

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 30 April 2014
Time: 6.00 pm

Please direct any enquiries on this Agenda to Jessica Croman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718262 or email jessica.croman@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

Membership:

Cllr Trevor Carbin	Cllr Christopher Newbury
Cllr Ernie Clark	(Chairman)
Cllr Andrew Davis	Cllr Horace Prickett
Cllr Russell Hawker	Cllr Pip Ridout
Cllr John Knight	Cllr Jonathon Seed
Cllr Magnus Macdonald	Cllr Roy While (Vice Chairman)

Substitutes:

Cllr Nick Blakemore	Cllr Gordon King
Cllr Rosemary Brown	Cllr Helen Osborn
Cllr Terry Chivers	Cllr Jeff Osborn
Cllr Dennis Drewett	Cllr Graham Payne
Cllr Keith Humphries	Cllr Fleur de Rhé-Philippe
Cllr David Jenkins	

AGENDA

1 **Apologies for Absence**

To note any apologies for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 1 - 10*)

To approve the minutes of the meeting held on 9 April 2014.

3 **Chairman's Announcements**

To note any announcements through the Chairman.

4 **Declarations of Interest**

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

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than **5pm on Wednesday 23 April 2014**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Applications**

To consider and determine the following planning applications:

6a **13/06707/FUL - Land south east of Leechpool Farm, Norrington Lane, Broughton Gifford** (*Pages 11 - 28*)

6b **14/01659/FUL - Haygrove Farm, 44 Lower Westwood Bradford On Avon, BA15 2AR** (*Pages 29 - 46*)

6c **13/05954/FUL - Cress Cottage, 11 Sherrington, Warminster, BA12 0SN** (*Pages 47 - 56*)

6d **13/06133/LBC - Cress Cottage, 11 Shertington, Warminster, BA12 0SN** (*Pages 57 - 60*)

7 **Urgent Items**

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

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WESTERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING
HELD ON 9 APRIL 2014 IN THE COUNCIL CHAMBER - COUNTY HALL,
TROWBRIDGE BA14 8JN.**

Present:

Cllr Trevor Carbin, Cllr Terry Chivers (Substitute), Cllr Ernie Clark, Cllr Andrew Davis, Cllr John Knight, Cllr Magnus Macdonald, Cllr Christopher Newbury (Chairman), Cllr Horace Prickett, Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Jerry Wickham

27 Apologies for Absence

An apology for absence was received from Councillor Russell Hawker, who was substituted by Councillor Terry Chivers.

28 Minutes of the Previous Meeting

The minutes of the meeting held on 19 March 2014 were presented for consideration, and it was,

Resolved:

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

29 Chairman's Announcements

There were no announcements.

30 Declarations of Interest

There were no declarations.

31 Public Participation and Councillors' Questions

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.

32 **Planning Applications**

The Committee considered the following applications:

33 **14/00096/FUL - 145 Chantry Gardens, Southwick, Trowbridge, BA14 9QP**

Public Participation

Mr Roger Boor, applicant, spoke in support of the application.

Mr Francis Morland, on behalf of Southwick Parish Council, spoke in objection to the application.

The Area Team Leader presented a report which recommended that the application be approved. The application was a revision of a previously refused application, and the key issue was therefore stated to be whether the revisions overcome the previous reasons for refusal, while taking into account the judgements from a previous successful appeal decision from 2008 for four one bedroom flats on the site.

A site visit had taken place prior to the meeting, as agreed by the Committee at its meeting on 19 March 2014.

Members of the Committee then had the opportunity to ask technical questions of the officer, and sought details of the entrances and exits of the proposed properties, and whether Highways considerations required an appropriate turning circle for vehicles on the site. It was noted that Highways officers had raised no objections following consideration of previously permitted developments on the site.

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

The Local Member, Councillor Horace Prickett, then detailed the reasons he had called the item in for determination by the Committee, as laid out in the report papers.

A debate followed, where members discussed if the amenity areas for the proposed dwellings were sufficient, and whether the provision for parking was suitable.

At the conclusion of debate, it was,

Resolved:

That Planning Permission be APPROVED subject to the following conditions:

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

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

Compulsory Purchase Act 2004.

- 2 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.
- 3 No part of the development hereby permitted shall be occupied until the access 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.
- 4 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The new dwelling shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.**
REASON: To ensure that the development can be adequately drained.
- 5 Details of the cycle storage facilities shall be submitted to and approved by the Local Planning Authority before installation on the site. The development shall subsequently be carried out before occupation of the new dwelling in accordance with the approved details.**
REASON: In the interests of amenity
- 6 The first floor window serving the bathroom in the south west elevation to the new dwelling shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.**
REASON: In the interests of amenity and privacy
- 7 The development hereby permitted shall be carried out in complete accordance with the details shown on the submitted plans:**

**DWG 01 received on 06/01/2014; DWG 02 received on 06/01/2014;
DWG 10A received on 26/02/2014; DWG 11B received on 26/02/2014;
And DWG 12A received on 26/02/2014**
REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

Public Participation

Mr Chris Beaver, agent, spoke in support of the application.

Gwen Allison, Bradford on Avon Town Council, spoke in objection to the application.

The Area Team Leader presented a report which recommended that the application be delegated to the Area Development Manager to approve permission, subject to the signing of a legal agreement to secure appropriate financial contributions as detailed in the report. The application formed part of a site which has extant permission for four houses, and would add an additional four flats in place of additional extant permission for workshop and office accommodation.

Key issues were stated to include the loss of employment space and parking considerations. Attention was drawn to the marketing exercise undertaken at the instigation of the applicants to establish the level of interest in retaining the site for mixed residential and business use.

Members of the Committee then had the opportunity to ask technical questions of the officer, where it was confirmed the proposals allocated one visitor space for the eight dwellings that would have permission on the site should the additional four be approved, along with the parking provided for the residents. Members also discussed the possibility of seeking a financial contribution as requested by the Wiltshire Fire and Rescue Service, and it was stated that due to the lack of a locally saved planning policy or the implementation of the Community Infrastructure Levy, officers were currently unable to include the requests from the Fire Service within the Heads of Terms for the securing of a legal agreement.

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

Councillor Magnus Macdonald, a Local Member for the Bradford on Avon area, then spoke in objection to the application.

A debate followed, where members discussed whether the marketing of the site for mixed use had been sufficient, highlighting the high footfall of the area due to being close to the popular canal and the lack of visitor parking on the site and potential difficulties parking in the surrounding area was discussed.

Members also discussed whether, should the application be approved, whether it would be possible to include the Fire and Rescue Service financial obligation request. Whilst the planning officer advised that such a request failed to satisfy the essential planning obligation tests, during the discussions, it was raised that in the Salisbury Plan Area, such requests had been sought, and given such inconsistency members agreed that further clarification was necessary for the County as a whole, and to consider the impact on future delegated and committee determined applications.

At the conclusion of debate, it was,

Resolved:

To delegate authority to the Area Development Manager to GRANT planning permission subject to a legal agreement to secure the following against planning references 14/01695/FUL and 08/00754/FUL:

- i) a financial contribution towards the provision of secondary school places totalling £38,168 which would be index linked;**
- ii) a financial contribution towards the provision of primary school places totalling £33,536 which would be index linked; and**
- iii) a financial contribution towards public open space facilities in the vicinity totalling £12,967 which would be indexed linked.**

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. A schedule of the materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.**

REASON: To ensure that the development harmonises with its setting.

- 3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

REASON: To ensure that the development harmonises with its setting.

- 4. The flatted development hereby permitted shall not begin until an acoustic survey has been submitted to the local planning authority for its written approval to establish noise impacts emanating from neighbouring land uses and traffic noise. Any scheme of appropriate mitigation shall require the written approval of the Council. Following agreeing any such scheme, the identified measures shall be completed before the any of premises are first occupied and thereafter, be maintained in effective condition at all times.**

REASON: In order to safeguard the future residential amenities.

- 5. The development hereby permitted shall not begin until a scheme to deal with asbestos has been submitted to and approved by the Local**

Planning Authority. The scheme shall include an investigation and assessment to identify the extent of asbestos, and the measures to be taken to avoid risk to the public or the environment when the site is developed which shall be implemented before the development begins. The scheme shall be carried out in accordance with the approved details.

REASON: In the interests of public health and safety.

- 6. The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**

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

- 7. The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**

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

- 8. During the course of construction, should any sources of land contamination be identified, the applicant shall submit a remediation plan for the written approval of the Council. Such a plan should detail the following:
 - i) provide an updated risk assessment for chemical contamination**
 - ii) detail the necessary works to remediate any chemical contamination identified, that is unacceptable in the context of the approved development and its environmental setting, as identified by the site investigation and risk assessment work;**
 - iii) remediation validation works****

Any site investigation works shall be carried out in line with the main procedural requirements of BS 1017:2001 - Investigation of Potentially Contaminated Sites - Code of Practice.

Where a requirement for quantitative risk assessment is identified, the assessment works shall be carried out in line with the requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines, for assessment of human health risks. Also for ground and surface water risk assessment the Environment Agency R&D Publication 20 "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" protocol shall be utilised.

REASON: In order to prevent contamination conflicts and in the interests of consistency with planning permission 08/00754/FUL.

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

REASON: In the interests of highway safety.

10. No part of the development hereby permitted shall be occupied until the details of secure cycle provision has been submitted to and approved in writing by the local planning authority and subsequently have been completed in accordance with the details approved. The provision shall be maintained and made available to residents for those purposes at all times thereafter.

REASON: In the interests of sustainability.

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

**Location plan received on 14 February 2014;
Topographical survey received on 14 February 2014;
Floor Plans - P02 Rev B - received on 21 March 2014;
Elevations - P03 Rev B - received on 21 March 2014; and
External works layout - L07 Rev C - received on 21 March 2014.**

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

INFORMATIVES

Pursuant to cited planning condition no.4 the developer is advised that Wiltshire Council's Environmental Health officers have requested an acoustic impact assessment pursuant to same condition appended to extant planning application 08/00754/FUL, which remains outstanding. The Council recommends that the impact of ventilation, people and music noise from The Canal Road Tavern and highway traffic on the proposed development should be subject to acoustic assessment and where appropriate mitigation measures.

The developer is also encouraged to consider the opportunity to provide nesting boxes suitable for swifts, sparrows and starlings on the site as recommended by the Climate Friendly Bradford on Avon Swift Group.

In addition, the applicant/developer is further advised to take note of the following guidance provided by the Wiltshire Fire and Rescue Service:

Consideration should be given to ensure access to the site, for the purpose of fire fighting, is adequate for the size and nature of the development.

Consultation should be undertaken with the Fire Authority to ensure the site is provided with adequate water supplies for use by the fire service in the event of fire. Arrangements may include a water supply infrastructure, suitable siting of hydrants and/or access to an appropriate open water supply. Consideration should be given to the National Guidance Document on the Provision of Water for Fire Fighting and specific advice from the Fire Authority on the location of fire hydrants.

Wiltshire Fire and Rescue Service's core objectives include the reduction of deaths, injuries and property damage caused by fire. The following recommendations are made with this in mind and, whilst not requirements, may become so during the formal Building Regulation process and are made without prejudice to that process.

A core objective of the Wiltshire Fire and Rescue Service is to support and encourage an increase in the provision of residential sprinklers in domestic properties in Wiltshire and Swindon. Residential sprinklers are not new and, although a British invention, significant developments have been made in the United States, Australia and New Zealand. In these countries there are whole communities with such installations and a zero fatality rate from domestic fires where a sprinkler system is installed.

The following information may be of interest:

- Sprinklers work from a standard main, although a 32mm connection is required**
- Are inexpensive to install, particularly in a new building**
- Do not activate by accident causing unwanted damage**
- Only operate through individually activated heads, not the whole system**
- Are not unsightly as they fit flush to the ceiling behind a flat cover**
- Cause less water damage in a fire than normal fire fighting operations**
- Significantly reduce fire and smoke damage**
- If you would like more information on these systems please contact this Authority.**
- Fire Warning Systems in Communal Areas of Purpose-built Flats**
- Fire detection and alarm systems are not normally provided in the communal parts of purpose built blocks of flats, as these areas should be kept sterile. However, such systems may be required in exceptional circumstances, or when identified by the fire risk assessment. The on-going ability to adequately manage the system must also be considered**
- Fire detection may also be required to operate automatically opening vents or magnetically locked fire exit doors, for example, but these may not incorporate a means to warn the occupants of the flats in the event of a fire.**
- A fire detection system provided in the communal parts must comply with BS5839 Part 1.**

Councillor Ernie Clark requested that his vote in support of a motion to refuse the application be recorded.

35 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.20 pm)

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

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	30 April 2014
Application Number	13/06707/FUL
Site Address	Land south east of Leechpool Farm, Norrington Lane, Broughton Gifford
Proposal	Construction of a Solar Park including the installation of solar panels, security fencing and cameras, landscaping and other associated works and cable route/trenching.
Applicant	Hive Energy Ltd
Parish Council	BROUGHTON GIFFORD
Ward	MELKSHAM NORTH
Grid Ref	388779 164264
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

This application is being referred to the Committee at the request of Cllr Terry Chivers to consider the following matters:

- The scale of the development;
- The visual impact upon the surrounding area;
- The relationship with adjoining properties;
- The design, bulk, height, general appearance; and
- Environmental and/or highway impacts.

1. Purpose of Report

To consider the application and to recommend that planning permission be granted subject to conditions.

2. Report Summary

Advertising Responses

Four letters of objection and five in support were received at the time of the preparation of the report.

Parish Responses

Broughton Gifford Parish Council – raised initial concerns and has since met with the agents

Melksham Without Parish Council (neighbouring parish) -_No objection

Melksham Town Council (neighbouring parish) - No objection

The main issues to consider are:

- The principle of the development;
- Impact on the landscape of the open countryside
- Impact on ecological interests
- Impact on highway safety including during construction phase
- Impact on public rights of way
- Impact on heritage assets, including archaeological interests
- Flood Risk
- Potential contribution to reducing climate change and sustainable development objectives

3. Site Description

The site is located approximately 0.8km to the west of Melksham and 0.8km to the north east of Broughton Gifford village. The site is roughly rectangular in shape (8000m x 6000m) and comprises an area of approximately 30.5ha. The site is surrounded by farmland, with dispersed farmyard dwellings and agricultural buildings on neighbouring properties. Surrounding field boundary treatments include a mixture of hedgerows with interspersed trees, woodland and stock proof fencing. The railway line provides a distinct barrier to the east in the intervening space between the site and Melksham. To the north, at a distance of approximately 1km is higher land that includes the village of Shaw. To the west, on the opposite side of the road serving Norrington Common there is a site that has recently been developed for a solar farm under planning permission W/12/02072/FUL.

4. Planning History

There is no recent relevant planning history on this site.

5. The Proposal

The proposal is for the construction of a solar photovoltaic park and associated landscaping, transformer housing, security measures and associated works. The panels would generate up to 13 MW of electricity.

6. Planning Policy

The National Planning Policy Framework 2012
Planning Practice Guidance (DCLG : Section on Renewable and Low Carbon Energy updated 6 March 2014)

There are also national statements on renewable energy, including the government produced UK Solar PV Strategy, which point back to the planning practice guidance on matters to be taken into account in determining planning applications for solar farms.

West Wiltshire District Plan - 1st Alteration 2004 (Saved policies)

- C1: Countryside Protection
- C6a: Landscape Features
- C17: Conservation Areas
- C31a: Design
- C32: Landscape
- C34: Renewable Energy
- C35: Light Pollution
- C38: Nuisance
- U2: Surface Water Disposal
- T12: Footpaths and Bridleways

West Wiltshire Leisure & Recreation DPD (2009)

- CR1: Footpaths and Rights of Way

The Emerging Wiltshire Core Strategy

- SO2: Addressing Climate Change
- SO5: Protecting and Enhancing the Natural, Historic and Built Environment
- CP3: Infrastructure requirements
- CP42: Standalone Renewable Energy Installations
- CP50: Biodiversity and Geodiversity
- CP57: Landscape
- CP58: Ensuring the conservation of the historic environment
- CP62: Development Impacts on the Transport Network
- CP67: Flood Risk

7. Consultations

Broughton Gifford Parish Council

The Parish raised initial concerns regarding flooding and the possible impact the development may have on the problem. There is also concern with the cumulative effect of this proposal with the nearby solar development already permitted under W/12/02072/FUL. The Parish is of the view that the application should be delayed until the full impact of the approved scheme is known and judged. The applicants had a subsequent meeting with the Parish to discuss these issues, and provided additional information.

A letter to the developers of the extant site regarding issues with the development of the site was also copied-in to Council. Issues raised include the non-adherence by the developers to the site Management Plan, the use by HGVs of roads not approved under the Plan, operating outside of agreed working hours, communication problems with drivers and the need to implement a planting plan.

Melksham Without Parish Council - No objection

Melksham Town Council - No objection.

Wiltshire Council Archaeologist

No objection. Due to the potential for heritage assets with archaeological interest to be impacted by the proposed development, it was recommended that further evaluation was carried out prior to determination. Additional information in the form of a desk study was provided by the agent, following which the Council's Archaeologist confirmed that the assessment indicated that no significant heritage assets with archaeological interest lie

within the proposed development site. It was therefore recommended that no further archaeological investigations were necessary.

Wiltshire Council Ecologist

No objection. On the basis of additional information, (Badger Appendix (Avian Ecology, 2013); Ecological Mitigation Enhancement and Management Plan (05/03/14); Great Crested Newt Conservation Strategy (19/03/14), initial objections were withdrawn, subject to the imposition of a number of conditions. Issues addressed were in relation to buffer strips, a site enhancement scheme to be produced and additional details on planting, numbers and locations of bat and bird boxes, further details of the works that the Ecological Clerk of Works would undertake and locations of the great crested newt hibernacula.

English Heritage

Initial response: Noted the nearby presence of Broughton Gifford Listed Buildings (including Grade II* and Grade I buildings) and the potential for them to be affected. EH was of the view that insufficient information had been provided to enable assessment of this aspect, and requested that this be carried out prior to any decision. The EH Officer also made recommendations on certain additional aspects that should be considered in preparing the impact assessments. It was also noted that the Melksham conservation area was unlikely to be impacted.

Following clarification with regard to the Heritage Statement English Heritage no longer wished to raise any concerns in respect of the heritage environment aspect of the proposal. With regard to impacts on particular buildings EH urged the LPA to address the issue, but did not require any further consultation.

Natural England

Natural England raised no objections, noting that the LPA should pursue biodiversity enhancements where possible.

There are no designated landscapes affected and standing advice on protected species should be applied.

Environment Agency

No objection to the proposed development, subject to the inclusion of conditions in relation to the location of panels. The eastern/north eastern part of the site is affected by flood zones 2 and 3. The Agency has no objection to panels being located within this area, but it is important that the location, layout and design of all installations (panels, fencing, kiosk etc) takes into account the flood risk at the site.

Wiltshire Council Environmental Health

No objections. Since this is agricultural land contamination is unlikely to be an issue, and the nature of the development is not sensitive to land contamination.

Wiltshire Council Highways

The highway officer has no objection, subject to a condition regarding a Construction Method Statement that addresses highways considerations, particularly during the development phase.

Wiltshire Council Spatial Plans

There are no policy objections from a spatial planning policy perspective, subject to ensuring that appropriate assessments have been undertaken, as required by adopted and emerging policy. These should demonstrate that any adverse impacts of the proposed development can be mitigated in a manner acceptable to other consultees within and external to the council.

Wiltshire Council Landscape Officer

No objection – no unacceptable landscape and cumulative impacts are envisaged. The fence has been redesigned to a post and wire type of 2.4m in height, which is an acceptable alternative to a 'security' fence and the most appropriate design for the location.

The Cumulative Impact Assessment was also submitted. The Officer, for reasons which are discussed in Section 9, below, does not anticipate any unacceptable landscape and cumulative impacts from the proposal.

Wiltshire Council Public Rights of Way

All the furniture on rights of way would need to be upgraded to a minimum standard of kissing gate where it either is within the site or where it meets the site.

8. Publicity

Four letters of objection were received at the time of preparing the report. Objections were on the following grounds:

- erroneous information given about the quality of the agricultural land and the percentage of the farm which would be affected by the installation.
- Loss of prime agricultural land;
- The statement that only a limited area of the farm would be taken out of grain production is wrong. The site is self contained and the other parcel of land is owned by the applicant far from the site
- Unacceptable concentration of sites around Melksham;
- Harm to landscape and environment;
- Site prone to flooding and will make it worse for adjacent properties;
- Screening not properly shown on plans;
- Area shown as woodland on plans must be retained for wildlife;
- Footpaths will be enclosed for lifetime of development;
- Lack of clarity on fencing design;
- Earthing of facility should be clarified; and
- Erroneous information in the flood risk assessment since the land has been flooded twice this year and the FRA states that there is a 1% chance of flooding.

Five letters of support were received with comments as follows:

- Solar park will provide electricity to power, on average, around 4,000 homes;
- Substantial contribution to Wiltshire Council's Alternative Energy target;
- It will mostly be on land that is of poor agricultural quality;
- Some people who live in the vicinity of this proposed development will be concerned about the change to their surroundings, but if we ignore climate change our landscape will be permanently affected;
- Site is well screened;
- Decision needs to be made in the interests of the whole population rather than just those who live nearby; and
- Each application should be judged on its merits.

9. Planning Considerations

The application is for a 13 MW solar farm on approximately 30.5 ha. of farmland and has been submitted with supporting information including:

Design and Access Statement; Flood Risk Assessment; Ecological Assessment; Tree Survey; Heritage impact assessment; Environmental Report; Transport Statement;

Agricultural Report; and Landscape and Visual Impact Assessment and Cumulative Impact Assessment.

9.1 Principle of Development

Policy C34 of the West Wiltshire District Plan, 2004 states that Renewable Energy Generation proposals, will be permitted in appropriate locations having regard to visual impacts on the landscape, impacts on areas and features of natural, ecological, historic and archaeological interest, the environmental and visual impact of associated ancillary development including new access roads, buildings, power lines and connections to the electricity distribution network, the impact on residential amenity and pollution effects, highway capacity of the existing road network, particularly where transportation of raw materials is a major consideration, safety and access, and materials, scale, siting, design, screening and landscaping.

The Climate Change Act 2008 has set an ambitious target of a 34% cut in greenhouse gas (GHG) emissions against a 1990 baseline by 2020, rising to an 80% reduction by 2050. These targets are the UK's contribution to a global GHG reduction necessary to limit climate change to 2°C. Reductions can be achieved in all sectors of the economy and society by applying three broad principles: Behaviour Change, Energy Efficiency and Renewable / low carbon energy generation.

The NPPF, existing WWDP policies as well as emerging policies within the Core Strategy are considered to be in alignment with the goals of the Climate Change Act. Apart from National Guidance in the form of the NPPF, the adopted WWDP, 2004 and the emerging Core Strategy, further guidance is provided in the recently published "Planning Practice Guidance" (DCLG : Section on Renewable and Low Carbon Energy 6 March 2014).

The core purpose of the planning system as stated within the NPPF is to contribute to the achievement of sustainable development. Sustainable development is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At the heart of the decision making process as set out by the NPPF is a presumption in favour of sustainable development. It goes further to identify that planning plays a key role in securing radical reductions in greenhouse gas emission which is central to achieving the economic, social and environmental dimensions of sustainable development.

Proposals for the generation of energy from renewable sources are in principle supported by National policy due to their contribution to sustainable development, meeting the challenges of climate change, air quality and fuel security. Policy asserts that such applications should be encouraged and any application be approved if its impacts are or can be made to be acceptable. This supportive stance towards development proposals which will generate renewable energy where the impacts of the proposal are or can be made to be acceptable is also found within the local plan as outlined above (Policy C34 of the West Wiltshire District Plan 1st Alteration (2004)).

With regard to the Core Strategy, the "Strategic Objective" to address climate change (Strategic Objective 2) and Core Policy 42 (Standalone renewable energy installations) directly reflect the national policy picture and as such are considered to carry weight.

The DCLG "Planning Practice Guidance" has specific advice on situations where green-field sites are proposed, i.e: "whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

The NPPF states that LPAs must take into account the benefits of the best and most versatile land, and that where development is considered necessary local planning authorities should seek to use poorer quality land rather than high quality land. The land quality in this instance is therefore a material consideration. In considering this aspect records available to Council indicate Category 3 land is involved. The issue of land quality and agricultural use has been raised in neighbour comments.

In this instance the proposal is for a temporary - albeit extended period - use that is wholly reversible. The proposals include the biodiversity enhancements (discussed further below) and the land remains available for grazing between the units as has been demonstrated in other solar project cases. The improvements of biodiversity potential are themselves material considerations. The land would remain available for future agricultural use and any permission can be conditioned to ensure that it is returned to its original state at the end of the period of operation, so there would be no permanent loss of agricultural land, such as would be the case with, for example, residential or industrial permanent development.

The above must furthermore be balanced with the NPPF (Chapter 3 Supporting a Prosperous Rural Economy) requiring that economic growth in rural areas must be supported by taking a positive approach to sustainable new development. The NPPF notes that all types of business and enterprise in rural areas, and the diversification of agricultural activity should be supported. The remainder of the agricultural land will continue to remain in use.

The proposed development has been estimated to allow for the siting of PV arrays to generate electricity of between 11 and 13 Mega Watts (MW) of renewable electricity. This is a significant contribution to the amount of renewable energy generated within the county of Wiltshire in keeping with the goals of the NPPF.

In view of the above considerations, the principle of the proposed development is considered acceptable.

9.2 Impact on the landscape of the open countryside

Landscape and Visual Impact Assessment and Cumulative Assessment

A Landscape and Visual Impact Assessment (LVIA) was submitted to support the application. A detailed consideration of the content was undertaken by Council's Landscape and Design team and further information was requested in respect of an analysis of potential cumulative impacts.

The landscape officer noted that, "...generally solar array developments can be implemented with minimal landscape and visual effects largely due to their low height and ability to fit into the existing field pattern and retaining existing vegetation as screening. There is usually an opportunity to undertake additional planting to strengthen existing field boundaries which is an aspiration of the Wiltshire Landscape Character Assessment (2005)."

Whilst the Officer noted that the submitted Landscape and Visual Impact Assessment (LVIA) concluded that the landscape and visual effects will be minimal and can be further reduced/strengthened by mitigation planting, a key consideration is also the combined effects of this application with the recently constructed nearby solar array at Norrington. It was for that reason that a Cumulative Assessment (CLVIA) was requested to be submitted with the application. Broughton Gifford Parish also raised the question of the Cumulative Impact, which this document addresses.

The Landscape Officer notes that “The cumulative landscape effects are concerned with the impacts on the physical fabric or character or special values attached to that landscape. There are no cumulative effects in terms of removal of landscape elements or special values, *however there will be an incremental change of character at a local scale but it is not judged to be significant.*”

In terms of visual impacts the LVIA included a study which demonstrates that the proposed array may feature in some views at close proximity (within 500m which includes Norrington solar farm). The cumulative impact assessment furthermore indicates that there will be successional views from cars on Melksham Lane and Norrington Lane, but these would be travelling at fair speed and glimpsed views would be experienced but are not expected to be significant.

The Landscape Officer further notes that the cumulative assessment records that “...there will also be in combination views from residents at Norrington Lane where both Norrington solar park and Roundponds would be visible in succession (i.e. by turning one’s head). The CLIVA suggests that distance and the intervening vegetation will obscure views thus reducing the likely significance of cumulative impact.”

A further group of important receptors are users of public rights of way. As noted elsewhere in this report, one of the local rights of way (BGIF34) crosses both sites with views directly onto the solar park infrastructure. On this the Landscape Officer notes: “The GLIVA has judged the cumulative effect to be major/moderate which is potentially significant. *However the footpaths are part of a local network and therefore used significantly less than an important national trail for example. The effect would be very localised and one would need to go out for a walk specially between the two developments to experience any effects.*”

In summary the Landscape Officer advises that no significant cumulative effects as a result of the proposal are anticipated, although there is potential cumulative effect for users of the foot path that connects the two solar developments.

Revised drawings to meet the requirements of the Ecologist (see discussion on Ecological impacts below) were submitted, and these are supported by the Landscape Officer in terms of their effect on landscape views, as are the conditions recommended by the Ecologist. The Landscape Officer recommends a further condition regarding the replacement of plant failures, like for like, during the first five years after planting, in the interest of public amenity.

With regard to the fence design the Officer has confirmed that the post and wire of 2.4m height as proposed in amended drawings is an acceptable alternative to a ‘security’ fence and would be the most appropriate design for this rural location.

Reversibility and decommissioning as future landscape considerations

The installations are proposed to have a life span of at least 25 years. The nature of the construction of the units is such that the structures can be removed from the land and the site returned to agricultural use. As such the landscape impact is over a defined period of 25 years rather than in perpetuity. The reversibility of the development would ensure that in the long term the site could be returned to its current state.

9.3 Impact on ecological interests

The Council’s Ecologist requested additional surveys and details over and above the initially submitted Ecology Appraisal. Particular areas of concern were proposals for biodiversity enhancement, and the protection of badgers and great crested newts. These were subsequently provided by the applicant’s own ecologists.

A revised layout plan showing details to accommodate biodiversity enhancements was submitted, also at the Ecologist's request.

The Ecologist is satisfied that pre-consideration requirements have been met, and has no objection subject to conditions requiring:

- that the detailed layout of the panels and fencing ensuring that biodiversity enhancements are achieved is implemented;
- the submission and implementation of a Supplementary Ecological Mitigation, Enhancement and Management Plan;
- requirements in respect of the timing of ground preparation, and
- future monitoring surveys and an assessment to coincide with the decommissioning phase.

Providing that these conditions are imposed it is considered that the proposal would deliver biodiversity enhancements to the site and that it can therefore be supported from the ecological perspective.

9.4 Impact on highway safety including during construction phase

Highway access especially during the construction phase is an issue raised in neighbour comments as well as by Parish Councils.

Broughton Gifford Parish has in particular identified issues arising from the recently constructed scheme where developers may not adhered to the requirements of planning conditions that were imposed.

It is considered that the issue of construction traffic management, as well as ensuring that any roads affected are left in acceptable condition upon completion of works require particular attention.

In this case access to the site, for both construction and on-going operational purposes, is proposed from the existing track leading to Roundponds Farm from the A365 near Melksham. The supporting documents propose that HGVs would access the A365 Shurnhold from the A350 to the east. The main impact would occur during the construction phase whilst, once operational the development would not generate any significant traffic movements.

The estimated number of HGV deliveries over the three month construction period is 184. The supporting document notes that it is unlikely that, even at the most intense period of construction when solar panels and frames are being delivered, there would be more than 7 HGV deliveries (14 HGV movements) per day.

The highway officer has raised no objections, provided that a condition is imposed to manage all aspects of traffic management is imposed. It is considered that such a condition would address neighbour comments and objections that have been received.

9.5 Impact on public rights of way

The rights of way officer noted that Broughton Gifford paths 33 & 34 run through the site and therefore requested that all the furniture to be upgraded to a minimum standard of kissing gate where it either is within the site or where it meets the site. The officer anticipates that this would be 4 gates on Path 34; One gate where Path 33 meets the development and two gates where Path 33 enters and leaves the site.

During the site inspection it was noted that the pathways referred to are largely on the southern and north-western periphery of the site, barring a section of pathway 44 which would cross a section of the site in its southern extremity. The area where the crossing occurs is scheduled for retention as "native woodland". Pathway 33 would be screened by hedges from the site barring a section of approximately 125m whilst pathway 34 would largely pass to the south of hedges (or through the proposed woodland area) barring a section of approximately 300m in length.

The impact on rights of way was assessed by the Landscape Officer (as reported above) and, where the impacts would be very localised, no unacceptable harm is anticipated.

9.6 Impact on heritage assets, including archaeological interests

The Council Archaeologist requested additional surveys, which were carried out. Based on the findings the officer is satisfied that no further conditions or requirements in relation to archaeology are necessary.

English Heritage Officers also requested further information and were in general satisfied barring potential impacts on certain Listed Structures within Broughton Gifford. The officers however were of the view that the LPA should satisfy itself that the issues were addressed and no further consultation was required if that were done.

The agent submitted further correspondence addressing the buildings Gifford Hall (Grade 11*), Manor House (Grade 11*) and The Church of St Mary (Grade I). A site visit was carried out in the light of this information and it is considered that the separation distances, intervening vegetation and low-profile of the panels are such that no unacceptable impact on the setting of the buildings would arise.

With particular reference to the buildings mentioned by EH, the Church of St Mary (Grade I) is located in the southern section of the Conservation Area. In the light of the information provided and site visits it is evident that there is no prominent visibility of the site from the southern area of the Conservation Area in which the church is sited, and the development would not harm the setting, given the separation distances and local topography. The site is some 1km distant from the Church and the nature of the terrain is such that from the majority of the site there is little inter-visibility that would impact harmfully on views from the Church and environs, in particular given the low profile (less than 2.5m in height) and the intervening screening of vegetation, including proposed planting. The most prominent features in medium distance landscape views are the power pylons that traverse the fields in a generally north/south alignment. Similar considerations apply to the nearby Manor House which is also within the southern section of the Conservation Area and some distance from the site. Gifford Hall lies further to the north, near the Common, which is its primary setting. The site is some 950m to the east, beyond Norrington Common.

It is considered that no unacceptable harm to the setting of the Conservation Area or Listed Buildings would arise.

9.7 Flood Risk

Flooding potential is an issue that has been raised in consultation and advertising responses. One comment was submitted with images showing flooding, and querying the validity of the Flood Risk Assessment that was submitted in support of the application

The Environment Agency was consulted on the FRA. The Agency noted that portions of the site are subject to EA Flood Zones 2 and 3. The Agency however raised no objections to the

siting of the panels in these zones, but advised that water sensitive electrical equipment and certain structures should be located outside Flood Zones 2 and 3.

Whilst noting the observations of the objector who submitted images, it is understood that these were taken during the earlier part of this year (2014) when significant parts of the country were subject to highly unusual weather circumstances. The FRA and Environment Agency (as statutory consultees) response to it are considered to be the best available evidence on which a decision should be made.

The agent prepared drawings locating the potentially sensitive buildings outside of the identified Flood Zones. The Environment Agency has recommended conditions and informatives which, it is considered, address concerns in relation to flooding.

10. Summary and conclusions

The proposed development, it is considered, would make a significant contribution towards Wiltshire's renewable energy targets. Natural habitat enhancements would also result. Objections are considered to be addressed via the proposed conditions in relation to access, traffic, highways, landscaping, ecology and site re-instatement. It is considered that the proposals accord with current and emerging development plan policies and a primary goal of the NPPF, i.e. sustainable development.

RECOMMENDATION

That Planning Permission be APPROVED subject to the following conditions:

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

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

- 2 The development hereby approved shall be discontinued and the land restored to its former condition on or before 01 June 2039 in accordance with a Decommissioning Plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning; unless before that date planning permission has been sought and granted for the retention of these structures for an extended period of time.

REASON: In the interests of amenity and the circumstances of the use.

- 3 In the event that the development ceases to be operational for the generation of energy before the end of the period defined in condition 2 then all associated development on, under or above the application site shall be removed from the site and the land returned to its former condition in accordance a Decommissioning Plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning, and within six months of the cessation of the generation of energy from the site.

REASON: In the interests of amenity and the circumstances of the use.

- 4 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) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from any demolition and construction works;
- h) measures for the protection of the natural environment; and
- i) hours of construction, including deliveries

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: In the interests of highway safety and amenity.

- 5 No ground-raising shall take place within areas defined as flood zones 2 and 3 on the Environment Agency's flood map.

REASON: To maintain the integrity and proper functioning of the flood plain, in order to prevent an increase in flood risk.

- 6 The boundary fences shall be erected in accordance with the approved plan H.0635-05-E and in advance of any other construction works commencing, and no construction or operational works shall extend into the wildlife buffer strips/ areas either directly or indirectly.

REASON: In the interests of the protection of wildlife.

- 7 Prior to the commencement of works a Supplementary Ecological Mitigation, Enhancement and Management Plan shall be submitted for planning authority approval. The Plan shall provide detailed drawings and proposals for the following:
- Restoration of "Pond 1" and enhancement of "Pond 2";
 - Reinstatement of land beneath the solar panels;
 - Sowing mixes for buffer strips / areas;
 - Restoration and management for each section of hedgerow within the application boundary;
 - Bat and bird boxes; and
 - Great crested newt hibernacula.

The works shall be implemented in accordance with the approved Supplementary Ecological Mitigation, Enhancement and Management Plan within 1 year of permission being granted. Any trees, hedges or plants forming part of a planting scheme 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.

REASON: In the interests of the protection of Protected Species and the promotion of biodiversity.

- 8 Development shall not commence prior to the submission and approval in writing by the LPA of fence design details which, notwithstanding drawing H.0365_17-A,

shall be of will be post-and-wire design to approximately 2.4m in height. The fencing shall be erected in terms of the approved details.

REASON: In the interest of amenity and the appearance of the site.

- 9 The scheme shall be delivered in accordance with the Confidential Badger Appendix (Avian Ecology, 2013), Ecological Mitigation Enhancement and Management Plan (Avian Ecology 05/03/14) and the Great Crested Newt Conservation Strategy (Avian Ecology 19/03/14) except where measures are revised by conditions 6 and 7 above. All mitigation and enhancement works will be completed within 1 year of permission being granted.

REASON: In the interests of the protection of Protected Species and the promotion of biodiversity.

- 10 Removal of hedgerows and ground preparation shall be undertaken only during the period 1st September to 28th February unless, if done outside this period, preceded by a survey by a professional ecologist and then only undertaken in accordance with the ecologist's written advice.

REASON: In the interests of nature conservation.

- 12 A survey of habitat condition measured against the Ecological Mitigation, Enhancement and Management Plan (Avian Ecology 05/03/14) and the Supplementary Ecological Mitigation, Enhancement and Management Plan shall be undertaken by a professional ecologist during the period May to August and submitted for Local Planning Authority Approval in the first, third and fifth years after the site first becomes operational. Where monitoring identifies non-compliance, remedial measures shall be identified, implemented and reported through a subsequently agreed monitoring survey.

REASON: In the interests of the protection of Protected Species and the promotion of biodiversity.

- 13 Any decommissioning plan submitted in accordance with Conditions 2 and 3 shall include an ecological assessment and mitigation report for approval by the planning authority. The site will only be decommissioned in accordance with the approved mitigation report.

REASON: In the interests of the protection of Protected Species and the promotion of biodiversity.

- 14 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 have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details and removed in accordance with conditions 2 and 3 above.

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

- 15 No development shall take place within 8m of the top of bank of any river or ditch at any time during the development.

REASON: To ensure that flood risk is not increased and to protect the biodiversity value of the watercourses.

- 16 No development shall commence until a scheme to limit surface water flows from the development during the construction and operational phases has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented and maintained in accordance with the details of the approved scheme.

REASON: To ensure that flood risk is not increased.

- 17 The development hereby permitted shall not be first brought into use until the existing furniture serving footpaths BGIF33 and BGIF34 where they intersect site boundaries is upgraded to a minimum standard of kissing gate in accordance with details which shall be submitted to and approved in writing by the local Planning Authority.

REASON: In the interests of amenity and public safety.

- 18 The development hereby permitted shall be carried out in accordance with the details shown on the hereby approved plans:

H.0365_01-C received on 09 December 2013;
H.0365_05-E received on 10 April 2014;
H.0365_12-A received on 09 December 2013;
H.0365_13-A received on 09 December 2013;
H.0365_14-A (1 of 2) received on 09 December 2013;
H.0365_14-A (2 of 2) received on 09 December 2013;
H.0365_15-A received on 09 December 2013; and
H.0365_16-A received on 09 December 2013.

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

- 19 During the construction phase no machinery shall be operated, no process shall be carried out and no delivery shall be taken or dispatched from the site outside of the following hours; Mon-Fri 07:30 to 18:00, Saturday 08:00 to 13:00 nor anytime on Sundays or public holiday.

REASON: In order to protect local amenity.

INFORMATIVES:

a. There are ordinary watercourses within or in close proximity to the site. If any obstruction to flow in the watercourse (permanently or temporarily, including culverting) is likely, prior Land Drainage Consent from Wiltshire Council (as the Lead Local Flood Authority) will be required.

b. Fencing used near watercourses could act as an obstruction to flow (thus increasing flood risk), therefore it is important to ensure that fencing design remains permeable to flood waters.

c. In seeking to discharge any surface water drainage condition, the following considerations should be borne in mind: - In the absence of any specific guidance on how to assess run-off from solar developments, a range of methods and

scenarios to calculate run-off rates (and thus, attenuation volumes) should be investigated. The introduction of impermeable areas within the development should be minimized wherever possible –all access tracks should be permeable. - Attenuation volumes should be agreed based on the above investigation and taking into account site specific circumstances. - Any drainage scheme should be supported by percolation / soakaway tests on site. - Management of the land, including grass seeding and planting (in line with proposals set out in the FRA) should be considered and confirmed. - Measures to offer betterment on existing surface water rates and volumes to reduce flood risk elsewhere should be considered given the scale of the development.

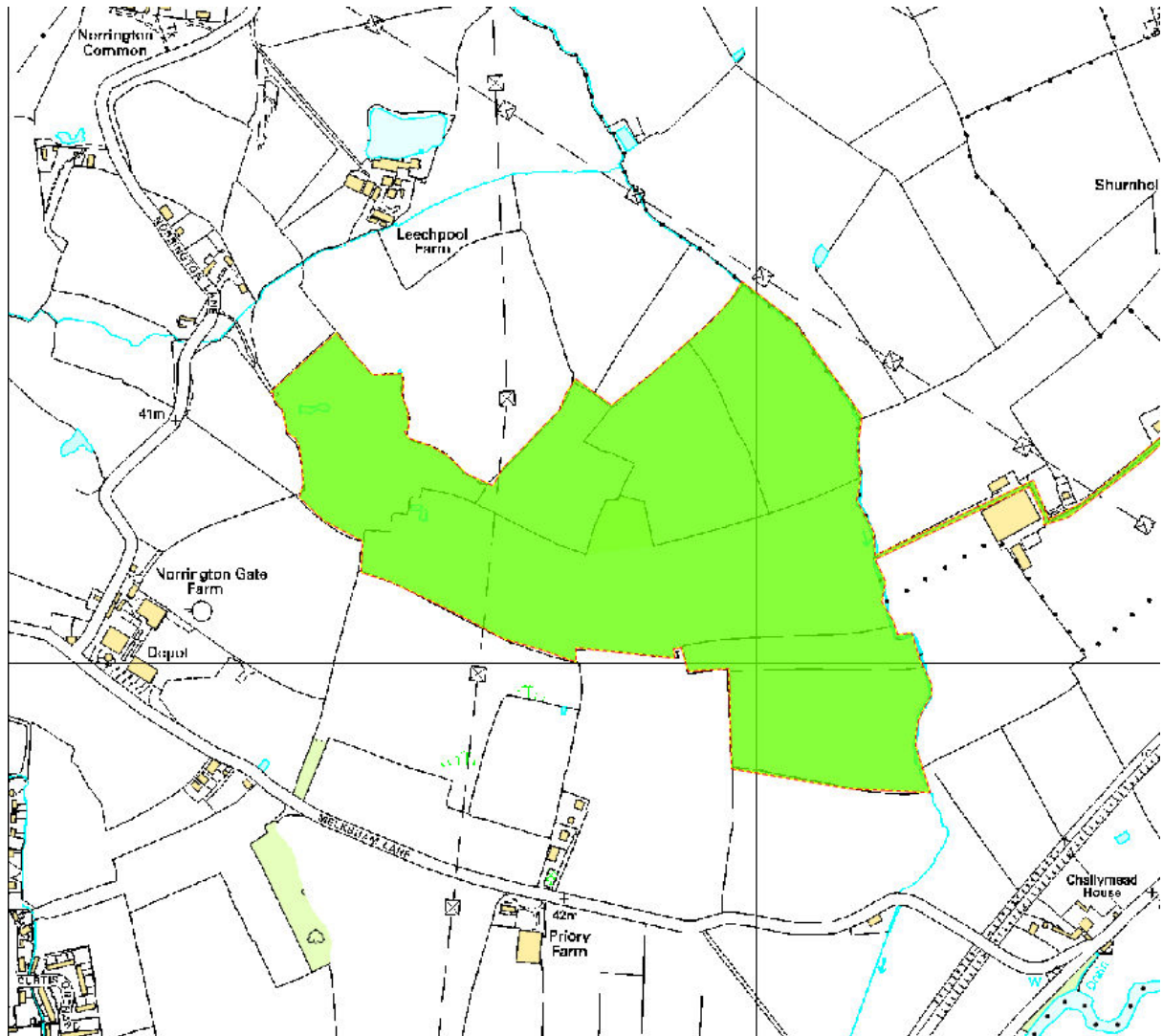
d. Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover: - the use of plant and machinery - oils/chemicals and materials - the use and routing of heavy plant and vehicles - the location and form of work and storage areas and compounds - the control and removal of spoil and wastes All works must be undertaken in accordance with the Environment Agency's Pollution Prevention Guidelines which can be viewed at the following link: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>. In the event of a pollution incident, the site operator must contact the Environment Agency immediately by calling 0800 80 70 60.

e. Use of road planings (tarmac scalpings) for track construction requires a Use of Waste in Construction exemption (U1) under the Environmental Permitting (England and Wales) Regulations 2010. It allows the use of suitable wastes for small scale construction but does not allow treatment of wastes to be carried out unless covered by a different exemption.

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ITEM 1 – 13/06707/FUL

Land SE of Leechpool Farm, Norrington Lane, Broughton Gifford



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	30 April 2014
Application Number	14/01659/FUL
Site Address	Haygrove Farm, 44 Lower Westwood Bradford On Avon, BA15 2AR
Proposal	Demolition of existing Dutch barn, stable building and shed to accommodate the erection of a new building to contain 2 units of holiday accommodation; access and associated parking
Applicant	Mr I Harding
Town/Parish Council	WESTWOOD
Ward	WINSLEY AND WESTWOOD
Grid Ref	380947 159102
Type of application	Full Planning
Case Officer	Kenny Green

Reason for the application being considered by Committee

Cllr Magnus MacDonald has called-in this application for Members to determine to consider the following matters:

- The Impact of the Development on the Green Belt; and
- Highway Safety Interests

1. Purpose of Report

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

Westwood Parish Council Response – Objects for the reasons cited in section 7.

Neighbourhood Responses – 20 letters of support received and 13 letters of opposition - which are summarised in section 8.

2. Report Summary

The main issues to consider are:

The Principle of Development; The Impact on the Green Belt/ Open Countryside; The Impact on the Conservation Area; The Impact on Highway Safety and PROW Interests; The Impact on Neighbours; The Impact on Ecology and Nature Conservation; The Impact on Archaeology; and Developer Contributions

3. Site Description

This application relates to a 0.9 acre irregular shaped parcel of land which is located outside of the defined Westwood village settlement, accessed off the south side of the Lower Westwood Road (which is a minor 'C' classified public carriageway) located behind two residential properties numbered 43 and 44 Westwood Road – the latter of which is within the control and ownership of the applicant. The character of the properties along the southern

side of the road (within the sites' immediate environs) is rather mixed in terms of various house types and designs. The site subject to this application, forms part of an agricultural holding and is occupied by buildings located on the outer periphery of the village which have been used in the past for agricultural/equestrian use(s).

There are three existing structures on the site comprising a rather imposing 7 metre high open-sided tin clad Dutch Barn (measuring 9 metres long x 6.5 metres wide); as well as a 2.5 metre high timber shed and concrete block stable block of a similar height and nearly 15 metres in length. All three structures are currently used to varying degrees for storage purposes.

The site is located within the Western Wiltshire Green Belt and Conservation Area, but it is not, as some claim, located within the AONB. A Public Right of Way (W0014) runs to the west and south of the application site, but it would not be compromised by this planning proposal. Today, the site is found in various stages of dereliction, although the established agricultural use of the land remains extant.

The majority of the contiguous land adjoining the defined site is either residential (to the north and east) or used for agricultural / equestrian purposes (further to the east, south and west), beyond which, the rural landscape is formed and characterised by agricultural field systems divided by well established blocks of hedgerow and trees.

4. Planning History

The application site (or a part thereof) has been subjected to several applications through the years. Although not exhaustive, the following record is considered to be the most relevant:

74/01200/HIS – Residential development – Refused 12.05.1975

77/00294/HIS – Outline application for 32 houses – Refused 08.07.1977

83/01224/OUT – Outline application for a single dwelling – Refused 03.01.1984

85/00228/OUT – Outline application for 9 dwellings – Refused 01.05.1985

91/01413/FUL – Demolition of farm buildings and erection of two dwellings – Refused 03.03.1992 and subsequent Appeal Dismissal 20.10.1992

98/01669/FUL – Change of use of land to residential and erection of a travel lodge – Withdrawn 07.01.1999

02/01908/FUL – Construction of 4 dwellings – Withdrawn 01.09.2003

13/02810/FUL – Demolition of existing Dutch barn, stable building and shed to be replaced by erection of new 3 holiday let accommodation units, access and associated parking – Withdrawn 01.10.2013

5. The Proposal

This application seeks permission to erect a contemporary designed timber clad single-storey structure to accommodate two 2-bed holiday lets comprising circa 490 m³ to replace three existing on-site structures (namely a Dutch barn which measures 330 m³, a timber shed measuring 17.7 m³ and a stable block amounting to about 160 m³) which cumulatively total approximately 507 m³.

The holiday let accommodation has been designed following negotiations held with Council officials and Visit Wiltshire. The concept of the design is based on officer advice to reflect an agricultural vernacular – with similar proportions to an agricultural byre or cart shed. The proposed holiday accommodation has been designed to follow the site contours, utilise the footprints of the three structures on the site; and introduce internal maximum flexibility to satisfy the demands of individuals, couples and families.

The development constitutes as redevelopment of land currently occupied by buildings, introducing a new building with a lower profile compared to the rather imposing Dutch barn as part of a scheme which the applicant asserts would be “*far more subtle than the existing buildings ...and [promote] a design that allows it to assimilate into its setting*” (page 18 of the Design and Access Statement).

The new build structure is based on a simple rectangular plan form with an asymmetric roof. Vertical timber cladding would be used to support an agrarian styled built form which would be supplemented by louvered timber over the fenestration. The north facing roof plan would also be timber clad, giving the building a rustic but contemporary aesthetic. The timber would be left to weather and soften naturally. The southern elevation would be more ‘modern’ although there would still be timber slatting in front of bedroom windows. Dark non-reflective solar PV panels are planned for the south facing roof plane to maximise solar gain and utilise renewable energy potential. Two modest (600mm) stove flues would nominally project above the ridgeline.

The applicant proposes to utilise the existing shared access arrangements off Lower Westwood Road and has submitted a plan showing on-site parking for 4 motor vehicles for the 2 holiday let units. The applicant is however keen to have the premises available to people arriving by public transport (with a bus stop located close by), bicycle and foot, and emphasises the proposed level access to the front door to suit most visitors, some of whom may have mobility limitations.

Public sewer and water connections are proposed with a dedicated on-site surface water drainage treatment (which would also deal with roof water).

To support the application, the applicant has produced a heritage assessment as part of the submitted Design and Access Statement (D&A) as well as providing a policy and contextual analysis. Moreover, appended to the D&A, four letters of support from Visit Wiltshire and a selection of local businesses have been submitted (separate to the public notification and advertisement process).

6. Planning Policy

West Wiltshire District Plan – 1st Alteration (hereafter shortened as WWDP):

GB1 – West Wiltshire Green Belt; C1 – Countryside Protection; C17 – Conservation Areas; C18 – New Development in Conservation Areas; C21 – Planning Permission in Conservation Areas; C22 – Demolition in Conservation Areas; C31a – Design; C32 – Landscaping; C34 – Renewable Energy; C35 – Light Pollution; C38 – Nuisance; E9 – Agricultural Land; T10 – Car Parking; I1 – Implementation and; The Wiltshire Local Transport Plan 2011-2026 – Car Parking Strategy; T12 – Footpaths and Bridleways; T03 – Hotels, Guest Houses and Self-Catering Accommodation; CF3 – Villages and Rural Areas; U1a – Foul Water Disposal; U2 – Surface Water Disposal.

The Emerging Wiltshire Core Strategy (eWCS):

The following emerging Strategic Objectives of the Council enshrined within the (eWCS) are relevant to this application:

Delivering a thriving economy; To address climate change; Helping to build resilient communities; Protecting and enhancing the natural, historic and built environment; and Ensuring that essential infrastructure is in place to support our communities.

The relevant Core Policies are – CP2 – Delivery Strategy; CP7 – Bradford on Avon Community Area; CP34 – Additional Employment Land; CP39 – Tourist Development; CP40 – Hotels, Bed and Breakfasts, Guest Houses and Conference Facilities; CP41 – Sustainable

Construction and Low-Carbon Energy; CP42 – Standalone Renewable Energy Installations; CP48 – Supporting rural life; CP50 – Biodiversity and Geodiversity; CP51 – Landscape; CP52 – Green Infrastructure; CP57 – Ensuring High Quality Design and Place Shaping; CP60 – Sustainable Transport; CP61 – Transport and Development

Government Guidance:

The National Planning Policy Framework (NPPF); Planning Practice Guidance (PPG); and, The Noise Policy Statement for England (NPSE)

7. Consultations

Westwood Parish Council – Objects and recommends refusal on the following grounds:

1. The proposal represents ‘de facto’ residential development in the Green Belt, Conservation Area, and on the edge of the AONB and Cotswolds Conservation Area.
2. The proposal is contrary to Green Belt policy as detailed in the NPPF and the Emerging Wiltshire Core Strategy;
3. The proposal does not address the Government’s objectives for providing social affordable housing;
4. The current agricultural land use would be significantly changed; and
5. The access onto the Lower Westwood Road (a minor C class highway) is not appropriate for further development/traffic generation. There is a significant road safety hazard in the form of a narrow blind bend in the carriageway; and the proposed access to the development will exacerbate that danger to an unacceptable level. Recent statistics provided by the Community Speed Watch team (dated Feb 2014) showed that the danger along this carriageway is increasing with over 2000 vehicles observed at the pinch point near the site during a 9-hour period whereas a decade ago, the count compromised 1700 vehicles during a full day.

The Parish Council further resolved that should the Planning Committee be minded to permit the development, there should be a condition preventing the proposed holiday accommodation from being changed into a separate permanent residence or used for unrestricted residential purposes.

Wiltshire Council Highways – No objections are raised, subject to a condition. A detailed summary of the highway position is covered in section 9 of this report.

Wiltshire Council Conservation Officer – No objections are raised. This is a site within the Conservation Area at a rural edge. As such, the site forms a transition from the village to the countryside. There is a degree of visibility through the site as the form and scale of the existing buildings allow this. It is further appreciated that the site is highly visible from all sides as there are footpaths to the south and this raises its importance as a village/rural transition site.

The scheme has been revised through negotiations held with conservation and planning officials which has led to a smaller replacement building being proposed compared with earlier schemes. The proposed developed now submitted is more sympathetic to the compensatory scale of the existing buildings and crucially, it would retain the sense of visibility through the site from the village to the countryside and back again. The revised building has also been moved further into the site, away from the footpath – which is located to the west and south of the application site. The general form of the building and the design of the north, east and west elevations are agricultural in style; and this is welcomed. The south elevation has been amended through negotiations to reduce a central projecting wall and canopy, which is to the benefit of the scheme visually.

The use of solar panels, if suitable units are chosen for a non-reflective appearance, would be acceptable providing they are removed if they ever fall out of use or are otherwise no longer needed.

Wiltshire Council Ecologist – Recommends that an informative be added (upon any permission) to protect breeding birds from any risk of harm.

Wiltshire Council Archaeologist – The Wiltshire and Swindon Historic Environment Record indicates that there is a low potential for heritage assets with archaeological interest to be impacted by the proposed development. No conditions are therefore recommended.

Wessex Water – No objections are raised subject to informatives covering water and waste water connections as well as surface water drainage.

Wiltshire Fire & Rescue Service – Wiltshire Fire & Rescue Service report that it does not receive funding to mitigate the risk generated by new growth in Wiltshire, and the burden of related infrastructure costs should be passed onto the developers through a Section 106 Legal Agreement/CIL. In this particular case, a financial obligation is sought for the sum of £63.36 and the applicant/developer should be responsible for the cost of hydrants and water supplies for fire fighting. Furthermore, domestic/ residential sprinklers are recommended by way of a planning informative.

8. Publicity

The application was subject to individual neighbour notifications, a site notice (which was displayed opposite the site on 3 March) and a press advertisement.

20 letters of support were received citing the following:

Access / Highway safety

- The carriageway adjacent to the site is not problematic. There have been no known / recorded accidents along the Lower Westwood Road in over 20 years. The addition of two holiday lets replacing an agricultural use would not pose substantive harm to highway safety interests.
- Future holidaymakers would be aware of any highway constraint. This would be no different to normal driver awareness. Any risks are mitigated for by the traffic system and signage in place to alert all road users to be cautious.
- Any holiday let booking literature should include access details to forewarn any visitor.
- One supporter argues that visitors would be more inclined to respect the 20mph restriction than locals.

Policy Conflicts

- Supportive representations have been received from Visit Wiltshire, Wick Farm Farleigh Hungerford Conference/Wedding Centre, Little Court Avoncliff and Eastbrook Cottage B&B, Southwick as well as from the owner of Westwood's shop/post office. The proposal would enhance this derelict Green Belt site and would bring about significant improvements to both the site and surroundings. It is compliant with WWDP Policy and the NPPF.
- The self catering accommodation would be a great benefit to have in the village and would strengthen its economic vibrancy.
- Redeveloping the site from agricultural use would eliminate potential conflict with residential amenities.

- The objections from the Parish Council/third parties are contradictory. How can they argue against redeveloping this site, but say they want affordable housing? Any perceived lack of affordable housing provision is irrelevant to this case. The application is for a new business.
- This is an excellent proposal. Little regard has been given by the objectors to the fact that the site is brownfield previously developed land. Do we really want more bland suburban development?

Need for Holiday Lets/Viability

- It is misguided to say Westwood is not a holiday destination, without local attractions. Nearby we have, Bath, Bradford on Avon, the Cotswolds, Longleat, Stonehenge, the Kennet and Avon Canal and Iford Manor to name just a few.
- The business should be supported as it would generate local economic development and would support existing local businesses (e.g. the shop/post office, pub and Westwood Social Club).
- The letter of support from Visit Wiltshire is noted. Visit Wiltshire report that the UK tourism is predicted to grow at 5% to 2020 with local tourism revenue in the UK for 2012 reaching £134bn. Visit Wiltshire report that the site proposals 'fit well with current trends and with good marketing this development would help contribute to the continued growth of Wiltshire's visitor economy'.
- Surely this venture would benefit the village overall. One supporter asserts to be more persuaded by the views of the CEO of Visit Wiltshire based on facts associated to tourism and business owners – whose livelihoods depend on considered judgement, than personal opinions raised by the objectors passing doubt over the future popularity of this business venture.

Impact on Neighbours/Surroundings

- Contrary to what the objectors claim, the application has local resident support including some immediate neighbours. Contrary to what some objectors claim, a couple letters of support have been received from immediate neighbours' (including a resident since 1971 and another of over 20 years) and assert that the applicant has sympathetically restored his house and land, and this development appears of a similar high standard which would further enhance the surroundings.
- It is alarming that some objectors wish to deny some people their democratic right to voice their support just because they rent a property, live elsewhere in the village or even outside it. Surely everyone's views count?
- There would be no substantive noise complaints. BBQs form part of everyone's right to enjoy their private amenity garden ground. Why should this be objectionable?
- No animals are kept on the site. No pigs have ever been kept on the site. Is this what objectors want?

Precedence

- If approved, the development would likely be restricted in terms of its use; and thus any future proposal seeking to change its use or extend it would require to future planning permission. The same would apply to any proposed housing development on adjoining land. When such applications are submitted, that would be the time to object, not now.

Planning History

- The scheme has been negotiated with Council planning, highways and conservation officials for over a year. The scheme is one that should be supported.

Other Matters

- Some doubts have been cast about the Parish Council position representing the feelings of the village. One letter writer asks whether the chairman of the Parish Council declared an interest in any vote, since he lives close by.
- It is further alleged that a small number of people have tried to influence other residents to oppose this development by circulating petty objection letters including matters totally irrelevant to what is being proposed and against democratic planning principles.

13 letters of objection were received citing the following concerns:

Access / Highway safety

- The access to the site is dangerous with limited visibility located close to a pinch-point in the carriageway. An increase in traffic generation along such a narrow road would make matters worse.
- The applicant suggests that his target market shall be older people – who would be less likely to react quickly to traffic incidents.
- Holidaymakers would be unaware of the risks.
- A recent Community Speed Watch Survey recorded that 83% of over 2000 vehicles movements travelling through the village (over 9 hour periods during 4 days between 3-10 Feb 2014) were not Westwood residents.
- Concerns are raised over the impact upon the PRow. Any diversion/obstruction would be unacceptable.
- Will the Council/planners take full responsibility / accountability for any accident if this application is approved?

Policy Conflicts

- The disturbing proposal is contrary to local and emerging plan policy, the NPPF and the 2011 Localism Act.
- Opposition is recorded to converting the agricultural land to residential. This proposal is for 'defacto' residential use, and adds to Government concerns about second homes.
- The proposal does not satisfy the Government's objectives for providing affordable housing.
- The proposal is inappropriate development in the Green Belt and AONB.
- The modern design would not be in keeping with the village where there are no similar wooden properties; they are instead mainly made of stone.
- The solar PV installation on the southern roof plane would be inappropriate in such a protected rural landscape and would have an extraordinary visual impact on neighbouring properties, at odds with the conservation area.

Need for Holiday Lets/Viability

- Lower Westwood is not a holiday destination. There are no facilities or services for tourists in the village. The village does not need holiday homes. Holidaymakers would go to Bradford on Avon, Bath and Somerset. The support from Visit Wiltshire should be disregarded – they exist to promote holiday destinations.
- The failed holiday let business at Atworth (Fairfield Barn) should be cautionary example of what happens when holiday businesses are set up away from prime tourist locations.
- Concern is raised about what happens if this business fails. The property would be converted into unrestricted residential use and would gradually be further extended.
- When not in use, the vacant premises would realise no benefit to the village/community.

- There is no guarantee that the applicant would continue his proposed objective or be successful. What happens if the property is sold on?
- The applicant has never been interested in holiday lets before, it's not his business and he has no such experience.

Impact on Neighbours/Surroundings

- The 2 holiday lets could accommodate up to 10 adults and children within such a small area. Holidaymakers have no regard for permanent residential occupants and would disturb the tranquillity of the area and impinge upon the peace of neighbouring properties. Holiday use is inevitably linked to boisterous fun, noise and BBQs.
- Concern is raised over the relationship the holiday lets would have upon the nearby cemetery and the path used by funeral processions.

Impact on Ecology

- The immediate open fields to the south of the site are the hunting ground for barn owls. Extreme care must be taken to ensure that no protected species or habitat is affected/harmed by this proposal.

Loss of Agricultural Land/Buildings

- The derelict buildings and the site should be retained for agricultural purposes. If the proposal was to replace the existing structures with new working agricultural buildings, that would be a different matter.

Precedence

- Concerns are raised over a precedent being set should this application be approved. One local landowner is recorded as saying that she shall apply to build houses on nearby green belt land should this proposal succeed, as a financial legacy for her grandchildren.

Planning History

- The site has been subject to a series of applications through the years, including one proposal for 32 houses. There is some concern that the applicant is seeking to realise residential development on the site by stealth.

Other Concerns

- The site has been subject to heavy water logging in recent years.
- The applicant has failed to discuss his plans with all neighbours.
- The proposal constitutes a significant change of use from agricultural.
- An alleged breach of planning control has been raised with respect to a games room being used for residential purposes.
- The applicant has allegedly broadcast views around the village saying that the application shall be approved, despite minimal local support. It is further alleged that the applicant has said that if the application is not approved, he shall use the site for keeping horses. Horses are not agricultural animals and in any case, the stabling block on the site is too small, and may have been used as piggeries.
- Some objectors argue that some of the letters of support should be disregarded. A letter of support from a nearby tenant should be ignored. Other support comes from individuals and businesses outside the village and most of the support from Westwood residents don't live near or adjacent to the site, and would not be directly affected. The support received from the local public house proprietor should be ignored since he has a business interest in supporting this scheme and has no environmental impact interest.
- Should permission be granted, there should be conditions imposed preventing unrestricted residential occupation and further expansion.

- The application should be determined by the elected members to consider all the material considerations and hear both the objectors and supporters.

9. Planning Considerations

Key Issues: The Principle of Development; The Impact on the Green Belt/ Open Countryside; The Impact on the Conservation Area; The Impact on Highway Safety and PROW Interests; The Impact on Neighbours; The Impact on Ecology and Nature Conservation; The Impact on Archaeology; and Developer Contributions

9.1 The Principle of Development - Officers fully appreciate the site's planning constraints and are fully aware of the site's planning history which is documented above and has been referenced by some local objectors. Officers would firstly stress that each application must be considered on its own merits, although, planning history can be a material consideration. In this particular case, officers stress that there are substantial differences between what was previously applied for and refused compared to what is presented under this application. It is also necessary to be mindful that national and local plan policy has evolved since 1974. This scheme seeks permission to erect holiday lets – which although captured under a 'C3' planning class use, a holiday let use is quite distinct from a standard dwelling. Holiday lets in rural locations and where planning authorities consider it appropriate often have conditions that restrict occupancy to prevent it being used as permanent letting or a sole residence.

The identified Haygrove Farm site is considered by officers to have potential for redevelopment. It is important to be clear that the national and local policy does not prevent new development taking place in such sensitive locations, although it is crucial that any new development is appropriate. This transition site located on the outer edge of the village, sited immediately behind residential properties (which are also defined as being outside the parameters of Westwood's development limits) has been identified by the applicant for holiday let accommodation following extensive discussions with Council officials.

The negotiated proposals are considered by officers to accord with the guiding principles of both the adopted West Wiltshire District Plan and the emerging Wiltshire Core Strategy. WWDP Policy C1 which covers the principle of development in the open countryside supports sympathetic proposals which aim to diversify the rural economy providing they protect/conservate the surrounding environment. The provision of self-catering accommodation is also compliant with the thrust of WWDP Policy T03 – the adopted local plan policy covering such business proposals, which emphasises the importance placed upon sympathetic scale, design, siting and use of materials. The Policy goes on to explicitly reveal that new visitor accommodation should not result in disproportionate additions over and above the size of the existing building or cause harm.

Through the adoption of its Core Strategy, the Council plans to replace Policy C1 with elements enshrined in CP50 (biodiversity and geodiversity), CP51 (landscape), CP52 (green infrastructure), CP2 (delivery strategy), CP34 (additional employment land) and CP48 (supporting rural life) – policies which remain with the Core Strategy Planning Inspector to form a view on its soundness. For the time being however, given that the Core Strategy is well advanced and has went through its public examinations, due weight can be attached to the emerging plan.

Officers find no substantive policy conflict with the emerging plan, but identify the core planning objectives of delivering a thriving economy and helping build resilient communities as being particularly relevant to this case. Moreover, officers assert that whilst the site is located outside of the defined settlement limits of Westwood, the site cannot reasonably be described as 'isolated'. The site is considered to be no less sustainable than anywhere inside the village, by virtue of it being serviced by the same road network.

Furthermore, officers duly assert that the proposal would not demonstrably affect the open countryside by virtue of what exists on the site at present. Officers argue that the three existing buildings on the site have little or no architectural merit and the planned redevelopment has through negotiation, been planned sensitively to bring about a change of use and introduce some economic development to help support the village's vitality and widen the County's tourism accommodation offer.

Any doubt cast about the business succeeding is not a material planning consideration. Although, a degree of comfort can be gleaned from the views passed by the CEO of Visit Wiltshire – where it is explicitly asserted that *“there is significant consumer demand for high quality accommodation, offering flexibility for guest[s] in Wiltshire”*; and having reviewed the plans and visited the site in person, the official tourist board for Wiltshire is on record as stating that the *“proposed development fits well with current trends and providing [it] is marketed well will help contribute to the continued growth of Wiltshire's visitor economy”*.

At a national level, the NPPF places significant weight upon sustainable economic growth, to support proposals which contribute towards *“building a strong, responsive and competitive economy”* – which marries well with the aforesaid emerging Core Strategy objectives of the Council; and, in paragraph 17 of the NPPF, a clear marker is laid through emphasising that the core planning principles should *“not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives”*. Within paragraph 19, the Framework records that *“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system”*.

For completeness sake, it is worth recording that this policy context set the principle backdrop for the discussions held with the applicant and his appointed agents, and through extensive negotiations, officers pressed for having a replacement building being commensurate to the existing range of structures, but sought a single-storey new build with a much lower profile than the Dutch barn to be sited overlapping the existing footings of the three structures to retain views and glimpses of the open countryside beyond the site and back towards the village from the PRoW to the south and east of the site.

According to the Council's database, the agricultural land designation for the site is graded as land of moderate quality, which is not used for food/crop production although officers would submit that the agricultural potential for the area amounting to less than 1 acre is probably best left limited to storage purposes given the close proximity of several residential properties. The parcel of land is not considered to be prime versatile agricultural land with much of it formed as hard standing, consequently, officers argue that in this case, there is no reasoned or justified planning objection to the 'loss' of such agricultural land.

The mixed level of support and objection from the local community is duly recorded, and it is submitted that the key planning issues requiring detailed analysis concern: the impact on the green belt/ open countryside; the impact on the conservation area; the impact on highway safety and PRoW interests; and, the impact on neighbours. These shall be assessed in turn below.

9.2 The Impact on the Green Belt/ Open Countryside – Officers would firstly stress that the proposed redevelopment of the site would not have a materially greater impact than the present buildings on the openness of the Western Wiltshire Green Belt. The proposed replacement building would be smaller both in size (volume) and in profile compared to the existing three structures and the visually dominant Dutch barn. Furthermore, officers maintain that the three structures do not positively contribute towards the landscape/ Green

Belt setting or the transitional character of this edge of village site. Following extensive pre-application discussions and negotiations, the applicant proposes constructing a new building based on a simple rectangular form of a lower single-storey profile, set out encompassing the footings of the existing buildings to ensure that the essential character of the area is not harmed. The openness of the Green Belt – its most important element, would therefore not be compromised. Officers recognise that the site at present is rather unkempt with buildings in various stages of dereliction, but it is important to record that the site/ buildings are still used and benefit from an existing agricultural use with its own associated access and parking element – which could be intensified without requiring any Council approval. It is considered important to stress that the holiday let use and the type of vehicles using the shared access for such an enterprise would be more respectful to the immediate residential land use, than more intensive farming operations including tractor and other machinery use, silage storage or even animal housing which does merit some consideration as a potential fallback should this development not succeed.

Whilst the application site planning history is documented in section 4, which does include some historic refusal decisions, it is important to be clear that this application must be assessed on its own merits as a commercial venture and tested against up-to-date planning policy.

As referenced within the Conservation Officers consultation commentary, officers welcome the applicant's revised proposal which follows much of the advice and guidance offered and crucially, it would allow for a sense of visibility through the site which satisfies the aims of the Green Belt in terms of preserving a sense of its openness as well as preserving important views into and out of the Conservation Area.

Having negotiated this scheme for over a year, planning and conservation officers find the design, scale, massing and use of materials to be acceptable; and if approved and implemented, would make a positive impact locally without harming the Green Belt or compromise the policies in place enshrined to protect it.

9.3 Impact on the Conservation Area - Section 66 & 72 of the Planning (Listed Building and Conservation Area) Act 1990 stipulates that the Local Planning Authority has a duty to pay special attention to the desirability of preserving and enhancing the setting of a building or buildings of special architectural or historic importance and the character or appearance of the Conservation Area. Furthermore, the NPPF identifies the need to conserve heritage assets in a manner appropriate to their significance.

In this particular case, officers duly assert that the three structures on the application site do not contribute positively to the character and appearance of the Conservation Area. Moreover, officers submit that the type and condition of the present buildings upon it, to a certain degree, devalues the character and appearance of the heritage asset. The functional use of the old stabling has now lapsed and the appropriateness of the domestic scaled timber shed on the site appears incongruous. The size of the Dutch barn appears visually striking in the landscape and somewhat discordant within such close proximity to several residential properties; and there is certainly no architectural merit to any of the structures to justify their retention in heritage terms. Officers therefore report no objection to the proposed demolition of the stabling, the shed and Dutch barn.

As far as the proposed new building is concerned, it is considered important to stress that the proposal has evolved in terms of its design, scale, massing and detailed elements through pre-application discussions which involved the Council's Conservation officer. Through negotiation, the holiday let building has been re-sited so that it relates to the footings of the three existing structures which would be removed. The size and number of the holiday lets have been reduced, which in combination with the re-siting element, would

allow for a degree of public visibility across and through the site to the wider countryside to the south and up towards the village when viewed from the PRoW to the west, south and east of the site.

It is fully acknowledged that neighbouring properties are of a more traditional vernacular comprising natural materials with dressed or random stone walls under clay tiled roofs. However, in recognition of the mixed materials used on the three structures on the site at present and having due cognisance of the site's agricultural land use, officers adopted a positive approach (as encouraged by the NPPF) through discussing the principle and finer details of redeveloping this site with the applicant and his appointed agents which date back to 2012. Officers firstly emphasised the importance placed upon ensuring that any replacement building should be commensurate to the scale/volumetric size of the existing buildings; and secondly, it was considered appropriate to promote the concept of single-storey agrarian styled timber structure which could integrate with its surroundings without causing harm or conflict. Following a series of discussions and modifications, officers are fully satisfied that from a heritage viewpoint, the proposed building would be compliant with the relevant conservation/heritage based policies and that it would make a welcome contribution to the conservation area.

9.4 Impact on Highway Safety and PROW Interests - Whilst some local residents have raised concerns about highway safety implications associated to this site and proposal, it is necessary to stress that the NPPF expressly asserts in paragraph 32 that "*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*". Officers duly assert that there would be no such "severe" highway impacts to justify a refusal in this particular case.

The highways team recognise that the site access is shared by No. 43 and No. 44 located within a 20mph speed limit and close to a narrowing in the road which aids the slowing of traffic speeds. The highway authority duly acknowledges the concerns raised by some local residents and the parish council, but it has to be recorded that there has been no recorded accidents at this point in the last 10 years. Furthermore, the submitted plans show 2.4m x 20m visibility to the centre line of the road at the narrowest point and 2.4m by 29m to the west. Given the nature of the road as reported above, no highway objection is raised.

All the highway based objections have been fully reviewed, including the referenced Community Speed Watch findings. Following a review of the submitted data, the highways team advise that the number of vehicles passing along the public carriageway within a 9 hour period (as referenced by the Parish Council), is not considered a large traffic flow and is certainly not a substantive highway safety constraint to justify a refusal in this case.

9.5 Impact on Neighbours - Officers acknowledge the fact that the three agricultural buildings on the site are located in close proximity to several residential properties, which could potentially led to some land use / amenity conflict, if the site/ buildings were to be used more intensively for farming purposes away from storage. If approved and implemented, this application would result in the removal of the agricultural land use; and thus, erode any such future agricultural/residential conflict. As recorded above, the Council has received a mixed response from residents of Westwood with some registering full support and others raising concerns. For those opposing the application on amenity grounds, after visiting the site and carefully assessing the proposals, officers assert that the separation distances and relationships between the proposed new holiday let accommodation - with its main amenity space located to the rear; and the closest neighbouring residential properties, are acceptable and that it should not substantively disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

The two proposed self-contained holiday lets would each have 2 bedrooms, a kitchen/dining room and wc/bathroom as well as some dedicated outdoor space. Whilst the proposal would constitute a change the use of the land, it is considered that a holiday let use would be much more sympathetic to the prevailing residential use of all the adjoining neighbouring properties; and moreover, the level of visitor comings and goings should not have an undue negative impact on the amenities of neighbouring residential occupiers.

For the avoidance of any doubt, the use of the holiday lets can be controlled by planning conditions to restrict the occupation and impose a reasonable guest book management requirement so that the Council can properly monitor its future use. This is considered both necessary and entirely reasonable and consequently, planning conditions are so recommended.

9.6 The Impact on Ecology and Nature Conservation - As reported above, the Council's ecologist reports no objection to the development proposal on ecological/nature conservation grounds. Should permission be granted, an informative is recommended to advise the applicant/developer to ensure that when demolishing the three structures or disturbing any land, due consideration should be given to bats and breeding birds and to avoid the bird nesting season (March to August); and that even outside such a period, care should be taken.

9.7 The Impact on Archaeology - The Council's archaeologist reports no concerns and is on record advising that "*based on information in [the] Wiltshire Historic Environment Record...no concerns [are raised] regarding any archaeological impact by the proposed development*". This advice is also enshrined within page 19 of the submitted Design and Access Statement.

9.8 Developer Contributions – As reported above, the Wiltshire Fire & Rescue Service request a financial contribution amounting to £63:36. Members are respectfully reminded that similar requests have been the subject of debate at recent committee meetings, with officers advising that such requests are not currently policy compliant; and would not satisfy the essential tests which all planning obligations must accord with. The Council does not yet have an adopted Community Infrastructure Levy (CIL) charging mechanism, which could potentially allow for such infrastructure contributions. Officers therefore submit that the cited financial contribution (amounting to £63) cannot be sought. Whilst the Council is yet to adopt CIL, CIL legislation came into force in April 2010, and within Regulation 122, the legislation decrees that: "*a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—*

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development*".

In this particular case, it is further argued that in the absence of any other infrastructure contribution (which would meet the necessary obligation tests), Members are respectfully advised that the £63 sole obligation could be challenged in terms of its reasonableness, especially considering the disproportionate costs associated to setting up a s106 (with the purpose of seeking a much smaller sum).

10. Conclusion

This development has been the subject of extensive pre-application discussions held with Council officials for over a year. Through these discussions, the applicant has taken on board officer advice to reduce the scale of the holiday let accommodation from 3 to 2 units and to reduce the size of the building so that it is more commensurate with the existing range of buildings on a compensatory replacement basis. The applicant has agreed to re-site the new building so that it overlaps the footprints of the existing three structures – which

belittle the character and appearance of the Conservation Area. Following their proposed demolition, the applicant seeks to erect a building designed on a simple agrarian form with a smaller cumulative volume than the three structures with a single-storey profile which would not have a materially greater impact upon the openness of the Green Belt and Conservation Area; but would, through the loss of the agricultural buildings and changing the planning land use of the site, delete the future potential risks of residential neighbouring conflicts with such immediate agricultural operations.

Officers furthermore submit that this development fits with Central Government's emphasis placed upon stimulating economic growth, creating and supporting rural businesses and diversity, and job growth – enshrined under the banner of promoting economic, social and environmental sustainability. Officers are satisfied that this amended scheme accords with the key elements of the NPPF; as well as the Council's Local and Emerging Plan Policies, and consequently, this application is recommended for permission subject to conditions.

RECOMMENDATION - Approve 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. No development shall take place until samples/details of the materials to be used in the construction of all the external surfaces of the development hereby permitted (including the exact type and colour and manufacturer of the solar PV panels) have been made available to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the development harmonises with its historic setting and protected surroundings.

3. No building works pursuant to the construction of the holiday let accommodation shall commence until all three existing structures identified for demolition on the site have been permanently demolished and all the debris has been removed from the site/landholding.

REASON: In order to define the terms of this permission and to ensure the site is redeveloped in an appropriate manner respectful to the protected surroundings and neighbours.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order), the holiday accommodation shall be occupied for holiday purposes only and no person/s shall occupy the holiday accommodation for a continuous period of more than 1 month in any calendar year and it shall not be re-occupied by the same person/s within 28 days following the end of that period.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

5. Notwithstanding Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended) (or any order which revokes and re-enacts that Order with or without modification), the accommodation hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence. In addition, an up to date register of

names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

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

REASON: In the interests of highway safety.

7. All demolition/construction operations on site shall be restricted to the following hours:

Monday-Friday 08:00-18:00, Saturdays 08:00-13:00 and not at all on Sundays and/or bank Holidays.

REASON: In the interests of safeguarding local and residential amenity.

8. Should the solar PV panels become obsolete, they shall be removed from the property within 3 months from the date they cease to be used or function for the purposes of providing renewable energy; and that the roof shall be clad in material to match the northern roof plan hereby approved.

REASON: In order to define the terms of this permission.

INFORMATIVES TO THE APPLICANT:

1. The applicant/developer is advised to duly note that bats and their roosts are protected at all times by the Conservation of Habitats and Species Regulations 2010. Planning permission for any development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact Natural England's Batline on 0845 1300 228

2. The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. The season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

3. The applicant/developer is encouraged to contact Wessex Water to agree connections to the water supply and mains sewer infrastructure.

4. The applicant/developer is advised to contact the Wiltshire Fire & Rescue Service and to consider the installation / provision of residential sprinklers inside the new property. More information can be obtained from the Fire Authority through contacting them on tel. no: 01225 756500 or via email: planning@wiltsfire.gov.uk

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ITEM 2 – 14/01659/FUL

Haygrove Farm, 44 Lower Westwood, Bradford-on-Avon



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REPORT TO THE AREA PLANNING COMMITTEE

Report No. 3

Date of Meeting	30 April 2014
Application Number	13/05954/FUL
Site Address	Cress Cottage 11 Sherrington Warminster BA12 0SN
Proposal	Remove existing flat roof dormer to bathroom at rear of Cress Cottage and replace with new dormer extension with thatched roof. Demolish existing annexe outbuilding which is in a poor state of repair and replace with new outbuilding
Applicant	Mr Roel Huismann
Town/Parish Council	SHERRINGTON
Ward	WARMINSTER COPHEAP AND WYLYE
Grid Ref	395993 139114
Type of application	Full Planning
Case Officer	Russell Brown

Reason for the application being considered by Committee

The application has been called to committee by Councillor Christopher Newbury in the event that this case is recommended for approval for the following reasons:

Scale of development, visual impact upon the surrounding area, relationship to adjoining properties, design – bulk, height, general appearance and called in in support of local objections, to consider whether the application complies with development plan policy.

1. Purpose of Report

To consider the above application and to recommend that planning permission is granted.

2. Report Summary

The original proposal of a replacement dormer extension to the listed building and a replacement outbuilding raised local concerns. The plans were then revised accordingly with the intention of overcoming those objections. However, a Parish Council objection was then received to the revised plans objecting to the dormer windows and giving concerns over the size and mass of the outbuilding. Further revised plans were submitted to remove the dormer windows. It is considered by officers that the revised plans have overcome the objections by lowering the outbuilding and removing the north facing rooflights and the dormer windows on the south slope. The revised design would sit comfortably within the

setting of the listed building, the Conservation Area and the wider village and would not result in visual harm to the surroundings. The outbuilding would not have a significant impact on neighbouring amenity.

3. Site Description

The site is a relatively flat residential plot in the village of Sherrington beside the cress beds or village pond, at the junction of Sutton Hill and Church Lane. The dwelling on the site is a Grade II listed thatched cottage with a modern flat roofed extension. There is an existing detached flat roofed annexe building of no architectural merit.

4. Planning History

13/06133/LBC Remove existing flat roof dormer to bathroom at rear of Cress Cottage and replace with new dormer extension with thatched roof.
Enlargement of first floor window on East elevation. (Running parallel and on this Committee agenda).

5. The Proposal

The proposal is in two parts. Firstly, the removal of the modern flat roofed dormer extension from the listed building and the replacement with a more traditional form of dormer extension with a thatched roof. Secondly, to remove the existing annexe and replace it with a new outbuilding of traditional pitched roof design.

6. Planning Policy

C18, C28, C31a, C38 – West Wiltshire District Plan (2004)
National Planning Policy Framework
Core Policy 58 – Emerging Core Strategy

7. Consultations

Parish Council – Objects, making the following points (to the original proposals):

- Concerns over the design, size, scale and materials of the annexe.
- Concerns that the north facing rooflights would result in overlooking.
- Did the existing annexe ever have planning permission for change of use to an annexe?
- Concerns about proximity to neighbouring oil tank.
- Concerns over errors in the Design Statement.
- Concludes that “Clearly the size, design and impact of the proposed annexe would materially impact on local visual amenity on multiple aspects of the village, impact on a Grade 2 listed property, materially impact on privacy and light of a neighbouring property. The overall impact would be detrimental and should not be supported for development.”

Following revised plans, the Parish Council objected to the south facing dormer windows in the outbuilding, and expressed concern over the size and mass of the outbuilding.

Cranbourne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty – No objection.

8. Publicity

Seven letters have been received from the publicity process, to the original submission, making the following points:

- Concerns over the height of the proposed annexe and the impact that would have on the neighbouring properties, the village as a whole and the AONB.
- Concerns over the design and materials of the annexe, being out of character with the local area and listed building.
- Concerns of overlooking from north facing rooflights.
- Concerns over loss of light to the property to the north.
- Concerns over the use of the site as a whole, and the potential creation of a separate dwelling or holiday let.
- Concerns over potential for flooding.
- Concerns that this will create an increase in traffic generation and parking need.
- Concerns that the oil tank will need to be moved.
- Concerns that no vegetation screening is possible.
- Did the existing annexe ever have planning permission for change of use to an annexe?
- Concerns over the design of the projecting dormer extension to the listed building.
- No objections regarding the works to the listed building.
- Notes errors in the submission documents.

5 letters have been received to the revised plans, making the following points:

- The revisions represent a reasonable compromise and previous objection is withdrawn.
- The revised plans do not change the impact that this two storey house will have on the existing listed cottage – it will still overpower the existing cottage and completely change the character of the cottage and the village. Original objections stand.
- The second floor proposed is more than storage space – with 4 windows.
- The floor space and height is sufficient to allow living accommodation and the layout and number of windows suggested support this. For storage space a much lower roof and removal of the large dormers and floor to ceiling window will enable to the owner to have significant storage facilities. A major reduction in the height of the roof would reduce the impact that this building has on the neighbouring listed cottage and its surroundings.
- The existing flat roofed building is barely visible from the road and village focal points. The replacement with a wooden structure would be completely out of keeping with the area. The revised building is not 'subserviant' in structure as quoted in the revised plans – it is wood chalet type house being erected in the garden of a listed cottage.
- A legal agreement to confirm the annexe cannot be sold or let separately could be changed as a later date. The garden could be divided to facilitate a separate residence.
- This structure will be quite clearly visible from all scenic viewpoints in this AONB – including from the pond and from the small church.
- The new annexe is virtually the same footprint as the existing house.
- The development of a garage into a separate dwelling should not be permitted.
- An increase in the houses, indeed on a site where historically there has not been a house, will not only spoil these views but also set a precedent for further in-filling in the future.
- Loss of light and privacy concerns restated.
- The reduction in size agreed by the applicant seems a very reasonable compromise, especially as it hides No. 15 behind.
- There is another sizeable extension being built at the other end of the cress beds which would make a refusal in this case rather hypocritical.
- Not everyone in Sherrington village is against the amended planning application for Cress Cottage.

- The roof line has been lowered and we do not believe that the building would unduly dominate the setting.
- A significant number of properties in Sherrington have either been improved or extended over the years, and we do not believe it is fair or reasonable to deny the owner of Cress cottage his opportunity to upgrade his property, especially in view of the changes that he has made.

Wiltshire and Swindon Biological Records Centre – Otter recorded within c. 135m (2003). Inland water body within 100m.

Wiltshire Fire and Rescue Service – recommends compliance with the Building Regulations, a domestic sprinkler system and that the thatch is properly maintained.

9. Planning Considerations

Dormer extension to the main listed building:

Impact on character of listed building

The removal of the flat roofed rear dormer from the listed building would be a positive benefit to the listed building as the current arrangement is unsympathetic and harmful to the character of the listed building. The thatched dormer would project out at first floor level on timber posts, there would be no additional ground floor space created.

Whilst the proposed dormer extension would project further into the garden the traditional detailing would enhance the character of the listed building and is therefore considered to be acceptable.

Impact on special character and appearance of the Conservation Area

Similar to the above reasoning, the proposed traditional thatched dormer would result in the enhancement of the special character and appearance of the Conservation Area as the feature would be more in keeping with the historic character of the Conservation Area.

Impact on neighbouring amenity

The new dormer would reinstate a window facing the same direction as the existing window, but would be further into the garden and therefore closer to the northern neighbour. However, the neighbouring building would remain at a reasonable distance of over 20 metres away to prevent overlooking. In any case it would be a bathroom window. A bathroom is not a 'habitable room' and therefore overlooking, perceived or actual, would be minimal. Consequently there would be no significant change in the relationship between this and neighbouring dwellings with regard to neighbouring amenity. Notwithstanding this, the window should be maintained as an obscure glazed window to prevent overlooking.

Replacement outbuilding:

Impact on the setting of the listed building

The existing outbuilding, which measures 12.5 metres by 6.5 metres and contains a double garage and an annexe room with WC, is a poor quality flat roofed structure of no architectural or historic merit and is in poor condition. This actively harms the setting of the listed building because of these reasons. Therefore its demolition is considered to be acceptable.

The proposed replacement is proposed to be a three bay traditional outbuilding, comprising an open parking bay and an annexe room, with low eaves and a pitched roof containing storage space. Its footprint would measure 11.5 metres by 5.96 metres. The height of the building would be 4.935 metres from the existing ground level to the ridge when viewed from the north (due to the building being dug into the ground, it would be 5.575 metres from the new ground level to the ridge when viewed from the south).

Following comments from the local residents and the Parish Council, the design has been revised to lower the outbuilding a further 120mm into the ground, to a total of 570mm, and to reduce the ridge height by 525mm. This would give the building a much more subservient appearance in relation to Cress Cottage both from within and outside of the site.

In addition, the scheme has been revised further in that the dormer windows proposed for the south roofslope have been removed from the proposal to overcome the latest Parish Council objection and other public comments.

It is considered that the setting of the listed building would be enhanced by this building when compared to the existing flat roofed annexe structure. The proposed outbuilding would be more visible than the current flat roofed annexe from longer views within the village, however it is the natural clay tile roof that would be seen, which is a complementary material to the surrounding buildings, and therefore would be suitable within this historic context.

Impact on special character and appearance of the Conservation Area

Although the roof of this outbuilding would be visible from the village it would have a neutral impact as the traditional building would not look out of place. The natural clay tiled traditional pitched roof would sit subserviently next to the listed building and would therefore present a traditional visual arrangement to the wider village.

Accordingly, the special character and appearance of the Conservation Area would not be harmed by this proposed outbuilding.

Impact on neighbouring amenity

There are now no rooflights proposed on the north roofslope of the outbuilding. These were proposed originally but have been omitted due to comments from local residents. There would be no north facing windows in the roof and therefore again there would be no overlooking in that direction.

The current proposal includes a window in the east and west elevations. There are no neighbouring properties to the east or west that would be affected by these windows.

In terms of the effect on loss of light to the northern neighbour, the building has been reduced in height and is over 20 metres away from the neighbouring property. It is considered by officers that there will be minimal impact regarding loss of light from the southern part of the garden of the neighbouring property, but this is not considered to constitute a significant loss of amenity to warrant a refusal.

Impact on the Area of Outstanding Natural Beauty

This site is contained within a central location in the village and as such does not have a prominent position in the wider landscape. The proposed outbuilding would be of a traditional form and natural materials. Its scale would be in keeping with the surrounding buildings. Consequently, it is considered that the outbuilding would have minimal impact on the AONB.

Impact on ecology

This is a replacement of an existing building and therefore would not have an impact on the stated ecological records of otters 135m away and the body of water within 100m. If species are found during dismantling or construction then the protected species legislation would apply.

To address points raised from the publicity process and the Parish Council:

In order to address the comments the agent has revised the scheme to present a lower profile and a more subservient building with no northern facing rooflights or southern facing dormer windows. As shown above, it is considered that the revised scheme has overcome the concerns raised regarding design and scale.

The proposal is not a 'two storey house', but is a single storey ancillary outbuilding with storage space within the roof.

There was a concern raised over increased flooding potential. The site is not in a flood plain and in terms of lowering the building into the ground the building would need to be built to the latest standard of building regulations. The footprint of the new outbuilding would be smaller than the existing and the drainage and rainwater arrangements would remain as existing.

The issue of the use of the house and outbuilding has been raised. The applicant has written a statement to clarify that the site would be used for family residential use, the outbuilding providing space for visiting relatives. Habitation patterns are not a matter that planning can control, other than when a material change of use occurs, such as in the creation of a holiday let or a separate dwelling. In this case, neither a holiday let nor a new dwelling has been applied for, this application is for an ancillary outbuilding only. However, a condition should be imposed to link the use of the outbuilding to the main house as ancillary domestic use only.

The existing outbuilding did not require planning permission for use as an annexe, as an annexe is an ancillary residential use that, if used in connection with the main dwelling, does not require planning permission for that use.

There would be no effect on parking or increased traffic generation as the existing outbuilding is an annexe, and this replacement would remain an annexe on a smaller footprint.

The oil tank is not proposed to be moved and does not form part of this application. The proposed outbuilding would be sited within the footprint of the existing and therefore would not be any closer to the neighbouring oil tank.

The question of errors in the submission documents has been considered and it is felt that there is nothing that would invalidate this application as the decision must be made on the planning merits of the drawn scheme and not on statements, some of which are opinion, made in the supporting documents.

Other material considerations:

Regarding the comments from the Fire Service, there are no planning policies to substantiate these requests. Consequently, these are advisory notes and do not form a material planning consideration in terms of assessing the planning merits of the case.

10. Conclusion

There has been local objection to the original proposals, which was for a higher building with rooflights and dormer windows. The scheme was revised in order to overcome the local objections in that the building is now proposed to be lower and with no rooflights or dormer windows. It is considered that these revisions have been successful and are enough to overcome those objections in that the impact on the setting of the listed building, the Conservation Area and the AONB would be minimal. In addition, neighbouring amenity would not be significantly harmed.

RECOMMENDATION

That Planning Permission be APPROVED subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

**1140/1/001, 1140/1/002, 1140/1/005 received on 21st November 2013
1140/1/003 Rev A, 1140/1/004 Rev A received on 24th March 2014**

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

3. 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 and to protect the setting of the listed building.

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

REASON: In the interests of preserving the character and appearance of the Conservation Area and the setting of the listed building.

5. Before the development hereby permitted is first occupied the first floor window in the north elevation of the approved dormer extension shall be glazed with obscure glass only and the window shall be permanently maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

6. The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as Cress Cottage and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

Appendices: None

Background Documents Used in the Preparation of this Report: The application submission documents and plans, the publicity and consultee responses, the National Planning Policy Framework, the West Wiltshire District Plan (2004), the emerging Wiltshire Core Strategy.

ITEM 3 & 4 – 13/05954/FUL & 13/06133/LBC

Cress Cottage, 11 Sherrington, Warminster



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REPORT TO THE AREA PLANNING COMMITTEE

Report No. 4

Date of Meeting	30 April 2014
Application Number	13/06133/LBC
Site Address	Cress Cottage 11 Sherrington Warminster Wilts BA12 0SN
Proposal	Remove existing flat roof dormer to bathroom at rear of Cress Cottage and replace with new dormer extension with thatched roof. Enlargement of first floor window on East elevation.
Applicant	Mr Roel Huismann
Town/Parish Council	SHERRINGTON
Ward	WARMINSTER COPHEAP AND WYLYE
Grid Ref	395993 139114
Type of application	Full Planning
Case Officer	Russell Brown

Reason for the application being considered by Committee

The application has been called to committee by Councillor Christopher Newbury in the event that this case is recommended for approval for the following reasons: Scale of development, visual impact upon the surrounding area, relationship to adjoining properties, design – bulk, height, general appearance and called in in support of local objections, to consider whether the application complies with development plan policy.

1. Purpose of Report

To consider the above application and to recommend that listed building consent is granted.

2. Report Summary

The removal of the existing modern flat roofed dormer would benefit the character of the listed building as this is a harmful addition. There would be no loss of historic fabric. There have been some local concerns over the design of the replacement. These have been considered and it is concluded that the replacement with a traditional thatched dormer would enhance the character of the listed building. The enlargement of the eastern window would also enhance the character of the listed building without any loss of historic fabric.

3. Site Description

The proposal for removing a modern flat roof dormer window and replacing it with a traditional thatched dormer, extending further into the garden, along with alterations to an eastern window raised some local concerns. However, there would be no loss of historic fabric and the removal of the existing extension and replacement with a traditional thatched dormer would enhance the character of the listed building. The enlargement of the eastern window would also enhance the character of the listed building without any loss of historic fabric.

4. Planning History

13/05954/FUL Remove existing flat roof dormer to bathroom at rear of Cress Cottage and replace with new dormer extension with thatched roof. Demolish existing annexe outbuilding which is in a poor state of repair and replace with new outbuilding. (Running parallel and on this Committee agenda).

5. The Proposal

The removal of the modern flat roofed dormer extension from the listed building and the replacement with a more traditional form of dormer extension with a thatched roof. Enlargement of first floor window on the east elevation.

6. Planning Policy

C28 – West Wiltshire District Plan (2004)
NPPF
Core Policy 58 – Emerging Core Strategy

7. Consultations

Parish Council – Objects, making the following points: It is unclear how the proposed design is considered to be in keeping with the local style. There are no such designs of a projected dormer in the village or surrounds. It must be questioned that this is appropriate given the character and listing of the house.

8. Publicity

5 letters have been received from the publicity process, mainly making points regarding the accompanying planning application and those are detailed in the report for 13/05954/FUL; the relevant comments to this listed building consent application are as follows:

- Such a design seems very unusual for the rear extension.
- Concerns over the design of the projecting dormer extension to the listed building.

9. Planning Considerations

Dormer extension to the main listed building:

Impact on character and fabric of listed building

The removal of the flat roofed rear dormer from the listed building would be a positive benefit to the listed building as the current arrangement is unsympathetic and harmful to the

character of the listed building. The thatched dormer would project out at first floor level on timber posts, there would be no additional ground floor space created.

Whilst the proposed dormer extension would project further into the garden the traditional detailing would enhance the character of the listed building and is therefore considered to be acceptable.

The existing structure to be removed is a modern addition and therefore no historic fabric would be lost.

Enlargement of first floor window on the east elevation of the listed building:

The existing window is not historic and is not of particularly historic proportions. The enlargement of the window opening would result in no loss of historic fabric as only the window and the timber panelling, also modern, below would be removed. The proposed timber window would be of traditional detail and proportion and would enhance the character of the listed building.

To address points raised from the publicity process and the Parish Council:

There may be no immediately local examples of this type of extension, but it is nevertheless a complementary and traditional form of extension. The existing flat roofed extension is unsightly and harms the listed building. Therefore this proposal is an enhancement to the character of the listed building.

10. Conclusion

There would be no loss of historic fabric and the removal of the existing extension and replacement with a traditional thatched dormer would enhance the character of the listed building. The enlargement of the eastern window would also enhance the character of the listed building without any loss of historic fabric.

RECOMMENDATION

That consent be approved subject to the following conditions:

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON:

To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

1140/1/001, 1140/1/002, 1140/1/08 received on 21st November 2013

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

3. Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;**
- (ii) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;**
- (iii) Large scale details of proposed eaves and verges (1:5 section);**
- (iv) Full details and samples of external materials.**

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

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

Appendices: None

Background Documents Used in the Preparation of this Report: The application submission documents and plans, the publicity and consultee responses, the National Planning Policy Framework, the West Wiltshire District Plan (2004), the emerging Wiltshire Core Strategy.