REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	22 July 2020
Application Number	19/10471/FUL
Site Address	3A Church Lane Limpley Stoke BA2 7GH
Proposal	Erection of 2 No. dwellings and associated landscaping and access works (amended design).
Applicant	Mr & Mrs A Holdoway
Town/Parish Council	LIMPLEY STOKE
Electoral Division	Winsley and Westwood, Councillor Johnny Kidney
Grid Ref	378214 160472
Type of application	Full Planning
Case Officer	Jemma Foster

Reason for the application being considered by Committee

This application was deferred from the 17 June 2020 Western Area Planning Committee to enable the Councillors to attend a site visit. It was previously 'called in' for the Western Area Planning Committee to determine at the request of the elected local ward member, Cllr Kidney for the following reasons in recognition that officers are supportive of the development proposal.

Councillor Kidney originally requested that the application be considered by the Planning Committee for the following reasons:

- Visual impact upon the surrounding area – mainly the setting of the Grade II* Listed Church of St Mary, Limpley Stoke
- Relationship to adjoining properties
- Other – conflict with the neighbourhood plan (specifically infill policy)

1. Purpose of Report

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

2. Report Summary

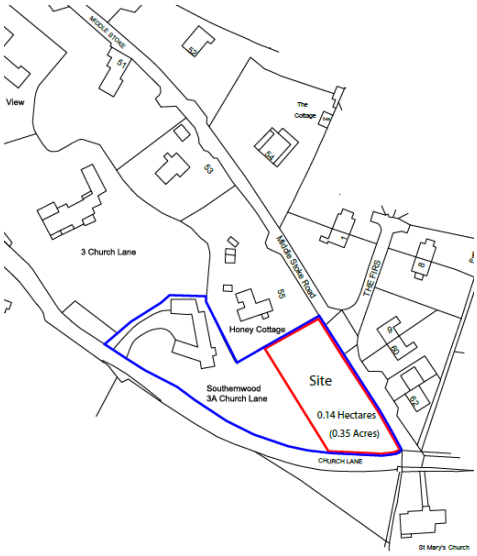
The key determining planning issues are considered to be:

The Principle of Development; Impact upon the Area and wider landscape; Heritage Matters; Highway Impacts; Neighbouring Impacts and Biodiversity Matters.

3. Site Description

The site is currently garden land associated with 3A Church Lane and is within the Bristol, Bath and Western Wiltshire Green Belt. The site also lies within a Special

Landscape Area and the nationally important landscape designated Area of Outstanding Natural Beauty (AONB). The site is located in Limpley Stoke, which is a 'small village'. To the south east is St Mary's Church which is a Grade II* listed building and has curtilage structures that are separately listed Grade II buildings. To the North West is an existing dwelling known as Honey Cottage, to the North East is a cul-de-sac known as The Firs and immediately East are three residential properties known as 60-62 Middle Stoke. To the West is a recently built single storey dwelling that due to the topography of the land sits above the proposed site.



4. Planning History

Reference	Description	Date
18/12089/FUL	Full refurbishment and small extension to existing dwelling	Approved 13.02.2019
17/03051REM	Reserved matters application following 16/10391/VAR for appearance, landscaping, layout and scale for the erection of a single dwelling.	Approved 29.06.2017
16/10391/VAR	Variation of condition 10 of 16/05118/OUT relating to access	Approved 24.10.2016
16/11052/VAR	Variation of Condition 2 of 16/04907/FUL (MMA)	Approved 06.01.2017
16/04907/FUL	Erection of 1 No. dwelling and associated access and landscaping works (Plot 3)	Approved 19.08.2016
16/05118/OUT	Erection of 1 No. dwelling and associated access works (Plot 1).	Approved 19.08.2016
01/01116/FUL	Granny Annexe	Approved 17.09.2001
W94/00854/FUL	Pergola	Approved 25.08.94
W90/00067/FUL	Annexe extension	Refused 24.04.1990
W76/00324/HIS	Swimming pool annexe	Approved 1976

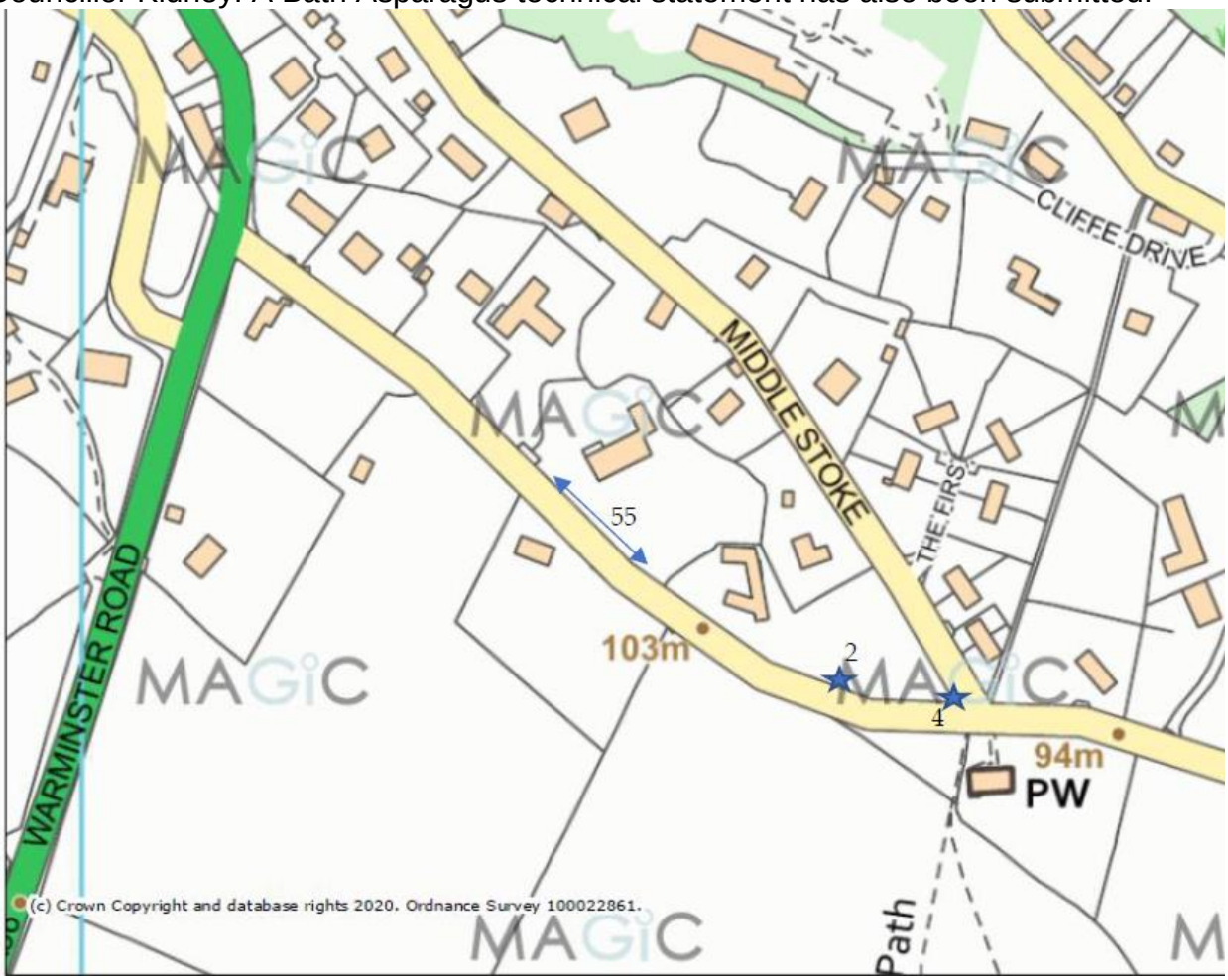
5. The Proposal

This application is for the erection of two 3-bedroom, two-storey dwellings with associated parking, turning and landscaping. The site is currently within the curtilage of 3A and in areas has overgrown vegetation.

Amended plans were received in mid-April which resulted in an additional consultation exercise being undertaken for 21 days. The changes included the following:

- There is an overall reduction in height of 800mm that has been achieved by lowering ground levels by 300mm, and a reduction in the eaves and ridge height of 500mm.
- Houses A and B have been made 300mm narrower (north-south) with a total width reduction of 600mm.
- The side extension to House A has been re-modelled and its rear wall is now flush with the rear wall.
- The upper storey gable end windows to the north and south elevations have been removed. Windows to the east and west elevations have been replaced with dormer windows, which will provide light to the first-floor accommodation.
- The proposed Planting Plan has also been updated to increase the diversity of proposed native species hedge planting and to also annotate proposed ecological mitigation in the form of nesting boxes.

Since the June Western Area Planning committee meeting, the applicant has submitted a plan illustrating the location of the Bath Asparagus plants that were referenced by Councillor Kidney. A Bath Asparagus technical statement has also been submitted.



6. Planning Policy

The Wiltshire Core Strategy (adopted Jan 2015):

CP1 – Settlement Strategy, CP2 – Delivery Strategy, CP7 – Spatial Strategy Bradford on Avon Community Area, CP51 – Landscape, CP52 – Green Infrastructure, CP57 – Ensuring High Quality Design and Place Shaping, CP58 – Ensuring the Conservation of the Historic Environment, CP60 – Sustainable Transport, CP61 – Transport and New Development, CP64 – Demand Management, CP67 – Flood Risk

Saved Policies for the West Wiltshire District Local Plan (1st Alteration):

Policy C3 - Special Landscape Area, U1a Foul Water Disposal and U2 Surface Water Disposal

The 'made' Freshford and Limpley Stoke Neighbourhood Plan (NP)

Others

- The Wiltshire Waste Core Strategy (adopted 2009)
- Policy WCS6 - Waste Reduction and Auditing
- The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy
- National Planning Policy Framework 2019 (NPPF)
- Planning Practice Guidance (PPG)
- Circular 06/2005 – Biodiversity and Geological Conservation
- "The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3" (HE GPA3)

7. Consultations

Limpley Stoke Parish Council - Objects to the amended plans for the following reasons (summarised):

- the applicant has attempted to address some of the concerns raised in our earlier objection but we still object
- The corner piece of land between Middle Stoke and Church Lane is a highly sensitive site in the village. It is an area of open land that links the village with the countryside adjoining St Mary's Church. The Hawthorn Hedgerow that runs tightly along the beginning of Middle Stoke helps to maintain the rural link and is an original village feature giving a semi-rural view and important habitat for wildlife.
- The previously approved application saw the importance of the church from Middle Stoke.
- The previously approved application allocated this site as a wildflower meadow which was crucial to the acceptance of the dwelling. This proposal replaces the wildflower meadow with 2 dwellings.
- The re-development of Southernwood (previously approved application) was creating 3 properties from the one site. That means that the proposal for the 2 new houses on Middle Stoke do not count as infill development. Wiltshire Council policy in villages suggests that infill development comprises up to 2 properties. This site has already accommodated 2 new properties. These 2 proposed houses will take the total on 3 Church Lane to a total of 4 and as such means that far more notice should be given to local concerns.

- The reduced height will still have a seriously detrimental impact on the setting of the corner of Middle Stoke adjoining Church Lane which is currently open green land, as well as the setting of and views to St Mary's Church.
- The properties opposite on Middle Stoke will still be looking up at the new houses and again, the elevated position above Middle Stoke will be really quite overbearing notwithstanding the 20.5m separation distance between houses. We accept the distances between proposed development and neighbouring properties are over 20m as recommended however these proposed houses are unnecessary overbearing and seriously affect the character and visual amenity of this part of the village.
- The applicant has stated that the setting of the Grade 2* St Mary's Church will be improved by this development as a result of the hedge being moved back by 2m. We strongly disagree – the view of the church as one progresses towards it from Middle Stoke is one of the key views in the village. The church is experienced in an open setting and not constrained by buildings.

The Parish Council objected to the originally submitted scheme raising the following summarised comments:

- The site is highly sensitive in the village. It is an open area of land that links the village with the countryside adjoining St Marys Church. The Hedgerow that runs tightly along the beginning of Middle Stoke helps to maintain the rural link
- Honey Cottage will suffer significantly – overbearing, windows in the gable elevation facing the property will overlook, location which is too close, the height and failure to sink the properties further into the ground
- The houses opposite will be will be looking up at the new houses and therefore they will be overbearing.
- The relocation of the hedgerow will not improve the setting of the Church – the view of the church as one progresses towards it from Middle Stoke is one of the key views in the village.
- We accept the distances between the proposed and existing dwellings are over 20m but they will be overbearing and affect the character and visual amenity of this part of the village.
- This site has already had 2 new properties – these proposed houses will take the total on site up to 4 which is no longer infill and is contrary to the NP policy.
- This is a highly intrusive and inappropriate development that will fundamentally change the character of the village.

Freshford Parish Council – Objects for the following reasons:

- The construction of these two new homes is inappropriate development which by its nature is harmful to the Green Belt. That the definition of infill is not met in this instance and is neither in compliance with the Neighbourhood Plan Housing Policy nor the Villages Design Statement. It does not clearly outweigh the fundamental need to preserve the openness of the Green Belt.
- The application is in part in direct contravention of the Conditions attaching to the planning permission granted for No3A Church Lane.

Wiltshire Council Conservation Officer – No objection

Wiltshire Council Highways – No objection subject to conditions

Wiltshire Council Ecologist – No objection subject to conditions

Wessex Water - No objection

Historic England – No objection and advises that the Council's own specialist conservation advice should be followed.

Natural England – No objection

8. Publicity

The application was advertised by a site notice and individually posted neighbour notification letters. The deadline for third party correspondence was 8 May 2020. 14 letters of objection were received on the amended plans which can be summarised as follows (which should be read in conjunction with the summarised third party representations raised to the original scheme):

Principle

- Fundamentally this application runs against Wiltshire's Core Planning Policy and adopted Neighbourhood Plan for Limpley Stoke, which allows for limited infilling of only up to two houses and the previous application has already fulfilled this.
- If this is allowed -where will future development stop?

Impact on Amenity

- The proposal is still too imposing and will result in loss of light and privacy
- Reducing the dwellings by 800mm does not overcome our concerns

Other Matters

- This application is solely for financial gain
- How can the pre-application advice be positive without local input and community consultation?

In addition to the above, 12 letters of objection were received to the originally submitted plans which have been summarised as follows:

Principle Issues

- This is excessive given the previous development of 2 dwellings on the site and its proximity to the St Marys Church.
- It will jeopardise the character of this small village
- This is not infill and therefore against local policy and the NP
- This is not affordable housing – it does not benefit anyone in the village

Impact on the area

- The buildings will be overbearing, domineering with a significant impact upon the horizon which would be acutely felt from the lower end of The Firs.
- The long flowing hedging is part of the character of our neighbourhood and neatly frames both the church and the open skyline.

- The site remains one of the few areas of open grassland and hedging within Middle Stoke and is quite distinctive
- Habitat loss would be detrimental to wildlife – there are lizards, hedgehogs, toads and insects
- The proposal will interrupt the view towards the church – the plans submitted are outdated because the vegetation no longer exists.
- Render, slate and metal roofs are not appropriate when comparing against the older properties in the area.

Impact on neighbouring amenity

- We have endured noise and disruption from this site for 2 years
- The height of the dwellings would be obtrusive in relation to the open views when viewed from the Church
- The propose dwellings would be overbearing to the properties opposite.

Highway Impacts

- Middle Stoke is a very small lane and putting another access point onto it will cause further problems
- How will vehicles turn
- The changing of the junction will only encourage larger vehicles to try and use our lane
- Why can't the access be taken from the existing access to 3A rather than Middle Stoke?
- There are no pavements
- There is a likelihood of increase in traffic on the blind corner with Church Lane and Middle Stoke which will subsequently cause risk to the church boundary walls on Church Lane as cars exit Middle Stoke

Other Matters

- The applicant has not made no effort to be open with the plans to develop the site
- There could be safety issues to the villagers caused by building traffic management and vans during the build process.
- There is risk to our boundary wall which is opposite the site as the access is at the narrowest point of Middle Stoke especially during construction.

9. Planning Considerations

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

9.1 Principle of Development

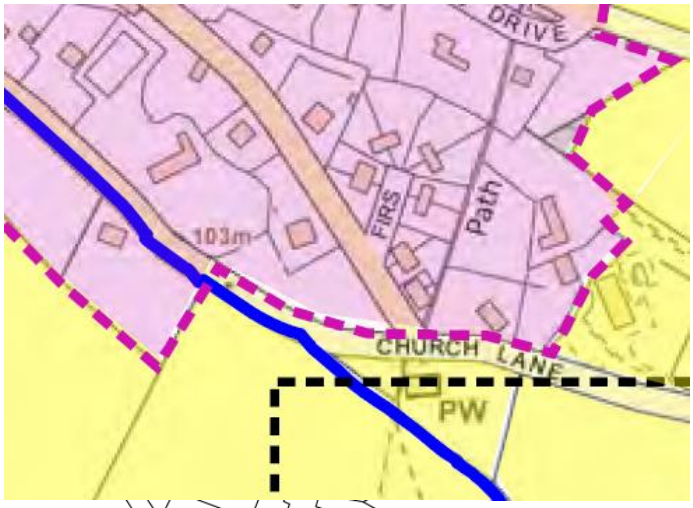
The site is located within the small village of Limpley Stoke. Core Policy 2 confirms that at small villages, development will be limited to infill within the existing built up area and that proposals for small developments in small villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

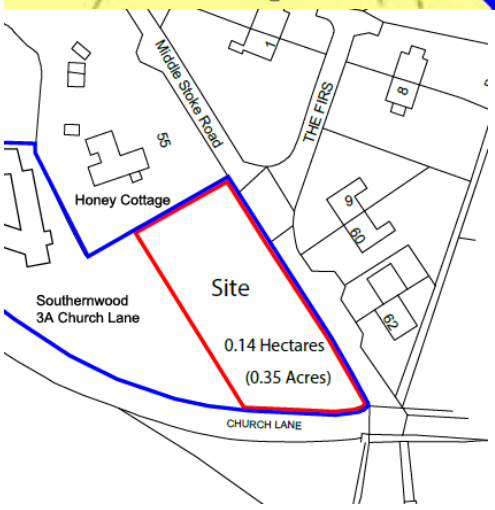
• *Respects the existing character and form of the settlement*

• *Does not elongate the village or impose development in sensitive landscape areas*
• *Does not consolidate an existing sporadic loose knit areas of development related to the settlement*

Limpley Stoke has an adopted Neighbourhood Plan and defines infill as: *"the filling of a gap normally capable of taking no more than two houses. Infill development must be consistent with the policies set out in the Plan and preserve the openness of the Green Belt"*

The site is within the defined "northern settlement" as detailed below which is a snippet from Map 2 of the NP (left) within which infill residential development is permitted subject to certain criteria.





It is considered when assessing the application against the principle of CP2 the proposal would fall under the definition of infill due to the existing built up development which sees existing dwellings to the North, East and West of the site and as such does not elongate the village or result in sporadic loose knit development. The site as demonstrated above is also located in the northern settlement of the NP where future development is to be focussed. The criteria of CP2 and the NP will be assessed below in the design section of this response.

The Parish Council and neighbour objections have stated that as there have already been two dwellings built on the original site of Southernwood (under references 16/05118/OUT & 16/04907/FUL) and therefore the definition of infill has already been achieved. The opinion of the objection letters is that the addition of the dwellings

proposed as part of this application would be over the definition of infill as stated in the NP. However, every application has to be based upon its own merits and the development description is for two dwellings which is in accordance with the definition contained in the NP and the WCS and as such is considered to be acceptable in principle terms.

Concerns have also been raised regarding the prospect of future development if this application were to be approved. Any future development would be decided upon on its own merits but would need to be located within the "built up area" identified in the NP and comply with policies in the WCS – this current application complies with both of these adopted documents.

The site is also located in the Green Belt. The NPPF confirms that *inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.* It continues to say that the construction of new buildings is inappropriate. Exceptions to this include *limited infill in villages.* As such in principle it is considered that the proposal would be considered appropriate development within the terms of the NPPF as the proposed dwellings are considered to be infill.

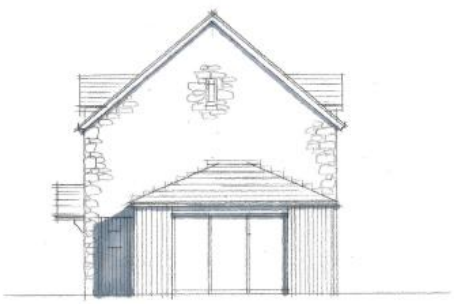
9.2 Impact upon the character and appearance of the area

The proposed semi-detached dwellings face onto Middle Stoke Road and are set back to mirror the pattern of development of the existing dwellings opposite the site. By being set back from Middle Stoke Lane, the view of the church when approaching it from Middle Stoke Road remains uninterrupted.

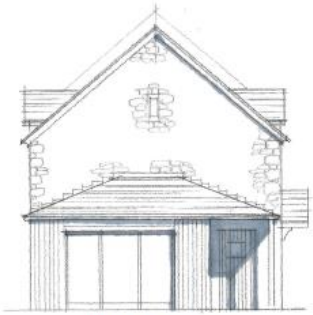
The dwellings are to be built with rubble stone to the front and side elevations and through colour render to the rear elevation under a natural slate roof. The rainwater goods will be metal and the windows and doors will be painted timber. The single storey extensions are to be built with timber under shallow metal roofs. The materials are considered to be appropriate to their immediate setting which sees the use of the above materials on existing dwellings.

East, Street Elevation

West, Rear Elevation



North Elevation - Unit B



South Elevation - Unit A

Saved Policy C3 states: *The landscape character of Special Landscape Areas will be conserved and enhanced and development will not be permitted which is considered to be detrimental to the high quality of these landscapes. Proposals for development essential to the social and economic well-being of the rural community or desirable for the enjoyment of its amenities will be permitted having regard to highways, access, scale, design, materials, location, siting, landscaping and other appropriate environmental considerations.*

CP50 states in full: *Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures…….*

Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs), New Forest National Park (NFNP) or Stonehenge and Avebury World Heritage Site (WHS) shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas. Proposals for development outside of an AONB that is sufficiently prominent (in terms of its siting or scale) to have an impact on the area's special qualities (as set out in the relevant management plan), must also demonstrate that it would not adversely affect its setting.

Due to the location of the proposed dwellings which are situated on lower ground then the recently built dwelling known as Southernwood and due to their location adjacent to existing dwellings it is considered that the proposed development would not have an impact upon the Special Landscape Area, the openness of the Green Belt or the AONB.

Much has been said in the letters of objection regarding the wildflower meadow in the previously approved application. The concern appears to stem from this current application contravening the previous approval. Below is an extract from the landscaping plan on the approved application. Whilst the wildflower meadow has been shown and there is a condition on the decision notice to require the soft landscaping to be carried out, it was not explicit to the approval of the previous application and as such there is no material planning reason to use this reason to withhold future development on the site such as the one subject of this current application.

9.3 Drainage

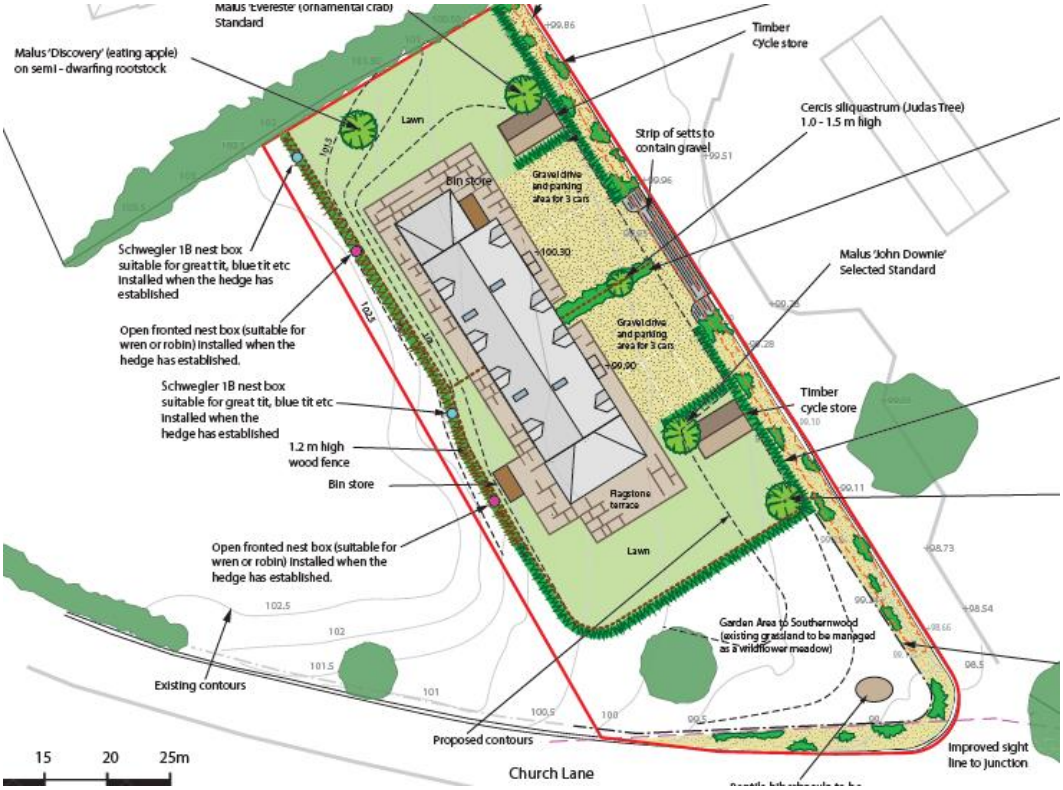
The planning application indicates that foul sewerage will be disposed of via the main sewer and that rainwater run-off will disposed of via a soakaway. Wessex Water have raised no objections to the proposal.

9.4 Ecology/Biodiversity

Paragraph 170 of the NPPF requires planning decisions to contribute and enhance the natural environment. The site is within the core zone for Greater Horseshoe bats using the Bath and Bradford on Avon Bats Special Area of Conservation. An extended phase 1 habitat survey has been submitted with the application which found that the site is likely to be used for commuting and foraging bats. The existing state of the site also makes it possible that common reptiles and birds are likely to be using the site as a habitat. No badgers or great crested newts were found on the site.

To ensure the site can still be used for the foraging and commuting of bats new hedgerows around the two proposed dwellings will be planted to compensate for the hedgerow being removed for the visibility splays for both the dwelling and the junction improvements. Two ash trees on site will be maintained and new trees will be planted.

A bat box is also proposed on the southern elevation. In addition to these elements, nest boxes are to be erected and a reptile hibernacula (winter sheltering area) in the garden area outside of the proposed residential curtilage and closest to the church.



The phase 1 habitat survey requires any new lighting to be downward facing and the stone wall that is to be reduced to be done so by hand during the spring and summer months when reptiles are not hibernating. Land levelling is also not to be undertaken during the winter months in case of reptile hibernation. Any works to trees and hedgerows that are suitable for nesting birds will have to be undertaken during the winter months of October to February which is outside of the main breeding season. All of these recommendations are considered to be necessary and acceptable and as such can be conditioned to ensure that it is carried out in accordance with the submitted details.

The Council's Ecologist has confirmed that there will be no likely significant impacts to ecological features including the Bath and Bradford on Avon Bats Special Area of Conservation, subject to conditions which are considered to be acceptable. The proposal is therefore considered to comply with CP50 and paragraph 170 of the NPPF.

As previously stated, Bath Asparagus plants have been found on the site. The submitted technical note identified 6 plants, 4 of which would be impacted upon by the proposed development. 55 Asparagus plants were also found nearby but are not within the developable site area. The 4 plants that would be impacted upon are located near to the junction where highway improvements are proposed. The height of the wall as existing would not change, however the survey recommends that any work near the plants should be done so by hand and not when the plant is in flower. It is considered that with the recommendations suggested by the ecologist, a planning condition would suffice, and there would not be substantive reasons to refuse the planning application.

Conditions 2 and 4 have been revised since the June committee meeting to take into account the updated landscaping plan and the asparagus plant technical note.

9.5 Impact upon the setting of the Listed Building
The site lies North West of the Grade II* Listed building known as St Marys Church.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting.

Paragraph 193 of the NPPF states that "*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. … This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*."

Paragraph 194 of the NPPF states that "*Any harm to, or loss of, the significance of a designated heritage asset (… from development within its setting), should require clear and convincing justification.*"

Paragraph 196 of the NPPF states that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...*"

Core Policy 57 of the Wiltshire Core Strategy states: "*A high standard of design is required in all new developments, including extensions… Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through… being sympathetic to and conserving historic buildings*"

Core Policy 58 of the Wiltshire Core Strategy echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of heritage assets.

The following points are taken from the Historic England document "The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3" (HE GPA3) that are considered to be particularly relevant:
HE GPA3 Part 1:
"*The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset.*"

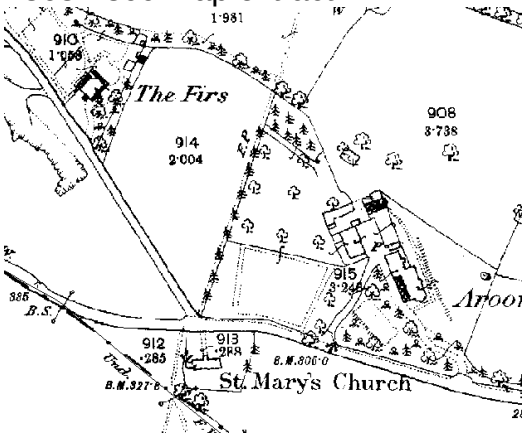
"*The extent and importance of setting is often expressed by reference to visual considerations. …views of or from an asset will play an important part…"*

"While setting can be mapped in the context of an individual application or proposal, it cannot be definitively and permanently described for all time as a spatially bounded area or as lying within a set distance of a heritage asset. This is because the surroundings of a heritage asset will change over time."

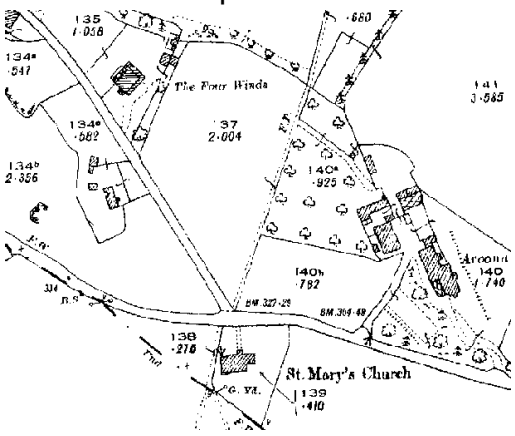
"The importance lies in what the setting contributes to the significance of the heritage asset or to the ability to appreciate that significance."

This application for a pair of semi-detached dwellings which would have an impact on the setting of the Grade II* listed church to the south east of the application site. The site and the church are not within a Conservation Area. The Grade II* listed church has its origins in the 10th Century with building periods from the 13th, 15th, 17th and 19th Centuries and was then restored and extended in the 20th Century. The church has evolved over the centuries to its present configuration. The relationship the church has with the village and therefore the setting of the church has also evolved over the last 150 years. The church in 1868 was in relative isolation, and since then the village has gradually moved closer to the church as houses have been built. As follows:

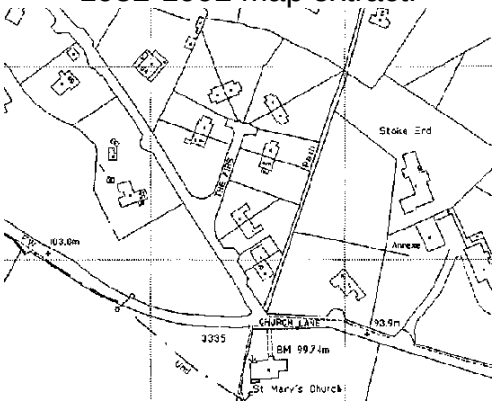
1868-1899 map extract:



1908-1933 map extract:



1952-1992 map extract:

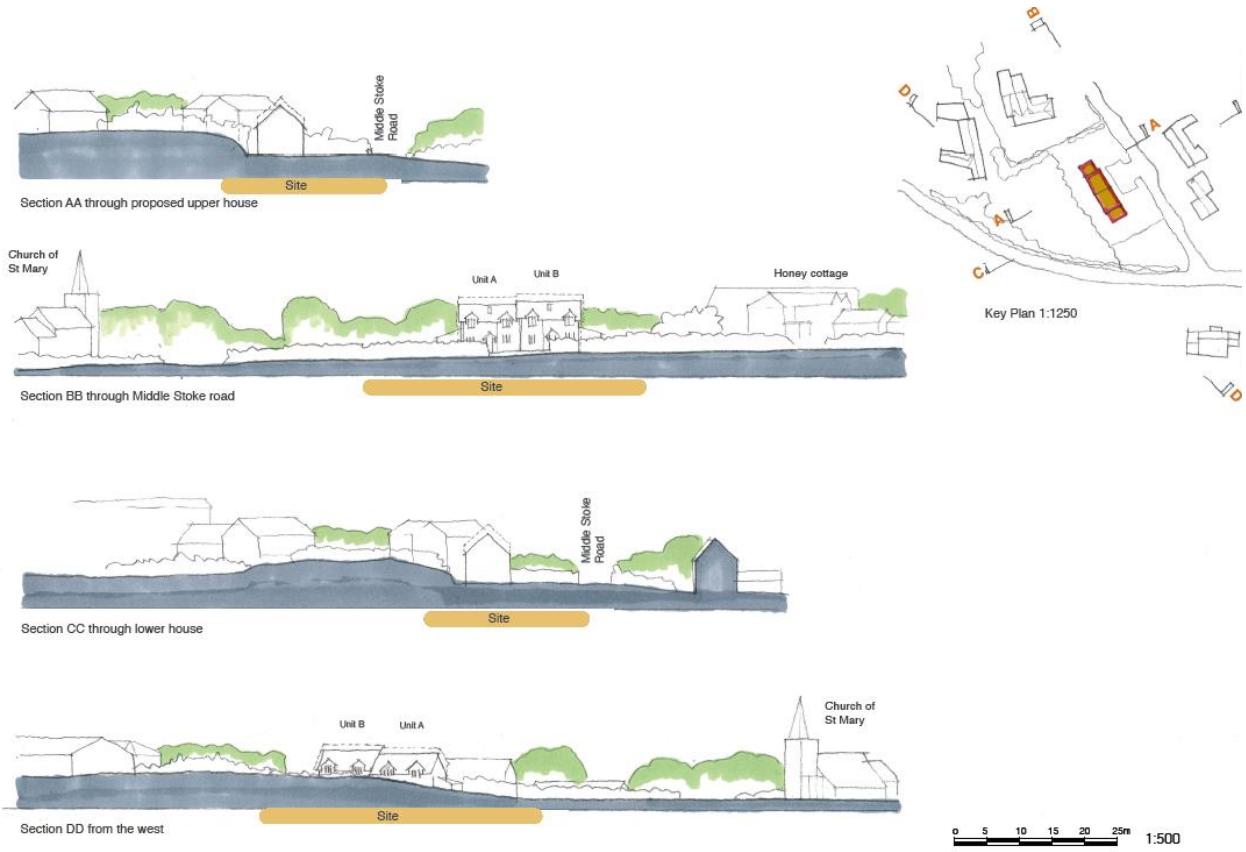


The proposed dwellings would be opposite 9 The Firs and 60 Middle Stoke. Number 62 Middle Stoke would still remain the closest dwelling to the church (around 39 metres). The southern-most tip of the proposed dwellings would be around the same distance from the church as Damson House, Church Lane (around 45-50 metres). These existing dwellings are not built with traditional materials and do not respect the setting of the church.

The distance between the church and the application site also crosses two existing boundaries, hedging and other vegetation, with a third boundary hedge proposed around the proposed garden. The front and side elevations of the proposed dwellings (north, east and south) would be built in natural stone. On the south elevation would also be a ground floor timber projection. These are the most important elevations with

regard to the setting of the church. The Conservation Officer is of the opinion that these complementary materials would not result in harm to the setting of the church.

The proposed dwellings would be dug into the site, bringing the ridgeline down accordingly. The Proposed Site Sections drawing (007 Rev. 4) shows that the scale of the proposal is in keeping with the topography and surrounding buildings. Sections BB and DD in particular show the relationship between Honey Cottage, the proposed dwellings and the church. The Conservation Officer is of the opinion that this demonstrates a consistent approach to the scale of the dwellings and one that follows the historic pattern of new development in the village. Looking at the gradual expansion of the village, the proposed development would be in keeping with the grain and plot sizes of the nearby dwellings; the plot size of the proposal would be consistent with surrounding development.



The HE GPA3 explores the fact that the setting of a listed building changes over time and is not fixed. The above paragraphs show that the proposed development remains consistent with the growth of the village and that the proposed dwellings would be no closer to the church than other development already in place. The setting of the church has changed from one of relative isolation to one that is more closely connected to the village.

The Conservation Officer is of the opinion that views from the churchyard, part of which is raised, would include a view of the proposed development; however, as above, the design and use of natural materials would not mean that this view becomes harmful to the setting of the church. The ability to appreciate the significance of the church would not be marred by the proposed development. The proposed development would have an impact on the setting of the church, but not a harmful one; due to the use of natural

materials, the siting and design, its scale and massing, the result would be a neutral impact.

The proposal includes highway safety works which are discussed below, however as part of these works, the existing wall is to be reduced and the hedge removed and a new one planted further back to increase visibility along the lane. It is considered that these works would only improve the view of the church when viewed from the village which is currently interrupted by the existing hedge.

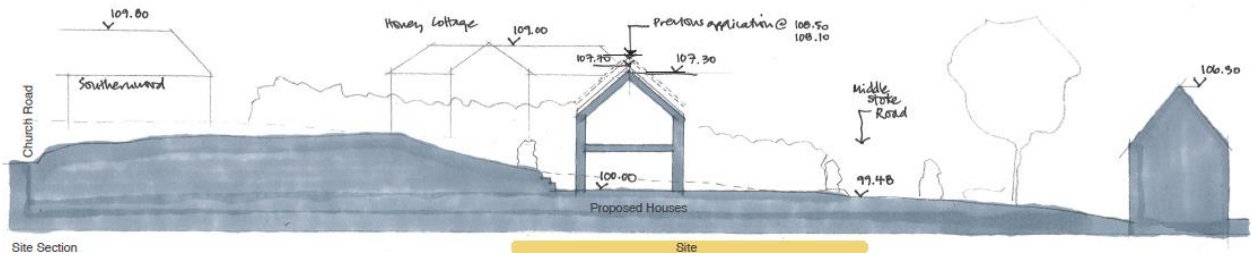
The Conservation Officer is therefore of the opinion that the design, siting, use of complementary materials, along with the intervening vegetation (existing and proposed) would not result in harm to the setting of the church. The development would continue the careful expansion of the village that would not in this case be detrimental to the setting of the church. The proposal is therefore considered to comply with the relevant policies, CP57, CP58, the Historic England document "The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning" and the NPPF.

9.6 Impact upon neighbouring amenity

The ridge of the proposed dwellings is lower than that of Honey Cottage. The Northern elevation is approximately 11 metres to the boundary of Honey Cottage from the single storey element and 15.5 metres to the two-storey element and just over 22 metres to the closest point of Honey Cottage which does have fenestration at ground floor and first floor facing the site. The proposed Northern elevation sees a window at ground floor facing the boundary with Honey Cottage but no windows at first floor level. It is therefore considered that the proposed dwellings would not overlook, overshadow or be overbearing to the existing dwelling known as Honey Cottage.

The front elevation sees a distance of approximately 28 metres between the existing dwellings (9 The Firs and 60 Middle Stoke Road) and the proposed dwellings where Middle Stoke Road also runs in-between. It is therefore considered that there would be no overlooking to existing properties that would warrant a refusal reason. It is accepted that the proposed dwellings will be located on slightly higher ground then the existing properties opposite, however given the distance between them, it is considered that there would be no overbearing or overshadowing issues that would warrant a refusal reason. The occupiers of the existing dwellings may lose their outlook, however this is

not a material planning consideration and cannot be taken into consideration when making a decision on this application.



The recently built dwelling to the west by reason of its location on higher ground and slightly more north would not be affected by the proposed development.

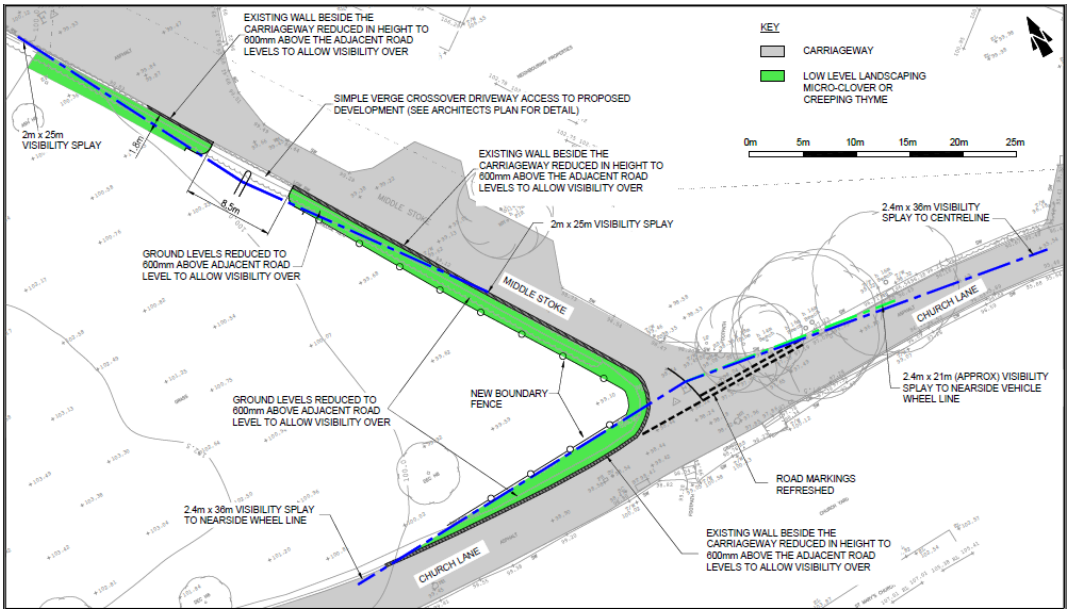
Noise related to construction has been cited as an objection. As the construction process is temporary this would not be a reason to refuse the application.

It is considered that the proposal would not result in loss of amenity that would warrant a refusal reason and as such the proposal complies with the relevant criteria of CP57.

9.7 Highway Impact

Three parking spaces per dwelling are proposed which complies with the Wiltshire Parking Strategy and the proposed access and off-street turning area complies with the relevant policies. The Highways Officer has raised no objections to the proposal subject to conditions which are considered to be appropriate.

An objection to the proposal including the following: T*here is a likelihood of increase in traffic on the blind corner with Church Lane and Middle Stoke which will subsequently cause risk to the church boundary walls on Church Lane as cars exit Middle Stoke.* The proposed change in junction is considered to only bring about benefits to the village by ensuring the corner is no longer blind and as such is considered to be appropriate. The changes include the lowering of the existing wall to 600mm (which will be done by hand) with an area of low-level landscaping beyond to allow greater visibility for people when using the junction. A re-located boundary fence is to be erected behind the visibility splay lines. It is important to note that the wall in the majority of places will be left in situ as it is already below 600mm.



9.8 Other Matters

Some concerns that have been included are not material planning considerations that can be taken into consideration when making a recommendation on this application. These include financial gain, lack of public consultation by the Applicant before submitting the application, the pre-application process not including consultation with the public and safety measures during the construction process.

10. Conclusion

The proposal is considered to comply with the relevant policies of the Local Plan and as such is recommended for approval.

RECOMMENDATION: Approve with the following conditions

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

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

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

Received on 31st October 2019: Location Plan, 18086-SK01 (junction improvements), D01 Rev A (Drainage Strategy)

Received on 15th April 2020: 002 Rev4 (site plan), 003 Rev 3 (proposed ground floor plan), 004 Rev 2 (proposed first floor plan), 005 Rev 3 (E&W elevation plan), 006 Rev 4 (long section and N&W elevation plan), 007 Rev 4 (proposed site sections), 010 Rev 2 (roof plan)

Received 25th June 2020: Planting Plan (Drawing Number 318_PP_01_rev B)

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

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

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

4 The development hereby approved shall be carried out in accordance with the 'Discussion and Conclusions' section of the revised Extended Phase 1 Habitat Survey' report by Stark Ecology (April 2020), the Bath Asparagus Technical Note by Stark Ecology (June 2020), the revised Planting Plan (Drawing Number 318_PP_01_rev B).

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures in accordance with NPPF, that were prepared and submitted with the application before determination.

5 Prior to any lighting being installed on the site details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be carried out in accordance with the approved details.

REASON: Many species active at night (bats, badgers, otters) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

6 No part of the development hereby permitted shall be first 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 interest of highway safety and to ensure adequate off-street parking, access and turning facilities for the proposed dwellings.

7 The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interest of highway safety and to ensure no material is discharged onto the highway

8 No part of the development shall be first occupied until the visibility splays shown on the approved plans (18086-SK01 Rev B) have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interest of highway safety and to ensure occupants of the proposed dwellings can leave the site in a safe manner

9 No part of the development hereby permitted shall be first occupied until the junction improvements have been carried out in accordance with the approved plans (18086-SK01 Rev B).

REASON: In the interest of highway safety

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

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

INFORMATIVES TO APPLICANT:

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

The consent hereby granted shall not be constructed as authority to carry out works on the highway. The applicant is advised that a licence will be required

from Wiltshire Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the Council's vehicles crossing team on vehicleaccess@wiltshire.gov.uk and 01225 71335.