

## AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER  
**Date:** Wednesday 23 October 2013  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Kirsty Butcher, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713948 or email [kirsty.butcher@wiltshire.gov.uk](mailto:kirsty.butcher@wiltshire.gov.uk)

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

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### Membership:

Cllr Christine Crisp	Cllr Mark Packard
Cllr Bill Douglas	Cllr Sheila Parker
Cllr Mollie Groom	Cllr Toby Sturgis
Cllr Chris Hurst	Cllr Anthony Trotman (Chairman)
Cllr Peter Hutton (Vice-Chair)	Cllr Philip Whalley
Cllr Howard Marshall	

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### Substitutes:

Cllr Desna Allen	Cllr Howard Greenman
Cllr Glenis Ansell	Cllr Simon Killane
Cllr Chuck Berry	Cllr Jacqui Lay
Cllr Mary Champion	Cllr Nick Watts

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# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies for absence.

2 **Minutes of the previous Meeting** (*Pages 1 - 16*)

To approve and sign as a correct record the minutes of the meeting held on **2 October 2013**.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chairman.

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 October 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 Appeals** (*Pages 17 - 18*)

An appeals update report is attached for information.

7 **Planning Applications**

To consider and determine planning applications detailed below:

7a **13/02605/FUL - The Kingfisher, Chippenham** (*Pages 19 - 28*)

7b **13/01495/FUL - Hill Hayes Lane, Hullavington** (*Pages 29 - 40*)

Site visit for Members, Monday 21 October 2013 at 1530.

7c **13/01436/LBC - Stonehaven, The Green, Biddestone** (*Pages 41 - 46*)

8 **Urgent Items**

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

**Part II**

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

None

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## **NORTHERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 2 OCTOBER 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.**

#### **Present:**

Cllr Desna Allen (Substitute), Cllr Glenis Ansell (Substitute), Cllr Christine Crisp,  
Cllr Bill Douglas, Cllr Howard Greenman (Substitute), Cllr Mollie Groom, Cllr Chris Hurst,  
Cllr Sheila Parker, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

#### **Also Present:**

Cllr Jane Scott OBE and Cllr John Thomson

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#### **118 Apologies**

Apologies were received from Cllrs Hutton, Marshall and Packard.

Cllr Hutton was substituted by Cllr Greenman.

Cllr Marshall was substituted by Cllr Ansell.

Cllr Packard was substituted by Cllr Allen.

#### **119 Minutes of the previous Meeting**

The minutes of the meeting held on 11 September 2013 were presented.

#### **Resolved:**

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

#### **120 Declarations of Interest**

Cllr Greenman declared an interest in agenda item no. 7c, being the local member. He declared he would participate in the debate and vote with an open mind.

121 **Chairman's Announcements**

There were no Chairman's announcements.

122 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

123 **Planning Appeals**

The Committee noted the contents of the appeals update.

124 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of application 7b as listed in the agenda pack.

125 **13/00477/FUL and 13/00478/LBC - The Horse and Jockey, Gosditch, Ashton Keynes, Wiltshire, SN6 6NZ**

Public Participation

Mr J Hughes, Miss Pears and Mr Nigel Whitehouse spoke in support of the application.

The officer introduced the report and drew attention to the item being deferred at the 29 May meeting to obtain further information from the applicant and an independent review of the information submitted on marketing and viability.

The conclusion in section 9 of the report detailed the findings of the independent report and noted that the development was in line with adopted and emerging policies and strategy. It was found to be unviable as a pub, and there had been no further expressions of interest.

There were no technical questions asked.

Members of the public then had the opportunity to address the Committee as detailed above.

The local member was not present.

The Committee noted that the other hostelry in the village was owned on a community basis and no-one had come forward to purchase it as a community facility.

**Resolved:**

**In respect of 13/00477/FUL:**

**To delegate authority to the Area Development Manager to grant planning permission, subject to the signing of a Section 106 agreement; and**

**subject to the following conditions:**

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

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

- 2. No development shall commence on site until sample panels of stonework for the walling to the house and boundaries, not less than 1 metre square, have been constructed on site, inspected and approved in writing by the Local Planning Authority. The panels shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved samples.**

**REASON: In the interests of the listed building, it's setting, visual amenity and the character and appearance of the area.**

- 3. No development shall commence on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.**

**REASON: In the interests of the listed building, its setting, visual amenity and the character and appearance of the area.**

- 4. Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:**
  - (i) Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;**

- (ii) Large scale details of all internal joinery (1:5 elevation, 1:2 section);
- (iii) Full details of proposed rooflights, which shall be set in plane with the roof covering;
- (iv) Large scale details (1:5) of new chimney stack;
- (v) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- (vi) Full details of proposed meter and alarm boxes;
- (vii) Large scale details of proposed eaves and verges (1:5 section);
- (viii) Full details of proposed internal service routes;
- (ix) Full details of rainwater goods which shall be in cast metal;
- (x) Full details of external decoration to render, joinery and metalwork; and
- (xi) Full details and samples of all external materials;
- (xii) Large scale details (1:10) of the boundary wall.

The works shall be carried out in accordance with the approved details.

**REASON:** In the interests of preserving the architectural and historic interest of the listed building and its setting.

5. The works shall be carried out in accordance with the approved Outline Specification of Work Rev. 17 April 2013.

**REASON:** In the interests of preserving the architectural and historic interest of the listed building and its setting.

6. Prior to the first use or occupation of the development hereby permitted all external signage, lighting, aerials and other commercial paraphernalia shall be removed from the buildings and their curtilage.

**REASON:** In the interests of the listed building, it's setting, visual amenity and the character and appearance of the area.

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, 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;

**REASON:** To ensure a satisfactory landscaped setting for the listed building and the protection of the character and appearance of the conservation area.

8. 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 listed building and the protection of the character and appearance of the conservation area.

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

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

10. Any gates shall be erected to open inwards only, in perpetuity.

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

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

Outline Specification of Work dated 17 April 2013;  
 Location plan and 12.10.14, .15, .16 & .17 all dated 14 February 2013;  
 Site plan 12.10.19B dated 29 April 2013;

**12.10.20D, .21D, .22C & .23D all dated 07 May 2013.**

**REASON: For the avoidance of doubt and in the interests of proper planning, the listed building and its setting.**

**In respect of 13/00478/LBC:**

**That listed building consent is delegated to the Area Development Manager as works include those consequent upon the change of use.**

**Reason for granting Permission:**

**The proposed works of rehabilitation and extension, will enhance the essential architectural and historic character of the building and its setting and bring it back into beneficial use, in accordance with S.16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the National Planning Policy Framework.**

**Subject to the following conditions:**

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

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

- 2. Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:**
  - (i) Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;**
  - (ii) Large scale details of all internal joinery (1:5 elevation, 1:2 section);**
  - (iii) Full details of proposed rooflights, which shall be set in plane with the roof covering;**
  - (iv) Large scale details (1:5) of new chimney stack;**
  - (v) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;**
  - (vi) Full details of proposed meter and alarm boxes;**
  - (vii) Large scale details of proposed eaves and verges (1:5 section);**
  - (viii) Full details of proposed internal service routes;**

- (ix) Full details of rainwater goods which shall be in cast metal;
- (x) Full details of external decoration to render, joinery and metalwork; and
- (xi) Full details and samples of all external materials;
- (xii) Large scale details (1:10) of the boundary wall.

The works shall be carried out in accordance with the approved details.

**REASON:** In the interests of preserving the architectural and historic interest of the listed building and its setting.

3. No works shall commence on site until sample panels of stonework for the walling to the house and boundaries, not less than 1 metre square, have been constructed on site, inspected and approved in writing by the Local Planning Authority. The panels shall then be left in position for comparison whilst the works are carried out. The works shall be carried out in accordance with the approved samples.

**REASON:** In the interests of the listed building and its setting

4. No works shall commence on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the works are carried out. The works shall be carried out in accordance with the approved sample.

**REASON:** In the interests of the listed building and its setting.

5. The works the subject of this consent shall be carried out in accordance with the following approved plans:

Outline Specification of Work dated 17 April 2013;  
 Location plan and 12.10.14, .15, .16 & .17 all dated 14 February 2013;  
 Site plan 12.10.19B dated 29 April 2013;  
 12.10.20D, .21D, .22C & .23D all dated 07 May 2013.

**REASON:** For the avoidance of doubt and in the interests of the listed building and its setting.

126 **12/03809/FUL and 12/03810/LBC: 36 High Street, Sherston, Malmesbury**

Public Participation

Simon Roper-Pressdee and Elizabeth Breakspeare spoke in support of the application.

The officer introduced the report which recommended refusal due to the scale and size dominating the listed building. He noted the work done between the applicant and officers to address all other issues.

The Committee then had the opportunity to ask technical questions of officers and it was clarified that the proposed extension would be built onto an existing party wall, resulting in the removal of guttering and tiles. It was acknowledged that this could be dealt with by condition should the Committee be minded to approve. The size and scale of the two storey rear extension affected the size and simplicity, and lost the relationship with the outbuilding. The air source heat pump shown on one of the presentation slides was confirmed as not being part of the proposed scheme.

Members of the public then had the opportunity to address the Committee as detailed above.

The local member, Cllr John Thomson noted that the proposal had both his and the parish council's full support. He urged the Committee to support the proposal which delivered the needs of the family, allowing them to stay in the village, and would restore the adjoining building and tidy up poor pipe work.

In the debate that followed the Committee noted the late observations tabled at the meeting which confirmed the support of the parish council. The existing extension was not deemed as suitable and the proposal was a quality build. The Committee understood the need for it to be usable.

**Resolved:**

**In respect of N/12/03809/FUL and N/12/03810/LBC:**

**That authority is delegated to the Area Development Manager to approve both applications subject to conditions to be prepared by Officers and to include a condition relating to the submission and agreement of details in respect of the guttering arrangement with the neighbouring property at 38 High Street, Sherston. This condition to be worded:-**

**Prior to the commencement of development hereby permitted details in respect of the proposed works affecting existing gutters on 38 High Street, Sherston and proposals for the provision of new and re-arranged guttering shall be submitted to the Local Planning Authority and agreed in writing.**

**REASON: In the interests of providing appropriate and adequate surface water drainage and the protection of the historic fabric of the Listed Building.**

**N/12/3809/FUL approved as the proposed two storey extension would result in an overall enhancement to the character of the listed building,**

would not cause significant harm to the architectural and special historic quality of the building, adjacent dwellings and the character and appearance of the Conservation Area; and the proposal would be a sustainable form of development meeting the accommodation requirements of local residents. The development is in accord with Section 12 of the National Planning Policy Framework, S66(1) and S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies C3, HE1, & HE4 of the North Wiltshire Local Plan 2011 and Core Policies 57 & 58 of the Wiltshire Core Strategy Pre Submission Draft.

12/03810/LBC approved as the proposed development would not be significantly detrimental to the architectural and historic interest of the listed building, adjacent listed dwelling or cause harm to these heritage assets. The proposals are in accordance with S.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the National Planning Policy Framework.

127 **13/01363/FUL: Newlands, Sutton Lane, Sutton Benger, Chippenham, SN15 4RR**

Public Participation

Barry Heath spoke in support of the application.

The officer introduced the report which recommended that permission be delegated to the Area Development manager to grant permission subject to the signing of a Section 106 agreement with conditions. Attention was drawn to the mixed character of the locality meaning the proposal was not harmful enough to refuse

No objections had been received from highways with the existing private access and there were no concerns over the extra generation of movements.

Initial concerns resulted in revised proposals to give the character more accord with the locality and windows had been removed to avoid overlooking.

There were no technical questions asked.

Members of the public then had the opportunity to address the committee as detailed above.

The local member, Cllr Howard Greenman noted the revised proposals but felt the proposal's height and imposition made the nearby cottages subservient. He was concerned over highways with there being a recent accident in the area and complaints received over parking outside the cottages. He asked for clarification over how conditions can be imposed on land that may not belong to the applicant.

In the debate that followed it was confirmed that conditions can be imposed on land not under the applicant's control, called grampian conditions, and work could not proceed unless these are met. Confirmation was given that the hedge would not be removed, as seen on the submitted plans. The Committee noted that the applicant had taken consideration of overlooking in their revised proposals. Noting the design of the building with the eaves meeting the small windows, the size of the plot and given the mix of houses in the locality the Committee found no reason to say it was out of character.

**Resolved:**

**To delegate authority to the Area Development Manager to grant planning permission subject to the signing of a S106 Agreement and the following conditions:**

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

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

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

**Revised Dwg No: EVA/801/PL/09/13/001/C Rev C Dated 16<sup>th</sup> September 2013**

**Revised Dwg No: EVA/801/PL/09/13/SK1/B Rev B 16<sup>th</sup> September 2013**

**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 of both the house and the boundary wall as well as house roofs have been made available on site and the details 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.**

- 4. No development shall commence on site until details of the external stonework, including type, dressing, coursing and bedding of the natural stone, type of pointing and mortar mix, have been submitted to and approved in writing by the Local Planning Authority. The**

external stonework shall be constructed in accordance with the approved details.

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

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

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

6. No development shall commence on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

7. No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys and vents 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.

8. No development shall commence on site until details of the design and external appearance of the stone boundary wall, any fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

**9. 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 including that for extending the yew hedge;**
- **All hard and soft surfacing materials;**

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

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

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

**11. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012. Trees in Relation to Design, Demolition and Construction - Recommendations”; has been submitted to and approved in writing by the Local Planning Authority, and;**

**2012: “Trees in Relation to Design, Demolition and Construction - Recommendations”; has been submitted to and approved in writing by the Local Planning Authority, and;**



The protective fencing shall be 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.

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

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

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

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

**REASON:** To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

12.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) Wheel washing facilities;
- e) Measures to control the emission of dust and dirt during construction;
- f) A scheme for recycling/disposing of waste resulting from demolition and construction works; and

- g) Measures for the protection of the natural environment.**
- h) Hours of construction, including deliveries;**
- i) Measures for the protection of the access road during construction.**

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

**REASON:** 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.

- 13. 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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the east and west elevations above ground floor ceiling level of the development hereby permitted.**

**REASON:** In the interests of residential amenity and privacy.

- 14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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), the garage(s) hereby permitted shall not be converted to habitable accommodation**

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

**INFORMATIVES:**

- 1. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.**

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

2. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.
3. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any [protected species](#), or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced [ecologist](#) and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's [website](#) for further information on protected species.
4. All species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding and planning consent does not override this statutory protection. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. The season is usually taken to be the period between 1<sup>st</sup> March and 31<sup>st</sup> August but some species are known to breed outside these limits. In the event of uncertainty you should seek the advice of a suitably qualified and experienced ecologist. Please see Natural England's [website](#) for further information on protected species.
5. There is a risk that reptiles could occur on the application site. These species are legally protected from harm and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species being harmed during site clearance works, the developer is advised to clear vegetation affected by the development during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and seek the advice of a suitably qualified and experienced ecologist. Please see Natural England's [website](#).

128 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.04 - 7.20 pm)

The Officer who has produced these minutes is Kirsty Butcher, of Democratic Services, direct line 01225 713948, e-mail [kirsty.butcher@wiltshire.gov.uk](mailto:kirsty.butcher@wiltshire.gov.uk)

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

**Wiltshire Council  
Northern Area Planning Committee  
23rd October 2013**

**There are No Forthcoming Hearings and Public Inquiries between 11/10/2013 and 31/05/2014**

Planning Appeals Received between 19/09/2013 and 11/10/2013

Application No	Location	Parish	Proposal	DEL or COMM	Officer Recommendation	Appeal Type
13/00564/S73A	10 Thames Close, Cricklade, Wiltshire, SN6 6BJ	Cricklade	Retention of BBQ Building in Rear Garden	DEL	Refusal	Written Representations
13/01106/FUL	The Cottage, Upper Castle Combe, Chippenham, Wiltshire, SN14 7HD	Castle Combe	Single Storey Side Extension & Two Storey Infill Extension	DEL	Refusal	Written Representations
13/01553/FUL	Scotts Smith Farmyard, Sodom Lane, Dauntsey, Chippenham, Wiltshire, SN15 4JA	Dauntsey	Erection of 3 Polytunnels and Extension & Alteration to Existing Barns to Create a Single Barn	DEL	Permission	Written Representations

Planning Appeals Decided between 19/09/2013 and 11/10/2013

Application No	Location	Parish	Proposal	DEL or COMM	Appeal Decision	Officer Recommendation	Appeal Type
13/0913/FUL	Braydon Brook Barn, Eastcourt, Malmesbury, Wiltshire, SN16 9HP	Crudwell	Demolition of Single Storey West Wing and Rebuild on a Larger Footprint, Erection of Detached Double Garage, Demolition of One Garden Wall and Erection of Two New Garden Walls and Landscaping. Reconfigure Internal Layout, Alterations to Openings.	DEL	Appeal Withdrawn	Appeal Withdrawn	Informal Hearing

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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	23 October 2013
<b>Application Number</b>	13/02605/FUL
<b>Site Address</b>	The Kingfisher Hungerdown Lane Chippenham SN14 0JL
<b>Proposal</b>	Erection of 3 x 3 Bed 3 Storey Detached Dwellings with Associated Parking and Reorganisation of Parking Spaces in Pub Car Park
<b>Applicant</b>	Mr Lloyd Stephens
<b>Town/Parish Council</b>	CHIPPENHAM
<b>Grid Ref</b>	390486 173764
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mark Staincliffe

### **Reason for the application being considered by Committee**

To consider the impact of the development on the character and appearance of the area and the impact of the development on parking within the immediate area.

### **1. Purpose of Report**

To delegate authority to grant planning permission to the Area Development Manager, subject to the signing of a Section 106 agreement; and subject to planning conditions.

Chippenham Town Council has objected to the application. Numerous letters of objection and no letters of support were received from neighbouring properties.

### **2. Report Summary**

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact on the character and appearance of the area and immediate street scene
- Impact on the privacy and amenity of existing neighbours
- Highway safety & onsite/offsite parking provision

The application has generated an objection from Chippenham Town Council and 16 letters of objection from local residents.

### **3. Site Description**

The application site relates to part of The Kingfisher Public House car park which is located within a predominantly residential area of Chippenham. The pub is a two storey building constructed mainly of brick, the application does not propose any alterations to this building. The site sits within a prominent location elevated above Hungerdown Lane and also fronts onto Barons Mead. This neighbourhood of Chippenham is characterised by semi detached and terraced properties constructed in the 1960s and 70's.

### **4. Planning History**

No relevant planning history

### **5. The Proposal**

The application seeks planning permission for the construction of three x three bed dwellings. Each dwelling will have a private rear garden, open front garden and two off street parking spaces which will be accessed off Barons Mead. As the proposed dwellings are to be constructed on land currently used for customer parking the scheme also seeks permission to reconfigure the existing public house car park. The proposal will see the reduction of patron parking from approximately 24 spaces to 17. The scheme also includes a cycle storage area.

### **6. Planning Policy**

North Wiltshire Local Plan: policies C3, HE1, HE4, NE4 & H8

Central Government Planning Policy: National Planning Policy Framework

### **7. Consultations**

#### Chippenham Town Council

The Town Council recommends refusal on the grounds of the design, bulk and height of the buildings, and the adverse impact the loss of car parking spaces on the surrounding residential streets at times of peak demand.

#### Highways

Based on the details provided and subject to those plans being conditioned I am happy to offer no highway objection.

#### Public Open Space

The proposed development will require an offsite public open space contribution of £17460.35p. This should be secured through a s106 agreement.

### **8. Publicity**

The application was advertised by site notices, press advert and neighbour consultation.

A total of 18 letters of objection have been received. The objections relate to the original and amended plans.

Summary of key relevant points raised;

- Decrease in parking spaces
- Displacement of parking onto residential street
- Noise from people picking up their cars



- Proposed dwellings located on elevated position
- No 2.5/3 storey dwellings in the area
- Design is out of keeping with the area
- Loss of sunlight and daylight to adjoining residential properties
- Loss of privacy to adjoining properties
- Proposed dwelling will have an overbearing impact on immediate neighbours
- Density of development too high
- Noise from construction workers

## 9. Planning Considerations

### Principle of development

The original plans were amended to overcome concerns raised by officers. These amended plans saw the removal of the accommodation within the roof, dormer window and a reduction in the building's ridge height. The amended plans also saw the introduction of attached garages with accommodation above. These changes are considered acceptable and in accordance with both local and national planning policies.

The site is situated within the urban area of Chippenham wherein the principle of the redevelopment of previously developed land for residential accommodation is acceptable.

The proposal is for the construction of three x three bed attached dwellings within a section of the existing pub car park. As such, any new residential development must be considered against Policies C3 (Development Control Policy), T3 (Parking) and H3 (Residential Development Within Framework Boundaries) of the adopted North Wiltshire Local Plan 2011 and Sections 1, 6 & 7 of the NPPF. These policies and guidance allow for residential development in principle.

### Impact on the character and appearance of the property and street scene

The design of the new houses is considered to be appropriate. The proposed dwellings are of simple proportions with a rectangular footprint and a traditional roof form. However, it also has sufficient detailing to add interest to the design. In particular the lintel and sill details and the staggered roof form between the individual properties complements the overall design. It is considered that the design and appearance of the properties creates an attractive frontage that relates well with the street scene. As such the proposed design is considered to meet the requirements of Policy CS3 of the North Wilts Local Plan and the NPPF.

The immediate area consists of a mix of detached, semi detached and terraced housing from the 60's and 70's. The predominant housing type appears to be two-storey terraced and semi detached housing. All units within the immediate area directly front the road behind open front gardens with or without off-street parking provision. The NPPF indicates that good design is fundamental to using land efficiently. It notes that Councils should facilitate good design by identifying the distinctive features that define the character of a particular area and careful attention to design is particularly important where a site is being intensified.

The proposal has adopted a two storey design and terraced form that is not out of keeping with the area. The utilisation of the roof space above the garage rather than an additional storey has been adopted, when viewed from street level the building appears to be a similar height to the properties within the immediate street. It is also important to note that alterations have been made to the proposed development to overcome previous concerns raised by the case officer, and local residents. The units would positively front onto the adjoining road replicating a formal build line which is a consistent feature within the immediate area.

Overall, the proposal is considered to complement the existing 'traditional' character of the area. The proposed units are of an acceptable design to the surrounding context and it would be difficult to justify and substantiate a refusal on architectural grounds. However, the proposal contains limited information relating to the proposed hard and soft landscaping scheme and materials to be

used in the development; including bricks and tiles. It is therefore necessary to require these details by way of condition. Ensuring that appropriate plants are selected and planted in their optimal growing location, outdoor living spaces are functional and aesthetically pleasing, and appropriate materials are used for buildings, driveways etc is essential to any high quality development. It is therefore deemed reasonable and necessary to condition these details to be submitted and approved prior to the commencement of development.

#### Garden Size

The gardens of the proposed dwellings are smaller than the majority of gardens within the street scene. When considering the size of gardens required for new properties, local and national policies indicate that a range of garden sizes should be provided to cater for different needs and interests. Bearing in mind the size of the proposed dwellings it is considered that the outdoor space provided satisfies this. The amenity space provided would allow for some outdoor amenity space, sitting out, bin storage and the hanging out of washing. However, to ensure that adequate amenity space is retained it is deemed necessary to remove permitted development rights for rear extensions and outbuildings to the proposed properties. This will allow the Council to control any future extensions and ensure that adequate amenity space is retained.

#### Density

As set out above- The property is located within an established residential area. The density of development within the immediate area is about 35 dwellings per hectare and the proposed scheme, when taken in isolation will be approximately 61 dwellings per hectare. It would appear that the density of the proposed development is far greater than the existing character, however, the development must be considered in the context of the area.

Including the proposed development in the cumulative density of the area will result in no significant change to its overall density. Furthermore, the density of numbers 22-24 Lords Mead is 58 dwellings per ha and the density of 18-20 Lords Mead is 65 dwellings per ha. Taking into consideration the varying densities within the street scene it is considered that the proposed density is acceptable and not detrimental to the character of the area.

#### Impact on the privacy and amenity of existing neighbours

As acknowledged above, there have been numerous objections to the scheme relating to loss of sunlight, daylight, privacy and overbearing impact. As a result of initial concerns raised by officers and objections by local residents the accommodation and dormer window at second floor level was removed. It is considered that the removal of this accommodation has overcome the privacy and perceived overlooking concerns. It is considered that the privacy implications arising from the proposed development are now no worse than the overlooking already experienced from existing properties within the street scene.

Having taken into consideration the size, design, scale and the location of the proposed dwellings in relation to existing residential properties within the street scene it is considered that the development will not result in any significant loss of sunlight or daylight to properties. Indeed, the proposed dwellings are located to the North of the nearest residential units, it is therefore unlikely to block any significant volume of direct sunlight to the nearest residential properties.

An objection has also been received in relation to noise disturbance during construction of the development. If permission is granted for development there must be an expectation that an element of noise disturbance will occur. However, legislation outside of the planning system would adequately control noise on site and the hours that work on site can take place. It would be difficult to sustain a reason for refusal based on noise disturbance.

#### Highways and Parking

The concerns raised by local residents in relation to the proposed parking arrangements at the pub are noted. However, planning applications must be determined in accordance with both local and national planning policies. Policy T3 of the local plan relates to parking provision on site and requires applications to provide levels of car, cycle and disabled parking in accordance with the

Countywide standards.

The Countywide standard sets out maximum levels of parking required for each type of development. The public house would require a maximum of 30 spaces. It is accepted that a reduction in the level of parking on site may lead to an increase in on street parking and associated problems. However, with the site being in close proximity to an established housing estate, public transport links and the provision of cycle storage facilities the level of parking is considered acceptable.

## **RECOMMENDATION**

Authority to grant planning permission be DELEGATED to the Area Development Manager, subject to the signing of a Section 106 agreement; and subject to the following conditions:

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

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

- 2 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.

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

- a) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- b) finished levels and contours;
- c) all hard and soft surfacing materials, including refuse and other storage units.

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

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

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

- 5 No part of the development hereby permitted shall be first brought into use/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 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), there shall be no additions to, or extensions or enlargements of any dwelling forming part of the development hereby permitted.

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

- 7 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 window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslopes of the development hereby permitted.

REASON: In the interests of residential amenity and privacy of adjoining properties.

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

1002- Site Plan (Proposed Arrangement) Revision D  
3000- Plan (Ground Floor) Revision C  
3001- Plan (First Floor & Roof Plan) Revision E  
5000- Elevations (Front Elevations) Revision C  
5001- Elevations (Rear Elevations) Revision C  
5002- Elevations (Side Elevations) Revision B

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

#### INFORMATIVES

- 1 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 2 Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.
- 3 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.



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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>23rd October 2013</b>		
<b>Application Number</b>	<b>N/13/01495/FUL</b>		
<b>Site Address</b>	<b>Land East &amp; West of Hill Hayes Lane, Hullavington, Wiltshire</b>		
<b>Proposal</b>	<b>Installation of Solar PV facility on 17.50ha site produce up to 7MW of renewable electricity, including access roads, temporary security lighting electrical buildings</b>		
<b>Applicant</b>	<b>Mr Wearmouth</b>		
<b>Town/Parish Council</b>	<b>Hullavington Parish Council</b>		
<b>Electoral Division</b>	<b>By Brook</b>	<b>Unitary Member</b>	<b>Cllr Jane Scott OBE</b>
<b>Grid Ref</b>	<b>388633 182644</b>		
<b>Type of application</b>	<b>Full</b>		
<b>Case Officer</b>	<b>Chris Marsh</b>	01249 706657	chris.marsh@wiltshire.gov.uk

### **Reason for the application being considered by Committee**

The application was deferred at the meeting of 11 September 2013 in order that Committee Members could visit the site to consider the scheme's impact on the landscape prior to its reconsideration.

### **1. Purpose of Report**

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

Hullavington Parish Council has objected to the application on highways and landscape grounds.

### **2. Main Issues**

The main issues in considering the application are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on highway safety

### **3. Site Description**

The application relates to a pair of arable fields situated to either side of Hill Hayes Lane, an unclassified country road linking the West of Hullavington to the small village of Norton, to the northwest. The site is surrounded on its remaining sides by agricultural land, although a railway line and associated embankment runs close to the northernmost corner of the East field. Hill Hayes Lane itself bisects the application site from northwest to southeast and is the principal means of access to the land in question, with traditional agricultural accesses to both fields at their southern ends and around their midpoint along the road between them. The land is situated in undesignated open countryside; with the nearest landscape designation, an Area of Outstanding Natural Beauty, lying with its closest point approximately 3km southwest of the site. A small stream runs close to the southern site boundary, however due to its relief the land is entirely within Flood Zone 1.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>N/13/00034/SCO</b>	<b>Scoping Opinion in Respect of a Proposed Solar Park</b>	<b>Scoping Opinion</b>

## **5. Proposal**

The proposed development comprises the installation of solar photovoltaic panel arrays sufficient to generate up to 7MW of electricity, together with associated infrastructure in a master control building, seven inverter enclosures and access tracks. The panels are to be arranged in rows across both fields on an East-West axis, maintaining adequate separation between rows – around 10.0m - so as to maximise solar gain from the South. Each array of 24no. panels is to measure 12m x 3.4m, although angled backward on a 35° angle so as to stand 3.0m high in total. The panels agreed through negotiation with the applicant are of the crystalline type, enabling them to be mounted on steel supports that are driven directly into the earth, to a depth of 800mm, at 4no. fixings per array with no other reinforcement. Maintaining the proposed 10m separation between row fixings for efficiency and the 1.0m gap beneath each panel will enable the land to be grazed by sheep and thus retain some kind of agricultural function. Following advice from the County Archaeologist, the applicant has confirmed that the indicative archaeological exclusion areas identified in the submitted masterplan will not be required and panels instead laid out in the most energy-efficient pattern.

In addition to the solar arrays themselves, the development also comprises the erection of 7no. inverter enclosures positioned along a hardcore partial access track at the centre of each field. Of these buildings, three are to be situated on the West field and four on the East, together with a master control building to the immediate North of the eastern field access. Each inverter enclosure is a utilitarian structure akin to a shipping container and constructed from sheet metal, which is to be painted to minimise its visual impact. These will be 3.2m in height and occupy a poured concrete foundation measuring 8.7m x 2.4m. All are to be orientated on an East-West axis and connected to the power lines, which travel in a similar direction across the site. The control building is larger and is to feature a mono-pitched corrugated sheet roof, lending it a scale of 4.5m to its ridge and 3.6m to eaves, the latter on the eastern side of the building. This facility is to be situated on a square footprint measuring 4.9m in each direction, again standing on a poured concrete foundation 0.8m deep. The final finish of the buildings is yet to be agreed.

Having undertaken survey work and through consultation with the Council's Landscape Architect, the applicant has submitted a scheme for the visual mitigation of the scheme, reinforcing boundary treatments where necessary. The entire perimeter of the site is to be enclosed by 2.5m-high stock-proof fencing, comprising wide-mesh wire strung between timber posts 100mm in diameter, which are to be driven directly into the ground.

Access to the two parts of the site is to be obtained via the existing field entrances to the North of the midpoint of their boundaries with Hill Hayes Lane, where a splayed access with a visibility of 110m from the highway edge can be achieved. To each side of the highway, a mixed aggregate track is to extend a short distance into the site before turning to reach the inverter enclosures at a length of approximately 170m each. The track is to be of simple construction, with a geotextile base topped with 225mm of Type 1 aggregate and a surface of 75mm Type 2 aggregate. A Construction Method Statement has been submitted in respect of proposed vehicle movements to, from and within the site, taking measures to control the size, number, frequency and timing of deliveries to the site, as well as the route taken to gain access. This document also details the creation of an on-site compound to provide the day-to-day parking and other facilities necessitated by a project of this size.

It is proposed that at the end of a 25-year period commencing with the initial construction phase or at such time that the facility reaches the end of its serviceable life, if sooner, the panels and associated buildings, structures and infrastructure are to be removed. These works would be undertaken in accordance with an agreed schedule of works, effectively amounting to a reversal of the construction process and similar in terms of timescale and transport. The applicant's Construction Method Statement also proposes that any damage incurred to the highway at Hill Hayes Lane as a result of construction/decommissioning works will be rectified immediately.

## **6. Consultations**

Hullavington Parish Council – objections, citing the increased construction traffic, inadequacy of access, loss of agricultural land and visual landscape impact

Norton Parish Council – [following the deferral of the application at the Committee meeting of 11 September 2013, immediate re-consultation was undertaken with Norton Parish Council. At the time of writing, no comments have been received]

Landscape Architect – no objection, subject to conditions

Highways – no objection, subject to conditions

County Ecologist – no objection, subject to conditions

County Archaeologist – no objection

Rights of Way – no objection

Agricultural Consultant – no objection

Environment Agency – no objection, subject to conditions

Network Rail – no objection

Wessex Water – no objection

## **7. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.

14 letters of objection and three comments were received.

Summary of key relevant points raised:

- Visual impact on landscape
- Loss of agricultural land
- Impact on highway safety and traffic
- Lack of local benefit

One letter of support has been received, citing the scheme's environmental benefits.

## **8. Planning Considerations**

### Principle of development

In principle, new renewable energy projects are supported by local and national planning policy, with a strategic commitment to decentralising energy production and meeting climate change objectives. Policy NE16 of the adopted Local Plan (Renewable Energy) states that projects such as this will be support unless would cause demonstrable harm to a designated historic area or natural landscape.

Paragraph 98 of the National Planning Policy Framework makes clear that applicants need not demonstrate a need for renewable energy schemes as justification and should approve all such applications where the adverse impacts have been adequately mitigated.

The Parish Council, amongst other considerations, has cited the loss of Grade 2 agricultural land as a reason for objecting to the application. The Council's independent agricultural consultant has, however, noted that this relates to the highest quality present at the site, which also comprises a significant proportion of Grade 3 land, such that the fields would not normally be protected. The

continuing capacity to fulfil some agricultural function through the grazing of sheep further limits the effective impact of the development. The development would not compromise the viability of the owner's overall holding, which extends in total to 157ha freehold and 4.5ha leasehold.

#### Impact on the character and appearance of the area

Although not individually designated as a special landscape area, the site falls within the bounds of Policy NE15 of the adopted Local Plan (The Landscape Character of the Countryside), which seeks to guard against the most harmful development in the open countryside. The Council's Landscape Officer has confirmed that the submitted Landscape and Visual Impact Assessment (LVIA) is adequate for the purposes of assessing the implications of the development in this regard. The applicant proposes to reinforce the existing field boundaries where possible, particularly at the southern site edges where the greatest reduction in visual perceptibility is achievable. The additional landscaping is to comprise principally the introduction of further native trees, mainly along the North and West edges of the West field and the eastern boundary of the East field, and the gapping-up of hedgerow adjacent to the highway with the addition of further sparse tree planting, the implementation and maintenance of which can be secured by condition.

In terms of the visual impact of the development, the greatest visual change to the landscape will be localised. Local people using local circuit footpaths (e.g. dog walkers), North of Hullavington settlement will see partial views of the proposed solar PV development (mainly the western field) which is clearly shown in 'Photoview 3' and 'Photomontage A'. The local elevated farmsteads to the South and southwest overlooking the western field to the western side of Hill Hayes Lane will also view development to some degree. Inter-visibility between these receptors and the development site is likely to become greater in winter, when deciduous trees and hedges lose their leaves, and the visual filtering function of this vegetation is reduced. It is also the case that development will be visible from some residential (two-storey) properties along the northwest facing settlement edge, although views of proposed development from gardens and ground floor living rooms are much less likely.

By reason of the relief of the land, together with the siting, design and scale of the apparatus required, the visual impact beyond the immediate vicinity is likely to be limited. It is the view of the Landscape Officer that the proposed development will not result in any significant wide reaching negative landscape or visual effects that would cause landscape or visual harm to the Cotswolds AONB, which lies some 2.5km to the southwest and 3km to the North, or its setting. In this regard, it is considered that the proposal accords with Policy NE4 of the adopted Local Plan (Areas of Outstanding Natural Beauty). Omitting any permanent security lighting from the scheme will avoid any additional light pollution, which would otherwise harm the rural character of the area and in terms of the AONB likely prove considerably more intrusive than the apparatus itself.

Unlike onshore wind farm developments, which might be targeted to similarly-profiled sites, the proposed solar arrays and associated apparatus will emit only a negligible level of noise, certainly insufficient to be detected beyond the site boundary. It is not considered, therefore, that the development will have any significant adverse environmental or amenity impacts.

#### Impact on highway safety

A number of local concerns have been raised in relation to the highways impact of the development during the construction and decommissioning phases. Whilst disturbance resulting from the implementation of a planning permission is generally only to be afforded limited weight in the decision-making process, it is considered reasonable in this instance to pursue a strategy to minimise this impact as practicable. Having particular regard to the type, frequency and number of vehicles anticipated, together with the constrained nature of much of the approaching highway, a Construction Method Statement has been submitted by the applicant to cover these phases.

The Construction Method Statement is the result of earlier engagement with the Council, identifying two alternative routes to the site - one through the village of Hullavington itself before turning northwest on Hill Hayes Lane and one from the North leading through the smaller hamlet of

Norton. Although neither is ideal for the purposes of articulated vehicles, the latter route minimises disruption to local vehicle movements, particularly during peak hours, and avoids passing the local school. The sections affected by the route that are single-track and/or have limited visibility are considered to be acceptably limited as to avoid a significant highway risk in either case.

Although concerns have been raised, it is considered that the submitted management plan goes as far as reasonably necessary toward mitigating against the highways impacts of the construction and decommissioning phases. In development control terms, potential disruption during such times can only be afforded limited weight in any case, although it is reasonable to require appropriate measures to ensure that long term detriment is avoided. To this end, it is also proposed by the applicant that any damage incurred to the highway surface at Hill Hayes Lane by construction traffic is promptly remedied at their own expense under S38 of the Highways Act.

The issue of highway closures during electrification works to the nearby railway has been raised. However, this is not materially significant to the merits of the development and associated construction traffic and in any case a timescale for these works has yet to be confirmed.

The scheme employs adequate measures for the management of construction traffic on site, including sufficiently wide visibility splays at site entrances and a temporary hard standing on each field for the parking and turning of vehicles. As such, the general impact on the local highways network will be contained to movements to and from the site in exclusivity.

Once operational, the level and type of traffic to be associated with the proposed development is undoubtedly minimal, and indeed this matter is little contended. It is anticipated that typical movements will be limited to single journeys by van for routine and emergency maintenance as and when required. The highways officer has confirmed that this level of vehicular movement should be easily incorporated into the existing use of the surrounding road network without any significant disruption. The retention of the entrances will enable adequate visibility and turning space for these smaller vehicles.

### Conclusions

It is considered that the proposed development as a whole contributes toward sustainability objectives and as such is inherently justified in principle. The site is well suited to its intended function, and occupies a relatively unassuming position that will prevent any wide-reaching landscape impact, especially on the Cotswolds AONB. The arrangement of the site and enhancement of boundary landscaping will mitigate against the scheme's immediate visual impact so far as reasonably possible so as to have a very limited effect on the setting of Hullavington itself. It is considered that the anticipated highways impact of the development during the construction and decommissioning phases has been minimised so far as reasonably necessary, such that an objection on these grounds would be unreasonable.

### **10. Recommendation**

Planning Permission be GRANTED or the following reason:

The proposed development, by reason of its siting, size, scale, design and materials, will not adversely affect the character or appearance of the host landscape or the setting of the Cotswolds AONB, nor will it result in detriment to highway safety once operational. As such, the proposal accords with Policies C2, C3, NE4, NE15 and NE16 of the adopted North Wiltshire Local Plan 2011 and Sections 10 and 11 of the National Planning Policy Framework.

Subject to the following conditions:

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

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

2004.

- 2 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.

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

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

- 4 No development shall commence on site until full construction details of both access points for the construction phase and operation phase have been submitted and approved in writing by the Local Planning Authority. These details shall include how the design incorporates the swept path (for lorry of 16.6m). The access shall be properly consolidated and surfaced (not loose stone or gravel) for a minimum of the first 10m. A scheme for discharge of surface water from site (including surface water from access) incorporating sustainable details and details for piping of the ditch. The development shall not be first brought into use until surface water drainage and piping of the ditch has been constructed in accordance with the approved scheme. The access shall be maintained as such thereafter. No development shall commence on site until the access has been constructed in accordance with the submitted plans.

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

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

REASON: In the interests of highway safety.

- 6 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 60 metres either side of the entrance from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1m above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 7 No part of the development hereby permitted shall commence until the parking

area and turning area shown on the temporary construction compound and location (Figure 3) has been surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times during the construction phase and removed and the land restored to its former condition on or before the date six months from the development being first brought into use. The same compound shall be provided in advance of the first removal of buildings/solar panels from the site during the decommissioning phase and removed within three months of the land having been restored to its former condition.

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

- 8 No development shall commence on site until a full condition survey of the agreed site access along Hill Hayes Lane has been carried out and approved in writing by the highway authority and compliant with Section 59 of the Highways Act. A further survey of the same route shall be carried out within 1 month of the first use of the development and agreed in writing by the highway authority. Any damage to the highway surface resultant of the construction works shall then be repaired within a period of 3 months of the first use of the development hereby permitted and the works approved in writing by the Local Planning Authority. The same process shall be followed during the course of the decommissioning phase.

REASON: In the interests of highway safety.

- 9 No development shall commence on site until full construction details associated with the drawing titled 'Extents of required road widening' numbered Figure HU 03 related to Appendix A of the approved 'Construction Traffic Management Plan' have been submitted and approved in writing by the Local Planning Authority. The road widening works shall be completed in accordance with the approved details prior to the development works commencing at the site.

REASON: In the interests of highway safety.

- 10 No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site between the times of completion of development and commencement of decommissioning.

REASON: In the interests of the appearance of the site and the amenities of the area.

- 11 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

- 12 The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (Wessex Solar Energy, May 2013) and the surface water run-off management (SUDS) measures detailed therein. The scheme shall be fully

implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

REASON: In the interests of flood prevention.

POLICY: National Planning Policy Framework paragraphs 100-103.

- 13 Prior to commencement of development, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include the following elements:

- Protection of existing trees and shrubs
- Establishment of hedgerows, trees and shrubs to be planted
- Establishment / restoration of grassland habitats
- Long-term management of all hedgerows, ponds, and restored / created grassland
- Features to be installed for the benefits of protected / BAP fauna
- Ecological monitoring to inform future management at the site

The development shall be carried out in accordance with the agreed Landscape and Ecological Management Plan and the site managed in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect and enhance biodiversity at the site

- 14 Within six months of the date 25 years after commencement of development or the date on which the facility permanently ceases to be operational, whichever is the sooner, all apparatus, buildings, hard standing and fencing shall be permanently removed from the site and the land restored to its former condition.

REASON: In the interests of preserving the long-term character and appearance of the site and its setting.

- 15 The development hereby permitted shall be carried out in full accordance with the submitted Construction Traffic Management Plan (Wessex Solar Energy, August 2013), including the following:

- a) Loading and unloading of plant and materials;
- b) Access route and site entrance arrangements;
- c) Storage of plant and materials used in constructing the development;
- d) Wheel washing facilities;
- e) Measures for the protection of the natural environment;
- f) Hours of construction, including deliveries; and
- g) The parking of vehicles of site operatives and visitors.

The construction traffic route shall be via Norton. No traffic relating to the proposal shall access the site via Hill Hayes Lane from Hullavington (except in the event of an emergency). Any departures from the approved plan shall be agreed in writing by the Local Planning Authority in advance.

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.

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

Figure 1.1 - Site Location Drawing  
Figure 1.2 0 Site Boundary and Indicative Layout  
Figure 4.1 - Indicative Mounted Panel Dimensions - Crystalline  
Figure 4.2A - Hullavington Inverter Building  
Figure 4.2B - Hullavington Control Building  
Figure 4.3 - Indicative Access Track Cross-Section  
LL87.03A - Landscape Masterplan

Received 15 May 2013

Figure 4.4 V2 - Indicative Security Fence Details

Received 15 July 2013

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

**INFORMATIVES:**

- 1 Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 2 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

- 3 Please note that the Planning Office does not have the facility to receive material samples. Please deliver material samples to site, with a notification to the planning office where they are to be found.

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Hullavington

PH

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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>23 October 2013</b>		
<b>Application Number</b>	<b>N.13.01436 LBC</b>		
<b>Site Address</b>	<b>Stonehaven, The Green, Biddestone, Wiltshire SN14 7DG</b>		
<b>Proposal</b>	<b>Reinstatement of front boundary wall/railings and gate. Alteration to rear conservation rooflights, insertion of new rooflight and internal alterations.</b>		
<b>Applicant</b>	<b>Mr and Mrs Madley</b>		
<b>Town/Parish Council</b>	<b>Biddestone</b>		
<b>Electoral Division</b>	<b>By Brook</b>	<b>Unitary Member</b>	<b>Cllr. Jane Scott</b>
<b>Grid Ref</b>	<b>386403 173553</b>		
<b>Type of application</b>	<b>Listed building consent</b>		
<b>Case Officer</b>	<b>Sarah Gostling</b>	<b>01249 706 664</b>	<b>Sarah.gostling@wiltshire.gov.uk</b>

### Reason for the application being considered by Committee

Councillor Scott would like the Committee to consider the impact of the proposal on the listed building.

### 1. Purpose of Report

To consider the above application and to recommend that listed building consent be REFUSED.

No comments have been received either from Biddestone Parish Council or in response to the public consultation.

### 2. Main Issues

The main issues in considering the application are:

- Impact on the character and appearance of the area and Conservation Area
- Impact upon the Listed Building

### 3. Site Description

Stonehaven is one of a row of houses lying on the north side of The Green. The property was originally two buildings, the eastern half being the older, dating from late 17thC or early 18thC. Constructed of rubble stone under a natural stone tile roof, the building was re-fenestrated in the early 19thC and faced in stucco, now removed. The front garden was formerly enclosed by a dwarf wall with wrought iron railings and gate, the gate and railings were removed, along with the others around the Green, at the time of World War I.

In 2004 a previous owner carried out a number of alterations to the property, including works on the second floor to improve the access. At that time there were two rooflights, one of medium size and one small, in the rear roof slope at this level. A large rooflight to the kitchen was replaced by two smaller ones and the high-level ones were also replaced, although not covered by the listed building consent, with two smaller, conservation rooflights. These changes represented an enhancement to the architectural and historic interest of the building.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>04/00383 LBC</b>	<b>Internal and external alterations including insertion of rooflight to rear range</b>	<b>Consent granted</b>
<b>04/01395 LBC</b>	<b>Internal alterations, amendment to 04/00383 LBC</b>	<b>Consent Granted</b>
<b>04/01474 LBDC</b>	<b>Discharge of Conditions</b>	<b>Granted</b>

## **5. Proposal**

Listed building consent is sought for the repair of the front, plinth wall and the reinstatement of the railings in this wall. The railings would be of a traditional, curved top design, let into the dressed stone coping. A matching gate would close the garden path.

At second floor level new partitions and boarded doors would be introduced to divide the open landing (currently used as a bedroom) into a shower room and fifth bedroom. One of the CR-1 rooflights installed in 2004 would be replaced by a larger unit, some 700mm wide by 750mm high, and the smaller rooflight would be re-sited, at a high level on the roof slope, to bring natural light to the shower room.

## **6. Consultations**

Biddestone Parish Council – No observations received.

## **7. Publicity**

The application was advertised by site notice and press advert.

No letters of letters of objection or support have been received.

## **8. Planning Considerations**

The reinstatement of the railings to the front of the property would be carried out to a traditional detail in a traditional material and would represent an enhancement to both the listed building itself and to the wider setting of the conservation area.

The internal alterations proposed at the attic level would involve the insertion of partitions and a shower room, which are both considered to maintain the significance of the listed building.

The external alterations at the attic level consist of the insertion of two new roof-lights. One replaces one of the existing with a larger unit, the existing unit itself to be re-sited further up the roof slope. There would then be three roof-lights of varying size in this modest slope.

The proposal to not only revert to a larger roof-light but also to add a third, higher up the roof is considered to be a retrograde step, which will result in a further loss of historic fabric, awkward positioning for the new roof-light and an over-cluttered appearance. The proposed works will thereby cause detriment to the aesthetic and historical value of the heritage asset.

It is considered that this will cause harm to the heritage asset which is contrary to government policy enshrined in the National Planning Policy Framework, wherein paragraph 131 requires that

account is taken of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 134 specifies that where harm occurs this is weighed against the public benefits of the proposal. In this case it is considered that there are no public benefits to be had from the insertion of an excessive number of roof-lights.

The applicant has referred to a number of listed properties in Biddestone which have larger and/or more numerous rooflights. Researching these it would appear that the vast majority were installed either prior to the listing of the building or without the necessary listed building consent.

Appreciation of the cumulative detrimental impact of comparatively modest changes on the character, appearance and historic interest of listed buildings has grown over the years and it is with the enhanced appreciation that the current proposals are considered.

## **9. Conclusion**

The proposal to not only revert to a larger roof-light but also to add a third, higher up the roof will result in a further loss of historic fabric, awkward positioning for the new roof-light and an over-cluttered appearance. The proposed works will cause detriment to the aesthetic and historical value of the heritage asset.

## **10. Recommendation**

Listed Building Consent be REFUSED for the following reason:

1. The reversion to a larger roof-light and the addition of a third, higher up the roof will result in a further loss of historic fabric, awkward positioning for the new roof-light and an over-cluttered appearance. The proposed works will thereby cause detriment to the aesthetic and historical value of the heritage asset contrary to the paragraphs 131, 132 and 134 of the National Planning Policy Framework 2012.

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