

# AGENDA

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**Meeting:** Eastern Area Planning Committee  
**Place:** Wessex Room, Corn Exchange, The Market Place, Devizes SN10 1HS  
**Date:** Thursday 30 November 2017  
**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

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

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## Membership:

Cllr Mark Connolly (Chairman)	Cllr Peter Evans
Cllr Paul Oatway QPM (Vice-Chairman)	Cllr Nick Fogg MBE
Cllr Ian Blair-Pilling	Cllr Richard Gamble
Cllr Stewart Dobson	Cllr James Sheppard

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## Substitutes:

Cllr Ernie Clark	Cllr Jerry Kunkler
Cllr Anna Cuthbert	Cllr Christopher Williams
Cllr George Jeans	Cllr Graham Wright

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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 or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (Pages 5 - 14)

To approve and sign as a correct record the minutes of the meeting held on 2 November 2017.

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 24 November 2017 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 28 November 2017. 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**

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

**7 Planning Applications**

To consider and determine the following planning applications.

**7a 17/09676/FUL: Kennet Valley C.E Aided Primary School, Lockeridge, Marlborough, Wiltshire, SN8 4EL (Pages 15 - 26)**

Installation of Gazebo

**7b 17/06803/FUL: Land to the Rear Of 5 London House, Market Place, Pewsey, Wiltshire, SN9 5AA (Pages 27 - 44)**

Single storey dwelling to replace existing storage building

**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*

## EASTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 2 NOVEMBER 2017 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

#### **Present:**

Cllr Mark Connolly (Chairman), Cllr Ian Blair-Pilling, Cllr Stewart Dobson, Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble, Cllr James Sheppard and Cllr Jerry Kunkler (Substitute)

#### **Also Present:**

Cllr Anna Cuthbert and Cllr Sue Evans

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#### 47. **Apologies**

Apologies were received from Councillor Paul Oatway QPM. Councillor Oatway was substituted by Councillor Jerry Kunkler.

#### 48. **Minutes of the Previous Meeting**

The minutes of the meeting held on 5 October 2017 were presented for consideration and it was,

#### **Resolved:**

**To approve and sign as a true and correct record the minutes of the meeting held on 5 October 2017.**

#### 49. **Declarations of Interest**

During debate on application 17/07414/FUL Councillor Richard Gamble declared that he was currently Portfolio Holder for Heritage, Arts and Tourism, and that he would continue to consider the application on its merits and with an open mind.

During debate on application 17/05767/FUL Councillor Jerry Kunkler declared his profession as publican, and that he would continue to consider the application openly and on its merits.

#### 50. **Chairman's Announcements**

With agreement of the Committee it was announced that in a change to the agenda order application 17/06842/FUL would be considered as the first item.

51. **Public Participation**

The rules on public participation were noted.

52. **Planning Appeals and Updates**

An update on planning appeals submitted or undertaken since the last meeting was received. The Committee noted the successful defence rate for decisions for the Eastern area.

**Resolved:**

**To note the update.**

53. **Planning Applications**

The following planning applications were considered.

54. **17/06147/FUL: Elm Cottage, 42 Yard Lane, Bromham, Wiltshire, SN15 2DTB**

**Public Participation**

Richard Cosker, agent, spoke in support of the application.  
Craig Dalby, applicant, spoke in support of the application.

The Planning Officer, Nick Clark, introduced the report which recommended that planning permission be refused for demolition of the existing dwelling and outbuildings and construction of a replacement dwelling and outbuildings. Key issues were stated to include the impact of the proposed replacement dwelling on neighbour amenity and the character of the area, as well as planning policy in respect of replacement dwellings in the countryside.

Members of the Committee then had the opportunity to ask technical questions of the officer.

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

The local unitary division member, Councillor Anna Cuthbert, then spoke in support of the application.

A debate followed, where members considered the scale of the proposed replacement dwelling and whether this complied with planning policy. Members noted that although the proposal was larger than the existing dwelling, planning policy did not specify what constituted too significant an increase in scale, and they considered that the new dwelling was not excessively large for the site or the surrounding area and so would be in accordance with policy. They further noted that the modern construction and design would be an improvement for the site.

A motion to approve the application was moved by Councillor Stewart Dobson, seconded by Councillor James Sheppard, and at the conclusion of debate it was,

**Resolved:**

**That planning permission be granted subject to the following conditions:**

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

**REASON:**

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

- 2) **The development hereby permitted shall be carried out in accordance with the submitted drawings numbered 42\_Yard Lane\_House\_Existing\_001, 42\_Yard Lane\_House\_Layout\_002, 42\_Yard Lane\_House\_Proposed\_PlansElevs\_003, 42\_Yard Lane\_Outbuilding\_Existing\_004 and 42\_Yard Lane\_Outbuilding\_Proposed\_005.**

**REASON:**

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

- 3) **i) No development of the new buildings above ground floor slab level shall commence until full details of the materials and finishes to be used for the exterior of the buildings (including product literature and photographic examples, and if requested, samples to be made available for inspection on-site) have been submitted to and approved in writing by the local planning authority.**  
**ii) The development shall not be carried out other than using the so-approved materials and finishes.**

**REASON:**

**The application contained insufficient information to enable these details to be considered prior to granting planning permission but the details need to be agreed 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**

- 4) **i) The dwelling hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes.**  
**ii) The dwelling shall not 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.

- 5) Prior to the occupation of the dwelling hereby permitted there shall have been submitted to and approved in writing a scheme of hard and soft landscaping that details:

a) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;

b) areas of hard surfacing and the surfacing materials to be used;

**REASON:**

The application contained insufficient detail of landscaping proposals for the development. Details need to be approved in order to ensure a satisfactory landscaped setting for the development.

- 6) i) 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 dwelling or the substantial completion of the development whichever is the sooner.

ii) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.

iii) 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.

iv) All hard landscaping shall also be carried out within 6 months of the occupation of any part of the development.

**REASON:**

To ensure a satisfactory landscaped setting for the development.

- 7) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of either the existing dwelling (known as Elm Cottage) or the replacement dwelling as hereby permitted.

**REASON:**

The building is sited in a position where the local planning authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would be unlikely to permit other uses.



## INFORMATIVE

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage and/or destroy a nest of any wild bird while that nest is in use or being built. Planning permission for development does not provide a defence against prosecution under this Act. Evidence of nesting birds has been found in the soffits of the building due to be demolished and as such it should be assumed nesting birds will be present between 1st March and 31st August, unless a recent survey by a competent person has demonstrated otherwise.

*Conditions to be included were delegated by the Committee to the case officer in consultation with the Chairman.*

55. **17/07414/FUL: Land to the rear of 11 White Street, White Street, Market Lavington, Wiltshire, SN10 4DP**

### Public Participation

Carolyn Flower spoke in objection to the application.

Margaret Farnon spoke in objection to the application.

Nicholas Tye spoke in objection to the application.

Paul Oakley, agent, spoke in support of the application.

Councillor Ian Myhill on behalf of Market Lavington Parish Council spoke in objection to the application.

The Planning Officer, Ruaridh O'Donoghue, introduced the report recommended that planning permission be granted for the demolition of existing garages and the erection of two houses with garages. Key issues were stated to include the principle of residential development on the site, impact upon neighbouring residents and the conservation area, and impact upon highway safety/parking arrangements. Details were provided of letters received in objection since the report had been published. It was also noted that incorrect information on the level of parking provision available at the properties of the tenants of the garages had previously been provided, but that this did not affect the officer's reasons for recommending approval.

Members of the Committee then had the opportunity to ask technical questions of the officers. It was confirmed that it was unclear who owned the land upon which the present bridleway was situated and that as a result, anyone using it with a vehicle to access the site would technically be breaching the law as permission of the landowner would be required. This also applied to existing properties and garages along the bridleway that people currently accessed with vehicles. It was also confirmed that a highway safety objections could only be readily substantiated if there would be severe harm from additional vehicle movements, and that officers considered the area was suitable for housing.

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

The local unitary division member, Councillor Richard Gamble, then spoke in objection to the application.

A debate followed, where members discussed the principle of the number of dwellings on the site, the impact upon the local highways network resulting from displaced parking, and the suitability of access to the site via the bridleway. The ability for vehicles to turn around on the site was debated, along with the legal situation regarding access, the priority to be given to pedestrian and horse access and the impact for emergency services and delivery vehicles resulting from the layout and the physical characteristics of the bridleway, including its narrow width and the lack of turning areas.

A motion to refuse the application was moved by Councillor Richard Gamble, seconded by Councillor Ian Blair-Pilling, and at the conclusion of debate it was,

**Resolved:**

**That planning permission be refused for the following reasons:**

**The Clays is a bridleway (MLAV24) with a definitive width of just 3 metres across its entire length. It is unsuitable, by reason of its narrow width and poor quality surfacing, to provide safe and suitable access to the development or to accommodate the additional vehicular movements associated with it. This would cause conflict with users of the bridleway, including cyclists and pedestrians.**

**Furthermore, the proposed layout is such that the development cannot be readily serviced by vehicles, in particular Plot 1. The proposal would therefore be contrary to Core Policy 61 of the Wiltshire Core Strategy, which requires that proposals are capable of being served by safe access to the highway network, Core Policy 57 (vi) of the Wiltshire Core Strategy, which requires that development should take account of a site's characteristics and relate effectively to the immediate setting and the wider character of the area, and paragraph 32 of the National Planning Policy Framework, which requires that safe and suitable access to the site can be achieved for all people.**

*Following the Committee providing planning policy refusal reasons, precise wording of those reasons was delegated by the Committee to the case officer in consultation with the Chairman.*

56. **17/06842/FUL: Land to the rear of Trinity Cottage, Castle Grounds, Snails Lane, Devizes, Wiltshire, SN10 1DB**

**Public Participation**

Howard Waters, agent, spoke in support of the application.

The Planning Officer, Nick Clark, introduced the report which recommended that planning permission be refused for a proposed dwelling on the site of former horticultural buildings. Key issues were stated to include the impact upon

the setting of Devizes Castle as a scheduled monument and Grade I listed building, and the impact upon other listed buildings nearby and the archaeological potential of the site.

Members of the Committee then had the opportunity to ask technical questions of the officers. Details were sought on the likelihood of archaeological remains being present on the slopes of the castle setting, previous development in the area and the status of the site in the context of the Devizes Area of Minimum Change.

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

The local unitary division member, Councillor Sue Evans, then spoke in support of the application.

A debate followed, where it was discussed whether there were any public benefits to the scheme which would outweigh any harm caused by development. The design and scale of the proposals was also raised, along with the objections on archaeological and conservation grounds, as well as the significant impact upon the Castle's setting.

A motion to refuse the application was moved by Councillor Nick Fogg, seconded by Councillor Jerry Kunkler, and at the conclusion of debate it was,

**Resolved:**

**That planning permission be refused for the following reasons:**

- 1) The application site occupies a sensitive heritage setting in the designated Area of Minimum Change on the slopes at the base of the Devizes Castle mound, where the largely undeveloped nature of the land and its residual character as former gardens to the castle contribute to the heritage significance of the Scheduled Monument and Grade I listed castle. Within this setting, the proposed dwelling would be visible from a number of directions. The significant size and elevated position of the dwelling and the associated access and garden accoutrements would be detrimental the character and appearance of the site and would intrude upon the heritage setting of the castle and particularly the relationship between the castle and the grade I listed St John's Church, resulting in less than substantial harm to their heritage significance. As such, the development would be contrary to Kennet Local Plan policy HH10 and Wiltshire Core Strategy Core Policy 57 and Core Policy 58, and in the absence of public benefits sufficient to outweigh the harm, contrary to the National Planning Policy Framework.**
- 2) The development would necessitate significant excavation and earthworks in an area where there is the potential for significant archaeological remains to exist such as the bailey and/or town defences and medieval settlement remains. In the absence of archaeological**

investigation of the site, the nature and extent of archaeological remains unclear and thus the impact of the development on the archaeological value of the site cannot be determined. As such, the application would be contrary to Wiltshire Core Strategy Core Policy 57 and Core Policy 58 and the advice of the National Planning Policy Framework.

- 3) In the absence of the results of further survey work to identify the extent and species of bats and reptiles on the site (as recommended in the submitted ecological assessment) the Council cannot be satisfied that the development would not have an adverse impact on protected species. As such, the development would be contrary to Wiltshire Core Strategy Core Policy 50.

57. **17/05767/FUL: Red Lion, Axford, Wiltshire, SN8 2HA**

Public Participation

Councillor Sheila Glass, Chairman of Ramsbury and Axford Parish Council, spoke in objection to the application.

The Planning Officer, Nick Clark, presented the report which recommended that planning permission be granted for a new dwelling, of a revised height and design, on land forming part of the curtilage of the Red Lion Inn. Key issues were stated to include impact on neighbour amenity and on the character and appearance of the area.

Members of the Committee then had the opportunity to ask technical questions of the officer. Planning permission had previously been granted for a smaller dwelling in on the site, and details were sought on the differences between the two schemes, which included an increased ridge height and the introduction of rooflights.

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

The local unitary division member, Councillor James Sheppard, spoke in objection to the application.

A debate followed, where members discussed whether the increase in height resulting from adding another storey to the dwelling and the addition of rooflights were in keeping with the area, and whether the impact of the changes was such that the impact upon the area and neighbours had significantly increased.

A motion to refuse the application was moved by Councillor Stewart Dobson, seconded by Councillor James Sheppard, and at the conclusion of debate it was,

**Resolved:**

**That planning permission be refused for the following reasons:**

**The dwelling as proposed, by reason of its scale/height (which is not subservient to adjacent buildings) and design, including a proliferation of rooflights which would be unduly prominent, especially at night time due to emanating light, would have a detrimental impact on the character and appearance of the area. It also causes a loss of light to the adjoining property, Pear Tree Cottage, which in turn adversely affects the reasonable living conditions of its occupants. This conflicts with Core Policy 57 of the Wiltshire Core Strategy and Section 7 of the National Planning Policy Framework, which requires good design.**

*Following the Committee providing planning policy refusal reasons, precise wording of those reasons was delegated by the Committee to the case officer in consultation with the Chairman.*

58. **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.45 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](mailto:kieran.elliott@wiltshire.gov.uk)

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

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## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 1

<b>Date of Meeting</b>	30 <sup>th</sup> November 2017
<b>Application Number</b>	17/09676/FUL
<b>Site Address</b>	Kennet Valley C.E Aided Primary School, Lockeridge, Marlborough, SN8 4EL
<b>Proposal</b>	Installation of Gazebo
<b>Applicant</b>	Mrs Emma Russell
<b>Town/Parish Council</b>	FYFIELD & WEST OVERTON
<b>Electoral Division</b>	WEST SELKLEY – Jane Davies
<b>Grid Ref</b>	414729 167794
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Lucy Rutter

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

The application is brought before committee at the request of Councillor Sheppard, for consideration to be given to the design and amenity impacts of the proposal.

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

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

### **2. Report Summary**

The key issues for consideration are:

- Impact on neighbour amenity
- Scale, design and materials
- Whether the proposal would preserve or enhance the character and appearance of the conservation area

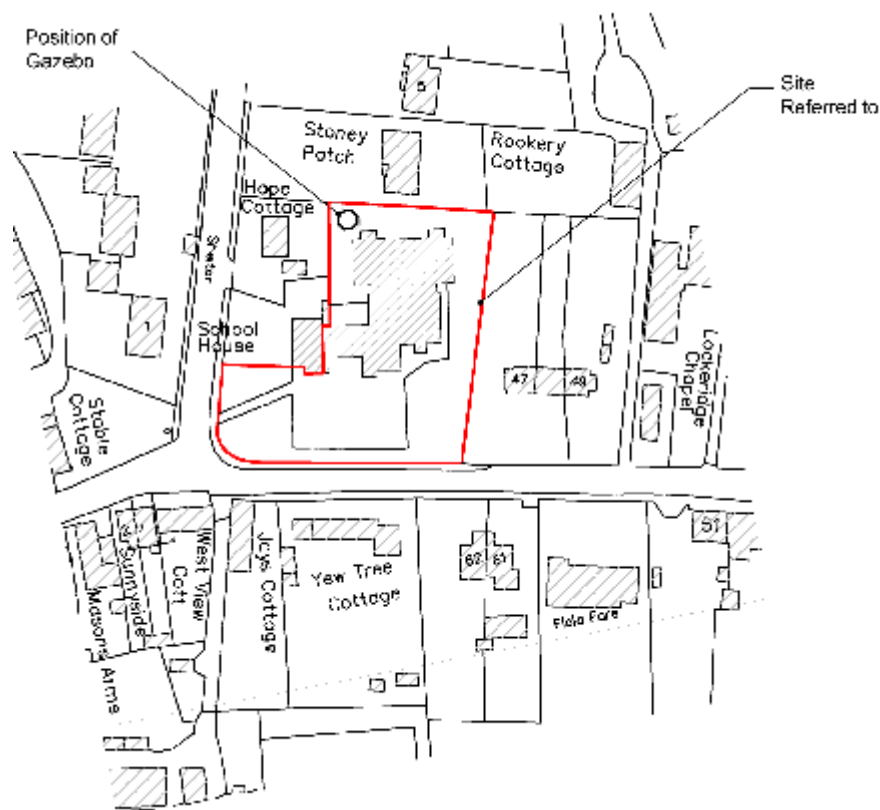
### **3. Site Description**

Lockeridge School is a purpose-built Victorian school building, dating from 1874, in the Gothic style, set in a prime location within the Lockeridge Conservation Area. The building itself is not listed, but has been identified as a significant unlisted building within the Lockeridge Conservation Statement and is therefore a heritage asset. It is one of several Meux estate buildings within the conservation area that were built around this time, including the unlisted public house and several listed estate cottages. The buildings of the Meux estate have a distinctive style within the village, which can be identified from the use of steep gables with plain clay tile roof coverings, exposed timberwork, decorative use of brick and stone, moulded brick chimneys; tiled porches to

some houses add character along with patterned tile hangings. The school building has a modern extension, approved in 2010. Although set back within its plot, in line with the neighbouring listed Meux estate cottages, the building is located in a prominent corner plot, fronted by pollarded trees, which are an important feature of the conservation area.

The site lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB), however, as the site remains within the built environment of the village, the landscape setting of the AONB would not be affected by the proposal.

The school is bounded to the north, south and west by residential dwellings. 'Hope Cottage' and 'Stoney Patch' both lie immediately adjacent to the application site and are separated from the development by existing boundary treatments in the form of close boarded fencing to the southern boundary and tall mature hedging to the western boundary.



Site Location Plan

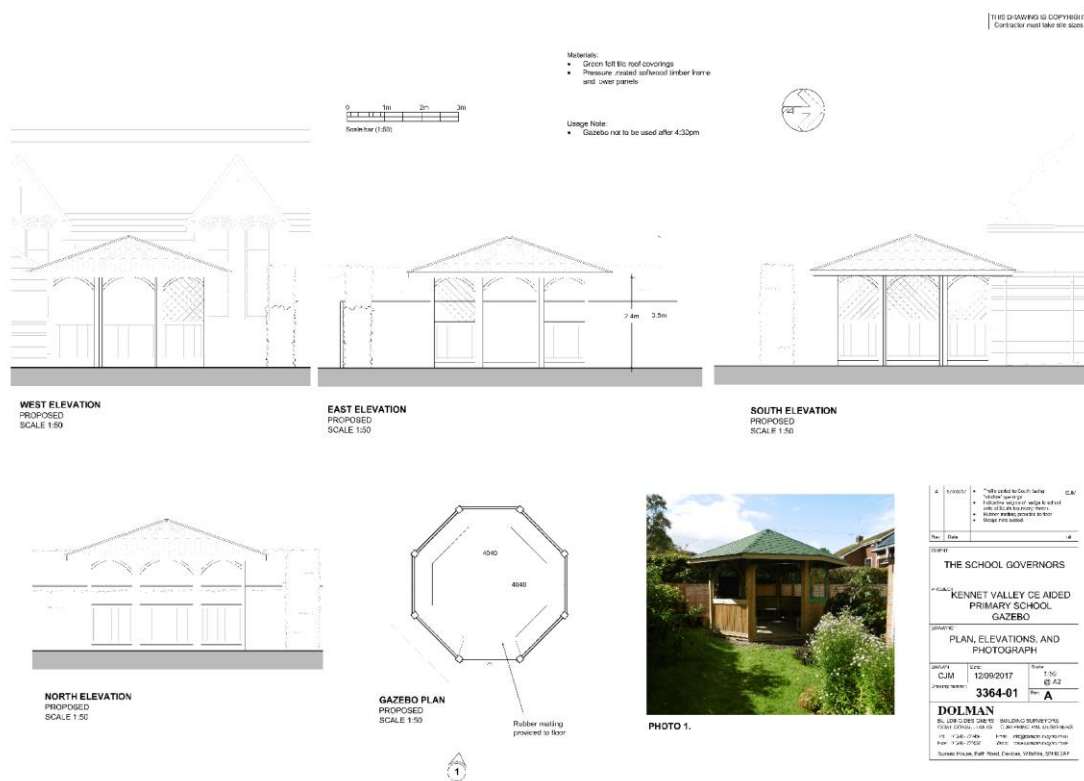
#### 4. Planning History

E/10/0452/FUL	Removal of existing prefabricated outbuilding. Erection of new single storey extension (with related alterations) incorporating classrooms and ancillary accommodation.
17/00523/ENF	Erection of structure



## 5. The Proposal

The application seeks planning permission for the timber gazebo that has been erected to in the south west corner of the site. The gazebo measures approximately 4.4m in width and depth (not excluding the roof overhang), 2.4m in height to the eaves and 3.5m to the ridge. Materials include timber and felt shingle tiling to the roof. The footings rest on top of individually laid paving slabs and there are plastic window coverings which can be rolled down over each 'window' opening, allowing for protection from the elements. The purpose of the gazebo is to provide additional learning space for the pupils of the school. This planning application has been made following an enforcement complaint in which it was noted that the structure exceeded the school's permitted development limits and would therefore require planning permission. Some comments in objection have raised concerns that the size and scale of the gazebo exceed that of planning rules and regulations. However it should be noted that the exceeding of permitted development rights merely means that a planning application must be submitted, at which stage the proposal is assessed on its merits, in the context of local and national planning guidance and policy.



Plans and Elevations

## 6. Local Planning Policy

The National Planning Policy Framework with particular regard to Chapters 7: 'Requiring Good Design' and 12: 'Conserving and Enhancing the Historic Environment'.

The adopted Wiltshire Core Strategy, in particular Core Policy 57: 'Ensuring High Quality Design and Place Shaping' and Core Policy 58 'Ensuring the Conservation of the Historic Environment'.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 7. Summary of consultation responses

Fyfield and West Overton Parish Council – Object. The following comments were received:

*'Because of its size and location it neither preserves nor enhances the character of the Conservation Area. Also, it intrudes unacceptably on the privacy and quiet enjoyment of the neighbouring houses. Since the structure is said to be moveable the school is invited to consider relocating it, this time in consultation with the neighbours.'*

Arboricultural Officer – no comment.

Public Protection – no objection. Comments included within committee report.

Building Control – no objection. Comments included within committee report.

Conservation Officer – no objection. Comments included within committee report.

## 8. Publicity

The application has been advertised by way of a site notice and the occupiers of neighbouring properties have been consulted. An advert was also published in the Wiltshire Gazette.

**Objections** - 8 letters of objection were received prior to re-consultation on the revised drawings. The material planning considerations are bullet pointed below. The full comments can be read on the Councils website under the relevant planning application reference number.

- The plans submitted by the applicant are materially inaccurate with respect to the neighbouring property; as such the plans are misleading.
- The plans fail to include the roof/eaves overhang.
- The plans fail to accurately demonstrate the relationship between Hope Cottage and the gazebo in terms of distance and window placement.
- Negative impact on the enjoyment of the adjoining gardens due to the gazebo being used for before and after school activities.
- Concerns of loss of privacy and overlooking.
- The gazebo is rather prominent and can be seen from the neighbouring property, with views looking into the area from the neighbouring first floor windows.
- Concerns regarding the noise from the flooring of the gazebo when in use.
- Too close to the boundary.
- As there are no permanent windows the noise impact is increased.
- Neighbours are unable to go outside and enjoy their gardens.
- Overshadowing issues.

- Change of outlook from neighbouring properties materially changes the residential amenity and living conditions.
- The gazebo is exceptional in height and size.
- Concerns that the gazebo may require additional lighting, heating, disabled access and other amendments to meet regulations in the future if it is to function as a 'class room'.
- An existing soakaway was supposed to prevent additional foundations in this location. This contravenes building regulations.
- A previous application and previous works at the school had designated this space as a quiet garden area.
- A more suitable location for the gazebo would be to the front of the site in the existing playground.
- The site is over developed due to erection of sheds and car park encroachment on to the front playground. There is no suitable location for the gazebo.
- No control over how the school intend to use the structure.
- The gazebo has a negative impact on both the setting of the conservation area, non-designated heritage assets and the wider landscape setting of the AONB.
- Concerns regarding the lack of consultation the School had with neighbours prior to the structure being erected.
- The School ignored planning regulations and rules and the structure exceeds permitted development limits.
- There is no need for the school to meet requirements for an outdoor teaching space when taking into consideration the rural location.

**Support** – 40 letters of support for the application were received prior to the revised plans being submitted. One additional letter was received after the consultation deadline; however this was mostly in reference to the nature in which the parish council meeting was conducted and not in relation to the development itself. The material planning considerations from the letters of support have been bullet pointed below. The full comments can be read on the Councils website under the relevant planning application reference number.

- The gazebo is used for teaching, quiet time and a place for reading and play, it has become an integral part of the school.
- Acts as an alternative and effective classroom location in a school with limited outdoor learning space.
- The gazebo blends in with its environment through design and materials.
- Enhanced pastoral care provision.
- The space has been considered positive by visiting educational specialists.
- Contributes to a rounded learning environment.
- An asset when considering the growth in numbers of pupils attending the school.
- The provision of the gazebo will not change the way in which this area of the school is used.
- This is a temporary structure.
- The gazebo is visually attractive and of high quality.
- Contributes to events beyond the curriculum.

- The garden and gazebo are in keeping with the village and countryside surroundings.
  - There should be no concerns regarding noise impact as this area is still to remain as a spiritual garden and as such will not be used for loud games.
  - The structure should continue to provide privacy for neighbours as it is positioned against the boundary.
  - The height would not obstruct any views.
  - This is a place for smaller groups or 121 learning opportunities and valuable to those who struggle with the classroom environment.
  - The structure does not overlook any properties.
  - Alternative play equipment could have been installed in this location without the need for consultation or planning permission.
  - The original design of the spiritual garden included a gazebo.
  - The removal of the gazebo would be detrimental to the children's education.
  - The gazebo is enclosed by the school buildings and remains out of site.
  - The gazebo adds to a school with limited facilities.
  - The natural wood design is sound absorbing and blends in with the garden.
  - The space has a calming effect on the children.
  - Provides vital shelter on both hot and wet days.
  - The siting of the gazebo is effective as the children will not lose limited playground space.
  - Would not be considered out of place if this were a residential garden and is less intrusive than some sheds/conservatory's/stables within the village.
  - The removal of the gazebo would waste hard earned charitable donations.
  - The DEFRA funded Natural Connections Demonstration project (2016) published new evidence on the benefits of outdoor learning to pupils, teachers and schools. The gazebo helps meet this need.
  - There is no impact on the setting of the school from any public view point.
  - It is a supervised learning space, not intended to be used for play.
  - It is not a full time classroom.
  - Noise resulting from the children at the school will happen with or without the gazebo.
  - The school was advised by a professional body that planning permission was not required.
  - The existing fencing helps and hedging will aid towards screening the development from the neighbouring properties when left to grow.
  - The school is quite prepared to soundproof the floor and restrict its use to comply with school hours.
  - Noise from the site is to be expected from buying a house next to a school.
- The school apologises for not applying for planning permission sooner.

## **9. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

### Assessment of the issues

This application has received much support from members of the school and parents of the pupils, all of which have highlighted that this gazebo has become an asset to the school and its available facilities. The comments in support of the application can be read in full on the Councils website or in the bullet points above.

Letters of objection have also been received, which mainly raise concerns that the gazebo has an adverse impact upon the occupiers of the adjoining residential properties. It must be highlighted that personal circumstances cannot be taken into consideration within planning decision making; however the material planning considerations will be assessed in detail below. It has been noted that many concerns were in relation to the school failing to consult appropriately. This current application has now given the opportunity for full consultation and as such this matter will not be considered further within the report.

### Impact on neighbour amenity.

The main issue to consider is the impact the gazebo has on neighbour amenity. A number of letters of objection have been received raising concerns about loss of privacy, loss of light, interrupted views and noise impact as a result of the works.

Considering the orientation of the school and neighbouring properties, the natural sun path and the single storey nature of the proposal, no loss of light is expected to occur from the structure. Hope Cottage lies to the south of the site meaning there will be no overshadowing of this property. Stoney Patch lies to the west but is separated from the structure by taller hedging; any shadow caused in this direction would not be significant and does not give rise to significant concerns from a loss of amenity perspective.

With regard to loss of privacy, this is a single storey structure – on the basis of the plan form there are no concerns regarding overlooking, especially due to the presence of existing boundary treatments. The neighbours have highlighted that the benches within the gazebo allow a platform for both children and teachers to look over the existing boundary treatments towards Hope Cottage. Whilst from a planning perspective the single storey nature of the structure limits the concern regarding loss of privacy this point has been noted and a suggestion of trellis to the southern ‘window’ openings was suggested and accepted by the applicant albeit it is not possible to control this through the imposition of a planning condition as the application is for the retention of the currently unlawful development as built. The existing hedging to the southern boundary, if left to grow, will help to ensure that privacy is maintained for the occupiers of the neighbouring property. It should also be borne in mind that a bench could be located in this location, without the need for planning permission, affording the same views of the neighbouring property if used inappropriately. The planning department has little control over whether the benches will be used to stand on, but would encourage the supervisors at the school to respect the privacy of the neighbours in this regard.

Concerns were also raised regarding noise impact from the use of the gazebo. The local planning authority has no control over how the site is used in terms of play areas and quiet reflective space. This particular location was intended as a spiritual garden for quiet and reflective study - the area is likely to be used as intended with or without the gazebo in place, albeit less so in rainier weather. The school would be within their rights to turn this into an additional play area at which point it is likely the noise levels could increase. However, in considering the additional sound that would occur as a result of the wooden flooring, and in order to alleviate some concerns of the neighbours, the installation of rubber flooring has been suggested to the applicant. In order to ascertain whether the noise issue was of a significant concern, the Council's Public Protection Officer was consulted on the application. The following comments were received:

*"I am not of the opinion that this use is unreasonable or exceptional for a school premises. Having fully considered the expectations of residents living near or adjacent to a school, this is not something we could object to on noise grounds. However we would support any measures which can be taken such as rubber matting and planting to soften and mitigate the impact on the locality."* Following receipt of the Public Protection Officer's comments, and in light of the applicant's agreement to introduce a rubber flooring material (albeit this cannot be controlled through a planning condition), there are no remaining concerns regarding noise. The school is well established and noise from children is expected in this location.

The structure is visible from neighbouring properties however this is not justifiable reason for refusing planning permission as there is no right to a view.

There will be no loss of light, no significant loss of privacy, the structure is not overbearing, and it does not result in the neighbouring gardens being unusable, particularly as the gazebo is not in use at all times of the day. The revised plans have included mitigation measures to improve privacy by reducing the noise caused by use of the structure and additionally the school have agreed to limit the times of use of the space until 16:30 each day, albeit it is not considered reasonable or enforceable to require this through planning conditions. As such, it is considered that there are no justifiable reasons to refuse the application on loss of amenity grounds.

#### Scale, design and materials.

The gazebo is a single storey, lightweight, temporary structure. No foundations have been laid and there are no services in the form of electricity or water. The structure is simply intended to be used as a sheltered learning area within the school grounds. The size and scale of the structure are considered to be subservient to the host building and the natural materials are appropriate for the rural location. The design of the gazebo is not dissimilar to what would be found within a residential garden resulting in an appropriate design for a rural village location.

Concern has been raised regarding the accuracy of the plans as they are alleged to not show the full extent of the structure in terms of roof overhang and the relationship with the neighbouring property. The plans do in fact show the full roof overhang on both the floor plan and the elevational drawings. With regard to the relationship with the

neighbouring property, a site visit was conducted in order that a true assessment could be made of the site and the surrounding buildings and the impact of the development as built.

The existing soakaway for the rear extension of the school built in 2010 (ref: E/10/0452/FUL), is located where the gazebo is sited. Whilst a building control officer was not formally consulted on the application, this was highlighted verbally as a possible issue to which the officer responded with the following comment: *“a soakaway is simply a large hole in the ground where the rain water is absorbed into the strata. From a building regulations point of view that does not concern me as it’s more of a temporary type structure and it’s not an issue like building over a manhole in a foul drain would be.”*

Additional comments were made in relation to the proximity of the structure with the boundary. A development can actually take place right up against a boundary providing no adverse impact results from the works. In this case, the full extent of the structure, including roof overhang, remains within the application site.

Whether the proposal will preserve or enhance the character and appearance of the conservation area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The following assessment was received from the Council’s Conservation Officer:

*‘The siting of the gazebo, to the rear of the school building, results in the structure being quite hidden from view from the public realm and therefore any impact on the character and appearance of the Conservation Area is somewhat negligible: there is not really much difference between the principle of the gazebo, in this location within the school grounds, and a shed or similar outbuilding within a private garden.*

*The provision of a timber gazebo in the actual location that it has been constructed is not considered to have any harmful impact on the character and appearance of the Lockeridge Conservation Area, indeed the impact on the Conservation Area is actually relatively neutral.’*

In light of the conservation officer’s comments, no harm has been caused to the character and appearance of the conservation area.

## 10. Conclusion (The Planning Balance)

In conclusion, the gazebo is considered to be in keeping in terms of its scale, design and materials and has a neutral impact on the conservation area. Whilst the concerns raised by neighbours is acknowledged, it is considered that the gazebo does not cause significant harm to the reasonable living conditions of the occupiers of neighbouring properties and does not cause noise levels beyond that reasonably expected from a school site. Notwithstanding this, the school is requested to respect the privacy of its neighbours and to consult prior to any future development at the site. The school grounds are confined and there is little opportunity for development here; a lightweight, structure has allowed the school to provide an additional facility for outdoor learning without causing significant harm to the occupiers of neighbouring properties. For these reasons, it is considered acceptable in planning terms and the approval of planning permission is recommended.

### **RECOMMENDATION**

**That the application be approved subject to the following informative:**

1 **INFORMATIVE TO APPLICANT:**

The development has been approved in accordance with the following plans:

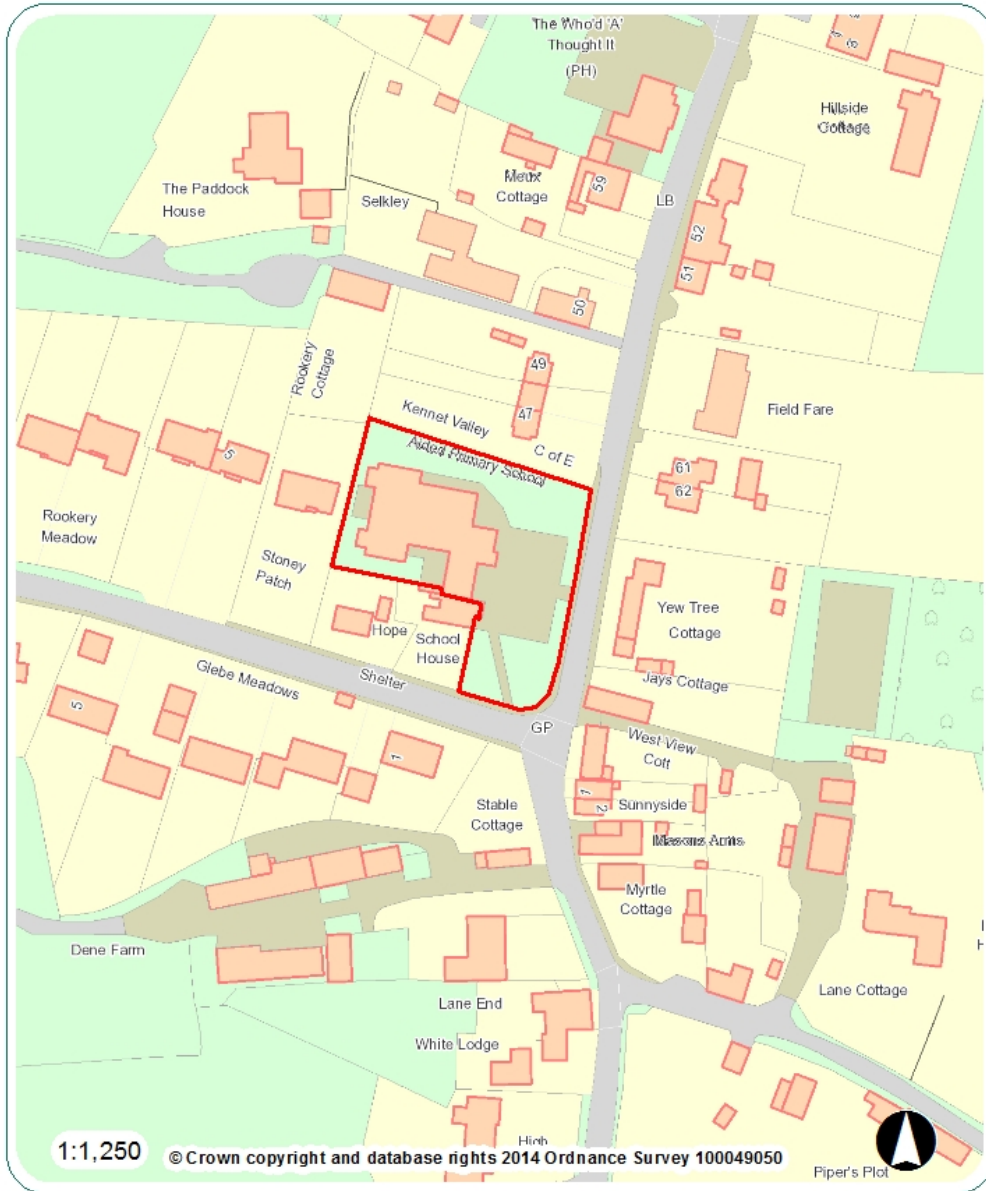
Drg Title: Location and Block Plan. Drg No: 3364-02. Rev: A.

Drg Title: Plan, Elevation and Photograph. Drg No: 3364-01. Rev: A. Received: 15/11/2017.

The school is requested to respect the privacy of the occupiers of neighbouring properties and to give consideration to mitigation measures such as the use of rubber matting, additional planting and time limits on usage.

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## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 2

<b>Date of Meeting</b>	30 <sup>th</sup> November 2017
<b>Application Number</b>	17/06803/FUL
<b>Site Address</b>	Land to the Rear Of 5 London House, Market Place, Pewsey, Wiltshire SN9 5AA
<b>Proposal</b>	Single storey dwelling to replace existing storage building.
<b>Applicant</b>	Mr M Tucker
<b>Town/Parish Council</b>	PEWSEY
<b>Electoral Division</b>	PEWSEY – Cllr Jerry Kunkler
<b>Grid Ref</b>	416423 160051
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Ruaridh O'Donoghue

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

The application is brought before committee at the request of Councillor Kunkler, for consideration to be given to the amenity and highway safety/parking impacts of the proposal.

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

To consider the detail of the application against the policies of the development plan and other material considerations and to considered the recommendation that the application be approved.

#### **2. Report Summary**

The main issues to be considered are:

- Whether the dwelling is acceptable in principle;
- Whether the proposal would preserve or enhance the character and appearance of the Pewsey Conservation Area or impact on the setting of nearby listed buildings;
- Whether the proposal would have a detrimental impact upon the reasonable living conditions of the adjoining residents.
- Whether the proposal would have a severe impact upon highway safety including if there is sufficient parking for the dwelling; and,
- Whether the site can be adequately drained.

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

The application site comprises land to the rear of London House, River Street in Pewsey. It is surrounded by development on all four sides – residential to the south and west, gardens and outbuildings to the north and primarily commercial premises to the east, with one flat at ground floor level. The site is accessed off River Street via a pedestrian passageway.

At the time of the officer site visit, the area was overgrown with ruderal vegetation. There was a building in situ on the land that did not appear to be in active use. The whole of the site was paved with concrete slabs.

In planning policy terms, the site lies within the built up area of the settlement and within the village's designated conservation area and would be considered as brownfield land. To the east of the site lies 1-5 River Street which are Grade II listed buildings. The settlement of Pewsey is washed over by the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

There are no other planning constraints listed for the site that need to be considered as part of this application.

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

K/42679/F – This application was refused on the 12/09/03 for the following reason:

The proposed dwelling would, by virtue of its siting on a physically constrained site (with limited amenity space and windows to habitable rooms opening directly onto land outside of the site) and by virtue of the building's relationship to surrounding properties (including food businesses which are likely to cause odour nuisance), be detrimental to the reasonable living conditions of future occupiers of the dwelling. The proposal would therefore be contrary to Policy DP1 of the adopted Kennet Local Plan and Policy PD1 of the emerging Replacement Kennet Local Plan.

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

The application proposes the demolition of the existing storage building and replacement with a single storey dwelling.

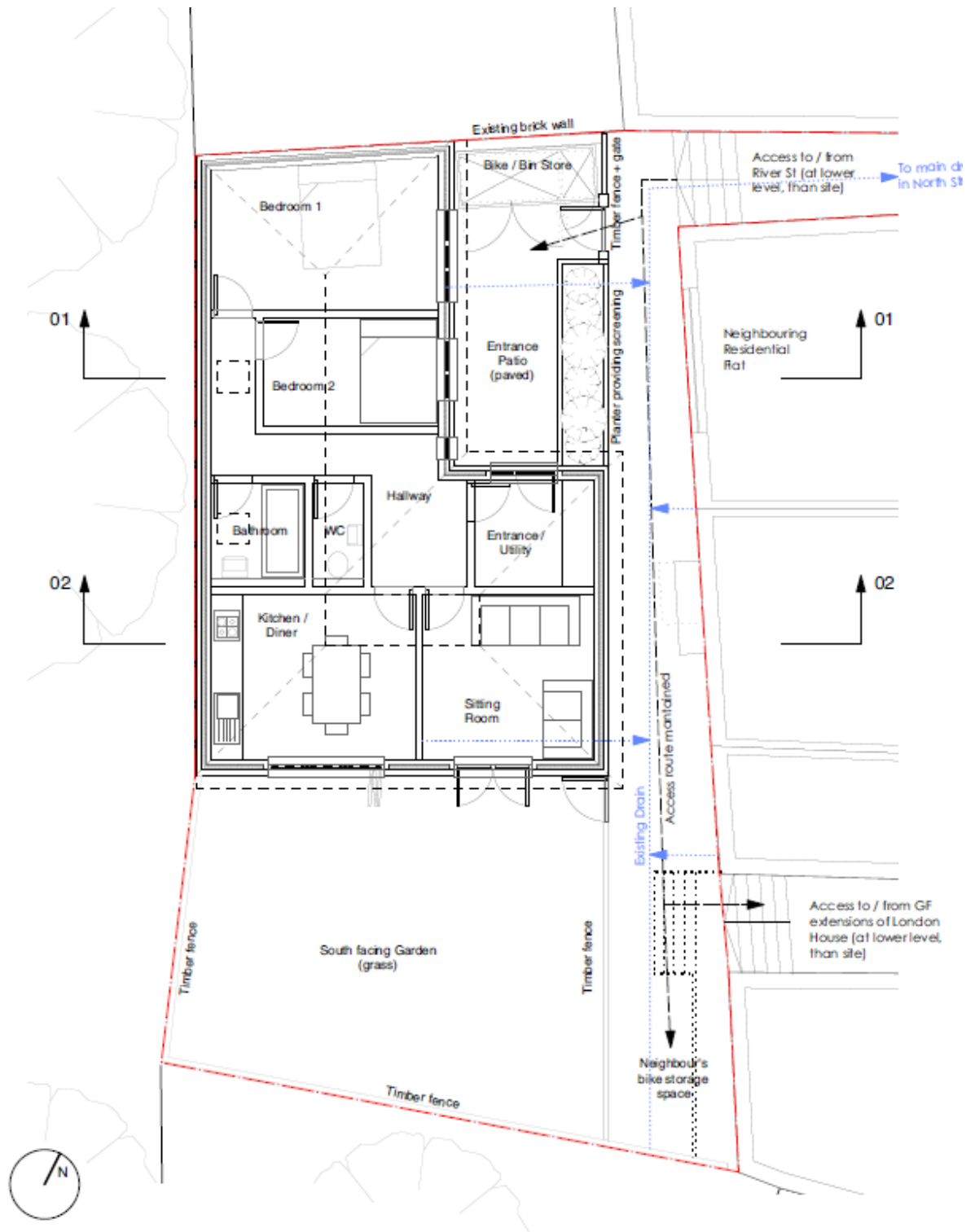
It is to be constructed out of facing brickwork to the walls, natural slate tiles to the roof with aluminium framed glazing and timber doors.

The dwelling would have a foot print of approximately 77m<sup>2</sup> with a ridge height of 4m. It would have a private amenity space in excess of the generally accepted standards of 50m<sup>2</sup>. It is not to be served by any parking spaces. Access to the dwelling would be pedestrian only utilising an existing passageway which runs down the side of No. 7 London Road.

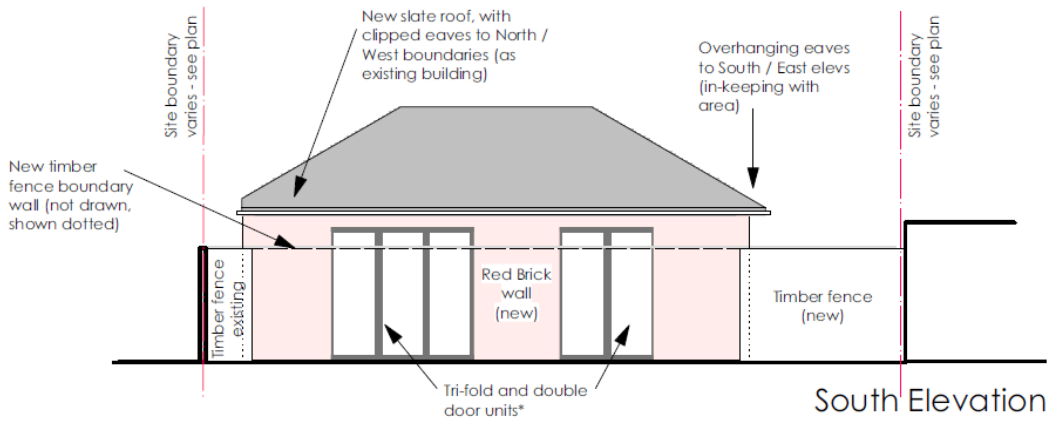
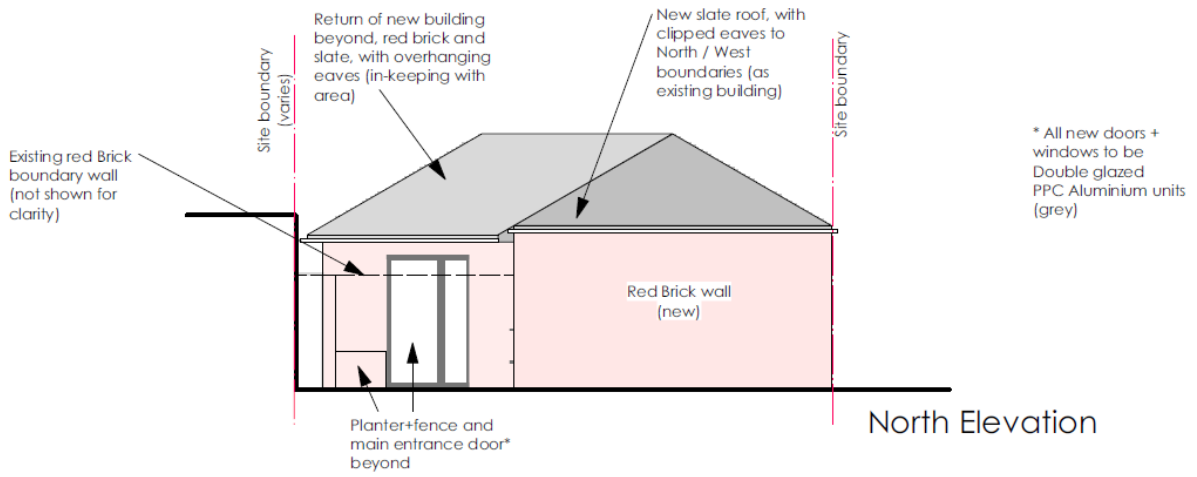
Below is a plan showing the location of the site, followed by the proposed ground floor plan and elevations of the development.



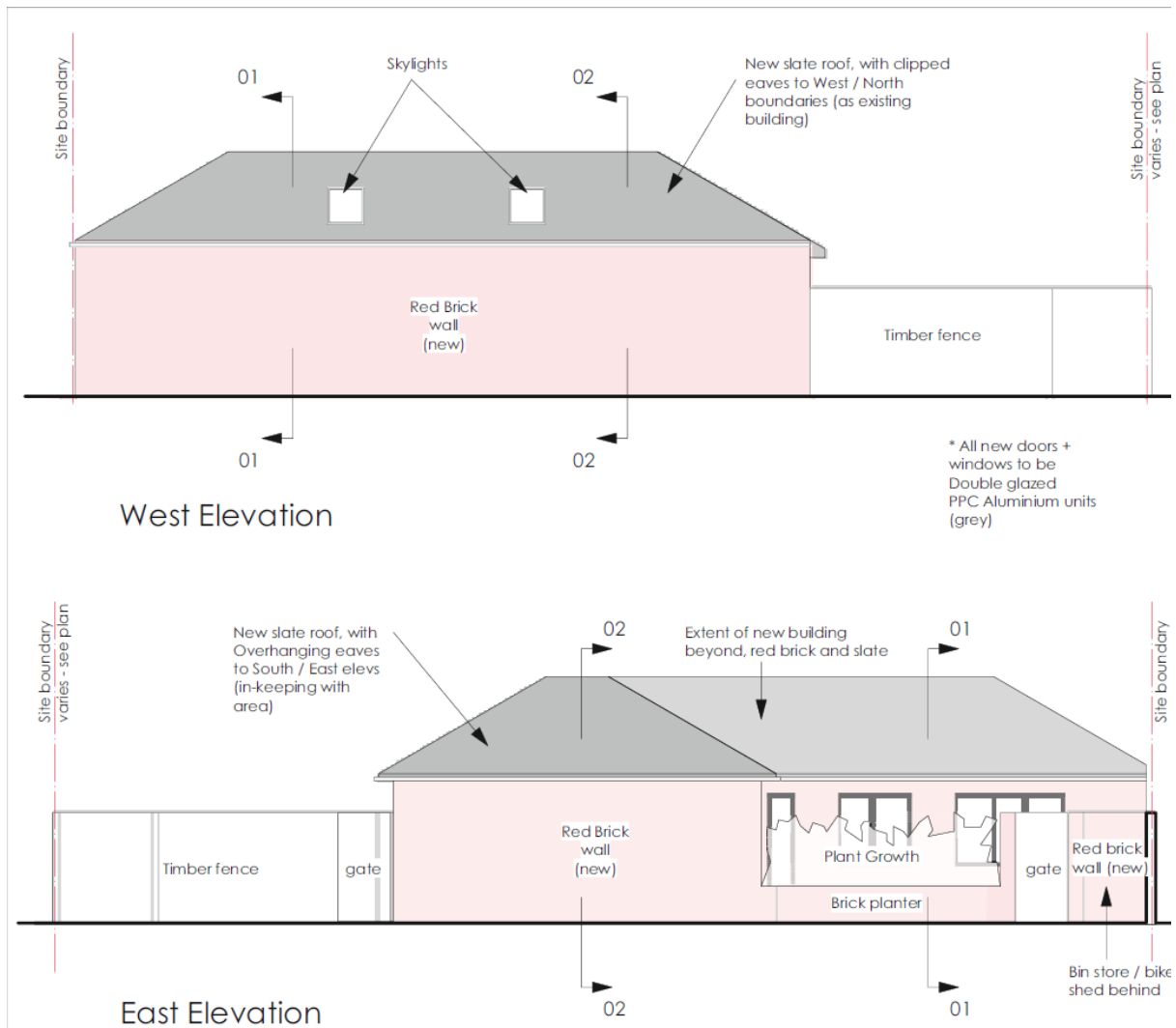
*Site Location*



Proposed Ground Floor Plan



*Proposed North and South Elevations*



*Proposed West and East Elevations*

## 6. Local Planning Policy

### Wiltshire Core Strategy 2015 (WCS):

- CP 1 – Settlement Strategy
- CP 2 – Delivery Strategy
- CP 18 – Pewsey Community Area
- CP 41 – Sustainable Construction and low-carbon energy
- CP 51 – Landscape
- CP 57 – Ensuring high quality design and place shaping
- CP 58 – Ensuring the conservation of the historic environment
- CP 61 – Transport and new development
- CP 64 – Demand Management

### Pewsey Neighbourhood Plan



## National Planning Policy Framework 2012 (NPPF)

### Supplementary Planning Guidance:

- *Local Transport Plan 2011-2026 Car Parking Strategy* (March 2011) – Minimum residential parking standards.
- *Local Transport Plan 2011-2026 Cycling Strategy* (March 2015) – Appendix 4

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

### Pewsey Parish Council

Objects to the application on the following grounds:

- The architectural drawing as to the site's potential for the existing site are inaccurate and in some instances wrong, making it misleading as to potential use.
- There is no mention of the existing full gas bottle cage which would obstruct the fire exit from the back of the shop which is along the access route. There is no other way.
- The stairs, which act as a fire escape from the Prospect Shop, are NOT as drawn on the plans.
- The alignment of the existing London House buildings shown on the drawings is inaccurate.
- The access for building materials and construction machinery is extremely limited. This access is also used for storage of London House waste bins. Any prolonged obstruction by contractors vehicles, skips etc. of the highway's parking bays is quite unacceptable.
- The allegation that there is unrestricted car parking in a local authority car park and on the road is NOT correct. The on-street parking in the Market Place is limited to 30 minutes and the local authority car parks, which are managed by the Parish Council, are limited to 24 hours in any 48 hour period.
- There is no proposed disabled access.
- There is an oil tank belonging to the dental practice to the west abutting the proposed building.
- UPVC windows and doors are proposed within the conservation area, this is contrary to the NDP which promotes the use of wooden windows and doors in the conservation area.
- The amenity offered to the existing low level windows of London House is constrained and the available light is severely obstructed.
- The current building was used as a workshop and has not been marketed as such. This proposal means a loss of a potential employment site.
- This proposal is viewed as overdevelopment of a very limited space which is not suitable for residential use.

### Wiltshire Council Highways Officer

Advises that from a highway perspective, the proposal does not offer any off street parking which is in contravention of the minimum parking now adopted by the LHA. However, any prospective purchaser of the property will be aware of the restrictions on parking and given that the on-street parking in the immediate vicinity is managed by restricted parking bays, they are mindful that any potential displaced parking will be minimised. The proposal is for a two bed dwelling, which they are willing to consider as a car-free proposition. Based on the

information provided, they are minded to accept a car free residential unit and are happy to offer no highway objection.

#### Wiltshire Council Drainage Officer

Is prepared to support the application subject to conditions requiring the submission of a foul and surface water drainage scheme. Also wishes to point out that the indicated location of the existing sewer (likely to be a public sewer S105a due to blanket adoption in 2011) is within the normal clearance zone in relation to public sewers so this will need a build near application and approval of Wessex Water – if permission is not given, then layout will not be achievable.

### **8. Publicity**

The application was advertised by site notice and neighbour notification letters. As a result of this publicity the following comments have been received:

- The Pewsey Dental Practice have a large oil tank in their garden providing heating to the practice and this directly abuts the south-west blank wall of the proposed site. They are concerned as to how the applicant proposes to deal with the large tank whilst the wall is rebuilt. The surgery requires heating to be available 7 days a week. They cannot find any comments in the application regarding the oil tank so they are objecting to the application.

### **9. Planning Considerations**

#### Principle of Development

The starting point for the determination of any application is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan, unless material considerations indicate otherwise. The primacy of the development plan is enshrined in the NPPF and is reaffirmed at paragraphs 11, 12, 17, 150 and 196 where emphasis is placed upon the importance of a plan-led system. The development plan for Wiltshire is the adopted Wiltshire Core Strategy 2015 (WCS). This is a recently adopted document, approved by full Council on the 20<sup>th</sup> January 2015 and has been thoroughly scrutinised through the examination process and found to be legally compliant, sound and in conformity with the NPPF. It contains relevant up to date policies, a spatial strategy and a spatial vision, all of which are designed to achieve sustainable development objectives within Wiltshire.

Within the development limits of Principal Settlements, Market Towns, Local Service Centres and Large Villages there is presumption in favour of sustainable development – Local Service Centres, which Pewsey is identified as, are defined as settlements capable of taking modest levels of development. Accordingly, the principle of development for new housing in this location is considered acceptable subject, of course, to the proposal's conformity with other relevant policies of the development plan and notably Core Policies 57, 58 and 64.

The proposal would also accord with the Pewsey Neighbourhood Plan (NP), where new residential development is permitted in principle within the LoD. Furthermore, the plan states a preference for the development of brownfield land over greenfield land.

The Parish Council have stated that the building was used as a workshop and that development of this site would result in the loss of an employment site. Pewsey NP Policy 3

– The Economy states that “conversion of properties currently used as offices, retail or employment uses to residential use will not normally be permitted. Core Policy 35 of the WCS states that the redevelopment of buildings currently or last used for use classes B1, B2 and B8 should only be permitted where they meet the criteria of the policy.

The applicants have informed the case officer that the building was used as a workshop but that this was many years ago. Since then, it has been used as a storeroom in association with the charity shop on the Market Place (i.e. ancillary to the A1 use). It is no longer in active use by them and thus is a redundant building. Based upon the information provided to by the applicants, and what was witnessed at the officer site visit, it is not considered that the building was last used, or is currently used, for employment purposes. Accordingly, it is not considered to be caught by these policies.

In any event, given the constraints of the site (i.e. a narrow pedestrian access only) and the proximity to residential dwellings, the site is unlikely to be considered appropriate for continued employment use within the B-Class uses.

#### Design and Impact on Heritage Assets

Core Policy 57 of the WCS is the primary reference point for assessing the design of the scheme. This policy requires a high standard of design to be met across all new development proposals. It requires development to conform to the existing settlement pattern, and be respectful in terms of building form, layout, plot size, elevation treatment and neighbour amenity. Additionally, section 7 of the NPPF is relevant.

The local planning authority also has a statutory duty placed upon it by s.66 of the Listed Building and Conservation Areas Act 1990 to have special regard to the desirability of preserving or enhancing the character and setting of listed buildings. There is also a statutory duty placed upon it by s.72 of the Listed Building and Conservation Areas Act 1990 to have special regard to the desirability of preserving or enhancing the character and appearance of conservation areas.

The NPPF outlines government policy in respect of the historic environment. Section 12 “*Conserving and Enhancing the Historic Environment*” sets out an overall aspiration for conserving heritage assets, in particular paragraph 132, which states: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

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

The proposal would conform to the established pattern of development for the area. There are examples of development in depth along this part of the Market Place, notably the flat behind No. 7 and the dwellings and dentist behind the application site. As such, the siting of a dwelling here would not appear out of character with its surroundings. Furthermore, the fact that the dwelling would be replacing an existing building is a significant material consideration when assessing the principle of locating a dwelling here.

The existing building on the site has a footprint of 57m<sup>2</sup> and its height is, at the highest point, 4.45m. The proposed dwelling would sit lower in height than the existing building and would not be significantly larger in footprint. The design is thus considered to be reflective of the height and scale of the existing building on the site that it is intended to replace. As a result, the proposal is also not considered to represent an overdevelopment of the site.

Elevational design and materials are reflective of the local vernacular, with traditional facing brickwork being used on the surrounding buildings. Aluminium windows painted in a dark grey colour are an acceptable material to use within the conservation area and would ensure a high quality finish. Slate is in use on a number of prominent buildings within Pewsey centre and the surrounding area in general and thus is considered appropriate. In all, the materials are acceptable in principle subject to a condition to ensure the specific details are appropriate.

The proposal would sit to the rear of the development that fronts onto the Market Place and as such, is unlikely to be readily visible from public vantage points. Development of this site would therefore not have a significant detrimental impact upon the character and appearance of the conservation area. Furthermore, given the current state of the site, it is fair to say that it does not, at present, have a positive impact on the conservation area or the setting of listed buildings. Removing the building and tidying up the site would have a more positive impact. The proposal to replace the building with a dwelling would not necessarily have the same positive impact. However, given that the scale and height are very similar to the building already present on the site, it is considered that the impact upon the character and appearance of the conservation area and the setting of the listed buildings would be neutral.

Given the constraints of the site (article 2(3) land and limited size), the occupiers would be able to undertake little further development by way of exercising permitted development rights. It is therefore not considered necessary to remove permitted development rights for extensions or outbuildings etc. by way of a planning condition.

#### Visual Impact

Based on the considerations above ie. that the scheme is of an acceptable design with a neutral impact on heritage assets, the proposed development would not have any further visual / landscape impacts. The aims of Core Policy 51 to protect landscape character are thus satisfied.

#### Amenity

It is considered that no harm would be caused to the reasonable living conditions of the occupiers of adjoining properties as a result of the proposed development.

The ridge and eaves height of the proposed dwelling would be lower than the existing building. However, it does have a slightly larger footprint. There was some concern at pre-application stage that the building might impact affect the amount of light received to the flat behind No. 7 Market Place (which has a window that faces out onto the site). However, the building line at this point is no further forward than the existing storage building and with the lower roof, the relationship should in theory be better. Accordingly, it is not considered that significant loss of light would occur to this window such that a refusal of planning permission could be justified. Nor is it considered that the development would have an overbearing impact upon this

property. In addition to this, no letter of objection has been received from the occupiers of this property.

There are other buildings in close proximity to the proposed dwelling. However, with a reduced height and no extension to the length of the building, the proposed dwelling would not cause loss of light to these properties or have an overbearing impact on their occupiers.

In terms of privacy, the proposed dwelling is single storey and as such, the outlook from any of the windows would not have a detrimental impact upon the privacy of the occupiers of surrounding properties.

The proposed dwelling would have a sufficient internal floorspace and private amenity space such that the concerns raised in the 2003 application would be overcome i.e. the living conditions of future occupiers of the dwelling would be adequate. Whilst there may be some overlooking from the properties behind into the proposed amenity space there would be an element of 'buyer beware' – it is not considered that this would warrant the refusal of planning permission.

The proposed dwelling would also lie in close proximity to the takeaway/s along the Market Place / London Road. However, since the 2003 application was determined, residential development has been permitted in closer proximity. As such, it would be unreasonable to suggest that the occupiers of this dwelling would be any more affected by smell or odour from the takeaways than the recently permitted flat. As such, it is considered that the refusal of planning permission on this ground would not be justified.

#### Parking / Highways / Rights of Way

Minimum parking standards exist for residential dwellings and it is a requirement of Core Policy 64 of the WCS that these are adhered to in all new residential development proposals. The development would generate the need for 2 parking spaces.

However, the policy does allow lesser standards to be applied where parking demand is likely to be low or where parking overspill can be controlled.

In this case, the site is located within the centre of Pewsey where there is access to shops and services on foot. There is also access to public transport (bus and train station) on foot and public car parks are available nearby (albeit with restrictions). Furthermore, any proposed purchaser of the property would be aware that there is no dedicated parking. Car demand is therefore likely to be low for this development.

River Street and the Market Place have waiting restrictions on them which would effectively prevent on street parking. As such, parking overspill can be controlled and on-street parking would be prevented.

The residual cumulative impacts of having a carless development in this location would not amount to a severe impact upon the surrounding highways network. Consequently, the Highways Officer has raised no objection to the proposed development.

#### Drainage

Through the use of appropriate planning conditions, it is possible to secure details of foul and surface water drainage which would satisfy the concerns of the drainage officer. The indicated location of the existing sewer is within the normal clearance zone in relation to public sewers so the applicants would need a 'build near' application and Wessex Water's consent. However, this is a separate matter which does not affect the grant of planning permission. That said, if consent is not given by Wessex Water then the layout will not be achievable in which case the applicant would be unable to implement the planning permission if granted.

#### Other Comments

Pewsey Parish Council has made reference to inaccuracies in the architectural drawings. Some of the errors appear to have been rectified through the receipt of amended plans. However, the Parish Council still has concerns over this. The applicants do not agree that there are inaccuracies in the existing / survey drawings – notwithstanding this, the case officer has carried out a thorough site visit and has been able to make a full assessment of the proposal. As such, this would not prevent the application from being determined.

The Parish Council also states that there has been no mention of the existing full gas bottle cage in the application. It has stated that this would obstruct the fire exit from the back of the shop if the development went ahead. However, this is a private matter which cannot be resolved through the planning process. It would appear that the gas bottle cage is on a shared access way which presumably needs to be kept clear.

Concerns have also been raised that the access for building materials and construction machinery is extremely limited. In response to this, it is proposed to impose a condition requiring the submission of a construction method statement to cover delivery of materials, parking of contractor vehicles etc. This should prevent the access route being blocked. In any event, this is a temporary issue that will only be present during the construction phase.

The parish council is also concerned that there is no proposed disabled access. This is a matter to be considered when seeking building regulations approval. Access to the dwelling would need justifying, in particular the existing stepped approach, which may well need to be accommodated if it is not feasible to alter it.

Concern has also been raised about the oil tank belonging to the dental practice to the west abutting the proposed building. This again is a private matter to be resolved by the respective both parties. The applicants would need to ensure the oil tank remains available for use by the dental practice.

Concern has also been raised over the use of UPVC windows and doors in a conservation area and the fact that this would be contrary to the NP which promotes the use of wooden windows and doors in the conservation area. All new doors and windows are proposed to be aluminium not uPVC. This is clearly stated on the plans. High quality aluminium windows would be considered acceptable in this instance and they are of an appropriate colour (grey). The building is a contemporary new build set back behind frontage buildings. It will not be overtly visible from the public realm of the Conservation Area. It would therefore be difficult to argue that the proposed use of this material is unacceptable.

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

The site comprises brownfield land and sits within the LoD of Pewsey where under Core 1 and 2 of the WCS, new residential development is permissible in principle. The same stance is taken with the Pewsey NP.

The proposal involves the erection of a 2 bed dwelling which is considered to meet the high standards of design that are required by Core Policy 57 of the WCS, with the more detailed aspects to be controlled through appropriate planning conditions. The proposal would have a neutral impacts on heritage assets, namely the Pewsey Conservation Area and the setting of adjacent grade II listed buildings.

As the site is located within the built up area of the village, surrounded by other residential dwellings and commercial buildings, there would be no detrimental visual / landscape impacts. Compliance with the aims of Core Policy 51 is thus secured.

The Council's Highways Officer is satisfied that a car free dwelling can be accommodated on the site without causing severe harm to highway safety due to the site's sustainable location.

There are no other technical issues that would warrant a refusal of planning permission or that cannot be mitigated through the use of appropriate planning conditions.

The LPA must also take account of local finance considerations so far as they are materially relevant to the proposal. In this case, the Council and the Parish Council would receive CIL money. The Council would also receive money in the form of the New Homes Bonus. These merit some positive weight in the planning balance, albeit limited as the proposal is for just 1 dwelling.

The scheme would also generate some employment in the construction industry and would increase economic expenditure in the locality. Whilst it is appreciated this is a very small proposal for just one dwelling, this factor would also accrue some positive weight in the overall balance.

In the absence of any material harm, the balance lies in favour of approving the application. It is considered to accord with the development plan as a whole and there are no material considerations that would indicate a decision should be made other than in accordance with the development plan (e.g. policies contained within the NPPF).

## **RECOMMENDATION**

**That the application be 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 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Application Form
- Design and Access Statement
- DWG No 728-1A-01 - Site Location and Plan
- DWG No 728-1A-02 Rev A - Existing Ground Floor Plan
- DWG No 728-1A-03 - Existing Elevations and Sections
- DWG No 728-1A-04 - Existing Elevations and Sections 2
- DWG No 728-1A-05 Rev A - Proposed Ground Floor Plan
- DWG No 728-1A-06 - Proposed Roof Plan
- DWG No 728-1A-07 - Proposed Elevations and Sections
- DWG No 728-1A-08 - Proposed Elevations and Sections 2

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

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

4 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.

5 No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Management Plan (CMP) has been



submitted to and approved in writing by the local planning authority. The CMP shall include, but not necessarily be limited to, the following:

- a) Car parking strategies for construction vehicles
- b) The storage location of any materials or plant
- c) The location of temporary structures
- d) The plan for the delivery of materials to the site

The approved CMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

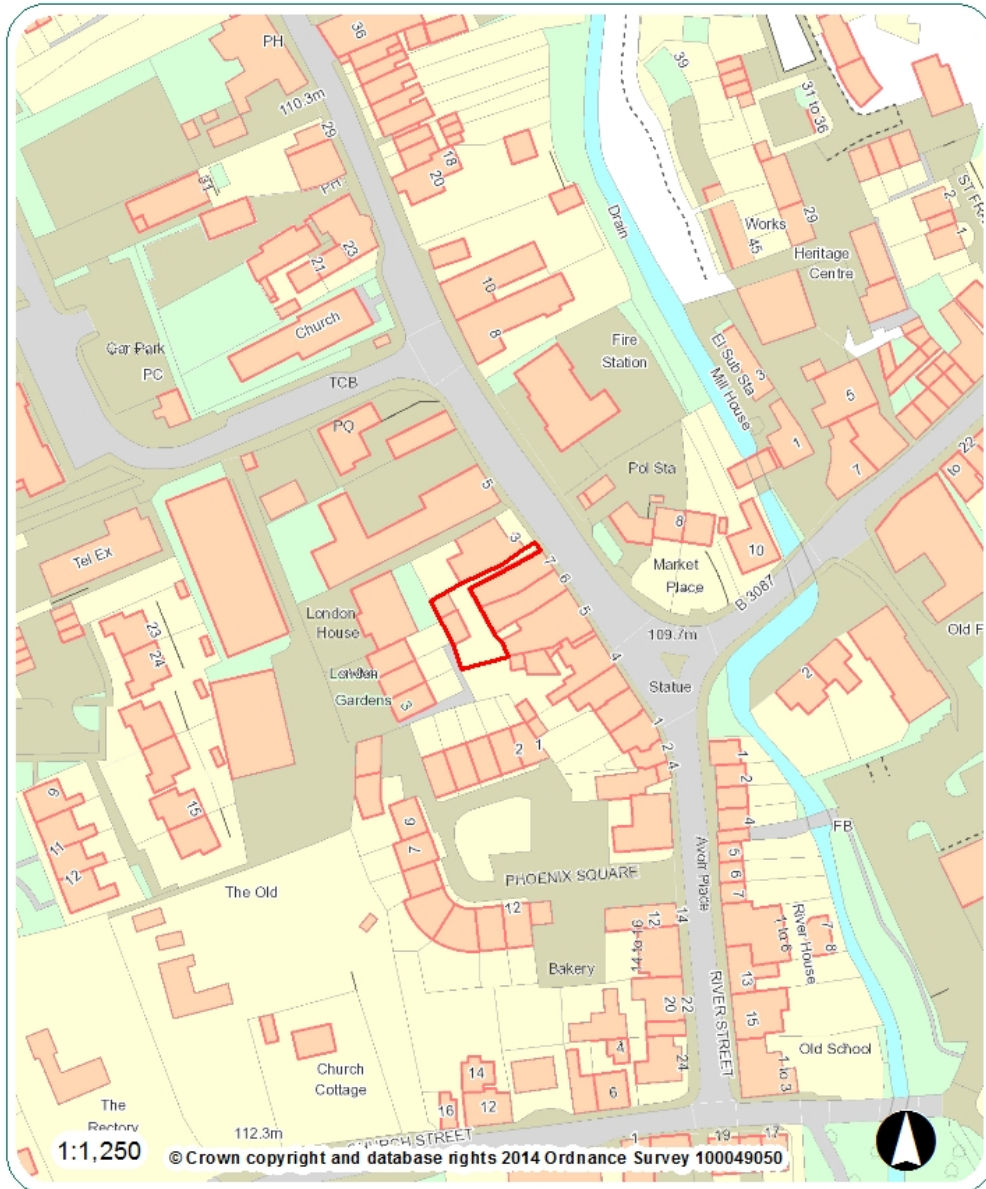
REASON: To ensure the access remains available and convenient for use and in the interests of neighbour amenity.

- 6 No development shall commence on site above ground floor slab level 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: In the interests of visual amenity and the character and appearance of the Pewsey Conservation Area.

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Land to the Rear Of  
5 London House  
Market Place  
Pewsey  
Wiltshire, SN9 5AA



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