

# AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham, SN15 1ER  
**Date:** Wednesday 21 February 2018  
**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718221 or email [stuart.figini@wiltshire.gov.uk](mailto:stuart.figini@wiltshire.gov.uk)

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## Membership:

Cllr Tony Trotman (Chairman)	Cllr Mollie Groom
Cllr Peter Hutton (Vice-Chairman)	Cllr Chris Hurst
Cllr Chuck Berry	Cllr Toby Sturgis
Cllr Christine Crisp	Cllr Brian Mathew
Cllr Howard Greenman	Cllr Ashley O'Neill
Cllr Gavin Grant	

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## Substitutes:

Cllr Ben Anderson	Cllr Bob Jones MBE
Cllr Bill Douglas	Cllr Jacqui Lay
Cllr Ross Henning	Cllr Melody Thompson
Cllr Ruth Hopkinson	Cllr Philip Whalley

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## **Public Participation**

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

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

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

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

# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 10*)

To approve and sign as a correct record the minutes of the meeting held on 24<sup>th</sup> January 2018.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

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

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

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

### Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **(Wednesday 14<sup>th</sup> February 2018)** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **(Friday 16<sup>th</sup> February 2018)**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

#### 6 **Planning Appeals and Updates** (*Pages 11 - 12*)

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

#### 7 **Planning Applications**

To consider and determine the following planning applications:

7a **17/11259/VAR - Oak Hill House, Henn Lane, Upper Seagry, Chippenham** (*Pages 13 - 26*)

7b **17/12043/FUL - Methuen Park, Chippenham** (*Pages 27 - 44*)

#### 8 **Urgent Items**

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

### **Part II**

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

## **NORTHERN AREA PLANNING COMMITTEE**

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**MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 24 JANUARY 2018 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.**

**Present:**

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice-Chairman), Cllr Chuck Berry, Cllr Howard Greenman, Cllr Gavin Grant, Cllr Chris Hurst, Cllr Toby Sturgis, Cllr Ashley O'Neill, Cllr Ben Anderson (Substitute), Cllr Bob Jones MBE (Substitute) and Cllr Jacqui Lay (Substitute)

**Also Present:**

Cllr Brian Mathew as Division Member.

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**1 Apologies**

Apologies were received from Councillors Brian Mathew, Molly Groom and Christine Crisp.

Cllr Mathew was substituted by Cllr Bob Jones MBE.

Cllr Groom was substituted by Cllr Jacqui Lay.

Cllr Crisp was substituted by Cllr Ben Anderson.

**2 Minutes of the Previous Meeting**

The minutes of the meeting held on 20 December 2017 were presented.

**Resolved:**

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

**3 Declarations of Interest**

There were no declarations of interest.

**4 Chairman's Announcements**

The Chairman announced that item 7b 17-10136-FUL 150 Sheldon Road, Chippenham in the agenda would be debated first.

5 **Public Participation**

The Committee noted the rules on public participation.

6 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update and information provided on the legal duty to state reasons for making decisions on planning applications.

7 **Planning Applications**

**7a 17-10136-FUL - 150 Sheldon Road, Chippenham**

**Public Participation**

Chris Kempton spoke in objection to the application.

Ann Deeprise spoke in objection to the application.

Brenda Fernandez spoke in objection to the application

Simon Chambers, agent, spoke in support of the application.

The senior planning officer, Chris Marsh, introduced a report which recommended planning permission be granted, subject to conditions, for the Change of Use of Old Persons Home (Class C2) to Create 2No Residential Units Within Class C3(c).

Key issues highlighted included the principle of development; the impact on highways/ parking and the impact on neighbour amenity.

It was noted that on the re-consultation, there were 7 respondents and not 5 as stated in the officer report.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: whether the development was a C4 or C3 development; whether the developments would pay separate council tax; whether the properties could be sold as two separate properties in the future; changes to the development; parking issues and the changes of amenity space.

Members of the public then had the opportunity to address the Committee, as detailed above.

Councillor Ashley O'Neil, Division Member, spoke in objection to the application with the main points focusing on: the wider impacts of the development; the unusual layout of the properties which was unlike a family style accommodation; poor design; core policy 57 (i), (iii) and (vii) were referred to; overdevelopment of the site which was detrimental to the area; the lack of amenity and the amount of protest against the development.

At the start of the debate a proposal was moved by Councillor Ashley O'Neil and seconded by Councillor Peter Hutton to refuse planning permission based

on core policy 57 where the development would not integrate with the surrounding area.

During the debate the main points raised were: concerns from the public; the development would have a negative impact on the area; the shortage of provision for the elderly in the area; the development was out of keeping did not match the characteristics of the area and that site had an opportunity to have a positive development built.

At the end of the debate it was;

## **Resolved**

**To refuse planning permission for the following reasons:**

**The proposed development does not respond positively or effectively integrate the car parking into the immediate setting or the wider character of the area, contrary to Core Policy 57 Paragraphs (iii & vi) of the adopted Wiltshire Core Strategy. The proposal also impacts on the level of amenities of the occupants, contrary to Core Policy 57 Paragraph (vii), by utilising all of the front and rear amenity space for car parking.**

**7b 17-11409-FUL - Northwood Barn, Doncombe Lane, North Colerne, Chippenham**

### Public Participation

Chris Dance (Agent) spoke in support of the application

Ben Harraway (Applicant) spoke in support of the application

Cllr Paul Jobbins on behalf of Colerne Parish Council spoke in support of the application.

The Team Leader, Simon Smith, introduced the report which recommended planning permission be refused for an erection of a replacement dwelling. It was noted that previously the application was discussed at committee in October 2017 and that this application was the re-submission of that application.

Key issues highlighted included the principle of development; the design/ character and appearance of the area (ANOB), residential amenity and the ecology.

It was noted that there was a typo on page 22 within the following paragraph:

*“It is indisputable that the loss of the existing building characteristic of the locality and its replacement with a modular bungalow of suburban appearance would protect, conserve or enhance the AONB. The proposal would fail the provisions of Policy CP51 of the Wiltshire Core Strategy”.*

The paragraph should include ‘not’ followed by ‘protect, conserve or enhance...’ as follows:

*“It is indisputable that the loss of the existing building characteristic of the locality and its replacement with a modular bungalow of suburban appearance would not protect, conserve or enhance the AONB. The proposal would fail the provisions of Policy CP51 of the Wiltshire Core Strategy”.*

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: The materials used on the development; the difference in the ridge height; changes made since the previous application and the design of the development.

Members of the public then had the opportunity to address the Committee, as detailed above.

Councillor Brian Mathews, Division Member, spoke in support of the application noting core policies 46, 48 and 41. It was explained that the applicant had the intentions to move onto the family farm to maintain the farm and care for elderly parents. The application had been redesigned according to previous concerns, which meant that it was less intrusive on the landscape.

At the start of the debate a proposal was moved by Councillor Peter Hutton and seconded by Councillor Ben Anderson to move the officers recommendation, noting that there had not been a significant enough change compared to the previous application.

During the debate the main points raised were: concerns about the raised ridge height and the need to see a better plan.

At the end of the debate it was;

## **Resolved**

### **To Refuse planning permission for the following reasons:**

- 1. By reason of the proposal failing to comply with the requirements of H4 in respect of justifying a replacement dwelling, the proposed development, by reason of its location would be contrary to the settlement, delivery and community area strategies and residential development in the open countryside policy and is unacceptable in principle. The proposal fails to accord with Core Policy 1, 2 and 11 of the adopted Wiltshire Core Strategy (Jan 2015), as well Saved Policy H4 of the North Wiltshire Local Plan 2011 and Paragraphs 14 and 17 of the NPPF.**
- 2. The proposed development, by reason of loss of the existing building, which entirely appropriate to the distinctive character of the Cotswold AONB, and its replacement with a pre-fabricated bungalow would adversely impact the character and appearance of the Cotswold AONB. The proposal fails to accord with Core Policy 51 (ii and ix) and 57 (i, iii and vi) of the Wiltshire Core Strategy (Jan 2015), and Paragraphs 14, 17 and 115 of the NPPF.**



## **7c 17-11346-FUL - Land at Newlands, Littleton Drew, Chippenham**

### Public Participation

Linda Peak spoke in objection to the application.

Jeff Batty spoke in objection to the application.

Tony Phillips spoke in support of the application.

Kathleen Phillips spoke in support of the application.

Cllr Johnny Walker on behalf of Grittleton Parish Council spoke in objection to the application.

The senior planning officer, Chris Marsh, introduced a report which recommended planning permission be granted, subject to conditions, for the Change of use to Equestrian, Erection of Timber Stables, Concrete Base/Turnout Area and a Parking/Turning Area – Part Retrospective. It was noted that the application had previously been refused at committee and the following application was the revised version.

Key issues highlighted included the principle of development; the impact on highways/ parking, impact on the character and appearance of the site and the impact on the Cotswolds (ANOB).

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: whether the development would be used for commercial purposes; whether the previous committee concerns had been met; transport issues and whether conditions could be posed for maintenance of the bridleway.

Members of the public then had the opportunity to address the Committee, as detailed above.

Councillor Sturgis, on behalf of the Division Member Councillor Jane Scott OBE, spoke in objection to the application with the main points focusing on: Communication received from the agent; the extensive experience and knowledge of the Division Member in keeping and maintain horses; core policy 51 was referred to noting that there was a lack of a management plan, with current actions not in accordance with the ANOB management plan; the intensive use of the fields and the need for controlled grazing.

At the start of the debate a proposal was moved by Councillor Toby Sturgis and seconded by Councillor Ashley O'Neil to refuse planning permission based on core policy 51 where no consideration had been given to the Cotswold ANOB management plan.

During the debate the main points raised were: the need to safeguard the environment and have a management in place before the application was approved.

At the end of the debate it was;

**Resolved**

**To Refuse planning permission for the following reasons:**

**The proposed development, by reason of its physical form and associated paraphernalia and their resultant impact on the character, appearance and openness of the landscape and intrinsic quality of the Cotswolds AONB, fails to demonstrate that proper account has been taken of the objectives, policies and actions set out in the Cotswolds AONB Management Plan 2013-2018. The proposals therefore conflict with Core Policy 51(ix), and specifically Paragraph 6.83, of the adopted Wiltshire Core Strategy.**

**8 Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.30 pm)

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

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

**Wiltshire Council**  
**Northern Area Planning Committee**  
**21<sup>st</sup> February 2018**

Planning Appeals Received between 12/01/2018 and 09/02/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
17/07794/PNCOU	1 The Old Barn Purlieus, Minety Wiltshire, SN16 9RP	HANKERTON	Notification for prior approval for a proposed change of use of agricultural buildings to 2 dwelling houses and associated operational development.	DEL	Written Representations	Refuse	25/01/2018	No
17/08489/FUL	Westfield 31 Malmesbury Road Leigh, SN6 6RH	LEIGH	Retrospective application for the erection of an ancillary stable barn.	DEL	House Holder Appeal	Refuse	06/02/2018	No

Planning Appeals Decided between 12/01/2018 and 09/02/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
16/11691/FUL	Land Adjoining Selian The Common Minety, Malmesbury Wiltshire, SN16 9RH	MINETY	Demolition of outbuilding & erection of four bedroom detached dwelling, detached double garage & associated works	DEL	Written Reps	Refuse	Dismissed	25/01/2018	None
17/00552/OUT	Land at London Lane Minety, Malmesbury Wiltshire	MINETY	Erection of up to Two Dwellings and Associated Parking, Gardens and Other Infrastructure	DEL	Written Reps	Refuse	Dismissed	24/01/2018	None
17/02990/FUL	2 Geneva Cottages Old Road, Studley SN11 9NE	CALNE WITHOUT	Demolition of single storey flat roof extension and erection of new pitched roof two storey extension	DEL	Householder Appeal	Refuse	Dismissed	26/01/2018	None
17/04425/FUL	Wootton Field Farm Marlborough Road Royal Wootton Bassett, Wiltshire SN4 7SA	ROYAL WOOTTON BASSETT	Conversions of existing barn and erection of family dwelling and associated works	DEL	Written Reps	Refuse	Dismissed	25/01/2018	None
17/05907/PNCOU	Big Barn Wootton Fields Farm Marlborough Road Royal Wootton Bassett, Wiltshire SN4 7EJ	ROYAL WOOTTON BASSETT	Notification for Prior Approval Under Class Q - Proposed change of use of existing agricultural building to form one dwelling and associated operational development.	DEL	Written Reps	Refuse	Dismissed	12/01/2018	None
17/06816/LBC	Wootton Field Farm Marlborough Road Royal Wootton Bassett, Wiltshire SN4 7SA	ROYAL WOOTTON BASSETT	Conversions of existing barn and erection of family dwelling and associated works	DEL	Written Reps	Refuse	Dismissed	25/01/2018	None



## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	21 February 2018
<b>Application Number</b>	17/11259/VAR
<b>Site Address</b>	Oak Hill House, Henn Lane, Upper Seagry, Wilts, SN15 5HD
<b>Proposal</b>	Variation of condition 13 of planning permission 16/04077/FUL (Erection of 2No dwellings) to allow for repositioning of the proposed dwellings and alterations to the eaves height and ridge height.
<b>Applicant</b>	Mr K Lloyd
<b>Town/Parish Council</b>	Seagry
<b>Electoral Division</b>	Kington – (Cllr Greenman)
<b>Grid Ref</b>	394604 180829
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mark Staincliffe

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

The application has been called into committee at the request of Cllr Greenman to consider the accuracy of the build against the approved plans and the impact of the resulting development on the character and appearance of the area, street scene and adjoining properties.

#### **1. Purpose of Report**

To consider the above application and to recommend that planning permission is GRANTED, subject to conditions.

#### **2. Report Summary**

The key issues in considering the application are as follows:

- Principle of the development.
- Impact on residential amenities of adjoining neighbours.
- Impact on character and appearance of the area.

Seagry Parish Council object to the proposed development and 20 letters of objection have been received, 2 letter of support & 2 letters of no objection have also been received.

#### **3. Site Description**

The site is located on the Eastern outskirts of the village of Upper Seagry. The land to which the application relates comprises some 0.24ha of residential garden and is otherwise undesignated under the adopted Wiltshire Core Strategy.

The land to the immediate West of the site has been developed to provide a 'courtyard development' consisting of a series of modern terraced properties, whilst the other dwellings within the locality are of various ages and designs, majority of these are set back from but front the highway.

The site itself is very spacious and has numerous mature trees on its boundary. The land to the South and East is characteristically open and consists of allotments and a village hall. At present vehicular access into the site is taken from Henn Lane adjacent to the rear gardens of The Court Yard.

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

- 14/01293/OUT      Erection of 6 New Dwellings (Outline)- **Refused planning permission at Northern Area Planning Committee**
- 14/11574/OUT      Erection of Two New Dwellings- **Granted planning permission at appeal**
- 16/04077/FUL      Erection of 2 no. dwellings- **Granted planning permission at Northern Area Planning Committee**

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

The application seeks consent to vary condition 13 (approved plans list) of planning application 16/04077/FUL. The substituted plans are seeking consent to regularise discrepancies between the plans approved under application 16/04077/FUL and the development currently on site. The application seeks consent for repositioning of the proposed dwellings and alterations to the eaves height and ridge height of the projecting front gables of these properties. There are also other changes such as window details and the provision of additional velux windows.

#### **6. Local Planning Policy**

Wiltshire Core Strategy Jan 2015:

Core Policy 1- Settlement Strategy

Core Policy 2- Delivery Strategy

Core Policy 3- Infrastructure Requirements

Core Policy 10- Spatial Strategy: Chippenham Community Area

Core Policy 51- Landscape

Core Policy 45- Meeting Wiltshire's housing needs

Core Policy 50- Biodiversity and Geodiversity

Core Policy 51- Landscape

Core Policy 57- Ensuring high quality design and place shaping

Core Policy 58- Ensuring the Conservation of the Historic Environment

Core Policy 62- Development impacts on the transport network

Core Policy 67- Flood Risk

Appendix D

Appendix E

Appendix G

Saved Policies of the North Wiltshire Local Plan:

NE18- Noise and Pollution

T5- Safeguarding

CF2- Leisure facilities and open space

National Planning Policy Framework 2012:

Achieving sustainable development – Core Planning Principles (Paragraphs 7 & 14)

Chapter 1- Building a strong, competitive economy (Paragraphs 18 & 19)

Chapter 6- Delivering a wide choice of high quality homes (Paragraphs 47, 49, 50 & 55)

Chapter 7- Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)

Chapter 8- Promoting healthy communities (Paragraph 75)

Chapter 11- Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)

Chapter 12- Conserving and enhancing the historic environment (Paragraphs 126, 128, 129, 132, 133 and 139)

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

Seagry Parish Council- Object for the following reasons:

- Application should be withdrawn
- There are many differences between the submitted plans and what has been built on site and unable to consider the application.
- Plans are inaccurate
- Description of development is wrong

## **8. Publicity**

The application was advertised by neighbour letter and site notice. These generated 20 letters of objection and 2 letter of support & 2 letters of no objection.

Summary of key points raised:

- Poor design
- Access is a danger to highway safety
- Development doesn't respect character of the area
- Any part of the development not on the originally approved plans should be refused.
- Must go back to the original siting
- Out of character with the appearance of the area.
- Over development of the site
- Adverse impact on the residential amenity of The Court Yard
- Permission for two semi detached houses were far more appropriate
- Adverse Impact on the Pub
- Increase in height dominates the street scene
- Development too near the road
- The development has changed the whole nature of the centre of the village
- The applicant has a complete disregard for planning law

Summary of key points raised:

- Look quite attractive and are complimentary to the village
- Design is not dissimilar to other houses in Upper Seagry, which is actually a complete mixture of housing designs from very modern to old cottage.
- The small realignment with the wall on Henn lane making little difference to the visual aspect here.
- We have received a letter from the parish Council. In the years we have lived here we have never received such a letter. It was very carefully worded but nevertheless in our view intended to encourage negative comments. We are very uncomfortable with what appears to be a witch hunt.
- No consistent design of properties in the village
- These houses are needed in the locality

## **9. Planning Considerations**

### Breach of Planning Control

Many representations received state that the applicant has in some way broken the law, this is incorrect and not the case. It is not an offence to carry out development without first obtaining any planning permission required for it. Section 73A of the 1990 Town and Country

Planning Act specifically provides that a grant of planning permission can be given for a development that has already taken place.

In assessing and determining the application, the Council must approach an application such as this in exactly the same way as “normal” applications for proposals such as this.

Principle of development

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

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Plan saved in the WCS, forms the relevant development plan for the Chippenham Community area and must be awarded full weight in considering this application.

The Wiltshire Housing Sites Allocation Plan and the Neighbourhood Plan for the settlement are emerging plans but can only be afforded very limited weight at this stage of their preparation.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight. The extant permission is also a material planning consideration in the determination of the application.

Discrepancies

The applicant has submitted additional revised plans for both dwellings and has acknowledged that some errors have occurred during the build out. The applicant now seeks to regularise these through the submitted plans. A summary of the discrepancies and what the applicant is proposing is set out below:

<b>UNIT 1</b>	
<b>Discrepancy</b>	<b>Proposed outcome</b>
Principal ridge height of main dwelling not built in accordance with the approved plans. Ridge has been constructed approximately 100mm lower than approved	Retain ridge height as built
Ridge height of projecting gable not built in accordance with approved plans. Ridge has been constructed approximately 150mm higher than approved	Retain ridge height as built
Eaves level of projecting gable not built in accordance with the approved plan. Eaves level has been constructed approximately 100mm higher than approved	Retain eaves height as built
Rear patio door (3 pane) installed rather than double doors	Retain fenestration as built
Property sited in the wrong location	Leave dwelling in location as built

<b>UNIT 2</b>	
<b>Discrepancy</b>	<b>Proposed outcome</b>
Principal ridge height of main dwelling not built in accordance with the approved plans. Ridge has been constructed approximately 500mm lower than approved	Retain ridge height as built



Ridge height of projecting gable not built in accordance with approved plans. Ridge has been constructed approximately 500mm Higher than approved	Retain ridge height as built
Eaves level of projecting gable not built in accordance with the approved plans. Eaves has been constructed approximately 700mm Higher than approved	Retain eaves height as built
Two additional rooflights serving the master bedroom installed.	Retain rooflights
Window missing on front elevation of first floor projecting gable	Reintroduce window
Rear patio door (3 pane) installed rather than double doors	Retain patio doors
Property sited in the wrong location as it has been sited closer to Henn Lane than the approved plans.	Leave dwelling in location as built

### Design & Visual Amenity

The application currently under consideration is still for two detached dwellings. The footprint is no larger than that of the extant permission but the siting and orientation is different to that granted by the Committee in 2016.

Having taken into consideration the current siting of the properties it is considered that the discrepancies between the proposals is not so significant or dramatic so as to result in policy conflict or a reason for refusal. The proposed residential dwellings would still positively front onto the adjoining road and the slight change in siting will not result in a greater level of overlooking or loss of amenity for surrounding properties.

The immediate area consists of a mix of detached, semi detached and terraced housing all of different sizes, design, character, mass and bulk. There is no predominant housing type fronting the road or within the village as a whole which would demand a particular design response from the proposed development.

As set out above, the total height of Unit 1 should have measured 8.3m but the ridge height of the property was constructed 100mm lower at 8.2m. Similarly the projecting gable to ridge should have measured 7.2m but has been constructed at 7.34m. The eaves leave to the projecting gable has been constructed 100mm higher than the approved plans and measures approximately 2.7m

The total height of Unit 2 should have measured 8.5m but the ridge height of the property was constructed 500mm lower at 8m. Similarly the projecting gable to ridge should have measured 7.35m but has been constructed at 7.85m. The eaves leave to the projecting gable has been constructed approximately 500mm higher than the approved plans and measures 3.4m.

The development as built also appears to have removed the window at first floor level serving the master bedroom. Amended plans have been provided showing the inclusion of this window. It is considered that with the window now being proposed any design concerns have been overcome and the reintroduction on this fenestration will result in a development that has an acceptable relationship with the existing street scene and thereby accords with CP 57 of the CS.

Taking into consideration the extant permission for two dwellings on the site, what has been built and the revisions the applicant is proposing, overall it is considered that the development does not unduly conflict with the existing character of the area. The proposed units are of an acceptable design to the surrounding context and it would be difficult to justify and substantiate a reason for refusal on architectural grounds.

#### Garden Size

The proposed garden area is comparable, to the gardens within the area and adjacent properties and that approved previously at committee. Bearing in mind the size of the dwellings it is considered that the outdoor space provided satisfies the guidance for outdoor amenity space for a new dwelling. The proposal would allow for some outdoor space, sitting out, bin storage and for hanging out of washing, the proposal would also provide outdoor amenity space for a family to enjoy.

#### Highway Safety

It is important to note that the minor changes to the siting of the dwellings and the alterations to the approved plans do not result in any changes to the parking provision or access to the site. As with the previous application the Council's Highways Officer is of the view that, subject to the imposition of suitable conditions, the proposals will not adversely impact upon local highway safety. Furthermore, the proposed development meets the Council's parking standards. Overall, therefore, it is considered that the proposal is acceptable in highways terms and the provisions of CP 64 & CP 57.

#### Impact on Neighbours

The concerns identified by the immediate neighbours in relation to privacy and proximity to the shared boundary are noted. However, taking into consideration the existing site circumstances and the separation between the properties it would be difficult to substantiate a reason for refusal. It is considered that the separation between the properties elevations is acceptable and will not result in unacceptable levels of overlooking. Furthermore the revised siting of the dwellings is considered to be no worse than the relationship considered acceptable when approving the previously permitted scheme.

There are windows proposed on the rear elevation of unit 1. However, taking into consideration the separation and orientation between the proposed dwelling and existing properties to the west of the site it is considered acceptable. Furthermore the separation between the properties and the height to eaves and ridge level is not considered to be excessive or overbearing.

Additional concerns have been expressed in relation to harm caused to the existing Public House (PH) adjacent to the site. Similar to the reasons set out above it is considered that the separation between the new dwelling and the pub is sufficient to ensure that the proposal will not have an adverse impact on the PH and the accommodation it offers. Though the projecting gable is taller than approved the total height of the dwelling is lower. On balance, the relationship is considered to be acceptable.

It is considered that the proposed development, on balance, would not cause harm to the residential amenities of surrounding properties. The development will not result in an unacceptable loss of sunlight, daylight or privacy for adjoining properties and thereby accords with CP57 of the Core Strategy.

#### Setting of the Listed Building

It is considered that the proposed development will have not impact on the setting of any listed buildings and is therefore considered to accord with CP58 of the Core Strategy and the NPPF.

## 10. Conclusion

The application site is located within an area of the village where residential development has been accepted previously and an extant planning permission exists. It is considered that the scheme is Of a design, scale and appearance which is appropriate to its location. In particular, the increase in ridge height of the projecting gables is not thought to be unacceptable.

Taken in the context of the presumption in favour of sustainable development, the fact that this is not a designated Conservation Area or landscape as defined by the NPPF and WCS, in terms of the planning balance, the benefits of development (which include, the delivery of housing, efficient use of land in accordance with the Council's adopted policies, and the extant consent for the site), the best and most appropriate course of action would be for planning permission to be granted. All other matters have been sufficiently addressed, with technical details capable of resolution by planning condition.

On balance, therefore, it is considered that the proposal is acceptable in planning terms and in accordance with the Core Strategy and NPPF.

## RECOMMENDATION

Planning permission is GRANTED, subject to conditions

- 1 The materials to be used in the development hereby approved shall be constructed in accordance with the details submitted to the Council and approved by the council on 15 March 2017.

REASON: For the avoidance of doubt and to ensure the satisfactory appearance of the development

- 2 The hard and soft landscaping for the development hereby approved shall be carried out in accordance with the details submitted to and approved by the Council on 15 March 2017.

REASON: For the avoidance of doubt and to ensure the satisfactory appearance of the development and to respect the character and appearance of the street scene.

- 3 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the 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.

- 4 No part of the development hereby approved shall be occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

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

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

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

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

- 7 The bin storage and recycling facilities for the development hereby approved shall be carried out in accordance with the details submitted to and approved by the Council on 15 March 2017. These shall be provided prior to first occupation of the property and shall thereafter be retained.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

- 8 The scheme for the discharge of foul water from the site for the development hereby approved shall be carried out in accordance with the details submitted to and approved by the Council on 15 March 2017.

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

- 9 The scheme for the discharge of surface water from the site for the development hereby approved shall be carried out in accordance with the details submitted to and approved by the Council on 15 March 2017.

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

- 10 The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

- 11 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 access shall be a minimum of 4.5m width and properly consolidated for the first 7 metres, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The ditch within the access shall be piped accordingly. The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

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

Site Layout Plan

Site Location Plan

001 Plot 1 Elevations

002 Plot 1 Elevations

003 Plot 2 Elevations

004 Plot 2 Elevations

LPC/3074/SD1/5E

LPC/3074/SD1/2B

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

13      INFORMATIVE TO APPLICANT:

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

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

14      INFORMATIVE TO APPLICANT:

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

15      INFORMATIVE TO APPLICANT:

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

16      INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building

Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	<b>21<sup>st</sup> February 2018</b>
<b>Application Number</b>	<b>17/12043/FUL</b>
<b>Site Address</b>	<b>Land at Methuen Park, Chippenham</b>
<b>Proposal</b>	<b>Proposed erection of 66 dwellings, formation of access road, open space, landscaping and associated works.</b>
<b>Applicant</b>	<b>Greensquare Group Ltd and Ashville, Calne, Ltd</b>
<b>Town/Parish Council</b>	<b>Corsham</b>
<b>Ward</b>	<b>Corsham Town – Cllr Whalley</b>
<b>Grid Ref</b>	<b>390276 172102</b>
<b>Type of application</b>	<b>Full Planning</b>
<b>Case Officer</b>	<b>Charmian Eyre-Walker</b>

### Reason for the application being considered by Committee

The application is being heard by Committee in view of the previous decision of the Northern Area Planning Committee for determination.

#### 1. Purpose of Report

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

#### 2. Report Summary

13 letters of objection have been received.

Corsham Town Council does not object.

Chippenham Town Council welcomes the increase in affordable housing.

#### 3. Site Description

The site is located on the western fringe of Chippenham within the south western corner of Methuen Park which is an established business park and Principal Employment Area as designated in the Core Strategy and CP35 .

The site is rectangular in shape and is 1.3ha in area, relatively flat with the A350 at a lower level to the south west . Easton Lane is to the south east with a significant hedge forming the boundary. The remaining 2 sides are bounded by existing employment development.

The site is currently rough grassland, although there are 2 hardstanding areas which have been used for informal parking (N/05/00984/FUL) .

On the opposite side of Easton Lane is the site known as Hunter's Moon, recently (18/12/2017) granted consent as a hybrid application (16/12493/FUL).

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

N/03/2047/FUL - three 3-storey office buildings (capable of sub-division) and associated parking and landscaping – permission.

N/05/00984/FUL – temporary gravel parking area (44 cars) for over flow parking for Wincanton site (12-18 months) – permission.

N/06/02083/S73A – variation of time limit condition 1 of N/03/02047/FUL ( permission).

15/06248/PREAPP- Proposed residential development (approx 60 dwellings) – not supported.

16/06790/FUL – Proposed erection of 66 dwellings, formation of access road, open space, landscaping and associated works – refused at Northern Area Planning Committee.

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

The proposal is in full for 66 dwellings with access via Methuen Park. The layout is essentially a long cul-de-sac with houses fronting the access road as it goes into the site and tandem parking and then dwellings fronting the road with parking in front. Within the site, to the north of the access road pairs of semi detached houses are sited perpendicularly. There is a block of flats proposed in the south west corner. The boundaries are a 1.8m high chain link fence to the south west boundary, and to the eastern boundary to Easton Lane.

#### **6. Planning Policy**

##### Wiltshire Core Strategy

CP57 - Ensuring High Quality Design and Place Shaping.

CP35 - Existing Employment sites.

CP41 Sustainable Construction and Low Carbon Energy.

CP60 – Sustainable Transport

CP61 – Transport and Development.

Chippenham Site Allocations Plan.

North Wiltshire Local Plan 201 (saved policies)

CF3 – Provision of open space

##### NPPF

Core Principles – para 17.

Delivering Sustainable Communities para 22.

Section 7 Requiring Good Design paras 56 and 58 in particular

## 7. Consultations

Corsham Town Council do not object.

Chippenham Town Council welcome the affordable housing.

Highways comments are awaited

Education identify a requirement for 17 primary school places at a cost multiplier of £17,545 which equals £298.265. Secondary school places will be funded via CIL.

Archaeology has no comments.

Waste and Refuse comments are still awaited.

Public Art request a public art contribution figure (based on £300 per dwelling) for this site would be £19,800 for dwellings and we would expect that no more than 10% of this figure to be spent upon the production of a public art plan. We would welcome discussions on how best to integrate public art and design in the public realm for this development.

Drainage support subject to conditions.

Economic Development have given a full response (available on line) and forms the section on Planning Considerations. It can be summarised as:

As application 17/12043/FUL is very similar to application 16/06790/FUL, many of our comments submitted previously are still very much relevant (see comments on the planning portal - <http://unidoc.wiltshire.gov.uk/UniDoc/Document/Search/DSA.865747>). These are summarised below and updated where appropriate:

- Methuen Park is one of Wiltshire's highest quality and best located business parks. The application plot of land is located on the business park and therefore forms part of this important employment site. Inappropriate development on this business park (such as residential) could harm the vitality of the employment site and its occupiers.
- The application site is identified as a principal employment area and is supported and safeguarded in accordance with Core Policy 35 of the adopted Wiltshire Core Strategy. The Core Strategy states that principal employment areas should be retained for employment purposes to safeguard their contribution to the Wiltshire economy and the role and function of individual towns.
- The Chippenham area has been identified by the Swindon and Wiltshire Local Enterprise Partnership (SWLEP) as a priority area for investment, and has been allocated over £30m from Government (as part of the Growth Deal programme) in the last few years to drive innovation and accelerate economic growth. The level of importance the SWLEP has placed on Chippenham is evident in the Strategic

Economic Plan (SEP). The Growth Deal programme of investment acts as a key enabler to drive innovation and accelerate economic growth in Swindon and Wiltshire, therefore provision of employment land in this particular location is fundamental to achieve these objectives (especially as substantial Government funding is being targeted on improving the A350 route immediately adjacent to Methuen Park).

- Methuen Park is home to the headquarters of numerous strategically significant businesses, several with overseas ownership or global reach. Wiltshire Council's Economic Development Service recognises the strategic importance of high value businesses to the economy and community and invests resource into close working to help ensure their ongoing presence and growth. This includes regular dialogue to better understand their business priorities - giving them (and their global owners where appropriate) confidence to continue to invest locally as opposed to competing alternative locations. Priorities raised with the ED Service include maintaining the image/integrity of commercial environments (which residential encroachment is seen to dilute), and ensuring a sufficient supply of employment land and premises to support ongoing investment and jobs growth.
- The business park currently suffers from parking and congestion problems, especially at peak times of the day. This is further evidenced by the comments Wiltshire Council received on this planning application from business park users. The application proposals could further exacerbate the parking problems and negatively impact on the vitality of this significant employment site. The recent below photos highlight the parking problem in the business park.



- The previous submission generated an unusually strong response to a planning application from the business community. The amendments provided in the current submission do not address the key issues raised in representations previously made. Still no business has written to support the application, and no business has withdrawn its former representation, despite a number of them being contacted with details of the amendments.

Early Years Learning will not be requesting a contribution.

Public Protection comment on air quality that further work on predicted N02 levels with and without the development. They request provision of ultra low energy vehicle infrastructure

and are keen to see some form of physical mitigation at this development upon its completion (This could be controlled by way of condition).

An interpretative ground investigation report has been submitted which describes ground gas monitoring that has been undertaken to date, although its concluding rounds were not available at the time of the report. A standard land contamination condition would be required on any approval.

It is noted that on the boundary of gardens to the A350, garden compliance has been set at LAeq1hr55dB, which is considered could give rise to serious annoyance, day time and evening. Details of an acoustic barrier need to be submitted. This can be controlled by way of planning condition.

Housing state that they note this is a revised application following 16/06790/FUL and state:

Should this site now be considered suitable for a residential development in this location we can advise that the requirement in respect of affordable housing would be as follows: The Wiltshire Core Strategy details a requirement in the Chippenham Community Area for a 40% affordable housing contribution to be delivered in line with its Core Policies 43, 45 and 46 where there is demonstrable need for new affordable housing. We can confirm that there is demonstrable need for affordable housing in this community area.

This revised application actually increases the level of affordable housing proposed from the required policy level of 40% to 50% (33 dwellings in a mix of Affordable Rented and Shared Ownership tenures with unit sizes ranging from 1 bed flats to 4 bed houses) which would be acceptable in order to reflect the current demonstrable need and is, therefore, supported by the Housing Enabling Team.

Completed affordable dwellings are required to be transferred to a Registered Provider, approved by the Council, on a nil subsidy basis, secured via a SI06 Agreement and the Local Authority will have nominations rights to the affordable dwellings. This proposal is being put forward in association with GreenSquare – a member of the Council's Registered Provider/Housing Association Development Partnership - and they are aware that a SI06 Agreement would be required to secure the required planning contributions including nomination rights to the affordable dwellings.

Landscape Officer has not responded on this application, but previously stated on the almost identical application ( 16/06790/FUL) that he raises no issues in relation to the likely far reaching landscape or visual effects or impacts likely to arise from the proposed residential development of this site. His concerns relate to the poor relationship to adjoining site context resulting from the proposed layout. Despite its central location the small area of open space provides poor quality public amenity. The connecting cycleway/footpath which passes through this space is poorly designed and fails to provide a clear and legible route though and connecting development to onward destinations and fails to provide adequate amenity. Proposed landscaping around the site's perimeters and that proposed within the development layout is inadequate to integrate the site into its surrounding context and fails to provide an adequate level of amenity. His opinion is that many of these issues arise from the proposed over development of the site. Landscaping treatment to the A350 is not suitably incorporated. He proposes that a reason for refusal should centre on the failure to

meet the requirements of WCS, 'Core Policy 51: Landscape' and 'Core Policy 57:Ensuring high quality design and place making' in NPPF context.  
Full comments are available on line.

Council's Urban Designer comments as follows:

Wiltshire Core Strategy Core Policy CP57, Building for Life 12 (3<sup>rd</sup> Edition) is a government endorsed industry standard for well designed homes and neighbourhoods.

The layout is fundamentally the same as the 16/06790/FUL layout and has thus not addressed the previous concerns. The points raised can be summarised as follows:

- The back to back distances between 46-54 and 57-64 are as low as 14m when the accepted guidance is that such distances should not be below 20m.
- Poor amenity space...for example plots 19-26 have inadequate space. BFL 12 recommends that amenity space is at least equal to the footprint of the dwelling and has rear access.
- Blank or essentially blank flanks of houses fronting streets or their corners, which does not accord with BFL 12.
- The blank flank walls are exacerbated by the driveways to the sides with a footpath sandwiched in between ( eg plot 56). BFL 12 recommends avoiding location driveways on street corners or other prominent locations.
- Plots 19-36 back onto the street (Easton Lane) which BFL says should be avoided.

#### Spatial Plans Team

Their response is available in full on line, but can be summarised as :

Chippenham is identified as a Principal settlement in the Core Strategy and is a pivotal location in both the M4/Great Western main line corridor and the A350/trans-Wilts corridor. The site is located within the A350/Trans-Wilts crescent and in this respect it relates to the priority objectives of the SEP and accords with the economic led approach to development at Chippenham.

Methuen Park is identified as a Principal Employment Site in Wiltshire Core Strategy Core Policy 10 and according to Core Policy 35 Principal Employment Areas should be retained for employment purposes to safeguard their contribution to the Wiltshire economy and the role and function of individual Towns. The importance of the site has been confirmed by the Council's Economic Development team who in their response to this proposal have said the site is particularly important as an employment site because of its access to the M4 and railway services and because it is the only employment land immediately available in Chippenham.

The strategy for Chippenham is based on delivering significant job growth. New employment land is being identified as part of the strategic sites allocations in the emerging Chippenham Site Allocations Plan and as part of speculative development including Hunters Moon. However it is also important that existing sites including Methuen Park be retained for employment purposes in order to prevent existing and prospective employers moving elsewhere.

Although the proposed site will deliver affordable housing, it is surrounded by other employment uses and will be isolated from other facilities. There are already close to 700



new affordable homes in the pipeline for Chippenham. This will increase as sites such as Rawlings Green and the remainder of the SW Chippenham are granted planning permission. This site at Methuen Park should be retained as an employment site.

Ecology has no comments.

Tree Officer ..Comments awaited on this application, but previously commented as follows Note that there is an established hedgerow with trees located along the eastern boundary of the site. These trees are protected under Tree Preservation Order 145 confirmed on the 14th June 1990.

There are concerns with regard to the proposed site layout shown on the Proposed Site Layout Block Plan Drawing No. P101/D. The building orientation of plots 19 to 38 show the rear elevations of houses and garages backing onto Easton Lane with small gardens, some measuring under 4 metres in length. This proposed layout would place unnecessary pressure on this hedgerow to be cut back or removed to establish larger gardens. The hedgerow is an important feature as it acts as a wildlife corridor and helps screen the proposed development from Easton Lane. The removal of this hedgerow would have a detrimental effect on the surrounding area. The comments made by the Urban Design Officer dated 21st February 2017 are re-iterated in that:-

*The proposed reduction in the depth and removal of the existing hedgerow/hedgerow margin (by comparison of 001 Rev A & 002 Rev A - Tree Constraints Plans which shows existing site survey with plan 780-01 C 'Landscape Proposals'). This is along the boundary with Easton Lane from around 5 metres deep to around 1.5 metres deep and with the removal altogether of around 30 metres of hedgerow to this boundary at the north end of the site, and similarly the reduction in depth along the boundary with the A350.*

This current proposal also places protected trees which are situated within this hedgerow under unnecessary pressure due to their orientated to the site. These trees will come under pressure to be reduced or removed by potential homeowners due to them being situated to the east of the development. Light issues and encroachment of branches will become a common problem, which is unacceptable.

There is an objection to this proposal in relation to hedgerows and trees.

Technical Services Officer: objects on the grounds of under provision of on site POS. The site generates a requirement for 2525sqm of open space and 309sqm of equipped play space, but the site only provides a total of 688 sqm , divided into 2 areas of 257sqm and 431sqm.

## **8. Publicity**

13 letters of objection (from employees and employers in Methuen Park) have been received raising the following concerns:

- Parking issues and traffic.
- Question housing on office land
- Access is required from and to Easton Lane.
- Business land is required in Chippenham
- Loss of green space.
- Suitability of housing next to the soon to be dualled A350.

- Cars park on pavements meaning that walking anywhere is difficult.
- No schools nearby so all children will need to be driven.
- Unrelated to other housing ...essentially in a commercial area and thus unsuitable.
- In sufficient marketing ..a local company would be interested in the space.
- Only readily available piece of land left in Chippenham.
- The evidence should be commercially analysed.
- The use of a Traffic Regulation Order would penalise the existing business park users.
- No safe cycle route is proposed

Swindon and Wiltshire Local Enterprise Park object to the application stating that well connected employment sites are of major importance and Methuen Park provides high quality employment land with good road and rail access. They wish to retain it as employment land. SWLEP strategic plan stresses the importance of Chippenham due to its position in the Swindon/M4 corridor and its role as a gateway to the A350 corridor. Preserving good quality employment land at Chippenham is of strategic importance to SWLEP.

## **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. In this case, the Wiltshire Core Strategy forms the relevant development plan for the application area along with guidance in the NPPF (as set out above)

### Loss of Employment

The application plot of land is located on and forms part of Methuen Park, one of Wiltshire's highest quality business parks, which is of considerable importance to the local economy. Inappropriate development on this business park (such as residential) could harm the vitality of the employment site and its occupiers. The site is located in Chippenham (identified in the WCS as a principal settlement), which has been identified by Wiltshire Council and the Swindon and Wiltshire Local Enterprise Partnership (SWLEP) as a priority area for investment and economic growth.

Government, the SWLEP, and Wiltshire Council are all investing in improving infrastructure in Chippenham via the Local Growth Deal. The Local Growth Deal Programme acts as a key enabler to drive innovation and accelerate economic growth. Over £10m is being invested in improvements to the A350 Chippenham Bypass, the latest phase includes dualling and also upgrading the Chequers roundabout (next to Methuen Park). In addition to this, funding has also been allocated to improve Chippenham Station, and Junction 17 of the M4. These projects, which have all commenced works, will support driving innovation and accelerating economic growth, therefore provision of employment land in this location is fundamental to achieve these objectives. Given the massive investment in infrastructure to enable economic growth it would be highly inappropriate for the application plot of land to be allocated for anything other than employment.

Application 17/12043/FUL has attracted 13 letters of objection from neighbouring businesses and their employees (an increase in objections when compared to 16/06790/FUL), with no-one from the business community writing in support. These companies employ approximately 300 staff between them, the large majority of whom rely on private cars and on-site parking at the business park. The concerns raised are fully in line with the objections lodged against 16/06790/FUL (refused), indicating that the issues raised then have not been addressed by this application.

Methuen Business Park is home to a number of high value businesses recognised as of strategic significance to the local economy and community. The Economic Development Service has a dedicated programme of dialogue to reinforce the message of support for the presence and growth of these companies, often against competing alternative options within property portfolios. If the views of these companies and their employees are perceived to have been ignored, and the concerns raised become reality or worsen, then these issues could be a negative factor in future investment decision making. A recent potential inward investor specifically raised the parking issue as an impediment to securing a lease. As one of the objectors summed it up: *“this plan does nothing but disrupt and prevent future growth for business within Chippenham..... is supporting businesses in Chippenham no longer important?”*

The large number of inaccuracies in the applicant’s supporting material, like with the previous application demonstrates poor local knowledge of supply and demand in Chippenham. The applicant’s material has failed to provide accurate information for all three supply areas (office, industrial, and employment land). The applicant details a large number of properties and sites that are not available. As this information provided is not accurate, the applicant’s forecasts and conclusions are also not accurate and cannot be relied upon. Wiltshire Council’s Economic Development team, contacted local property agents, and local business representing organisations clearly have greater understanding of the local commercial property market, and all are consistent with their commentary and recommendation to protect the application site for employment uses (see comments below).

*“There is a very serious shortage of available employment land in the Chippenham area and there is also a serious shortage of industrial and warehouse units.”*

*“There is an increase in businesses struggling to find suitable premises in which to expand and consequently an increase in businesses looking for premises outside of the county. We understand the challenges around available employment land, planning and the developers coupled with the pressure on the need to build residential housing to meet the needs of the community, however this remains a serious barrier to growth for a number of businesses and*

*presents a risk to the continued prosperity of the County and the availability of good employment opportunities”*

*“The chronic shortage of second hand accommodation in the commercial property market in Chippenham, together with the lack of available land supply of freehold plots, has resulted in a migration of companies away from Chippenham to other locations”*

*“My considered opinion is that Wiltshire Council does not have the latitude to allow existing employment sites in Chippenham to be transferred to residential use at this particular point in the property cycle”*

*“The shortage of employment land and premises causing difficulties to businesses in the Chippenham area remains a theme in approaches to the ED Service”*

Wiltshire Council has an employment led Core Strategy and places priority on the delivery of land for employment and job growth in Chippenham. Loss of this plot of land within an established business park could lead to loss of jobs and certainly is against what the Core Strategy seeks to promote. CP35 in particular seeks to retain employment land and to address out commuting. Core Policy 35 of the Wiltshire Core Strategy includes the following requirement related to change of use:

*v. There is valid evidence that the site has no long term and strategic requirement to remain in employment use; the ability of the site to meet modern business needs must be considered, as well as its strategic value and contribution to the local and wider economy both currently and in the long term. It must be shown that the site is no longer viable for its present or any other employment use and that, in addition, it has remained unsold or un-let for a substantial period of time (at least 6 months), following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account prevailing market conditions.*

The applicant’s submitted material has failed to provide an accurate representation of supply and demand in Chippenham. The material has also failed to demonstrate that there is no reasonable prospect of the site being used for employment purposes.

The evidence provided by the Economic Development team indicates a severe shortage of industrial supply in Chippenham. Only 3 units were currently being marketed on Estates Gazette, two of which are under offer. When compared with availability of industrial stock at the time of the submission of 16/06790/FUL, there is now significantly less available, demonstrating the strong requirement to retain the application site for employment uses. The numerous responses by the Economic Development Team and the commentary provided by

commercial agents clearly and consistently indicate that there is demand and a shortage of industrial stock. Despite this evidence the applicant has decided to continue to pursue housing for this plot of employment land. One can only conclude the applicant is either incapable or unwilling to develop this site for employment uses.

The applicants have supplied some evidence of marketing but what has been provided does not contain valid evidence that the site is not viable for employment use. The application plot of land is commercially attractive, and has no identified constraints. The material submitted by the applicant fails to demonstrate that there is no long term requirement for this site for employment uses. The evidence submitted in this response and the severe shortage of existing stock clearly demonstrates that the application plot of land is required for employment uses.

The applicants are aware that Wiltshire Council have commissioned an updated Employment Land Review (ELR). The application plot of land has been included in this updated ELR, which considers site deliverability. To gain an understanding of employment sites the appointed consultant team have been contacting landowners and site promoters. The consultant team have attempted to contact Ashville on numerous occasions, however to date Ashville have not acknowledged or responded to these enquiries. Attempts to contact Ashville were made on the 3 October 2017, 9 October 2017, and the 18 December 2017. This lack of engagement from the site owners raises concerns with the Economic Development team. If the site owners indeed believe their site is unviable, surely they would have engaged in this Review process and provided their evidence.

The stark reality is that if a business required a site to build a new facility in the short term, the application plot of land is the only site available in Chippenham. This application plot of land is of significant importance to the Chippenham and Wiltshire economy and as such should be protected for employment purposes. The Economic Development Team therefore objects to this application (as have the SWLEP, and local businesses). The land should be retained and protected for employment uses to protect the vitality of the Business Park and support future business growth.

There is significant and compelling evidence for the retention of this plot as employment land:

- There is clear evidence of the prospects of the land being used for employment
- The evidence provided in the responses from Economic Development indicates a severe shortage of readily available employment land and workspace in Chippenham
- There is no evidence that the land is unviable
- There is a high likelihood of the land being taken up for employment use
- There is significant and compelling evidence of market interest

## Urban Design

The Council Urban Design Officer considers that the development represented a poor quality of design and amenity. The layout does not comply with CP57 in that it does not create a strong sense of place which uses the site's characteristics to its best advantage. It is also contrary to much of the advice in BFL12.

The dwellings which back onto Easton Lane were redesigned and the layout altered with application 16/06790/FUL so that there is some relief of built form and design. The houses have been designed to try and "face" Easton Lane, but that hasn't been effectively carried through with many elevations having vent pipes running up the elevation. Easton Lane has a very attractive rural character and whilst the original changes to the design are considered to have helped these elevations read better, it is still considered that the design effectively "turns its back" on Easton Lane to the detriment of the local character and contrary to CP57 and advice in the NPPF section 7 in particular. Notwithstanding this comment, this was not used as a reason for refusal of 16/06790/FUL and would thus be difficult to introduce now.

The layout, although similar to that considered last time and not refused on design grounds, is considered to be poor in that back to back distances are only 14m in some locations, where the guidelines (and standard accepted) are 21m. This will lead to inevitable overlooking and loss of privacy. There have been some amendments to the layout which now mean that plots directly back to back each other, which did not happen to such an extent in the submission considered under 16/06790/FUL. Again, this was not a reason for refusal previously and would therefore be difficult to sustain now, however should be noted as a poor layout with insufficient amenity and privacy.

The site does not provide sufficient on site POS and this is also a symptom of there being too many houses on this relatively small parcel of land. The overall design is cramped and is likely to create a poor living arrangement for occupants. This is not outweighed by the provision of a higher level of affordable housing ( see section below).

## Affordable Housing

The fundamental change from the previous application is that the proposal is now for 50% affordable housing. It is **key** however, to note that this is not possible to condition or agree by way of a S106 agreement in that the policy requirement is for 40% only. Any uplift in that amount would not be reasonable to request or control by way of any legal obligation. It would merely be at the behest of the applicant and is offered in the form of a small section in the design and access statement. It can be given very little weight in the determination of the application and permission could lead to no more affordable housing than was offered last time, which is policy compliant at 40%, but resulting in substandard on site POS provision and a poor layout as stated above.

Provision of 40% affordable housing on this site is policy compliant and expected. No weight can be given to the offer of a further 10% because that can be removed by the applicant at any time and the Council would have no control over that.

## Trees

There is an established hedgerow along the Easton Lane boundary which also contains a group TPO. The revised plans now show the RPAs of the TPO trees in this hedge and the hedge itself, and that the fence along this boundary is to be a 1.8m high chain link fence set on the garden side of the hedge. This will allow the rural character of the hedge to be fully maintained without the urbanising effect of a close boarded fence.

Concern has been expressed by the tree officer that the short gardens will put pressure on the hedge to be removed. The majority of the hedge is outside the site boundary and ownership.

Overall it is considered that the trees and hedge could be adequately protected by way of planning conditions.

### Landscape

The site is set within the context of existing buildings and once Hunter's Moon is developed out there will be no impact in landscape setting terms. The POS, which was originally criticised for its location and size has been increased from the 16/06790/FUL level and divided into 2 parcels. Originally it was one parcel of 347 square metres and now it is 2 parcels of 257sqm and 431sqm. However, this is significantly short of the required level of 3525 square metres. Saved policy CF3 of the North Wiltshire Local Plan 2011 requires on site provision or provision nearby by way of an off-site contribution, secured through a S106 agreement. There is currently no nearby scheme to contribute to. The proposal is therefore contrary to saved policy CF3 and Technical Services have previously stated that they are prepared to defend a reason for refusal based on this under provision on site. Their comments on this application are awaited but it is anticipated that their view will remain the same.

The proposed landscaping around and within the site is of lower quality than would normally be expected, but the site sitting within an industrial estate and the retention of the hedging and changes to boundary treatment in that location are considered to balance the lower overall landscaping, which could be conditioned for further enhancements.

### Public Open Space

The proposal generates a requirement for 3525sqm of POS and 309sqm of equipped play space. The on site provision is 688sqm which is substandard. It could be argued that the reason that the site can support a high level of Affordable Homes is that more than the usual site area is being used for housing.

Permission has recently been granted in hybrid form for Hunters Moon (the site opposite on Easton Lane). The approved masterplan for that site indicates that employment will be directly opposite, with a through road crossing Easton Lane into Methuen Park. The proposed housing would therefore be surrounded on 3 sides by industrial type development, the 4<sup>th</sup> side being the A350. The masterplan for Hunters Moon shows a more spacious style development with the higher land as POS. It has been suggested that this could be used by the residents of the proposed development, but there is no guarantee that this land would come forward in a timely manner and thus cannot be counted upon. The reason for refusal as set out in the POS section is therefore sustained.

## Drainage

Unlike the previous application the Drainage Strategy Report ( DSR) is suggesting a gravity connection for the foul system – however this will rely on being allowed to raise ground levels within certain parts of the site – if LPA do not allow the ground raising then it is likely that a pumping station will be needed to get all foul flows to the public system – this mean a loss in available development area as a 15m wide clearance zone would be required around any pumping station.

National criteria calls for no increase in storm water discharge from a site, however locally the council look for betterment (in region of 20%). DSR says that the infiltration testing showed negligible infiltration

The DSR states the calculated value of Qbar (greenfield rate) and intention to design system based on that with 40% climate change in line with latest EA guidance for climate change – whilst this would give a reduction for the longer return period storms it would not give any improvement for more frequent storms and the DSR suggests splitting the required attenuation units into 2 areas – however as there may be issues over adoptability of the units further consideration will need to be made during any design (or application for doc of any condition)

The Drainage engineer concluded that more wok on the design may be required, but that can be adequately controlled by condition.

## Public Protection Matters

The matters raised by public protection can largely be controlled by way of planning condition. The matter of an acoustic fence to protect the amenities of residents along the A350 boundary was discussed within the determination f 16/06790/FUL and it is not considered that this issue cannot be overcome by way of design or further information.

An update on this will be presented in late observations.

## Lack of S106 agreement

The development would generate need for payment of monies and terms secured by way of a S106 agreement for education; affordable housing; public art and refuse collection. This has not been secured and is a further reason for refusal.

## **10.Conclusion**

The proposal is considered to fail in that the principle of the development of an allocated employment site fundamentally contrary to policy CP35 of the Wiltshire Core Strategy which seeks to retain employment land.

The layout and design is considered to be very poor giving substandard amenity and privacy Although this was not a reason for refusal of a very similar application (16/06790/FUL), it should be noted.

The proposal itself makes a significant under provision for Public Open Space on the site and there are no nearby available sites for an acceptable of site contribution. The proposal is thus contrary to saved policy CF3 of the North Wiltshire Local Plan 2011. There is currently no mechanism in place to secure other required contributions to affordable housing,



education, waste and recycling, public art and for the ongoing maintenance of the POS shown on site making the proposal contrary to CP3, CP43 and CP45 of the Wiltshire Core Strategy.

## **11.Recommendation**

The recommendation is for REFUSAL for the following reasons:

- 1) The proposal would lead to the loss of a major employment allocation of land, which is part of the strategic objective set out in the Wiltshire Core Strategy to deliver a thriving economy to provide a range of jobs in Wiltshire with dependence on retaining the availability of and enhancing existing employment sites. The loss of this site would also be contrary to the aims of the Wiltshire Core Strategy which seeks to protect Wiltshire's most sustainable and valued employment areas by applying policies to favour employment uses on these sites. The proposal would therefore be contrary to the aims of the Wiltshire Core Strategy and to Policy CP35 of the Wiltshire Core Strategy and the advice within section 1 of the NPPF in particular.
- 2) The application does not satisfactorily demonstrate through a robust and comprehensive marketing exercise that its retention is no longer warranted. This would be contrary to the employment led emphasis of the Wiltshire Core Strategy and the requirements of CP35 of that document together with advice in Section 1 of the NPPF.
- 3) The proposal does not make provisions to secure contributions to affordable housing; education; public art; waste collection and re-cycling; the ongoing provision and maintenance of open space. The application is therefore contrary to Core Policies 3, 43, 45 of the Wiltshire Core Strategy and saved policy CF3 of North Wiltshire Local Plan 2011.

(Informative: The applicants have expressed a willingness to make off site contributions to POS and to enter into discussion about other requirements, so that this reason could fall away)

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