

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham
Date: Wednesday 5 October 2016
Time: 3.00 pm

Please direct any enquiries on this Agenda to Libby Beale, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718214 or email Elizabeth.beale@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

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

Substitutes:

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

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

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

1 **Apologies**

To receive any apologies for absence or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 14 September 2016.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 2.50pm on the day of the meeting.

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

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 28 September 2016** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Friday 30 September 2016**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** *(Pages 13 - 14)*

To receive details of completed and pending appeals and other updates as appropriate.

7 **Planning Applications**

To consider and determine the following planning applications.

7a **16/02433/FUL & 16/02612/LBC - The Old Stables, Grittleton House, Grittleton, Wiltshire, SN14 6AJ** *(Pages 15 - 26)*

7b **16/06233/FUL Land at Orchard Cottage, Upper Minety, Malmesbury, SN16 9PY** *(Pages 27 - 38)*

7c **16/06542/FUL- 40 The Street, Hullavington, SN14 6DU** *(Pages 39 - 48)*

7d **16/04961/OUT Land at Arms Farm, High St, Chippenham, Sutton Benger, SN15 4RE** *(Pages 49 - 72)*

7e **16/03033/FUL - Land to the rear of Church, North Wraxall, Chippenham, SN14 7AD** *(Pages 73 - 80)*

8 **Urgent Items**

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

Part II

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

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NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 14 SEPTEMBER 2016 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice Chairman), Cllr Christine Crisp, Cllr Mollie Groom, Cllr Toby Sturgis, Cllr Philip Whalley (Substitute), Cllr Glenis Ansell, Cllr Chuck Berry, Cllr Howard Greenman and Cllr Chris Hurst

113 **Apologies**

Apologies were received from Councillors Howard Marshall and Terry Chivers.

Councillor Marshall was substituted by Councillor Phillip Whalley.

114 **Minutes of the Previous Meeting**

The minutes of the meeting held on 24 August 2016 were presented.

Resolved:

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

115 **Declarations of Interest**

Councillor Tony Trotman declared a non-pecuniary interest in item 16/02363/FUL by virtue of a general acquaintance with the applicant. He declared he would not vote on the application.

116 **Chairman's Announcements**

It was announced that application 16/06079/FUL had been withdrawn by the applicant prior to the meeting.

It was clarified that the meeting had begun late as a result of the Strategic Planning Committee which had taken place before the meeting.

117 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

118 **Planning Appeals**

The Committee noted the contents of the appeals update.

119 **Planning Applications**

120 **16/02363/FUL Land at Rear of 4 The Crescent, Calne, Wiltshire, SN11 8LG**

Public Participation

Mr Richard Loveday spoke in objection to the application.

Lee Burman, Area Team Leader, presented a report which recommended that permission be granted for a two storey dwelling. Key issues were stated to include the principle of the development, parking provision, impact upon residential amenity and the material significance of the site application history including appeal decisions.

Members of the Committee then had the opportunity to ask technical questions about the application. Details were sought about the history of the site, and it was confirmed that three previous applications for very similar dwellings on the site had been granted on appeal, though each permission had expired prior to construction.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Committee debated the application, discussing parking access and overlooking of neighbouring properties, and it was stated Highways officers were satisfied the access arrangements were sufficient, and that current issues on the site had been present for those applications granted on appeal.

Councillor Peter Hutton moved a motion to approve in accordance with the officer's recommendation, seconded by Councillor Chuck Berry, and it was,

Resolved:

That Planning permission be GRANTED subject to conditions;

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

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

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

Proposed Cottage Elevations Sheet 3 and Proposed Cottage Floor Plans Sheet 4 (both received 9 March 2016), Location Plan

(received 20 June 2016) and Site Plan and Parking Layout 2016-11 05B (received 22 August 2016)

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

- 3 Before the development hereby permitted is first occupied the first floor windows in the east elevation shall be glazed with obscure glass only and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 4 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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the eastern or southern elevations of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 5 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.

- 6 No part of the development hereby approved shall be first brought into use until the parking area shown on the approved plans 2016-11 05B, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

7 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.

8 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.

9 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.

10 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.

11 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.

12 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/communityinfrastructurelevy.

121 16/02433/FUL & 16/02612/LBC The Old Stables, Grittleton House, Grittleton, Wiltshire, SN14 6AJ

Public Participation

David Pearce, agent, spoke in support of the application.

Cllr Palmer, Grittleton Parish Council, spoke in support of the application.

Mark Staincliffe, Area Team Leader, presented a report that recommended permission be refused for the proposed conversion of Stables to form dormitories and listed building consent for the works. Key issues were stated to include the listed status of the stables in their own right as well as the impact upon the listed Grittleton House, the impact upon the area of outstanding natural beauty and the principle of the development. It was stated conversion and alteration to maintain the site was felt by officers to be acceptable, but that substantial demolition as proposed was not appropriate.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on the access to the site, location of Grittleton

House in relation to the stables and the level of public harm to the listed buildings.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Committee then debated the application. A motion to refuse in accordance with the officer's recommendation was moved by Councillor Chuck Berry, seconded by Councillor Tony Trotman, but following discussion of the use of the site and the specific impact from the proposals, the motion was withdrawn. A motion to defer the application for a site visit to take place was moved by Councillor Toby Sturgis and seconded by Councillor Peter Hutton.

Resolved:

To defer the application for a site visit to take place.

122 **16/06079/FUL Bremhill Grove Cottage, East Tytherton, Chippenham, SN15 4LX**

The application was withdrawn prior to the meeting.

123 **Urgent Items**

There were no urgent items.

(Duration of meeting: 4.25 - 5.10 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line 01225 718504 , e-mail kieran.elliott@wiltshire.gov.uk

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

**Wiltshire Council
Northern Area Planning Committee
5th October 2016**

Planning Appeals Received between 05/09/2016 and 26/09/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
15/11511/FUL	James House Broken Cross, Calne Wiltshire, SN11 8NH	CALNE	Proposed Development of 6 No. 1bed 2person Flatted Units over 3 Storey's, with Associated Access, Parking, Buggy Storage and Landscaping.	DEL	Written Representations	Refuse	09/09/2016	No
16/00504/FUL	2A Pickwick Corsham, Wiltshire SN13 0HZ	CORSHAM	Proposed Creation of a Dwelling through the Change of Use of 2a Pickwick from A1 to C3, Reconstruction of Structure to the Rear of 'The Farmhouse' (also known as 2a & 2b Pickwick, Corsham) Including Alteration to Bay Window, Stonework & Roof Repairs to The Farmhouse Building.	DEL	Written Representations	Refuse	22/09/2016	No
16/00677/LBC	2A Pickwick Corsham, Wiltshire SN13 0HZ	CORSHAM	Proposed Creation of a Dwelling through the Change of Use of 2a Pickwick from A1 to C3, Reconstruction of Structure to the Rear of 'The Farmhouse' (also known as 2a & 2b Pickwick, Corsham) Including Alteration to Bay Window, Stonework & Roof Repairs to The Farmhouse Building.	DEL	Written Representations	Refuse	22/09/2016	No
16/04999/OUT	Land off School Lane Lea, Malmesbury Wiltshire, SN16 9PQ	LEA AND CLEVERTON	Outline Application for Erection of 1No. New Dwelling (All Matters Reserved)	DEL	Written Representations	Refuse	13/09/2016	No

Page
3

Planning Appeals Decided between 05/09/2016 and 26/09/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
15/07920/RWN	Bath Road Bridge A3012 Royal Wootton Bassett, Swindon Wiltshire, SN4 7DF	ROYAL WOOTTON BASSETT	Reconstruction of Existing Bridge.	DEL	Written Reps	Refuse	Withdrawn	19/09/2016	No

Agenda Item 6

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	5 October 2016
Application Number	16/02433/FUL & 16/02612/LBC
Site Address	The Old Stables, Grittleton House, Grittleton, Wiltshire, SN14 6AJ
Proposal	Proposed Conversion of Stables to form Dormitories for Grittleton House School.
Applicant	Grittleton House School
Town/Parish Council	GRITTLETON
Electoral Division	BY BROOK – Cllr Baroness Jane Scott OBE
Grid Ref	386101 179654
Type of application	Full Planning
Case Officer	Chris Marsh

Reason for the application being considered by Committee

The applications were deferred for later consideration pending a Committee site visit at the meeting of 14 September 2016.

1. Purpose of Report

The purpose of the report is to confirm that Members visited the site on 20 September 2016 and inspected both the interior and exterior of the subject building. Following the visit, Members present confirmed that they were satisfied that all that was necessary had been seen.

2. Report Summary

The Officer's recommendations remain unchanged and the relevant report is appended however since publication of that report further matters arose, included in the late items. For ease of reference, these are set out below.

Item 7b) 16/02433/FUL & 16/02612/LBC The Old Stables, Grittleton House, Grittleton, Wiltshire, SN14 6AJ

Late Representations

Revised plans have been resubmitted, differing from the earlier iteration most significantly in the reduction in span and height of the linking section attached to the building's northwest elevation and inclusion of a single-pitch 'canopy' element over the integral corridor. The works to the listed building and proposed accommodation remain essentially unchanged otherwise.

Further to the report's observation that the Study Centre will operate during the summer holidays, the agent has provided a schedule of bookings from the past academic year, which includes a mixture of recreational B&B, group bookings and use of classrooms throughout the year.

Despite a request for such, no details of bookings for the current academic year have been made available however it is asserted that the newly-vacated space within the main Grittleton House is unsuited to future provision for this purpose due to the lack of en suite facilities.

Officer Comments -

Officers have considered the amendments and the additional supporting justification including consideration of the vacated building as an alternate location for the proposed development, whilst the reduced bulk of the linking section is welcomed as an improvement, this has only a marginal impact in respect of the assessment of the scheme as a whole. As such, the Officer's conclusions as to the harm to the listed building, the setting of Grittleton House and the character and appearance of the Grittleton Conservation Area remain as before, as does the recommendation that the applications are refused.

Whilst the development may provide private benefit to the site operators in respect of chargeable accommodation, the planning merit previously afforded to the expansion of a school is no longer applicable and therefore, regardless, there remains no justification for the harm to heritage assets as identified. In addition the claimed unsuitability of the vacated premises as available alternate location for the proposed accommodation is not considered to be sound or convincing. En suite facility provision is not considered to be essential given the nature of the activities involved. Even if essential, it is considered that potentially less intrusive works with consequently less harm to the Heritage Assets in this location could be achieved in order to make provision. This is pertinent in the context of case law in respect of development affecting a heritage asset e.g. (not an exhaustive list):-

Norfolk DC v Secretary of State for Communities and Local Government [2014] EWHC 279 (Admin) (QBD (Admin))

R. (on the application of Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin); [2015]

J.P.L. 22 (QBD (Admin))

Mordue v Secretary of State for Communities and Local Government [2015] EWHC 539 (Admin)

(QBD (Admin))

East Northamptonshire DC v Secretary of State for Communities and Local Government [2014] North EWCA Civ 137; [2015] 1 W.L.R. 45 (CA (Civ Div))

In these cases it has been established that it is necessary where harm to a heritage asset is identified to consider the scope for achieving the development proposed and any related benefits arising without development resulting in the harm identified; in short to consider whether development could take place in a different way and/or location. In this instance it is considered that there is scope to do so and the applicant has not fully investigated that and demonstrated that alternate approaches are not viable and feasible. In this context it is important to note that the development as proposed includes partial demolition of a Listed Building and therefore harm to the fabric of the structure. As such the harm identified is considered to be at the upper end of the "less than substantial" scale of harm identified.

It must also be borne in mind in this context that the Council as Local Planning Authority is under a Statutory Duty to pay special attention to the preservation of heritage assets.

3. Conclusions

In summary, it is considered that the identified harm to heritage assets, which is less than substantial, is not outweighed by any demonstrable public benefit arising from the proposals and the evidence submitted in support of the proposals has not fully and demonstrably considered alternative approaches that could achieve the required development without resulting in the harm identified. NPPF Paragraph 72 is no longer of relevance to the proposals and when having regard to the provisions of S16(2), 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the proposals are considered to have a harmful effect on heritage assets.

RECOMMENDATION

That planning permission is REFUSED, for the following reason:

- 1 The proposed development, by reason of its siting, bulk, massing, design and appearance, fails to conserve or enhance the character of the site or that of heritage assets including the Grade II-listed stables, the settings of neighbouring Grade II-listed buildings and the Grade II*-listed Grittleton House and the Grittleton Conservation Area, resulting in less than substantial harm that is not outweighed by any significant public benefits, including securing a viable use. Accordingly, the proposal fails to comply with Core Policies 57 and 58 of the Wiltshire Core Strategy, Paragraphs 64, 131, 132 and 134 of the National Planning Policy Framework and Sections 66(1) and 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

That listed building consent is REFUSED, for the following reason:

- 1 The proposed works, due to their unwarrantedly intrusive nature in relation to the existing stable building and its immediate setting, fail to preserve the significance or setting of the listed building(s) and will detract from the wider comprehension of the Grade II*-listed Grittleton House. Accordingly, the proposals conflict with Section 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

This decision relates to the following plans/drawings:
4097/56 rev F – Proposed Ground Floor Plan, Elevations & Block Plan
Received 5 July 2016

Appendices

Appendix A – Committee report 14 September 2016

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	14 September 2016
Application Number	16/02433/FUL & 16/02612/LBC
Site Address	The Old Stables, Grittleton House, Grittleton, Wiltshire, SN14 6AJ
Proposal	Proposed Conversion of Stables to form Dormitories for Grittleton House School.
Applicant	Grittleton House School
Town/Parish Council	GRITTLETON
Electoral Division	BY BROOK – Cllr Baroness Jane Scott OBE
Grid Ref	386101 179654
Type of application	Full Planning
Case Officer	Chris Marsh

Reason for the application being considered by Committee

The applications were deferred at the meeting of 3 August, in order to consider additional information regarding changing circumstances at the application site.

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 applications are refused.

2. Report Summary

The main issues in the consideration of the proposals are as follows:

- Principle of development;
- Impact on the significance of the listed building(s);
- Impact on the setting of the listed buildings and Grittleton House;
- Impact on the significance of the Grittleton Conservation Area;
- Impact on the Cotswolds AONB; and
- Impact on local highways

Grittleton Parish Council has registered its support for the proposals, and no further public comments have been received. No objection is raised by the Highways Officer, whilst Historic England and the Council's Senior Conservation Officer have commented on the applications as detailed later in this report.

3. Site Description

The proposals relate to the historic stable complex on the southern side of the Grittleton House estate, the main house (most recently a school) of which is Grade II*-listed. Sitting some 250m from the main house and accessed separately via the entrance to the West, the stables are collectively Grade II-listed in their own right (as is the stable lodge at the western end of the access track and historically associated cottage 'Emu Paddock'). Approaching from the West, the complex comprises first an almost enclosed courtyard of decorative single-storey stables, with dual arches providing a direct route through to a further, more loose-knit yard and buildings. The buildings are collectively noted for their formal layout and completeness, including historic internal stable tiling, timber panelling and ironwork. The site is located within the Grittleton Conservation Area, which extends to wash over the whole Grittleton House estate, and also the Cotswolds Area of Outstanding Natural Beauty.

Citing declining pupil numbers, the school announced on 1 June 2016 that it would be closing at the end of the 2015/16 academic year and has since closed in July 2016. Given this significant change in circumstances, described in additional material submitted shortly prior to the applications' consideration at the Committee meeting of 3 August, Members passed the updated Officer recommendation to defer the item in order to consider fully the implications of this change. Shortly after the meeting additional material was submitted describing the applicant's intentions for the future operation of Grittleton House. The annual Summer School is to continue to operate from the site, whilst it is anticipated that Grittleton House will increase its offer for private functions.

Planning permission and listed building consent granted in 2009 (08/00876/FUL & 08/00877/LBC refer) enabled the conversion of three of the latter group of buildings to holiday accommodation, in order to provide activities and income outside of term time. Following the discharge of conditions in relation to submission of architectural details and works on site, planning permission was further relaxed with the removal of a condition restricting use/occupancy to that ancillary to the school (10/01060/S73 refers). The similarly-proportioned stables further East have been extended significantly to the rear in order to create new ensuite dormitory rooms for students; an exercise understood to have not been altogether successful owing to a relative lack of borrowed light available to bedrooms. Applications 09/01441/FUL and 09/01255/LBC refer.

4. Planning History

N/08/00876/FUL	Proposed Conversion of Barns and Stables to Include Conversion of Existing Buildings to Field Study Centre – approved
N/08/00877/LBC	Proposed Conversion of Barns and Stables to Include Conversion of Existing Buildings to Field Study Centre – approved
N/09/01724/TCA	Fell 1 Hornbeam, 2 Ash & 1 Horse Chestnut – approved
N/09/01441/FUL	Extension to Outbuilding to Form Dormitory (Amendment To 08/00876/FUL) – approved
N/10/01060/S73	Proposed Conversion of Barns and Stables to Include Conversion of Existing Buildings to Field Stud Centre Without Compliance of Condition 3 of 08/00876/FUL (The Development Hereby Permitted Shall Be Used Only for Purposes Ancillary to Grittleton House & Grounds) – approved but likely to have lapsed

5. The Proposal

Planning permission and listed building consent is sought in respect of the extension, alteration and conversion of the as yet unmodified stable building at the northern side of the main courtyard to provide 13no. ensuite dormitory rooms for students, together with an element of associated storage. Having initially comprised the wholesale removal of the rear wall and considerable extension of the building, the scheme has been revised so that the extensions are contained within an L-plan block leading from the building's northwest corner; the intervening space to be used as an outdoor teaching area. The historic stable block is to be divided into individual dormitory rooms with ensembles through a combination of new breakthroughs and stud walls, though maintaining much of the original plan and stable furniture as seen in the earlier scheme.

The proposed extension is to be configured as a series of dormitory rooms leading off of a single corridor, which follows the eastern/southern sides of the block. It is to be composed of single-storey proportions, albeit with a span greater than that of the historic stables, and finished predominantly in stone beneath a pitched slate roof. The eastern corridor is to be flanked by a series of full-height fixed glazed panels and glazed doors, providing access onto the courtyard, which is to be enclosed at its eastern end with a new stone wall. The proportions of the rooms vary, although each benefits from its own ensuite, with separate elements of storage, plant room, circulation and other internal amenity space incorporated into the layout. Although submitted prior to the announcement of the school's imminent closure, the applicant has indicated that the accommodation is still required in relation to the running of the Summer School and possibly also to provide guest accommodation in association with private events held at Grittleton House.

6. Local Planning Policy

Wiltshire Core Strategy; Core Policies 1 (Settlement strategy), 51 (Landscape), 57 (Ensuring high quality design and place shaping), 58 (Ensuring the conservation of the historic environment).

National Planning Policy Framework; Paragraphs 14, 17, 64, 72, 115, 128, 131, 132 and 134.

Sections 16(2), 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Summary of consultation responses

Grittleton Parish Council – confirmed that Parish Council remains supportive of the proposals

Conservation – objections, citing the harm to the setting and significance of designated heritage assets and diminishing justification/public benefit with the closure of the day school

Highways – no objection

Historic England – *“Whilst we consider the level of harm to the historic fabric to have been reduced, we consider there to be moderate harm to the setting of the Grade II listed Grittleton Stables as well as to the relationship between the principal house and ancillary buildings, which Historic England does not support.”* Upon re-consultation the

respondent reiterated these comments and noted that the closure of the day school may have created alternative capacity within Grittleton House itself.

8. Publicity

The application was advertised by notification letter and site notice. No public representations were received.

9. Planning Considerations

Principle of development

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.

In principle, the extension and enhancement of educational facilities – including private schools – is consistent with the objectives of Paragraph 72 of the Framework. Although this was the basis on which Officers sought to negotiate the original scheme, in light of the day school's recent closure this policy is of limited relevance. The applicant submits that the accommodation is warranted by the continuing operation of the Summer School however due to its lack of statutory grounding and relatively brief, seasonal operation, limited benefit can be assumed in this regard. In any case, there is no evidence that the scale of extensions proposed is reasonably warranted by this operation, particularly as the closure of the day school has created significant capacity within the main house, as acknowledged in the additional information submitted by the applicant. Whilst Grittleton House is likely to continue to be promoted for private and corporate events, this would represent an entirely different planning use of the land and buildings and would not in itself necessitate the creation of additional accommodation.

Optimum viable use

Referring back to the earlier permission, it has been accepted previously that notwithstanding their relatively complete condition, some viable future use is necessary to ensure the long term protection of the listed stables. At the present time, however, the proposed development does not provide any reassurance that it will instigate immediate and beneficial works that will prolong the lifespan of historic fabric, given that this must be weighed against the material harm to heritage assets as identified below. Whilst on initial consideration, the scheme offered a more closely-related occupation of the building than the subsequently relaxed approved scheme, thus contributing to a greater extent to the core term-time operation of the school, this is clearly no longer the case. It is unclear what the optimum viable use of the asset would be however in the absence of any evidence to suggest that a bona fide 'conversion' as previously approved would not be practicable the proposals present no specific wider 'public benefit' arising from the development.

Impact on the significance of the listed building(s)

Having made clear that substantial demolition of the rear of the building was not an appropriate approach both at pre-application stage and upon receipt of the subsequent planning and listed building consent applications, it is considered an improvement to the scheme in principle that such works are no longer proposed. These works were met with strong opposition from Historic England and the Councils Conservation Officers due to the hugely disruptive and irreversible loss of historic fabric that would occur. This

amounted to 'substantial harm', in respect of which the proposals failed to deliver the compensatory criteria set out at Paragraph 133 of the Framework. Whilst the extent of demolition has now been significantly reduced, however - and despite extensive attempts to negotiate - it is still not considered that the current alternative proposals adequately address many of the issues raised initially.

A defining feature of the building is its traditional proportions and formalised relationship to the surrounding stable yard, former coach house and cottages. Throughout the application, advice provided by Planning and Conservation Officers has sought to reduce the bulk of extensions and loss of historic fabric, in particular by employing a more modest 'link' to the physical fabric of the stables and minimising new openings. This advice has been mostly rebutted however; the extensions to the northwest corner remains of substantial form, with the 'link' of the same considerable span in order to maximise accommodation, and results in the unwarranted loss of fabric.

Notwithstanding the poorer condition of this corner – where some of the rear wall is built over a boundary wall – the opportunity to use a single breakthrough to provide material that could be used to 'make good' the surrounding area has not been taken into account (the normal course of action in these situations would be localised repairs to the fabric concerned rather than wholesale demolition). Instead, the layout is tenuous and includes a standalone bathroom with no internal doorway, another with a fully glazed wall to the adjacent courtyard and the unjustified removal of original fabric from the rear wall of the stables.

It is not considered that the revised scheme has followed elementary conservation principles, resulting in a poor form of development that makes little concession to its historic setting. This comes despite efforts to negotiate improvements, most of the substantive points of which having been rebutted by letter rather than proactively employed as amendments to the scheme. Although the matching traditional materials of stone and slate are to be employed – as has been the case nearby – the widened proportions and overly 'domestic' fenestration of the extensions remove any prospect of these being perceived as contemporaneous with the yard, even from a distance. It is agreed that the Historic England guidance on the treatment of agricultural buildings¹ is relevant in this instance; notwithstanding their historic service/equestrian use, the stables are of modest, functional form capable of supporting either small-scale traditional extensions or referential, subservient additions of more modern form – for instance using glazing and timber cladding. In this instance, it is considered that the extensions lack any distinctive quality or design language in their own right and will read as overly domestic additions that detract from the host building.

Impact on the setting of the listed buildings and Grittleton House

Sections 16(2) and 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 require that the desirability of preserving the significance of listed buildings and their settings is given substantial weight in the consideration of listed building consent and planning applications respectively. Historic England have concerns with the applications both initially due to the substantial demolition of the Grade II-listed stables and latterly due to the impact on the setting and significance of the Grade II* Grittleton House. This is a significant consideration that, aside from any weighting in the planning balance provided by the public benefits of the scheme, clearly indicates that the proposals would not accord with Sections 16(2) or 66(1) of the Act.

¹ *The Conversion of Traditional Farm Buildings: a guide to good practice*, Historic England 2006

Clearly the stable complex is a historically 'planned' arrangement, comprising a series of defined spaces and functions associated with the former house and wider estate; a relationship that is continued with the modern day school. Whilst an incidental function would be maintained, the proposed extensions by reason of their bulk and unsympathetic design would detract from the considered hierarchy of the original outbuildings, as well as interrupting the physical relationship between the yard, grounds and main house. The creation of an additional courtyard would, in the view of Historic England, misconstrue the stables' integrity and historic setting, and would certainly reduce the legibility of the existing arrangement, exacerbated by the extensions' falling awkwardly between the traditional and modern in terms of form and finish.

Impact on the significance of the Grittleton Conservation Area

It is considered that, as the proposals will have a harmful impact on the grouping and significance of the historic stables, which form an important component of the Grittleton School estate, this harm equates to a wider loss of historic legibility to the Conservation Area. Notwithstanding the relative lack of public views into the affected part of the site, the coherence of the planned estate is clearly valued as a characteristic of that Conservation Area as evidenced by its specific inclusion within the designation. National Guidance makes clear that the value of heritage goes beyond the immediately visible and to this end it is considered that the shortcomings identified above have a wider, adverse impact on the significance of the Conservation Area that fails to conserve or enhance its character or appearance. It is considered that the proposals therefore fail to accord with Core Policy 58 or Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 for these reasons.

Impact on the Cotswolds AONB

The proposals will be contained to the area immediately surrounding the historic stable yard, and it is noted that the earlier extensions to the eastern stables already project out into this currently open area. As the land forms part of a wide buffer to the extended estate/sports pitches of the school, it is not considered that the works overall will compromise the openness of the Cotswolds AONB. From beyond the school grounds, the extensions will not be apparent and therefore it is considered that the scheme will conserve the overall character and appearance of the AONB and preserve existing public views intact.

Impact on local highways

The Council's Highways Officer has been consulted on the proposals and has confirmed that no objection is raised in respect of the principle of conversion, proposed use or layout of the site. The Officer notes that there is precedent in this respect and that there are adequate arrangements for parking and turning within the site sufficient for the low and sporadic level of vehicular traffic associated with accommodation of this type, irrespective of the details of the accommodation's practical use. The junction arrangements at the stables entrance with the C-classified highway are to remain unchanged; this is considered an acceptable situation in relation to the proposals.

Conclusions

As discussed above, the substantive scheme represents an improvement upon its predecessor, which would have led to large-scale demolition and substantial harm to the heritage asset(s). However, it is considered that due to a lack of suitable concessions to the importance of the affected historic fabric in terms of the final design, the scheme remains considerably short of demonstrating that the significance and setting of heritage

assets can be fully protected. The scheme represents development that is harmful to the character and appearance of heritage assets currently forming an important and legible local resource, contrary to Core Policies 57 and 58 of the Wiltshire Core Strategy.

The viable future use of the heritage asset(s) is a recognised public benefit of the building's re-use and warrants consideration. However in light of the day school's closure there is little to suggest that the specific harm arising from the works is in any way necessary for the effective future use of the building, nor apparent that this could not be accomplished with a more sensitive scheme (such as that previously approved). In the absence of any clear ongoing education use, very limited weight can be given to Paragraph 72 of the Framework.

Due to the degree of identified harm, albeit less than substantial, it is not considered that any benefits of the scheme outweigh the demonstrable adverse impacts on the listed building, its setting and the Grittleton Conservation Area, the character of all of which will be depleted by the works. Accordingly, it is considered that on balance the proposals fail to provide the justification required by Paragraph 134 of the Framework and are unacceptable in planning and listed building terms.

RECOMMENDATION

That planning permission is REFUSED, for the following reason:

- 1 The proposed development, by reason of its siting, bulk, massing, design and appearance, fails to conserve or enhance the character of the site or that of heritage assets, resulting in less than substantial harm that is not outweighed by any significant public benefits, including securing a viable use. Accordingly, the proposal fails to comply with Core Policies 57 and 58 of the Wiltshire Core Strategy, Paragraphs 64, 131, 132 and 134 of the National Planning Policy Framework and Sections 66(1) and 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

That listed building consent is REFUSED, for the following reason:

- 1 The proposed works, due to their unwarrantedly intrusive nature in relation to the existing stable building and its immediate setting, fail to preserve the significance or setting of the listed building(s) and will detract from the wider comprehension of the Grade II*-listed Grittleton House. Accordingly, the proposals conflict with Section 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

This decision relates to the following plans/drawings:

4097/56 rev F – Proposed Ground Floor Plan, Elevations & Block Plan

Received 5 July 2016

16/02433/FUL & 16/02612/LBC

The Old Stables
Grittleton House

Grittleton
Wiltshire
SN14 6AJ



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	05/10/2016
Application Number	16/06233/FUL
Site Address	Land adj. Orchard Cottage Upper Minety Malmesbury Wiltshire SN16 9PY
Proposal	Erection of new dwelling
Applicant	Mrs C Wilson
Town/Parish Council	MINETY
Electoral Division	MINETY – Cllr Berry
Grid Ref	400572 191491
Type of application	Full Planning
Case Officer	Sam Croft

Reason for the application being considered by Committee

Applications called in by Councillor Berry for the following reasons:

- Inappropriate development
- Over development

1. Purpose of Report

To consider the above applications and to recommend APPROVAL subject to conditions.

2. Report Summary

Minety Parish Council objected to the application. 1 letter of objection was received from a local resident.

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

- Principle of Development
- Design and Site Layout
- Impact on the locality/amenity
- Highways

3. Site Description

The application is for the erection of a new dwelling on land at Orchard Cottage, Upper Minety. The application site occupies an area of land to the south east of Orchard Cottage and is accessed via its own gated entrance from Oaksey Road. Oaksey Road runs from the

centre of Upper Minety to Oaksey. The site is approximately triangular in shape and is bounded on two sides by mature vegetation. At present, it is part of the garden of Orchard Cottage and contains an outbuilding. The site is relatively flat and is screened from the road and surrounding development to the south-east and south-west. The site lies between Orchard Cottage to the north-west and Mansells Farmhouse to the south. The properties situated along Oaksey Road are characterised mainly by detached residential dwellings of varying character. Whilst Orchard Cottage is of the traditional Cotswold vernacular, the properties to the south west are large detached red brick, with Tudor style influences.

The site is located outside of any defined framework boundaries as set out in the Wiltshire Core Strategy. The site is not located within a Conservation Area or any landscape designations.

4. The Proposal

The application proposal is for the erection of a 4 bed detached dwelling together with access and landscaping/tree works. The proposed dwelling will face out onto Oaksey Road with a turning and parking area proposed to the front and side of the property which still leaves ample private garden space for the existing and proposed property. The principal elevation is largely symmetrical in design with a central porch projecting forward from the front elevation. There is short gable projection to the rear which features bi-fold and French doors leading onto a patio area. The proposal does not propose any windows at first floor level in the west and eastern elevations in order to avoid potential overlooking of nearby properties.

The proposed dwelling will be of traditional Cotswold vernacular to complement the overall mix of house types and designs found within the surrounding area. The building will be constructed of high quality materials, the south elevation will be constructed in natural stone with the remaining elevations in lime roughcast render with stone quoins to the corners. The roof will comprise of reclaimed plain tiles and the windows and doors will be UPVC to match Orchard Cottage.

5. Planning History

No relevant planning history

6. Local Planning Policy

National Planning Policy Framework 2012 (NPPF)

Paragraph 7, 14 and 17

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Wiltshire Core Strategy (Adopted January 2015)

CP1 - Settlement Strategy

CP2 - Delivery Strategy

CP57 - Ensuring High Quality Design and Place Shaping

7. Summary of consultation responses

Minety Parish Council - The parish council have object to the application on the basis that the "infilling" is not compatible with the recommendations set out by Wiltshire Council, the prospective property is outside the village boundary, is not sustainable being well away from local amenities and will add further pressure to an area already susceptible to flooding bringing more pressure to the inadequate drainage systems. In addition, the proposed access is sited on a partially blind bend and had previously only been a secondary access route rather than the sole or primary access to the whole property.

Highways - No objection subject to conditions.

Tree Officer - No objection subject to conditions.

Drainage – No objection subject to conditions.

Fire Service - Recommend the installation of a domestic sprinkler system.

8. Publicity

Local Residents – 1 letter of objection was received from a local resident. The main concerns raised were as follows:

- Greenfield development
- Development outside the built-up limits of the village
- The application would set a dangerous precedent
- No housing need has been established
- Impact on the rural character of Upper Minety

9. Planning Considerations

Principle of Development

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006). A number of the NWLP policies continue to be saved to sit alongside the policies of the Core Strategy.

Upper Minety is identified as a small village in Core Policy 13 of the Wiltshire Core Strategy. Core Policy 1 sets out that development at Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. Paragraph 4.16 in the supporting text specifically says:

'Any existing settlement boundaries for Small Villages and other small settlements not identified in the settlement strategy will be removed.....However, some very modest development may be appropriate at Small Villages, to respond to local needs and to contribute to the vitality of rural communities. Any development at Small Villages will be carefully managed by Core Policy 2 and the other relevant policies of this plan.'

Core Policy 2 of the WCS sets out the delivery strategy for Council and states that outside the defined limits of development in Small Villages, development will be limited to infill within the existing built area. Proposals for development will be supported where they seek to meet local housing needs and/or employment, services and facilities provided that the development accords with all policies of the development plan and:

- i) respects the existing character and form of the settlement
- ii) the proposal does not elongate the village or impose development in sensitive landscape areas, and
- iii) does not consolidate an existing sporadic loose knit areas of development related to the settlement.

It is considered that the development would respect the character and form of the settlement and given the sites position between Orchard Cottage and Mansells Farmhouse. It is

considered that the proposed dwelling would respect to the character and existing form of the development and would result in the elongation of the village or impose development in sensitive landscape areas. It is noted that the Parish Council and a local residents have raised concerns with the development and that it would constitute Greenfield development, outside the accepted limits of Upper Minety; however, existing settlement boundaries for Small Villages and other small settlements not identified in the settlement strategy were removed through the adoption of the WCS and policy allows for modest development in line with Core Policy 2. The settlement boundary for Upper Minety is one of those which was removed as part of this process. The development is considered to be infill development in line with the requirements set out in Core Policy 2 and the supporting text given the site circumstances and characteristics and is therefore considered acceptable in principle.

It is also acknowledged that the Council cannot currently demonstrate a deliverable supply of land of housing for a 5 year period, plus requisite tolerances, although the situation is currently under review in respect of preparation of a new Housing Land Supply Statement for 2016/2017. It is anticipated that this position will therefore change very shortly. In these circumstances give the very small scale of development this is not considered to be a material consideration of full weight as the single dwelling proposal is not considered to significantly boost the supply of land for housing.

However, given the position in respect of housing land supply full weight cannot be given to policies in respect of the scale and distribution of housing under the terms of paragraph 49 of the NPPF. In the determination of planning applications, the most crucial issue to consider is whether or not the proposal accords with the relevant provisions of the development plan (the WCS). If it does not then the question of whether material considerations, including relevant policies in the NPPF, mean that permission should be granted despite conflict with policies arises. In understanding how to interpret paragraph 49 of the NPPF and what weight should be applied to policies within the WCS, the Council has relied on a number of appeal decisions in Wiltshire (Land at Arms Farm, Sutton Benger APP/Y3940/W/15/3028953 & Land to North of Holt Road and Cemetery Lane, Bradford-on-Avon APP/Y3940/W/15/3141340), and a recent court of appeal judgement that specifically examined how to apply and interpret paragraph 49 (C1/2015/0583 Suffolk Coastal District Council and Hopkins Homes Limited and C1/2015/0894 Richborough Estates Partnership LLP vs Cheshire East Borough Council First).

There are a number of important statements and points of clarity provided in the above decisions that are important to framing any discussion on this application and the degree of conflict with the WCS. Particularly relevant are the statements in the court of appeal decision, paragraphs 42 to 48 ('How is the policy in paragraph 49 of the NPPF to be applied?'), which highlight a number of key points. First, it is up to the decision maker to judge whether a plan policy is or is not a relevant policy for the supply of housing, this can include restrictive policies not necessarily related to housing specifically; however that may have the effect of limiting housing. Furthermore, the appeal court decision confirms that in their view there will be many cases in which restrictive policies are still given sufficient weight to justify the refusal of planning permission, despite their not being up-to-date under the auspices of paragraph 49. In conclusion, the appeal court decision confirms that ultimately it will be up to the decision-maker to judge the particular circumstances of each application and how much weight should be given to conflict with policies for the supply of housing that are 'out-of-date', and, that the fundamental purpose of paragraph 49 is not to punish Councils (and by extension local communities), but to provide an incentive to boost housing land supply. In this context, it is important to note that the scale of the proposed development is limited and, in the view of officers, would not significantly boost the supply of land for housing and therefore should only be given limited weight.

Importantly, the decision goes on to highlight that paragraphs 14 and 49 of the NPPF do not make 'out of date' housing policies irrelevant to the determination of applications and that the weight given to such policies is not dictated by the NPPF and will vary according to circumstances on a case by case basis. This will also depend on the extent to which relevant policies fall short of providing for the five-year supply of housing land and the action being taken by the local planning authority to address the shortfall. Currently, the shortfall is assessed as 4.76 years supply and there is no indication that rural areas are struggling to deliver housing. The Council has continued to promote development in the Malmesbury Community Area (which covers this site) at sustainable locations and recent committee approvals have seen further housing sites approved, subject to signing of S106 agreements overall and above those minimum indicative targets.

In both of the Wiltshire based appeal decisions the Inspectors considered that weight should be applied to Core Policy 1 of the WCS despite paragraph 49 being engaged and, in fact, in the Sutton Bengier appeal the inspector applied full weight to Core Policy 1. However, following the appeal court judgement the Council agrees that Core Policy 1 must be seen and assessed in the context of paragraph 49 and cannot be considered fully 'up-to-date'. Nevertheless, the Council still believes that Core Policy 1 must carry significant weight in any decision making process; as the fundamental principles of the policy largely align with core planning principles of the NPPF, as set out in paragraph 17. It sets out the overarching spatial strategy for Wiltshire and, as highlighted above, there is no evidence of significant unmet demand in the community area and the scale of development proposed is very limited and could not be considered to significantly boost the supply of land for housing. As such, the settlement strategy and Core Policy 1 remains fundamental and relevant to the determination of this application.

On balance it is considered given the sites location, site characteristics and in the context of limited scale of development proposed, the principle of the development is considered acceptable. In order for the development to be considered unacceptable it in this location the development would need to result in significant harm to the local character and amenity or be subject to specific site constraints sufficient to warrant a refusal.

It is noted that a local resident has expressed a concern that the approval of this application would set a precedent for development along Oaksey Road would result in further development in the vicinity. However, all applications are considered on their own merits and any future development would need to be assessed against the relevant policies of the WCS.

Impact on the Context and Character of the Site and Surrounding Area

Core Policy 57 of the WCS sets out that a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Core Policy 57, amongst other things, requires that applications for development should respect the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal.

The application proposal is for the erection of a 4 bed detached cottage together with other associated ancillary development. The proposed dwelling will face out onto Oaksey Road with a turning and parking area proposed to the front and side of the property. The proposed dwelling will be of traditional Cotswold vernacular to complement the overall mix of house types and designs found within the surrounding area. The building will be constructed of high quality materials, the south elevation will be constructed in natural stone with the remaining elevations in lime roughcast render with stone quoins to the corners. The roof will comprise of reclaimed plain tiles and the windows and doors will be UPVC to match Orchard Cottage.

The properties situated along Oaksey Road are characterised mainly by detached residential dwellings of varying character. Whilst Orchard Cottage is of the traditional Cotswold vernacular, the properties to the south west are large detached red brick dwellings.

Overall the development is considered to respect the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout. The proposed dwelling would complement existing development both in terms of its design and the materials proposed. The development is therefore considered to comply with Core Policy 57 of the WCS.

Impact on Neighbour Amenity

Core Policy 57 also seeks to avoid creating developments with unacceptable low levels of privacy and amenity and avoid the unacceptable loss of privacy and amenity to adjacent buildings. The proposed dwelling will face out onto Oaksey Road with a turning and parking area proposed to the front and side of the property leaving sufficient private garden space to the front, rear and side of the property. The proposal does not propose any windows at first floor level in the west and eastern elevations in order to avoid potential overlooking of nearby properties. In addition a significant distance of over 21m between proposed and the nearest existing property (Orchard Cottage) is proposed. The site is screened from the road and surrounding development to the south-east and south-west by mature boundary planting. Given the positioning of the dwelling, the location of fenestrations, degree of separation and existing screening it is not considered that the development would result in an unacceptable loss of privacy and amenity to adjacent buildings. Furthermore it is considered that the property itself would not suffer from unacceptable low levels of privacy and amenity.

Highways

The Council's Highways Officer has raised no objection to the principle of the development. The Officer is satisfied that there is sufficient room for three spaces to be provided for parking with the associated turning to be able for a car to enter and egress the highway in forward gear. They have raised a concern about the visibility from the proposed access due to the nature of the bend in the road to the northwest of the proposed access; however, it is considered that this can be appropriately conditioned.

It is noted that concerns have been raised about the impact of the development on highways safety and the level of parking being provided. The highways officer has raised no concerns in respect to these matters and accordingly the development is considered appropriate.

Drainage

It is noted that the parish has raised concerns about the site susceptible to flooding bringing more pressure to the inadequate drainage systems. The Council's Drainage team were consulted on the application and noted that the site is in Flood Zone 1 according to EA mapping and that the site is potentially at risk from surface water flood, although the area at risk appears to be touching if not within the site. Whilst, the EA mapping shows site is not in a vulnerable area for ground water, testing is needed to confirm that there is no local issue especially due the surface water flood risk. The Drainage Officer has concluded that they are willing to support application subject to conditions.

Conclusion

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Overall it is considered that the development complies with Core Policy 1, 2, and 57 of the Wiltshire Core Strategy. On balance it is considered that the development itself would not result in sufficient harm to the character of the area or the amenity of

neighbouring development to outweigh the benefits and to warrant the refusal of the application.

RECOMMENDATION

Planning Permission is APPROVED subject to the following conditions:

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

REASON:

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

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

REASON:

In the interests of highway safety.

- 3 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the right or to the northwest. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900 mm above the level of the adjacent carriageway.

REASON:

In the interests of highway safety.

- 4 No development 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 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.

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

REASON:

To ensure that the development can be adequately drained

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

REASON:

To ensure that the development can be adequately drained

- 7 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365 not to make adjacent surface water flood risk any greater and prevention of the identified surface water flood risk in road entering the site, has been submitted to and approved in writing by the Local Planning Authority.

REASON:

To ensure that the development can be adequately drained

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

REASON:

To ensure that the development can be adequately drained

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouses hereby permitted or within their curtilage.

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.

- 10 The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON:

To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

- 11 The development shall be carried out as specified in the approved Arboricultural Impact Assessment prepared by S J Stephens Associates dated 24th June 2016 and shall be supervised by an arboricultural consultant.

REASON:

To prevent trees on site from being damaged during construction works.

- 12 The development hereby permitted shall be carried out in accordance with the following approved plans and documentation: 6060/01 Rev A Proposed Elevations, Site and Location Plan, Design and Access Statement and Arboricultural Impact Assessment, received on 27/06/2016

REASON:

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

13 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.

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.

16 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.

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 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/communityinfrastructurelevy.

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	05 October 2016
Application Number	16/06542/FUL
Site Address	40 The Street Hullavington Wiltshire SN14 6DU
Proposal	Creation of a new vehicular access onto a classified road
Applicant	Mr C Rawlinson
Town/Parish Council	HULLAVINGTON
Electoral Division	BY BROOK – Cllr Baroness Scott
Grid Ref	389403 181971
Type of application	Full Planning
Case Officer	Alex Smith

Reason for the application being considered by Committee

1. Purpose of Report

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

The application has been called into planning committee by Cllr Baroness Scott on the following grounds and for the Committee to consider

- Environmental or Highways Impact

2. Report Summary

The application was advertised by site notice and neighbour consultation. This resulted in 8 consultation responses in objection and 0 in support. In addition Hullavington Parish Council has also objected to the proposed development.

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

- The principle of development;
- Impacts to Highways Safety;
- Impact to Visual Amenities of the Surrounding Area.
- Impact to Listed Buildings

3. Site Description

The application relates to No.40 The Street, Hullavington, an approximate 3,100 square metre plot of land containing a two storey residential property, with paddocks to the rear. The existing site is accessed via a vehicular crossover in the north-eastern corner of the site and provides access to a gravelled parking area and the L-shaped dwelling. Adjacent the southern elevation of the dwelling is a vehicular access which provides access to the land to the south of the dwelling, which contains a cluster of outbuildings.

Planning Permission was granted in 2013 under application reference N/12/03951/FUL for the demolition of these outbuildings and the erection of a stables building. This consent was granted on 29th January 2013 and came with a condition which required development to commence within 3 years of the date of permission. The stables building at the site has not been completed in accordance with the approved plans, however, the applicant forwarded photographs to the Council on 28th January 2016 which showed that a foundation had been dug and filled for the proposed building. Therefore, the development has commenced within 3 years from the date of consent and the consent contained no pre-commencement conditions which were required to be discharged. As such, the permission remains a material consideration in the determination of this application.

The front (eastern) boundary of the site faces onto highway of The Street and is bounded by a stone wall which runs the length of the frontage at an approximate height of 2 metres.

The western side of the highway of The Street provides a footpath along the front of the application site. The eastern side of the highway of this section of The Street is not provided with a footway, as this terminates in front of No.51 The Street when travelling south.

The site not located within a Conservation Area, however, buildings to the north and southeast of the site are Grade II Listed Buildings. The site is located within the framework boundary of the Large Village of Hullavington.

4. Planning History

N/12/03951/FUL - Demolish Existing Stables & Store and Erect New Stables/Barn - Approved

5. The Proposal

The application seeks planning permission the creation of a new vehicular access onto a classified road. It should be noted that the application specifically relates to only the creation of the crossover from the classified road and the associated hardstanding only. The plan shows that a section of the stone wall would be removed to facilitate the creation of the crossover. However, Section 3.(1) of The Town and Country Planning (Demolition - Description of Buildings) defines the demolition of the whole or any part of any gate, fence, wall or other means of enclosure, as not constituting development. Therefore, the removal of this section of wall does not require planning permission and is not included in the proposed development.

The proposed crossover would be located 7.9 metres from the southern boundary of the site and would measure 4 metres in width. The Supporting Statement outlines that the crossover would provide access to the stables, which are yet to be erected within the site. The proposal also shows the creation of a new gate at the entrance to the site, this would measure less than 1 metre in height and would form permitted development under Schedule 2, Part 2, Class A permitted development rights.

It is noted that the Plans show that there was a previous vehicular entrance into the site, where a section of wall has been rebuilt. The Parish Council have contested that this was where a section of wall collapsed and was rebuilt and no vehicular access was in this location. The section of wall which has been rebuilt is sited further to the north of the existing and would not impact the determination of this proposal, which needs to be considered on its own merits.

6. Planning Policy

Wiltshire Core Strategy adopted January 2015
Core Policy 57 - Ensuring High Quality Design and Place Shaping

Core Policy 60 - Sustainable Transport
Core Policy 61 – Transport and Development

National Planning Policy Framework
Paragraph 7 – Three Dimensions of Sustainable Development
Paragraph 14 – Presumption in Favour of Sustainable Development
Paragraph 17 – Core Planning Principles
Paragraph 32 – Highways Impacts

7. Consultations

Hullavington Parish Council: Strongly objects to the development on the following grounds:

- The existing entrance has sufficed for many years as the previous owners had horses and used that as access.
- Residents of the village, who were born in Hullavington and have lived here all their lives, several of them being over 75 years of age, have stated that there was never another access to the property and that the wall fell down in the early 1960's and was rebuilt, the rebuild is clearly visible to this day.
- The road (C33) is used by heavy farm machinery all year and there is an increasing number of heavy vehicles coming through Hullavington as it would appear to be being used as a rat run for a short cut from the M5 to the M4 motorways.
- It is considered that this proposal does not improve visibility but reduces it in what is one of the danger spots in the village, being on a double bend and having a footpath on that side of the road only which is used by everyone in the village to go about their daily lives.
- In the previous application 12/03951 the Planning Judgement stated: "The application seeks permission to demolish the existing stable and store and erect new stables/barn for residential purposes"
- It is also noted in the current application that on the revised proposed elevations, it refers to 42 The Street and not 40. When the village was renumbered several years ago - we believe by Royal Mail - they allowed a street number where there was room for any possible future development. The numbers jumped, in this case from 40 to 44 The Street. This could mean that instead of stables a dwelling could be substituted instead of stables.

Case Officer Comment: The issue relating to the number of the dwellings, provision of a future residential property and the description of development for the previous application at the site do not form material planning considerations in the determination of this application not being a part of the proposed development.

The application was advertised by site notice and neighbour consultation. This resulted in 8 consultation responses in objection and 0 in support:

These objections can be summarised as follows:

- Harm to highway / pedestrian safety;
- The paddock to the rear is being promoted as a SHLAA site and the intention is to use the access to service this;
- No existing stables within the site;
- Section of wall which was rebuilt never formed a vehicular access;
- Existing access was used by previous residents for horses to enter the paddocks to the rear;

- Harm to visual amenity through the loss of the wall;
- Unacceptable visibility splays provided;
- The paddock to the rear of the domestic curtilage is no longer in their ownership.
- Site Notice was removed from the site;

Highways Officer: The Highways Officer raised an initial objection to the development, due to a lack of detail over the visibility splays which would be available from the access. The applicant submitted a plan which showed the visibility splays and following this the Highways Officer removed their objection to the development.

Tree Officer: No objection

8. Publicity

The application was advertised by site notice and neighbour consultation. This resulted in 8 consultation responses in objection and 0 in support:

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- No existing stables within the site;
- Section of wall which was rebuilt never formed a vehicular access;
- Existing access was used by previous residents for horses to enter the paddocks to the rear;
- Harm to visual amenity through the loss of the wall;
- Unacceptable visibility splays provided;
- The paddock to the rear of the domestic curtilage is no longer in their ownership.
- Site Notice was removed from the site;

It is noted that a consultation response has advised that the site notice was removed from the site before the end of the 21 day consultation period. However, the adjoining neighbours have also been consulted, therefore, the statutory requirements relating to public consultation have been met.

9. Planning Considerations

Principle of Development

The application seeks planning permission for the creation of a vehicular crossover into the application site. The Wiltshire Core Strategy contains no policies which limits the principle of such development, subject to compliance with Core Policies 60 & 61. Therefore, no objection is raised to the principle of development.

The applicant has submitted the application as they consider the existing access into the site to be substandard for the proposed stables and wish to have a separate access for them. Planning Permission reference N/12/03951/FUL which granted the stables came with a condition which only allows the use of the stables for private purposes and not for a commercial use.

The existing stables at the site have not been erected. Therefore, it is considered appropriate for a condition to be attached to any approval to require the stables to be erected and occupied prior to development commencing on the access. This would ensure that an unwarranted access onto the public highway is not provided without the required need being in place and the existing access would allow for construction vehicles to access the site to build the stables.

A number of residents have objected on the grounds that the land to the rear of the application site is being promoted for residential development and this is an attempt to gain access to it. However, the application needs to be considered on its merits and the plans show that the access is required for the proposed stable and the above referenced condition would ensure compliance with this.

Impact to Highways and Pedestrian Safety

The Highways Officer reviewed the initially submitted plans and raised an objection to the development, as they considered that the visibility splays being available would result in severe harm to highway safety and would not be acceptable.

The applicant submitted a plan to show the visibility splays on 18th August 2016 and this has been considered by the Highways Officer. The plans show that 43m visibility can be achieved to the right to a point 1m into the carriageway which is acceptable. However, this can only be achieved from a point about 1.8 metres back from the carriageway edge. From this same point visibility to the left can easily be achieved because of the bend in the road. Given the fairly low traffic volumes at this location, the Highways Officer does not consider that this small reduction from 2 to 1.8 metres from the edge of the carriageway is sufficient to justify a refusal on highway grounds.

Similarly the forward visibility that can be achieved is approximately 25m which is only slightly short of the desired requirement for approximately 25mph, as outlined in the Manual for Streets guidelines. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Due to the village location and vehicular activity in this location, the Highways Officer considers that the provision of such a visibility splay may be detrimental to highway safety, but not to an extent which could be considered as severe. Therefore, they consider the impacts of the development to be acceptable in highway terms.

The proposed development would cross the pedestrian footpath on the western side of The Street. However, this would be similar to all vehicular crossovers which access sites over footpaths and would not be considered to harm pedestrian safety.

Impact to Visual Amenities of the Surrounding Area

The proposed development seeks the creation of a vehicular crossover only. This would be limited to the creation of a vehicular crossover through a dropped kerb and hardstanding and would have an acceptable impact on the visual amenities of the surrounding area.

Whilst the loss of sections of the attractive stone wall is regrettable, this does not form part of the application as it does not form development and does not require consent.

The proposed development would result in the loss of three trees adjoining the boundary. These trees are low quality specimens and are not protected by a TPO. Therefore, the Tree Officer has raised no objection to their loss. It is not considered that their removal will result in significant harm to the character and appearance of the locality such that consent ought to be refused.

Impact to Listed Buildings

The buildings directly to the north and southeast of the application site, Nos. 36 & 61 The Street respectively, are Grade II Listed Buildings. However, the proposed crossover is not considered to harm their setting and is acceptable in this regard.

10. Conclusion

The proposed development is considered to comply with the Policies of the Wiltshire Core Strategy and National Planning Policy Framework and would have an acceptable impact to highway safety and the visual amenities of the surrounding area.

RECOMMENDATION

Approval, subject to the following conditions:

RECOMMENDATION

- 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:

Site Location Plan and Block Plan - 1000 - Received 5th July 2-16

Proposed Site Plan - 3001 - Received 5th July 2016

Proposed Site Access and East Elevations - 3020 - Received 5th July 2016

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

- 3 No development shall commence until the stables approved under application reference N/12/03951/FUL have been completed in accordance with the approved plans and occupied.

REASON: To prevent the creation of an unnecessary vehicular access onto a classified road and in the interests of highway safety.

- 4 The access hereby approved shall not be brought into use until visibility splays have been provided between the edge of the carriageway and a line extending from a point 1.8 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the right and left and so that forward visibility of 24 metres can be achieved in the forward direction. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.9 metres above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 5 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.

- 6 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.

7 **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.

8 **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.

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	05 October 2016
Application Number	16/04961/OUT
Site Address	Arms Farm, High Street, Chippenham, Sutton Benger, SN15 4RE
Proposal	Outline Planning Application for up to 14no. Dwellings, including 6 no. Affordable Dwellings (All Matters Reserved) (Resubmission of 14/08888/OUT)
Applicant	Arms Farm LLP
Town/Parish Council	Sutton Benger
Electoral Division	Kington – Cllr Greenman
Grid Ref	394321 178521
Type of application	Full Planning
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

The application has been called into committee at the request of Cllr Greenman to consider important issues raised by local residents and the Parish Council such as impact on highway safety and impact on the setting of the adjacent listed building.

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 authority is delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to **REFUSE** planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing, Waste and Education and is therefore contrary to Policies CP3 & CP43 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development.
- Conflict with the emerging neighbourhood plan
- Whether the development constitutes over development of the site.
- Impact on residential amenities of adjoining neighbours.
- Impact on character and appearance of the area.

- Impact on the setting of the listed building and Conservation Area
- Previous appeal decision

Sutton Benger Parish Council object to the proposed development and 61 letters of objection have been received and 0 letters of support.

3. Site Description

The application site is located to the south west of Sutton Benger, a village and parish within the Chippenham Community area of Northern Wiltshire. The site is located outside of the defined Settlement Boundary of Sutton Benger and only the access to the site is within the designated Conservation. The northern boundary is defined by the High Street (B4069), which links the settlement to Chippenham. The eastern boundary is predominately formed of the residential dwellings fronting Gregory Close and Lee Crescent. The western and southern boundaries are formed by field boundaries, which abut open countryside.

On the Northern Boundary, beyond but immediately adjacent to the application site is Arms Farmhouse, a Grade II listed building. There is currently no public access to the Farmhouse, however, it is clearly visible from the High Street.

The building and its associated curtilage listed buildings are in a state of disuse which have a detrimental impact on its character and appearance, with many of its architecturally significant features obscured by its overgrown trees, shrubs and ivy.

Attached to the south east corner of the farmhouse's rear wing, and extending south east, is a low range of cow sheds which dates to the early 19th century and is considered to make a positive contribution to its setting through its group value as a component of the farmhouse's former yard complex.

Arms Farmhouse and its associated outbuildings do not form part of the planning application site. However, planning permission and listed building consent was recently granted permission for the conversion of the existing farm house and surrounding buildings into four residential units. This permission has been lawfully implemented but not yet complete.

4. Planning History

N/05/01325/COU	Change of Use of Agricultural Land to Garden Planning Permission Refused
N/10/02090/FUL	Alterations to Farmhouse (2 Units); Alteration to Existing Outbuildings to Form Four Residential Units; Change of Use of Land to Domestic Garden; Detached Dwelling; Parking, Landscaping & Associated Works; Alterations to Access. Withdrawn
N/10/02091/LBC	Internal & External Alterations & Demolition to Farmhouse, Internal & External Alterations to Existing Outbuilding in Association with Change of Use to Form Four Residential Units, Demolition of Boundary Walls, Erection of New Walls & Gates & Landscaping. Withdrawn
N/11/02233/FUL	Alterations to Farm House, Alterations to Existing Outbuildings to Form Four Residential Units, Change of Use of Land From Agricultural to Domestic Garden, Erection of Detached Double Garage, Parking, Landscaping & Associated Works, Alteration to Access (Amendment to N/10/02090/FUL) Planning Permission Granted
N/11/02234/LBC	Internal & External Alterations & Demolition to Farmhouse, Internal & External Alterations & Demolition to Existing Outbuildings in Association With Change of Use to Form Four Residential Units, Demolition of Boundary Walls, Erection of New Walls & Gates, Plus Landscaping (Amendment to 10/02091/LBC) Listed Building Consent Granted

14/08888/OUT	Outline Planning Application for up to 28 Dwellings With Associated Access Work and Public Open Space.- Planning permission refused and appeal dismissed
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5. The Proposal

The application seeks consent for up to 14 new homes (6 to be provided as affordable housing) on existing farmland to the south of the Arms Farm site. The application has been submitted in out line with all matters reserved.

6. Local Planning Policy

Wiltshire Core Strategy Jan 2015:

Core Policy 1-	Settlement Strategy
Core Policy 2-	Delivery Strategy
Core Policy 3-	Infrastructure Requirements
Core Policy 10-	Spatial Strategy: Chippenham Community Area
Core Policy 41-	Sustainable Construction and Low Carbon Construction
Core Policy 43-	Providing Affordable Homes
Core Policy 45-	Meeting Wiltshire's housing needs
Core Policy 50-	Biodiversity and Geodiversity
Core Policy 51-	Landscape
Core Policy 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
Core Policy 62-	Development impacts on the transport network
Core Policy 63-	Transport Strategies
Core Policy 64-	Demand Management
Core Policy 67-	Flood Risk
Appendix D	
Appendix E	
Appendix G	

Saved Policies of the North Wiltshire Local Plan:

NE18-	Noise and Pollution
T5-	Safeguarding
H4-	Residential development in the open countryside
CF2-	Leisure facilities and open space
CF3-	Provisions of open space

National Planning Policy Framework 2012:

Achieving sustainable development – Core Planning Principles (Paragraphs 7 14 & 17)	
Chapter 1-	Building a strong, competitive economy (Paragraphs 18 & 19)
Chapter 6-	Delivering a wide choice of high quality homes (Paragraphs 47, 49, 50 & 55)
Chapter 7-	Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)
Chapter 8-	Promoting healthy communities (Paragraph 75)
Chapter 11-	Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)
Chapter 12-	Conserving and enhancing the historic environment (Paragraphs 126, 128, 129, 132, 133 and 139)

7. Summary of consultation responses

Wessex Water- No objection, subject to conditions

Drainage- No objection, subject to conditions

Ecology- An updated survey has confirmed that the site conditions remain similar to when the previous suite of ecological surveys were carried out in 2014. This application site is considerably smaller than previous applications, however this part of the site includes a species-rich hedgerow and supports a population of slow worms. Sensitive construction methods should be employed to ensure that these features are protected during the construction phase, which should be secured through a Construction Environmental Management Plan.

Primary Education- A financial contribution is required towards the provision of the 4 primary places that this development generates a need for. At the current cost multiplier = 4 x £16,979 = £67,916 (subject to indexation). This will be put towards the expansion of Sutton Benger CE.

Secondary Education- A financial contribution of towards the 3 secondary places that this development generates a need. Using the current capital cost multiplier this will be 3 places x £21,747 = £65,241 (subject to indexation). This will be sought via CIL.

Affordable Housing- There is demonstrable need for affordable housing in the Chippenham Community Area – within which Sutton Benger falls - and that a 40% on-site affordable housing contribution at nil subsidy would be sought from these proposals in line with policy approaches. Based on a scheme of 14 units, 40% Affordable Housing would equate to 6 affordable units required on site with a tenure split of 60% Affordable Rent and 40% Intermediate Housing in order to reflect current demonstrable need.

Sutton Benger Parish Council- Objection. The proposal is contrary to Core Policy 61(ii) in that it is not capable of being served by safe access to the highway network. The proposal would give rise to potential harm to highway safety due to the lack of visibility to vehicular traffic travelling along the access road and when accessing the High Street, Sutton Benger. Visibility is impaired due to the proximity of the bus shelter on the west-bound side of the High Street. As there are no passing places along the access road there is the potential for large vehicles having to reverse back out onto the High Street.

Archaeology- No objection, subject to conditions (WL26)

Waste Team- No objection but £91 per unit required for waste and recycling.

Highways- No objection

Conservation- The new boundary between the existing field and houses is proposed as a hedgerow containing native species with some deciduous trees. The majority of the site is outside the conservation area but within the setting of heritage assets that include the conservation area and listed buildings. The new access drive from the main road past the farm buildings is within the conservation area. It therefore affects the setting of designated heritage assets. The historic footpath that runs from the field gate next to the main barn at Arms Farm straight down to the far end of the field is to be realigned to pass down the side of the new development and then re-join the historic line near the far end of the field.

The proposed new development would cause harm to the setting of the heritage assets due to the changes that would result to the agricultural setting of the heritage assets. The harm would be less than substantial but there is always a question as to whether private new houses have a considerable public benefit. The applicants have tried to reduce the impact on the setting of heritage assets by keeping the development against the existing C20th estate. However, the impact of this development, and therefore the level of harm caused,

could be further reduced by omitting garages. Even more harm could be reduced by omitting the furthest three properties on the site.

The creation of the new access track behind the byres at Arms Farm brings the vehicles very close to the rear elevation of the byres and the small projecting nib in particular. It may be that the nib which is old but not hugely significant in terms of the architectural integrity of the byres, will need to be lost in order for the track to be implemented. This would need listed building consent and it is suggested that cart/bump stones are installed at frequent intervals along the rear of the byres in order to protect the structure if the track is created. On balance, the harm that would result from this new track and the alterations associated with it would be less than the harm that would have occurred if the access route had been through the middle of the farmyard.

The colour and texture for the surface of the new access drive/track will need to be carefully chosen in order to retain a rural/agricultural appearance whilst still meeting requirements set out by Highways. I understand that the area at the entrance to the site needs to be bound but limestone or granite sets would ensure the surface material does not wash off into the main road, retain permeability for water run-off and would also help to reduce speed. For the remains of the shared surface a limestone coloured bound large gravel/hard-core finish as usually seen on farm tracks is recommended.

Public Protection- No objection subject to conditions.

8. Publicity

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

The application has generated over 61 letters of objection and 0 letters of support. A summary of the comments is set out below:

- Adverse impact on residential amenities of adjoining properties
- Adverse impact on setting of Listed Building & Conservation Area
- Highway safety issues
- Not possible to collect waste from the site
- Flood risk and drainage issues
- Insufficient school places
- No local employment or facilities
- Problems with sewage infrastructure
- No doctor facilities
- Need to safeguard the countryside from development
- Application premature
- Overdevelopment of the site
- Loss of sunlight and daylight to adjoining properties
- Outside framework boundary
- Light pollution
- Affordable housing not required

9. Planning Considerations

Previous Appeal Decision

In 2015 the Council refused planning permission for 28 dwellings on land to the rear of Arms Farm. This was subsequently appealed and dismissed at appeal. The inspector agreed with the Council's case and concluded the following:

Although the appeal proposal conflicts with Core Policy 2, having regard to the requirements of local and national planning policy for the delivery of housing, the appeal site is an appropriate location for the development proposed.

However, the inspector found that the scheme would cause harm to the setting and heritage significance of the listed buildings at Arms Farm and would fail to preserve the character or appearance of the Sutton Benger Conservation Area. It would also harm the setting of the Conservation Area. Although these harms would be less than substantial, they would nonetheless be serious, individually and cumulatively, and they were afforded very significant weight.

The Inspector concluded that Landscaping would not overcome the fundamental incongruity of the appeal scheme in relation to the heritage assets. Albeit that it is not particularly intrusive, being a simple, open sided structure, the removal of the dutch barn would be of some benefit. Even so, the inspector was not persuaded that the appeal scheme would be less intrusive and, as such, this is a matter which was afforded little weight.

The benefits outlined by the inspector were not considered to be sufficient to outweigh the harm identified to the specified heritage assets. Placing these factors and all of the relevant material considerations in the balance, The inspector found that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. In the circumstances the inspector concluded that the proposal would not represent a sustainable form of development.

Principle of Development

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.

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the Chippenham Area. The emerging Neighbourhood Plan is at an early stage and formal submission is some way off. Due to its limited progress to date, this document can only be afforded limited weight.

Important material considerations in this case include the requirement in the National Planning Policy Framework (NPPF) to assess whether the Council has a five year housing supply for the north and west housing market area that includes Sutton Benger.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight.

Wiltshire Core Strategy CP1, CP2 and CP10 and Saved Policy H4

CP1, CP2 and CP10 deal with the broad issues of settlement strategy and delivery. Other relevant policies of the Development Plan are otherwise discussed later in the Report under topic heads.

Core Policy 1 and Core Policy 2 of the WCS set the foundations for how 'sustainable development' is defined and applied in Wiltshire. The strategy recognises the importance of delivering new jobs and infrastructure alongside future housing. The delivery strategy seeks to deliver future development in Wiltshire between 2006 and 2026 in the most sustainable

manner by making provision for at least 178 ha of new employment land and at least 42,000 homes.

Chippenham is identified within the WCS as one of the three Principal Settlements which act as a strategically important employment and service centres for a number of villages in the immediate area and beyond. Chippenham is to be a focus for development (Core Policy 1). The principal settlements will provide significant levels of jobs and homes, together with supporting community facilities and infrastructure meeting their economic potential in the most sustainable way to support better self containment.

Sutton Benger is identified as a large village in the core strategy. Whilst a proposal of 14 units is lower than the 28 previously proposed, it remains the case that it is contrary to the Core Strategy and in particular core policies CP1 and CP2 which set out the overarching strategy for Wiltshire. According to CP1 'development at large Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.'

Paragraph 4.15 says:

'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. These settlement boundaries will also be reviewed as part of the Housing Site Allocations DPD as set out in the Council's Local Development Scheme, in order to ensure they remain up to date and properly reflect building that has happened since they were first established.'

Core Policy CP2 states that development outside of the limits of development of existing settlements will only be permitted in exceptional circumstances, or if the site is identified for development through a site allocation document or a Neighbourhood Plan. The exceptional circumstances are set out in paragraph 4.25 of the Core Strategy. In this case, the site lies outside of the limits of development for Sutton Benger. The proposal does not meet any of the exceptional circumstances identified in WCS paragraph 4.25 where development outside limits of development is acceptable. Similarly, as it lies beyond the limits of development, it does not comply with saved policy H4 of the North Wiltshire Local Plan as it does not meet the exceptions, such as agricultural needs, set out in that policy. The proposal is therefore in conflict with the development plan in this respect.

The application site is located outside the settlement boundary for Sutton Benger. The proposal for 14 dwellings exceeds the level of development envisaged for large villages such as Sutton Benger i.e. Small housing sites involving less than 10 dwellings. Whilst the settlement boundaries are being reviewed as part of the Housing Site Allocations DPD it is too early to say whether the boundaries at Sutton Benger will be amended and/or whether this site will be identified as a housing site.

The context provided through the core strategy specifically for large villages around Chippenham is that an element of growth is possible and can be accommodated due to the desire to improve self containment of settlements and thus reduce the need for out commuting. The village of Sutton Benger has, in recent times, delivered residential units and permitting further development prior to the adoption of a site allocation DPD or Neighbourhood plan would be, strictly speaking contrary to the Core Strategy. This is a matter that weighs against the proposal in the planning balance.

Housing Land Supply

Housing land supply has to be regularly assessed. The Council cannot currently demonstrate a 5 year housing land supply in the North & West HMA, and the current calculation is that the Council does not have a 5YHLS. This figure does not include the proposed site allocations in the Chippenham Site Allocations DPD. In these circumstances, NPPF Paragraph 49 advises that policies relevant for the supply of housing should not be considered up-to-date. As a result the presumption in favour of sustainable development as set out at Paragraph 14 of the Framework is engaged so that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

It can be seen therefore that CP1, CP2, CP10 and Saved Policy H4 are all relevant for the supply of housing and are to be considered out-of-date. This does not mean, however, that these policies carry no weight or even only limited weight. A recent court of appeal judgement that specifically examined how to apply and interpret paragraph 49 (C1/2015/0583 Suffolk Coastal District Council and Hopkins Homes Limited and C1/2015/0894 Richborough Estates Partnership LLP vs Cheshire East Borough Council First).

There are a number of important statements and points of clarity provided in the above decisions that are important to framing any discussion on this application and the degree of conflict with the WCS. Particularly relevant are the statements in the court of appeal decision, paragraphs 42 to 48 ('How is the policy in paragraph 49 of the NPPF to be applied?'), which highlight a number of key points.

First, it is up to the decision maker to judge whether a plan policy is or is not a relevant policy for the supply of housing, this can include restrictive policies not necessarily related to housing specifically; however that may have the effect of limiting housing. Furthermore, the appeal court decision confirms that in their view there will be many cases in which restrictive policies are still given sufficient weight to justify the refusal of planning permission, despite their not being up-to-date under the auspices of paragraph 49.

In conclusion, the appeal court decision confirms that ultimately it will be up to the decision-maker to judge the particular circumstances of each application and how much weight should be given to conflict with policies for the supply of housing that are 'out-of-date', and, that the fundamental purpose of paragraph 49 is not to punish Councils (and by extension local communities), but to provide an incentive to boost housing land supply.

An important point to take from the above Appeal Court judgement is that there is a clear Development Plan policy that Sutton Benger is a Large Village and some level of growth is expected during the plan period.

In summary, it is concluded that while limited weight only can apply to the fact of breach of settlement boundaries given the shortfall in the housing land supply and the clear need to meet a need of future housing beyond existing settlement boundaries, the fact that Sutton Benger is to be a focus for limited development and is considered to be a sustainable location should carry some weight in the decision-making process.

Whether a Sustainable Location

The site, which comprises undeveloped agricultural land, Grade II Listed Farm House and associated Grade II listed farm buildings, lies on the edge of Sutton Benger, in close proximity to the main road and location amenities. The Council's strategy for housing is to focus growth in the principal settlements of Chippenham, Trowbridge and Salisbury. But the large villages are expected to accommodate limited new housing development.

Whilst the loss of countryside would cause some environmental harm, the Council is unable to meet the full housing requirement for Chippenham without development taking place on greenfield land.

In terms of accessibility, a Primary School is located within the village and its future expansion will be secured by way of s106 agreement and will offer easy access by foot for the residents of the proposed development. Secondary Schools are located in Chippenham both are not walk able and vehicular transport is almost certain to be required.

The weekly shopping trip would be difficult on foot or cycle and would generally be undertaken by car in any event, often in conjunction with other activities. Limited employment opportunities are located within Sutton Benger and the immediate locality, with the main employment located in Chippenham including town centre employment and Langley Park Industrial Estate. Other employment opportunities in Chippenham include Bumpers Farm & Methuen Park industrial estates but only limited employment opportunities exist within the village.

The nearest bus stops are located less than 1 kilometre walk of the site. These buses offer access to other settlements such as Chippenham, Swindon, Royal Wootton Bassett, Calne and where facilities and employment opportunities are available.

To conclude on this issue, the development would not prejudice the fulfilment of sustainable development objectives as set out in local and national planning policy. It is therefore considered to be a sustainable location for new housing development, as is recognised by the Core Strategy and in particular policies CP1, CP2 & CP10. This matter weighs in favour of the proposal.

The issue of whether Sutton Benger was an appropriate location for development was covered in paragraphs 26-37 of his decision and it concluded that the appeal site was an appropriate location for development and there is no reason to disagree with this conclusion.

Prejudice to plan making

PPG advice on the issue of prematurity is as follows:

“Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.” (PPG 21b/14)*

For the reasons set out above it would be very difficult to sustain a reason for refusal based on prematurity. So far as the Neighbourhood Plan is concerned, this is at a very early stage in its preparation.

There is, however, no rule of law that a development control decision cannot pre-empt a local community’s adoption of a neighbourhood plan. The application is not in conflict with any published neighbourhood plan or up to date policies in the local plan. Moreover, as is made clear in the “Planning Balance” section below, the proposals bring forward a series of

planning benefits which make the proposal acceptable in its own terms and justify approval of this application now.

Impact on Heritage Assets

There has been local concern raised in relation to harm to the setting of the listed building and conservation area. Furthermore, in dismissing the previous appeal the Planning Inspector concluded that the proposal, for 28 dwellings would harm the setting of the listed building and the public benefits did not outweigh the harm. This is an important material consideration and one that must be considered when determining this application.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. Considerable weight must therefore be given to the preservation of the listed building, including its setting.

The House of Lords in *South Lakeland District Council v Secretary of State for the Environment* case decided that the “statutorily desirable object of preserving the character or appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.

Located within the application site are a Grade II listed farm house, listed barn & byre. Beyond the site there are various listed buildings which are partially visible from the application site. Though the site is not within a conservation area it is in close proximity to the Conservation Area.

The Council’s Conservation Officer has confirmed that the proposed development would result in some harm to the setting of the listed buildings adjacent to the site (Arms Farm and its associated outbuildings). However, this harm is far less than that which previously arose and officers are satisfied that an acceptable reserved matters scheme could be provided on site.

For the purposes of determining the application Core Policy 58 is relevant and states:

Development should protect, conserve and where possible enhance the historic environment.

Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance:

The wording of core policy 58 and the supporting text to the policy is quite clear that if harm is identified it is in conflict with the policy. As the proposal fails to conserve or enhance the setting of the heritage asset the development is in conflict with CP58. This is a matter that weighs against the scheme in the planning balance.

Failure of the proposed development to comply with CP58 is not necessarily fatal to the acceptability of the proposed development. 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.

The NPPF is a material planning consideration and paragraphs 133 & 134 of the NPPF are relevant to the determination of the application. Paragraph 134 provides: “*Where a development proposal will lead to less than substantial harm to the significance of a*

designated heritage asset, this harm should be weighed against the public benefits of the proposal'

The process of determining the degree of harm, which underlies paragraph 132 of NPPF, must involve taking into account the value of the heritage asset in question. In considering harm it is also important to address the value of the asset, and then the effect of the proposal on that value. Not all effects are of the same degree, nor are all heritage assets of comparable significance, and it is for the decision maker to assess the actual significance of the asset and the actual effects upon it.

It is agreed that the principal adverse effects concerning the historic environment detailed within this application site concern the loss of this small part of the existing rural fields associated with and forming part of the setting of the Arms Farm Complex and the associated visual change that will ensue with the extension of Sutton Benger into the countryside.

As a Farm Complex the existing fields that surround the listed farm are linked to the special interest of the building and its setting. This fact/matter was confirmed when the inspector issued his decision on the previous application.

The new application retains the majority of the field network identified by the Council and Inspector as important to the setting of the listed building. The indicative layout provided by the applicant indicate that the residential development, access and the associated paraphernalia will no longer go through the farm yard or through the fields to the immediate rear of Arms Farm but along the eastern boundary of the site and away from the listed building and thereby retaining the open views to and from the listed building and thereby significantly reducing the harm to the setting of the listed building, though some harm will still occur. The Conservation officer has confirmed that this harm is less than substantial.

The Court of Appeal in *E Northants DC v Secretary of State for Communities and Local Government* [2014] EWCA Civ 137 ("Barnwell") makes clear that the duty imposed by s72 (1) meant that when deciding whether harm to a conservation areas/listed buildings was outweighed by the advantages of a proposed development the decision-maker should give particular weight to the desirability of avoiding such harm. There is a "strong presumption" against the grant of permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to maintaining the conservation area/listed building. For the reasons set out above the proposal is in conflict with Core Policy 58 of the Core Strategy, it would also be in conflict with the NPPF unless the benefits of the scheme clearly outweigh the harm.

Significant weight must therefore be given to the harm in the planning balance and determining if planning permission should be granted.

Moving onto the conservation area in the locality, some harm would be caused and this would be less than substantial. The development is therefore in conflict with the NPPF and Core Policy 58.

Less than substantial harm to the setting of listed buildings has been identified, the proposal is therefore in conflict with both Core Policy 58 of the Core Strategy and the NPPF. Significant weight must therefore be given to the harm in the planning balance and determining if planning permission should be granted.

The balancing exercise in these respects is undertaken in the Conclusion at the end of this report.

Highway Matters

The application has been submitted in outline with all matters reserved; therefore the applicant is not seeking permission for the access. However, the highway officer was concerned whether a safe access into the site could be achieved. As a result the officer requested indicative plans to demonstrate that a safe & adoptable access could be provided. The applicant has provided these plans to the highway officer for information purposes only and doesn't want these approved as part of the scheme.

The Highway officer has considered these plans and is satisfied that a safe access, with appropriate visibility splays can be provided on site and offers no objection subject to conditions.

Affordable Housing

Core Policy 43 states the Council will seek to negotiate an element of affordable housing to meet local needs on all housing developments of 5 or more dwellings. The applicant has agreed to provide 40% onsite affordable housing with a 60% affordable rent and 40% shared ownership tenure split. The provision secured by the planning obligation accords with the policy and meets the relevant tests set out in the CIL regulations. The proposed development therefore accords with Core Policy 43 and this is a matter which weighs in favour of the proposal.

Urban Design & Layout

The applicant has agreed to retain some existing landscape features whilst improving landscaping within and to the edge of the site, such as perimeter hedgerows and some wooded areas. These are proposed for retention within the current proposals, which will be important to follow through if development is accepted in principle. These existing landscape features will need to be appropriately incorporated within the final development proposal to ensure that their value is retained in terms of supporting public visual amenity and wider landscape character, but also to ensure their long term health and viability is sustained for future generations.

The illustrative layout suggests that the level of development proposed could be satisfactorily accommodated in terms of landscape, character and visual impact, residential amenity and place making. Even with slight changes to the residential layout to accommodate space for adequate maintenance for retained and proposed trees and hedgerows, the layout would be spacious and not look out of place in the context of the street.

It is considered that the proposal results in a good indicative layout, furthermore, the Council and Planning Inspector when considering the larger development did not raise any objection to the proposal in terms of landscape impact. For this reason and the reasons given above it is considered that though it would change the rural character of the area it is not so harmful as to conflict with local and national planning policies.

Impact on residential amenities

The application has been submitted in outline form with all matters reserved, the layout of the development is therefore not fixed. However, the applicant has submitted an indicative layout to demonstrate how the level of development may be accommodated within the site.

Having analysed the submitted plans it is considered that the development will not have a significant adverse impact on the residential amenities of adjoining properties in terms of loss of sunlight daylight or privacy. It is acknowledged that there will be an impact on some properties outlook but the separation between existing and proposed dwellings would be sufficient to ensure that there will not be a conflict with CP57 and the NPPF.

Ecology

Concerns have been raised by local residents in terms of ecological impact. The Council's ecologist has raised no objection to the proposed development and a reason for refusal based on this would be difficult to justify at appeal.

Flood Risk & Drainage

The Council's drainage team raise no objection to the proposed scheme, subject to conditions. It is considered that the development is acceptable with regards to this matter. The development therefore accords with Core Strategy Policy CP67.

S106 Contributions

The following will be required:

- A contribution for householder bin/recycling facilities (£91 per unit = £1274)
- 40% affordable housing units
- £67,916 (subject to indexation) contribution to primary education.

The applicant has been informed of these requirements and no objection has been raised.

10. Conclusion (The Planning Balance)

It can be seen from the analysis in the body of the report that a number of Development Plan policies are offended by the proposal and that the proposal, not least because it is beyond settlement limits and in an area classed as countryside, is not Development Plan compliant. However, as also noted, various key policies are deemed out-of-date by reason of Paragraph 49 of the NPPF so that Paragraph 14 of the NPPF is engaged so that permission should be granted 'unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed' against the NPPF as a whole.

The benefits of the scheme are clear. It would bring forward much needed market and affordable housing. These matters are consistent with the CS. The fact that the council is not delivering development as envisaged by the Core Strategy emphasises these benefits to which significant weight should attach. Significant weight should also attach to the economic benefits immediately associated with the proposal in terms of job creation and/or maintenance and spend in the local economy. Similarly, the provision of affordable housing and the CIL contributions generated by the development.

Set against these benefits there is acknowledged harm to the heritage asset that falls into the category of less than substantial. Significant weight has to attach to that harm, but it does not outweigh the significant benefits that arise from providing much needed housing in the Housing Market Area. On balance, the public interest is best met by resolving to approve the application.

RECOMMENDATION

Authority is delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to **REFUSE** planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing, Waste and Education and is therefore contrary to Policies CP3 & CP43 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

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

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;
- (e) The means of access to the site.

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

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

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

carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

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

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

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

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

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

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years

REASON: To ensure that the proposed development does not result in the unnecessary loss of trees and existing screening, and for the avoidance of doubt.

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

REASON: In the interests of highway safety.

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

8 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 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 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.

9 The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

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

EDP 2335/46

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

11 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 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.

12 No development shall commence 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: 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, to enable the recording of any matters of archaeological interest.

- 13 No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency’s “Model Procedures for the Management of Land Contamination, CLR 11” and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved

development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report should be submitted to the Local Planning Authority. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 14 No development 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 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

- 15 No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

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

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 roads are laid out and constructed in a satisfactory manner.

- 17 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), any garages shall not be converted to habitable accommodation.

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

- 18 The maximum number of residential units on site shall not exceed 14.

Reason: For the avoidance of doubt.

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.

INFORMATIVE TO APPLICANT:

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

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

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

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

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.

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Arms Farm
High Street
Sutton Benger
Wilts
SN15 4RE



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	5th October 2016
Application Number	16/03033/FUL
Site Address	Land to the rear of Church, North Wraxall, Chippenham, SN14 7AD
Proposal	Erection of stable block
Applicant	Mrs Nicola Pile
Town/Parish Council	North Wraxall
Ward	BYBROOK Councillor - Baroness Jane Scott OBE
Grid Ref	381802 175064
Type of application	Full Planning
Case Officer	Charmian Burkey

Reason for the application being considered by Committee

The application has been called into committee by the Councillor Baroness Scott OBE, in order to consider the impact of the proposal on car parking.

1. Purpose of Report

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

2. Report Summary

The Parish Council objects to the application, but the conservation officer has no objection to the revised plans. 3 members of the public raise objections.

3. Main Issues

The main issues are:

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

4. Site Description

This application relates to a field to the north of North Wraxall Church, which is a Grade 1 listed building. The site also lies within The Cotswolds AONB and North Wraxall Conservation Area. The village is a small village without a defined framework boundary but the site is closely relate to the built area of the settlement. The land is fairly flat with stone

wall boundaries on 3 sides. The boundary to the churchyard is a stone wall with a line of mature trees, which gives partial screening of the church views.

The village of North Wraxall lies to the south the site and the remaining surrounding area is open farmland.

5. Relevant Planning History

No relevant planning history.

6. The Proposal

The proposal seeks planning permission for a stable building to house 3 stables and an open field shelter. The building would be constructed from shiplap timber cladding with a black ridged onduline roof. The building would measure 14.4m by 4.5m (including a 900mm overhang) .The attached field shelter element would measure 3.6m by 6.1m. The overall height of the building is 3m.

The building position has been amended since the original submission so that the building no longer lies against the churchyard boundary, but is at the eastern side of the site at right angles to it and against an existing stone wall.

7. Planning Policy

Wiltshire Core Strategy January 2015:

CP51 Landscape

CP57 Ensuring High Quality Design and Place Shaping

CP58 Ensuring the Conservation of the Historic Environment

National Planning Policy Framework (NPPF):

Achieving sustainable development – Core Planning Principles

Chapter 7 Requiring Good Design

Chapter 11 Conserving and enhancing the natural environment

Chapter 12 Conserving and enhancing the historic environment

Town and Country Planning (Listed Buildings and Conservation Area) act 1990

S66 Dealing with listed Building Heritage Assets

S72 Dealing with Conservation Areas.

8. Consultations

North Wraxall Parish object on the lack of pasture and the effect on the Grade I listed Church.

The Parochial Parish Council object for the following reasons:

The proposed stable is sited in an inappropriate location which greatly impacts on the Grade 1 listed Church, the new Churchyard and the Conservation Area. The proposed stable building is of an inappropriate size as there is only 0.5 acres of pasture within the 2.30 acre site, meaning the available grazing would barely support 1 horse. The generally accepted sustainability principle is that you require one acre per horse. The site is located within the

Cotswold ANOB and such a new development should be restricted to that which safeguards and enhances the open countryside and this proposed development does neither. If, as the proposed development intends, there are to be 3 or 4 horses kept on the site then there is a high risk that the pasture will become badly damaged which would have a significant detrimental effect on the visual amenity of the Church, Churchyard and the north side of the village. The proposed development would inevitably create noise disturbance and smell, which would be inappropriate in this location immediately adjacent to the Church and Churchyard where there are services being held, frequent visitors to graves. The proposed site has no access to water or electricity.

The Conservation Officer states that the revised position of the building is considered to have less of an impact on the setting of the adjacent heritage asset. Care should be considered in terms of the possible formation of an access track to serve the building and any associated fencing to serve the proposed new use. Conditions should be employed to restrict such development with the field and thereby retain the open character of the site.

Highways Officers state that if the stables are to be used for the private use only of stabling horses and the associated storage of equipment and not for any commercial purposes or livery then there is likely to be no highway objection. However should there be a need to improve the access beyond a simple field gate, if there is to be increased vehicular movements then plans need to be amended to indicate this. Should there be need for the access to be improved then I would like to have a small statement included on the expected use of the access in order to make an assessment of the likely impact of vehicular movements on the public highway. However should the stables be used just for domestic use and there be no expected vehicular movements through the access then I would likely raise no highway objection and just ask for the following condition to be attached.

The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: In the interests of highway safety and/or to protect the living conditions of nearby residents

Publicity

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

3 local resident object on the grounds that:

- The plan labeling is ambiguous.
- The proposed stable building is sited in a location that greatly impacts on the Grade 1 listed church, the graveyard, the new cemetery and the Conservation Area. The noise, activity and consequences, such as smell, of equine activities could have a detrimental effect on the to-be-expected ambiance of the site of mourning and reflection, where there are services being held, internments taking place and frequent visitors to graves.

- The proposed stable building is of a size that is inconsistent with 0.5 acres of pasture within the 2.30-acre site. This amount of grazing would hardly support one horse. The generally accepted sustainability principle is that you require one acre per horse.
- The site is located with the Cotswolds AONB and as such new development should be restricted to that which safeguards and enhances the open countryside and this proposed development does neither.
- The site does not currently have any access to water or electricity.

9. Planning Considerations

Scale and Design

In accordance with Core Policy 57 development should respond positively to the existing site features which include building layout, built form, mass and scale. The site is currently open pasture with stone wall surrounds. The building has been re-positioned so that it is at right angles to boundary walls of the churchyard. The scale is modest for such a building and its positioning now means that it is considered to be well laid out in relation to other features.

Impact to the listed building and its setting

Core Policy 58 aims to ensure that Wiltshire's important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced. This is to ensure they continue to make an important contribution to Wiltshire's environment and quality of life.

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

The conservation officer states that the revised setting is likely to have less of an impact on the setting of the adjacent heritage asset. He also states that care should be considered in terms of the possible formation of an access track to serve the building and any associated fencing to serve the proposed new use. Conditions should be employed to restrict such development with the field and thereby retain the open character of the site. On this basis no objection is raised

Impact on the character and appearance of conservation area and AONB

Development within the conservation area should protect, conserve and where possible, enhance the historic environment. It is accepted that the site lies in the rural part of the conservation area which is open fields. The openness of this area would not be lost by permitting this stable building, nor would the rural character of the area be detracted from as the nature and form of the development is generally characteristic and typical of the rural locality and this general type of location.

This part of the Cotswolds AONB is open fields with stone walls in between. The stables, are, however, placed close to a boundary wall and do not interrupt the openness of the landscape. There is no significant impact on the the Cotswold's AONB's landscape character.

Impact on highway safety and parking

The property is accessed from the road via an existing gateway, which is to be retained. No car parking is proposed and conditions will be applied to limit any overnight parking of vehicles. The applicant is to submit a plan showing a grasscrete off road parking area, but no overnight storage will be allowed. Highways officer consultation advice will be reported as a late item.

10. Conclusion

The proposal is considered to be compliant with policies CP51, CP57 and CP58 of the Wiltshire Core Strategy, guidance in the NPPF particularly paras 132 and 134 and S66 and S72 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990.

11. Recommendation

The recommendation is for permission subject to the following conditions:

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

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

- 2 No fences or jumps shall be erected on the site without the prior approval in writing of the Local Planning Authority.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

- 3 The development hereby permitted shall not be brought into use/ until details of the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) have been submitted to and approved in writing by the Local Planning Authority, and; the works for such storage and disposal have been completed in accordance with the approved details. The approved storage area shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

- 4 The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: In the interests of highway safety and/or to protect the living conditions of nearby residents.

- 5 There shall be no parking of horse boxes, caravans, trailers or other vehicles during the hours between dusk and dawn on the site.

REASON: In order to protect the living conditions of nearby residents and/or the rural

character of the area.

- 6 No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning Authority.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

- 7 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan received 4th April 2016; Proposed elevations and proposed site plan received 20th June 2016.

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

- 8 **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.

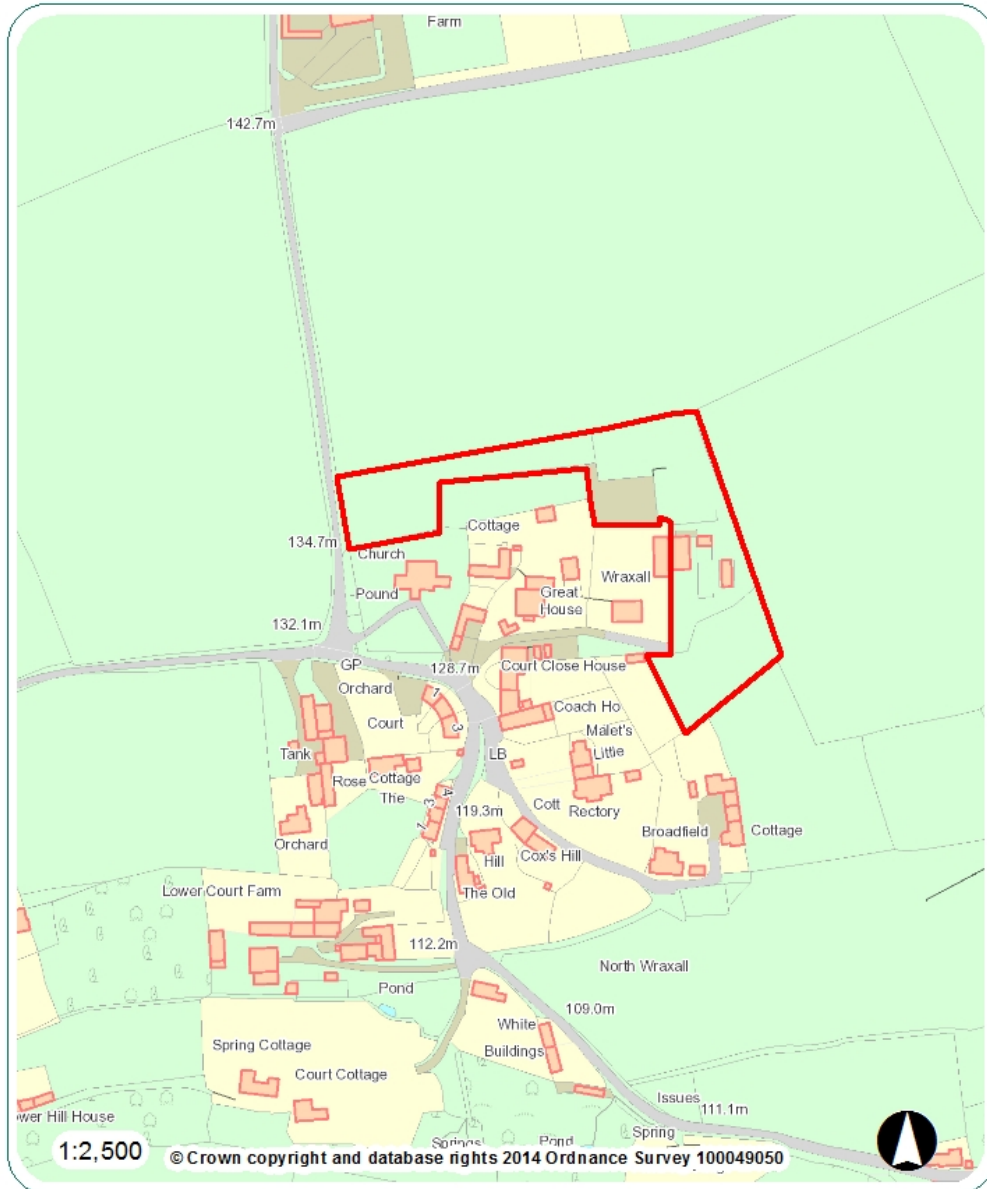
- 9 **INFORMATIVE TO APPLICANT:**
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

- 10 **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.

- 11 **INFORMATIVE TO APPLICANT:**
Please note that this permission neither grants nor implies consent for a change of use of the land for the keeping of horses.

- 12 **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.



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