying Statement have been taken at the height of the summer when the trees in the valley are in full leaf. As almost all the trees are deciduous, a totally different picture emerges in the winter. The said pictures are taken from selective points to minimise the effect of the development on the valley. The name of the property in question, Heronsview, gives a good indication of the views from the property, and naturally the views of it from many valley

positions. The laurel hedge referred to is located on an adjoining property and provides no high screening as inferred.

- When the property was previously marketed by Savills, the sale particulars for the property indicated areas of garden, paddock and woodland. The paddock has been grazed by goats and a donkey and evidence can be provided.

The Applicants Response to Third Party Representations

- The footprint of the proposed dwelling is of a similar area to that which was approved in 2010 and the ridge height is the same. The basement, being completely underground, adds no perceived volume at all. By virtue of demolishing the visually dominant detached garage, it is asserted that the visual impact would be smaller than the previously approved scheme. Although the proposed dwelling would have 4 floors, the basement floor is concealed and the top floor is within the roof space. The visual volume of the proposal is therefore similar to that previously approved.
- The total frontage of this revised proposal is 12% less than the existing plan, due to the demolition of the highly visible modern white garage. The plan is supported by all of my neighbours on Woodlands Drive and many others, including support from the other side of the valley.
- The main body of the house is no wider, taller or deeper. The increase in footprint (from existing permission) is now 16%, and this extra area is in a partly concealed turfed-roof section, built into the hillside. Any increase in usable volume is generated by better utilisation of the (existing) loft space which Mr Chadwick overlooks in his calculation, and by building a concealed basement. Additionally, the comparison with the existing dwelling is misleading, since planning has previously been granted for a larger house. I find it difficult to see how a concealed basement could be said to cause "harm" to the greenbelt, which is the primary tenet of the NPPF.
- The existing garage and wood store are the most conspicuous visual elements from across the valley and their removal (without being replaced) provides a significant gain for the openness of the greenbelt.
- The proposed re-orientated dwelling would be on residential curtilage. The plot has no agricultural or pastoral use and has only ever been used as part of the garden. The nominal re-positioning of the proposed house over the existing retaining wall would allow for a turning circle which has significant highway benefits and allows for emergency vehicles access. The encroachment would have little or no recognisable impact on the openness of the greenbelt or to neighbouring properties.
- The site is most unsuitable for agricultural use, and if previous residents kept a couple of donkeys in the under croft or garden in the past, this does not reclassify land as paddock. It was historically part of the "pleasure garden" of the Woodlands House estate. If the preservation of a continuous green space is an issue, it's clear that the removal of the low wall serves to increase the openness of the greenbelt.
- The currently approved plans have little architectural merit and provide for a gabled "barn-style" house, with large bi-folding doors and new rubble stone finish. In contrast, this proposal would use reclaimed ashlar blocks in order to look weathered and old, and timber sash windows - to mirror the architectural style of many of the older houses in Limpley Stoke and Winsley, and that of the "Woodlands" House - my neighbours.
- The proposed materials are reclaimed Bath stone Ashlar and slate which were chosen specifically so that they would blend into the surroundings harmoniously.
- A comprehensive site investigation has been carried out by Greenfield Associates and the detailed results have been provided. The intention is to introduce land drainage as required so as not to disturb the present water flow below the proposed development.
- An accurate topographical survey was undertaken by Dando Surveying which included level information relating to an arbitrary datum rather than corresponding to Ordnance Survey datum. There is, as described by Mr Briggs, a drop on the north side of the canal but this is further down the site from the area of development.
- A thorough and professional site investigation has been undertaken by Greenfield Associates including slope stability analysis and groundwater measurements.
- Momentum Structural Engineers have been appointed to design all elements of the foundation and land drainage to safeguard the house's stability and that of the neighbours and ensure protection from water flow. Both companies carry professional indemnity insurance.
- The applicant has undertaken extensive local consultations on his own, revisiting vacant properties to ensure that all local residents knew about these plans. Following the submission of third party representations, the applicant has endeavoured to make contact with his neighbours to attempt

to explain his plans further, to submit additional information and through discussions with the case officer, explore ways in which the scheme could be amended to seek a resolution.

- The photographs included within the Design and Access Statement were taken by the applicant and were the only views that he could find from publicly accessible locations. They were taken earlier this year and it is fully understood that much of the leaf coverage will reduce into the winter months. It is evident though that the house has markedly less visual impact than many on the hillside as illustrated in the design and access statement photographs. The proposed terracing would serve to partly screen the house from neighbouring houses. If deemed necessary, the applicant is willing to consider further screening or boundary treatments to protect neighbouring amenity and privacy.
- A critical evaluation of the proposed scheme confirms that the weight of the house is actually less than the weight of earth to be excavated to create the basement - meaning that there would be less loading placed on this area of the hillside. The extent of the terracing is not "massive" - at its highest point it involves about 2m of sloped earth banking, which will be properly drained and stabilised by slope stabilisation matting. We are designing the terrace and terraced sloped to be more stable than the existing (unstabilised) slope, which should provide comfort. The slope simulation takes no account of ownership of the land and includes modelling ground-forces on neighbouring properties (including Mr Chadwick's) and those on the hillside below. My site investigation team have 20 years of experience and my structural engineer, 33 years.
- The house presents itself as a smaller, older structure, more in keeping with traditional Bath stone houses in Limpley Stoke and Winsley and cannot be said to "harm" the greenbelt in any way.

9. Planning Considerations

9.1 The Lawful Use of the Site

The immediate environs around the existing house have been the subject of a rigorous planning history review, on-site investigations and analysis of evidence submitted as part of a lawful development certificate to establish the lawful status of the site. Following this assessment, which included reviewing a declaration submitted by the previous owners, the roughly cut area of land, which slopes gradually at first then more steeply in a southern and south-western direction is lawfully residential curtilage/garden and any continued allegation of paddock use cannot be taken into account.

The previous owner of the site prior to selling it to the applicant has provided written confirmation that the use of the site was that of residential garden as far back as 1989, when it came into their ownership. This declaration from the previous owner provides robust evidence which helps confirm the lawful use of the plot. To further strength the case, the Council's own catalogued aerial photographs of the site spanning more than ten years clearly show the grassed land having been cut, with no signs of any animals and devoid of any shelters. The historic photographs and on-site investigations clearly highlight the lack of a northern boundary or historic metalwork affixed to the old low level stone wall. The lack of a robust means of enclosing the site further decreases the likelihood that the site has been used for paddock/agricultural purposes in the past ten years at least. Furthermore, the topography of the land is such that it simply not suitable for many animals. Additional on-site investigations which clearly show low hanging branches of trees around the site boundary adds further weight to the view that animals have not been grazed on the landholding for a long time, if at all.

Several local residents have also declared voluntarily that the site was never used as a paddock, including one resident of 35 years standing. Although this assertion has been verbally disputed by one third party, suggesting that donkeys may have been kept previously on the site, no corroborated or documentary evidence has been provided.

9.2 The Planning History of the site and the Principle of Replacing a Dwelling in the Western Wiltshire Green Belt/ Open Countryside

The principle of replacing the existing dwelling with a new property is well established. As was the case in 2007 and 2010, when the former West Wiltshire District Council and then Wiltshire Council granted planning permission for a replacement dwelling on this site, the West Wiltshire District Plan - 1st Alteration remains the adopted District Plan and the aforementioned policies remain saved and are relevant to this application.

Adopted Development Plan Policy H20 allows the principle of replacing existing dwellings, but caveats this by stressing that proposals should not be 'materially larger' than the existing property, or perpetuate a serious traffic hazard, form an isolated development or adversely affect the rural scene. The issue about what is 'materially larger' requires careful analysis - leaving the highway impacts, the appropriateness of the proposed details and impact upon the surroundings to be considered later on in this report.

Local Plan Policy H20 and the associated commentary do not prescribe or quantify what would be treated as being "materially larger". This is because each application and proposal should be treated on its own individual merits taking on board all relevant and material planning considerations. Having a prescriptive and quantified ceiling would be unreasonable as it would fail to take into account the varying sizes of individual properties.

Appeal decisions such as reference APP/F0114/A/09/2113203 and the Courts (in the case of Heath and Hampstead Society v SSCLG & Vlachos & LB of Camden [2008] EWCA Civ 193) have however usefully concluded that:

"whether or not a replacement is materially larger than the building it is to replace is principally a question of size, rather than its impact" (quoted from the aforesaid appeal citing and Case Law). The impacts of any development are a separate assessment and material consideration.

In accordance with the aforesaid Court ruling, it is duly submitted that it would be entirely wrong and unreasonable to only consider added volume within any proposed replacement house. It is a fact that the concealed basement and utilisation of the roof space contributes towards a significant amount of added volume, but crucially, as this is largely 'invisible' internal added space within a replacement building that would not be higher than the existing house or have a significantly wider or deeper plan than what was previously granted in 2010, the added internal volume does not in itself, mean that the proposed replacement dwelling is significantly larger or inappropriate.

Under this revised application, the applicant seeks permission to demolish the existing split level dwellinghouse, detached garage and log store with a combined footprint of about 181 square metres and replace it with a house with a 231 square metres footprint - which would constitute as an approximate 27% increase on the existing. However, it is necessary for the Council to also consider the material revisions being proposed beyond the w/10/00377/FUL extant permission (which granted a 5-bed replacement dwelling with a garage and log store amounting to approximately 200 square metres - to construct a house with a 10.5 % increased footprint).

Given that the 10.5% footprint increase was deemed acceptable in 2010, it is now necessary for the Council to consider whether the 16.5% further increase is appropriate and acceptable or harmful.

The Planning and Compulsory Purchase Act 2004 requires local planning authorities to make decisions in accordance with the development plan save where material considerations indicate otherwise. The 2007 and 2010 permissions are material considerations and cannot be ignored as they have established the principle of demolishing the existing property which lacks any architectural merit and replace it with a materially larger dwellinghouse (with three levels of accommodation).

Notwithstanding the guiding tenet that each application should be assessed on its own merits, it is useful to be aware of the wider planning history at Winsley Hill and the area known as 'Little Canada' in terms of appreciating local context and consistent decision making with respect to replacement dwelling applications. The following planning history is considered noteworthy:

92 Winsley Hill was subject to an application in 2005 (reference 05/00762/FUL) which allowed substantial site excavations and the replacement of a single storey bungalow with a house having two floors of accommodation with rooms provided within the roofspace - a development which constituted as having 12% added volume;

95 Winsley Hill had a larger replacement house granted under 87/00118/FUL and had a 27% increase permitted under 05/01217/FUL;

97 Winsley Hill had a 36.4% increase approved under application w/11/00732/FUL;

98 Winsley Hill obtained permission under 89/01559/FUL for a materially larger replacement (which was recognised as a plan departure);

99 Winsley Hill benefitted from planning permission for a 33% increase to the original property under applications 83/00945/FUL and w/09/03626/FUL; and, 100 Winsley Hill after obtaining outline permission of a larger replacement house under application 99/01800/OUT, permission was granted for a 1.5 storey house to replace the single storey property under applications w/11/00487/FUL and amended by w/11/02843/FUL.

From the above list, it is asserted that the Council has exercised a degree of flexibility in terms of supporting sensitive sustainable development proposals and allowing replacement dwellings in this area of Winsley. Wherever possible, and especially in cases where no harm is caused, the Council has consistently and proactively supported the local community in terms of providing sympathetic new replacement dwellings.

The impacts on the Cotswolds AONB and the West Wiltshire Green Belt shall be considered next.

9.3 The impact on the Cotswolds AONB and the West Wiltshire Green Belt

Since the 2007 and 2010 decisions were made, Central Government has revoked a raft of national planning policy guidance, including PPG2 (Green Belts) and PPS7 (Sustainable Development in Rural Areas, which covered the AONB). In March 2012, the NPPF was published which inter alia, succinctly emphasises the importance upon ensuring that development within the Green Belt and/or AONB is appropriate and does not cause harm to the openness and special landscape character.

The NPPF (paragraph 87) places a presumption against 'inappropriate development' within the Green Belt, which is by definition harmful; and in such cases, should not be approved except in very special circumstances. Within the very next paragraph, the NPPF stresses that "when considering any planning application, the local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

Paragraph 89 of the NPPF (in conjunction with District Plan Policy H20) establishes that a replacement dwelling in the Green Belt is only to be regarded as 'inappropriate development' if it is "materially larger".

After a thorough analysis of this application, officers acknowledge that the scale of the new house would, in terms of the added footprint, be larger than the original house, however, it would not be significantly larger than what was previously granted permission in 2010. In forming this view, it is duly noted that the proposed site excavations allow the house to be set into the site; and given the site's robust landscaped boundaries and backdrop, it is a development which would not appear as discordant. The replacement house would have a ridge height matching the existing and have similar dimensions to the extant approval and the bulk and scale of the replacement house would not be considered as harmful or inappropriate.

The proposed development would create a 6-bed detached dwelling with a concealed basement - which equates to 60% of the proposed added floor space, and even though the replacement house would be re-orientated, the new house would still overlap part of the existing built footprint. Although 4 levels of accommodation would be created, the property would visually appear as a modern two-storey building with accommodation provided within the roof - which would be served by three modestly scaled roof dormers within each roof plane.

The added footprint is principally created by the sunken, partly concealed turfed roofed single storey addition set back and located on the eastern gable. This element formed part of the negotiations with the applicant which led to the removal of a double garage wing to reduce the scale to a level which is considered appropriate and reflective of the extant 2010 permission - in terms of its scale and size, but without the triple gabled projecting extrusions on the southern elevation as granted in 2010 or the rather imposing pitched central roof, and indeed, it should be borne in mind that the proposed replacement house under this application would present a much shallower roof.

The revised proposed 'cut and fill' proposals to form a terrace have been critically evaluated by third parties, the Parish Council, and Council officials. After a protracted assessment which included 5 site

visits, (two of which were accompanied by local residents) it is asserted that the site is sufficiently well screened to ensure that the visual impact of the proposed development would be minimised locally. The terrace would in visual terms, have only a limited impact upon the Green Belt and AONB. When finished, there is every likelihood that it would be much better maintained and would certainly be much more useable as residential curtilage. There would be structural engineering works necessary to physically tie/bind the terrace to the slope and drainage management measures would clearly be essential to ensure the works are completed sensitively and mindful of land slippage risk, water run off and site stability. When complete, the site would appear as a flatter grassed area of land. The banking element would be largely hidden from wider views, given the robust tree planting along the southern boundary.

After a careful review of the all the submissions made and considering the supporting evidence supplied by the applicant's consultants, the terrace element can be supported. It should also be duly noted that this view is shared by the Council's Tree and Landscape officer. The development would however have to be very carefully conditioned to ensure that it is constructed in full accordance with the plans and supporting surveys and statements.

The proposed massing, layout and scale of development is considered respectful to this protected locality and is a development which can be supported, subject to appropriate planning conditions (one of which should remove PD rights to ensure that any future development of the site is appropriate to the Green Belt, the AONB and ecological interests). The level of local support both from immediate neighbours and from across the Limpley Stoke valley, is further testament to the conclusions reached that this development is not harmful.

9.4 Design and Detailing

The design and detailing of the replacement house would add further variety to the immediate surroundings, which are characterised by a mix of different house types. Adopted and saved District Plan Policy H24 stresses that new houses proposals should deliver a mix of "sizes and types combined to create visual interest and varied street scene". It is strongly argued that the development is much more architecturally appealing and of a higher quality than that which was approved in 2007 and 2010 - which is a guiding tenet of the NPPF (paragraphs 9 and 17 refer).

The substantial level of local support, principally based on the exceptional architectural quality of the proposed house should not be understated. It is clear from the representations received, that the vast majority of the next door neighbours, local residents and interested parties recognise the exceptional architectural detailing proposed. Indeed within paragraph 55 of the NPPF, raising standards of design in rural areas is specifically encouraged.

The proposed development would not be out of keeping or harmful to its surroundings. The applicant's agent keenly asserts that "the Georgian proportions have been modified to suit the site and setting and large sash windows provide the country house feel while reduced floor to floor dimensions produce more intimate and homely spaces... Gestures of grandeur and embellishment have been reduced to an entrance portico and moulded stone corbel at the base of the parapet. The ridge height of the new building takes its datum point from the ridge height of the existing building. Therefore the new building should be no more obtrusive to neighbouring buildings and those across the valley".

The proposed materials (namely - reclaimed cut ashlar stone blocks to front and rear elevations, coursed rubble stone to gables, a slate roof with leaded dormers, timber fenestration with stone reveals) are supported and it fully recognised that the proposed use of good quality materials combines well with the overall architectural design.

9.5 The Impact on Protected Species

As reported above, the Council's Ecologist raises no objection to this application, subject to a planning condition and informative being imposed on any permission. This application is accompanied by a robust and up-to-date ecology survey which has identified the existing detached garage being used as a roost site by a common species of bat, the soprano pipistrelle. Given that the garage is identified for demolition, the existing bat roost would be lost. The level of impacts would

therefore breach Article 12 of the Habitats Directive. In such cases and only where accompanied by robust survey work, the Council is duty bound to carefully consider whether the proposed development would likely meet the requirements of a derogation licence from Natural England. After a detailed analysis, the Council's Ecologist has duly concluded that adequate and necessary mitigation measures, both temporary and permanent, have been proposed as part of the submission - which enables the Council to support the application on ecology grounds through the recognition that if a licence from Natural England is granted, biodiversity interests on site could well be enhanced through the added measures being proposed (which need to be conditioned).

9.6 Highways Matters

The proposed development raises no highway based objection. Planning conditions are required to ensure that adequate sight lines are provided for enhanced visibility; that the existing access be closed up prior to the new access being brought into use and surface water drainage details.

9.7 The impact on neighbouring amenities, privacies and interests

The replacement house would not cause significant detriment to neighbouring amenities through overlooking or loss of privacy. Although the proposed replacement house would be marginally re-sited within the plot which would result in it being brought slightly closer to neighbouring properties, the separation distance is such that there would be no significant overlooking conflict or other demonstrable harm caused.

Whilst there would undoubtedly be some disturbance caused during the construction stage, the planned re-development of the site should not cause significant nuisance to neighbours. It has been confirmed by the applicant's own structural engineers that silent piling rigs should be used at this site to protect neighbouring amenity and site stability. These rigs induce little or no vibration. The piling sheets should be perforated to allow the passage of ground water, which would be picked up in land drains and managed much more rigorously than at present and directed to the south-east corner of the garden away from neighbouring properties within a trench leading to the applicants woodland where water can be directed to existing water courses via a pond within the woodland itself. The engineer stresses that the volume of water managed in this way will be quite small in comparison to the surface water run off.

The application is supported by robust and professionally written reports and surveys which have been fully researched and examined. The construction method statement submitted with the application ties the development to a clear management process which shall ensure that the development proceeds in an appropriate manner without causing significant nuisance. In this case, the applicant's willingness to find resolution to all concerns has been a welcome approach and it is noted that he has endeavoured to keep all local residents informed of his plans both before and during the application stage - an act of neighbourliness which has no doubt helped in terms of having thirteen local residents/ immediate neighbours taking the time to voice their full support for the proposals.

Notwithstanding the strong local support for this application, the applicant and the case officer have been mindful that some concerns have been raised from a couple local residents. These concerns have been duly considered and assessed above and through appropriately worded planning conditions, the development should be able to proceed (in accordance with the associated plans and supporting surveys and statements) without causing any demonstrable detriment.

10. Conclusion

The proposal will not have an adverse impact on the character or appearance of the area and is in accordance with the planning policies for the area. Accordingly, permission is recommended.

Recommendation: Permission

For the following reason(s):

The scale, massing, design and visual bulk of the replacement dwelling is considered acceptable; and, by virtue of the site's heavily wooded backdrop and densely treed boundaries, the proposed development would not significantly affect the openness of the Green Belt and nor would it cause detriment to the AONB or materially affect the amenities of neighbours.

- 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 No development shall commence on site until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area [and neighbouring amenities].

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38

- 3 No development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area.

POLICY: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 4 Notwithstanding the detail shown on plan drawing PO3 Rev A, no permission is hereby granted for the double garage (as duly hatched). Development shall be carried out in accordance with the approved details included within the stated approved plan drawing list, unless otherwise amended and approved by a subsequent application to the local planning authority.

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

POLICY: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: GB1, C31a and H24.

- 5 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 interests of highway safety.

- 6 The development hereby permitted shall not be occupied or first brought into use until the area (in so far as it is within the applicant's control and ownership) between the nearside carriageway edge and a line drawn 2.0 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 7 That prior to the new access driveway being brought into use, the existing vehicular driveway serving Heronsview shall be closed up permanently with the details showing the exact means by which the existing drive/access shall be closed up being submitted to the local planning authority for its written approval.

REASON: In the interests of highway safety and to avoid neighbouring nuisance.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a .

- 8 No development shall commence on site until a detailed 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: To ensure that the development can be adequately drained.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: U2

- 9 Any gates shall be set back 4.5 metres from the edge of the shared Woodlands Drive, such gates to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICIES: C31a and C38.

- 10 The development hereby approved shall be carried out in full accordance with the bat mitigation measures, as set out in the submitted bat survey report (Bat Emergence Surveys, Country Contracts, June 2012) and drawings (Proposed Site Plan, Elevations & Sections, drawing number P02 Rev A), unless otherwise agreed in writing with the Local Planning Authority.

- 11 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 :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.
- compensatory tree and shrub planting of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

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

- 12 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

- 13 The development hereby approved shall be carried out in strict accordance with the approved details contained within the Arboricultural Method Statement published by Atworth Arboriculture Ltd and received on 6 December 2012. In addition to the recommendations specified within the aforesaid Statement, the applicant / developer shall ensure that the following requirements are fully adhere to:-

In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.

Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

- 14 The development hereby approved shall be carried out in accordance with the construction method statement produced by Greenfield Associates and the accompanying terrace sketch and plan drawing Site GA Reference 1342.100.03 (received 9 November 2012) and the piling works shall follow the recommendations contained within the supporting statement prepared by Momentum Structural Engineers (dated 4 July 2012). The approved Statements and recommendations shall be complied with in full throughout the construction period, unless otherwise agreed in writing with the local planning authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

POLICY: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

POLICY: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: C1, C31a and C38.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

POLICY: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: C1, C31a and C38.

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

EXISTING LOCATION & BLOCK PLAN – Drawing No. Ex01 Rev A – received on 26.10.2012
BOUNDARY LINE OF EXISTING RESIDENTIAL CURTILAGE – Drawing No. Ex03 – received on 09.11.2012
EXISTING & PROPOSED SITE CONTOUR PLAN – Drawing No. P04 – received on 26.10.2012
SKETCH SITE SECTIONS EXISTING & PROPOSED – Drawing No. P03 Rev A – received on 15.10.2012
EXISTING HOUSE AND GARAGE PLANS AND ELEVATIONS – Drawing No. Ex02 Rev A – received on 26.10.2012
PROPOSED SITE PLAN, ELEVATIONS & SECTIONS – Drawing No. P02 Rev A – received on 26.10.2012
PROPOSED FLOOR PLANS – Drawing No. P01 Rev A – received 26.10.2012
HARD & SOFT LANDSCAPING PLAN – Drawing No. P05 – received on 06.12.2012
TREE CONSTRAINTS PLAN – received on 06.12.2012
TREE PROTECTION PLAN APPENDIX D – received on 06.12.2012
CONSTRUCTION METHOD STATEMENT PLAN – Drawing No. Site GA 1342.100.03 – received on 09.11.2012

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

Informative(s):

- 1 The developer/applicant is encouraged to use / make provision for residential sprinkler systems within the new build development hereby granted permission. The Wiltshire Fire and Rescue Service actively supports and encourages their installation. They are inexpensive to install (particularly in new buildings), they cannot be accidentally activated, and in new builds such as this, they can be designed to sit flush with ceiling (behind a cover) so as not to be unsightly. When required, they also cause less water damage than standard fire fighting methods. Should further information be required on this particular aspect, you are advised to make contact with the Wiltshire Fire _ Rescue Service on tel. no. 01225 756 500 or via email at planning@wiltsfire.gov.uk.

It should be stressed that the above guidance / recommendation should be read in conjunction with Building Regulation requirements.

- 2 The applicant/developer should be aware that planning permission does not derogate the applicant's legal responsibilities under the Conservation of Species and Habitats Regulations (2010). It is the applicant's responsibility to obtain a European Protected Species licence from Natural England to legitimate any action likely to breach Regulation 41.

3 Water Supply and Waste Connections

Should new water supply and waste water connections be required from Wessex water to serve this proposed development, application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526333 for Waste Water.

Basement

If a drainage connection from the basement is required this should be pumped in order to prevent flows from backing up into the property.

S105a Public Sewers

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

- 4 Prior to commencing work on site, the applicant /contractor are encouraged to arrange to meet with Officers of the Council/Environmental Protection team to establish the following:

A. Any existing buildings on site should be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive.

B. Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;

Monday – Friday 7.30 – 18.00

Saturday 8.00 – 13.00.

No noisy activities on Sundays or Bank Holidays.

C. All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

D. Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

E. In periods of dry weather, dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

F Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (e.g. Plastics, rubber, treated wood, bitumen etc)

G. Radio noise should not be audible at the boundary of the nearest neighbouring property.

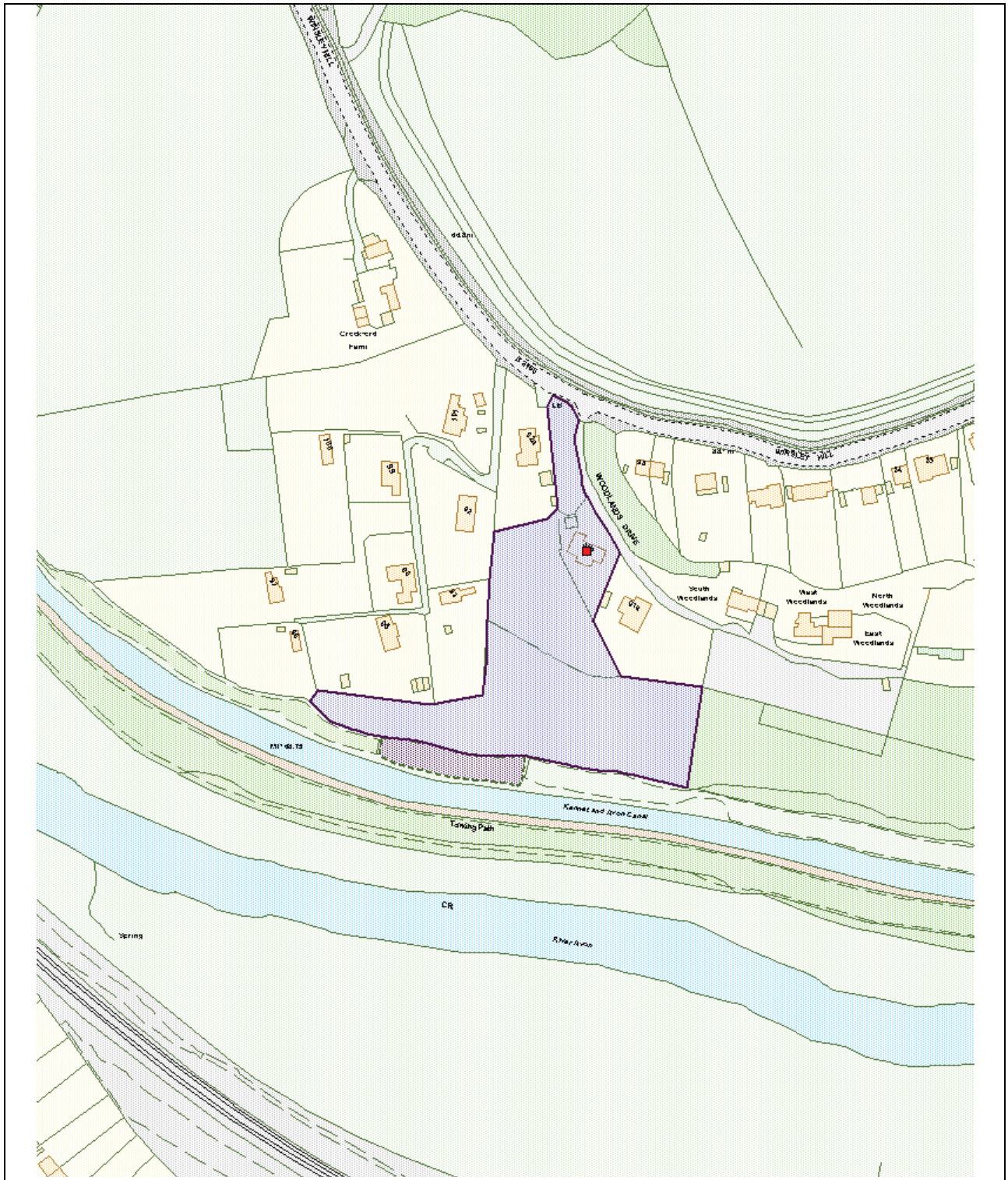
H. Any temporary oil storage tanks should be safely and securely sited so as to prevent pollution in the events of spills or leakage. It is also strongly recommended that any oil storage tank should be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank.

I. Both the Council and Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Protection Department on (01225) 776655 prior to commencement.

- 5 In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.
- 6 In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively with the applicant, his agents, the Parish Council and the local community, through discussing the details and intricacies of the scheme, re-assuring those that have concerns and explain the complexities of the planning history, the lawful established use, providing advice on Case Law and appeal decisions on green belt and AONB impacts - to secure this development which has been duly assessed in line with adopted plan policies with due cognisance given to those key, material planning considerations which are highlighted within this report.

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| Appendices: | |
| Background Documents Used in the Preparation of this Report: | |

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

| | | | |
|----------------------------|---|--|------------------------------|
| Date of Meeting | 23.01.2013 | | |
| Application Number | W/12/02210/FUL | | |
| Site Address | Land South West Of Huntenhull Farmhouse Huntenhull Lane Chapmanslade Wiltshire | | |
| Proposal | Retrospective application for erection of a tractor shed | | |
| Applicant | Mr C Thomas | | |
| Town/Parish Council | Chapmanslade | | |
| Electoral Division | Warminster Without | Unitary Member: | Fleur De Rhe-Philippe |
| Grid Ref | 382452 147468 | | |
| Type of application | Full Plan | | |
| Case Officer | Jemma Boustead | 01225 770344 Ext 01225 770211 Jemma.Boustead@wiltshire.gov.uk | |

REASON FOR THE APPLICATION BEING CONSIDERED BY THE PLANNING COMMITTEE

Councillor de Rhe Philippe has requested that the application be called to the Planning Committee for the following reasons:

Scale of Development
Visual Impact upon the surrounding area
Design

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted.

Neighbourhood Responses-

Ten letters of objection were received
Two letters of support

Parish Council Response – Objects for the reasons stated in section 7 below.

2. Report Summary

The main issues to consider are:

- design issues and impact upon the immediate area
- impact on amenity
- highway and access considerations

3. Site Description

The site is located south west of Huntenhull Farmhouse which is located within Chapmanslade but outside the village boundary. The site is also located within a special landscape area, special advertisement control area and within a groundwater source protection zone. There is a bridleway located south of the site in question.

4. Relevant Planning History

There is no relevant planning history related to the erection of a tractor shed

5. Proposal

The application seeks retrospective planning permission for the erection of a tractor shed which is to house a tractor, trailer and will also allow for further storage. It is built with timber under a pan tile roof. Due to the size of the holding the building would not have been considered to be permitted development under Part 6 of the General Permitted Development Order.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004:

C1 Countryside Protection

C3 Special Landscape Area

C31a Design

C38 Nuisance

R11 Footpaths and Rights of Way

National Planning Policy Framework (NPPF) requires development that is sustainable and in accordance with the policies of the development plan to be approved, unless material considerations indicate otherwise.

7. Consultations

Chapmanslade Parish Council - object, for the reasons set out below.

- * The building is too big for the indicated uses and is within a special landscape area.
- * This building has been constructed without planning permission and without Wiltshire Council or Parish Council seeing detail. e.g. Is there foul drainage.
- * The council found this surprising as Mr Thomas has in all other aspects of recent planning, been very mindful of aspects of conservation.

8. Publicity

The application was advertised by site notice and neighbour notification. Expiry date: 8th January 2013

10 letters of objection have been received with the following comments:

- * Noise from the building is a hazard to horse riders.
- * It can be seen from the bridleway, footpaths and the road and is out of keeping and has changed the character of the right of way due to the shading.
- * It is in the wrong place, is oversized in bulk massing and design for the intended use and should be located next to the house and smaller.
- * It is not a shed, its a barn and they only have a ride on mower
I wouldn't be surprised if an application were submitted for it to be used as a house as it has a pan tile roof.
- * No evidence to support the location and no business plan.
- * How stable are the foundations, will the earth subside and cause an accident to the bridle way.
- * Plans are very poor.
- * Roads have been laid without planning permission. Anybody would know that planning permission would be required.
- * If the application is approved the system needs an urgent review
Orchard Landscape has been totally changed – decking and buildings have been erected and is now not an orchard.
- * Overbearing, out of scale and character.
- * No need for a tractor due to the size of the holding.

- * Detrimental impact upon the Special Landscape Area
- * Trees were felled prior to the building being erected

2 letters of support have also been received with the following comments:

- * I use the lane regularly and the shed can hardly be seen.
- * It is in-keeping.
- * Most of the people objecting do not live in the village.
- * The shed is relatively small and neatly tucked away behind the telephone exchange.
- * The construction from wood with a tiled roof are relatively aesthetically pleasing and not out of keeping.
- * I use the bridleway regularly and barely notice the building

9. Planning Considerations

9.1 PRINCIPLE

Policy C1 seeks to protect the open countryside and states that development proposals in the open countryside will not be permitted, other than those which encourage diversification of the rural economy and rural recreation, unless there is an agricultural, forestry or other overriding justification such as essential transport improvements, schemes of national importance or overriding benefit to the local economy. The tractor shed which is to be used in conjunction with an existing agricultural holding and therefore in principle is considered to be appropriate.

9.2 DESIGN ISSUES & IMPACT UPON THE WIDER AREA

C31a relates to design and states that proposals for new development on sensitive sites will be required to comply with the following criteria:

- Pay particular attention to proportion, composition, form, massing and scale;
- Utilise high quality materials, finishes, and details;
- Integrate landscaping into the design as appropriate;
- Minimise the visual impact of roads, vehicles and parking areas.

The tractor shed is built with timber under a pan tiled roof which is considered to be appropriate to its rural setting. The tractor shed makes provision for two vehicles and a storage area which are to be used to store agricultural machinery required to maintain the fields associated with the farm. Machinery includes a tractor, topper and trailer and therefore the size is considered to be appropriate.

The shed is located to the south west of the site adjacent to existing trees and as such has been built to integrate into the existing landscape. Views of the building from the highway and bridleway are minimal. Therefore Officers consider that the application complies with Saved Policy C31a.

The site is also located within The Corsley Heath to Chapmanslade Greensand Ridge Special Landscape Area which Saved Policy C3 seeks to protect and states that development will not be permitted which is considered to be detrimental to the high quality of the landscape. Proposals for development essential to the social and economic well-being of the rural community or desirable for the enjoyment of its amenities will be permitted having regard to highways, access, scale, design, materials, location, siting, landscaping and other appropriate environmental considerations. With this policy in mind it is considered by Officers that the tractor shed would not be detrimental to the existing landscape for the reasons sited above and as such is considered to comply with Saved Policy C3.

9.3 IMPACT UPON AMENITY

Due to the location of the proposed tractor shed away from any residential properties it is considered that the proposal would not have an adverse impact upon neighbouring amenity in terms of overlooking or overshadowing and would not result in an unacceptable increase of traffic generation and therefore complies with Policy C38.

A concern raised through the public consultation is noise from the building which has spooked some horses using the bridleway. It is acknowledged that there may have been a slight increase in noise due to the erection of a building, however it should be remembered that a tractor can be parked in the same location and could be used on the site without any planning permission and therefore any increase in noise is not considered to be sufficient to warrant a refusal reason.

9.4 ACCESS AND HIGHWAYS

Access to the tractor shed is via an existing gateway, however it is important to note that no vehicular access would be required as the shed is to store a tractor with its associated trailers and attachments. As such the tractor would leave and enter the shed across existing fields which is not an uncommon agricultural practice.

To the south of the site runs an existing bridleway and Saved Policy R11 seeks to protect and enhance public rights of way. It is important to note that this policy does not protect views from a public right of way of bridleway. It is acknowledged that the tractor shed can be seen from the existing bridleway but this does not make the building inappropriate. Officers consider that the shed is appropriate to its rural setting and does not interfere with the bridleway and therefore complies with Saved Policy R11.

9.5 OTHER

Other concerns raised through the public consultation are that a future application may be submitted in the future for residential. This application is for a tractor shed and any subsequent planning applications that may be submitted will be dealt with on their own merits and in accordance with planning policy.

A further concern relates to roads being laid without planning permission. Whilst the roads formed part of the enforcement complaint, the Local Planning Authority has been advised that the areas that were laid to roads will be grassed over at an appropriate time of the year and this will be monitored by the enforcement team. The roads highlighted do not form part of this application.

It was also noted by the consultation that trees were felled prior to the construction. Consent is only required for the felling of trees if they are protected by a tree preservation order or if they are located in a conservation area. The site in question does not fall under these categories and as such consent would not be required.

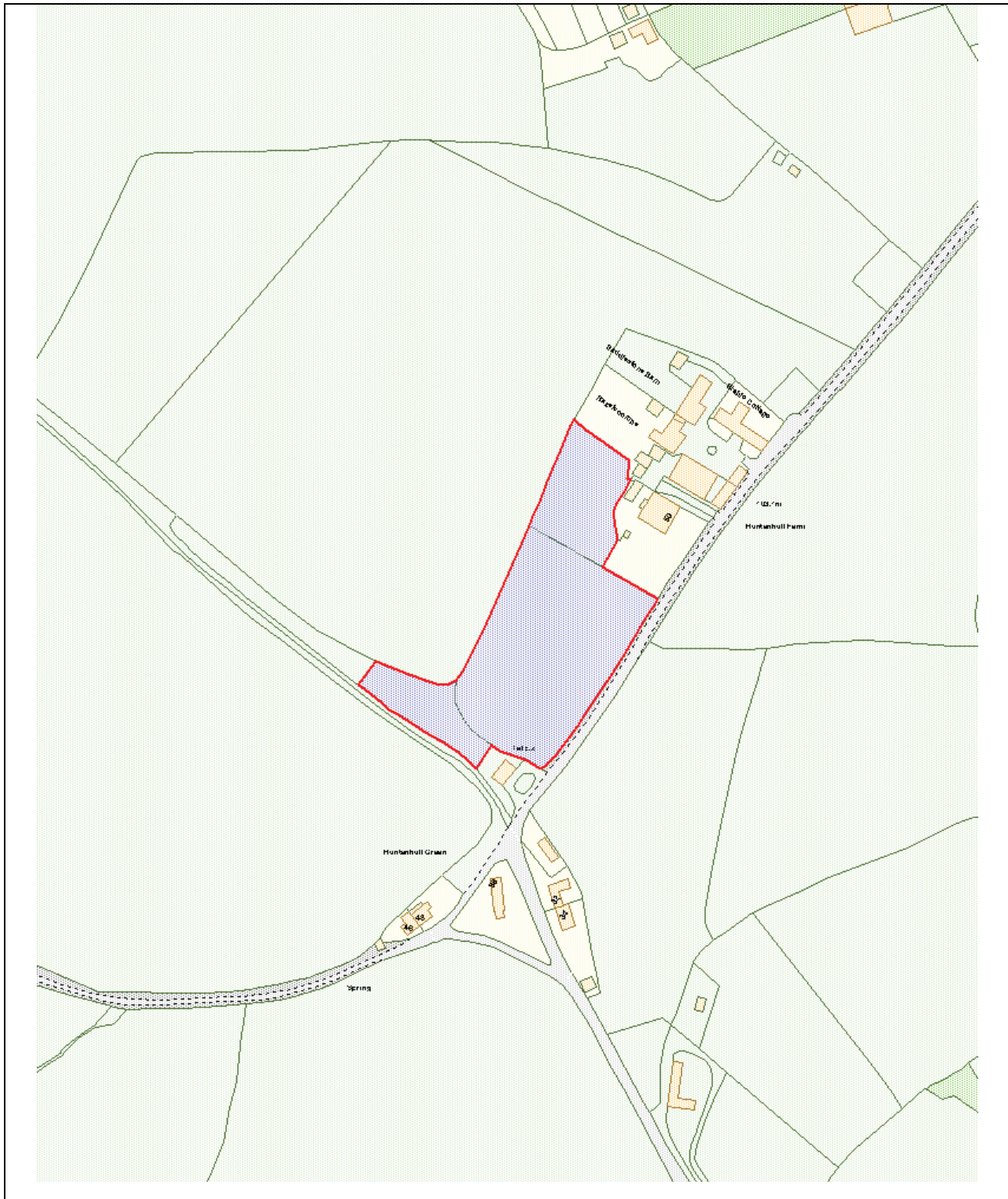
Recommendation: Permission

For the following reason(s):

The decision to grant planning permission has been taken on the grounds that the development does not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies and proposals in the West Wiltshire District Plan 1st Alteration 2004 namely Saved Policies C1, C3, C31a, C38 and R11.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

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| Appendices: | |
| Background Documents Used in the Preparation of this Report: | |



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

| | | | |
|----------------------------|---|--|------------------------------|
| Date of Meeting | 23.01.2013 | | |
| Application Number | W/12/02185/FUL | | |
| Site Address | Land North East Of Stable Cottage Huntenhull Lane Chapmanslade Wiltshire | | |
| Proposal | Erection of an agricultural barn and retrospective hardstanding area | | |
| Applicant | Miss S Snook | | |
| Town/Parish Council | Chapmanslade | | |
| Electoral Division | Warminster Without | Unitary Member: | Fleur De Rhe-Philippe |
| Grid Ref | 382512 147612 | | |
| Type of application | Full Plan | | |
| Case Officer | Jemma Boustead | 01225 770344 Ext 01225 770211 Jemma.Boustead@wiltshire.gov.uk | |

REASON FOR THE APPLICATION BEING CONSIDERED BY THE PLANNING COMMITTEE

Councillor Rhe-Philippe has requested that the application be called to the Planning Committee for the following reason:

Scale of Development
 Visual Impact upon the surrounding area
 Design

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted

Neighbourhood Responses

Seven letters of objection were received
 Eleven letters of support

Parish Council Response – Objects for the reasons stated in section 7 below.

2. Report Summary

The main issues to consider are:

- Design issues and impact upon the immediate area
- Impact on amenity
- Highway and access considerations

3. Site Description

The site is located north east of Stable Cottage which is located within Chapmanslade but outside the village boundary. The site is also located within a special landscape area, special advertisement control area and within a groundwater source protection zone.

4. Relevant Planning History

W/12/01833/FUL – Erection of an agricultural barn – Refused 06/11/2012 for the following reason:

The proposed development, by reason of its siting and size in this location would be visually intrusive and would cause unacceptable harm to the character and appearance of the landscape in this part of the Special Landscape Area. This would conflict with policies C1, C3 and C31a of the West Wiltshire District Plan 1st Alteration 2004 and advice contained within the National Planning Policy Framework.

W/12/00639/AGD – Erection of a barn – Prior Approval Required 01/05/2012 with the following reason:

A Prior Approval application will be required to determine the siting, design and external appearance of the building as under the conditions of Part 6 Class A of the Town and Country Planning (General Permitted Development) Order 1995.

W/11/00040/FUL – Erection of an agricultural building and retention of hardstanding – Refused 03/08/2011 at appeal for the following reasons:

The size of the proposed barn is 222 square metres and the agricultural consultant employed by the Council states that there is a requirement for a barn measuring at maximum 115 square metres and as such the proposed barn is not reasonably necessary for the purposes of agriculture and is contrary to Policy C1. The barn is also located on higher ground along a new track which is away from the road and appears isolated. The barn would also be visible from public footpaths. In conclusion the proposed barn due to its size, bulk and isolated location would result in an obtrusive and discordant element that would be harmful to the character and appearance of the area and the special landscape area.

5. Proposal

The application seeks planning permission for the erection of a barn and retrospective planning permission for the hardstanding.

Following extensive negotiations with the Local Planning Authority and the applicant, and in response to the Inspectors decision the proposed barn has been re-located to be sited in comparison to existing buildings and the existing road (Huntenhull Lane) to reduce its impact upon the open countryside and the size of the barn (111 square metres) is now in accordance with the agricultural consultants opinion that the barn should be no larger than 115 square metres.

It is also important to note that the barn would not be permitted development under Part 6 of the General Permitted Development Order as it is located within 25 metres from a classified road.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004:

C1 – Countryside Protection

C3 – Special Landscape Area

C31a – Design

C38 – Nuisance

R11 – Footpaths and Rights of Way

National Planning Policy Framework (NPPF) requires development that is sustainable and in accordance with the policies of the development plan to be approved, unless material considerations indicate otherwise.

7. Consultations

CHAPMANSLADE PARISH COUNCIL - object, for the reasons set out below.

The proposed building is still too large for the implied purpose – too high and floor space too great. The proposed application is sited within a Special Landscape Area and a building of the size proposed would have detrimental impact on this sensitive part of the Parish

Within the Design and Access Statement the size of the site continues to be over stated

The council are concerned that permission for a building of this size will result in the use of a commercial livery.

ENVIRONMENTAL HEALTH OFFICER

No objection. It is noted there is an intention to use part of the building for lambing and as an infirmary for sheep. The first activity is seasonal and short term and I can see that the number of sheep is kept is low; the second activity is very unlikely to cause any loss of amenity. I would agree a condition prohibiting the housing of livestock would be appropriate.

8. Publicity

The application was advertised by site notice and neighbour notification. Expiry date: 8th January 2013

Summary of points raised

Neighbourhood Responses – 7 letters of objection have been received with the following comments:

- * Overly large for the agricultural needs of the plot and the height of 4.2 metres seems excessive.
- * Appearance is not in-keeping – it looks more like an industrial barn.
- * The siting is at the bottom of a hill which contains a water source spring and surface water run off from the fields and the lane is frequently extreme – a full drainage survey is required.
- * Plans are poor.
- * Possible overshadowing to neighbouring properties.
- * Huntenhall lane is very busy.
- * More sensible location.
- * Existing buildings are not shown on the plans.
- * Why do they need another barn.
- * Materials should be more in-keeping.
- * The genuine comments for this application are from the people who live here. The supporting comments appear to come from people who do not live in Chapmanslade.
- * Proposed hedge could result in overshadowing to neighbouring properties.

11 letters of support have also been received with the following comments:

- * The proposed building is very attractive and it would benefit the farmer and the local community.
- * A barn is essential for a farmer.
- * The barn will provide essential rural employment.
- * It will blend into the existing landscape.
- * It will be unobtrusive to neighbours.

9.0 Planning Considerations

9.1 PRINCIPLE

Policy C1 seeks to protect the open countryside and states that development proposals in the open countryside will not be permitted, other than those which encourage diversification of the rural economy and rural recreation, unless there is an agricultural, forestry or other overriding justification such as essential transport improvements, schemes of national importance or overriding benefit to the local economy. The proposed barn is to be used in conjunction with an existing agricultural holding for the storage of bedding, food and equipment, lambing and sheep sheering and is in line with the agricultural consultant that a building measuring a maximum of 115 square metres is reasonably necessary for the purposes of agriculture. Therefore the proposed barn is considered to comply with Saved Policy C1.

9.2 DESIGN ISSUES & IMPACT UPON THE WIDER AREA

C31a relates to design and states that proposals for new development on sensitive sites will be required to comply with the following criteria:

- Pay particular attention to proportion, composition, form, massing and scale;
- Utilise high quality materials, finishes, and details;
- Integrate landscaping into the design as appropriate;
- Minimise the visual impact of roads, vehicles and parking areas.

The proposed barn is to be built with concrete blocks up to a height of 1.5 metres and then profiled metal sheeting in dark green. Concrete blocks and green profiled metal sheeting are common materials used for agricultural buildings and therefore is considered to be appropriate.

The size of the building has been confirmed as necessary by the Local Planning Authorities Agricultural Professional in a previous planning application. The barn is located adjacent to Huntenhull Lane behind an existing hedge which will partially screen the building however it will still be visible from some public vantage points including the road.

The impact the building will have on its immediate surroundings will be minimised as it will be seen close too existing buildings, partially screened and not on its own. Therefore, Officers consider that the proposal complies with Saved Policy C31a. It will be important to condition a sample of materials to be viewed prior to the commencement of works.

The site is located within The Corsley Heath to Chapmanslade Greensand Ridge Special Landscape Area which Saved Policy C3 seeks to protect and states that development will not be permitted which is considered to be detrimental to the high quality of the landscape. Proposals for development essential to the social and economic well-being of the rural community or desirable for the enjoyment of its amenities will be permitted having regard to highways, access, scale, design, materials, location, siting, landscaping and other appropriate environmental considerations. With this policy in mind it is considered that the proposed barn may have a minimal impact upon the Special Landscape Area however it would not be detrimental to it for the reasons sited above and as such is considered to comply with Saved Policy C3.

It is important to note that the plans show the existing hedge to be increased in height. This is not something that can be controlled by planning legislation.

9.3 IMPACT UPON AMENITY

The application states that the proposed barn will only be used for lambing and sheep shearing and in accordance with the General Permitted Development Order a condition can be attached to any permission to state that the building should only be used for livestock for lambing purposes. This will ensure that the barn is not used for the permanent housing of livestock. The Councils Environmental Health Officers have no objection subject to the said condition being attached.

Officers considered that the proposed barn which is located approximately 32metres away from the nearest residential property would not have an impact upon neighbouring amenity in terms of overshadowing. The proposal therefore complies with Saved Policy C38.

9.4 ACCESS AND HIGHWAYS

Access to the proposed barn is via an existing gateway onto an existing hard standing which has been laid without planning permission, however the access and hard standing are both considered to be appropriate.

9.5 OTHER

It is also important to note that there are existing container buildings on site which are unlawful. The applicant has explained that once a barn is erected they will be able to remove the storage containers. This is being closely monitored by the Planning Enforcement Team and a planning condition is attached to ensure their removal within 3 months.

Recommendation: Permission

For the following reason(s):

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies and proposals in the West Wiltshire District Plan 1st Alteration 2004 namely Saved Policies C1, C3, C31a and C38.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area through pre-application negotiations.

- 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 drawing numbers 1, 2, 3, 4 received on 23rd November 2012.
- 3 Within 3 months of the barn hereby approved first being put into use the storage containers shall be removed from site unless otherwise agreed in writing by the Local Planning Authority.

Reason: Due to the impact the storage containers have on the Special Landscape Area having regard to Saved Policy C3 of the West Wiltshire District Plan 1st Alteration 2004.

- 4 The building hereby approved shall not be used for the permanent accommodation of livestock. No livestock shall be temporarily housed in the building unless the need for temporary accommodation arises from (i) quarantine requirements; or (ii) lambing; or (iii) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure- (aa) because they are sick; or (bb) to provide temporary shelter against extreme weather conditions.

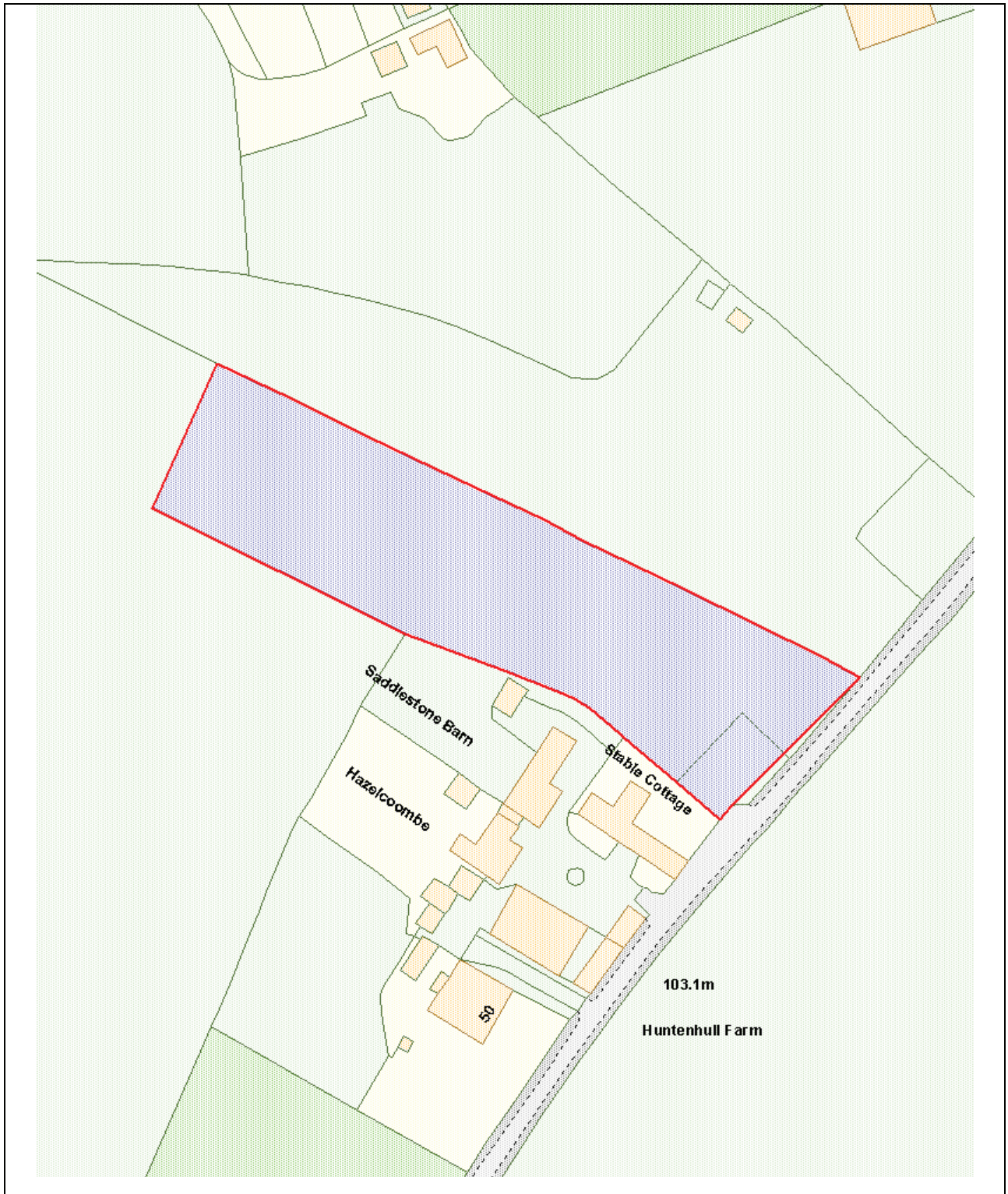
Reason: the use of the building for the permanent housing of livestock would require further detailed consideration due to its location close to neighbouring properties having regard to the provisions of Saved Policy C38 of the West Wiltshire District Plan 1st Alteration 2004

- 5 No development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area having regard to Saved Policy C31a of the West Wiltshire District Plan 1st Alteration 2004.

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| Appendices: | |
| Background Documents Used in the Preparation of this Report: | |

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