

# AGENDA

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**Meeting:** Eastern Area Planning Committee  
**Place:** Wessex Room, Corn Exchange, Market Place, Devizes SN10 1HS  
**Date:** Thursday 12 July 2018  
**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Tara Shannon, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email [tara.shannon@wiltshire.gov.uk](mailto: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

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## Substitutes:

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

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## **Public Participation**

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

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

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

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

# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 20*)

To approve and sign as a correct record the minutes of the meeting held on 14 June 2018.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

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

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

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

### Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Thursday 5 July 2018 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on Monday 9 July. 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 21 - 22*)

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 **18/04676/FUL - Land rear of Perrys Cottage, 29 Andover Road, Ludgershall, Wiltshire SP11 9LU** (*Pages 23 - 34*)

Erection of a dwelling with access and parking (following withdrawal of 18/01573/FUL).

##### 7b **18/03223/FUL - Browfort Campus, Bath Road, Devizes, Wiltshire SN10 2AP** (*Pages 35 - 52*)

Erection of six age exclusive chalet bungalows with car parking.

#### 8 **Urgent items**

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

### **Part II**

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

## **EASTERN AREA PLANNING COMMITTEE**

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### **MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 14 JUNE 2018 AT WESSEX ROOM, CORN EXCHANGE, 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 Richard Gamble and Cllr James Sheppard

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22. **Apologies**

There were no apologies.

23. **Minutes of the Previous Meeting**

The minutes of the meeting held on 19 April 2018 were presented and it was,

**Resolved:**

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

24. **Declarations of Interest**

Councillor Richard Gamble declared a non-pecuniary interest in application 17/12461/OUT by virtue of his position as Portfolio Holder for Heritage, Arts and Tourism. Due to that position he was also a Trustee of the Wiltshire Historic Buildings Trust, a Trustee of the Wiltshire Archaeological and Natural History Society, and a Member of the Canals and Rivers Trust. He declared he would consider the application on its merits with an open mind as he debated and voted on the item.

25. **Chairman's Announcements**

There were no announcements.

26. **Public Participation**

The rules on public participation were noted.

27. **Planning Appeals and Updates**

**Resolved:**

**To note the update.**

28. **Article 4 Direction: Land at Crookwood Farm, Crookwood Lane, Potterne, Wiltshire, SN10 5QS**

Public Participation

Hannah Mannion, on behalf of the landowners, spoke in objection to the confirmation of the Article 4 Direction.

Judy Boyt spoke in support of the confirmation of the Article 4 Direction.

Andrew Guest, Major Projects and Performance Manager, presented a report which outlined points including the following:

That the Committee on 22 March 2018 resolved to make an immediate Article 4 Direction to remove Part 4, Class B 'permitted development' rights at Crookwood Farm. That decision triggered a formal consultation exercise; and now, following this, the requirement for the Committee to consider the representations arising, this prior to it confirming or otherwise the Article 4 Direction.

The report before the Committee provided a summary of the representations received, and in the light of these recommended that the Committee confirmed the Article 4 Direction. However, additional comments for the Committee to take into account were also detailed as below.

1. The full original representation from Thrings Solicitors on behalf of the owners of Crookwood Farm together with the officer's response to it was provided to the Committee as an agenda Supplement. In addition to the summary of this representation in the report, the Committee was asked to take into account the following specific points:
  - (a) On paragraphs 1.1-1.2 of the representation, there is no requirement in the General Permitted Development Order (GPDO) for the sub-paragraphs referred to in Article 4(1) to be referred to in the Direction, and so this does not render the Direction defective;
  - (b) On paragraph 1.3, the procedures for Article 4 Directions set out in the GPDO state that "*.... notice of any direction made under article 4(1) of this Order must, as soon as practicable after the direction has been made, be given by the local planning authority ....*". In this case the notice was given as soon as practicable after the direction was made back in March, this in accordance with the Order. The Thrings letter refers to Planning Practice Guidance saying that "*in all cases the local planning authority must have already begun consultation processes towards the making [of] a non-immediate article 4 direction*". This is guidance and not the law as referenced from the Order itself; but in any event consultation had commenced by virtue of prior notification to interested parties of the intended consideration of the matter by the Committee in March.

- (c) On paragraphs 2.1 to 2.3, the harm that the Direction is intended to address is set out in the minutes of the original committee meeting and the officer's original report. The reasons for the immediate Direction are:
- 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; and
  - 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.

The Committee came to these reasons for an immediate Direction having regard to the content of the officer's report which set out responses from other Council services, and having regard to the public speaking and the debate during the Committee meeting itself. Taken together the Committee considered that these considerations amounted to a strong justification for an immediate Direction. Indeed, the Committee placed great importance on these having regard to the circumstances of the use, it being a leisure use, this entirely in accordance with both Planning Practice Guidance and the NPPF. It follows that the Committee did not act erroneously as it complied with these requirements, and what's more will continue complying with these requirements in considering the confirming report today.

- (d) On paragraph 4 of the Thrings letter, this states that there is no evidence base that the motocross activities constitute an immediate threat to local amenity and so there has been misapplication of Article 4. This is not agreed as the original officer's report sets out the 'threats' as referred to by the highways and public protection officers, and the Committee was able to reasonably determine these as being immediate. It follows that there was no misapplication of powers.

2. The second matter the Committee was reminded of following the late representations which have been circulated to them prior to the meeting, is that the Council had received a Judicial Review claim from Thrings on behalf of the landowners challenging the decision to make an immediate Article 4 Direction. The grounds largely cover the matters detailed above and are not agreed by officers for the reasons listed. The fact that a Judicial Review has been lodged does not, and should not, prevent the Committee considering the report and confirming or otherwise the Article 4 Direction. The therefore remained that the Committee confirms the Direction now. Notwithstanding the Thrings second representation circulated to the Committee, it is not considered that the Committee would be acting prematurely or inappropriately in moving forward now under the circumstances..

3. The third matter to which the Committee was made aware was the other late representations from Potterne Parish Council and Nick Irwin of MX Nationals Ltd, both of which were circulated.

Potterne's representation supports in the strongest terms the Committee's decision to make an immediate Article 4 Direction.

Mr Irwin's representation stated that there are inaccuracies in the original report, although these are not clearly set out, and as far as officers were concerned there were no inaccuracies. Certainly it could not be said that the highways officer and the public protection officers did not raise concerns, as these were clearly set out in the original committee report

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

Members of the public then presented their views to the Committee, as detailed above.

At the request of the Committee Andrew Guest provided further clarifications on the period of consultation for the Article 4 Direction and other matters, in response to comments from the public.

In discussion it was stated that it was not considered that there had been any changes to the situation that would lead the Committee to reconsider its position on the immediate Article 4 Declaration, and the legal advice on taking the decision was noted.

Councillor Mark Connolly moved the officer's recommended, seconded by Councillor Stuart Dobson, and at the end of discussion it was,

**Resolved:**

**That the Council CONFIRM the Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) to remove permitted development entitlement in Schedule 2, Part 4, Class B.**

*At the request of the Committee it was noted that the decision was unanimous.*

29. **Planning Applications**

The following planning applications were considered.

30. **17/12461/OUT - Tottenham House & Estate, Grand Avenue, Savernake, Marlborough, Wiltshire, SN8 3BE**

**Public Participation**

George Saumarez-Smith, architect, spoke in support of the application.



Andrew Guest, Major Projects and Performance Manager, presented a report which recommended that permission be granted to the hybrid planning application for Tottenham House and Estate as follows: 'Full application' for change of use and some extension/alteration of Tottenham House and grounds to residential use (C3 use) from educational use (C2 residential institution) and ancillary leisure development, related staff accommodation, and associated landscape works; 'outline application' for outlying related family houses and further related staff accommodation.

Details were provided of late correspondence received since the publication of the Committee report, including comments from the Canals and Rivers Trust in relation to use of the Canal bridge for access to the site.

The history of the site, its location in the Area of Outstanding Natural Beauty, and the dilapidated state of the Grade I Listed main house and the other Listed structures on the estate was detailed, along with national planning policy for the preservation of irreplaceable heritage assets. The high cost of any restoration was highlighted, with the additional amenities and construction on the site assessed as necessary in order to deliver that restoration, along with the neutral to positive impacts of the other new builds on the site, structures and local amenities.

It was also noted that previous permission had been granted for a golf resort hotel on the site in order to reverse the decline of the heritage assets, which would have had a significant impact on the assets compared to the proposal to return the site to a private dwelling, which was seen as a sustainable proposal. Extensive details were provided for all proposed planning works across the site.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on a traffic management plan during the restoration of the site, the hybrid nature of the application and the conditions and legal agreement proposed to accompany permission, which included clauses to prevent the break-up of the site.

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

A debate followed, where members congratulated the applicants for the detail and depth of the proposals, recognising the exceptional nature of the estate and the need to arrest the decline of the heritage assets. It was considered clear that the proposals would provide benefits to the estate and county as a whole.

Councillor Mark Connolly, seconded by Councillor Nick Fogg MBE, moved the officer's recommendation, and at the conclusion of debate it was,

**Resolved:**

**That permission be DELEGATED to the Head of Development Management authority to GRANT planning permission subject to the**

applicant and Wiltshire Council first entering into a legal agreement covering the following matters:

1. To tie the beneficial freehold ownerships of all proposed estate buildings and houses/cottages shown on the Site Masterplan to the 'Tottenham House & Estate' estate (with the exception of the Deer Park, 'Upper Wolfhall Farm' (no. 41), 'Seymour Grange' (no. 42) and the Upper Wolfhall Farm estate cottages and buildings (nos. 23-26 & 28) at Upper Wolfhall Farm) to prevent potential fragmentation of the estate; and
2. To require the applicant to make a financial contribution towards education provision within the locality.

And subject to the following conditions (with revisions as appropriate):

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

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

- 2 With regard to those elements of the application in outline form, no development shall commence on those part of the site until details of the following (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
  - (a) The scale of the development;
  - (b) The layout of the development;
  - (c) The external appearance of the development;
  - (d) The landscaping of the site;
  - (e) The means of access to the site.

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

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

- 3 With regard to those elements of the application in outline form an application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
**REASON:** To comply with the provisions of Section 92 of the

- Town and Country Planning Act 1990.**
- 4 The outline elements of the development hereby approved shall make provision for the following:**
- (i) At 'Lower Barn', no more than 1 'Family House' and 2 'Estate Cottages', to be designed in accordance with the parameters and principles set out in the Design Brief by Adam Architecture dated March 2018;**
  - (ii) At 'Upper Wolfhall Farm', no more than 2 'Family Houses' and 4 'Estate Cottages', to be designed in accordance with the parameters and principles set out in the Design Brief by Adam Architecture dated March 2018.**

**The 'layout of the development' to be approved under condition no. 2 shall include details/extent of the areas for gardens/domestic curtilages for each of the houses and cottages.**

**At Lower Barn the houses/cottages and their gardens/domestic curtilages shall be sited no closer than 20m from the hedge line forming part of the 'blue' bat foraging / commuting route identified in the Ecological Assessment and Biodiversity Enhancement Report by Naturally Wild, dated December 2017. For the Upper Wolfhall Farm site, prior to commencement of development here a further local ecology survey shall be carried out to determine the extent of any wildlife corridor within the vicinity of the canal and railway line; the results of the survey shall determine the need (or otherwise) for an ecology 'buffer zone' between the canal and railway line and the approved developments at Upper Wolfhall Farm, and, if relevant, the dimensions of this buffer zone. The Lower Barn bat foraging / commuting route and the Upper Wolfhall Farm ecology buffer zone shall be retained for these purposes in perpetuity thereafter.**

**REASON: To clarify the terms of the planning permission, and to ensure an appropriate design and form of development having regard to the sensitivity of the site within the setting of heritage assets, within an Area of Outstanding Natural Beauty, and within an area with known ecological interests.**

- 5 The full elements of the development hereby permitted shall be carried out strictly in accordance with the drawings as listed in the schedules of drawings attached as annex 1 to this decision notice.**

**REASON: For the avoidance of doubt and to ensure the proper planning of the development.**

- 6 The development shall be carried out strictly in accordance with the Phasing Plan set out at annex 2 of this decision notice (and references to a Phase in this decision notice shall be read in accordance with the Phasing Plan).**

**For the avoidance of doubt approved elements not**

specifically identified in the Phasing Plan may be carried out at any time subject to otherwise complying with the terms of this planning permission.

**REASON:** Elements of the overall development are permitted exceptionally to ensure delivery of the repairs/restorations of 'at risk' heritage assets also forming part of the development. In view of the exceptional nature of the other elements a phased approach is required - to achieve the repairs/restorations of heritage assets in advance of some/all other development. This is in the interests of conserving heritage assets.

- 7 The occupation of the estate cottages at 'Lower Barn' (no. 29 on the 'Site Masterplan' drawing no. 200D) and at 'Upper Wolfhall Farm' (nos. 25 & 26) shall be limited to households including at least one person (or the surviving partner or dependent(s) of such a person) solely or mainly working, or last working, at Tottenham House & Estate, or solely or mainly working, or last working, in the locality in agriculture or in forestry.

**REASON:** The site is in an area where residential development for purposes other than the essential needs of the Tottenham House & Estate or agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

- 8 The occupation of the staff accommodation at the 'Stable Belt' and 'North Belt' (nos. 4, 8, 9, 14, 20 and 32 on the 'Site Masterplan' drawing no. 200D) shall be limited to households including at least one person (or the surviving partner or dependent(s) of such a person) solely or mainly working, or last working, at Tottenham House & Estate.

**REASON:** The site is in an area where residential development for general occupation is not normally permitted and this permission is only granted on the basis of an essential need for new dwellings/residential accommodation in this location for the purposes of estate management having been demonstrated.

- 9 The guest accommodation at the 'Guest House' (no. 39 on the 'Site Masterplan' drawing no. 200D), the 'Shoot Guest & Temporary Staff Accommodation' (no. 6) and the 'Banqueting House' (no. 40) shall be occupied by guests visiting Tottenham House & Estate or for other residential purposes ancillary to Tottenham House & Estate only and for no other purposes.

**REASON: The site is in an area where residential development for general occupation is not normally permitted and this permission is only granted on the basis of an essential need for new dwellings/residential accommodation in this location for the purposes of estate management and operation having been demonstrated.**

- 10 The staff accommodation within the 'Main House & Shoot Hall' (no. 1 on the 'Site Masterplan' drawing no. 200D) and within 'The Old Stables' (no. 2) shall remain an ancillary and integral part of the Main House & Shoot Hall and The Old Stables, and shall be occupied by households including at least one person (or the surviving partner or dependent(s) of such a person) working within the Tottenham House & Estate. Likewise, any staff accommodation to be provided within the extended family houses ('Lower Barn' (no. 43), 'Upper Wolfhall Farm' (no. 41) and 'Seymour Grange' (no. 42)) shall remain ancillary and integral to each of these respective houses, and shall be occupied by households including at least one person (or the surviving partner or dependent(s) of such a person) working within the Tottenham House & Estate or working within the respective houses.**

**REASON: The site is in an area where residential development for general occupation is not normally permitted and this permission is only granted on the basis of an essential need for new dwellings/residential accommodation in this location for the purposes of estate and/or house management and operation having been demonstrated.**

- 11 No development in any Phase or Sub Phase hereby approved shall commence within the Phase or Sub Phase until a site specific Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting during construction. The CEMP should include, but not be limited to:**
- Procedures for maintaining good public relations including complaint management, public consultation and liaison**
  - Arrangements for liaison with the Council's Public Protection Team**
  - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:**
  - 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.**
  - Construction deliveries to and removal of plant, equipment, machinery and waste from the site must**

only take place within the permitted hours detailed above.

- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Construction traffic routing details.

The CEMP shall be implemented as approved at all times during the demolition and construction phases of the approved development.

**REASON:** In the interests of the amenities of surrounding occupiers during the construction of the development.

- 12 With the exception of works to the Main House & Shoot Hall (Tottenham House), The Old Stables and The Octagon Pavilion, no development within any Phase or part thereof shall commence on site until the exact details of the materials to be used in that Phase or part thereof for the external walls and roofs, and for any hardstandings, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 13 With the exception of works to the Main House & Shoot Hall (Tottenham House), The Old Stables and The Octagon Pavilion, no development within any Phase or Sub-Phase shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies for all buildings within the Phase or Sub-Phase have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**REASON:** The application contained insufficient information

to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity, conservation and the character and appearance of the area.

- 14 No development shall commence within a particular Phase or part thereof of the application site until (in relation to such Phase or part thereof):
- 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, for the Phase or part thereof 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.

- 15 With the exception of works to the Main House & Shoot Hall (Tottenham House), The Old Stables and The Octagon Pavilion, no development within any Phase or part thereof shall commence on site until details of the proposed ground floor slab levels for development within the Phase or part thereof have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

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

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

thereafter.

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

**INFORMATIVE TO APPLICANT:** The lighting scheme must avoid any light spill in areas of woodland and/or other areas where there are known wildlife interests, such as bat commuting corridors.

17 Notwithstanding the details set out in the Landscape Management Plan and Planting Principles reports by Balston Agius dated December 2017, no development shall commence on site in any particular Phase or part thereof until further more detailed schemes of hard and soft landscaping for the Phase or part thereof have been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of trees to be retained, together with, where relevant, measures for their protection in the course of development;
- a detailed planting specification (Tree and Plant Planting Strategy) showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- detailed car park and access (internal estate road) layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant;
- detailed plans and proposals for the future management of the overall estate, to be set out in the more detailed Landscape Management Plan.

Where site specific development is not proposed within a particular Phase or part thereof landscaping shall be carried out in accordance with the broad principles and Planting Principles report by Balston Agius dated December 2017 in



any event.

**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.

- 18 All soft landscaping for a particular Phase or part thereof 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 within the Phase or part thereof 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 within the Phase or part thereof or in accordance with a programme to be agreed (or revised) 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, and to ensure appropriate future management.

- 19 Notwithstanding the details set out in the Landscape Management Plan and Planting Principles reports by Balston Agius dated December 2017, no development shall commence on site other than that set out in Phase 1 of the Phasing Plan until an Estate Management Plan [including long-term design objectives, management responsibilities and maintenance schedules; details of habitat creation and management] for the estate has been submitted to and approved in writing by the Local Planning Authority. The Estate Management Plan shall thereafter be carried out in accordance with the approved details and timescales.**

**REASON:** To ensure the proper management of the estate in the interests of amenity, conservation and ecology.

- 20 Prior to commencement of construction of the lakes hereby approved detailed design information shall be submitted to the local planning authority for approval in writing. This information shall include plans showing existing and**

proposed ground levels, the grading of the lake profiles and edges, dam structures and associated earthworks, volumes of material excavated and where excess is to be spread, proposed final method(s) of supplying the lakes, proposed outfalls, existing trees to be removed, and proposed planting including marginal planting. The lakes shall be constructed strictly in accordance with the approved information.

**REASON:** The application contained insufficient information to enable this matter to be approved in advance, and the information is required to safeguard the amenities of the landscape and settings of heritage assets.

- 21 The development hereby approved shall be carried out strictly in accordance with the 'Recommendations for Construction' and 'Biodiversity Enhancements' set out in the Ecological Assessment and Biodiversity Enhancement Report by Naturally Wild dated December 2017.

Prior to commencement of construction of the lakes a specific scheme setting out how the works will create new habitats for wildlife shall be submitted to the local planning authority for approval in writing. Thereafter the lake shall be constructed in accordance with the approved scheme.

**REASON:** To accord with the terms of the application and to safeguard wildlife interests.

- 22 Surface and foul water drainage arrangements for the development hereby approved shall be implemented strictly in accordance with the details set out in the Flood Risk Assessment by Price & Myers dated December 2017.

**REASON:** To ensure satisfactory drainage of the site in accordance with an agreed scheme.

- 23 Water supply arrangements to the development hereby approved shall be implemented strictly in accordance with the conclusions / recommendations of the Water Usage Report by Peter Deer & Associates dated December 2017 and the Ground Water Supply Feasibility Report by Ground Source Consult Ltd dated 26 March 2016.

**REASON:** To ensure a satisfactory and managed supply of water to the development, in accordance with an agreed scheme.

- 24 Prior to first 'family' occupation of Tottenham House the measures to remove the oil tanks as set out in the Phase 1 Environmental Review by Environ dated December 2017 shall have been implemented.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the local planning authority. An investigation

and risk assessment shall then be undertaken, and a scheme of de-contamination presented to the local planning authority for approval in writing. The approved scheme will then be implemented as approved.

**REASON:** To accord with the terms of the application and to ensure the creation of a safe environment; and in relation to potential unknown contamination, the matter is required to be agreed with the local planning authority in order that the development is undertaken in an acceptable manner, in the interests of public health and safety.

- 25 No Phase or part thereof of the development hereby permitted shall be first occupied or first brought into use until the access (as shown on Access and Circulation drawing no. 397#PLG-255A) and, where relevant, the turning head(s) and parking space(s) for the Phase or part thereof 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.

- 26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the application site.

**REASON:** To safeguard the character and appearance of the area, and in particular its designation as a registered park and garden and/or within an area of outstanding natural beauty.

- 27 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 the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

- 28 **INFORMATIVE TO APPLICANT:**  
It is understood that asbestos may be present in existing buildings. An Asbestos Removal Plan should be prepared by an approved contractor, and then actioned by the approved contractor. Further advice can be obtained from Wiltshire Council's Public Protection team.

- 29 **INFORMATIVE TO APPLICANT:**

This planning permission should be read in conjunction with Listed Building Consent no. 18/00195/LBC and a Section 106 agreement.

**30 INFORMATIVE TO APPLICANT:**

The Estate Management Plan required by condition no, 19 should divide the site into appropriate 'compartments' depending on the particular heritage, landscape and/or ecological interests of the various parts of the site. For each compartment, the Plan should identify the heritage, landscape and ecological objectives, with management prescriptions and schedules for works, and with an annual programme to cover at least 25 years. Where appropriate It is recommended that the Plan is informed by advice from Historic England and the AONB team.

**31 INFORMATIVE TO APPLICANT:**

The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. The CIL contribution shall be that as agreed with the Council's CIL Officer – [document date reference].

Should the applicant require further information or to download the CIL forms please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).

*At the request of the Committee it was noted that the decision was unanimous.*

**31. Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.00 pm)

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

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

**Wiltshire Council  
Eastern Area Planning Committee  
12<sup>th</sup> July 2018**

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

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

<b>Application No</b>	<b>Site Location</b>	<b>Parish</b>	<b>Proposal</b>	<b>DEL or COMM</b>	<b>Appeal Type</b>	<b>Officer Recommend</b>	<b>Appeal Decision</b>	<b>Decision Date</b>	<b>Costs Awarded?</b>
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 Reps	Approve with Conditions	Allowed with Conditions	20/06/2018	None
17/07964/LBC	Wall Cottage 16 The Green Aldbourn, SN8 2EN	ALDBOURNE	Replace windows to front of dwelling using hardwood thinlite double glazing units	DEL	Written Reps	Refuse	Dismissed	06/06/2018	None
17/11368/FUL	Browfort Cottage Dunkirk Hill, Devizes SN10 2BG	DEVIZES	2 Storey Internal Corner Extension	DEL	House Holder Appeal	Refuse	Allowed with Conditions	05/06/2018	None

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**REPORT FOR EASTERN AREA PLANNING COMMITTEE**

**Report No. 1**

<b>Date of Meeting</b>	12 <sup>th</sup> July 2018
<b>Application Number</b>	18/04676/FUL
<b>Site Address</b>	Land rear of Perrys Cottage, 29 Andover Road, Ludgershall, Wiltshire SP11 9LU
<b>Proposal</b>	Erection of a dwelling with access and parking (following withdrawal of 18/01573/FUL)
<b>Applicant</b>	Mr S Willmont
<b>Town/Parish Council</b>	LUDGERSHALL
<b>Electoral Division</b>	LUDGERSHALL AND PERHAM DOWN – Councillor Williams
<b>Grid Ref</b>	426627 150754
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Georgina Wright

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

This application is brought to committee at the request of Councillor Williams, for the following reason:

*‘The Community Benefit that would be lost if this application was refused. Funds from the sale of this land will go towards the maintenance of Perrys Cottage.’*

**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 which are considered to be material in the determination of this application are listed below:

- Principle of development
- Impact on heritage assets
- Character & design
- Residential amenity/living conditions
- Highway safety/parking
- S106/CIL

The application has generated no comments from Ludgershall Parish Council; and no letters of support or objection.

### 3. Site Description

The site is situated within the built up parameters of Ludgershall, which is defined as a Market Town by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP26 (Tidworth Community Area). It is a corner plot that shares a boundary with both the main road to the south (Andover Road) as well as a residential cul de sac (Rawlings Court) to the west. It is surrounded on all sides by other development, which consists of a mix of residential and retail uses, primarily of three storey height. The site is also within a defined service centre, as designated by Saved Kennet District Local Plan (KDLP) policy ED24. A public right of way (LUDG6) (PROW) passes immediately adjacent to the eastern boundary of the site, between it and a row of shops that are set back from, but face onto, the main road to the south (with parking to their front). The PROW leads between the main road and an existing recreation ground to the north of the site.

The site currently consists of a two storey thatched cottage. The house is situated towards the front of the plot and faces onto the main road. To the rear, a large garden extends northwards, which is terraced and rising as it extends away from the house. The house is a grade II listed building known as Perry's Cottage. The site is, however, outside of the town's designated conservation area. The site does not currently benefit from any vehicular access or off road parking.

### 4. Planning History

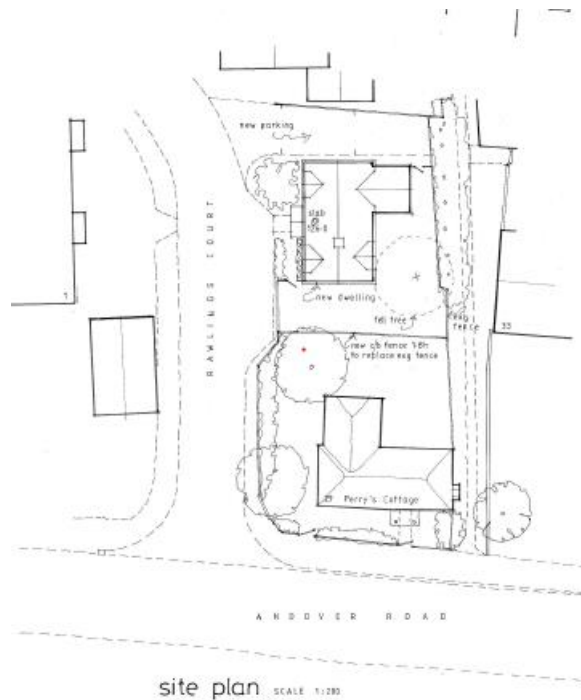
Application Ref	Proposal	Decision
K/33135/L	Rebuilding of 2 chimneys plus internal and external repairs and renovations.	Permission 09.09.1996 –
K/36075/O	The erection of 17 houses.	Refused 26.11.1998 –
K/37446/O	Retention of sales and retail element together with 15 new dwellings.	Permission 29.07.1999 –
K/40171	Erection of 15 No two and a half/three storey dwellings plus retail unit.	Permission 21.12.2000 –
18/01573/FUL	Erection of a dwelling with access and parking	Withdrawn

The most recent application was withdrawn earlier in the year, in order to allow a heritage statement to be prepared and for the issue of heritage impacts to be considered. The detailed design/proposals was however, identical to the current scheme other than for the recent incorporation of a chimney on the new dwelling.

### 5. The Proposal

This is a full application proposing the subdivision of the plot and the development of most of the existing garden with an additional dwelling. The proposed dwelling is to be sited on slightly higher ground than the existing cottage (given the natural land levels across the site) but is to be of two storey height, with a two storey rear projection, culminating in a height that will be approximately 0.54 metres taller to its ridge than the host cottage. It is to provide three bedrooms of accommodation over the two floors and is to sit perpendicular to the existing dwelling, fronting out onto Rawlings Court and backing onto the PROW.





A vehicular access and driveway is identified to the immediate north of the new dwelling off Rawlings Court to the west, which is to provide two off-road parking spaces. The land to the rear and south of the new dwelling will provide private gardens for the dwelling. A 1.8 metre high close boarded fence is to be erected between the new plot and the existing dwelling, leaving the existing cottage with a small garden to its north.

The application is supported by a Planning, Design & Access Statement; and a Heritage Statement.

## 6. Local Planning Policy

*National Planning Policy Framework (NPPF)*  
*National Planning Practice Guidance (NPPG)*

*Kennet District Local Plan policies (Saved by Wiltshire Core Strategy):*

ED24 – New Development in Service Centres

TR17 – Recreation Grounds

*Wiltshire Core Strategy:*

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP3 (Infrastructure Requirements)

CP26 (Tidworth Community Area)

CP43 (Providing Affordable Housing)

CP48 (Supporting Rural Life)

CP50 (Biodiversity and Geodiversity)

CP57 (Ensuring High Quality Design & Space Shaping)

CP58 (Ensuring the Conservation of the Historic Environment)

CP60 (Sustainable Transport)

CP61 (Transport & Development)

CP62 (Development Impacts on the Transport Network)

CP64 (Demand Management)

CP67 (Flood Risk)

*Supplementary Planning Documents:*

Creating Places Design Guide SPG (April 2006)

Achieving Sustainable Development SPG (April 2005)

Wiltshire Local Transport Plan – Car Parking Strategy

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

**Ludgershall Town Council** – No comments received.

**Conservation Officer** – Objection:

- Perry's Cottage is a thatched cottage dating from the C18 of cob under a thatched roof, and is grade II listed for its historic significance, being a relatively rare survivor of its type in national terms, and unique in Ludgershall.
- The application is for a new dwelling in its modest rear garden.
- The planning authority has a duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving the character and significance of listed buildings, as well as adopted policy CP58 and the aims of the NPPF.
- Proposals affecting listed buildings may not always cause harm, either directly or indirectly, and the NPPF only requires applicants to explain and justify their proposals where harm has been identified.
- In this instance, the applicant argues that the proposed dwelling would cause no harm to the setting of the listed building and provides no explanation.
- There is no doubt that the surroundings of Perry's Cottage have changed since it was constructed, with C20 developments on all sides significantly compromising its rural setting.
- The cottage appears almost as an island of historic Ludgershall that has endured against the odds, with the trees and shrubs to the north providing a visual barrier between the cottage and the higher residential blocks of the adjacent close.
- These developments have incrementally altered the setting of the cottage, but its garden forms a critical element of separation between historic and modern, and importantly, it retains almost identical boundaries to those it had in the C19 (only the parking pull-ins encroach).

- The severance and development of the plot could only worsen the setting of the cottage and reduce its visual and physical separation from its neighbours. On this basis I find it impossible to conclude that the proposal would cause no harm, and would put it in the 'less than substantial' category (in NPPF terms).
- Setting isn't the only concern however, with the aim of all planning legislation, guidance and policy, including the Wiltshire Core Strategy, being to ensure the sustainable conservation of the historic environment, for this and future generations.
- Specific guidance is provided by the government regarding the responsible management of historic properties in the ownership of local authorities, and I would urge those involved to refer to this.
- The survival of cottages like this requires careful owners who are willing and able to carry out regular, and usually inextricable, maintenance.
- The desirability of a property, and its ability to remain in its optimum original use, is key to its long-term survival
- I would argue that the proposal would have a significant impact on the desirability of the property as a small family home, and that this poses a serious threat. The less desirable as a dwelling, the more frequently a property changes owners and/or tenants, and the less likely it is that either would carry out necessary maintenance, especially as it is rare for a property such as this to have an owner with cash to spare.
- This again, poses a significant threat to the listed building, and would again comprise 'less than substantial' harm.
- This conclusion prompts reference to paragraph 134 of the NPPF, which states that such harm may be acceptable where there are clearly defined and achievable public benefits, and where those benefits could not be achieved by less harmful means, either at this site or elsewhere. As submitted, no such benefits have been identified.
- I note that the planning committee call-in form refers to the need to raise funds for maintenance of the listed building. We have specific policies and guidance regarding enabling development, where a degree of harm to a designated heritage asset may be deemed acceptable in extremely rare cases if significant benefits for the listed building may be secured by legal agreement.
- Such an application would require detailed financial appraisal and survey information, so that there may be public assessment of the impact and benefits. No such information has been provided with the application.

**Highways** – No objection subject to conditions:

- I note that a previous application has been made and subsequently withdrawn (18/01573/FUL).
- As no changes have been made to the proposal, I therefore adhere to my colleagues previous comments and recommend that no Highway objection is made subject to conditions being attached to any consent granted

**Public Protection** – No objection:

- There is Tandoori restaurant with a large flue on its western elevation immediately adjacent to the site.
- There are residential receptors in very close proximity (Rawlins Court and no.29
- Andover Road itself). More importantly, there are flats above each of the commercial units and windows are within a couple of metres of the flue
- However there are **no** noise or odour complaints against this property despite these potential receptors.

- Therefore, whilst I have not heard the extraction system in operation, I would not imagine that the presence of the flue should be a 'show stopper' for the proposed development (inside or outside) due to the lack of complaints from existing residential receptors.
- I would anticipate that the expectations of any future occupant of a property immediately adjacent to such commercial activities would fully consider that there may be some adverse impact on residential amenity as a consequence of the difference in uses.

**Rights of Way Officer** – No comments received.

**Wessex Water** – No objections, subject to informatives:

- Please note that the sewerage service provider for this area is Southern Water who the applicant will need to contact if they wish to connect the new dwelling to the public water mains
- According to our records there are no recorded public water mains within the red line boundary of the development site.

## 8. Publicity

This application was advertised through site notices, a press notice and letters of consultation.

**Letters of representation** – None received.

## 9. Planning Considerations

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

### 9.1 Principle of development

As is identified above, the site is situated within the main built up parameters of Ludgershall, which is defined as a Market Town by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP26 (Tidworth Community Area). WCS policy CP2 (Delivery Strategy) confirms that in such a location there is a presumption in favour of sustainable development. WCS policy CP26 (Tidworth Community Area) further confirms that in this community area there is a need for approximately 1,920 new homes by 2026 and the strategy for delivery is that approximately 1,750 of those will be provided in Tidworth and Ludgershall. The principle of a new dwelling on this plot within Ludgershall therefore accords with these policies.

This acceptability in principle does not, however, override matters of detail in terms of how the development integrates into the surrounding area; the implications for the heritage asset that exists on the site; the impact on neighbouring amenities; and the impact on highway safety. These matters will be considered in greater detail below.

### 9.2 Heritage Assets:

As identified above, the host dwelling on this plot, Perry's Cottage, is a Grade II listed building and is therefore a designated heritage asset. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA Act) requires '*special regard*' to be given to the desirability of preserving a listed building or its setting. In

having '*special regard*' and in line with the NPPF, an assessment must therefore be made as to whether the proposals cause '*substantial harm*', '*less than substantial harm*' or '*no harm*' to the asset/s. The NPPF and WCS policy CP58 (Ensuring the Conservation of the Historic Environment) also confirm that a designation of a listed building '*does not preclude the possibility of new development*' but '*will only be acceptable where they are consistent with the conservation of a heritage asset's significance*'. Proposals affecting listed buildings may not always cause harm, either directly or indirectly, and the NPPF only requires applicants to explain and justify their proposals where harm has been identified.

Perry's Cottage is a thatched cottage dating from the 18<sup>th</sup> century, constructed of cob under a thatched roof; it is grade II listed for its historic significance, being a relatively rare survivor of its type in national terms, and unique in Ludgershall. The application is for a new dwelling in its modest rear garden. The supporting Heritage Statement argues that the proposed dwelling would cause no harm to the setting of the listed building but provides no justification for this conclusion.

There is no doubt that the surroundings of Perry's Cottage have changed since it was constructed, with 20<sup>th</sup> century developments on all sides significantly compromising its rural setting. The cottage appears almost as an island of historic Ludgershall that has endured against the odds, with the trees and shrubs to the north providing a visual barrier between the cottage and the higher residential blocks of the adjacent Rawlings Court. These developments have incrementally altered the setting of the cottage, but its garden forms a critical element of separation between historic and modern, and importantly, it retains almost identical boundaries to those it had in the 19<sup>th</sup> century (only the parking pull-ins encroach). The Council's Conservation Officer has therefore confirmed that the proposed severance and development of the plot will only worsen the impact on the setting of the cottage and reduce its visual and physical separation from neighbouring buildings. On this basis, it is considered that the proposals would result in '*less than substantial*' harm to the significance of the listed building and its setting.

Setting is not the only concern, however, with the aim of all planning legislation, guidance and policy, including the WCS, being to ensure the sustainable conservation of the historic environment for this and future generations. The survival of cottages like this requires careful owners who are willing and able to carry out regular, and usually inextricable, maintenance. The desirability of a property, and its ability to remain in its optimum original use, is key to its long-term survival. It is considered that the proposals would have a significant impact on the desirability of the property as a small family home, which poses a serious threat to its long term future. The less desirable a dwelling, the more frequently a property changes owners and/or tenants, and the less likely it is that either would carry out necessary maintenance, especially as it is rare for a property such as this to have an owner with cash to spare. The significant reduction in the level of garden and the proposed development in such close proximity to the listed building would therefore pose a significant threat to the future desirability of the listed building, which would again lead to '*less than substantial*' harm to the significance of the heritage asset.

When it is considered that a proposal will cause '*less than substantial harm*' to a heritage asset, paragraph 134 of the NPPF states that such harm may be acceptable where there are clearly defined and achievable public benefits, and where those benefits could not be achieved by less harmful means, either at this site or elsewhere. As submitted, no such benefits have, however, been identified as part of the application.

It is noted that the division member refers to the need to raise funds for maintenance of the listed building on the committee call-in form. There are specific policies and guidance regarding enabling development, where a degree of harm to a designated heritage asset may be deemed acceptable in extremely rare cases if significant benefits for the listed building may be secured by legal agreement. Such an application would, however, require detailed financial appraisal and survey information so that there may be public assessment of the impact and benefits. No such information has been provided with the application and it cannot therefore be assessed on that basis accordingly.

Overall, it is therefore considered that the proposals would result in 'less than substantial harm' both directly to the listed cottage through the reduction and compromise of its setting; and by potentially reducing its long term desirability/use and maintenance. No public benefits have been identified which would outweigh this harm and therefore the proposals are considered to have an unacceptable impact on the significance of the heritage asset, which is contrary to the provisions of the legislation as well as the NPPF and WCS policy CP58 (Ensuring the Conservation of the Historic Environment). For this reason, the proposals are considered to be unacceptable and accordingly, the application is recommended for refusal.

### **9.3 Character & Design:**

Taking the detailed design of the proposed dwelling in isolation, this is considered to be appropriate. Its two storey scale is considered to be respectful of the level changes and would transitionally infill between the small scale proportions of the host cottage and the three storey, more modern development to the north and east. The traditional design of the new dwelling and its porch; cill; chimney; breaking eaves; and brick work detail would also result in an attractive dwelling that is appropriate given the character of this part of Ludgershall.

However, the development in the rear garden of the host cottage will be visible, not only from both the public roads of Andover Road and Rawlings Court but also from along the adjacent PROW. It is considered that the new development, despite it being well-designed, would overwhelm the host cottage and reduce the only remaining gap between it and the high density development and town houses that surround it. It is therefore considered that the development will detrimentally reduce the rare feeling of space that currently surrounds the host cottage to the detriment of its character and setting and that of the surrounding area.

#### **9.4 Neighbouring Amenity:**

WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and that appropriate levels of amenity are achievable within the development itself. The NPPF states that planning should '*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*'. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens.

In this instance, the proposals involve the subdivision and redevelopment of the majority of the existing garden for an additional dwelling. Both the proposed and existing dwelling will be served by fairly limited gardens, which as discussed above, is considered to be harmful to the setting and character of the heritage asset and the wider area. The size of the resultant gardens are not considered to be much better from an amenity point of view, especially given the size of the dwellings that they are to serve. However, the Council has no garden size standards; and the size of the respective gardens is not dissimilar to those which serve the surrounding residential properties in Rawlings Court. It is not therefore considered that the modest size of the gardens would warrant an additional reason for refusal on amenity grounds.

In addition, internal layout and window placement has been carefully managed so that any first floor windows on both the northern and southern elevations are resisted and/or are shown to be obscurely glazed. If this scheme were to be recommended for approval then conditions could be imposed to control this arrangement in the long-term. It is therefore considered unlikely that the proposals would cause any issues in terms of overlooking or loss of privacy.

The scale and orientation/position of the dwelling relative to both the existing dwelling and the existing properties to the north mean that it is unlikely to result in any implications in terms of dominance or loss of light either. The Council's Public Protection Officer also considers that the potential for noise and odours from the adjacent A1, A3 and A5 uses for any future occupier is also likely to be minimal given the absence of complaint history in the area. Overall, it is therefore considered that the proposals would be acceptable in terms of any implications for residential amenity.

#### **9.5 Highway Safety:**

The plans identify that the new dwelling is to be served by a new access and driveway to its north, both served from Rawlings Court to the west. The highway authority has confirmed that the level of parking proposed is acceptable. It has also confirmed that the parking and access arrangements are unlikely to result in any negative impact for any other user or existing parking arrangements and therefore has raised no objection to the proposals. It is therefore not considered that the proposals will result in any significant highway safety implications.

#### **9.6 S106/CIL**

WCS policy CP43 (Providing Affordable Housing), requires contributions towards affordable housing provision from any net gain in the number of dwellings in the area. However following subsequent ministerial advice, this policy now only applies to sites of 10 dwellings or more and therefore there is no longer a requirement for such contributions from this application which proposes only one dwelling.

The Council has, however, adopted the Community Infrastructure Levy (CIL), and therefore any development involving new residential development that is implemented after May 2015, may be subject to CIL. If the application were to be recommended for permission, an informative would be attached to the decision accordingly.

#### **10. Conclusion**

Whilst the principle of a new dwelling would be acceptable due to the site's location within the settlement boundary; and any such dwelling could be designed to have a limited impact on highway safety or neighbouring amenities, it is considered that the subdivision of this plot and the development of what is left of the curtilage of the grade II listed building, would result in 'less than substantial' harm to the significance, setting, character and long-term future of the heritage asset. The development of this plot for residential purposes is therefore considered to be unacceptable in heritage terms and the application is recommended for refusal accordingly.

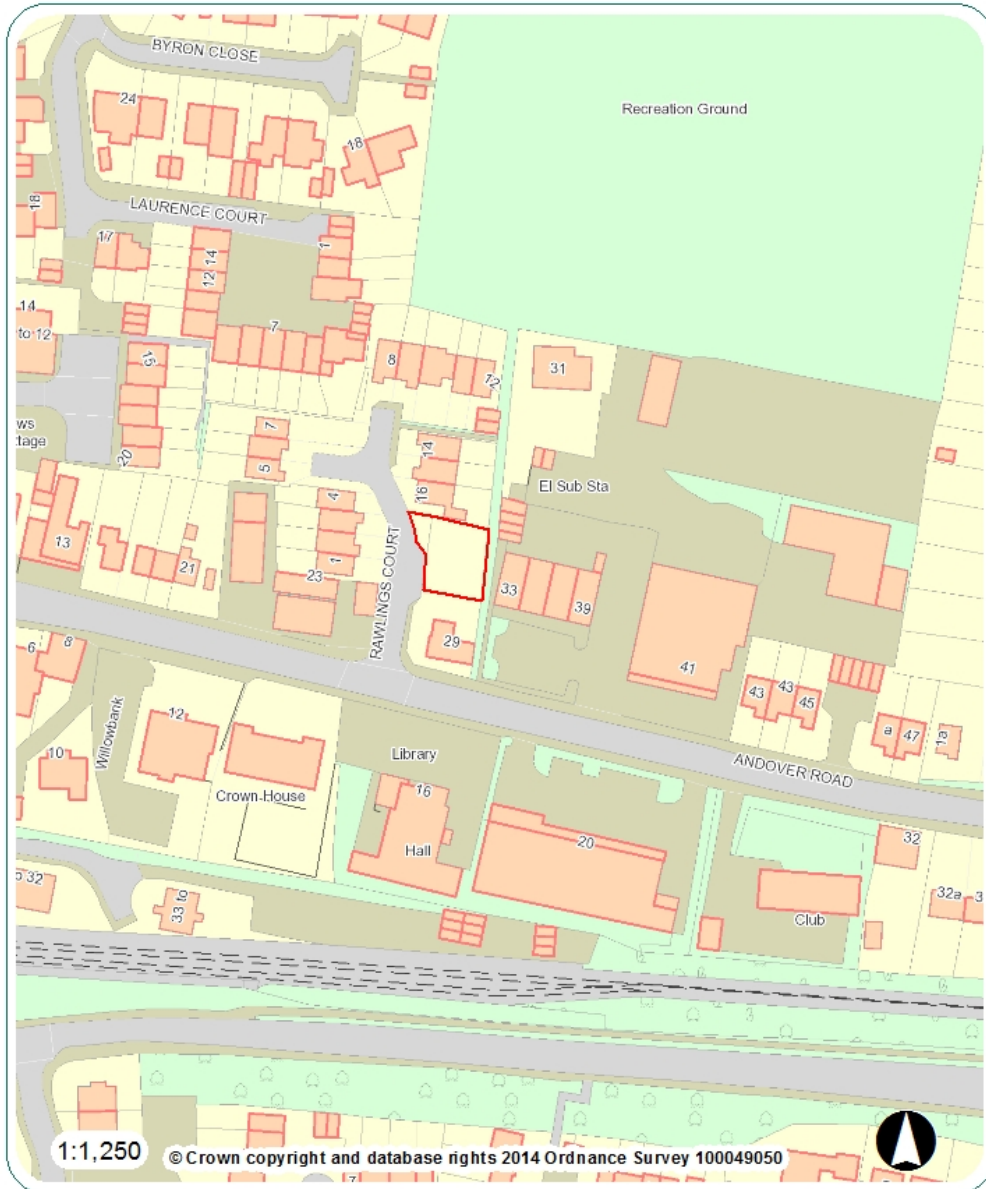
#### **RECOMMENDATION**

That planning permission be **REFUSED** for the following reason:

- 1) The proposed severance and residential development of the plot would adversely affect the setting of the Grade II listed cottage and reduce its visual and physical separation from neighbouring buildings. It is also likely to reduce its long-term desirability/use and maintenance. The proposal would therefore cause less than substantial harm to the significance of the heritage asset and to the character of the area. No public benefits have been identified which would outweigh this harm and therefore the proposal is contrary to policies contained in Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework; and Core Policies 57 (Ensuring High Quality Design & Space Shaping) and 58 (Ensuring the Conservation of the Historic Environment) of the Wiltshire Core Strategy.



18/04676/FUL  
Land rear of Perrys Cottage  
29 Andover Road  
Ludgershall  
Wiltshire  
SP11 9LU



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## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 2

<b>Date of Meeting</b>	12 July 2018
<b>Application Number</b>	18/03223/FUL
<b>Site Address</b>	Browfort Campus, Bath Road, Devizes, Wiltshire SN10 2AP
<b>Proposal</b>	Erection of six age exclusive chalet bungalows with car parking
<b>Applicant</b>	Yourlife Management Services Ltd
<b>Town/Parish Council</b>	DEVIZES
<b>Electoral Division</b>	DEVIZES NORTH – Councillor Sue Evans
<b>Grid Ref</b>	399872 161820
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Morgan Jones

### Reason for the application being considered by Committee

In accordance with the Council's 'Scheme of Delegation Specific to Planning', this application is brought to committee at the request of Councillor Sue Evans, due to the 'scale of the development', 'visual impact on surrounding area', relationship to adjoining properties', 'design', 'environmental or highway impact' and 'car parking'.

### 1. Purpose of Report

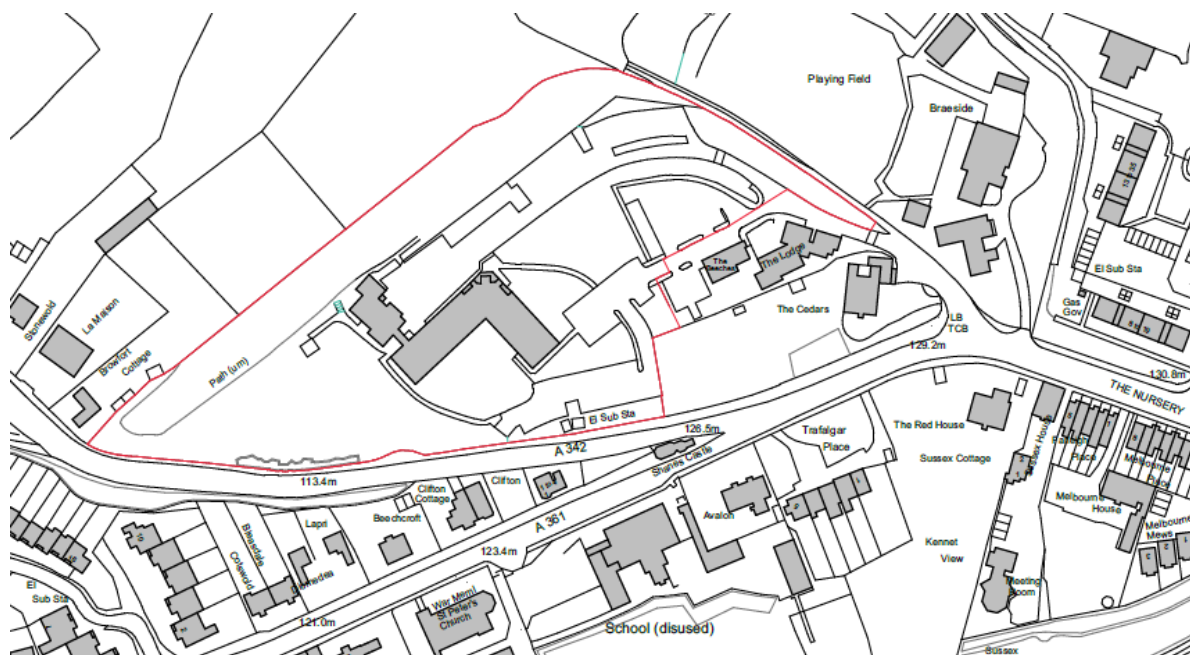
To assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation to grant planning permission.

The key issues for consideration are:

- Principle of development;
- Layout, design and density;
- Landscaping & visual impact;
- Impact on heritage assets;
- Ecological impact;
- Environmental impacts, flood risk & drainage;
- Impact on highway & pedestrian safety;
- Impact on residential amenity.

### 2. Site Description

The site comprises part of the former Browfort Office Campus and is located on the north-western edge of Devizes, approximately 0.5 miles from the town centre. The 2.66 hectare site formerly comprised of six buildings (i.e. New Browfort, Old Browfort, The Cedars, Yew Trees, The Beeches, The Lodge) in established B1 use and associated car parking for approximately 175 spaces, within a mature landscape setting. The site lies within the defined Limits of Development for Devizes. It is free of any landscape and ecological designations and is within flood zone 1 (low risk of flooding).



**Location Plan**

A private road serves the site and is accessed directly off the A361 Bath Road which adjoins the southern boundary of the site. The land falls away sharply along the north-western boundary towards open agricultural land. A public right of way (ref. DEVI10) runs along the north-eastern boundary from Bath Road out into the open countryside to the north-west of the site. The Braeside Education and Conference Centre is located next to the north-east boundary of the site and The Cedars, Yew Trees, The Beeches and The Lodge lie to the east of the site within the grounds of the Browfort Campus.

Planning permission reference 16/04371/FUL was granted on 20 December 2016 for the redevelopment of the site by McCarthy & Stone / Yourlife Management Services Ltd. The scheme involves the demolition of the New Browfort and Old Browfort buildings and the “erection of a building to provide 55 extra care (assisted living) apartments with communal facilities and car parking for the frail elderly”. The planning permission has been implemented and is nearing completion.

### **3. The Proposal**

The application seeks full planning permission for the erection of six age exclusive bungalows with car parking within the grounds of the Browfort Campus. The bungalows will be sited within the curtilage of the McCarthy & Stone apartment block scheme. As such, some minor re-arrangement of the parking layout and landscaping originally approved will therefore be required and can be secured through a non-material amendment application. The proposed bungalows will have their own curtilages and two parking spaces each. Each dwelling is 1.5 storeys in height (c. 3m eave; 6.3m ridge) and will sit with a backdrop of mature trees across the site.

The materials will complement the Assisted Scheme and consist of either a red brick, grey roof tile, white UPVC windows or, for focus plots 1 and plot 6, a white rendered unit, with red roof tile and timber-effect windows.



**Proposed Site Plan**



FRONT ELEVATION - BRICK - PLOTS 2,3,4&5



FRONT ELEVATION - RENDER - PLOTS 1&6

**Proposed Front Elevations**

#### 4. Planning Policy

The **National Planning Policy Framework (NPPF)** with particular regard to Chapters 1 'Building a strong, competitive economy', 4 'Promoting sustainable transport', 6 'Delivering a wide choice of high quality homes', 7 'Requiring Good Design', 11 'Conserving and Enhancing the Natural Environment' and 12 'Conserving and Enhancing the Historic Environment'.

The adopted **Wiltshire Core Strategy**, with particular regard to:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 3 Infrastructure Requirements;
- Core Policy 12 Spatial Strategy: Devizes Community Area;
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape;
- Core Policy 55 Air Quality;
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 67 Flood Risk;
- Core Policy 68 Water Resources;
- Policy HH10 Area of Minimum Change.

**Devizes Area Neighbourhood Plan** (July 2015 Referendum Version), with particular regard to:

- H1 Strategic Policy Intent - Settlement Framework Boundary
- H2 Strategic Police Intent – Built Environment & Sustainability
- H3 Strategic Policy Intent - Site Specific Allocations
- T1 Strategic Policy Intent - Getting Around
- ESD1 Strategic Policy Intent - Environment & Sustainability

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

The **Kennet Landscape Conservation Strategy Supplementary Planning Guidance** (May 2005) and associated **Landscape Character Assessment** (1999).

#### 5. Consultations

**Wessex Water** – No observations.

**Wiltshire Council Highways** – No objection provided the new vehicular access points / parking areas are laid out on site with sufficient visibility splays.

**Wiltshire Council New Housing Team** – No objection: - "In line with current affordable housing approaches we will not seek an affordable housing contribution on sites proposing less than 10 dwellings".

**Wiltshire Council Waste & Environment Service Team** – No objection.

**Wiltshire Council Ecologist** – No observations.



**Wiltshire Council Conservation Officer** – Objection, on the ground of the harm to the landscape character surrounding the former Browfort house which is considered to be a non-designated heritage asset.

**Wiltshire Council Arboricultural Officer** – No objection, subject to a condition to ensure the development is carried out in accordance with the approved Arboricultural Method Statement (AMS).

**Wiltshire Council Drainage Engineer** – No objection, subject to conditions to secure surface water and foul drainage schemes.

**Devizes Town Council** – Objection:-

“The committee objects to the application on the grounds that it is an over development of the site, the loss of green space within the development which had been guaranteed within the original application and also the increase in traffic in an area where specialised works take place”.

## 6. Publicity

The application has been publicised via a site notice and letters sent to properties within close proximity of the site. As a result of the publicity, three letters have been received raising the following concerns:

1. Mr. James M Pickering

- Very difficult to comment when the plans and documentation do not exist! I thought it had been decided that no more traffic was to be allowed onto Bath Road? People are queued on Dunkirk Hill down to Rowde as it is.

Mr Pickering subsequently advised that his “comments have been answered satisfactorily” following the submission of further observations and plans by the applicant.

2. Mr. Richard HC Ormerod Trust for Devizes

- This development will significantly erode the extent and quality of the landscape setting of the flats complex under construction, harm the amenities enjoyed by the future residents, and intrude on the generally rural setting of the public footpath (Conscience Lane) to the NE.

3. Wiltshire Sight

- I wish to object strongly to the development of these bungalows in this location, with specific objection to plots 1 and 2.
- The proposed siting of the development is particularly ill-considered: the position of plots one and 2 will directly overlook and will block the current light flow into the Wiltshire Sight Resource Centre for Blind and Partially Sighted people, creating both Shadows and Glare. ... We feel that the 600 Blind and Partially Sighted people that use our centre will be significantly disadvantaged by the development of plots 1 and 2 and that it will mean that our services will be significantly affected, as we will no longer be able to use the centre for assistive technology training due to the change in lighting.
- Our second objection to the proposed development is regarding the additional traffic on the site, over the last 6 months there have been several serious traffic incidences relating to the site
- Bungalows 1 and 2 will be situated adjacent to a blind junction on the site where 3 roads merge into 1, which is the main entrance and exit to the site. This road is only

suitable for one vehicle and there are no passing points. The building will further impede vision on that junction. The flow of the traffic on and off the site is problematic due to this junction, its restrictive vision and the fact it is unclear how the right of way works.

## **7. Planning Considerations**

### **7.1 Principle of Development**

The adopted local development plan document is the Wiltshire Core Strategy (WCS) (adopted January 2015). The proposal relates to a residential development scheme within the curtilage of the existing extra care apartment scheme therefore the principle of the land use is acceptable. Furthermore, the site lies within the limits of development for Devizes and is allocated for residential development within the Devizes Area Neighbourhood Plan (DANP).

Policy H1 'Strategic Policy Intent - Settlement Framework Boundary' of the made DANP seeks to ensure that all new housing is to be built within the existing settlement framework boundary (which equates with the Limits of Development within the WCS). Policy H3 'Strategic Policy Intent - Site Specific Allocations' identifies the site as a preferred option for residential development within the town and indicates the site has potential to accommodate 60 dwellings. The proposed residential accommodation would therefore accord with the settlement strategy of the WCS and DANP.

The proposed development is aimed towards older persons and is linked to the approved extra care (assisted living) apartment scheme currently under construction. Core Policy 46 'Meeting the Needs of Wiltshire's Vulnerable and Older People' supports the provision of specialist accommodation for Wiltshire's older people, which includes nursing accommodation, residential homes and extra-care facilities. It is not, however, necessary to restrict the occupation of the units to the frail elderly because the principle of open market C3 use dwellinghouses is acceptable in this location for the reasons given above.

In light of the above, the principle of the proposed development is considered acceptable in terms of land use; however there are a number of key material planning considerations which will have to be taken into account to determine whether the proposed development is acceptable, as discussed within the following sections.

### **7.2 Design & Landscape Impact**

Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the WCS seeks to secure good design and Core Policy 51 'Landscape' outlines that development should protect, conserve and where possible enhance landscape character. Furthermore, saved policy HH10 'Area of Minimum Change' of the former Kennet Local Plan is applicable which states that planning permission will not be granted for development which would materially damage the character of the area. The policy is intended to protect those areas of land within or at the edge of built-up areas that make an important contribution to the character and appearance of the settlement

The Town Council and third parties feel that the proposal is of a poor design because it would represent the overdevelopment of the site, result in the loss of green spaces and harm the rural character of the site and its surroundings. It is, however, considered that the bungalows would be discretely located within the site and will have no impact on wider landscape character. The proposed development will have an impact on part of the parkland setting surrounding the former Browfort house which was to be retained as part of the approved apartment block scheme. Policy HH10 seeks to retain the character of the site,



however, the development plan must be read as a whole and of particular significance is the allocation of the site for 60 dwellings within the made DANP.

The DANP identifies the site as one of the most suitable within the town to deliver new housing to meet the identified need during the plan period. It is allocated by policy H3 of the DANP for 60 dwellings, therefore the principle of development and a change to the character of the site has been accepted and justified to deliver the recognised housing need for the town and wider community area.

In terms of the amount of development currently proposed, it is considered that the approved apartment block on the footprint of the former Browfort buildings and the provision of six new bungalows will not result in the overdevelopment of the site. The new bungalows will primarily be built on existing areas of hardstanding, apart from plot 6 which is currently a grassed area. Whilst the loss of the parkland setting is undesirable from a local landscape character perspective, the development is not considered to conflict with the local development plan for the reasons detailed above.

The Council's Arboricultural Officer has indicated that it is imperative that the existing mature trees that are protected by a tree preservation order (TPO) have their roots protected at all times throughout development, with a regular arboricultural watching brief in place around key rooting areas. Any incursions into the root protection area (RPA) must be documented and advice sought from the arboricultural consultant. The Arboricultural Officer therefore supports the application subject to a condition requiring the submission and approval of an Arboricultural Method Statement (AMS). The applicant subsequently submitted an Arboricultural Method Statement (ref: 9988-KC-XX-YTREE-MethodStatement-Rev0) by Keen Consultants, which has been approved by the Council's Arboricultural Officer.

### **7.3 Impact on Heritage Assets**

One of the core planning principles of the NPPF is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (par 17). The NPPF defines a 'Heritage Asset' as "a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)".

The Council's Conservation Officer has indicated that the landscape which surrounded the historic 19<sup>th</sup> century house of Browfort and Prospect House (now the Cedars) is considered to be a Heritage Asset. The NPPF definition of a Heritage Asset is: *a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.* At the entrance to the site is The Cedars which is a grade II\* listed building.

The duty placed on the Council under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 is the requirement to have special regard to the desirability of preserving the listed building (The Cedars) or its setting or any features of special architectural or historic interest which it possesses. Furthermore, as the landscape surrounding the former Browfort house is considered to be a non-designated heritage asset, the proposal needs to comply with paragraph 135 of the NPPF, which states:

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

In considering applications, policy requires a balanced view, with the harm which would be caused being weighed against the public benefits or securing the optimum viable use which would result from the proposals (paragraph 134 of the NPPF).

The Council's Conservation Officer has provided the following appraisal of the development:

"There is no appreciation or acknowledgement of the historic planting and character of the site within the application. However, historic maps and the current layout and appearance of the site do show that the landscape garden was very much designed in the style of the day. The approach to the house and the planting around was clearly in the naturalistic/gardenesque style of the day with a heavily planted boundary with some woodland walks and a sweeping approach to the house with more open area but with specimen planting of more exotic tree specimens. The 19th century plant hunters brought back specimens from the Americas and further afield and became a key component of 19th century landscape design. The existing trees and layout of the site needs to consider this historic context.

Policy C57 of the Wiltshire Core Strategy. This gives the policy context for considering new development. These include the need to have a thorough understanding of the site itself and the wider context. Enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development. Responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevation design, materials streetscape and rooflines to effectively integrate the building into its setting.

Although the approved scheme for the site did involve demolition of Browfort which I considered to be a Heritage Asset, one benefit was that it sought to reinstate and improve the landscape surrounding the house by the removal of car parking and reinstatement of the naturalist planting of the 19th century landscape.

This scheme will involve building on the historic landscape garden and also result in fragment the site with individual houses with their own gardens, boundaries, waste disposal, planting and garden paraphernalia. The new houses and subdivision of the open landscape would totally transform the character of the area. The areas of car parking and roadways with turning heads has increased over the approved scheme. This would be contrary to WCS C58 which states that distinctive elements of Wiltshire's Historic Environment including non designated Heritage Assets which contribute to a sense of local character and identity will be conserved, and where possible enhanced. Even if the site was not considered a Heritage Asset the proposals are contrary to C57. The scheme does not enhance the natural and historic environment, nor does it related positively to its landscape setting and the existing patterns of development.

I am of the view that the loss of Browfort House resulted in damage to the historic significance of the site and this proposal involves even more erosion of the historic environment by building on the historic garden. The large block of development which has been approved is balanced by retaining the open space commensurate in scale to the mass of the new building. But this balance will be lost with this scheme. The design of the proposed houses is not particularly informed by the local context and the planting around would be alien in conjunction with the trees and open spaces which characterise the existing landscape garden.

NPPF paragraph 135 should form a key part of the consideration ie the effect of the application on the significance of a non-designated heritage asset".

The view of the Conservation Officer is clearly understood and ties in with the original desire of the Local Planning Authority, through policy HH10, to retain the character of the site. Furthermore, Core Policies 57 and 58 seek to secure good design and protect the historic environment for all new development proposals. There will be a change to the landscape surrounding the former Browfort buildings as a result of the development and therefore a diminution of the significance of the non-designated heritage. The scheme, however, will primarily be built on existing hard surfaces and will only result in the loss of a single tree. The new development will not totally erode the landscape setting of the site and any harm has been justified through the allocation of the site within the DANP for 60 dwellings. The proposed development is therefore not considered to conflict with paragraph 135 of the NPPF.

In having 'special regard' to the desirability of preserving the listed building (The Cedars) and its setting it is considered that the proposal, due to its layout and design, will not harm the significance of The Grade II\* Cedars House.

#### **7.4 Ecology**

Core Policy 50 'Biodiversity & Geodiversity' of the WCS outlines that all development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. The proposed development will not result in the demolition of any buildings and will only result in the removal of a limited amount of landscaping, therefore the ecological impacts are considered to be low. The Council's Ecologist has not provided any comments or raised any concerns with regard to the proposal. An informative drawing drawing the applicant's attention to the requirements of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) is considered sufficient in this instance.

#### **7.5 Environmental Impacts, Flood Risk & Drainage**

Core Policy 67 'Flood Risk' of the WCS outlines that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The site is located within Flood Zone 1 (the lowest level of risk) and the application indicates that storm water disposal will be via a sustainable drainage system and soakaways. The Council's Drainage Engineer does not object to the proposal, subject to a condition to ensure full details of the drainage scheme is approved prior to the commencement of the development to satisfy the requirements of Core Policy 67.

In terms of the disposal of foul drainage, the application specifies that this will be via the main sewer via the existing site connection, as shown on the 'drainage layout scheme' plan, which has been agreed with Wessex Water.

In relation to waste management, the Design and Access Statement provides details of the refuse and recycling strategy and the tracking diagrams demonstrate that refuse vehicles will be able to manoeuvre around the site. The financial contribution requested towards waste collection facilities cannot be secured because the scheme is not a 'major' (10 or more dwellings) development.

## **7.6 Impact on Highway & Pedestrian Safety**

Core Policies 60 'Sustainable Transport' and 61 'Transport and New Development' of the WCS seek to ensure that new developments are located within sustainable locations and are designed to encourage the use of sustainable transport facilities. Core Policy 61 also seeks to ensure that all new developments are capable of being served by safe access to the highway network.

The Town Council and third parties have raised concerns with the potential increase in vehicular movements to and from and within the site, and a loss of parking spaces, as a result of the development. The Council's Highways department is, however, satisfied that the introduction of 6 small-scale bungalows will not result in a significant increase in vehicular movements on the existing junction arrangement and will not exceed the former office use of the site. The applicant has also submitted a layout plan demonstrating that each new property has a sufficient visibility splay so the development should not pose a danger to pedestrian or highway safety within the site.

The proposed development will not result in the loss of parking spaces. The approved scheme had 56 car parking spaces to serve the Assisted Living Unit Scheme. The approved scheme will be reconfigured through a series of non-material amendments which will result in the provision of 59 car parking spaces. Each proposed new bungalow within this current application will also have two car parking spaces in accordance with the Council's Car Parking Strategy.

In light of the above, the proposed development is considered to comply with Core Policies 60 and 61 of the WCS.

## **7.7 Impact on Residential Amenity**

Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the WCS lays down the requirement for good design. The policy requires developments to have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

The site is not directly adjoined by neighbouring residential properties. The uses within the Browfort Campus and Braeside may experience some disturbance during the construction phase; however the impact can be managed by safe and considerate working practices. The site is well-contained, with sufficient space for parking and a construction compound, therefore a construction method statement is not considered necessary in this instance. An informative can be imposed on the planning permission in relation to standard working hours as requested by the Council's Public Protection team on the apartment block scheme.

One of the key concerns raised by Wiltshire Sight, who occupy The Beeches, is a loss of light as a result of bungalows 1 & 2 directly opposite. The new bungalows would, however, be sited to the west of The Beeches and there would be a gap between the front elevation of The Beeches and the front elevation of the bungalows on plots 1 & 2 of 10.5m. BR209 (Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice) advises that the quantity and quality of daylight inside a room will be impaired if obstructing buildings are large in relation to their distance away. The distribution of light in the room will be affected as well as the total amount received. The 25 degree rule outlined within the BR209 Guidance has therefore been applied and it is evident that the external obstruction is lower than 25 degrees above the horizon when taken from the front principal windows at The Beeches. The concerns of Wiltshire Sight are understood but when applying the standard planning

tests, the total amount of skylight and distribution within The Beeches will not be affected to an unacceptable level by the proposed development.

In light of the above, it is therefore considered that the scheme will not have a significant adverse impact on the amenities of the occupiers of neighbouring properties.

## 8. Conclusion

The principle of a residential scheme at the site is in accordance with the settlement strategy of the WCS and residential policies of the DANP. The change to the local landscape character surrounding the former Browfort house is considered to be justified through the allocation of the site for 60 new dwellings within the DANP. The provision of 6 new bungalows alongside the extra care apartment scheme will not result in the overdevelopment of the site or lead to any significant environmental, highway safety or neighbour impacts.

The scheme is considered to be in accordance with both the national and local planning policies and with suitably worded conditions, it is recommended that planning permission be granted.

## RECOMMENDATION

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

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - Document. Design and Access Statement (ref 16.001 / April 2018) by HGP Architects, received 06.04.18;
  - Drawing. SO\_2529\_03\_AC\_001 Site Location Plan, received 11.05.18
  - Drawing. SO\_2529\_03\_AC\_005 Site Location Plan, received 06.04.18;
  - Drawing. SO\_2529\_03\_AC\_002 Existing Site Survey, received 06.04.18;
  - Drawing. SO\_2529\_03\_AC\_010 Proposed Site Layout - Roof, received 06.04.18;
  - Drawing. SO\_2529\_03\_AC\_011 Proposed Site Layout - Ground, received 06.04.18;
  - Drawing. SO\_2529\_03\_AC\_020 Rev A Bungalow Plans & Elevations, received 11.05.18
  - Drawing. SO-2529-02-LA-001 Rev B General Arrangement Plan - Wider Site, received 06.04.18;
  - Drawing. SO-2529-02-LA-003 Rev A Planting Plan - Wider Site, received 06.04.18;
  - Drawing. 9988-KC-XX-YTREE-TPP01Rev0 Tree Protection Plan, received 06.04.18;

- Drawing. 9988-KC-XX-YTREE-TCP01Rev0 Tree Constraints Plan, received 06.04.18;
- Document. Arboricultural Method Statement (ref: 9988-KC-XX-YTREE-MethodStatement-Rev0) by Keen Consultants, received 29.05.18
- Drawing. 034.0094.005.A Individual Access Visibility Splays, received 12.06.18;
- Drawing. 034.0094.004.D Bungalow Tracking, received 12.06.18;

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

3. 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 buildings 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.

4. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until the tree protective fencing as shown on the approved Tree Protection Plan and in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been erected.

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

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

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

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

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: In order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

5. The development hereby permitted shall be carried out in accordance with the approved Arboricultural Method Statement (ref: 9988-KC-XX-YTREE-MethodStatement-Rev0) by Keen Consultants.

REASON: In order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

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

REASON: To safeguard the character and appearance of the area and the setting of The Cedars.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, walls, fences or other means of enclosure, other than those approved under condition 6 of this permission, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area and the setting of The Cedars.

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

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

9. No development above the damp-proof course level of the dwellings hereby permitted shall be carried out on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

10. No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The visibility splay for each property shall be 2.4m x 27m to the centre of the access, as shown on drawing no. 034.0094.005.A, with no obstruction above 600mm. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

11. INFORMATIVE TO APPLICANT:

The Council's Environmental Health Officer (Environmental Control & Protection) recommends that:

1. In terms of noise audible at any site boundary, the hours of construction should be restricted to the following times:-

Mondays - Fridays 07:30 – 18:00hrs

Saturdays 08:00 – 13:00hrs

Not at all on Sundays or Bank and Public Holidays

2. No burning shall take place on site during the construction phase.

12. INFORMATIVE TO APPLICANT:

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

13. INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition,

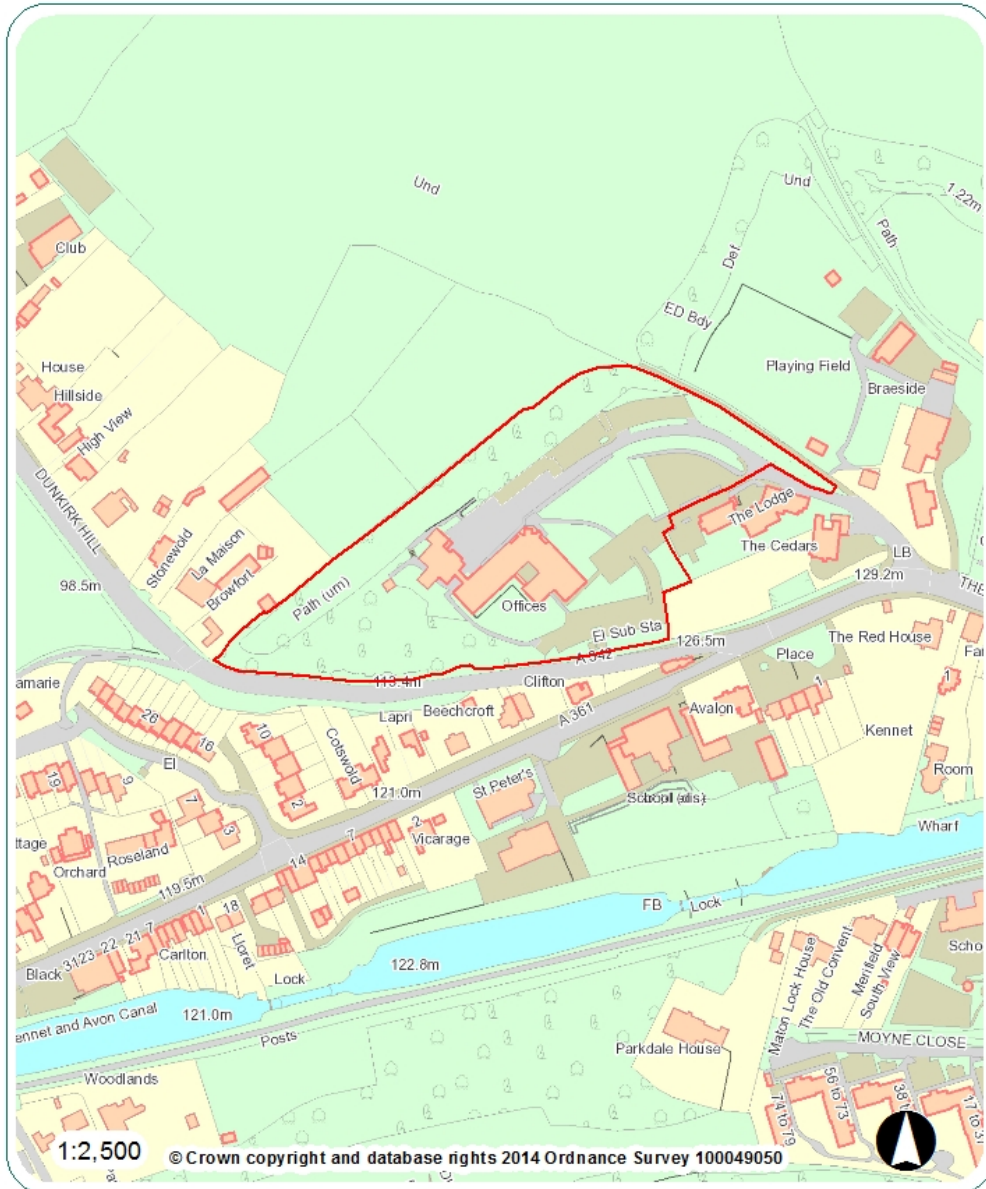


you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

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