

<b>Date of Meeting</b>	1 <sup>st</sup> November 2018
<b>Application Number</b>	17/08775/FUL
<b>Site Address</b>	Malthouse Farm, 1 Bunnies Lane, Rowde SN10 2QB
<b>Proposal</b>	Hybrid Planning Application seeking: Part: Outline application for residential development of 3 market sector dwellings including siting, access and parking; and Part: Full Permission for the change of use of the retained buildings to form 3 market sector dwellings including external appearance and parking.
<b>Applicant</b>	Adele Homes
<b>Town/Parish Council</b>	ROWDE
<b>Electoral Division</b>	Cllr Anna Cuthbert
<b>Grid Ref</b>	397732 162753
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Jonathan James

### Reason for the application being considered by Committee

The application has been called-in by the Chairman of the Planning Committee, Cllr Mark Connolly, in the division member's absence, due to concerns regarding highway safety, accessibility and the impact on the historic environment.

#### 1. Purpose of Report

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

#### 2. Report Summary

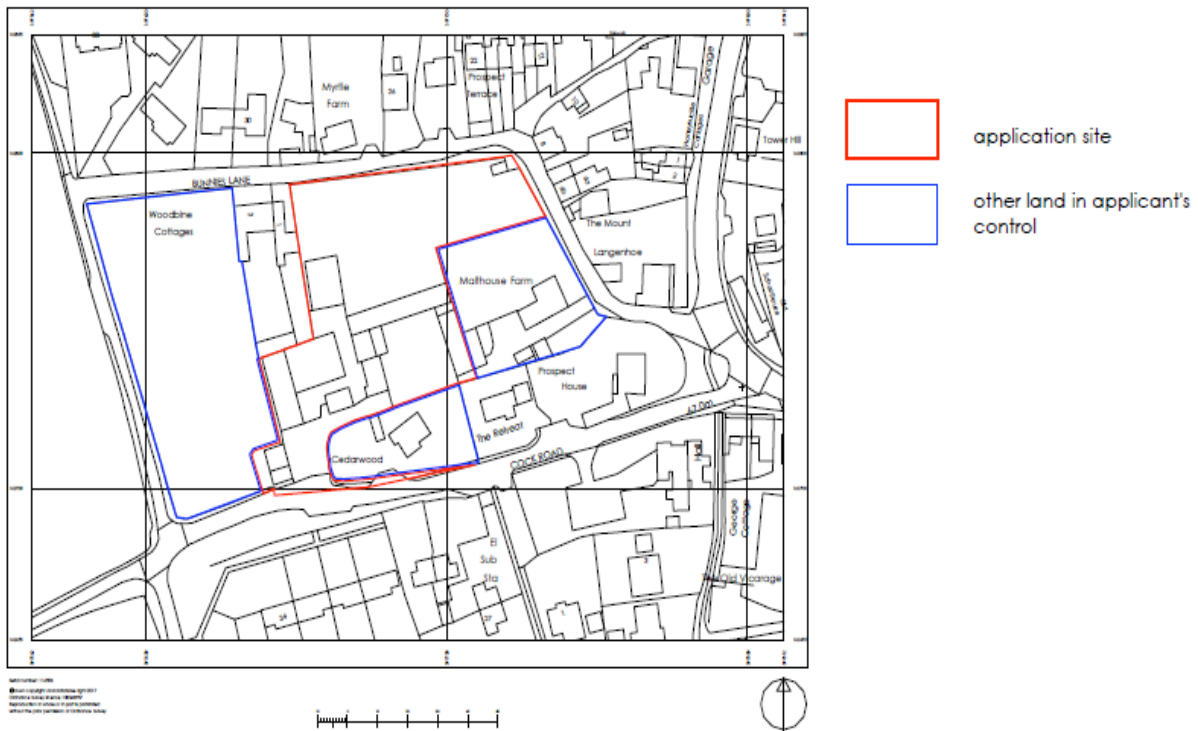
Concerns have been raised regarding the potential impact on highway safety as a result of inadequate pedestrian links into the village; the increase in traffic movements along highways that are incapable of supporting the development; the impact on heritage assets; the potential impact on drainage; and the visual impact of the scheme. These issues will be addressed in the report.

#### 3. Site Description

The site is located within the Limits of Development for Rowde, which is designated as a large village within the Wiltshire Core Strategy (WCS) 2015. Within the site there are existing agricultural buildings, some traditional and others of modern (steel-framed) appearance. The boundary treatment to the north is a simple post-and-wire fence; however, across the site are a mixture of brick/stone walls as well as hedgerows. Bunnies Lane lies immediately to the north of the site and Cock Road lies immediately

to the south. There are existing dwellings to the north, west, east and south of the site, including the grade II listed Myrtle Farm and Prospect House. The existing housing stock is predominantly two storey dwellings, finished in a range of materials, although painted render and brick is predominant. Roof finishes comprise a mixture of clay tile, thatch and slate.

The topography of the land is generally level across the site, however there is a drop in level of close to 1.5m from the paddock down to Bunnies Lane.



**Site Location Plan**

#### 4. Planning History

K/80/0325                      Erection of one single storey dwelling and garage - Withdrawn

#### Adjacent site:

K/33796/O                      Outline planning permission for residential development. – Refused – dismissed at appeal.

#### 5. The Proposal

The application is for the redevelopment of the site with six new dwellings (3 from the conversion of existing buildings and 3 new-build units).

The application, as originally submitted in 2017, was outline in form and proposed a total of 7 dwellings on the site, of which 4 would have been new-build units. In response to concerns raised by various parties, a number of amendments have been received. The key changes are as follows:

- The number of properties has been reduced from 7 to 6: - conversion of existing buildings to form three dwellings and the erection of three new builds;
- Change of application from outline to a hybrid; the conversion of the existing buildings is now in full application format and the new builds remain in outline;
- The scale of the proposed structure on plot 5 has now been described as single storey and the illustrative plans show a ridge height of 5.40 metres;
- The garage location on plot 6 has been move in line with the proposed dwelling;
- Landscaping has now been proposed along the northern boundary of plot 5;
- Further clarification on the drainage strategy has been provided;

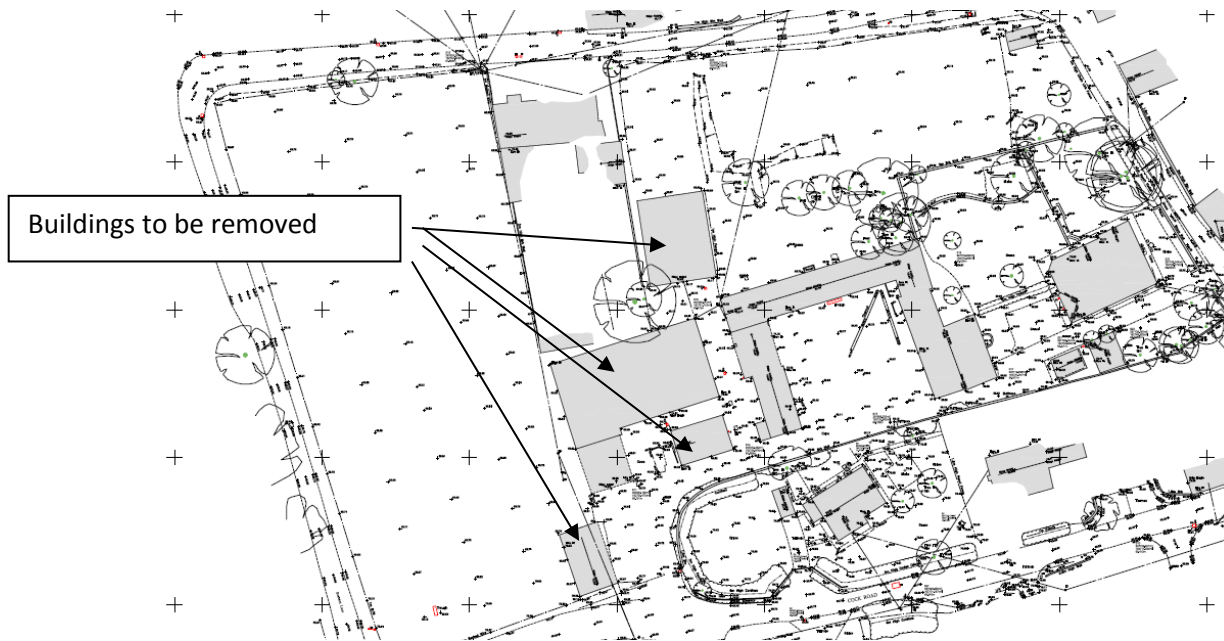
Access to plot 6 would be off Bunnies Lane to the north, and access to the remainder of the site would be off Cock Road to the south.

During the course of the application, it was identified that the conversion element of the scheme could not be dealt with under an outline application. As a consequence, the application for determination by the planning committee is a “hybrid” application. This provides “full” details of the conversion of the existing traditional farm buildings to three residential dwellings; and “outline” details for the erection of the three new-build dwellings, including siting, access and parking. All other matters (namely landscaping, scale and external appearance) are reserved for subsequent approval.

As can be seen on the existing and proposed site layouts below, the proposed scheme would involve the removal of some existing large agricultural buildings. Additional planting is proposed along the boundaries of the site.



**Proposed Site Layout**



***Existing Site Layout (topographical survey)***

## **6. Local Planning Policy**

### Wiltshire Core Strategy 2015 (WCS):

- Core Policy 1 – Settlement Strategy. This identifies settlements where sustainable development will take place, with a settlement hierarchy running from Principal Settlements through market towns and local service centres to large and small villages. Rowde is classified as a large village.
- Core Policy 2 – Delivery Strategy – in order to deliver the sustainable development envisaged in CP1, CP2 sets out the delivery strategy. Again, this states that houses will be delivered in sustainable locations, with a presumption in favour of such development within the limits of development defined on the policies map. This site is identified as falling within the limits of development of Rowde.
- Core Policy 3 – Infrastructure requirements – aims to ensure for the provision of necessary infrastructure requirements where appropriate.
- Core Policy 12 – Spatial Strategy: Devizes Community Area – clarifies that development in the Devizes Community Area should be in accordance with the Settlement Strategy as set out in Core Policy 1.
- Core Policy 50 – Biodiversity and geodiversity - Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale.
- Core Policy 51 – Landscape – the supporting text for this in paragraph 6.85 identifies the need to protect the distinct character and identity of the villages and settlements in Wiltshire. Development should protect, conserve and where

possible enhance landscape character, and any negative impacts must be mitigated.

- Core Policy 57 – requires new development to make a positive contribution to the character of Wiltshire
- Core Policy 58 – Ensuring the conservation of the historic environment – requires development to protect, conserve and where possible, enhance the historic environment, and states that designated heritage assets and their settings will be conserved.
- Core Policy 60 – Sustainable transport – The council will use its planning and transport powers to help reduce the need to travel particularly by private car this will be achieved by planning developments in accessible locations.
- Core Policy 61 – Transport and new development – New development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives. The proposal must be capable of being served by safe access to the highway network.
- Core Policy 64 – Demand management – residential parking standards.

### **National Planning Policy Framework (2018)**

### **Wiltshire Local Transport Plan 2011 – 2016: Car Parking Strategy (March 2011).**

Historic England good practice guide to interpreting the National Policy Planning Framework (NPPF), “**The Setting of Heritage Assets**”

## **7. Summary of consultation responses**

**Rowde Parish Council** – Comments have been received from the PC on the 24/10/2017, 31/10/2017 and the 08/11/2017 which have reiterated the same points, namely that: the Parish Council continues to support the application subject to conditions:

- Either lower embankment or re-site plot 6 to alleviate impact on Myrtle Farm and Ashwin’s Barn
- Insufficient parking spaces
- Require inclusion of footpath on Cock Road for pedestrian safety
- Request applicants to reconsider proposed tree and hedgerow along Bunnies Lane

### **Following the reduction in the number of units on site the PC made the following comments:**

15/02/2018 - The Parish Council had these further comments to make:

- The concerns about pedestrian safety have not been addressed, concerned that highway officer does not support this
- It is acknowledged that plot 6 has been removed, but plot 5 has increased in size and has been moved closer to Myrtle Farm.
- Plot 5 has increased in size so greatly as to be no longer in keeping with the local landscape.

- Request applicants to reconsider proposed tree and hedgerow along Bunnies Lane, due to impact on amenity of neighbouring properties
- There were no photos to show what the view would be like of the renovated farm buildings from Myrtle Farm.
- The Parish Council would like to direct Wiltshire Council to the letters that have been submitted by local residents.

06/04/2018 - No comments

**Following receipt of the Hybrid Application**

Rowde PC comments (13/06/2018) – Support subject to conditions; Rowde Parish Council is content with its previous position, which is to support the application with conditions. These conditions are outlined in the Parish Council response date 15<sup>th</sup> February 2018.

**Latest Comments received (12/09/2018) following receipt of land drainage strategy:**

It was noted that it in the revised plan that plot 5 will be single storey building. The proposed height is stated as 5.4 metres. It was noted that a standard single storey building is usually lower than this.

The Parish Council had no further comments to make on the revised plans. The planning department's attention is drawn to previous comments including:

1. The concerns about pedestrian safety have not been addressed. These are fundamental to the Parish Council. There is no footpath provision on Cock Road or on Bunnies Lane.
2. The Parish Council would like to direct Wiltshire Council to the letters that have been submitted by local residents.

**Wiltshire Council Highways – Support subject to conditions** - 17/11/2017 - This is an outline application. There is no footway in the vicinity of the site, though I note this is very much the par for rural villages. There is a school in the village and it is on a main bus route.

The proposed visibility splays as shown of 2.4m x 31m and speeds identified are accepted.

Access for a single additional dwelling off Bunnies Lane is accepted. The improvement to the highway verge at the corner is welcome and could be undertaken via a short form S278 agreement.

The use of the current access for the proposed dwellings is accepted in principle. The proposed widening in front of Cedarwood and the potential for some widening on the opposite side of the road within the highway should be adopted via a short form S278. Cock Road does narrow over parts but there are recognisable lengths which are accessible for the passing of two vehicles and its junction onto the main road is

acceptable. In the opposite direction Cock Road is narrow but it is considered that most vehicle movements will be via the main road.

The internal road would not be adopted, the scheme does need to be designed to accommodate a refuse vehicle, early contact with the Waste team is recommended. The Council can enter the site to collect bins under written agreement.

There is insufficient detail to clarify the level of parking allocation; parking would need to meet the minimum parking guidelines. A tracking diagram to show how each parking space will work between plot 1 and the visitor parking is required.

The main access area (shown light green on the drawing) should be surfaced in consolidated material and in regards to plot 7 it should be surfaced in a consolidated material for at least the first 2.5m. Both accesses should be made to drain away from the highway.

In summary the principle of development is accepted subject to the following matters being addressed/conditioned:

1. All accesses should be surfaced in a consolidated material for at least the first 2.5m. If the site is to be accessed by a refuse lorry under agreement the turning area for the lorry should be built to adoptable standards i.e. consolidated surfacing.
2. The proposed widening to the front of Cedarwood and on the corner of Bunnies Lane as shown on the drawing will be required to be conditioned and secured as adopted highway via a short form S278 agreement.
3. The applicant could also look to provide some more widening on the opposite side of the road in areas which are shown as highway. This could also be a benefit to neighbouring properties providing a hard surfaced on street parking area.
4. The parking should meet minimum requirements and be provided as shown on the approved drawing.

02/02/2018 - Accept the amended drawing 1658.02.-C; refer to previous comments and accept the proposal. The splays as demonstrated on the drawing and the road widening on Cock Road and on the corner of Bunnies Lane which has also been annotated should be secured. A S278 agreement will need to be entered into to secure adoption of this work. Parking should be secured as demonstrated (meeting adopted minimal standards). The roads will not be adopted and the applicant should start discussions with the waste team to secure agreement in regards to waste collection.

#### **Following receipt of the Hybrid Application**

19/09/2018 - I have looked on line at my comments and on file is a revised response dated the 2nd of Feb in response to the revised drawing. In that response I note that the splays on the drawing are acceptable. Cock Road shows the 2.4m x 31m and Bunnies Lane shows the 2.4m x 22m. The access onto Bunnies Lane is at a location where speeds will be recognisably low I am happy to accept the 22m. This is also an access for a single dwelling and as such conflicting movements are very small and as such a shorter splay is acceptable.

**Wiltshire Council Land Drainage - 20/10/2017** – Objects and Supports subject to conditions:

Application form states foul drainage to go to main sewer – WW issued their standard response for developments of less than 25 units and included a plan showing public foul sewers in Bunnies Lane and Cock Road thus assumed foul drainage discharge will not be an issue – condition needed

Application form states storm water disposal to be via sustainable drainage but does not indicate where the storm water will go – to ground or water course – WW records appear to show a highway drain in Cock Road but there is no right of connection into it from the site

Whilst site is in FZ1 according to EA mapping but there is 1 in 30/100 surface water flood risk in the roads to north and south which could impact on access/egress

This is an outline application but as a brownfield redevelopment it is expected that more details of storm water disposal should be given – may be issues with the use of soakaways thus would need to look for alternative disposal method such as to water course but none close and applicant may not have the right to connect

LPA have the choice of an objection (holding) on lack of storm water disposal information or accept that applicant can find an acceptable disposal arrangement within the life time of any approval in which case a recommendation of support with a GRAMPPIAN condition.

15/11/2017 – Amendment does not relate to drainage, no change from previous comments

**Following the reduction in the number of units on site**

02/02/2018 – Revisions do not include drainage plans, original comments stand

**Following receipt of the Hybrid Application**

26/06/2018 – Object; lack of drainage details, also concerns over flood risk from adjacent property owners. WW support foul to foul connection but do not accept storm water to foul. With no storm water drains within area this would need to be resolved before objection could be removed. However if LPA accept an arrangement is feasible within the lifetime of an application then this can be included as a Grampian condition. Highways adjacent to the site at risk of surface water flooding, it is expected that greater detail of storm water disposal should be given.

**Latest Comments following receipt of land drainage strategy:**

25/09/2018 - As our recent discussion:

- Local residents have issues over flooding in the area and down stream
- I also have concerns that the development may pose an increased risk to other



- They have prepared a desk top FRA which –proposes a reduced discharge from the site but not shown what current discharge rate actual is from the site
- They have indicated that current site has (at least some) flow going to a pipe off site but as above not confirmed the extent of current area draining to it, or its route to water course , its status or their right to use it.

Whilst I have concerns over the storm drainage disposal proposals, and based on a statement of an inspector at an appeal, I cannot say the applicant cannot overcome the drainage issues within any life of the application should you deem to give approval – As a result should the application be approved I would suggest pre-commencement conditions are applied

**Wiltshire Council Conservation - 16/11/2017** – Object; the application is in outline form and therefore there is limited information to assess the impact of the proposals on the heritage assets. It is suggested that the offset of the removal of the agricultural barns would mitigate the erection of the new dwellings. Plot 6 is set on higher ground and it is considered that it would dominate the setting of the listed buildings opposite the site. It is agreed that there would be no harm to the setting of Prospect House. The existing farm buildings (not the steel framed modern structures) would be construed as non-designated heritage assets, however without detail of their conversion the degree of impact cannot be assessed.

It is difficult to see how the layout, form and design of the proposed new builds fits within the local context. It is considered that the development would cause less than substantial harm to the significance of Myrtle Cottage and barns. There is no public benefit to offset the harm as required by the NPPF.

**Following the reduction in the number of units on site**

22/02/2018 – The omission of plot 6 is a significant improvement to the setting of Myrtle Cottage and Ashwins Barn. The proposed planting is still shown close to the boundary opposite Myrtle Cottage. The reintroduction of apple trees and the use of a native hedgerow are acceptable, such a feature would not have an adverse impact in terms of significance of the listed building.

However, plot 5 has increased in size and is partly 1 ½ storeys high with single storey projecting wings; it is considered that the height and footprint of this property should be further reduced, i.e. omit western wing and reduce height to small single storey cart shed scale. Whilst there are examples of half hipped roofs, this is not a typical feature of the local vernacular. The location of the garage on plot 6 is arbitrary and could be accommodated within the built form of the new dwelling.

The provision of more information on the conversion of the barns is useful however without further details it is not clear what the finished scheme will look like. In terms of layout, the central courtyard should be retained as an open yard and not subdivided.

28/03/2018 – It is noted that the latest revisions have tried to resolve some of the issues. The garage has been moved on plot 6 to the end as opposed to the rear; this location is better. The height of plot 5 has been marginally reduced, however it should

be single storey. Query why the fruit trees are planted within the boundary and not further into the site.

**Following receipt of the Hybrid Application**

05/07/2018 – The revised details have provided more information on the conversion of the barns and this is now acceptable. Concerns over plot 5 remain.

19/09/2018 – My original comments included the background context for considering the application in terms of the historic environment

The key issues, in terms of the historic environment, are the impact of the development on designated and non-designated heritage assets. The Planning statement has identified Myrtle Farm and Prospect House being designated heritage assets in the vicinity of the application site. It also includes the fact that Malthouse farm is included in the HER and is a partial survival of an historic 19th century farmstead. In terms of the historic environment the primary consideration is the duty placed on the Council under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework NPPF July 2018 outlines government policy towards the historic environment. Section 16 “Conserving and Enhancing the Historic Environment” sets out an overall aspiration for conserving heritage assets. In particular paragraph 193 *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

The works to convert the farmyard buildings has now been shown in more detail and is now considered to be acceptable as it will retain the character and appearance of these heritage assets. Although I would prefer the central courtyard to be one single space and not divided into separate lawned spaces.

In terms of the new houses and impact on the setting of the listed buildings - I note that the height of the proposed house on plot 5 has been considerably reduced and the half hips removed in favour of gable ends. Due to the location of the house and its height I am on the view that it will not cause harm to the significance of Myrtle cottage nor Ashwins Barn. The outlook from these properties may be changed but I do not consider this to impact on the historic significance of the properties. However, I still consider that the footprint of this element should be reduced to comply with policy CP57 as new development should follow the scale and layout of the area. I previously suggested the removal of the eastern wing.

**Wiltshire Council Archaeology** – No objection, subject to a planning conditions requiring a proportionate level of archaeological recording. The Wiltshire and Swindon Historic Environment Record (WSHER) shows that the proposed development site contains a partially extant historic farmstead which dates to at least the 19th century. The Wiltshire and Swindon Farmsteads Project recorded it as U plan with additional detached elements to the main part. The Farmhouse being set away from the yard and located within or associated to a village. There has been less than 50% loss of traditional buildings.

The Heritage Statement submitted with the application makes reference to the village of Rowde being in existence in Saxon times and the medieval village centred around the church. The WSHER details a fragment of a Romano-British finger ring found immediately north of the site and a Roman coin found approximately 70m to the south. The Andrew and Drury's map of 1773 shows buildings in the area of Malthouse Farm and by 1886 the Ordnance Survey mapped the farm in a similar layout as of today (central U plan form with detached elements to the southeast and northwest).

The Planning Statement contains a Heritage Assessment which has not addressed the potential for non-designated heritage assets to be impacted by the proposals nor does it appear to follow the Wiltshire and Swindon Farmsteads Assessment Framework. On the latter however I refer you to the advice of the Conservation Officer but I consider an appropriate level of building recording should be undertaken prior to the works commencing and a report submitted to the Wiltshire Buildings Record. There is little evidence on the WSHER to suggest significant archaeological remains will be impacted by the proposals and the development of the farmstead from at least the 19th century to present will likely have caused a degree of impact on surviving archaeological remains. Due to its location however on the periphery of Saxon-medieval settlement (its likely location around the Church of St Matthew), two nearby Roman finds and possible remnants of earlier buildings/farm structures on the site, I consider a proportionate level of archaeological investigation should be made a condition of planning approval.

**Wiltshire Council Ecologist** – No objections, support subject to conditions. It is considered that the Phase I Habitat and Bat Survey carried out by Malford Environmental Consulting has been sufficiently thorough to properly inform the application. The survey report states that the buildings are of negligible importance for bats and no evidence of bats was found within the site. There is some evidence of past use of the buildings by swallows and other birds, a function that will be lost through development, therefore some replacement of bird nesting opportunities will be required. The adjoining paddock contains grassland of low conservation value although the trees contribute to primary connectivity within the wider landscape area and will provide foraging and commuting habitat for a range of birds and small mammals.

The survey report gives recommendations for retention of trees where possible and I note that the site drawings propose tree planting to replace any lost. The report also recommends the addition of integral bird and bat boxes on the replacement buildings, in line with the requirement within NPPF to provide mitigation AND enhancement for biodiversity within the development.

Any given permission should be in accordance with the recommendations for ecological mitigation (bats and birds) in Section 5 of the submitted Protected Species Survey and Mitigation (Malford Environmental Consulting, 23 September 2016) and with any further plans submitted as required by the Ecologist.

The site is at least 60m south of the watercourse to the north which runs into Summerham Brook; this brook is over 200m west of the site. The distance between the site and the watercourse is a combination of permeable open ground and hardstanding, therefore I consider that there appear to be no likely ecological impacts on the watercourse.

**Wiltshire Council Arboriculturist** – No objections.

**Wessex Water** – No objection - Following receipt of the revised scheme our comments remain unchanged. There are no objections raised to this application by Wessex Water who advise that a new water supply and waste water connection will be required. A plan showing the approximate location of WW apparatus is provided. The applicant has indicated that foul sewerage will be disposed of via the main sewer. Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as “surface water”) will be disposed of via sustainable drainage systems and the main sewer. Due to the risk of sewer flooding in the area there must be no rainwater connections to the foul network. Your contractor will need to consider a point of discharge to watercourse or the public surface water system if soakaways do not work in this area.

## **8. Publicity**

The application has been advertised by way of a site notice, advertisement within the local press and by letter to neighbouring properties. The following is a summary of the responses received:

### **Object:**

- The amendments to the scheme do not resolve any of the other issues identified within previous comments made for a development of this type at this location
- Disagree that a hybrid application should be acceptable
- Great weight should be attributed to settings of the nearby listed buildings and the value of the visual amenity of this rural area
- Plot 5 remains significantly large and the amendments do not overcome the Conservation Officer concerns
- Plot 5 has not been reduced to a single storey structure; 4 metres is the maximum permissible height for a single storey building
- The new houses would dominate the landscape
- The reduction in ridge heights does not overcome the visual impact within this area
- Proposed planting does not overcome the visual impact that the proposed development would create
- Plot 6 remains unchanged and would appear to be one of the largest houses in this area

- Property at plot 6 would overlook properties opposite and affect their right of light
- Property at plot 6 would block light
- Proposed trees along northern boundary would impact on light and living conditions of properties along Bunnies Lane
- The proposed development is not in the village plan
- The village has already met its quota for new development
- The site has been allocated as employment land within the Housing Site Allocations DPD
- There is no village green in Rowde, this is the only green area left
- Rowde has attracted a number of new businesses in recent years the most recent being a micro-brewery, as such the paddock and buildings have some local business value within the village and should not be automatically lost to residential
- There is no justification for new dwellings
- The site continues to support agricultural activities
- The Paddock is a greenfield site; who has made the decision that this is brownfield land
- Development would be more appropriate elsewhere such as Manor Farm
- More affordable housing required not luxury housing at Malt House Farm
- Impact on the setting and character of the two listed buildings opposite the site on Bunnies Lane
- Site for one bungalow (Myrtle Farm) was turned down due to impact on listed building, this proposal would have a greater impact on the listed building
- No assessment of the impact on all of the listed buildings within the area (Langenhoe, Ashwins Barn, Prospect House and Myrtle Farm)
- Views of the paddock greatly enhance the setting of the heritage assets
- The paddock forms part of the historic core of the village
- The existing agricultural buildings form part of the rural/agricultural context of this area and are not visually intrusive
- Development not in accord with Core Policies 1, 2, 45, 48, 57, 58 and 61
- Bunnies Lane and Cock Road are rural, single track roads with extensive on-road parking and extremely limited passing opportunities
- Both access roads to the site are dangerous with no footpaths or pedestrian access
- There should be no direct access onto Bunnies Lane
- Proposed trees would undermine the adjacent highway
- The surrounding road network is inadequate to accommodate construction vehicles;
- There would be a conflict with the current on-street parking with existing residents;
- Existing households do not have sufficient parking off-street and have to park on the highway
- The proposed scheme would not provide sufficient parking on-site and would lead to overspill parking on the surrounding road network to the detriment of highway safety
- Concerned that services such as fire engines and ambulances will not be able to gain access to properties
- Correspondence, highlighted by residents, received from Wiltshire Council's waste department highlighting on-street parking issues and that waste lorries encountering difficulties in gaining access to this area

- The increase in traffic would have a detrimental impact on highway safety conflicting with pedestrians etc.
- Increase in traffic would lead to congestion issues
- Transport statement contains a number of inaccuracies
- Highways Impact – application should be rejected
- The area is well used by walkers/ramblers/horse riders and residents have noted that buzzards, red kites and bats use the land
- Loss of open space would discourage visitors from the area including local B&B businesses
- Detrimental impact on protected species and their environment
- Issues relating to the management of storm drainage remain an issue
- Proposed scheme would result in more hard surfaces which would cause flooding to surrounding highways and properties
- In times of inclement weather Bunnies Lane often has pooled water along it, due to insufficient drainage
- Root system of the proposed trees would detrimentally impact on the existing drainage system along Bunnies Lane
- High levels of polluted water runoff entering the nearby stream would have a detrimental impact on protected species
- Mains drainage is at capacity and cannot receive any further additions

## 9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act states that “*determination must be made in accordance with the development plan unless material considerations indicate otherwise*”. Paras 2 & 11 of the NPPF (2018) reiterate and confirm this requirement. This is the starting point for determination. The Wiltshire Core Strategy, adopted in January 2015 is the relevant development plan for the purposes of this proposal.

### 9.1 Principle of Development

The applicant submits that the site has brownfield (previously developed land) status. This is questioned by local objectors who refer to “The Environmental Protection Agency” (EPA) definition of brownfield land and contend that the paddock cannot be considered as brownfield land. It is considered that none of the land (farmyard or paddock) is brownfield land. With reference to the definition contained within both the WCS (2015) and the NPPF (2018), brownfield land (previously developed land) is,

*‘Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape’.*

As the land is occupied by agricultural buildings, it is excluded from the planning definition of previously developed land and this is therefore not a material consideration in the determination of the application.

However, on reviewing the farm buildings that are the subject of this application for conversion against the permitted development rights in the Town and Country Planning (General Permitted Development) Order (Class Q) it is clear that these could be eligible for conversion to residential under the prior approval regime without requiring planning permission from the local planning authority. The floor space of the building (including first floor) amounts to 380sqm which is well below the 1000sqm permitted by the GPDO and the works proposed appear to comply with the conditions and requirements of Class Q. There is a clear desire, through the submission of this application, that the applicant intends to develop and maximise the value of the site and that there is a real prospect of the development proceeding. As such, and with reference to *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314, in which the leading judgment was given by Lindblom LJ the prospect of conversion of the buildings to form three dwellings under permitted development rights is a realistic fall-back position, and this is a material planning consideration.

Furthermore, the whole of the site (buildings and paddock) lies within the defined settlement boundary (limits of development) for the village of Rowde as defined within the Wiltshire Core Strategy (2015) and the Kennet Local Plan before that.

Core Policy 2 identifies that within the Limits of Development (LoD), as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. Rowde is identified in Core Strategy Policy 1 as a large village where development will predominantly take the form of small housing and employment sites within the settlement boundaries. Small housing sites are defined as sites involving fewer than 10 dwellings (i.e. not a major application). The proposal is for six dwellings and the site falls within the LoD, (except for two parking spaces to the southwest corner that fall just outside).

The proposed development, in terms of its size and location within the settlement boundaries, is therefore in accordance with the settlement strategy of the Wiltshire Core Strategy, which is the development plan for the area.

Although the limits of development for the village are being reviewed through the Sites Plan, no changes to the limits of development in this part of the village are proposed in the latest draft. The plan is due for examination next year, and so carries limited weight at this stage.

## **9.2 Visual Impact**

The Wiltshire Core Strategy identifies the need to protect the distinct character and identity of the villages and settlements in Wiltshire. Core Policy 57 and the NPPF seek to encourage high quality design in new development. The proposed scheme involves re-use of existing buildings on the site and in this sense is considered to reflect and respect the existing character of the area. The proposed alterations are considered to be appropriate and reflective of the character of the existing buildings.

The proposed three new dwellings are in outline form only, although an indication of scales can be derived from the details supplied within both the plans and the submitted statements. It is considered that the scale and design detailing can be reasonably controlled through condition and will be formally considered at the reserved matters stage. The amended plans received reduce the number of units down from seven to six which it is considered is a significant improvement to the layout and density of development within this location. The scale of the dwelling to plot 5 has been reduced to a single storey dwelling, which is recognised as acceptable by the conservation officer and is considered a significant reduction to the scale of development on this plot and would further enhance the proposed development. In addition the position of the garage to plot 6 has been moved from its original location closer to the highway of Bunnies Lane further into the site adjacent to the proposed new dwelling. This again is considered to be a significant visual enhancement of the proposed development along this part of the street.

The site is located within the built form of the village, would involve the retention and conversion of traditional agricultural buildings and the removal of unsightly modern buildings, which would be an enhancement in visual terms. It is considered that carefully designed new dwellings could be reasonably sited within the proposed locations without harming the existing context and character of this part of the village, the full details of which would be considered at the reserved matters stage. As such, the proposed development is considered to comply with Core Policies 51, 57 and 58 of the WCS (2015) and the relevant paragraphs of the NPPF.

### **9.3 Impact on Heritage Assets**

The key issues, in terms of the historic environment are the impact of the development on designated and non-designated heritage assets. The submitted Planning statement has identified Myrtle Farm and Prospect House as being designated heritage assets in the vicinity of the application site. It also states that Malthouse farm is included in the Historic Environment Records (HER) and is a partial survival of an historic 19th century farmstead.

In terms of the historic environment, the primary consideration is the duty placed on the Council under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework NPPF July 2018 outlines government policy towards the historic environment. Section 16 "Conserving and Enhancing the Historic Environment" sets out an overall aspiration for conserving heritage assets, in particular paragraph 193 *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

Core Policy 58 in the WCS - Ensuring the conservation of the historic environment - states that designated heritage assets and their settings will be conserved.



Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity, will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner in accordance with Core Policy 57. This policy seeks high quality design in new development.

Malthouse farm has dominated the central area between Bunnies Lane and Cock Road. Prospect house is in the south west corner. The area retains its largely rural agricultural character. Whilst the barns are not of great architectural quality, they relate to this agricultural use and character. To the north of the site is Myrtle Farm and its associated barns (now house) which are grade II listed and date to the 17<sup>th</sup> century. The house is a thatched timber framed building of one-and-a-half storeys. Some of the rural character of the setting of Myrtle farm has been lost with the 20<sup>th</sup> century developments adjacent, however, it still retains a rural outlook to the front over the historic orchard.

The works to convert the farmyard buildings has now been shown in more detail, through the submission of additional plans and is now considered to be acceptable as it will retain the character and appearance of these heritage assets.

The Historic England Guidance *Making Changes to Heritage Assets* states that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting.

The Conservation Officer notes that, in terms of the new houses and impact on the setting of the listed buildings, the height of the proposed house on plot 5 has been considerably reduced and the half hips removed in favour of gable ends. She considers that due to the location of the house and its likely height (based on the section drawings), no harm would be caused to the significance of Myrtle cottage or Ashwins Barn. It is considered that the outlook from these properties may be changed to some extent but that this would not impact on the historic significance of the properties. It is further considered that there would be no harm to the significance of Prospect House. The omission of Plot 6 (thereby reducing the number of properties from seven to six) from the application is a significant improvement in relation to the setting of Myrtle cottage and Ashwins barn.

On balance, it is considered that the proposed scheme would not cause harm to the significance of the adjacent listed buildings or their setting and as such would comply with Core Policies 57 and 58 of the WCS (2015) and with the relevant paragraphs of the NPPF.

#### **9.4 Ecological Impact**

In carrying out its statutory function, the local planning authority must have sufficient information to judge whether the proposal would be likely to result in any adverse impact to protected habitats or species, in line with NPPF and with Core Policy 50 of the WCS (2015). Core Policy 50 provides the Council's stance on biodiversity and how development must take into consideration the importance of such features and species using an area, how they can be maintained and where it is deemed necessary to alter a

feature, appropriate mitigation. The presence of any protected species is a material consideration within the planning system.

A Bat and Protected Species Survey (Malford Environmental Consulting, 2 November 2017) was submitted as part of the original application. The Council's Ecologist is satisfied that the Phase I Habitat and Bat Survey carried out by Malford Environmental Consulting has been sufficiently thorough to properly inform the application. The survey report states that the buildings are of negligible importance for bats and no evidence of bats was found within the site. There is some evidence of past use of the buildings by swallows and other birds, a function that will be lost through development, therefore some replacement of bird nesting opportunities will be required. The adjoining paddock contains grassland of low conservation value although the trees contribute to primary connectivity within the wider landscape area and will provide foraging and commuting habitat for a range of birds and small mammals.

The survey report gives recommendations for retention of trees where possible and it is noted that the site drawings propose tree planting to replace any lost. The report also recommends the addition of integral bird and bat boxes on the replacement buildings, in line with the requirement within NPPF to provide mitigation and enhancement for biodiversity within the development.

The Ecologist's initial comments were made in respect of the outline application and did not take into consideration the full details subsequently submitted for the conversion of the older farm buildings. However, comments received subsequent to receiving the hybrid application also raised no objections and advised that the previous comments stood. In accordance with the Ecologist's recommendations, a condition is recommended in the event that planning permission is granted, requiring a plan to be submitted at the reserved matters that shows the number, type and location of bird and bat boxes to be included within the development.

Concerns have been raised by residents regarding the potential for the pollution of locally important watercourses through the proposed drainage strategy and any pollutants on site. Both the Council's ecologist and environmental health officer have been consulted on this matter. No objections have been raised by either officer in relation to this issue. Environmental Health has required a standard condition be imposed in relation to contamination investigation. The Council's ecologist has checked the application's revised plans, and retains the previous ecological comments, originally made in December 2017. These requested a condition to secure that a mitigation strategy site plan is submitted prior to works commencing. The site is at least 60m south of the watercourse to the north which runs into Summerham Brook; this brook is over 200m west of the site. The distance between the site and the watercourse is a combination of permeable open ground and hardstanding, therefore it is considered that there would appear to be no likely ecological impacts on the watercourse.

In summary, it is considered that the proposed scheme would not have a detrimental impact on protected species but that any given works undertaken should be in accordance with the recommendations for ecological mitigation (bats and birds) in Section 5 of the submitted Protected Species Survey and Mitigation (Malford

Environmental Consulting, 23 September 2016) and with any further plans submitted as required by the Ecologist. These can be secured via condition.

### **9.5 Highway Safety Impact/Parking**

Core Policy 60 Sustainable Transport supports the premise for development within sustainable locations. Core Policy 61 Transport and New Development aims to ensure that the proposal is capable of being served by safe access to the highway network. Core Policy 64 Demand Management, inter alia, aims to ensure that adequate parking is provided.

It is acknowledged that there are existing facilities within Rowde such as a primary school, a local (community) shop, two public houses, village hall and a church within the village and that the village is on a main bus route, as such the site is located within a reasonably sustainable location in accordance with the requirements of CP2 and CP60 of the WCS (2015). Approximately 2 miles to the southeast is the market town of Devizes providing access to a greater range of services and facilities within this area.

It should be noted that the site has two access points existing already. To the south is the existing gated access, onto Cock Road, through which the everyday running of farm traffic movements would have taken place. And to the north there is an existing access onto Bunnies Lane, near to the corner where there is an existing garage/outbuilding with access in front.



*Existing access onto Cock Road*



*Existing access onto Bunnies Lane from existing outbuilding on site*

Strong objections have been received from local residents within the area, who have stated the following: the surrounding road network is inadequate to accommodate construction vehicles; there would be a conflict with the current on-street parking with existing residents; the increase in traffic would have a detrimental impact on highway safety conflicting with pedestrians etc; no safe pedestrian footpath to village; concerns raised that existing parking on street restricts access for services (such as fire engines, ambulances etc); the adjoining highways are too narrow to accommodate cars passing each other and this is emphasised by vehicles parked along the roadsides and verges; inadequate visibility splays would create dangerous entrance points to the development; inadequate parking provision within the site would lead to on street parking and increase in traffic would result in congestion.

The scheme, following a number of amendments, including the reduction in the number of units has been thoroughly reviewed by the Councils Highway Officer. No objections have been raised by the highway officer to the proposed scheme. All of the roads adjoining the site and within the vicinity of the site, namely Cock Road, Bunnies Lane and the High Street, are 30 mph speed limited. It is considered that the existing highways are both able to accommodate the proposed traffic movements during construction phase and for future residents. Any poor access for emergency services that exists at present would not be further impeded through this development proposal.

It is acknowledged that there is no footway in the vicinity of the site and that this is typical for rural villages. It would be unreasonable and impractical to insist on a paved path along the front of the site where it cannot actually connect to any other paved path. To reach any other paved path would involve crossing land outside of the applicant's control/ownership. It should be acknowledged that the proposal is only for 6 dwellings and that pedestrian access would follow that as existing for local residents that is along the highway. It is considered that the additional pedestrian and vehicular movements of residents from the proposed scheme would not have a significant cumulative detrimental impact on the safety of road users. The road network is currently shared by pedestrians and vehicles and is already subject to low vehicle speeds. The introduction of additional pedestrians combined with additional vehicle movements should encourage these lower speeds and more caution on behalf of the motorist. Such shared use designs are promoted within the guidance contained in Manual for Streets 1 and 2. As such whilst

the request of the PC and the concerns of local residents are acknowledged, it is considered that the failure to provide a footpath would not constitute a robust reason for refusal in this instance.

Plots 1, 5 and 6 are in outline form and as such it is not clear at the current moment in time how many bedrooms each property will have. However, from the plans provided it is considered that there would be more than sufficient room to accommodate adequate parking provision for each dwelling within their respective plots. Turning to the conversion of the barn, from the detailed plans provided it is clear that:

- Plot 2 is a 2 bed property
- Plot 3 is a 3 bed property
- Plot 4 is a 2 bed property

From the Council's parking standards the number of parking spaces required for a two to three bedroom property is two parking spaces per unit and the number of parking spaces for a four plus bedroom property is 3 parking spaces. The site layout plan provided demonstrates that plots 2 and 4 have two parking spaces each and plot 3 has three; thereby more than adequately meeting the required parking standards.

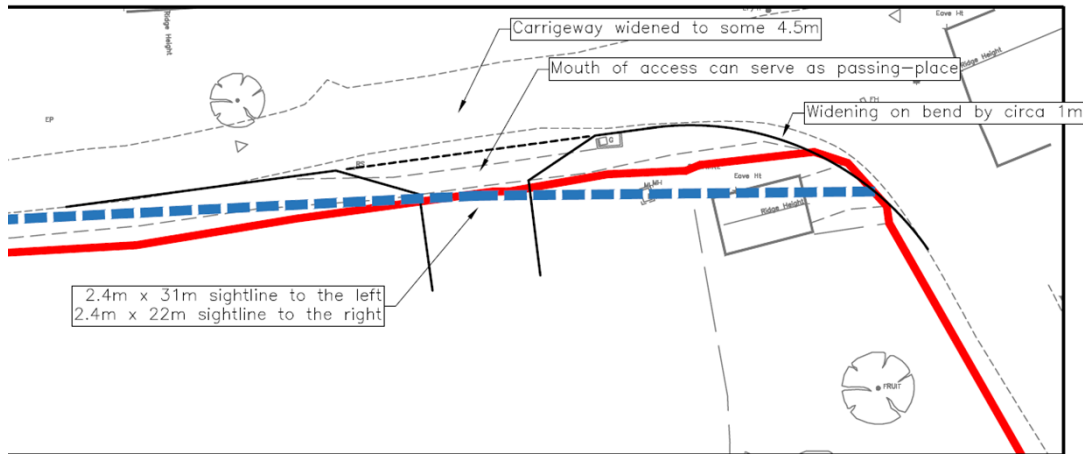
Visitor parking would amount to 0.2 spaces per dwelling, therefore the required visitor parking for this site would be  $6 \times 0.2 = 1.2$  or 2 parking spaces. However, visitor parking spaces for the development site have been provided in the south west corner of the site measuring a total of 12.5m x 5m; a parking space in this location should measure 2.4m x 4.8m and based on the size of area of 12.5m x 5m would equate to 5 parking spaces in total. It is therefore considered that the proposed scheme would more than adequately meet the parking requirements as set out in the Council's approved car parking strategy.

It is considered that the site would provide adequate parking to accommodate the minimum parking standards for each dwelling. As such it is considered that there would not be displaced parking onto the highway; therefore satisfying the highway authority's position that the site itself would not necessarily lead to any additional on street parking, in compliance with Core Policy 64 of the WCS (2015).

The Highway Authority will not look to adopt the internal road, however the scheme does need to be designed to accommodate a refuse vehicle and the applicant will need to contact the Waste Team to confirm the requirements of a new unadopted road for suitability of access for refuse vehicles. It is possible to have a written agreement which allows the council to enter the site to collect bins.

The highway officer has clarified that they accept the visibility splays as shown as being acceptable. The access, for the five dwellings, onto Cock Road shows provision of 2.4m x 31m visibility splays in each direction and the access for the singular dwelling onto Bunnies Lane shows visibility of 2.4m x 31m to the west and 2.4m x 22m to the east. It is considered that the access onto Bunnies Lane is at a location where speeds will be recognisably low and as such the Highway Officer accepts the 22m visibility splay to the

east. This is also an access for a single dwelling where conflicting movements are considered very small and as such a shorter splay is acceptable.



*Extract from Transport Plan for access for singular dwelling onto Bunnies Lane*

It is further considered, as can be seen in the extract from the Transport plan that there would be benefits to the highway through the widening of the carriageway (along Bunnies Lane) in part and the widening of the bend by 1.0 metre



*Photo of existing outbuilding to be removed and the existing embankment between Bunnies Lane and the site*

It is considered that vehicular movements along Bunnies Lane would through its nature (ref. photo above) result in traffic driving more carefully. It should be noted that the embankment (ref. photo above) at this point would be reduced in height to allow for visibility and also the part widening of the carriageway. The widening of the highway at this location would allow for better access and passing opportunities for both existing residents and any emergency or other vehicles accessing Bunnies Lane.

The concerns of local residents are acknowledged and have been taken into consideration in reaching a recommendation on this application. However, the site does have an existing use against which traffic movements would be offset. It should also be

noted with reference to the principle of development that the barns could potentially be developed through the submission of a PNCOU and that this should also be considered as a potential fall-back position for the applicant.

Access to the main part of the site would remain in the same position; however, access onto Bunnies Lane is being repositioned. There has been a reduction (of one) in the number of properties proposed, since the original submission and it is acknowledged that the site within the settlement boundary of Rowde is considered a sustainable location for such development. Comments received from the highways officer clarify that the proposed parking would meet the necessary standards and that visibility and access is acceptable for the proposed scheme.

Paragraph 109 of the NPPF clarifies that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. No objections are raised by the Highway Officer and it is considered that the scheme would not have an unacceptable impact on highway safety or have a severe impact on the road network. It is therefore considered that the proposal, on balance, complies with the criteria of Core Policies 60, 61 and 64 of the WCS (2015) and the WLTP (2011 – 2016) Car Parking Strategy (March 2011) and with the relevant sections in the NPPF.

## **9.6 Drainage**

Concerns have been raised by local residents that the proposed scheme would have a detrimental impact on surface water flooding on adjoining land to the site, including the highway that is Bunnies Lane and the properties on the opposite side of the road.

Wessex Water response is supportive of foul to foul connection and as such this is considered not an issue. Wessex Water have confirmed that they would have no objections to the proposed scheme connecting to the mains sewer for foul disposal, however they do not agree to surface water connecting to the mains.

Comments received from the Council's Land Drainage Officer raise both objections and support subject to conditions. The Land Drainage Officer has maintained that there is a lack of drainage disposal information in support of the application. They state that there are no storm sewers in the area thus the original stated method of storm water disposal to sewer is not achievable and no means of storm water drainage disposal for the site. WW records appear to show a highway drain in Cock Road but there is no right of connection into it from the site. Whilst the site is in Flood Zone 1 according to EA mapping (least likely flood risk), there is a 1 in 30/100 surface water flood risk in the roads to the north and south which could impact on access/egress plus provision of a storm water drainage disposal solution. The Flood Risk Assessment (FRA) acknowledges that there would not be a need for a sequential and exceptions test to be undertaken and passed. The FRA concludes that there is a negligible risk of any flooding of the site.

Following receipt of the drainage strategy concerns from the Drainage Team still remain over storm water drainage disposal which it is considered is not proven. However, whilst

the Land Drainage Officer remains concerned that the application has not proven a drainage system can be accommodated they do accept based on recent appeal decisions that a pre-commencement planning condition restricting the development until such time as a drainage scheme is agreed can be used.

Subsequent to the receipt of the Land Drainage Officers comments of the 25<sup>th</sup> September, the applicant has submitted (received on the 15<sup>th</sup> October 2018) an amendment to the drainage strategy and a supporting letter that explains that the storm water outflow to Sunnyham Brook has longstanding rights. The correspondence confirms that there is a water trap to the northeast corner of the yard which connected to a settlement chamber within the site and then discharged through an underground pipe to Sunnyham Brook. This was installed pre-1937.

Turning to the addendum to the drainage strategy, this clarifies that there will be a significant reduction in surface water runoff and could potentially reduce the impact of flooding from the surrounding area.

Core Policy 67 states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable. The FRA identifies a number of sustainable drainage features that could be incorporated into the scheme that would create a development that can be successfully achieved within the constraints and guidance relating to flood risk set out in the NPPF, and as required by the EA, with matters relating to flood risk and surface water drainage safeguarded by conditions. It is considered that this would comply with the requirements of Core Policy 67 of the WCS (2015) and the NPPF.

## **9.7 Neighbour Amenity**

Core Policy 57 of the WCS (2015) aims to ensure that proposed development would not have a detrimental impact on the residential amenities of the residents of adjoining properties.

The proposed conversions are within a courtyard formation with strong boundary features subdividing this part of the development from the surrounding properties. The windows for these proposed properties would look out predominantly over circulation space through the development, or parking and forward garden areas. As such the level and degree of internal overlooking opportunities is minimal and acceptable to the requirements of Core Policy 57 of the WCS (2015).

There are no details for the three new builds that would allow for an assessment of any potential overlooking issues; however the detailed design for each of these units will have to ensure that they do not create a scenario that would result in a detrimental impact on the amenity of the occupiers of the adjoining neighbouring properties through overlooking. On this basis it would be reasonable to include restrictive conditions to any grant of consent to prevent any first floor windows to the rear south facing elevation of plot 6 and to prevent any first floor windows to the north facing rear gable of plot 1.



With regards to the new builds other than those areas identified above it is considered that due regard to the distances between the existing adjacent properties and the proposed new properties and layout and orientation of the proposed properties that there would not be any other issues relating to loss of privacy.

Therefore whilst any concerns are acknowledged, the degree of impact from the proposed scheme would not be so significant as to warrant a reason for refusal on amenity grounds. The scheme is considered to be compliant with Core Policy 57 of the WCS.

## **10. Conclusion (The Planning Balance)**

In determining this application, the local planning authority is fully aware that if development accords with an up-to-date Local Plan it should be approved, and that proposed development that conflicts should be refused unless other material considerations indicate otherwise. In this case, the proposal is considered to comply with the up-to-date policies of the development plan. There are three aspects of sustainable development - economic, social and environmental. The NPPF identifies that there is a presumption in favour of sustainable development and that local planning authorities should approve development in accordance with the development plan without delay.

Rowde is identified in the development plan as a large village. At Large Villages, settlement boundaries are retained and development will predominantly take the form of small housing and employment sites within the settlement boundaries. Small housing sites are defined as sites involving fewer than 10 dwellings (i.e. not a major application). The proposal is for six dwellings and the site falls within the settlement boundary of Rowde. It is considered that the proposed units would add to the diversity of housing/accommodation stock within Rowde and that the development of this windfall site should be viewed in addition to the provision of the required numbers within this sustainable location.

Paragraph 109 of the NPPF states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. As clarified within the highway officer’s comments, this is not considered to be the case.

It is acknowledged that there is some positive weight to be given to economic benefits through the likely local employment that may be generated by the development proposed for a limited period of time. As are there likely to be social and environmental benefits through the provision of new dwellings within the local housing market, through the retention and safeguarding of the existing heritage on site and enhancements for ecology across the site.

On balance, it is considered that the proposed scheme would not cause harm to the significance of the adjacent listed buildings and as such would comply with Core Policies 57 and 58 of the WCS (2015) and with the relevant paragraphs of the NPPF.

Whilst the concerns and objections raised by local residents are acknowledged, they do not amount to a sustainable reason for refusal in this instance. Overall, the scheme offers the chance to improve the external appearance of the site, reusing existing buildings on site and boosting the housing supply for the area in accordance with paragraph 59 of the NPPF. The proposed development represents an appropriate level of development within the limits of development of Rowde, and incorporates a mix of type of properties that would have a positive impact in economic, social and environmental terms.

On balance the development proposed is considered to comply with the policies of the Wiltshire Core Strategy (2015) and of the NPPF and a positive recommendation is made.

### **RECOMMENDATION**

Grant planning permission subject to the following conditions:

#### **Conditions:**

1. Phase 1 (full element) of 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. Phase 2 (the outline element) of 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.

3. No development in Phase 2 (the outline element) shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
  - a. The scale of the development;
  - b. The 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.

4. 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.

5. The development hereby permitted shall be carried out in accordance with the Application Form, Planning Statement Doc Ref. 113 01 40, Supplementary Planning Statement relating to change of use of farm buildings (doc ref. 11301 41, dated May 2018), Transport Statement, Ref. IMA-17-011 (dated Aug 2017), Flood Risk Strategy and Drainage Strategy (August 2018), Agents email and Addendum to FRA (received 15/10/2018), Agents email and supporting 'Drainage Letter' (received 15/10/2018), Tree Survey, Tree Protection and Landscaping Proposals, Ref 18.693 Rev B (dated Mar 2018), Protected Species Survey and Mitigation (dated 23 Sept 2016) and the following approved plans:

- Location Plan, Dwg No. 113 01 01 Rev 00
- Proposed site layout, Dwg No. 1658.02-E
- Site Sections, Dwg No. 1658.03-C
- Conversion Principles for Courtyard Buildings, Dwg No. 1658.04-A
- Proposed conversion ( Plots 2, 3 and 4), Dwg No. 1658.05
- Landscape Plan, Dwg No. Fig. 4 (18.693) Rev b
- Topographic Survey, Dwg No. 212091-SU-01
- Hay Loft survey, Dwg No. EL-01
- Barn elevations, Dwg no. EL-01
- Tree Plan Existing, Dwg No. 113 01 10 Rev 01

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

6. Notwithstanding the details set out in the application particulars, no development shall commence on site within any particular phase until details and samples of the materials to be used for the external walls and roofs within the particular phase 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.

7. 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 (other than small, privately owned, domestic gardens) 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.

8. No development shall commence on site in any particular phase until a scheme of hard and soft landscaping for that particular phase has been first submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
  - a. location and current canopy spread of all existing trees and hedgerows on the land;
  - b. full details of any to be retained, together with measures for their protection in the course of development;
  - c. a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
  - d. finished levels and contours;
  - e. means of enclosure;
  - f. car park layouts;
  - g. other vehicle and pedestrian access and circulation areas;
  - h. all hard and soft surfacing materials;

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

9. All soft landscaping comprised in the approved details of landscaping for any particular phase of the development 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 within the particular phase 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 within a particular phase shall also be carried out in accordance with the approved details prior to the occupation of any part of the development within the phase 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.

10. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:
  - Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at

least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

11. No development shall commence on site until details of the stopping up of the existing vehicular access onto Bunnies Lane, has been submitted to and approved in writing by the Local Planning Authority. The details shall include a programme for the timing of the stopping up of the access. The stopping up of the access shall take place in accordance with the approved details. On completion of the development, the means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

12. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
  - a. the parking of vehicles of site operatives and visitors;
  - b. loading and unloading of plant and materials;
  - c. storage of plant and materials used in constructing the development;
  - d. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - e. wheel washing facilities;
  - f. measures to control the emission of dust and dirt during construction;
  - g. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
  - h. measures for the protection of the natural environment.
  - i. hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period.

The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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

13. Prior to the commencement of development including any demolition works, a mitigation strategy in the form of a site plan shall be submitted to and approved in writing by the local planning authority. The plan shall show the number, type and location of all bat and bird integral boxes to be included within the development. All works connected with the development hereby permitted shall be carried out in strict accordance with the recommendations for ecological mitigation (bats and birds) in Section 5 of the submitted Bat and Protected Species Survey (Malford Environmental Consulting, 23 September 2016) and the approved plan the subject of this condition.

REASON: In the interests of protected species and their habitats.

14. No development shall commence within the area indicated (the proposed development site) until:
  - a. A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
  - b. The approved programme of archaeological work has been carried out in accordance with the approved details.

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

15. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: 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 that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

16. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of permeability test results to BRE365 with determination of top ground water levels taking into

account seasonal variations and full catchment investigations with regards to existing flooding in/adjacent to the site together with all third party approvals. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: 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 that the development can be adequately drained without increasing flood risk to others.

17. 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.

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

REASON: In the interests of highway safety.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no first floor window, dormer window or rooflight shall be inserted in the rear (south facing) elevation of plot 6 of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no first floor window shall be inserted in the north facing gable of plot 1 of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

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

22. **INFORMATIVE TO APPLICANT:** The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.
23. **INFORMATIVE TO APPLICANT:** The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructuralevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructuralevy)
24. **INFORMATIVE TO APPLICANT:** The proposed widening to the front of Cedarwood and on the corner of Bunnies Lane as shown on the drawing will be required to be conditioned and secured as adopted highway via a short form S278 agreement. The parking provision within the site shall meet the minimum requirements in accordance with the Wiltshire Local Transport Plan 2011 – 2016: Car Parking Strategy (March 2011) and be provided as shown on the approved drawing. All accesses should be surfaced in a consolidated material for at least the first 2.5m. If the site is to be accessed by a refuse lorry under agreement the turning area for the lorry should be built to adoptable standards i.e. consolidated surfacing.