

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	17/04/2019
Application Number	18/09895/FUL
Site Address	The Hullavington Arms The Street Hullavington SN14 6DU
Proposal	Erection of one dwelling with associated parking and car port, access and landscaping.
Applicant	Mr Richard Tanner
Town/Parish Council	HULLAVINGTON
Electoral Division	Hullavington
Grid Ref	389384 181911
Type of application	Full Planning
Case Officer	Eleanor Slack

Reason for the application being considered by Committee

The application was called into Committee by Councillor Baroness Scott OBE to consider the scale of the development, the visual impact upon the surrounding area, the relationship with adjoining properties, the environmental or highway impact, car parking and the conflict with the emerging Hullavington Neighbourhood Plan.

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

The key issues in considering the application are as follows:

- Principle of development
- Impact on the scale and character of the existing site/buildings
- Impact on the context and character of the surrounding area

- Impact on heritage assets
- Impact on neighbour amenity
- Parking/highways
- Neighbourhood Plan

As a result of the consultation exercise, 36 letters of objection were received across two consultation periods. The Parish Council also raised a number of concerns regarding the application.

3. Site Description

The application relates to a parcel of land to the north of The Hullavington Arms, which is a public house in Hullavington. The Hullavington Arms is registered with Wiltshire Council as an asset of community value. This designation was extended on 14th February 2019 and the property will retain this status until at least 14th February 2024. The parcel of land to which the application relates is also included in this listing. The site is accessed through the existing carpark serving the public house. Beyond the car park to the east is The Street, and the land to the west of the site appears to be an agricultural field. There is a public right of way (HULL4) to the north of the site, beyond which is the residential dwelling, no. 40 The Street.

4. Planning History

N/05/02951/FUL Change of use of land for the siting of a hot food vending van and sale of hot food (Class A5)
 N/07/00866/FUL Erection of outside covered smoking area

5. The Proposal

The application originally sought permission for the construction of no. 2 dwellings with associated parking, access and landscaping. However, following concerns raised the proposal was revised. The application now seeks permission for the erection of one dwelling with associated parking and car port, access and landscaping.

6. Local Planning Policy

Wiltshire Core Strategy (2015)

Core Policy 1 (Settlement strategy),
 Core Policy 2 (Delivery strategy),
 Core Policy 10 (Chippenham Community Area),
 Core Policy 48 (Supporting rural life),
 Core Policy 49 (Protection of rural services and community facilities),
 Core Policy 50 (Biodiversity and geodiversity),

Core Policy 51 (Landscape),
Core Policy 57 (Ensuring high quality design and place shaping),
Core Policy 58 (Ensuring the conservation of the historic environment),
Core Policy 60 (Sustainable transport),
Core Policy 61 (Transport and development) and
Core Policy 64 (Demand management)

National Planning Policy Framework 2019:

Sections 2, 4, 5, 11, 12, 15 and 16

Wiltshire Housing Site Allocations Plan

Hullavington Neighbourhood Plan

7. Summary of consultation responses

Consultation responses received during the first consultation period

Hullavington Parish Council

The Parish Council raised an objection. They considered that there was insufficient parking for 2 no. 3 bedroomed houses. They noted that the emerging Neighbourhood Plan for Hullavington shows a requirement for smaller, less expensive family accommodation.

The Parish Council considered that the proposed dwellings were too large for the plot size and provided only the minimum parking. They felt that visitors to the dwellings would use The Hullavington Arms car park as the majority of households own two vehicles.

They considered that the parking area of The Hullavington Arms (a registered Asset of Community Value) would be decreased by at least 7 spaces. They noted that the pub is reliant on trade from outside the village to survive and should the parking be reduced, this will have a direct effect on the business of The Hullavington Arms. They also felt that the decrease in available parking spaces could lead to vehicles parking on The Street in an area of bends which would be dangerous. This would also have an indirect effect on local property owners through random on street or side road parking.

Employment opportunities at The Hullavington Arms could be impacted should customers find that the parking space at the pub is reduced and go elsewhere. They considered that contrary to the Planning Statement, there is not adequate visibility to the left when turning right out of the site. They also noted that the dwellings would be outside the proposed Settlement Boundary that was approved by Wiltshire Council on 10.7.2018. Finally, they considered that bins would have to be wheeled down to The Street. (approx. 100 yards).

Archaeology

No comment

Drainage

No objection subject to pre-commencement conditions

Waste

The officer confirmed that no S106 contribution would be required. They requested vehicle tracking to demonstrate that refuse collection vehicles can move through the development. They advised that adequate turning room should be provided to take account of the restrictions on carry distances for residents set out in Part H of Building Regulations and the limitations on carry distances for waste collection crews. They advised that the Council requires an indemnity in order to operate on roads which are not adopted.

The officer explained that each dwelling should have a collection point that is on level hardstanding off any roadway or footway at the curtilage of the property. They advised that the collection point should not impact on space available on driveways and that soft landscaping should not prevent or encumber the collection crew when emptying bins. They advised that due to the private pub carpark, bins would be collected at the curtilage of the pub entrance as this is private property and the Council's contractors will not enter this car park to collect bins from the proposed dwellings unless there has been a signed indemnity form. They noted that collection points have not been indicated on the site plans.

Public Protection

The development is below the threshold for which an Air Quality Assessment or Screening Assessment would be required. Despite this, the developer is encouraged to provide infrastructure ULEV infrastructure for the development.

They recommended that conditions be placed on any permission given to restrict working hours and to prevent the burning on waste on site. They also requested a condition requiring the submission of an external lighting scheme, and a condition requiring the submission of a noise assessment. However, they noted that they were principally concerned with any existing fixed plant at the pub, which should be assessed at the proposed dwellings position.

The Officer noted that future occupants may be affected by the car park and by patron activity and that proposals as to how this will be controlled so that amenity is protected would need to be evidenced. Similarly, any plant present at the pub would need to be assessed in terms of its potential impact on residential amenity. They recommended conditions in this respect.

Highways

The Officer raised an objection to the application. They considered that the provision of four vehicle parking spaces was adequate and in line with Wiltshire Council's minimum parking standards for residential development. They also noted that the proposed site has room to manoeuvre so that vehicles can enter and leave the residential element in forward gear.

They noted that the proposal would result in a loss in vehicle parking provision for the public house. They considered that there are high levels of demand for parking in this location, which often result in over-spill parking on The Street as well as within the service area. They

considered that the loss of vehicle parking for the public house would adversely affect the public highway and would exacerbate an existing situation.

Ecology

No objection subject to conditions requiring that the development is carried out in accordance with the recommendations of the Preliminary Ecological Report, and controlling any external lighting.

Consultation responses received during the second consultation period:

Hullavington Parish Council

Although the Parish Council considered that the revised plans were a slight improvement on the original plans, they maintained their objection to the proposal. They raised concerns regarding the following matters:

- Queried why a car port was proposed rather than a garage
- Access through the centre of an established car park. They were concerned that there would be conflict between homeowners/patrons of the Hullavington Arms
- They considered that more of the plot could have been given over to additional car parking to allow for expansion of the business whilst keeping on street parking to a minimum. They felt that the proposal was not the best use of space and that consideration had not been given to the needs of the business.
- They highlighted that the Hullavington Neighbourhood Plan is almost at the External Examination stage. Consideration could have been given for 2 x 2-bedroom semi-detached properties on the same footprint as there is a greater stock of 3, 4, 5 bed properties in the village compared to 1 or 2 bed properties.

Highways

The Highways Officer raised no objection to the proposal. They considered that the provision of 2 vehicle parking spaces is adequate and in line with Wiltshire Councils Minimum Parking Standards for Residential Development. They noted that the proposed site also has room to manoeuvre so that vehicles can enter and leave the residential element of the site in a forward gear. They considered that there would be no loss in vehicle parking provision for the public house. However, they noted the concerns raised that access to the property could become blocked by informal parking. They suggested that a strip be provided at the western edge of the site boundary in order to allow for two allocated spaces for the property within the car park. They noted that although the refuse collection point would be some 35 metres from the storage point, this would be the shortest carry distance possible.

Public Protection

The Public Protection Officer considered that the proposed fence at the boundary of the pub and the car park may provide additional noise protection for the proposed dwelling. They reiterated the requirement for a noise assessment.

Drainage

Holding objection. The Drainage Engineer requested the submission of an outline plan of foul drainage disposal, an outline surface water disposal plan, and an outline plan for the attenuation of the discharge rate for the surface water from the site. They noted that the detailed design could be undertaken via conditions.

Arboricultural Officer

No objection subject to conditions.

8. Publicity

The publicity for the application was by way of site notice and neighbour notification letter. A second public consultation took place following the receipt of revised plans and this was advertised by way of neighbour notification letters.

Concern was raised during the first public consultation that many adjacent neighbours had not received consultation letters, and that the site notice had also been altered. The Council sent consultation letters to all adjacent neighbours inviting them to comment on the application. A site notice was also posted to the East of the site, on The Street, and the consultation end date on the site notice was altered by the Case Officer to allow members of the public 21 days to comment on the planning application. Whilst the Council cannot guarantee that all neighbour letters which have been sent will be received, it is considered that The Council fulfilled its duty to consult in this instance.

18 letters of objection were received during the first public consultation period. The main points raised were as follows:

- The Council's consultation letter was not received
- The site notice was altered.
- Harm to the character of the village
- Proposal will be clearly visible from the adjacent footpath (Parsons Walk) and The Street
- The application does not consider its impact upon nearby listed buildings.
- Harm to viability of The Hullavington Arms and to its designation as an asset of community value
- The proposal would result in loss of the pub garden areas
- Potential closure of the pub would be pave the way for further development in this location
- The proposal would prevent any future extension of the public house and would detrimentally impact its ability to develop
- Concern that the proposal would result in the loss of the pub
- Loss of parking within the pub car park and its impact upon the viability of the pub
- Lost parking spaces within the pub carpark could not be replicated elsewhere due to highway safety issues.
- Insufficient parking spaces proposed within the development itself and concern that additional cars would park in the pub carpark.

- Construction traffic and vehicles accessing the proposed dwellings would cause conflicting vehicle movements and highways safety issues.
- The proposal would increase traffic exacerbating existing highway safety issues
- The existing access is substandard and increased usage will cause a hazard to road users
- Proposed dwellings would be adversely affected by noise arising from the pub
- Public views of trees, grass and fields would be lost.
- The area is home to a diverse array of wildlife and trees, the habitat for which will be lost.
- Local Parish Planning Authority Committee has voted for where they would like additional housing to be built. This location was not selected.
- The planning application would undermine the consultation process associated with the neighbourhood plan.
- There is no need for 2 more houses in Hullavington
- Site is outside of the village boundary and is therefore development in the open countryside contrary to planning policies.
- Construction traffic would cause significant disruption
- Give rise to overlooking causing loss of privacy and overshadowing
- Proximity of proposed dwellings to the pub will cause loss of privacy and noise disturbance to the occupants.
- If the LPG fuel tank were relocated it would be difficult to access.

18 letters of objection were received during the second public consultation. The main points raised were as follows:

- Out of keeping with listed buildings in the area.
- The proposal could pose a risk to the structural footings of the surrounding dwellings.
- Harm to the character of the area
- Leaving refuse collection bins on the pavement is inappropriate and dangerous.
- Refuse vehicles collecting the bin would create a dangerous obstacle.
- Contrary to the Council's guidance for developers on waste storage and collection. In conflict with the Council's statutory duty to protect the health and safety of members of the public.
- The proposal would erode the parking available for the Hullavington Arms and the Saddlery. As Hullavington grows, the public house will see greater use and more parking will be required. When at full capacity there is not sufficient space to form a driveway through the car park.
- The main pavement to the primary school is in front of the pub. Parking on the pavement will jeopardise the safety of pedestrians including children.
- Parking on the pavement would cause highway safety issues.
- The viability of the public house and other nearby businesses would be affected contrary to Core Policy 49.
- As existing, overflow parking takes place on the road. If this increases it will cause accidents.
- It would increase traffic onto the road which is very busy.
- The access is inappropriate and there would be frequent conflict between the future occupants of the dwelling and the pub's patrons. It does not have clear visibility.

- No provision is made for visitor parking to the dwelling. This would result in increased on-street parking.
- The construction traffic would be dangerous
- The proposal would prevent the Hullavington Arms from being able to grow.
- The proposal is in conflict with the Neighbourhood Plan
- The loss of parking would affect the viability of the public house and the shop on the site.
- It would remove a green space in the village which is used by children. It forms part of the pub garden and is frequently used.
- Activity within the car park, public house and its garden would cause harm to the amenity of the occupants of the proposed dwelling.
- The car park is floodlit which would cause harm to the amenity of the new dwelling.
- The public house is registered as a community asset.
- The proposal sets a precedent for further development
- The proposed car port does not comply with the Council's parking standards.

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 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of development

The site is located within the framework boundary of Hullavington, which is identified by Core Policy 1 of the Wiltshire Core Strategy as a Large Village. Core Policy 2 sets out a presumption in favour of sustainable development in existing settlements including Large Villages such as Hullavington. The North and West Wiltshire Housing Market Area in which the site is located currently has 6.25 years land supply as demonstrated by the Housing Land Supply Statement (March, 2018). As such, the housing policies contained within the Wiltshire Core Strategy have full weight in the decision-making process.

CP1 of the WCS confirms that: 'Development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.' This position is clarified in paragraph 4.15, which explains that '*At the settlements identified as villages, a limited level of development will be supported in order to help retain the vitality of these communities. At Large Villages settlement boundaries are retained and development will predominantly take the form of small housing and employment sites within the settlement boundaries.*'

Emerging Wiltshire Housing Site Allocations DPD

The defined settlement boundaries are to be reviewed as part of the Wiltshire Housing Site Allocations DPD. A draft DPD is in existence and proposes an amendment to the Hullavington settlement boundary which *excludes* the whole of the application site from the framework boundary. Although the hearing sessions for the DPD were conducted in April,

the Council is currently awaiting receipt of the Inspector's report which may suggest that modifications to the DPD are required. The DPD has not therefore been adopted and it is understood that representations have been submitted objecting to the exclusion of the site from the revised settlement boundary. These representations will be considered by the Inspector and at this stage, it is unclear if any amendments to the plan and the settlement boundaries contained within it will be required, or whether a further consultation period will be required. In such a context, the draft DPD may only be afforded limited weight in decision making.

Emerging Hullavington Neighbourhood Plan

The draft Hullavington Neighbourhood Development Plan Neighbourhood Plan is also relevant to this application. Comments received during the public consultation period highlighted that the application site was not selected for development during the Neighbourhood Plan process, and it was felt that the current application undermines the consultation process associated with the neighbourhood plan. The plan proposes a new settlement boundary which would *exclude* the whole of the application site from the framework boundary.

The Neighbourhood Plan has not yet been made by the Local Planning Authority and does not currently form part of the development plan. The Inspector has examined the Neighbourhood Plan, and the Council has received the Examiner's report which is currently being 'fact checked'. Once the Council has received the final report, a 'decision statement' will be issued and a referendum will be arranged.

The weight to afford to policies contained within an emerging plan is a matter for the decision-maker. This is made clear by paragraph 48 of the NPPF which sets out the criteria which Local Planning Authorities should use when determining how much weight to give relevant policies in emerging plans. The criteria include the stage of preparation of the plan, the extent to which there are unresolved objections and the degree of consistency of the relevant policies to the NPPF.

In the case of both the draft DPD and the Neighbourhood Plan, both emerging plans have not reached the final stages of preparation. In the case of the Neighbourhood Plan the Council has yet to issue its decision statement, or to hold a referendum on the plan. Therefore it is not yet clear if the plan will be adopted. Similarly, in the case of the DPD, it is unclear if any amendments to the plan will be required, or if further consultation periods will take place. In such a context, the draft Neighbourhood Plan and draft DPD may only be afforded limited weight in decision making.

Current adopted Development Plan context

Assessed against the current policy context, the proposal is considered to be acceptable in principle. Whilst both the Hullavington Neighbourhood Development Plan and the Wiltshire Housing Site Allocations DPD would both exclude the site from the revised settlement boundary, these plans are still in draft form and do not currently carry full weight in the planning balance.

Clearly, whilst the proposal is currently acceptable in principle, the formal adoption of the aforementioned plans would render the development unacceptable in principle by virtue of its position outside of the revised settlement boundary.

Housing need

Concern was raised during the public consultation period that no additional houses are required in Hullavington. Core Policy 10 of the Wiltshire Core Strategy states that 5090 homes will be required in the community area within the plan period, and that 4510 of these homes should be provided in Chippenham. Therefore, 580 homes are required to be delivered in the wider community area. The figure was 0 in the Housing Land Supply Statement (update, April 2017). Despite this, the site is located within the existing settlement boundary of Hullavington where a presumption in favour of sustainable development applies. It would not therefore be reasonable to recommend that the application is refused on this basis.

Regarding the type of dwelling proposed the Parish Council expressed a preference for the construction of two smaller dwellings in this location. They highlighted that there are few dwellings with only one or two bedrooms in the locality. Whilst this comment is noted, there are no policies contained within the current development plan which specify the size of dwellings that should be provided. As such, and given that the site is located within the existing settlement boundary where there is a presumption in favour of sustainable development the proposal is considered to be acceptable in this regard.

Although concern was raised during the public consultation period that the proposal would set a precedent for future development in the locality, it should be noted that there is no precedent in planning. As such, all future applications in the locality will be assessed on their own merits.

Impact on the viability of the public house

Concerns were raised during the public consultation period that the proposal would cause harm to the viability of The Hullavington Arms as a public house and as an asset of community value contrary to Core Policy 49. It was felt that the proposal would also cause harm to the viability of other businesses in the locality including the Saddlery. Comments received suggested that the proposal would hinder the ability of the public house to expand by preventing any future extension for off-street parking or space which could be used for community events. Concerns were raised that the proposal would result in the loss of the public house, and that this would make further development in this location more likely.

It is considered that Core Policy 49 is not directly relevant to the proposal as it does not propose the loss of the public house. However, the policy does recognise the important role that public houses play in rural communities and lists them as a rural facility and service which benefits the local community. The importance of the public house to the local community is reflected in the recent renewal of its status as an asset of community value.

It is not considered that the proposal would cause harm to the viability of the public house or any other business in the locality. Paragraph 182 of the NPPF states that existing businesses should not have unreasonable restrictions placed on them as a result of development which was permitted after they were established. The proposed dwellings

would need to provide sufficient noise mitigation to ensure that there would not be any need for the existing pub to alter any of its existing hours or use of external areas. As will be explored in further detail below, the Council's Public Protection Officer considers that it would be appropriate to request these details by way of condition. The land on which the proposed dwellings would be located is not considered to be essential to the operation or viability of the public house and there is no policy contained within the Wiltshire Core Strategy which would prevent land adjoining public houses from being developed. As will be outlined in further detail below, it is not considered that the proposal would reduce the number of off-street car parking spaces serving the public house, and the proposal would not therefore cause harm to the viability of the public house in this regard. There is not precedent in planning and each application is assessed on its own merits. It is therefore considered that the proposal would not make development in this location more likely.

Impact on residential amenity

Concern was raised during the first public consultation period that the proposal would cause loss of privacy and overshadowing. Core Policy 57 requires development to have regard to its impact upon the amenities of existing occupants. The closest residential occupiers to the application site are no. 44 and 40 The Street. No. 44 is located approximately 23 metres to the east of the application site. Due to this separation distance, the position of the proposed dwelling and the location of windows within the proposed dwelling, it is considered that the proposal would not give rise to any significant loss of light, privacy or overbearing impact for this adjacent occupier such that the proposal could reasonably be refused on this basis.

With regard to the impact upon no. 40, it is noted that the proposed first floor windows in the rear elevation of the proposed dwelling would look out towards this adjacent occupier. However, no. 40 is located approximately 19 metres from its southern boundary line and it is considered that this significant separation distance would prevent any views into this adjacent residential dwelling itself. Due to the location, size and nature of the proposed windows and the site circumstances including the natural boundary treatments surrounding the site, it is considered that the proposed windows would not provide any unacceptable views into the private amenity space of no. 40 such that the proposal could reasonably be refused on this basis. Similarly, it is considered that the proposal would not give rise to any significant overshadowing or overbearing impact for this adjacent occupier. It is considered that the proposal would not cause any harm to the amenity enjoyed by another other residential occupier.

Concern was raised during both consultation periods regarding the impact of the public house on the amenity enjoyed by future occupants of the proposed dwelling. It was felt that patron activity within the car park, public house and its garden would cause harm to the amenity of the occupants of the proposed dwelling. It was also highlighted that the car park is floodlit, and it was felt that the glare associated with its use would also cause disturbance.

Core Policy 57 requires proposals to have regard to the levels of amenity achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution (such as light intrusion, noise, smoke, flames, effluent, waste or litter). It is considered that the revised proposal has enhanced the proposal in this regard. The

reduction in the number of dwellings proposed has allowed for an increase in the distance of the proposed dwelling from boundary line with car park. As existing the site is surrounded by a low stone wall and the revised plans indicate that this boundary treatment would be replaced with a 1.8 metre close board fence. The Public Protection Officer considered that this fence may provide additional noise protection for the proposed dwelling and it is considered that it would reduce noise and light intrusion associated with patron activity in the adjacent car park. An enlarged area of private amenity space is now proposed, which is considered to be adequate. Notwithstanding the existing floodlight, this harm could be overcome through the use of thick, high-quality curtains or blinds within the proposed dwelling. Alternatively the car park of the public house could be lit through less intrusive means and given that both the application site and the car park are within the same land ownership, this is considered to be a realistic and appropriate means to overcome the minor harm caused.

Whilst it is noted that the proximity of the proposed dwelling to the public house may cause some disturbance to the occupants of the proposed dwelling through general patron activity, the presence of residential dwellings in close proximity to public houses is not an unusual arrangement. Indeed, even without the development of this site, the public house is surrounded by existing residential dwellings. Moreover, as indicated by the Public Protection Officer, the harm in this respect could be mitigated through adequate soundproofing and this could be secured through an appropriately worded condition.

With respect to noise arising from specific sources such as plant serving the public house, the Public Protection Officer considered that these matters could be adequately addressed by applying a condition to any permission given requiring the submission of a noise assessment.

Design and Impact on the scale and character of the existing site/buildings

Concern was raised during the public consultation period that the proposal would cause harm to the character of the village. It was highlighted that the proposal would be clearly visible from the adjacent public footpath and The Street, and that public views of trees, grass and fields would be lost as a result of the proposal.

Core Policy 57 of the Wiltshire Core Strategy requires a high standard of design in all new developments. It states that development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. In particular, development must enhance local distinctiveness, relating positively to its landscape setting and the existing pattern of development in terms of building layouts, built form, height, mass, scale, building line, plot size and elevational design.

In terms of the design of the proposed dwelling, it is noted that there are a variety of building styles and materials in the area. It is considered that the layout and scale of the proposal is in-keeping with the surrounding built form and in this context, the design of the proposed dwelling is considered to be acceptable. Although the proposal would reduce the green space visible from public vantage points, it is noted that the site is not located in a specifically designated area such as an Area of Outstanding Natural Beauty or a conservation area. The loss of a fairly small area of green space would not cause such harm

to the character and appearance of the area that the proposal could reasonably be refused on this basis.

Impact on heritage assets

There are a number of listed buildings within the vicinity of the site, with the closest being no. 61 The Street which is located over 50 metres to the east of the site. The Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the preservation of listed buildings and the Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s.16 and 66).

Paragraph 189 of the NPPF requires applicants to describe the significance of any heritage asset affected by the proposal and paragraph 190 of the NPPF places the same duty upon the Local Planning Authority. Concern was raised during the public consultation period that the application does not consider its impact upon nearby listed buildings. Although it is noted that no heritage statement was submitted in support of the proposal, given the significant distance between the application site and the nearest designated heritage asset, in addition to the position and nature of the proposed dwelling, it is considered that the proposal would have no impact upon the setting or significance of the listed building and that it would not be reasonable to require the submission of a heritage statement in this instance.

Parking/highways

Concern was raised during the first public consultation period that an insufficient number of parking spaces had been provided within the site. This concern was reiterated in the second public consultation period and it was highlighted that no provision had been made for visitor parking within the development site. The Highways Officer considered that the proposed parking arrangement was acceptable and in line with Wiltshire Council's minimum parking standards for residential development. The Officer also noted that there is room to manoeuvre within the site so that vehicles can enter and leave the residential element in forward gear. The proposal is therefore considered to be acceptable in this respect. With regard to visitor parking, the Council's Car Parking Strategy requires the provision of 0.2 spaces per dwelling. Although no visitor parking spaces are proposed, it is noted that there is a significant amount of space available on the proposed driveway within the site to accommodate a visitor's vehicle.

Concern was also raised during the public consultation period that the proposal would reduce the number of parking spaces available within the Public House's car park, and these comments were supported through the submission of photographs of the car park. It was felt that this would encourage on-street parking causing a hazard to motorists and pedestrians. It was felt that the proposal would increase traffic and by doing so would exacerbate existing highway safety issues. Moreover, concerns were raised that the existing access was substandard, and that any increase in its use would constitute a hazard to road users and that the proposal would give rise to conflicting vehicle movements between the occupants of the dwelling and the pub's patrons.

The Highways Officer noted that there may be a degree of informal parking within the car park at busy times. Although the construction of the proposal may prevent such informal parking from occurring, it would be unreasonable to plan on the basis that the car park would

be stacked beyond its reasonable capacity. The parking arrangement shown on the proposed plans is considered to be reasonable with respect to its layout and aisle widths; and it appears to be consistent with the use of the car park except when it is over-occupied. This layout is to be conditioned and provided future occupiers of the dwelling have access rights over the car park, the proposed layout is considered to be acceptable.

The Highways Officer suggested that two allocated spaces could be provided within the existing car park for use by occupants of the dwelling, and that these spaces could be off-set by the creation of two further spaces to the west of the car park. Given that the existing parking arrangement would be unaffected by the proposal and that the proposed parking arrangement is considered to be acceptable, it would not be reasonable to require that the proposal is amended on this basis. Moreover, the Highways Officer noted that if the car park is stacked beyond its reasonable capacity and the occupants of the new dwelling are not able to access their driveway, only two vehicles would be displaced onto the highway and this would not be unacceptable in terms of additional on-street parking within the area. Similarly, if occupants of the dwelling become blocked-in to their property due to informal parking within the car park, this would be a civil matter between the parties involved.

The Highways Officer was satisfied with the principle of vehicular access through the car park. Whilst they noted the potential for conflicting vehicle movements between the occupants of the dwelling and the patrons of the public house; they noted that there is always potential for conflict in car parks, and they considered that this issue would not necessarily be exacerbated by the shared access particularly given the small scale of the development proposed. They considered that the additional vehicle movements associated with the proposal would not significantly increase the use of the access onto the highway and that the proposal was acceptable in this respect.

Concern was also raised regarding the construction phase of the development. It was felt that construction traffic would cause disruption, would exacerbate conflicting vehicle movements and would cause highways safety issues. These concerns are noted and it is suggested that a condition requiring the submission of a construction method statement be applied to any permission given. This will allow the Local Planning Authority to control matters related to the construction phase including construction and delivery hours.

Waste

Concern was raised during the public consultation period regarding the proposed waste storage and collection arrangement. It was felt that leaving refuse collection bins on the pavement was both inappropriate and dangerous, that refuse vehicles collecting bins would create a dangerous obstacle, and that the proposal would be contrary to the Council's guidance for developers on waste storage and collection.

The Council's Waste Officer advised that due to the presence of the car park, bins would be collected from the curtilage of the pub entrance. They requested that the proposed collection point be indicated on the site plan. Whilst the collection point shown on the proposed site plan would be some 35 metres from the collection point, this would be the shortest carry distance possible and it would not be reasonable to refuse the proposal on this basis. The use of the pavement as a bin collection point is not an unusual arrangement, and it is not considered that the very temporary presence of a small number of waste and recycling bins

on the pavement would cause such an obstruction or hazard to pedestrians that the proposal could reasonably be refused on this basis. Although waste collection vehicles would cause an obstruction while collecting waste, this obstruction would only be momentary and would be limited to one day a week. Moreover, the temporary stopping of a waste collection vehicle within the highway in order to collect waste is a common arrangement and it would not be reasonable to recommend the refusal of the application on this basis.

Drainage

During the first consultation period, the Council's Drainage Engineer raised no objection to the proposal subject to pre-commencement conditions requiring details of the proposed surface water and foul water drainage arrangement. Given that their response indicated that there would be an appropriate drainage solution on the site and as the site is not located in flood zones two or three, it would not be reasonable to insist that this information was provided prior to the determination of the application.

Protected species and trees

Concern was raised during the public consultation period that the application site is home to a diverse array of wildlife and trees, the habitat for which would be lost as a result of the proposal. However, the Ecologist reviewed the proposal and raised no objection subject to conditions requiring that the development is carried out in accordance with the recommendations of the Preliminary Ecological Report, and controlling any external lighting. The proposal is therefore considered to be acceptable in this regard.

The Council's Arboricultural Officer raised no objection to the proposal subject to conditions. The proposal is therefore considered to be acceptable in this regard.

Other matters

Concern was raised during the public consultation period that the proposal could pose a risk to the structural footings of the surrounding dwellings. Damage to third party property is not a material planning consideration and cannot be taken into account in the determination of this application. However it should be noted that if such damage did occur, this would be a private legal matter between the individuals involved.

Concern was also raised that if the existing fuel tank were relocated it would be difficult to access. Although a relocated fuel tank was shown on the original plans, this was omitted from the revised plans. Notwithstanding this, the indicated position of the relocated fuel tank is outside of the red line boundary pertaining to this application and the relocation of an fuel tank may require planning permission in of itself. Such permission cannot be granted as part of this application.

10. Conclusion

The development is considered to be acceptable on its planning merits. The proposal is acceptable in principle given its compliance with current planning policy. It would be in-keeping with the character and appearance of the locality and it would not cause any harm

to designated heritage assets. The proposal would not cause any harm to the amenity enjoyed by neighbouring properties and an adequate level of amenity would be achievable within the development itself. The proposal would not result in the loss of parking spaces associated with the public house, and the dwelling's proposed parking arrangement would satisfy the Council's parking standards.

RECOMMENDATION: That Planning Permission be GRANTED subject to the following conditions:

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

REASON: To comply with 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:

06 - PROW plan

02 - Existing site plan

15964/1 - Topographic survey

Received 18/10/2018

03 Rev A - Proposed site plan

04 Rev A - Proposed elevations

05 Rev a - Proposed plans

07 Rev A - Landscaping details

08 Rev A - Bat box location

09 Rev A - car port details

Received 06/03/2019

01 Rev B - Location plan

Received 07/03/2019

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

- 3 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) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- g) measures for the protection of the natural environment.
- h) hours of construction, including deliveries;

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 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 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.

- 4 The development hereby approved shall be carried out in accordance with the recommendations made in section 5 of the Preliminary Ecological Appraisal Report dated 28th September 2018, prepared by Turner Jomas & Associates as already submitted with the planning application and agreed in principle with the local planning authority before determination.

REASON: To ensure adequate protection and mitigation for protected species.

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

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

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

REASON: 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 that the development can be adequately drained.

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

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 that the development can be adequately drained.

- 8 Prior to the commencement of development an acoustic report shall be submitted to the LPA that demonstrates the internal and external amenity standards in accordance with BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings and WHO Guidelines for Community Noise (1999) can be met within the proposed development; this must include details of any scheme of mitigation required to achieve this. Any scheme of mitigation applied to this development must be approved by the LPA prior to implementation and followed by verification prior to first occupation of the development and thereafter be permanently retained.

Reason: To protect the local amenity from any adverse effects of noise.

- 9 Prior to commencement of development an assessment of the acoustic impact arising from the operation of the adjacent public house including but not limited to external/internal plant and patron activity at the pub and its car parking shall be undertaken in accordance with BS 4142: 2014. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to ensure the rating level of noise emitted from the proposed plant shall be less than background. The scheme shall be submitted to and approved in writing by the Local Planning Authority. Any scheme of mitigation applied to this development must be approved by the LPA prior to implementation and followed by verification prior to first occupation of the development and thereafter be permanently retained.

Reason: To protect the local amenity from any adverse effects of noise.

- 10 No development above slab level shall commence on site until the exact 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/or [DELETE as appropriate] 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, in the interests of visual amenity and the character and appearance of the area

- 11 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.

- 12 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 garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

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

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

Reason: To ensure the safe retention of existing trees on and adjoining the site.

- 14 INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

- 15 INFORMATIVE TO APPLICANT:

Tree roots are normally located in the first 600mm of soil. Roots that are exposed should be immediately wrapped or covered to prevent desiccation and to protect them from rapid temperature changes. Any wrapping should be removed prior to backfilling, which should take place as soon as possible. Roots smaller than 25mm diameter can be pruned back making a clean cut with a sharp tool. Roots occurring in clumps or over 25mm should be severed only following consultation with a qualified arboriculturist, as such roots might be essential to the tree's health and stability. Prior to backfilling retained roots should be surrounded with topsoil or uncompacted sharp sand (builders sand should not be used because of its high salt content, which is toxic to tree roots).

- 16 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.

- 17 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.

18 **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.