

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER
Date: Wednesday 11 July 2018
Time: 3.00 pm

Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718221 or email stuart.figini@wiltshire.gov.uk

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Membership:

Cllr Tony Trotman (Chairman)	Cllr Mollie Groom
Cllr Peter Hutton (Vice-Chairman)	Cllr Chris Hurst
Cllr Chuck Berry	Cllr Toby Sturgis
Cllr Christine Crisp	Cllr Brian Mathew
Cllr Howard Greenman	Cllr Ashley O'Neill
Cllr Gavin Grant	

Substitutes:

Cllr Ben Anderson	Cllr Bob Jones MBE
Cllr Bill Douglas	Cllr Jacqui Lay
Cllr Ross Henning	Cllr Melody Thompson
Cllr Ruth Hopkinson	Cllr Philip Whalley

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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 7 - 18*)

To approve and sign as a correct record the minutes of the meeting held on 13th June 2018.

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 4th July 2018** 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 6th July 2018**. 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 19 - 20*)

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

7 **17/05828/FUL - Former Wiltshire College, Cocklebury Road, Chippenham, Wiltshire, SN15 3QD - Update** (*Pages 21 - 22*)

To receive an update on the Former Wiltshire College development, Chippenham.

8 **Planning Applications**

To consider and determine the following planning applications.

8a **18/02153/FUL - Keynes House, The Derry, Ashton Keynes** (*Pages 23 - 36*)

8b **18/03185/FUL - The Barns at Mays Farm, Hullavington** (*Pages 37 - 48*)

8c **17/12403/FUL - Land at Kent End, Back Street, Ashton Keynes** (*Pages 49 - 62*)

8d **18/03233/FUL - Priestly Primary School, Prince Charles Drive, Calne** (*Pages 63 - 78*)

9 **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 13 JUNE 2018 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Chuck Berry, Cllr Christine Crisp, Cllr Howard Greenman, Cllr Gavin Grant, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Toby Sturgis, Cllr Brian Mathew, Cllr Ashley O'Neill and Cllr Philip Whalley (Substitute)

Also Present:

Cllr John Thomson

12 Apologies

Apologies were received from Baroness Scott Bob local division member

Cllr Peter Hutton was substituted by Cllr Philip Whalley

13 Minutes of the Previous Meeting

The minutes of the meeting held on 16 May 2018 were presented.

Resolved:

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

14 Declarations of Interest

The minutes of the meeting held on 16 May 2018 were presented.

Resolved:

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

15 Chairman's Announcements

There were no Chairman's announcements.

16 **Public Participation**

The Committee noted the rules on public participation.

17 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

18 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes.

19 **18/03570/FUL - Land Adjacent to Nettleton Baptist Chapel, Nettleton**

Richard Lay, spoke in objection to the application.

Chris Engley-Duffy, spoke in objection to the application.

Susan Leonard, spoke in support of the application.

Emma Madge, spoke in support of the application

Ian Madge, the applicant, spoke in support of the application.

Cllr Jenny Minney, Nettleton Parish Council, spoke in relation the application.

The Planning Officer, Lee Burman, introduced a report which recommended that the application be refused.

Key issues highlighted included: that the application was the resubmission of an application previously refused; the changes to the application following its resubmission were limited to the offer of entering a S106 agreement to restrict further development at the site; the location of the land outside the settlement boundary within an Area of Outstanding Natural Beauty; the application of relevant core policies; that the officer's view was that an exception to those policies could not be justified; the planning history on the farm associated with the application; the size and nature of the proposals; the difference between low cost and affordable housing as defined by policy.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: the availability of agricultural residence on the farm connected to the application.

Members of the public then had the opportunity to address the Committee, as detailed above.

Councillor Toby Sturgis spoke on behalf of the local Division Member, Baroness Jane Scott, who was unable to attend, outlining her views on the proposal.

At the start of the debate a proposal was moved by Councillor Toby Sturgis and seconded by Councillor Christine Crisp that the application be refused for reasons set out in the report.

During the debate the main points raised were: that, currently, national and local policy did not support a development on this site; the supply of dwellings in small villages; and the policies that restrict the growth of small villages.

At the conclusion of the debate, the meeting unanimously;

Resolved:

- 1. The proposed development, by reason of its location outside of any defined settlement boundary and not being considered to meet the criteria of infill development contained within WCS Core Policy 2, the proposal is contrary to the settlement, delivery and community area strategies and is unacceptable in principle. The proposal fails to accord with Core Policies 1, 2, 10 and 48 of the adopted WCS (Jan 2015), Saved Policy H4 of the North Wiltshire Local Plan 2011 and Paragraphs 14, 17 and 55 of the NPPF (March 2012).**
- 2. By reason of the location of the application site within the open countryside and AONB, the proposed development would result in the consolidation of the existing loose knit pattern of development and would alter the visual appearance and prevailing rural character of the area. It is not considered that the proposal would integrate effectively into the immediate setting and it would not conserve or enhance the AONB which is afforded great weight. Consequently the proposal is considered contrary to Core Policy 51 (ii, vi and ix) and 57 (i, iii, vi) of the WCS (Jan 2015) and NPPF (March 2012) Paragraph 115 and Section 7.**
- 3. The proposal, located remote from a range of services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of local and national sustainable transport policy guidance which seeks to reduce growth in the length and number of motorised journeys. New development should be located and designed to reduce the need to travel by private car and should encourage the use of sustainable transport alternatives. The proposal is contrary to Core Policy 60 of the adopted WCS (Jan 2015) and Paragraph 34 of the NPPF (March 2012).**

20 **17/12507/FUL - Common Road, Ashley**

Dr Chris Bateman, spoke in objection to the application.

Pete Sladden, spoke in objection to the application.

Juliana Beardsmore, the applicant, spoke in support of the application.

Councillor Roger Budgen, St Paul Without Parish Council, spoke in objection to the application.

The Planning Officer, Victoria Griffin, introduced a report which recommended that the permission be granted subject to the conditions listed in the report. The meeting's attention was drawn to additional consultation views and the

proposed revision to condition thirteen as outlined on the late observations circulated in the supplement.

Key issues highlighted included: the location of the proposals and the character of the area; the design of the proposal and the current development on the site; the elevation of the site and its access to the highway; the height of the proposals relative to houses in the area; the relationship between the extant permission and the proposed development; the layout of the proposals and the possible landscaping on the site; the mix of materials proposed and the siting of windows and openings and relationship to neighbouring properties and impact on amenities; that the slab levels can be checked, as part of the relevant proposed condition; the views of the drainage engineer; and that boundary treatment and landscaping could be conditioned.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: the application of CP1, 2 and 57, and the provisions of the Malmesbury Neighbourhood Plan; clarification that permitted development rights were recommended for removal permitted in the proposed conditions; that an alternative ridge height would require permission; whether there was a similarly designed residential property in the area.

Members of the public then had the opportunity to address the Committee, as detailed above.

Councillor John Thomson, Division Member, spoke in objection to the application.

At the start of the debate a proposal to refuse the application was moved by Councillor Gavin Grant and seconded by Councillor Brian Mathew for the reason that the application is contrary to CP57 criteria (i) &(iii) in that the development did not contribute to a sense of place; was wholly out of character with the existing development in the locality; did not correspond to existing pattern of development and topography of the area; and would be contrary to the relevant tasks of the Malmesbury Neighbourhood Plan and the guidance contained in National Planning Policy Framework.

During the debate the main points raised were: the impact of the proposals on the character of the area; the application of the inspector's decision; the impact of the proposals on the streetscene;

The meeting sought advice from the Area Team Leader (North), Lee Burman, on the wording of the proposal.

At the conclusion of the debate, the meeting unanimously;

Resolved:

That the application be refused for the following reason:-

The proposed development by virtue of its scale, mass, form, layout and use of materials would constitute an incongruous feature in the street scene, out of character with the design and appearance of neighbouring residential properties. The proposals would be contrary to Wiltshire Core Strategy (Jan 2015) Core policy CP57 sub sections (i) & (iii); Malmesbury Neighbourhood Plan Vol II (Made Feb 2015) Tasks 8.14, 8.16, 8.17, 8.19, 8.20; and paras 17, 60 & 64 of the National Planning Policy Framework.

21 **17/07724/FUL - SW Logistics, Braydon Lane, Chelworth Industrial Estate, Cricklade**

Councillor Chris Hodgson, Cricklade Town Council, spoke in relation to the application.

The Planning Officer, Lee Burman, introduced the report which recommended that the permission be granted subject to the conditions listed in the report.

Key issues highlighted included: the location of the site and its current use; the boundaries and treatments on the site; the relationship of the site in relation to that owned and used by the business; the access arrangements to the site; that the site falls outside but adjacent the development boundary for the settlement of Cricklade but within the area of the existing industrial estate identified in the neighbourhood plan; that unplanned employment sites are able to come forward to expand existing facilities under WCS Cor Policy Cp34 subject to a range of criteria and other development plan policies; the local concerns about the impact of the proposals in particular in relation to highways, but that the views of highways officer was that the application would not present a severe cumulative impact and was therefore permissible; that a full flood risk assessment had been submitted and considered by the drainage engineers.

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

Members of the public then had the opportunity to address the Committee, as detailed above.

At the start of the debate a proposal was moved by Councillor Chuck Berry and seconded by Councillor Howard Greenman to grant permission in accordance with the officer's recommendation.

During the debate the main points raised were: the conditions in relation to traffic; that the site must be considered on its own merits; the economic impact of the application; and the impact of the proposals on traffic movements.

At the conclusion of the debate, the meeting unanimously;

Resolved

That permission be granted subject to the following conditions:

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

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

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

Design and Access Statement
Existing Site location Plan
Elevation and Section Proposed TA 16 071 36 REV A
All Received 08/08/2017

Site Location Plans; TA 16 071 20 REV A
Received 5/9/2017

Proposed Site Access Arrangements T344/1
PFA Consulting Transport Statement December 2017
Received 15/02/2018
(TA Addendum Statement Received 05/04/2018)

Site Location Plan Proposed TA 16 071 30 REV A
GF Warehouse and Ground & first Floor Office Proposed Plans TA 16 071 35 REV B
Site Plan TA 16 071 31 REV A
Received 20/04/2018

Flood Risk Assessment BR-533-0005 REV A May 2018
Received 14/05/2018

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

3. The development hereby permitted shall not, at any time, be subdivided into a larger number of units.

REASON: To enable the Local Planning Authority to consider individually whether planning permission should be granted for additional units on the site.

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), the site shall be used solely for purposes within Class(es) B8 Warehouse and B1 Ancillary Office of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as

amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

5. The development hereby permitted shall not be brought into use until a plan showing the precise location of any areas of open storage and specifying a maximum height of open storage within such area(s) has been submitted to and approved in writing by the Local Planning Authority. No materials, goods, plants, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored on the site outside the approved storage area, or above the height agreed as part of this condition.

REASON: In the interests of the appearance of the site and the amenities of the area.

6. The B8 Warehouse use hereby permitted shall only take place between the hours of [06:00 hours in the morning and 18:00 hours in the evening) from Mondays to Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

7. 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 2.4metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 120metres in both directions from the centre of the access in accordance with the approved plans (Proposed Site Arrangements, numbered T344/1). Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1m above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

8. No part of the development hereby approved shall be first brought into use until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

9. No part of the development hereby permitted shall be first brought into use until the access (Proposed Site Arrangements, numbered T344/1), 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.

10. No development shall commence on site until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

11. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interests of residential amenity.

12. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: In the interests of residential amenity and the environment and air quality.

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 (including asbestos) 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 must be produced. 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: 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. The construction of the Warehouse Building hereby permitted shall not commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use 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.

- 15.** The construction of the Warehouse Building hereby permitted shall not 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. The development hereby approved shall not be first brought into use 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.

- 16.** 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 brought into use.

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

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

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

INFORMATIVES TO APPLICANT:

- 18. 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.**
- 19. 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.**
- 20. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.**
- If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.**
- 21. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.**

22 Urgent Items

There were no urgent items.

(Duration of meeting: 3.00 - 4.43 pm)

The Officer who has produced these minutes is Stuart Figini of Democratic Services, direct line 01225 718221, e-mail stuart.figini@wiltshire.gov.uk

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

Wiltshire Council
Northern Area Planning Committee
11th July 2018

Planning Appeals Received between 01/06/2018 and 29/06/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overtturn at Cttee
17/08188/OUT	Land at Purton Road, Swindon	PURTON	Outline application for a residential development of up to 81 dwellings and associated infrastructure with all matters reserved with the exception of access.	DEL	Inquiry	Refuse	Inquiry	No

There are no Planning Appeals Decided between 01/06/2018 and 29/06/2018

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	11th July 2018
Application Number	17/05828/FUL
Site Address	Former Wiltshire College, Cocklebury Road, Chippenham, Wiltshire, SN15 3QD
Proposal	Demolition of Existing Buildings and the Erection of a 140 Unit Extra Care Facility (of which three are duplexes) (Use Class C2) Comprising of 21,602.6 sq m (gross external) of Floorspace Over Five Storeys (four storey building with a five storey recessed), Three Units for Uses within A1/A2/A3, 97 Car Parking Spaces Split Across the Basement (85 no. spaces) and Ground Floor Level (12 no. spaces) and Associated Access and Landscaping
Applicant	C Squared Property Developments (Chippenham) Ltd
Town/Parish Council	Chippenham
Electoral Division	Chippenham Monkton – Cllr Murry
Grid Ref	392341 173794
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

To update members of the Committee.

1. Purpose of Report

To update members of the committee as to the actions of officers since the resolution at the meeting of the 21st March 2018.

2. Report Summary

Members will recall that the resolution of the Committee with respect to the application was as follows:-

Resolved:

To delegate authority to the Head of Development Management to GRANT planning permission, subject to conditions and completion of a S106 legal agreement within three 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 originally 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 is therefore contrary to Policies CP3 and CP43 of the Wiltshire Core Strategy Adopted January 2015.

The S106 agreement has been completed and the decision issued. However, there was a slight delay in the formal completion of the agreement meaning that it was not signed and sealed until 27th June 2018. This was one week after the 3 month deadline imposed by the resolution. The reason for the slight delay related to workload commitments and staff availability for both parties. However the substantive content of the agreement was finalised within the deadline and reflected in full the requirements detailed in the report to Committee. As such officers considered that the interests of all parties were not prejudiced in any way by this slight delay and so continued to completion of the agreement. Furthermore it was also considered that to report back to Committee to seek an extension of time was not necessary in this instance given the very slight delay involved and as to do so would have caused further delay to determination, alongside additional costs and workload for all concerned, disproportionate to the matter at hand.

RECOMMENDATION:

The committee note the update as to determination of the application.

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	11th July 2018
Application Number	18/02153/FUL
Site Address	Keynes House The Derry Ashton Keynes SN6 6PW
Proposal	Change of Use of land from Agriculture to a Dog Exercise / Training Area, the Erection of a 1.9 m deer proof fence and the creation of a car parking area
Applicant	Mr & Mrs R Macdonald
Town/Parish Council	ASHTON KEYNES
Electoral Division	MINETY – Cllr Chuck Berry
Grid Ref	404676 193677
Type of application	Full Planning
Case Officer	Michael Akinola

Reason for the application being considered by Committee

Application called in by Councillor Chuck Berry for the consideration of the proposals regarding the location of the development, relationship to adjoining properties with regard to noise and the potential impacts on residential amenity; and potential impacts in respect of visual amenity and highways.

1. Purpose of Report

To consider the above application and to recommend **APPROVAL** subject to conditions

2. Report Summary

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

- Principle of development
- The scale, design and layout of the proposals and impact on visual amenity
- Impact on the residential amenity
- Impact on highways
- Impact on designated heritage assets

Ashton Keynes Parish Council objects to the proposals. 6 representations of support and 38 objections from members of the public were received.

3. Site Description

The application site is located to the south-west of Ashton Keynes within the conservation area, outside but adjoining the Ashton Keynes settlement boundary. The proposal site is relatively large with approx. 1.50ha plot of land available and with residential properties to either side but with open boundaries to the north. The site is agricultural land and was previously in use for hay production and sheep grazing for local farmers. Deer proof fencing was recently erected at this site.

By vehicular access, the site is reached by the Derrys, a single lane track that runs from west to east following access from the B4696 or the High Road. This access has historically been used to accommodate the movement of residential vehicles, large vehicles and buses and is in a poor state of repair.

The site in question is predominantly flat and relatively open from the north and north east of the site; however from east and west of the site it is moderately obscured by hedges and mature trees. The south of the site is the principle access point and is prominent in views in and out of the site. The site is also partially visible from the south east corner, south from the entrance and south west corner.

Various residential properties are located around the site at varying distances; the south west residents of the Derry 1-15, with the closet No.1, approx. 90m, to the east the closet residence is 160m, to the north 245m; and north-west residence 100m away from the application site.

As stated above the site lies within the Ashton Keynes Conservation Area featuring several listed properties including the Derry (no.5), Ashton House, River wall and bridge and the bridge to garden house and Ashton House all listed.

4. Planning History

18/00214/ENF – Change of use of land to secure dog walking area

5. The Proposal

The proposal is for a change of use of land from agriculture to a dog exercise/training area, to erect a 1.9m deer proof fence and the creation of a car parking area. The application follows submissions to the Council that use of the land for dog walking and exercise had commenced and which prompted an Enforcement Investigation.

The existing open site characteristics would largely be retained as deer proof fencing and the resurfacing of an area of the site with sand and gravel to create car parking spaces to accommodate the visiting customers would constitute the only built elements of the proposals.

The proposal is for a facility to securely train dogs or for general dog walking and exercise. The planning statement identifies that extensive research has been carried out in respect of the proposed use and activities. It goes on to state that though there are available public spaces that can be used for these activities, the site would predominately accommodate dogs with social or behavioural issues and whose owners would rather not let them mix with other dogs.

With regards to waste disposal, the planning statement indicates that provision will be made for users to dispose of mess created by their dogs as they would in a public space.

The site is to be of gated access which will be opened by provision of a code that will be provided to users via a receipt once they have payed online; this is intended to help mitigate the amount of dogs in each paddock as well as the amount of cars driving to and from the site at once through The Derry. The proposed hours of operation were originally 07:00hrs to 21:00hrs Monday to Friday, 08.30hrs to 21:00hrs on weekends and bank holiday but following consultation, including with public protection and highways officers, the applicant has revised the proposed opening times to 07.30hrs to 18:00hrs from Monday to Saturday with no use of the site on Sunday and public holidays.

The existing entrance is off the B4696 and through The Derry that would form the main access into the site, however due to poor nature of The Derry single lane and the regular use by residence it is proposed that vehicles accessing the site would come off the High Road as it represents a shorter journey to the site with less use of the Derry.

6. Planning Policy

National Planning Policy Framework 2012 (NPPF)

Achieving sustainable development – Core Planning Principles (Paragraphs 7, 11, 14 & 17)

Chapter 1- Building a strong, competitive economy (Paragraphs 18, 19 & 21)

Chapter 3- Supporting a prosperous rural economy (Paragraph 28)

Chapter 4- Promoting Sustainable Transport (Paragraphs 30, 32, 36 & 41)

Chapter 7- Requiring Good Design (Paragraphs 56, 57, 58, 65 & 66)

Chapter 12- Conserving and enhancing the historic environment (Paragraphs 126, 127, 128, 129, 131, 132 & 137)

Wiltshire Core Strategy (WCS) (Adopted January 2015)

Core Policy 1 - Settlement Strategy

Core Policy 2 - Delivery Strategy

Core Policy 34 - Additional Employment Land

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 61 - Transport and New Development

Core Policy 62 - Development impacts on the transport network

North Wiltshire Local Plan 2011

NE14 - Trees and the control of new development

NE18 – Noise and Pollution

Ashton Keynes Neighbourhood Plan 2017

INP2- Road and Pedestrian Safety

AMP4 - Car Parking

ENP3 - Enhancing the landscape character of the Parish and retaining the character of the village including the tranquillity of its setting

HCP1- Local character

7. Summary of consultation responses

Ashton Keynes Parish Council:

OBJECT to the application due to a number of reasons;

- The noise generated from dog barking will impact the tranquillity of the conservation area and residents adjacent, especially the proposed opening and closing times of 7am to 9pm Monday to Friday and 8.30am to 9pm on weekends as well as bank holiday all year round.

- The increased level of traffic from the proposed development is unlikely to be served by public transport or encourage walking or cycling and is contrary to the transport guidance and the planning policies. Furthermore, the proposed site lies parallel with a public footpath which could cause users of the footpath further issues.
- The erected fence is contrary to that of the statement made in the application
- The location is not suitable due to close proximity of settlement
- The statement states the users are obligated to clean up after use; but there is no assurance on how waste from dogs will be managed.

Highways:

Initial objection on the basis of the traffic generated from the proposal utilising a road that by virtue of its function in the highway network and its inadequate width and alignment is considered unsuitable to accommodate the increase in traffic from the development.

Following the submission of a Transport Statement Highways Officers withdrew their objection subject to the use of the site being conditioned in respect of hours and method of operation.

Conservation Officer:

No Objections.

Public Protection/Environmental Health:

Approve subject to a number of conditions;

- The opening and closing hours will be between 07:30hrs to 18:00hrs Monday to Saturday with no opening hours on Sunday or public holiday
- The maximum amount of dogs in one paddock at a time should be 2
- Dogs should be supervised at all times by its owner
- Noise management plan detailing how the applicant will mitigate dog barking noise and how noise complaints as the result of this barking will be dealt with, would need to be agreed in writing with the local planning authority within 30 days of approval of the application
- There would be no erection of external lighting installed on site.
- Temporary permission of between a 12 to 18 months trial run to assess the suitability of the site and potential for complaint.

8. Publicity

The application was advertised by neighbour letters, Parish council notification and site notice. This generated 38 letters of objection and 6 letters of support. A summary of the representations is set out below:

Objections

Noise – impact of constant dog barking will affect tranquillity of the Conservation area especially proposed opening and closing time.

Necessity of Developments – Majority of comments online suggest there isn't a need for this type of development in this area especially when there is one nearby in Ashton Rd, Leigh.

Location – Within the village boundary is not a suitable place for such a business. They suggest there are two other dog exercise fields within three miles and both are located away from residential areas. They also question the need for a third field within the vicinity.

Impact on Traffic – The Derry is a narrow lane used by residents, it's already in a poor state and additional number of car movements could see traffic increase by up to circa 1,100 per week.

Visual Impact – the site is visible from public view; the fencing already erected can be seen. These views are important as the existing agricultural land forms important vistas that are intrinsic to the village character.

Support

Dog safety – some of the dogs in the area are rescued, it's a great idea for dogs with behavioural issues to walk/run freely without running with others dogs.

Dog theft – there has been an increase in amount of dogs being stolen whilst people are out on walks, it's why it would be a good idea...a secure and safe field.

Impact on waste – usually left around pavements or public fields, the proposed training area will have an impact on the way dog faeces are disposed.

9. Planning Considerations

Policy and 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) and the Ashton Keynes Neighbourhood Plan (AKNP) (made May 2017).

The site is located outside of but adjoining the defined settlement boundary for the village and is not allocated for any specific use. The adopted development plan documents contain no specific policy expressly dealing with this type of land use in this location. The proposal is a commercial facility and therefore can be considered in terms of rural employment policies at national and local level. CP34 of the WCS and paras 18, 19, 21 & 28 of the NPPF are of relevance. CP34 and para 28 of the NPPF support such proposals subject to a range of criteria and site specific policies. In this instance the proposal is considered to meet a number of objectives in terms of local employment and rural diversification whilst relating to a site situated in close proximity to a large village. The proposals themselves will generate local income and provide for a local community service. Whilst not of large scale and significance in employment and economic terms there are some benefits and a broad level of compatibility with national aims and objectives for rural employment and diversification such that it is not considered appropriate and defensible to refuse the application on the basis of an in principle conflict with the development plan and local and national policies.

In this context it is noted that the need for the development is disputed, however it is a well-established principle that Local Planning Authorities should not refuse applications purely on the grounds that they consider that there is no need for development. Commercial considerations are a matter for the applicants and developers, and the markets will determine the success and delivery of proposed development. As is noted above the applicant has undertaken their own research into this matter and do consider that there is a need and demand for this form of commercial operation.

It is therefore considered that the proposals are not in conflict with the development plan in principle such that consent ought to be refused on this basis and it is therefore necessary to consider the site specific impacts of development and compliance with other development plan policies. This is addressed under subject specific headings below.

Impact on visual amenity and the character and appearance of the locality

Core Policy 57 requires that proposed development must relate positively to the landscape setting and existing pattern of development in terms of building layouts, built form, height, mass, scale, building line, plot size, etc in order to effectively integrate into its setting. Development must also make efficient use of land whilst taking into account of the characteristics of the site and local context to deliver appropriate development which relates effectively to the immediate setting and the wider character of the area. Core Policy 51 requires that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. AKNP Policy ENP3 requires that development in the Parish should protect, conserve and where possible enhance landscape character. These policy requirements reflect and accord with the relevant paras of the NPPF including para 17.

Submitted representations identify that the proposal site is visible and if a change of use was granted, the existing agricultural land, which forms important vistas for the village, would be lost and as a result would impact the visual character of the locality.

The proposal site will feature approximately 4 car parking spaces with a mixture of sand and gravel surface partially shielded by mature trees to the south alongside the deer proof fencing and the activity of individuals on site with their dogs. The existing landscape features and mature trees will partially mitigate the visual impact of the parking area fencing and use of the site, as these features significantly reduce views into the site. When viewed from the adjacent highway and surrounding residential development the proposed development is not considered to result in any significant adverse impact on the character and appearance of the locality such that consent should and could defensibly be refused on this basis.

A number of Objectors have made specific reference to the erection of the deer proof fence and its impact on visual amenity of the surrounding neighbours. Objectors have referenced the Ashton Keynes Neighbour Plan 2015 policy ENP3; however, given the already erected fence falls under permitted development rights which states that fences should be no more than 2m in height for it to be classed as permitted development it is not considered that this constitutes a sound and defensible basis for a refusal. In addition the fencing is not entirely unusual in this type of locations and not so out of character as to be considered harmful and in conflict with policies for the protection of landscape character and appearance.

Furthermore, when considering the minor alterations made, the site would largely still be viewed and perceived as an open green space and it is considered that the development on site and the use of the site would not have an adverse impact on the visual amenity of the neighbours that is significant enough to warrant refusal.

Core Policy 51 states that any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. It is considered that the limited impact of development could be further mitigated by some limited planting and landscaping to augment existing boundaries and features. This matter can be addressed via the use of condition. In addition conditions are proposed to control the use of lighting on site which further reduces visual impact of the proposals.

The proposal is therefore considered to be in accordance with Core Policies 51, 57 and AKNP Policy ENP3 and thereby also meets the relevant provisions of CP34.

Residential amenity

Core Policy 57 and NPPF para 17 seek to ensure that proposed development has regard to the compatibility of development with adjoining buildings and uses, alongside minimising the

impact on the amenities of existing occupants and ensuring that appropriate levels of amenity are achievable within the development. This includes consideration of privacy, overshadowing, vibration and pollution (e.g light intrusion, noise, smoke, fumes, effluent, waste or litter).

The nearest residential properties are built around the site of varying distances from the site; the south west residents are The Derry 1-15, with the closet No.1, approx. 90m, the east residents is 160m, the north residents 245m and north-west residence 100m away from the proposed site.

The application has generated 38 letters of objections and 6 letters of supports, and there is clearly a degree of local concern as to the impact of development particularly in relation to noise. This is to a certain extent reflected in the consultation response of the council's public protection department. Objectors have raised concerns relating to noise pollution generated from dog barking and additional noise such as whistles from dog owners.

The Council's public protection officers have proposed a suite of conditions aimed at mitigating concerns in respect of noise and harm to residential amenities. These include in respect of hours of operation. The original proposal was 07:00 to 21:00 Monday to Friday and the operation hours 08:30 to 21:00 on weekends as well as public holidays. Following consultation a revision was proposed to 07:30 to 18:00 Monday to Saturday with no opening on Sunday and bank holiday. This is agreed by the applicant.

The proposed number of dogs in one paddock was originally 5, however public protection officers suggested the maximum amount of dogs in one paddock at any one time should be limited to 2 and these dogs should be supervised at all times by their owners. Furthermore, Officers requested a noise management plan detailing how the applicant will mitigate dog barking noise and how noise complaints as the result of this dog barking will be dealt with, and it was suggested that this would also need to be agreed in writing with the local planning authority within 30 days of approval of the application. Conditions are proposed in this respect and are agreed by the applicant.

Additionally officers recommended that no erection of external lighting should be installed on site meaning during winter months as a result of shorter days and as hours of operation were likely to be significantly shorter without such provision, which was consider to be intrusive and a potential cause of disturbance to neighbouring properties and residential amenities.

Finally, and of most importance Officers proposed that the application be limited to a temporary period to assess the impact of development. The suggestion of between 12 to 18 months as a trial run to assess the suitability of the site was made. This approach is considered appropriate and in accordance with the national guidance on the use of conditions. The applicant has agreed to a 12 month period of test operation and a condition is proposed in this respect.

Given this suite of conditions and in particular the temporary test period for consent it is considered that potential impacts to residential amenity are capable of being sufficiently mitigated such that conflict with relevant plan policies is not so significant as to warrant refusal at this stage.

Impact on Highways

Core Policy 61 requires that proposed developments are capable of being served by safe access to the highway network and that new development should be located and designed to reduce the need to travel particularly by private car. Core Policy 62 stipulates that developments should provide appropriate mitigating measures to offset any adverse impacts

on the transport network at both the construction and operational stages. AKNP Policy INP2 Road and Pedestrian Safety states that development proposals that lead to an increase in road and pedestrian safety risk will not be supported.

The majority of the objections received from the public and residents placed emphasis on the proposals' adverse impact on the single lane track of the Derry, which is utilised frequently by the residents. Highways officers initially raised objection to the proposed development due to the impact to the Derry given the potential increase in vehicle movements and the form and nature of the lane.

The AKNP identifies that there are congestion issues within the village, specifically at peak times around school drop off and pick up times and this is also evident to officers through site visits to the Ashton Keynes village.

On this basis, a site visit was suggested by the agent and highways officers to assess matters and consider how the proposed development could avoid creating additional impact to the narrow lane of the Derry. Following their meeting, the submission of a transport statement was made.

The transport statement issued demonstrated how the impact of the proposed development in highways terms could be mitigated, including:

- Max of 10 slots per day per paddock
- 50mins slots at a time and booking for second paddock will resume 30 mins after
- On this basis, there would be one car per paddock with 10mins period to enable previous users to leave.
- The reduction to 20 cars a day and shorter hours of operation in winter of 08.00hrs – 16:00hrs will result in less impact to the Derry.
- The direction to the site will also be changed from the west (B4696) to the east (High Road) to reduce travel time from the Derry to 265m from 330m avoiding houses on the west that use the road frequently.
- To implement this action the pre-booking information will state what road to use on the receipt and a sign would be mounted on site stipulating vehicles can only turn left to eastern route out of the Derry.

Subsequently after the submission and consideration of the transport statement highways officers withdrew their objections and are now in position to support the application, subject to the use of the site being conditioned along the lines of the proposed hours and method of operation found within the above bullet points. Officers considered that the staggering of time slots would significantly reduce the impact the proposal would cause on the Derry, as there would only be one car exiting at a time. Furthermore, the majority of the residents using the Derry are heading to the west of the site where the majority of residential properties are located. By changing the direction of exit to the east, the users of the site would avoid homes or creating additional traffic within the western area. Consequently Officers consider that the impact of the proposals on the highways network could not be assessed as severe in cumulative impact terms and therefore not in conflict with para 34 of the NPPF and CP61 of the WCS.

Therefore the proposal is considered not to have a significant detrimental impact on highway safety in accordance with Core Policies 61 and 62 and AKNP Policy INP2.

Impact on the historic character and appearance of the Ashton Keynes Conservation Area

Core Policy 58 states that development should protect, conserve and enhance where possible the historic environment, including the special character and appearance of Conservation Areas. In addition, Core Policy 57 requires proposals to be sympathetic to and conserve historic buildings and landscapes. AKNP Policy HCP1 details that styles, proportions, materials and finishes used for new build and conversions of both residential and commercial properties must be in harmony with their surroundings, in particular when these are in close proximity to Listed Buildings and Scheduled Monuments.

The proposal site is within the Ashton Keynes Conservation Area which features a number of listed buildings some within the locality of the site. The nearest Listed Buildings are however a significant distance from the proposal site, with the nearest being 162m to the north east and 178m to the South West.

In regards to the conservation area of Ashton Keynes the existing hedge and mature trees already provides a degree of screening and because the built structures associated with the development are modest in scale it is not considered to significantly impact the setting of the Conservation Area or the setting of the listed buildings in the locality. Similarly the use of the site itself is not considered to result in harm to the setting of designated heritage assets given existing site characteristics including mature vegetation and the use of conditions for additional landscaping and planting.

The Council's Senior Conservation Officer was consulted and has raised no objection to the proposed development and identified no harm to designated heritage assets.

As noted above the site is subject to a degree of screening by existing vegetation and it is proposed to utilise conditions to augment this situation through additional landscaping and planting. Similarly conditions are proposed in respect of lighting and hours of operation.

On this basis it is not considered that the proposed development and land use activity will have any harmful impact on the setting of the Conservation Area or setting of nearby listed buildings and is in accordance with Core Policies 57, 58 WCS and AKNP Policy HCP1.

Other matters

The application site is subject of some constraints in respect of drainage however given the nature and form of the proposals, including very limited built structures, it is not considered that there would be any significant impact in this respect.

With respect to on site waste the proposals include a statement as to approach but it is considered reasonable and necessary to seek further details for agreement in this respect. This matter can be satisfactorily addressed by condition.

10. Conclusion (The Planning Balance)

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 as do paragraphs 2, 11 and 196 of the NPPF

The proposal site is outside but directly adjoining the defined settlement boundary of the large village of Ashton Keynes but is located within the village conservation area. The site is not allocated for any form of development in the adopted development plan documents. There are no specific policies dealing with the proposed use of land for dog walking proposals. The proposed development is a commercial scheme in a rural location and so falls to be considered as an employment/rural diversification type of land use proposal. NPPF guidance in particular para 28 is supportive of proposals of this nature. CP34 WCS provides some level of support for new employment related uses. The proposal will result in

some level of local benefits. It is also inappropriate to refuse applications for development solely on the basis of an assertion that the development is not required. As such it is not considered that the scheme could defensibly be refused as unacceptable and in conflict with the development plan in principle.

Site specific impacts in terms of visual amenity, character and appearance of the area and harm to designated heritage assets are considered to be very limited given the nature of the proposals incorporating limited built development; and given the nature and existing characteristics of the site. The limited impacts in these respects are readily capable of mitigation through the use of conditions and it is considered unreasonable and indefensible to refuse the proposals on these grounds given this context.

With respect to impact to residential amenities, especially in terms of noise, a suite of conditions are proposed which are considered to mitigate the potential for significant harm to arise such that consent can be recommended. In this respect the proposed temporary nature of the consent in order to test the impact of the proposals is particularly relevant and is in direct accord with national guidance as to the appropriate approach in such circumstances.

Regarding traffic generation and impact to the highway network submissions have been made including proposals for mitigation which have been assessed and considered by Highways officers in the context of the site circumstances. Subject to conditions requiring the implementation of these mitigation measures officers raise no objection and consider the impacts to be significantly reduced. Given these provisions it is not considered that the proposals would result in a severe cumulative impact such that there is conflict with national guidance and development plan policy and that consent ought to be refused on this basis.

As such it is considered that the proposal is acceptable in planning terms and in accordance with the provisions of the Wiltshire Core Strategy, Ashton Keynes Neighbourhood Plan and the NPPF.

11. 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 The development hereby permitted shall be carried out in accordance with the following approved plans: KCC 1, KCC 2 and KCC 3 [Received on the 13th of March 2018]

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

- 3 The use hereby permitted shall not commence until a Noise Management Plan detailing how the applicant will mitigate dog barking noise and how noise complaints as the result of this barking will be dealt with has been submitted to and agreed in writing with the local planning authority. The development hereby approved shall be implemented and operated in accordance with the approved details thereafter.

REASON: In the interest of residential amenity

4 That the Dog exercise/training facility operating hours shall be limited to 07:30 to 18:00 hrs Monday to Saturdays with no operations on Sunday and public holidays and in winter operations hours shall be limited to 08:00 to 16:00 hrs Monday to Saturday with no operations hours on Sunday and public holidays

REASON: In the interests of Residential Amenity

5 The maximum amount of dogs in one paddock at a time shall be limited to 2 Dogs and these dogs shall be supervised at all times by their owners.

REASON: In the interests of Residential Amenity.

6 There shall be no erection of external lighting installed on site without the prior consent of the Local Planning Authority.

REASON: In the interests of Residential Amenity and the character and appearance of the locality.

7 The change use from agriculture to dog exercising facility hereby permitted shall be discontinued and the land restored to its former condition on or before [11th of July 2019] in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority prior to that date.

REASON: In the interests of amenity, in order to secure the restoration of the land upon removal/extinguishment of a building/use for which permission can be justified only on the basis of a special temporary need.

8 The development shall be carried out as specified in the approved Transport statement KCC2531 prepared by Kernon Countryside Consultants Limited dated 21st June 2018.

REASON: In the interests of highway safety and impact.

9 Prior to the development first being brought into use a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- means of enclosure;
- car park layouts;
- all hard and soft surfacing materials;
- tree(s), of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

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

important landscape features.

- 10 The development hereby permitted shall not be brought into use until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority, and; the approved refuse storage has been completed and made available for use in accordance with the approved details. The approved refuse storage shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of public health and safety.

- 11 INFORMATIVE TO APPLICANT:

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

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

- 12 INFORMATIVE TO APPLICANT:

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

- 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.

18/02153/FUL
Keynes House
The Derry
Ashton Keynes
Swindon
SN6 6PW



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	11 July 2018
Application Number	18/03185/FUL
Site Address	The Barns at Mays Farm 25 The Street Hullavington Wiltshire SN14 6DP
Proposal	Erection of 2 No new dwellings
Applicant	Evil Panda Ltd
Town/Parish Council	HULLAVINGTON
Electoral Division	BY BROOK – Councillor Scott
Grid Ref	389581 182050
Type of application	Full Planning
Case Officer	Kate Clark

Reason for the application being considered by Committee

The Application was called in for Committee determination by Councillor Scott to consider the impact of the proposed dwellings on the adjacent properties and to consider the adequacy of the access and highway safety.

1. Purpose of Report

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

2. Report Summary

The main issues in consideration of this planning application are as follows;

- Principle of development
- Impact on the scale and character of the existing site/buildings
- Impact on the context and character of the surrounding area heritage assets
- Impact on neighbour amenity
- Parking/highways
- Neighbourhood Plan

3. Site Description

The application site relates to land at Mays Farm, Hullavington, a former farm complex set within the built envelope of the historic village centre and now subdivided into separate ownership parcels comprising the farmhouse and outbuildings together with the former cattle byres and large threshing

barn now converted into residential accommodation. All are Grade II-listed although the closest Conservation Area is found at Hullavington airfield, further east. The site lies to the rear of the adjacent Lawn Farm development of 14 new dwellings, and to the south east lies agricultural land and Hullavington airbase. The current development framework boundary for the village (which is defined as a 'Large Village' for the purposes of the development plan) runs directly behind the Mays Farmhouse curtilage, stepping out to encompass agricultural land to the rear of the barns and Lawn Farm to include part of a private track which continues northeast behind the rear edge of neighbouring Chapel Corner.

4. Planning History

None immediately relating to the application site itself

5. The Proposal

Permission is sought for the erection of 2 No dwellings with access gained from 'The Street'. Plans show the 4 dwellings to be of natural stone with slate roofs. Between the dwellings a garage will serve both properties.

6. Planning Policy

Relevant Planning Policies:

Core Policies 1 (Settlement strategy),
2 (Delivery strategy),
48 (Supporting rural life),
50 (Biodiversity and geodiversity),
51 (Landscape),
57 (Ensuring high quality design and place shaping),
58 (Ensuring the conservation of the historic environment),
60 (Sustainable transport),
61 (Transport and development) and
64 (Demand management) of the adopted Wiltshire Core Strategy.

National Planning Policy Framework.

Sections 4 (Promoting sustainable transport),
6 (Delivering a wide choice of high quality homes),
7 (Requiring good design),
11 (Conserving and enhancing the natural environment) and
12 (Conserving and enhancing the historic environment)

7. Consultations

Hullavington Parish Council – Object

- Ingress and egress of vehicles to and from The Street and safety of pedestrians
- Access for emergency vehicles
- Proximity to listed buildings and walls
- Part of the proposed access road would appear to be outside the settlement boundary and on agricultural land.

Highways - No objection subject to conditions.

Ecology - The Council's Ecologist has no objection to the scheme however has suggested informatives relating to the disturbance of reptiles.

8. Publicity

The application was advertised by neighbour letter and site notice.

5 letters of representation have been received including one on behalf of occupiers of 5, 6 and 7 Old Farm Close – comments are summarised below;

- Inadequate, dangerous access
- Inadequate access for fire trucks
- Overlooking
- Overbearing impact
- Overshadowing
- Noise and disturbance
- Impact on listed buildings
- Loss of views
- Changes to framework boundary in Neighbourhood plan
- Access track lays outside framework boundary
- Houses orientation unlike surrounding dwellings
- Design, scale and design objectionable

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).

Policies CP1, CP2 and CP10 of the Wiltshire Core Strategy confirm that Hullavington is a Large Village and the application site is substantively within the boundaries of the defined settlement boundary

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

The defined settlement boundaries are to be reviewed as part of the Wiltshire Housing Site Allocations DPD. A draft DPD is in existence and proposes an amendment to the Hullavington settlement boundary which *excludes* the whole of the application site from being within the built-up area of the village. However, the DPD is still at a draft stage, prior to examination and has been subject to objections. In such a context, the draft DPD may only be afforded limited weight in decision making.

It is acknowledged that a section of the proposed access track leading from the rear of the farm complex to the proposed dwellings is currently outside of the defined settlement boundary. However, given the short length and positioning of the proposed access immediately adjacent to the settlement boundary, this form of development is not considered to conflict with the intentions of the settlement strategy and NPPF which look to restrict development in unsustainable locations.

Impact on the visual amenity of the locality and the historic character, appearance and setting of the heritage assets

WCS Core Policy 57 states 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 local context and being complimentary to the locality. Proposals must also respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials streetscape and rooflines to effectively integrate any proposal scheme into its setting. Development must also demonstrate how proposals will enhance local distinctiveness by responding to the value of the natural and historic environment whilst being sympathetic to and conserving historic buildings and landscapes.

WCS Core Policy 58 specifies that 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 including buildings and structures of special architectural or historic interest.

The site is located within the defined development framework boundary, where new residential development is considered acceptable in principle. The units are of a substantial size however they appear reasonably consistent in their proportion and density with the larger units at the far southeast end of the Lawn Farm site, which benefits from a less concentrated layout than other parts of the site.

As this site forms the outer edge of the village, visible over the adjoining fields and fronting toward the Conservation Area a high standard of design is expected. Plans demonstrated 2no. relatively substantial 4 bedroom dwellings, orientated to face the open countryside to the south-east. Parking is provided between the two houses in a bank of 4no. garages with provision for further parking to the front,

It is not considered that the proposal would have any greater impact than the recent development at Lawn Farm upon the setting of the listed buildings, the closest of which – the threshing barn – has itself undergone a radical transformation with conversion to residential use, removal of a large steel extension and addition of a modern domestic extension. As the proposals maintain the sense of space around the listed buildings and their open aspect and connection to the countryside to the southeast, it is considered that their significance would be preserved. The associated increased use of the main access track has been considered in these terms. On balance with the existing demands, however, it is considered that the limited increase in traffic (taking into account the below) would not be unduly deleterious to the tranquil character of this element, which is firmly bounded from the listed buildings to either side by stone walls.

Due to its design, scale and siting the development is considered to relate positively to the built form of the locality and would conserve and enhance the historic character, appearance and setting of the surrounding listed buildings in accordance with WCS Core Policies 57 (i, iii, iv, vi) and 58, paragraphs 131, 132, 134, 135 and 137 of the NPPF, S16(2) and 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.

The proposal would be visible from the listed building and would impact to a certain extent on its setting due to this reason. The recent housing development at Lawn Farm however is in closer proximity to the heritage assets. The additional 2No dwellings would not encroach on the retained amenity space which maintains the sense of openness to the north east of the barn and for these reasons would result in less than substantial harm. That harm is at the lower end of the scale

In accordance with paragraph 134 of the NPPF it is necessary that a balancing exercise is undertaken in order to determine if any discernible public benefit outweighs the identified less than substantial harm, including securing the optimum viable use of the heritage asset. Any public benefit must clearly and demonstrably outweigh any identified harm.

There is considered to be some public benefit associated with the erection of 2 dwellings within the settlement boundary (ie. increasing local housing supply). The proposal would also create some short term local economic benefit as a result of employment work during the construction phase. This is considered sufficient to outweigh the very limited harm identified in this instance.

Residential amenity

WCS Core Policy 57 states that all development must have regard to the compatibility of adjoining buildings and uses, the impacts on the amenities of existing occupants and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution (eg. light intrusion, noise, smoke, fumes, effluent waste or litter).

The dwellings are positioned towards the south of the plots and as such distances of 21m between first floor windows are maintained. It is noted that at ground floor these distance reduce to approximately 16m due to the single storey element housing the kitchens. Concerns have been raised in respect of the potential for overlooking from occupiers of the new properties towards those in the lawn farm development. However given the windows proposed are at ground floor only such an impact is considered negligible and can be further ameliorated by either the erection of a higher fence, raising the height of the wall or through a landscape scheme. Concerns have been raised regarding the potential for overshadowing and the development having an overbearing impact on occupiers at Old Farm Close however the plot sizes and distances involved would not warrant a refusal on this basis being of fairly standard level of separation.

Due to their scale, orientation and distance from the nearest properties, it is therefore considered that these units will not result in any significantly harmful or adverse impact on the existing level of amenity currently awarded to local residents in terms of overlooking, overshadowing or loss of privacy. In addition it is considered that the dwellings as proposed will provide an adequate level of amenity and living conditions to any future occupants. Comments are noted regarding the dwellings and garages presenting a solid 'block' of development across the whole plot however given the small gaps between the buildings and the significantly lower height of the garage building, this again, is not considered exceptionable.

Concerns have been raised relating to the potential noise and disturbance of the traffic movements to occupiers of Old Farm Close however given the garage buildings will effectively block direct views of the cars entering the site there is not considered to be a harmful effect on residential amenity in this respect and the proposal therefore accords with WCS Core Policy 57 (viii).

Parking and Highway safety

Concerns have been raised relating to the safety of the proposed access. WCS Core Policy 61 states that proposals must be served by safe access to the highways network. The Council's Highways Officer has raised no objections to the proposal. The parking and garage arrangements as shown in the plans demonstrate parking is to be achieved according to current parking standards. The Highways Officer has considered the scheme and confirmed that the access itself has adequate visibility and is to the rear of a footway that is approx. 5.5 m in width. Should there be occasion where conflicting vehicular movements occur at the access to the private track there is sufficient space for a vehicle to pull completely clear of the running carriageway and thus not be an impediment to traffic. The movements for an additional two dwellings through this access will not meet the criteria for severe or significant impact on the public highway. There is no reported accident data for The Street in Hullavington within the last eight years of accident data. As such the proposal is in accordance with CP61 in this respect.

10. Conclusion

The proposal is considered to be a sustainable form of development as it is located within the existing Hullavington settlement boundary, with the exception of the proposed access track to the rear of the site. However, given the small scale of the access track and its location immediately adjacent to the settlement boundary it is not considered to result in any significant conflict with the requirements of the settlement strategy. The development therefore meets the requirements contained within WCS Core Policies 1, 2 and 10 relating to small scale residential development within Large Villages.

The proposed design, layout and siting of the proposed dwellings and vehicle access are considered to respond positively to the adjacent listed buildings and would provide an increase in the supply of

housing. The proposed development is therefore in accordance with WCS Core Policies 57 and 58; Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Only limited harm to the setting to the listed buildings has been identified, which is considered to be outweighed by the public benefits associated with the grant of planning permission.

Due to their scale, orientation and distance from the nearest properties, it is considered that these units will not result in any unacceptable impacts on the existing level of amenity currently awarded to local residents in terms of overlooking, overshadowing or loss of privacy. In addition it is considered that the dwellings as proposed will provide an adequate level of amenity and living conditions to any future occupants. The proposal thus accords with CP57 of the Core Strategy for Wiltshire.

RECOMMENDATION - Permission subject to conditions

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:

Planning Statement SWLC.LPC4338

Topographical Survey

LPC/4338/SD2/5A

OS Site location plan

LPC/4338/SD2/2

LPC/4338/SD2/4A

LPC/4338/SD2/3A

LPC/4338/SD2/1B

Received 06.04.18

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

- 3 No dwelling on the development hereby approved shall be occupied until sufficient space for the parking of three vehicles together with a vehicular access thereto has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The said space shall not be used other than for the parking of vehicles or for the purpose of access.

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

- 4 The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
 - ii. A description of management responsibilities;
 - iii. A description of the construction programme;
 - iv. Site working hours and a named person for residents to contact;
 - v. Detailed Site logistics arrangements;
 - vi. Details regarding parking, deliveries, and storage;
 - vii. Details regarding dust mitigation;
 - viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
 - ix. Communication procedures with the LPA and local community regarding key construction issues - newsletters, fliers etc.

There shall be no burning undertaken on site at any time.

REASON: To protect the local amenity from any adverse effects of noise, dust, smoke and odour.

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

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

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

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

- 7 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: 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.

8 The development hereby permitted shall not be occupied until the approved sewage disposal works proposed have been completed in accordance with the submitted and approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to 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 external alterations.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslopes of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

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

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

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

b) means of enclosure;

c) all hard and soft surfacing materials;

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

14 INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works.

There is a low risk that reptiles could occur on the application site. All reptiles are legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and planning permission does not provide a defence against prosecution. In order to minimise the risk of reptiles occurring on the site, the developer is advised to clear the site and vegetation in a sympathetic manner during the autumn (September/October) or spring months (April-May) and to maintain the vegetation at a short height to make it unsuitable for reptiles until the construction works commence. If these species are found during the works, the applicant is advised to stop work and follow the advice of a professional ecologist to inform necessary mitigation and/or compensation measures.

15 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.

16 INFORMATIVE TO APPLICANT:

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

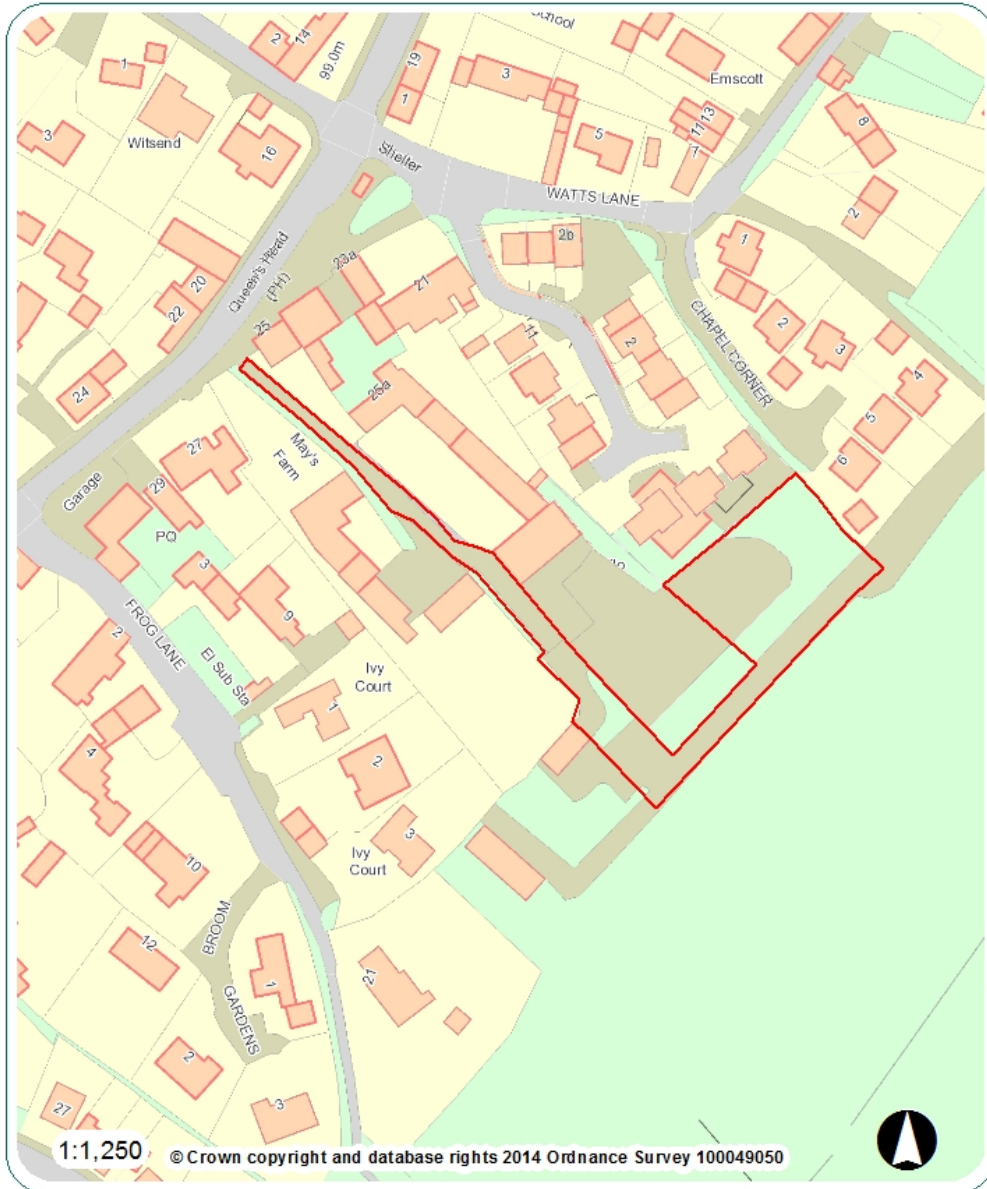
17 INFORMATIVE TO APPLICANT:

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.

18 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	11 July 2018
Application Number	17/12403/FUL
Site Address	Land at Kent End Back Street Ashton Keynes SN6 6PF
Proposal	Erection of two bedroom holiday cottage with mostly natural stone elevations and a natural slate roof above
Applicant	Mrs Laura Glynn Jones
Town/Parish Council	ASHTON KEYNES
Electoral Division	Councillor Chuck Berry
Grid Ref	
Type of application	Full Planning
Case Officer	Victoria Griffin

Reason for the application being considered by Committee

The application has been called in to Committee if minded to support by the local Councillor in order to consider the proposal in relation to the site context, scale and residential amenity. However, whilst the officer recommendation is now to refuse planning permission it is nonetheless considered necessary that the item should be determined by members.

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 **REFUSED**.

2. Report Summary

The key issues in the consideration of the application are as follows:

- Principle of development;
- Impact on the character and appearance of the Conservation Area and its setting;
- Impacts on local highways/parking; and

- Impact on neighbour amenity

Ashton Keynes Parish Council objects to the proposals.

3. Site Description

The application relates to a plot occupied by a building and its modest curtilage situated close to the junction of Back Lane, Kent End, Ashton Keynes, on the north side of the village of Ashton Keynes. The site is located within the Conservation Area and is bounded to the north by historic residential properties including no's 1-2 Kent End and no.4 Kent End which are delineated by high sided natural stone boundary walls which provide a reasonably rigid pattern of development along this part of the street. The site itself forms a small pocket of open space and greenery which punctuates the fairly built-up residential development situated in this part of Kent End. To the south the nearest neighbour is a property known as Willows, Kent End which is a detached dwelling.

The amenity space around the building is limited in size and is bordered by stone tiles with the area of grass presently overgrown with a small parking area accessed from the highway to the front of the garage/outbuilding and is situated on a left hand junction leading through Kent End. To the southern boundary is a vehicular access that serves No.4 Kent End leading to a detached single storey outbuilding.

A Scheduled Ancient Monument earthworks is located to the north of the site. There are no notable trees of character within the existing application site that are affected by the proposals.

No.11 North End Road is a grade II listed building situated to the south-west of the site and is visible from the site.

4. Planning History

No relevant planning history located on the site.

5. The Proposal

Planning permission is sought in respect of the erection of a 2 no. bed holiday cottage with natural stone elevations and a natural slate roof above following the replacement of the existing natural stone

outbuilding/garage. The site has been previously in use as a garden area and garage/outbuilding for no.2 Kent End, Ashton Keynes.

The garden area would be retained to provide a modest amenity space for the users of the holiday let with a parking space to the front. The site falls within the Ashton Keynes Conservation Area and is within the settlement framework boundary of Ashton Keynes.

6. Policies / Legislation

The Core Strategy for Wiltshire was formally adopted by the Council in January 2015. The Core Strategy forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's development Plan now comprises of:

- Core Strategy
- Saved Policies in the North Wiltshire Local Plan 2011
- Strategic Allocations plans (where relevant)
- Neighbourhood plans (where relevant)
- Minerals and Waste plan

Wiltshire Core Strategy:

Core Policy 1 (Settlement strategy)

Core Policy 3 – (Infrastructure requirement)

Core Policy 13 – (Spatial Strategy for the Malmesbury Community Area)

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 new development)

Core Policy 64 (Demand management)

National Planning Policy Framework

Paragraphs 14 & 17

Section 4 (Promoting sustainable transport)

Section 6 (Delivering a wide choice of high quality homes)

Section 7 (Requiring good design)

Section 11 (Conserving and enhancing the natural environment)

Section 12 (Conserving and enhancing the historic environment)

National Planning Policy Framework (March 2012)

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Core planning principles

Section 7 – Requiring good design

Section 12 – Conserving and enhancing the historic environment

Paragraphs 128 – 138 including:

Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework sets out the Government's high-level policies concerning heritage and sustainable development. (The Historic Environment Planning Practice Guide published jointly by CLG, dcms, and English Heritage provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and world heritage sites.) The National Planning Policy Framework can be awarded significant weight.

Ashton Keynes Neighbourhood Plan July 2017

Policy HSP3 – Additional Housing Developments

Policy HSP4 – Mix of housing types and tenure

Policy HSP6 – Housing for Older People

Policy INP1 – Flood risk mitigation in new developments

Policy INP2 – Road and pedestrian safety

Policy ENP1 – Protection of biodiversity and wildlife sites

Policy ENP3 – Enhancing the landscape character of the Parish and retaining the character of the village including the tranquillity of its setting

Policy HCP1 – Local character

Policy ECP3 – Recreation and Tourism

Legislation:

- Planning (LB&CA) Act 1990,
- Planning and Compulsory Purchase Act 2004

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

Other guidance:

Ashton Keynes Conservation Area Statement (1998)

- Ashton Keynes existing buildings key plan:

No's 2-4 Kent End are identified as being pre-1900

Buildings to the south of the application site are identified as being 1901-1994

Key features of the Ashton Keynes Conservation Area are identified to include:

- Protected buildings and features
- Buildings pre-1900
- Significant trees and foliage
- Valuable open space, paths and water courses

The site falls within Identity Area 10 – Kent End North (extract):

It states the properties are of irregular shape and size as well as not being in a straight line. They are mainly to one side of the northerly path. Many have smaller garages utilising smaller garages or former cottages (see figure 3).

Page 22 a photo (figure 3.) shows the garage/outbuilding and denotes "*the missing no.3 (Kent End) now a garage for Wall Cottage*".

7. Summary of consultation responses

Ashton Keynes Parish Council – Objection – (summarised):

- Harm to character of area
- Conflict with Neighbourhood Plan
- Proposal would dominate access to SAM
- Too large for small plot
- New holiday let is at variance with housing objectives of NP and need for smaller homes for elderly people

Highways – No objection – adequate access and parking provision shown

Ecology – No objection – subject to informatives

Environment Protection – No objection

Public Rights of Way Team – No objection subject to the footpath not being obstructed

Archaeology – No comments

Drainage – Recommend conditions following submission of further details

8. Publicity

The application was advertised by site notice and neighbour notification.

17 no. letters of objection were received from neighbours, raising the following points (summarised):

- Scale errors on plans – application should not have been validated
- Unclear on materials proposed
- No clarification on drainage and meeting BR compliance
- Should be a home for an elderly person in line with needs set out in NP
- Description as wasteland is misleading
- Just because it has been sold off does not mean it is acceptable for development
- Out of keeping with surrounding area
- Concern over building heights
- Harm to character and appearance of Conservation Area
- Over-development
- Design and Access Statement is not clear
- Inadequate parking and access
- At odds with AKNP
- Loss of historic standing stones
- Dormers are not in keeping with surrounding
- Roof profile out of context
- Openings on to the PROW
- Overlooking to no.2
- Rooflights highly visible
- Flues not PD and cannot be added
- Means of escape inadequate
- Level of parking inadequate
- Ecological assessment should be provided
- Loss of trees

- Inconsistencies with site area measurements
- Higher than existing buildings
- Demolition of historic building in Conservation Area
- Encroachment of holiday homes in conflict with AKNP
- Need for holiday accommodation not made
- Highway conflicts
- Overhanging eaves and incorrect certificates

One letter of support was also received from Willows Cottage situated to the south of the site.

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. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the Ashton Keynes Neighbourhood plan; and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

Principle of development

In this case, the Wiltshire Core Strategy (WCS), including those policies of the North Wiltshire Plan saved in the WCS set out in Appendix D, forms the relevant Development Plan for the Malmesbury Community area.

Accordingly WCS Core Policies 1 and 13 identify Ashton Keynes as one of a number of large villages. They are defined as settlements with a limited range of employment, services and facilities. 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.

WCS Core Policy 2, amongst other components, establishes a minimum housing requirement for each of the County's Housing Market Areas and sets out a role for settlement boundaries. Within a settlement boundary development is acceptable in principle; outside, other than in circumstances as permitted by other policies within the WCS, identified in paragraph 4.25, residential development will not be permitted.

It is widely established that the use of a building as holiday accommodation is considered to fall within Use Class C3 and would normally be described as a dwellinghouse. However the characteristics of

the proposed holiday accommodation use would need to be taken into consideration and would need to be appropriately controlled if a holiday letting were considered acceptable. This application seeks the demolition of the existing garage/outbuilding and the erection of a 2 no. bed holiday let within an identified settlement boundary, as such would accord with Core Strategy policies 1 and 2 and is generally considered to be acceptable in principle.

Impact on character and appearance

The site is located in a Conservation Area, and is surrounded by undesignated heritage assets and is visible from the entrance of no.11 North End Road a grade II listed cottage, to the south of the site which is set within large gardens. Paragraph 129 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraph 135 states that the significance of a non-designated heritage asset should be considered, and that regard should be had to the scale of any harm or loss and the significance of the heritage asset.

The Conservation Area Statement (1998) for Ashton Keynes describes the village as an 'agglomeration type, irregular grid' in which the most notable and unique features are the river and the four ancient crosses. The conservation area, by virtue of its designation is significant in heritage terms and this significance is likely to arise primarily from its historical and aesthetic value. Section 2.2 of the CAA identifies that there are no set features that can contribute to the Conservation Area; it can include the relationships of buildings and the spaces between them not just the designated buildings within them.

The site is positioned on a corner junction within a prominent part of Back Street/Kent End close to the junction and highly visible from the wider street. Presently, the existing building is single storey and subservient within this part of the street scene situated along the northern side of the plot. The proposal would introduce a two-storey 'L' shaped' dwellinghouse to be used as a holiday letting that would span the north and eastern edge of the site within a considerably constrained plot. The applicant has sought to address concerns raised with the reduction in the size of the building and the ridge height so that it appears less dominant within the wider area relative to the buildings that surround it. Having regard to the individual site's characteristics it is your officers' view that the relationship between the buildings and the site, including its open character in this part of the street scene and conservation area, is a significant and determinative factor.

The site, albeit whilst unkempt, does make a contribution to the verdant character of the area and this would be irrevocably harmed by the proposal. It is considered that the proposal would be of significant proportions that would appear unduly large and dominant having a considerable urbanising impact on

this part of the street which would be viewed within the wider context of the part of the setting to heritage assets, and influences the way these heritage assets are experienced by the public.

The existing low level building allows view of the cottages beyond the site and the view from the east towards the public footpath which are features of interest referenced in the Ashton Keynes Conservation Area Appraisal (1998). In this regard and in relation to the application site and its immediate surroundings in which it is experienced, the character remains that of a site of open character, which provides some relief within the more built-up surrounding area from public and private views.

The position, size and scale of the holiday let and its newly created domestic curtilage is such that it would stand alone within this plot and would fail to be visually connected to any of the surrounding groups of buildings, appearing at odds with the modest proportions of the site relative to the wider context. In coming to this view, officers' accept that the Ashton Keynes Conservation Area (1998) appraisal suggests that a cottage may have existed on the site, now in use as a garage/outbuilding. However the modest proportions of the existing building and its undeveloped nature of this space has since and for a considerable amount of time formed part of the character and appearance of the conservation area and setting of heritage assets.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The level of harm would be 'less than substantial' but significant importance and weight is being attached to it. To that end it is considered therefore that the size, position and scale of the proposed holiday let is considered to cause harm to the significance of the conservation area and setting of heritage assets within this part of the wider street scene. Notwithstanding the use of high quality materials the proposal is considered to fail to accord with CP 57 and 58 of the Wiltshire Core Strategy and paragraphs 131, 132, 134, 135 and 137 of the NPPF.

Impact on highways/parking

The proposals have met with concern over the lack of allocated parking and existing/increased pressure for on-street spaces from immediate neighbours and on a prominent junction with Kent End/Back Street. Despite the lack of parking, current Wiltshire Car Parking Strategy require two on-site parking spaces to be provided for a two or three bedroom dwelling, this proposal demonstrates 1 no. allocated parking space. Despite this, the Council's Highway Engineer has had regard to the existing informal situation which provides some parking within the existing garage and as such having regard to the existing site context has not generated an objection from the Highway Engineer. However it is possible that this would result in increased pressure on an already informal highway

arrangement to the detriment of all other road users having regard to the safe access of the Public Right of Way that runs along the northern boundary and the parking area that is currently utilised by the occupiers of No's 1 and 2 Kent End.

Given the limited amount of accommodation, it is not considered that the number of domestic vehicles associated with the property would reach a point at which its local impact would result in 'severe' harm as directed by Paragraph 32 of the Framework. There may already be issues with parking in the vicinity however it is not the applicant's responsibility to resolve these and the outcome is likely to be added inconvenience, rather than outright loss of highway safety.

As there is unlikely to be a significant adverse effect on highway safety caused by irresponsible parking around junctions or in narrow sections, for instance, reliance upon the un-allocated spaces in the near vicinity of the building is considered acceptable in this instance and preferable rather than further parking within the modest site.

The Public Rights of Way has commented that the proposed parking area does raise some concern due to its proximity to the line of the right of way (AKEY39) and any recommendation in support should explicitly state the legal requirements not to obstruct the right of way.

Impact on amenity

The nearest neighbouring properties surrounding the site include no's 1 and 2 Kent End and The Willows situated to the south of the property. Revisions to the scheme have sought to reduce the scale of the building relative to its surroundings. No windows are proposed facing onto these properties within the main elevations of the dwellinghouse however there is a single rooflight within the northern roof slope. Due to its size and position, however, this is not considered to generate significant overlooking or loss of privacy concerns. The outlook to this property would be altered by the proposal as all front windows are orientated facing this site, in particular Wall Cottage, no.2 Kent End. Having regard to daylight analysis it is not considered to cause undue harm by way of a loss of light to justify an additional reason for refusal on this basis. Comments have also been received in respect of the impact on the solar panels that serve an outbuilding to the rear. Whilst this may have an impact it is not considered to be to such a degree to justify a refusal of the proposal.

Other matters

Other matters have been raised in respect of the accuracies of the proposed plans and the section drawings being misleading and inaccurate. The applicant has also clarified that no eaves line would overhang the property to the east. The applicant has met the requirements for formal planning

submissions and the details contained within the submissions are considered to be sufficient in this respect.

10. Conclusion

It is considered that the proposed holiday let would lead to harm to the setting of heritage assets and historic street within the Conservation Area by reason of its scale, size and position in conflict with Core Policy 57 (i) and Core Policy 58 of the Wiltshire Core Strategy (2015). In accordance with the advice contained in the NPPF, this harm can be qualified as less than substantial., in such circumstances this harm can be weighed against the public benefits of the proposal. However, it is considered that the public benefits, which include the provision of a single 2 no. bedroom holiday let, would not outweigh the aforementioned harm. As such, the proposals would conflict with the statutory requirements, as well as the national and local planning policies and cannot be supported. In conclusion the adverse impacts 'significantly and demonstrably' outweigh the benefits of the proposal and it is therefore recommended that the application should be refused.

RECOMMENDATION

That Planning Permission be REFUSED for the following reason:

The proposal would create a large dominant detached dwellinghouse within a modest plot which would cause an unacceptable level of visual and physical harm to the wider historic setting and setting within the Conservation Area contrary to policies CP58 & CP 57 (i) of the Wiltshire Core Strategy and the aims and requirements of Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 and Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework.

This decision relates to the following plans/documents titled:

Location Plan Revision B date received 26/04/18

Elevations Revision B date received 26/04/18

Floor Plans Revision B date received 26/04/18

Indicative street elevations Revision D date received 16/05/18

Survey date received 16/05/18

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	11 th July 2018
Application Number	18/03233/FUL
Site Address	Priestly Primary School, Prince Charles Drive, Calne, Wiltshire, SN11 8TG
Proposal	Phased 8-classroom extension with ancillary rooms, new main entrance, enlarged staff room and associated external works.
Applicant	Wiltshire Council
Town/Parish Council	Calne Town Council
Electoral Division	Calne Central - Cllr Ian Thorn
Grid Ref	400450, 170922
Type of application	Full Planning
Case Officer	Rose Fox

Reason for the application being considered by Committee

The application has been brought to committee in accordance with the Scheme of Delegation (updated 29 March 2018) which states that “*Applications submitted by Wiltshire Council will not be dealt with under delegated powers where an objection has been received raising material planning considerations.*” 3 objections have been received from members of the public in respect of a number of material planning considerations: neighbour amenity, design/appearance, drainage, highway safety, and ecology.

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 critical issues in the consideration of the application are as follows:

- Principle of Development
- Design/Character and Appearance of the Area
- Residential Amenity
- Highways and Parking
- Drainage
- Other material considerations

No objection has been raised by Calne Town Council. 3 representations have been received from members of the public in objection.

3. Site Description

The application site is comprises Priestly Primary School, which is located on the west side of Prince Charles Drive, within the built up area of Calne. The existing site comprises school buildings, games courts, sports pitches, soft/hard play and a forest school. There is also a Children's Centre and Nursery, and caretaker's bungalow on site. The site is bounded by residential development to the north, east and south, and a recreation ground to the west.

4. Planning History

N/12/00989/FUL - Two Storey Extension to Teaching Block – Approve with Conditions
N/10/03057/REG3 - Single Storey Extension to Childrens Centre and Glazed Link to Existing Primary School – Approved
N/06/07029/FCM - A New Detached Children's Centre, Including Play Areas And A Small Extension To The Existing Car Park Within The School Grounds – No Objection
N/01/01353/FUL - RETAIN EXISTING MOBILE CLASSROOM AND ERECTION OF NEW MOBILE CLASSROOM – Approved with Conditions (Nursery)
N/98/01052/FUL - ERECTION OF MOBILE UNIT MOBILE UNIT

5. The Proposal

The proposal is for an 8-classroom extension to an existing school, together with ancillary rooms, new main entrance, enlarged staff room and associated external works. The proposal is to adapt Priestly Primary School from a single form entry to a two form entry primary school. The current number of pupils at the school is 210.

The works are intended to be phased. The first phase will provide an additional 105 pupil places by September 2019 to create a 1.5 form entry through the addition of 4 classrooms (known as Phase 1 works). Phase 2 is to follow when there is pupil demand and funding, providing a further 105 pupil places and 4 additional classrooms (and internal alterations), resulting in enough classrooms required for a 2FE school. On completion of phase 2 there will be 420 pupils at the school in total.

As part of the phase 1 works, the car park will be extended from 26 to 46 parking spaces. This is inclusive of 4 parking spaces to be retained for the Children's Centre.

This application seeks permission for both phases.

6. Local Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act states that "*determination must be made in accordance with the plan unless material considerations indicate otherwise*". This is the starting point from a policy point of view. At the current time the

statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015), the Calne Community Neighbourhood Plan (adopted February 2018) and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006). The following policies are relevant:

Wiltshire Core Strategy (Jan 2015):

Core Policy 1 (Settlement strategy)
Core Policy 2 (Delivery strategy)
Core Policy 8 (Spatial Strategy for the Calne Community Area)
Core Policy 41 (Sustainable construction and low-carbon energy)
Core Policy 50 (Biodiversity and Geodiversity)
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 64 (Demand management)

Calne Community Neighbourhood Plan (February 2018):

Policy GA1 – Sustainable Transport
Policy GA2 – Highway Impact
Policy BE1 – Integration and Landscaping
Policy BE2 – Design Principles for Local Distinctiveness
Policy NE3 – Biodiversity
Policy NE4 – Energy Conservation

NWLP 2011 (June 2006):

Policy NE18 Noise and Pollution

National Planning Policy Framework (NPPF):

Paragraphs 14, 17 and 74; and
Section 1- Building a strong, competitive economy
Section 2- Ensuring the vitality of town centres
Section 7- Requiring good design
Section 8- Promoting healthy communities
Section 11- Conserving and enhancing the natural environment

7. Summary of consultation responses

Calne Town Council - No objections

Sport England: - No objection. The classroom element and car parking affects land incapable of forming part of a playing pitch and does not reduce the size of a playing pitch, result in the inability to use any playing pitch, reduce the sporting capacity of the playing field, result in the loss of other sporting provision, or prejudice the use of any remaining areas of playing field on the site. The MUGA is proposed on the existing playing field, but would meet an exception of the playing fields policy in that 'The proposed development is for an indoor or outdoor facility for sport, the provision of which

would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

Wiltshire Council Education – Support.

Highway Engineer – No objection subject to conditions for a construction method statement, details of the proposed temporary access and pathway and an informative re: licence being required for works to highway. The development will not have any significant impact on highway safety.

County Archaeologist – No comment

Drainage - Support subject to conditions requiring a surface water drainage strategy

Wessex Water – No objection subject to condition requiring a surface water drainage strategy

Wales & West Utilities – Gas pipes in area (*Officer comment: an informative can be added to contact Wales & West Utilities prior to commencement of works*)

Public Protection: - No objection subject to a condition for construction hours.

Tree Officer – No comment received

Ecology Officer - No objections – the proposal will not result in any significant adverse effects on protected habitats or species

8. Publicity

The application was advertised by site notice, neighbour notification letter and press notice.

3 representations have been received in objection.

Concerns/objections are summarised as follows (*Some officer comments included next to comments in this section if not covered in the subsequent section*):

Neighbour amenity

- Proximity of Phase 2 extension close to properties on Westerham Walk. It would crowd in houses and create high density built form. Pitched roof of extensions imposing and gives feeling of residents being hemmed in.
- Loss of privacy due to classrooms and sports courts so close to gardens. The field behind the boundary fence mainly only used in play times and this area will become more intensively used. Construction vehicles will impact privacy.
- Noise impact from the proposed games court, extension and bigger/busier school. The games court should be moved or rotated away from the houses. Construction works and traffic will cause noise and disruption for many months.

This should be restricted to reasonable weekday working hours and not on weekends.

- Suggested that other locations on the school site would not impact residential properties. Adjacent residents have not been considered.
- Balls from school are thrown into adjoining gardens (sometimes causing damage) and this is likely to increase with new sports courts – *Officer comment: Property damage is a civil issue, but it is not considered the application would significantly increase this problem.*
- Subsidence concerns due to close proximity of construction access with large vehicles and building works which are likely to cause considerable vibration. – *Officer comment: A Construction Method Statement would be secured by condition to address some of the construction concerns, but subsidence itself is a legal issue and not a material planning consideration.*

Design/Appearance

- Buildings not in keeping with existing school buildings. Introduces pitched roofs whereas existing school has flat roofs.
- Proposals would change the nature of the local area from peaceful setting surrounded by green space to a built up concrete heavy environment.
- Unsightly fencing to games court
- Loss of trees harmful

Drainage

- Vague plans for the drainage of storm water. Concerned that if large soakaways are created close to housing, they could act as a sump drawing water from beneath neighbouring properties, potentially contributing to subsidence.

Highway Safety

- Increased traffic movements associated with increased number of pupils will create highway safety issues on local roads. Suggests new school in or adjacent to one of the new housing areas.

Ecology

- Loss of trees harmful to wildlife
- Loss of open space to the detriment of the birds that regularly hunt there such as buzzards and red kites.

Other comments (*Officer comment: not material planning considerations*)

- Impact on value of property
- Loss of view

9. Planning Considerations

Principle of development

The proposed development seeks an extension to an existing school and to provide additional classrooms required to accommodate growth in Calne town. The principle of the development in such a context is supported.

The site contains a playing field and Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Sport England has been consulted and no objection has been raised. The extension and car park element of the proposal affects land incapable of forming part of a playing pitch and would not compromise the existing playing field. The proposed MUGA would be on the existing playing field, but would meet an exception of the playing fields policy in that *'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'* Consequently there is no conflict with policies in relation to playing fields.

Design considerations and impact on the character and appearance of the area

WCS Core Policy 57 states that a high standard of design is required in all new developments which must enhance local distinctiveness by relating positively to the existing pattern of development and townscape features in terms of building layouts, built form, height, mass, scale, building line, plot size elevational design, materials and streetscape. Proposals must also take account of the characteristics of the site and local context to deliver appropriate development which relates effectively to the immediate setting and wider character of the area.

The main extensions to the south would ultimately form a long rectangular extension, which is intended to be built in two phases. The extensions comprise a single storey building with two pitched roofs arranged in a parallel fashion either side of a central flat roof corridor. The walls would be finished in render, set beneath grey roof tiles, with aluminium windows. Rooflights are proposed to the flat roof corridor and the inside roof slope of the pitched roofs to utilise natural light and natural air movement for ventilation. External canopies are proposed to the sides of the extensions (and rear door) which would be finished in timber with glazing. There would be a glazed link connecting the new phase 1 extension to the wider school. A new school entrance building is proposed on the north side of the building which comprises a flat roof and substantial glazing. There will also be some minor extensions in north-west of the existing building to extend the staff room. There will be a number of internal changes as part of both phases of works. The proposals will improve wheelchair accessibility throughout the school.

It is understood the siting of the main extensions has been chosen with regard given to topography of the site, existing building layout, and adjoining uses (caretaker's bungalow to the east and the Children's Centre and playing field to the west). The chosen location to the south of the school is suggested by the applicant to be most practical, being close to the main hall.

The associated external works comprise a car park extension; new games courts (as shown on Phase 1 and 2 Site Plans), relocation of play equipment; amendment to the children's centre boundary and associated landscaping works.

The proposed siting, layout and design of the buildings and associated works as presented would appear to make a positive response to its context and setting to accord with Core Policy 57. The proposed extension overall scale (massing & height) as two single storey buildings would appear to respect the domestic scale of the neighbouring residential properties on the nearest boundary and is considered to have an acceptable impact on the visual amenities of the surrounding area.

Concern has been raised in respect of the appearance of the boundary treatment of the new games court. The agent has confirmed no boundary treatment is proposed, but it will be conditioned that any boundary treatment would have to be approved by the LPA if proposed in future, in the interests of this not being visually intrusive.

Effect on Amenity of Neighbours

Three neighbours (based on Westerham Walk to the south) have raised objections to the proposed southern extensions, most notably in respect of the phase 2 extension and new sports court. Concern has been raised in respect of the extensions being overbearing, loss of privacy due to proximity of extension and sports courts, noise from sports courts and general bigger/busier school, and disturbance from construction works and traffic – noise, vibration and privacy.

The submitted plans and cross-sections illustrate the massing and siting of the extensions in comparison to no. 50 Westerham Walk which is approximately 20m from the rear elevation of the extension to the boundary. The nearest neighbours (no 46) are approximately 14.5m from the ridgeline of the extension to the boundary wall. The proposed extensions are single storey, but the ridgelines of the roof will extend to approximately 7.3m. Whilst this is relatively high for a single storey building, the massing of the building is broken up by there being two pitched roofs which are separated by a central flat roof section. In addition, some excavation works will be undertaken in the area of the extensions to reduce the ground level (as shown on the sections).

The siting and massing of the proposed extensions are not considered to be adversely overbearing on the adjoining properties. Whilst the proposals would bring classrooms closer to the neighbouring properties and would be visible to them, it is not considered that the occupiers would suffer a loss of privacy as a result. There may be some increased noise from increased numbers of pupils, but Environmental Health have been

consulted and have raised no concerns that the level of noise would be harmful to neighbouring properties.

In respect of the levelling works, it is understood there will be some excess soil. In the event of planning permission being granted, it can be reasonably conditioned that the excess earth from each phase of works is removed from site prior to those phases being brought into use respectively.

In respect of construction disturbance, this would not be a material planning consideration sufficient to warrant refusal. However it will be conditioned that a Construction Method Statement is submitted to minimise detrimental effects to the neighbouring amenities during the construction period. This would cover details such as hours of construction (including deliveries), parking arrangements, location of plant and material, measures to control dirt and dust, etc. The Environmental Health Officer has suggested a condition to limit hours of construction but this will be covered under the Construction Method Statement rather than applied as a condition.

In the interests of neighbour amenity, the installation of lighting will be restricted by condition so that no external lights shall be installed without prior approval from the LPA in the interests of the amenities of the area. In addition, details of the play equipment proposed to be relocated will be secured by condition.

Highways and Parking

The Council's Highway Engineer does not consider the proposed development would have any significant impact on highway safety and as such raises no objection to the proposals. Planning conditions are recommended for a construction method statement, details of the proposed temporary access and pathway improvements to link to the adjoining recreation ground (in the interests of sustainable transport) and an informative in relation to a licence being required for any works to a public highway. Such conditions are considered to be reasonable in the event of planning permission being granted by the Committee.

It is also recommended that a suitable planning condition be imposed so as to ensure the required parking is provided prior to the occupation of phase 1. Such a condition will ensure there is adequate parking at the school throughout the development cycle.

Drainage

The site is in Flood Zone 1. There is no objection from the Drainage Officer or Wessex Water subject to a condition for a surface water drainage strategy prior to any works commencing, to ensure the site can be adequately drained.

Conclusion

It is concluded that the proposed school extension is well designed and would meet the needs of the growing population in Calne to provide additional primary school places. The proposal is considered to comply with policies CP1, CP2, CP8, CP50, CP57, CP58, CP60, CP61, CP62, CP64 of the WCS (Jan 2015); Policies GA1, GA2, BE1, BE2, NE3 and NE4 of the Calne Neighbourhood Plan (February 2018), Policy NE18 Noise and Pollution of the NWLP 2011 (June 2006) and paras 14, 17 and 74, and sections 1, 2, 7, 8 and 11 of the NPPF (March 2012). With no material planning considerations indicating otherwise, the application is recommended for approval.

RECOMMENDATION: That planning permission be GRANTED, subject to the following conditions:

Time limit:

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.

Approved plans:

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

Plans as received by the LPA 04/04/2018:

Site Location Plan (0001 Rev: A, dated: 29/03/18)

Existing Site Plan (0002 Rev: B, dated: 13/04/18)

Existing First Floor Plan (0202 Rev: A, dated: 29/03/18)

Existing Roof Plan (0206 Rev: A, dated: 29/03/18)

Plans as received by the LPA 29/06/2018:

Proposed Phase 1 Site Plan (0003 Rev: D, dated: 29/06/2018)

Proposed Phase 2 Site Plan (0004 Rev: E, dated: 29/06/2018)

Contractor access plan (0005 Rev: C, dated: 29/06/2018)

Children's Centre Boundary (0006 Rev: C, dated: 29/06/2018)

Existing Ground Floor Plan (0201 Rev: B, dated: 27/06/18)

Proposed Phase 1 Ground Floor Plan (0203 Rev: B, dated: 27/06/18)

Proposed Phase 2 Ground Floor Plan (0204 Rev: C, dated: 27/06/18)

Proposed Phase 1 & 2 First Floor Plans (0205 Rev: B, dated: 27/06/18)

Proposed Phase 1 Roof Plan (0207 Rev: B, dated: 27/06/18)

Proposed Phase 2 Roof Plan (0208 Rev: B, dated: 27/06/18)

Existing Elevations (2001 Rev: B, dated 13/04/18)

Proposed Phase 1 Elevations (2002 Rev: C, dated: 27/06/18)

Proposed Phase 2 Elevations (2003, Rev: B), dated: 27/06/18)

Existing and Proposed Site Section A-A (3001, Rev: B, dated: 27/06/18)

Existing and Proposed Site Section B-B (3002, Rev: B, dated: 27/06/18)
Existing and Proposed Site Section C-C (3003, Rev: B, dated: 27/06/18)
Existing and Proposed Site Section D-D (3004, Rev: B, dated: 27/06/18)

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

Amenity:

3. No development shall commence on phase 1 (including any works of demolition) until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority.

The statement shall include details of 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;
- h) measures for the protection of the natural environment;
- i) hours of construction, including deliveries

The approved Statement shall be adhered to throughout the construction period.

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

4. No development shall commence on phase 2 (including any works of demolition) until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority.

The statement shall include details of 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;
- h) measures for the protection of the natural environment;
- i) hours of construction, including deliveries

The approved Statement shall be adhered to throughout the construction period.

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

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

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

6. The development hereby permitted shall not be first brought into use until details of the play equipment proposed for relocation has been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of residential amenity.

7. The new games court as indicated on the Proposed Phase 2 Site Plan hereby permitted shall not be enclosed by any boundary treatment unless this has been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of residential and visual amenity.

8. No part of the relevant phases (1 or 2) shall be first brought into use until all the excess cut and fill from the levelling works related to that phase has been removed from the site.

REASON: In the interests of the character and appearance of the area and neighbouring amenities.

Highways:

9. No development shall commence on site until details of the proposed temporary site access have been submitted to and approved in writing by the local planning authority. The temporary access shall be constructed in accordance with the approved details. No later than one month after the new development is first brought into use, the temporary access shall be removed and the verge/footway crossing

reinstated in accordance with details which shall have been submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway safety.

10. Prior to the first occupation of phase 1 of development, the proposed parking areas (as demonstrated on Proposed Phase 1 Site Plan 0003 Rev D) must be consolidated, surfaced and laid out in accordance with the approved details. The parking areas 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.

11. Prior to the first occupation of the development hereby permitted, the footpath to the Western edge of the site shall be improved to form a 2.5m wide shared use surface, linking to the town recreation ground to the West of the site. The shared used path shall be completed in accordance with plans which shall have been submitted to and agreed in writing by the Local Planning Authority beforehand.

REASON: In the interests of promoting sustainable transport by the improving access to the school via means other than by the private car in accordance with Core Policies 60 & 61 of the Wiltshire Core Strategy.

Drainage:

12. 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, has been submitted to and approved in writing by the Local Planning Authority.

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

13. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

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

INFORMATIVES:

Wales and West Utilities gas pipelines may be affected and at risk during construction and you must contact Sophie Dawkins on 02920 278912 before starting any work.

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from the local highway authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the Council's Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352.

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.

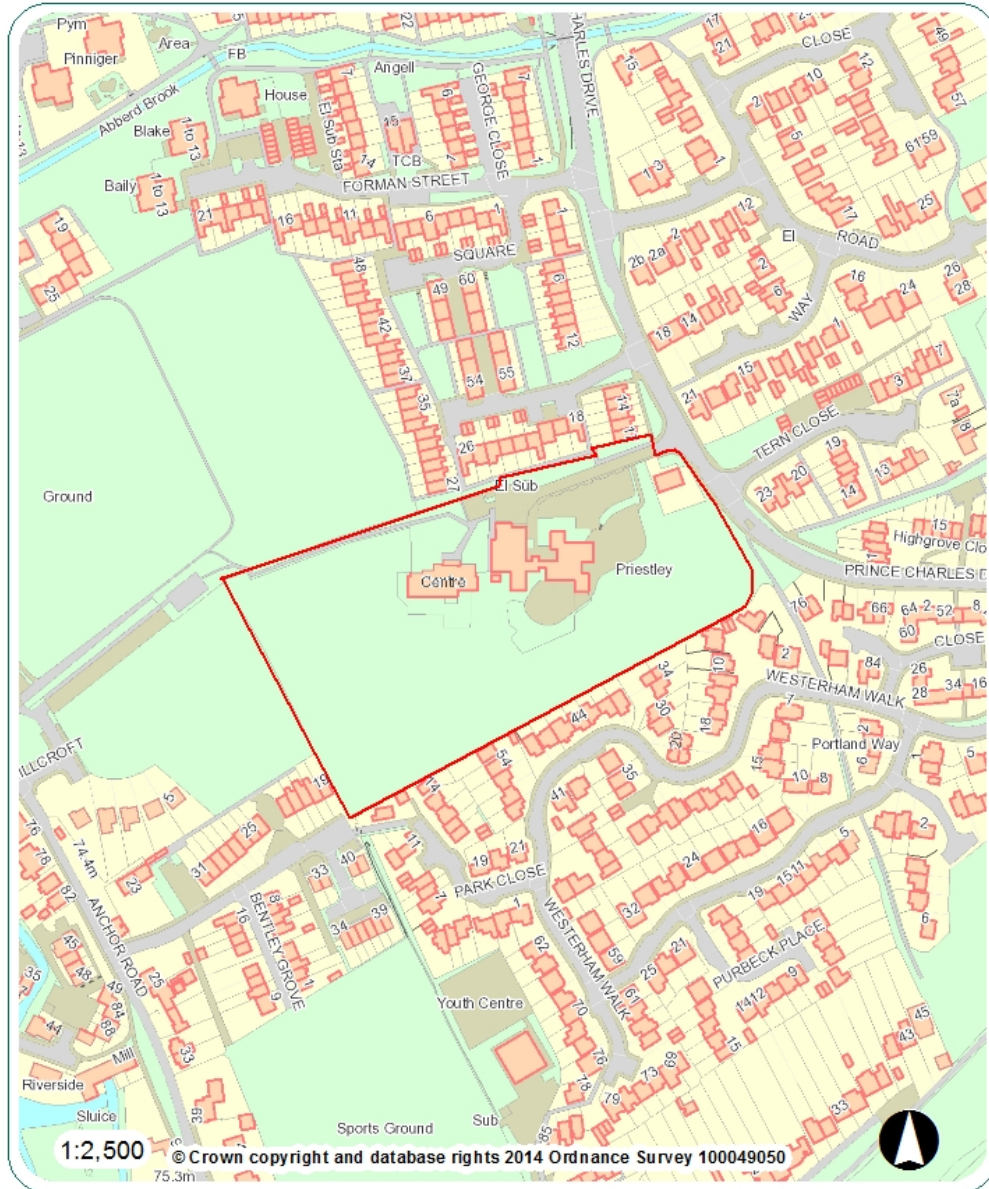
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such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

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.

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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