

## AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER  
**Date:** Wednesday 17 September 2014  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Libby Beale, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718214 or email [elizabeth.beale@wiltshire.gov.uk](mailto:elizabeth.beale@wiltshire.gov.uk)

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### Membership:

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

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### Substitutes:

Cllr Desna Allen	Cllr Bill Douglas
Cllr Glenis Ansell	Cllr Dennis Drewett
Cllr Chuck Berry	Cllr Howard Greenman
Cllr Mary Champion	Cllr Jacqui Lay
Cllr Terry Chivers	Cllr Nick Watts
Cllr Ernie Clark	

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# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 1 - 12*)

To approve and sign as a correct record the minutes of the meeting held on **27 August 2014** .

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation 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 10 September 2014**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior

to the meeting and made available at the meeting and on the Council's website.

## 6 **Planning Applications**

To consider and determine planning applications as detailed below.

- 6a **14/03084/FUL Land East of Manor Farm, Wadswick, Box, Corsham, Wiltshire, SN13 8JB** (*Pages 13 - 26*)
- 6b **14/04012/FUL Royal Arthur Park Westwells Corsham Wiltshire SN13 9SF** (*Pages 27 - 40*)
- 6c **14/06724/FUL And 14/06854/LBC - The Stable Barn, Westfield Farm, Nettleton, Chippenham SN14 7PA** (*Pages 41 - 50*)
- 6d **14/07264/FUL- 1 Chubb Close, Malmesbury, Wiltshire, SN16 9JW** (*Pages 51 - 56*)

## 7 **Urgent Items**

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

### **Part II**

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

None

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## **NORTHERN AREA PLANNING COMMITTEE**

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**DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING  
HELD ON 27 AUGUST 2014 AT COUNCIL CHAMBER - COUNCIL OFFICES,  
MONKTON PARK, CHIPPENHAM, SN15 1ER.**

**Present:**

Cllr Glenis Ansell (Substitute), Cllr Christine Crisp, Cllr Mollie Groom,  
Cllr Peter Hutton (Vice-Chair), Cllr Simon Killane, Cllr Sheila Parker,  
Cllr Toby Sturgis, Cllr Tony Trotman (Chairman), Cllr Nick Watts (Substitute) and  
Cllr Philip Whalley

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**89 Apologies**

Apologies were received from Cllr Packard, Cllr Marshall and Cllr Hurst.

Cllr Packard was substituted by Cllr Watts.

Cllr Marshall was substituted by Cllr Ansell.

**90 Minutes of the Previous Meeting**

The minutes of the meeting held on 16 July 2014 were presented.

**Resolved:**

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

**91 Declarations of Interest**

There were no declarations of interest.

**92 Chairman's Announcements**

There were no Chairman's announcements.

**93 Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

94 **Planning Applications**

The Committee considered the following applications:

95 **14/04177/OUT - Land at Former Blounts Court Nursery, Studley Lane, Studley, Wiltshire, SN11 9NQ**

Mrs Janet Robbins, Mr Andrew Emerson, and Mr Martin Cleverley spoke in objection to the application.

Mr Julian Sayers and Mr Peter Lawson spoke in support of the application.

Cllr Richard French, Calne Without Parish Council, spoke in objection to the application.

The officer drew attention to late observations provided and the key points, available as Agenda Supplement 1. The officer introduced the report which recommended to delegate authority to grant planning permission to the Area Development Manager, subject to the signing of a Section 106 agreement, planning conditions and the additional heads of term prescribed in the Agenda Supplement.

A site plan was shown, alongside a site description including existing planning permission. It was highlighted the current application was an outline planning application for up to 28 dwellings, as such, the layout of units displayed was only indicative, used to demonstrate that the number of units and amenity space could be accommodated adequately.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that an increase in the number of dwellings above 28 would require a new planning application. Questions were raised concerning the central square shown on the indicative layout, it was noted that details of landscaping would be finalised at a reserved matters stage if the application was delegated. The officer confirmed the substantial tree belt would be remaining as part of the scheme.

Members of the public then addressed the Committee as detailed above.

The local member, Cllr Crisp spoke in opposition to the application, raising concerns that it would not comply with the North Wiltshire Local Plan and would threaten the economic development of the nearby saw mill.

In the debate that followed the Committee noted the need for housing, the land as a brownfield site and the less harmful effect of residential development compared to commercial development. However, concerns were raised over the

conflict of the development with business and highways, notably issues of safety as amenities were located across a 60mph road.

**Resolved:**

**To REFUSE the application for the following reason:**

**The proposed development is in the countryside, outside the framework boundary of Derry Hill & Studley where residential development is not acceptable under Policy H4 of the North Wiltshire Local Plan 2011. The Council have a 5 year land supply and there are no material considerations in terms of benefits that could be delivered via this proposal, which outweigh the development plan policies. The location outside the framework boundary for Derry Hill & Studley also conflicts with CP1, CP2 & CP8 of the Emerging WCS Submission Draft as proposed to be amended April 2014. Furthermore, the development, being outside of the framework boundary is remote from local employment and services and conflicts with policy C1 & C3 (vi) of the North Wiltshire Local Plan 2011 and paragraphs 14, 17, 47 & 49 of the NPPF.**

**The proposed development by virtue of its siting, location beyond the framework boundary and proposed acoustic fencing will result in a development that is at odds with the scale and character of the area that would result in an urban feature within the open countryside resulting in significant and demonstrable harm and thereby contrary to policies NE15 and C3 (i) of the North Wiltshire Local Plan and paragraphs 17, 56 & 64 of the NPPF.**

**The proposed development does not make any provisions for securing affordable housing on the site or financial contributions towards education provision in the locality or financial contributions towards public transport, highway improvements, the on-going provision and maintenance of open space on the site, and indoor leisure provision contrary to policy C2 of the North Wiltshire Local Plan and policies CP3 and CP43 of the Emerging WCS Submission Draft as proposed to be amended April 2014.**

96 **14/05594/VAR - 2a Silver Street, Malmesbury, Wiltshire, SN16 9BU**

Mr Mark Willis, Mr Laurence Mussett and Cllr Roger Budgen, Malmesbury Residents' Association, spoke in objection to the application.

Cllr John Gundry, Malmesbury Town Council, spoke in objection to the application.

The officer introduced the report which recommended to grant planning permission to remove Condition 4 of 00/01929/COU in order to allow the sale of take away food from the premises subject to conditions. A description of the

business and the locality was given and it was noted that no concerns had been raised from Highways, Environmental Health and Public Protection. Photographs of the roads, parking restrictions and car parking facilities nearby were shown.

No technical questions were asked.

Members of the public then addressed the Committee as detailed above.

The local member, Cllr Killane, spoke in support of the application, describing it would be in keeping with the business area of the market town, with other takeaways nearby, and would help to support the viability of the restaurant. Cllr Killane stressed the close proximity of a car park nearby, however acknowledged concerns surrounding illegal parking and supported the opportunity for residents to voice their opinions.

In the debate that followed the Committee discussed illegal parking and littering concerns however it was emphasised that these were not planning considerations and the point was made that this was not an application for change of use, the business would have to remain a restaurant.

**Resolved:**

**To GRANT planning permission to remove Condition 4 of 00/01929/COU in order to allow the sale of take away food from the premises subject to the following conditions:**

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

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

- 2) The development hereby permitted shall be carried out in accordance with the documents (including plans) incorporated into this decision, and subsequently approved pursuant to this decision (if applicable), unless otherwise approved by the local planning authority in the form of a new application**

**REASON: To ensure that the development is implemented in accordance with this decision in the interests of public amenity.**

- 3) The ground floor of 2A Silver Street shall not be open to customers before 08:00 hours nor after 23:30 hours and the first floor before 10:00 hours nor after 22:00 on any day for the use hereby permitted unless otherwise agreed the Local Planning Authority in the form of a new application.**



**REASON: In the interests of the amenity of the area.**

**INFORMATIVE TO APPLICANT: 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.**

**INFORMATIVE TO APPLICANT: 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.**

97 **14/05686/OUT - Land to the South of Potley Lane, Corsham**

Mr Thomas Rumble spoke in support of the application.

The officer called attention to the late observations available as Agenda Supplement 1 and took the Committee through the report which recommended to delegate authority to grant planning permission to the Area Development Manager, subject to the signing of a Section 106 agreement with heads of terms, planning conditions and the additional heads of terms and conditions prescribed in Agenda Supplement 1.

The Committee was reminded that it was only an outline application and no objections had been received from Highways, subject to conditions. It was emphasised that the site was in the settlement boundary of Corsham, was no longer required to be used as commercial development and the application was in agreement with the North Wiltshire District Plan and the Core Strategy. The officer emphasized that the application was for up to 64 dwellings, as specified in Agenda Supplement 1.

No technical questions were asked.

Members of the public addressed the Committee as detailed above.

The local member, Cllr Whalley, noted concerns relating to traffic and pedestrian safety, emergency vehicle access, noise and ecology on behalf of local residents and commented that whilst helping to meet the housing target it was unfortunate that it was a greenfield site.

In the debate that followed the Committee noted there was no evidence to justify deferral and confirmed the need to add a condition to the application concerning the orientation of houses

**Resolved:**

**To DELEGATE to the Area Development Manager to grant planning permission, subject to the signing of a Section 106 agreement with the following heads of terms:**

- **30% affordable housing;**
- **On-site provision of 4224m<sup>2</sup> of adoptable open space, of which 384m<sup>2</sup> allocated as specific play provision, to be subject to a commuted fee to cover maintenance;**
- **Off-site financial contribution of £16,902 to satisfy the Sport and Recreation requirement of Planning Policy C2;**
- **£3,332 towards a new Cemetery in Corsham;**
- **A sum of £301824 towards primary education infrastructure and £248092 towards secondary education infrastructure. However, the assessment is specific to the site location, housing number and mix supplied, and any changes to these would necessitate a new assessment;**
- **Sustainable transport contribution towards walking and cycling improvements. £1,500 per unit;**
- **£19,200 commuted to the Council's arts service to manage the art and design process and programme;**
- **A sum of £8,000 to be paid and held in accordance with drawing ITB7141-SK-009 titled 'potential additional footways' for provision of footway and including land to be safeguarded for provision;**
- **A sum of £10,000 towards the upgrading of the bus stop (known as Potley, The Estate) improvements including bus shelter and raised kerb.**

**and subject to the following conditions:**

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

**REASON:** To comply with the provisions of Section 92 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 of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
  - a) The scale of the development;
  - b) The layout of the development;
  - c) The external appearance of the development;
  - d) The landscaping of the site;

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

**REASON:** The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 3) An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**REASON:** To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 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 buildings 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) The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker.

A drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing.

The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

**REASON:** To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property

- 6) No development approved by this permission shall be commenced until a detailed surface water management scheme, together with supporting calculations, has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance for all drainage works serving the site. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.

**REASON:** To prevent any increased risk of surface water flooding.

- 7) Any swales or other surface water storage elements shall not be sited within Flood Zones 3 or 2 or any other area prone to flooding. There shall be no landscaping or other works within Flood Zones 3 or 2. There shall be no landscaping or other works on land below 85.0mAOD as shown on the Site Topography drawing (Figure 3) within the FRA.

**REASON:** To prevent any increased risk of flooding. The precautionary figure of 85.0mAOD is given as the submitted FRA does not include any

**estimate of the present day or future (i.e. including climate change) 1 in 100 year flood level.**

- 8) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.**

**REASON: To protect controlled waters from pollution.**

- 9) No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.**

**REASON: To prevent pollution of the water environment**

- 10) An Urban Design and Landscape Framework Plan for the development of the site hereby permitted shall be submitted to the local planning authority no later than the first submission for approval of any of the reserved matters and shall be approved in writing by the local planning authority. The Urban Design and Landscape Framework Plan shall include details of:**

- a) The location, orientation and heights of buildings;**
- b) The format of the public realm, including all routes and spaces and the location of children's play areas;**
- c) The location of open spaces available to the public, including their function and means of maintenance access;**
- d) Tree and hedgerow protection plan;**
- e) Landscaping details including planting plans, species and density of planting;**
- f) Hard and soft landscaping details;**
- g) Materials to be used in the construction of the dwellings;**
- h) Plan for the upgrade of footpath CORM56 and link to the internal road network at the southern end of the site.**

**Development shall be carried out in accordance with the approved Urban Design and Landscape Framework Plan.**

**REASON: For the avoidance and in the interest of proper planning.**

**11)The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.**

**REASON: To ensure that the development is served by an adequate means of access.**

**12)No part of the development hereby permitted shall be occupied until the access, footways and crossing point has been completed in accordance with the details shown on the approved plans ITB7141-SK-007RevA titled “Site Access – Avoiding Trees – option 4” and ITB7141-SK-008 titled ‘emergency access’. The areas shall be maintained for those purposes at all times thereafter.**

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

**13)No part of the development shall be first occupied, until the visibility splays shown on the approved plans ITB7141-SK-007RevA titled “Site Access – Avoiding Trees – option 4” have been provided with no obstruction to visibility at or above a height of 0.6 above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.**

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

**14)No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and**

street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

**REASON:** To ensure that the roads are laid out and constructed in a satisfactory manner.

15) No more than 64 dwellings shall be developed on the application site edged red on the submitted Site Plan.

**REASON:** For the avoidance and in the interest of proper planning

16) The layout of the proposed development hereby permitted shall be broadly in accordance with plan number CSa/1867/106 Revision F.

**REASON:** For the avoidance and in the interest of proper planning

**INFORMATIVE TO APPLICANT:** Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site.

**INFORMATIVE TO APPLICANT:** The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

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

98 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.00 pm)

The Officer who has produced these minutes is Libby Beale, of Democratic Services, direct line 01225 718214, e-mail [elizabeth.beale@wiltshire.gov.uk](mailto:elizabeth.beale@wiltshire.gov.uk)

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## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	17 September 2014
<b>Application Number</b>	14/03084/FUL
<b>Site Address</b>	Land East of Manor Farm, Wadswick, Box, Corsham, Wiltshire, SN13 8JB
<b>Proposal</b>	Construction of 6.3MW Solar PV Park with Transformer Housings, Security Fencing & Cameras, Landscaping & Other Associated Works (Resubmission of 13/04055/FUL)
<b>Applicant</b>	RB & T Barton
<b>Town/Parish Council</b>	BOX
<b>Division</b>	BOX AND COLERNE
<b>Grid Ref</b>	384505 167922
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Chris Marsh

### Reason for the application being considered by Committee

The application was considered by the Area Planning Committee on 16 July 2014, at which the matter was deferred in light of late revisions to the scheme.

The application was originally called in to Committee by Cllr Tonge, in order to consider the scale of development and its visual impact upon the surrounding area.

### 1. Purpose of Report

To consider the above application and recommend that planning permission is REFUSED.

At the initial round of consultation, Corsham Town Council and Box Parish Council both objected to the application, as set out later in this report. The application also attracted comments from CPRE, Corsham Civic Society and on behalf of the Neston Park Estate. 64 letters of objection and 33 letters of support were received from local residents and those further afield. A petition in support of the proposal with 110 signatories was also received.

A further full round of consultation was undertaken upon formal revision of the layout plan and supporting documentation, closing on 20 August 2014. Box Parish Council and Corsham Town Council reiterated their objections. 34 letters of objection, including those on behalf of CPRE and the Neston Park Estate, and 20 letters of support were received, together with a petition of 110 signatories objecting to the proposal.

### 2. Report Summary

The main issues in considering the application are:

- Principle of development

- Impact on the character and appearance of the area
- Impact on the setting of the Cotswolds AONB
- Impact on highway safety
- Impact on agricultural land
- Impact on site ecology and biodiversity

### 3. Site Description

The proposal relates to an area of agricultural land situated to the East of Manor Farm, itself situated a short distance to the East of the B3109 Bradford Road, South of Corsham. The land amounts to a little over 14ha in total and is currently put to mixed arable use on a seasonal basis. The land is divided by a traditional rubble stone wall into two separate fields, across which an overhead electrical cable bisects the site. The smaller of the two fields is arranged over an L-plan a short distance to the East of the main farm complex, which is accessed directly from the Bradford Road. Mature trees and hedgerow provide substantial screening from this part of the site, with two small separate areas of paddock/pasture excluded from the development site at its western end. The larger field is situated to the East and, continuing from the smaller field, extends alongside Wadswick Lane some 450-500m up to the point at which the highway turns North toward Neston. A public footpath briefly runs directly adjacent to this end of the site, diverting from the line of the boundary on its northern side. The boundary to Wadswick Lane along the site's southern edge is characterised by its mixture of rough, self-germinated vegetation including ivy, bramble and old man's beard, which has become established around the historic dry stone walls typical of the area.

The site lies some 600m East of the closest point within the Cotswolds Area of Outstanding Natural Beauty, with the adjacent Wadswick Lane forming part of a wider network that extends into the designated landscape area. The land is also identified as of the Cotswolds Limestone Lowland landscape type 16 (Within Landscape Character Area 16A Malmesbury-Corsham Limestone Lowlands, as identified in the Wiltshire Landscape Character Assessment, 2005), which is noted for characteristics such as dry stone walls and the panoramic view evident at the site. The Neston Conservation Area lies approximately 700m to the northeast of the site at its closest point, and the various designated heritage assets of Hazelbury Manor and Neston Park are situated roughly equidistant from the site, within around 1km from its northwest and southeast ends respectively.

### 4. Planning History

13/04055/FUL	Construction of 9.6MW Solar PV Park with Transformer Housings, Security Fencing & Cameras, Landscaping & Other Associated Works
N/10/00261/CLE	Certificate of Lawfulness for Airstrip and Aircraft Hangar
N/12/03528/SCR	Screening Opinion - As to Whether EIA is needed for a Solar Park

### 5. The Proposal

The application is a resubmission of a larger scheme (reference 13/04055/FUL) which was refused under delegated powers in December 2013 and has now been further reduced in scale to comprise approximately 4.0MW of ground-mounted solar photovoltaic arrays, together with associated inverter and control buildings, fencing, CCTV and landscaping. As with the earlier scheme and typical of a development of this type, the panels are to be laid out in continuous 'strings' on an East-West axis, with a clear void of around 2.4m between rows, in order to maximise solar gain. This equates to a front-to-front spacing of 6.4m and is likely to be close to the maximum density achievable in practical terms for a site of this relatively flat relief. The linear 'strings' are to be served by occasional 8m maintenance strips

at regular intervals, as well as by the existing North-South dry stone wall that bisects the site and is to be retained. The scheme has been reduced in scale in light of concerns raised by Officers and the public so that the planted strip of *Miscanthus* and apparatus itself are to be stepped back from the boundary of Wadswick Lane, to the South. At around the halfway point of the southern boundary, this amounts to a maximum separation of around 120m.

Site access for the construction phase is to be provided via the existing shop/farm complex to the northwest of the site, and this is to be retained throughout the project's lifespan for maintenance purposes, as will the existing field entrance at the southwest corner of the smaller field. As this currently operates in tandem with the similar field access directly opposite for the movement of agricultural machinery across the landholding, sufficient space is to be retained toward the western end to facilitate a 7m-wide unmade route to the farm complex. In practice, this does not in itself represent any change to the current status quo.

Overall, it remains that the majority of the two fields will be occupied by solar panels, which are to be laid out in a similar pattern, and associated infrastructure. Having been pulled back from the boundary wall, the southern limit of solar arrays now follows loosely a line-of-sight between the southeast and southwest corners of the site, albeit with some concession to the winding route of the adjacent part of Wadswick Lane. From this boundary, a strip of saved 'agricultural' land is abutted by a 20m-wide planted strip of *Miscanthus*, 'elephant grass', which is to be used to screen the development. Deer-proof fencing is to be used to secure the apparatus and is to be sited directly behind this planted buffer, as well as extending around the remaining perimeter. Within the thickened buffer at the eastern end of the site, the scheme includes a modest educational area linked to the adjacent footpath and with clear views of the panels. Drainage swales are to be introduced around the underutilised periphery of the fields, taking account of the relief of the site, which drops by some 10m from northwest to southeast.

The solar photovoltaic apparatus itself is to be of a fixed design repeated throughout the site. Each modular rack of panels is to measure 31.82m x 3.979m in surface area and 2.3m in height, based on an angle of 20°. The rack is to be mounted on metal supports arranged front and back at intervals and driven directly 1.2-1.5m into the ground. The lower, front supports are to provide a ground clearance of 630mm at the lowest point of the panel, enabling the continued use of the site for the grazing of sheep throughout the lifespan of the development. In addition, the apparatus requires the installation of 6no. transformer enclosures, together with a master DNO station situated at the northwest corner of the site.

The current scheme makes provision for a new permissive right of way and bridleway across the site itself, the former loosely following site perimeter and linking to the established public right of way to the northwest, the latter running the length of the southern site boundary. The retained agricultural access at the southwest corner is to provide access to pedestrians and horse riders via a widened hunting gate, with a similar facility at the far eastern corner with Wadswick Lane. An additional stile is to be introduced at the southern boundary, creating a new opening directly opposite the point at which the Old Drovers Way footpath reaches Wadswick Lane.

The site is to be secured using deer proof fencing running between the apparatus and behind the new *Miscanthus* strip, as well as within the established planted boundaries of the north and east perimeter. This is to be of traditional post-and-wire construction using 100mm square wire netting strung between 100mm dia. round treated timber posts, which are to be 1.9m in height once driven 0.9m directly into the ground at maximum intervals of 5m. As an additional security measure, CCTV cameras are to be installed on 3.0m-high metal columns on a line-of-sight basis along the fence boundary. Whilst the exact colour and finish is yet to be agreed, these are fairly typical in design to their utilitarian function. It is confirmed in the submission that no additional lighting is to be introduced to the site as part of the proposals.

## 6. Planning Policy

The following planning policies are relevant:

Policy C1 of the adopted North Wiltshire Local Plan 2011 (Sustainability Core Policy)

Policy C3 of the adopted NWLP 2011 (Development Control Core Policy)

Policy NE4 of the adopted NWLP 2011 (Areas of Outstanding Natural Beauty)

Policy NE15 of the adopted NWLP 2011 (The Landscape Character of the Countryside)

Policy NE16 of the adopted NWLP 2011 (Renewable Energy)

Policy BD7 of the adopted NWLP 2011 (Farm Diversification)

Sections 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are also relevant.

The DCLG Planning Practice Guidance for Renewable and Low Carbon Energy, published July 2013.

The UK Solar PV Strategy Part 2: Delivering a Brighter Future, published April 2014.

The strategy set out in the Wiltshire Landscape Character Assessment (LCA) 2005 is also of some relevance, as are Core Policies 42 and 51 of the emerging Wiltshire Core Strategy.

## 7. Consultations

Box Parish Council – *‘Strong objections. Despite the changes made to the previous submission it does not alter the views of the Parish Council in that by reason of its siting, scale, amount and appearance the proposed development will be detrimental to the character and appearance of the site and its setting in the wider landscape and the AONB. It is an inappropriate setting in an historic landscape.*

*The proposal conflicts with policies C3, NE4, NE15, NE16 and BD7 of the adopted NW Local Plan 2011 and the objectives of paragraphs 98, 109, 115 and 131 of the National Planning Policy Framework.*

Corsham Town Council – ‘The Council was supportive of renewable energy and acknowledged the improvements which had been made to the proposal. After some discussion a vote was taken and it was

*Resolved: that the application be refused. It was felt that this site was inappropriate as the size and scale of the proposal would have a detrimental impact on the area and the setting of the Cotswolds AONB; would constitute urbanisation of the countryside; be of no benefit to the community; the application was contrary to Core Policy C3, policies NE4, NE15, NE16 and BD7 of the North Wiltshire Local Plan 2011; contrary to paragraphs 98, 109, 115 and 131 of the National Planning Policy Framework and would adversely impact the recreational amenity for local people.’*

Landscape Architect – no objection, on the basis that following the revisions made, adequate measures could be secured by condition to mitigate adverse impacts of the development  
Highways Officer – no objection, subject to conditions  
County Ecologist – no objection, noting that the reconfiguration of the scheme is likely to neutralise some potential benefits and potentially decrease hedgerow quality  
County Archaeologist – no objection  
Environment Agency – no objection, subject to informatives  
Ministry of Defence – no objections

The Council's Agricultural Consultant has previously advised that the proposal will not compromise the commercial agricultural operations at Manor Farm and that limited continued agricultural use is facilitated in tandem with the development.

The standing advice of the Civil Aviation Authority remains that ground-mounted solar photovoltaic installations are not a matter of concern to aviation safety.

The Wiltshire & Swindon Biological Records Centre has noted the recording of Great Crested Newt species within c.25m of the site in 1999-2000.

## **8. Publicity**

The application was re-advertised by site notice and notification of neighbours and those who had previously made representations.

34 further letters of objection received, including representations on behalf of CPRE, Corsham Civic Society and the Neston Park Estate, in which the following relevant points were raised (number of citations shown in brackets):

- Impact on the character and appearance of the site and its setting (30 comments)
- Principle of Greenfield solar PV development (15)
- Impact on the setting and character of the nearby AONB (14)
- Loss of agricultural land (10)
- Impact on site ecology (7)
- Impact on historic environment (7)

Other issues raised legitimately include the impact on recreational users of Wadswick Lane specifically and additional service (as opposed to construction) traffic associated with the development.

Several other matters raised such as the efficacy of apparatus, developer profit and level of government subsidy do not amount to material planning considerations. It is therefore necessary to detach these issues from legitimate considerations as regards the principle of development.

Additionally, a petition of 110 signatories has been submitted in objection to the revised scheme including a summary of specific planning grounds for their representations. It is understood that the source of signatories includes residents of Neston and Wadswick, as well as recreational users of Wadswick Lane from further afield.

21 letters of support and one general comment have also been received from members of the public, raising the following points.

- Overriding need for renewable energy and principle of development (19 comments)
- Appearance of the development has been adequately mitigated (19)
- Development will not adversely affect the AONB (5)
- Loss of agriculture either limited or properly mitigated (4)
- Local ecological benefits (2)

## 9. Planning Considerations

### Principle of development

As referenced at the time of the previous application, as a matter of 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 supported unless they would cause demonstrable harm to a designated historic area or natural landscape. Standalone renewable energy schemes are also supported in principle by core policy C1 of the Local Plan (Sustainability Core Policy).

Paragraph 98 of the National Planning Policy Framework makes clear that applicants need not demonstrate a need for renewable energy schemes as justification and the local planning authorities should approve all such applications where the adverse impacts have been adequately mitigated. Whilst this remains the substantive planning policy position and 'starting point' for consideration of large-scale ground-mounted solar PV applications, regard should be paid to subsequent documents including the Planning Practice Guidance for Renewable and Low Carbon Energy published July 2013 and the UK Solar PV Strategy Part 2 published April 2014. The latter, together with the letter to Local Planning Authorities from Greg Barker MP, was published after the determination of the previous application at Manor Farm. These two documents suggest that proposals for such installations should be considered on the balance of a range of factors are not necessarily automatically appropriate save in the most extreme circumstances. It is emphasised in the latter that previously-developed land and commercial rooftops should be the focus of new large-scale solar PV energy schemes. It is considered that, insofar as the current application is concerned, these material considerations somewhat deplete the previously strong policy presumption in favour of the scheme in principle set out at Paragraph 98 and demand careful scrutiny of local circumstances and site-specific matters.

The application therefore falls to be considered on the basis of whether the site-specific impacts of the development are so harmful as to outweigh the presumption in favour of a renewable energy facility at this scale, notwithstanding its reduced capacity for electrical generation in comparison to the previous scheme. Interestingly, in his letter of 7 April, former Energy Minister Greg Barker MP writes that '*I do not want uncontrolled expansion of solar on the countryside. The main focus for future growth must be onsite generation.*' In this instance, the proposal undoubtedly relates to a rural Greenfield site but falls within the broad distinction of 'onsite generation', as it is to supply directly an established and large energy consumer and, potentially, others in the immediate vicinity in future.

The information submitted in respect of site selection is considered entirely adequate and robust insofar it relates to the applicant's entire landholding. Around half of this falls within the Cotswolds AONB and little of the remainder in such close proximity to a suitable grid connection, such that the selected site meets the initial requirements in terms of elementary barriers to such energy schemes. The individual merits of the proposal are considered hereafter.

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

The most pronounced visual impacts of the development on public viewpoints will be experienced at Wadswick Lane itself, as well as the public footpath that runs to the North and East of the site, linking to Bradford Road further north. Drawing upon the earlier comments of the Council's Landscape Architect, it is considered that the proposed type and scale of development in the open countryside represents a dramatic departure from the established local countryside character and will have a discernible impact on recreational amenity for local people accessing countryside from nearby settlements. The Officer has previously identified the capacity of the development to have an urbanising effect on the existing rural character of Wadswick Lane, and this is rather compounded by the integral CCTV and transformer apparatus. One significant shortcoming of the increased distance between public viewpoints and the line of *Miscanthus* screening is that due to the relief of the land it is more likely that solar panels will be seen. How detrimental an effect this is depends, to an extent, on the subjective judgement of whether the panels themselves are visually offensive.

It is considered that aside from its being uncharacteristic of the historic appearance of the area the use of *Miscanthus* as a means of screening the development represents, in theory, a reasonably effective and innovative solution. It is, of course, a recognised fallback position that the field area could be used to cultivate *Miscanthus* as a fuel crop – and indeed parts of the holding are already given to this purpose in conjunction with the biomass facility at Manor Farm – without the need for planning permission. By progressively setting back the line of development along the Northern boundary of Wadswick Lane, the immediacy of its visual impact is diminished, conserving more of the open characteristics of the landscape even for users of the new permissive routes along the southern site edge. It is considered that the means of accessing proposed and existing routes are much improved with existing breakthroughs are to be formalised using hunting gates and a modest stile providing permeability to the Old Drovers Way; both conserving the high-quality fabric of the stone wall although a section of this must be removed to enable effective cropping of the *Miscanthus* buffer. It is anticipated that the revised scheme could secure a meaningful refurbishment of the southern stone boundary wall and overall maintenance of this fabric throughout the lifespan of the project.

It is also worthy of note that a full *Miscanthus* screen could not be established in a single growing season, such that the soonest this may be effective is from its second year onwards. However, given the distance from Wadswick Lane now proposed it is likely to perform better as a screen for the apparatus for much of its length. The Council's Landscape Officer has commented that the reduction in size and associated setback is a significant improvement and that, crucially, a line-of-sight aspect along Wadswick Lane is now protected. This will, of course, depend on the use of the 'agricultural' land retained within the southern half of the site, however. It is also observed that the revised proposal "*now incorporates and retains an appropriate level of openness and a satisfactory rural agricultural setting to this lane.*" It is therefore concluded that the visual impacts of the development will not be detrimental to the overall setting of the site, but that they will undoubtedly be apparent, and will unavoidably alter the character of Wadswick Lane for the duration of the project.

As previously explained, a critical factor in the local amenity impact of the current proposal is the way in which Wadswick Lane is used. In his decision to refuse planning permission in respect of a 24MW solar park at land adjacent to Ellough Airfield the Secretary of State identified the amenity enjoyed by horse riders specifically as a relevant concern as to the development's immediate visual impact. In this instance, it is considered that the popularity of Wadswick Lane as a route for recreational walking, running, cycling and horse riding is an important consideration in respect of the sensitivity of the site. These users are considered to be immediate and sensitive receptors to the appearance of the site, and their experience

of the site should be treated differently to, for instance, fleeting views from moving vehicles passing such a development. It is considered that the visual impacts of the development remain significant in this context, as these will be readily apparent although not overbearing.

In light of the above it is necessary to reach a balanced judgement as to whether the proposal conflicts with the provisions of Policies C3, NE15 and BD7(iii) of the adopted North Wiltshire Local Plan and Core Policy 51 of the emerging Wiltshire Core Strategy as regards the degree of harm caused to its context.

The Planning Practice Guidance for Renewable and Low Carbon Energy, published in July 2013 requires planning authorities to examine the cumulative impacts of renewable energy developments, as infrastructure may encourage a clustering effect. In this instance, there is no comparable scheme either existing or proposed that would either be seen readily in context or otherwise experienced – for instance on a well-established walking route – collectively with the proposed development. Regard has been paid to the prospect of any adverse cumulative impacts with recent housing, business and defence schemes in the locality, although these have few parallels with the current proposal and due to their disparate nature and relative lack of inter-visibility. In any case, it is not considered that recent developments in these areas have any significant bearing on the proposal in question, however.

#### Impact on the setting of the Cotswolds AONB

Due to its lying outside of the Cotswolds AONB, the site does not benefit from the same automatic protection afforded to similarly open countryside within this designation. Nonetheless, the proximity of the AONB's easternmost extent is a significant consideration and issues such as inter-visibility and general context and character are critical, and as such the proposal falls to be considered against Policy NE4 of the Local Plan. The site lies approximately 600m from the edge of the AONB, areas of which are clearly perceived from the site and public vantage points surrounding it, particularly those to the South and East of the site. This vista, with the development in the foreground and a designated natural landscape forming the backdrop, will have a notable impact on the setting of the AONB from the limited sections of public highway and footpaths in the immediacy of the site. In this regard, however, the sensitivity of receptors is closely linked to the visual impacts of development in the context of the recreational use and enjoyment of Wadswick Lane in general.

Notwithstanding the above, the extent of vantage points overlooking the site from within the AONB is limited, owing in part to the proliferation of mature woodland and planting covering much of the higher topography. However, it is considered that the proposal has the potential to adversely affect the active enjoyment of the AONB itself, as its visual impact is likely to be sharpened by the activities associated with the designated landscape. Wadswick Lane is known as a popular walking, running, cycling and horse riding route and part of the network of lanes extending well into the AONB, and therefore the site will frequently be experienced by receptors in that context. As such, the risk that the development will impact adversely on the public's enjoyment of the AONB is a real one, due to its functional and physical linkage with the recreational use typical of that designation. The volume of public representation identifying or sourced directly from recreational use as a locally-specific reason for objecting on amenity grounds is further evidence of this.

#### Impact on highway safety

The previous submission initially drew criticism in respect of the potential of a substantial proposed native hedgerow at the southern boundary to obstruct critical views along Wadswick Lane. Since this has been omitted, however, visibility along the winding highway



has been protected to an adequate extent to enable safe movement by the setting back of the proposed security fencing and *Miscanthus* planting buffer. It is therefore considered that the proposals do not compromise the safety of Wadswick Lane, either to motorists or the many other frequent road users.

Overall, the proposed reinforcement of the local footpath/bridleway network is welcomed and undoubtedly a worthwhile exercise in this location, where recreational movement is readily apparent. It is reasonable to conclude that this is a matter of pure enhancement to pedestrian and horse rider safety, brought about as an opportunity by the scheme, rather than direct mitigation for any adverse impacts of the development itself.

Although it must be emphasised that the footpath feature is permissive in nature, rather than an adopted right of way, its availability throughout the lifespan of the solar installation could be secured by condition. One is mindful, however, of the potential for that route becoming established 'as of right' by its continuous use for 20 years or more, and to secure the safe and economical use of the land for agriculture further ahead it may be necessary to allow for very occasional scheduled closures. Notwithstanding the benefits of the permissive route in respect of highway safety, it would not be desirable to see its formalisation compromise the future economic use of the land for agricultural purposes. Likewise, it should not therefore be assumed that the landowner could provide this benefit whether or not the application was successfully implemented, as this is not considered to be the case.

#### Impact on agricultural land

The issue of the loss of agricultural land required to accommodate the proposed development has been examined in relation to the previous application and at the earlier version of this report. As this consideration remains fundamentally unchanged in principle, this is reproduced below. However, it must be noted that the revised scheme considered here also makes a significant concession to the retention of productive agricultural land along the southern site boundary. This, it is felt, reinforces the below conclusions such that a refusal on grounds of the loss of agriculture could not be substantiated.

The site comprises predominantly Grade 3 quality land, although the information held centrally does not differentiate between Grades 3a and 3b – the former being of 'good' quality, the latter 'moderate' – although it is probable that the site comprises land somewhere between the two on the basis of the types of crop in rotation. The best and most versatile land is recognised as falling within Grades 1, 2 and 3a and accordingly entitled to a greater level of protection from development under Policy NE15 of the adopted Local Plan. Paragraph 112 of the NPPF further emphasises that the 'economic and other benefits' of the best and most versatile agricultural land should be taken into account. In this instance, it is recognised that other material considerations, such as the temporary/reversible nature of the development, capacity to support some limited ongoing agricultural use and any other fallback position, require that a balanced judgement is reached in this regard.

It is recognised by the Council's Agricultural Consultant that the proposed development will not compromise the overall operation of Manor Farm as a commercial agricultural enterprise, and it is noted that diversification of this business has already occurred through the retail unit, biomass facility and fuel crop grown at the farm. As such, there is no detrimental economic impact of the development that conflicts with Paragraph 112 of the NPPF or the relevant part i) of Policy BD7 of the adopted Local Plan. Although the development will inevitably impair the use of the land for arable crops to a significant extent, the solar PV apparatus is to be arranged in such a way that the land may continue to be grazed by sheep and thus maintaining some, albeit limited, agricultural productivity. Even with a lower density of panels, larger livestock cannot be supported due to the structural sensitivity of the apparatus. It is proposed that the land is returned to its former agricultural condition after a

period of 25 years and possible to secure an earlier return if the facility should cease to be operational prior to this time, and therefore the long-term quality of the land is to be maintained. Furthermore and as previously noted the use of the land to grow non-food crops as biofuel is a realistic fallback position due to the existing operations on the farm, and thus a material consideration. For these reasons, it is considered on balance that the temporary loss of Grade 3 land, even assuming a 3a classification, does not in itself present an insurmountable obstruction to the proposed development, with the long-term productive capacity of the land protected pursuant to the aims of Local Plan Policy NE15.

#### Impact on site ecology and biodiversity

Consistent with the site's most recent use as good to moderate quality rotation-cropped arable land, it is understood that the site supports a number of transient species found in this area, including deer, hares, birds of prey and farmland birds, despite its relatively limited innate ecological value. The existing arable field margins have some capacity to provide foraging and cover for a range of farmland birds and there is a strong possibility that these would be disrupted and/or lost in the course of development, although other potentially suitable areas will remain available for such use.

Owing to the type and arrangement of the proposed apparatus, it is not considered that the means of construction, solar PV arrays themselves or the associated equipment pose any substantial threat to species. Under the current proposals, it is likely that small-scale habitats can be redistributed throughout the less intensively developed parts of the site. The County Ecologist has noted, however, that the ecological enhancement achievable by introducing wildflower habitats to site fringes is rather diminished in this instance; the wildflower grassland originally proposed has been removed almost entirely and the proposed area of *Miscanthus* enlarged substantially. Although *Miscanthus* can support some bird species, from an ecological perspective its use is not supported in the current context where native wildflower grassland would be the preferred option, and so the ecological gains that may otherwise weigh in favour of the development are limited.

Concerns are also raised in respect of the siting of proposed deer fencing adjacent to the northern hedgerow, as it does not appear that sufficient space has been left to facilitate long-term maintenance of this boundary feature by tractor-mounted machinery – typically a buffer of around 5m with wider areas for turning corners. Should this restricted space prevent proper management of the hedgerow, it is likely that this will become detrimentally overgrown and will make the proposed permissive path along this boundary inaccessible. It is likely, however, that this consideration can only be overcome by the realignment of the fencing and potentially also the substation at the northeast site corner and moreover indicates the sheer intensity of development proposed.

There are no known protected species permanently or frequently resident at the site, although the County Ecologist has advised that precautionary measures should be taken to further limit risks to great crested newt, reptile and breeding bird species, should the development proceed. To this end, it is recommended that any permission should require subsequent agreement of an appropriate Landscape and Ecological Management Plan (LEMP), containing the necessary details of sensitive working methods, landscaping and habitat management.

#### Other issues

In this instance, it is considered that the explicit reference at Paragraph 5 of the Planning Practice Guidance to the necessity that '*the planning concerns of local communities are properly heard in matters that directly affect them*' requires careful attention. Consistently, the community resident in the immediate vicinity of the site (<1km approx), which is by no

means large in number, has presented a substantial degree of opposition to the iterative proposals and cited material planning reasons for such objection. A petition recently received also draws upon the occasional users of Wadswick Lane, many of whom visit in a recreational capacity and are thus similarly sensitive receptors to visual change. It is considered that this response should critically be afforded significant weight in this instance, given the otherwise finely balanced considerations relevant to the proposal.

It is of course noted that a significant volume of correspondence in support of the scheme has also been received, and this should not be disregarded despite these comments generally coming from further afield. Most make reference to the overriding need for renewable energy, visual mitigation and reduction in the scale of the scheme. It is of course, rather difficult to make a case for any kind of visual enhancement of the area but attention is drawn to the prospective benefits to local business that tend to be altogether absent from standalone, 100% grid-connected installations.

Detailed representations have been received in respect of the impacts of the proposed development on the settings of the Box and Neston Conservation Areas, as well as the listed Neston Park (Grade II\*), Hazelbury Manor (Grade I) and gardens (Grade II), together with their various related buildings and structures (all Grade II). As previously discussed, the visual impacts of the development will be severe but contained to the more immediate environs of the site. The applicant's application of a zone of theoretical visibility (ZTV) based on unobstructed views to and from the site confirms that changes to the landscape will be barely perceptible in this context. As the applicant concludes that no designated heritage assets will be affected by the proposal, there is no policy requirement to give an account of their significance.

In line with the consultation advice of English Heritage, regard has been given to the Conservation Officer's previous comments, based on an extensive knowledge of the area and the designated and undesignated heritage assets therein. As the submission concludes that the development will have little impact on designated heritage assets, no meaningful assessment of their significance is provided, and this is consistent with paragraph 128 of the NPPF. The impact of the development on the designated heritage assets of Neston Park, Hazelbury Manor and gardens and the Neston Conservation Area is likely to be relatively contained by the limited significance of the site in their immediate approach. The extent of harm to any of these is likely to be the distant detection of the solar apparatus, most likely by its capacity for glint, from Neston Park and this is likely to be most pronounced in winter when the sun is lowest and the deciduous screening at the boundary of the estate most sparse.

The short distance between the site and the Bradford Road contains a number of Grade II-listed properties and one Grade I-listed medieval church, all of which make an important contribution to the character and appeal of the immediate area. Likewise, the non-designated but nonetheless historic field boundaries and stone walls reinforce this overriding character, as described in the Wiltshire Landscape Character Assessment. For these reasons, these elements are considered inseparable from the overall character of the Wadswick Lane and surrounding public network, which is a fundamental reason for its recreational enjoyment by both local people and those from further afield. As such, it is considered that the impact on historic fabric is similar to that of the scheme on the site and enjoyment of Wadswick Lane, and should therefore be balanced against the other material considerations. This in turn calls into question whether the wider public benefits of the proposal are sufficient to outweigh the degree of harm to heritage assets, consistent with Paragraphs 134 and 135 of the NPPF.

The issue of aviation safety has been raised in relation to the airstrip situated immediately adjacent to the northern site boundary. The standing advice of the Civil Aviation Authority is

that ground-mounted solar PV installations are likely to have little to no impact on incoming or outgoing aircraft, owing to the temporal and typically brief capacity for reflective glare from the panel arrays. In any case, both elements remain in the immediacy within the control of the applicant, and thus it can be assumed that this would remain a self-regulating exercise.

## **10. Conclusion**

The merits of the scheme are finely balanced, with relatively few specific matters in actual dispute. The UK has a legal responsibility to deliver renewable energy but also a wide range of means for doing so, such that it is essential to consider individual proposals with regard to their wider context. It is considered that the reduction in size and revisions to the layout of the scheme reduce the level of visual harm caused by the development to the extent that this could not reasonably be considered to be 'substantial' or 'detrimental'. However, that is not to say that the scheme is without some degree of harm to the composite factors that make up the site's unique setting or to the recreational enjoyment of it, and this needs to be weighed against the benefits of the scheme and generally policy support for such technologies. In this instance, it is considered that the notably high quality of the site's setting and particular sensitivity of visual receptors warrant the most careful protection of the site and this is reinforced by local opinion, which should be given due weight in the decision-making process. Although efforts to provide a new permissive right of way, educational facility, ecological measures and conservation of the established boundary walls are all acknowledged to be of inherent value to the area, the extent to which these are directly related to the impacts of the development is questionable and therefore their collective inclusion can only be afforded limited weight.

For the above reasons, it is considered that overall the proposal remains unacceptable in planning terms, although on slightly different grounds to the previous decision.

## **RECOMMENDATION**

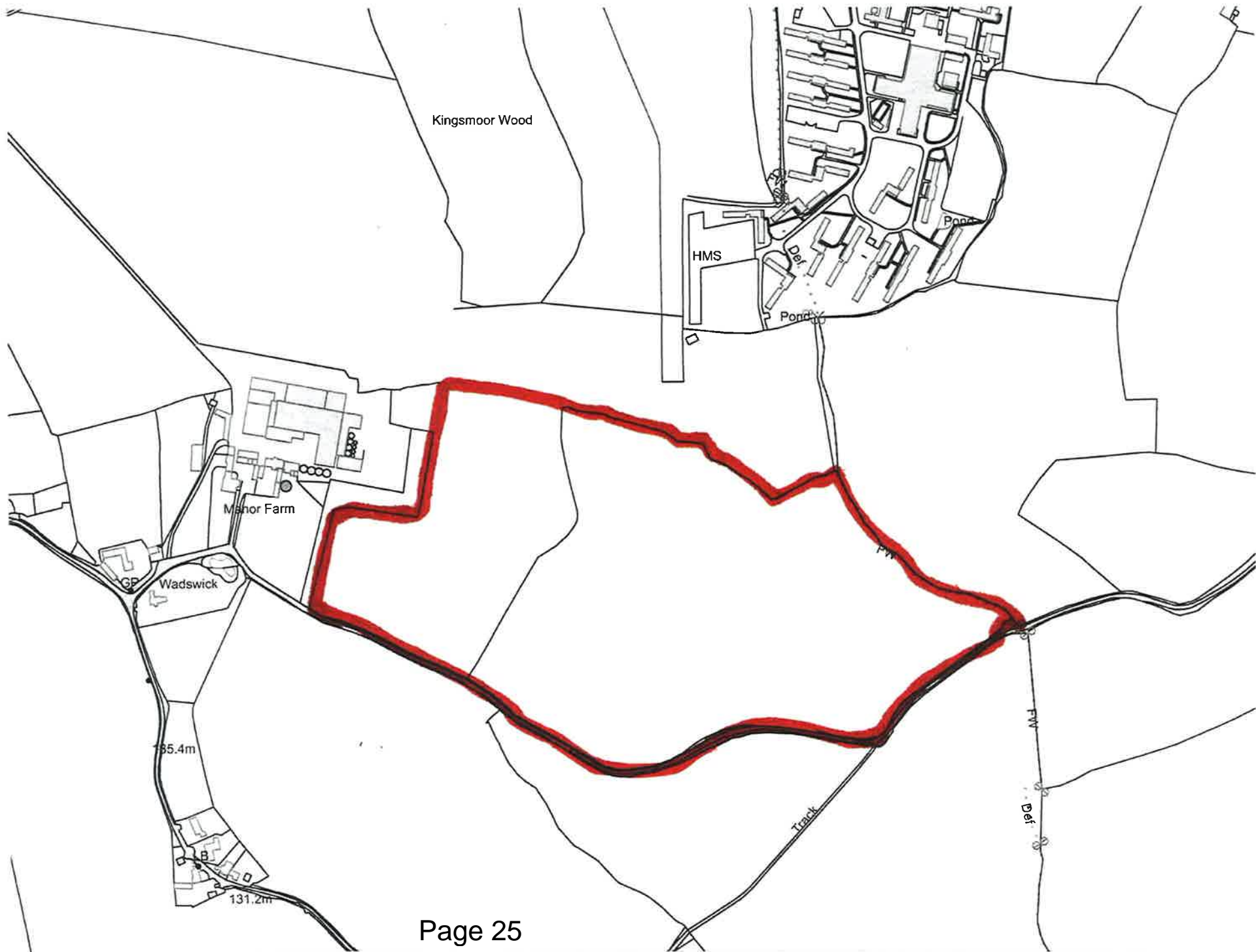
That planning permission is REFUSED, for the following reason:

- 1 The proposed development, by reason of its siting, appearance and local perception, fails to conserve or enhance the character or appearance of the site and its setting, and by extension compromises the enjoyment of the Cotswolds AONB and local built heritage, such that the harm associated with the proposal is not outweighed by its benefits or any support in principle.

The proposal therefore conflicts with Policies C3, NE4, NE15, NE16 and BD7 of the adopted North Wiltshire Local Plan 2011 and the objectives of Paragraphs 98, 109, 115, 134 and 135 of the National Planning Policy Framework and Paragraphs 5 and 27 of the Planning practice guidance for renewable and low carbon energy.

**Appendices: None**

**Background Documents Used in the Preparation of this Report: None**



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## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	17 September 2014
<b>Application Number</b>	14/04012/FUL
<b>Site Address</b>	Royal Arthur Park Westwells Corsham Wiltshire SN13 9SF
<b>Proposal</b>	New Access Road Leading To Royal Arthur Park.
<b>Applicant</b>	Mr Neil Rimmer
<b>Town/Parish Council</b>	BOX
<b>Division</b>	BOX AND COLERNE
<b>Grid Ref</b>	385600 168967
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Simon Smith

### Reason for the application being considered by Committee

Under the Council's Scheme of Delegation Specific to Planning, Councillor Tonge has requested this application be considered by the Northern Area Planning Committee to allow for the consideration of the impact of the development on the rural setting and issues surrounding enforcement of car use only.

### 1. Purpose of report

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

### 2. Report summary

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

- Background
- Traffic generation and highway safety
- Impact on landscape

- Ecology

The application has generated 1 letter of objection from a local resident. The Corsham Town Council support the proposal. Box Parish Council object to the proposal.

### 3. Site Description

Located at the southern end of Westwells Road, the 10.0Ha Royal Arthur site is an ex. Royal Navy training centre now in private ownership. The site has remains disused since 1995, but building works have recently commenced to build out the 221 1, 2 and 3 bed apartments and associated nursing home and facilities of the continuing care retirement community permitted under 10/04093/FUL. The Royal Arthur site is currently accessed from Westwells Road via a private lane, understood not to be under the control of the applicant.

The application site comprises a corridor of land crossing fields and recently planted woodland, in part, following the route of an existing access track leading to a residential property and an established Public Right of Way. The corridor of land plots a route between the B3019 Bradford Road and the Western flank of the Royal Arthur site.

The application site lies within Countryside outside the development framework boundary. The Cotswolds AONB is located a short distance to the west of the site (land on the opposite western side of the B3109/Bradford Rd).

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
05/02094/OUT	Retirement care village – 72 bed care home and 304 assisted living apartments	Refused 19/12/05 Appeal dismissed 09/11/06
08/00133/FUL	Continuing care retirement community – 75 bed care home and 221 extra care apartments	Permission 11/11/08
10/04093/FUL	Application to extend time limit for implementation of permission 08/00133/FUL	Permission 22/06/11
12/00850/FUL	Revisions to 10/04093/FUL	Withdrawn



## **5. Proposal**

The development of the Royal Arthur site was granted planning permission and is currently being built out under planning permission 10/04093/FUL. That planning permission, in common with all the preceding permissions, envisaged the sole access to the site to be via an existing private road leading from Westwells Road (to the North of the site).

This application seeks permission for a new entrance and access for the Royal Arthur continuing care development. The existing access from Westwells Road would be retained for staff and deliveries, with the new access being for the sole use of residents and visitors.

The proposed access track is to make use of the existing Wadswick Green Country Store access onto the B3109 Bradford Road. The new access would then fork left, making use of the existing track (also a Public Right of Way) up to Roundwood Cottage. At this point the proposed access track would bear right across grassland (often planted with Miscanthus) and breaking through semi-mature woodland so as to reach the Western edge of the Royal Arthur site.

Several passing places are proposed, with the width of the newly created parts of the track being 3.5m. No verge of pedestrian footway is proposed. Surfacing is specified as permeable bound Breedon Gravel.

To signal the presence of the new development Royal Arthur, a “feature” constructed of stone is proposed at the point the track meets the Wadswick Country Store track together a new stone wall to Roundwood Cottage to assist with privacy. New metal estate style fencing is proposed along the edge of the newly laid portion of the track that passes through agricultural land.

## **6. Planning Policy**

North Wiltshire Local Plan 2011 Policies:

- C3 (general development control policy)
- NE4 (Areas of Outstanding Natural Beauty)
- NE9 (protection of species)
- NE14 (trees, site features and the control of new development)
- NE15 (landscape character of countryside)

The National Planning Policy Framework (NPPF)

## 7. Consultations

Corsham Town Council – Following the submission of revised and additional information, resolved to support the application.

Box Parish Council – *“Objections. The present access from Westwells Road was considered when the planning permission was given and it is felt that this is perfectly adequate. We cannot see any reason for another access to be created from a country road”*

Council Highway Officer – No objections subject to imposition of conditions. Full comments provide basis for traffic generation and highway safety section below.

Rights of Way Officer – The access tracks run along a number of footpaths. All surface works must be approved by the Rights of Way Warden.

Council Ecologist – No objections subject to imposition of conditions.

Council Landscape & Design Officer – Extract: *“This latest proposal represents further erosion of existing countryside character, which is identified as an issue within the relevant landscape character assessments. I do not see how this proposal could be viewed as sustainable development.”* Full comments form the basis for impact on landscape section below.

## 8. Publicity

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

1 letter of objection has been received from local resident. Relevant main issues raised:

- The access road from Hawthorn Hill/Westwells Road was considered when the application for the redevelopment of the site was first debated and this is an adequate provision for access to the new retirement village.
- To build a new road would be to urbanize the countryside in that area.
- The new road would destroy ancient woodland.
- The proposed road would result in a loss of amenity to Roundwood Cottage.

## 9. Planning Considerations

### Background

The Royal Arthur site has for many years benefitted from planning permission for the creation of a care community type development. The last permission granted was comprehensive in nature and will result in the complete redevelopment of the site, demolishing all existing buildings and erecting new. The permitted development is substantial, comprising a large 75 bed nursing home and 221 apartments. In association, centralised ancillary facilities including spa, doctors surgery, shops, care etc. were also permitted. Work has now started on the 10/04093/FUL permission.

Access to the Royal Arthur development was intended to be exclusively via the private road leading from the bottom (South East) end of Westwells Road and the various planning permissions for redevelopment of the site were granted on that basis. This private road was the original access to HMS Royal Arthur, when an operational naval base, but also now serves a separate business unit to the North of the road. It is understood that the access road is not under the control of the owners of the Royal Arthur site.

The application provides a new access route onto Wadswick Green via the B3109 Bradford Road along a private track partially shared with Wadswick Country Store. It is proposed that residents and visitors of the retirement community will use the new access road. Staff and deliveries will continue to use the existing access on Westwells Road as originally intended.

It is understood that the primary reason for the creation of the second point of access is one of perception, with the applicant believing that the existing access via Westwells Road (being rather more defined in character by the surrounding business development) would not deliver the desired impression to residents and visitors to the Royal Arthur site as an exclusive residence.

#### Traffic generation and highway safety

The planning application has been informed by a traffic impact statement so as to frame the likely changes to traffic patterns as a result of the new access being created. Naturally enough, the submitted statement concludes that since traffic accessing the site would be split between the Bradford and Westwells Road accesses, there is likely to be reduction in traffic impacts upon Westwells Road. Equally, there would be a consequent increase in the numbers of vehicles using Bradford Road, but that increase is anticipated to be relatively minor in the context of an already heavily used road.

In reaching his conclusions, the Council's Highway Officer has factored that the proposed access road will be used only by residents' and visitors' cars, with service vehicles using the existing access. Based on this limited use, he has raised no highway objection to the application.

The road will be surfaced with Breedon gravel which the Highway Officer considers suitable for the intended light use, but does note that in the event of planning permission granted, it would be appropriate to impose a condition requiring the submission of full construction details for the road. He also notes that a condition should restrict the use of the road to cars and similar light vehicles only and a scheme to be submitted and agreed for the installation of signs at each end to enforce the restricted use.

Following a Public Right of Way up until Roundway Cottage, the detailed construction works to create the lay-by passing places will need to be agreed via appropriately worded planning condition so as to satisfy any concerns from the Council's Rights of Way Warden.

Comments from the Corsham Town and Box Parish Council's in respect of the submitted traffic impact statement are awaited and will be reported to the Committee separately.

## Impact on landscape

### *Character*

Dropping down from the high point at Chapel Knapp, when approaching Corsham from the South along the B3109, it is the case that the landscape opens itself to longer distant views, with only feathered views of the new commercial development at Westwells being visible between mature landscaping.

The routing of the access track would be outside of any landscape designation and the West Wiltshire Green Belt, but the Cotswolds AONB is located a short distance to the west of the site (land on the opposite western side of the B3109/Bradford Road) and it is fair to say that distance views in this locality has both an effect upon and is affected by the AONB designation (often referred to as an “inter-visibility”).

The following Landscape Character Assessments are relevant to the area:

- North Wiltshire Landscape Character Assessment – Character Area 10 – Corsham Rolling Lowland
- Wiltshire Landscape Character Assessment – Character Area 16A – Malmesbury - Corsham Limestone Lowland

The Council's Landscape & Design Officer rightly points out that both of these character assessments allude to maintaining and conserving rural character away from the urban edge and softening and screening existing urban edges, maintaining diversity of agricultural practices and discouraging further development in rural areas. Not unreasonably, in his comments the Council's Landscape Officer goes on to regard the intact rural character, sparse settlement pattern and prominent and slightly exposed elevation to render the south of this character area sensitive to development. He suggests that only limited small-scale, sensitively designed development, appropriately associated with existing built form, could be successfully accommodated without adverse landscape impacts. Where the openness is mitigated to some extent by localised woodland clumps providing some sense of enclosure, essential development in keeping with the rural character of the area may be acceptable, provided landscape and visual impacts can be minimised.

### *Impact*

Of course, the existence of a track leading to Roundway Cottage from the existing Wadswick County Store junction with the B3109 Bradford Road does mean that, with the exception of 6 new passing lay-bys to be created on it, the proposed works would be limited. In this regard, it must be concluded that the physical impact of the track on the landscape up to this point will be minimal, since in large part it already exists.

The construction of the new section of track beyond Round Way Cottage does, however, present a greater physical impact on the landscape. The new track would be routed through the agricultural field (very often laid to Miscanthus / Elephant Grass), along the edge of Kingsmoor Wood (County Wildlife Site & Ancient Woodland, itself well defined by a dry stone wall) as well as it's continued routing through the semi-maturing woodland (known as Hunts

Wood). It is understood that a felling licence has already been gained and a break in Hunts has been created, it being wide enough to accommodate the planned new access track.

However, since the loss of existing woodland has already legitimately occurred, the impact of the new section of track would be limited to the laying down of a hard surface and estate type fencing on agricultural land. The reality is that the impact would be rather localised in effect. Distance views, especially from the B3109 would be largely screened by the intervening Kingsmoor Wood. Closer views from the Public Rights of Way to the North and Wadswick Country Stores site to the South will be possible, but in the context of a relatively simple construction and appearance and the lack of “inter-visibility” with the AoNB, precisely because of the intervening Kingsmoor Wood, the impact is not thought to be so unacceptable.

No lighting is proposed, but it is considered reasonable and necessary to impose a planning condition on any permission that clarifies the need to make a separate planning application if there is any wish to install any form of lighting.

#### *Urbanisation of the countryside*

In common with comments made by a local resident, the thrust of the objection to the proposed raised by the Council’s Landscape Officer are more fundamental than a mere consideration of the appearance of the road itself in the landscape. Rather, the concerns centre upon the principle of development and attendant effects of the increased “comings and goings” associated with a new road. He comments:

*“The principle of sustainable development and effective use of land; the proposal represents non essential development; loss of agricultural land; loss of existing trees and woodland; type and scale of development in countryside resulting in unnecessary harmful effects to the local rural character of the countryside from new urbanising road infrastructure, visual traffic movements, additional noise and light intrusion; proximity and inter-visibility with the Cotswolds AONB and associated impacts on recreational amenity for local people accessing countryside using the existing PRow network.”*

And later:

*“It is clear from the Council’s landscape character assessments that only essential development, which is sensitively located should be supported in this rural character area, and only when harmful landscape and visual effects can be adequately mitigated. It is important to avoid the piecemeal loss and erosion of rural landscape character through the introduction of non essential urban development. I do not see how the benefit of the proposed development could be balanced to outweigh the resulting harm it is likely to generate in this respect.”*

In this way, the Landscape Officer identifies the inherent weakness of the justification for development to take place (that the new access would merely provide a prestigious entrance and is not needed, in absolute terms, to gain access to the site) in the context of an

immediate location where, over recent years, piecemeal and incremental development has occurred, especially at the Manor Farm land holding at Wadswick.

The expressed concerns are understood, but are not thought to be of sufficient justification to refuse planning permission. Firstly, whilst the development does indeed result in new hard surfacing being laid across greenfield land, the amount of development is, in reality, limited in scope, would be unlit and the amount of traffic expected to be relatively light. The impact and would not fundamentally alter the rural character of the landscape. The development is not thought to represent an unacceptable urbanisation of a rural location, as identified in the landscape character assessments.

Secondly, whilst the site is already served by an existing access, in the absence of a demonstrable impact resulting from development taking place, the applicant's desire to provide a more prestigious entrance/approach to the site should not automatically be blocked simply because it is not necessary. Indeed, whilst confirming the need to protect and enhance valued landscapes (para.109), the NPPF also makes it clear that, "Planning should operate to encourage and not act as an impediment to sustainable growth." (para.19).

### Ecology

The site is in close proximity to a SSSI and Box Mines SAC. Amongst other things, the wider locality is known to perform an important role in migration, feeding routes and as a habitat in itself for bats.

Majority of the routing of the access track follows an existing hard surfacing, thereby minimising the impact of the development upon the ecological value of the land. The new sections of track to be created would avoid the mature Kingsmoor Wood (a designated County Wildlife Site and Ancient Woodland) crossing only cultivated agricultural land. The necessary break in the semi-mature Hunts Wood has already been created, thereby also minimising impact from the development.

## **10. Conclusion**

Although already benefitting from an existing and perfectly useable vehicular access, there is not thought to be an unacceptable impact upon the landscape from the new second access being created. The physical works themselves are relatively limited and the level of use of the track expected to be light. Accordingly, the development is not thought to result or greatly contribute towards any creeping urbanisation of this rural landscape.

The development would accord with the requirements of Policies C3, NE4, NE9, NE14, NE15 of the adopted North Wiltshire Local Plan 2011 and policies within the National Planning Policy Framework.

**RECOMMENDATION: Subject to the receipt of comments from the Corsham Town Council and Box Parish Council in respect of the submitted traffic impact statement, then:**

**Planning permission be GRANTED subject to the following conditions:**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out strictly in accordance with the following approved plans and documents subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority. Plans:

- Location plan
- Site Plan
- Illustrative View 1
- Illustrative View 2
- Illustrative View 3
- Proposed Road revised plan 14.1558 L(0)04 (received 20/06/14)
- Traffic Impact of New Road (prepared by Hydrok reference C14653) (dated 08/08/14)
- Design and Access Statement

All date stamped 14/04/14, unless otherwise stated.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

3. No development shall take place on site until details of the proposed construction specification for the access road shall be submitted to, and approved in writing, by the local planning authority. The access road shall be constructed in complete accordance with those details approved.

Reason: In the interests of highway safety and accessibility as well as ensuring the

development is of a form that is appropriate to the rural landscape.

4. No development shall take place on site until details of signs to be erected at each end of the proposed access track restricting its use to cars and light vehicles only shall be submitted to, and approved in writing, by the local planning authority. The signs shall be erected prior to the first use of the proposed access and maintained at all times thereafter.

Reason: In the interests of highway safety

5. No development shall take place on site until full and complete details of the passing places to be created shall have been submitted to and agreed in writing by the Local Planning Authority. Details shall include the number, positioning as well as their dimensions and construction. Development shall be carried out in complete accordance with the details so agreed.

Reason: In the interests of highway safety

6. No development shall take place until full and complete details of the intended treatment of the access track in relation to the Public Right of Way that also crossed the site has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the details so agreed.

Reason: So as to ensure the access track does not impede or in any way unacceptable interfere with the Public Right of Way.

7. Prior to their first installation, full and complete details of the gate and kissing gate to Roundwood cottage as well as metal estate style fencing to be installed (as suggested on the submitted plan reference 14.1558 L(0)04). The approved scheme shall be carried out in complete accordance with the detail so agreed.

Reason: In the interests of amenity and to ensure a form of development that is appropriate to the landscape.

8. Prior to its construction, full and complete details of the natural stone walls to be erected at Roundwood Cottage and at the entrance (including proposed bin store) shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in complete accordance with those details so agreed.



Reason: In the interests of amenity and to ensure a form of development that is appropriate to the landscape.

9. No form of lighting shall be installed on the site or in associated with the new access track or entrance unless otherwise agreed in writing in the form of a separate planning permission in that regard.

Reason: In the interests of amenity as well as impact on the landscape and nature conservation.

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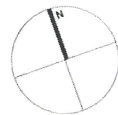
Project: Royal Arthur Park CCRC

Drawing: Location Plan

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Date: 16.03.2013

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## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	17 September 2014
<b>Application Number</b>	14/06724/FUL & 14/06854/LBC
<b>Site Address</b>	The Stable Barn Westfield Farm Nettleton Chippenham SN14 7PA
<b>Proposal</b>	Erection of Building to Provide Domestic Garaging and Store, Re-routing of Access Drive and Alterations to Existing Residential Ancillary Accommodation (Resubmission of 14/02952/LBC)
<b>Applicant</b>	Mr & Mrs A Dow
<b>Town/Parish Council</b>	NETTLETON
<b>Division</b>	BY BROOK
<b>Grid Ref</b>	380238 178819
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Charmian Burkey

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

The application has been called in by Cllr Scott as the development will have no harmful effect on the character and the setting of the listed building and believes that this application will have a positive effect on controlling the noise from the M4 motorway.

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

To consider the above applications and to recommend that planning permission and Listed Building Consent be REFUSED.

### **2. Report Summary**

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

- The impact of the development on the character and appearance of the area of outstanding natural beauty
- Impact on the setting of the listed building and historic farmstead
- Impact of the development on the wider countryside.
- Residential amenities of future occupants of the property.

The application has generated a letter of support from the Parish Council and 6 letters of support from local residents.

### **3. Site Description**

Westfield Farm was a traditional farmstead, located in open countryside to the west of

Nettleton and an Area of Outstanding Natural Beauty. The site originally comprised of a Grade II listed farmhouse, a large former corn barn, a two storey cattle building, an open fronted implement shed/animal shelter and 2 other traditional out buildings.

These structures are set in a semi formal arrangement around all four sides of a farmyard except for barn 3 which is somewhat separate to the south east. The farmyard is partially sub-divided with traditional dry stone walls. These building have now been converted or are in the process of being converted into three dwellings and ancillary out buildings.

The importance of this group of building lies in its representation of a complete Wiltshire farmstead with a farmhouse, large barn and a range of other farm buildings designed for specific uses around a large fully enclosed farmyard split up with historic stone walls. Individually, the farmhouse is statutorily listed (grade II).

Barn 2, know known as 'The Stable Barn', was identified as a property of architectural and historic interest, of similar date and is a curtilage listed building. Its significance lies in its original layout and substantially original historic fabric. It is considered to be a heritage asset.

The site is located in a prominent location and is visible from public highways and footpaths.

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

10/00258/FUL- granted planning permission for alterations associated with conversion of 3 redundant farm buildings to residential use & 2 No. redundant farm buildings to residential ancillary accommodation (garage & store).

13/02848/PREAPP- Pre-application request for a detached garage (officer objection).

14/02621/FUL- Erection of Building to Provide Domestic Garaging & Store; Erection of Porch; Re-routing of Access Drive & Alterations to Existing Residential Ancillary Accommodation- This application was accompanied by a listed building application, both were refused.

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

The application is largely same as the previously refused scheme but now does not include the porch. Planning permission and listed building consent is sought for a building to provide domestic garaging & store, re-routing of access drive & alterations to existing residential ancillary accommodation.

#### **6. Planning Policy**

##### **NPPF:**

- Section 7- Requiring good design
- Section 11- Conserving and enhancing the natural environment
- Section 12- Conserving and enhancing the historic environment

##### **North Wilts Local Plan:**

- C1: Sustainability
- C3: Development Control Policy
- NE4: Areas of Outstanding Natural Beauty
- NE15: The Landscape Character of the Countryside
- HE4: Development, Demolition or Alterations involving Listed Buildings
- NE15: The Landscape Character of the Countryside
- T3: Parking
- H4: Residential Development in the Open Countryside

H8: Residential Extensions

**Wiltshire Pre Submission Core Strategy:**

Core Policy 51: Landscape

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring the conservation of the historic environment

Core Policy 62: Development impacts on the transport network

**7. Consultations**

Nettleton Parish Council- Support for the following reasons:

1. The form and design of the alterations to the existing building maintains the character of the building and of the nearby listed buildings.
2. The proposal to erect a garage to the North of the residential buildings will provide a justified improvement to the current residential use without harm to the listed buildings or to the countryside beyond. We note that there are large modern agricultural buildings to the North / North-East of the proposed garage.
3. The garage will provide some much needed shielding to the use of the garden from the noise of the M4 motorway which is located to the North East.

Conservation- Object, namely that this is a contrived building of inaccurate detail that has been located outside the historic farmstead complex. Furthermore, the submitted proposals seem to include conversion of the existing open fronted byre used for parking and storage, to residential use.

There is no justification provided for the conversion of the existing byre to residential use, other than that it does not give enough room for a large four wheel drive vehicle. Conversion of this building will mean that the barn no longer has any storage area but that does not justify building a large new mock byre on a field outside the farm complex.

Erection of any new building in the field beyond the historic farmstead will harm the setting of the listed building and the character of the AONB. The proposals would be contrary to the NPPF (2012) section 12, paragraphs 131 and 134 as they would not sustain or enhance the significance of the heritage assts, they are already in a viable use and the proposals would have no public benefit.

Highways- No objection

ROW Officer- No objection

**8. Publicity**

The application was advertised by site notice and neighbour consultation.

The application generated a total of 6 letters of support.

Summary of points raised;

- Design will improve the aesthetics of the area
- Sympathetic to site and AONB
- Natural evolution of the barns and outhouse
- Rerouted drive will improve residential amenities
- Existing cart sheds are not big enough for vehicles
- No adverse impact on listed farm house
- Improve the outlook from our property
- Will remove traffic from the face of the building

## 9. Planning Considerations

### Principle of development

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on decision makers in considering whether to grant permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) of the same Act imposes a similar duty in respect of applications for listed building consent.

Chapter 12 of the National Planning Policy Framework (NPPF) requires that, when considering the impact of a proposed development on the significance of listed buildings, great weight should be given to their conservation, and that any harm or loss should require clear and convincing justification.

### Previously refused application

The planning application under consideration is a resubmission of a previously refused application. The planning application proposed a similar form of development and was refused for the following reasons:

*The proposed garage & store, by reason of its overall height, bulk and scale, would result in a prominent and overbearing development in visual terms, which would have an adverse impact on the character and setting of the nearby curtilage listed building, open countryside and Area of Outstanding Natural Beauty. This is contrary to Policies C3, NE4, HE4, H8 & NE15 of the North Wilts Local Plan and the NPPF.*

*The proposed porch and new access to the garage, by virtue of scale, design, form and positioning would result in inappropriate and harmful alterations that do not preserve or enhance a curtilage Listed Building and are contrary to Policy C3, H8, NE4, NE15 & HE4 of the North Wiltshire Local Plan 2011 and the NPPF.*

### Impact on the character and setting of the Heritage Assets

Great care was taken in the conversion of these buildings to residential dwellings and ancillary storage ensuring that the final design respected both the historic layout and character of the Area of Outstanding Natural Beauty (AONB). As part of the scheme three modern C20th farm buildings were removed completely and thereby improving the openness, character and appearance of the area and thereby sympathetically preserving the historic lay out of this farmstead.

Domestic conversions usually lead to the enclosure of open countryside to create gardens, which in turn tend to be unsympathetic to the setting of rural buildings due to the domestic and ornamental paraphernalia which accrues. To avoid this, officers used the existing division walls within the farmyard to enclose and screen the domestic paraphernalia such as car parking and domestic storage areas. Furthermore, revisions to the original plans were requested resulting in a reduction of enclosed garden area to the perimeters of the site. Withdrawal of permitted development rights to control domestic paraphernalia was also applied to the original planning permission.

It is appreciated that the proposed building would be constructed from high quality materials. However, due to it being located in isolation on rising ground away from the existing built development within the farmstead and due to the proportions/massing of the garage it would be particularly prominent when seen from the public footpath and other vantage points. It is considered that that the proposal would materially increase the actual and perceived intensity of development on the site and partially fill the 'open gap' between the dwelling and the open countryside. This is further compounded by the new access and significant area of hardstanding.



It is also considered that the design and visual appearance of the building and hard standing would compete and dominate the original, historic buildings rather than complement the existing design and character of this development. This is considered to have an adverse impact on this heritage asset.

Furthermore, it would result in large areas of hard standing and reduction in outdoor amenity space resulting in poor amenity for future occupants and development that harms the open character of the area.

Policy C3 of the North Wiltshire Local Plan 2011 indicate, amongst other things, that applications for extensions and development should be in keeping with the host building and character of the area in terms of scale, form, materials, design and detailing. In addition policy NE15 and Core Policy 51 of the Draft Core Strategy indicates that proposals should protect, conserve and where possible enhance landscape character and must not have an unacceptable impact upon landscape character within the immediate area and over long distance views. For the reasons set out above the proposed development is considered to be unacceptable.

Whilst the Council is sympathetic with the appellants' desire to provide additional family accommodation and parking in a more practical layout, It is considered that this objective does not outweigh the material harm that would be caused, particularly as personal circumstances and the ownership of property change over time.

Paragraph 132 of the Framework says when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation, and adds that significance can be harmed or lost through alteration.

Furthermore, Core Policy 58 of the Draft Core Strategy states that development should protect, conserve and where possible enhance the historic environment, and should not have an unacceptable impact on the historic environment, particularly where this could be avoided or mitigated. It goes on to say that development will be required to conserve and seek opportunities to enhance structures and areas of heritage significance.

The Farmhouse is Grade II listed and the out buildings curtilage listed. As set out above this is considered to be a heritage asset. A large part of the building's special architectural and historic interest derives from its origins as a modest farm outbuilding redolent of the local vernacular style, the use of traditional local materials, and its group setting within the former farmstead.

The building's significance has been eroded slightly by the insertion of some new window openings during the conversion process. However it is still considered that its essential qualities have been retained.

In this context, and although fairly plain in appearance, it is considered that the new garage and large area of hard standing would appear as a somewhat alien and contrived addition that would markedly alter the simple, robust plan form of this curtilage listed building, and detract from its distinctive vernacular qualities and character.

Notwithstanding the fact that there are only limited views in to this part of the site, it is considered that the hard surfacing would appear as a dominant feature and be at odds with the rural and agricultural form of this building, where this area of land would historically been in agricultural use. The hard standing would dilute and confuse the building's historic origins, and this would further detract from its special architectural and historic interest of this heritage asset.

The NPPF makes it clear that significance can be harmed or lost through alteration of the heritage asset or development within its setting. For the reasons given above, it is considered that the proposal would result in harm being caused to the significance of this cartilage listed building and to the setting of the group of buildings as a whole.

There is no justification provided for the conversion of the existing byre to residential use, other than that it does not give enough room for a large four wheel drive vehicle. Conversion of this building will mean that the barn no longer have any storage area but that does not justify building a large new mock byre on a field outside the farm complex.

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

Neighbours and members of the development control committee raised concerns relating to loss of sunlight, daylight, privacy and its overbearing nature. As a result of concerns raised at committee the property no longer fronts Barons Mead and now fronts Hungerdown Lane. It is considered that the proposed layout will not result in any loss of sunlight, daylight, privacy or perceived overlooking for local residents. It is considered that the privacy implications arising from the proposed development are 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 garage, access and cart store conversion it is considered that the development will not result in any significant adverse impact to the residential amenities of neighbouring residential properties.

#### Conversion of existing building

The conversion of outbuildings to ancillary residential accommodation is supported in principle by the North Wilts Local and Draft Core Strategy. However, in this case the conversion of the existing store and car port results in the need for alternative accommodation elsewhere within the site and the request for large detached buildings within the garden, precisely what officers wanted to avoid when granting the original permission. That being said, it is considered that the level of glazing and fenestration detailing is not appropriate in the context of the wider barn conversion and, in its current form, does not relate well to the character and appearance of the adjoining listed building and cartilage listed buildings. This could be overcome with more appropriate and sympathetic detailing to the building

#### Other Benefits

Where a proposed development will lead to substantial harm to a designated heritage asset, the NPPF requires local planning authorities to refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Furthermore, the NPPF requires the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. The NPPF requires local authorities, in weighing applications that affect directly or indirectly non designated heritage assets, to have a balanced judgement with having regard to the scale of any harm or loss and the significance of the heritage asset. It is considered that the use of the garage as a noise barrier is not considered to be a substantial benefit that would outweigh the harm.

#### **RECOMMENDATION:**

Planning permission should be REFUSED for the following reasons:

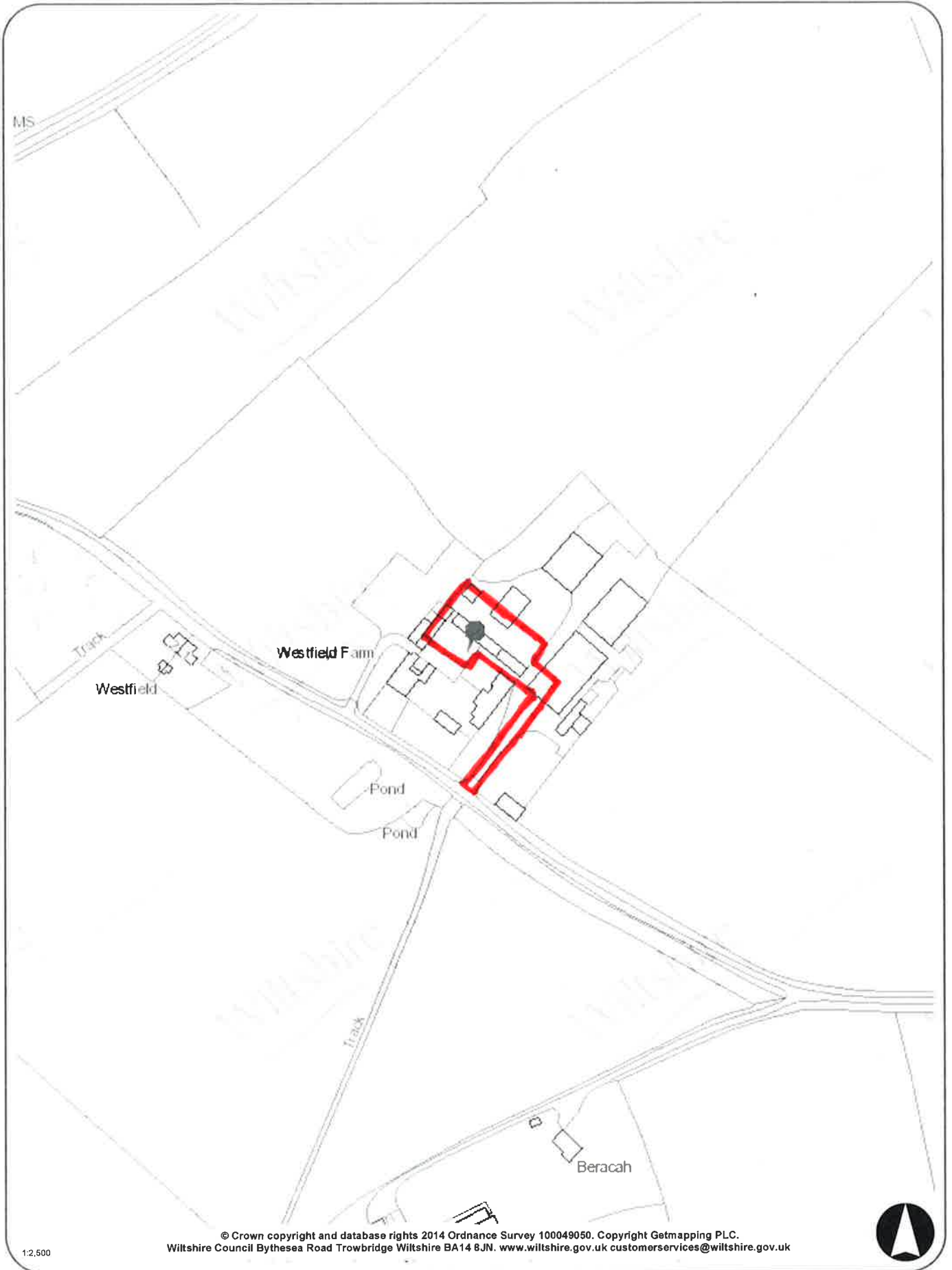
**The proposed garage & store, by reason of its overall height, bulk and scale, would result in a prominent and overbearing development in visual terms, which would have an adverse impact on the character and setting of the nearby curtilage listed building and heritage asset that it forms part of, open countryside and Area of Outstanding Natural Beauty. This is contrary to Policies C3, NE4, HE4, H8 & NE15 of the North Wilts Local Plan, CP57 & CP58 of the Emerging WCS Submission Draft and the NPPF.**

**The new access to the garage, by virtue of scale, design, form and positioning would result in inappropriate and harmful alterations that do not preserve or enhance a curtilage Listed Building and heritage asset and is contrary to Policy C3, H8 & HE4 of the North Wiltshire Local Plan 2011, CP57 & CP58 of the Emerging WCS Submission Draft and the NPPF**

Listed Building Consent should be REFUSED for the following reason:

**It is considered that the siting and design of the proposed garage and its access and associated hard standing would have an adverse visual impact on the setting and character of curtilage listed building and heritage asset, and therefore the application conflicts with North Wiltshire Local Plan Policy HE4, CP57 & CP58 of the Emerging WCS Submission Draft, Paragraphs 131 and 132 of the National Planning Policy Framework, and S.16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.**

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## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	17 September 2014
<b>Application Number</b>	14/07264/FUL
<b>Site Address</b>	1 Chubb Close Malmesbury Wiltshire SN16 9JW
<b>Proposal</b>	Extension to Garage (Resubmission of 14/03538/FUL)
<b>Applicant</b>	Mr Nick Sills
<b>Town/Parish Council</b>	MALMESBURY
<b>Division</b>	MALMESBURY
<b>Grid Ref</b>	393042 188261
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Sue Mehaffy

### Reason for the application being considered by Committee

Councillor Killane has submitted a request for the planning application to be considered by the committee to assess the effect on the visual impact upon the surrounding area, the design, bulk, height and general appearance of the development, the scale of the development and the relationship to adjoining properties.

#### 1. Purpose of Report

To consider the above application and to recommend that planning permission is REFUSED.

#### 2. Report Summary

There are no objections to the scheme and Malmesbury Town Council and the Residents Association both support the application, however, both state that residential use should be prevented.

The main issues in the consideration of this application are the acceptability of:

- Principles of development Policies C3 and H8 of the North Wiltshire Local Plan 2011 and Section 7 of the National Planning Policy Framework
- Impact on the scale and character of the existing dwelling and the surrounding area
- Impact on neighbour amenity

### 3. Site Description

The property is a detached dwelling, situated on a corner plot within Chubb Close, which is private a cul de sac of five dwellings, which is located off Tetbury Hill, in Malmesbury. The property is to the left of the entrance to the cul de sac and is in a prominent position, which is viewed initially, when entering the development. There is a grassed area to the side of the access road, with a 1.8 metre wooden fence on the rear boundary of the site. There also mature trees within the plot, some with Tree Preservation Orders. (TPO 166)

### 4. Planning History

N/01/00604/FUL	Erection of Fence adjacent to Highway - Approved
N/02/02421/FUL	Extension to Dwelling – Approved
N/05/00661/FUL	Single Storey Side Extension - Approved
N/11/00638/DDD	Fell 1 Walnut Tree – Approved – Further Details not Required
14/03254/DDD	Fell 2 Red Cedar Trees - Withdrawn
14/03538/FUL	Extension to Garage – Withdrawn - The extension to the garage was withdrawn by the agent on the 17 <sup>th</sup> June 2014 as he was informed that the proposal was going to be recommended for refusal, due to the size, scale, massing and it was also considered out of character with the area.

### 5. The Proposal

The proposal follows a previous application for an extension to the garage. This was subsequently withdrawn (Planning Ref: 14/03538/FUL). Permission is sought again for an extension to the garage, forming a studio and an office.

### 6. Consultations

**Malmesbury & St Paul Without Residents ' Association** state - *The Association continues to support this resubmitted application. We believe the massing of the proposed new extension on this large plot is totally acceptable, indeed we are aware that permissions have been granted in the recent past for dwellings in back gardens that are of higher density than this proposal; some consistency of assessment should be applied. The Committee are also content with the design of the extension and believe it is in character with other dwellings on this small development. We should like consideration being given to conditioning any approval with a requirement that the extension should not be used for residential purposes.*

**Malmesbury Town Council** – support the planning application with the condition that residential use is prevented.



## **7. Publicity**

The application was advertised by site notice and neighbour consultation.

## **8. Planning Considerations**

### Principle of Development

The proposal is for an extension to the garage and as such has been considered in relation to Policy C3 (Development Core Policy) and H8 (Residential Extensions) of the adopted North Wiltshire Local Plan 2011. These policies allow for household extensions provided that the proposal meets the criteria set out.

### Impact on the Host Building

The main issue is the effect that the proposed development would have on the character and appearance of the dwelling and the surrounding area.

Policies C3 and H8 indicate, amongst other things that proposals for extensions should be in keeping with the host building in terms of scale, form materials and details. Furthermore, development should respect the local character and distinctiveness of the area with regard to amongst other things design, size, scale, massing.

## **9. Assessment**

The proposed extension is to be sited to the side of the garage. The extension measures 11.5 metres in length and the office area is 5.3 metres in width and the studio element is 5 metres in width. The structure is 5.2 metres to the central apex and has a gross floor area of 48.81 square metres. The proposal has the same footprint and is the same scale as the previous application; however, the fenestration details have been changed.

The proposal incorporates a studio, an office and a WC. The building has a pitched roof, which is set down by 0.2 metres lower than the roof of the garage. To the south west (rear) of the building the roof incorporates four rooflights, a standard window and three high level windows. The south east elevation includes four full length windows and a round window above. The front elevation incorporates a personnel door, with an attached side window and a standard window within the studio element. All the materials to be used will match those of the existing dwelling.

Pre-application tree advice was sought regarding TPO on the site and it was provisionally agreed that two silver birches would need to be removed to allow for the development and these would be replaced, within the plot. However, the visual character impact of the loss of these mature trees would have a harmful bearing on the streetscene in general.

It is acknowledged that the property is not located within a designated area, however, the consideration of the impact of the proposal on the character and appearance of the host building and the area in general remains material. The local area has a distinct character and the proposed extension is wholly at odds with that character. It is considered that the

vast additional built form would detract from the character of the existing dwelling and the surrounding area particularly when entering the cul de sac, where it is sited in a prominent position.

It is recognised that the host dwelling has scope for an extension and it is considered this would be a less harmful, more appropriate design approach, than extending a detached outbuilding.

The cumulative impact of the proposed extension along with the existing structure, due to the bulk and massing would have a detrimental impact upon the character and appearance of the property and would appear prominent within the cul de sac.

## **RECOMMENDATION**

The application be REFUSED for the following reasons:

The proposed development would overwhelm the host dwelling appearing dominant over, rather than subservient to the host building. The scale, bulk and massing of the proposal would appear as an incongruous and harmful addition which would be exceptionally prominent in the locality and harmful to the residential character and appearance of the area. The proposal is considered to be contrary to Policies C3 and H8 of the North Wiltshire Local Plan and does not comply with paragraphs, 17, 55 and 56 of the National Planning Policy Framework and policy CP57 of the emerging Wiltshire Core Strategy (Submission Draft as proposed to be amended April 2014).

### **Appendices:**

#### **Background Documents Used in the Preparation of this Report:**



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