

# AGENDA

---

**Meeting:** Northern Area Planning Committee

**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER

**Date:** Wednesday 2 March 2022

**Time:** 3.00 pm

---

Please direct any enquiries on this Agenda to Ben Fielding, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line or email [benjamin.fielding@wiltshire.gov.uk](mailto:benjamin.fielding@wiltshire.gov.uk)

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

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

---

## Membership:

Cllr Tony Trotman (Chairman)  
Cllr Howard Greenman (Vice-Chairman)  
Cllr Chuck Berry  
Cllr David Bowler  
Cllr Steve Bucknell

Cllr Jacqui Lay  
Cllr Dr Brian Mathew  
Cllr Nic Puntis  
Cllr Martin Smith  
Cllr Elizabeth Threlfall  
Cllr Gavin Grant

---

## Substitutes:

Cllr Clare Cape  
Cllr Ruth Hopkinson  
Cllr Peter Hutton  
Cllr Bob Jones MBE

Cllr Dr Nick Murry  
Cllr Ashley O'Neill  
Cllr Tom Rounds

---

## **Recording and Broadcasting Information**

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By submitting a statement or question for an online meeting you are consenting that you will be recorded presenting this, or this may be presented by an officer during the meeting, and will be available on the public record. The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request. Our privacy policy can be found [here](#).

## **Parking**

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

**County Hall, Trowbridge**  
**Bourne Hill, Salisbury**  
**Monkton Park, Chippenham**

County Hall and Monkton Park have some limited visitor parking. Please note for meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

## **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 - 38*)

To approve as a true and correct record the minutes of the previous meeting held on 2 February 2022.

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 Chairman.

5 **Public Participation**

**Statements**

Members of the public who wish to submit a statement in relation to an item on this agenda should submit this in writing to the officer named on this agenda no later than 5pm on Monday 28 February 2022.

Submitted statements should:

State whom the statement is from (including if representing another person or organisation);

State clearly whether the statement is in objection to or support of the application;

Be readable aloud in approximately three minutes (for members of the public and statutory consultees) and in four minutes (for parish council representatives – 1 per parish council).

Up to three objectors and three supporters are normally allowed for each item on the agenda, plus statutory consultees and parish councils.

Those submitting statements would be expected to join the online meeting to read the statement themselves, or to provide a representative to read the statement on their behalf.

**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 electronically to the officer named on the front of this agenda no later than 5pm on Wednesday 23 February 2022 in order to be guaranteed of a written response.

In order to receive a verbal response questions must be submitted no later than 5pm on Friday 25 February 2022.

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 members prior to the meeting and made available at the meeting and on the Council's website. Questions and answers will normally be taken as read at the meeting.

6 **Planning Appeals and Updates** *(Pages 39 - 40)*

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

7 **Planning Applications**

To consider and determine the following planning applications.

7a **20/11035/FUL 20 Bargates, Box, Wiltshire, SN13 8LT** *(Pages 41 - 54)*

Proposed new driveway entrance to replace existing, with alterations to the existing driveway layout.

7b **PL/2021/04258 Land to the Rear of Arms Farm, High Street, Chippenham, Sutton Benger, SN15 4RE** *(Pages 55 - 74)*

Erection of 4 dwellings and associated works.

7c **PL/2021/09418 13 The Beeches, Lydiard Millicent, Swindon, SN5 3LT** *(Pages 75 - 86)*

Erection of single storey front, rear and first floor extensions and replacement roofs with roof lights.

7d **20/08205/FUL Land Adjacent to Sherston C of E Primary School, Sherston** *(Pages 87 - 104)*

Residential development and a GP surgery, together with vehicle and pedestrian access including a new footway to Sopworth Lane, associated parking, open space, landscaping, drainage infrastructure and land safeguarded for educational use.

8 **Urgent Items**

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



### Northern Area Planning Committee

---

**MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 2 FEBRUARY 2022 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.**

**Present:**

Cllr Tony Trotman (Chairman), Cllr Howard Greenman (Vice-Chairman), Cllr Chuck Berry, Cllr David Bowler, Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Dr Brian Mathew, Cllr Nic Puntis, Cllr Martin Smith, Cllr Elizabeth Threlfall and Cllr Peter Hutton (Substitute)

**Also Present:**

Cllr Allison Bucknell  
Cllr Bob Jones MBE

---

1 **Apologies**

Apologies for absence were received from Councillor Jacqui Lay, who had arranged for Councillor Peter Hutton to attend the meeting in her absence.

2 **Minutes of the Previous Meeting**

The minutes of the meeting held on 13 October 2021 were presented for consideration, and it was;

**Resolved:**

**To approve and sign as a true and correct record of the minutes of the meeting held on 13 October 2021.**

3 **Declarations of Interest**

Councillor Steve Bucknell declared an interest in Item 7g, being the applicant and would therefore leave the room for this item.

4 **Chairman's Announcements**

The Chairman made those in attendance aware of the Covid regulations that were in place for the meeting.

5 **Public Participation**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

6 **Planning Appeals and Updates**

Councillor Gavin Grant moved that the Committee note the contents of the appeals report included within the agenda. It was seconded by Councillor Martin Smith.

**Resolved:**

**To note the Planning Appeals Update Report for 2 February 2021.**

7 **Planning Applications**

The Committee considered and determined the following planning applications:

8 **PL/2021/05305 - Former Calne Youth Centre, Priestley Grove, Calne, SN11 8EF**

Senior Planning Officer, Charmian Eyre-Walker, presented a report which outlined the demolition of the former youth centre (D1 Use) and redevelopment to form nine 2- & 3-bedroom dwellings (C3 Use) and associated works.

Details were provided of the site and issues raised by the proposals, including the principle of the application, loss of the facility, highways matters, drainage, archaeology, design, impact on residential amenity, loss of playing field, impact on heritage assets as well as other matters raised.

Attention was also drawn to the late items agenda supplement, which detailed an additional condition to be attached to the Officer's recommendation.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified by the Officer that the semi-detached properties with linked garages would have permitted development rights. It was also clarified that provision of replacement facilities was not part of the application, however there are other facilities for youth clubs in Calne, such as Beversbrook. Additionally, the Officer noted that funds could not be put aside to assist in the provision of a replacement facility as this would be subject to a Section 106 agreement. Further technical questions were clarified by the Officer, including that the attenuation pond within the application had been designed by engineers and that there was not a plan for the inclusion of solar panels.

Members of the public then had the opportunity to present their views to the Committee, however there was no registered speakers.

The Local Unitary Member, Councillor Ian Thorn provided his apologies of his absence.

At the start of the debate a motion to move and accept the officer's recommendation, including the additional and revised conditions, was moved by Councillor Peter Hutton and seconded by Councillor Gavin Grant. Following which, it was,

**Resolved:**

**To approve the application in accordance with the officer recommendation and additional and revise conditions as set out in late items and recommended during the meeting as follows: -**

**1. The development hereby permitted shall be carried out in accordance with the following Approved plans:0001;RevA;100;120RevD;121RevD;125;26;127;128;129;140;141;145;150RevA received 17th September 2021.**

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

**2. 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.**

**3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.**

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

**4. No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, has been submitted to and agreed in writing by the Local Planning Authority. The Statement shall include the following:**

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**
- d) the erection and maintenance of security hoarding including decorative displays and**

- e) facilities for public viewing, where appropriate;
- f) wheel washing facilities;
- g) measures to control the emission of dust and dirt during construction;
- h) a scheme for recycling/disposing of waste resulting from demolition and construction
- i) works; and
- j) measures for the protection of the natural environment.
- k) hours of construction, including deliveries;
- l) pre-condition photo survey has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved
- m) construction method statement without the prior written permission of the Local Planning
- n) Authority.

The construction phase of the development shall be carried out in complete accordance with the agreed Statement.

**REASON:** To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase. The developer/applicant will be expected to enter into a S38 Agreement with the Highway Authority before commencement of works hereby approved.

5. The development shall be carried out in accordance with the Updated Hydraulic Model & Drainage – Acl610-20053 / 5th November 2021 and the Surface Water Drainage Strategy contained within it.

**REASON:** To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

6. No development shall commence within the area indicated by application PL/2021/05305 until:

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

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

**REASON:** To enable the recording of any matters of archaeological interest.'

**7. The development shall be carried out as specified in the approved Pre-development Arboricultural Report on Trees prepared by Sharples Tree Services dated 19th January 2021 and shall be supervised by an arboricultural consultant.**

**REASON: To prevent trees on site from being damaged during construction works.**

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

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

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

**9. 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.**

**10. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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

**11.** Prior to the commencement of the development hereby permitted details of the number and location of swift bricks within the walls of the houses shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**REASON:** To enhance the biodiversity on site.

**12.** No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

**REASON:** Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

**13.** Prior to the commencement of the development hereby permitted, details of the method of management of open spaces within the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and managed in accordance with the approved details in perpetuity.

**REASON:** To secure residential amenity.

**14.** Prior to the first occupation of plot 9, the first-floor side window shall be fitted with a top hung, obscure glazed window that shall also be fitted with a restrictive opening mechanism that prevents opening greater than 45 degrees. The window shall remain as such throughout the life of the development.

**REASON:** In the interests of residential amenity.

**15.** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

**REASON:** To secure the retention of adequate parking provision, in the interests of highway safety.

**The development hereby permitted shall be carried out in full accordance with the recommendations set out in Section 8 of the Ecology Report by Ethos Environmental Planning dated May 2021**

**REASON: In the interest of protection of Protected Species on site and biodiversity.**

**INFORMATIVES TO APPLICANT:-**

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

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

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

**Please note that Council offices do not have the facility to receive material samples.**

**Please deliver material samples to site and inform the Planning Officer where they are to be found.**

**In relation to condition 06, the archaeological evaluation should be carried out by qualified archaeologists following the standards and guidelines for such work as set out by the chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by the applicant.**

**The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website**

<https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

9 **PL/2021/04439 - 38 Stone Lane, Lydiard Millicent, SN5 3LD**

Public Participation

Bob Nicholls in objection of the application.

Peter Birch in objection of the application.

Councillor Derek Harden spoke on behalf of Lydiard Millicent Parish Council.

Development Management Team Leader, Lee Burman, presented a report which outlined the part retrospective change of use of section of agricultural land to residential.

Details were provided of the site and issues raised by the proposals, including the principle of development, impact on the landscape & character and appearance of the area, impact on residential amenities and other matters. Reference was made to an omission within the report, which should have referred to consent in the planning history, which approved alternations to the garage for part use of residential purposes.

Members of the Committee had the opportunity to ask technical questions regarding the application, however no questions were asked.

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

The Local Unitary Member, Councillor Steve Bucknell then spoke regarding the application. Councillor Steve Bucknell stated that a current Bing aerial map would show a clear encroachment onto the field before the depicted red area within the block plan. With aerial views having shown that the applicant had set up football goalposts as well as parking a vehicle on the field. Councillor Bucknell also noted that before it was previously removed, the hedge line was the parish boundary between Lydiard Millicent and Purton. Therefore Councillor Bucknell argued that this was contrary to CP1.

Councillor Bucknell also cited that the development would breach CP51 (i) (ii)(ii) (v) (vii) on the grounds that there had been evidence of the disregard of neighbouring amenity with the removal of the hedgerow, the erection of goal posts and the parked vehicle. In particular, Councillor Bucknell noted that CP51 seeks that developments protect, conserve and enhance landscapes through sensitive developments; whilst also referencing the separate identity of settlements, in relation to the removed hedgerow. Furthermore in relation to the hedgerow, Councillor Bucknell, drew upon CP57 (i) (ii) (iii) (vi) (vii), stating that the parish boundaries create a strong sense of place as well as contributing to the character of Wiltshire.

At the start of the debate a motion to move and reject the officer's recommendation was moved by Councillor Steve Bucknell and seconded by Councillor Gavin Grant. On grounds that the development undertaken and proposed for the change of use of land is out of character with the immediate



locality and the existing features and characteristics of the settlement and adjoining areas. The proposals would not maintain, reflect and respond positively to the existing landscape character and were thereby in conflict with Wiltshire Core Strategy (Jan 2015) Core Policies CP51 (i) (ii)(ii) (v) (vii) & CP57 (i) (ii) (iii) (vi) (vii).

During the debate the issues were raised such as the permitted development rights of the land in question and the nature of the size of the land in question; however it was advised by the enforcement team that permitted development rights do not apply. The paraphernalia currently on the land was also referenced in discussion. Further reference was made to the CPs referenced by Councillor Bucknell, in particular the transition to man-made and natural settlement. Additionally, it was referenced that though in the report, harm caused was listed as minimal, the Committee shouldn't be content to allow breaches and if the amendment was to be successful it would be a matter of enforcing the CP principles.

At the conclusion of the debate, it was,

**Resolved:**

**That contrary to the Officer recommendation the application be refused for the following reason:**

**The development undertaken and proposed for the change of use of land is out of character with the immediate locality and the existing features and characteristics of the settlement and adjoining areas. The proposals would not maintain, reflect and respond positively to the existing landscape character and are thereby in conflict with Wiltshire Core Strategy (Jan 2015) Core Policies CP51 (i) (ii)(ii) (v) (vii) & CP57 (i) (ii) (iii) (vi) (vii).**

10 **PL/2021/05198 - Key View, Stoke Common Lane, Purton Stoke, SN5 4JG**

Public Participation

Denise Simpkins, on behalf of Mrs Stare and Mr Bellamy, spoke in objection of the application.

Sandra Brimacombe spoke in objection of the application.

Simon Littlewood spoke in support of the application.

Development Management Team Leader, Lee Burman, presented a report which outlined an extension to side and rear with link building to garage and conversion of garage.

Details were provided of the site and issues raised by the proposals, including the principle of development; impact on the character and appearance of nearby listed buildings; impact on the character, appearance, visual amenity of the locality; impact on the residential amenity and impact on highway safety. It was also noted that the application had changed to have small and obscure overlooking windows.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on what the percentage of development increase would be compared to the current property, to which it was clarified by the Officer that such assessments no longer formed a policy basis.

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

The Local Unitary Member, Councillor Jacqui Lay provided her apologies of her absence and was therefore represented by Councillor Allison Bucknell, who had been covering Councillor Lay's case work. Councillor Allison Bucknell stated that having driven past the site it appeared to be a large infill site with little space either side, therefore making it constrained. Councillor Bucknell stated that though the proposals would be advantageous for the applicant, this would be at the expense of neighbours, through a loss outlook and the extension potentially having an overbearing impact. Furthermore, there would be an additional loss of amenity to a neighbour, with a proposed glass side that would be overlooking. Councillor Bucknell further added that if permitted, the application would potentially cause a loss of parking whilst also causing more vehicle movements with cars being forced onto the road. In summary, Councillor Bucknell stated that this would be overdevelopment to the property, which would contradict CP57 (vii), causing an existing amenity impact.

At the start of the debate a motion to move and accept the officer's recommendation was moved by Councillor Tony Trotman and seconded by Councillor Peter Hutton, however when later voted upon the motion fell due to the number of votes against.

Consequently, a motion to reject the officer's recommendation was moved by Councillor Gavin Grant and seconded by Councillor Steve Bucknell. The reason being that following debate and receipt of representations at the meeting, members considered that the proposal constituted an overdevelopment of a constrained site that would not achieve high quality design by virtue of its bulk, mass and positioning. The proposals thereby result in harm to the character appearance and visual amenity of the locality and existing neighbouring residential amenities being both overbearing and resulting in loss of privacy. The proposals were thereby in conflict Wiltshire Core Strategy (Jan 2015) Core Policy CP57 (iii) & (vii).

During the debate the issues included the potential parking issues that might be caused if the application was permitted; though it was acknowledged that the Highways report showed no objection. A potential parking issues was identified in that one of the necessary spaces would be outside double doors which would open, therefore causing the space to be out of use. It was also argued that parking issues could potentially be enforced if evidenced. The location of neighbouring properties was referenced, with it being argued that all of the properties were in line and therefore would not cause the garage to look out of

character; additionally the neighbouring buildings could potentially obscure the view of the connection to the garage.

Further issues that were debated were whether the extension would reflect positively on CP57 (iii), in providing a positive response to the townscape and landscape. It was also argued that if accepted, the built form would take up more of the site than space left to remain; with the property itself already being significant within its area. Furthermore, due to the size of the property, it was questioned whether conditions would be enough to resolve concerns, especially with contradictions to Core Policies involved. Comparisons were also made between the application and with properties 13 & 14, with suggestions made that due to the large size of the plot neighbours could be made to feel oppressed. Additionally, it was suggested that if the application was to be accepted, the property would eventually exist to be double its original size.

At the conclusion of the debate, it was,

**Resolved:**

**That contrary to the Officer recommendation the application be refused for the following reason:**

**The proposal constitutes an overdevelopment of a constrained site that does not achieve high quality design by virtue of its bulk, mass and positioning. The proposals thereby result in harm to the character appearance and visual amenity of the locality and existing neighboring residential amenities being both overbearing and resulting in loss of privacy. The proposals are thereby in conflict Wiltshire Core Strategy (Jan 2015) Core Policy CP57 (iii) & (vii).**

11 **PL/2021/08970 - 135 High Street, Royal Wootton Bassett, SN4 7BH**

Public Participation

Stacey Hartrey spoke in support of the application.

Development Management Team Leader, Lee Burman, presented a report which outlined the change of use from a Bank (Use Class E) to a Hot Food Takeaway (Sui Generis) Together with External Alterations.

Details were provided of the site and issues raised by the proposals, including the principle of development, impact on heritage assets and the character of the area, impact on neighbour amenity, parking and highways, waste and recycling.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified that it was not a care home behind the application, but rather an age-related accommodation in the form of flats. The Officer clarified that the trading hours if approved would be comparable to other takeaway establishments on the High Street and that regarding the taxi rank immediately outside, if other vehicles were to park here, they would face parking enforcement controls.

Further technical questions were clarified by the Officer that extraction facilities would be practically possible to put into place, having been considered and addressed within the Public Protection assessment within the report. The Public Protection assessment also addressed concerns about potential noise implications caused by the application.

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

The Local Unitary Member, Councillor Mary Champion provided her apologies of her absence and was therefore represented by Councillor Allison Bucknell. Councillor Bucknell stated that though the majority of her concerns for the application had been addressed within the report, there was concern about deliveries including large articulated lorries potentially blocking the High Street and therefore causing congestion. Councillor Bucknell also additionally noted that there had been no reference to delivery vehicles, the hours of operation that they would follow and also where they would park whilst conducting business.

At the start of the debate a motion to move and accept the officer's recommendation was moved by Councillor Tony Trotman and seconded by Councillor Gavin Grant.

During the debate the issues included that parking should not be reason for concern, as it was suggested within the report that there was adequate parking opposite and collecting a takeaway would only take minimal time and that though this was a main arterial road, patience would be required from road users. Congratulations were offered to the town of Royal Wootton Bassett for seeking to convert an empty bank to have a useful purpose, also offering further benefit that there would potentially be minimal litter due to food being delivered or taken away. The potential benefits to the town, such as increased footfall and employment were referenced.

It was also acknowledged that though there would potentially be noise, a noise impact assessment had been completed, with the Officer's report having done all that it could to mitigate concerns. Additionally, it was stated that noise and odour shouldn't be overstated with there currently being a pub next door. Potential concerns regarding deliveries were raised, such as potential road blockages and environmental concerns, however such points could potentially be negated by the operator, if they were to find a suitable optimal time for deliveries to take place.

At the conclusion of the debate, it was,

**Resolved:**

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

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

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

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

**12477-AEW-PJ004106-XX-DR-0005, 12477-AEW-PJ004106-XX-DR-0006, 12477-AEW-PJ004106-ZZ-DR-0003, 12477-AEW-PJ004106-XX-DR-0004, 12477-AEW-PJ004106-ZZ-DR-PRELIM-0001**

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

**3. The Local Planning Authority approves the information detailed in RSK Acoustics Plant Noise Assessment 206/0418/R1 and this must be adhered to. The mitigation measures in section 5.3 of the report must be implemented prior to use of premises and permanently maintained for lifetime of the development.**

**REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.**

**4. The use of the development hereby permitted shall only take place between the hours of 11:00 in the morning and 23:00 in the evening Mondays to Sundays.**

**REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable. The proposed opening hours of 11am to 11pm have been used throughout this assessment, deviation from these hours would render the assessment unreliable, thus these hours must be adopted (with exemption of cold room condenser, which requires 27/7 operation).**

**5. The Odour Specification Details document prepared by Purified Air are approved by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.**

**REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.**

**6. The external flue shall be finished in a matt black colour and maintained as such thereafter.**

**REASON: In the interests of preserving the character and appearance of the conservation area and its setting.**

**7. 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.**

**8. Deliveries to the development site shall only take place between the hours of 10:00hrs to 20:00hrs.**

**REASON: In the interests of the amenities of the area and to minimise conflict with highway movements.**

**9. The site shall be used for a hot food takeaway (sui generis use) and for no other purpose (including any other purpose in Class (Sui generis] of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).**

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

#### **INFORMATIVES**

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

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

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

**13. 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.**

**14. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.**

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

**12 20/11236/OUT - Land to the south west of The Street, Latton, SN6 6EH**

*Note: The meeting adjourned for a break at 5.05pm and then resumed at 5.12pm.*

Public Participation

Andrew Miles spoke in support of the application.

David Pembridge spoke in support of the application.

Councillor Kevin Johnson spoke on behalf of Latton Parish Council.

Development Management Team Leader, Lee Burman, presented a report which outlined an application (with all matters reserved) for a village recreation hall, all weather tennis court, parking, access and erection of six houses (Resubmission of 19/08877/OUT).

Details were provided of the site and issues raised by the proposals, including the principle of development, heritage assets, character and appearance, flood risk and drainage, transport and access, ecology, archaeology and community facilities.

Attention was also drawn to the late items agenda supplement, which provided a revised plan showing a reduced red line boundary area.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified that it was not recommended by the Officer that the application should be deferred, with the applicant already having had an opportunity to provide a detailed archaeological assessment. When queried about why the archaeological assessment had not been forthcoming, it was suggested that this could have been related to finances. It was also clarified that the Parish of Latton has provided a local plan and that the small village does not feature a settlement boundary.

Further technical questions included who the existing provision was owned by, to which it was clarified that this was the Diocese of Bristol. It was additionally noted that regarding the surroundings, the area consisted of a mixed age of buildings, including a number that were listed. It was also clarified that it would not be possible to set a condition regarding the archaeology assessment.

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

The Local Unitary Member, Councillor Bob Jones MBE then spoke regarding the application. Councillor Jones provided the Committee with a slide show, providing an overview of the Parish of Latton as well as of the character and appearance of the village and its location. The overview also included reference to two listed buildings and a listed cross, which though the report identified as potentially being harmed within the report, this would be less than substantial. Councillor Jones also cited some of the benefits to accepting the application, such as providing 6 properties as well as an outstanding financial contribution to the local community; further adding that the current village hall had declined and would need £150,000 of funding to restore.

Councillor Jones noted that if granted, the application would in regard to planning balance, provide benefits to local residents, such as physical wellbeing through the tennis courts as well as being a development in the centre of the village. A potential reason to approve the application was cited as being the lack of a 5-year housing land supply.

At the start of the debate a motion to reject the officer's recommendation was moved by Councillor Dr Brian Mathew and seconded by Councillor Gavin Grant. The reason being that tilted balance had been engaged by a lack of 5-year housing land supply, a lack of an up-to-date housing needs assessment as well as the potential benefits of the application outweighing the harm. An amendment was accepted by both Councillor Gavin Grant and Councillor Dr Brian Mathew to delegate authority to the Head of Development Management to grant outline planning permission subject to conditions.

During the debate the issues included that a key concern regarding the application was the archaeological dig and whether it would be possible to make a decision without the detailed assessment. The potential of including a condition to fulfil the offer made by the developer to undertake the archaeological dig was discussed; it was however noted that this wouldn't need to be conditioned but rather set as a potential resolution to prompt completion



prior to determination and issue of the outline decision. Additionally, the balance of the potential benefits and harms of the application were discussed, with the support for the application from local residents and Member acknowledged.

Other issues included that the Parish Council of Latton was praised for its active work in attempting to bring forward a community asset such as the application in question. It was recognised that this was potentially a rare opportunity for Latton, that might not be repeated. The potential of conditioning the 6 properties to restrict use until the opening of the village hall was considered, as well as that in person the sensory experience of the site would be different, with a lot of noise from the nearby A419. The importance of neighbourhood plans was mentioned, with the need for local plans to be kept in tact in order to develop areas how residents wanted them to be.

Dorcas Ephraim the Council's Senior Planning Solicitor clarified that the some of the benefits to accepting the application, such as the proposed outstanding financial contribution to the local community did not meet one of the tests for planning obligations- fairly and reasonably related in scale and kind to the development and so contrary to paragraph 57 of National Planning Policy Framework, 2021, and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

During debate it was clarified that further submissions could be made prior to determination to address such matters.

At the conclusion of the debate, it was,

**Resolved:**

**To delegate authority to the Head of Development Management to grant outline planning permission subject to:**

- (i) The completion of an archaeological field evaluation;**
- (ii) The submission of a Viability appraisal and costs assessment for the development including village hall replacement and proposed financial contribution;**
- (ii) The completion of a s.106 agreement within six months of the date of this resolution. In the event that the applicant makes clear that they will not complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the reason set out below. This alternate provision to be subject to consideration of any other factors outside the control of the applicant and the Council that may result in unavoidable delay. If such circumstances are assessed by officers to arise then to allow for completion of the agreement after the 6-month period under delegated authority: -**

**The proposal does not provide for the delivery of the necessary and proposed infrastructure (e.g., village hall, tennis court and maintenance and management) required to mitigate the direct impacts**

of the development and thereby fails to comply with CP3, Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the National Planning Policy Framework. to secure provision of the village hall, car park and tennis court in advance of the six houses; and

(iii) Appropriate conditions prepared by officers.

Such conditions would include, but not be limited to the following:

- Approval of the reserved matters (i.e., access, layout, scale, appearance and landscaping);
- Detailed design and maintenance of surface and foul water drainage systems;
- Prevention of works within 5m of the strategic water main;
- Details of the tennis court enclosure;
- Details of noise attenuation measures;
- Any additional archaeological work;
- An ecological enhancement scheme; and
- A lighting strategy.

13 **PL/2021/10696 - Land Adjacent to Sherston C of E Primary School, Sherston, Malmesbury, SN16 0NJ**

Public Participation

Michael Rees spoke in objection of the application.

Cllr Martin Smith, representing Mrs Robinson, spoke in objection of the application.

Cllr Martin Smith, representing Councillor Tanya Burgess, spoke on behalf of Sherston Parish Council.

Development Management Team Leader, Lee Burman, presented a report which outlined a planning application for Proposed erection of a GP Surgery (Class E(e)), car park and associated works (Outline application relating to access).

Details were provided of the site and issues raised by the proposals, including the principle of development; design issues; impact on the immediate area including the Cotswolds Area of Outstanding Natural Beauty (AONB); impact on heritage; impact on biodiversity; impact on highway and access considerations.

The Planning Officer drew attention to the late item agenda supplement, in which two letters of representation had been submitted by Sherston Parish Council and Sherston Primary School Governors. The letters were in objection to the application due to the indicative site layout proposing a surface water attenuation basis, the land in which would potentially be required if the school was to expand. The Planning Officer noted that the application was in outline and other drainage solutions and facilities could be pursued that wouldn't impinge on potential school expansion; though the Council's Education Department had confirmed that there was no current or projected requirement for expansion of the school.

Members of the Committee had the opportunity to ask technical questions regarding the application, however no questions were asked.

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

The Local Unitary Member, Councillor Martin Smith then spoke regarding the application. Councillor Smith stated that the proposal was a key part of the Sherston Neighbourhood plan, which had been worked on since 2012 by residents and that the plan had the support of 93% of local residents. Councillor Smith noted that the Parish Council and School were supportive of the plan in principle but had sought clarity on the provision of land available for future school expansion if required. Following the latest response, Director of Assets & Commercial Development, Simon Hendey had arranged for a revised layout for the drainage basin.

At the start of the debate a motion to move and accept the officer's recommendation was moved by Councillor Peter Hutton and seconded by Councillor Martin Smith with an informative added encouraging consultation with the school governors and parish council in respect of drainage proposals and solutions.

During the debate the issues included that though there was a pre-school diagonally opposite to the land (Pumpkins Pre-school), it would be positive to approve the application with questions surrounding the lease. It was also stressed that though the Education Department assess data on birth-rates, Sherston previously had to build a new school due to a population increase, which could happen in the future again.

At the conclusion of the debate, it was,

**Resolved:**

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

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

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

**2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:**

**(a) The scale of the development;**

- (b) The layout of the development;**
- (c) The external appearance of the development;**
- (d) The landscaping (non-strategic) of the site.**

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

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

**3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

**REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.**

**4. The development hereby permitted and reserved matters details shall be in accordance with the parameters illustrated in the following approved plans and documents: Planning, Heritage, Design & Access Statement 2849 PHDA REV A Received 06.01.2022 Drainage Strategy & Supporting Information 21-027-003 REV A & Acl619-21027- TN Received 23.12.2021**

**Ecological Assessment Received 22.12.2021  
Biodiversity Net Gain Report Received 13.12.2021  
Transport Statement Received 15.11.2021  
Location Plan 2849 001,  
Existing Site Plans 2849 100, 2849 101, 2849 102,  
Revised Proposed Site Plan 2840 111 REV A & 2849 112 REV A  
Proposed Street Scenes 2849 115  
Proposed Elevations 2849 115 & 2849 116**

**All Received 06.12.2021**

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

**5. No part of the development hereby approved shall be first occupied until the car and cycle parking provision has been suitably provided and laid out in accordance with the approved details (Proposed Site Plan, 2849-111 and 112 – Received 06.12.2021). Car parking spaces shall be properly consolidated and surfaced and shall be maintained and remain available for this use at all times thereafter. The car and cycle parking spaces shall not be used other than for the parking of vehicles or cycles or for the purpose of access.**

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

**6. No development shall commence on site until full technical details of the new site junction with Sopworth Lane have been submitted to and approved in writing by the Local Planning Authority. The new junction and visibility splays shall be provided in accordance with the approved details (Proposed Site Plan, 2849-111 and 112 - both Received 06.12.2021 and Access Arrangements and Proposed off site highway works, SK01 A Nov 2021) prior to first occupation (or timetable agreed with Local Planning Authority) and maintained thereafter. No part of the development shall be first occupied, until the visibility splays shown on the plans (2.4m x 43m) have been provided with no obstruction to visibility at or above a height of 0.6m 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.**

**7. No part of the development hereby permitted shall be commenced until full technical details of the footway works and carriageway widening scheme for Sopworth Lane as detailed on Access Arrangements and Proposed off site highway works, SK01 A - Nov 2021 and Proposed Site Plan, 2849-111 and 112 both Received 06.12.2021 have been submitted to and approved by the Council. Unless otherwise agreed the development shall not be first occupied until the Sopworth Lane footway scheme have been completed in accordance with the details shown on the approved plans. This shall include streetlighting, drainage and full surfacing of wearing course, the surface wearing course of Sopworth Lane will need to be re-surfaced for whole widths adjacent to the new footways. The footway/ kerbing from the junction of Sopworth Lane/ Knockdown shall be extended from the junction north to connect with the uncontrolled crossing outside Sherston Primary school. No part of the development shall be first brought into use until the highway improvements have been completed in accordance with the approved details (unless otherwise agreed by the Local Planning Authority).**

**REASON: To help encourage walking to and from the site and in the interests of highway safety.**

**8. Prior to the development hereby permitted first being brought into use a Traffic Regulation Order (TRO) to amend the speed limit on Sopworth Lane shall have been prepared, consulted upon, and advertised, with a report recommending whether to proceed with the Order prepared for consideration by the Cabinet Member for Highways (Proposed TRO SK02 Rev A (Nov 21). If the Cabinet Member for Highways approves the Order the amendments shall be implemented.**

**REASON: In the interests of highway safety.**

**9. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the medical centre and existing highway.**

**REASON: To ensure that the development is served by an adequate means of access.**

**10. No part of the development shall be brought into use until full details of the visibility splays for the access to the approved GP Surgery access/egress have been submitted to the Local Planning Authority, approved and have been provided in accordance with those approved details. The visibility splays shall be maintained free of obstruction at all times thereafter.**

**REASON: In the interests of highway safety.**

**11. No development shall commence on site (including any works of demolition), until a Construction Method Statement, together with a site plan, which shall include the following:**

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- measures for the protection of the natural environment
- hours of deliveries
- pre-condition photo survey
- vehicle Routing Plan
- traffic Management Plan (including signage drawing(s))
- number (daily / weekly) and size of delivery vehicles to ensure appropriately size vehicles are being used for the highway network.
- number of staff vehicle movements.

**has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.**

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

**12. No external lighting, including security 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 have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals. In addition, lux plots will demonstrate that light levels within 3m of the site boundary will be no more than 0.2 lux. The approved lighting shall be installed and 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, to minimise unnecessary light spillage above and outside the development site and to ensure lighting does not impact wildlife habitat.**

**13. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including supervision by an Ecological Clerk of Works who will keep a written log of dates of site visits, advice provided, impacts observed, and mitigation/remediation achieved and provide this to the Local Planning Authority on request. Methods statements will cover the following:**

- a) removal of hedgerows**
- b) location of protective fencing**
- c) minimising risks to protected species**
- d) erection of bat and bird boxes on the surgery building (including details of number, type and location)**

**Development shall be carried out in strict accordance with the approved CEMP.**

**REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant.**

**14. 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;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.

The Landscaping scheme will accord with the Proposed Site Plan (2849-112- Rev A) the Landscaping Scheme will demonstrate that the development will achieve an overall net gain for biodiversity through the submission of a completed Natural England Biodiversity Metric (version 3.0 or subsequent version) spreadsheet (unlocked) based on the post construction landscape scheme, and a current survey of pre-construction habitats based on the UK Habitat Classification.

**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.

15. 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.

**16. No development shall commence within the application area until:**

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

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

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

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

**REASON:** Core policy 57, Ensuring high quality design and place shaping such that appropriate levels of amenity are achievable.

**18. In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed by a written verification report that confirms what works that have been undertaken to render the development suitable for use.**

**REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### **INFORMATIVES**

**20. S278/ S38 - The developer/applicant will be required to enter into a S278 to cover the footway scheme /S38 Agreement for site with the Highway Authority before commencement of works hereby approved.**

**TRO - You are advised that a Traffic Regulation Order (TRO) is required for condition 8. You must submit a plan to a scale of an indicative scheme for a TRO, along with timescales for commencement and completion of**

**the development. Please be aware that the statutory TRO process is not straightforward; involving the public advertisement of the proposal(s) and the resolution of any objections. You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process. We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Transport Development Management Team at [highwaysdevelopment@wiltshire.gov.uk](mailto:highwaysdevelopment@wiltshire.gov.uk) N.B. The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.**

**Advance Payment Code - Please note that the road layout of the site will be subject to the Advanced Payment Code, relating to the Highways Act 1980. A bond will be required by the Highway Authority to cover highway works and will only be released subject to a suitable management company/other being secured for the site by the Developer.**

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

**23. 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.**

**24. 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.**

**25. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.**

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

**28. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.**

**29. 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).**

The Council's Northern Area Planning Committee recommends that the applicant undertakes consultation with the Parish Council and Sherston Primary School Governors regarding approval of details and layout for the required surface water drainage provisions.

**14 PL/2021/05648 - 144 High Street, Royal Wootton Bassett, Swindon, SN4 7AB**

*Note: Councillor Steve Bucknell left the room at 6.45pm.*

Public Participation

Steve Tubb spoke in objection of the application.

Bill Pier spoke in support of the application.

Development Management Team Leader, Lee Burman, presented a report which outlined the proposed Change of Use to Auction Rooms together with

alterations to front elevation and first floor extension to provide Gallery, rooftop terrace and café bistro.

Details were provided of the site and issues raised by the proposals, including the principle of development; impact to heritage assets, residential amenity, highways impact, parking and access.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified that a condition had not been imposed within the Officer's recommendation in relation to external music amplification as at the time of application there was no detail of what activities might take place on the outside terrace. The Officer however noted that strict conditions had been included within the recommendation in order to negate any potential harm that might be caused by the rooftop terrace. Clarification was provided that the empty pub shown within the Officer's presentation was not within the redline boundary and that this building had been vacant for an extended period of time.

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

The Local Unitary Member, Councillor David Bowler then spoke regarding the application. Councillor Bowler stated that if approved the new frontage façade would be an improvement to the High Street, further adding the vibrancy of the town centre, as well as offering employment and increasing footfall. Regarding any concerns surrounding the Officer's report and recommendation, Councillor Bowler stated that though CP57 and CP58 were cited within the report, Highways and Public Protection did not raise any issues, therefore Councillor Bowler believed that if there was to be a degree of harm it would be to a lower scale. Additionally, if there were any issues regarding parking shortfall, this would be difficult to argue with the previous use of the property having been a supermarket and with additional parking at Borough Fields, a 5-minute walk away.

At the start of the debate a motion to move and accept the officer's recommendation was moved by Councillor Peter Hutton and seconded by Councillor David Bowler .

Prior to the debate, Senior Solicitor Dorcas Ephraim, mentioned that though on page 138 of the agenda pack there was within an objection of an intention to submit a legal injunction on the applicant that this should not deter the Committee from making a decision as this was a civil matter between the applicant and resident.

During the debate the issues included that there are other local examples of such businesses successfully managing with a limited parking provision, such as Bingham Hall in Cirencester. Additionally, it was noted that there was a typo within Condition 14 of the Officer's recommendation, with the omission of the word "No".

At the conclusion of the debate, it was,

**Resolved:**

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

**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.**

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

**Location Plan P-0026-100b  
Existing Elevations P-0026-103A  
Existing Site Plan P-0026-101A  
Existing Floor Plans P-0026-102A  
Design and Access Statement  
All Received 28.05.2021  
Proposed Elevations 0026-115 REV C  
Proposed Floor Plans 0026-111 REV B  
Proposed Site Plan 0026-110 REV B  
All Received 27.10.2021**

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

**No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:**

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**
- d) wheel washing facilities;**
- e) measures to control the emission of dust and dirt during construction;**
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- g) hours of construction, including deliveries;**

**has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.**

**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 minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and dangers to highway safety, during the construction phase.

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

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

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the approved plans, Design and Access Statement and application form.

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

The use of the roof top terrace hereby permitted shall not be first brought into use until full details of the proposed privacy screening to the rear roof top terrace have been submitted to the Local Planning Authority, approved in writing and erected in accordance with the approved details. The erected screening shall be retained in situ as approved as long as the use of the roof top terrace continues.

**REASON:** In the interests of visual amenity and the character and appearance of the area and ensuring high design and place shaping such that appropriate levels of amenity are achievable.

The site shall be used for an Auction House including ancillary spaces (sui generis use) and Bistro/Café E (b) for no other purpose (including any other purpose in Class (Sui generis) or (E) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

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

No part of the development hereby permitted shall be brought into use until the access, turning area and parking spaces have been completed in

accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

**REASON:** In the interests of highway safety.

No part of the development shall be brought into use until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

**REASON:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

No development shall commence on site until a scheme of works for the control and dispersal of atmospheric emissions, in particular odours, and including full details of required ventilation and extraction mechanical plant has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

**REASON:** Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

*Notes: In discharging this condition the applicant should ensure that the ventilation system discharges vertically at a height of at least 1m above the height of any nearby sensitive buildings or uses and not less than 1m above the eaves. In discharging this condition the applicant should consult EMAQ ref "Control of odour and noise from commercial kitchen exhaust systems" (Gibson, 2018)*

Prior to commencement an assessment of the acoustic impact arising from the operation of mechanical ventilation shall be undertaken in accordance with BS 4142: 2019. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to demonstrate the rated level of noise shall be: -5dB below background and is protective of local amenity.

Background levels are to be taken as a 15-minute LA90 at the boundary of the nearest residential noise-sensitive receptors.

The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

**REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.**

***Notes: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a thorough background noise survey and noise assessment in accordance with:***

***BS4142:2019 (or any subsequent version) and demonstrate that the rated noise level is at least 5dB below the background noise level.***

**The Roof Terrace use hereby permitted shall only take place between the hours of 08:00 and 18:00 in the evening from Mondays to Fridays and between 09:00 and 17:00 in the evening on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.**

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

**There shall be no customers/members of the public on the Auction Rooms and inside spaces (excluding the café/bistro) outside the hours of 08:00 - 20:00 Monday - Saturday and 10:00 - 18:00 Sunday and Bank Holiday. With respect to the café/bistro no customers/members of the public will be on site outside of the hours 08:00 – 23:00 Monday to Saturday and 10:00 – 22:00 Sundays and Bank Holidays.**

**REASON: Ensuring high design and place shaping such that appropriate levels of amenity are achievable.**

**No deliveries shall be made to or collections made from the development hereby approved except between the hours of: 08:00... and ..19:00... Monday to Saturday.**

**REASON: Ensuring high design and place shaping such that appropriate levels of amenity are achievable.**

## **INFORMATIVES**

**CIL 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).

**WP6** Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

**WP13** The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

**WP18** The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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

15 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00pm – 7.20 pm)

The Officer who has produced these minutes is Ben Fielding of Democratic Services, direct line , e-mail [benjamin.fielding@wiltshire.gov.uk](mailto:benjamin.fielding@wiltshire.gov.uk)

Press enquiries to Communications, direct line ((01225) 713114 or email [communications@wiltshire.gov.uk](mailto:communications@wiltshire.gov.uk)

This page is intentionally left blank

**Wiltshire Council  
Northern Area Planning Committee  
2<sup>nd</sup> March 2022**

Planning Appeals Received between 21/01/2022 and 18/02/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
20/00570/ENF	Land at Bowds Lane, Lyneham, Chippenham, SN15 4DS	Brinkworth / Lyneham & Bradenstoke	Alleged unauthorised construction of new dwelling	ENF	Written Reps	ENF	16/02/2022	No
21/02142/CLE	The Stoneyard, Potley Lane, Corsham, SN13 9RX	Corsham	Certificate of Lawfulness for the Existing Use of land for storage (Class B8); use of existing building for light industrial use (Class E(g)(iii) and siting of 3no. portable storage shelters.	DEL	Written Reps	Refuse	15/02/2022	No

Planning Appeals Decided between 21/01/2022 and 18/02/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
20/00792/ENF	Land at Henley Court, Henley Lane, Box, Corsham, SN13 8BX	Box	Operational development comprising the erection of a building comprised of five shipping containers and an attached lean-to structure and operational development comprising the erection of the foundations, slab, damp proof course and external wall courses of a building.	ENF	Written Reps	ENF	Enforcement Notice Varied and Part Upheld	18/02/2022	None
20/04863/FUL	Land adjacent to Waitrose, Malmesbury Wiltshire, SN16 9FS	Malmesbury	Construction of Gabion Wall, Infilling and change of use from agricultural land to private amenity/recreation space	NAPC	Written Reps	Approve with Conditions	Dismissed	10/02/2022	Appellant applied for Costs - <b>REFUSED</b>
20/09195/FUL	Land at Notton Corsham Road Notton, Lacock SN15 2NF	Lacock	Erection of 8 dwellings and associated works.	DEL	Written Reps	Refuse	Dismissed	25/01/2022	None
20/09331/PNCOU	Barn at Lordswood Farm Lordswood, SN16 0JZ	Sherston	Notification for Prior Approval under Class Q for a change of use of Agricultural Building to a single dwelling house and associated operational development	DEL	Written Reps	Refuse	Dismissed	08/02/2022	None
20/09594/FUL	7 & 8-9 Nethercote Hill Lacock, SN15 2LD	Lacock	Proposed double garage with storage space at first floor level. New landscaping of existing gardens fronting Nethercote Hill to provide dropped access to gravel drive fronting proposed	DEL	Written Reps	Refuse	Dismissed	09/02/2022	None

			garage and additional 3No. open parking spaces with dropped access						
20/09711/FUL	The Manor House West Street Great Somerford SN15 5EH	Great Somerford	Replacement garage and garden implement store for manor house.	DEL	Written Reps	Refuse	Dismissed	15/02/2022	None
20/11086/OUT	52 Lowden, Chippenham SN15 2BE	Chippenham	Two three bedroom semi-detached dwellings	DEL	Written Reps	Refuse	Allowed with Conditions	17/02/2022	None
20/11118/FUL	The Mount Upper Seagry Wilts, SN15 5EX	Seagry	Demolition of existing outbuilding and part erection and part conversion to form 1no. dwelling; erection of attached double garage; creation of new access.	DEL	Written Reps	Refuse	Dismissed	09/02/2022	None
21/00026/LBC & 20/00792/ENF	Henley Court Stables, Henley Lane, Box, Corsham, SN13 8BX	Box	Creation of window opening in first floor North East Gable End of the Old Stables at Henley Court (Retention of) & the creation of a window opening in the first floor north east gable end of the building and 2) The erection of a plastic lean-to roof structure on the north east end of the building.	DEL	Written Reps	Refuse	Dismissed & Enforcement Notice Upheld	18/02/2022	None
PL/2021/05303	4 Nore Marsh Road, Royal Wootton Bassett, Swindon, SN4 8BQ	Royal Wootton Bassett	Single storey extension to the rear elevation.	DEL	Written Reps	Refuse	Appeal Withdrawn	24/01/2022	None

## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	2 <sup>nd</sup> March 2022
<b>Application Number</b>	20/11035/FUL
<b>Site Address</b>	20 Bargates, Box, Wiltshire SN13 8LT
<b>Proposal</b>	Proposed new driveway entrance to replace existing, with alterations to the existing driveway layout.
<b>Applicant</b>	Hayley Breen Home Architect on behalf of Mrs Louise Rainbow
<b>Town/Parish Council</b>	Box Parish Council
<b>Electoral Division</b>	Councillor Mathew
<b>Type of application</b>	Householder Development
<b>Case Officer</b>	Gabrielle Brownrigg

### Reason for the application being considered by Committee

The application has been called to the Northern Area Planning Committee by Councillor Mathew so as to allow consideration of the proposed highway safety concerns as raised by the Parish Council.

#### 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 planning permission be granted.

#### 2. Report Summary

This report will examine the proposed development and explore the process by which the appropriate conclusion has been reached. It will set out the public benefits which will be obtained as a result of the application and the various impacts which may occur.

The key issues in considering the applications are as follows:

- Principle of Development
- Green Belt
- Design, Scale and Materials

- Impact upon nearby Heritage Assets
- Impact on Residential Amenity
- Landscape Considerations
- Highway Safety

The Parish Council have raised an objection to the proposal as they have concerns over the potential impacts on highway safety.

*Objections on safety reasons. It is felt that it would be more logical to move the existing access to come out onto Bargates. The garden is large enough to have a turning space. It is felt that the access out onto Quarry Hill is more dangerous than out onto Bargates because of the speed and increased volume of traffic down Quarry Hill.*

One (1) representation letter of support has been received.

### **3. Site Description**

The site is a semi-detached residential property, situated in an established area of built form and an area with a consistent architectural vernacular. Properties in this location are typically set back from the road, with boundary treatments being predominantly hedging and stone walling. Quarry Hill to the east is characterised with mature hedging and large swathes of stone walling, to the west walling and hedging are prevalent, however appear in a more broken manner with driveway entrances, flank walls and on street parking.

The property is within the settlement boundary of Box village but falls just outside of the Conservation Area. The site is covered by the West Wiltshire Green Belt and the Cotswold Area of Outstanding Natural Beauty (AONB).

In 2019, permission was granted for extensions and alterations to modernise the dwelling (19/00669/FUL - Proposed render to external walls of existing house, new roof to existing porch and new extended roof to existing bay window. New powder coated aluminium framed windows & doors to replace existing white uPVC – Approve with Conditions). The garage was approved in 1998 (N/98/02008/FUL - Extension to dwelling & erection of garage extension/garage - Approve).

This site is not covered by any ecological designations.

### **4. The Proposal**

The proposal seeks permission for the stopping up of the exiting drive access and relocation to create a new access point to the southern boundary.

The proposal seeks permission for the alteration to the existing driveway layout. The development would necessitate the removal of a portion of hedging to the southern boundary and stop up the existing entrance on the eastern boundary vis the planting of new hedging to match the existing to the south-eastern boundary. Materials proposed for surfacing would be

tarmac, within Bargates there are a number of differing driveway surfaces which include block paved, gravel, concrete, tarmac and loose scalping's/stone.

The proposal would involve removing a section of hedging from the southern boundary which would measure approximately 4.0m(w) to create a new access, which would also involve a new dropped kerb. This would require a separate permission to be obtained from the highway department. The driveway works would also include the laying of new tarmac and alteration of parking layout to join the new access to the existing garage and create two parking spaces and turning. The existing gate to the eastern boundary and approximately 7.6m of tarmac are to be removed, the existing access would be permanently stopped up with the planting of matching hedging.

## **5. Local Planning Policy**

Core Policy 51 – Landscape, Core Policy 57 - Ensuring High Quality Design and Place Shaping, Core Policy 58 - Ensuring the Conservation of the Historic Environment of the Wiltshire Core Strategy 2015 (WCS).

## **6. Consultation**

Box Parish Council: Objection.

*Objections on safety reasons. It is felt that it would be more logical to move the existing access to come out onto Bargates. The garden is large enough to have a turning space. It is felt that the access out onto Quarry Hill is more dangerous than out onto Bargates because of the speed and increased volume of traffic down Quarry Hill.*

Council Highway Engineer: No objection subject to conditions and informative's:

*The application seeks permission to reposition the existing Driveway onto Bargates so that the access is now from Quarry Hill, with the internal layout rearranged to provide two parking spaces and turning within the curtilage. The applicant has stated that the current situation provides no turning and requires vehicles to reverse out of the existing driveway.*

*Quarry Hill is a C class section of public highway subject to a speed limit of 30mph. Visibility splays of 2.4m x 70m have been demonstrated on the site plan (20BAR/13) from the proposed access, the splays required to safeguard the visibility are not quite this level of provision, the nature of the road and the speed limit would require a splay to be provided to standards set out within Manual for Streets. This would be 2.4m x 43m minimum splay, which is achievable, the splay would be required to be kept clear of any obstructions over a height of 900mm. The driveway will be required to be constructed for at least the first 5m in a consolidated material and any gates should open inwards within the site curtilage.*

*The new access will require a licence to work in the highway and the old access will be required to be stopped up.*

*I would not wish to raise an objection to the proposals in relation to highways subject to the following conditions and informative:*

*VISIBILITY - No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres either side of the access from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway. REASON: In the interests of highway safety.*

*SURFACING - The development hereby permitted shall not be first brought into use/occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, 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*

*INFORMATIVE - The proposal includes alteration to the public highway, 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.*

## **7. Representations**

A total of one (1) letter was received in support of the application. Main issues raised:

- *Does not agree that a new entrance and drive will increase the danger on Quarry Hill.*
- *There are already 6 vehicle accesses onto the road within a short distance of the proposed entrance, three of which are road junctions. In addition, there is also a layby a short way up the hill where vehicles are regularly reversing onto Quarry Hill.*
- *The present entrance opens immediately onto the junction of Bargates/Quarry Hill and even pulling out forwards this is blind to any traffic travelling from the A4 direction and turning left into Bargates.*

## **8. Planning Considerations**

Principle of Development



The proposal occurs within the built area of Box, which is defined as a large village under CP1 and CP2 of the WCS. The proposal is for a proposed new driveway entrance to serve an existing dwellinghouse. The access is to replace the existing access arrangements. The proposal demonstrates that the existing access is to be stopped up permanently.

Development which is ancillary to an established residential dwellinghouse is established as acceptable in principle, but the details of which must be considered against national and local policy. Those details are considered in the sub-sections below.

### Development in the Green Belt

The property is situated within the Green Belt where national policies indicate proposals in such locations should be strictly controlled and not be disproportionate to the host building. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 6.87 of the supporting text to CP51 Landscape states that applications for development within the Green Belt will be determined in accordance with national planning policy.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to confirm that when considering planning applications, the said “very special circumstances” will not exist unless it is clearly outweighed by other considerations.

Paragraphs 149 and 150 set out exceptions to new buildings and development which are inappropriate in the Green Belt. Sub paragraph (b) to paragraph 150 identified engineering operations as not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purpose of including land within it. It is considered reasonable to regard the creation of a new access as a form of engineering operation.

In this particular instance, works are proposed for the insertion of a new driveway access point, which involves the removal of small portion of existing hedge boundary and the alteration of the existing tarmac driveway. No new buildings are proposed in this instance, due to the minor nature of the proposed works and being created within an established existing residential property, the proposal is not considered to be inappropriate development within the Green Belt and is therefore acceptable.

### Design, Scale and Materials

The proposal seeks permission for the alteration to the existing driveway layout. The development would necessitate the removal of a small portion (approx. 4m) of hedging to the southern boundary and stop up the existing entrance on the eastern boundary vis the planting of new hedging to match the existing to the south-eastern boundary. A new portion of tarmac is proposed to create the hard landscaping for the new entrance, whilst a higher quality approach such a block paving would be preferred, within Bargates there is a number of

differing driveway surfaces which include block paved, gravel, concrete, tarmac and loose scalping's/stone. Tarmac is considered to be suitable and acceptable in this instance.

The totality of development and works is considered to be relatively limited in extent and would be visually *read* in conjunction with the locality, which is already characterised by vehicular accesses, driveways and breaks in the frontage hedging and walling. In this context, the proposals would not be unduly out of character.

Therefore, the proposal is considered to be acceptable in scale, design, detailing and appearance in relation to the locality and would not have any appreciable impact on the wider character of the area. The proposed scale, materials for the new entrance and driveway alterations would therefore comply with CP57 of the Wiltshire Core Strategy.

### Heritage

20 Bargates is not a listed building nor considered to be a designated heritage asset and is not located within a conservation designation. It is noted that the immediate boundary of Box Conservation Area adjoins the western boundary of the dwelling. The dwelling is located in proximity to Grade II Listed Pear Tree Cottage, which neighbours the site on the western boundary.

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 16 and 66) as well as giving special attention to preserving or enhancing the character or appearance of the conservation area (s.72).

Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 201 and 202 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset. Core Policy 57 requires, amongst other things, that new development must be sympathetic to and conserve historic buildings. Core Policy 58 of the Wiltshire Core Strategy ensures that Wiltshire's important areas of heritage are protected and enhanced in order for them to continue to make important contributions to Wiltshire's environment and quality of life. These heritage assets include but are not limited to listed buildings and conservation areas. Development in, or near to, these heritage assets is required to be sensitive to the landscape and character, therefore providing development that is considerate and complementary to the historic context.

The proposal is for the relocation of the driveway access. Due to the relatively modest nature of the development and works in a location where such features are ubiquitous, the proposal is considered to present an entirely expected format to the street scene and would not adversely impact upon the setting of the listed Pear Tree Cottage or the character and appearance of the nearby conservation area.

During the life of the application, the applicant has confirmed that the new hedging to be planted to *stop up* the existing access is to match the existing. This can be adequately controlled via condition so as to ensure its implementation.

Subject to the imposition of planning conditions, the proposal is not considered to adversely impact or cause any harm to designated heritage assets and therefore would meet with the requirements of policy CP58 to the Wiltshire Core Strategy as well as section 16 to the NPPF.

#### Impact upon amenity

Permission is sought for the moving of an existing residential access with the existing garage at the curtilage not being moved or changed. A mere change to the location of an access from one frontage to the other would not alter the operation of the site as a single dwellinghouse. Indeed, neither the location of existing access or the proposed would be particularly close to the boundaries of the nearest neighbours and, in any event, the locality is firmly characterised by such domestic accesses. The proposal does not result in a net increase of accesses serving the dwelling.

Due to the location of the proposed driveway entrance is not considered that the parking proposals would result in an unacceptable impact upon the amenity of neighbouring impacts upon the neighbouring properties in terms of overlooking, overshadowing and privacy impacts.

In the context of the nature and layout of the development, there is considered to be no detrimental impact upon the amenities and living conditions of the neighbouring properties, thereby complying with the relevant provision of CP57 of the Wiltshire Core Strategy.

#### Highways and parking

The proposal is not increasing the dwelling size nor adding a bedroom. The current access is positioned on the junction of Bargates and Quarry Hill. The current parking arrangement does not allow for turning within the property and as stated by the applicant requires vehicles to reverse out of the existing driveway.

The Council's Highway Engineer raises no objection subject to the application of appropriate and reasonable conditions in relation to surfacing and visibility splays being demonstrated and maintained. The applicant has stated that the current situation provides no turning and requires vehicles to reverse out of the existing driveway, if the new proposal is approved, turning within the development would be achievable which in turn would allow vehicles to exit the property in a forward gear.

During public consultation concerns have been raised by the Parish Council in relation to safety concerns. To overcome their objection the Parish Council offered an alternative in that they perceive the garden to be large enough to have a turning space due to the fact that that the access out onto Quarry Hill is perceived to more dangerous than out onto Bargates because of the speed and increased volume of traffic down Quarry Hill. However, there is no evidence that this is in fact the case and the Council's Highway Engineer has not raised any

safety concerns in respect of the proposal before the LPA. There is no evidence before the Local Planning Authority which should result in a different view being taken and therefore, subject to the appropriate splays being achieved and conditions imposed, the proposal to relocate the access onto Quarry Hill is considered to be acceptable.

The development will necessitate a dropped kerb to be installed. And crossing the highway verge. Such features do not require planning permission but will require the applicant to separately seek a licence to work within the public highway via the Highways Act 1980 (as amended). There is no reason why this planning application cannot be determined in advance of that licence being sought from the Council acting in its capacity as the Highway Authority since it a separate consenting regime.

Subject to the imposition of planning conditions, there are considered to be no adverse impacts upon parking at the site, residual impacts on the road network or highway safety. For these reasons, the proposal complies with the requirements of policies CP57, CP60 and CP61 to the Wiltshire Core Strategy as well as section 9 of the NPPF.

### Landscape

The application site is located entirely within the Cotswold AONB. As required by CP51 of the WCS due consideration must be given to the potential impacts upon the character and setting of the AONB.

In this instance, the proposed relocation of the driveway access point is located within the built-up form of the village of Box which contextualises the appearance of the driveway entrance. As such it is not considered that the relation of the driveway is detrimental to the special character of the AONB and is therefore acceptable when assessed against policy CP51 to the Wiltshire Core Strategy. Additionally, Core Policy 57 indicates that proposals should relate positively to its landscape setting by ensuring that important views into, within and out of the site are retained and enhanced. It is considered that this proposal also complies with CP57.

## **9. Conclusion**

The proposal is appropriate in location, scale and design and would not harm the AONB and wider area including the Green Belt, conservation area or nearby heritage assets. Accordingly, the proposals are considered appropriate development and would not harm the character or openness of the Green Belt. The application does not cause any significant material harm that would justify a refusal of planning permission.

Subject to the imposition of planning conditions, the proposed development and works are considered to meet with the requirements of policies CP1, CP2, CP51, CP57, CP58, CP60 and CP61 of the Wiltshire Core Strategy and relevant provisions of the NPPF.

## **10. Recommendation**

**That Planning Permission and 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:

Design and Access Statement Dated 8<sup>th</sup> December 2020  
Existing Site Plan 20BAR/11  
Location Plan 20BAR/00  
Proposed Site Plan 20BAR/12  
Proposed Site Plan 1:500 20BAR/13

Received – 10.12.2020

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 detailed on the application form and approved drawings.

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

- 4 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres either side of the access from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 5 The development hereby permitted shall not be first brought into use/occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, 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

INFORMATIVE TO APPLICANT:

The proposal includes alteration to the public highway, 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.

INFORMATIVE TO APPLICANT

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.

INFORMATIVE TO APPLICANT

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

INFORMATIVE TO APPLICANT

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

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

INFORMATIVE TO APPLICANT

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

## INFORMATIVE TO APPLICANT

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).

This page is intentionally left blank





© Crown Copyright and Database Rights 2017 Ordnance Survey 100049050

1:1,250



382847E 168638N m

© Crown Copyright and Database Rights 2022 Ordnance Survey Licence No 100049050

This page is intentionally left blank

## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	2 <sup>nd</sup> March 2022
<b>Application Number</b>	PL/2021/04258
<b>Site Address</b>	Land to the Rear of Arms Farm, High Street, Chippenham, Sutton Benger, SN15 4RE
<b>Proposal</b>	Erection of 4 dwellings and associated works
<b>Applicant</b>	Mr Inskip
<b>Town/Parish Council</b>	Sutton Benger
<b>Electoral Division</b>	Kington – Cllr Greenman
<b>Grid Ref</b>	394321 178521
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Charmian Eyre-Walker

### Reason for the application being considered by Committee

The application has been called into committee at the request of Cllr Greenman to allow a decision by democratic vote.

### 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 authority is delegated to the Head of Development Management to **REFUSE** planning permission.

### 2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development.
- Conflict with the emerging neighbourhood plan
- Impact on residential amenities of adjoining neighbours.
- Impact on character and appearance of the area.
- Impact on the setting of the listed buildings and Sutton Benger Conservation Area
- Previous appeal decision

Sutton Benger Parish Council object to the proposed development and 29 letters of objection have been received and 0 letters of support.

### 3. Site Description

The application site is located to the south-west of Sutton Benger, a village and parish within the Chippenham Community area of Northern Wiltshire. The site is located outside of the defined Settlement Boundary of Sutton Benger and only the access to the site is within the designated Conservation Area, using an access created by the permissions 16/04961/OUT and 18/01661/REM. The northern boundary is currently defined a bund and former compound for the construction of the adjacent site. There is then an area of paddock land between the proposed development and the converted barns at Arms Farm. The eastern boundary is predominately formed of the residential dwellings fronting the newly completed dwellings granted under 16/04961/OUT & 18/01661REM. The western and southern boundaries are formed by field boundaries, which abut open countryside.

On the Northern Boundary, beyond but immediately adjacent to the application site is Arms Farmhouse, a Grade II listed building. There is currently no public access to the Farmhouse, however, it is clearly visible from the High Street.

Attached to the south-east corner of the farmhouse's rear wing, and extending south east, is a low range of cow sheds which dates to the early 19th century and is considered to make a positive contribution to its setting through its group value as a component of the farmhouse's former yard complex. The building and its associated curtilage listed buildings have recently been refurbished and converted to residential use.

Arms Farmhouse and its associated outbuildings do not form part of the planning application site.

#### 4. Planning History

N/05/01325/COU	Change of Use of Agricultural Land to Garden <b>Planning Permission Refused</b>
N/10/02090/FUL	Alterations to Farmhouse (2 Units); Alteration to Existing Outbuildings to Form Four Residential Units; Change of Use of Land to Domestic Garden; Detached Dwelling; Parking, Landscaping & Associated Works; Alterations to Access. <b>Withdrawn</b>
N/10/02091/LBC	Internal & External Alterations & Demolition to Farmhouse, Internal & External Alterations to Existing Outbuilding in Association with Change of Use to Form Four Residential Units, Demolition of Boundary Walls, Erection of New Walls & Gates & Landscaping. <b>Withdrawn</b>
N/11/02233/FUL	Alterations to Farm House, Alterations to Existing Outbuildings to Form Four Residential Units, Change of Use of Land From Agricultural to Domestic Garden, Erection of Detached Double Garage, Parking, Landscaping & Associated Works, Alteration to Access (Amendment to N/10/02090/FUL) <b>Planning Permission Granted</b>
N/11/02234/LBC	Internal & External Alterations & Demolition to Farmhouse, Internal & External Alterations & Demolition to Existing Outbuildings in Association With Change of Use to Form Four Residential Units, Demolition of Boundary Walls, Erection of New Walls & Gates, Plus Landscaping (Amendment to 10/02091/LBC) <b>Listed Building Consent Granted</b>
14/08888/OUT	Outline Planning Application for up to 28 Dwellings With Associated Access Work and Public Open Space.- <b>Planning permission refused and appeal dismissed</b>
16/04961/OUT	14 Dwellings and associated works - <b>Approved</b>
18/01661/REM	Reserved matters for 14 dwellings and associated works - <b>Approved</b>

## 5. The Proposal

The application seeks consent for up to 4 dwellings with associated works. Access will from the newly constructed access road for the adjacent dwellings. The red line plan was amended during the submission to include access along this road to the highway of High Street

## 6. Local Planning Policy

### Wiltshire Core Strategy Jan 2015:

Core Policy 1-	Settlement Strategy
Core Policy 2-	Delivery Strategy
Core Policy 3-	Infrastructure Requirements
Core Policy 10-	Spatial Strategy: Chippenham Community Area
Core Policy 45-	Meeting Wiltshire's housing needs
Core Policy 50-	Biodiversity and Geodiversity
Core Policy 51-	Landscape
Core Policy 57-	Ensuring high quality design and place shaping
Core Policy 58-	Ensuring the Conservation of the Historic Environment
Core Policy 60-	Sustainable Transport
Core Policy 61-	Transport and Development
Core Policy 62-	Development impacts on the transport network
Core Policy 67-	Flood Risk

### Saved Policies of the North Wiltshire Local Plan:

H4- Residential development in the open countryside

### National Planning Policy Framework 2021

Section 5 Delivering a Sufficient Supply of Homes

Section 9. Promoting Sustainable Transport

Section 12 Achieving Well-Designed Places

Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.

Section 15 – Conserving and Enhancing the Natural Environment.

Section 16 – Conserving and Enhancing the Historic Environment.

## 7. Consultations

### Sutton Benger Parish Council - Object to the above application:

1. *Conservation Area - the scheme would cause harm to the setting and heritage significance of the listed buildings at Arms Farm and would fail to preserve the character or appearance of the Sutton Benger Conservation Area. It would also harm the setting of the Conservation Area. This is in conflict with Core Policy 58 of the Wiltshire Core Strategy (the Core Strategy), which states that development should protect, conserve and, where possible, enhance, the historic environment.*

2. *The proposed location of the four dwellings would have an adverse impact upon the significance of the listed buildings by divorcing the barn in particular, and the farmstead in general, from its associated historic farmland from which it derives some of its significance. This undeveloped land with its open views to the south of the barn, is the principal rural aspect within the conservation area to the South of Sutton Benger.*

3. *Strategic Planning have already recognized that Sutton Benger has had a high level of growth - between 2006 and 2017, 99 new houses were completed in Sutton Benger, a growth of 27%, largely due to the redevelopment of the former Chicken Factory site. Since 2017 another 31 new houses have been approved and built or are in progress – this will increase the growth since 2006 to over 30%. There is no immediate need for additional housing in the local community and Sutton Benger has seen far more development than the other identified 4 large villages in the Chippenham Community Area.*

*The development sits outside the Settlement Boundary and as such is in conflict with Core Policies 1, 2 and 10 of the Wiltshire Core Strategy 2015 (WCS).*

3. *Sustainability - The development provides no employment opportunities or sustainable alternatives to private car use, contrary to Core Policies 1, 2, 60 and 61. The increase in road use will further diminish the rural tranquillity.*

4. *Impact on Infrastructure and Services – the development offers no additional services or facilities, contrary to Core Policies 1 and 48. The development is unable to be supported by current village infrastructure and services – there is no village shop, poor public transport, the primary school is at capacity with no expansion possible, the doctor's surgery is at capacity and the drainage and sewage pipes cannot cope with the current outflow.*

5. *Rural Life and Conservation -The development does not meet the requirements of Core Policy 44 (Rural Exceptions Sites) and is contrary to Core Policy 48 in that it does not support rural life and will impact on the Conservation Area contrary to Core Policy 58*

6. *Appearance: the current Arms Farm Development with its whitewash rendering to the South and West causes a glare for quite a distance and is very noticeable from the country footpaths. Development from that aspect should be Cotswold Stone.*

8. *We further request that the hard standing on the site be reinstated to greenfield.*

Council Highway Engineer – Following revised plans (25<sup>th</sup> November 2021) comments as follows:-

*The Technical Note submitted to address the highway concerns raised in the previous highway consultation response of the 16th June 2021 includes a revised plan which now shows the provision of a turning head at the end of the access road. This turning head is shown, through swept path analysis, to accommodate the needs of a refuse vehicle, although a 2m footway or service margin will be required around the turning*

*head to account for the refuse vehicle overhang. I would comment that there is a presumption against the use of grassed verges as service margins, due to the maintenance liability, particularly where such strips are segregated from the front garden areas. The service margins should be of a bound tarmac surface.*

*The Technical Note has also demonstrated the means of access by refuse and agricultural vehicles at the junction with the existing access road of Arms Gardens can be gained successfully with the alignment proposed. A forward visibility splay should be provided to the southern side of the road bend, close to the junction with the Arms Gardens access road.*

*It is understood that the applicants are wishing for the access road to be offered for adoption, and that the field access is to be retained to serve as access to the agricultural field. With regard to the level of use expected of this access, the Technical Note states "On an average day agricultural movements from this access will be infrequent although it is acknowledged that there will be periods of activity during seasonal farming activities i.e. hay harvesting; however, movements from this access can still be considered to be low."*

*There has not been any clarification of the intentions of the retained plot at the end of the proposed access road, and it would be helpful to understand how this area will be treated, and who will assume future responsibility.*

*I would advise that the means of access to the application site through the development site, and to connect to the public highway, will need to be included within the red line application boundary.*

*Having regard to the above, and subject to the red line boundary including the means of access from the public highway, I would not wish to raise any highway objection, but would recommend that the following conditions be attached to any permission granted:-*

*No development shall commence on site until details of the estate road, footway/service margins, junction arrangement, street lighting, drainage, service routes, surface water outfall, vehicle overhang margins, visibility splays, carriageway gradients, drive gradients, car parking and street furniture have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate road has been constructed and laid out in accordance with the approved details.*

Council Arboriculturalist – No objection since no trees affected.

Council Archaeologist - Objection

*My colleague Michal Cepak was consulted on this proposal at the pre-application stage (20/07793/PREAPP) in September last year when he advised that:*

*'The proposed development is not insubstantial in size and would occupy what*

*appears to be a previously undeveloped parcel of land. The village of Sutton Benger is of Saxon origin and the surrounding landscape is relatively rich in heritage assets therefore there is potential for buried heritage assets to be encountered during the construction phase. I therefore consider that as part of any application resulting from the above PREAPP the applicant should submit a Desk Based Assessment (DBA) the content of which should include the findings of a site wide geophysical survey the results of which will inform if any further pre-determination or conditional archaeological work is required. '*

*I note from the supporting documentation that has been attached to the above application on the planning portal that no such Desk-Based Assessment has been prepared, nor does it appear that any geophysical survey has been carried out. As I am still largely in the dark as to the archaeological potential of the site, I would advise that a trial trench evaluation is carried out prior to the determination of this planning application. I would advise the applicant to engage the services of an archaeological contractor in order to carry out this work, beginning with the production of a Written Scheme of Investigation (WSI), setting out how this evaluation is to be undertaken. This WSI will need to be presented to Wiltshire Council Archaeology Service (WCAS) for review and approval prior to the commencement of any fieldwork.*

*The evaluation is to be carried out following the standards and guidelines for such works as required by the Chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by the applicant.*

Council Drainage Engineer – No objection subject to conditions.

Conservation Officer – Objection

*This is a proposal for yet more development on the fields to the rear of Arms Farm. The proposed four large dwellings with double garages and associated works would erode the rural setting of the designated heritage assets (which includes the conservation area and various listed buildings), subdivide the area and lead to cumulative harm to their setting and significance. The addition of this development would urbanise the rural surroundings, envelop the historic buildings and distort the linear built form that is characteristic of this village. These proposals would be contrary to section 66(1) of the Act, section 16 of the NPPF (paras 197, 199, 200, 202 and 206), the BS7913 as well as CP 58 of the Wiltshire Core Strategy. I cannot support these proposals.*

Council Ecologist – No Objection

The applicant has submitted some revised information throughout the life of the development. The Ecologist has no objections subject to conditions

## **8. Representations**

The application was advertised by neighbour letter & site notice. The application was re-started and re-advertised due to the red line being extended to include the access. The



consultation period expired on 25<sup>th</sup> February and any additional comments will be reported as Late Observations.

The application has generated over 17 household letters of objection and 0 letters of support. A summary of the comments is set out below:

- Impact on new property.
- Inadequate publicity and time to respond.
- Inadequate access – conflict with farm traffic. No speed limit.
- Construction traffic should not be allowed to park on access road.
- Loss of outlook
- Impact on wildlife
- Impact on conservation area and view of listed buildings
- Sutton Benger has had too much development over recent years (30% since 2006) – the school and GP surgery are at their limit
- Everyone will have to drive to jobs etc.
- Use of photos of private space to enhance application.
- Developing on this land would set a precedent for other spaces around the village.
- Lack of clarity on boundaries
- The site is in open countryside
- The work on the Sutton Benger NDP evidence base does not support this type of development.
- Potential impact on drainage
- The development sits outside the Settlement Boundary and creates no employment opportunities or sustainable alternatives to private car use and is therefore in contravention of Core Policies 1,2,60 and 61.
- The current Arms Farm development has already severely impacted on the rural features of the listed barn, the currently undeveloped land and surrounding Conservation areas and is considered to be in conflict with Core Strategy 58.
- The new development will be further encroaching upon the SSSI Sutton Lane Meadows Conservation area.
- The proposed development would be a gross intrusion onto the setting of at least the two grade II listed dwellings on the Arms Farm site (house and barn), as well as other aforementioned properties such as Tythe Barn and Gate Farm.
- Reasoning that a limited amount of hedging and trees severs a historical site does not take into account hedging has been used to divide agricultural land on farms (including the same farm) for centuries, and that access through such barriers is readily achieved and utilised as needed.
- If the village can take houses they should be entry level ones not 4 bedroom detached.
- Drip feed of applications to overcome appeal decision on a larger site. No material change in circumstances.
- The view from the High Street through the grounds of Arms Farm House and the Barn is the only remaining visual reminder of the rural setting of the village. These plans will remove that view and, in my opinion, that will be detrimental to our village.

Sutton Benger Neighbourhood Development Plan Steering Group comment as follows:-

*The SB NDP Steering Group OBJECT to this application on the basis that it contravenes the following objectives in the emerging neighbourhood plan and disregards the Wiltshire Core Strategy.*

*NDP Objective: To identify, protect and enhance the Parish's designated and non-designated heritage assets and their setting.*

*This proposed would have a negative impact on the setting and heritage significance of the Arms Farm listed buildings and their setting within the conservation area.*

*It contravenes Core Policy 58 of the Wiltshire Core Strategy (the Core Strategy), which states that development should protect, conserve and, where possible, enhance, the historic environment.*

*NDP Objective: To maintain the Parish's rural setting, while retaining the openness between the settlements to protect their individual identity*

*The location of the proposed development has open views to the south of the barn and if it was developed then the village's rural environment would be significantly harmed.*

*The development sits outside the Settlement Boundary and so contravenes Core Policies 1, 2, and 10 of the Wiltshire Core Strategy.*

*NDP Objective: To seek opportunities wherever possible to maintain and enhance the social and economic vitality of the Parish by supporting and expanding the range of services and facilities.*

*This development will put additional pressure on existing services within the village which will cause an erosion of the quality of life for existing residents. No additional services or facilities are offered by this proposed development.*

*The development does not meet the requirements of Core Policy 44 (Rural Exceptions Sites) and is contrary to Core Policy 48 in that it does not support rural life and will impact on the Conservation Area contrary to Core Policy 58*

*NDP Objective: To ensure adequate levels of off-road parking provision are provided and locate new development such that it does not exacerbate existing traffic problems*

*The increase in village traffic from the development at Gate Farm plus developments at St Modwin and Birds Marsh will lead in a significant increase in traffic through the village. If this was to go ahead and given the proximity of the major development at Gate Farm then we would see additional turning traffic within a short stretch of road and we would feel this would exacerbate existing local traffic problems on the high street.*

## **9. Planning Considerations**

## Principle of Development

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.

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the Chippenham Area. The emerging Neighbourhood Plan is at an early stage and formal submission is some way off. Due to its limited progress to date, this document can only be afforded limited weight.

Important material considerations in this case include the requirement in the National Planning Policy Framework (NPPF) to assess whether the Council has a five-year housing supply for the north and west housing market area that includes Sutton Benger.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight.

### *Wiltshire Core Strategy CP1, CP2 and CP10 and Saved Policy H4*

Policies CP1, CP2 and CP10 deal with the broad issues of settlement strategy and delivery.

Core Policy 1 and Core Policy 2 of the WCS set the foundations for how 'sustainable development' is defined and applied in Wiltshire. The strategy recognises the importance of delivering new jobs and infrastructure alongside future housing. The delivery strategy seeks to deliver future development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 178 ha of new employment land and at least 42,000 homes.

Chippenham is identified within the WCS as one of the three Principal Settlements which act as a strategically important employment and service centres for a number of villages in the immediate area and beyond. Chippenham is to be a focus for development (Core Policy 1). The principal settlements will provide significant levels of jobs and homes, together with supporting community facilities and infrastructure meeting their economic potential in the most sustainable way to support better self containment.

Sutton Benger is identified as a large village in the core strategy. Whilst a proposal of 4 units (together with the 14 properties built under 16/04961/OUT & 18/01661/REM) is lower than the 28 previously proposed, it remains the case that it is contrary to the Core Strategy and in particular core policies CP1 and CP2 which set out the overarching strategy for Wiltshire. According to CP1 'development at large Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.'. The development is in planning terms, in open countryside.

Paragraph 4.15 states:

*'At the settlements identified as villages, a limited level of development will be supported in order to help retain the vitality of these communities. At Large Villages settlement boundaries are retained, and development will predominantly take the form of small housing and employment sites within the settlement boundaries. These settlement boundaries will also be reviewed as part of the Housing Site Allocations*

*DPD as set out in the Council's Local Development Scheme, in order to ensure they remain up to date and properly reflect building that has happened since they were first established.*

Core Policy CP2 states that development outside of the limits of development of existing settlements will only be permitted in exceptional circumstances, or if the site is identified for development through a site allocation document or a Neighbourhood Plan. The exceptional circumstances are set out in paragraph 4.25 of the Core Strategy. In this case, the site lies outside of the limits of development for Sutton Benger. The proposal does not meet any of the exceptional circumstances identified in WCS paragraph 4.25 where development outside limits of development is acceptable. Similarly, as it lies beyond the limits of development, it does not comply with saved policy H4 of the North Wiltshire Local Plan as it does not meet the exceptions, such as agricultural needs, set out in that policy. The proposal is therefore in conflict with the development plan in this respect.

The application site is located outside the settlement boundary for Sutton Benger. The proposal for 4 dwellings and cumulatively with the adjacent site exceeds the level of development envisaged for large villages such as Sutton Benger i.e. Small housing sites involving less than 10 dwellings. The settlement boundary for Sutton Benger was not amended in the recently adopted Wiltshire Site Allocations Plan (WHSAP) (Adopted February 2020), demonstrating that the Council did not see this site as suitable for additional residential development.

The context provided through the Core Strategy specifically for large villages around Chippenham is that an element of growth is possible and can be accommodated due to the desire to improve self containment of settlements and thus reduce the need for out commuting. The village of Sutton Benger has, in recent times, delivered a significant number of residential units and permitting further development prior to the adoption of the Neighbourhood Plan would be, strictly speaking contrary to the Core Strategy. This is a matter that weighs against the proposal in the planning balance.

The proposed development would be located in open countryside, outside any recognised development limits, resulting in the formation of residential development in the countryside. This is contrary to policies CP1 and CP2 of the WCS and Saved Policy H4 of the North Wiltshire Local Plan 2011 as well as the NPPF. The proposal for new dwellings in this location would not comply with the settlement strategies of the development plan, the WCS & North Wiltshire Local Plan 2011. Development should be refused if it does not comply with the development plan, unless there are material considerations or circumstances that would indicate otherwise.

### Housing Land Supply

Sutton Benger is a Large Village as defined in CP2 of the WCS and as such residential development is restricted to within the limits of development as defined on the policies map. The site lies adjacent to but outside the defined limits of development and the residential element is therefore contrary to adopted policy. The Council cannot currently demonstrate a supply of deliverable housing land equivalent to that required by the NPPF. For this reason, paragraph 11d) of the NPPF is engaged.

The proposal site is not in an area covered by a Neighbourhood Plan and therefore Paragraph 14 of the Framework does not apply. Such a situation does not render relevant policies as carrying no weight and it is for the decision maker to judge the particular circumstances of each proposal for development and the weight that can be attributed to them.

Whilst it is acknowledged that the Council has a shortfall in its housing land supply, in a recent appeal dated 5<sup>th</sup> January 2022 at Filands, Malmesbury (APP/Y3940/W/21/3282365) (Filands Decision) this was agreed at 4.41 years, which is equivalent to some 90%+ of the total five-year requirement..

In the appeal decision letter, the Inspector described this as being on a flat trajectory and did not view the shortfall as persistent, being relatively modest at 0.59 years. He stated that the action plan, whilst not yet yielding concrete results, showed a genuine willingness to engage with the problem and to find a resolution. This recent decision is material to the considerations on this application.

The proposal offers to make a contribution of 4 houses to this supply. This is not considered to be a significant contribution that, given the other factors described elsewhere in this report that weigh against it, would make any meaningful contribution to the supply and should carry limited weight.

Indeed, Court judgments have established that:

a) Policies that are considered to be out-of-date as a result of a shortage in the 5-year housing land supply are still capable of carrying weight in the planning balance. The weight to be attributed to those policies is a matter for the decision-maker (most recently in Suffolk Coastal District Council v Hopkins Homes Ltd. [2017] UKSC 37), and

b) The extent of any shortfall in the 5-year housing land supply is capable of being a material consideration (most recently in Hallam Land Management v SoS DCLG [2018] EWCA Civ 1808).

The application of these two judgements means that, logically, the greater the shortfall in housing supply, the less weight that should be given to the policies in the development plan. Conversely, the closer the housing supply gets to five years, the weight to be afforded to the development plan policies should increase accordingly. At the point of five years supply and over, full weight should be given to the policies in the development plan, unless other material considerations indicate otherwise.

Given that the shortfall identified at the Filands Appeal is only 0.59 years and is not regarded as being persistent, given the above court judgements have concluded that out-of-date policies are still capable of being material consideration, so must the extent that the policies remain consistent with the updated NPPF also be material to the decision-making process, even when housing supply falls below the five year requirement.

So, whilst paragraph 11d) of the NPPF is engaged, the contribution that 4 dwellings makes to that shortfall is not significant and does not overcome the clear policy conflict.

### Impact on Heritage Assets

Though the site lies approx 50m south of the Sutton Benger Conservation Area. The buildings to the north of the site, also approx. 50m, are Grade II Listed farm buildings and a main farmhouse. The buildings have recently been converted and restored and are now an attractive small scale development, but one which retains the character of the original farm setting.

The Conservation Officer objects to the proposal on the grounds that the proposal would cause harm to the setting of the Heritage Assets, principally the Grade II listed buildings of Arms Farm and the Sutton Benger Conservation Area. She considers that the proposal would lead to a urbanising development on land that contributes positively to the setting of both these heritage assets. In relation to the Grade II Listed buildings of Arms Farm, historically their setting would have been the open farmland that is associated with the workings of the farm. The development of the adjacent residential development of 14 houses was permitted because it allowed the association with the open land to remain and did not obscure the views away from the Listed Buildings. Similarly, in relation to the Conservation Area, the open views of the countryside to the open farmland associated with the former farm are considered to be inherent and important to its setting in this area. The addition of this development would urbanise the rural surroundings, envelop the historic buildings and distort the linear built form that is characteristic of this village. Views of the site are seen from various vantage points from the conservation area.

There has also been local concern raised in relation to harm to the setting of the listed building and conservation area. Furthermore, in dismissing the previous appeal the Planning Inspector agreed in their summation and concluded that the proposal, for 28 dwellings would harm the setting of the listed building and the public benefits did not outweigh the harm. This is an important material consideration and one that must be considered when determining this application.

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 16 and 66) as well as giving special attention to preserving or enhancing the character or appearance of the conservation area (s.72).

Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 201 and 202 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset. Core Policy 57 requires, amongst other things, that new development must be sympathetic to and conserve historic buildings. Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment.

The House of Lords in *South Lakeland District Council v Secretary of State for the Environment* case decided that the "statutorily desirable object of preserving the character or appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.

The Council's Conservation Officer has confirmed that the proposed development would result in some harm to the setting of the listed buildings and conservation area. She states that the development would erode the rural setting of the designated heritage assets, subdivide the area and lead to cumulative harm to their setting and significance.

For the purposes of determining the application, Core Policy 58 is relevant. It states:

*Development should protect, conserve and where possible enhance the historic environment.*

*Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance*

The wording of Core Policy 58 and the supporting text to the policy is quite clear that if harm is identified it is in conflict with the policy. As the proposal fails to conserve or enhance the setting of the heritage asset the development is in conflict with CP58. This is a matter that weighs against the scheme in the planning balance. Harm has been identified in relation to both the setting of the listed buildings and to the Sutton Benger Conservation Area.

Failure of the proposed development to comply with CP58 is not necessarily fatal to the acceptability of the proposed development. 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.

The NPPF is a significant material planning consideration and paragraph 202 states:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal*

The process of determining the degree of harm, which underlies paragraph 195 of NPPF, must involve taking into account the significance of the heritage asset in question. In considering harm it is also important to address the significance of the asset, and then the effect of the proposal on that significance. Not all effects are of the same degree, nor are all heritage assets of comparable significance, and it is for the decision maker to assess the actual significance of the asset and the actual effects upon it.

It is agreed that the principal adverse effects concerning the historic environment detailed within this application site concern the loss part of the existing rural fields associated with and forming part of the setting of the Arms Farm Complex and the Sutton Benger Conservation Area. The associated visual change that will ensue would be the extension of Sutton Benger into the countryside. The area of proposed development is key in that it is the land which is directly behind the listed barns and very much forms its agricultural and associated setting.

As a farm complex the existing fields that surround the listed farm are linked to the special and historical interest of the building and its setting. This fact/matter was confirmed when the inspector issued his decision on the previous appeal for 28 dwellings under 14/08888/OUT in 2015 on land to the rear of Arms Farm. The Inspector agreed with the Council's case and concluded the following:

*The Arms Farm complex comprises the Grade II listed stone built farmhouse and the imposing Grade II listed stone barn to the south of it. Immediately to the east, essentially connecting the farmhouse and barn, is what the List Entry describes as a stable range. Together these buildings are arranged as a u-shaped unit around a farmyard/crewyard, to form a traditional historic farmstead. The yard is further delineated by a low stone wall, which runs across the frontage with High Street and along the western boundary.*

*These buildings, like those of other farmsteads, do not have a grand, planned setting. However, the yard forms an undisputed part of the immediate setting to, and significance of, the listed buildings, being an historic, functional area of the farmstead as a unit. In addition, in my judgement, the way that the undeveloped field to the south of the complex flows up to the immediate edge of the barn, without any form of curtilage definition, is a characteristic feature of an historic agricultural unit. This longstanding association between the buildings and their farmland setting, directly accessible from the yard, is key to defining them, and understanding their significance,*

as a farmstead.

*Existing development on Chestnut Grove, Gregory Close and Lee Crescent to the east impinges on this setting to some extent. Nonetheless, this is not sufficient to undermine the dominant sense of rurality that the undeveloped field still provides or to interfere with the clear linkage between the listed buildings and the associated farmland behind them. This association is readily apparent in views from the farm complex itself, from High Street.*

*The indicative layout submitted with the appeal scheme shows an area of open space immediately to the south of the barn, before the dwellings commence. Notwithstanding that this drawing is indicative only, the size of this open space is limited. This, combined with the mass of dwellings to the south and those on the eastern edge of the open space, does little to retain any real sense of connection between the barn and its rural setting.*

The Court of Appeal in *E Northants DC v Secretary of State for Communities and Local Government* [2014] EWCA Civ 137 (“Barnwell”) makes clear that the duty imposed by s72 (1) meant that when deciding whether harm to a conservation areas/listed buildings was outweighed by the advantages of a proposed development the decision-maker should give particular weight to the desirability of avoiding such harm. There is a “strong presumption” against the grant of permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to maintaining the conservation area/listed building. For the reasons set out above the proposal is in conflict with Core Policy 58 of the Core Strategy, it would also be in conflict with the NPPF unless the benefits of the scheme clearly outweigh the harm.

Significant weight must therefore be given to the harm in the planning balance and determining if planning permission should be granted.

Moving onto the Sutton Benger Conservation Area which lies approx. 50m to the north of the application site, some harm would be caused to its setting by disrupting the views through the listed farmhouse and barns’ yard, out to the fields and countryside beyond. What is currently open behind, will be significantly interrupted by modern built development. This harm would, however, be less than substantial on the mid lower level.

The Inspector dealing with the appeal set out above concluded that:

*“In addition, the adverse effect of the appeal proposal upon Arms Farm, which is clearly visible from High Street, could not fail to detract from the character and appearance of the Conservation Area. Such harm would be less than substantial.*

*In addition, as noted above, I consider that the field to the immediate south of Arms Farm is an integral part of the setting of the listed barn. I also consider that this undeveloped land forms part of the setting to, and significance of, this part of the Conservation Area. I am in no doubt that the built impact of up to 28 dwellings on this site would be seen as an incursion into the open countryside that would cause harm, albeit less than substantial, to the setting of the Conservation Area”.*

Less than substantial harm to the setting of Arms Farm Grade II Listed Buildings and the Sutton Benger Conservation Area has been identified, the proposal is therefore in conflict with both Core Policies 57 & 58 of the Core Strategy and the NPPF. Significant weight must therefore be given to the harm in the planning balance and determining if planning permission should be granted.



The agent has argued that the setting of the barn and the wider conservation area has changed dramatically since the appeal decision in 2015, but whilst it is acknowledged that some change has occurred, this is not considered to outweigh the harm being caused.

The balancing exercise in these respects is undertaken in the Conclusion section at the end of this report.

### Highways and access

Access to the development would be taken from Arms Close, the recently constructed road built to serve the 14 new dwellings to the east of the site. The extra arm of the road would also serve as an access to the agricultural land beyond to the south.

The red line has been amended since the original submission to include the access road from the High Street.

The Council's Highway Engineer does not object subject to conditions and thus in this regard, the proposal is considered to be acceptable and accord with policies CP57, CP60 and CP61 of the WCS and advice in the NPPF.

### Impact on residential amenities

The proposed dwellings are all large detached 3 & 4 bedroom properties with double garages. They are set to the west of the recently completed Arms Close but are set back a sufficient distance (approx. 25m) from those dwellings so that direct overlooking of windows is not considered to be an issue. However, the rear boundary treatment of those new homes is currently hedging. This hedging was approved as the boundary treatment to give a rural transition to fields beyond and help retain an open character that would help preserve the setting of the listed farmyard buildings.

Whilst this boundary would be protected by requiring planning permission for a fence over 1m in height adjacent to a highway (the access road), it is considered that there would be significant pressure to alter the boundary treatment to something more substantial to afford greater privacy.

Notwithstanding this, as the access road and a significant area of amenity space exists adjacent to these boundaries, it is considered that an unacceptable loss of amenity and privacy would occur to those residents. This is considered to be contrary to policy CP57 of the WCS

### Ecology

The Council's ecologist requested additional information regarding translocation of reptiles from the adjacent site; great Crested Newts survey and a revised design to include enhancements to the western boundary/ditch line with the southern boundary ditch-line into the site design, which was all provided.

The element that has not been received is a Small Sites Metric to demonstrate no net biodiversity loss.

The Ecologist does not wish to pursue this matter further and has removed their objection subject to conditions

### Archaeology

The Council's archaeologist has requested trial trenching surveys ahead of the determination of this application. However, it is noted that on the recently developed site adjacent, a condition was added which required survey and recording of any archaeological remains prior to commencement of the development. It is therefore considered that in this case there is not a requirement to do any archaeological works ahead of determination.

### Flood risk and drainage

The Council's Drainage Engineer raises no objection to the proposed scheme, subject to conditions. In the context of new residential development of this scale, it is considered reasonable to control such matters through the imposition of appropriately worded planning conditions. Accordingly, and subject to such conditions, the proposal is considered to meet with the requirements of Policy CP67 to the Wiltshire Core Strategy.

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

It can be seen from the analysis in the body of the report that a number of Development Plan policies are offended by the proposal and that the proposal, not least because it is beyond settlement limits and in an area classed as countryside, is not Development Plan compliant. However, as also noted, the Council's Housing Policies are deemed out-of-date and Paragraph 11d) of the NPPF is engaged so that permission should be granted *"unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework when as a whole"*.

The benefits of the scheme are the provision of 4 family homes. The fact that the council is not delivering development as envisaged by the Core Strategy and is unable to demonstrate a 5YHLS, adds to these benefits. However, being only 4 dwellings this contribution is not considered to be significant. So, whilst this can be regarded as a benefit, that benefit is considered to only be small. Additionally, weight can also be attached to the economic benefits immediately associated with the proposal in terms of job creation and/or maintenance and spend in the local economy. Again this benefit is considered to be relatively minor and largely short-lived.

Set against these benefits there is acknowledged harm to the heritage assets of the grade II listed farm complex of Arms Farm and the Sutton Benger Conservation Area that falls into the category of less than substantial. Significant weight must be attached to that harm, and particularly given the view of the Inspector in dismissing the previous appeal on a site of which this is part (but most importantly noting it is the land directly behind the listed buildings), it is considered that this harm outweighs the benefits.

In addition, weighing against the proposal is the effect of the proposal on the residential amenity and privacy of the occupiers of the adjacent houses, which have only a hedge as their rear boundary.

Whilst it is acknowledged that the Council has a shortfall in its housing land supply, in the Filands Decision set out above this was agreed at 4.41 years and the Inspector agreed that it was relatively modest at 0.59 years.

In contrast, the provision of 4 market houses is considered to constitute a very modest contribution to the shortfall in housing in Wiltshire. Indeed, Sutton Benger has received a significant amount of new housing in recent years, not least the adjacent newly completed development. It is therefore not considered that a development of 4 houses is of sufficient magnitude to make up any significant shortfall in housing that would outweigh the identified harm and thus it is not proven that the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework when as a whole. The application should therefore be refused

**RECOMMENDATION: The application be REFUSED for the following reasons :-**

1. The site is located in the countryside outside of the limits of development of Sutton Benger as defined on the Policies Map and by virtue of its scale and location would conflict with the sustainable development strategy of the plan as expressed in Core Policies 1, 2 and (community area strategy policy) of the Wiltshire Core Strategy. The proposed residential development does not fall to be determined under any of the 'exception policies' defined at paragraph 4.25 of the plan within Core Policies 10 & 44 of the Core Strategy, or relate to a site allocated in the development plan for residential use. It would therefore constitute unsustainable development in the countryside.
2. The proposal would result in the loss of open farmland which is considered to historically and positively contribute to the setting and significance of the Grade II listed Buildings forming the Arms Farm complex, contrary to Policies CP57 and CP58 of the Wiltshire Core Strategy and to section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, section 16 of the NPPF (paras 197, 199, 200, 202 and 206) and BS7913. The harm caused is not considered to be outweighed by the public benefit of providing 4 detached dwellings.
3. The proposal would result in the loss of views from the conservation area out to the countryside beyond, particularly through the Arms Farm complex to the open farmland to which it is historically connected. This is contrary to policies CP57 and CP58 of the Wiltshire Core Strategy and to section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 of the NPPF (paras 197, 199, 200, 202 and 206 in particular). The harm caused is not considered to be outweighed by the public benefit of providing 4 detached dwellings.
4. The proposal would cause an unacceptable loss of amenity and privacy to the residents of Arms Close, adjacent to the site, by reason of loss of privacy given the close proximity of the access road and front gardens that are proposed to serve the new dwellings. It is considered that the proposal is contrary to Policy CP57 in this respect.

This page is intentionally left blank



© Crown Copyright and Database Rights 2017 Ordnance Survey  
100049050

1:2,500



394336E 178363N m

© Crown Copyright and Database Rights 2022 Ordnance Survey Licence No 100049050

This page is intentionally left blank

## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	2 <sup>nd</sup> March 2022
<b>Application Number</b>	PL/2021/09418
<b>Site Address</b>	13 THE BEECHES, LYDIARD MILLICENT, SWINDON, SN5 3LT
<b>Proposal</b>	Erection of single storey front, rear and first floor extensions and replacement roofs with roof lights
<b>Applicant</b>	Mr Law
<b>Town/Parish Council</b>	LYDIARD MILLICENT
<b>Electoral Division</b>	Councillor Mr. Steve Bucknell
<b>Grid Ref</b>	408,186
<b>Type of application</b>	Householder Planning
<b>Case Officer</b>	Hilary Baldwin

### Reason for the application being considered by Committee

The application is called in for committee determination by Councillor Steve Bucknell to consider concerns in relation scale, height and massing in relation to adjacent properties, and compatibility with Wiltshire Core Policy 57 subsections i, iii, and vii, among others.

#### 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 in the consideration of this application are as follows:

- Principle of development
- Impact on the character, appearance, visual amenity of the locality
- Impact on the residential amenity
- Access, parking and highway safety

Lydiard Millicent Parish Council objects to the proposals on the grounds of overbearance, that the scale and height is out of context, that windows have a negative effect in the residential area, overlooking and lack of appropriate parking provision.

5 representations from members of the public were received all of which were objections.

#### 3. Site Description

The application relates to a detached, brick built, single-storey dwelling located on the inner horseshoe of this unclassified cul de sac known as The Beeches and which lies to the north of the main highway which runs through Lydiard Millicent.

The site lies on the south-western corner of the inner section of this residential turning which, in terms of architectural style and materials contains a variety of detached dwellings, including two storey dwellings with roof dormers within the immediate vicinity of the site. The six located in the inner section are single storey, whilst those in the directly adjoining section generally comprise chalet style properties, two-storey chalet style properties and larger two-storey properties with front elevation roof dormers.

Lydiard Millicent is classified as a smaller village within the Wiltshire Core Strategy and whilst not benefitting from a settlement boundary there is a village conservation area which excludes The Beeches. The Beeches lies to the west of the main village between Lydiard Millicent and an area known as Lydiard Green.

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

There is no planning history on the site which is considered to impact upon the determination of this proposal.

However, it is noted that several of the properties within The Beeches have been granted permission for alterations and extensions. Most particularly, is the property directly opposite (south) of the site subject of this report, which was granted permission for an increase in ridge height, rotation of its ridge parallel with the highway and front elevation dormer windows.

16/01814/FUL - Revision to planning permission 15/00169/FUL - Two storey side extension and ground floor rear extension, new garage and retrospective application for ground floor side and rear extension  
Approved with Conditions

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

The proposal comprises works to enlarge the property by way of a first floor and rooms in the roof and would increase the existing number of bedrooms from 3 to 5.

The original property comprises a mainly rectangular footprint with a projection to the eastern side elevation which is for the benefit of a third bedroom, the entrance porch and an adjoining garage which projects northwards into the garden for a storeroom.

The development would raise the ridge on the main rectangular footprint for first floor accommodation and, with a steep pitched roof slope, would provide for rooms in the roof. At ground floor level a shallow, hipped roof extension along the rear (northern) elevation would provide for enlarged ground floor living accommodation. The existing eastern side projection would be retained for the benefit of the entrance porch, a study and adjoining garage. The existing flat roof above the garage would be raised to match that of the existing roof in that location and include a hipped end.

In terms of fenestration at first floor level for the three bedrooms, the main windows would either be located on the front (southern) or western side elevation with those on the eastern side providing secondary windows or a primary window for the bathroom. The rooms in the roof would be lit by roof light windows in the eastern roof slopes only.



All materials would match that of the existing dwelling.

Parking within the front amenity area would be retained along with the existing single garage and provide for up to three vehicles.

## **6. Planning Policy**

### **National Planning Policy Framework 2021**

Paragraph 2 -	Determination in accordance with Development Plan Unless material consideration indicate otherwise
Paragraph 3 -	The Framework is to be read as a whole
Paragraph 8 -	Overarching Sustainable Development
Paragraph 10 -	Sustainable Development pursued in a positive way
Paragraph 11 -	Presumption in favour of sustainable development
Paragraph 39 -	LPA's to approach decisions making in a positive and creative way
Paragraph 47 -	Determining Applications
Paragraph 124-	Making efficient use of land
Paragraph 130 -	Function and form of Development

### **Wiltshire Core Strategy (WCS) (Adopted January 2015)**

Core Policy 1: Settlement strategy

Core Policy 2: Delivery strategy

Core Policy 19: Spatial Strategy: Royal Wootton Bassett and Cricklade Community Area

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 62 - Development impacts on the transport network

### **Wiltshire Housing Site Allocation Plan (WHSAP) (Adopted 25 February 2020)**

The Plan allocates sites for housing development to support the WCS and provides for updated settlement boundaries.

### **Wiltshire Local Transport Plan 2011-2026**

### **Lydiard Millicent Neighbourhood Plan – Made May 2021**

Policy LM1 – Managing Design in Lydiard Millicent

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

**Lydiard Millicent Parish Town Council: OBJECT**

to the application due to a number of reasons which can be summarised as follows:-

- Overbearing development
- Scale and height out of context in residential area
- Overlooking of adjacent bungalows, overbearing impact and loss of light
- Insufficient parking
- Loss of privacy for neighbouring properties
- Not in keeping with Neighbourhood Plan in that infill should be in keeping with buildings either side

### **Wiltshire Council Highways officer:**

No objection. The minimum parking standards on this unclassified dead-end street will be met.

## 8. Publicity

The application was originally advertised by neighbour letters and Parish Council notification. This generated 5 letters of objection and no letters of support. A summary of the representations based upon the revised scheme is set out below:

### **Main reasons for Objection**

**Overbearing Impact.** Out of character with adjacent single-storey properties. Height and scale not in keeping with adjacent single-storey properties. Loss of views and character within The Beeches. Properties within the inner section are all single storey.

**Neighbour Impact.** Loss of privacy from first floor windows, loss of light and sunlight. Radiant warmth from sunshine would be lost.

**Parking.** Insufficient parking provision for a 5-bed property

## 9. Planning Considerations

### **Policy and principle of development**

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 124 of the Framework also states that policies and decision should support development that makes efficient use of land.

The statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLPL) 2011 (adopted June 2006); The WHSAP, (adopted February 2020) and the Lydiard Millicent Neighbourhood Plan (Made May 2021).

Core policy 1 defines the settlement hierarchy in Wiltshire supporting the strategy for development and identifies smaller villages such as Lydiard Millicent to have a limited range of employment services and facilities. Development in such places will be limited to that needed to help meet housing needs.

Core Policy 2 of the WCS states that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development. It advises that outside the defined limits of development that development will not be permitted other than in circumstances as permitted by other policies in the plan.

CP19 of the WCS states that development in the Royal Wootton Bassett and Cricklade Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

The extension of existing properties is acceptable in principle under these policies and the development strategy of the plan subject to site specific impact considerations. Such matters are addressed further below.

### **Impact on the Character and Appearance of the Area.**

Core Policy 57, amongst other things, requires that applications for development should respect the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal.

The Lydiard Millicent Neighbourhood Plan at Policy LM1 states that any development proposals in Lydiard Millicent must sustain and enhance the distinctiveness of the village.

The site already benefits from a single storey dwelling with an eastern side elevation projection, adjoining garage, adjoining garden store and, within the front amenity space, the vehicle access. The site, being set on a corner plot has an open aspect on the south-western corner which is bounded by low walling. The rear garden, which is bounded on the western side by the highway is enclosed by 1.8m fencing to provide privacy to the rear garden. The site benefits from a long rear garden at approximately 20m.

The proposed upward development would be restricted to the rectangular footprint of the existing bungalow, with the addition of a shallow (2m) hipped roof extension across the rear elevation. The existing front entrance porch, side elevation projection and garage would be retained but the roof would be remodelled to include a hipped end roof above the garage.

The first floor would be below eaves level with the second floor comprising two rooms in the roof and served by roof light windows.

In terms of the visual impact upon the street scene, the site already contains a residential dwelling with frontage vehicle parking, private amenity space and fenced boundaries.

Whilst the property would be enlarged, this is mainly restricted to the upward development which would not (with the exception of the shallow hipped roof, rear elevation extension) alter the footprint or bring the property closer to any side boundary. The matching materials to the existing dwelling would help assimilate the development into the site and street scene.

Many of the dwellings within The Beeches have been extended, both on their footprint and in terms of scale and height and the area now comprises of an eclectic mix of two-storey dwellings. Many of those properties have benefitted from first floor development, by way of two storey extensions, front dormer windows, flat roof extensions, elevations on ridge heights and a variety of treatments to their elevational materials. This is particularly noticeable in the south-western corner of The Beeches where more significant alterations and enlargements have taken place and in particular, directly opposite the application site. (Referenced in a preceding section of this report).

These changes over time are considered to have resulted in the loss of the original predominant vernacular architecture and whilst the open aspect on each particular plot may have been retained, there is now a wide variety of designs, styles and sizes of dwellings in the immediate vicinity of the application site.

As previously stated, the proposed development would not bring the dwelling any closer to the side boundaries of the site and whilst there may be some loss of open views from properties adjacent to and around the site, private views are not protected under planning legislation and this is not considered to justify a reason for refusal in this instance. The overall height of the dwelling would be comparable to the development opposite the site at No 6 The Beeches but its lack of increase on the footprint is considered to balance the increase for the two-story element and would assist the open aspect of the site.

The Parish Council have referenced the Made Neighbourhood Plan (NP), and in particular referred to infill development. Policy LM1 of the NP states that infill development within the built area of the village in accordance with CP 1 & 2 of the WCS will be supported provided it has regard to specified design principles. However, the listed design principles relate to heritage assets, long views and the conservation area.

The addition of a pitched and hipped roof above the existing side elevation extension and garage and the addition of a shallow, rear elevation extension are not considered to result in any harm to the character and appearance of the area or be out of character with other properties in the locale.

In this instance, the impact on the character and appearance of the site, the street scene, public realm and visual amenity of the locality would not be so significantly harmful such that consent ought to be refused on this basis.

Therefore, the proposal on this basis is not considered to have a significantly adverse impact on the character appearance, visual amenity and openness of this part of the small residential area of The Beeches and is in accordance with WCS Core Policies 57 and guidance and principles of the NPPF, in particular paragraphs 11 and 130; and the vision and principles of the Lydiard Millicent Neighbourhood Plan.

### **Impact upon the residential amenity**

Paragraph 130 of the Framework (July 2021) and CP57 of the WCS (Jan 2015) seek to secure high quality design and a good standard of amenity for current and future land occupants.

Concern has been raised from adjacent neighbouring occupiers in relation to the potential for loss of privacy, overlooking and overbearing impact. It is noted that the adjacent dwelling to the east and north of the site and which share a common boundary, are both single-storey properties.

However, the dwelling at the application site already has a side elevation extension to the east and a garage in that location. The proposal to raise the roof above the single storey extension with a hipped end, sloping away from the common boundary to the east is not considered to result in overbearing impact upon that adjacent dwelling. Furthermore, the shallow, hipped roof extension to the rear would not result in significant additional overlooking or loss of privacy.

There is significant concern from adjacent neighbouring occupiers in relation to the increase in height to the main dwelling. However, the two-storey element would be restricted to the main section of the existing dwelling and approximately 7m from the common boundary to the east and in excess of 20m from the common boundary to the north.

The proposal includes fenestration at first floor level. The northern (rear) elevation has two proposed windows; one, a secondary bedroom window and the other a window for a dressing room. Whilst these windows could provide views down into the adjacent neighbouring gardens, the distance to the common boundary to the north at 20m, and the oblique angle to the adjacent garden to the east is not considered to result in significant overlooking or loss of privacy as to justify a reason for refusal in this instance.

On the eastern elevation at first floor level a bathroom window is proposed and a secondary bedroom window which would only provide views down into the front amenity space of the adjacent dwelling.

The first-floor windows on the western side elevation and the front (southern) elevation would provide overlook the adjacent highway and front gardens of properties on the other side of the highway and is not considered to result in loss of privacy.

Within the eastern roof slope, it is proposed to install roof light windows; one to the northern bedroom, two to the southern bedroom and one above the proposed stair well. These

windows are not considered to result in significant loss of privacy, overlooking or overbearing impact to justify a reason for refusal in this instance due to their height above floor level and the angle of the roof.

Concern has also been raised in relation to loss of sunlight and radiant heat gain to adjacent neighbouring properties. However, due to the distances between the respective properties and the positioning in relation to one another and angles between the dwellings, this is not considered such a significant impact as to justify a reason for refusal in this instance.

A condition to secure the proposed design, as shown on the submitted plans, can be attached to any grant of permission and is considered appropriate and necessary in this instance to secure the privacy of adjacent occupiers.

On balance, given the distances to the common boundaries with the adjacent dwellings to the north and east, the distance across the highway to dwellings to the south and west, window placement, matching elevational materials and existing domestic use of the site it is not considered the proposals result in loss of outlook, overshadowing, additional noise impact and is not considered so overbearing as to as to justify a reason for refusal.

#### **Access, Parking and Highways safety**

Representations received and the Parish Council have raised concerns regarding the parking provision within the site. The plans have demonstrated to the satisfaction of the Council's Highway Engineers that the parking provision is suitable for the size of the dwelling.

Furthermore, comments have been received in relation to on-street highway parking. Again, the Council's Highway Engineers have assessed this element and have reported that The Beeches is an unclassified highway which leads to a dead end.

As such the application and parking proposals were fully assessed and considered acceptable by the Council's Highways Officers in the context of the site circumstances. It is not considered that there is a sound and defensible basis for refusal in this regard. In addition, no objection is raised to this proposal by Highways Officers.

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

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

The proposal is set within a residential part of this designated small village and from the public realm the character is one of an eclectic mix of built form, with a variety of sizes of properties, architectural styles and elevational materials. The plans, which this report is based upon, are not considered to result in loss of privacy, overbearing impact or under provision of domestic parking requirements within the site.

Regarding impact to the highway network and parking provision, the Council's Highways officers have not raised any objection with regard to impact upon this undesignated highway and have concurred that parking levels are suitable for this five-bedroom dwelling.

As such it is considered that the proposal is acceptable in planning terms and in accordance with the provisions of WCS CP1, CP2, CP19, CP57 (i), (iii) and (vii) & CP58 of the WCS; Policy LM1 of the Lydiard Millicent Neighbourhood Plan and paragraphs 11, 130, of the Framework.

## 11. 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:

775/001. Site Location Plan. Received on 01 October 2021

775/005. Existing Site Plan. Received on 01 October 2021

775/010. Existing Ground Floor Plan. Received on 01 October 2021

775/020. Existing Elevations. Received on 01 October 2021

775/050. Proposed Site Plan. Received on 01 October 2021

775/100. Proposed Ground & First Floor Plans. Received on 01 October 2021

775/110. Proposed Second Floor Plan. Received on 01 October 2021

775/200. Proposed Elevations. Received on 01 October 2021

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 be as stated on the approved plans and application form.

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

### INFORMATIVES TO APPLICANT

CIL 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).

WP6 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning

Authority before commencement of work.

WP13 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

WP18 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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

This page is intentionally left blank



**Wiltshire Council**

PL/2021/09418

13 THE BEECHES, LYDIARD  
MILLICENT, SWINDON, SN5  
3LT



© Crown Copyright and Database Rights 2017 Ordnance Survey  
100049050

1:1,250



408923E 186087N m

© Crown Copyright and Database Rights 2022 Ordnance Survey Licence No 100049050

This page is intentionally left blank

## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>2<sup>nd</sup> March 2022</b>
<b>Application Number</b>	<b>20/08205/FUL</b>
<b>Site Address</b>	<b>Land Adjacent to Sherston C of E Primary School, Sherston</b>
<b>Proposal</b>	<b>Residential development and a GP surgery, together with vehicle and pedestrian access including a new footway to Sopworth Lane, associated parking, open space, landscaping, drainage infrastructure and land safeguarded for educational use.</b>
<b>Applicant</b>	<b>Acorn Property Group &amp; Trevor &amp; Paul Moody</b>
<b>Town/Parish Council</b>	<b>Sherston Parish Council</b>
<b>Division</b>	<b>Sherston</b>
<b>Grid Ref</b>	<b>186070, 384970</b>
<b>Type of application</b>	<b>Full Planning Permission</b>
<b>Case Officer</b>	<b>Lee Burman</b>

### Reason for the application being considered by Committee

The application is called in for Committee determination by the Local Ward Member Cllr Smith in the event of a recommendation to refuse to consider the community benefits of the development and the in principle support provided by the Neighbourhood Plan in relation to any harmful impacts identified.

Officers also consider it appropriate and necessary to report for the purposes of transparency given the reporting and determination of application reference PL/2021/10696 to the previous meeting of the Committee dated 2<sup>nd</sup> February 2022.

### 1. Purpose of Report

The purpose of this 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 refused.

### 2. Report Summary

The key issues are considered to be:

- Principle of the development/Development Plan compliance;
- Design;
- Impact upon the character, appearance and visual amenity of the locality, including the Cotswolds Area of Outstanding Natural Beauty (AONB);

- Impact on Heritage Assets;
- Impact on Ecology;
- Impact on Highways and Access; and
- Impact on drainage/Flood Risk.

The Parish Council support the proposals. 45 public representations were received including several made by the same persons reflecting multiple phases of consultation. Of these 26 were objections; 19 comments including some level of support; and 2 fully supportive. Additionally, two petitions of objection were submitted one with 25 signatories, one with 32.

### **3. Site Description**

The site is located at the western edge of the village adjacent the existing Primary School and residential development centred around Knockdown Road. The site is accessed from the Sopworth Road via an existing agricultural access. The site lies outside but adjacent the defined settlement boundary for the village.

The site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB) with a small section at the southern boundary including the site access within the Sherston Conservation Area. The site is crossed by Public Rights of Way and there are others in the surrounding locality. The site is subject of some drainage constraints as well as archaeological potential. There are multiple protected species in the vicinity of the site and there are features on site such as hedgerows and trees that provide potential ecological habitat.

### **4. Planning History**

There are no historic planning applications/permissions relevant to the application site itself.

As noted above PL/2021/10696 Proposed Erection of a GP Surgery (Class E(e)), car park and associated works (Outline application relating to access) on part of the application site was approved at the previous North Area Planning Committee meeting 02/02/2022.

### **5. The Proposal**

As set out above this is a full planning application that seeks consent for a mixed use development including 45 Dwellings 18 of which are affordable units; a GP surgery; land for the expansion of the primary school; and landscaping, public open space, drainage infrastructure and access improvements.

The proposals have been the subject of revised and additional submissions that have sought to address a range of concerns raised by officers, consultees and interested parties. Additionally, submission of rebuttal statements has also been made in reply to further consultation responses on the revised and additional submissions.

### **6. Planning Policy**

Wiltshire Core Strategy (Adopted 2015)

CP1 – Settlement Strategy

CP3 – Infrastructure Requirements

CP13 – Spatial Strategy for the Malmesbury Community Area

CP41 – Sustainable Construction and Low Carbon energy

CP43 – Providing Affordable Homes

CP45 – Meeting Wiltshire’s Housing needs  
CP46 – Meeting the Needs of Wiltshire’s Vulnerable and Older People  
CP50 – Biodiversity and Geodiversity  
CP51 - Landscape  
CP52 – Green Infrastructure  
CP55 – Air Quality  
CP57 – Ensuring High Quality Design and Place Shaping  
CP58 – Ensuring the Conservation of the Historic Environment  
CP60 – Sustainable Transport  
CP61 – Transport and New Development  
CP62 - Development Impacts on the Transport Network  
CP64 – Demand Management  
CP67 – Flood Risk

North Wiltshire District Plan (2011) – Saved policies.

NE14: Trees Site Features and Control of New Development.

NE18: Noise and Pollution

CF2: Leisure Facilities and Open Space

CF3: Provisions of Open Space

#### Wiltshire Housing Site Allocation Plan (WHSAP) (Adopted 25 February 2020)

The Plan allocates sites for housing development to support the WCS and provides for updated settlement boundaries.

#### Sherston Neighbourhood Plan 2006-2026 (Made - May 2019).

Policy 4: Land off Sopworth Lane (Site 1)

#### National Planning Policy Framework 2021 (NPPF)

Paras 2, 3, 7, 8, 11, 12, 14, 38, 47, 92, 93, 96, 97, 110, 111, 112, 120, 124, 125, 130, 131, 134, 166, 167, 169, 174, 176, 177, 180, 185, 197, 199, 200, 202, 203

#### Other

- Planning Practice Guidance (PPG)
- Countryside & Rights of Way Act 2000 (CRoW Act 2000):  
Section 85, Duty of Regard *“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”*  
*“The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.”*  
(Planning Practice Guidance – Natural Environment: Landscape Paragraph: 004  
Reference ID: 8-004-20140306 Revision date: 06 03 2014)
- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023. [www.cotswoldsaonb.org.uk/management-plan](http://www.cotswoldsaonb.org.uk/management-plan)
- Cotswolds AONB Landscape Character Assessment  
[www.cotswoldsaonb.org.uk/lca](http://www.cotswoldsaonb.org.uk/lca)

- Cotswolds AONB Landscape Strategy and Guidelines  
[www.cotswoldsaonb.org.uk/lsg](http://www.cotswoldsaonb.org.uk/lsg)
- Cotswolds AONB Local Distinctiveness and Landscape Change  
[www.cotswoldsaonb.org.uk/ldlc](http://www.cotswoldsaonb.org.uk/ldlc)
- Cotswolds Conservation Board Position Statements  
[www.cotswoldsaonb.org.uk/ps1](http://www.cotswoldsaonb.org.uk/ps1)  
[www.cotswoldsaonb.org.uk/ps2](http://www.cotswoldsaonb.org.uk/ps2)
- Wiltshire Local Transport Plan LTP3 - Car Parking Strategy
- Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

## 7. Consultations

The application has been the subject of several consultations and the following is a summary of the outcome and not a detailed recitation of all comments received.

Urban Design – Objection, the proposals do not accord with the requirements of the neighbourhood plan or WCS policy requirements in various respects, in particular mix, tenure, layout and design of housing and connectivity to neighbouring residential areas.

Landscape – Objection conflict with the provisions of the neighbourhood plan, WCS, national guidance and legislation; harm to the AONB.

Conservation – Objection to the design, form, layout, character and use of materials for the proposed residential development which neither reflects the requirements of the NP or the character and appearance of the Conservation Area. As such harm to the setting of the Conservation Area is identified.

Highways – no objection subject to conditions.

Drainage – support subject to conditions.

Wessex Water – no objection, foul drainage facilities in the vicinity adequate to accommodate the development

Public Protection – no objection subject to conditions.

Ecology – Additional survey information and Biodiversity net gain sought. No objections raised following further submissions.

Affordable Housing – No objections subject to S106 planning obligations to address delivery of affordable housing.

Waste Collection and Recycling – Section 106 Planning obligations for waste collection facilities required; concerns raised as to the site layout regarding waste collection vehicle access e.g. plots 6 & 7 and 44 & 45 are unlikely to be accessible to waste collection vehicles and operatives.

Education – No objections subject to S106 Planning obligations to secure secondary school place provision to serve the development. The LEA confirm that there is no current or

projected requirement for the expansion of the primary school. No Early Years requirement identified.

Public Rights of Way – No objection subject to no planting or drainage provisions within the line of the footpath (3m width) and open access at the southern boundary/no wall.

Archaeology – no objection subject to condition.

Open Spaces – no objections subject to on site provision for LEAP and S106 planning obligations for off site sports and leisure facility enhancement. No objections raised following further submissions.

Environment Agency – No Comment to make given scale and nature of proposals and site circumstances.

Cotswold Conservation Area Board – Concerns raised as to the impact of development on the character and appearance of the AONB and the robustness of supporting information assessing the impact of the development and informing the proposals.

Sherston Parish Council Supports the application but would prefer affordable housing to be distributed more and less concentrated; plus a preference to air source heat pumps as opposed to LPG.

## **8. Publicity**

The applications have been the subject of several consultations and the following is a summary of the outcome and not a detailed recitation of all comments received.

45 public representations were received including several made by the same persons reflecting multiple phases of consultation. Of these 25 were objections; 18 comments including some level of support; and 2 fully supportive. Comments received can be summarised as follows:-

- Harm to the character appearance and visual amenity of the locality.
- Harm to the AONB.
- No requirement for the development proposed and the beneficial elements such as the GP surgery do not outweigh the harm.
- Inadequate affordable housing provision
- GP Surgery is required.
- Highways enhancements required to support and facilitate this development.
- Proposed affordable housing concentrated and not distributed throughout the development. Conflict with WCS CP45.
- Harm to residential amenity – overlooking/loss of privacy.
- Inadequate sustainable development measures – lack of ground/air source heating and solar panels.
- Use of LPG unsustainable and in conflict with Wiltshire Council carbon neutrality objectives.
- Welcome the new housing.
- House types unsuitable to meet local needs.
- Conflicting traffic movement/harm to highways during construction.
- Inadequate open space/landscaping.
- Bird boxes and swift bricks should be included.
- Inadequate foul drainage infrastructure in the locality
- Harm to ecological interests

- Poor quality design
- Conflict with the Wiltshire core strategy CP41 CP43 CP50 CP51 CP52 CP57 CP60 CP62
- Conflict with the WCS, Neighbourhood Plan and the framework in respect of inadequate site landscaping and harm to the landscape including the AONB; Design character and mix of dwellings; and harm to residential amenity.
- Inadequate provision for electric vehicle charging.
- Proposals do not include adequate provision for pre school facilities as part of the primary school expansion and so conflict with the neighbourhood plan.

In addition two petitions of objection signed by 25 and 32 persons respectively have also been submitted. Concerns raised reflect those summarised above in part.

The following additional representations were also received:

North Wiltshire Swifts – no objection subject to condition requiring implementation in accord with submitted detailed landscape proposals.

## **9. Planning Considerations**

### EIA

The proposal is for 45 dwellings, GP Surgery, school expansion land and ancillary infrastructure and development covering 3.3 hectares.

The proposal would not therefore fall within any of the criteria set out within Schedule 2, subsection 10(b) of The Town and Country Planning Environmental Impact Assessment Regulations 2017. As such, an Environmental Impact Assessment is not required in this case.

### General Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015), the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); the Wiltshire Housing Sites Allocation Plan (WHSAP) (Feb 2020); and the Sherston Neighbourhood Plan (SNP) ('made' May 2019).

### Background

The application site is the subject of a Made Neighbourhood Plan allocation in the SNP – Policy 4 applies, and the development proposals reflect the allocation in broad terms.

As noted above outline planning permission has been granted for the GP surgery element of the scheme already, with required site access consented in full. As reported the consent does not prejudice or prevent delivery and implementation of the wider SNP allocation proposals that are the subject of this application.

### Principle of the development/Development Plan compliance



The scheme proposals now submitted are considered to accord with the allocation of the site in the made SNP in terms of the quantum and type of development proposed. The allocation in the SNP establishes the principle of development in this location as acceptable and as the submitted proposals accord with those provisions in terms of uses and quantum proposed it is considered that they are also acceptable in principle and accord with the development plan in this specific regard.

However, as is set out under issue specific headings below there are a range of concerns regarding the revised proposals in relation to site specific matters. In a number of respects as is set out further below the proposals are not considered to meet and address the requirements of the development plan, including policy 4 of the made SNP and so conflict with the development plan is considered to arise.

It is also necessary to consider what, if any, material planning considerations would support a decision otherwise than in accord with the plan. The overall planning balance in respect of the application is set out in the conclusion below but it is important to note that the Council is not currently able to demonstrate a framework compliant supply of land for housing. As such the tilted balance is engaged and proposals of residential development should be allowed unless the harms arising from development significantly and demonstrably outweigh the benefits.

In this context it is important to note that the shortfall in the supply is modest at 4.41 years. The Council's housing delivery target is met and exceeded at 149%. The Council has an action plan in place for addressing the shortfall and that has included granting consent on several unallocated sites within this community area and housing market area where well related to higher order settlements in the defined hierarchy and existing services and facilities. The WHSAP also allocates additional land for development in this HMA as do several other neighbourhood plans, a number of which are either being constructed or are close to commencement e.g. Malmesbury. Applications are before the Council on a number of other such sites and additional resources are being devoted to determination to support delivery on those sites. The identified housing requirements in this particular community area has been met and exceeded. Several additional sites have also been granted consent in recent months at appeal in this housing market area and this community area.

### Design

The design and layout of the proposed development particularly the residential element, is a key matter for consideration in the determination of the application given the provisions of Policy 4 of the SNP. The policy includes very clear and specific design-based requirements and guidance. The WCS includes a number of policies relevant to this matter also, not least of all CP57 which seeks to secure a high quality of design in accord with the relevant provisions of the framework, but also CP45 which seeks to secure a mix and type of housing that meets local needs. This is also reflected in policy 4 of the SNP. Since adoption of the WCS the framework has also been revised to expand upon the high quality design provisions, increasing requirements to deliver on the Government's work to support housing delivery through enhanced higher quality residential development.

It should also be recognised that the design and layout of the development has inter related and overlapping considerations in respect of impact to heritage assets and the visual amenity, character and appearance of the locality. Again the made SNP policy 4 recognises this issue and rightly treats design in a holistic and comprehensive manner with the aim of integrating the development into the built form of his historic village and minimising impact to the AONB and the landscape.

It is also important to note that the applicant has been afforded an extended period and multiple opportunities to revise and add to their proposals in respect of their design and layout. In particular ample opportunity has been provided to seek to address concerns raised by a range of consultees and interested parties, including significant proportion of the local community. In this regard it must also be noted as summarised above and published in full to the public record significant objections are raised by the Council's Urban Design, Conservation and Landscape officers and members of the community. It is not intended to repeat those matters again here but it is clear that the layout, mix of house types, scale, bulk and massing of dwellings, use of materials, inter relationships with one another and positioning are not considered to meet the requirements of policies CP3 CP45, CP51, CP57 CP58 of the WCS, Policy 4 of the SNP or the provisions of the framework and high quality design that meets local needs and reflects and responds positively to the character, appearance, visual amenity and existing built form of the locality or secures an appropriate and acceptable level of residential amenity for future occupants in accordance with these policies is not achieved by the proposals.

Given the layout, design, form and positioning of proposed dwellings in relation to existing properties in the locality it is not considered that significant harm to and loss of existing residential amenity arises such that development should be refused on this basis.

A range of other considerations and policy requirements are not addressed in full and consultees, interested parties and members of the public also raise concerns in these respects. The incorporation of sustainable development and design technology and measures in accord with WCS CP41 & CP55 is not demonstrably addressed and achieved by the proposed layout and detailing of the proposals. The Council's Waste and Recycling Team identify that a number of the properties will not be directly served by waste collection vehicles given the layout proposed and so the provisions of CP3 of the WCS and the Council's supplementary guidance on waste and relevant provision of the framework are not fully addressed. Additionally, concerns are identified that the proposed affordable housing is not designed to be tenure blind and is distinctive from much of the rest of the residential development and is also largely concentrated in one part of the site as opposed to being distributed throughout as required by CP43 of the WCS. Taken together and alongside the broader issues and concerns with the proposed layout, form, mix, design character and type of housing proposed it is considered that these matters cumulatively contribute to a failure to achieve the high quality design requirements of the development plan and the framework.

#### Impact upon the character, appearance, and visual amenity of the locality, including the Cotswolds Area of Outstanding Natural Beauty (AONB)

As noted above the site falls within the Cotswolds AONB and is previously undeveloped agricultural land with a PROW crossing the site and others within the surrounding locality. The proposals involve substantive built development and this will irrevocably alter the character and appearance of the site. The application was accompanied by Landscape and Visual Impact Assessment (LVIA) as a consequence.

It must be recognised though that the site is the subject of allocation for the development proposed in the SNP which is a part of the development plan. As such some level of impact and change to the landscape in this location is accepted. However and also as noted above the SNP includes clear and significant policy requirements for the design, layout and landscaping of the site and the residential development that is to take place with the specific aim of minimising that impact and mitigating harm. In particular substantive strategic landscaping is identified as necessary. The design, form, mix of house types are however also addressed and it is considered that there is a clear target not just of integrating with and respecting the historic character of the village but also reducing the land area required for the residential development element of the scheme in order to maximise the area available

for landscaping and assisting with the target of setting the built form away from the highest part of the site and reducing inter visibility with and impact upon the wider AONB area.

Despite revision to the layout and additional proposed landscaping to the western site boundary it is not considered that the proposals as they stand achieve these aims and objectives. It is considered that the proposed residential development extends over a wide part of the site with large scale properties laid out in a manner that increases the land requirement. This results in large scale properties of a significant height extending up to and located on the higher ground that forms part of the site to the north-western corner. This is considered to result in harm to the character, appearance and openness of the AONB. It is not considered that the planting and landscaping area proposed to the western boundary successfully and sufficiently mitigates this impact, including through to maturity over the longer term.

The Council's Landscape Officer has assessed the revised scheme proposals and reviewed and considered the LVIA and does identify that harm arises in these respects and that the landscaping and planting proposals are insufficient. The LVIA is not considered to be robust in its findings and assessment and concerns are raised in this regard.

It is considered that the form and layout of development and quantum of development can be achieved in a manner that significantly reduces this impact and harm whilst also allowing a greater degree of landscaping and planting to further mitigate and minimise the impact to the AONB. In particular if the design guidance aims and objectives of the SNP had been followed and implemented more closely and rigorously. In this context it must be noted that the applicant has been offered extended opportunity to revise the scheme proposal in this manner. The concerns identified have been raised with this applicant team on several occasions.

On this basis it is considered that the proposals are in conflict with WCS core policies CP51 CP57; SNP Policy 4 and provisions of the framework, including para 174 a & b.

It should also be noted that the Council's Landscape Officer raises concerns with respect to the highways works providing access to the site and enhancement to the local road network as it relates to the site and provides linkage back to the village, including pedestrian walkway. The landscape officer is concerned that the proposals could have a significant urbanising impact on this part of the locality with harm to the AONB and the character, appearance and visual amenity of the locality arising and conflict with the relevant policies of the plan and provisions of the framework and legislation resulting as a consequence. Additional detail has been sought prior to determination to address these concerns.

It is clear that the proposed works will have an impact upon and result in change to the character and appearance of this part of the locality and thereby an impact on the AONB. However, the works are necessary as a consequence of the development in highways terms and to meet the requirements of the SNP policy 4 design brief provisions. It is considered that the impact can be mitigated to a certain degree through sensitive highways design measures and it is considered that this could in part be addressed through use of condition. It is however considered that the impact and harms arising including policy conflicts are outweighed by the benefits of development and justified in highways safety and accessibility terms. It is also material to note here that similar works and consequent impacts have been separately approved through the determination of PL/2021/10696 and as such it is not considered reasonable to refuse the application on this basis.

#### Impact on Heritage Assets

A small section of the southern part of the site and the site access fall within the Sherston Conservation Area. Works to the highways and the access itself are proposed within this location. There are listed buildings to the south and south east of the site but inter visibility with the site itself is limited. The locality is one of known archaeological potential. The application submissions and proposals are supported and informed by Heritage Assessment and a written scheme of archaeological investigation.

The Conservation Area which covers a part of the site and access is on the outer western fringes of the designation and there is more recent residential development in this part of the area. As such it is considered to form part of the setting to the core historic area of the village with its significance and heritage values arising from and informed by those circumstances. The particular heritage values applicable directly to the site and this part of the conservation area being communal, evidential and historic. There is a conservation area statement Sherston although it dates to 1999 and the school has been erected in tis locality it does identify that there is significant foliage, trees and open views contributing the character and appearance in the near vicinity of the site and the junction of Green Lane, Sopworth Lane and Knockdown Road forming a node. The neighbourhood plan also addresses the character and importance of the conservation area and the context for the site allocation.

As already noted the site is allocated for development in the SNP and as such some level of impact is already assessed as acceptable. As with the AONB and landscape character and visual amenity impacts though the SNP provides significant guidance on the design character, aims and objectives for the development for which allocation is made. As already noted the aim is in part to integrate the development to take place with the village, achieve and deliver a high quality development but also to mitigate impact to the conservation area and the setting of the core historic area of the village in order to protect its value and significance whilst delivering necessary development. In particular the form, scale, layout and mix of house types alongside use of materials all draw on and take inspiration from those features of the existing residential properties in the historic core of the village.

It is not considered that the form, layout, scale and mix of house types proposed alongside the detailed design character, including use of materials, of the proposed dwellings achieves these aims and objectives nor addresses the design guidance and brief of the SNP. As such it is not considered that the proposals integrate with and respect the character and appearance of the village, it's historic core and setting and thereby results in harm to the setting of the conservation area. This harm is considered to be less than substantial and to the mid to lower end of the scale given the significance and value of the conservation area.

It is however also considered that an alternative scheme that would have less impact on the character, appearance, significance and value of the conservation area is entirely feasible. As noted this is the clear intention of the SNP design guidance. As already noted the applicant has been provided with ample opportunity to address these matters which have been raised with them.

The Council's Senior Conservation Officer has reviewed and considered the application submissions as revised and supplemented and identifies harm to the setting of the conservation area as a consequence of the design form layout scale mix of house types detailing and use of materials. Thereby the SCO identifies conflict with WCS CP57 CP58 and SNP policy 4, the relevant provisions of the framework and sections of the act.

Under the provisions of the framework, which is a material consideration of significant weight, where less than substantial harm is identified provision is made for a balancing exercise to be undertaken to consider whether or not that harm is outweighed by public benefits. In so doing this could potentially form a basis for a decision otherwise than in

accord with the plan and the conflicts with policies identified that are assessed to arise. The benefits of the development are substantial and include the boost to the supply of land for housing, provision of affordable housing, provision of land for a GP surgery and its construction, public open space and land for the expansion of the school alongside the economic benefits arising from construction and the additional spending of the population locally. There are however no direct heritage public benefits arising from the development itself and as noted the benefits of the development that do arise could readily be achieved in a manner that results in less harm to designated heritage assets. As such it is not considered in this instance that the benefits of development do clearly and demonstrably outweigh the harm.

The proposals do not involve works to a listed building and no harm is identified in this context. Given the limited intervisibility between the application site and listed buildings in the vicinity it is not considered that harm to the setting of listed buildings arises.

The Council's Archaeologist has been consulted in respect of the proposals and the supporting documents and assessment and raises no objection subject to use of condition.

On this basis it is considered that the scheme proposals do conflict with WCS CP57 CP58 SNP Policy 4, paras 197, 199, 200, 202 of the framework and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Impact on Highways and Access

The site is allocated for development in the SNP which is a part of the development plan and so it is considered a sustainable location for development in transport terms. The application and scheme proposals are informed by a Transport Statement and Design and Access Statement. The application submissions have also been the subject of extensive revisions and additions to enhance and augment proposed highways works and accessibility provisions.

The Council's Highways Officers have been consulted and reviewed and assessed the revised submissions and additional information and no objections are raised subject to use of condition. Adequate provision for on site parking, vehicle movement, servicing, a safe and acceptable access, and necessary highways enhancements are all considered to be appropriately secured and proposed.

The Council's Public Rights of Way and Waste and Recycling Teams have also been consulted. Whilst objections are not raised both identify issues that remain with respect to the scheme proposals and as referenced above these are considered to contribute to the overall assessment that a high quality design has not been achieved and secured in the development proposed. It is considered that these matters are readily capable of resolution.

On balance it is not considered that the proposals conflict with the relevant policies of the plan and provisions of the framework with respect to highways and sustainable transport matters such that consent ought to be refused on this basis.

It must be noted that the Council's Urban Design Officer considers that the scheme proposals are deficient with respect to access and linkage to the existing town with particular regard to the SNP policy 4 requirement for a link at Saxon Close. The Urban Design Officer considers that this is deliverable on the understanding that there is a Council land interest available. The applicant asserts that this is not the case and that the land in question is in private ownership and is not deliverable. As it stands definitive evidence is not currently available in either respect and it should be noted that enhancements to pedestrian accessibility and connectivity to the town are also achieved via other means. If it does

emerge that the Council has an interest and the link is deliverable it would be in the Council's gift to pursue the same post development. The revised scheme layout and proposed boundary treatments are not such that a physical mean of access to the end of Saxon Close from within the site would be wholly unavailable and prevented. Taking into account the material circumstances and considerations it is not the case that a robust and defensible basis for refusal in this specific regard is established. Although the lack of a clear proposal is again considered to contribute to the overall assessment that a high quality design fully in accord with the policies, aims and objectives of the development plan is not achieved.

### Impact on Ecology

The application submissions as revised and supplemented are informed both by Ecological appraisal, Green Infrastructure Strategy and Arboricultural Impact Assessment. These submissions follow on from and seek to respond to initial consultation responses and advice including request for additional information from the Council's Ecologists and Trees officers, alongside concerns raised by Landscape officers.

Following the additional and revised submissions objections are not raised in respect of impact to Ecological interests, trees and hedgerows and related compensatory planting, tree protection measures or biodiversity net gain requirements as they relate to Ecological considerations only and excepting the position set out above in respect of Landscape considerations and landscape officer concerns.

On this basis it is considered that the proposals are in accord with the policies of the plan and provisions of the framework specific to Ecology.

### Drainage/Flood Risk

The application submissions have been the subject of extensive additional submissions and significant revisions following initial and subsequent consultee advice from the Council's Drainage Engineers and Wessex Water. Extensive details as to the drainage strategy, proposed surface water attenuation measures, CCTV and Inspection surveys and reporting alongside technical notes and green infrastructure strategy submissions have been provided. The revised and additional submissions inform the revised scheme layout and have been the subject of review and consideration by the Council's Drainage Team and Wessex Water.

No objections are raised following this detailed and extensive process subject to use of conditions.

On this basis it is considered that the proposals are in accord with the relevant policies of the plan and provisions of the framework.

### Other Matters

#### S106/Planning Obligations

Given the other concerns identified and recommendation to refuse progression of a planning obligation has not taken place. Requirements are identified in respect of the following heads of terms which would need to be addressed in the event of an approval:

Affordable Housing provisions  
Secondary School Place Financial Contributions

Waste & Recycling Facility Financial Contributions  
Open Space management and maintenance management company provisions including SUDS provisions  
Off Site Sports and Leisure Contributions  
Provision / Transfer of Land and building(s) for GP Surgery and Primary School Expansion.

In the latter respect the school expansion land is not identified as a requirement of development or as necessary by the LEA but is offered voluntarily by the applicant to address SNP provisions and as a technical matter the planning obligation would need to address its retention and transfer.

#### Air Quality

The application is supported by an Air Quality Impact Assessment and the Council's Public Protection Officers do not raise objections or identify any requirements other than use of condition to secure a scheme of electrical vehicle charging. Such a condition is considered necessary and reasonable in the event of approval and would address in part concerns raised above as to detailed design and layout in terms of sustainability and use of sustainable technology.

### **10. Conclusion – The Planning Balance**

The application site is allocated for the development proposed in the made SNP which is a part of the development plan. Development of the site is acceptable in principle. Policy 4 of the SNP includes detailed requirements that the development must meet and is subject of a detailed development brief specifying a range of design considerations. The development must also meet a number of other requirements and comply with a range of policies in the WCS several of which stem from the constraints to which the site is subject, including Cotswold AONB; Sherston Conservation Area; Archaeological Interest; Ecological Interest and Public Rights of Way. The allocation is also made in order in part to meet local needs for housing, affordable housing and a GP Surgery. There is also local concern as to future requirements for expansion of the school.

As such the form, scale, layout, type, and detailed design of the housing proposed is subject of detailed requirements and thereby critical to the acceptability of the proposals with respect to site specific impacts and compliance with the development plan. It is considered that the development proposals as revised and supplemented fail to meet these clearly defined requirements of the plan and site allocation resulting in harm to the AONB, character, appearance and visual amenity of the locality and to the setting of the Sherston Conservation Area. In this context the proposals conflict with the policies of the WCS and the SNP; alongside various provisions of the NPPF and legislation dealing with heritage assets and AONBs. In so doing it is considered that the proposal fail to secure high quality design as required by the development plan and national guidance.

There are a range of matters arising from the layout and the form of the housing proposed that also collectively contribute to a failure to secure high quality design. These include several properties not being serviced by waste and recycling collection; a concentration of affordable housing in part of the site and it's design detailing; a lack of a linkage to the town via Saxon Close and PROW access arrangements to the south of the site; and limited use and integration of sustainable construction and low carbon energy measures and technology within the proposed residential development.

Critically the proposed housing is not considered of a form and mix to meet local needs; is not designed to integrate with and respect the historic character of the village; is of a scale,

form and layout that results in harm to the character and appearance of the AONB and locality; and the landscaping and planting proposals for which do not adequately mitigate the impact of development.

The harm to the designated heritage asset is not considered to be clearly and demonstrably outweighed by the public benefits of development.

It is considered that the harmful impact of development to the AONB; visual amenity; heritage assets; not meeting local needs; not achieving high quality design; and conflict with the plan are all capable of being addressed or minimised by a different form and layout of development. The applicant has been provided with ample opportunity to revise the proposals to achieve this aim but has not done so; the revised proposals as now tabled are considered still to result in the identified and assessed harmful impacts. Overall, the proposals are in conflict with the development plan as a whole.

It is necessary to consider what, if any, material considerations would support a decision otherwise than in accord with the plan. In this context the tilted balance is engaged as the Council cannot currently demonstrate a framework compliant housing land supply. As such the harm identified must significantly and demonstrably outweigh the benefits of development. The harms are identified above. The benefits of development are significant and can be afforded substantial weight. The site is allocated for development and community aspirations in this respect would be met. The proposals would deliver a boost to the supply of land for housing and affordable housing provision. Land for a GP surgery would be provided and the applicant has expressed an intention to provide the building also. The proposal would also provide land for the expansion of the school, albeit the LEA is of the opinion that there is no projected requirement in this regard. The proposal would result in economic benefits through construction and additional spending in the locality from the new residents.

However, it is material to note the shortfall in housing supply at 4.41 years is modest and is not persistent. The Council is meeting 149% of its housing delivery target and has granted multiple consents on unallocated sites in this HMA to address the shortfall. Additionally multiple sites have recently been granted permission at appeal in this HMA. The Council has adopted the Wiltshire Housing Sites Allocation plan and has extensive Neighbourhood Plan coverage across its area including in this HMA and indeed this community area and these are delivering allocated sites e.g. Burton Hill at Malmesbury. The identified housing requirement in this community area has already been met and substantially exceeded. As already noted the harmful impacts of development could readily be addressed by a different form and layout that would readily deliver the benefits identified.

It is also important to note that the harms identified include conflict with statutory requirements in respect of heritage assets and the AONB and so are of substantial weight also and require very clear and convincing benefits to outweigh this harm. Furthermore it is clear that the community aspirations set out in the neighbourhood plan clearly specified a form of development that has not been proposed and did so in order to minimise and mitigate the harm that would arise in these specific respects. This is the plan led system in clear and full effect and determination in accordance with the requirements of the neighbourhood plan, giving voice to community led planning as sought by the localism act, is of substantial importance and benefit itself in maintaining confidence in the plan led system.

It is therefore considered that the identified harms arising from the proposals significantly and demonstrably outweigh the benefits and in accordance with the framework refusal is recommended.



## RECOMMENDATION

Refusal for the following reasons:-

1. The development proposed by virtue of its scale, form, layout, mix of house types and design character, including use of materials would not secure a high quality of design or meet local needs. The proposals therefore conflict with CP41, CP43, CP45 and CP57 (iii, v, vi, xi & xii) of the Wiltshire Core Strategy (Jan 2015); policy 4 of the Sherston Neighbourhood Plan (Made 2019); and paragraphs 92, 100, 119, 124, 125, 126, 130, 134 of the National Planning Policy Framework (2021).

2. The development proposed by virtue of its scale, form, layout, mix of house types and design character, including use of materials would result in harm to the significance and value of the Sherston Conservation area. The proposals are therefore in conflict with CP57 (i & iv) & CP58 (iii) Wiltshire Core Strategy (2015); Policy 4 of the Sherston Neighbourhood plan (Made May 2019); paragraphs 194,199, 200 & 202 National Planning Policy Framework (2021); and Section 72(1) of The Planning (Listed Building and Conservation Area) Act 1990, the BS7913 2013 - Guide to the Conservation of Historic Buildings.

3. The development proposed by virtue of its scale, form, layout, mix of house types, design character and landscaping and planting proposals would result in harm to the character, appearance and visual amenity of the locality and the Cotswolds Area of Outstanding Natural Beauty. The proposals therefore conflict with CP51 (ii, iii, iv, vi & ix); & CP57 (I, ii, iii & vi) of the Wiltshire Core Strategy (Jan 2015); policy 4 of the Sherston Neighbourhood Plan (Made 2019); paragraphs 124, 126, 130, 131, 174 (a & b), 176 & 177 of the National Planning Policy Framework (2021); Section 85 Countryside & Rights of Way Act 2000 (CRoW Act 2000).

4. The proposals are not supported by a S106 agreement/Planning Obligation to address identified requirements arising from the proposed residential development and deliver elements of the scheme proposals in respect of Affordable Housing; Open Space management and maintenance including SUDs; GP Surgery; Secondary School place education provision; Waste & Recycling Facility Provision; and Land for the Expansion of the Primary School. The proposals are thereby in conflict with Wiltshire Core Strategy (2015) core policies CP3 CP43 CP52; Saved policy CF3 of the North Wiltshire Local Plan (2006); and paragraph 34 of the National Planning Policy Framework (2021).

INFORMATIVE TO APPLICANT:

Refusal Reason 4 is capable of being addressed through preparation and completion of a planning obligation.

### **Background Documents Used in the Preparation of this Report:**

**Wiltshire Core strategy**  
**Sherston Neighbourhood Plan**  
**National planning Policy Framework**  
**Application Documents**

This page is intentionally left blank



© Crown Copyright and Database Rights 2017 Ordnance Survey 100049050

1:2,500



384998E 186163N m

© Crown Copyright and Database Rights 2022 Ordnance Survey Licence No 100049050

This page is intentionally left blank