

AGENDA

Meeting: Northern Area Planning Committee

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

Date: Wednesday 6 December 2023

Time: 2.00 pm

Please direct any enquiries on this Agenda to Cameron Osborn of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718224 or email cameron.osborn@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

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

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

Substitutes:

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

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

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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](#).

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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 7 - 42*)

To approve as a true and correct record the minutes of the previous meeting held on 13 September 2023.

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 **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to 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 29 November 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 1 December. 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 43 - 44*)

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

Planning Applications

To consider and determine the following planning applications.

7 **PL.2022.07660: Forge House, The Street, Alderton Chippenham, SN14 6NL**
(*Pages 45 - 68*)

Full planning application for the conversion of a rural building to create a single dwelling (resubmission) and the erection of a bat house.

8 **PL.2022.07970: Forge House, The Street, Alderton, Chippenham, SN14 6NL**
(*Pages 69 - 78*)

Listed building application for the conversion of a rural building to create a single dwelling (resubmission) and the erection of a bat house.

9 **PL.2023.00424: Land at Washpool, Swindon, SN5 3PN** (*Pages 79 - 102*)

Demolition of various outbuildings and the erection of a 3-bedroomed detached dwelling and associated works (revised resubmission).

10 **PL.2023.00303: Moor Farm, Ashton Road, Minety, Malmesbury, Wilts, SN16 9QP** (*Pages 103 - 112*)

Retention of barn for equestrian purposes.

11 **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

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Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 13 SEPTEMBER 2023 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Chuck Berry, Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Jacqui Lay, Cllr Dr Brian Mathew, Cllr Martin Smith, Cllr Elizabeth Threlfall, Cllr Clare Cape (Substitute), Cllr Peter Hutton (Substitute) and Cllr Tom Rounds (Substitute)

Also Present:

Cllr Helen Belcher OBE

54 **Apologies**

Apologies were received from:

- Cllr Howard Greenman was substituted by Cllr Clare Cape.
- Cllr David Bowler was substituted by Cllr Peter Hutton.
- Cllr Nic Puntis was substituted by Cllr Tom Rounds.

55 **Minutes of the Previous Meeting**

On the proposal of Cllr Gavin Grant, seconded by Cllr Chuck Berry, it was:

Resolved

To approve the minutes of the previous meeting, held on 23 August 2023, as a true and correct record.

56 **Declarations of Interest**

There were no declarations of interest.

57 **Chairman's Announcements**

There were no Chairman's announcements.

58 **Public Participation**

The Committee noted the rules on public participation.

Cllr Jacqui Lay joined the meeting at 2:06pm.

59 **Planning Appeals and Updates**

Cllr Steve Bucknell noted that he would welcome further information about the number of successful and unsuccessful appeals against the decisions made by the Committee.

On the proposal of Cllr Gavin Grant, seconded by Cllr Martin Smith, it was:

Resolved

To note the report on planning appeals and updates.

60 **PL.2022.01975: Hawthorn Works, Westwells, Corsham, SN13 9RD**

Public Participation

- Tim Gent (Savills) spoke in support of the application.
- Robert Silvester (Ark Data Centres) spoke in support of the application.

The Development Management Team Leader, Simon Smith, introduced a report which recommended that the application for the erection of a new data centre, plant, highways works, vehicle access, infrastructure, enclosures, landscaping and other associated works, be approved. Key details were stated to include the principal of development, access, parking and landscaping as well as the visual impact of the new buildings on surrounding residential areas.

Attention was drawn to the location of the proposed development on the Spring Park complex, an area of ex-military buildings converted for employment uses. The application site was immediately adjacent to existing development land used for similar purposes, and was of similar scale, so complied with Core Policy 34 of the Wiltshire Core Strategy. It was also noted that Corsham Town Council were supportive of the application subject to sufficient planting to help screen the building.

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

In response to queries, the Development Management Team Leader acknowledged that the proposed development would have an impact on the character of Rowan Lane, but explained that this was deemed to be acceptable and highlighted that a number of conditions had been imposed and landscaping scheme. He clarified that the existing buildings on the site did not make lots of noise and Wiltshire Public Protection Team had not raised objections in relation to the possibility of incremental noise increases impacting potential future developments.

Members of the public then had the opportunity to present their views to Committee as detailed above. The representative from Ark Data Centres confirmed that the centre would employ adiabatic cooling to regulate temperature, so there would be limited scope to recover excess heat.

Cllr Dr Brian Mathew read out a statement on behalf of the unitary division member, Cllr Derek Walters.

So that the Committee had something to debate, Cllr Steve Bucknell, seconded by Cllr Peter Hutton, proposed that the application be granted in line with the recommendations outlined in the report.

A debate followed where it was discussed whether it would be possible to condition the colour and shading of the building. The Development Management Team Leader confirmed that it would be possible to delegate to officers an additional condition about the gradation of colourisation of the external cladding.

Cllr Dr Mathew proposed an amendment that a potential condition about the colouring of the building was delegated to officers. Cllr Dr Mathew's proposal was accepted by Cllr Bucknell and Cllr Hutton, the proposer and seconder of the original motion, so was added to the substantive motion. The substantive motion then went to a vote and it was:

RESOLVED: That planning permission be GRANTED in accordance with officer recommendation subject to the potential for an additional condition, relating to the gradation of colouration on the cladding being discussed with the applicant prior to issue of decision, being delegated to officers.

Conditions

Limits of Permission

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 floorspace created on this site shall be used for data storage and processing (together with any ancillary uses) only and for no other purpose, including any other uses that may fall within class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.

REASON: For clarity and the avoidance of doubt and because of the location of the development and particular nature and conclusions of the transport assessment undertaken.

Construction

3. The building works required to implement this development shall only be carried out between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 12:30 on Saturdays, and not at all on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity.

4. No construction vehicles may arrive or depart, be loaded or unloaded at or from the site outside the hours of 08:00 to 18:00 Mondays to Fridays, and outside the hours of 08:00 and 12:30 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity.

5. Prior to the commencement of any demolition works on the site, a Demolition Method Statement and Environmental Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the demolition phase, including but not necessarily limited to, the following:

- a) the parking of vehicles of site operatives and visitors;**
- b) storage of plant and materials used in constructing the development;**
- c) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- d) wheel washing facilities;**
- e) measures to control noise and the emission of dust and dirt during construction so as to protect the amenity of surrounding residential occupiers;**
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- g) measures for the protection of the natural environment and details of the arrangements to be made for the drainage during the construction phase.**

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

REASON: In the interests of residential amenity.

6. No development shall commence on site (excluding demolition works), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**

d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

e) wheel washing facilities;

f) measures to control the emission of dust and dirt during construction;

g) a scheme for recycling/disposing of waste resulting from demolition and construction works;

h) measures for the protection of the natural environment and details of the arrangements to be made for the drainage during the construction phase; and

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

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

Noise

7. The development and all operation of the data centre shall be carried out in accordance with the specifications and attenuation recommendations contained within the submitted Noise Impact Assessment (prepared by Sweco UK Ltd, document reference: 65204497-SWE-ZZ-XX-RP-YA-0001 REV.03, dated 9th December 2021).

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

8. In accordance with the details hereby approved, all fixed and mobile plant to be installed on the site shall be enclosed. Any changes to the development which include proposals for external plant to be provided without enclosure shall be the subject of a separate planning application.

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

9. During normal operational conditions, all plant (including generation plant, air conditioning units, extraction systems or other air handling plant etc.) shall be so sited and designed in order to achieve a Rating Level (BS4142:2014) of at least 5dB below the background noise level (LA90T) determined at the nearest noise sensitive receptor, when the plant is intended to operate.

At the request of the Local Planning Authority (LPA), the plant operator

shall, at their own expense, employ a suitably competent and qualified person to measure and assess, whether noise from the plant meets the specified level. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the LPA. The consultant should use BS4142:2014 methodology to carry out the assessment and provide further details on the generators expected frequency of use and duration.

Good internal standards set out in BS8233:2014 and WHO will need to be achieved at the nearest sensitive receptors.

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

Drainage

10. Notwithstanding the submitted Sustainable Drainage Strategy (prepared by Waterman Infrastructure & Environment Ltd, dated January 2022), no development (with the exception of demolition works) shall take place on site until the following details have been submitted to and agreed in writing by the Local Planning Authority:

- a) The proposed rainwater harvesting scheme.
- b) Detailed hydraulic modelling results covering:
 - i. Calculations and drawings for the drainage system design showing conveyance routes are designed to convey without flooding the critical 1 in 30 year rainfall event.
 - ii. Calculations and drawings for the drainage system design showing attenuation features are designed to attenuate without flooding the critical 1 in 100 year rainfall event + climate change.
 - iii. Hydraulic Models should set the MADD factor / additional storage volume factor to 0m³/ ha in order to prevent an overestimation of storage capacity in the proposed drainage network.

The development shall be carried out in complete accordance with the drainage details so agreed.

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

Ecology and Landscaping

11. The development hereby approved shall be carried out in strict accordance with:

- The Preliminary Ecological Appraisal (Daniel Ahern Ecology, 19th December 2021).
- Bat Activity Survey Report (Daniel Ahern Ecology, May 2022).
- Biodiversity Net Gain Assessment (Daniel Ahern Ecology, February 2022).

REASON: To ensure adequate protection and mitigation for protected species.

12. Prior to the commencement of development, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing.

The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and
 - b) details of physical means of protection, e.g. exclusion fencing.
 - c) Working method statements for protected/priority species, such as nesting birds and reptiles.
 - d) Mitigation strategies already agreed with the local planning authority prior to determination,
 - e) such as for great crested newts, dormice or bats; this should comprise the preconstruction/construction related elements of strategies only.
 - f) Details and locations of any temporary construction lighting required.
 - g) Work schedules for activities with specific timing requirements in order to avoid/reduce
 - h) potential harm to ecological receptors; including details of when a licensed ecologist and/or
 - i) ecological clerk of works (ECoW) shall be present on site.
 - j) Key personnel, responsibilities and contact details (including Site Manager and
 - k) ecologist/ECoW).
 - l) Timeframe for provision of compliance report to the local planning authority; to be completed
 - m) by the ecologist/ECoW and to include photographic evidence.
- Development shall be carried out in strict accordance with the approved CEMP.

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

13. All lighting shall be installed and maintained in accordance with the approved details as set out the External Lighting Report Rev. D (Waterman Building Services, 10th November 2021) and no other lighting shall be installed.

REASON: To ensure the boundary features to the west and south are maintained as dark corridors for bats.

14. Prior to the start of construction (excluding demolition works), a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development. The LEMP will provide a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

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

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

16. At no time during the construction phase shall there be any working outside of daylight hours which results in vehicle movements, people or machinery being used on the site.

REASON: The introduction of artificial light/noise disturbance may mean that qualifying bat species are disturbed and/or discouraged from using

established flyways or foraging areas. Such disturbance will constitute an offence under relevant wildlife legislation.

Highways

17. The development hereby permitted shall not be first brought into use until the whole of the parking area/turning areas for the accesses off Rowan Lane have been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

18. The development hereby permitted shall not be first brought into use until at least the first 5m of the Firing Range access, measured from the Rowan Lane edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

19. No part of the development shall be first brought into use, until the visibility splays shown on the approved plans for the Firing Range access have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety.

20. No development (with the exception of demolition works) shall commence on site until details of the stopping up of all existing accesses onto Rowan Lane, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority.

That stopping up shall take place in accordance with the approved details within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

21. No development (with the exception of demolition works) shall commence on site until details of the stopping up of the existing vehicular access on Westwells Road (located approximately 60 metres north-west of the Rowan Lane junction accesses onto Rowan Lane) and the reinstatement of full height kerbs have been submitted to and approved in writing by the Local Planning Authority.

That stopping up shall take place in accordance with the approved details within one month of the first occupation of the development.

REASON: In the interests of highway safety.

22. The submitted Travel Plan Statement (within the Transport Assessment dated March 2022) shall be implemented on first occupation of the development hereby granted planning permission and shall remain in operation thereafter.

REASON: In the interests of promoting sustainable patterns of travel to and from the development.

Fencing, Bunding and External Storage

23. Prior to its creation and installation, full and complete details of all earth bunding and security/site fencing to be created and installed at the site and, in particular, its relationship to the frontages to Rowan Lane and Westwells Road, shall have been submitted to and agreed in writing by the Local Planning Authority. Any bunding and fencing shall be created and installed in complete accordance with the details so agreed.

REASON: In the absence of details submitted within the application, so as to ensure the bunding and fencing and its relationship to the Rowan Lane and Westwells Road frontage takes an appropriate form.

24. No materials, goods, machinery, finished or unfinished products/parts of any description, skips, crates, containers, waste, or waste products shall be placed, stacked, deposited or stored on any area of the site outside the buildings, unless otherwise agreed in writing by the Local Planning Authority in the form of a separate planning permission in that regard.

REASON: In the interests of visual amenity and views across the site in this prominent junction location.

External Cladding

25. Prior to its installation, the details of the external cladding for the walls shall have been submitted to and agreed in writing by the Local Planning Authority. The cladding shall be installed in complete accordance with the agreed details.

REASON: So as to ensure that the development is of appropriate appearance.

Approved Plans

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

- Proposed Drainage Layout – ref. 17831-WIE-92-ZZ-DR-C-000

- Final Ground Investigation Locations Existing Site Layout – ref. 16316-110-WIE-ZZ-XX-DR-V-80-001
- Sustainable Drainage Strategy – ref. WIE17837-107-R-5-1-1-DRA
- Utility Map Survey – ref. WIE17837-107-R-5-1-1-DRA
- Wiltshire Strategic Flood Risk Assessment North Wiltshire Other Sources of Flooding –
- Flood Risk Assessment – ref. WIE17837-107-R-1-2-2-FRA
- Final Ground Investigation Locations Existing Site Layout - 16316-110-WIE-ZZ-XX-DR-V-80-001
- Proposed West and South Elevations – PL – 2031
- Proposed Stret Elevation and Section – PI-3000
- Proposed Bridge – PL- 9000
- Proposed Masterplan – PL-1020
- Proposed Site Plan – PL – 1021
- Proposed Hard and Soft Landscaping Plan – PL- 1022
- Proposed Ground Floor GA Plan – PL-2010
- Proposed First Floor GA Plan – PL-2011
- Proposed Second Floor GA Plan – PL-2012
- Proposed East and North Elevations – PL – 2030
- Proposed Roof GA Plan – PL – 2013
- Site Location Plan – PL-1000
- Spring Park View – 02V01
- P5 South Soft Landscape Plan – 17873-WIE-114-XX-DR-L-74300
- Bat Activity Survey Report Ark Estates Spring Park Ltd – Job Number 4448
- Biodiversity Metric 3.0 – Calculation Tool Start Page – Project name: Building 5, Spring Park, Corsham
- Biodiversity Net Gain Assessment – Building 5, Spring Park, Corsham
- BREEAM Letter – Focus Environment Design Limited
- BREEAM Pre-Assessment Report ARK Data Centres, Spring Park P5 South – 2020-B07-P5SPAR-01
- Community Infrastructure Levy (CIL) – Form 1: CIL Additional Information
- Design and Access Statement – Spring Park, Building South, Corsham
- Habitat Regulations Assessment Stage 1: Screening – Reference: 4425 P5 South
- Proposed Data Centre, P5 South, Spring Park – IMA-21-154
- External Lighting Report – 001saj211110
- Noise Impact Assessment - 5204497-SWE-ZZ-XX-RP-YA-0001
- Planning Statement –
- Preliminary Ecology Appraisal Building 5, Spring Park, Corsham –
- Preliminary Risk Assessment - WIE17837-113-R-1-2-3
- Proposed Site Section – PL-3010
- Sustainable Data Centre Design, Development and Operations – Sustainable Statement

(incorporating Sustainable Energy Strategy)

• Transport Assessment – IMA-21-154

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

INFORMATIVES:

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

There is a low risk that bats may occur at the development site. Bats are a transient species and therefore move around; many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species Regulations 2017 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email enquiries@bats.org.uk or visit the Bat Conservation Trust website.

61 **PL.2022.05273: Land at Marsh Farm, North of Malmesbury Road, Royal Wootton Bassett, SN4 8ER**

Public Participation

- Daniel Preece (Lidl Great Britain Ltd) spoke in support of the application.
- Cllr Steve Walls (Royal Wootton Bassett Town Council) spoke in opposition to the application.

The Senior Planning Officer, Olivia Tresise, introduced a report which recommended that the application for the erection of a Class E food store with associated car parking, works to create open community space, new access, landscaping and associated works, be granted. Key details were stated to include the scale of development, its visual impact and design, as well as the environmental and highway impacts.

She reminded the Committee that they had agreed to defer the application, that was originally bought to them in June, until clarity on such issues as foul water

sewage and the proposed parkland could be provided. Attention was drawn to the late submissions from Royal Wootton Town Council, Royal Wootton Bassett Environment Trust's Active Travel Group and the applicant. The submissions, along with responses from officers, were included in Agenda Supplement 1. The Senior Planning Officer explained that she had amended conditions 9, 10 and 15, related to drainage, or landscaping, listed in her original report to reflect officer responses to the late submissions. Full details of the revised conditions were listed on pages 7-9 of Agenda Supplement 1.

Members then had the opportunity to ask technical questions of the officer. Details were sought on the issue of road safety, including fears that children would use the crossing to access a nearby sports facility. The Senior Planning Officer advised that Wiltshire Council's Highway Officer strongly resisted any proposals to relocate the proposed raised table crossing closer to the proposed access for the site, due to safety concerns.

The Senior Planning Officer noted that the care home adjacent to the site had withdrawn its proposals to install a private sewage treatment plant and would instead implement the original rising main drainage scheme.

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

The unitary division member, Cllr Steve Bucknell then spoke in opposition to the application. He urged the Committee to consider the application on the assumption that the proposed community parkland would not go ahead as the applicant was not the landowner.

So the Committee had something to debate, Cllr Peter Hutton, seconded by Cllr Tom Rounds, proposed a motion that permission for the application be granted in line with officer recommendations, as amended in Agenda Supplement 1.

A debate followed where issues including road safety, drainage and conditions that could be applied to the parkland were discussed. It was noted that land allocated near to the site, for a potential 200 new homes, could not be considered as part of this application.

The Chairman proposed an amendment to the motion to stipulate conditions on the timing of tree planting on the nearby parkland, specifically that this should be done in advance of the occupation of the supermarket. This was accepted as a friendly amendment by the proposer, Cllr Hutton and seconder of the original motion, Cllr Rounds.

The Development Management Team Leader, Simon Smith, clarified that the issue would need to be delegated to officers, which was accepted by assent of the Committee.

The Senior Planning Officer confirmed that the revised Condition 15 included a stipulation for a maintenance plan for the community parkland. The Development Management Team Leader elaborated that it would not be

possible to compel the applicant to deliver the parkland but, as it was being proposed, the Committee would be entitled to respond to those proposals by applying conditions on the application. Referencing an agreement by the applicant to deposit a £50,000 maintenance bond for the land, he highlighted that this should not be a consideration for the Committee as they had to assume that all conditions for the planning would be complied with. He highlighted that there were no suggestions that the applicant was not planning to deliver the community parkland and that Wiltshire Council would not be privy to any contractual arrangements between the applicant and the landowner.

During the debate, Cllr Chuck Berry, seconded by Cllr Gavin Grant, proposed a further amendment to the substantive motion, that the landscaping scheme for the parkland must be undertaken in advance of the first occupation of the supermarket.

Cllr Berry's proposed amendment was not accepted by the proposer of the original substantive motion, Cllr Hutton, so the Committee voted on whether to add it to the substantive motion. The vote carried, so Cllr Berry's amendment was added to the substantive motion.

The Committee then voted on the substantive motion as amended and it was:

RESOLVED: To GRANT permission in accordance with officer recommendation (as revised within Agenda Supplement 1), subject the amendment of Condition 14 so as ensure the planting on, and landscaping of, the parkland area is implemented prior to the first use/occupation of the supermarket:

Condition 1 (Time limit for implementation)

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.

Condition 2 (Approved plans)

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

Revised Landscape management plan, SLR Ref No: 403.V61442.00001, March 2023,

received by the Council on 14 March 2023

Revised Proposed Boundary Treatment plan, 19078 AD_114 Revision C, received by

the Council on 10 March 2023

The following documents received by the Council on 27 February 2023:

- Proposed elevations, AD_113 B**
- Proposed Lidl Site Access Arrangement on B4042, SK01 Revision D**
- Planting plan for Lidl car park LIDL / GA 2**

- Planting plan for Public Open Space, LIDL/GA3
- Planting plan for General Arrangement, LIDL/GA1
- Hard and Soft Landscaping Details, LIDL / GA07 and GA08
- Hard materials – Public Open Space, LIDL / GA6
- Hard materials – Car Park, LIDL/GA5
- Hard materials – General Arrangement, LIDL/GA4
- Site Layout Plan LIDL/PLAN3
- Site Block Plan, LIDL/PLAN2
- Detailed Masterplan, LIDL/PLAN4

The following documents received by the Council on 8 July 2022

- Proposed Site Section, 19078/AD119/Rev A
- Site location plan, AD_100 Rev B
- Proposed roof plan, AD_112
- Proposed elevations, AD_113 Rev B
- Proposed building (floor) plan, AD_111 Rev A

REASON: For the avoidance of doubt, in the interests of proper planning, and for the protection, mitigation and enhancement of biodiversity.

Condition 3 (Retail use only)

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 retail element of the proposed development shall be used solely for purposes within Class E(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use at this particular site is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case and its potential impact upon the town centre.

Condition 4 (No sub-division of the unit)

The retail element of the development shall not at any time be sub-divided into a larger number of units.

REASON: To enable the Local Planning Authority to consider individually or cumulatively planning permission should be granted for additional units and to protect the vitality and viability of the Royal Wootton Bassett town centre.

Condition 5 (Restriction sale of comparison goods)

No more than 20% of the approved net sales area of the retail unit shall be used for the sale of comparison goods.

REASON: To protect the vitality and viability of the Royal Wootton Bassett town centre.

Condition 6 (Removal of Permitted development rights)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 7, Classes A, C, D, E, F, G, H, I, J and K shall take place on the buildings or within the curtilage of any of the buildings hereby granted planning permission.

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

Condition 7 (Construction Method Statement – pre-commencement condition)

Prior to the commencement of the development hereby approved, a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- e) wheel washing facilities;**
- f) measures to control the emission of dust and dirt during construction;**
- g) a scheme for recycling/disposing of waste resulting from construction works;**
- h) measures for the protection of the natural environment; and**
- i) hours of construction, including deliveries;**
- j) demonstrate how surface water will be managed throughout the construction phase to prevent an increase in local flood risk / local pollution risk, has been submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Method Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved Construction Method Statement.**

REASON: In the interests of highway safety and residential amenity of the neighbouring properties.

Condition 8 (Construction Environment Management Plan - Pre-commencement condition)

Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root**

protection areas and details of physical means of protection, e.g. exclusion fencing.

b) Working method statements for protected/priority species, such as reptiles, nesting birds and roosting bats.

c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.

d) Pollution prevention measures.

e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence. Development shall be carried out in strict accordance with the approved CEMP.

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

Condition 9 (surface water drainage scheme – pre-commencement condition)

Prior to the commencement of the development hereby approved, a scheme for the discharge of surface water from the site /phase, including SuDS (sustainable drainage systems) and all third-party approvals, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the said scheme shall be in accordance with the submitted Flood Risk Assessment and Drainage Strategy v5 (February 2023). Development shall be carried out in accordance with the approved details and shall be maintained as such thereafter.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that all elements of the development is undertaken in an acceptable manner, and to ensure that all elements of the development can be adequately drained without increasing flood risk to others.

Condition 10 (foul drainage – Grampian condition)

No development shall place until the foul drainage scheme has been created in its entirety and is ready for connection and used by the proposed food store hereby approved. For the avoidance of doubt, the foul drainage scheme shown on the drawing no. C160504-PIN-XX-XX-DR-C-224 S2-P05 in the submitted Flood Risk Assessment and Drainage Strategy Revision 5 dated 15 February 2023 shall be implemented in full and shall be maintained as such thereafter.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that all elements of the

development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

Condition 11 (Building materials – pre-commencement condition)
Notwithstanding the details shown on the submitted plans and forms, no development shall commence on site until details of the materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

**Condition 12 - Landscape and Ecological Management Plan
(Precommencement condition)**

Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets in accordance with the BNG calculation. The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

Condition 13 (Ultra Low Energy Vehicles Infrastructure)

Prior to the first occupation of the development hereby approved, a scheme of Ultra Low Energy Vehicle infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and maintained permanently and satisfactorily as such thereafter.

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

Condition 14 (Landscaping Scheme for parkland area)

Notwithstanding the submitted revised proposal, within 6 (six) months following the commencement of the development, a scheme of hard and soft landscaping for the park land area shall be submitted to and approved in writing the local planning authority. The details shall include:

- finished levels and contours;**
- means of enclosure;**
- all hard and soft surfacing materials;**
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);**
- number of trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428.**
- Time of planting**
- On-going management of the planting**

All soft landscaping including the tree planting comprised in the approved details of landscaping scheme shall be carried out in full prior to the first use or occupation of the food store building hereby approved. For the avoidance, all trees and shrubs shall be planted within their planting seasons (normally between October and April). 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.

Condition 15 (Landscape management plan)

Notwithstanding the submitted revised proposal, within six months following the commencement of the development, a landscape management plan and a public accessibility management and maintenance plan for the Parkland Area and the surrounding landscape area, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The public accessibility management plan and maintenance plan shall detail the long-term on-going management and maintenance responsibilities for all private, communal play spaces / amenity spaces and all publicly accessible open space to secure its open accessibility to members of the public for the lifetime of the development. Prior to the first occupation of the food store hereby approved, the approved management and

maintenance plans shall be carried out in full and for the lifetime of the development in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure the proper management of the landscaped areas in the interests of visual amenity.

Condition 16 (restrict shopping trolleys leaving the site)

The retail element of the development shall not be first brought into use until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved in writing by the Local Planning Authority; and the approved scheme has been brought into operation. The approved scheme shall thereafter be maintained in operation in accordance with the approved details.

REASON: In the interests of the character, appearance and amenities of the area.

Condition 17 (Odour)

Prior to the first use or operation of the in-store bakery within the retail store, a scheme of works for the control and dispersal of atmospheric conditions (in particular emissions from cooking or baking of food) shall have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before any on site cooking or baking takes place and shall be maintained in effective working condition at all times thereafter.

REASON: So as to ensure that the amenity and living conditions of surrounding residential occupiers are not unacceptably affected.

Condition 18 (External Lighting)

Prior to first use or occupation of the development hereby approved, detailed lighting schemes with a validation report shall be submitted to and approved in writing by the Local Planning Authority. Such a validation report shall have been prepared by a suitably qualified member of the institute of lighting professionals (ILP) and shall validate that the lighting scheme as installed conforms to the recommendations for environmental zone E2 or better in the ILP document "Guidance Notes for the Reduction of Obtrusive Light - Guidance Note 01:20. All external lighting at the retail element of the proposal, as validated, shall be implemented in accordance with the agreed details and shall thereafter be permanently retained in that condition.

REASON: To ensure that the amenity and living conditions of surrounding residential occupiers are not unacceptably affected.

Condition 19 (Storage and Refuse)

Prior to the first use or occupation of development hereby approved, details of the intended arrangements for the storage of refuse and recycling, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling storage arrangements shall be implemented prior to the first use of occupation of the development and made available for use for that purpose thereafter.

REASON: In the interests of public health and safety.

Condition 20 (Boundary treatment)

The proposed boundary treatment, drawing no. AD_114 Revision C, shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

REASON: To safeguard the character and appearance of the area.

Condition 21 (Landscaping Implementation)

All soft landscaping comprised in the approved details of landscaping, shown on

- Planting plan for Lidl car park LIDL / GA 2**
- Planting plan for General Arrangement, LIDL/GA1**
- Hard and Soft Landscaping Details, LIDL / GA07 and GA08**

shall be carried out in the planting and seeding season prior to the first occupation of the building(s) hereby approved. 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.

Condition 22 (Landscaping management)

The submitted Landscape Management Plan, SLR Ref. 403.V61442.00001 Version No. 5 dated March 2023 shall be implemented in full and maintained as such thereafter.

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

Condition 23 (highway work)

Prior to first use of the development hereby permitted, the ghost island right turning lane outlined on drawing 2202/046/SK01/D including a pedestrian refuge, any required street lighting and highway drainage alterations to accommodate the right turning lane, an altered bus layby, relocated 2 metre wide footway over part of the site frontage, resurfacing of the entire width of the B4042 over the length of the right turning lane scheme, shall all provided in in accordance with details to be first approved under a Highways Act 1980 Section 278 Agreement.

REASON: In the interests of providing safe and convenient access to the development.

Condition 24 (Widen the pedestrian and cycle way)

Prior to first occupation of the development hereby permitted, a 3 metre wide shared pedestrian and cycle way shall have been provided between the existing toucan crossing, and the development access point, as outlined on drawing 2202/046/SK01/D.

REASON: In the interests of good development accessibility.

Condition 25 (Provision of access road, footways and cycleways)

Prior to the development hereby permitted being first brought into use, the access road, footways and cycleways, including a traffic calmed cycle crossing of the access road, and a marked out cycle route across the development car park, shall all be provided as detailed on drawing 2202/046/SK01/D. The access shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 4.5 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 120 metres to the north-west and 120 metres to the south-east.

REASON: In the interests of safe and convenient access to the development.

Condition 26 (Alteration of the existing toucan crossing)

Prior to the development hereby permitted being first brought into use the existing toucan crossing located to the north-west of the development's access shall have been altered to accommodate the greater carriageway width that is to be provided at that location as outlined on plan number 2202/046/SK01/D, and in accordance with details to be first approved under a Highways Act 1980 Section 278 Agreement.

REASON: In the interests ensuring that the existing toucan crossing continues to operate correctly following the implementation of the ghost island right turning lane.

Condition 27 (Provision of parking and turning areas)

Prior to the development hereby permitted being first brought into use, the vehicle parking and turning areas shall have been provided with the

individual parking spaces being demarcated, and the areas shall thereafter be maintained and kept available for the parking and turning of vehicles.

REASON: In the interests of safe and convenient use of the development.

Condition 28 (Provision of cycle parking spaces)

Prior to the development hereby permitted being first brought into use the 6 No. Sheffield type cycle parking spaces shall have been provided, and shall thereafter be maintained and kept available for the parking of cycles.

REASON: In the interests of good cycle accessibility.

Condition 29 (relocation of direction sign)

Prior to the development hereby permitted being first brought into use, the advance direction sign to the north-west of the proposed access, shall have been relocated to a position out of the required visibility splays in accordance with details to be first approved under a Highways Act 1980 Section 278 Agreement.

REASON: In the interests of highway safety.

Condition 30 (Provision of bus shelter)

Within three months of the development hereby permitted being first brought into use, the south-east bound bus layby shall have been provided with a bus shelter including a perch seat, flag sign and timetable case, in accordance with details to be first approved under a Highways Act 1980 Section 278 Agreement.

REASON: In the interests of public transport accessibility.

Condition 31 (Travel Plan)

The food store hereby permitted shall not be brought into use until those parts of the Food store Travel Plan capable of being implemented prior to first use have been implemented. Those parts identified for implementation after first use shall be implemented in accordance with the timetable contained therein, and shall continue to be implemented as long as any part of the development is occupied. The Travel Plan Coordinator shall be appointed and carry out the identified duties to implement the Food store Travel Plan for a period from first use until at least 5 years following first use.

REASON: In the interests of reducing the amount of private staff car movements to and from the development.

Condition 32 (Service yard management scheme)

The retail store development shall not be occupied until a service yard management scheme has been submitted to and approved by the local planning authority. Such a scheme shall include the method of ensuring reversing beepers from delivery/collection vehicles do not disturb

surrounding residential occupiers. The development shall be operated in full accordance with the provisions of the agreed service yard management scheme.

REASON: To ensure that the amenity and living conditions of surrounding residents, are not unacceptably affected.

Condition 33 (construction hours)

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

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

Condition 34 (deliveries hours)

Deliveries to or collection from the retail development hereby permitted shall not be permitted before 07:00 and after 23:00hrs. No reversing beepers shall be used during these hours. Waste collections should also take place within these hours and preferably before 22:00.

REASON: In the interests of residential amenity.

Condition 35 (opening hours)

There shall be no customers/members of the public on the site outside the hours of (23:00 in the evening) and (07:00 in the morning) from Mondays to Saturdays (including Bank Holidays) and between (17:00 in the evening) and (10:00 in the morning) on Sundays.

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

Condition 36 (Noise and disturbance)

The rating level of noise from all fixed plant and machinery installed at the development hereby permitted shall not exceed the pre-existing background noise level at any time when measured or calculated at 1 metre from the facade of the nearest noise sensitive properties. Background levels are to be taken as a 15 minute LA90 at the boundary of the nearest residential noise-sensitive receptors. The measurement and assessment shall be undertaken in accordance with BS 4142:2019 or any subsequent version.

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

Condition 37 (No external storage)

Except within the delivery yard of the retail store, there shall be no external storage of any description unless otherwise agreed in the form of a separate planning permission in that regard.

REASON: In the interests of the appearance of the site and the amenities of the area.

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Public Participation

- Mr Andrew Stevens spoke in objection to the application.
- Mr Ioan Rees spoke in objection to the application.
- Ms Anne Henshaw (The Countryside Charity) spoke in objection to the application.
- Mr James Broome (Woodsome Estates) spoke in support of the application.
- Mr David Rhodes ((RHAR – (Rhodes Architects LLP)) spoke in support of the application.
- Mr Paul Walsh (Selwood Housing Association) spoke in support of the application.
- Cllr Doug Price (Calne Without Parish Council) spoke in objection to the application.

Senior Planning Officer, Peter Crozier, introduced a report which recommended that the reserved matters application dealing with the scale, layout, external appearance, landscaping and means of access for a residential development of 26 entry level dwellings and associated works, be approved. Key details were stated to include the visual, design and environmental impact of the development as well as its relationship to neighbouring properties. It was noted that outline planning permission for the development had been granted in June 2021.

Attention was drawn to amendments to the drawings made during the application process to address comments from technical consultees, including a reduction in the number of red brick dwellings. The site's location in open countryside outside of Calne's settlement boundary was highlighted. However, it was observed that outline planning permission had been granted on an exception basis, as all of the dwellings would be affordable as defined by Annex 2 of the National Planning Policy Framework. The Senior Planning Officer noted the likely need for an additional condition relating to appropriate tree protection.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on the access to the site. The Senior Planning Officer explained that the access arrangements had to be in compliance with the outline planning permission granted in June 2021. He confirmed that there was bicycle access, and each property would have its own bike storage. He was not aware of any previous flooding to the site and noted that the proposed development site was in Flood Zone 1.

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

In response to the points raised by the public, the Senior Planning Officer stated that Wiltshire Council's Highway's Officer had raised no objection to the scheme. He also noted that the proposed development contained a large number of solar panels despite an overall reduction from the original proposals to increase the number of properties with hipped roof-forms. Changes to the number of hipped roofs had been introduced as a result of comments by Wiltshire's Urban Design Officer.

So that the Committee had something to debate, Cllr Peter Hutton, seconded by Cllr Elizabeth Threlfall, proposed that permission for the reserved matters application be granted, subject to the conditions outlined in the report.

A debate followed whether issues such as access, solar panels, and disruption during construction were discussed. The size of, and access route for, vehicles during construction was discussed and it was noted that an informative could be added to the Construction Method Statement to advise that discussions should take place between the developer and local councils.

RESOLVED: To GRANT planning permission in accordance with officer recommendation, together with an additional informative in respect of the size of construction vehicles and discussion with the adjoining landowner and town/parish council in respect of routing.

Subject to the following conditions:

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

LLC-RHAR-ZA-XX-GA-A-01.revI: HousetypeA-3B5P
LLC-RHAR-ZA-XX-GA-A-02.revI: HousetypeA-3B5P-Hipped
LLC-RHAR-ZB-XX-GA-A-01.revI: HousetypeB-3B5P
LLC-RHAR-ZC-XX-GA-A-01.revJ: HousetypeC-2B4P
LLC-RHAR-ZC-XX-GA-A-02.revC: HousetypeC-2B4P-Hipped
LLC-RHAR-ZC-XX-GA-A-03.revC: HousetypeC-2B4P-Hipped Stone
LLC-RHAR-ZD-XX-GA-A-01.revH: HousetypeD-3B5P
LLC-RHAR-ZE-XX-GA-A-01.revG: HousetypeE-2B4P.M4(2)
LLC-RHAR-ZF-XX-GA-A-01.revC: HousetypeF-3B4P
LLC-RHAR-ZZ-XX-GA-A-0001.revE: Site Location
LLC-RHAR-ZZ-XX-GA-A-0002.revE: Site Analysis
LLC-RHAR-ZZ-XX-GA-A-0030.revQ: Proposed Site Plan
LLC-RHAR-ZZ-XX-GA-A-0031.revK: Waste Collection & Cycle Storage Strategy
LLC-RHAR-ZZ-XX-GA-A-0032.revI: Vehicle Strategy
LLC-RHAR-ZZ-XX-GA-A-0033.revL: External Works
LLC-RHAR-ZZ-XX-GA-A-0034.revJ: Fences & Enclosures
LLC-RHAR-ZZ-XX-GA-A-0035.revJ: Building Heights

LLC-RHAR-ZZ-XX-GA-A-0036.revA: Ecological Enhancements
LLC-RHAR-ZZ-XX-GA-A-0037.revD: House Type Materials
LLC-RHAR-ZZ-XX-GA-A-0038.revC: Affordable Housing Plan
LLC-RHAR-ZZ-XX-GA-A-0040.revK: Street Scenes
LLC-RHAR-ZZ-XX-RP-A-0001.revC: Design and Access Statement
P22-196/SK001/P4: Drainage Strategy Plan
WHL-1504-01: Public Realm and on-Plot Planting

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: In the interests of visual amenity

3. No development shall commence above ground floor slab level until details of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety.

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

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

6. No dwelling of the development hereby approved shall be first occupied until such time as the parking area shown on the approved plans for said dwelling has been consolidated, surfaced and

laid out in accordance with the approved details and attached parking schedule. 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.

7. The development hereby permitted shall not be first brought into use/occupied, until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

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

8. Within one month of the first available use of the play area shown indicatively on the approved Site Plan, 2no. waste / re-cycling bins to a specification previously approved in writing by the Local Planning Authority shall be provided and retained permanently thereafter.

REASON: In the interests of residential amenity.

9. No development shall commence on site until the applicant has submitted calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment.

REASON: To prevent pollution of the receiving watercourse.

10. The dwellings shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

Reason: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; and to use natural resources prudently in accordance with the NPPF.

11. Prior to first occupation final details of the electric vehicle charging locations, cabling and charge points shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of sustainability and air quality

12. Prior to first occupation final details of any air source heat pumps including manufacturers details, locations and cabling shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of sustainability and energy efficiency.

13. Prior to first occupation final details of the roof mounted solar PV panels including manufacturers details, locations and number of panels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the sustainability and energy efficiency.

14. No development shall commence above ground floor slab level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

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

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

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features. 16. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837:2012;
- A schedule of tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of any no-dig construction and the extent of the areas to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: 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 order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and Section 197 of the Town & Country Planning Act 1990.

INFORMATIVES

The developer/applicant will be expected to enter into a S278 and S38 Agreement with the Highway Authority before commencement of works hereby approved.

The council requires an indemnity in order to operate on any roads that are not adopted, including during any period where the council needs to

deliver waste collection services prior to adoption. The required arrangements are set out in section 5.8 of the attached guidance with a sample indemnity provided in Appendix C.

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

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

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.

This permission shall be read in conjunction with the Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the 8th June 2021, and any related Deed of Variation agreed pursuant to that Agreement.

Your attention is also drawn to the conditions imposed on the outline planning permission reference 19/11601/OUT dated 9th June 2021.

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.

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their

habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

For the Construction Method Statement to stipulate that discussions should take place between the developer, adjoining landowners, Calne Without Parish Council and Calne Town Council with regard to the size of, and most appropriate access route for, construction vehicles.

Cllr Tom Rounds wished for it to be recorded in the minutes that he voted against the motion to grant planning permission.

63 **PL.2023.01007: Land south of Abberd Lane and east of Spitfire Road, Calne**

Public Participation

- Ms Caroline Richardson (Aspbury Planning, on behalf of Latestop) spoke in objection to the application.
- Ms Anne Henshaw (The Countryside Charity) spoke in objection to the application.
- Mr Damian Barry (RPS Consulting) spoke in support of the application.
- Mr Ioan Rees made a neutral statement broadly supportive of the application.
- Cllr Doug Price (Calne Without Parish Council) spoke in favour of deferring the application.

Senior Planning Officer, Peter Cozier, introduced a report which recommended that the application for the development of a new local centre comprising Class E(f) day nursery and a Class E(a) convenience store with associated access and landscaping, be approved. Key details were stated to include the principal of development, visual impact, highway impact, sustainability, noise, and drainage.

The Senior Planning Officer explained that the site was located on a parcel of land situated at the junction of Spitfire Road and Abberd Lane, outside of the defined settlement boundary. The application was very closely linked to another application PL/2022/07893, which was seeking outline planning permission for 100 houses. However, as this application was yet to come to Committee, as there were still a number of outstanding technical matters to be resolved, Cllr Tony Trotman had called in the application due to concerns about considering the application for the day nursery and convenience store in isolation from the proposed housing development.

Attention was drawn to amendments made during the course of the determination of the application, such as the removal of an acoustic fence, intended to shield the proposed adjoining housing development and a minor change to the proposed access. It was also noted that there had been some late comments from Wiltshire Council's Landscape Officer.

Members of the Committee then had the chance to ask technical questions of the officer. Details were sought on whether the proposed development would contain solar panels. It was confirmed that there would be four electric vehicle charging points but no solar panels. It was also stated that Wiltshire's Department for Education and Skills had not been consulted on the proposals for the nursery. Furthermore, it was clarified that conditions relating to outdoor storage did not make any specific reference to the front of the property.

Members of the public then had the opportunity to present their views to the Committee as detailed above. The Chairman then made a statement in his capacity as one of the local unitary division members, as access to the site went partially through his division.

So that the Committee had something to debate, the Chairman, seconded by Cllr Clare Cape, proposed that the application be deferred until plans for housing came forward so that the design of, and need for, the development could be better assessed.

A debate eschewed about whether it would be possible to defer the application. It was also noted that developers were often criticised for not putting in infrastructure in advance of new housing. The Development Management Team Leader urged caution about deferring the application on grounds of prematurity in the context of the emerging Local Plan. He noted that the application should be considered on its own individual merits and that the applicant would be able to appeal for non-determination if the application was deferred indefinitely.

After considering advice from officers, the Chairman, in agreement with his seconder Cllr Cape, withdrew his motion to defer the application.

Cllr Peter Hutton, seconded by Cllr Tom Rounds, then proposed that permission for the development be granted in line with officer recommendation.

Issues debated included the benefits that the additional service provision would bring to local families, as well as concerns about the quality of design and its location outside of the settlement boundary. Worries were also raised about the use of a tin roof given the noise impact that this could have on the nursery during periods of heavy rainfall.

Following a vote, the motion to grant permission was lost. A motion to refuse the application, contrary to officer recommendation, was then moved by Cllr Gavin Grant, seconded by Cllr Cape. The reasons for refusal were that the proposed development contradicted Core Policy 51 (Landscape) and Core Policy 57 (High Quality Design and Place Shaping) of the Wiltshire Core

strategy as well as Policy NE2 (Setting of Calne and Calne Without) of the Calne Community Neighbourhood Plan.

A vote was then held on the motion to refuse permission and it was:

RESOLVED: That planning permission be REFUSED contrary to officer recommendation.

REASONS: The proposed development contradicted Core Policy 51 (Landscape) and Core Policy 57 (High Quality Design and Place Shaping) of the Wiltshire Core Strategy as well as Policy NE2 (Setting of Calne and Calne Without) of the Calne Community Neighbourhood Plan. The development being of poor design and extending out into countryside beyond settlement limits.

Cllr Cape left the meeting at 6:30pm after the item was concluded.

64 **PL.2023.03187: 1 The Peak, Purton, Swindon, SN5 4AT**

The Conservation and Planning Officer, Stefan Galyas, introduced a report which recommended that the application for single storey side and rear extensions to two-storey semi-detached dwelling be approved, subject to conditions. It was noted that the proposals included a wheelchair accessible bedroom and shower room connecting to the existing ground floor. Key details were stated to include the principal of development, visual impact and impact on residential amenity.

Members of the Committee then had the opportunity to ask technical questions of the officer. It was confirmed that it would be possible to condition a potential additional first floor extension under permitted development.

There was no public participation but the unitary division member, Cllr Jacqui Lay, spoke on the application.

So the Committee had something to debate, Cllr Lay, seconded by Cllr Gavin Grant, proposed that the application be granted in line with officer recommendation.

A debate followed where it was confirmed that an informative could be added to advise that the extension should not be demolished when the current resident vacates the property.

Cllr Elizabeth Threlfall proposed an amendment to add a condition to remove permitted development rights for future additional extensions above the proposed single storey extension, which was accepted by Cllr Lay and Cllr Grant.

Following the vote, it was:

RESOLVED: To GRANT permission in accordance with officer recommendation, with the addition of condition withdrawing permitted development rights in respect of building upwards.

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:

25189/1 Existing Floor Plan

25189/2B Proposed Floor Plan

25189/3 Existing Proposed Front and Rear Elevations

25189/4 Existing Proposed Side Elevations 25189/5 Site Block Plan

SU0987 Site Location Plan

All received 21st April 2023

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match be as stated on the approved plans, application form and submitted documentation.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no additional storey shall be added to the single storey extension hereby permitted.

REASON: In the interests of the amenity of the area.

Informatives:

1. 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.

2. 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.

3. 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.

4. 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.

5. The applicant is advised that the extension should not be demolished at the time that the current tenant vacates the property.

65 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 6.40 pm)

The Officer who has produced these minutes is Matthew Hitch of Democratic Services, direct line 01225 718224, e-mail matthew.hitch@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

**Wiltshire Council
Northern Area Planning Committee
6th December 2023**

Planning Appeals Received between 01/09/2023 and 24/11/2023

| Application No | Site Location | Parish | Proposal | DEL or COMM | Appeal Type | Officer Recommend | Appeal Start Date | Overturn at Cttee |
|----------------|--|-----------------|--|-------------|-------------------------|--|-------------------|-------------------|
| PL/2022/00664 | Land off Pond Lane, Minety | Charlton | Proposed Development is for a battery storage facility. The use of the site would change from agricultural to energy infrastructure. | DEL | Written Representations | n/a – Appeal against Non-Determination | 18/09/2023 | No |
| PL/2022/08276 | 1 The Paddock, Startley, Wilts, SN15 5HH | Great Somerford | Erection of a storage building in association with existing travellers caravan site (Resubmission of PL/2021/07287) | DEL | Written Representations | Refuse | 04/10/2023 | No |
| PL/2022/09411 | 67 Pavenhill, Purton, Swindon, SN5 4DA | Purton | Two storey rear extension and a single storey rear extension | DEL | Householder Appeal | Refuse | 24/10/2023 | No |
| PL/2022/09856 | Land at Notton, Corsham Road, Lacock, Wilts, SN15 2NF | Lacock | Permission in Principle for the erection of up to 4 no self build dwellings | DEL | Written Representations | Refuse | 11/09/2023 | No |
| PL/2023/02505 | The New House, Tuners Lane, Crudwell, Malmesbury, SN16 9EN | Crudwell | Single storey rear extension after demolition of existing conservatory. | DEL | Householder Appeal | Refuse | 05/09/2023 | No |

Planning Appeals Decided between 01/09/2023 and 24/11/2023

| Application No | Site Location | Parish | Proposal | DEL or COMM | Appeal Type | Officer Recommend | Appeal Decision | Decision Date | Costs Awarded? |
|----------------|---|------------|---|-------------|--------------|-------------------------|------------------------------------|---------------|----------------|
| ENF/2021/00417 | Land at Bradford Road, Corsham | Corsham | Alleged dumping of spoil altering contour of the land | DEL | Written Reps | - | Enforcement Notice Varied & Upheld | 18/10/2023 | None |
| ENF/2021/00925 | Unit 2, Leafield Way, Leafield Industrial Estate, Corsham, SN13 9SW | Corsham | Unauthorised installation of a roller door | DEL | Written Reps | - | Enforcement Notice Upheld | 21/09/2023 | None |
| PL/2021/04055 | Land at Grittenham, Chippenham, SN15 4JY | Brinkworth | The Change of Use of Land to 2 no. Gypsy Traveller Pitch and Associated Works Including, 2 no. Mobile Home, 2 no. Touring Caravan and 2 no. Dayroom and Hardstanding and Stables | DEL | Hearing | Refuse | Dismissed | 24/10/2023 | None |
| PL/2021/05209 | Land South of Filands, Malmesbury | Malmesbury | Erection of 70 no. dwellings with public open space and associated infrastructure, approval of reserved matters (scale, layout, landscaping and external appearance) pursuant to outline application ref: 19/11569/OUT. | NAPC | Hearing | Approve with Conditions | Dismissed | 09/10/2023 | None |

| | | | | | | | | | |
|---------------|--|-----------------------------|---|------|--------------------|-------------------------|-------------------------|------------|--|
| PL/2022/01518 | Land north of B4069, Gate Farm, Sutton Benger, SN15 4NW | Sutton Benger | Creation of new agricultural access together with associated ancillary development and ground works. | DEL | Written Reps | Refuse | Allowed with Conditions | 22/09/2023 | None |
| PL/2022/02062 | Land at Filands Road/Jenner Lane, Malmesbury | Malmesbury | Erection of 69 no. dwellings with public open space and associated infrastructure, and land for a nursery, approval of reserved matters (scale, layout, landscaping and external appearance) pursuant to outline application ref: 21/01363/OUT. | DEL | Hearing | Refuse | Dismissed | 09/10/2023 | None |
| PL/2022/03760 | Former Wiltshire College, Cocklebury Road, Chippenham, SN15 3QD | Chippenham | Erection of Retirement Apartments (Category II Type) with Communal Facilities and Car Parking & Erection of Assisted Living Accommodation (Class C2) with Communal Facilities And Car Parking | NAPC | Written Reps | Approve with Conditions | Allowed with Conditions | 22/09/2023 | None |
| PL/2022/04624 | 1 Queens Road, Royal Wootton Bassett, Swindon, SN4 8AH | Royal Wootton Bassett | Demolition of garage to construct 2 no. dwellings on land to the side and rear and alterations to existing house | DEL | Written Reps | Refuse | Dismissed | 13/10/2023 | None |
| PL/2022/05817 | Gorseley Leaze Farm, Honey Lane, Gorseley Leaze, Norton, SN16 0JW | Norton | Notification for Prior Approval under Class Q for a Proposed Conversion of Agricultural Building to Create One Dwelling | DEL | Written Reps | Refuse | Allowed with Conditions | 23/10/2023 | None |
| PL/2022/07661 | Field Adjoining Bullocks Horn Lane, Charlton, Malmesbury, SN16 9DZ | Charlton | Agricultural barn for the storage of hay, equipment, tools, thresher and fertiliser. | DEL | Written Reps | Refuse | Dismissed | 08/09/2023 | Appellant applied for Costs - REFUSED |
| PL/2022/08492 | Land Adjacent to Rossley House, Milbourne Malmesbury, SN16 9JA | St. Paul Malmesbury Without | Erection of one dwelling | DEL | Written Reps | Refuse | Allowed | 23/10/2023 | None |
| PL/2023/00282 | 31 The Maltings, Malmesbury, SN16 0RN | Malmesbury | Replacement Front Door | DEL | Householder Appeal | Refuse | Dismissed | 14/09/2023 | None |

REPORT TO THE AREA PLANNING COMMITTEE

| | |
|----------------------------|---|
| Date of Meeting | 6 th December 2023 |
| Application Number | PL/2022/07660 |
| Site Address | Forge House, The Street, Alderton Chippenham, SN14 6NL |
| Proposal | Conversion of rural building to create a single dwelling (Resubmission) and the erection of bat house |
| Applicant | Mrs M Powell |
| Town/Parish Council | Luckington CP |
| Electoral Division | Sherston |
| Grid Ref | Forge House (host dwelling) 383999 182984 |
| Type of application | Full Application |
| Case Officer | Olivia Tresise |

Reason for the application being considered by the Northern Area Planning Committee

Councillor Martin Smith considers the following key issues justify the call-in:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental / highway impact

And the application has been called-in for the following reasons:

Due to Parish Council's objections and potential breach of Core Policies 60 and 61 related to the application being outside the village boundary, in a potentially unsustainable location and located in the Cotswold Landscape (formerly called the Area of Outstanding Natural Beauty).

1. Purpose of Report

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

2. Report Summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Conversion of rural buildings
- Character and Appearance
- Residential Amenity
- Impact on Heritage Assets
- Arboriculture and Landscape character
- Highway safety and parking requirement
- Ecology finding and interests

3. Site Description

The application relates to a single storey barn/stable, located within the open countryside outside of any defined settlement. The southern part of barn is partly open at the front and the attached stable has existing doors. The sides and the rear elevation are clad with stone under a tile roof. The host dwelling (Forge House) is grade II listed as such the buildings subject of the application are curtilage listed, there are also multiple other listed buildings in the vicinity of the site and the application site falls within the Alderton Conservation Area.

The application site is set back from the public highway, and it backs onto open fields at the rear. The application site is located within the Cotswolds Area of Outstanding Natural Beauty 'AONB'. There is known archaeological potential and interest within the locality. The site is located in Flood Zone 1; however it is noted that the locality is susceptible to ground water flooding. The outbuilding subject of the proposed development features records of protected species, including bats, and the application is supported by a bat roost survey and the bat activity survey identifying presence on site within the buildings subject of the application and proposed development.

4. Planning History

N/90/011111/FUL – Erection of a new dwelling (approved with conditions)

N/06/02793/FUL & N/06/02794/LBC – Alterations To Rear Roof and Extension to Link With Outbuilding (Withdrawn)

N/07/00602/FUL – Alterations to Rear Roof and Rear Extension (Approved with conditions)

N/07/00190/LBC – Replacement of Defective Timber Windows with Metal Casements; Reinstatement Gate in Boundary Wall (Approved with conditions)

N/07/02626/LBC & N/07/02627/COU – Conversion of existing open fronted byre to holiday letting (Withdrawn)

N/08/02442/LBC – Repair and Alterations to Byre for use as Stables, Tack Room & Log Store (Approved with conditions)

5. The Proposal

The proposal is for the conversion of rural building to create a single 2-bed dwelling, and the erection of a bat house, which would measure approximately 5.3 metres by 5.3 metres, and 5.23 metres in height to its ridge. The bat house would be finished with rubble stone under double-roman tiles; it would provide day and night roosting space for bats. 2 storerooms to be provided ground floor. Given that the barn is curtilage listed, a listed building application, PL/2022/07970, has also been submitted for the proposal.

This application is a resubmission following the refusal of the previous applications, PL/2021/04511 (Full planning applications) and PL/2021/07852 (Listed Building application). The full planning application was refused for the following reasons:

- i. The proposed development, by reason of its location outside of any defined settlement boundary in the open countryside, is contrary to the settlement, delivery and community area strategies of the plan and is unacceptable in principle. Although Core Policy 48 provides an exception to this approach in the case of the conversion of rural buildings, when considering the proposed works as a whole required to convert the building into a residential use these would be significant and would constitute major rebuilding contrary to Core Policy 48 (i). There is no assessment including marketing of the site to demonstrate that employment, tourism, cultural and community uses are not feasible. The proposal by virtue of its location poorly related to services and facilities, not well served by a range of modes of transport would be heavily reliant on access by private motor vehicle. Therefore, the proposal fails to accord with Core Policies 1, 2, 13, 48, CP60 (i & ii) and CP61 of the adopted Wiltshire Core Strategy (Jan 2015), Saved Policy H4 of the North Wiltshire Local Plan (2011) and Paragraph 7, 8, 11, 12, 80, 105, 110 (a), 111 of the National Planning Policy Framework (July 2021).*
- ii. The position of the property by virtue of its close proximity to the two neighbouring properties would result in overlooking and be subject of overlooking and as a consequence result in both the loss of existing privacy and inadequate levels of privacy for the occupants of the proposed dwelling. The proposed development would therefore result in unacceptable levels of amenity for future and existing occupier's contrary to the requirements of Core Policy 48(iv) & 57(vii) of the adopted Wiltshire Core Strategy (2015) and Paragraph 130 (f) of the National Planning Policy Framework (2021).*
- iii. The proposal lacks information to fully assess whether the proposed conversion would result in loss of a bat roost. Bats and their roosts are afforded stringent protection under the Conservation of Habitats and Species Regulations 2019 (as amended) and as such are a material consideration within planning. The LPA can therefore only grant permission where sufficient and appropriate mitigation measures have been included in any proposal where bats are present, in order to ensure that they are not adversely affected as a result. The proposal therefore conflicts with Core Policy 50 (para 6.45) of the*

adopted Wiltshire Core Strategy 2015 and Paragraphs 174 (a & d) and 180 (a) of the National Planning Policy Framework July 2021.

The key differences of the proposal subject to this application are:

- The previously proposed extension to the byre has been omitted, as such, the proposal is only to convert the existing barn,
- a viability appraisal by Strakers Estate Agents is provided,
- further Bat Survey data and mitigation strategy are submitted, and
- The proposal now comprises an erection of a bat house to accord with the recommendations of the bat survey report.

To facilitate the proposed conversion, the following works are proposed:

- removing the existing roof covering enabling remedial works to be undertaken to the existing roof structure and to enable the roof to be insulated
- roof structure and salvaged tiles, the north, west and south walls will be retained

A detached bat house is also proposed near the southwest corner of the ownership boundary of Forge House as mitigation to rehouse the bats found within the application barn proposed for conversion. [It should be noted the ownership boundary should not be read as residential curtilage for neither Forge House or the proposed dwelling]. The existing access will be utilised for the proposal, parking and turning spaces are provided within the site and landscaping is proposed around the site.

During the course of the application, a revised proposal was submitted in order to address the Council's Conservation Officer's concerns. The revised proposal has been reviewed by the case officer and the Conservation Officer. The revised proposal includes:

- to omit all proposed rooflights;
- to reduce the size of the new patio door and to omit one of new doors on the rear elevation; and
- to retain the two open bays by recessing the full height panels from the front elevations behind the existing pillars.

6. Planning Policy

Wiltshire Core Strategy adopted Jan 2015

Core Policy 1: Settlement strategy

Core Policy 2: Delivery strategy

Core Policy 13: Spatial Strategy: Malmesbury Community Area

Core Policy 48: Supporting Rural Life

Core Policy 50: Biodiversity and geodiversity

Core Policy 51: Landscape

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring the conservation of the historic environment

Core Policy 60: Sustainable transport

Core Policy 61: Transport and new development

Core Policy 62: Development impacts on the transport network

Core Policy 63: Transport strategies

Core Policy 67: Flood Risk

Saved policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006):
H4 Residential Development in the open countryside

Wiltshire Housing Site Allocation Plan (Adopted Feb 2020):
Settlement Boundary Review and site allocations

National Planning Policy Framework September 2023

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 9 Promoting sustainable transport

Section 12 Achieving well-designed places

Section 15 Conserving and enhancing the nature environment

Section 16 Conserving and enhancing the historic environment

7. Consultations

Conservation Officer: No objection subject to conditions

Highway Officer: The proposal is not considered to be a sustainable form of development. However, no objection to the proposed access or parking arrangement

Ecology Officer: No objection to the revised proposal subject to conditions

Public Protection Team: No objection subject to condition

Luckington and Alderton Parish Council object to this application, and consider that it does not adequately address the concerns raised in the previous refusal of both Full Planning Permission and Listed Building Consent:

- a) The proposed development remains outside the village area boundary.
- b) Its proposed location will overlook and be overlooked by two neighbouring properties.
- c) The application lacks information to fully assess whether the proposed conversion would result in loss of a bat roost. The Council would be interested to see the advice of the Wiltshire Council Ecology Advisor.

8. Publicity

Public Consultation: four letters of objection were received, and the residents' concerns were summarised as below:

- increase noise and disturbance with associated activity, lighting, vehicle parking, etc.
- loss of privacy due to proximity and many of window facing our property
- the evergreen bay hedge could be removed in future.
- If it is allowed to grow over 3.5m, this compromises light/amenity.

- The existing hedge between our two properties stands currently at 5.5m, although due to our property sitting at a lower level it has an effective height of 6.5m; this has considerable impact on the light in our property. (If it is decided to pass this development, we would like to suggest a 3m Cotswold stone wall at the boundary)
- Potential for a development of this sort to be let as a holiday home, AirB&B, with the potential of additional associated noise and compromise to privacy
- developing away from the linear building line, and creating a new building as a bat house, undermines this consideration and sets a precedent for further development on this large site and across the village more generally.
- Impact on a listed building
- This proposed development separates it from its stables/barn and a large portion of gardens and orchard, and this diminishes its setting and degrades its listed status and the historic landscape.
- The proposed bat house is a substantial new two-storey building which is located very close to the boundary with adjacent properties (Mistletoe Cottage and Wychwood). As such it will have a considerable impact on the aspect from these properties, particularly because the boundary also marks a drop in ground level, so the adjacent properties are already set at the lower ground level.
- question the long-term effectiveness of the bat house due to increased activity, parking, and lighting around it and its proximity to adjacent houses.
- impacts on my quiet enjoyment of my home.
- my neighbours property starts within 3 metres of my house and that the planning of an evergreen hedge of over 3 metres in height is not a reasonable way to resolve the reduction in privacy.
- The hedge impacts on my enjoyment of my garden.
- Should the hedge be reduced to a more reasonable 2 metres will not ensure that my house and the proposed new development are not overlooked.
- As a large house with substantial grounds such buildings already have a purpose and that any future owner will be very likely to require housing for equipment and animals and hence this buildings purpose and future preservation are secure. Surely every rural barn and stable does not need to be converted into housing to preserve our heritage?
- The change to floor-to-ceiling windows on the north-west elevation make the problems even worse.
- These windows have direct line of site to our two bedroom windows. A hedge - which is problematic in itself due to its size - is not a satisfactory solution to this since it is not permanent: it can be removed by the applicant or future owners of the property should they wish.

9. Planning Considerations

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006) & Wiltshire Housing Site Allocation Plan (Adopted Feb 2020) WHSAP.

Principle of development

The application site is located within the open countryside outside of any defined settlement.

Core Policy 1 & 2 of the Wiltshire Core Strategy states that development will not be permitted outside the limits of development other than in circumstances as permitted by other policies within the Plan. New residential development in the open countryside outside of any defined settlement boundaries is strictly controlled to restrict homes being built in unsustainable locations remote from local services, facilities and which necessitates access and travel by private motor vehicle for day to day needs in accord with the provisions of the framework. Paragraph 4.25 of the WCS in support of CP2 identifies a number of exceptions in Core Policy 48, which supports conversion and re-use of rural buildings in the open countryside.

Core Policy 13 states development in the Malmesbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

Saved policy H4 of the NWLP allows for rural workers dwellings in the open countryside as an exceptions approach, such policy does not include proposals for barn conversion, therefore the proposal does not fall within this policy.

As mentioned earlier, CP48 of the WCS identifies that conversion and re-use of rural buildings in the open countryside will be supported if the proposals are to convert and re-use rural buildings for employment, tourism, cultural and community uses and with residential use being an option and subject to applicants demonstrating through use of marketing statement/supporting information that sequentially preferable uses such as employment, tourism, cultural and community uses are not feasible.

In this case, to address the previous refusal reason, a viability appraisal report was submitted to reveal the financial viability of alternative uses in respect of the proposed conversion of a former byre at Forge House. The purpose of the appraisal is to establish whether or not the conversion of the stone byre is commercially viable for either business or tourism related, including light industrial, office use, tourism (self-catering holiday let) and residential. The report concluded the following:

- The demand for commercial premises in rural area which are remote from a town's employment pool is specialist; the restricted accessibility and the lack of ready transport facilities will limit the market appeal of this building for employment purposes.
- In the qualified survey's experience, there is little or no demand for one-off holiday-let investments. The management of a remote, single holiday cottage is a feature which will limit the appeal to the investor.
- The potential conversion for light industrial use, office use or tourism in the form of a holiday cottage is not financially viable.
- The conversion of the barn for private residential use in form of single dwelling is seen to be financially viable.

In addition, the case officer also visited the site and noted that the constraints of the site in terms of the proximity to the residential properties and restricted access. Officers agreed that general industrial use, light industrial use and office use would not

be appropriate at this location, given the uses may likely result in some adverse impacts upon the neighbouring properties. In terms of holiday let, it is noted that a hotel 'the Manor Farm' is located further to the north of the site. However, the site is not particularly close to any tourist attractions. The nearest well-known attraction would be 'Badminton Horse Trial', which held in May (approximately a week) every year. Another tourist attraction near the area would be Westonbirt National Arboretum, which is approximately 6 miles away from the site. Given its discreet location of the application site, it is unlikely that the property would attract reasonable and regular income to sustain the building to be permanently used as a holiday accommodation.

Core Policy 48 supports the conversion and re-use of rural buildings, but the proposal must meet the following criterion:

i) The building is structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building.

The application is supported by a Structural Report dated 8th October 2020 by Nick Matthews Surveying (chartered building surveyor). For description purposes for the barns, the southern part of barn which is open at the front elevation would be called barn A and the enclosed part of the barn is called barn B.

Regarding Barn B, although it has a small roof leak, the structural report does not identify significant structural intervention being required and concludes that the building appears to be in suitable condition for conversion.

The structural report identifies some issues about Barn A; the roof is partially collapsing within Barn A and an 'acrow prop' has been installed due to the failure to the rear purlin and this prop is preventing this section of the roof from collapsing. It identifies that there is rotation from the movement within the wall which is forcing the truss forwards towards the east front of the building and as a result, there is some cracking within the bay 1/2 masonry column. The structural report notes that the rear southwest corner of barn A is under little distress and the corner is starting to lean outwards. The report states that this corner needs to be taken down, a new foundation cast to the same level but wider and the corner properly rebuilding. It is noted that the existing floor is compact earth and as such new flooring would be required. It also identified in the structural report that Barn A is a rather lower and awkward height to the trusses tie beams and as the roof will need to be repaired, there is the opportunity to dismantle and alter the trusses within this section of the barn to provide improved headroom. However, structural report concludes that the existing barns are sufficiently robust and structurally stable to withstand the alterations contained within the proposed conversion without the need to replace the walls or roof structures in their entirety.

In the first instance, it should be noted that there are some differences between the revised proposal and the previously refused scheme. The current scheme as revised has been carefully designed to protect the character and appearance of this rural building, by utilising the existing opening and minimising the amount of alterations. Full height panels to be installed behind the existing pillars of Barn A, instead of building new walls on the front elevations. Any new opening has been kept to the minimum. No extension is proposed, the originally proposed chimney and rooflights

have been removed from the scheme. Any enlargement of existing opening has also been kept to a minimum.

In this instance, whilst there would be some works to repair the structure of the building, on balance, it is not considered that the proposed works would go beyond the provisions of CP48.

(ii) The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential area

Character and Appearance:

In terms of the character and appearance and the amenity of residential area, Core Policy 57 of the WCS would also be relevant as it sets out that a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

The proposal has been amended to ensure that the rural character of the barn would not be adversely affected. As discussed earlier, the proposed alterations would be sympathetic to the character and appearance of the building, no extension, rooflight or chimney are proposed. In addition, the resulting dwelling would not be visually prominent from public domain. Subject to conditions to remove permitted development rights for extension, roof addition or alterations, outbuildings, it is considered that the resulting dwelling would not harm the character or appearance of the landscape or. As such, the proposal would meet this criterion.

Residential Amenity:

Core Policy 57 also seeks to avoid creating developments with unacceptable low levels of privacy and amenity and avoid the unacceptable loss of privacy and amenity to adjacent buildings.

In terms of amenity of the residential area, a number of residential properties, Mistletoe Cottage, Wychwood and Torri Cottage, are located to the east of application site. Residents' comments are noted regarding the potential impact, in terms of overlooking, noise and disturbance, to these existing dwellings.

Whilst the existing barn would be only few metres away from the rear boundary of these neighbouring dwellings, the separation distance from the rear elevation of these properties to the front elevation of the barn (first floor rear window – ground floor front window on the barn) would be approximately 17 metres or more.

The proposal is to convert the existing barn into a 2-bed dwelling, no extension is proposed, and the resulting dwelling would remain as a single storey building. Whilst these neighbouring properties would have fenestration for habitable rooms facing the application site, the new bedrooms windows at the barn would be recessed behind the

existing stone pillars. The siting room window is not large in size given the size of the siting room. Whilst there would be some overlooking, given its fenestration design and its recessed position, it is not considered the degree of overlooking would be so significant to be detrimental to the living conditions of the neighbouring properties.

With regard to the use of garden area, the existing outbuilding in front of the barn would provide some screening between the new dwelling and the neighbouring properties. Whilst the front garden area would likely to be overlooked by the neighbouring properties, the proposal would also a private garden area at the rear for the future occupiers of this dwelling. In this instance, it is considered that the proposal would provide adequate private amenity space for the future occupiers.

In terms of noise and disturbance during the construction period, given the proximity to the neighbouring properties, it would be necessary to impose a condition to restrict the hours of construction to protect the amenity of the neighbouring residents.

Therefore, on balance, it is considered that the impact upon the amenity of the neighbouring properties would not be so significant to warrant a refusal reason in this regard.

iii. The building can be served by adequate access and infrastructure.

In terms of access and parking provision, the existing access would be utilised for the proposed dwelling. Also, there is adequate parking and turning spaces within the site, therefore there is no highway objection in this instance.

Given the use of the barn, there are currently no drainage provision, planning conditions are imposed to seek further details regarding surface water drainage and foul drainage method, and these drainage provision will also be addressed through approval of Building Regulations.

iv. The site has reasonable access to local services.

The site is within the open countryside and as such, it is not well served by public transport. The nearest settlement to the site would be Luckington - the village has a primary school, pre-school and nursery, schools, village hall, place of worship, public house and bus stops. The application site would be approximately 1.3 miles (approximately 31 minutes walking distance) to this village. The Council's Highways officer raised an objection in this context given that the vehicle movements associated with the site are likely to take place via private modes, and that would be contrary to the key aims of sustainable transport policy guidance which seeks to reduce growth in the length and number of motorised journeys.

v. The conversion or re-use of a heritage asset would lead to its long-term safeguarding.

The proposal is to convert this curtilage listed byre building to a dwelling. During the course of the application, a revised proposal was submitted to address concerns relating to the detailed design of the scheme. The Council's Conservation Officer has reviewed the revised proposal and considered that the scheme is acceptable subject to conditions to seek further design details, rainwater goods, material, sample wall and render panel. As such the criterion of CP48 in this instance is met. Furthermore, there would be some benefits arise from its upkeep given it would safeguard the building in the long term.

Bat House

Part of the application is to erect a detached bat house to provide a roosting space for bat. Whilst the proposed bat house would not be small in scale, the size of the bat house has been designed to accommodate the particular bat species that are found in the barn. The Council's Ecology Officer also confirmed that this is the case, therefore, Officers have no objection to the size of the proposed bat house.

Residents' concerns regarding the proposed bat house are noted. Given there are a reasonable separation distance from the adjacent dwelling, and it would be situated adjacent to the open fields at the rear, it is not considered that there would be an unreasonable adverse impact upon the amenity of the neighbouring properties.

Impact on the Heritage Assets (Conservation Area and Listed Buildings)

Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities in determining planning applications affecting Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

Core Policy 57 i, iii & iv, amongst other things, require that applications for development should respect the historic environment, and be sympathetic to and conserving historic buildings and historic landscapes.

Core Policy 58 (iii & iv) requires that development should protect, preserve and where possible enhance heritage assets.

Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 201 and 202 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset.

(i) Impact upon conservation area

The property is situated within the Alderton Conservation Area, and there is no Conservation Area Appraisal currently published for this designation. However, the conservation area, by virtue of its designation, is significant in heritage terms and this significance arises from its aesthetic (fortuitous) value (the material used within the locality – mainly stone), communal (associative) value and historical (illustrative) value (the use of stone walls are common features).

The proposal is not considered to harm the significance of the Conservation Area given the buildings are set back within the site and obscured by surrounding dwellings and existing vegetation with no significant intervisibility between the application buildings and the Conservation Area. As such, no harm is identified to this Heritage asset.

Similarly, it is not considered that harm arises to the setting of nearby listed buildings, given the degree of separation and some instances intervening structures, there would not be any direct intervisibility between the application buildings and nearby listed buildings such that their setting would not be impacted.

(ii) Impact upon listed building or its setting

Forge House is a grade II listed building, the listing describes the Farmhouse as a two-storey property. The description identifies features of significance including that the farmhouse dates to c1700 and that is constructed of squared rubble stone with stone slate roof and end stacks. It notes that there are 5-window range of 2-light cyma-moulded recessed mullion windows with centre door in bolection moulded surround. The listing continues by stating that there are moulded band and eaves band, leaded lights and the door is in c1830-40 squared rubble stone porch by James Thomson hipped with centre low gable and ball finial, tripartite front on piers with plain capitals, depressed arch with keystone to centre, side-lights flanking. The significance of the building is therefore considered its aesthetic (fortuitous), communal (associative) and historical (illustrative) value.

It is considered that the proposed conversion of the application barn would not harm the significance of the curtilage listed structures given the bulk of the alterations proposed are not considered to alter the character and appearance of the existing barn such that it would appear out of character with the existing structures on site. In addition, the proposal is to convert this curtilage listed byre building to a dwelling and it is noted its upkeep would safeguard the building in the long term and contribute to the enhancement of the listed property and other listed structures within the curtilage.

In the case of the proposed bat house located near the southwest corner of the site, and there is some distance between the bat house and the listed building. In addition, there are planting and other listed structures within the curtilage. As such, the proposal is not considered to harm the significance and value of the listed dwelling (host property) and its curtilage itself.

In this instance, there is no objection from heritage perspective.

Arboriculture and Landscape character

The site is situated in the open countryside and the Cotswold Area of Outstanding Beauty. Core Policy 51 is also relevant as it requires that development should not cause harm to the locally distinctive character of settlements and their landscape setting.

On the basis that the proposal is to alter the existing structures, the proposal would not change the scale of the building, and the detailing of the proposed works are appropriate taking into consideration the context of the site, it is considered the proposed conversion would not in significant harmful impact of the locality or the special landscape character of the AONB.

A bat house is proposed as part of the mitigation strategy to provide roosting space for bat that found in the barn, and it would be situated near the south western boundary of Forge House. Although there are no objection in principle to the proposed bat house, given that there are some trees growing along this boundary, it would be reasonable to ensure that the construction of the proposed bat house would not cause any damage to the tree roots. In this instance, a planning condition is imposed to seek an Arboricultural Method Statement.

Furthermore, whilst the proposal would not adversely affect the existing landscape features within the site, Core Policy 51 seeks to conserve and where possible enhance landscape character of the site. Given that the site is situated within the most highly valued landscapes, the Cotswold AONB, therefore it would be reasonable to seek a full detailed landscaping plans to enhance the landscape character of the site.

As such, subject to these conditions, the proposal is not considered to be in conflict with the relevant policies of the plan and provisions of the framework in this specific respect.

Impact on Highways/Parking requirement

CP60 & CP61 of the adopted Wiltshire Core Strategy states the Council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire.

The NPPF also seeks to ensure that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, improve air quality and public health.

The Highways Officer has reviewed the proposal and raised no objection to the proposed site layout which demonstrates adequate provision for turning, parking and access to the site to serve the development proposed. However, in the context of the site location, the Council Highways Officer raised an objection based on unsustainable transport grounds given that it is outside the settlement boundary. Whilst the Highway Officers' concerns are noted, the case officer is also mindful that the proposal is to convert the existing rural building (and not to extend the building), which is immediately adjacent to other residential properties. Although the site is outside the settlement boundary, the proposal would not create an isolated home given its location and the proximity of neighbouring dwellings.

Impact upon ecological finding/interest

Paragraph 180 (a) of the NPPF notes that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Similarly, CP50 of the WCS requires that development should avoid and reduce disturbance of sensitive wildlife species and habitats; and if this is not possible, the removal or damage will only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible.

The submitted Preliminary Bat Roost Assessment Report (ref:2020-070, version 1.1; March 2021) provides evidence that the application buildings support protected species, specifically bats (horseshoe bat roost) and birds (swallows nest) in this instance. It is also noted that a Bat Survey Report (ref.: 2020-070, version 1; 11 July 2022) was also submitted with the application.

The mitigation proposed for the bats is a separate outbuilding that would be located southwest of the site, and this would divert the bats to this outbuilding. In case of the birds nest, a compensatory nesting site for swallows would be provided within a covered structure (e.g. car port, porch) or building on the site, where flight access to the interior is possible.

The Council's Ecology Officer has reviewed the submitted documents and proposed drawings. In addition, the Officer has confirmed that the bat house needs to provide certain size in order to provide adequate roosting space to accommodate the species that found in the existing barn. Officers are satisfied with the submitted documents, subject to conditions there is no objection from ecology perspective.

Other matters

Although the site is not subject to high risk of flooding, it is susceptible to ground water flooding. The application has not been accompanied by any drainage details, any necessary drainage provision will therefore be addressed through planning conditions and Building Regulations.

There is known archaeological potential and interest within the locality, however, the Council's Archaeology Officer was previously consulted with respect to the scheme and there is no objection in this regard.

Residents raised concerns about the potential use of the converted barn to holiday accommodation. In the event that the proposed dwelling to be used as a holiday accommodation that result in material change of use of the property, planning permission will be required for the change of use.

Concerns regarding the existing hedges, including their height and impact upon the neighbouring properties are noted. As the site is situated within a conservation area, a removal of existing trees will require a prior consent from the local planning authority. The nuisance associated with tall hedges would be subject to the high hedges legislation. With reference to the assessment of planning proposals, it would not normally be practical or reasonable to use hedges or planting to provide privacy for the interested parties. In most cases, planning permission would not be required for the installation of 2 metres high fence as boundary treatment. In this instance, given the proximity of the neighbouring properties, officers consider that it would be reasonable to seek details of boundary treatment, which is expected to be approximately 2 metres in height.

Planning Balance

The Council is currently unable to demonstrate a NPPF compliant supply of deliverable land for housing, the published figure in May 2023 is 4.6 years, which is relatively modest shortfall and the contribution to the supply that the proposal will make being one dwelling is also limited.

The Council's housing delivery test is currently being met and exceeded at 141%. Additionally, the Council is seeking to address the shortfall and has an action plan in place for so doing which includes permissions have been granted for residential development within this community area and surrounding settlements were well related to existing settlements. The Council's Housing Land Statement (published in May 2023) indicated that Malmesbury and Community Area which included Alderton has already exceeded the minimum requirements of housing within the Malmesbury Community Area and the surrounding rural area.

However, the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, thus engaging the 'tilted balance' set out at paragraph 11d) of the NPPF. This means granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The benefit of the proposal is considered to be the provision of a single dwelling in the context of the housing land supply shortfall and the stated objective of the NPPF to significantly boost the supply of housing. As the Council's housing land supply shortfall is relatively modest, and the lack of supply is not persistent, consequently, moderate weight is afforded to this benefit.

In addition, there would be some benefits given that the proposal would help to safeguard or upkeep this curtilage listed building in the long term. A modest weight would be given to this benefit.

There would also be some economic benefits through construction jobs in the short-term and potential support for local shops, services and facilities in the long-term. The proposed conversion is a relatively small development; therefore it will not generate a substantial number of construction jobs over a long period of time. Limited weight is therefore given to this benefit.

It is noted that the location of the application site is not well related to existing settlements and cultural/community uses are therefore unlikely to be viable options. The submitted viability appraisal report has demonstrated that it would not be financially viable to convert the building for industrial use, office use or tourism uses. In the previous officers' report, other alternative uses were suggested, such as, commercial equestrian or storage uses, or other ancillary uses to the host dwelling. However, the barn is not large in size, and it is located at the rear of the neighbouring properties, any commercial uses would likely result in adverse impact upon the amenity of the locality.

Furthermore, whilst the site is not situated at sustainable location, outside the settlement boundary and it would be remote from some local services, it is an existing building immediately adjacent to residential dwellings. The proposal would not create an isolated home in this instance.

On the above basis, it is considered that the benefits of the proposal would significantly and demonstrably outweigh the harm of the proposal when assessed against the policies in the Framework and the development plan taken as a whole. Accordingly, the application is recommended for approval subject to conditions.

10 Conclusion

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

The recommendation to grant permission has been taken having regard to the policies and proposals in the Wiltshire Core Strategy (Adopted January 2015), the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006) and Lydiard Millicent Neighbourhood Area Plan (2018-2036) was made in 2021, and to all the relevant material considerations set out in the report

11. Recommendation

That planning permission be granted subject to the following conditions:

1 Time Limit for Implementation

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 List of Approved Plans and Drawings

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

- Location Plan, Drawing No. 01 Revision C, Project No. LDC.2284A,
- Site Plan and Landscaping, Drawing No. 1689/SP 1A Revision A,
- Bat House Floor Plan, Drawing No. 3, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd,
- Bat House North and East Elevation, Drawing No. 4, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd, and
- Bat House South and West Elevation, Drawing No. 5, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd,
- Proposed Site Plan, Drawing No. 6, Project No: LDC.2284A, Date: March 2021 by Land, Development & Planning Consultants Ltd, all received by the Council on 3 October 2022

- Revised Proposed Plan & Elevation, Drawing No. 9 Revision A Project No: LDC. 2284A, received by the Council on 30 October 2023, by Land, Development & Planning Consultants Ltd

- The measures outlined in Section 5 of the ecology report: Bat Survey Report, Barn at Forge House, Ref: 2020-070, Version: 1, Date: 11/07/2022 by Smart Ecology Ltd.

REASON: For the avoidance of doubt, the protection, mitigation and enhancement of biodiversity, and in the interests of proper planning.

3 Provision of new bat roost

Bat roosts and bat access points shall be strictly incorporated into the development in accordance with:

- Drawing: Bat House Plan, Drawing No. 3, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd.

- Drawing: Bat House Elevation, Drawing No. 4, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd.

- Drawing: Bat House Elevation, Drawing No. 5, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd.

- Drawing: Proposed Site Plan, Drawing No. 6, Project No: LDC.2284A, Date: March 2021 by Land, Development & Planning Consultants Ltd.

or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these bat roosts and access features shall be supervised by a professional ecologist and this part of the condition will only be discharged when photographic evidence of installed features have been submitted to and approved in writing by the Local Planning Authority. These bat roosts and access points will continue to be available for bats for the lifetime of the development.

REASON: To mitigate for impacts to bats arising from the development.

4 Details of surface water drainage disposal methods (Pre-commencement condition)

Notwithstanding the submitted details, 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 first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: This is a pre-commencement condition to ensure that drainage disposal method has been made available prior to the construction of the approved dwelling, and to minimise the flood risk to the locality.

5 Details of foul sewage disposal methods (Pre-commencement condition)

Notwithstanding the submitted details, no development shall commence on site until details of the works for the disposal of sewerage, including the point of connection to

the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved details.

REASON: This is a pre-commencement condition to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

6 Further design details (Pre-commencement condition)

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

- (i) Large scale details of all external joinery and shutters including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
- (ii) Large scale details of all internal joinery (1:5 elevation, 1:2 section);
- (iii) Full details of proposed rooflights, which shall be set in plane with the roof covering;
- (iv) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- (v) Full details of proposed meter and alarm boxes;
- (vi) Large scale details of proposed eaves and verges (1:5 section);
- (vii) Full details of proposed internal service routes;
- (viii) A full schedule and specification of repairs including:
 - (ix) a structural engineer's report setting out the nature of, and suggested remedial work to, structural defects
 - (x) proposed timber and damp proof treatment
 - (xi) proposed method of cleaning/paint removal from historic fabric
 - (xii) a full schedule of internal finishes to walls, ceilings and floors
 - (xiii) Full details of external decoration to render, joinery and metalwork; and
 - (xiv) Full details and samples of external materials.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be

agreed with the Local Planning Authority before works commence in order that the works are undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.

7 Material (Pre-commencement condition)

No development shall commence on site until details of the roof tiles, bricks, stone and timber cladding to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

8 Sample wall panel (Pre-commencement condition)

No development shall commence on site until a sample wall panel, not less than 0.5 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

9 Sample render panel (Pre-commencement condition)

No development shall commence on site until a sample panel of the render to be used on the external walls not less than 0.5 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

10 Arboricultural Impact Assessment (Pre-commencement condition)

No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by a qualified arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2013;

- A schedule of tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.
- In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.
- Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

11 Details of rainwater goods

No works to add or replace rainwater goods shall commence on site until details of all new or replacement rainwater goods (which shall be of cast metal construction and finished in a colour to be agreed) and their means of fixing to the building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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

12 Landscaping scheme

Notwithstanding the submitted Site Plan and Landscaping, Drawing No. 1689/SP 1A Revision A, within three months following the commencement of development on site

until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- means of enclosure;
- all hard and soft surfacing materials
- number of trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428
-

REASON: To ensure a satisfactory landscaped setting for the development.

13 Removal of PD Rights – additions and extensions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/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.

14 Remove of PD Rights – No windows, dormers, or rooflights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window, or rooflight, shall be inserted in any part of the roof slope of the development hereby permitted.

REASON: In the interests of residential amenity and privacy, preserving the character and appearance of the listed building and its setting.

15 Removal of PD rights – No garages / outbuildings

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area; preserving the character and appearance of the listed building and its setting.

16 Lighting Scheme

No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, any new external artificial lighting as part of this development should only be for the purposes of security and safe access. Any new lighting should be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: In the interests of conserving biodiversity and the amenity of the neighbouring properties.

17 Hours for Demolition and Construction

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

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

18 Use of bat house

The proposed bat house hereby permitted shall only be used for bat roosting space and shall not be converted to habitable accommodation or used for no other purposes.

REASON: To mitigate for impacts to bats arising from the development.



Alderton

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REPORT TO THE AREA PLANNING COMMITTEE

| | |
|----------------------------|---|
| Date of Meeting | 6 th December 2023 |
| Application Number | PL/2022/07970 |
| Site Address | Forge House, The Street, Alderton, Chippenham, SN14 6NL |
| Proposal | Conversion of rural building to create a single dwelling (Resubmission) and the erection of bat house |
| Applicant | Mrs M Powell |
| Town/Parish Council | Luckington CP |
| Electoral Division | Sherston |
| Grid Ref | Forge House (host dwelling) 383999 182984 |
| Type of application | Listed Building Application |
| Case Officer | Olivia Tresise |

Reason for the application being considered by Committee

Councillor Martin Smith considers the following key issues justify the call-in:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental / highway impact

And the application has been called-in for the following reasons:

Due to Parish Council's objections and potential breach of Core Policies 60 and 61 related to the application being outside the village boundary, in a potentially unsustainable location and located in the Cotswold Landscape (formerly called the Area of Outstanding Natural Beauty).

1. Purpose of Report

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

2. Report Summary

The main issue in the consideration of this application is as follows:

- Impact on listed building

3. Site Description

Forge House, The Street, Alderton is a grade II listed building, originally built as a farmhouse, dating from c1700 with C19 alterations and additions. The byre is set back behind the neighbouring cottages and are shown on the 1840s Tithe maps as belonging to Forge House. The site is also situated in a conservation area of Alderton

For description purposes for the barns, the southern part of barn which is open at the front elevation would be called barn A and the enclosed part of the barn is called barn B.

The building subject to this application is single storey and partly open fronted. It retains its rural character, albeit with slight alterations for stables. The sides and rear elevations of the buildings are stone and the roof is double roman clay tiles. Currently, there are six bays, two of which are open. There is an area the size of a bay neared the house, but it does not have a roof. The existing roof is unbroken, there are currently no doors, windows or other openings in the rear or side elevations.

4. Planning History

The byre is curtilage listed and has previously been the subject of applications to convert it to residential use (2007).

N/07/02627/COU Conversion of existing open fronted byre to holiday letting (withdrawn)

N/07/02626/LBC Conversion of existing open fronted byre to holiday let (Withdrawn) and subsequently repairs for use as a stables, tack room and log store in 2008.

N/08/02442/LBC Repair and Alterations to Byre for use as Stables, Tack Room & Log Store (approved).

PL/2021/04511 Conversion of rural building to create a single dwelling (Refused)

5. The Proposal

This application seeks listed building consent for the conversion of this curtilage listed byre building to a 2-bed dwelling and the erection of a bat house, which would measure approximately 5.3 metres by 5.3 metres, and 5.23 metres in height to its ridge. The bat house would be finished with rubble stone under double-roman tiles; it would provide day and night roosting space for bats, and 2 store rooms to be provided on the ground floor. A full planning application, PL/2022/07660, has also been submitted for the proposal.

6. Planning Policy

Wiltshire Core Strategy adopted Jan 2015

Core Policy 58: Ensuring the conservation of the historic environment

National Planning Practice Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)

7. Consultations

Conservation Officer: No objection subject to conditions.

Parish Council:

Luckington and Alderton Parish Council object to this application, and consider that it does not adequately address the concerns raised in the previous refusal of both Full Planning Permission and Listed Building Consent:

- a) The proposed development remains outside the village area boundary, and is contrary to the settlement, delivery and community area strategies of the plan. Previous similar development in Alderton has been refused for this same reason.
- b) Its proposed location will overlook and be overlooked by two neighbouring properties, resulting in loss of privacy. The Council feels that the current application contains cosmetic solutions to this problem which do not fully address this issue.
- c) The application lacks information to fully assess whether the proposed conversion would result in loss of a bat roost. The Council would be interested to see the advice of the Wiltshire Council Ecology Advisor.

8. Publicity

Three letters of objection were received, the residents' comments are summarised as follows:

- Affect quiet enjoyment
- Impact upon privacy
- Loss of evening light
- Noise and disturbance
- New neighbours could then use the accommodation for different purposes exacerbating the impact of noise and my privacy
- Potential use as holiday accommodation
- this diminishes its setting and degrades its listed status and the historic landscape.
- considerable impact on the aspect from neighbouring properties
- question the long-term effectiveness of the bat house
- developing away from the linear building line, and creating a new building as a bat house, undermines this consideration and sets a precedent for further development on this large site and across the village more generally
- change to floor-to-ceiling windows on the north-west elevation make the problems even worse.
- These [new] windows have direct line of sight to our two bedroom windows.

- A hedge, which is problematic in itself due to its size - is not a satisfactory solution to this since it is not permanent: it can be removed by the applicant or future owners of the property should they wish.

9. Planning Considerations

Principle of Development

As stated in Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities have special regard in the consideration as to whether or not grant listed building consent. This applies to any works associated to the desirability of preserving the listed building itself, its setting or any features of special architectural or historic interest in which it possesses. Further to this, the NPPF attaches great weight to the conservation of heritage assets to ensure their significance is maintained or enhanced. The development is acceptable in principle but will be assessed against the analysis set out below.

The accompanying full planning application covers the proposal in terms of its planning merits beyond the necessary heritage consideration, with this application (listed building consent) evaluating the consent required to extend or alter the listed building, as per section 8 (a) and (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on the listed building

This application seeks listed building consent for the conversion of this curtilage listed byre building to a 2-bed dwelling and the erection of a bat house. In doing so, all the bays would be incorporated into the new habitable space. During the course of the application, a revised proposal was submitted to address the Conservation Officer's concerns about the design of the scheme. The revised drawings show that the existing two open bays on Barn A would be retained as open, by installing full height panels to be recessed from front elevation behind the pillars. This design approach is appropriate and acceptable, as it would protect the existing open character at this part of the building. On the front elevation of Barn B, the existing stable doors would be replaced with new glazing or doors, together with timber shutters. Furthermore, the revised scheme would only introduce one patio door on the rear elevation, the originally proposed rooflights, and the flue from woodburning stove are also removed. No extension is proposed to the barn.

The existing building is occupied by bats so the proposals also include construction of a bat-house which is proposed to be sited some way from the existing byre, will have store areas on the ground floor. It is to be constructed of natural stone walls with a double roman clay tiled pitched roof and boarded doors. The building is designed for the species found in the survey and although the plan shows two store areas, annotations state that a notice will be placed on the doors to say that only people authorised to work with bats can enter.

The Council Conservation Officer has reviewed the amended scheme, which has taken account of comments made previously, therefore the proposal can be supported subject to appropriate conditions.

10. Conclusion

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan unless material considerations indicate otherwise.

The recommendation to grant listed building consent has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

11. Recommendation

That the application be APPROVED subject to conditions:

Condition 1 – Time limits

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

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

Condition 2 - List of Approved Plans and Drawings

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

- Location Plan, Drawing No. 01 Revision C, Project No. LDC.2284A,
- Site Plan and Landscaping, Drawing No. 1689/SP 1A Revision A,
- Bat House Floor Plan, Drawing No. 3, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd,
- Bat House North and East Elevation, Drawing No. 4, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd, and
- Bat House South and West Elevation, Drawing No. 5, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd,
- Proposed Site Plan, Drawing No. 6, Project No: LDC.2284A, Date: March 2021 by Land, Development & Planning Consultants Ltd, all received by the Council on 3 October 2022
- Revised Proposed Plan & Elevation, Drawing No. 9 Revision A Project No: LDC. 2284A, received by the Council on 30 October 2023, by Land, Development & Planning Consultants Ltd

REASON: For the avoidance of doubt, the protection, mitigation and enhancement of biodiversity, and in the interests of proper planning.

Condition 3 - Further details required (pre-commencement condition)

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

- (i) Large scale details of all external joinery and shutters including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
- (ii) Large scale details of all internal joinery (1:5 elevation, 1:2 section);
- (iii) Full details of proposed rooflights, which shall be set in plane with the roof covering;
- (iv) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- (v) Full details of proposed meter and alarm boxes;
- (vi) Large scale details of proposed eaves and verges (1:5 section);
- (vii) Full details of proposed internal service routes;
- (viii) A full schedule and specification of repairs including:
- (ix) a structural engineer's report setting out the nature of, and suggested remedial work to, structural defects
- (x) proposed timber and damp proof treatment
- (xi) proposed method of cleaning/paint removal from historic fabric
- (xii) a full schedule of internal finishes to walls, ceilings and floors
- (xiii) Full details of external decoration to render, joinery and metalwork;
and
- (xiv) Full details and samples of external materials.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting listed building consent and the matter is required to be agreed with the Local Planning Authority before works commence in order that the works are undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.

Condition 4 - Details of rainwater goods

No works to add or replace rainwater goods shall commence on site until details of all new or replacement rainwater goods (which shall be of cast metal construction and finished in a colour to be agreed) and their means of fixing to the building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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

Condition 5 - Materials (pre-commencement condition)

No development shall commence on site until details of the roof tiles, bricks, stone and timber cladding to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting listed building consent and the matter is required to be agreed with the Local Planning Authority before works commence in order that the works are undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.

Condition 6 - Sample wall panel (pre-commencement condition)

No development shall commence on site until a sample wall panel, not less than 0.5 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting listed building consent and the matter is required to be agreed with the Local Planning Authority before works commence in order that the works are undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.

Condition 7- Sample render panel (pre-commencement condition)

No development shall commence on site until a sample panel of the render to be used on the external walls not less than 0.5 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting listed building consent and the matter is required to be agreed with the Local Planning Authority before works commence in order that the works are undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.

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REPORT TO THE (NORTHERN) AREA PLANNING COMMITTEE

| | |
|----------------------------|--|
| Date of Meeting | 6 th December 2023 |
| Application Number | PL/2023/00424 |
| Site Address | Land at Washpool, Swindon, SN5 3PN |
| Proposal | Demolition of various outbuildings and erection of a 3-bedroom detached dwelling and associated works (Revised resubmission) |
| Applicant | Mr E Keogh |
| Town/Parish Council | Lydiard Millicent Parish Council |
| Electoral Division | Royal Wootton Bassett East |
| Grid Ref | 410849 186041 |
| Type of application | Full planning permission |
| Case Officer | Olivia Tresise |

Reasons for the application being considered by Northern Area Planning Committee:

Councillor Steve Bucknell considers the following key issues justify the call-in:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Environmental / highway impact
- Car parking (use)

And the application has been called-in for the following reasons:

- The application does not satisfy the reasons for refusal for a similar application on the site reference 18/00086/FUL, the reasons for refusal set out in October 2018 cites the following policies: CP60 and NPPF para 34, CP1 & CP2 and NPPF para 79, Site is in Flood Zone 2 & 3 and is contrary to CP67 and NPPF paras 155, 157 & 158, CP57 & LMNP Section 10, CP52 & CP57 and NPPF127 & 170, CP50 & CP57 and NPPF 170, 174, 175 & 177. In addition, the Councillor has concerns that the development would render unusable the garages belonging to neighbouring properties, certainly during construction phase and almost certainly during occupation phase, which would lead to an increased risk of vehicles being parked on the public highway on a narrow bend with poor visibility. The proposed 3 bed property shows two parking spaces but no

driveway or other parking for visitors or delivery vehicles, again increasing the risk of parking on the highway. As such there would be an unacceptable impact on road safety and on the amenity of neighbouring properties. The Design and Access Statement accompanying the application neglects to comment on the impact the proposal would have on the use of adjoining garages.

1. Purpose of Report

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

2. Report Summary

The main issues in the consideration of this application are as follows:

- Principle
- Highway Safety and Parking
- Arboriculture and Landscape
- Ecology
- Flood Risk and Drainage
- Design and Visual Amenity
- Environmental Protection
- Residential Amenity

3. Site Description

The site consists of a number of outbuildings siting on an area of hardstanding surrounded by trees on the eastern, western and southern boundaries, and there is an unnamed stream running along the western and southern boundaries. Beyond the site on the southern and western boundaries there are open fields. To the east, there is a group of residential properties, and a garage block is located to the north of the site.

In terms of constraints, the site is situated within Flood Zone 3. The existing outbuildings are not listed buildings, and there are no listed buildings in the immediate vicinity, and the site is not situated within a conservation area. A public right of way, LMII84, runs along the south of unnamed stream from the southwest and the northeast, and another public of way, LMIL 101, runs at the northeast corner of the adjacent garage block passing the western (rear) boundary of the 'Bungalow' to the north.

The application site is just situated within the Wiltshire Council's eastern boundary, which runs down the road namely 'Washpool' and the dwellings on the opposite side of the road fall within Swindon Borough Council's jurisdiction. The site is not located within the settlement of Lydiard Millicent and is therefore outside of the defined limits of development as defined by the relevant policies of the adopted Wiltshire Core Strategy (WCS) and as such is considered to be within the countryside for the purposes of the local plan.

It is also noted that the available historic aerial photography show that at least two of outbuildings surrounded by hardstanding area already existed in 2009.

4. Planning History

The site is subject to a number of planning applications in the past, and the following applications are the most relevant to the determination of this application.

18/00086/FUL Demolition of various outbuildings and erection of a 3- bedroom detached dwelling, detached garage and associated works. Refused for the following reasons:

1) The proposal, located remote from a range of services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of local and national sustainable transport policy guidance which seeks to reduce growth in the length and number of motorised journeys. New development should be located and designed to reduce the need to travel by private car and should encourage the use of sustainable transport alternatives. The proposal is contrary to Core Policy 60 of the adopted Wiltshire Core Strategy and Paragraph 34 of the National Planning Policy Framework.

2) The site is located outside of any settlement and for the purposes of the Core Strategy is designated as being in open countryside where residential development is only supported should the dwelling be for an agricultural worker. The proposal therefore fails to comply with saved policy H4 of the North Wiltshire Local Plan 2011, policies CP1 and CP2 of the Core Strategy for Wiltshire and para 79 of the National Planning Policy Framework.

3) The development is located in Flood Zone 2/3 and the application fails to meet the sequential and exception tests set out for new development as detailed in Planning Policy Guidance, Flood risk and coastal change and paras 155, 157 and 158 of the National Planning Policy Framework and Core Policy 67 of the Core Strategy for Wiltshire.

4) The proposed dwelling, by virtue of its mass and bulk positioned adjacent to the highway would be out of keeping with the street scene where properties are either small cottages or larger detached buildings set well back within the plots. The proposal would therefore be out of character with the prevailing pattern of development appearing incongruous in the street-scene contrary to Core Policy 57 of the Core Strategy for Wiltshire paras i), ii), and vi) and Section 10 of the draft Lydiard Millicent Neighbourhood Plan

5) Insufficient information has been provided to demonstrate that the site can be appropriately landscaped and will not result in the loss of the poplar trees which together with a nearby watercourse form a significant connection in the green infrastructure between the urban parts of Swindon and the rural margins. The proposal is therefore contrary to policies CP52 and CP57 and Paras 127, 170 of the National Planning Policy Framework.

6) Insufficient information has been provided to establish the impact of development on the watercourse, trees and protected species. The proposal is therefore contrary

to policies CP50, CP57 of the Core Strategy for Wiltshire and Paras 170, 174, 175 and 177 of the National Planning Policy Framework.

N/88/01264/FUL Change of use for industrial purposes in connection with coopering business. Approved 27 June 1988. *(The historic officer report stated that the applicant already operates the business on the site from a site timber shed with open storage... Notwithstanding that the site is located within the West Swindon Rural Buffer, this is a single person enterprise located on a limited site formerly used for parking storage. It is considered that planning permission can be reasonably granted subject to appropriate conditions.)*

N/88/01395/FUL (site address 15 - garage block opposite - Washpool Cottage) Extension to existing garage block to provide additional garage. Approved 20 June 1988

5. The Proposal

The proposal is to demolish the existing outbuildings and to erect a 3-bedroom detached dwelling and associated works on Land at Washpool, Swindon. It is a resubmission application, the previous planning application for a similar residential scheme was refused for a number of reasons, which were listed in Section 4 of this report.

In order to address the previous refusal reasons, the applicant submitted the following documents:

- Flood Risk Assessment
- Sequential and Exception Test Assessment
- Arboricultural Method Statement
- Ecological Impact Assessment Update
- Certificate B
- Technical Note- Accessibility & Sustainability Appraisal

During the course of the application, a revised proposal and a revised Arboricultural Method Statement were also submitted to change the design of the proposed dwelling to address the officers' concerns about the design and appearance of the proposed dwelling and the potential impact upon amenity of the future residents due to the proximity to the existing poplar trees. In addition, the applicant submitted a revised site plan and Certificate B to exclude the forecourt in front of the garage block, in order to address the residents' concerns.

6. Planning Policy

National Planning Policy Framework (September 2023)

Section 2 - Achieving Sustainable Development

Section 4 - Decision-making

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting Sustainable Transport

Section 12 - Achieving well designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

Planning Policy Practice Guidance

Wiltshire Core Strategy (WCS) (2015)

Core Policy 01: Settlement Strategy

Core Policy 02: Delivery Strategy

Core Policy 03: Infrastructure Requirements

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and Development

Core Policy 67: Flood risk

North Wiltshire Local Plan 2011

Saved Policy H4 – Residential development in the countryside

Housing Land Supply Statement – Published May 2023 (Base date: April 2022) which indicates 4.6 years deliverable supply.

7. Consultations

Lydiard Millicent Parish Council - Objection. Previous application Oct 2018 (18/00086/FUL) refused because of bulk in the street scene and danger at Washpool Bridge. Access to this property would disrupt amenities of current local residents, and be very close to Washpool Bridge, a very narrow bridge on a bend, so would constitute a hazard for anyone entering or leaving the proposed property and existing residents. No room is allowed for any visitors to park and would constitute a hazard outside the proposed property. This application would also contravene Neighbourhood Plan regarding Street Scene and cannot be regarded as infill as it is not between other properties but adjacent to fields on two sides.

Environment Agency - No objection subject to conditions

Highway Officer (Wiltshire Council) - No objection in terms of access and parking arrangement, however the officer advised that the proposal is not situated at sustainable location due to its open countryside location.

Highway Officer (Swindon Borough Council) - No objection

Highway Structure (Wiltshire Council) - No comments.

Highway Structure (Swindon Borough Council) - The wall is aprox. 1m tall and likely serves as scour protection to the land behind. As part of the 12-13 bridge works a concrete apron was installed in front of the wall. The wall is historic and was likely never “designed”. It appears to be in good condition and is not presenting any signs distress. The Engineer advised that the actual increase in loading would be negligible as the ground slopes up +650mm above the wall.

Drainage Engineer - No comment. The development does not trigger consultation with the drainage team due to its modest scale of the proposal.

Ecology Officer - No objection subject to conditions.

Arboricultural Officer - No objection

Public Protection - No objection subject to conditions

Thames Water - No objection

8. Publicity

Seven letters of objection have been received, and residents' comments are summarised as below:

- Owners of garages have right of access to garages
- The proposed property is via the hard standing at the front of the garages. This would lead to considerable congestion, disruption and inconvenience to all users of the garages, those working and delivering to the site and the general flow of traffic at all times, especially peak times through Washpool.
- No mention where visitors would park. There is no other parking available in the area for the current residents of this part of Washpool other than the road which is dangerous, would cause a major traffic hazard and would be extremely inconvenient as previously described
- Any restriction to free access to the garage would be in direct breach to the provisions of the Deeds. If this application is granted in its current form it is highly likely that the residents of Washpool Cottages may well be forced to park their vehicles on the street which would cause severe disruption to the flow of traffic along Washpool especially over the single track bridge immediately in front of the proposed site.
- The disruption would commence from day one of the build with the extra vehicles belonging to the numerous contractors, suppliers and plant required for such a project all being parked on the street.
- The proposed plans for this development show the boundary of the new property encompassing a piece of land in front of the garages, which does not belong to the proposer and is in fact part of my Title Deed. I also wish to highlight the provisions contained in this Title Deed that must be maintained, in particular unimpeded access to all the garages at all times, which will not be possible with the proposed house being built so close to the boundary, as scaffold and construction machinery, vehicles etc will require access onto my land and prevent this happening.
- I would not have space to manoeuvre my vehicle to park within my garage and have unimpeded access as stated within the deeds.
- I would have no alternative but to park multiple vehicles on the narrow main road and create a traffic hazard.
- Parking in the area is a real issue, as it is not safe to park on the road due to width of the road and the volume of traffic.
- If this house is built there is insufficient safe parking in the area, meaning visitors and deliveries will park on land that is private property or alternatively park unsafely on the road.
- the loss of trees, which has a number of species of birds using for roosting.
- the water table is high.
- exit from the site for vehicles is difficult due to amount of traffic.

A resident attached a letter of objection on the previously refused scheme, and the concerns were summarised as follows: out of character

- insufficient to meet housing target given the [historic] circumstances on adjoining fields.
- the proposal cannot be contained within the available ground quoted of 536 square metres.
- the existing mature trees are used by different bird species.
- cottages sewerage pipe runs through the middle of the building plot.
- access onto the C70 is very problematic.
- inconvenience due to construction

9. Planning Considerations

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act states that “determination must be made in accordance with the plan unless material considerations indicate otherwise”. This is the starting point from a policy point of view. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) and the ‘saved’ policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006). A number of the NWLP policies continue to be saved to sit alongside the policies of the Core Strategy. Lydiard Millicent Neighbourhood Area Plan (2018-2036) was made in 2021.

The site is not located within the settlement of Lydiard Millicent and is therefore outside of the defined limits of development as defined by the relevant policies of the adopted Wiltshire Core Strategy (WCS) and as such is considered to be within the countryside for the purposes of the local plan.

Paragraph 80 of the NPPF sets out the national policy on isolated houses in the countryside. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential dwelling;
- or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

The Settlement Strategy (Core Policy 1) identifies the different tiers of settlements based on an understanding of the role and function of Wiltshire's settlements and how they interact with immediate communities and their wider hinterland. In doing so the Settlement Strategy, together with the Delivery Strategy (Core Policy 2), seeks to define where development will be the most sustainable across Wiltshire's settlements.

The adopted Wiltshire Core Strategy sets out four tiers of settlements, namely

- Principal Settlements
- Market Towns
- Local Service Centres
- Large and Small Villages.

Core Policy 2 (Delivery Strategy) states that other than in circumstances as permitted by other policies within the Wiltshire Core Strategy, (as identified in paragraph 4.25 - summary below), new housing/residential development will not be permitted outside the limits of development, as defined on the policies maps. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhoods plans.

Paragraph 4.25 exceptions criteria comprise:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- Specialist accommodation provision (Core Policies 46 and 47)
- Supporting rural life (Core Policy 48)

Core Policy 44 allows for the allocation of, or granting of planning permission for, small sites comprising affordable housing only as an exception to normal policies, and Core Policy 48 states that outside the defined limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, and outside the existing built areas of Small Villages, proposals for residential development will be supported where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside.

In this instance, the proposal is not for an agricultural worker dwelling nor an affordable housing, it does not relate to a heritage asset, would not re-use redundant or disused buildings nor it is for the subdivision of an existing residential unit. In consideration of point e) of the NPPF, while the design is acceptable (which to be discussed later at this report), it is not considered to be truly outstanding or innovative. Whilst the proposal is to remove the existing outbuildings, which are single storey in height and well screened from public vantage point, the proposal is not considered to significantly enhance its immediate setting nor be sensitive to the prevailing character of surrounding dwellings.

Officers noted the previously refusal proposal regarding issues of sustainable transport. The site is located outside of the settlement policy boundary, raising concerns with regards to the sustainability of the site for residential development due to the likely reliance upon the private car for any occupants and their visitors. There is a lack of pedestrian facilities/safe cycling provision connecting to the proposal site. The proposal is, therefore, contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and Section 9 of the National Planning Policy Framework 2023, which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternative in order to promote a sustainable pattern of development. Having said that, it is worth to note that there is a bus stop in the

adjacent residential area (near Bishopdale Close) within reasonable walking distance from the site. In addition, the proposal is situated on a previously developed land, and it is located to the proximity of the established residential area. In this instance, it is not considered the proposal would create an isolated home.

The proposal would not comply with CP1 and CP2 of the Core Strategy for Wiltshire, saved policy H4 of the North Wiltshire Local Plan 2011. It should be noted that the Council currently unable to demonstrate 5-year housing land supply, whilst the Council was able to demonstrate 6.25 years for North and West Wiltshire HMA in 2018. In this instance, a titled balance is applied to the current planning application and it is discussed later in this report.

Highway Safety and Parking

In terms of parking provision and access arrangement, there is sufficient space for parking and turning within the red line indicated and provided no permanent obstruction is placed within the visibility splay in order to meet the required standards of visibility for a design speed of 30 mph, there would be no highway objection.

The application is immediately adjacent to Swindon Borough Council, therefore, it would be important to access the highway impact upon neighbouring authority. As shown in the Location Plan (drawing no. WP-LP-01), the application site is situated immediately to the east of Washpool, a road that skirts established residential development but is rural in character. The carriageway narrows in the vicinity of the site. Given that the site is already developed and given the spatial relationship to established residential development, the neighbouring authority have no in-principle objection to the application. In addition, given the scale of the proposals, there is no concern for the impact on the surrounding highway network of vehicle traffic arising from the proposed residential scheme.

The issues of concern would therefore limited to (a) the safety of the means of access, by all modes of transport and (b) the layout of the development and the potential for associated impacts on the operation of the adjacent highway.

As shown in the Existing Site Plan (drawing no. WP-EX-01), the application site currently accommodates three buildings and sufficient space to park and turn motor vehicles. Indeed, aerial photography verifies that the site, in its existing use, already attracts vehicle movement. The site has a gated access, which leads to the track that also serves the neighbouring garages, forming a priority junction onto Washpool.

The application scheme is shown in the Proposed Site Plan (drawing no. WP-PR-01). The three existing buildings will be demolished to facilitate a single new dwelling. Two car parking spaces will be provided, taking access from the track in the same way that the site now does, albeit at a somewhat different location. The function of the track, as an access to the garages, is unaffected, as is the interface between the track and the carriageway of Washpool.

Officers have some concern that the access from the track onto Washpool offers substandard visibility, to the right, for drivers exiting the track into the highway. However, given that the proposals are likely to involve a less intensive use of the already developed site, it is considered that a highway objection to the proposals would not be sustained on those grounds. Similarly, it is noted that the lack of safe

pedestrian infrastructure and the development site is thereby effectively car-dependent. This would normally be a reason to recommend that the application is refused but Officers are mindful of the proximity of other residential dwellings and it would not sustain an objection to the proposals on the grounds of pedestrian accessibility, particularly given the previously developed status of the site. As such, there is no highway objection from Swindon Borough Council.

In conclusion from highway perspective, there is no objection in this regard.

Arboriculture and Landscape

The site benefits from mature trees and vegetation to the boundaries and along the water course which screen the existing outbuildings from view. Officers have concerns about the existing Poplar trees on site with regard to their close proximity to the proposed dwelling, and this species has a short life span and they are also a high water demand tree. Looking at the Tree Schedule which forms part of the Arboricultural Method Statement, the Poplar trees have been given a B/C1 category. All 'C' category trees should not be considered a constraint on site. Based on the submitted details, and due to the visual amenity, the Council Arboricultural Officer has agreed the existing trees should be reduced by 30%, provided that new substantial size planting to replace the Poplar trees that will be lost. It is noted a large proportion of the established trees on site are Poplars, therefore their loss will have an impact on the surrounding area for a period of time until the new planting has established.

From landscape perspective, the site lies in countryside outside any defined settlement framework boundary on the eastern extent of the Wiltshire Unitary Authority boundary bordering with the built-up area of Nine Elms, Swindon. The site is identified as previously developed land, requiring the demolition of various existing outbuildings to implement this development proposal for a single new dwelling. The site is not subject to any special local or national landscape designations, which would suggest an increased landscape value. Whilst the site does lie within the 'Great Western Community Forest' directly referenced within WCS, CP52-Green Infrastructure, this does not preclude new built development.

A number of rural public rights of way in the locality which include LMIL84 (Footpath) to the south of the site, LMIL101 (Bridleway) to the north & LMIL123 (Footpath) to the west. The proposed development would not physically impact these, but upper levels of the new dwelling may be partially glimpsed over existing garage blocks and through gaps in retained trees and riparian vegetation. Officers consider that the proposed development would not result in any unacceptably adverse visual effects viewed from these rural rights of way or result in any adverse effects to adjoining countryside character under the policy requirements of Core Policy 51 of the Wiltshire Core Strategy.

While the limited frontage space, in combination with tree root protection areas (construction exclusion zones) and the proximity of the adjoining watercourse may present some serious space constraints during the build itself, requiring careful management and planning controls in order to prevent pollution of the watercourse and damage to retained trees etc. However, there would not be any substantiate a landscape or visual reason to object to the proposed development at this site subject to the final submission of a hard and soft landscaping scheme for local planning authority approval, and its subsequent implementation and maintenance. As such,

subject to planning conditions, there are no objection from the arboriculture or landscape perspective.

Ecology

The ecology report (Ecological Impact Assessment Update, Ref: WWE22188 EclA Rev C, Date: 28/11/2022 by Wildwood Ecology Limited) was submitted to this application. The report details a sufficient survey effort to determine the ecological baseline of the site and the suitable mitigation measures to ensure the continued functionality of the area for biodiversity. The ecology report confirms that in the absence of suitable mitigation, the proposed development could result in impacts on wildlife and habitats, affecting the following protected species:

- Amphibians, [including Great crested newt (GCN)].
- Bats [commuting and foraging].
- Badger.
- Nesting birds; and
- West European hedgehog.

As such, it is considered that it would be necessary to impose a number of planning conditions to seek a Construction Environment Management Plan (CEMP), lighting details along with conditions to ensure compliance with the proposed mitigation and enhancement measures.

Flood Risk and Drainage

The site is located within Flood Zones 2 (medium risk) and 3a (high risk). Environment Agency, Thames Water and the Council's Drainage Engineer were consulted on this application. The previous planning application for a similar scheme was refused on the drainage and flood risk perspective. To address the refusal reason, the application submitted the following documents and Environment Agency have reviewed the submitted details:

- Flood Risk Assessment (FRA), by Cole Easdon, December 2022, [Issue 3]
- Existing site plan WP-EX-01 dated 29/09/22
- Proposed site plan WP-PR-01 dated 29/09/22

Section 3.7 of the FRA states a flood level of 96.28mAOD. The topography data suggests that the ground levels on site are higher than predicted flood levels. Proposed finished floor levels within the dwelling will be set 300mm above existing ground level at 97.00mAOD, as previously agreed by the Environment Agency. In addition, removal of the existing buildings will reduce the building footprint on site from 130m² to 78m². In this stance, planning conditions are imposed to secure the finished floor levels, seek a scheme of water efficiency.

The 'main river' begins in the culverted section as it flows beneath the road. Some works within 8 metres of the main river may require an Environmental Permit from the Environment Agency. The garden is close to an 'ordinary watercourse'. Permission may be required from the Lead Local Flood Authority (Wiltshire Council drainage team) for any works within this part of the channel. Informatives can be attached to planning permission to make the applicant aware of these requirements.

In terms of drainage, Thames Water offered the following comments:

With regard to surface water drainage, there is no objection in this regard if the developer follows the sequential approach to the disposal of surface water. In terms of management of surface water from the proposal, the applicant is expected to follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

There are public sewers crossing or close to the proposal, an informative will be attached to the decision notice to advise the applicant to contact Thames Water for further guidance. Thames Water would advise that with regard to wastewater network and sewage treatment works infrastructure capacity, no objection is raised to the above planning application, based on the information provided.

On the basis of information provided, there is no objection subject to planning conditions seeking further details of the proposed surface water drainage and foul disposal method. Thames Water recommends an informative to be attached to advise the applicant that Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. In addition, the applicant is also advised to contact Thames Water directly in advance if the applicant is planning on using mains water for construction purposes.

Design and Visual Amenity

Core Policy 57 of the adopted Wiltshire Core Strategy expects high standard quality of design. During the course of the application, a revised proposal was submitted to alter the design of the proposal, in order to help the new dwelling to be more integrated with surrounding properties in the area. The proposed dwelling would be two-storey in height with a gable on the front elevation. The building would be finished with a combination of reconstituted stone and light cream colour render, under concrete tiles. Officers consider that the design and materials are acceptable at this location. The building would be fronting on the main road, Washpool. As it would be located at the centre of the plot with 2 car parking space to the front. The building would be approximately 8.1 metres in height with a maximum of 8.3 metres deep. Officers consider the scale is acceptable and would not result in an alien feature in the locality. Whilst the removal of the existing mature planting would make the new dwelling to be more visible from public domain, the proposed dwelling, in terms of scale, design and material, would be acceptable in principle. A planning condition is imposed to seek further details on the materials to be used for the construction of the new dwelling.

Environmental Protection

Policy 57 of the adopted Core Strategy seeks to protect amenity of the neighbouring and future residents, and the Council's Environmental Health Officer has reviewed the submitted details.

Noise - The site is surrounded by a group of residential properties, to minimise the noise and nuisance, a planning condition is imposed to restrict the construction and demolition hours.

Contamination land - the land is subject to potentially contamination (unknown filled ground). In light of construction workers and end receptors, a planning condition is

imposed to ensure necessary steps will be followed, including seek an investigation of the history and current condition of the site, identify any potential contamination and necessary remedial works.

Odour - The available information indicated that the area near the site was historically used as a sheep washing pool, and the Environmental Health Officer therefore has no further concerns or objections to the proposed dwelling.

Light - Given the proximity to neighbouring properties, a planning condition is imposed to seek a detailed lighting scheme with any significant external lighting proposed. Any proposed lighting is expected not to adversely impact nearby residential properties and it has to be to conform to the recommendations for environmental zone E2 or better in the ILP document "Guidance Notes for the Reduction of Obtrusive Light - Guidance Note 01:20.

Air Quality - In order to protect public health, environmental quality and amenity. and to tackle climate change, a planning condition is imposed to seek a scheme of Ultra Low Energy Vehicle infrastructure.

Residential Amenity

The nearest residential properties to the proposed dwelling would be the 'Bungalow' to the north, No. 15, 16 and 18 Washpool lying opposite of the road. In terms of overlooking and overbearing, there is sufficient separation distance between buildings (approximately 28 metres from No. 15, 29 metres from No. 16, 17 metres from No. 18, approximately 50 metres from the Bungalow). As such, it is considered that the proposal would not result in unreasonable adverse impact to be detrimental to the amenity of the neighbouring residents.

Other matters

Residents' concerns regarding the right of access over the forecourt in front of the block of garages are noted. The site is accessed over a forecourt which is partially in the applicants' ownership however owners of the block of six garages have a right to pass over it. Concerns have been raised regarding the ability of occupiers of garages to use them should this development be permitted and that the granting of this development would likely require garage owners to park on the road. Considering an adequate access has been demonstrated within the redline site, there is no highway objection in this respect. Notwithstanding the above, the applicant has submitted a Certificate B and served notices to the owners of the land. In addition, matters pertaining to covenants and rights of access are however civil matters, outside of the remit of consideration within this application.

Planning Balance

The site is located outside the settlement boundary defined by the adopted Wiltshire Local Plan Core Strategy, as such, it is situated in the open countryside. The Development Plan indicates that residential development should be resisted in this location. However, the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, thus engaging the 'tilted balance' set out at paragraph 11d) of the NPPF. This means granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
- or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The benefit of the proposal is considered to be the provision of a single dwelling in the context of the housing land supply shortfall and the stated objective of the NPPF to significantly boost the supply of housing. As the Council's housing land supply shortfall is relatively modest, and the lack of supply is not persistent, consequently, moderate weight is afforded to this benefit.

There would also be some economic benefits through construction jobs in the short-term and potential support for local shops, services and facilities in the long-term. The construction of one dwelling is a relatively small development and therefore, will not generate a substantial number of construction jobs over a long period of time. Limited weight is therefore given to this benefit.

The proposal would make use of an existing access to the public highway, with potential less traffic movement given the current use of the site. Any potential adverse impact upon the natural environment would be mitigated or remediated by planning conditions. The proposal would not cause harm to the amenities, in terms of overbearing or overlooking, enjoyed by the occupiers of neighbouring residential properties. Such matters weigh neither in favour nor against the proposal as they would be required to be addressed in any scheme. Nonetheless, they can assist the decision-maker in reaching a conclusion where cases are more finely balanced.

It is in this case that the proposed dwelling would be situated in the open countryside, however, the proposed dwelling is situated on a parcel of previously developed land, adjacent to the established residential area. It is also noted that there is a walking distance of less than 500 metres (approximately 6 mins walking distance) to the nearest bus stop at Bishopdale Close. Hence, it is not considered that the proposal would not necessarily create an isolated home. In this instance, it is considered that the benefits of the proposal would significantly and demonstrably outweigh the harm of the proposal when assessed against the policies in the Framework and the development plan taken as a whole. Accordingly, the application is recommended for approval subject to conditions.

10 CONCLUSION

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

The recommendation to grant permission has been taken having regard to the policies and proposals in the Wiltshire Core Strategy (Adopted January 2015), the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006) and Lydiard Millicent Neighbourhood Area Plan (2018-2036) was made in 2021, and to all the relevant material considerations set out in the report

11. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 Time Limit for Implementation

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 List of Approved Plans and Drawings

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

Revised Site location plan, Drawing No.: WP-LP-01 Revision A, received by the Council on 15 March 2023,

Revised Site plan, Drawing No.: WP-PR-01 Revision A,
Revised Proposed Elevations and Floor Plan, Drawing No.: WP-HT-01 Revision A,
and
Revised Proposed Street Scene, Drawing No.: WP-SS-01 Revision A
received by the Council on 2 October 2023

Sections 5.33 - 5.36 of the Report: Ecological Impact Assessment Update, Ref: WWE22188 EcIA Rev C, Date: 28/11/2022 by Wildwood Ecology Limited
Arboricultural Method Statement, Date: October 2023 by Mark Sharples

REASON: For the avoidance of doubt, the protection, mitigation and enhancement of biodiversity, and in the interests of proper planning.

3 Details of surface water drainage disposal methods (Pre-commencement condition)

Notwithstanding the submitted details, 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 first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: This is a pre-commencement condition to ensure that drainage disposal method has been made available prior to the construction of the approved dwelling, and to minimise the flood risk to the locality.

4 Details of foul sewage disposal methods (Pre-commencement condition)

Notwithstanding the submitted details, no development shall commence on site until details of the works for the disposal of sewerage, including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved details.

REASON: This is a pre-commencement condition to ensure that the proposal is

provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

5 Construction Environment Management Plan - Ecology matters (Pre-commencement condition)

Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as nesting birds, amphibians, badger, water vole and reptiles.
- c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including the avoidance of nighttime works or artificial light at night and details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

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

REASON: This is a pre-commencement condition to ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

6 Hard and Soft Landscaping scheme (Pre-commencement condition)

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

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- all hard and soft surfacing materials;
- number of trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

REASON: This is a pre-commencement condition. The matter is required to be agreed with the Local Planning Authority before development commences in order that the

development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing landscape features.

7 A scheme of water efficiency (Pre-commencement condition)

No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details. For the avoidance of doubt, the development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum).

Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

REASON: This is a pre-commencement condition to ensure the elements to be considered at design stage, and in the interests of sustainable development and climate change adaptation.

8 Construction Management Statement - Highway matters (Pre-commencement condition)

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

1. the parking of vehicles of site operatives and visitors;
2. loading and unloading of plant and materials;
3. storage of plant and materials used in constructing the development;
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
5. wheel washing facilities;
6. measures to control the emission of dust and dirt during construction;
7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
8. measures for the protection of the natural environment
9. hours of construction, including deliveries;

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

REASON: This is a pre-commencement condition to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

9 Contamination Investigation and Remedial Strategy (Pre-commencement condition)

No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses (including asbestos) has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

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

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

10 Provision of Electric Vehicles Charging Points (Pre-commencement condition)

No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented to accord with the approved details prior

to the first occupation of the dwelling hereby approved and thereafter be permanently retained.

REASON: This is a pre-commencement condition to ensure the infrastructure has be considered at final design stage. Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

11 Removal of demolition materials

No part of the development shall be occupied until all of the demolition materials and debris resulting from the demolition of the existing buildings have been removed from the site.

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

12 Removal of PD Rights – additions and extensions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/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.

13 No fires around the canopy of trees

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land.

REASON: To ensure the safe retention of existing trees on the site.

14 Tree Root Protection Area

Any excavation required within the Root Protection Area (RPA) of any retained tree shall be carried out by hand and under the supervision of a qualified arboriculturist. Tree roots are normally located in the first 600mm of soil. Roots that are exposed shall be immediately wrapped or covered to prevent desiccation and to protect them from rapid temperature changes. Any wrapping should be removed prior to backfilling, which should take place as soon as possible. Roots smaller than 25mm diameter can be pruned back making a clean cut with a sharp tool. Roots occurring in clumps or over 25mm shall be severed only following consultation with a qualified arboriculturist, as such roots might be essential to the tree's health and stability. Prior to backfilling retained roots should be surrounded with topsoil or uncompacted sharp sand (builders sand should not be used because of its high salt content, which is toxic to tree roots).

REASON: To ensure the safe retention of existing trees on and adjoining the site.

15 Details and samples of building materials

Notwithstanding the submitted elevations, Drawing no.: WP-HT-01 Revision A, no above ground development shall commence on site until the details and samples of the external materials have been submitted to and approved in writing by the Local Planning Authority.

- (i) Details and a sample panel of external stonework, including type, dressing coursing and bedding of natural stone, type of pointing and mortal mix;
- (ii) Details of render, including texture, finish and colour
- (iii) Details of the roof tiles,
- (iv) Details of materials of the rainwater goods, and
- (vi) Detailed design and materials of the stone chimney

Development shall be carried out in accordance with the approved details.

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

16 Lighting Scheme

No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority. Lighting schemes are to be submitted with any significant external lighting proposed. For the avoidance of doubt, the proposal needs to conform to the recommendations for environmental zone E2 or better in the ILP document "Guidance Notes for the Reduction of Obtrusive Light - Guidance Note 01:20.

REASON: In the interests of conserving biodiversity and the amenity of the neighbouring properties.

17 Biodiversity mitigation and enhancement measures

The biodiversity mitigation and enhancement measures will be incorporated into the development in accordance with:

Sections 5.33 - 5.36 of the Report: Ecological Impact Assessment Update, Ref: WWE22188 EclA Rev C, Date: 28/11/2022 by Wildwood Ecology Limited

For the avoidance of doubt, the installation of these features will be supervised by a professional ecologist. This part of the condition can be discharged when photographic evidence of installed features has been submitted to and approved in writing by the local planning authority.

These measures shall be implemented prior to the first occupation of the development hereby approved and shall be maintained as such for the lifetime of the development.

REASON: To mitigate for impacts to biodiversity arising from the development.

18 Finished Floor Levels

The development shall be carried out in accordance with the submitted flood risk assessment by Cole Easdon, December 2022, Issue 3 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 97.00 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To reduce the risk of flooding to the proposed development and future occupants

19 Hours for Demolition and Construction

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

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

20 Landscape implementation and maintained

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 dwelling 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.

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REPORT TO THE AREA PLANNING COMMITTEE

| | |
|----------------------------|---|
| Date of Meeting | 08/11/2023 |
| Application Number | PL/2023/00303 |
| Site Address | Moor Farm, Ashton Road, Minety, Malmesbury, Wilts, SN16 9QP |
| Proposal | Retention of barn for equestrian purposes |
| Applicant | Mr Aaron Millar |
| Town/Parish Council | Minety Parish Council |
| Division | Minety |
| Grid Ref | ##### |
| Type of application | Full planning permission |
| Case Officer | Steve Tapscott |

Reason for the application being considered by Committee

The application has been called to committee by Councillor Berry on grounds of:

- *'Scale of development.*
- *Visual impact upon the surrounding area.*
- *This was a permitted dev. sort of for an Agricultural Barn for Hay storage NOT FOR EQUESTRIAN USE. It relied on haylage from other acreage which is no longer appropriate. It is not a retention of equestrian use it was voted unanimously to be called in by Minety PC'.*

1. Purpose of Report

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

2. Report Summary

The application seeks consent for the retention of an existing rural building, which the applicant proposes to repurpose for equestrian use, in conjunction with the surrounding lawful equestrian use of the land.

The building was originally constructed unlawfully, but has since become lawful over time.

The planning issues arising for consideration are:

- Principle of development
- Impacts on the character of the locality, including the setting of designated heritage assets
- Impact on the living conditions of adjacent occupiers
- Highways

- Other matters: fire safety

3. Site Description

The application relates to an existing building located to the northeast of Minety, within the open countryside. Moor Farmhouse and Telling's Farm to the southwest and southeast respectively are grade II listed. Public Rights of Way are located to the east and west.

4. Planning History

There is a history of equestrian use at the application site, with application ref. N/04/01936/FUL being approved in 2004 for the '*construction of all-weather riding arena*'.

In 2008, consent was granted under ref. N/08/01560/COU for a '*Change of Use to Equestrian livery*', before a horse walker was approved retrospectively in 2011 under ref. N/11/01373/S73A.

The building forming the subject of this application was erected further to application ref. 17/01481/APD, which determined that the submitted proposal constituted Permitted Development and that the Council's Prior Approval was not required for the siting, design or external appearance of the building. As set out below in this report, the development was not undertaken in accordance with the approved drawings, however.

Following the refusal of a Lawful Development Certificate ref. 20/05504/CLE for '*commercial equestrian use (riding arena)*' in 2020, two subsequent applications were submitted and approved in February 2023. The first was ref. PL/2022/03080 for the '*change of use of land to equestrian, creation of 6 stables (retrospective) and use of 16 stables for competition livery*'. The approved location plan excerpt in figure 1 below shows a considerable area of land within the application red line, which it is important to note includes the building forming the subject of this current application (circled in blue).

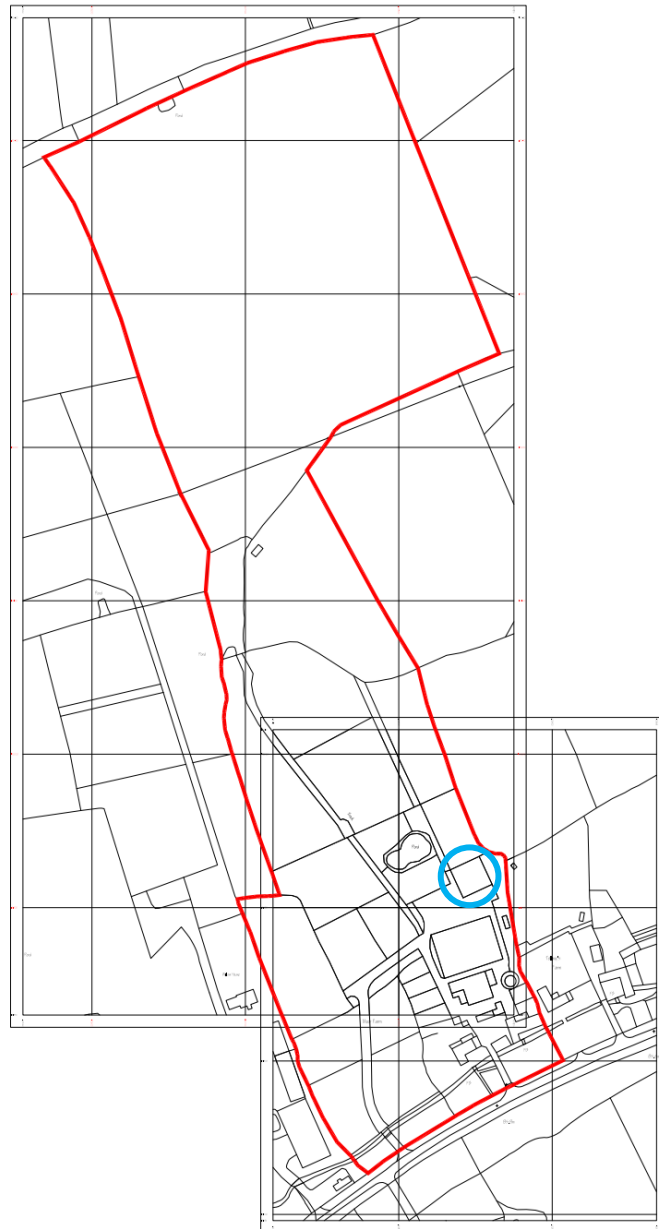


Figure 1: approved location plan excerpt. The building forming the subject of this current application is circled in blue

The second recent approval was ref. PL/2022/03081 for the *'variation of condition 4 of 04/01936/FUL - To alter condition wording to state "The all-weather riding arena hereby permitted shall be used in association with the competition livery operating from Moor Farm and at no time shall be used for the hosting of riding competitions"'*.

Lastly, the Council is currently in receipt of undetermined application ref. PL/2023/00304 for the *'laying of hardstanding track and creation of pedestrian access (retrospective)'*.

5. The Proposal

Following the recent change of use of the surrounding land and buildings to an equestrian use, this application seeks consent to retain and repurpose an existing building to use as part of the business.

The barn measures 20.6m wide x 20m deep and is 8.4m in height to the ridge and 6m to the eaves. It is enclosed along three sides and has an opening 8.8m wide along the front (south) elevation. It has a green profile sheeting finish. A photograph is provided in figure 2 below.



Figure 2: photograph of the agricultural building

The submitted covering letter states that the applicant intends to use approximately two thirds of the building for the storage of hay and straw, with the remainder providing manoeuvring space and machinery storage space. This would leave an area of circa 15m x 20.6m which would enable the total hay and straw requirement to be stored at 4 bales tall. The applicant's agent advises that although the amount of hay and straw in the building would fluctuate throughout the year, it is necessary to be able to store the maximum requirement so that it does not become damp or wet, otherwise this could result in it becoming unfit for use.

6. Planning Policy

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time, the relevant statutory development plan documents in respect of this application consist of the Wiltshire Core Strategy (WCS) (adopted January 2015); and saved policies of the North Wiltshire Local Plan (adopted 2006).

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

Wiltshire Core Strategy:

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 13: Spatial Strategy: Malmesbury Community Area
- Core Policy 48: Supporting Rural Life
- 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 61: Transport and New Development

Saved policies of the North Wiltshire Local Plan: none.

Material considerations

National Planning Policy Framework (2023):

- Paragraphs 8, 111, 84, 85, 130, 131, 134, 185, 194, 195, 197 and 199.

Planning (Listed Buildings and Conservation Areas) Act 1990

- Paragraph 66

7. Consultations

Minety Parish Council: no record of a response on the Council's records, but the parish council's February 2023 minutes say:

'Council voted unanimously for Cllr Berry to call in. Proposed by Cllr Slucock and seconded by Cllr Pinkney.'

No reasons behind the decision are provided.

8. Publicity

Seven letters of objection received on grounds of:

- The barn was too large when built and objections would have been raised, but that was not possible because the applicant pursued a route of using Permitted Development.
- The building was *'falsely acquired'* and should be removed.
- It was never built as an agricultural barn and was not built in accordance with the 17/01481/APD submitted details. It was therefore never Permitted Development.
- Overshadowing of neighbouring property.
- Impacts on the setting of Tellings Farmhouse.
- Visibility of the structure.
- Surface water drainage, particularly given the building's siting within 20m of a watercourse to the south.
- The size of the barn is excessive for the proposed amount of haylage and other storage.
- Machinery could be stored elsewhere at the site, and there is already hay storage as part of the American barn.
- Fire risk.

Two letters of support received on grounds that:

- Storage in a barn would be visually preferable to outdoor storage *'under tarpaulins weighted down with tyres and other objects'*.
- *'Anyone suggesting that a smaller barn is required obviously has no knowledge of the care of stabled horses'*.

The agent has also provided a letter rebutting the objections, on grounds of:

- The need to keep hay and straw dry.

- Hay and straw of different varieties are required, depending on the needs of the horses.
- Higher costs associated with regularly importing hay and straw.
- Regular importation of hay and straw would cause more movements on the highway network.

9. Planning Considerations

Principle of development

The site's planning history shows that an application under the prior notification procedure ref. 17/01481/APD was approved by the Council in 2017. A building was subsequently erected; however, it is in a different position and of different dimensions and appearance from what was approved by the Council. In order to benefit from Permitted Development, any building approved by a council under the prior notification procedure has to be erected as per the approved plans. As that was not the case here, the building was thus not Permitted Development and, crucially, it is not bound by any of the requirements of the Permitted Development regulations.

The existing building thus needs to be considered as operational development that required planning permission, altogether separate from the Permitted Development regulations.

Section 171B of the Town and Country Planning Act 1990 explains that where operational development has taken place without planning permission, '*no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed*'. This is known as the four-year rule.

Records from the Council's enforcement file and representations submitted as part of this application are not precise as to when the building was substantially completed, but aerial photography shows the building clearly in situ in 2018, while a representation from Duckworth Planning and Design says the side walls were added in August 2019. It is therefore very likely that it was substantially completed at that time.

The case officer has discussed this case verbally with the Council's enforcement officer, who, having visited the site, concurs that the building was erected and used for agricultural purposes. Although submitted representations dispute that the building was used for agricultural purposes, the covering letter accompanying this planning application says that whilst it is now in equestrian use, the building was in fact originally used for agricultural purposes. This has involved the storage of hay, which was grown and cut onsite, rather than being imported. This constitutes an agricultural activity and there is no substantive evidence to disprove the applicant's claim that the building was initially used in that manner.

Given these factors, officers are of the opinion that the building constitutes operational development that has become lawful over the passage of time. The fact that the previous landowner decided to disregard the approved plans submitted under their prior notification application is clearly disappointing and a frustration for objectors. Nevertheless, that has no bearing on considering whether the building has become lawful over time in terms of Section 171B of the Act.

Drawing the above together, the starting point for the assessment of this application – the fallback position – is an existing, lawful rural building.

Having regard to the principle of the proposed development, the applicant wishes to repurpose the building from an agricultural to an equestrian use. It is already included in the red line of the recent approval for the equestrian use of land, and it is effectively an island in

the middle of surrounding equestrian activity. Indeed, as it washed over by the red line of the recent approval, it arguably already benefits from equestrian use by default.

There is no provision in the Core Strategy for equestrian uses, but there are numerous examples of approvals across Wiltshire (including the recent change of use application) where the Council has accepted that equestrian use is a decidedly rural form of development, and it is acceptable in principle. This also corresponds with the Council's Regulation 19 draft version of the Local Plan Review, which states at footnote 16 that:

'Rural businesses include agricultural, forestry, equestrian or other similar land-based rural enterprises'.

The Planning Practice Guidance warns councils against reaching inconsistent conclusions, otherwise they risk an award of costs at appeal. To not consider this an effective use of the building would be highly contradictory with the Council's repeatedly consistent stance. The principle of development is therefore considered acceptable.

Impacts on the character of the locality, including the setting of designated heritage assets

The proposal involves no operational development, simply the use of the building for storage associated with the surrounding lawful equestrian use. The use of the building in this manner would not materially affect local character, including the setting of designated heritage assets.

There is a condition attached to consent ref. PL/2022/03080 that requires details of any lighting on the site, which includes this barn. As the barn lies within that application red line and is already covered by the condition, it would be superfluous to repeat the condition, should planning permission be granted.

Impact on the living conditions of adjacent occupiers

Given the lawfulness of the existing structure, considerations of its impacts on outlook and overshadowing for neighbours are not relevant. The only material considerations relate to the impacts that may arise from the proposed use.

The closest wall-to-wall separation from the nearest dwelling is in the order of 90m away to the south, and the building sits around 50m from the closest garden boundary.

Given this separation distance and owing to the lawful use of the wider site that this proposal would be used in conjunction with, officers do not consider that the storage of hay and machinery would have any materially harmful impact on neighbour amenity from noise, smells or activity beyond the lawful fallback position.

Other matters: fire safety

Fire risk is an issue raised through the public consultation process. Guidance¹ published by the Royal Town Planning Institute confirms that:

'[Local Planning Authorities] have no powers or responsibilities around the fire safety of buildings or materials. However in some circumstances, LPAs may be able consult with building control and the fire service where considerations around fire safety have planning implications. This might, for example, include access for fire engines or the aesthetic implications of changing materials for example cladding'.

¹ 'Responsibility for fire safety during the development application process in England'

Planning Practice Guidance² also confirms that fire safety is only a consideration for relevant high-rise buildings.

In this case, there are no proposals to change the external materials of the building, and it is clear that there is an established access to it, in the event of a fire. There was thus no compelling reason to consult Building Control or the fire service on the application.

10. Conclusion

The building appears to have become lawful over the passage of time. Its repurposing from agricultural to equestrian storage in association with the lawful equestrian use of surrounding use is acceptable in principle. The use of the building would not give rise to any harm to the setting of designated heritage assets or neighbour amenity. The application is therefore recommended for approval.

RECOMMENDATION: that planning permission be GRANTED subject to the following conditions:

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

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

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

- Location plan, block plan, elevations and floorplan ref. 2408/4.

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

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 landowner's consent before such works commence.

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

INFORMATIVE TO APPLICANT:

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.

² Fire safety and high-rise residential buildings (from 1 August 2021)



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