

# AGENDA

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**Meeting:** Eastern Area Planning Committee

**Place:** Wessex Room, Corn Exchange, The Market Pl, Devizes SN10 1HS

**Date:** Thursday 7 November 2019

**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)

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## Membership:

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  
Cllr James Sheppard

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## Substitutes:

Cllr Ernie Clark  
Cllr Anna Cuthbert  
Cllr George Jeans

Cllr Jerry Kunkler  
Cllr Christopher Williams  
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 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 15 August 2019.

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 31 October 2019 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 4 November 2019. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

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

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

**7 Planning Applications**

To consider and determine the following planning applications.

**7a 19/06465/FUL - Fernbank, Chimney Lane, Honeystreet, SN9 5PS**  
(Pages 15 - 26)

Erection of proposed boundary fences & gates.

**Please note that after publication of the agenda this application was withdrawn by the applicant, so it will no longer be considered at the Eastern Area Planning Committee on 7 November 2019.**

**7b 19/06982/VAR - River Mead House, Church Hill, West Overton, Lockeridge, SN8 4EL** (Pages 27 - 46)

Removal of conditions 3, 7 and 8 of 19/02445/FUL (proposed erection of a building for the storage of agricultural machinery in connection with a farm contracting business (B8 Use)).

**7c 19/07460/FUL - Lowerhouse Farm, Lower Chute, Andover, Wiltshire, SP11 9DX** (Pages 47 - 76)

Conversion and extension of outbuildings and stables to form 3 dwellings (amended scheme following refusal of 18/04151/FUL).

**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 15 AUGUST 2019 AT WESSEX ROOM, CORN EXCHANGE, MARKET PLACE, DEVIZES.**

**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.

**Also Present:**

Cllr Stuart Wheeler.

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**46. Apologies**

There were no apologies.

**47. Minutes of the Previous Meeting**

The minutes of the meeting held on 20 June 2019 were presented for consideration, and it was:

**Resolved:**

**To approve and sign as a true and correct record the minutes of the meeting held on 20 June 2019.**

**48. Declarations of Interest**

There were no declarations of interest.

**49. Chairman's Announcements**

There were no announcements.

**50. Public Participation**

The rules on public participation were noted.

51. **Planning Appeals and Updates**

The report on completed and pending appeals was presented for consideration.

**Resolved:**

**To note the updates.**

52. **Planning Applications**

The following planning application was considered.

53. **18/11168/FUL - Land opposite Hungerford Road, A338, East Grafton, Marlborough, Wiltshire, SN8 3DF**

**Public Participation**

Mr Aaron Smith, Agent for the applicant, spoke in support of the application.

Mr Bill Clemence, local resident and business owner, spoke in support of the application.

Cllr Anne Dudney of Grafton Parish Council spoke in support of the application.

Mike Wilmott, Head of Development Management presented a report which recommended that planning permission be refused for application 18/11168/FUL, Land opposite Hungerford Road, A338, East Grafton, Marlborough, Wiltshire, SN8 3DF for the erection of 15 dwellings with access onto A338, formation of bus stop lay-by on A338, parking and associated landscaping with change of use of agricultural land to residential garden land.

Slides were shown to the meeting, including an aerial view of the site and plans of the proposed scheme. The site would be accessed via a new estate road onto the A338 and the proposal included bus stop provision on the A338. There would be sustainable drainage in the middle of the site and a residential garden space in the south-west corner. The mix of housing of the 15 proposed dwellings was stated to include 9 that would be open market, including 2 bungalows designed to meet accessible and adaptable home standards. The remaining 6 dwellings would be affordable homes for rent and shared ownership. Elevations and plans of the style of houses were also shown to the meeting.

Key details were stated to include the following:

East Grafton was defined as a 'Small Village' in the Wiltshire Core Strategy (WCS). As such development should be limited to 'Infill' development, which was defined as 'the filling of a small gap within the village that is only large enough for not more than a few dwellings (generally only one)'. As the application being considered comprised 15 dwellings, the scale of the proposal meant that it clearly could not be considered as 'Infill' development. It was also stated that in any event the site lay outside of the confines of the village in open countryside, so would not constitute the filling of a small gap.

Both Government and Wiltshire Council policy stated that development should be plan led. The site had not been accepted in the Wiltshire Housing Site Allocations Plan and there was no need for additional housing according to the WCS as there was in excess of a five year land supply in the area.

The officer stated that sometimes affordable housing schemes of up to 10 dwellings on land close to a small village may be considered, but this application was for 15 dwellings, the majority of which were not affordable housing. If the community wanted this site to be developed, then it was suggested that they produce a Neighbourhood Plan. If the site was identified in a Neighbourhood Plan as a development site then an application might be considered more favourably.

The Local Housing Needs Survey submitted with the application identified a need for 9 dwellings. Some of this need could be met by housing already within the village. There was also housing in the nearby village of Burbage, which was larger and had more facilities. Also, as previously stated, the application was for 15 dwellings rather than 9.

The site was wholly within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). According to the NPPF any major development in an AONB should be refused, other than in exceptional circumstances. It was not felt that the proposed scheme met these requirements.

In summary the officer stated that the application was contrary to the development plan, therefore the recommendation was to refuse planning permission for the reasons stated in the agenda report.

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

Clarification was sought regarding the location of the site as the report and the officer had stated that the site was outside the confines of the village. However, on the aerial view it looked like there were buildings all around the site. In response the officer stated that the site was a large field, the two bungalows to the east appeared to have been built for farm workers. When you drove past the site it could be seen that there were fields around it, therefore it was clearly outside the confines of the village and could not be considered as an 'Infill' site.

In response to a question regarding housing need numbers for the area in the new core strategy that was being developed to cover up to 2036 it was stated that those numbers were not yet known. However, as the strategy was being developed that would be consulted upon.

In response to a question regarding whether a financial appraisal had been submitted to justify there being commercial housing within the housing mix of the proposed scheme, it was stated that one had not been submitted.

Members of the public then had the opportunity to present their views, as detailed above. The main points raised by those who spoke in support of the

application included; that the housing needs survey undertaken by the parish identified a need for at least 9 dwellings; that the village needed to grow, or it would stagnate and become unviable; it was claimed that the majority of the community supported the application and felt that the site was within the confines of the village.

The unitary division member, Cllr Stuart Wheeler, spoke in objection to the recommendation. Cllr Wheeler felt that the aerial slide showed clearly that the site was within the confines of the village and that villagers felt the village started at the farm bungalows on the corner. The Cllr stated that the mix of housing in the application met the village needs and this had been based upon consultation with the village. The Cllr felt that if the village had a Neighbourhood Plan then the committee would approve the application. However, he felt that Neighbourhood Plans were not fit for purpose when it came to small villages. The cost and time involved in producing a Neighbourhood Plan made it unrealistic for small villages to be able to produce them. The Cllr then listed a number of planning applications which had been on the boundaries of small villages and had been approved.

In response to public statements the officer stated that he disagreed with Cllr Wheeler regarding Neighbourhood Plans, there were around 24 or 25 Neighbourhood Plans in Wiltshire now, covering very small to large villages. It was a choice by the Parish Council not to have a Neighbourhood Plan. The officers were following Wiltshire Council and Government policy when considering the application. In applying the policies of the Development Plan, they had recommended refusal. The sites listed where applications had been granted all had their own individual circumstances and could not be used for comparison. The local housing needs survey had identified a figure of dwellings required, this was not the number of dwellings that had been applied for, the application was for more dwellings. The site was not 'Infill' development and was contrary to policy.

Cllr Mark Connolly proposed a motion to refuse planning permission, as per the officer recommendation. This was seconded by Cllr Nick Fogg, MBE.

A debate followed where the following issues were discussed:

The number of dwellings in the application were too high, it could not be considered as 'Infill' development whether you felt the site was within the confines of the village or outside of it. The principle of development could not be supported as it was against too many core strategy policies.

One member felt that the WCS was guidance, rather than rules that should be followed and that the mix of housing met the village's needs. Therefore on balance, the application should be granted.

Others agreed that too many core strategy policies had been breached. However, there were exceptions to the policies, for example rural exception sites, where small developments of affordable housing could be considered. Likewise a financial appraisal to justify the mix of commercial and affordable



housing had not been submitted. If the application had been in accordance with planning policy exception sites it might have been granted. Also, there was the option of developing a Neighbourhood Plan including the site. It was hoped the applicant would take this on board and find a positive way forward.

At the conclusion of the debate it was;

**Resolved:**

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

**REASONS:**

- 1. Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the County, and identifies five tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, Large Villages and Small Villages. Within the Settlement Strategy East Grafton is identified as a Small Village. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined boundaries, or limits of development. Beyond the limits - and including the Small Villages - is countryside.**

**Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier. The policy states that within the limits of development of those settlements with defined limits there is a presumption in favour of sustainable development, and at Small Villages in the countryside development will be limited to 'infill' within the existing built area (defined as "the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling"); but outside these parameters, other in circumstances as permitted by other policies of the Plan, development will not be permitted, and that the limits of development may only be altered through identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans. The application site is not identified for development in a Development Plan Document or Neighbourhood Plan.**

**Core Policy 18 of the Wiltshire Core Strategy sets out the 'Spatial Strategy' for the Pewsey Community Area in which East Grafton lies. It confirms that over the plan period approximately 600 new homes will be provided in the Area consisting of a range of sites in accordance with Core Policies 1 and 2. The latest housing figures, published in the Wiltshire Housing Site Allocations Plan Topic Paper 3 Addendum (July 2018) confirms that the indicative requirement for the Wiltshire Core Strategy plan period (2006-2026) in the Pewsey Community Area has been met, i.e. the current residual requirement for the Pewsey Community Area is 0 dwellings due to completions and extant permissions. In identifying its supply of specific deliverable housing sites Wiltshire Council uses**

suitably defined sub-county areas as referred to in the Wiltshire Strategic Housing Market Assessment and the Wiltshire Core Strategy, titled 'Housing Market Areas'. The Pewsey Community Area lies within the East Wiltshire Housing Market Area. The Topic Paper also shows that there is at least an 8 year housing land supply in the East Wiltshire Housing Market Area at this time.

In terms of paragraphs 11 and 12 of the National Planning Policy Framework, this housing supply position confirms that the Wiltshire Core Strategy is not out-of-date in relation to housing supply in the East Wiltshire Housing Market Area; and in terms of paragraph 59, that the Core Strategy is “boosting significantly the supply of housing” in the Area in any event. It follows that further other, or ‘windfall’, sites, or sites delivered outside of any housing site allocations DPD or neighbourhood plan, are not required at this time.

The proposal is to erect 15 houses, etc. on land which is in the countryside and which does not comply with defined criteria for ‘infill’ development in Small Villages. Under Core Policies 1, 2 and 18, this does not accord with the Settlement and Delivery Strategies as a matter of principle. The Strategies are designed to ensure new development satisfies the fundamental principles of sustainability and so it follows that where a proposal such as this does not accord with them then it is unsustainable in this defining and overarching context. The site is not identified for development in a Site Allocations Development Plan Document, nor in a Neighbourhood Plan. Furthermore, there are no material considerations or exceptional circumstances, including set out in other policies of the Plan (including Core Policy 44), which override the core policy’s positions. The proposal is, therefore, contrary to Core Policies 1, 2 and 18 of the Wiltshire Core Strategy and paragraphs 10-12 of the National Planning Policy Framework.

2. The application site lies within the North Wessex Downs Area of Outstanding Natural Beauty. In the context of paragraph 172 of the National Planning Policy Framework the proposal – for 15 dwellings on a c.0.9 ha site – comprises ‘major’ development. As there are no exceptional circumstances, and as the development is not required in the public interest, the presumption that planning permission should be refused for major development, as set out in the NPPF, applies. For reasons set out in reason for refusal no. 1, there is no ‘need’ for the proposed development; there is scope for residential development to be provided outside the designated area or in some other way; and the proposal would, in any event, have a detrimental effect on the environment and landscape.

Regarding landscape impact, the proposal would be detrimental to the Landscape Character Area (LCA) in which it is located, and would have harmful visual effects, albeit at a local level. In terms of

the LCA, it is identified as having an essentially rural, agricultural character within which “small-scale, sensitively-designed development, associated with built form, could be successfully accommodated without adverse impacts”. The proposal – being ‘major’-scale (in terms of size and quantum of development); and being not sensitively-designed (in terms of form / layout of buildings, and resulting limited opportunities for landscaping/mitigation); and being not associated with existing built form (by encroaching on to open land and coalescing with other scattered development outside of the existing village) – would not be sympathetic to the specific LCA, and more generally would not protect, conserve or enhance the landscape character of the wider area. In terms of the visual effects, the local views towards the site are identified in isolation to be adverse. Again, by reason of the size/quantum of development and the insensitivities of the design (notably, with inadequate opportunities for meaningful mitigation), these impacts are considered to be unacceptable, the development failing to protect, conserve or enhance the visual amenities of the landscape hereabouts. This is contrary to Policies 51 and 57 of the Wiltshire Core Strategy and paragraphs 170 & 172 of the National Planning Policy Framework.

3. The application fails to provide any mechanism to ensure that the provision of essential infrastructure, services and amenities made necessary by the development can be delivered. The essential infrastructure, services and amenities include affordable housing, open space/recreation areas, highways infrastructure, and waste/refuse collection facilities (and/or contributions towards such infrastructure, services and amenities). This is contrary to Core Policy 3 ('Infrastructure requirements') and, more specifically, Core Policy 43 ('Providing affordable homes') and Core Policy 52 ('Green Infrastructure') of the Wiltshire Core Strategy and 'saved' Policies HC34 and HC37 of the Kennet Local Plan; and paragraphs 56-57 of the National Planning Policy Framework.
4. The proposed development, by reason of the number of market houses proposed and the size of the scheme fundamentally undermines the Council's approach to rural exception sites set out in Core Policy 44, and if approved, would set an undesirable precedent that could hinder the delivery of such affordable housing across the county.
5. **INFORMATIVE TO APPLICANT:** Notwithstanding reasons for refusal 1, 2 and 4, reason for refusal no. 3 may be overcome in the event of the applicant completing an appropriate planning obligation. The reason for refusal is necessary in the event that there is an appeal and such an obligation is not completed or not satisfactorily completed.

54. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 3.50 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

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

**Wiltshire Council**  
**Eastern Area Planning Committee**  
**7<sup>th</sup> November 2019**

Planning Appeals Received between 02/08/2019 and 25/10/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
18/00034/ENF	2 The Chantry Bromham, Chippenham Wiltshire, SN15 2ET	BROMHAM	Unauthorised works to the Building consisting of the replacement of single glazed multi pane timber casement windows with uPVC double glazed windows with internal glazing bars.	DEL	Written Representations	-	21/08/2019	No
18/00566/ENF	Land at New Road Bromham, Wiltshire	BROMHAM	Unauthorised erection of fence	DEL	Hearing	-	10/10/2019	No
18/07505/FUL	Land East of New Road Bromham, Chippenham Wiltshire	BROMHAM	Change of use from agricultural land to create 1 no. gypsy and traveller pitch, with 1 static mobile home and 1 touring caravan, stable block with tack room and feed store, hardstanding, alterations to site entrance and associated ancillary development including 2m high security fence to site boundary	DEL	Hearing	Refuse	10/10/2019	No
18/11001/FUL	Court Close Farm 2 White Street, Easterton SN10 4NZ	MARKET LAVINGTON	Demolition of three detached dilapidated buildings and their replacement with a single dwelling including new access.	EAPC	Written Representations	Refuse	18/09/2019	No
18/11876/FUL	21 Forty Acres Road Devizes, Wiltshire SN10 3DF	DEVIZES	Retrospective erection of attached fence to existing wall in front and side garden boundaries.	DEL	House Holder Appeal	Refuse	12/08/2019	No
19/01758/FUL	6 Woodborough Road Beechingstoke Pewsey, Wiltshire SN9 6HL	BEECHINGSTOKE	Retrospective change of use of land from agriculture to domestic garden and the retention of a former agricultural access onto the highway for domestic use	DEL	Written Representations	Refuse	11/09/2019	No
19/02147/OUT	Land North of St George's Road Semington, Trowbridge Wiltshire, BA14 6JN	SENINGTON	Residential development of up to 26 dwellings (of which 50% would be affordable) with associated car parking, access, internal roads, public open space (including retention of the existing WWII Pill Box), landscaping, drainage and other associated infrastructure (Outline application with all matters reserved)	DEL	Hearing	Refuse	23/10/2019	No
19/03418/FUL	Eastcroft Farm Eastcroft, SN10 4PJ	EASTERTON	Change of use of agricultural land (sui generis use) to situate ISO Shipping containers to store fireworks (B8 Storage & Distribution use) including perimeter screening	DEL	Written Representations	Refuse	18/09/2019	No

Planning Appeals Decided between 02/08/2019 and 25/10/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
18/08480/FUL	Coronel Farm Aldbourn Marlborough Wiltshire, SN8 2JZ	ALDBOURNE	Alterations to and change of use of disused agricultural building to a flexible Class B1(c) (light industrial), B2 (general industrial) and/or B8 (storage) use	DEL	Written Reps	Refuse	Dismissed	05/09/2019	Appellant Applied for Costs – <b>REFUSED</b>
18/10208/VAR	Inlands Farm Sunnyhill, Pewsey Wiltshire, SN9 5LA	PEWSEY	Removal of condition 4 of planning permission K/039132 relating to the occupancy of the new dwelling	DEL	Written Reps	Refuse	Allowed with Conditions	09/08/2019	Appellant Applied for Costs – <b>REFUSED</b>
18/11876/FUL	21 Forty Acres Road Devizes, Wiltshire SN10 3DF	DEVIZES	Retrospective erection of attached fence to existing wall in front and side garden boundaries.	DEL	House Holder Appeal	Refuse	Dismissed	16/09/2019	None

## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 1

<b>Date of Meeting</b>	07 November 2019
<b>Application Number</b>	19/06465/FUL
<b>Site Address</b>	Fernbank, Chimney Lane, Honeystreet SN9 5PS
<b>Proposal</b>	Proposed boundary fences & gates
<b>Applicant</b>	Ms Brenda Trowbridge
<b>Town/Parish Council</b>	ALTON
<b>Electoral Division</b>	Councillor Paul Oatway QPM – Pewsey Vale
<b>Grid Ref</b>	410258 161621
<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 Paul Oatway QPM on the grounds of the visual impact on the surrounding area.

### 1. Purpose of Report

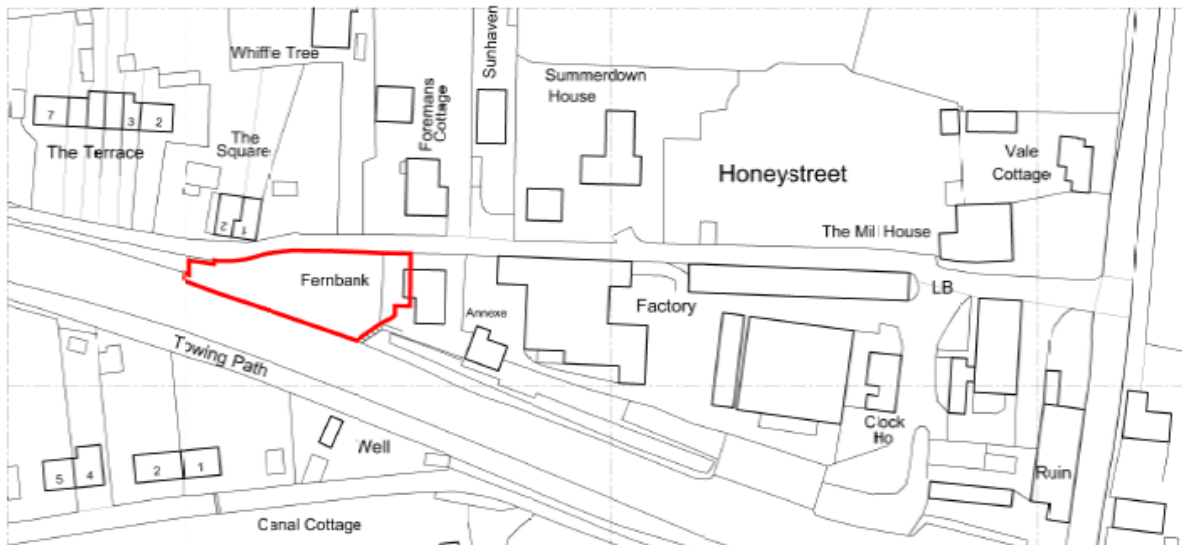
To assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation to grant planning permission.

The key issue for consideration is the design of the development and its impact on townscape / landscape character & visual amenity.

### 2. Site Description & Planning History

The application site lies within the settlement of Honeystreet, to the north of the Kennet and Avon Canal and to the west of the Woodborough to Alton Barnes road. The access road, known as Chimney Lane, is a single narrow lane which runs parallel to the canal on the northern side, and the site can be found approximately 260 metres along, immediately beyond the collection of existing former mill, warehouse / employment buildings. The settlement lies within the North Wessex Downs Area of Outstanding Natural Beauty.

The site was formerly occupied by one detached bungalow known as Fernbank and one smaller bungalow called 'Annexe' which in planning terms was a separate lawful dwelling. The rest of the site largely comprised of a grassed triangle of land enclosed by a low timber picket fence. Visually prominent from the canal and adjacent towpath, the main part of the site is elevated from the canal by some 4 metres, which then slopes down towards the canal over the most southerly 10 metres of the site. Public Right of Way ref.ALT09 runs along the south side of the canal.



*Site Location Plan*

Planning permission reference 16/04718/FUL was granted on the 16<sup>th</sup> September 2016 for the demolition of the existing dwellings (Fernbank & The Annexe) and ancillary buildings and the construction of two new detached dwellings with garages. The planning permission has been implemented with the new dwelling at Fernbank being occupied and the second dwelling nearing completion. The planning permission is subject to 15 conditions, one of which prevents the installation of any means of enclosure without the approval of the Local Planning Authority. The condition reads:

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

*REASON: In the interests of visual amenity, the character and appearance of the area and the stability of banks of the Kennet & Avon Canal.*

On the 12<sup>th</sup> September 2017 the Local Planning Authority approved the proposed means of enclosure via a Discharge of Condition application. The approved scheme (as shown on drawing PL18\_A) involved the retention of the existing 0.8m high timber palisade fencing around the western garden area for Fernbank, along with the planting of a new hedge parallel with, and adjacent to, Chimney Lane.

In June 2019 the Local Planning Authority was informed that a 2m high close boarded fence has been installed along part of the boundary adjoining Chimney Lane without obtaining the relevant planning permission. The fence remains in place.

### **3. The Proposal**

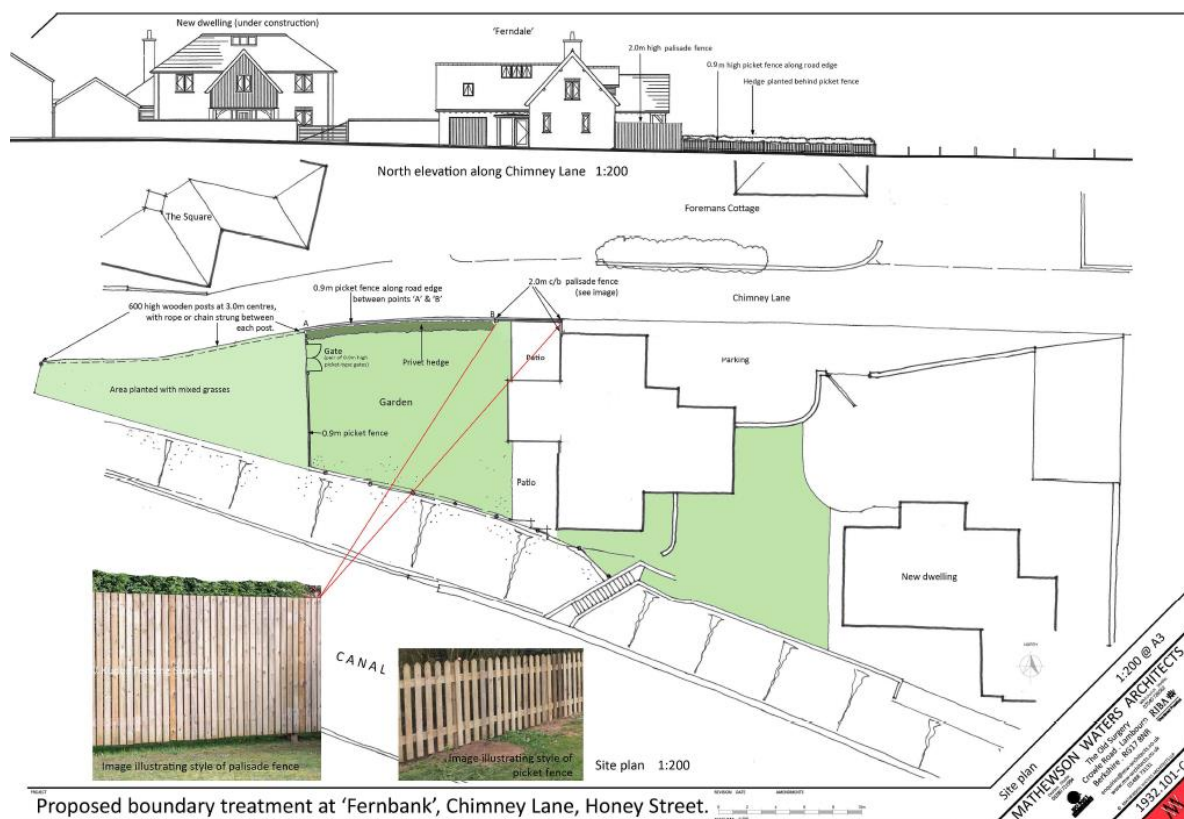
The application seeks full planning permission for the installation of boundary fences and gates. The Supporting Statement submitted by Mathewson Waters Architects explains that the application as originally submitted sought retrospective planning permission for the “erection of a boundary fence with gates and gravel hardstanding. The applicant has erected a section of closeboard fence without planning permission, due to incorrect advice given to her. She wishes to regularise the situation, whilst at the same time proposing other related



work that would aim to complete the external works and landscaping in relation to the new house known as Fernbank”.

The proposed development has been amended during the assessment of the application in an attempt to address the comments received as a result of the consultation exercises: -

1. The first set of amended plans (ref: 1932.101-B), received on the 6th September 2019, involved the removal of the installed 2m high close boarded fence from the scheme. The new proposal is for the erection of a short section (approx. 4.5m long) of 2m high palisade fencing to replace the closeboarded fence. A 1.2m picket fence would be installed along the remainder of the boundaries of the main garden area with hedge planting behind, albeit the roadside boundary to the western end of the garden, which is triangular in shape and to be planted with mixed grasses, would be defined by low posts with rope or chain strung between each post. This area was originally proposed as a gravel parking area but will now be undeveloped.
2. The second set of amended plans (ref: 1932.101-C), received on the 8th October 2019, involve further changes to the revised scheme described above. The small section of 2m high palisade fence remains but the remainder of the main garden area would be enclosed by a 0.9m picket fence. The triangular parcel of land to the west would be left undeveloped apart from the installation of 600mm high wooden posts at 3m centres with rope or chain strung between each post on the boundary adjoining Chimney Lane.



*Proposed Site & Elevation Plans*

## 4. Planning Policy

The **National Planning Policy Framework (NPPF)** with particular regard to Chapters 4 'Decision-Making', 12 'Achieving Well-Designed Places', 15 'Conserving & Enhancing the Natural Environment' and '16 'Conserving & Enhancing the Historic Environment'.

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

- Core Policy 18 Spatial Strategy: Pewsey Community Area;
- Core Policy 51 Landscape;
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment

The **North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2014 – 2019**.

The **Honeystreet Village Design Statement**.

## 5. Consultations

**Wiltshire Council Highways Officer** – No observations.

**Alton Parish Council** – Objection to the original and both amended schemes:

1. Alton Parish Council unanimously and very strongly opposed the original proposal because it was felt that both the fence and the new car park would not only contradict the clear conditions set by Wiltshire Council in the original consent but destroy the only green space in the centre of the village, open to the village and to the canal.
2. Alton Parish Council objected to the first set of amended plans very strongly and unanimously. It was stated that "The overriding aim remains to restore and protect the canal-side green open space at the heart of the village, flattened by building work but easily returnable to its original condition. ...

The latest application breaches those conditions in the following ways:

- The height of the proposed picket fence has been raised, with no explanation.
  - A brand new visual barrier has been created with the proposal for a gate and additional fence north-south across the centre of the space
  - A section of 2m high fence has been needlessly retained, and we note that in any case it must be set back a few inches since it obtrudes onto the narrow lane as a safety hazard."
3. Alton Parish Council objected to the second set of amended plans because it is felt that the revised scheme does not address the two main objections: -

"The first concerns the two-metre high palisade fence, wholly contrary to the original plan. ... Although the extent of the fence is reduced in the latest submission it remains an unnecessary eyesore, totally out of character with the open nature of the village and blocking the green space behind it leading to the canal. The second objection concerns the western end of the site. This spot, on a slight rise, is by far the most prominent and environmentally sensitive canal-side point in the village. The plan as currently submitted leaves it wide open to being transformed from a green space to a car park. The applicants proposed exactly that in an earlier submission which defined a hardstanding for vehicles on precisely this spot. That was rapidly dropped when the strength of the opposition became clear. What is now proposed, however, is a line of boundary posts three metres apart – ie comfortably spaced to admit a vehicle – joined

together by "a rope or chain." This is seen by the Parish Council as a transparent attempt to achieve the same objective by stealth. But whether that is right or wrong the risk can be simply removed by returning to the picket fence proposed in the original plan."

## **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 original consultation exercise 14 letters of objection were received, including one from the Campaign to Protect Rural England, on the following grounds:

- The proposed fence, which is already in place, blocks views from neighbouring properties and is totally inappropriate to the character of the site and detrimental to visual amenity. The proposed fence changes the streetscape and look of the village, when seen from within or without. The views across the hamlet and canal from within Honeystreet (North Bank), and from the tow path and Honeystreet (South bank) will be negatively affected. The 'Neighbourhood Design Statement' identifies the desire to maintain that special open character, which unfortunately this current proposal will not satisfy. The plans were for a low picket fence and that's how they should remain. The fence and the gravel parking space will blight our area of outstanding natural beauty. The proposed gravel parking area is unnecessary and unsightly.

The re-consultation exercise, following the submission of the first set of amended plans on the 6th September 2019, resulted in a further 14 letters of objection being received, including one from the Campaign to Protect Rural England, on the following grounds:

- The height of the picket fence has increased from point 8 of a metre on the approved plans to 1 metre on the first amendment and 1point 2 metres on the current amendment. This is a 50% increase in height.
- We acknowledge the attempt by the applicant to reduce the impact of the current fencing of the site but see no reason why the fencing as agreed in the original planning application should be changed.
- The introduction of a length of tall, palisade-style fence beside the house, such as might be used to mask unattractive or untidy features, would be out of place in this domestic location.
- In our view, the picket fence is acceptable but fencing of a different style to each side of it would look incongruous, especially as an additional picket fence is proposed across the garden at its western end. The overall aspect would be one of overdesign rather than rural effect.
- The proposed post and rope/chain fence at the west end of the site appears to be to facilitate parking, while the double gates in the interior picket fence raise obvious concerns about further vehicular access into the site. Clearly, parking of vehicles in any part of this area would interfere with important views across the canal in both directions.

The re-consultation exercise following the submission of the second set of amended plans on the 10th October 2019 resulted in three further letters of objection. It is felt that the further minor revisions do not address the original concerns regarding the impact of the development on the character of the site and visual amenity. It is anticipated that the grassed area to the west of the site will be used to park vehicles. It is also highlighted that the revised drawing is inaccurate because the patio area does not extend to the boundary with Chimney Lane. It is suggested that the boundary treatment could be along the edge of the patio rather than tight on the northern boundary of the property which abuts Chimney Lane.

## 7. Planning Considerations

The application, as amended, seeks full planning permission for new means of enclosure / boundary treatments only. The planning permission for the new properties removed the permitted development rights for the installation of any means of enclosure without the agreement of the Local Planning Authority. The purpose of the condition is to ensure that any new means of enclosure are appropriate to the context of the site in order to ensure no detriment to the character and appearance of the area and visual amenity, and also the setting of the Kennet & Avon Canal, a non-designated heritage asset.

The intention of the Local Planning Authority was not to prevent any new means of enclosure by removing the permitted development rights but to ensure new additions were sympathetic to the distinct open and undeveloped character of this part of the property. The original proposal for the 18.5m long stretch of 2m high close boarded fence was not considered sympathetic to the original open character of the site and does appear as a stark new addition to landscape which is clearly visible from neighbouring properties and the canal towpath. The revised proposal however only involves a small section of palisade fencing which is closely related to the dwelling itself, and a 0.9m high picket fence. The triangular area of land to the west will be left open apart from post and rope/chain to deter access from Chimney Lane.

The concerns of the community in relation to the palisade fence, the subdivision of the garden area, and the use of the triangular parcel of land to the west are noted, however, on balance, the amended proposal is not considered to have an unacceptable impact on the character of the site or visual amenity. The western area will be open and undeveloped and permitted development rights can be removed to prevent the laying of a hard surface to protect the character of this part of the site. The low picket fencing around the main garden area will be unobtrusive and will be in-keeping with the original boundary treatment before the property was redeveloped. The approved proposal was to enclose the entire site by a picket fence but this current proposal will leave the western triangular parcel of land open.

## 8. Planning Balance & Conclusion

The application seeks planning permission to install new boundary fences and gates around the garden area serving Fernbank. The policies of the Wiltshire Core Strategy, in particular Core Policy 51 'Landscape', Core Policy 57 'Ensuring High Quality Design & Place Shaping' and Core Policy 58 'Ensuring the Conservation of the Historic Environment', all seek to secure a high quality of design, protect landscape character and the historic environment. The amended scheme is considered to accord with the aims of these policies. The picket fence will be low-lying in the landscape and will not harm the setting of the canal, a non-designated heritage asset, or the special qualities of the North Wessex Downs AONB. The small section of palisade fence will be seen against the silhouette of the house and therefore will not be a prominent feature within the landscape.

In conclusion, it is considered that the scheme will not have an unacceptable impact on the open character of this part of the site through the erection of solid boundary treatments. The planting of a hedge can be done without the need to obtain planning permission and will contribute towards the screening of the fences when viewed from the canal. The strong strength of feeling against the proposal by the local community is recognised, however it is considered that there are no valid grounds to refuse planning permission for the revised proposal. It is therefore 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:

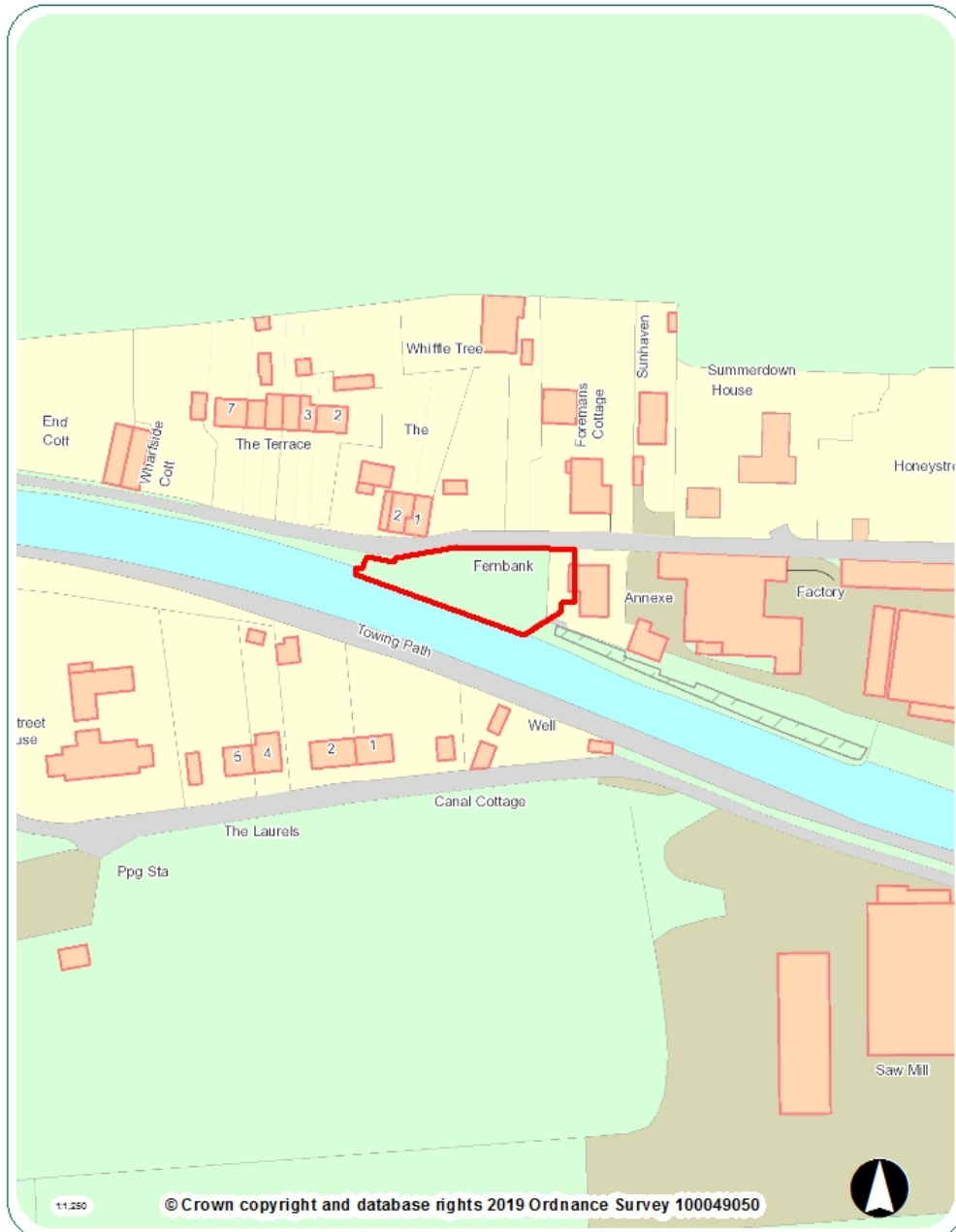
- Drawing no.1932.100. Title. Site Location Plan, received 15.07.19;
- Drawing no.1932.101-C. Title. Site Plan, received 10.10.19;

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Class F 'hard surfaces incidental to the enjoyment of a dwellinghouse' shall take within the application site.

REASON: In the interests of visual amenity, the character and appearance of the area, the stability of banks of the Kennet & Avon Canal, and to enable the Local Planning Authority to consider individually whether planning permission should be granted for new hard surfaces within the application site.

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## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 2

<b>Date of Meeting</b>	07 November 2019
<b>Application Number</b>	19/06982/VAR
<b>Site Address</b>	River Mead House, Church Hill, West Overton, Lockeridge SN8 4EL
<b>Proposal</b>	Removal of conditions 3, 7 and 8 of 19/02445/FUL (proposed erection of a building for the storage of agricultural machinery in connection with a farm contracting business (B8 Use)).
<b>Applicant</b>	Mr James Sheppard
<b>Town/Parish Council</b>	FYFIELD & WEST OVERTON
<b>Electoral Division</b>	West Selkley (Cllr Davies)
<b>Grid Ref</b>	414262 167858
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Ruaridh O'Donoghue

### Reason for the application being considered by Committee

The application is made by a Unitary Councillor; the scheme of delegation does not allow applications made by such persons to be dealt with under delegated powers when objections have been lodged against them.

#### 1. Purpose of Report

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

#### 2. Report Summary

The main issues to be considered are:

- Will the removal of the required visibility splays set out in condition 3 of 19/02445/FUL still allow for a safe and suitable means of access to serve the development (CP 61)?

#### 3. Site Description

The application concerns land at Rivermead House in Lockeridge, near Marlborough. The site is adjoined to the east by a residential property known as Gypsy Furlong, and to the west, by the Kennet Valley Hall. Paddock land lies to the north, with the road and agricultural fields lying to the south.

The site is located outside of the main built-up area of the village of Lockeridge in a small area of ribbon development that sits to the west of the settlement. It is considered to be open countryside.

The site and its surroundings lie within the North Wessex Downs AONB. There are no other notable planning constraints pertaining to the site.

Below is a location map with photographs that show the context of the site.





**View from the front of the site looking north-west**



**View from the front of the site looking north**





**View from the front of the site looking north-east**



**View from the front of the site looking east**





**View of the lane outside application site looking west**

**© Google**



**View of the lane outside application site looking east**

**© Google**

#### **4. The Proposal**

The application proposes the removal of conditions 3, 7 and 8 of 19/02445/FUL (proposed erection of a building for the storage of agricultural machinery in connection with a farm contracting business (B8 Use)).

Below are the proposed plans and elevations of the scheme.



Site Plan

## 5. Local Planning Policy

Wiltshire Core Strategy 2015 (WCS):

- CP 14 – Marlborough Community Area Strategy
- CP 34 – Additional Employment Land
- CP 51 – Landscape
- CP 57 – Ensuring High Quality Design and Place Shaping
- CP 61 – Transport and New Development



## National Planning Policy Framework 2019 (NPPF)

Section 85 of the Countryside and Rights of Way Act 2000: requires the Local Planning Authority to 'have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'.

## Wiltshire Landscape Character Assessment (2005)

### **6. Relevant Planning History**

- **17/05511/FUL** – Proposed gated access into field – Approved with conditions
- **19/02445/FUL** – Proposed erection of a building for the storage of agricultural machinery in connection with a farm contracting business (B8 Use) – Approved with conditions

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

#### Fyfield and West Overton Parish Council

The Council has no objection to the proposal to vary condition 3. This would secure the future of a valuable tree, and the Council notes that the advice of the Highways Authority is that there would be no unacceptable effect on traffic. Additionally, the Council suggests that Wiltshire Council considers requiring the lopping of branches of trees on the application site to a height which will improve visibility; and possible relocation of the access.

#### Wiltshire Council Highways

Manual for Streets 1 refers to the x and y distances required for visibility splays.

It is very flexible in its approach in regard to both; it also states that the dimensions and references are guidance and that Highway Officers are actively encouraged to use their judgement and expertise to apply splays.

The guidance suggests that the Y distances are based upon the SSD (Standard stopping distances) but a reduction to this distance does not automatically lead to a danger to road users and as such flexibility can be and should be applied: Point 10.5.9

In this application, it is the Highway Officer's position that a splay of 2.4m (to accommodate the larger vehicle) and a Y splay of as close to 43m (the distance associated with 30mph limits) is acceptable and that given the rural nature of the road, its width and the vehicular use of the road network, a reduced splay is still safe and acceptable. The ability to reduce the splay can also accommodate the stepping out of the Y distance by 1m into the carriageway. This can be applied to roads where overtaking is unlikely and pedestrians/cyclists are likely to be more centrally located due to hedgerow and worn edging. Manual for Streets 2 also allows for the Y splay to be taken to the centre carriageway to the left in these situations, however it is also common practice in Wiltshire to apply this allowance to both sides when officers believe that road conditions mean that by doing so there is not a negative impact to the safety of the road users.

Based on the revised visibility splay plan submitted, the Highways Officer has stated that they are *“willing to accept the amended drawing showing the 40.7m to 1 m out into the Carriageway. This secures an acceptable level of visibility for the proposed use.”*

### CPRE

The proposals offered to fulfil conditions 3 and 8 in this application are inadequate.

#### Condition 3

The absurdity of the implication that provision of 10m of extra visibility splay in one direction from the gateway might compensate for a shortfall of 10m in the opposite direction beggar's belief. We note that the same condition (43m in both directions from the gateway: REF MfS 30mph)) was/is a condition on permission for application 17/05511/FUL, so implementation of that permission also should not be allowed, REASON: in the interests of highway safety.

#### Condition 8

Neither the vague statement of landscaping proposals in the plans submitted with application 19/02445/FUL (D&AS 5.7), nor the brief details in the (red) responses to condition 8 in the plan and supporting statement showing where planting will take place and details thereof attached to this application provides the scope of details called for in condition 8: a) a detailed planting specification showing all plant species, supply and planting sizes and planting densities; b) finished levels and contours; c) all hard and soft surfacing materials. They should therefore not be accepted as discharging that condition, REASON: to ensure a satisfactory landscaped setting for the development in the interests of preserving the landscape character and scenic qualities of the AONB.

## **8. Publicity**

The application was advertised by way of a site notice and neighbour notification letters. As a result of this exercise, around 10 letters of objections have been received. The principal comments put forward are highlighted below:

- Surely your statutory checks on materials, landscaping together with entrance access, are what one would expect to ensure the detailed plans are carried out as agreed.
- Rather than healing tensions and building bridges with the local community this request is likely to engender feelings of mistrust.
- Object to variation 3 on the grounds of road safety
- To reduce the visibility by 10 metres is totally unacceptable. Added to this, the driver height is between 2.9 metres and 3.2 metres above ground. From this height, 2.4 metres back from the highway visibility will be far less than 10 metres stated. At this height you are looking or trying to look through the trees' canopy.
- This road is used as a rat run from Church Hill West Overton to Lockeridge and beyond. And ignore the speed limit of 30mph because everybody else seems to ignore it.
- If the safety splays on visibility are ignored after the death of George Punton who was only walking his dog, do we just wait for another fatal accident?

- It is even more sad that the residents opposing the original application knew the visibility was impossible on safety grounds, but as usual were just ignored
- No particular objection to the discharge of conditions 7 & 8 of application 19/02445/FUL requested within this new application (19/06982/VAR), although I cannot for the life of me work out why these were not requested via the more appropriate means of a Discharge of Conditions application, as advised in the Notification of Full Planning, provided when permission for 19/02445/FUL was granted!
- Very strong objections to the attempt to remove Condition 3 of application 19/02445/FUL
- The applicant appears to be creating an invidious situation wherein, if he is to meet the requirements of Condition 3 of planning application 19/02445/ FUL, he is going to seek to have trees chopped down, citing the need for appropriate visibility to fulfil highway safety requirements, or he gains approval for his application to vary Condition 3 (19/06982/VAR) thus compromising road safety.
- The concluding statement in the supporting statement should be challenged immediately and the application should be refused.
- The applicant should have carried out his own due diligence before putting in the original planning application 19/02445/FUL and realised that the trees would impact upon the visibility splays.
- Work on the site commenced on 30th July so condition 3 has already been abused.
- Condition 3 was imposed for good highway safety reasons at a place where a serious accident has happened.
- The preservation of the large trees along the highway is important; they are a feature of the AONB.
- The fact that this is the only condition the highways agency felt able to apply, it is important that it be maintained.
- Whilst the proposed construction materials would appear to be in keeping with the original application, they are not in keeping with those structures in the immediate vicinity. For this reason, there should be extra emphasis on the need for effective landscaping in order to mitigate the visual impact of such a large utilitarian structure.
- The proposed landscaping would appear rather minimalist and totally inadequate if the aim is to reduce the visual impact of the new building.
- Highway safety must remain a priority and if the building really has to be of such a utilitarian appearance then the landscaping must surely be more substantial.
- The required splays have not been provided so one must assume that the current work is in contravention of planning law and all work must be stopped. Or perhaps the applicant, who just happens to be a prominent member of the Council, is able to make certain assumptions about planning processes as a result of his privileged position?
- The applicant does not seem bothered about accuracy in his applications given that he identifies “historic oaks” as being within the hedgerow outside his own property, rather than the two limes (with TPOs) and the two horse chestnut trees, all of which were clearly identified in the application 17/05511/FUL!

- The Manual for Streets (Section 7, pp. 90-93) clearly describes the reasons for the provision of visibility splays.
- Whilst the speed limit on the road in question is 30 mph, it is possible that some vehicles may be traveling at greater speed than this, and that therefore the required visibility distance of 43m represents the minimum needed.
- Vehicles are likely to be travelling greater than 30 to the west having just exited a national speed limit zone – this is where the applicants is seeking to reduce the visibility splay to just 33m.
- If acceptable, the discharge of condition 3 should not be approved until a site visit has been made, and the necessary measurements confirmed by a suitably qualified representative of the Planning and/or Highways department.
- Should any decision be taken to permit a relaxation of the very clear regulations described in the Manual for Streets, and reflected in Condition 3, it should be expected that a detailed explanation of why such a decision was acceptable and how the highway risks that such regulations seek to minimise would otherwise be mitigated to acceptable levels.
- The whole attitude of ‘it is only a tree’ is appalling.
- Questions have to be asked about the original planning committee as they passed a building when in 2017 highways expressed concerns about the original entrance to this land.
- Are the committee qualified on planning matters or like me as a parish councillor just have the basic knowledge?
- Surely this fact needs to be addressed and the applicant enforced to halt development before this new application (19/06982/VAR) is processed in its due manner?
- The TPOs, historic trees and hedgerow should all have been considered first, not after!
- The proposed picture (in Wooley & Wallis’ supporting statement) looks very much like what has already been installed therefore a clear piece of evidence that building began before these conditions were acted upon.

## **9. Planning Considerations**

### Principle of Development

This issue remains as assessed under 19/02445/FUL and accepted by the Eastern Area Planning Committee on the 23<sup>rd</sup> May 2019.

### Design / Visual Impact

This issue remains as assessed under 19/02445/FUL and accepted by the Eastern Area Planning Committee on the 23<sup>rd</sup> May 2019.

However, as part of this submission the exact materials to be used in the construction of the proposed building have been specified. These materials are in prevalent use across many new agricultural buildings within the wider AONB. There are no objections to their use on this building. Therefore, there is no longer a requirement to impose condition 7 in the manner set out under 19/02445/FUL. Instead, it can be varied to ensure development is carried out in accordance with these approved materials unless further

materials are agreed with the local planning authority in writing (which does seem unlikely given the building is almost complete).

In addition to this, landscaping details have been submitted in a bid to address the requirements of condition 8 that was attached to 19/02445/FUL. These include planting densities and species for the hedges that are proposed. This level of landscaping is considered to be appropriate for the amount of development proposed, with sufficient detail to meet what the condition was seeking to achieve. As such, the requirement to submit further landscaping details is no longer necessary through the imposition of a planning condition. Therefore, condition 8 attached to the original consent can be removed. Condition 9 of the original consent will remain to ensure the submitted landscaping details are carried out and maintained for a reasonable period of time (i.e. 5 years).

#### Neighbour Amenity

This issue remains as assessed under 19/02445/FUL and accepted by the Eastern Area Planning Committee on the 23<sup>rd</sup> May 2019.

#### Highways Safety / Parking

Under 19/02445/FUL, the proposed access onto Overton Road was considered safe and suitable by the Local Highway Authority (LHA) subject to conditions which required the following:

- that visibility splays are to be provided;
- that the access is to be consolidated over the first 15 metres;
- that gates are set back 15 metres from the carriageway edge; and
- that the first 15 metres of the access is a minimum width of 5 metres.

Since this application was granted permission, the applicants have confirmed that they cannot comply with the requirements of condition 3 as there is a TPO'd tree in the way which restricts visibility. As such, it has been necessary to look at what visibility can be achieved and whether or not this would still allow for a safe and suitable means of access from the development site.

Manual for Streets (MfS) 1 and 2 refers to new and existing residential streets within urban areas and therefore, is not strictly applicable to a rural lane such as this. That said, for the purposes of this application, MfS guidance has been referred to as the most relevant and appropriate guidance for this site as the street does contain some street lighting and residential properties along it. The Design Manual for Roads and Bridges would not be appropriate guidance to use here as it refers to motorways and trunk roads only.

MfS states that a visibility splay of 2.4m (X distance) x 43m (Y distance) is appropriate to secure a safe and suitable means of access onto a 30mph road. However, MfS 2 states the following at paragraph 10.5.9:

*“The Y distance should be based on the recommended SSD values. However, based on the research referred to above, unless there is local evidence to the contrary, a reduction in the visibility below recommended levels will not necessarily lead to a significant problem.”*

It is clear, therefore, that the 43m distance is recommended but that MfS allows the LHA flexibility to reduce these standards should it consider that in doing so there would be no prejudice to highway safety. It is the opinion of the LHA that, given the rural nature of the road, its width and the vehicular use of the road network, a reduced splay as close to the 43m as possible would still result in a safe and acceptable means of access onto this road i.e. would not prejudice highway safety.

Furthermore, on roads where overtaking is unlikely and where pedestrians/cyclists are likely to be more centrally located due to hedgerows and worn edging, the LHA are prepared to accept the stepping-out of the Y distance by 1m into the carriageway. MfS 2 also allows for the Y splay to be taken to the centre carriageway to the left in these situations, however it is also common practice in Wiltshire to apply this allowance to both sides when officers believe that road conditions mean that by doing so there is not going to be a negative impact to the safety of the road users. The road conditions here are such that the LHA has accepted that the Y distance can be stepped out by 1m into the carriageway.

Based upon these acceptances, the applicants have submitted a revised visibility splay plan. This shows that with an X distance of 2.4m, the Y distance that can be achieved is 40.7m. The LHA accept that this distance would still result in a safe and suitable means of access to serve the development; it is after all, only a couple of metres short of the recommended distance.

What is more, a Y distance of 43m can be achieved stepping out 1m into the carriageway if a very small section of third-party land is incorporated into the splay. Whilst this cannot be officially regarded, as visibility splays cannot incorporate third party land, it is noted that due to the presence of the village sign, bus stop and lay-by at Kennet Valley Hall, this small parcel of land is unlikely to be built upon. In reality therefore, it is likely that the 43m of visibility would be available for use.

In summary, as there are no objections from the LHA, officers consider it acceptable to allow the variation of condition 3 to reflect the actual visibility that can be achieved, with an allowance of stepping the Y distance 1m into the carriageway i.e. a distance of 2.4 x 40.7m, and that such a distance can be conditioned accordingly to be maintained in perpetuity.

#### Issues Raised by Third Parties

It is noted that development has commenced on site in breach of the requirements of condition 3. Whilst this has been logged with the Council's Planning Enforcement Team, no action has currently been taken due to the existence of this application. Should the committee reach a decision contrary to the Case Officer's recommendation, then the case would be referred back to the enforcement officer. However, the fact that this is a retrospective application should have no bearing on the decision made i.e. retrospective

applications should be considered in the normal way as set out at Paragraph 12 (Reference ID: 17b-012-20140306) of the Planning Practice Guidance.

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

The LHA have accepted that the visibility splays that can be achieved at the site and confirmed that although not the 43m set out in MfS, a safe and suitable means of access can still be attained. A reduction in the standards by a couple of metres would, in the opinion of officers, be difficult to defend at appeal.

Officers consider that the details submitted in respect of landscaping and materials are sufficient. No further details need be requested via condition on these matters. As such, it is also recommended that conditions 7 and 8 be varied to reflect the details submitted with this application.

## **RECOMMENDATION**

Approve with conditions

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - Application Form
  - Block Plan 1:1000

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

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

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

- 5 Any gates shall be set back 15 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety and to allow for agricultural use.

- 6 The development hereby permitted shall not be first brought into use until the access has been increased in width to 5 metres over the first 15 metres from the C202 carriageway edge with the provision of a radii of 3 metres to both sides of the access.

REASON: In the interests of highway safety.

- 7 The development shall be carried out in accordance with the approved materials outlined in the Supporting Statement by Woolley & Wallis dated July 2019 unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of visual amenity and the character and appearance of the area which is within the AONB.

- 8 All soft landscaping comprised in the approved details of landscaping entitled Landscape Planting Scheme by Woolley & Wallis shall be carried out in the first planting and seeding season following the first occupation of the building 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.

- 9 The site shall be used for an agricultural contracting business and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). Furthermore, the provisions for change of use under 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) cannot be undertaken.

REASON: The proposed use is acceptable, but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

- 10 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 / external alterations to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans.

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, or the installation of any outdoor plant/machinery.

- 11 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the



appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site in the interest of maintaining dark skies within the AONB.

**INFORMATIVE TO APPLICANT:**

The proposal includes alteration to the public highway and the consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) for further details.

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## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 3

<b>Date of Meeting</b>	7 November 2019
<b>Application Number</b>	19/07460/FUL
<b>Site Address</b>	Lowerhouse Farm, Lower Chute, Andover, Wiltshire SP11 9DX
<b>Proposal</b>	Conversion and extension of outbuildings and stables to form 3 dwellings (amended scheme following refusal of 18/04151/FUL)
<b>Applicant</b>	Ms Stella Coulthurst
<b>Town/Parish Council</b>	CHUTE
<b>Electoral Division</b>	Chute – Councillor Blair-Pilling
<b>Grid Ref</b>	431219 153197
<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 Blair-Pilling, for the following reasons:

- Scale of development;
- Environmental or Highway Impact

This application is also brought to committee because the previous application on this site for a similar scheme was determined by Eastern Area Planning Committee.

#### 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 should be approved.

#### 2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

- Principle of development
- Site history, heritage, character & design
- Neighbouring amenity
- Highways
- Ecology
- Drainage
- S106/CIL

The application has generated an objection from Chute Parish Council; Chute Forest Parish Council; and 40 letters of objection from third parties.

### 3. Site Description

The site is situated within the main built-up parameters of the village of Lower Chute, which is defined as a Small Village by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP26 (Tidworth Community Area). This part of Lower Chute is a ribbon form of development with properties all fronting on to the road which leads through the village. To the northeast and southwest the site abuts residential properties and their associated parking/amenity provision (both of which are also in the applicant's ownership). Members may recall that the dwelling to the northeast has recently received planning permission to be demolished and the site redeveloped with 2 dwellings (under ref: 18/09811/FUL). This permission remains extant but has not yet been implemented.

The southwestern property is known as Lowerhouse Farm and is a Grade II listed building. To the northwest the site adjoins open countryside/paddocks, also within the applicant's ownership. To the southeast, the main lane running through this part of the village separates the site from further fields/paddocks beyond. The site is situated within the Chute Cadley/Lower Chute Conservation Area. The site is also within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).



**PLAN 1: Site Location Plan**

The application site currently comprises a range of attractive outbuildings and stables that are used in association with the listed Lowerhouse Farm to the southwest of the site. The buildings are predominantly arranged around a central courtyard with an L shaped stable building defining the northwestern and northeastern sides of the courtyard; and a further pair of barns defining the southeastern boundary of the site, with a break between, allowing access into the stable courtyard from the lane to the



southeast. The southwestern boundary with the main house is defined by a low-level wall. A pedestrian access between these parts of the site currently exists in this boundary wall. The existing L shaped stable buildings are believed to be curtilage listed buildings and are of traditional vernacular. The roadside buildings, whilst also of traditional vernacular, are more recent and are not therefore curtilage listed (although they are still situated within the curtilage of the listed building). All of the buildings in this range are single storey but with varying roof heights.

One of the buildings on the southeastern boundary of the courtyard then joins onto a further outbuilding which is outside of the courtyard of stable buildings and is within the residential garden of Lowerhouse Farm, accessed from the existing access driveway serving this dwelling to the southwest. This building is currently used as domestic garaging/store building for the existing property. This building is also single storey and is of traditional vernacular but is a more modern building and is not therefore considered to be curtilage listed (although it is also within the curtilage of the listed building). All of the buildings on the site have slate roofs and are of brick and timber cladding construction.

#### 4. Planning History

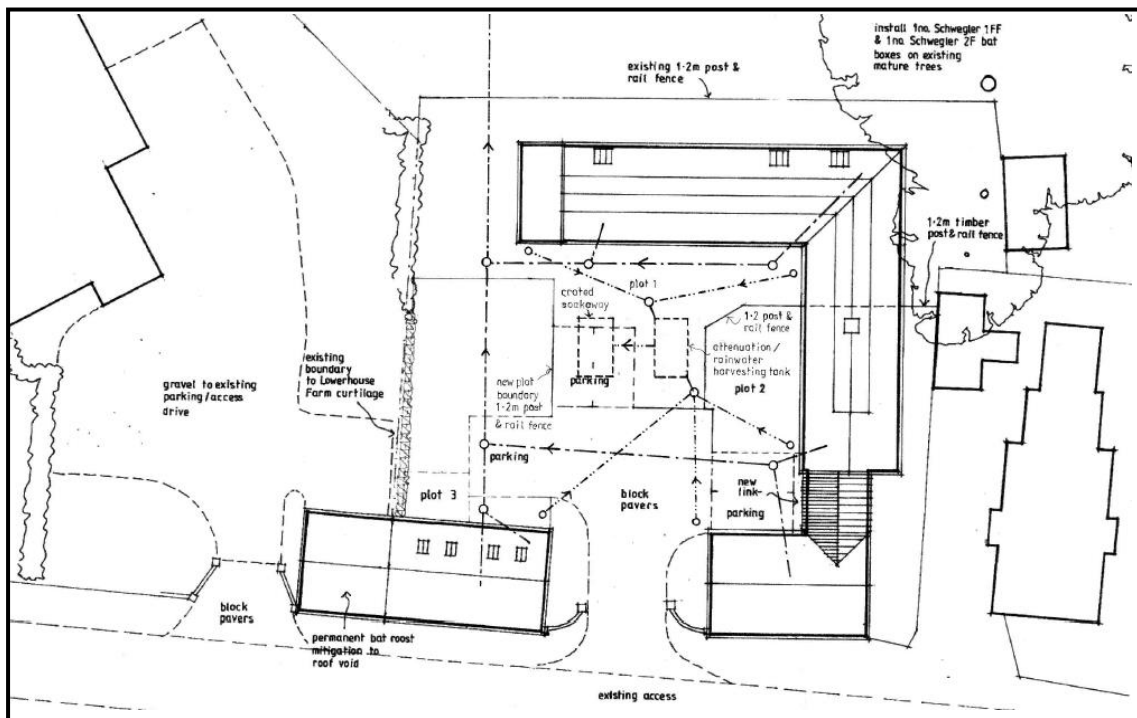
Application Ref	Proposal	Decision
K/81/0568	Extension to dwelling	Permission – 20.08.1981
K/81/0973	Replacement outbuildings and alterations to existing outbuildings	Permission – 17.12.1981
K/81/1006/LB	Demolition and replace some outbuildings and alterations to remaining outbuildings	Consent – 17.12.1981
K/33050/L	Part conversion of stable block to pottery room and erection of false roof ventilator.	Consent – 24.07.1996
K/33051	Part conversion of stable block to pottery room and erection of false roof ventilator.	Permission – 24.07.1996
K/59542/F	Conversion of barn to self-contained annexe	Permission – 29.10.2008
K/59543/LBC	Conversion of barn to annexe	Consent – 15.10.2008
E/2013/0284	Conversion of barn and garage to self contained annexe	Permission – 17.06.2013
18/04151/FUL	Conversion and extension of outbuildings and stables to form 3 dwellings	Refuse – 07.09.2018
19/01970/FUL	Conversion and extension of outbuildings and stables to form 2 no. dwellings with conversion of barn to self-contained annex for Lowerhouse Farm	Withdrawn
19/02213/LBC	Conversion and extension of outbuildings and stables to form 2 no. dwellings with conversion of barn to self-contained annexe for Lowerhouse Farm	Withdrawn
19/07609/LBC	Conversion and extension of outbuildings and stables to form 3 dwellings (Plots 1 & 2)	Pending

The most recent decision at this site (18/04151/FUL) also involved the conversion and extension of these outbuildings into 3 separate dwellings and was refused by Eastern Area Planning Committee for the following reason:

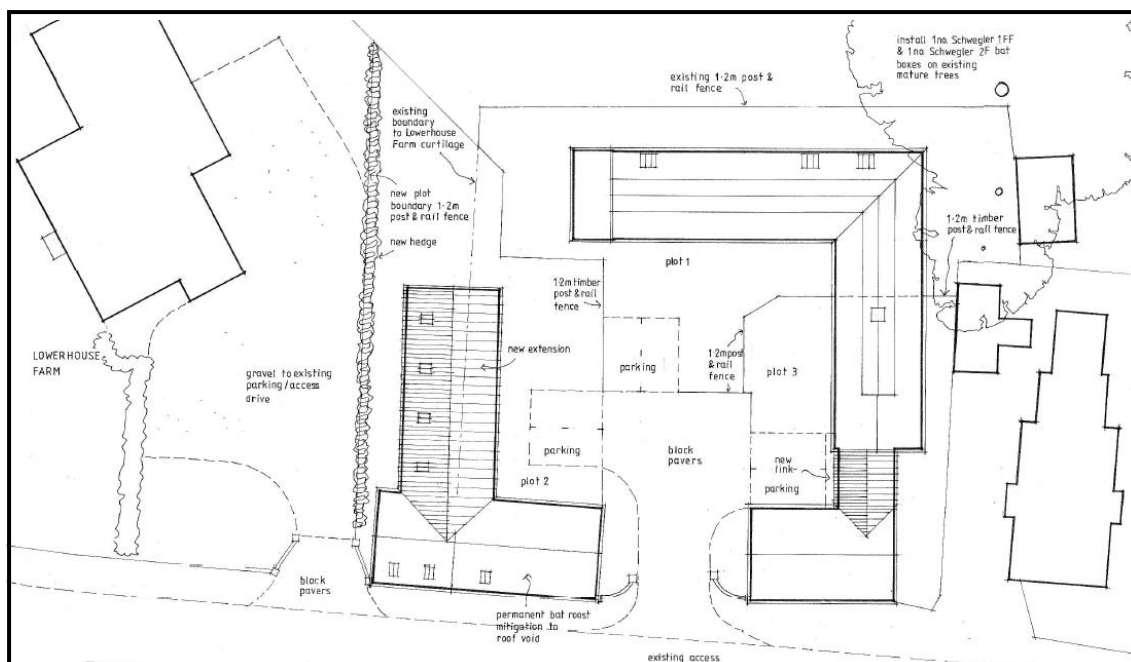
- 1) *Plot 2, comprising the conversion and extension of the existing outbuilding, would be in close proximity to the adjacent grade II listed Lowerhouse Farm; would result in an overdevelopment of the site; and would result in the loss of dedicated outbuildings for use in association with Lowerhouse Farm. This would cause less than substantial harm to the significance of the adjacent grade II listed property and the curtilage listed stable block by compromising their settings; and to the character and appearance of the conservation area. There are no public benefits which would outweigh that harm. The proposal would therefore conflict with Core Policies 57 and 58 of the Wiltshire Core Strategy and Section 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework, 2018.*

## 5. The Proposal

This is a full application proposing a revised scheme to the proposals that were refused in 2018 as part of the 18/04151/FUL application, as the applicant now seeks to address the previous reason for refusal. The current scheme still proposes the conversion of the curtilage listed stable buildings as well as the non-listed outbuildings along the roadside into a total of 3 new dwellings. However, the previously proposed large, perpendicular addition to the outbuilding to create the third dwelling has been omitted from the scheme and instead the third house is to be created entirely within the footprint of the existing roadside outbuilding. In addition, the boundary between the host dwelling and the stable block has been retained but is to be replaced by a hedgerow instead of the existing wall. The host dwelling is also shown to retain more of its garden/curtilage (as a result of this boundary retention) and part of its existing domestic outbuilding in order to provide a garaging/cart shed to serve the existing property. The differences between the current and proposed schemes can be seen in PLANS 2 and 3 below.



**PLAN 2: Site Plan for current Application**



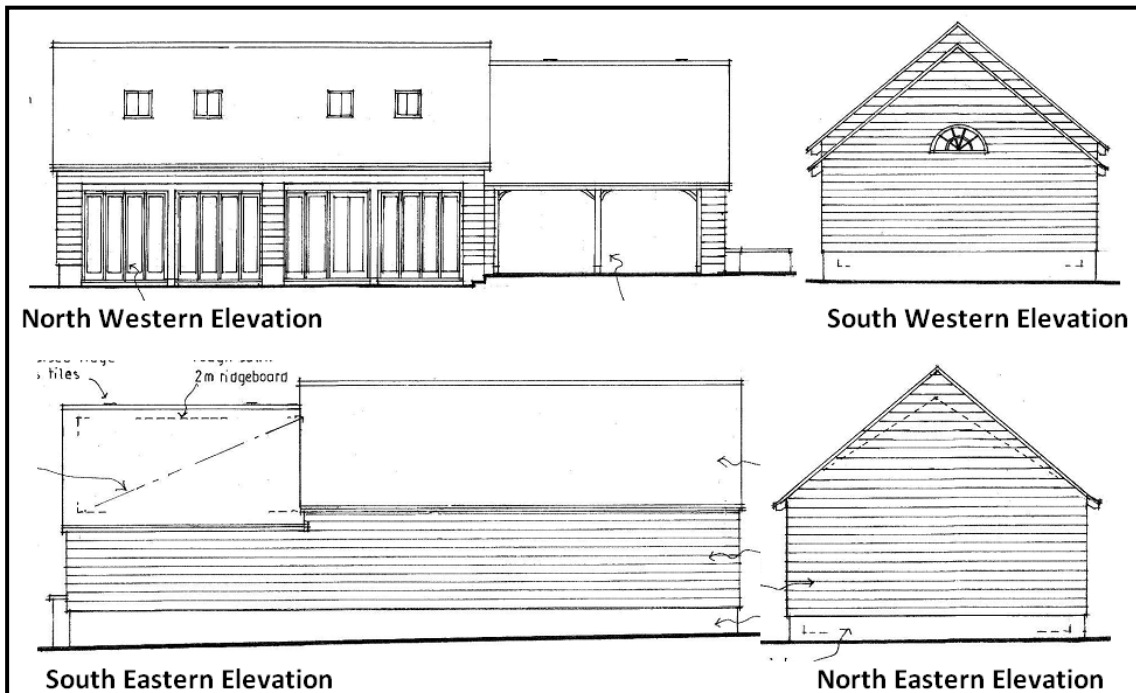
### PLAN 3: Site Plan for the 2018 Scheme (Refused)

In detail, as can be seen by PLANS 4 & 5 below, the two new dwellings that are to be created in the existing range of stable buildings involve a small link addition in the south eastern corner of the site which will link the L shaped building to the short return building on the road side (southeastern corner) of the courtyard. Dwelling one is to be created in the northwestern and part of the northeastern arms of the L shaped building. It is to provide 3 bedrooms over one level. Wherever possible, existing openings are to be utilised with only two new roof lights being proposed on the north western elevation of this building. A small lean-to addition on the northwestern arm is to have fenestration reinstated and its eaves increased in height to match the rest of this building but otherwise the conversion works are to be contained within the existing footprint and form of the existing buildings. Two parking spaces and an area of dedicated garden are identified to serve this property.

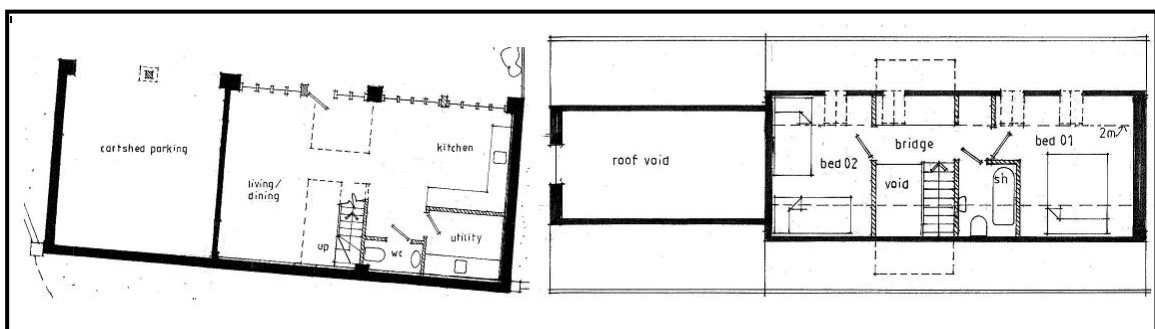
The second dwelling is to be created by converting the remainder of the north eastern arm of the building and the detached building on the south eastern boundary of the courtyard. A single storey link extension is proposed to link these two parts of the stable buildings together. This dwelling is to have 2 bedrooms over a single level. Again, existing openings are to be used wherever possible and the northern elevation of the south eastern building, which is currently open fronted, is to be infilled with full height glazing. The roadside elevation will remain blank. Two parking spaces and an area of dedicated garden are also identified to serve this property.



proposed in the north western elevation of this building looking into the courtyard. The roadside elevation will remain blank.



**PLAN 6: Proposed Elevations of Dwelling Three & Car Port**



**PLAN 7: Proposed Floor Plans of Dwelling Three & Car Port**

As has been stated above, the existing boundary wall that separates the stables from the adjacent listed dwelling is to be removed and a new boundary hedge is to be planted along this same boundary line. The land in front of dwelling 3 is to be regraded and will provide a private garden and parking provision (for 2 spaces) for this property. The remainder of this building that is attached but within the residential garden of Lowerhouse Farm is to be retained by the host dwelling and is to be used as a cart shed to provide garaging/storage for the host property.

The application is also accompanied by a tandem application for listed building consent which will be considered separately under ref: 19/07609/LBC. The application is accompanied by a Planning Statement (incorporating a Heritage Statement); and a Phase 1 and 2 Bat Report. During the course of the application a drainage report and revised drainage plan has been provided.

## 6. Planning Policy

*National Planning Policy Framework (NPPF)*

*National Planning Practice Guidance (NPPG)*

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

None

*Wiltshire Core Strategy:*

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP3 (Infrastructure Requirements)

CP26 (Tidworth Community Area)

CP50 (Biodiversity and Geodiversity)

CP51 (Landscape)

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)

CP68 (Water Resources)

*Supplementary Planning Documents:*

Creating Places Design Guide SPG (April 2006)

Achieving Sustainable Development SPG (April 2005)

The Chutes Village Design Statement (VDS)

North Wessex Downs AONB Management Plan 2009-2014

Affordable Housing SPG (Adopted September 2004) Affordable Housing SPG (Adopted September 2004)

Wiltshire Local Transport Plan – Car Parking Strategy

## 7. Summary of Consultation Responses

### **Chute Parish Council - Objection**

- This application has aroused significant negative public comment, involving as it does a collection of listed, curtilage listed and non-listed heritage assets that form the very heart of the Chute Cadley and Lower Chute Conservation Area.
- The whole character of the two conjoined villages and their Conservation Area is, beyond argument, dictated by Lowerhouse Farm and its outbuildings;
- They are the most sensitive heritage assets and their positioning and usage dictated the pattern of development of the villages as they now stand.
- It is clear that, by the terms of the VDS, this development would alter the character of the village and is not acceptable.
- The proposal is in direct conflict with the Chute Village Design Statement (VDS) in a number of areas
- The VDS states 'Buildings are of modest sizes in generous plots.' This is manifestly not the case in the proposed development, which involves a tightly packed cluster of dwellings completely out of character with the rest of the village.
- The VDS states 'Development is in a linear pattern and mostly only occurs on one side of the road.' The courtyard style of the development is very different in form to the established linear pattern and encroaches onto the agricultural land beyond, causing a significant source of light pollution and disturbance to wildlife.
- The VDS states 'Some excellent outbuildings often with pantiles.' The development is repurposing outbuildings that serve the grazing land immediately

to their rear. When this grazing is put back into use, new outbuildings will be required, the existing, which comprise both curtilage listed and non-listed heritage assets having been destroyed. The usage of the existing buildings has always varied with the interests and needs of the owners of the farm, but once they are converted into dwellings, they will be permanently lost.

- The proposal does not accord with WCS CP1, which states, 'Development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.'
- This application divides an existing equestrian property from a range of outbuildings that serve the needs of its likely occupants.
- The dwellings that will be created will be out of the economic reach of young villagers and are likely to attract incoming residents to an area with no public services.
- There is no need for this type of housing in the settlement, and no positive benefit to employment opportunities, services or facilities. In fact, the opposite is true, with additional demand put on an already inadequate service network, with roads, water, electricity and telecoms in the village all under extreme pressure.
- The proposal contradicts the guidance of WCS CP2, which states 'At the Small Villages development will be limited to infill within the existing built area. Proposals for development at the
- Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development: i) Respects the existing character and form of the settlement ii) Does not elongate the village or impose development in sensitive landscape areas iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.
- Although the buildings are already extant, the change of use from stabling and storage to residential does, in fact, represent a significant consolidation in terms of dwellings with the attached requirement for car parking and vehicle movements.
- The proposal runs against the spirit and the letter of WCS CP 50.
- We note particularly; 'EPS Bat Licences will only be issued where the application has considered the three following tests and met the following criteria: ▪ The development is in the interest of public health and safety or is required for other imperative reasons of overriding public interest. ▪ There is no satisfactory alternative to the development. ▪ The development will not be detrimental to the maintenance of the Favourable Conservation Status (FCS) of the bat population concerned within their natural range.'
- We do not accept that there are any grounds to believe that the development is in the interest of public health or any overriding public interest, neither is there any need for the development within the village, as there are no identifiable housing needs within the village. Finally, the development will clearly be detrimental to the FCS of the bat population, despite the applicant's mitigation strategy, as, once the converted properties are passed into new ownership, certain elements of the mitigation strategy will be unenforceable.
- The proposal is contrary to CP57 because it does not enhance 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, nor does it respond to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced.
- The proposal is contrary to CP57 because it is not sympathetic to and conserving historic buildings and historic landscapes.

- The proposal is contrary to CP57 because it does not take account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area.
- The proposal is in direct conflict with WCS CP58 in that it damages the site of a heritage asset (the Chute Cadley and Lower Chute Conservation Area, the character of which the concentrated character of the development will dramatically alter), and involves substantial and unjustified alterations to both curtilage listed and non-designated heritage assets.

#### **Chute Forest Parish Council – Objection**

- Earlier applications K/59542/F and K/59543/LBC and E/2013/0284, for a single dwelling in the barns facing the stables, were accepted as reasonable development. The permission did not affect the stables themselves.
- We disagree with the statement in paragraph 6.8 of the application “Outwardly the proposals would involve negligible visual change to the surroundings.” The stables and courtyard are clearly visible from the road, and give historic character to the heart of the village, being adjacent to the Village Green and War Memorial.
- It is incorrect to say that only “a glimpse exists from the access” as is stated in the application.”
- We feel that the development of Plots 1 and 2, together with the inevitable parking, fencing, garden furniture, wheelie bins etc will fundamentally compromise the character of this integral part of the conservation area.
- Plot 3, comprising the conversion of the existing outbuilding to increases the ridge height which would be out of character, and is still in close proximity to the adjacent grade II listed Lowerhouse Farm.
- This would still result in an overdevelopment of the site; and would result in the loss of dedicated outbuildings for use in association with Lowerhouse Farm and the surrounding land.
- We also feel strongly that this is an overdevelopment of the site particularly in light of the recent planning to redevelop the adjacent Stables Cottage site.
- Paragraph 6.3 implies that the previous scheme in 1981 involved the deliberate ‘...demolition and replacement of some outbuildings...’ and “...involved the loss of historic fabric and reconstruction of the barns.” In reality they had collapsed in a storm and had to be rebuilt.
- We do not feel that the proposed scheme reflects the objectives of Wiltshire Core Policy 58: Ensuring the conservation of the historic environment. Paragraph 6.129 states “Core Policy 58 aims to ensure that Wiltshire’s important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced in order that they continue to make an important contribution to Wiltshire’s environment and quality of life.”
- The increase in traffic would cause significant harm and danger particularly with planning for two properties next door to the stables in a single-track lane close to a road junction and bend.
- We also note that proposed works will also result in the loss of all bat roosts on-site to allow for the conversion and extension of the buildings to living accommodation.

#### **Conservation – No Objection subject to conditions**

- Although in many respects identical to the earlier refused scheme, the retention of the existing boundary line and a double-garage within the domestic curtilage of the listed building allay my concerns regarding the impact on the setting and practicality/desirability of the farmhouse.



- The latter are significant in that we should not support works that clearly compromise the future use of a building or site, bearing in mind the NPPF guidance regarding optimum viable use and the likelihood of owners/occupiers being minded to maintain it.
- The details of works to the historic stable buildings (i.e. those not on the roadside, which were rebuilt quite recently) are unchanged and are considered acceptable in heritage terms.
- We should require details of new glazing and doors.
- The site will remain within the historic curtilage of the listed building, and listed building consent will continue to be required for any future works of alteration should consent be granted for the conversion;
- planning permission would be required for all external alterations to any of the buildings, and for fences, oil tanks, sheds etc;
- It would be prudent to withdraw PD rights to ensure this is clear.
- Future purchasers would otherwise not be advised by solicitors that they're acquiring a listed building, or a building within the curtilage.
- But for clarity, the roadside buildings are NOT listed and so works to them do not require LBC;
- They are, however, within the curtilage of the LB and any external alterations would require planning permission.

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

- It is considered that the development proposed will not detrimentally affect highway safety and I therefore recommend that no highway objection be raised to it subject to conditions
- The existing access shall remain ungated or the existing gates permanently fixed in the open position.

#### **Drainage** - Objection

- Holding objection currently on the grounds of lack of drainage details.
- Whilst supportive in principle the site needs to demonstrate viability.
- The application notes that a septic tank will be used, and surface water disposal to soakaway, but there is no supporting evidence with this.
- To clear the objection we will require the following:
  - Outline plan of foul drainage disposal, including supporting evidence that the septic tank can accommodate the additional discharges to it;
  - Outline surface water disposal plan, including infiltration testing results to BRE 365 and evidence that any proposed soakaway has a clearance of at least 1m from the groundwater level; and
  - Outline plan for attenuation of discharge rate for the surface water from site
    - As brownfield development, Wiltshire Council policy is to seek reduction in discharge rate to greenfield levels.
- Detailed design can be undertaken via conditions, but the applicant is required to show evidence that the site can be drained effectively to gain support.

#### **Ecology** – No objection subject to conditions

- I note the submission of an updated ecology report by ABR Ecology (19/07/19).
- Bat and bird mitigation is required, and enhancements are proposed.
- The required mitigation is plotted on the submitted drawings
- I have no ecology objection to the proposal, subject to conditions

**Wessex Water** – No objection subject to informatives

- Wessex Water has no objections to this application
- The sewerage service provider for this area is Southern Water.
- If the proposals require new connections to the public water mains, an application will need to be made
- According to our records there are no recorded water mains within the red line boundary of the development site.

**Southern Water** – No comments received

## **8. Publicity**

This application was advertised through the use of site notices; an advert in the local press; and letters of consultation.

**Letters** – 40 letters of objection received from the residents of Keepers Cottage, Old Peelers, Percy Cottage, Jimila, Providence Cottage, Chute Forest Cottage, Grovewood, Hyde Cottage, Woodruff, Meadow View, 2 Tolleys Cottages and The Old Cottage, Chute Cadley; Orchard House, Cadley Bottom, Hazel Cottage, Cadley Lodge and Lower House, Lower Chute; 30 Tibbs Meadow, Wansdyke and Chute Collis Cottage, Upper Chute; West Lodge and Standen House, Chute Standen; and letter from Land Development & Planning Consultants on behalf of many concerned local residents. The following comments made:

- It goes against AONB, Conservation Area, Chute VDS and the previous Kennet plan.
- This application is basically the same as previous applications (18/04151/FUL and 19/01970/FUL which were refused and withdrawn respectively
- CP2 para 4.34 defines infill as generally only one dwelling. No reasons are given here to justify an exception for more than one
- CP 2 para 4.34 defines infill as the filling of a small gap within the village. The proposed development is not located in a gap. It replaces existing buildings, as opposed to being in a gap between buildings. It is not infill.
- This is a completely unnecessary change of use and a very obvious misinterpretation of 'infill' within a rural village location.
- This is the worst kind of backland development in that it erodes and exploits the protected nature of the surroundings, the local building and amenity grain
- Lower Chute does not have any housing needs
- It is not needed or wanted in the village
- Other than during a build period, this proposal does not support any local employment.
- Since 18/04151/FUL was refused, 18/09811/FUL has been allowed allowing next door to demolish one house and replace with two. Together with this application, this will amount to 5 new houses along a narrow lane all within about 50 metres of each other where there is currently one house only
- The addition of four houses will increase the density by 50%.
- The cumulative effect of this proposal and the development of Stables Cottage would constitute the largest and most significant building project in the history of Lower Chute and Chute Cadley.
- The creation of 3 new dwellings in this short distance will inevitably consolidate what is now a loose knit area
- This cannot be considered affordable housing in a small village which has no facilities other than 1 local public house.
- Over development. Site too small to accommodate 3 dwellings and associated paraphernalia
- the Chutes is not the place for such a cramped development

- Contravenes HC24 and HH5 now CP2 and CP58.
- The village has limited facilities. no school, shop, transport
- The appeal decision submitted with the application was refused for reasons which would also apply to this scheme
- Better also to leave the new urban sprawl to the confines of Ludgershall, Tidworth, Andover, and so on, where there is need and sufficient infrastructure and amenity.
- no evidence that alternative employment, tourist, cultural or community uses have been explored, or that the buildings are structurally sound and capable of both the conversion, together with the additional rebuilding and extension proposed (as per CP48)
- Contrary to CP57, CP58 and the NPPF
- Plot 2, comprising the conversion and extension of the existing outbuilding, would be in close proximity to the adjacent grade II listed Lowerhouse Farm
- This would cause less than substantial harm to the significance of the adjacent grade II listed property and the curtilage listed stable block by compromising their settings
- Detrimental to the character and appearance of the conservation area
- There are no public benefits which would outweigh that harm
- This Conservation Area cannot gain any benefit from over development.
- The stables are an attractive centrepiece of the village which once developed leaves little room for gardens.
- In a Conservation Area it is not within the interests of our Village Design Statement that these stables be allowed to be given 'Change of Use' status – the proposal to allow them to be changed to residential properties goes against conserving this 'area of outstanding natural beauty'
- To build three additional commune style properties, which are in very close proximity to each other will encroach and spoil the aesthetic style that was in the original design of the Listed property.
- The revised scheme retains no more than 40% of the building as garaging to the listed building and overall the scheme separates the historic association of the stables from the farmhouse on ownership and physical relationship, compromising the significance of both the Grade II Farmhouse and its ancillary, curtilage listed buildings, subject of this application.
- while care has been taken over the detail of the conversion of the buildings, the subdivision of the open yard is considered to compromise the essential character of the site leading to an overtly domestic complex and loss of the rural aesthetic
- Outdoor space will be at an extreme minimum.
- The retention of a 2 bay car barn for a property with 12 acres is insufficient for the management of such acreage and will certainly warrant further development within the curtilage of the farmhouse in future to replace necessary barns.
- Currently the surrounding land is unmanaged without any grazing or maintenance of fencing etc, but presumably at some stage in future there will again be active use of the land which will necessitate either equipment or livestock, both of which need buildings for storage or shelter.
- The current stables are in good order, fulfil an important purpose and complete the function of a farmhouse with associated land. Without the stables, the Farmhouse becomes an executive property
- The 3 dwellings in the gardens of the existing plot represents an unneighbourly form of development for the adjacent properties resulting in adverse overbearing impacts and loss of privacy.
- Development would not protect, conserve or enhance the historic environment.
- It will not conserve the designated heritage assets and their settings

- Concerned about noise during construction
- There will not be enough parking facilities for any more than 2 vehicles per household
- Visitors and other cars will be forced to park on verges and/or village greens.
- Traffic will be an issue for pedestrians, pets, horses and children with numerous extra car/van/delivery journeys along a single-track lane.
- The cart shed parking is incorrectly defined not clear if it is for the existing house or cart shed development
- The newly written bat report shows that there are numerous wildlife reasons why these buildings should not be developed
- The chances of any of the biodiversity/wildlife being retained at this site after construction are slim
- Natural England will only issue an EPS license providing the Planning Authority satisfy themselves that 3 key tests are met (Derogation).
- Case Law exists which successfully challenged an Authority which did not adequately consider these as part of the planning process.
- 1. No detriment to the bat population - It appears that an acceptable mitigation plan has been developed and which would likely satisfy Natural England, providing all of the appropriate procedures through the building process are followed.
- 2. The development is in the interest of public health & safety or is required for other imperative reasons of overriding public interest – The development is clearly not in the interest of public health & safety. The client allowing the stables to fall into disrepair is her choice and will likely have a detrimental impact on her ability to successfully sell Lower House Farm. The fact that it may become an eyesore for the community is for the community to decide.
- 3. There is no satisfactory alternative to the development – The alternative is simply not to develop it. I do not believe that there is a need, as alleged, for additional housing in the area and the fact that the client wishes to 'maximize' the development opportunity for this and an adjacent site does not meet the test of no satisfactory alternative.
- Based on the above, it is my contention that 2 of the 3 required tests, for EPS purposes, cannot be met and consequently the Planning Authority cannot, in all conscience, approve this application.
- Were they to, then they run the risk that a case could be brought to dispute the decision based on existing case law.
- Will create a dramatic reduction of House Martins and Swifts/Swallows
- Insufficient consideration has been given to the bat and owl population
- There is nothing within the application that addresses the environment either in terms of energy sources, building processes, materials or dealing with Waste.
- No mains drainage in the village
- Need to investigate whether the increase in septic tanks in this area would have a detrimental effect on the underlying water table
- My fear is that approving this planning application could set a precedent for a pattern of development that is not sustainable – a stepping stone for further development that would change forever this profoundly beautiful, rural area.
- There have been stables recently built in Lower Chute as there is a lack of this facility in the village.
- No reference to the means by which these properties will be heated.
- Given that the majority of properties in the village, including Lower House Farm, have oil fired central heating, and the oil tank for Lower House Farm is located in the stable yard. This needs to be considered.

- Planning permission will be required for the location of any oil tank, including the relocation of that serving Lower House Farm
- Too many inaccuracies in the application form and statement

## 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

The site is situated within the existing built up area of the Small Villages that collectively make up The Chutes, as defined by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP26 (Tidworth Community Area). It is acknowledged that Small Villages have a low level of services and facilities, and therefore few employment opportunities. WCS policy CP1 (Settlement Strategy) confirms that *'there is a general presumption against development outside the defined limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages'* and that development in Small Villages will therefore be *'limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities'*. WCS policy CP26 (Tidworth Community Area) also confirms that there is a need for an additional 1,920 dwellings in the Tidworth Community Area up to 2026, with approximately 170 of these to be provided outside of the large settlements of Tidworth and Ludgershall and in accordance with the housing strategy set out in CP1 (Settlement Strategy) and CP2 (Delivery Strategy) and so there is an identified need for additional residential development in this community area's small villages.

WCS policy CP2 (Delivery Strategy) further confirms that such development in Small Villages will be *'limited to infill within the existing built area'*. Infill development is defined in CP2 (Delivery Strategy) as *'the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling'* and will be supported provided that the development *'Respects the existing character and form of the settlement;...Does not elongate the village or impose development in sensitive landscape areas;'* and *'...Does not consolidate an existing sporadic loose knit areas of development related to the settlement'*. In this case the site sits within a ribbon of existing residential development which is situated to the north of the lane running through this part of the village and is situated between two residential properties. The proposals also comprise the conversion and extension of existing buildings to provide a low number of new dwellings (3 in total). For these reasons, it is considered that the proposal consists of small-scale infill development and is therefore acceptable in principle in accordance with the above policy context.

It should also be noted that there is a recent refusal on this site involving a similar scheme for 3 new dwellings on this site. The implications of this previous decision for the current scheme are going to be assessed in more detail below, but the previous scheme was not refused on the matter of principle but rather on detail issues. It would therefore be unreasonable to introduce a new reason for refusal on principle grounds at this late stage and instead a consideration of how the new scheme addresses (or not) the previous reason for refusal should be the main consideration of this current scheme.

Local concern has however suggested that because the scheme does not involve only one dwelling; is not on the road frontage like existing development along this lane; and does not involve the development of new buildings to fill a gap but instead the conversion of existing buildings, that it does not involve infill development. However, this is simply not the case. As per the infill definition outlined above, this site is only large enough for a few dwellings. The policy does not state that justification has to be provided if the scheme involves more than only one dwelling (rather than a few) as each application will be considered on its own merits and on the basis of how it fits on the site and into the street scene (which will be assessed below). In addition, this is a small, non-residential site that is situated between two residential plots. Just because it is already developed with buildings does not reduce its ability to perform as an infill plot for residential purposes and does not mean that the conversion of those buildings for residential purposes would not represent infill development. The fact remains that this proposal involves the conversion and extension of a number of existing buildings for not more than a few dwellings within the confines of the existing built up area of the village, which therefore complies with the policies set out above and is therefore acceptable in principle.

Local concern has also been raised about the cumulative effect of this application when considered in conjunction with the adjacent development which has recently been approved, involving a subdivision of the plot and redevelopment of the site with one additional infill dwelling (considered under ref: 18/09811/FUL). The Parish Councils and local residents are concerned that the development of the two adjacent plots with a total of 5 dwellings where there is currently only one and some stables (a net gain of 4 dwellings), is an overdevelopment of the street/sites and goes beyond the provisions of the policies and level of development that is accepted in small villages. However, the fact remains that whilst in this particular instance the two sites are adjacent to each other; within the built up area of small villages such as this there will be limited scope for such infill development and therefore overall the scale of development that can come forward in such a village will remain low, and in line with the provisions of the Small Village policies. There is no maximum figure as to what can be accommodated in such villages set out in the relevant policies but the number of infill plots that meet the criteria will be the limiting factor in each case. The fact that both sites/schemes in this instance have the same owner/applicant and are situated adjacent to each other is not a relevant material planning consideration as each application must be considered on its own merits. This scheme must therefore be assessed against how it individually fits within the above policy context.

Local representation has also suggested that as the development involves conversion of existing barns, the applicant should have demonstrated that alternative uses for the building had been considered in the first instance, and that the buildings are capable of conversion before a residential reuse would be considered acceptable, in line with WCS policy CP48 (Supporting Rural Life). However, WCS policy CP48 (Supporting Rural Life) is concerned with the conversion of existing buildings in more remote countryside locations and is not applicable to such developments within the built-up parameters of a small village. Therefore, the specific criteria outlined in WCS policy CP48 (Supporting Rural Life) are not relevant to the consideration of this proposal. However, there is no reason to believe that the buildings are not capable of conversion and the fact that this policy does allow for the residential conversion of barns, even in the countryside (subject to criteria), does suggest that the conversion of existing buildings *within* small villages should equally be acceptable.

Whilst it is clear that there is no local support for additional residential development in this village, the fact remains that such small-scale development is necessary to ensure the long-term future of such villages and in order to sustain the limited facilities that do

exist in such areas, which is what WCS policies CP1 (Settlement Strategy) and CP2 (Delivery Strategy) are trying to achieve. There is also an identified need for such housing generally in this community area and no Neighbourhood Plan exists for The Chutes which directs such development elsewhere. Therefore, and in line with the above policy context, the proposals are considered to be acceptable in principle.

This 'in principle' acceptability is however subject to the detail in terms of the implications of the proposals for the heritage assets; the character of the area; neighbouring amenities; highway safety; and ecology. The refusal of the previous scheme on this site must also be assessed in order to determine how this scheme differs and/or if the previous reason for refusal has been addressed. These matters will be considered in more detail below.

## **9.2 Site History, Heritage, Character & Design:**

As is identified above, the development involves the conversion of a number of curtilage listed and non-curtilage listed buildings on a plot that is within the curtilage of a Grade II listed farm house; wholly within the Chute Cadley/Lower Chute Conservation Area; and within an AONB. The site is therefore within quite a sensitive heritage landscape. The application is therefore accompanied by a Heritage Statement.

WCS policy CP58 (Ensuring the Conservation of the Historic Environment) confirms that the designation of a conservation area or listed building does not preclude the possibility of new development but that '*it is expected that development will be of the highest standard in order to maintain and enhance the quality of the area or building, and be sensitive to its character and appearance*'. In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting. Section 16 of the Act further states that in considering whether to grant listed building consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition, Section 72 of the Act further states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, 'special attention' shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In having 'special regard' and/or in paying 'special attention' the NPPF confirms that an assessment must be made as to whether the proposal causes '*substantial harm*', '*less than substantial harm*' or *no harm* to the asset

As is noted above, the previous scheme on this site involving the conversion of this range of outbuildings (considered under ref: 18/04151/FUL), was refused because it was considered that the level of works previously proposed would have compromised the setting of the listed buildings and curtilage listed buildings; the works were considered to be detrimental to the setting of the conservation area; and the scheme would have resulted in the loss of *any* dedicated outbuildings to serve the main farmhouse resulting in future pressure to allow further outbuildings on the site. It was therefore considered that the previous scheme would have resulted in less than substantial harm to the various heritage assets and this was not outweighed by any public benefit associated with the scheme. Local concern has suggested that the current scheme, to all intents and purposes, remains unchanged and will therefore still result in the same level of harm that was previously identified in the previous reason for refusal.

However, in order to address the previous reason for refusal, the current scheme has been subject to a number of revisions. The main change is that the large extension previously identified on the southern barn, which effectively cut across the existing courtyard, has been removed. The scheme now primarily consists of the conversion of the existing buildings in their current form and footprint, bar for the addition of a modest link extension in the south eastern corner of the courtyard and a slight increase in the height of one of the southernmost barns in order to allow for accommodation in its roof. In addition, part of the southern building and the respective garden/driveway/parking area to its front are to be retained by the existing host dwelling. This retained part of the latter building is to be converted into a cart shed/car port and will provide parking and storage for the listed farm house thereby consisting of dedicated outbuildings for use by the main house and thus reducing pressure to provide further outbuildings on the site in the future. In any event though, the retention of the existing boundary line also ensures that there is more space retained about the existing dwelling and thus potentially more scope for the provision of additional outbuildings should the need arise. Either way however, it should be noted that the erection of outbuildings either within the residential curtilage of the listed farm house or on the adjacent paddocks/land would need planning permission and would therefore be considered on their own merits at that point if/or when such proposals are put forward. It is not reasonable to try to pre-empt or refuse the current application because of a potential future development that is not even being proposed as part of this current scheme.

The Council's Conservation Officer has confirmed that the level of changes that have been made as part of this revised scheme, whilst fairly small-scale, have directly addressed the original concerns and are welcomed. It is considered that the more sensitive approach to both the conversion of the stable courtyard buildings; as well as for the setting of the adjacent listed building and conservation area will now result in no harm to the heritage assets and will sympathetically ensure the long-term viability, upkeep and repair of these curtilage listed buildings which is of public benefit because of their heritage importance. The previous reason for refusal is therefore considered to have been addressed and no objection has been raised in this regard.

With regard to the design approach proposed, development within the locality tends to have a traditional character but, as is typical of a village that has grown organically over centuries, there is not a particularly consistent design within this lane/street scene. Plots shapes and sizes also vary in the locality. The proposal seeks to retain the visual character and relationship of the existing buildings with the lane, with only a modest, link extension and minimal increase to the overall height of one of the barns now being proposed. Given that the works primarily involve conversion rather than new build works, the existing buildings, form, spacing and grain of development will look little different from the public domain than the existing arrangement of buildings in this street scene.

Local concern has suggested that views into the stable courtyard from the road will be possible and thus the associated parking/gardens and domestic paraphernalia associated with such a conversion will be apparent from the lane/street scene to the detriment of the character of the area. However, it is not considered that this will detrimentally affect the character of the lane which is in any event a village street with other residential properties (and associated development) dotted along its length. The essential rural character of the buildings will still be retained; new fenestration, particularly on the road side is restricted; the courtyard arrangement will be maintained; and the sensitive use of materials will all ensure that the buildings will retain their traditional character and their former equestrian use will still be apparent and readable.



The Parish Council has also raised concern that the proposals are contrary to The Chutes VDS and WCS policies CP57 (Ensuring High Quality Design & Space Shaping) and CP58 (Ensuring the Conservation of the Historic Environment) because the development involves tightly packed buildings encroaching into the agricultural fields, beyond the existing ribbon building line of residential development along this street and the buildings do not use pantile roof coverings. However, this development involves the conversion of buildings that already exist within a defined courtyard. Very little new build is proposed and as is identified, very little alteration is proposed to the existing buildings. Therefore, the position, grain, form and style of development on this site and its relationship with the street scene will be little different to the existing arrangement. It is therefore considered that the proposals will accord with the general principles of the VDS and WCS and NPPF policies and the impact for the character of the area; conservation area; and wider AONB landscape will be minimal.

### **9.3 Neighbouring Amenities:**

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 ensure 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 and this therefore needs to be carefully considered accordingly.

The proposed works involve predominantly internalised changes within the existing courtyard and/or the insertion of high-level windows on external elevations. The potential implications for wider neighbouring amenities in terms of outlook, shadowing, loss of privacy and dominance will therefore be minimal.

Local concern has, however been raised about the potential internal overlooking that may be created between the three proposed dwellings. The layout of the site is such that the bulk of open space/amenity is to be provided within the courtyard to the front of each dwelling. It is therefore acknowledged that there is likely to be a high degree of inter-visibility between the occupiers of the development, and limited private amenity provision as a result of the need to provide parking spaces and bin storage etc. It is acknowledged that this is not ideal but it is nevertheless a common occurrence within courtyard style conversions such as this, where the desire to retain building layouts is an important counter-balance for the scheme's consideration. The removal of the previously proposed large projection on dwelling 3 has, however resulted in greater space being possible to provide the associated gardens, bin storage and parking provision and has thus improved the level of space available in this courtyard.

In any event, any future occupiers/residents will be aware of this situation before purchase and such a lifestyle/relationship would therefore be a known choice rather than one that is inflicted upon them after purchase. It is therefore considered that this would not be a defensible reason for refusal in this case. It also was not used as a previous reason for refusal for a similar re-use of this space/buildings and so it would be unreasonable to raise this as a reason for refusal at this late stage.

### **9.4 Highway Safety:**

The proposals involve a 1x3 bed dwelling and 2x2 bed dwellings on this site, which therefore requires a provision of 2 car parking spaces per plot (6 in total). These have been identified on the plans being provided by way of surface driveways to the front of

each dwelling. The scheme also involves the retention of a 2 berth car port/cart shed to serve the existing dwelling. The Highway Authority has confirmed that the level of parking that is proposed is acceptable and accords with the Council's adopted parking standards. It should also be noted that the adopted standards take into account the likely visitor needs to a site with additional visitor spaces only being required per 5 new dwellings, which is not applicable in this case.

Much local concern has however been raised about the suitability of the lane to serve three additional dwellings (in addition to the additional dwelling that has already been allowed on the adjacent site). It is also considered that there is insufficient space on the site for visitor/delivery vehicles etc which will cause a knock on effect for parking in the lane and on the memorial green/grass verges nearby. However, the site is located on an unclassified road which is subject to a 30mph speed limit. The Highway Authority has confirmed that all three dwellings are to be serviced by an existing access which is of suitable width with good visibility. Whilst it is acknowledged that the proposed use is likely to generate additional vehicle movements compared with the existing equestrian use of the site; it is confirmed that this would not be excessive to warrant a reason for refusal of the scheme, even when combined with the traffic generation that will result from the adjacent development. As is set out above, the level of parking identified to serve the new use also meets the Council's Adopted parking standards and it would not therefore be reasonable to insist on additional provision. In addition, this matter was not sustained as a reason for refusal on the previous scheme and so it would again be unreasonable to raise this as a matter of concern at this late stage. The Highway Authority has therefore raised no objection to the scheme on this basis.

#### **9.5 Ecology:**

Local concern has been raised about the potential harm for protected species and nesting birds that will result if the proposed development is permitted. A Phase 1 and 2 Bat Report (which also deals with Barn Owls and other nesting birds) has been submitted with the application which confirms that a Licence from Natural England will be required. The report confirms that the buildings in question are in use by common pipistrelle, soprano pipistrelle and long eared bats for roosting; as well as providing nesting opportunities for a barn owl and swallows.

Natural England has confirmed that the presence of a European Protected Species is a material consideration for a planning application and the Local Planning Authority must therefore satisfy itself that the proposed development meets three tests as set out in the Directive. If the three tests cannot be satisfied then the Local Planning Authority should refuse planning permission.

The three tests referred to above are the three derogation tests which require the following:

- 1) The consented operation must be for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment
- 2) There must be no satisfactory alternative
- 3) The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Some information has been submitted by the applicant with regard to the compliance of the development with regard the derogation tests. Whilst some of this assessment

is brief, the Local Planning Authority is satisfied that the three tests have been met in this instance.

With regards to the first test, the proposals involve the conversion of a number of curtilage listed buildings, which are therefore considered to be worthy of retention because of their heritage value. The proposed works/reuse of these buildings will secure their long-term future, viability and more importantly upkeep, which is of public benefit because listed buildings are of national importance. The scheme also involves the creation of new dwellings which will help to meet the identified local housing need in WCS CP26 (Tidworth Community Area), in an area that is considered to be appropriate in principle for small scale new development such as this, as outlined above. It is therefore considered that the proposals satisfy the first derogation test regarding overriding public interest/benefit.

With regards to the second test, it is considered that the conversion of the buildings will ensure that the buildings are maintained in the long term, rather than left to deteriorate, and thereby the roosting opportunities afforded by the building will also be maintained in the long term. There is no alternative site that can be considered instead for this proposal given that the buildings already exist on this site; and the sensitive conversion rather than redevelopment of the site for the purpose is the best way to ensure that the bat population on site is maintained and preserved.

With regards to the last test, the applicant has proposed a mitigation strategy which will ensure that roosting places are available for bats and birds at the site both during the construction and the operation stages of the development. In detail the proposed mitigation involves the erection of 3 temporary bat boxes on mature trees on the north eastern side of the site, which will temporarily provide opportunities for roosting during the construction phase. The conversion works then identify an area within the roof void of dwelling 1 providing bat roosting opportunity with two access points being provided in the roof covering. A bat box is also identified on one end gable of dwelling 1. A barn owl box is proposed on dwelling 2 and a further bat box and swallow nesting cups are proposed on dwelling 3 and the attached cart shed. Timings for the construction work are suggested along with recommendations for any external lighting.

The Council's Ecologist has confirmed that this level of replacement facilities is appropriate to mitigate against the potential impacts for protected species that could result from the proposed development. It is considered that the third test can therefore also be met and there is no ecological objection to the scheme, subject to conditions being imposed on the decision to secure the mitigation measures identified. The Local Planning Authority is therefore satisfied that the proposals are also acceptable in this regard.

#### **9.6 Drainage:**

The site is not situated in Flood Zones 2 or 3 and the site area is less than 1 hectare in size. Therefore, in line with the Environment Agency advice, the site is not considered to be at risk of surface water flooding. As the proposals also do not constitute major development, there is no statutory requirement to consult the Lead Local Flood Authority (LLFA) (The Council's Drainage Team) about the scheme.

In this instance, however, the LLFA were erroneously consulted on the application and have issued a holding objection due to the lack of drainage information (as is summarised above). The applicant, in response has issued a drainage report and altered the drainage strategy from a septic tank (foul drainage) and soakaway (surface water) to a 9 person Sewage Treatment Plant on the adjacent field within the applicant's ownership (foul drainage) and a soakaway (surface water).

Whilst the Council's Drainage Officer has made no further comments on the application and proposed revisions, on a small-scale development such as this, it is considered that this matter is covered by building regulations and/or other legislation. The proposals and information provided is therefore sufficient to satisfy the planning requirements in this regard. If however it is found that changes to the drainage scheme are required at a later date, then an amended planning application may also need to be submitted accordingly, which would be considered on its own merits at that point. This is not however a reason to refuse a development of this scale at this planning stage. An informative is considered to be appropriate highlighting both the concerns raised by the LLFA and the advice provided by Wessex Water as part of this application to the applicant, which will hopefully help inform any building regulation/drainage scheme that might be submitted in the future.

#### **10. S106 contributions**

As the proposals involve only a net gain of 3 dwellings in the area, WCS policy CP43 (Providing Affordable Housing) is not triggered and no affordable housing contributions are required as part of the scheme. However, as of May 2015 the Council adopted its Community Infrastructure Levy (CIL) which applies and is sought from any additional dwellings in the area. A note is therefore attached to the recommendation to bring this to the applicant's attention accordingly.

#### **11. Conclusion**

The proposal is considered to be acceptable in principle. The proposal represents a comprehensive and sensitive development that would retain the visual amenity and character of the site and street scene without resulting in any detrimental impact for the character or setting of the heritage assets or AONB. The revisions are also considered to have addressed the previous concerns and reasons for refusal and are unlikely to result in any implications for highway safety; ecology; or drainage. The application, on balance, is recommended for permission accordingly.

#### **12. RECOMMENDATION**

Grant planning permission subject to conditions

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

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

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

Application Form & Certificate

Ref: 160811-09 – Plot 1 & Plot 2 Elevations. Received – 01.08.2019

Ref: 160811-10 Rev A – Design Scheme. Received – 03.09.2019

Ref: 160811-11 Rev A – Design Scheme Plans. Received – 01.08.2019

Ref: 160811-12 Rev A – Site & Location Plans. Received – 04.10.2019

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing buildings.

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

4. Notwithstanding the approved drawings, no works to the buildings/extensions hereby approved shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:
- (i) Large scale details of all external joinery (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
  - (ii) Full details of proposed roof lights, which shall be set in plane with the roof covering;
  - (iii) Full details of external decoration to joinery; and
  - (iv) Full details and samples of external materials.

The works 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 preserving the character and visual amenity of the conservation area and the setting of the adjacent listed buildings.

5. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
- location and current canopy spread of all existing trees and hedgerows on the land;
  - full details of any to be retained, together with measures for their protection in the course of development;
  - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
  - means of enclosure;
  - car park layouts;
  - other vehicle and pedestrian access and circulation areas;
  - all hard and soft surfacing materials;

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

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

accordance with a programme to be agreed in writing with the Local Planning Authority.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the north eastern, south eastern or south western elevations of the development hereby permitted.

REASON: In the interests of residential amenity and privacy and the character of the area.

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

REASON: In the interests of heritage and the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

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

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

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

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

11. The existing access shall remain ungated or the existing gates permanently fixed in the open position.

REASON: In the interests of highway safety.

12. The development shall be implemented in accordance with the recommendations detailed in Section 5 of the approved ABR Ecology Update Roost Appraisal, Bat Activity Surveys & Nesting Birds Report (19<sup>th</sup> July 2019) and the identified mitigation measures shall be carried out in full prior to the new dwellings hereby approved being first brought into use.

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

13. The replacement swallow/barn owl nesting opportunist and bat roost boxes identified on the approved plans shall be installed in accordance with the approved details prior to first occupation of the dwellings hereby approved. These bird and bat boxes shall be retained and maintained as such in perpetuity.

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

14. Any external lighting at the site must be installed in accordance with the details set out in the ABR Ecology Update Roost Appraisal, Bat Activity Surveys & Nesting Birds Report (19<sup>th</sup> July 2019).

REASON: in the interests of biodiversity and protected species.

### **INFORMATIVES**

- 1) 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).
- 2) The applicant's attention is drawn to the advisory notes provided about the application by Wessex Water in their letter dated 23<sup>rd</sup> August 2019; and the comments made by the Council's Drainage Officer to the scheme. Both will need to be considered as part of any drainage scheme for the site or as part of any subsequent building regulation application for the site.
- 3) 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.

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