

AGENDA

Meeting: Eastern Area Planning Committee
Place: Wessex Room, Corn Exchange, Market Place, Devizes SN10 1HS
Date: Thursday 19 April 2018
Time: 3.00 pm

Please direct any enquiries on this Agenda to Tara Shannon, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504, email tara.shannon@wiltshire.gov.uk

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

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Membership:

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

Substitutes:

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

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Public Participation

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

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

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

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

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 14*)

To approve and sign as a correct record the minutes of the meeting held on 22 March 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 12 April 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 16 April 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 15 - 16*)

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

7 **Planning Applications**

To consider and determine the following planning applications.

7a **18/01938/FUL Land off Aldbourne Road, Baydon, Wiltshire** (*Pages 17 - 32*)

The erection of a residential dwelling.

7b **18/01196/FUL Land to the rear of 11 White Street, White Street, Market Lavington, SN10 4DP** (*Pages 33 - 52*)

Demolition of existing garages and erection of two houses with garages plus the provision of a passing space adjoining The Clays (amendment to 17/07414/FUL).

7c **18/00127/FUL The Elms, Kingstone Road, Shalbourne, SN8 3QF** (*Pages 53 - 72*)

The erection of one detached dwelling and detached garage.

8 **Urgent items**

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

Part II

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

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EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 22 MARCH 2018 AT WESSEX ROOM, CORN EXCHANGE, THE MARKET PLACE, DEVIZES SN10 1HS.

Present:

Cllr Mark Connolly (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Ian Blair-Pilling, Cllr Stewart Dobson, Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr James Sheppard and Cllr Christopher Williams (Substitute)

Also Present:

Cllr Philip Whitehead

1. Apologies

An apology was received from Councillor Richard Gamble, who was substituted by Councillor Chris Williams.

2. Minutes of the Previous Meeting

The minutes of the meeting held on 30 November 2017 were presented for consideration, and it was:

Resolved:

To approve and sign as a true and correct record the minutes of the meeting held on 30 November 2017.

3. Declarations of Interest

Councillor Paul Oatway QPM declared a non-pecuniary interest in Minute Item 8 by virtue of being a member of Milton Lilbourne Parish Council. He confirmed he had considered all evidence related to the application with an open mind and would participate and vote on the item.

4. Chairman's Announcements

There were no announcements.

5. Public Participation

The rules on public participation were noted.

6. **Planning Appeals and Updates**

The report on completed and pending appeals, and an update on recent case law from the Head of Development Management, were presented for consideration.

Resolved:

To note the updates.

7. **ARTICLE 4 DIRECTION: Land at Crookwood Farm, Crookwood Lane, Potterne, Wiltshire, SN10 QS**

Public Participation

Mervyn Dobson spoke in objection to the retention of the permitted development rights on the site.

Judie Boyt spoke in objection to the retention of the permitted development rights on the site.

Johnny Cayford spoke in objection to the retention of the permitted development rights on the site.

Tim Truman spoke in support of the retention of the permitted development rights on the site.

Adrian Harris spoke in support of the retention of the permitted development rights on the site.

Councillor Chris Saunders, Chairman of Easterton Parish Council, spoke in objection to the retention of the permitted development rights on the site.

Councillor Peter Balls OBE, Chairman of Potterne Parish Council, spoke in objection to the retention of the permitted development rights on the site.

Councillor Bill Donald, Urchfont Parish Council spoke in objection to the retention of the permitted development rights on the site.

Andrew Guest, Major Projects and Performance Manager, presented a report which recommended the making of a 'non-immediate' Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order (as amended) to remove 'permitted development' rights for the land at Crookwood Farm. The effect of an Article 4 Direction would remove the permitted development right to hold motor car and motorcycle racing events on the land without planning permission, as was currently permissible for 14 days per year.

The background to the consideration of making the Article 4 Direction was detailed, including the events that had taken place on the site and the raising of concerns over noise, traffic, access and the impact on bridleways. It was confirmed that a planning application to retain motocross jumps on the site had been withdrawn. The requirements under which an Article 4 Direction could be made were detailed, along with explanation that an order could be immediate or non-immediate. The report recommended a non-immediate order, which would require additional consultation and permit the events planned for 2018 to proceed, with a lesser risk of compensation to be offered.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on liability in the event accidents took place on the site, and clarification of the processes for both immediate and non-immediate orders.

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

The local Unitary Division Member, Councillor Philip Whitehead, then spoke in objection to the retention of permitted development rights on the site. He supported the making of an immediate Article 4 Direction in order to address the serious concerns raised by the current activities on the site.

A debate followed, where the history of the site in its current use was further raised, along with confirming that any Direction would cover the entire farm area, so that any activity could not be moved into another field should a Direction be made. The positive health and social benefits of the activity were debated, but the majority of councillors considered the negative impacts from noise, traffic impact, environmental concerns and more indicated the site was inappropriate for the current use, and that the problems were sufficiently serious to warrant immediate action, particularly as the potential for such a direction had been raised across a long period.

At the beginning of the debate a motion was moved by Councillor Stuart Dobson, seconded by Councillor Chris Williams, to authorise an immediate Direction under Article 4. The reasons for an immediate Direction rather than a non-immediate Direction were given as follows:

- In view of the unsuccessful attempts to obtain a meaningful events management plan to ensure the safety of all users of the highways hereabouts, including emergency services, and to safeguard the amenities of nearby residents from noise and general disturbance.
- In view of the immediate impact of the events themselves on local amenity and the well-being of the area in terms of the traffic generation and the resulting implications for highway safety, and in view of the general disturbance caused by noise in an otherwise tranquil location.

At the conclusion of discussion, it was,

Resolved:

That the Head of Development Management be authorised to make an immediate Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), to remove 'permitted development' rights under Part 4, Class B of Schedule 2 with all necessary public consultation.

8. **WILDLIFE AND COUNTRYSIDE ACT 1981: The Wiltshire Council Parish of Pewsey Path No. 82 and Path No. 82A and the Parish of Milton Lilbourne Path No.34 and Path No. 34A Definitive Map and Statement Modification Order 2017**

Public Participation

Sarah Ingram Hill, on behalf of impacted landowners, spoke in objection to the Order.

Bernie Bradshaw, on behalf of Pewsey East Walkers, spoke in support of the Order.

George Haddock, on behalf of Pewsey East Walkers, spoke in support of the Order.

Councillor David Fall, on behalf of Milton Lilbourne Parish Council, spoke in support of the Order.

Craig Harlow, acting Rights of Way Officer, presented a report which recommended that the proposed Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs with a recommendation that the Order be confirmed without modification.

The background to the making of the order was detailed, along with explanations of actions that could be taken by landowners to demonstrate a lack of intent for land to be used as a public right of way and summaries of the evidence submitted by users and landowners on the proposed routes. Conflicts of evidence between supporters and objectors of the Order would be tested by the Secretary of State, with the report proposing to support the Order as originally made. The required legal tests for creation of a right of way were also detailed, being that the land must have been used as such without force, without secrecy and without permission, for a continuous period of at least 20 years.

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

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

A debate followed, where the evidence in support and objection to the use of the land was assessed, along with the strength of that evidence. A motion was moved by Councillor Paul Oatway QPM, seconded by Councillor Ian Blair-Pilling, to forward the Order to the Secretary of State in accordance with the officer's recommendation. At the conclusion of debate, it was,

Resolved:

That "The Wiltshire Council Parish of Pewsey Path No. 82 and 82A and the Parish of Milton Lilbourne Path No. 34 and 34A Definitive Map and Statement Modification Order 2017" is forwarded to the Secretary of State for the Environment, Food, and Rural Affairs with the recommendation that it is confirmed as made.

9. **COMMONS ACT 2006 SECTION 15(1) AND (2): Application to Register Land as a Town or Village Green - The Play Area in Morris Road/College Fields in the Baron Park/College Fields Residential Area, Marlborough**

Public Participation

Mr Paul Grace, on behalf of Marlborough College, spoke in objection to the registration of the town or village green.

Mr Ian Mellor, applicant, spoke in support of the registration of the town or village green.

Sally Madgwick, Acting Team Leader - Definitive Map and Highway Records, presented a report which recommended that Wiltshire Council, as Commons Registration Authority, accept the recommendation of the independent inspector to reject the application made under Sections 15(1) and (2) of the Commons Act 2006 to register land at Barton Park, Marlborough, as a town or village green.

The background to the application to register the play area in Morris Road/College Fields, Barton Park, as a town or village green was detailed. The application was submitted on 18 May 2015. As Wiltshire Council, in its capacity as landowner, was a statutory objector to the application to register the land, the Committee at its meeting on 5 January 2017 resolved to appoint an independent inspector to hold a non-statutory public inquiry to examine and establish the facts and relevant law, and to provide a report and a recommended course of action. The inquiry took place in January 2018. The inspector's report and its findings, and relevant evidence, was included with the Committee report. Correspondence since the inquiry report between the council as Commons Registration Authority, the inspector, applicant and objectors, had also been circulated to the Committee.

The legal tests for approving the registering of a town or village green were outlined as detailed further in the report, but in particular that, on the balance of probabilities, applicants must prove that a significant number of local people indulged in lawful sports and pastimes on the land for a period of at least 20 years, in this case from 1995-2015, and that their usage of the land must have been 'as of right'. This would require the use of the land for such purposes to have been without force, without secrecy and without permission.

The independent inspector, following the public inquiry, had concluded that while it was not in dispute that lawful sports and pastimes had taken place on the land across the required period, that use had been 'by right', meaning it had been permitted or actively allowed by the landowners, or otherwise carried out by statutory right. As a result, he had recommended that the application to register the land be rejected, with the full details and reasoning set out in the inspector's report.

Sarah Marshall, Senior Solicitor, confirmed to the Committee that it was able to come to a different decision to that recommended by the independent inspector, but that it could only do so where it considered that the inspector had made a significant error of law or fact, and could support that consideration with clear and valid evidence. Additionally, the Committee was reminded of the

requirement not to predetermine the application, but to consider it with an open mind, taking into consideration all the evidence before it, and to assess whether or not the legal tests for registration of a town or village green had been met as the inspector had concluded.

It was also confirmed that officers acting for the council as a landowner making objections, had received separate legal support than the Committee and supporting officers acting as Commons Registration Authority, to ensure all parties, including applicants and objectors, were treated fairly.

Following the presentation members of the Committee were given the opportunity to ask technical questions of the officers.

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

The Committee then debated the application for registration, and the recommendations of the independent inspector. Some members raised concerns regarding elements of the inspector's report, in particular reference to relevant legislation under which land was registered and transferred, whether the land had properly been listed as public open space in the past, and past intentions for use of the land. However, a majority of members stated that no significant errors of law or fact had been identified which gave reason to doubt the recommendation of the inspector, and that on the balance of evidence it was therefore clear that while lawful sports and pastimes had taken place on the land, the required legal tests for registration had not been met. In particular it was emphasised that a very clear process had been followed, including the holding of a non-statutory inquiry to test evidence and claims, as well as relevant law, in order for the conclusion to have been properly and fairly arrived at.

A motion to reject the registration of the land in accordance with the reasoning of the independent inspector's report was moved by Councillor Mark Connolly, seconded by Councillor Paul Oatway QPM. At the conclusion of debate, it was,

Resolved:

That the application to register the play area in Morris Road/College Fields, Barton Park, Marlborough, as a town or village green be rejected for the reasons set out in the inspector's report dated 2 March 2018.

A recorded vote having been requested by the required number of members, the votes for and against the application were as follows:

For (6)

*Cllr Ian Blair-Pilling
Cllr Mark Connolly
Cllr Peter Evans
Cllr Paul Oatway QPM
Cllr James Sheppard
Cllr Chris Williams*

Against (2)

*Cllr Stewart Dobson
Cllr Nick Fogg MBE*

Abstentions (0)

10. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.15 pm)

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

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**Wiltshire Council
Eastern Area Planning Committee
19th April 2018**

Planning Appeals Received between 09/03/2018 and 06/04/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
17/05767/FUL	Red Lion, Axford Wiltshire, SN8 2HA	RAMSBURY	Full planning application for a new dwelling on land forming part of the curtilage of the Red Lion Inn, following previous approval 15/09840/FUL. The new changes are dwelling higher by 800mm, velux windows to roof and habitable room in loft.	EAPC	Written Representations	Approve with Conditions	28/03/2018	Yes

Planning Appeals Decided between 09/03/2018 and 06/04/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
17/04174/FUL	7 The Keep London Road Devizes, SN10 2GG	BISHOPS CANNINGS	Retrospective application for fence around perimeter of garden to ground floor flat (7 The Keep) and for shed within garden.	DEL	Written Reps	Refuse	Allowed with Conditions	16/03/2018	None

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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	19 th April 2018
Application Number	18/01938/FUL
Site Address	Land off Aldbourne Road (between Becketts and Turf Run), Baydon, Wiltshire
Proposal	The erection of a residential dwelling.
Applicant	Mr Bill Evans
Town/Parish Council	ALDBOURNE
Electoral Division	ALDBOURNE AND RAMSBURY – Cllr James Sheppard
Grid Ref	427704 177643
Type of application	Full Planning
Case Officer	Jonathan James

Reason for the application being considered by Committee

The application has been called to Committee at the request of divisional member Cllr James Sheppard, if the officer recommendation is for refusal. The key issues for the call-in are the visual impact of the scheme, its relationship to adjoining properties and the environmental and highway impacts of the proposed development.

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 main issues to be considered are the principle of development (as the site lies within countryside outside of any defined Limits of Development); and the impact of the proposal on the character and appearance of the landscape, since the site is located within the North Wessex Downs Area of Outstanding Natural Beauty. The fact that the proposed development does not overcome the principal reasons for refusal given for application reference 14/03688/FUL, which was successfully defended at appeal, will also be discussed.

3. Site Description

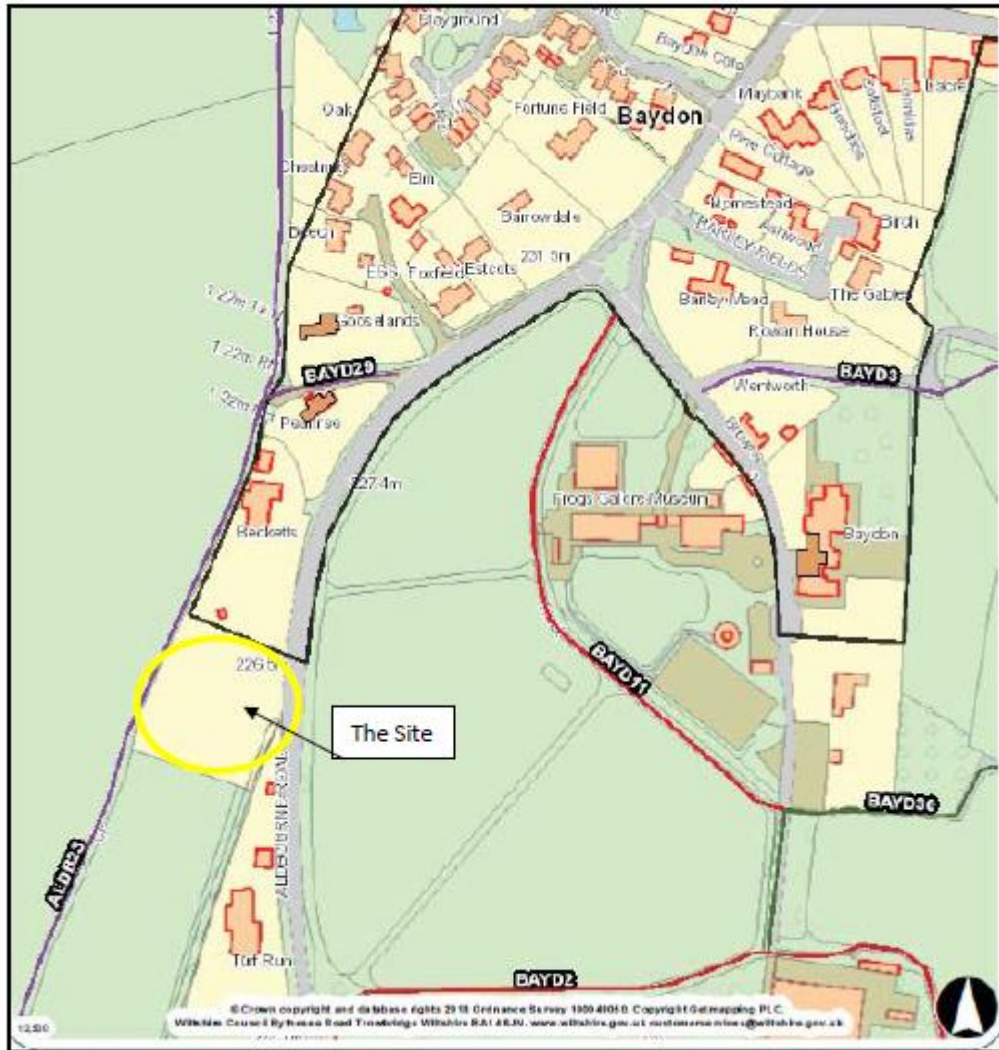
The site is located in countryside outside of the Limits of Development (LoD) of the large village of Baydon within the Marlborough community area, as defined by the Wiltshire Core Strategy (2015). The village centre is located approximately 600m to the north of the site.



Figure 13: Baydon Village local facilities.

Access would be onto the adjacent highway (Aldbourn Road) which runs to the east of the site, beyond an existing mature hedgerow. The topography of the land is sloping down to the west. There is an existing public right of way (footpath ALDB23) along the western boundary. The site is generally concealed from the adjacent road by existing mature hedgerows and as a result of the topography of the land. However, it forms an important transition between the built form and the open countryside beyond.

The site lies just outside of the "Limits of Development" (LoD) for Baydon, as can be seen in the location plan below, which is depicted by the solid black line. The plan also shows the location of the two nearby public rights of way.



The site is within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and the Countryside Character Area of the Berkshire and Marlborough Downs (code 116). To the west of the site is the Baydon Chalk County Wildlife Site, a large area of steep calcareous grassland on a west-facing slope with a Phase 1 Habitat Classification.

4. Planning History

K/79/0011

Bungalow with garage – Refused for several reasons:

The site lies outside the limits of development, in countryside and the proposal would extend the built form into the attractive countryside adjoining the village to the detriment of the character of the AONB and the area in general. The development would consolidate residential development along a narrow Class III road, without verges or footways and create a precedent for more dwellings in the vicinity of the site contrary to the interest of highway safety. The use of the access with restricted visibility would likely impact on highway safety.

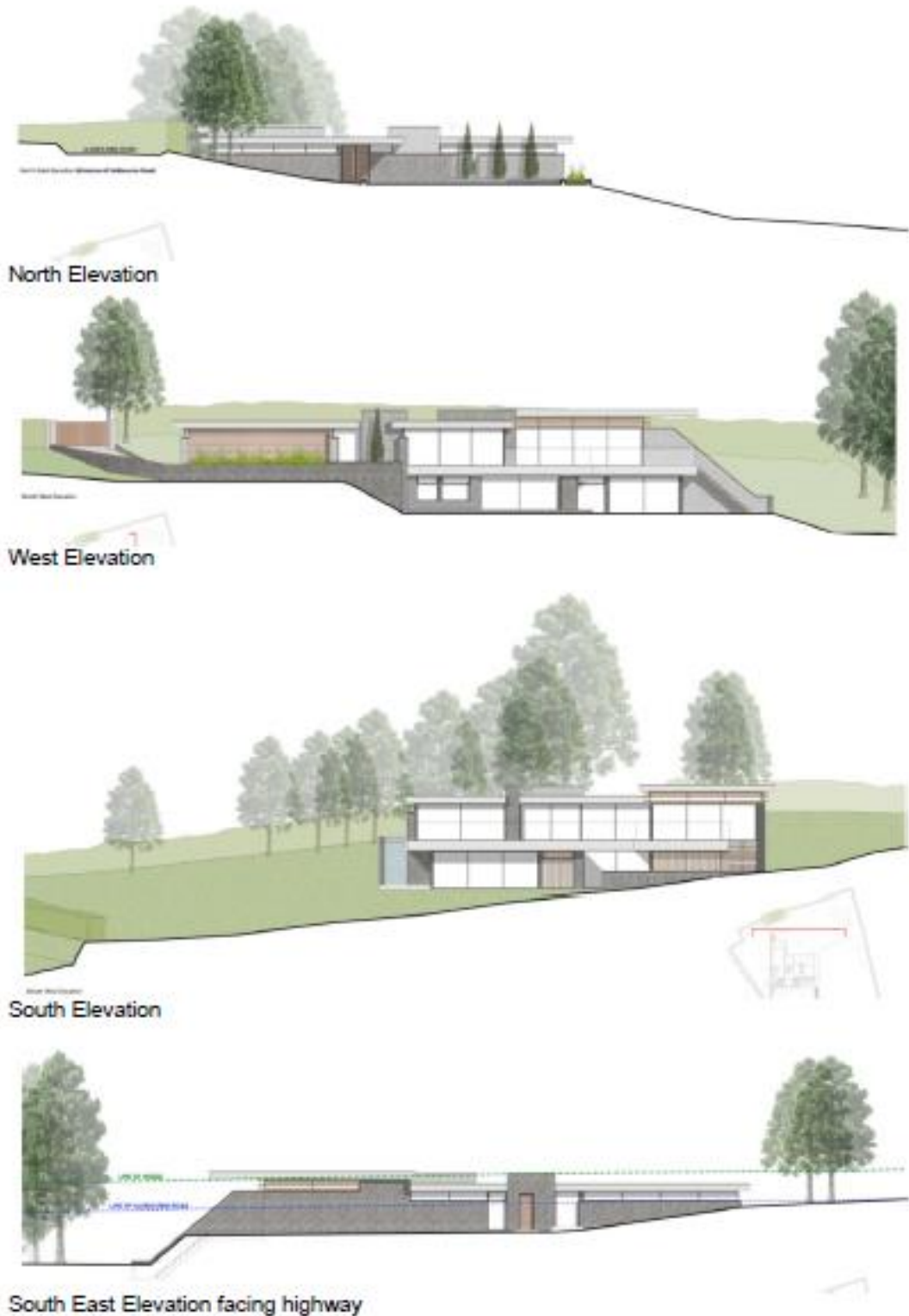
- K/81/0762 Agricultural access – Refused:
'The new access would create a dangerous access with severely restricted visibility and would be damaging to the visual amenities of the character of this area including on the AONB. An appeal was made against the decision of the application and against an enforcement notice - the appeal was dismissed on all grounds.'
- K/86/0420 Pony Shelter – conditionally approved
- 14/03688/FUL Erection of two 3 bedroom detached dwellings with double garages – Refused for several reasons:
The proposal lies outside of the LoD where new development is contrary to policies of the local plan, and in an unsustainable location for such new development. The proposal would harmfully impact on the character of the area through the extension of the built form. The proposal would not provide a safe means of access. Dismissed at appeal on all grounds.
- 16/06137/PREAPP New dwelling – the applicant was advised that a new dwelling in this location would not be supported and that the scheme would likely lead to a negative impact on the character of the area and specifically the AONB. Subsequently, a new planning application was submitted.
- 17/11574/FUL Erection of a residential dwelling - withdrawn

Similar site adjacent

- K/20988 ERECT THREE BEDROOM HOUSE WITH NEW ACCESS – Refused:
The creation of new dwelling in this location would have an adverse impact on the appearance of the character of the AONB extending the built form of the village and adversely affecting views from public vantage points to the west.
- K/21153 ERECT THREE BEDROOM DWELLING AND NEW ACCESS – Refused:
The creation of new dwelling in this location would have an adverse impact on the appearance of the character of the AONB extending the built form of the village and adversely affecting views from public vantage points to the west. Dismissed at appeal - This application was appealed and dismissed at appeal as the Inspector found that the erection of a new two storey dwelling within this location would unacceptably harm the character of the AONB.

5. The Proposal

The application is for the erection of a large two-storey, detached, flat-roofed house within an existing paddock, which would be served by an existing access from the adjacent road. The new dwelling would be of a modern design and finished in a mixture of materials ranging from timber and glass and incorporating flint stone.



Elevations of proposed dwelling

The proposals include a new lawned area with a wildflower meadow wrapping around the garden to enhance biodiversity. The existing electricity pole would be removed, cables buried and a dew pond reinstated – these have been cited as benefits by the applicant.



Site Plan

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS):

- Core Policy 1 – Settlement Strategy. This identifies settlements where sustainable development will take place, with a settlement hierarchy running from Principal Settlements through market towns and local service centres to large and small villages.
- Core Policy 2 – Delivery Strategy – in order to deliver the sustainable development envisaged in CP1, CP2 sets out the delivery strategy. Again, this states that houses will be delivered in sustainable locations, with a presumption in favour of such development within the limits of development defined on the policies map. Outside the limits of development, development is only permitted in the circumstances outlined in paragraph 4.25 of the CS. Core Policy 14 – Spatial Strategy: Marlborough Community Area – clarifies that development in

the Marlborough Community Area should be in accordance with the Settlement Strategy as set out in Core Policy 1. This clarifies that Baydon is a large village. All development within the Community Area will need to conserve the designated landscape of the North Wessex Downs Area of Outstanding Natural Beauty and its setting, and where possible enhance its locally distinctive characteristics.

- Paragraph 4.25 of the CS identifies the ‘exception policies’ which seek to respond to local circumstances and national policy to represent additional sources of supply of new employment and housing sites outside of the settlements identified in the hierarchy. Of these policies, CP34 (employment land); CP37 (military establishments); CP39 & 40 (tourism development), CP44 (Rural Exceptions Site) and CP46 and CP47 (specialist accommodation provision) are not relevant to this proposal. The remaining exception policy – CP48 is addressed below.
- Core Policy 48 deals with supporting rural life and covers a range of employment and social facilities. In relation to new housing, it states that outside of the defined limits of development, and outside of the existing built up areas of small villages (the bottom rung on the CP1 settlement hierarchy), residential development will be supported where it meets the accommodation needs for workers employed in the immediate vicinity in the interests of agriculture, forestry or other employment essential to the countryside.
- Core Policy 50 – Biodiversity and geodiversity - Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale.
- Core Policy 51 – Landscape – the supporting text for this in paragraph 6.85 identifies the need to protect the distinct character and identity of the villages and settlements in Wiltshire. Development should protect, conserve and where possible enhance landscape character, and any negative impacts must be mitigated. A list of criteria is set out, and great weight is afforded to conserving and enhancing the landscape and scenic beauty of the AONB.
- Core Policy 57 – requires new development to make a positive contribution to the character of Wiltshire
- Core Policy 58 – Ensuring the conservation of the historic environment – requires development to protect, conserve and where possible, enhance the historic environment, and states that designated heritage assets and their settings will be conserved.
- Core Policy 60 – Sustainable transport – the Council will use its planning and transport powers to help reduce the need to travel particularly by private car this will be achieved by planning developments in accessible locations.
- Core Policy 61 – Transport and new development – New development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives. The proposal must be capable of being served by safe access to the highway network.
- Core Policy 64 – Demand management – residential parking standards.

National Planning Policy Framework 2012

All relevant sections, including the need to give great weight to conserving the landscape and scenic beauty of AONBss.

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

The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2014-2019

Wiltshire Council's Landscape evidence base comprising: Kennet Landscape Character Assessment (1998);

Wiltshire Landscape Character Assessment (2005);

Kennet Landscape Conservation Strategy (2005);

North Wessex Downs AONB Integrated Landscape Character Assessment (2002);

Countryside & Rights of Way Act 2000 (CRoW Act 2000).

7. Summary of consultation responses

Baydon Parish Council – no comments received at the time of writing the report. Any subsequently received will be reported verbally at the committee meeting.

Wiltshire Council Highway Officer – no objections:

'There is some history linked with this site with the last application for the same proposal being withdrawn (17/11574/FUL). On this basis, I adhere to my colleague's previous comments given.'

Wiltshire Council Arboricultural Officer - no objection.

AONB Officer - no comments received at the time of writing the report. Any subsequently received will be reported verbally at the committee meeting.

8. Publicity

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

Support

- No objections to the application going ahead;
- Lovely house to compliment a beautiful site, it is creative architecture that would add to and enhance the village of Baydon;
- Sympathetically designed to complement the site without any impact on the surrounding area, the building and layout are within keeping of the village and the trees and garden will add to the beauty of the countryside;
- No impact on neighbours;
- Will not be easily seen from the roadside;

- From an ecological standpoint the development covers more than is expected for such an exciting build;
- Application in line with the village plan, it is environmentally friendly and unobtrusive;
- Excellent example of modern energy saving green building with minimal greenhouse gas impact;
- It is not an extension beyond the existing row of houses in Aldbourne Road. It is an in-fill in between the two existing properties in line with the policy in the Local Plan. The village needs to take every in-fill opportunity in order to sustain its viability;
- The line of development is in an illogical position and should be south of Turf Run by the village gates;
- Access has been considered sensibly, the hedge line re-aligned for visibility with adequate space for a car to pull off the road;
- There are plans to move the 30mph signs to the village gates location thereby defining the start of the village dwelling area;
- Only concern would be vehicle access from contractors while building.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act states that “*determination must be made in accordance with the development plan unless material considerations indicate otherwise*”. Paras 2 & 11 of the NPPF reiterate and confirm this requirement. This is the starting point for the determination of all planning applications. The WCS is the relevant development plan against which this application must be assessed.

9.1 Principle of Development

Baydon is classed as a large village in the settlement hierarchy set out in the WCS. The WCS identifies that within large villages the settlement boundaries are retained and development will take the form of small housing schemes within the settlement boundaries.

In the WCS, large villages are defined as settlements with a limited range of employment, services and facilities. Development at large villages should therefore be limited to that needed to help meet the housing needs of settlements. Baydon has limited facilities, namely a church, a shop with post office, a primary school and a public house which has a declining clientele.

Core Policy 2 identifies that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. Other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans. The settlement boundary of Baydon has been reviewed as part of the Wiltshire Housing Site Allocations DPD and there are no proposed changes in this part of the village. The site is not being brought forward as part of any neighbourhood plan.

The site is not served by pedestrian footpaths to the village and does not provide safe pedestrian access. As such, it is likely that occupiers would be wholly reliant on vehicular transport for day-to-day living and access to facilities. It has been stated within the application that there is safe access along ALDB23 into the village, however, such a route would connect onto BAYD29 which then runs up to the highway, which occupiers of the proposed dwelling would be reliant on in order to access the village. There are limited safe pathways along this section of highway. It is considered more likely that residents would be reliant on cars to access local facilities.

As a result, new residential development is not considered to be sustainable. Such development is only deemed acceptable in principle if the proposal meets the criteria of one of the 'exception policies', or if the land has been brought forward through a neighbourhood plan (NP). As identified above, there is no NP for Baydon and thus the proposal can only be considered acceptable in principle if the criteria in the exceptions policies can be met, although these must also be read in conjunction with the other relevant WCS policies relating to development, such as CP51; 57 and 58.

One such exception policy is CP48 in the WCS, which supports proposals for new housing that are required to meet the accommodation needs of workers whose employment is essential to the countryside, such as farmworkers. No such case has been made here and no justification exists for permitting the development under the terms of this policy.

The proposal is therefore not in accordance with the exception policy referred to above and is therefore contrary to these provisions of the development plan.

Other policies must also be considered in relation to the wider aims of sustainability, including protecting the character and appearance of the area, the landscape and heritage assets. Paragraph 55 of the NPPF also supports dwellings, beyond those necessary for essential needs or supporting heritage, where they are considered to be of exceptional quality or of innovative nature in design.

The application details suggest that the scheme is of exceptional quality which appropriately reflects its sensitive location within the North Wessex Downs AONB, sitting within the natural envelope of the village between existing dwellings, rather than representing an outward extension of the village. It states that the scheme is of innovative nature and exceptional quality. The application also states that paragraph 62 of the NPPF stipulates that LPAs should have regard to the recommendations of design review panels. The South West Design Review Panel reviewed the scheme when the proposed development was submitted following pre-application advice.

The scheme is a flat-roofed two-storey structure which would be sat into the hillside beyond the limits of development of the village of Baydon. It proposes the use of a mix of traditional building materials. The design is typical of modern architecture and is not in any way exceptional. The use of high thermal mass, passive solar gain, mechanical ventilation heat recovery systems and an air source heat pump system, solar panels and photovoltaics is not innovative in nature; rather this widely used as standard in the design of new dwellings.

The Design Review Panel commented that *"it is open to you to seek to meet the requirements of NPPF Para 55 but this would be a formidable challenge for two particular*

reasons: It is hard to satisfy Para 55 anywhere and harder still in an AONB. And the LPA advise that the site is not 'isolated'.

The Panel identified that "if you were inclined to make your case on the 'innovative nature of the design', the Panel, on the basis of the documents submitted, did not identify any part of the scheme that would do something not done before in the UK. A widely accepted definition of innovation that we use is steps to extend technology that would not be apparent to a professional in this field researching through existing published material. If not innovative, then the scheme would have to rely on exceptional quality".

The Panel concluded on the issue of a Para 55 dwelling that "for all its admirable intentions, cannot be said to clear the bar and has some way to go. If you take this route we'd advise a second review when more work has been done. We think you must acknowledge the risk that further work may not lead to a successful conclusion".

As such and bearing in mind the guidance set out in Paragraph 62 of the NPPF (i.e. that LPAs should have regard to Design Panel recommendations), it is reasonable to conclude that the scheme fails to meet the exacting standards for a new dwelling in a countryside location which would otherwise be unacceptable in principle.

As the proposed development does not meet any of the exceptions policies as set out in the WCS or NPPF and fails to comply with the strategic requirements of the policies of the WCS to direct development within sustainable locations the scheme, the proposal is considered to be unacceptable.

9.2 Landscape Impact

The whole of the settlement of Baydon and the surrounding countryside lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The purpose of an AONB designation is to conserve and enhance the natural beauty of the area. The Council is required to have regard to this objective in determining planning applications. The NPPF states that 'great weight' should be given to conserving the landscape and natural beauty of such designated landscapes.

The WCS identifies the need to protect the distinct character and identity of the villages and settlements in Wiltshire.

Given these two factors, it is important to understand the contribution the site makes to the character and appearance of the landscape. Currently, it forms part of the agricultural landscape that acts as a transition between the urban built form and the surrounding countryside. As agreed by the planning inspector in respect of application reference 14/03688/FUL, the erection of a new dwelling with associated domestic paraphernalia would result in a significant visual presence. The site forms part of the distinct character that characterises the settlement of Baydon and is extremely susceptible to change; if the identity and character of such settlements is to be kept, the landscape at this smaller scale is worthy of conserving.

There are several rights of ways to the west of the site that afford views into the site. There is a footpath (ALDB23) that runs directly adjacent to the site and connects with BAYD29 to

the north, a footpath (ALDB21) at the bottom of the hill on which the site is located and a byway (ALB20) further west, which provides long-distance views into the site.

The proposal would see the erection of a modern dwelling along this ridge adjacent to the highway. The would appear as an incursion of built development that would consolidate the existing built form of its surroundings and which would erode the natural qualities of the site and the intrinsic rural character of the wider area.

The proposal would conflict with Core Policy 51, in that it would have a harmful impact upon the landscape character of the area and the distinctive character of the settlement. Whilst the mitigation proposals are noted and taken into account, they would not ameliorate the harm that the construction of a dwelling of this size in this location would have.

Whilst the materials proposed are unobjectionable, the siting of the dwelling simply fails to relate positively to its landscape setting and is not sympathetic to this protected landscape. The proposal would therefore conflict with Core Policy 51 and 57 of the WCS.

The submission suggests that any light spill from the proposed dwelling would be very limited and no worse than any existing lighting from the neighbouring properties of Becketts and Turf Run. Significant concern is raised at the potential light spill and harm to the special quality of the AONB dark Skies. Their argument that the neighbouring properties and membury service already create a night glow is not acceptable as the proposal will make the situation worse further eroding the character of the AONB.

The submission further suggests that the enhanced screening would have a strong landscape framework, sympathetic to the existing landscape character and the existing village. However, this fails to recognise that Beech hedging is very domestic and formal and not appropriate as a boundary treatment within open countryside. The character of this area beyond the village limits is distinctly rural, where the final dwelling (Turf Run) is seen remote from Becketts and the site forms part of the rural ambience along this part of the hillside.

It is considered that given the location's rural ambience, the proposed structure would appear out of context and would create an obtrusive and overly-developed scheme within this protected rural landscape. The development would be contrary to the criteria of Core Policies 51 and 57 of the WCS (2015) and as such, in terms of the potential detrimental visual impact, the proposal is not supported.

Development Plan Summary

The proposal does not accord with the policies of the development plan. It is not in a sustainable location and would adversely affect the character and appearance of this protected landscape.

9.4 Other material considerations

9.4.1 Housing land supply – the site is located within the Eastern Housing Market Area where the latest housing land supply figures showed a land supply in excess of 8 years - well beyond the 5.25 years required for paragraph 14 of the NPPF to be engaged in relation to housing land supply. The policies of the development plan can therefore be considered to be up-to-date in terms of paragraph 14 and can be given full weight.

9.4.2 Ecology - In carrying out its statutory function, the planning authority must have sufficient information to judge whether the proposal would be likely to result in any adverse impact on protected habitats or species, in line with both the NPPF and CP50 of the WCS. CP50 stipulates the Council's stance on biodiversity and how development must take into consideration the importance of such features and species using an area, how they can be maintained and where it is deemed necessary to alter a feature, appropriate mitigation. The presence of any protected species is a material planning consideration.

Although the proposed site is immediately adjacent to the eastern edge of the Baydon Chalk County Wildlife Site, designated for its chalk grassland flora, the construction of a single dwelling on the site is unlikely to result in depletion of the flora on the county wildlife site or changes to the hydrology or soil structure, upon which the flora is dependent.

10. Conclusion (The Planning Balance)

In determining this application, the local planning authority is fully aware that if the development accords with an up-to-date Local Plan it should be approved, and that, if it conflicts with this plan, it should be refused unless other material considerations indicate otherwise.

In this case, the proposal is clearly in conflict with the up-to-date policies of the development plan. The proposal conflicts not just with the spatial strategy of where new housing should be located, but would also have an adverse impact on the identity and character of the village and a harmful impact on the AONB.

There are three aspects of sustainable development - an economic, social and environmental - in respect of which the NPPF identifies that there is a presumption in favour of. This is seen as a golden thread running through the decision making process and that local planning authorities should approve development in accord with the development plan without delay.

It is acknowledged that some limited positive weight should be given to economic benefits through the likely local employment that may be generated by the development proposed, for a limited period of time. Also, there are likely to be some social benefits through the provision of a new dwelling within the local housing market. However, given the likely cost of a unit of this size, within a secluded rural location set in an impressive plot size, the social benefits would be restricted to those on a higher income and would not likely benefit lower income families and would certainly not add to the affordable housing market.

In this case, the proposal is clearly in conflict with the up-to-date policies of the development plan. The proposal conflicts not just with the spatial strategy of where new housing should be located, but would also have a harmful impact on the rural character and appearance of the area, which is designated as AOB. The site is located in open countryside in an unsustainable location. There is no reasonable access to local services and facilities and the proposed new dwellings would result in a car-dependant development in order to access most services and facilities due to alternative transportation methods not being attractive enough to encourage non-car use.

The fact remains that making an exception to the planning policies in this location would cause irreversible harm through conflict with the development plan by undermining their direction for development to sustainable locations. It is considered that any limited public

benefit that may occur if this development were to be approved, would not outweigh the harm that would be caused by allowing a development that in this particular location would cause harm to the character and appearance of the landscape, on a site that has not been brought forward for development by the local community. Overall, this is not sustainable development. Given the aim of the NPPF for development to be genuinely plan-led, it is considered that undermining this approach by allowing this proposed development would have a significant negative impact.

The proposed development would fail to meet the requirements of Core Policies 51, 57, 58 of the Wiltshire Core Strategy (2015) and would result in an unsustainable form of development which would have a detrimental impact on the character and appearance of the AONB.

RECOMMENDATION

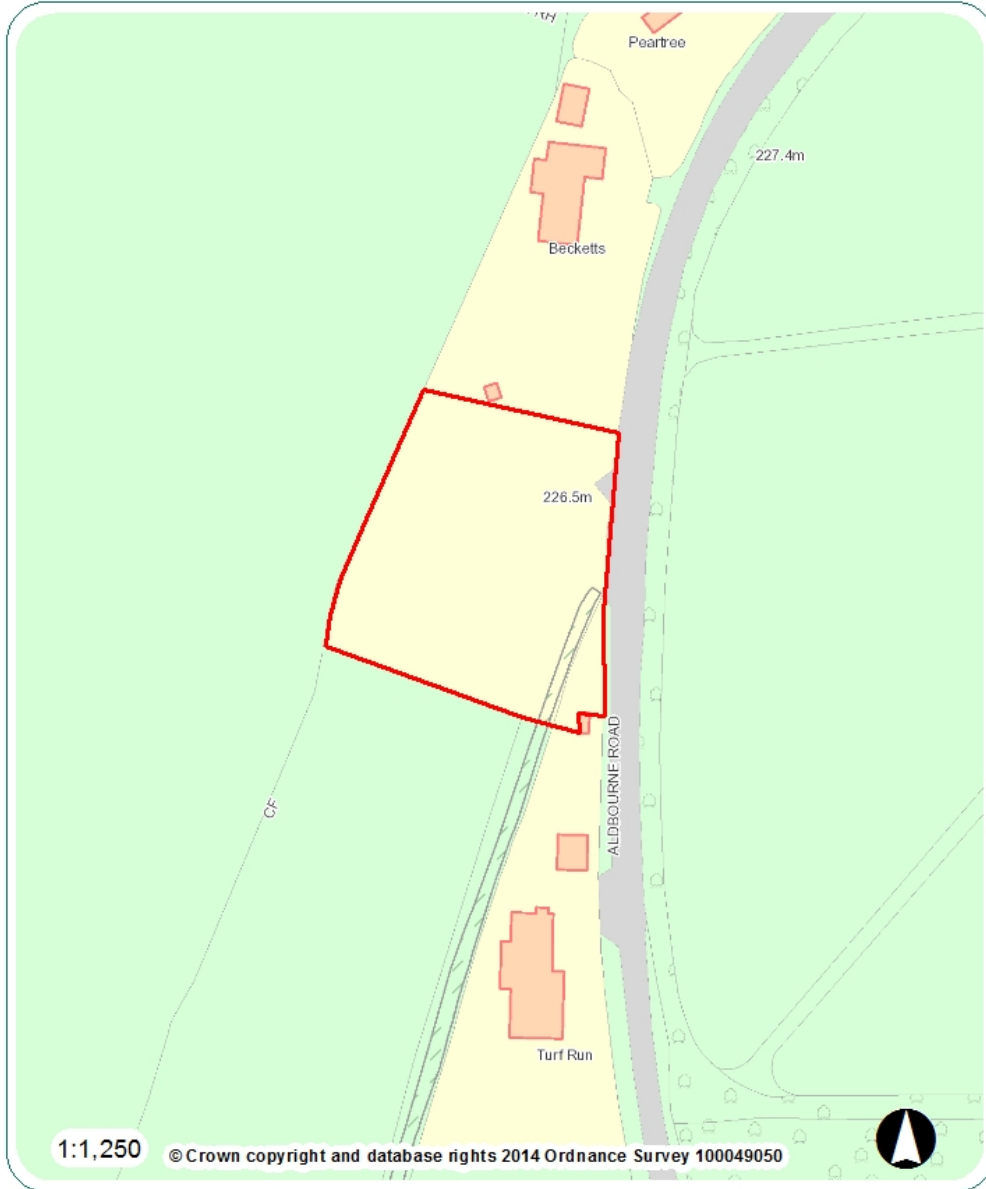
It is recommended that the application be refused for the following reasons:

1. The site is located in open countryside, outside of the limits of development for any nearby settlements (as defined in the Wiltshire Core Strategy) and in a location poorly-served by local services and amenities, where none of the exceptions policies listed at paragraph 4.25 are applicable. Nor has the site been identified through the neighbourhood planning process. The proposal would therefore conflict with Core Policies 1, 2, 14 and 60 of the Wiltshire Core Strategy (2015), which seeks to properly plan for sustainable development of housing in Wiltshire and to central government policy contained within the National Planning Policy Framework.
2. The proposal would result in residential development and associated domestic paraphernalia within the countryside which, in turn, would erode the rural character of the area and negatively impact on the appearance of the landscape, which is designated as the North Wessex Downs Area of Outstanding Natural Beauty. This would conflict with Core Policies 51 and 57 of the Wiltshire Core Strategy and with paragraph 115 of the National Planning Policy Framework, which gives great weight to conserving the landscape of areas of outstanding natural beauty.

18/01938/FUL



Land off Aldbourne Road
Baydon
Wiltshire



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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	19 th April 2018
Application Number	18/01196/FUL
Site Address	Land to the rear of 11 White Street, White Street, Market Lavington, Wiltshire SN10 4DP
Proposal	Demolition of existing garages and erection of two houses with garages plus the provision of a passing space adjoining The Clays (amendment to 17/07414/FUL)
Applicant	Estate of T.E.J. Gye Deceased
Town/Parish Council	MARKET LAVINGTON
Electoral Division	THE LAVINGTONS AND ERLESTOKE – Cllr Gamble
Grid Ref	401579 154104
Type of application	Full Planning
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee

The application is brought before committee at the request of Councillor Gamble, to enable consideration to be given to the highway safety implications of the proposal and the car parking arrangements.

1. Purpose of Report

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

2. Report Summary

The main issue to be considered is whether the proposal has now overcome the Committee's reason for refusal on highways grounds in respect of the previous application reference 17/07414/FUL i.e. is the application now capable of being served by a safe and suitable means of access with sufficient parking. The issues considered under the previous application are also relevant to the determination of this application (albeit, they were issues that did not form any part of the refusal reasons). These issues are as follows:

- Whether the proposed dwellings are acceptable in principle;
- Whether the proposal would preserve or enhance the character and appearance of the Market Lavington Conservation Area; and
- Whether the proposal would have a detrimental impact upon the reasonable living conditions of the adjoining residents.

3. Site Description

The site is located within the Limits of Development of Market Lavington and it is accessed off the Clays via White Street. The Clays is a Public Right of Way (PRoW) with the reference MLAV24 that runs along the northern and eastern edge of the site.

The application site is adjoined by housing and gardens to the north, east, south and west. At the time of the officer site visit, the land was not in active use save for the 3 garages in the eastern corner of the site and was covered by ruderal vegetation. However, based on it having a former use it is considered to be brownfield land.

The site lies within the settlement's conservation area where a number of the surrounding properties are noted as being significant unlisted buildings (notably Nos. 11, 12 and 13 White Street and Nos. 2 and 3 The Clays). There are no other formal heritage or landscape designations covering the site.

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

4. Planning History

17/03204/TCA – tree works application approved to remove Leylandii, a Norway Spruce and a Hawthorn hedge.

17/07414/FUL - Demolition of existing garages and erection of two houses with garages plus the provision of a passing space adjoining The Clays. This application was refused at the Eastern Area Planning Committee on the 2nd November 2017. The reason for refusal was as follows:

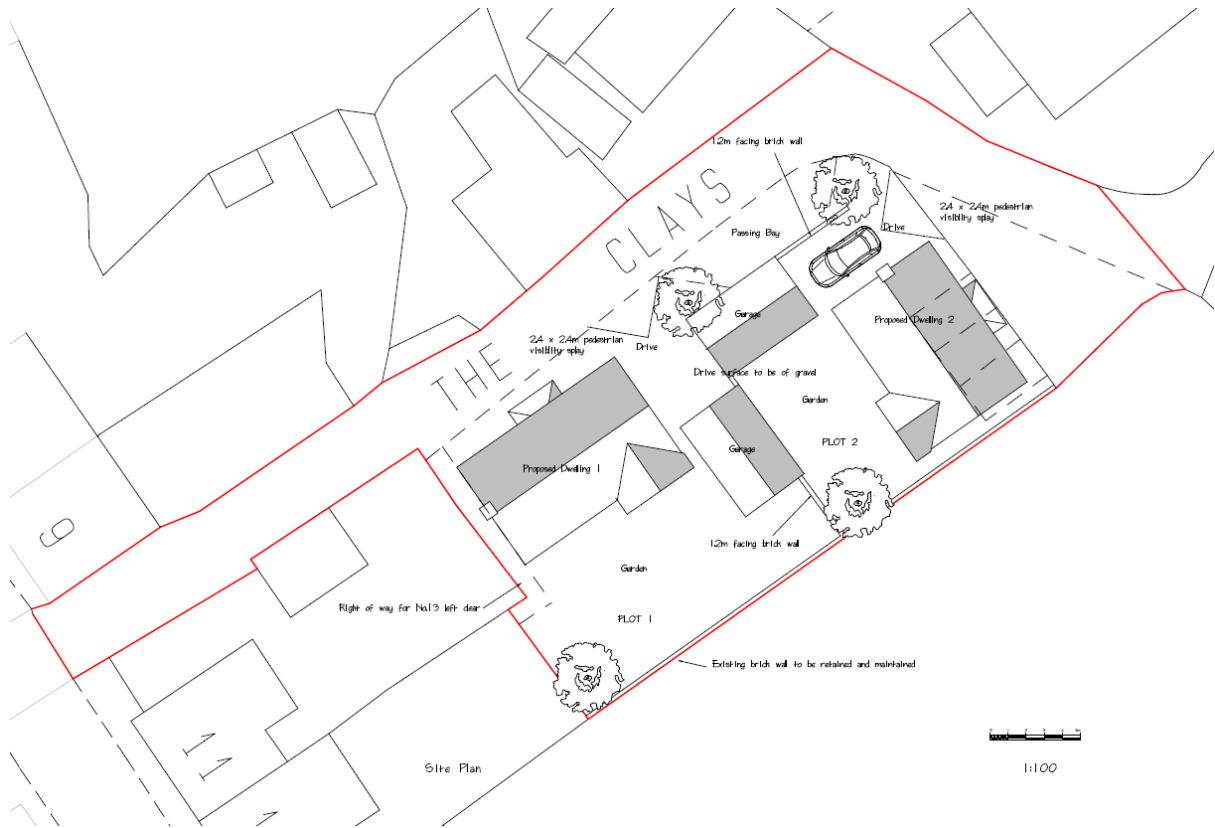
The Clays is a bridleway (MLAV24) with a definitive width of just 3 metres across its entire length. It is unsuitable, by reason of its narrow width and poor quality surfacing, to provide safe and suitable access to the development or to accommodate the additional vehicular movements associated with it. This would cause conflict with users of the bridleway, including cyclists and pedestrians. Furthermore, the proposed layout is such that the development cannot be readily serviced by vehicles, in particular Plot 1. The proposal would therefore be contrary to Core Policy 61 of the Wiltshire Core Strategy, which requires that proposals are capable of being served by safe access to the highway network, Core Policy 57 (vi) of the Wiltshire Core Strategy, which requires that development should take account of a site's characteristics and relate effectively to the immediate setting and the wider character of the area, and paragraph 32 of the National Planning Policy Framework, which requires that safe and suitable access to the site can be achieved for all people.

5. The Proposal

The application proposes the demolition of the existing garages and the erection of two 3-bed dwellings with garages and individual accesses onto The Clays. They are to be constructed out of facing brickwork with plain clay tiles to the roofs. One of the two dwellings would have dentil detailing in the brickwork and the other would have tile hanging to the first floor elevations. Save for this variation, the remainder of the design of the dwellings is identical to that previously proposed.

The dwellings would have a footprint of approximately 77m² (dwelling 1) and 67 m² (dwelling 2), with a ridge height of 8.2m. Each dwelling would have a private amenity space in excess of the generally accepted standards of 50m². They would be served by 2 parking spaces each. It is noted that this includes one space in the garage.

In addition to this and differing from the original submission (17/07414/FUL), the dwellings would be served by 1 no. passing bay. For reference purposes, the site plan is included below.



It is noted that as per 17/07414/FUL, the site plan includes part of The Clays within the red line area. The ownership of The Clays is unknown and the applicant has signed the correct certificate forming part of the planning application (i.e. Certificate D) and duly advertised in the press, as per the legislative requirement. The granting of planning permission does not in any way influence ownership of this land as land ownership is a separate matter from planning. In any event, no development is proposed on The Clays itself. The reason for including the Clays within the red line remains unchanged from the previous submission i.e. it was drawn in such a manner as there is a requirement for applicants to demonstrate how a site would be accessed from the nearest public highway (in this case White Street - an adopted highway), It does not seek to claim ownership.

6. Local Planning Policy

Wiltshire Core Strategy 2015 (WCS):

- CP 1 – Settlement Strategy
- CP 2 – Delivery Strategy
- CP 12 – Devizes Community Area
- CP 41 – Sustainable Construction and low-carbon energy
- CP 51 – Landscape
- CP 57 – Ensuring high quality design and place shaping
- CP 58 – Ensuring the conservation of the historic environment

- CP 61 – Transport and new development
- CP 64 – Demand Management

National Planning Policy Framework 2012 (NPPF)

Supplementary Planning Guidance:

- Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) – Minimum residential parking standards.
- Local Transport Plan 2011-2026 Cycling Strategy (March 2015) – Appendix 4
- Market Lavington Neighbourhood Plan (Regulation 14 stage)

7. Summary of consultation responses

Market Lavington Parish Council

Objects to the application on the following grounds:

- The application overlooks the original reason for refusal that The Clays is not safe or suitable
- The passing bay would be ineffective and not used for its intended purpose but rather as a parking space
- The application still incorrectly includes The Clays within the red line
- The Clays is not an unadopted road; it is a bridleway – no vehicular use is allowed

Highways Officer

Notes that the applicant has provided a revised scheme which introduces a lay-by. Advises that the lay-by will provide some mitigation for passing traffic which offers a small amount of highway benefit.

Other than this, the Highways Officer's comments remain as before i.e. no objection with the following comments:

- The Clays is an adopted Bridleway. All properties located off The Clays should be able to demonstrate right of access.
- The garages and parking area belong to the applicant. The benefit of this off street parking could be removed at any time without the requirement of planning permission. As such the loss of parking is not a valid reason for refusal. Some of the properties utilising the spaces do have their own off street parking.
- The Clays is narrow with a restricted junction onto White Street. However, vehicle speeds are low (20mph limit) and the junction encourages vehicles to exit and enter with consideration, such designs are promoted within Manual for Streets Guidance. As stated previously the proposal will result in a reduction of potential vehicle movements. The garages and parking area to the front were able to accommodate approximately 6-7 vehicles between them. The new properties will have 4 vehicles associated with the site and in turn lower vehicle movements. Less vehicle movements will reduce the impact on the junction and also reduce the vehicle movements which may impact on the pedestrian and equestrian users of the Bridleway. It should be noted that some of the area that was available for parking (in front of plot 2) is still available.
- The ROW promotion of a construction management statement should also be adhered to.

In summary, the Highways Officer is of the opinion that the reduction in vehicle movements will mean that the cumulative impact on The Clays will not be sufficient to warrant a highway objection. To promote the use of the lay-by, a condition can be imposed requiring signage to be provided showing that the bay is for passing and not for parking.

Wiltshire Council Public Rights of Way Team

Does not raise any objection to the scheme. Comments remain as originally stated in respect of 17/07414/FUL. For reference purposes, these were as follows:

The property would be accessed via a bridleway (MLAV24). This is not recorded as a public vehicular highway; the only recorded public rights along it are on foot, horseback and bicycle. In order to drive a vehicle along here, the householder would require a demonstrable private right of vehicular access. Without this private right, the householder would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or householder a vehicular right of access over the bridleway. The householder is advised to take private legal advice.

If planning permission is granted we would require the following:

- *The bridleway would require surfacing and improvement works.*
- *Surface water from the site should not flow out onto the bridleway.*
- *Visibility around the bends in the bridleway should be checked to ensure that the public do not come into conflict with vehicles using the access.*

Wiltshire Council Conservation Officer

Comments remain as for 17/07414/FUL i.e. if the detailed design delivers a high quality scheme, the proposed new houses would not harm the character and appearance of the conservation area nor the setting of the listed buildings.

8. Publicity

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

- Fire engines could not get down The Clays to tackle the two recent fires in the village
- Concerns over construction traffic accessing the site as White Street is narrow with parked cars and The Clays even more so.
- Wish to ensure no commercial / construction traffic uses Gye's Old Yard as a turning space.
- Double yellow lines being parked on in White Street blocking access to The Clays
- Loss of privacy to rear garden and rear windows of No. 2 Kings Court.
- Passing bay will be ineffective and just used as an additional parking space
- Loss of privacy
- Loss of light
- Garages currently allow parking for a total of 7 vehicles; loss of a higher number of spaces than stated in the application
- It will lead to a net increase in parking on already congested streets

- Additional traffic is likely to impinge on their safe transit and impact on the condition of the track.
- Parking provision is insufficient for 2 new dwellings and no visitor space has been provided
- The Clays cannot take any more traffic
- Applicants do not own any of The Clays so why is it included in their application
- Experience shows garages are rarely used for the parking of vehicles
- D&A states that No. 11 has driveway and garage whereas it only benefits from a driveway.
- The applicant states there will be no net increase in traffic but this assumes the current users of the garage would park elsewhere and not on the Clays.
- Will cause light pollution
- Loss garages will lead to increased parking congestion
- The safety of the users of the bridleway (dog walkers, horse riders, school children etc.) will be put further at risk with increased vehicular movements.
- There have been no new buildings in the Clays for over 20 years contrary to what the Conservation Officer states.
- Loss of trees prior to application and destruction of wildlife habitats (including nesting birds)
- The corner of Number 9 White Street is of further risk of being damaged due to being hit by cars turning in and out of the Clays.
- The proposed development would generate both displaced parking and additional traffic using this bridleway.

9. Planning Considerations

Principle of Development

- 9.1 The principle of development was considered acceptable under 17/07414/FUL and did not form the basis for a reason for refusal. For completeness, the following was stated in the previous application with regard to this matter:

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

Core Policy 1 of the WCS identifies the most sustainable locations for growth within Wiltshire on the basis of a settlement hierarchy, with the focus on the principal settlements and market towns. Under Core Policy 12, Market Lavington is defined as a Local Service Centre. Core Policy 2, the delivery strategy, in line with Core Policy 1, seeks to deliver development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at

least 42,000 homes, distributed across the three housing market areas. The aim of this policy is to ensure development occurs in the most sustainable locations in conformity with the distribution set out within Core Policy 2. Within the development limits of Principal Settlements, Market Towns, Local Service Centres and Large Villages, there is a presumption in favour of sustainable development – Local Service Centres, which market Lavington is identified as, are defined as settlements capable of taking modest levels of development. Accordingly, the principle of development for new housing in this location would be considered acceptable subject of course, to the proposal's conformity with other relevant policies of the development plan notably, Core Policies 57, 58, 61 and 64.

Design / Heritage Impact

- 9.2 The design of the scheme and its heritage impact was considered acceptable under 17/07414/FUL and did not form the basis for a reason for refusal. For completeness, the following was stated in the previous application with regard to this matter:

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

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

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

Wiltshire Core Strategy Core Policy 58 relates to Ensuring the Conservation of the Historic Environment and states that designated heritage assets and their settings will be conserved.

The site may have originally been the gardens to Nos. 11 and 13, however it appears to have been separated off for some time and a reasonable section of garden in relation to the scale of the houses has been maintained. The historic and more recent developments in The Clays have established this as an area for residential development. The layout of the new houses follows the layouts which have been established. In terms of size, scale and plot sizes, the houses follow the character of the immediate area. In terms of the overall form and layout, it is considered that the proposed houses would not have an adverse impact on the character and appearance of the area.

The success of a scheme in terms of quality of design will largely depend on the materials and detailing. The design and most of the materials relate to the local vernacular, however some elements were unclear and others required revision. The application form states the windows are timber but the drawing notes state uPVC. Revised drawings have been received which clearly state the windows and doors are to be timber framed. Such a matter can be controlled via a planning condition to ensure they are maintained as such in the interest of preserving the character and appearance of the conservation area. The Conservation Officer shares this view. In addition, the Conservation Officer states that any glazing bars should be traditional in form and not applied or sandwiched between the glazing. This is considered a reasonable request to ensure a high standard of design is achieved in the interests of preserving the character and appearance of the conservation area. It is likely that there will be flues associated with boilers and mechanical ventilation to bathrooms and kitchens and meter boxes. Consideration needs to be given to the siting and appearance of these to avoid impacting on the front facades of the new properties. Details of flues, mechanical ventilation etc. can also be controlled via planning condition to ensure they are sensitively placed on the building and are of an appropriate design.

The materials will be critical, especially the bricks, in terms of how they are constructed and what mortar is used. Again, details of this can be requested via a planning condition to ensure the character and appearance of the conservation area is preserved. For similar reasons, it would be prudent to remove permitted development rights for additions, extensions and external alterations to the dwellings.

Subject to the conditions outlined above being in place, it is considered that the scheme would have an acceptable impact in design and heritage terms.

Other than a slight reduction in the footprint of dwelling 2 and the introduction of a passing bay, there are no changes to the design of the scheme. These changes outlined do not affect the conclusions reached above in respect of design and heritage impacts. As such, it is considered that the scheme can be delivered on the site in accordance with the requirements of Core Policies 57 and 58 of the WCS. Furthermore, no additional comments have been made in respect of heritage matters by the Council's Conservation Officer.

Visual Impact

- 9.3 The visual impact of the scheme was considered acceptable under 17/07414/FUL and did not form the basis for a reason for refusal. For completeness, the following was stated in the previous application with regard to this matter:

Based on the considerations above that the scheme is of an acceptable design with no adverse impact on the character and appearance of the area, the proposed development would not have any further visual / landscape impacts. The aims of Core Policy 51 to protect landscape character are thus satisfied.

However, a condition requiring the submission of a hard and soft landscaping scheme should be imposed to ensure that a satisfactory landscape setting is achieved for the site. At the time of the officer site visit, there appeared to be no trees or hedging on the site, just ruderal vegetation and consequently, there is nothing to retain or protect. It is noted that an application was submitted earlier in 2017 which sought removal of the trees and hedging. As such, it is

not essential for the landscaping scheme to be submitted prior to the commencement of development.

Neighbour Amenity

- 9.4 The neighbour amenity impacts were considered acceptable under 17/07414/FUL and did not form the basis for a reason for refusal. For completeness, the following was stated in the previous application with regard to this matter:

In summary, it is considered that there would be no detrimental impact to the reasonable living conditions of the adjoining residents as a result of this development.

Plot 1

The proposed dwelling is situated a satisfactory distance away from neighbouring properties such that it would not have an overbearing impact.

The same can be said for the levels of light received to neighbouring properties. Whilst light levels will indeed be altered as a result of the proposal, the impact will not be so significant as to warrant a refusal of planning permission. The assessment was done using (<https://www.suncalc.org>) and on looking at separation distances and respecting building heights as outlined on the plans.

There are no windows in the side elevation thus no assessment is required.

There are three windows at first floor elevation in the front elevation. The central window serves a staircase and the outlook from this window will be fleeting glances as one navigates the stairs. The two remaining windows serving bedrooms, will overlook The Clays and beyond that, a garage, parking area and the roofs of some outbuildings. The outlook from these windows would not be to the detriment of anyone's privacy.

There are three windows at first floor elevations in the rear. These face out across the garden to Plot 1 and beyond this the rear garden of No. 14 White Street. Angles would be oblique to the garden of No. 13 White Street. Two of the windows serve bathrooms and can therefore be conditioned to be obscurely glazed. The window serving bedroom 3 is therefore the only window that needs to be assessed.

The distance from this window to the boundary with No. 14 is just over 9m. No. 14 has a large garden with a 2m high brick wall as the boundary feature that adjoins Plot 1. Its principle patio / sitting out area does not sit in line with this window rather, at some angle. In addition to this, the garden is of a large enough size to retain private areas. Furthermore, no objections have been received from this property. On this basis, it is considered that the outlook from this window would not have a detrimental impact upon the privacy levels of this property.

Plot 2

The proposed dwelling is situated a satisfactory distance away from neighbouring properties such that it would not have an overbearing impact.

The same can be said for the levels of light received to neighbouring properties. Whilst light levels will indeed be altered as a result of the proposal, notably to No. 1 The Clays and No. 2 Kings Court, the impact will not be so significant as to warrant a refusal of planning permission. These properties will still enjoy sufficient levels of day light as the sun moves throughout the day. This assessment was done using (<https://www.suncalc.org>) and on looking at separation distances and respecting building heights as outlined on the plans.

There are no windows in the side elevation thus no assessment is required.

There are three windows at first floor in the front elevation. The central window serves a staircase and the outlook from this window will be fleeting glances as one navigates the stairs. As such, the impact on privacy levels from this window is negligible. The two bedroom windows will look out over The Clays and beyond that, the garden of No. 2 Kings Court. The distance to the boundary of this property from the window of bedroom one is over 10.5m and from bedroom two, 7.5m. In respect of bedroom one, this distance is more acceptable but bedroom two is quite close. That said, this property has a fairly low fence and views into the garden were possible at the time of officer site visit from the PRow / track. On the basis of no objection from the occupiers, the presence of an intervening PRow / lane and a low fence enabling current overlooking of the garden anyway, the outlook from these windows would not cause detrimental harm to the reasonable living conditions of this property.

There are three windows at first floor elevations in the rear. Two of the windows serve bathrooms and can therefore be conditioned to be obscurely glazed. The window serving bedroom three is therefore the only window that needs to be assessed. This window looks out towards the gable elevation of Plot 1 and at an angle, over the roof of the garage to Plot 1. As such, the outlook from this window will not have a significant impact upon the privacy levels of the future occupiers of Plot 1. Furthermore, there would be an element of 'buyer beware' when purchasing Plot 1 upon its completion.

Whilst it is appreciated that new representations have been received from the occupier of No. 2 Kings Court that were not raised during the course of the original application (17/07414/FUL), a full assessment of the potential impact on any occupiers of this property was undertaken and it was considered on balance that their reasonable living conditions would not be compromised. This point was not challenged at the committee meeting and therefore did not form a reason for refusal. It would be inconsistent to introduce this now. Furthermore, it should be noted that the previous decision did not include a reason for refusal on neighbour amenity grounds and that it is possible for the applicant to lodge an appeal in respect of this as it is still within the 6 month challenge period.

Parking / Highways / Rights of Way

- 9.5 Minimum parking standards exist for residential dwellings and it is a requirement of Core Policy 64 of the WCS that these are adhered to in all new residential development proposals. The development proposes 2 three-bed properties, each with parking for 2 vehicles. Minimum parking standards require 2 spaces to be provided for 3-bed properties and this can include garages, provided that they are a minimum internal dimension of 3m x 6m. This has been demonstrated on the plans and as such, the required parking standards for the development can be achieved. A condition would need to be imposed to ensure the garages remain free at all times for the parking of vehicles to ensure no loss in parking provision at either of the

properties. The reason for refusal on 17/07414/FUL did not make any reference to non-compliance with the Council's minimum parking standards.

Visitor parking is required at a rate of 0.2 spaces per dwelling. A scheme for just 2 dwellings would not therefore generate the need to provide any visitor parking spaces ($2 \times 0.2 = 0.4$ spaces). The provision of parking spaces for service and delivery vehicles is not a requirement of any policy within the WCS or the NPPF for a development of this scale i.e. two dwellings. As such, it cannot be insisted upon and for this reason, it should not form the basis of any reason for refusal. The applicants have, however, specified a passing bay on the plans, which would provide a temporary pull-in place for service and delivery vehicles and to avoid vehicle conflict. A condition can be imposed to secure a signage scheme for the passing bay to alert people to the fact that it is a passing / delivery bay and not a parking place.

The provision of a passing bay does alleviate some of the concerns raised by members in respect of the previous application. Furthermore, it must be noted that The Clays serves a number of residential properties to which no provision currently exists for service or delivery vehicles and so, in this respect, the proposal is no worse. Indeed, it could be argued that the provision of a passing place would ensure that the dwellings would be better placed to be serviced by such vehicles. In any event, should this become a nuisance to authorised users of the bridleway and where there no private rights are demonstrated, it can be suitably enforced by Wiltshire Police i.e. governed by other legislation. To date, no such complaints have been made with regard to the use of The Clays in relation to existing properties, so it would be unreasonable to speculate that two new dwellings would cause a significant nuisance.

The existing site has three garages on it which are all currently rented out. The garages were in active use at the time of the original application albeit, this was not overly apparent at the time of the officer site visit. Nonetheless, the locals have maintained that as many as 7 vehicles park within and in front of these garages; this has certainly been more ostensible at during the timeframe of the re-submitted application. The proposal would see the parking of 4 vehicles on the site and thus there would be a net reduction in vehicular movements from the site i.e. a highway betterment.

With regard to the displaced parking, the agent stated in the original application that the tenants of two of the garages live in The Clays and the other on Lavington Hill. This arrangement would appear to still be in place. As such, any direct impact on The Clays would only be from two dwellings. Any displaced parking onto The Clays itself would be unauthorised and very likely to be considered an obstruction of a bridleway. As such, it would be governed by Rights of Way Legislation to be enforced by Wiltshire Council and Wiltshire Police.

Any displaced parking elsewhere on the highway (e.g. White Street or the High Street) would be considered in respect of impact on highway safety i.e. would the displacement of 2 or 3 vehicles onto the highway be harmful to road safety? The Highway Officer is satisfied that this would not be the case. Accordingly, no objection is raised to the loss of the garages.

Furthermore, it is valid to take account of the fact that the garages are rented, not owned. The right to park there is a privilege given to the tenants by the owner of the garages. At any moment in time, this right could be ceased irrespective of the outcome of a planning application. This is a valid fall-back position as there is a realistic prospect of this occurring

given the applicants' desires to dispose of the site. It is very important to bear this fact in mind this fact when considering the impact of the proposal on highway safety.

The proposed dwellings would be accessed off White Street via The Clays, which is a bridle path (MLAV24). This is not recorded as a public vehicular highway; the only recorded public rights along it are on foot, horseback and bicycle. In order to drive a vehicle along here, the householder would require a demonstrable private right of vehicular access. Without this private right, the householder would be committing an offence under Section 34 of the Road Traffic Act 1988. This situation is the same for all of the properties along The Clays. The granting of planning permission does not give the applicant or householder a vehicular right of access over the bridleway. However, it does not preclude the local planning authority from granting planning permission. Any obstructive use of the Bridleway would be dealt with by other legislation. However, with historic use of garages on the site and the information supplied by the applicants in the form of sworn affidavits, one can only assume such rights exist in respect of the application site.

The Rights of Way Team have stated that if planning permission is granted, the following would be required:

1. The bridleway would require surfacing and improvement works.
2. Surface water from the site should not flow out onto the bridleway.
3. Visibility around the bends in the bridleway should be checked to ensure that the public do not come into conflict with vehicles using the access.

With regard to point 1, it would be unreasonable to request this through a planning condition. The bridleway is used to access several other properties along The Clays, all of which contribute to its wear and tear. This would include the existing garages on the site. It would be unreasonable and unnecessary to place the burden of this repair upon the occupiers of 2 new dwellings when the bridleway is not formally surfaced and is used by other vehicles.

With regard to point 2, a surface water drainage condition can be imposed if planning permission is granted, to ensure that any run-off is into the property rather than onto the bridleway. In respect of point 3, this would also be an unreasonable to require by way of a condition. As stated previously, The Clays is used to access a number of properties, some of which are further down the bridleway where additional bends must be navigated. A condition requiring pedestrian visibility splays to be provided at the vehicular entrance to each of the dwellings is considered sufficient to address this issue and has already been recommended by the local highway authority.

10. Conclusion (The Planning Balance)

The site constitutes brownfield land and sits within the Limits of Development for Market Lavington where under Core 1 and 2 of the WCS new residential development is permissible in principle.

The proposal involves the erection of two 3-bed dwellings which are considered to meet the high standards of design that are required by Core Policy 57 of the WCS, with the more detailed aspects capable of being controlled through appropriate planning conditions. The

Council's Conservation Officer is satisfied that the scheme would not have a harmful impact upon the Market Lavington Conservation Area or any other nearby heritage assets.

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

The Council's Highways Officer is satisfied that two dwellings can be accommodated on the site without causing significant harm to highway safety. As detailed in the report, parking displacement would not be at a level that would merit a refusal of planning permission and minimum residential parking standards have been met for the two dwellings. The Rights of Way Team have suggested conditions in the event that the local planning authority (LPA) is minded to approve the application. The introduction of a passing place is seen as a positive of the scheme by the local highway authority and there is no objection to it from the Rights of Way Team.

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

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

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

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

RECOMMENDATION

That planning permission is 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:

Drg No. GTB-831-2A - Proposed Dwelling 1 Elevations
Drg No. GTB-831-2B Rev B - Proposed Dwelling 2 Elevations
Drg No. GTB-831-1A - Proposed Dwelling 1 Floor Plans
Drg No. GTB-831-1B - Proposed Dwelling 2 Floor Plans
Drg No. GTB-831-3 Rev A - Proposed Dwellings Garage Plan & Elevations
Drg No. GTB-831-4 Rev B - Proposed Dwellings Site & Location Plans

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

- 3 No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include, but not necessarily be limited to, the following:
- a) A pre-condition survey of the Public Right of Way (MLAV24)
 - b) Car parking strategies for construction vehicles
 - c) The storage location of any materials or plant
 - d) The location of temporary structures (e.g. site office)
 - e) Details of the means of protection for MLAV24 during the course of construction.
 - f) Details of the routes constructions vehicles will be taking to access the site

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

REASON: To ensure adequate protection of the public right of way, that it remains available and convenient for public use and in the interests of neighbour amenity.

- 4 No development shall commence on site above ground floor slab level until the exact details and samples of the materials to be used for the external walls (including details of the brick bond and mortar) and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the Market Lavington Conservation Area and ensuring high quality design as per Core Policy 57 of the Wiltshire Core Strategy.

- 5 No development shall occur above ground floor slab level 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) finished levels and contours;
 - c) means of enclosure;
 - d) all hard and soft surfacing materials;

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

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

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

- 7 No development shall commence on site above ground floor slab level until details of all new or replacement external chimneys, flues, extract ducts, vents, grilles and meter housings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the Market Lavington Conservation Area and ensuring high quality design as per Core Policy 57 of the Wiltshire Core Strategy.

- 8 Within 3 months of the demolition of the garages, all of the demolition materials and debris shall be removed from the site.

REASON: In the interests of the character and appearance of the Market Lavington Conservation Area.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending 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 preserving the character and appearance of the Market Lavington Conservation Area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

- 10 The windows at first floor in the south eastern elevation of Plot 1 serving the two bathrooms shall be glazed with obscure glass only to an obscurity level of no less than level 3 and fixed with a ventilation stay restricting the opening of the window prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 11 The windows at first floor in the south western elevation of Plot 2 serving the two bathrooms shall be glazed with obscure glass only to an obscurity level of no less than level 3 and fixed with a ventilation stay restricting the opening of the window prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 12 No part of the development hereby permitted shall be brought into use until the accesses 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.

- 13 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 garages hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety in accordance with Core Policy 64 of the Wiltshire Core Strategy.

- 14 No part of the development shall be brought into use, until the pedestrian visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside bridleway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of the safety of the users of the bridleway.

- 15 All new windows and doors shall be of timber construction and maintained as such in perpetuity. Glazing bars on all new windows shall be traditional in form.

REASON: In the interests of preserving the character and appearance of the Market Lavington Conservation Area and ensuring high quality design as per Core Policy 57 of the Wiltshire Core Strategy.

- 16 The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied

until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

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

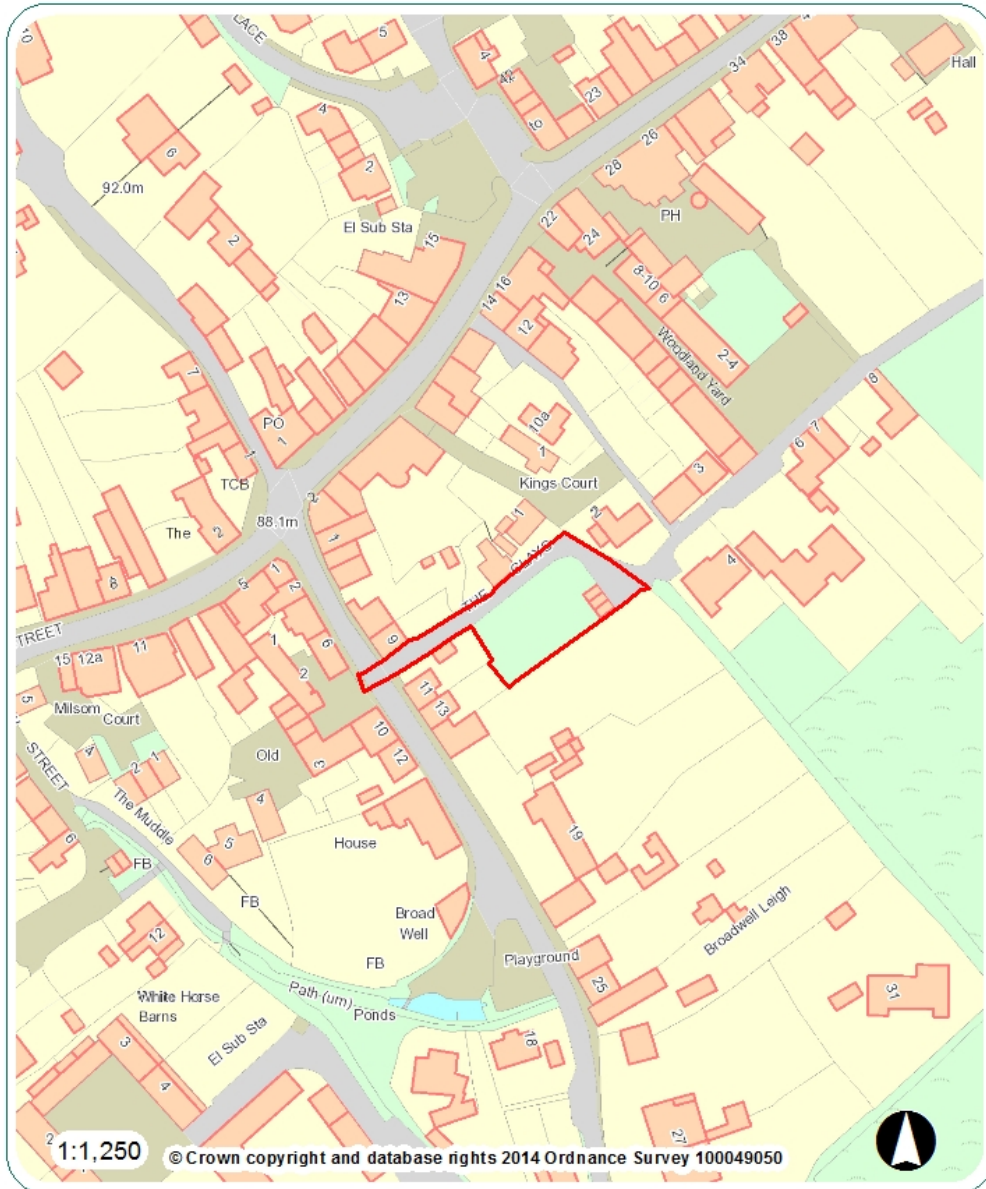
- 17 Before the development is first brought into use, details of a signage scheme to be placed by the passing bay shall be submitted to and approved in writing by the Local Planning Authority. The signage scheme shall indicate that it is a passing / delivery bay. The signage scheme shall be erected prior to first use of the dwellings.

REASON: To ensure the passing bay is retained for its intended purpose.

- 18 **INFORMATIVE TO APPLICANT:**
The applicant is advised that no construction / demolition vehicle access may be taken along MLAV24 without prior consultation with the Wiltshire Council Rights of Way Warden. Where appropriate any safety/mitigation/reinstatement measures must be approved by the Wiltshire Council Rights of Way Warden.

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18/01196/FUL
Land to the rear of 11 White Street
White Street
Market Lavington
SN10 4DP



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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 3

Date of Meeting	19 th April 2018
Application Number	18/00127/FUL
Site Address	The Elms, Kingston Road, Shalbourne SN8 3QF
Proposal	The erection of one detached dwelling and detached garage
Applicant	Mr C Isaac
Town/Parish Council	SHALBOURNE
Electoral Division	BURBAGE AND THE BEDWYNS – Cllr Wheeler
Grid Ref	431288 162987
Type of application	Full Planning
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee:

This application is brought to committee at the request of Divisional Member, Cllr Wheeler. The key reasons for the call-in are the existence of an extant planning permission for a replacement dwelling on the site, the proximity to listed buildings and the potential overdevelopment of the site and impact on the conservation area.

1. Purpose of Report

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

2. Report Summary

The main issues to be considered are:

- Whether the dwelling is acceptable in principle;
- Whether the scheme constitutes high quality design;
- Whether the proposal would protect, conserve or enhance landscape character;
- Whether the proposal would preserve or enhance the character and appearance of the Shalbourne Conservation Area;
- Whether the proposal would preserve or enhance the setting of the adjacent designated and non-designated heritage assets;
- Whether the proposal would have a detrimental impact upon the reasonable living conditions of the adjoining residents;
- Whether the proposal would have a negative effect upon highway safety, including if there is sufficient parking for the new dwelling;
- Whether the proposal would have an acceptable impact on protected trees on the site; and,
- Whether the proposal would have a harmful ecological impact.

3. Site Description

The application site consists of the tennis court, front orchard and site access to The Elms. It lies within Shalbourne Conservation Area and the North Wessex Downs area of outstanding natural beauty (AONB). The site adjoins Bee Keepers, a grade II listed building, and The Old Chapel, which is identified as a significant unlisted building in the Shalbourne Conservation Area Statement 2003. It is therefore considered to be a non-designated heritage asset. The trees in the orchard are covered by a tree preservation order (TPO). The site is surrounded by residential properties on all four sides and currently benefits from a good degree of screening both within it and along its boundaries.

Below is a location map and photographs which show the context of the site.





Entrance to the site on Kingston Road



View from the driveway north-eastwards towards the tennis court



View from the driveway northwards towards the tennis court



View from the orchard towards the Old Chapel



View of the north-eastern boundary of the site



View from the rear of the site

4. Relevant Planning History

15/02800/FUL	Demolition of existing dwelling and erection of replacement dwelling and detached cart shed, with associated parking, turning, and landscaping.	Withdrawn
15/07939/FUL	Demolition of existing dwelling, and the erection of a replacement dwelling and detached cart shed; with associated parking, turning, and landscaping. (resubmission of 15/02800/FUL)	Approved with conditions
17/04326/FUL	The erection of 3 dwellings: two number 4 bedroom detached houses with integral garages, and one number 4 bedroom house with a detached garage.	Refused (see below for reasons)

- 1 *The proposal is for three dwellings completely filling the site of the tennis court, with minimal gaps between the dwellings and with no gap between plot 1 and the site boundary. As such, the proposal is considered to be a gross overdevelopment of the site which would not be complimentary to the locality, which would not enhance local distinctiveness and which would not relate positively to the existing pattern of development. As such, the proposal is contrary to Core Policy 57 of the Wiltshire Core Strategy.*
- 2 *The proposed development would cause less than substantial harm to the character and appearance of Shalbourne Conservation Area. The proposal would also cause less than substantial harm to the setting of both the grade II listed Bee Keepers and The Old Chapel, a non-designated heritage asset. There are no public benefits arising from the proposal which outweigh this less than substantial harm and as such the proposal stands to be refused in accordance with paragraph 134 of the National Planning Policy Framework. The proposal is also contrary to Core Policy 58 of the Wiltshire Core Strategy, which requires development to protect, conserve and where possible enhance the historic environment.*
- 3 *The proximity of the dwelling at plot 1 to The Old Chapel would result in material harm to the level of amenity currently enjoyed by the occupant of The Old Chapel. As such the proposal is contrary to Core Policy 57 of the Wiltshire Core Strategy and to the core planning principle set out in paragraph 17 of the National Planning Policy Framework that planning should always seek to secure a good standard of amenity for existing occupants of land and buildings.*
- 4 *The proposal to provide a garage for plot 1 would involve the removal of 4 apple trees which form part of a Tree Preservation Order covering the site's orchard. Although these particular trees may have limited visual amenity, they are essential to the overall cohesiveness of an orchard which contributes to the character and appearance of Shalbourne Conservation Area. The loss of these trees would therefore be contrary to*

Core Policy 57 of the Wiltshire Core Strategy, which requires development to make a positive contribution to the character of Wiltshire through the retention and enhancement of existing important landscaping in order to effectively integrate development into its setting.

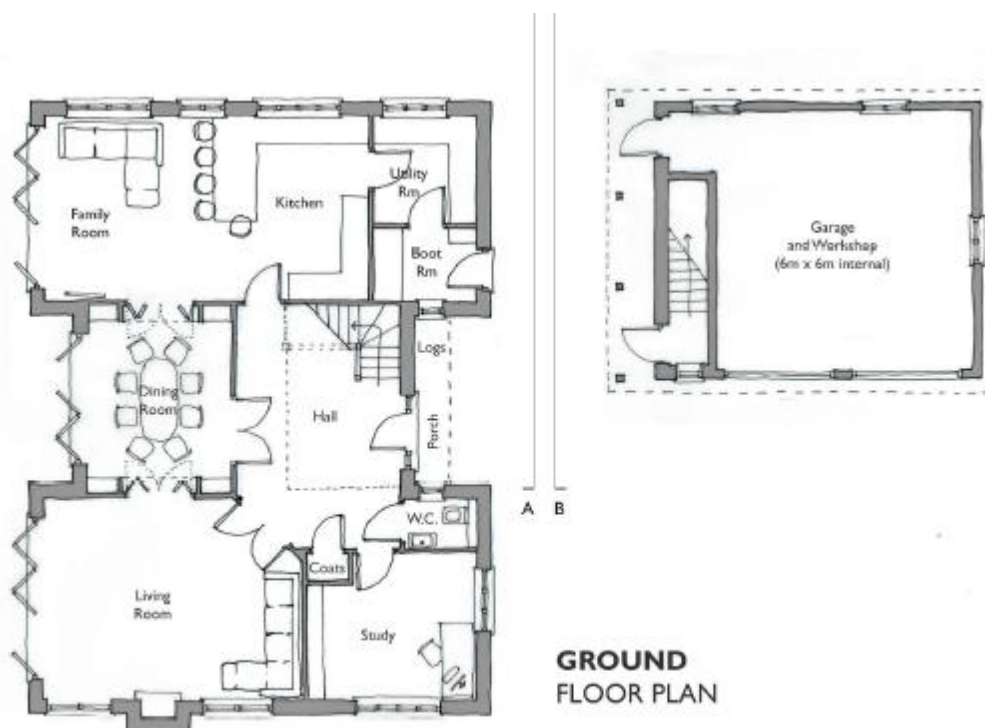
5. The Proposal

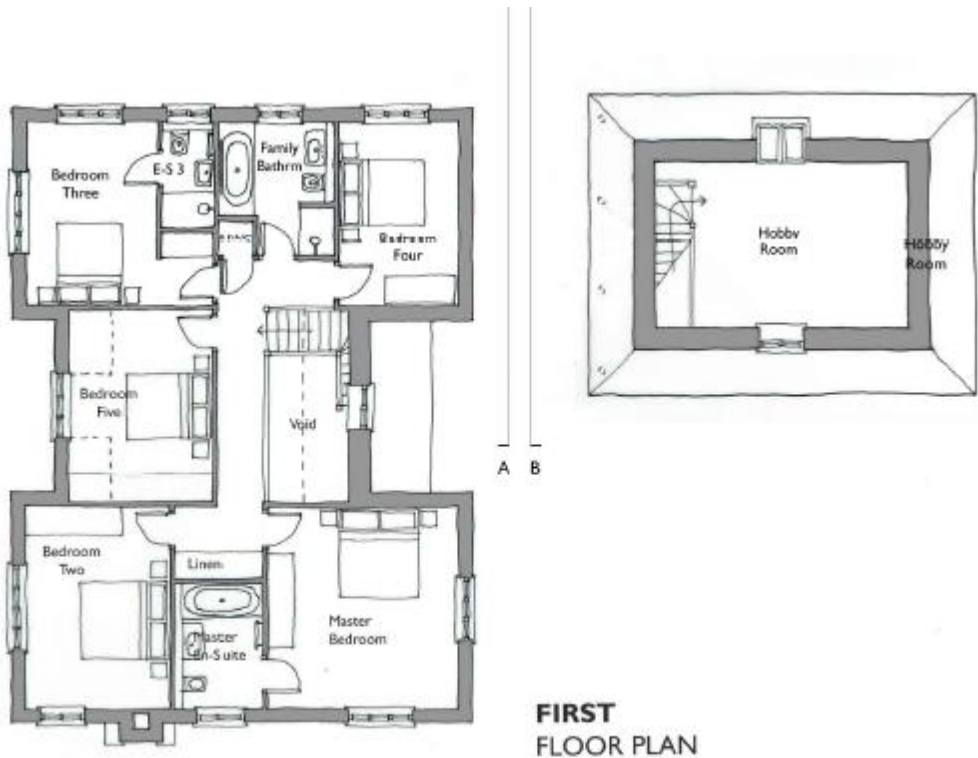
The application proposes the erection a 5-bed dwelling with detached garage. The dwelling would occupy a footprint of 140m² and would have a ridge height of 7.8m. It would be constructed of a palate of traditional materials, including facing brickwork and plain clay tiles, with bonnet hips and ridge tiles. The dwelling would be accessed off a private driveway that currently serves The Elms, which junctions with Kingston Road. This access drive would be widened at its entrance, which would involve the removal of a section of the front boundary hedge. A private parking area with sufficient turning space is proposed to enable vehicles to enter and exit in a forward gear.

It is also proposed to construct a detached double garage with hobby room above. This would have a footprint of 62m² and a ridge height of 6.8m. It would be constructed of the same materials as the proposed dwelling. The garage, coupled with the hardstanding to the front, would be of sufficient size to provide space for the parking of 3 vehicles.

The proposal, as outlined above, is an amendment to the originally submitted scheme. The original scheme had a slightly larger footprint, with a higher number of dormer windows and the garage was link attached. The revisions were sought to address officers' concerns over the bulk of the dwelling, the proliferation of dormer windows and its sprawling appearance and footprint.

Below are the plans, elevations and block plan of the proposed dwelling.







**REAR ELEVATION
NORTH-WEST**



**REAR ELEVATION
SOUTH-WEST**



**FRONT ELEVATION
SOUTH-EAST**



6. Planning Policy

Wiltshire Core Strategy 2015 (WCS):

- CP 1 – Settlement Strategy
- CP 2 – Delivery Strategy
- CP 18 – Pewsey Community Area
- CP 50 – Geodiversity and Biodiversity
- CP 51 – Landscape
- CP 57 – Ensuring high quality design and place shaping
- CP 58 – Ensuring the conservation of the historic environment
- CP 61 – Transport and new development
- CP 64 – Demand Management

National Planning Policy Framework 2012 (NPPF)

Supplementary Planning Guidance:

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

Above the various tiers of planning policy and guidance is the over-arching statutory requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 to give **special regard** to the desirability of preserving the building or its setting (S16) and to the desirability of preserving the character and appearance of the conservation area (S72).

7. Consultations

Highways Officer

No objection is raised subject to conditions requiring the surfacing of the first 5m of the access in a consolidated material; that the parking area and access be laid out prior to use; and that the garage remains as ancillary accommodation.

No further comments were made in respect of the revised plans.

Wiltshire Council Conservation Officer

No comments received.

Shalbourne Parish Council

Objects to the application on the following grounds:

- 1 Demand for houses in Shalbourne: There is currently no demand for houses in Shalbourne of the type described in this application. At the moment there are at least two houses in Ropewind that are on or will be on the market. If new building were required then there is a site within 50 metres of the proposed site which has had planning permission for many years but nobody has built on it. Redundant agricultural buildings around Shalbourne are also potential sites which would have less impact than the present proposal.
- 2 The “Combined Planning Support Report and Design and Access Statement” and the “Heritage Impact Document” (the “Impact Documents”) are fundamentally flawed. Leaving aside, for the moment, the inaccuracies of the maps as regards to the Chapel, these documents only look to the impact of the proposed building on the present scene. They ignore the fact that the “original” Elms has permission to be demolished and replaced with a large modern house. The impact of 2 modern houses is not the sum of the impact of each. The first document is obscure in dealing with this in para 2.3, implying that the original Elms will be retained. As the permission is still in existence this cannot be right.
- 3 The Plans submitted lack detail of finish etc. and make it impossible to assess the impact of the proposal. They also, as previously noted, misrepresent the position of the Chapel buildings.
- 4 For the reasons given in [2] and [3] above, we consider that this application is inadequate and that the applicant should be asked to resubmit it.
- 5 The Impact Documents make no reference to the Shalbourne Conservation Area Statement which says that spaces between buildings should be maintained. There are many buildings in Shalbourne with large gardens and the precedent of infill should be avoided
- 6 Para 5.11 of the first Impact Document states that the area has “already been subject to modern intrusion”. This is the first time I have seen a professional argue that two wrongs make a right.
- 7 The orientation of the proposed house is out of keeping with the surroundings where most houses are perpendicular to the road.
- 8 We would ask that the traffic experts look again at the impact of widening the gate and the entrance road. At this point the Kingston Road is at its narrowest and increasing vehicular traffic will increase risk.
- 9 The hardstanding area for rubbish bins will be unsightly and unnecessary. They could also lead to pollution. Most of us are quite capable of walking bins to the pavement for collection.
- 10 The Impact Documents blindly assert that the building will have a negligible impact on the area. Any site visit will disprove this. The building is within 50yds of the listed Beekeepers and almost abuts the interesting if unlisted Chapel. In addition the impact of the two houses (the proposal and the Elms) on the Conservation Area itself is significant. The Conservation Area around there may, as the Impact Documents say, have a variety of housing but the proposed house will add nothing to it but will detract from the character of the Area.
- 11 In summary, the negative impact of this building on the Conservation Area outweighs any potential advantage, particularly as no advantage has been identified.

No comments were received in respect of the revised plans.

8. Publicity

The application has been advertised by way of a site notice and consultations with the occupiers of neighbouring properties. As a result of this, two letters of objection have been received highlighting the following concerns:

- Construction traffic etc. will cause vibrations that will damage Bee Keepers Cottage
- House should be moved a few yards away to limit impact to Bee Keepers i.e. on the plot that already has planning permission
- Plans have been carelessly drawn
- Garage has been designed so it could be used separately
- Garage is too close to neighbouring dwelling
- Object to a row of smelly bins outside their property
- The proposed housing application is infilling, which would ruin the character of the village
- The development of a significant estate-style property in this neat and confined setting, would set a precedent for future and similar proposals within the village envelope
- Orientation of the property is out of character
- The principle of development on this site, whatever is proposed and involved, would have a significant impact on preserving the character of the immediate area, and wider setting of the village
- Agree with Conservation Officer's comments on previous scheme
- Inadequacy of the access track to serve The Elms
- The provision of a tarmac area for the storage (temporary or permanent) for household refuse collection purposes at the entrance to Kingston Road, would be detrimental to the local aesthetic appeal.
- Access by commercial traffic to the site associated with any construction, would be significantly disruptive to other road and pavement users
- The existing road network which services the village is narrow and restrictive to accommodate even a small increase of traffic, certainly any significant movements concerned with a development of this size.

9. Planning Considerations

Principle of Development

The site lies within the defined limits of development (LOD) for Shalbourne, which is classified in the Wiltshire Core Strategy as a "Large Village". Within the LODs of Large Villages, there is a presumption in favour of sustainable development. Hence, there is no "in principle" objection to the development of the site. However, the application must also be assessed against other key policies within the Wiltshire Core Strategy.

Design

The previous application relating to the site (17/04326/FUL) was refused on design and conservation area impact grounds. Subsequent discussions were held with the case officer and it was considered that a well-designed single dwelling could be accommodated on the site.

The plot is quite sizeable and can easily accommodate 1 large dwelling without appearing 'over-developed'. The previous scheme for 3 dwellings was considered to constitute overdevelopment of the site and consequently, this formed a reason for refusal. The reduction in number of units is considered to have addressed this.

The same reason for refusal also stated that the scheme would not relate positively to the existing pattern of development. The reduction to just 1 dwelling now ensures that the density and depth of development are more in keeping with the surrounding area.

The orientation of the dwelling would be in keeping with the existing property at The Elms and the Old Chapel and would also allow for the existing access to be retained, along with the majority of

the existing planting. This will ensure that the dwelling relates more positively to the existing built form and the important landscape features of the site.

The dwelling would be constructed of traditional materials, with design detailing that is complimentary to the locality and similar to that of the neighbouring properties (notably, Bee Keepers). The ridge height has been kept to a minimum by incorporating as much of the first floor as possible within the roof space, thus reducing its visual impact. The scale of the proposed dwelling would be in keeping with the surrounding area where a range of property sizes exist, from smallish dwellings to much larger ones. This will ensure that the dwelling responds positively to the existing built form in terms of buildings heights, scale and elevational treatment. However, it would be prudent to request a sample of all external materials, including architectural details, joinery and rainwater goods as the success of the scheme in design terms relies heavily upon these detailed elements.

The proposed provision of a hardstanding area by Kingston Road for bin storage on collection days would not warrant a design based objection. It is to be suitably planted around with hedging in an attempt to hide the bins. In any event, the bins could be stored there without the need for planning permission.

Whilst the widening of the track would result in the loss of some hedging and a very small section of modern brick walling, it would not appear overly-engineered. The provision of such an access is not uncommon within the wider streetscene (notably opposite The Old Chapel) and as such, it a design-based objection alone could not be substantiated in the absence of any other harm. Furthermore, hard and soft landscaping details, secured via condition, would help to mitigate its impact.

On this basis, the scheme is considered to be in broad accordance with the requirements for high quality design stipulated under Core Policy 57 of the WCS.

Heritage Impacts

The site lies within Shalbourne Conservation Area. It also adjoins Bee Keepers, a grade II listed building, and The Old Chapel, which is identified as a significant unlisted building in the Shalbourne Conservation Area Statement 2003 and is therefore considered to be a non-designated heritage asset. It is therefore necessary for any development proposal on the site to preserve or enhance the character and appearance of the conservation area and to not harm the setting of the adjacent heritage assets.

It is also of note that at page 12 of the Shalbourne Conservation Area Statement it states that:

“Economic and social changes are likely to continue to bring about pressure for development or redevelopment. To maintain the character of Shalbourne it will be important to ensure that building extensions are kept subservient to the principal building concerned, and that the form, scale and style of any new building is kept in context. It will also be important to ensure that spaces between buildings are retained”.

The Conservation Officer stated in her comments on application reference 17/04326/FUL that:

“Due to the nature of the large plot and the fact it is set well back from Kingston Road, there may be some scope for an additional dwelling on the site as defined in the application, however this would need to respect the scale and design of the buildings within its vicinity, in particular the chapel and vernacular ‘Beekeepers’ Cottage, and it would be important to retain a degree of separation from the chapel – something larger in this location risks becoming visually dominant and would jar with the character and appearance of this part of the conservation area.”

These comments and a discussion with the case officer have resulted in the scheme for a single

dwelling on the site. The applicants have submitted a Heritage Impact Assessment alongside their application which concludes that, subject to the recommendations in the report, a single dwelling on the site could be accommodated without having a harmful impact upon the historic environment.

Officers are minded to be in broad agreement with the conclusions of this report and consider the design of the dwelling to have accurately taken into account the concerns of the conservation officer as stated above. Previous concerns regarding overdevelopment of the site, the estate-like, homogenous appearance of the dwellings, their proximity to the adjoining heritage assets and the loss of the orchard trees fronting the Kingston Road are not considered to be issues arising with a scheme for a single dwelling. The proposal would make use of traditional materials and its scale and design is reflective of the buildings within its vicinity and the wider conservation area. Adequate separation distance would be maintained between the proposed dwelling, the adjoining listed building (Bee Keepers) and the non-designated heritage asset (The Old Chapel) such that it would not impose upon their setting to a harmful extent. They should still read as the architecturally dominant buildings on this part of the Kingston Road. Coupled with the landscaping proposals that are to be conditioned fully and the retention of the roadside planting and orchard, it is submitted that the scheme would preserve the setting of the adjoining heritage assets (Bee Keepers, The Old Chapel and the Shalbourne Conservation Area).

Given the lack of historical association with the site and the separation distances between them, it is also considered that the scheme would not impact upon the setting or significance of any nearby heritage assets (notably, the Barn North of House (Shalbourne Manor Farm) and Shalbourne Manor Farmhouse).

Overall, the scheme is considered to preserve the setting of all heritage assets affected by the proposal in accordance with the requirements of Core Policy 58 of the WCS, the historic environment chapter (12) of the NPPF and sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Furthermore, it is noted that the Council's Conservation Officer has not commented on the scheme.

The Assistant County Archaeologist considered under the previous application (17/04326/FUL) that the proposed development site had the potential to contain archaeological remains. She therefore recommended that an archaeological watching brief be carried out during all below ground construction works to enable any archaeological remains revealed to be recorded. As there have been no changes on the site since this application was determined, a condition to reflect the above would still remain relevant and necessary. Should planning permission be granted, such a condition should be imposed.

Neighbour Amenity

The proposed dwelling would be 7.8m in height and situated a sufficient distance from the boundaries with neighbouring properties such that it would not cause loss of light to any of these properties or have an overbearing impact upon the residents of these dwellings. The same conclusions can be drawn in respect of the detached garage which would sit 1m lower than the proposed dwelling.

There are sufficient boundary treatments in place to ensure the outlook from ground floor windows would not affect the privacy of the occupiers of any adjoining dwelling.

Windows at first floor level would face out in all directions towards neighbouring properties and as such, the privacy of the occupiers of these dwellings needs to be preserved to the extent that their reasonable living conditions are not harmed.

In respect of windows in the front (south-east) elevation, they primarily face out towards the existing orchard that forms part of The Elms. Beyond this, lies the boundary of The Old Chapel at over 22 metres away. At this distance and with the intervening boundary vegetation, no significant

loss of privacy would occur. Angles are more oblique towards Bee Keepers cottage and at a distance of over 17m to the boundary with this property, privacy levels would not be compromised by these windows.

Windows in the side (south-west) elevation primarily face out onto the garden of The Elms and beyond that a field. However, at an angle, views are afforded towards the garden of Bee Keepers. That said, at over 14m to the very rear of the garden, there would be no undue harm to the occupiers' privacy from these windows.

Windows in the rear (north-west) elevation would face towards the existing property on the site, The Elms. However, a distance of over 23m would be maintained between the two, with proposed boundary wall and hedge planting in-between. At this distance, the privacy level of the occupiers of The Elms would not be harmed. At an angle, views would be afforded across to No. 1 The Close. However, with intervening vegetation and a distance of over 22m this would not be to the detriment of the occupiers' privacy levels.

Windows in the side (north-east) elevation would face towards the side elevation of No. 6 The Close, which is a single-storey dwelling. Two of these windows serve bathrooms and would therefore most likely be obscurely-glazed. The other windows serve bedrooms three and four. The distance from these windows to the boundary of No. 6 is 10.5m. This distance is just on the margins of what would be an acceptable distance to maintain to ensure no privacy levels are compromised. In reaching this conclusion, officers have also taken account of boundary treatments (2m high close-boarded fence and trees) with No. 6 and the occupiers' lack of objection to the scheme.

Landscape Impact / Impact to Trees

The site is fairly well contained within the LoD of Shalbourne. Further housing exists beyond the line of the application site notably, The Elms and No's 1-4 The Close. As a result, the proposal would be very much read in conjunction with the existing built form of the village and as such, will not have any significant impact upon landscape character – notably, the North Wessex Downs. Furthermore, the site is currently occupied by a tennis court and is fairly well screened. As such, it does read as an important green gap in the village from any wider views that would be appropriate / necessary to conserve. Additional landscaping will help soften this impact further and is deemed appropriate and necessary. Such details can be secured via a landscaping condition. The requirements of Core Policy 51 to protect and conserve landscape character without causing any harm are thus met.

The proposal ensures the retention of the existing orchard frontage to Kingston Road. The previous scheme saw the loss of 4 of these trees which are protected by a group TPO. This design ultimately resulted in reason for refusal 4 to 17/04326/FUL. The reduction in unit numbers ensures this reason for refusal is overcome as the trees no longer need to be removed. This also assists in improving the schemes visual impact on the general streetscene.

Highway Safety / Parking

Sufficient on-site parking space has been provided to meet the Council's parking standards. Whilst local concerns about highway safety aspects of the proposal are noted by officers, the Highway Officer raises no objection, subject to conditions requiring: (a) the first five metres of the access to be surfaced in a consolidated material; (b) the provision of the access, turning area, passing places, bin storage areas and parking spaces prior to first use; and (c) that the garage remains in use as ancillary accommodation to the main dwelling.

With the above conditions in place, officers consider that a safe and suitable means of access can be attained for the development in line with the requirements set out in Core Policy 61 of the

WCS and paragraph 32 of the NPPF. Parking requirements set out in Core Policy 64 of the WCS have also been secured.

Ecological Impact

The previous application included a recommendation from the Council’s Ecologist that work be carried out in strict accordance with the submitted ecological assessment. Whilst no formal comments have been received in respect of this application from the Council’s Ecologist, an ecology report has been submitted and since there have been no changes on the site since the original application was determined, a condition to reflect the above would still remain relevant and necessary. Should planning permission be granted, such a condition should be imposed.

Planning Obligations

The applicants have confirmed that they have no intention of implementing planning permission 15/07939/FUL, and they have made no attempt to discharge any of the conditions for this application. However, it is still an extant planning permission which could be implemented as the footprint of the buildings on both schemes does not overlap. Officers consider that it would not be acceptable for both permissions to be implemented as two large dwellings on the site would have undesirable cumulative impacts. As such, it is necessary to ensure that any permission granted is done so with the necessary controls in place to ensure this does not happen. A suitably worded legal agreement to state that if this planning permission is implemented no development granted under the previous planning permissions should be implemented is considered necessary. This would overcome any concerns about cumulative impacts.

Other Issues

One of the neighbours has stated that constructions works would likely cause vibration / damage to their listed property. This is a private matter and consequently, a refusal reason could not be substantiated.

The parish council has stated that there is no demand for such a property within Shalbourne. When a site is considered to represent sustainable development, lack of demand is not deemed to be a justifiable reason for refusal.

Concerns have been raised over inaccuracies in the plans – notably, the position of The Old Chapel. The applicants have confirmed that the site was accurately surveyed and officers are satisfied that this is the case having visited the site.

10. Planning Balance / Conclusion

The proposal is considered to comply with the development plan as a whole. It is in a location where new housing is acceptable in principle, subject to conformity with the other relevant policies of the development plan. No conflict has been identified with these other policies, namely, Core Policies 51, 57, 58, 61 and 64 of the WCS.

Officers submit that there are no material considerations that would indicate the scheme should be determined other than in accordance with the development plan. Accordingly, it is recommended that the application be approved, subject to the conditions outlined in this report and a S106 legal agreement.

RECOMMENDATION:

That planning permission be granted subject to a legal agreement and 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 INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated [TBC].

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

- Application Form
- Drg No. DP.100E - Site Plan, Roof Plan, Location Plan and Garage Elevations
- Drg No. DP.101E - House Floor Plans and Elevations

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

- 4 No development shall commence on site above ground floor slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the conservation area and to ensure high quality design as per the requirements of Core Policy 57 of the Wiltshire Core Strategy.

- 5 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) location and current canopy spread of all existing trees and hedgerows on the land;
- b) full details of any to be retained, together with measures for their protection in the course of development;
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- d) finished levels and contours;
- e) means of enclosure;
- f) all hard and soft surfacing materials;

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.

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

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

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

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

- 8 The development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, has been surfaced in a consolidated material (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 9 No development shall commence on site above ground floor slab level until details of all eaves, verges, windows (including head, sill and window reveal details), doors, chimneys and dormers 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 conservation area and to ensure high quality design as per the requirements of Core Policy 57 of the Wiltshire Core Strategy.

- 10 No works in relation to new external windows and doors shall commence on site until joinery details have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the conservation area and to ensure high quality design as per the requirements of Core Policy 57 of the Wiltshire Core Strategy.

- 11 Rainwater goods shall be of cast metal construction and finished in black.

REASON: In the interests of preserving the character and appearance of the conservation area and to ensure high quality design as per the requirements of Core Policy 57 of the Wiltshire Core Strategy.

- 12 No development shall commence within the red line area until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

- 13 All works shall be carried out in strict accordance with the Arboricultural Report by Certhia Consulting Ltd dated December 2017.

REASON:

To safeguard against the loss or damage of retained / protected trees on the site.

- 14 The development will be carried out in strict accordance with the recommendations given at Section 5 of the Biodiversity Survey/Assessment report by Lowans Ecology & Associates, Version 2, updated 18th December 2017.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

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