

# AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham  
**Date:** Wednesday 5 August 2015  
**Time:** 3.00 pm

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Please direct any enquiries on this agenda to Fiona Rae, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 712681 or email [fiona.rae@wiltshire.gov.uk](mailto:fiona.rae@wiltshire.gov.uk)

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

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## Membership:

Cllr Tony Trotman (Chairman)	Cllr Sheila Parker
Cllr Peter Hutton (Vice Chairman)	Cllr Toby Sturgis
Cllr Christine Crisp	Cllr Chuck Berry
Cllr Mollie Groom	Cllr Terry Chivers
Cllr Chris Hurst	Cllr Howard Greenman
Cllr Mark Packard	Cllr Howard Marshall

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## Substitutes:

Cllr Philip Whalley	Cllr Dennis Drewett
Cllr Desna Allen	Cllr Jacqui Lay
Cllr Glenis Ansell	Cllr Linda Packard
Cllr Mary Champion	Cllr Graham Wright
Cllr Ernie Clark	Cllr George Jeans
Cllr Bill Douglas	Cllr Melody Thompson

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# AGENDA

## 1 **Apologies**

To receive any apologies or substitutions for the meeting.

## 2 **Minutes of the Previous Meeting** (*Pages 5 - 8*)

To approve and sign as a correct record the minutes of the meeting held on 15 July 2015.

## 3 **Declarations of Interest**

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

## 4 **Chairman's Announcements**

To receive any announcements through the Chairman.

## 5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

### Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person **no later than 2:50pm on the day of the meeting.**

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

### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this **agenda no later than 5pm on Wednesday 29 July 2015.** 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 **15/03136/OUT - Ridgeway Farm, Tetbury Lane, Crudwell, Wiltshire, SN16 9HB** *(Pages 9 - 24)*
- 6b **15/03573/FUL - 5 Mead Villas, High Street, Box, Corsham, Wiltshire, SN13 8NB** *(Pages 25 - 34)*
- 6c **15/05372/FUL and 15/05824/LBC - 8 Pound Pill, Corsham, Wiltshire, SN13 9HZ** *(Pages 35 - 42)*
- 6d **15/03266/FUL - Land off Shirehill Lane, West Kington, Chippenham, Wiltshire, SN14 7AR** *(Pages 43 - 54)*
- 6e **15/03367/FUL - Neston Gospel Hall, Chapel Lane, Neston, Wiltshire, SN13 9TD** *(Pages 55 - 62)*

**7 Urgent Items**

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

## **NORTHERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 15 JULY 2015 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.**

#### **Present:**

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice Chairman), Cllr Christine Crisp, Cllr Chris Hurst, Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Chuck Berry and Cllr Howard Greenman

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#### **65 Apologies**

Apologies were received from Cllrs Mollie Groom and Howard Marshall.

#### **66 Minutes of the Previous Meeting**

The minutes of the meeting held on 24 June 2015 were presented.

#### **Resolved:**

**To approve as a true and correct record and sign the minutes of the meeting held on 24 June 2015.**

#### **67 Declarations of Interest**

There were no declarations of interest.

#### **68 Chairman's Announcements**

There were no Chairman's announcements.

#### **69 Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

#### **70 Planning Applications**

#### **71 14/12070/FUL - The Park, High Street, Sutton Benger, Wiltshire, SN15 4RQ**

The Planning Officer introduced the report which recommended that authority to grant planning permission be delegated to the Area Development Manager subject to the completion of a Section 106 agreement to address on site affordable housing provision and subject to conditions. The application was for a residential development comprising 13 dwellings with associated gardens, parking, drainage, and landscaping. It was noted that the site was previously developed land and located within framework boundary of the village.

The proposal was considered to be of high quality design with good boundary treatments and was well received by local residents. The Planning Officer highlighted that a stream was situated to the north of the site. It was explained and there had been previous issues with flooding but that the proposal and previous phase of development had improved drainage in the locality; the Drainage Officer had no objections to the current proposal.

There were some initial concerns from internal consultees regarding the design and character of the original proposal and it was noted that the applicant had made revisions in response to these. The Planning Officer drew attention to late items which demonstrated that the Trees Officer and Urban Design Officer had no objections to the revised proposal.

It was explained that the Affordable Housing Team had sought and received plans to meet the local demand for affordable housing. The current proposal would provide 40% affordable housing which was considered to meet local need by the Affordable Housing Team; it was highlighted that this was a relevant material consideration under government guidance in the National Planning Policy Framework (NPPF).

The Planning Officer commented that marketing had been required to safeguard existing business uses under the North Wiltshire Local Plan policy BD 2 to establish whether there was continued demand for employment use. The marketing of this site had been undertaken for a period of 18 months and all forms of commercial operation had been advertised. It was clarified that one relevant expression of interest had been received but that it had been dismissed by the site owner as below market value. It was also highlighted that marketing for such a change of use was no longer required under the Wiltshire Core Strategy policy, which was adopted on 20 January 2015. The key dispute between the applicant and officers was the valuation placed on the land. Officer went on to identify that there were a range of material circumstances and considerations in favour of the development proposal that must be weigh in the balance against the harm identified. On balance officer considered that at the current time the benefits outweighed the harm and justified a departure from the development plan.

The Committee then had the opportunity to ask technical questions and it was confirmed that the marketing carried out by the applicant had been reviewed in detail by Estates and Economic Development and was considered to be sufficient.

The Committee questioned if similar employment land and buildings nearby were available or had been sold and it was confirmed that there were such buildings in the locality and that these had not been sold but had been vacant for quite some time.

The Committee enquired how market value was established. It was explained that market value was calculated by local estate agents with experience and knowledge of the market value of properties of the area and in reference to the value of comparable sites that had recently been sold. It was noted that there was only one relevant comparable site in this instance that officers could identify.

It was clarified that the site had been marketed as a single site with no explicit consideration of multiple smaller sites or units of accommodation in varied uses. However, it was highlighted that the site had been marketed for all commercial uses.

The Planning Officer explained that the North Wiltshire Local Plan, which required the marketing procedure in this application under BD2 (safeguarding existing business uses), had now been replaced by the newly adopted Wiltshire Core Strategy. It was highlighted that under Core Policy 35 of the Wiltshire Core Strategy, there was no requirement to market this land for employment purposes. However, it was advised that the Core Strategy was currently under review.

The local member, Cllr Howard Greenman, explained that Sutton Benger was a first tier sustainable community and was identified as a large village in the Wiltshire Core Strategy. It was explained that many local residents had understood that the commercial use site would eventually house a shop for the village. It was hoped that this would help to accommodate the residences that had already been built in the area.

The local member also drew attention to the fact that Sutton Benger was to have its first Neighbourhood Plan meeting on 15 July 2015 and urged the Committee to take account of local demand in considering this application.

In the debate that followed, the Committee noted that the marketing exercise for employment land was no longer required under the Wiltshire Core Strategy. However, it was suggested that the creation of jobs in all large villages was vital to ensure sustainable communities and that the market for smaller start up units had been overlooked, notably as superfast broadband was being rolled out in the area.

The Committee considered a proposal that there was insufficient evidence regarding whether or not there was suitable employment land for other smaller units in the area.

**Resolved:**

**To DEFER to receive further information in respect of the currently available employment space in the locality and details in respect of the marketing of the site undertaken to date with particular reference to small employment units providing flexible workspace for new small businesses. To receive from the applicant clarification of how the site was marketed and whether or not the exercise included provision for such flexible workspace and what response was received in that respect.**

**Members clarified that no time limit as to a further report to Committee was identified; members confirmed that additional marketing was not being required.**

72 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 3.55 pm)

The Officer who has produced these minutes is Fiona Rae, of Democratic Services, direct line 01225 712681, e-mail [fiona.rae@wiltshire.gov.uk](mailto:fiona.rae@wiltshire.gov.uk)

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	5 August 2015
<b>Application Number</b>	15/03136/OUT
<b>Site Address</b>	Ridgeway Farm, Tetbury Lane, Crudwell, Malmesbury, Wiltshire, SN16 9HB
<b>Proposal</b>	Outline Planning Application For Erection Of 10 Dwellings, Associated Parking, Public Open Space, Landscaping & Associated Works. Resubmission Of 14/07419/OUT.
<b>Applicant</b>	Mr & Mrs C Browning
<b>Town/Parish Council</b>	CRUDWELL
<b>Division</b>	MINETY – Cllr Chuck Berry
<b>Grid Ref</b>	394950 192654
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mathew Pearson

### Reason for the application being considered by Committee

The application has been called in by Cllr Chuck Berry as the site is outside the Crudwell settlement boundary and not in line with Core Policy 2 and paragraph 4.15.

#### 1. Purpose of Report

To recommend that authority be delegated to the Area Development Manager to grant planning permission subject to the completion of Section 106 agreement and conditions.

#### 2. Report Summary

The proposed development is considered to conform to broad sustainability principles of national and local policy and the conflict with the Wiltshire Core Strategy is considered to be outweighed by the benefits of scheme and the specific site circumstances of this application. Crudwell Parish Council objects to the proposals, however no other specialist consultees objected. 145 letters were received on the application, of which 86 were objecting and 52 were offering support.

The main issues for consideration are:-

- Principle and Size of the Development
- Design and Impact on the Character and Appearance of the Locality of Village
- Flooding and Drainage including Foul and Surface Water
- Transport, Highways and Access
- Affordable Housing and other S106 contributions
- Other matters including ecology, schools and local services

### **3. Site Description**

The application site, which is approximately 0.5 hectares, is formed of large agricultural barns of a standard modern construction, with some smaller general purpose outbuildings and associated hardstanding. There is an existing access off Tetbury Lane. The site is surrounded by open pasture land to the north with dwellings to the east and west.

### **4. Planning History**

14/07419/OUT – Residential Development Comprising the erection of 19 Dwellings, Associated Parking, Public Open Space, Landscaping & Associated Works - **Withdrawn**

### **5. The Proposal**

This application is for Outline Planning Permission which seeks consent for residential development comprising 10 dwellings, with associated curtilage, parking, drainage and landscaping on land at Ridgway Farm, Crudwell. The application relates to part of an agricultural landholding to the west of Crudwell. The application includes Section 106 contributions to affordable housing and improved pedestrian facilities in the village.

The application has been submitted with an illustrative masterplan and a comprehensive set of site plans. Supporting statements include a Flood Risk Assessment, Design and Access Statement, Landscape and Visual Impact Assessment, Tree Survey, Planning Survey, Transport Assessment Archaeology Report and Ecological Assessment.

### **6. Planning Policy**

#### **Wiltshire Core Strategy (WCS) (adopted January 2015)**

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 13: Spatial Strategy: Malmesbury Community Area
- Core Policy 41: Sustainable Construction and Low Carbon Energy
- Core Policy 43: Providing Affordable Homes
- Core Policy 45: Meeting Wiltshire's Housing Needs
- Core Policy 50: Biodiversity and geodiversity
- Core Policy 51: Landscape
- Core Policy 52: Green Infrastructure
- Core Policy 57: Ensuring high quality design and place shaping
- Core Policy 58: Ensuring the conservation of the historic environment
- Core Policy 60: Sustainable transport
- Core Policy 61: Transport and new development
- Core Policy 62: Development impacts on the transport network
- Core Policy 67: Flood Risk

#### **North Wiltshire Local Plan (NWLP)**

Saved Policies H4 – Residential development in the open countryside

#### **National Planning Policy Framework (NPPF)**

- Core Planning Principles - Paragraph 17
- Section 4 – Promoting sustainable transport
- Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design  
Section 11 – Conserving and enhancing the natural environment

## **Planning Practice Guidance (PPG)**

Section 106 Contributions  
Use of Conditions

### **7. Consultations**

**Crudwell Parish Council** – In the interest of the local community, the decision to Object to the application was taken by Councilors' at the Crudwell Parish Council meeting. This was due to concern over impact and over development, that proposed development did not adhere to core policy and is a non compliance within the permitted framework.

**Wiltshire Fire and Rescue** – This application falls within the area for which Wiltshire Fire & Rescue Service is responsible for delivering an operational and emergency response.

The proposed development has been assessed to determine if it would impose an additional burden on Wiltshire Fire & Rescue Service's infrastructure, critical to the delivery of an effective response, in addition to comments made under B5 of Approved Document B, The Building Regulations 2010.

**Wiltshire Council (WC) Archaeology** – No Comment

**WC Drainage** – Support subject to conditions. Under the post 6 April 2015 changes to planning/drainage requirements the developed site will need to have any storm discharge limited to as near as possible to that of a green field rate and volume – FRA is proposing reduced levels but still above greenfield rate – see below

The FRA is proposing storm attenuation in the form of cellular tanks (as fig 8) or oversize pipes before discharge to the adjacent public sewers which eventually drain to local watercourse. However fig 8 shows a proposal for a new off-site pipe which would go straight to the watercourse thus conflicting with the statement within the FRA

Under new requirements the applicant needs to identify each attenuation element in submission and detail who will own and maintain said elements along with how it will be maintained – no information on this in submission – also the storage volume in FRA may be based on incorrect discharge rate based on the new requirements. Soakaway testing indicated that ground unlikely to be suitable for such a disposal method

The Council's Drainage Engineer has confirmed that is happy that issues outlined above can be suitably dealt with by condition. This is expanded upon later in the report.

**WC Ecology** – No objection - The site itself is of limited ecological value and has negligible potential to support protected species. Do not require any further information, informatives or conditions.

**WC Education** – Identifies education place requirements arising from the development but in the context of changes to the national guidance relating to section 106 requirements and the scale of development involved and the need arising, Officers consider that it is not appropriate in these circumstances to seek contributions in this instance.

**WC Green Energy Team** – Identified the lack of Sustainable Energy Statement. The applicant has subsequently submitted a Sustainable Energy Statement. Comments on the submission will be reported as late items.

**WC Housing** – It has been concluded that the existing buildings on the proposed site are not considered vacant or abandoned, therefore, in line with the PPG and CP43 (total floor space is over 1000sqm) the New Housing Team would seek an on-site affordable housing provision of 40% and there is no vacant building credit applicable.

It must be noted that a recent Rural Housing Needs Survey conducted in January 2015 identified a need for 6 affordable rented properties and 2 shared ownership properties in Crudwell. These figures only represent the needs of those who responded to the Parish Survey and as such may underestimate the total affordable housing need in the parish.

The need for affordable housing, based on the housing register indicated a further 26 households seeking affordable housing in and around the Parish of Crudwell.

Where on-site affordable housing is required the affordable housing tenure should see 80% as Affordable Rent and 20% as Shared Ownership. All affordable homes would need to be built to, at least, minimum Code for Sustainable Homes Level 4. The affordable homes would need to be transferred to a Registered Provider, approved by the Council, on a nil subsidy basis and secured via a s106 Agreement.

The Local Authority would have nomination rights to the affordable dwellings. Secured through a Nominations rights agreement within any forthcoming s106 agreement.

**WC Highways** – No highway objection subject to conditions.

**WC Landscape** – The proposal is for the erection of 10 new dwellings on an existing farmyard site. The site is located close to, but outside the retained settlement boundary of the large village of Crudwell. The application is accompanied by a 'Landscape and Visual Impact Assessment' (Doc. Ref: DLA/1589/LVIA/RPT/01/Rev D), prepared by Davies Landscape Consultants (March 2015) for land at Ridgeway Farm, Crudwell.

Officers raise no issues of concern in relation to methodology, scope, or findings of this submitted LVIA. It is not considered that the proposed development of this scale and nature at this location will result in any severe adverse (harmful) effects to the local landscape character area, to visual receptors or to important views. As such Officers support this application as long as the various (mitigating and enhancing) design scheme components which collectively comprise the identified 'Landscape Strategy' at Section 5.2 are not subsequently eroded at detailed reserved matters stage.

Of particular value in this regard is the proposed new public footpath route linking Tetbury Lane, through the site to join with existing footpath 'CRUD9' which will allow improved onward PRoW connections into countryside.

Also of particular importance to meeting place making objectives and supporting the local distinctiveness of landscape character are the proposed new external Cotswold stone walling boundary treatments, fronting Tetbury Lane, and providing external boundaries to individual housing plots.

The strengthening of existing linking native hedgerows and the introduction of appropriate hedgerow trees within these hedge lines are considered to be an important scheme element to strengthen local landscape character, and to sustain the local green infrastructure network.

**WC Spatial Plans** – The proposals are contrary to development plan policy CP2 of the Wiltshire Core Strategy and saved policy H4 of the North Wiltshire Local Plan. There would need to be compelling material considerations to set aside policies of the development plan to manage the release of land for housing development and for the protection of the countryside.

**Wessex Water** – Please find attached an extract from our records showing the approximate location of our apparatus within the vicinity of the site. The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's S104 adoption of new sewer guidance DEV011G for further guidance.

The proposed surface water strategy employs attenuation measures prior to discharge to watercourse which will require approval by the Local Lead Flood Authority. Wessex Water will adopt systems which comply to the latest version of Sewers for Adoption. The predicted demand upon our services will be minimal and can be discussed with the applicant should planning be approved as outlined in the accompanying Flood Risk Assessment.

## **8. Publicity**

145 letters were received on the application, of which 86 were objecting and 52 were offering support. The main issues are summarized below:

- Crudwell suffers from long term sewage and drainage issues especially after prolonged periods of rain. The current infrastructure is unable to cope and this site will exacerbate this issue. There appear to be mistakes in the flood risk assessment and doubts were passed on the information, specifically about the soil types.
- The site is Greenfield and not Brownfield as per the definitions of the NPPF. The redevelopment will represent a loss of agricultural land. The site will affect the character of the village and represents ribbon development. It will create precedence for all sites around Crudwell.
- The dwellings will cause an increase in traffic along Tetbury Lane which is a country lane with no footpaths. The lane is currently used regularly by pedestrians and school kids and this development will cause safety issues as traffic already drives too fast down the lane.
- The village facilities will be unable to cope with the demand and the school is already full. There are no jobs in the area and the village is a small community that will not be able to cope with the influx and general affect on the community.
- The majority of letters of supported noted the value of improving the site and the provision of housing. Doubts have been expressed as to the integrity of some of the letters of support. Where evidence has been submitted to demonstrate that a letter is not credible this has not been taken into account. However, given the fact that multiple letters, both in support and objecting to the development, have come from the same address it is difficult to verify every single response received.

## **9. Planning Considerations**

### **Principle of Development**

The site is located outside the settlement boundary of the village of Crudwell. Crudwell is designed as a large village in the Wiltshire Core Strategy (WCS). WCS Core Policies 1 and 2 only allow development outside of settlement boundaries if it meets certain circumstances, as specified in a series of 'exception policies' listed in paragraph 4.25. This development does not meet the requirements of these policies and therefore should only be brought forward through a Neighbourhood Plan or the Housing Site Allocations Development Plan

Document (Housing DPD) currently being developed by the Council. Section 38(6) of the Town and Country Planning Act is clear that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

WCS Core Policy 1 and paragraph 4.15 further define the role of large villages as settlements that can meet the housing and employment needs of rural settlements and retain the vitality of rural areas. Paragraph 4.15 reiterates that development outside settlement boundaries must be brought forward through a Neighbourhood Plan or Housing DPD, and establishes that all development at large villages should take the form of smaller housing sites (under 10 houses). It notes that these documents can identify new developable land to help meet the needs of that community.

Core Policy 13 identifies the strategy for Malmesbury Community Area. Outside Malmesbury town there is an indicative requirement for 510 houses over the plan period (2006-2026). The Council's latest Housing Land Supply Statement (April 2014) shows a residual of 151 houses still to be delivered. Given the role of rural settlements, the bulk of these houses are expected to be delivered across the five large villages identified in the Malmesbury Community Area, these are; Ashton Keynes; Crudwell; Great Somerford; Oaksey and Sherston. It is likely that new development land will be required at these settlements outside current settlements boundaries in order to deliver the housing needs of this Community Area.

As stated above Core Policy 1 states that housing development should aim to serve the purpose of meeting a settlement's economic and social needs. Crudwell is designated as a large village where some development can be expected, in part to support its role serving a wider area. The Council's Spatial Planning Team has confirmed the applicant's assertion that this site is the only site in Crudwell identified in the Council's Strategic Housing Land Availability Assessment (SHLAA) lying adjacent to the village settlement boundary it is well related to the village. The SHLAA is the mechanism by which Councils are able to establish realistic assumptions about the availability of land to meet the identified need for housing. It is reasonable to argue that there is a strong possibility that this site will come forward for development ultimately through the route of either a NP or Housing DPD.

However, the Housing DPD and Crudwell Neighbourhood Plan (NP) are both still at an early stage of development and neither have published a draft plan that can be afforded weight in the determination of this site. It should also be noted that development plan objectives extend beyond just managing housing land supply. Settlement boundaries share this function with the aim of preventing the premature loss of countryside to irreversible development but are not the only arbiter of what should be considered sustainable development. Release of the site for development ahead of an emerging DPD or NP may in principle be premature, in accordance with the Planning Act, as highlighted above, material circumstances may recommend realizing benefits from the development sooner rather than later.

Imperatives set out in the NPPF, to boost significantly the supply of housing (Part 6 – Delivering a wide choice of quality homes) and to only look to refuse applications where the harm significantly outweighs the benefits of the development (paragraph 14), must be considered. While it is clear the route of identifying the site is in conflict with policy, the scale of development (10 dwellings) broadly accords with development plan policy and the site offers opportunities for specific social and economic benefits to the village. In addition the Planning Policy Guidance (PPG) and Ministerial Statements have set out that residential development in itself is an important part of the economy delivering employment growth through construction, supply side benefits such as materials provision and enhanced local tax base and expenditure by the additional population. In this specific context, there are

therefore a set of material considerations that may set aside development plan policy, but it is a finely balanced judgment.

The National Planning Policy Framework (NPPF) at paragraph 47 sets the requirement for Local Authorities to be able to demonstrate a five year housing land supply otherwise relevant development plan policies cannot be given full weight in the determination of applications as set out at paragraph 49. Since the adoption of the Wiltshire Core Strategy there have been four appeal decisions which have referenced housing land supply in this housing market area and housing development outside of defined settlement boundaries. At three of these, Minety, Oaksey and Cricklade, the Inspectors accepted the conclusions of the WCS Inspector and accepted that the Council had a five year housing land supply, albeit one of these decisions is now subject to a Legal Challenge by the appellant. The fourth and most recent appeal decision (Ref APP/Y3940/W/14/2222641 N/13/05188/OUT) for Land at Bath Road, Corsham was allowed for residential development outside the defined settlement. In so doing the Inspector concluded on the evidence before him that the Council could not demonstrate a deliverable and adequate 5 year supply of land for housing. The fact that a Planning Inspector has found that there is not a 5 year land supply in this housing market area is a material consideration, as this reduces the weight to be given to policies for the supply of housing in the Core Strategy, including the limits of development for the village. However, the size of the shortfall he identified is also a material consideration, and in this case, the shortfall he identified was small. The Council does not agree with the Inspector's conclusions and considers that had full evidence been available for consideration a different conclusion would have been reached. However, the Council has to make an assessment as to whether the harm associated with the development significantly and demonstrably outweighs the benefits of the scheme. The NPPF has to be taken as a whole, and a judgement made as to whether the proposal is sustainable development. In this instance it is considered that the benefits as are set out below do outweigh the harm and that the proposal does constitute sustainable development.

Recent changes to PPG have limited the scope for Local Planning Authorities to seek planning contributions from small developments. The WCS strategy proposes that sites in large villages should predominantly be less than 10 dwellings. This will see the majority of smaller rural sites not being required to contribute any benefits or affordable housing through Section 106 agreements. The indicative layout of this site shows a development in excess of 1,000sqm which forms part of the threshold for planning contributions. This development represents an opportunity to provide affordable units in rural areas where there is demonstrable need for such housing. The application also proposes upgraded pedestrian facilities, including along Tetbury Lane and through the provision of a Right of Way. A smaller development would not be required to provide similar contributions.

As set out in below, there are no specific site constraints that would be deemed to cause significant harm. Although the site does not constitute previously developed land, the site is currently in some state of disrepair and the development will provide environmental and visual improvements to the area. Development of the site would not represent a marked loss of more typical open countryside. A number of respondents have highlighted that this state of repair has been deliberately created by the applicant. However, even with repair or replacement of the buildings that currently occupy the site, they are not of significant quality and would be unlikely to provide any visual or heritage value. The applicant has submitted a Sustainable Energy Statement that has committed to delivering the proposed dwellings in line with Core Policy 41. This will ensure that the buildings are constructed to high standards and will provide an energy efficient and sustainable development over the lifetime of development. The Council's Green Energy Team's comments on the submission will be reported as a late item. It should also be noted that the proposal is for a relatively small scale of residential development appropriate to this large village location being generally in line

with the guidance in policy CP1 para 4.15. As noted previously the site is well related to the built form of the village and features existing development immediately adjacent.

Overall taking into account the material considerations and changed policy circumstances relevant to this specific site, it is considered that the benefits of the proposed development outweigh any harm. The specific circumstances of this site, the benefits it offers in the form of environmental improvements and planning contributions, and the likelihood of this site being required to deliver housing, at this time outweigh the conflict with the development strategy and policies of the WCS.

A number of respondents also highlighted their concerns that the granting of such a development would set a precedent for both Crudwell and other rural areas. The Planning Act is clear that all applications must be treated on their own merits, and in any case it is considered that the material considerations outlined in the above paragraphs demonstrate a unique set of individual circumstances that are only applicable to this site and proposal at this point in time.

### **Design, Character and Impact on the Character of Village**

The site is located directly adjacent to the western part of the village and accessed from the main part of the high street of Crudwell. Existing development lies to the east and west of the site and the development would therefore to a certain extent sit within and relate to the built form of the village. The site is some distance from the Crudwell conservation area and there are limited views from existing dwellings at the Dawneys, the western most part of the main village near the site. The plans include a new right of way (RoWs) across the area immediately to the north east of the site, which will connect with the existing RoWs to the west of the Dawneys. A new footpath will be provided on the south of Tetbury Lane leading from the site to the Village Hall.

At this stage the final design is reserved, but the submitted design and access statement (D&A) and illustrative masterplan shows a mix of terraced and detached two storey properties with a number of open fronted outbuildings. As noted above the site is currently in poor condition and the re-development will provide immediate benefits to the environment of the site and the amenity of nearby residences. The three larger 4 bedroom dwellings occupy the northern area of the site with the terraced properties adjacent to Tetbury Lane. At this stage the outline plans appear to be providing a development with a scale and massing that is in keeping with the local vernacular. The D&A also proposes appropriate boundary treatments and the use of acceptable materials.

Overall with respect to design, character and impact on the village, Officers consider that the indicative proposals will result in an acceptable form of development which the site is capable of accommodating. In particular the Council's Landscape Officer has noted that there will no adverse impacts from the scheme although they note that the scheme should be suitably conditioned to ensure key aspects of the D&A statement are delivered. Officers consider that the indicative proposals would achieve an acceptable level of residential amenities for future occupiers of the dwellings whilst also not resulting in harm to existing residential amenities of adjacent properties.

### **Flooding and Drainage including Foul and Surface Water**

A number of responses have highlighted historic flooding issues in the village and also issues with foul sewage. The submitted FRA proposes on site attenuation for surface water with confirmation from Wessex Water that there is capacity in the foul sewage system.

The Council's Drainage Officer has highlighted some missing technical details in the



submitted FRA, particularly with regard to changes in legislation post 6<sup>th</sup> April. However, these are technical issues with regard to surface water run-off rates and the proposed solutions that will require further testing to ensure that they are achievable and these can be secured by condition. The Officers believe that the development is likely to be able to achieve the required run-off rates to meet the updated requirements

Neither, the Council's Drainage Officer or Wessex Water has objected to the application and it is considered that the level of information supplied is consistent with that required for an outline application. The information demonstrates that the development is likely to be able to be accommodated at this location. Suitable conditions will be applied in relation to the final drainage and sewage schemes to ensure they meet the requirements and technical specifications of policy.

### **Transport, Highways and Access**

Concerns about the safety of pedestrians along Tetbury Lane have been consistently highlighted in responses. The Highways Officers have raised no objection to the scheme subject to suitable conditions and the proposed development includes a footpath link to the existing public right of way to provide a route for pedestrians between the main village and the Village Hall. It should be noted that Tetbury Lane is within the village's 30 mph speed limit zone and the transport assessment shows that average speeds down the lane are under 30mph.

Overall the scale of the development is considered unlikely to cause any traffic or safety issues such that permission ought to be refused, and the proposed enhancements will provide opportunities for pedestrians to access the Village Hall. The site is within walking distance of a number of key facilities and has links to other form of sustainable transport in keeping with planning policy.

### **Affordable Housing and other S106 contributions**

On the basis of the submitted information, the development is of a scale that requires consideration of on-site service and infrastructure provision requirements. In this context affordable housing provision is required and the Section 106 agreement is required to address this matter. The applicant has confirmed agreement to meet this requirement. The S106 agreement will include the provision of footpath improvements.

The development proposed is also CIL liable development and this will be addressed as a separate requirement.

### **Other matters including ecology, schools and local services**

The Ecology report confirms that the site is of low ecological value and that there are no protected species present. This has been confirmed by the Council's Ecology Officer. The scheme will provide inherent benefits to local services and the local economy and the Council's Education Officer has confirmed that the school is currently forecast to see a decrease in demand, although it is currently at capacity. The applicant has submitted an Sustainable Energy Statement that complies with Core Policy 41 and the Green Energy Team's comments on this submission will be reported as a late item.

Further contributions to the school will be sought from CiL contributions. Comments by the Fire and Rescue service will be dealt with by Building Control under separate legislation.

## **10. S106 contributions**

The submitted Planning Statement commits to providing funding for the pedestrian improvements on Tetbury Lane and the establishment of the CRUD9 right of way. Subsequent correspondence with the agent has confirm a commitment to provide 40% affordable housing in line with mix of provision proposed by the Local Planning Authority

## **11. Conclusions**

Paragraphs 14, 17, 48 & 49 of the NPPF set out the requirement for Local Planning Authorities to support proposals for sustainable development and boost the supply of land for housing. As noted above, the site is likely to be considered a sustainable location for development by polices within the Wiltshire Core Strategy, as it broadly accords with the size and location for development set out under Core Policy 1. The development will deliver a range of benefits including environmental improvements, affordable housing provision and improved pedestrian facilities to and from a key location in the village. Furthermore the site will provide wider benefits in terms of economic growth through construction and additional spending of the residents.

The site is acceptable in terms of transport and flooding, and there no other site constraints identified that make this site unsuitable for development. The site relates closely to the built form of the existing village. The site is currently the only available site for development in Crudwell, and given the limited scope for the provision of planning contributions now set out in national policy, the application provides an opportunity to bring enhancements to Crudwell through planning gain that other sites may well not be required to provide. The Housing DPD and Neighbourhood Plan are both at early stages in their development, and it is considered that the granting of permission on this site would not be so substantial as to fundamentally undermine the progression of these documents. The latest housing requirements for the Malmesbury Community Area show a residual requirement that will, in part, be met by this development.

Given all the relevant material considerations, as set out above, and the limited conflict with the development plan and NPPF, it is considered that on balance and in relation to this specific site and proposal, there are at this point in time sufficient reasons to justify a departure from the development plan.

## **RECOMMENDATION**

That Authority be delegated to the Area Development Manager to grant planning permission subject to the completion of Section 106 agreement to address on site affordable housing provision and the conditions set out below

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 layout of the development;
  - (b) The external appearance of the development;

(c) 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 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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. The development hereby permitted is limited to up to a maximum of 10 dwellings.

REASON: In the interests of amenity having regard to the characteristics of the site and surrounding development.

5. No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority.

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

6. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

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

7. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating information on peak flow/volume control/flood risk within development/structural integrity/design for maintenance considerations, has been submitted to and approved in writing by the Local Planning Authority.

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

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

REASON: To ensure that the development can be adequately drained

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

- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;

- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.

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

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

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

11. No development shall be occupied until self closing 'access for all' gates (or similar approved) are provided on the proposed Right of Way.

REASON: In order to retain livestock at each end of the new section of connecting public right of way crossing the adjoining field.

12. No part of the development hereby permitted shall be first occupied until the access layout and the visibility splays shown approved plans "Proposed Site Access with potential Footway Link to Village Hall, 1503-72 Figure 4.1" have been provided with no obstruction to visibility at or above a height of 0.6m 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.

13. No development shall commence on site until details of the estate roads, footways, footpaths, junctions, street lighting, sewers, drains, surface water outfall, visibility splays, carriageway 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 first occupied until the estate roads, footways, footpaths, junctions, street lighting, sewers, drains, surface water outfall, visibility splays, carriageway 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.

14. No dwelling on the development hereby approved shall be occupied until sufficient parking spaces in accordance with current standards together with vehicular access thereto have been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.

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

15. No development shall commence on site until full construction details of the proposed footway link (including provision for verge/ hedge) to the village hall have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied before that footway link been constructed and laid out in accordance with the approved details ("Proposed Site Access with potential Footway Link to Village Hall, 1503-72 Figure 4.1").

REASON: To ensure that the new footway is provided and constructed in a satisfactory manner.

16. 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.

17. The dwellings hereby approved shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate for it has been issued and submitted to, and approved in writing by, the local planning authority certifying that Code Level 4 has been achieved.

REASON: To ensure that the objectives of sustainable development set out Policy CP41 of the Wiltshire Core Strategy are achieved.

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

Drawing No: A-P-100-01d (June 2015)

Drawing No: A-P-100-01e (June 2015)

Drawing No: A-P-100-02b (June 2015)

Drawing No: A-P-100-03b (June 2015)

Drawing No: A-P-100-04 (June 2015)

Drawing No: A-P-100-05b (June 2015)

Drawing No: A-P-100-06b (June 2015)

Drawing No: A-P-100-07b (June 2015)

Drawing No: A-P-100-08b (June 2015)

Drawing No: A-P-100-09a (June 2015)

Drawing No: A-P-110-01f (June 2015)

Drawing No: A-P-600-01e (June 2015)

Drawing No: A-P-600-023 (June 2015)

EVZYGO Flood Risk Assessment Report (April 2015)

EVZYGO Flood Risk Assessment Drawings (April 2015)

EVZYGO Flood Risk Assessment App. 1, 2 & 3 (April 2015)  
TPA Transport Assessment Report (April 2015)  
Sustainable Energy Statement (July 2015)

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

19. 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.
20. 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.
21. 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.
22. INFORMATIVE TO APPLICANT: The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website  
[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)



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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	5 August 2015
<b>Application Number</b>	15/03573/FUL
<b>Site Address</b>	5 Mead Villas, High Street, Box, Corsham, Wiltshire, SN13 8NB
<b>Proposal</b>	Erection of Three Storey Extension
<b>Applicant</b>	Mr & Mrs J Price
<b>Town/Parish Council</b>	BOX
<b>Division</b>	BOX AND COLERNE – Cllr Sheila Parker
<b>Grid Ref</b>	382460 168482
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Victoria Davis

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

The application has been called into committee by the local member, Cllr Sheila Parker, in order to consider the impact of the proposal on the surrounding area, adjoining buildings and highways safety.

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

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

#### **2. Main Issues**

The main issues are:

- Principle of development
- Impact on the character and appearance of the host dwelling
- Impact on the character and appearance of the surrounding conservation area

#### **3. Site Description**

This application relates to 5 Mead Villas which is a 3 storey period property fronting the main road through Box village. It is situated within the conservation area and area of outstanding natural beauty. The garden slopes away from the property at the rear and is bordered with a dry stone wall to two sides with fencing along the shared boundary with the attached neighbour. Valens Terrace runs adjacent to the site which leads to Box recreation ground, tennis courts and bowling green. Valens Terrace is a private road owned by Box Parish Council.

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

None

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

The proposal seeks permission for a 3 storey side extension to be constructed in ashlar stone with clay roof tiles to match the existing property. The extension will create a large garage on the ground floor, family room on the first floor and an additional bedroom and en-

suite on the second floor. The original plans and application form indicated timber framed windows and doors however it was later established that the timber windows of the original house had recently been replaced with u-pvc. Revised plans were submitted to show u-pvc windows as proposed.

## **6. Planning Policy**

### Wiltshire Core Strategy:

CP10 The Spatial Strategy: Chippenham Community Area

CP57 Ensuring High Quality Design and Place Shaping

CP51 Landscape

CP58 Ensuring the Conservation of the Historic Environment

### National Planning Policy Framework (NPPF):

Achieving sustainable development – Core Planning Principles

Chapter 7 Requiring Good Design

Chapter 9 Protecting Green Belt land

Chapter 11 Conserving and enhancing the natural environment

Chapter 12 Conserving and enhancing the historic environment

## **7. Consultations**

Box Parish Council: Objection, concern was raised with regards to the overall scale and design of the proposal. It is considered that there will be detrimental impact to surrounding conservation area, Area of Outstanding Natural Beauty and Green Belt. Issue was raised over the visual impact of parking to the rear of the property. In general the proposal is considered to be inappropriate overdevelopment of the site that will detract from the street scene.

Conservation Officer: No Objection to scheme in principle however would prefer the use of timber framed windows.

Highways: No Objection subject to condition. The vehicle access is existing and adequate parking has been indicated within the proposed plans submitted. The access gates are set sufficiently back from the main road with access onto the private road (Valens Terrace).

## **8. Publicity**

The application was advertised by site notice and neighbour consultation and five letters of objection were received.

Summary of key relevant points raised:

- Trees have been removed without consent
- Windows shown as timber on original plans but have already been replaced with u-pvc
- Highways safety concerns relating to awkward gated access and potential for obstructive parking at the top of Valens Terrace (which is a private road)
- Parking of construction vehicles on Valens Terrace
- A recently erected raised decking area in the garden prevents a right of access from neighbouring property
- Potential to overlook garden of Spring Grove to the opposite side of Valens Terrace
- Visual impact - too large and out of character with area

- Query regarding stone finish

Additional comments were received regarding the refusal of an application for a dormer window on a property at the opposite end of the terrace (3 Mead Villas). The applications are not comparable and so little material weight can be given to this point. The proposal should be considered on its own merits.

## **9. Planning Considerations**

### Impact on the character and appearance of the host dwelling

In accordance with Core Policy 57 extensions should respond positively to the existing site features which include building layout, built form, mass and scale. The proposed extension is to be built in matching ashlar stone with a hipped roof to mimic the existing roof form. The drop in ridge height and simple fenestration will ensure the extension remains subservient to the main house in both scale and design. The revised plans indicate that u-pvc windows will be used to match those of the main house.

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

Core Policy 58 states that development should protect, conserve and where possible, enhance the historic environment. The original plans were discussed with the conservation officer who was satisfied that, given the appropriate design and use of matching stone, the extension would have a neutral effect on the conservation area. On a further assessment of the revised plans the officer objected to the proposed use of u-pvc windows, identifying less than substantial harm to the character of the conservation area. This objection has been considered however given that the original windows have already been changed to u-pvc, as have the windows of the attached neighbour, it would seem that harm to the conservation area has already taken place. It would not be reasonable to request that the extension windows are timber framed. In this case it is considered that using windows of the same material and style is acceptable.

### Impact on the openness of the Green Belt and rural character of the Area of Outstanding Natural Beauty (AONB)

The parish council objection refers to the proposal as inappropriate development within the Green Belt and Area of Outstanding Natural Beauty.

Chapter 9 of the NPPF describes that Green Belt policy should prevent the unrestricted sprawl of built-up areas and safeguard the countryside from encroachment. More specifically Core Policy 51 explains that the spread of development along the A4 should be limited. In this case, this application site falls well within the settlement boundary of Box village where it is not necessary to prevent development. The extension does not encroach into the countryside or lead to the further sprawl of the built up area.

Core Policy 51 states that development should protect, conserve and where possible, enhance the landscape character. 5 Mead Villas forms the end of a terraced row within the built up area and the extension will be positioned in close association with the existing building. As such the impact to the wider landscape will be minimal.

The important character of the village is protected by the relevant conservation area policy which is discussed above.

### Impact on highway safety and public rights of way

The original site plan did not make the parking arrangements clear and a further plan was requested. The highways department was consulted regarding the increase in bedrooms and is satisfied that three spaces can be provided on site. Further comments were provided in relation to the gated access which explained that while the particular style of gate was not usually considered ideal, when taking into account the distance from the main road and that

the access was onto the private road, there was no cause to raise an objection subject to a condition relating to the parking layout.

It is noted that since the original site visit on 5 May 2015 a new raised deck has been installed which covers the area where two of the new parking spaces are proposed. The implications to the proposed parking arrangements have been discussed with the agent. The agent has been informed that the highways condition would require that the parking arrangement as shown on the latest plan is implemented and that failure to comply with a condition could result in enforcement action being taken. The agent has confirmed that the latest plan is still relevant and that the requirements of the condition are understood.

The Rights of Way department were consulted and are satisfied that both nearby rights of way (BOX14 & 15) will not be adversely affected by the proposal.

#### Impact on the amenity and living conditions of local residents

Due to the orientation of the extension it is not considered that the proposal is likely to have any significant impact on residential amenity by way of overlooking, overshadowing or overbearing appearance. One letter of objection raised concern that the new windows proposed to the south-west elevation could overlook the garden of Spring Grove (the property to the opposite side of Valens Terrace). It is acknowledged that the new windows will be 5m closer to the garden of Spring Grove however they will be approximately 20m away from the end of the garden. When taking into account the levels of overlooking that exist from other surrounding properties it is not considered that the levels will be significantly worsened by the proposal.

#### Other considerations

Cllr Parker raised a further issue on behalf of the Parish Council relating to the applicants right of access across the footpath into their rear garden and parking area. This was discussed with the agent and it was established that the red line outline had included land owned by the Parish Council. In light of this the correct ownership certificate was submitted and formal notice was issued to Box Parish Council. No further comments were received. It has not been confirmed whether there is a right of access however this is a civil matter. It is also noted that the vehicle access is existing and has not been formed as part of this application.

Several neighbours have alleged that trees have been removed from the garden without the relevant conservation area consent. There are currently no trees on the site and the removal of any trees was not included within this application. These concerns have been passed to our enforcement department to investigate further. This is a separate issue that does not affect the determination of this application.

Concern was also raised regarding the disruption caused by construction vehicles should the development go ahead. For this size of development construction disturbance is not a sufficient material consideration that would warrant refusal however an informative will be included to recommend the applicant utilises the UK Contractors Group's 'Good Neighbour Site Guide'.

One neighbour has raised concern that a new raised deck, installed within the rear garden, has blocked a right of access that exists to 4 Mead Villas. The new deck referred to does not form part of this application however the neighbour's concerns have been passed to the agent.

#### **10. Conclusion**

It is considered that the proposal is appropriate in terms of scale, materials and design and will preserve the character and appearance of the conservation area and AONB. The

proposed extension will have no significant impact to the amenities enjoyed by the residents of nearby properties. The application is not considered contrary to requirements of the NPPF or Core Policies 51, 57 & 58 of the Wiltshire Core Strategy. The application does not cause any significant material harm that would justify a refusal of planning permission.

## 11. Recommendation

Planning permission be GRANTED subject to conditions;

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

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

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

Existing Plans & Elevations Drg.VL.2015/04/02 (received 27 April 2015), Location & Block Plan Drg.VL.2015/04/01 rev.A and Proposed Plans & Elevations Drg.VL.2015/04/03 rev.A (both received 5 June 2015)

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

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

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

4. No part of the development hereby approved shall be first brought into use until the parking area shown on the approved plans (drawing VL 2015/04/01 rev.A) has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter. To provide 2 spaces in accordance with Wiltshire parking standards of 3 spaces for a 4+ bedroom house.

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

### 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.

### 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.

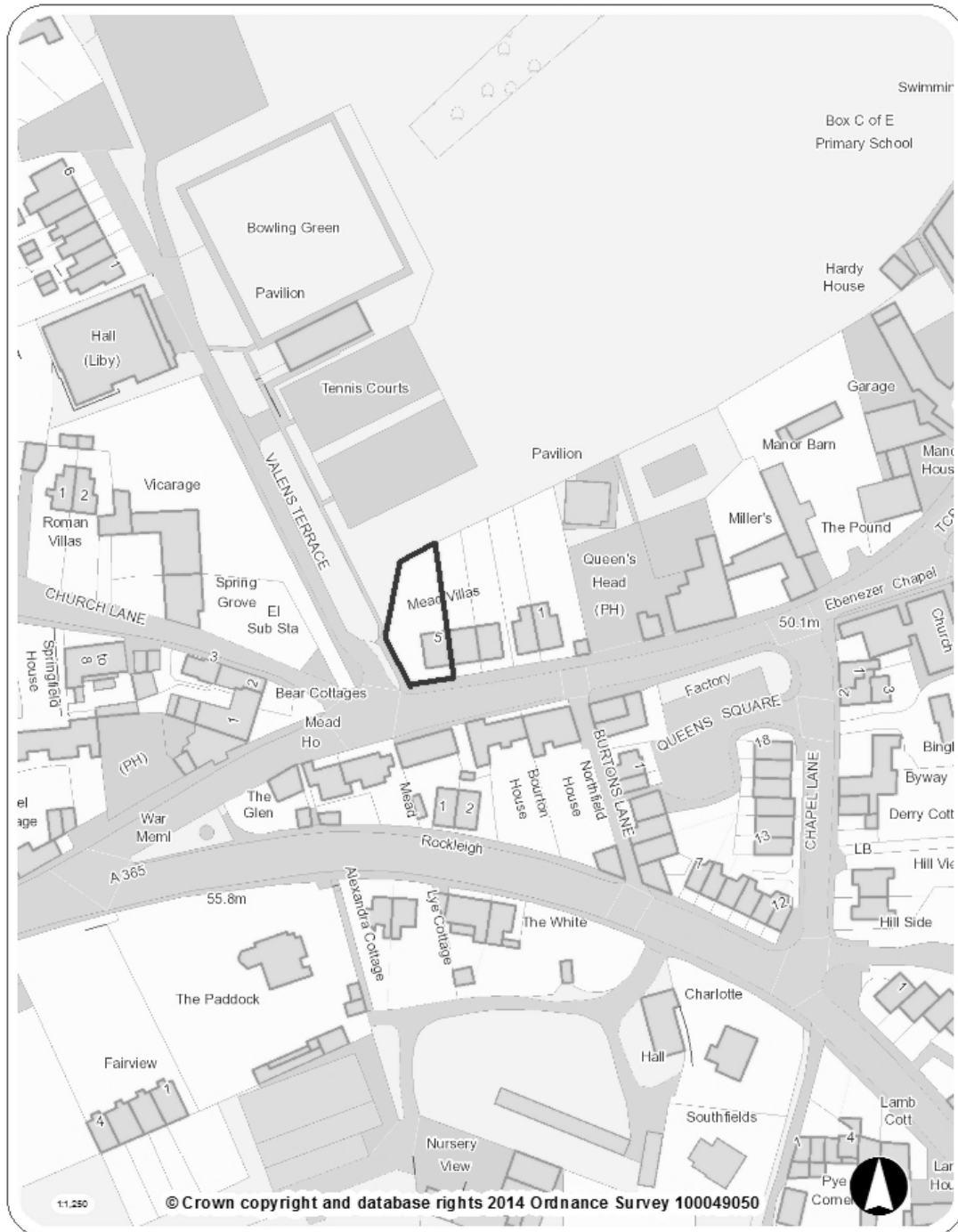
If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

**INFORMATIVE TO APPLICANT:**

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.

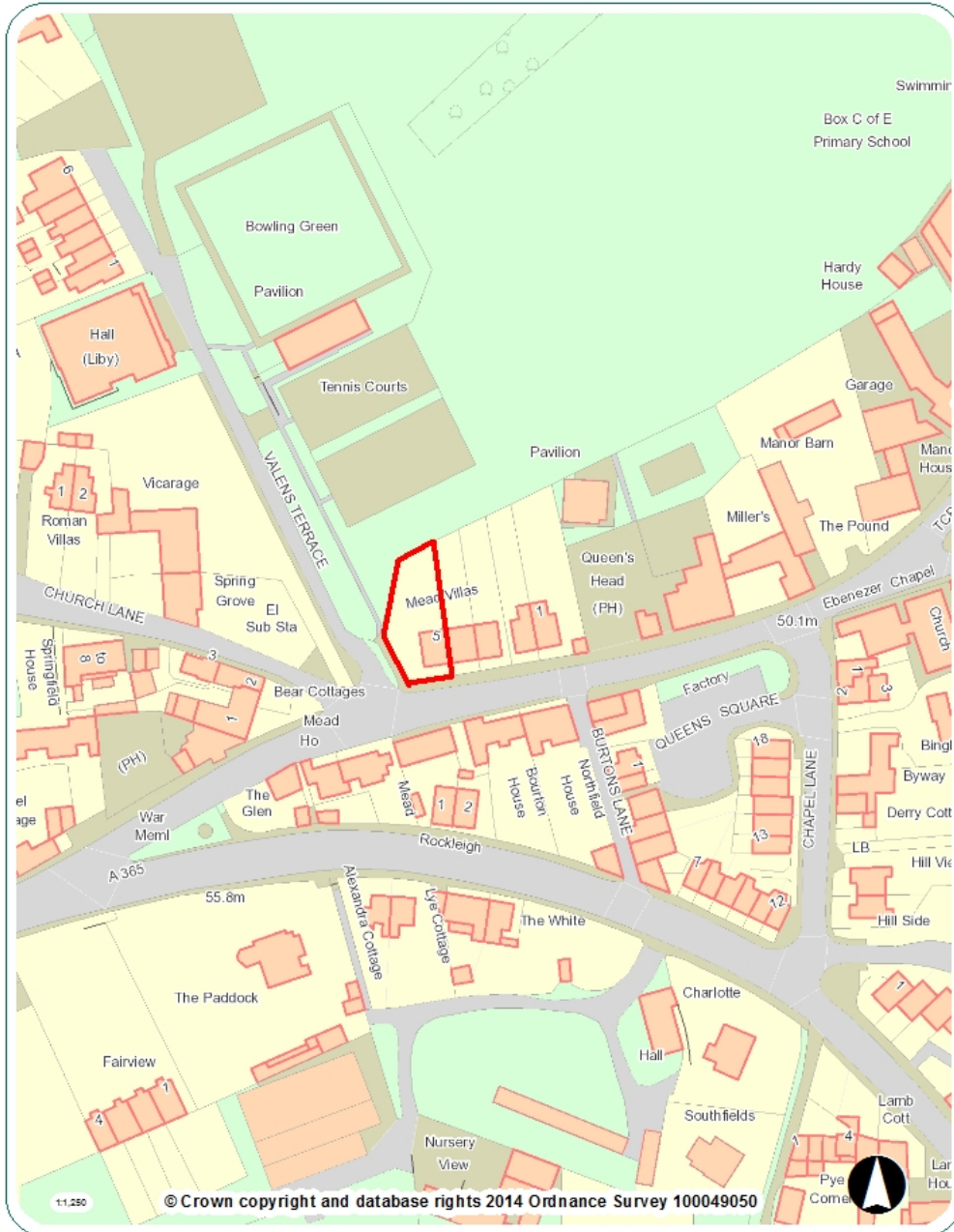
**INFORMATIVE TO APPLICANT:**

It is recommended that the applicant/developer considers and utilises the guidance within the UK Construction Group's 'The Good Neighbour Site Guide' available online.



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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	5 August 2015
<b>Application Number</b>	15/05372/FUL & 15/05824/LBC
<b>Site Address</b>	8 Pound Pill, Corsham, Wiltshire, SN13 9HZ
<b>Proposal</b>	Partial Demolition of Garden Wall, Erection of Two Bay Car Port and Gate to Garden(Resubmission of 14/11498/FUL)
<b>Applicant</b>	Mr Peter Frost
<b>Town/Parish Council</b>	CORSHAM
<b>Division</b>	CORSHAM TOWN – Cllr Philip Whalley
<b>Grid Ref</b>	387391 169845
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Victoria Davis

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

The application has been called into committee by the local member, Cllr Philip Whalley, in order to consider the impact of the proposal on the surrounding area, adjoining buildings and highways safety.

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

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

#### **2. Main Issues**

The main issues are:

- Principle of development
- Impact upon the listed building and its setting.
- Impact on the character and appearance of the surrounding conservation area

#### **3. Site Description**

This application relates to 8 Pound Pill which is a grade II listed semi-detached house located below road level in Pound Pill Corsham and within the conservation area. There is a drive leading down from the road so that cars can enter the site to park. A wall attached to the front corner of the building separates the drive from the garden at this site. The wall continues in line with the front elevation of the house with a gate allowing personnel access into the garden without going via the house. There is a river running alongside the garden.

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

The application is a resubmission of 14/11498/FUL which was withdrawn by the applicant following concerns raised by the conservation officer. An application for listed building consent had not been submitted at this time.

## **5. The Proposal**

The proposal seeks planning permission and listed building consent to erect a two bay car port and gated access to the rear garden through the existing stone wall. The car port will be constructed with an oak frame built off of a stone plinth with feathered oak boards. Reclaimed clay roof tiles are proposed to match the main house. The gated access proposed is approximately 2.8m wide and will allow for vehicle access into the rear garden which is required to install and maintain a new sewage treatment system to serve the property.

The application is a resubmission of application 14/11498/FUL. The only change that has been made to the proposal is the stone plinth which had originally been shown in brick.

## **6. Planning Policy**

Wiltshire Core Strategy:

CP1 Settlement Strategy

CP57 Ensuring High Quality Design and Place Shaping

CP58 Ensuring the Conservation of the Historic Environment

National Planning Policy Framework (NPPF):

Achieving sustainable development – Core Planning Principles

Chapter 7 Requiring Good Design

Chapter 10 Meeting the challenge of climate change, flooding and coastal change

Chapter 12 Conserving and enhancing the historic environment

## **7. Consultations**

Corsham Town Council: Support

Conservation Officer: Objection, detrimental impact on the historic form and the character of the Grade II listed building and its setting.

Highways: No Objection subject to conditions

Environment Agency: No Objection. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures either affecting or within 8 metres of any main river. A separate application should be made directly to the Environment Agency.

## **8. Publicity**

The application was advertised by site notice and neighbour consultation. No comments were received.

## **9. Planning Considerations**

Scale and Design

In accordance with Core Policy 57 development should respond positively to the existing site features which include building layout, built form, mass and scale. It is considered that in general the design style and use of materials is appropriate in relation to the host dwelling and surrounding area. There is however a concern that the scale and orientation of the new structure and alterations do not relate well to the historic character of the listed building and its setting.

Impact to the listed building and its setting

Core Policy 58 aims to ensure that Wiltshire's important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced. This is to

ensure they continue to make an important contribution to Wiltshire's environment and quality of life.

Paragraph 132 of the NPPF states that when considering the impact of the proposed development on the significance of a heritage asset, great weight should be given to its conservation. The more important the asset the greater the weight shall be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Under paragraphs 133 & 134 any harm to the significance of a heritage asset needs to be outweighed by the public benefits.

The conservation officer has raised significant concerns regarding the scale and orientation of the proposal. The conservation officer's comments are as follows:

*"..... The proposals are the same as shown in the previous application except that the plinth to the garage is now proposed to be stone rather than brick. As this amendment in no way addresses concerns raised over the previous application, my comments remain as before....."*

*...The proposal is to demolish the wall, construct a timber double open fronted garage within what is currently the garden and erect a timber fence with double gates between the garage and the house. The alignment would be angled into the garden rather than in a straight line continuing from the front elevation of the house.*

*The timber framed and clad garage will have clay tiles and will be a large structure with the grassed area of the garden and in close proximity to the house.*

*Looking at the history maps for this site, there were some very small structures within the garden area adjacent to the river prior to 1900. However, these seem to have been removed by the early C20 and there was always a wall in the current location separating the front of the house from the garden.*

*Whilst it may be possible to add a single garage behind the wall and creating an entrance through the existing wall, the current proposals are too large, remove too much of the historic form and would harm the setting of the listed building. The proposals would be contrary to paragraph 131 of the NPPF (2012) as the works would not sustain or enhance the significance of the heritage assets and are not necessary to put them to viable use for their conservation, would not make a positive contribution to economic vitality or local character and distinctiveness, paragraph 132 as the work will harm the significance of the designated heritage assets, including the setting of those assets, paragraph 134 as the less than substantial harm caused to the designated heritage assets cannot be outweighed by any public benefit and is not necessary to secure its optimum viable use, plus paragraph 137 as this development within a conservation area will not enhance or better reveal the significance of these heritage assets or their setting.*

*It is clear that there is currently room for two cars to manoeuvre in the area in front of the wall, as they can be seen in the photographs that you took recently. I suggest that the wall is retained and that an opening be made in the garden wall as near to the river side as possible, creating the entrance to a single garage. The structure will be built off the wall so that the wall remains in situ. This will help to reduce the harm caused by addition of a structure within the garden. The timber cladding will need to*

*be feather-edged. Whilst the existing garden wall may not be the original wall, it is located on the original line, which is important when reading the evolution of the site.*

*I recommend refusal for the application as it stands. However, I have set out what could be done to achieve a potentially acceptable scheme...”*

The planning statement explains that the wall was constructed after 1987 and while it is acknowledged that the existing wall is not original, historic maps (dated 1868-1899) show a wall in this position marking the historic building line.

There does not appear to be any public benefits of the proposal and it is not considered that the lack of a covered parking area will restrict the buildings optimum use as a residential dwelling.

The conservation officer suggested that a similarly designed single car port in line with the historic building line that would allow for more of the existing wall to be retained could be supported. This was discussed with the agent however an alternative scheme was not pursued.

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

Development within the conservation area should protect, conserve and where possible, enhance the historic environment. It is accepted that the site sits well below the road and is not in prominent view when passing by car however the removal of the large sycamore tree to the front will expose the site allowing for clear views from the public footpath. 8 Pound Pill does make a positive contribution to the conservation area and while it is acknowledged that the use of natural and matching materials would be sensitive to the location it does not sufficiently reduce the visual intrusion caused by the inappropriate scale and orientation of the proposal overall.

#### Impact on the amenity and living conditions of local residents

Due to the position of the car port it is not considered that the proposal is likely to have any significant impact on residential amenity by way of overlooking, overshadowing or overbearing appearance.

#### Impact on highway safety

The property is accessed from the road via a steep driveway which leads to a paved parking area. The highways department commented that the steep driveway is sub-standard but acknowledged that it was not being altered by the proposal. The officer explained that the existing parking and turning space should not be compromised to ensure that vehicles can to enter and egress the site in a forward gear. The plans show that the area referred to will be retained and so on that basis no highways objection is raised subject to conditions.

#### Removal of trees within the conservation area

The arboricultural officer was consulted in regards to the removal of the trees and commented that of greatest significance was the removal of the large sycamore tree adjacent boundary retaining wall. It was noted that the tree does have some amenity value however given its proximity to the wall it would not merit a Tree Preservation Order. It is suggested that the applicant considers replacement planting within the garden to ensure continuation of tree cover on the site.

#### Flood Risk

The development is adjacent to the Ladbrook and falls wholly within flood zones 2 and 3. A small new hard-standing area is proposed directly in front of the carport which will be constructed in a porous material.

During severe rainfall events the site is at risk of fluvial flooding and photographs have been provided showing the garden area to the north of the main house being affected. The application states that due to the constraints of the site it is not possible to locate the carport outside of the flood risk zones and so in accordance with section 10 of the NPPF a site specific flood risk assessment has been submitted.

It is acknowledged that the development will be at risk from flooding over its lifetime however given its proposed use this is unlikely to cause significant harmful impact to the occupiers of the site. The drawings indicate that the structure will remain open with the floor level the same as the existing parking area. On that basis it cannot be seen that development will impede rising flood waters or prevent flood water re-entering the system.

The Environment Agency was consulted and have raised no objection to the proposal however it was noted that Flood Defence Consent would be required.

## **10. Conclusion**

In consideration of the above it is concluded that by means of its inappropriate scale and orientation, the proposal will have a detrimental impact to the historic form and character of the grade II listed building and will not preserve or enhance the character of the conservation area. The proposal would cause harm to the significance of the designated assets that is not outweighed by any public benefit. As such the development would be contrary to Core Policy 58 of the Wiltshire Core Strategy as well as paragraphs 131, 132, 134 and 137 of the NPPF.

## **11. Recommendation**

Planning Permission is REFUSED for the following reason:

The proposal is considered to have an unacceptable detrimental impact to the historic form and character of the listed building, its setting and the surrounding conservation area. The proposal would cause harm to the significance of the designated assets that is not outweighed by any public benefit which is contrary to the aims of Core Policy 58 of the Wiltshire Core Strategy as well as paragraphs 131, 132, 134 and 137 of the NPPF.

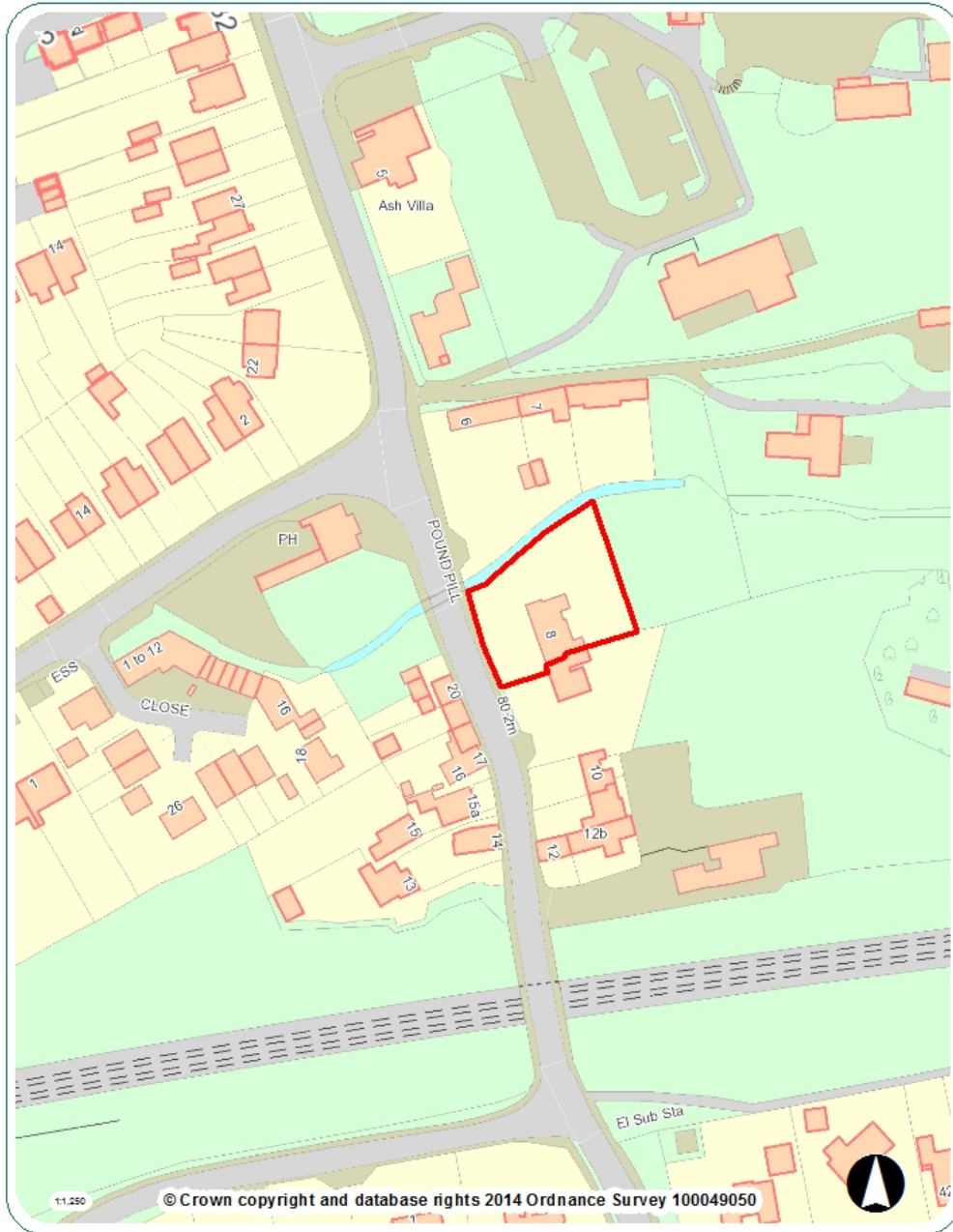
Listed Building Consent is REFUSED for the following reason:

The proposal is considered to have an unacceptable detrimental impact to the historic form and character of the listed building, its setting and the surrounding conservation area. The proposal would cause harm to the significance of the designated assets that is not outweighed by any public benefit which is contrary to the aims of Core Policy 58 of the Wiltshire Core Strategy as well as paragraphs 131, 132, 134 and 137 of the NPPF.

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SN13 9HZ



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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	5 August 2015
<b>Application Number</b>	15/03266/FUL
<b>Site Address</b>	Land off Shirehill Lane, West Kington, Chippenham, Wiltshire, SN14 7AR
<b>Proposal</b>	Erection of General Purpose Agricultural Building
<b>Applicant</b>	Mr T Holderness-Roddam
<b>Town/Parish Council</b>	NETTLETON
<b>Division</b>	BY BROOK – Cllr Jane Scott
<b>Grid Ref</b>	380227 175681
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Sam Croft

### Reason for the application being considered by Committee

Applications called in by Councillor Jane Scott on behalf of the Parish Council who is worried about site access, extra traffic on roads and the impact on the AONB.

#### 1. Purpose of Report

To consider the above applications and to recommend that planning permission is APPROVED subject to conditions.

#### 2. Report Summary

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

- Impact on the Context and Character of the Site, Surrounding Area and AONB
- Agricultural Need
- Highways
- Ecology

Nettleton Parish Council and Marshfield Parish Council both object to the application. 11 letters of objection were received from the public in respect to the development.

#### 3. Site Description

The application site lies in open countryside, adjoining a small wooded area which is just west of Mountain Bower. The public highway, Shirehill Lane, is immediately south of the application site. The site is located in the Cotswold Area of Outstanding Beauty (AONB) and occupies a potentially prominent position within the landscape siting atop a ridge.

The proposal would be associated with West Kington Farms which comprises in excess of 770 ha (1,900 acres). The enterprises at the farm are an arable operation, a suckler beef unit and an equine business. The equine business and the arable unit both operate from buildings on the freehold land at Church Farm. The beef unit is however spread across a number of locations. There was a previous application which sought to consolidate the beef unit at a single location; however, the application was withdrawn (Application Reference

14/03742/FUL). The current proposal is to provide a new general purpose building to serve a block of some 90 ha or freehold land; this paper deals with the proposed farm building in the context of that single block. The land to which the application relates is currently used to run a beef suckler herd and to produce arable crops.

### **Planning History**

14/03742/FUL Agricultural Livestock & Storage Buildings, Laying of Yards, Erect Dwelling, Formation of Access & Associated Landscaping

### **4. The Proposal**

The submitted plans show the proposed building with a steel portal frame divided into six bays. The building is shown clad to the gable ends and one long elevation with the remaining elevation shown gated. The overall dimensions of the building are shown as 36m x 18m with an eaves height of 6m; the building will thus have a floor area of 648m<sup>2</sup>. The building is shown with profile sheet to the roof, spaced timber boarding to 4m and concrete panels to 2m.

The proposal is for the building to accommodate the calving cows; the progeny will be accommodated across the other buildings under the applicant's short-term control. The cattle will be loose housed and bedded on straw from the arable enterprise.

### **5. Local Planning Policy**

National Planning Policy Framework Sections 1, 6, 7 and 11

Planning Practice Guidance

Adopted Wiltshire Core Strategy

- Core Policy 51: Landscape
- Core Policy 57: Ensuring High Quality Design and Place Shaping

### **6. Summary of consultation responses**

Nettleton Parish Council - Object to this application on the grounds of poor site access, increase in building size (from 7 to 8 metres) from previous application which would cause a negative visual impact in regards to the AONB in appearance and its prominent position on the hill, plus the probable increase of large farm traffic through the village.

Marshfield Parish Council - object to this application on the same basis as the previous application on the following grounds:-

- a) The proposed development is in a prominent position in an Area of Outstanding Natural Beauty and will be widely visible. Other large agricultural buildings are built in less obtrusive folds in the land.
- b) The surrounding road network consists of narrow unclassified roads, some single track with passing places. The building and running of the cattle unit will require servicing by large vehicles totally unsuited to the access lanes. Damage will no doubt be caused to the verges and to the road surface.

Also the junction with the A420 is unsuitable for increased traffic movements and traffic associated with this development would lead to safety concerns.

Highways - I am minded to adhere to the premise that this proposal is an agricultural use and as such the associated vehicle numbers and type are to be expected in the countryside and on the adjacent rural roads. The proposed access will require an adequate visibility

splay and be surfaced in a consolidated material. In summary I am minded to raise no highway objection to the agricultural proposal subject to conditions.

Ecology - Having reviewed the available information I do not believe that the proposals would have any significant effects on the local ecology of the area however there is potential for nesting birds to be affected by the works, therefore it is recommended that any permission granted include an informative highlighting the legal protection afforded to active bird nests.

Given the nature and small area of habitat involved, and the availability of similar habitats in the surrounding landscape, I do not consider that the scheme would have any long-term effects on population status.

I have no objection in relation to ecology.

Archaeology - No Comment

Cotswold Conservation Board - The Cotswolds Conservation Board no longer raises an objection to this current planning application for the following reasons:

As noted within the planning application a meeting was held on site with the agent to discuss what changes would be required to the previous scheme to remove the objection from the Cotswolds Conservation Board.

The current scheme now includes the following changes:

- Re-use of the existing access track (not a new access).
- A single general purpose agricultural building (not a series of Agricultural Livestock & Storage Buildings, Laying of Yards and a new Dwelling).
- The proposed 8m high building has been located backing on to an area of mature woodland (with a tree canopy up to 12m in height).
- The location of the building is within a defined area of general open storage used for haylage or silage storage (within an existing earth bund).
- The proposal includes more suitable landscaping and modification of the earth bund that will physically and visually help to contain the single building and its use.
- The scheme at 648 sqm in total is now considered to be of a typical modern farm building scale and design and was not as before as blocks of industrial like buildings.

In conclusion, the Board maintains its objection to the scale of the original planning application 14/03742 for the reasons given in our original response. Accordingly the Board would resist any future applications at this site should further planning applications be submitted in an attempt to gain what was proposed as part of planning application 14/0372 in a piecemeal fashion. However, in considering the merits of this current application in its own right for a single farm building and with consideration as to the applicant's potential permitted development rights for a building of 465 sqm, the Board does not raise an objection to this proposal. The Board also does not consider a single farm building of the scale proposed within an existing farm holding as likely to result in any material change in traffic flows.

Should the Council be minded to approve this application planning conditions should be attached to secure the protection of the existing woodland during construction; the approval of the landscaping scheme, its future management and necessary alterations to the existing bund; the approval of external materials; no external lighting; the withdrawal of permitted development rights to restrict any new additional farm buildings beyond that proposed in this application.

Landscape Officer - No objection subject to conditions.

Agricultural Consultant - The proposed building is warranted by the proposed alteration to the farming practice, consolidating the beef enterprise at the application site.

## **7. Publicity**

11 letters of representation were received objecting to the application, on the basis that:-

- Impact upon the AONB.
- Concerns about access and the number of vehicle movement.
- Not connected to services making it inappropriate for the housing of animals.
- The applicant owns plenty of lower land to house stock.
- Would necessitate the building of a dwelling on site.
- Impact on wildlife specifically nesting birds.
- Site is not suitable for a single isolated livestock building, which would be better sited closer to the other principle buildings on the Holding.

## **8. Planning Considerations**

Under the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006). A number of the NWLP policies continue to be saved to sit alongside the policies of the Core Strategy. These policies will be subject to further review as part of the Core Strategy Partial Review process.

### Impact on the Context and Character of the Site, Surrounding Area and the AONB

The application is located within the Cotswold Area of Outstanding Natural Beauty (AONB). Core Policy 51 of the WCS relates to Landscape and sets out that Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. In particular, proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures:

- i. The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies
- ii. The locally distinctive character of settlements and their landscape settings
- iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe
- iv. Visually sensitive skylines, soils, geological and topographical features
- v. Landscape features of cultural, historic and heritage value
- vi. Important views and visual amenity
- vii. Tranquillity and the need to protect against intrusion from light pollution, noise, and motion
- viii. Landscape functions including places to live, work, relax and recreate, and
- ix. Special qualities of Areas of Outstanding Natural Beauty (AONBs) and the New Forest National Park, where great weight will be afforded to conserving and enhancing landscapes and scenic beauty.

Furthermore, proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs), New Forest National Park (NFNP) or Stonehenge and Avebury World Heritage Site (WHS) shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas.

In national policy paragraph 115 of the National Planning Policy Framework (NPPF) states

*“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.”*

The National Planning Practice Guidance (March 2014) confirms that National Parks and Areas of Outstanding Natural Beauty management plans may also be material considerations in making decisions on individual planning applications, where they raise relevant issues.

Given the location of the proposal and its potential to impact upon the Cotswold AONB the Cotswold Conservation Board (“the Board”) were consulted upon the application. The Board identified that the Cotswolds AONB Management Plan 2013-18 includes the following policies relevant to this application:

**LP1:** The key characteristics, principal elements, and special qualities (including tranquillity), which form the natural beauty of the Cotswolds landscape are conserved and where possible enhanced.

**LP2:** Development proposals and changes in land use and management, both within and outside the AONB, take account of guidance and advice published by the Board.

**DTP1:** All Local Plan documents, neighbourhood planning, and planning decision-making processes should have regard to the statutory AONB Management Plan, and Position Statements, Landscape Strategies and Guidance issued by the Board, as well as the following criteria in determining the acceptability of a proposed development in the Cotswolds AONB.

Development should:

- be compatible with the distinctive character of the location as described by the relevant landscape character assessment, strategy and guidelines;
- incorporate designs and landscaping consistent with the above, respecting the local settlement pattern and building style;
- be designed to respect local building styles and materials;
- incorporate appropriate sustainability elements and designs;
- have regard to the impact on tranquillity, including dark skies;
- not have an adverse impact on local community amenities and services as well as access to these;
- protect, and where possible enhance, landscape and biodiversity;
- be in accordance with a more sustainable pattern of development, reducing dependence on car travel.

The Cotswolds Conservation Board no longer raises an objection to this current planning application. As noted within the planning application a meeting was held on site with the agent to discuss what changes would be required to the previous scheme to remove the objection from the Cotswolds Conservation Board.

The current scheme now includes the following changes:

- Re-use of the existing access track (not a new access).
- A single general purpose agricultural building (not a series of Agricultural Livestock & Storage Buildings, Laying of Yards and a new Dwelling).
- The proposed 8m high building has been located backing on to an area of mature woodland (with a tree canopy up to 12m in height).
- The location of the building is within a defined area of general open storage used for haylage or silage storage (within an existing earth bund).
- The proposal includes more suitable landscaping and modification of the earth bund that will physically and visually help to contain the single building and its use.
- The scheme at 648 sqm in total is now considered to be of a typical modern farm building scale and design and was not as before as blocks of industrial like buildings.

In conclusion, the Board has confirmed that they wish to maintain their objection to the scale of the original planning application 14/03742/FUL for the reasons given in their original response. Accordingly the Board would resist any future applications at this site should further planning applications be submitted in an attempt to gain what was proposed as part of planning application 14/0372/FUL in a piecemeal fashion. However, in considering the merits of this current application in its own right for a single farm building and with consideration as to the applicant's potential permitted development rights for a building of 465 sqm, the Board has raised no objection to this proposal.

The Council's Landscape Officer was also consulted on the application and given the Cotswolds Conservation Board comments has raised no objection to the application subject to appropriate conditions.

Whilst it is noted that concerns about the potential impact of the development on the AONB were raised in a number of the consultation responses, on the basis of the comments from the Cotswolds Conservation Board and the Councils Landscape Officer, it is not considered that the proposal would have a detrimental impact on the AONB and accordingly the application is considered to comply with Core Policy 51 of the WCS and paragraph 115 of the NPPF

#### Agricultural Need

The proposal is for the building to accommodate calving cows; the progeny will be accommodated across the other buildings under the applicant's short-term control. The cattle will be loose housed and bedded on straw from the arable enterprise.

The farm operates under the "Farm Assured" system so the space requirement for the livestock is informed by those regulations. The space requirement is tabulated below:

<b>Animal</b>	<b>Number</b>	<b>Space/animal/m<sup>2</sup></b>	<b>Total m<sup>2</sup></b>
Cow and calf	120	10	1,200

The overall space requirement for the whole herd is thus approximately twice the size of the proposed building. It is understood that calving will be phased such that cows close to calving can be accommodated in batches throughout calving, with other buildings utilised as necessary.

It follows from the above that in the opinion of the Agricultural Consultant the building is of a suitable size for the intended purpose. Turning to the design, the principal criteria for a cattle building where loose housing is utilised is that the upper elevations should allow a good flow



of fresh air to facilitate air changes to remove airborne pathogens and that the lower elevations should retain the accumulated farmyard manure. The proposed building meets those two criteria by utilising spaced timber boarding at the upper elevation which allows the passage of natural ventilation and at the lower elevation pre formed thrust resistant concrete panels are shown which facilitate the retention of soiled bedding over the winter. Overall it is considered that the proposed building is warranted by the proposed amendment to the farming practice.

It is noted that a number of the consultation response suggest that there might be existing buildings that could be utilised rather than the erection of a new building or might be better located elsewhere. In the assessment of the application the Council's Agricultural Consultant noted that the enterprises at the farm are an arable operation, a suckler beef unit and an equine business. The equine business and the arable unit both operate from buildings on the freehold land at Church Farm. The beef unit is however spread across a number of locations. Therefore the location of the building at church farm is not considered appropriate.

The current proposal is to provide a new general purpose building to serve a block of some 90 ha of freehold land; the supporting information deals with the proposed farm building in the context of that single block rather than the entire farm enterprise as a whole. The land to which the application relates is used to run a beef suckler herd and to produce arable crops and therefore the location of the building is considered appropriate.

The previous planning proposal (14/03742/FUL), which was withdrawn by the applicant, sought to consolidate the beef unit at a single location however that application was withdrawn. Given the previous application, concerns have been raised during the consultation that if the current application were to be approved this may lead to further development of the site including the provision of an Agricultural Workers Dwelling which would further impact on the AONB. Despite these concerns the Agricultural Consultant identified that the overall staffing requirement for the beef unit is approaching one unit full time across the year and that this requirement is met through the existing farm staff.

It is also noted that concerns were raised during the consultation period that the building would not be connected to services making it inappropriate for the housing of animals. However, the Agricultural Consultant considered the design and location of the building and considered that the building is appropriate for its intended use.

Despite this assessment if an application for a dwelling were to be forthcoming this would be assessed separately and would need to meet the required functionality and financial tests. It should be noted that the Council cannot consider the potential for future development of the site as part of this application and could not justify refusal of permission on this basis.

#### Highways

The Council's Highways officer concluded that this proposal is an agricultural use and as such the associated vehicle numbers and type are to be expected in the countryside and on the adjacent rural roads. The proposed access will require an adequate visibility splay and be surfaced in a consolidated material. In summary they raise no highway objection to the agricultural proposal subject to conditions. It is noted that the access/highways is a key concern raised in a number of consultation response; however, given the nature of the development and the fact that the development will be utilising an existing farm track it is considered that the associated vehicle numbers and type are to be expected in the countryside and on the adjacent rural roads.

#### Ecology

It is noted that the development has the potential impact upon nesting birds and that concerns have been raised in a number of the consultation responses. The Council's Ecologist was consulted on this application and commented that they do not believe that the

proposals would have any significant effects on the local ecology of the area; however it is recommended that any permission granted include an informative highlighting the legal protection afforded to active bird nests.

In conclusion it is considered that given the nature and small area of habitat involved, and the availability of similar habitats in the surrounding landscape, it is not considered that the scheme would have any long-term effects on population status. Therefore no objection has been raised by the Council's Ecologist.

## **9. Conclusion**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Overall it is considered that the proposed building is warranted by the proposed amendment to the farming practice. Furthermore, the proposed development is not considered to result in a detrimental impact to the Cotswold AONB or surrounding area. The design of the building would appear to be appropriate given the proposed use of the building. It is therefore considered that the proposal complies with Core Policy 51 and 57 of WCS.

## **RECOMMENDATION**

Approve subject to conditions

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

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

2. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

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

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

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- all hard and soft surfacing materials;

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

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

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

6. No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

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

7. The development hereby permitted shall not be first brought into use until the access measuring 5m in width for the first 10m, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). Any gate will be required to be set back 15m and be made to open inwards. The access will be required to drain away from the highway and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

8. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the West and 43 metres to the East from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

9. The development hereby permitted shall be carried out in accordance with the following approved plans and documentation: Application Form, Supporting Statement, LDC.1900\_001 Location Plan, LDC.1900\_002 Site Plan, LDC.1900\_003 Proposed Site Plan, LDC.1900\_004 Proposed Building Plan and LDC.1900\_005 Proposed Elevations, received on 07/04/2015.

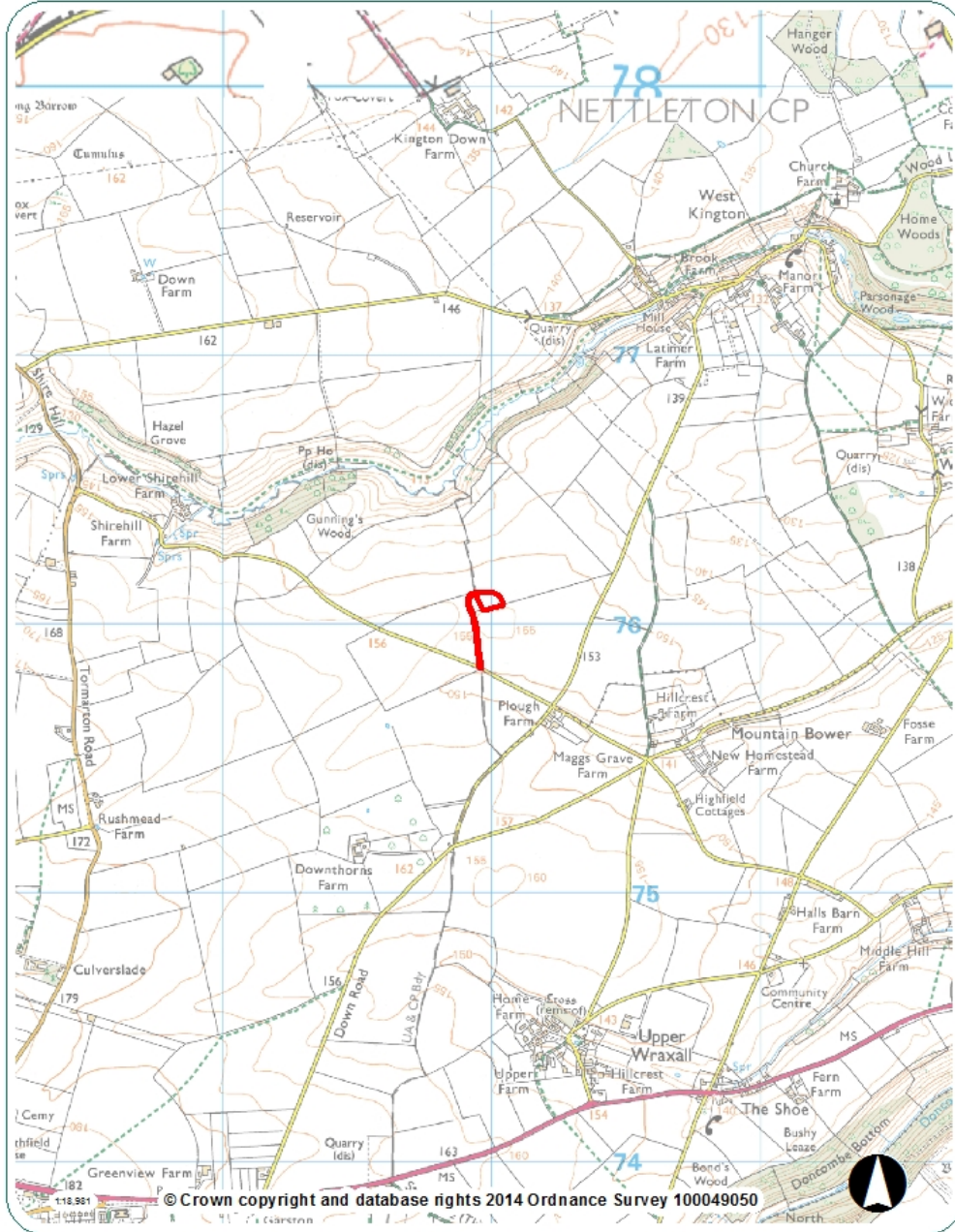
REASON: For the avoidance of doubt and in the interests of proper planning.

10. **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.
11. **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.

12. **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.

15/03266/FUL  
land off Shirehill Lane  
West Kingston  
SN14 7AR



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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	5 August 2015
<b>Application Number</b>	15/03367/FUL
<b>Site Address</b>	Neston Gospel Hall, Chapel Lane, Neston, Wiltshire, SN13 9TD
<b>Proposal</b>	Conversion of Redundant Chapel as Extension to Existing Dwelling with Associated Upgrade of Parking Facilities.
<b>Applicant</b>	Neston Park Estate Office
<b>Town/Parish Council</b>	CORSHAM
<b>Division</b>	CORSHAM WITHOUT AND BOX HILL – Cllr Richard Tonge
<b>Grid Ref</b>	386384 167937
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Alison Grogan

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

This application was previously considered at the Committee on the 24 June 2015, it was deferred for two Committee cycles to allow the applicant to collate and submit for officer consideration any supporting information in respect of the availability of and demand for Community Facilities in the locality; also to consider the need for design alterations and prepare and submit any supporting information demonstrating the impact of the scheme proposals at similar sites already developed.

The agent has submitted photographs showing a mock up of the proposed first floor as seen through the large windows together with photographs of other converted buildings that have been developed in a similar way.

A Supporting Planning Statement has been prepared and submitted by Savills. With regards to the availability of community facilities it is stated that “the village of Neston has a number of local community services and facilities, including a primary school, public house, village hall and church (Grade II listed)” it goes on to state that further facilities can be found in the nearby market town of Corsham and that “Neston is therefore well equipped to serve the needs of village residents both locally and within the surrounding area”.

In respect of considering the building for alternative uses, the report stated that it is not well suited for the following reasons:

- It is situated on the outskirts of the village.
- There is little parking opportunities and access for larger volumes of traffic is poor.
- Pedestrian access is limited to a narrow pavement, which is unsuitable for wheelchairs and pushchairs, excluding easy access to parts of the local community.
- The hall is only 72m<sup>2</sup> (as detailed in the design and access statement) and is therefore limited in size and not practically suitable for a wide range of community uses and functions.

- The building currently has a lack of publically (and disabled friendly) WC facilities etc. and the building would require significant investment to install such facilities and modernisation.

With regards to marketing, from the information submitted it appears that this has not been done but it is stated that “the Trustees of the Hall undertook a nine month extensive consultation exercise to *“search for a solution that would meet the requirements of the Trustees and secure financial support for management and up keep of the burial ground”*. This included:

- Those who have shown an interest in the Neston Gospel Hall site;
- Conservation bodies including Wiltshire Historic Buildings Trust (WHBT);
- Market Valuations were obtained; and
- A Qualified Surveyors Report was commissioned.

The results of the consultation above concluded that it would be unviable for a charitable body to take on the building and a recommendation was made for sale of the building, which eventually led to an approach to Neston Park Estate. The conversion to a dwelling was recommended by the WHBT”.

Whilst the supporting information has been considered it does not alter the concerns raised regarding the visual appearance by the insertion of the first floor. Additionally it is clear that no form of marketing has taken place to demonstrate that all preferable options have been exhausted in line with Core Policy 49.

The recommendation remains the same.

The report was previously reported as follows:

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

Called in by Councillor Tonge for the Committee to consider whether this is a good use of the building.

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

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

### **2. Report Summary**

The main issues are:

- Principle of development
- Impact of the works on the appearance of the building and the character and appearance of the conservation area
- Level of amenity for future occupiers and visitors to the graveyard
- Highways

### **3. Site Description**

Neston Gospel Hall is situated on the south side of Chapel Lane on the outskirts of Neston.

The Hall is situated behind a stone wall along the frontage, gable end onto the lane with a gothic style entrance facing the road. The sides of the building have large feature windows up to the eaves. There is a modern single storey lean-to extension to the rear and there is a modest two-storey one-bed dwelling attached to the south-west corner of the building.



Along the south-east side and rear of the building there is an active burial ground which is well maintained.

The Hall is not Listed but lies within the Neston conservation area and the building and its surroundings make a significant contribution to the character and appearance of this part of the conservation area, and is considered to be a non designated heritage asset.

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

N/12/01617/FUL – Proposed Change of Use of Neston Gospel Hall to 4 Bedroom Dwelling – Withdrawn September 2012.

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

The proposal is to convert the chapel and incorporate it as an extension to the attached dwelling so that it will become a 4 bed dwelling. The grassed area on the south west side of the building will be the parking and amenity area.

The agent has stated that the burial ground will be retained in the ownership of the Trustees who will continue to cover the issues regarding surrounding walls and trees. At the specific request of the Trustees, the Burial Ground boundary will abut the wall of the Hall, with no new fences, or direct access from the domestic building.

The proposal also includes an off-road parking area for visitors to the burial ground, which will be located to the side of the burial ground

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

National Planning Policy Framework 2014:

Chapter 7 – Requiring Good Design

Chapter 12 – Conserving and Enhancing the Historic Environment

Wiltshire Core Strategy:

CP49 – Protection of Rural Services and Community Facilities

CP57 - Ensuring High Quality Design and Place Shaping

CP58 - Ensuring the Conservation of the Historic Environment

#### **7. Consultations**

Corsham Town Council – Support the proposed application as it would help to preserve the building.

Senior Conservation Officer – The structure to support the first floor will be highly intrusive and will have a significant impact not only on the interior space but will compromise the external appearance, as the inserted floor will be clearly visible through the windows. Also object to the large roof lights.

Highways – Require that 3 parking spaces are provided for the converted dwelling. The details state that there is existing car parking but there is no evidence that this has been used to park vehicles, therefore evidence is required that this has been used for car parking in recent times. I have concerns with regard to access and parking in this area, the visibility splays in both directions are restricted by the walls and vegetation and therefore sub standard. This will not be suitable when considering vehicles will be reversing. The details related to the car parking area are not clear, a drawing will be required that clearly outlines the upgraded access and the visibility splay.

Amended plans have been received to overcome the concerns raised by the Highway Team. The additional comments will be presented as a late item.

## 8. Publicity

The application was advertised by site notice and neighbour consultation.

A letter has been received by a member of the public raising concerns regarding the maintenance and up-keep of the burial ground where a family member is buried.

## 9. Planning Considerations

### Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act states that “*determination must be made in accordance with the plan unless material considerations indicate otherwise*”.

This is the starting point from a policy point of view. The Wiltshire Core Strategy forms the local component of the current development plan.

The conversion of this building to a dwelling would result in the loss of a community facility and therefore core policy 49 is applicable. This policy aims to protect community facilities and states that “*Preference will be given to retaining the existing use in the first instance, then for an alternative community use. Where this is not possible, a mixed use, which still retains a substantial portion of the community facility/service, will be support.*

*Redevelopment for non-community service/facility use will only be permitted as a last resort and where all other options have been exhausted*”. The policy goes on to indicate that such applications will need to demonstrate that a comprehensive marketing plan has been undertaken to demonstrate that all preferable options have been exhausted. The policy includes the minimum requirements for such a marketing plan.

This policy is in-line with the advice given in the NPPF which states that policies and decisions should “guard against the unnecessary loss of valued facilities and services”.

The agent has stated that the scheme is for the conversion and inclusion of the chapel into the domestic section of the building and it is not a conversion of an isolated building. He goes on to state that the local preference is for the conversion to a dwelling rather than a commercial building. In terms of the marketing plan, it is stated that the “literal guidance laid down in core policy 49 would result in an effectively unsustainable exercise, which would cause the building to remain empty for a considerable period of time...the improvements regarding the car parking will be of great benefit to the community using the burial ground”.

Whilst the points raised by the agent have been noted, there is no evidence to support his view that an alternative community facility/service could not be found for this building and no information has been submitted to demonstrate that alternative uses have been considered.

### Design and Impact on the Conservation Area

The Hall is a simple non-conformist chapel dating from the mid 19th C. It is typical of the many plain religious buildings constructed by local congregations. It was later extended, so obviously formed a significant part of the community into the 20thC. The building is flanked by two green spaces; to the south-east lies the graveyard, separated from the road by a low stone wall (which also encloses the chapel), covered with greenery, whilst to the north-western area of grass lies open to the road. Although not listed the hall lies within the Neston conservation area and the building and its surroundings make a significant contribution to the character and appearance of this part of the conservation area. Following consultation with the Senior Conservation Officer it is felt that this building is considered to be a non designated heritage asset.

Paragraphs 131, 135 and 137 of the NPPF indicate that new development in conservation areas should make a positive contribution to local character and distinctiveness, enhance or better reveal their significance and in weighing applications that directly affect non designated heritage assets a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Senior Conservation Officer raised concerns regarding the size of the proposed roof lights and revised plans have now been received which show much smaller windows which are now considered to be acceptable. However, the Senior Conservation Officer also raised concerns regarding the proposed works to convert this building in relation to the structure that will support the first floor which is considered to be highly intrusive and will significantly impact not only on the interior space but the external appearance, as the inserted floor will cut across and will be clearly visible through the windows. It was suggested that as an alternative a mezzanine floor could be inserted over the rear part of the building approximately 4.5m in depth from the back wall and set back so that it did not run across the window. This compromise was not accepted by the agent who has stated that the floor was carefully considered and will not be noticeable from the outside of the building. However, this is not considered to be the case as the floor will be seen through the windows and this will be exacerbated when furniture is placed in the rooms. The proposal is therefore considered to conflict with core policies 57 and 58 of the Wiltshire Core Strategy and paragraphs 17 (10), 131, 133 and 135 of the National Planning Policy Framework.

#### Impact on Amenity

The burial ground wraps around two sides of the building, it is an active burial ground and is well maintained and used. The proposed plans indicate that there will be a new parking area for four cars to be used for visitors to the burial ground and a new lynch gate for pedestrian access.

The burial ground and Hall have a close relationship and it is considered that the conversion of the Hall to residential would not be compatible in terms of amenity for future occupiers of the dwelling or to visitors of the burial ground. The existing dwelling is situated on the other side of the Hall to the burial ground and therefore there is a degree of separation. The proposed conversion together with the existing dwelling would result in a substantial family house where the amenity of future occupiers would be compromised by visitors to the burial grounds in terms of privacy and disturbance. This would also be an issue for visitors to the burial ground who are likely to want quiet reflection as they pay their respects.

Overall it is considered that these uses would not be compatible and would result in a poor level of amenity for both future occupiers and visitors to the grounds, which is considered contrary to core policy 57 (vii) and paragraph 17 (4) and Section 7 of the National Planning Policy Framework.

#### Highways

Highways raised concerns regarding this proposal in terms of the parking area for the proposed dwelling and also in terms of the visibility and access for the public parking. The agent has submitted revised plans which have been sent to Highways but unfortunately no comments have yet been received on the revised plans and these will be reported as a late item.

Highways also request confirmation that the grassed area in front of the attached dwelling has been used for parking and the agent has submitted a letter from a local resident addressing this issue.

#### **10. Conclusion**

In conclusion, it is considered that this proposal would result in the loss of a community facility/service and no evidence has been submitted to demonstrate that alternative community uses have been considered or the building marketed for such purposes.

The building is considered to be a non designated heritage asset and the proposed structure for the first floor will have a detrimental impact on the appearance of this building as it will be clearly visible through the windows, this will be exacerbated by any furniture in the rooms. Additionally given the close relationship of the Hall and the burial ground it is considered that the conversion to residential would not be compatible in terms of amenity for both potential occupiers and visitors to the grounds.

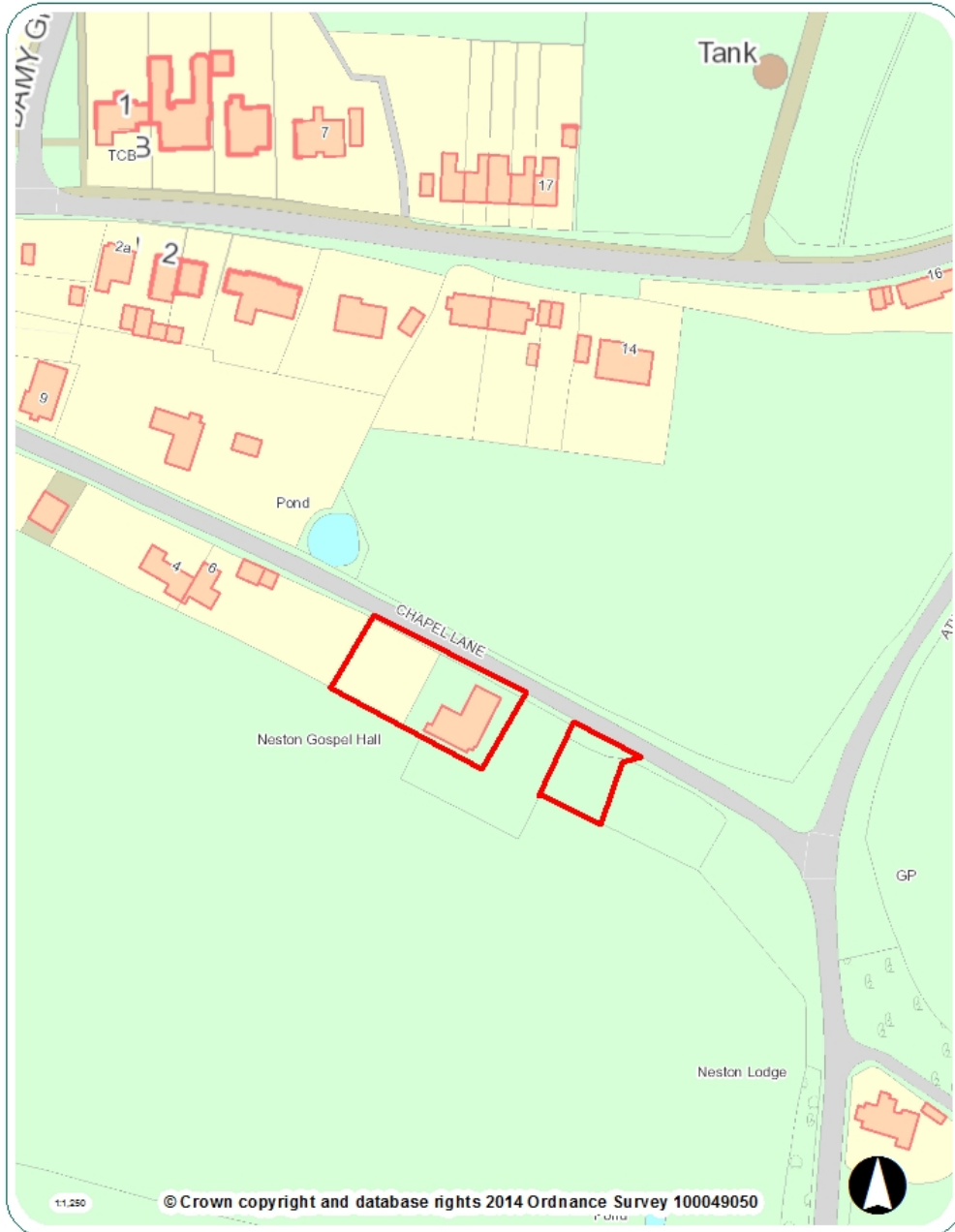
It is therefore considered that the proposal conflicts with core policies 49, 57 and 58 and paragraphs 17 (4) (10) (12), 131, 133, 135 and Sections 7 and 8 of the National Planning Policy Framework.

Concerns were raised by Highways and whilst revised plans have been submitted the comments are still awaited and will be reported as a late Item.

## **RECOMMENDATION**

**The application be REFUSED for the following reasons:**

1. No evidence has been submitted to demonstrate that the building has been marketed for an alternative community use and that all preferable options have been exhausted in order to justify the change of use. The proposal is therefore contrary to core policy 49 of the Wiltshire Core Strategy and paragraph 17 (12) and Section 8 of the National Planning Policy Framework.
2. The proposed works to incorporate a first floor would be intrusive and detrimental to the appearance of this non-designated heritage asset to the detriment of the character and appearance of the Conservation Area, contrary core policies 57 and 58 of the Wiltshire Core Strategy and paragraphs 17 (10), 131, 133 and 135 of the National Planning Policy Framework.
3. The proposed residential use would be incompatible with the use of the burial ground in terms of amenity for both future occupiers and visitors to the burial ground in terms of privacy and disturbance and therefore contrary to core policy 57 (vii) and paragraph 17 (4) and Section 7 of the National Planning Policy Framework.



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