

# AGENDA

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**Meeting:** Northern Area Planning Committee

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

**Date:** Wednesday 3 August 2022

**Time:** 2.00 pm

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Please direct any enquiries on this Agenda to Ben Fielding of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718656 or email [benjamin.fielding@wiltshire.gov.uk](mailto:benjamin.fielding@wiltshire.gov.uk)

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## 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

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## 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](#).

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

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

# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

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

To approve as a true and correct record the minutes of the previous meeting held on 25 May 2022.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the 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 27 July 2022 in order to be guaranteed of a written response. In order to receive a verbal response, questions must be submitted no later than 5pm on Friday 29 July 2022. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Appeals and Updates** *(Pages 11 - 14)*

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

7 **Planning Applications**

To consider and determine the following planning applications.

7a **PL/2021/03928 - Poppy House, Barnes Green, Brinkworth.** *(Pages 15 - 34)*

Formation of arena: erection of stables: vehicular access and parking area: change of use of land to equestrian use.

7b **PL/2021/10793 - Winkworth Gate, Lea.** *(Pages 35 - 50)*

Proposed new dwelling and associated works.

7c **PL/2022/01974 - Key View, Common Lane, Purton Stoke.** *(Pages 51 - 62)*

First floor extension to side and single storey extension to the rear.

7d **PL/2021/05209 - Land south of Filands, Malmesbury.** *(Pages 63 - 82)*

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.

8 **Urgent Items**

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

## Northern Area Planning Committee

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### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 25 MAY 2022 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

#### **Present:**

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

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#### 34 **Apologies**

No apologies for absence were received.

#### 35 **Minutes of the Previous Meeting**

The minutes of the meeting held on 27 April 2022 were presented for consideration, and it was;

#### **Resolved:**

**To approve and sign as a true and correct record of the minutes of the meeting held on 27 April 2022.**

#### 36 **Declarations of Interest**

Councillor Greenman for information declared that as the divisional member for the area he had attended some events and had involvement at the initial stages of the application with the Stanton St Quintin Parish Council as the divisional member. Councillor Greenman stated that he had not pre-determined his view and would proceed with an open mind.

#### 37 **Chairman's Announcements**

The Chairman informed those in attendance of the procedures in place if there was to be a fire alarm.

#### 38 **Public Participation**

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

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

39 **Planning Applications**

The Committee considered and determined the following Rights of Way applications:

40 **COMMONS ACT 2006 – SECTIONS 15(1) AND (2) APPLICATIONS TO REGISTER LAND AS TOWN OR VILLAGE GREEN – LAND OFF SEAGRY ROAD, LOWER STANTON ST QUINTIN**

Public Participation

Malcom Reeves spoke in objection to the applications.

Kathryn Reeves spoke in objection to the applications.

Elizabeth Cullen spoke in support of the applications.

Doreen Pattison spoke in support of the applications.

Councillor Roger Starling spoke on behalf of Stanton Parish Council.

Senior Definitive Map Officer, Janice Green presented a report which outlined two applications made under Sections 15(1) and (2) of the Commons Act 2006, to register land off Seagry Road, Lower Stanton St Quintin, as a Town or Village Green (TVG), in order to seek approval to appoint an independent Inspector to hold a non-statutory Public Inquiry and provide an advisory report for the Northern Area Planning Committee on the applications to register land off Seagry Road, Lower Stanton St Quintin, as a TVG.

Details were provided by reference to the report regarding the site, the history of the applications, objections to the application, the dispute regarding the evidence and the legal tests to be applied when registering land as a town or village green.

The Senior Definitive Map Officer responded to questions raised in a representation from a member of the public and it was highlighted that the officer recommendation was to appoint an independent Inspector to undertake a non-statutory Public Inquiry to examine all of the evidence which would then be expected to resolve the matters raised.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought regarding the benches pictured on the application land and it was clarified that one was donated by the Jubilee Fund of 2020 and one was a family memorial bench. There was also a tree with a plaque in memory of a former Parish Council Member. In response to a query about the pond it was clarified that the pond was filled in in 1965 based on evidence contained in the Parish Council minutes at that time. In later Parish Council minutes dated 19th May 1988 and referred to in the report, reference was made to the proposals for a new noticeboard and the planting of trees and shrubs on the land. Although proposals to restore the village pond were rejected, the Parish Council sub-committee had indicated their willingness to improve the area. In response to a question regarding grass cutting the Officer

stated that there had been recent maintenance of the area by the Parish Council. It was also explained that currently the land is not designated in any way.

In response to questions on process the Principal Solicitor, Sarah Marshall, explained that there was a duty to be fair to all parties and any decision taken by the committee would be potentially subject to Judicial Review. If it was referred to an independent Inspector for a non-statutory inquiry the evidence would be reviewed and a recommendation along with reasons would be made to the committee, who would then take a decision on whether or not to register the land as TVG. It was queried whether the purpose of the inquiry was purely to reduce the risk of Judicial Review against the council decision. It was clarified that if the committee chose not to proceed with a Public Inquiry they would need to consider the evidence and to also allow parties to make representations before make a decision. This would be a quasi-judicial process to ensure fairness to all parties. However this would be potentially time consuming and may be better achieved by the appointment of an independent Inspector with a knowledge of the law on TVG's to consider the evidence and for the parties to have the opportunity to challenge the evidence through cross examination.

It was also questioned to what extent the members were reliant on the Inspector's recommendation. It was clarified that it a recommendation and that it was for the committee to decide, however, if they did not follow the recommendation evidential reasons would need to be provided, i.e. that the Inspector had made a clear error of fact or law. In response to concerns over the ability to detect any error of law as lay councillors it was explained that officers would thoroughly examine recommendations made by an Inspector. Any errors found would be brought to the Committee's attention in the report for the committee. In addition the Inspector's report would provide reasons for the recommendation, and if it was a lengthy report an executive summary would also be provided. The Inspector would be an expert on TVG law with experience in conducting non-statutory inquiries.

There was a question regarding ownership of the land. The Senior Definitive Map Officer outlined that when the proposal was advertised they carried out a land registry search but did not contact the Crown where there was no registered owner. In response to further questions it was clarified that if the land were to be registered as a TVG no responsibility for the land would be placed on Wiltshire Council. The local Parish Council would be likely to take on the maintenance of the land although there was no obligation for them to do so. The Officer also clarified that Wiltshire Council would meet the costs of the public inquiry, with the costs outlined in the report.

Members of the public then had the opportunity to present their views to the Committee where references were made to access of services to land owned, the status of the land, the dispute with the Parish Council about title of the land, the use of the notice board and wall, the location and planting of trees and plants, maintenance of the land by the Parish Council, the lack of photographs and use of the land by walkers, cyclists, dogs walkers and children and to attend communal events.

A Parish Councillor spoke briefly on behalf of the Parish Council regarding community events, the location of the land being known throughout the Parish, the use of the land and the importance of maintaining rural spaces.

The Local Unitary Member, Councillor Howard Greenman did not comment on the application.

The Senior Definitive Map Officer concluded by noting the concerns of members of the public regarding the impact on services provided to their property and confirming that all of the evidence would be considered by the independent Inspector, parties would have the opportunity to give evidence and be cross examined which would allow the evidence to be tested and a greater weight to be given to the oral evidence provided to the inspector.

At the start of the debate a motion to accept the officer's recommendation was moved by Councillor Steve Bucknell and seconded by Councillor Gavin Grant. The reason for this being that due to the dispute of evidence the members would have been unable to make an informed decision without much greater examination than would have been possible within the meeting.

During the debate, issues were raised regarding the difficulty in being unable to ask questions of those giving statements. Responsibility for maintenance for the land was raised as a potential issue as a parish council is not required to maintain TVG land. It was also suggested that the committee make a decision on the application to sidestep the costs of the public inquiry but the time constraints and the rules preventing cross examination of the parties at this meeting (time limits on public speaking) did not allow for this. Reference was made to the dispute between the parties and the costs of a non- statutory inquiry falling to the Council.

Mr and Mrs Reeves were addressed with sympathy and the hope that a public Inquiry might allow the issues between the parties to be teased out and a conclusion reached on this issue and for some healing within their community.

Members thanked the Senior Definitive Map Officer for her detailed report and presentation.

At the conclusion of the debate, it was,

**Resolved:**

**To approve the appointment of an independent Inspector to hold a non-statutory Public Inquiry and provide an advisory report for the Northern Area Planning Committee on the applications to register land off Seagry Road, Lower Stanton St Quintin, as a TVG.**

**Members considered that due to the serious dispute of facts they would be unable to make a decision to approve or deny the application without further examination of the evidence.**



41 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 3.30 pm)

The Officer who has produced these minutes is Leo Penry of Democratic Services,  
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**Wiltshire Council**  
**Northern Area Planning Committee**  
**3<sup>rd</sup> August 2022**

Planning Appeals Received between 14/04/2022 and 22/07/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
ENF/2021/00417	Land at Bradford Road, Corsham	Corsham	Alleged dumping of spoil altering contour of the land	DEL	Written Representations	-	15/06/2022	No
PL/2021/03412	Unit 10, 11 & 12 Callow Park, Callow Hill Brinkworth, SN15 5FD	Brinkworth	Change of use of B1(a), B1(b) areas to sui generis use of, online car auction storage facility with guest area and reception. (B8 use class to remain) Including extensions and alterations to the units.	NAPC	Written Representations	Approve with Conditions	27/04/2022	No
PL/2021/04439	38 Stone Lane Lydiard Millicent Swindon, SN5 3LD	Lydiard Millicent	Part retrospective change of use of section of agricultural land to residential	NAPC	Written Representations	Approve with Conditions	26/04/2022	Yes
PL/2021/05537	Church House Church Lane Kington Langley SN15 5NR	Kington Langley	Formation of new residential access; close up existing vehicular access (retaining pedestrian access).	DEL	Written Representations	Refuse	08/07/2022	No
PL/2021/05659	Rohil Lodge 10, Woodbridge Park Golf Club, Swindon Road, Brinkworth, SN15 5DG	Brinkworth	Variation/Removal of Condition 9 of N/10/04655/FUL (Erection of Five Holiday Lodges) to allow Rohil, Lodge 10 to be used as a main residence/sole dwelling.	DEL	Written Representations	Refuse	27/04/2022	No
PL/2021/06688	Land to the rear of Devizes Road, Box, Wiltshire	Box	Erection of a single self-build dwelling, resurfacing of Pye Lane and associated works.	DEL	Written Representations	Refuse	14/07/2022	No
PL/2021/06729	Westcross, Henley Lane, Box, Corsham SN13 8DB	Box	Erection of a two-storey side extension, replacement of existing windows and over cladding the rear of the existing property.	DEL	Householder Appeal	Refuse	30/06/2022	No
PL/2021/07919	Golden Acres, Grittleton, SN14 6AF	Grittleton	Prior Notification under Class Q for a Change of Use of Existing Agricultural Building to Two Dwelling Houses with Associated Building Operations	DEL	Written Representations	Refuse	27/04/2022	No
PL/2021/08158	Applegarth, 6 Castlefields, Calne SN11 0EA	Calne	Erection of 2-bedroom bungalow.	DEL	Written Representations	Refuse	05/07/2022	No
PL/2021/08737	Rear of Monks Way, Corsham Road, Lacock, Chippenham, Wiltshire, SN15 2LZ	Lacock	Erection of new dwelling (Outline application with all matters reserved)	DEL	Written Representations	Refuse	25/04/2022	No
PL/2021/09418	13 The Beeches, Lydiard Millicent, Swindon, SN5 3LT	Lydiard Millicent	Erection of single storey front, rear and first floor extensions and replacement roofs with roof lights	NAPC	Householder Appeal	Approve with Conditions	09/06/2022	Yes
PL/2021/10907	Agricultural Building, Bybrook Meadows, Ashley, Box, SN13 8AN	Box	Change of use and conversion of of agricultural building to a single dwelling with associated development, including installation of a septic tank	DEL	Written Representations	Refuse	30/06/2022	No

PL/2021/11175	Land North of Webbs Court, Lyneham	Lyneham and Bradenstoke	Outline planning application (all matters reserved except means for access only in relation to a new point of access into the site) for residential development for up to 56 dwellings, including the creation of a new vehicular access, public open space, landscape planting, pumping station, surface water attenuation and associated infrastructure	DEL	Hearing	Refuse	14/06/2022	No
PL/2021/11275	Land adjacent Little Orchard, Bulls Lane, Box, Corsham, SN13 8JR	Box	Erection of two dwellings and garaging/parking together with access drive and alterations to existing to facilitate approved application 19/11784/OUT (reserved matters application covering appearance, landscaping and scale).	DEL	Written Representations	Refuse	29/06/2022	No
PL/2022/00194	Griffin Farm, Bowden Hill, Lacock, SN15 2PP	Lacock	Erection of replacement Building (Class E)	DEL	Written Representations	Refuse	11/07/2022	No
PL/2022/00904	Stokes, Tytherton Lucas, Chippenham, Wiltshire, SN15 3RL	Bremhill	Attic conversion including roof lights and rear facing dormers, single storey kitchen and garden room extensions, and a one and a half storey extension linking house and garage. Rear balcony to garage office	DEL	Householder Appeal	Refuse	06/07/2022	No
PL/2022/01401	7 Sandes Close, Chippenham, SN15 2NH	Chippenham	Fell Black Pine.	DEL	Householder Appeal	Refuse	11/07/2022	No

Planning Appeals Decided between 14/04/2022 and 22/07/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
20/00563/ENF	Hobbs Bottom Farm Cottage, Norbin, Box Corsham, Wiltshire SN13 8JH	South Wraxall	Alleged breach of 18/03944/FUL - development not in accordance with approved plans	DEL	Hearing	-	Varied & Upheld	27/05/2022	WC applied for Costs – <b>PARTIAL ALLOWED</b> Appellant applied for Costs – <b>PARTIAL REFUSE</b>
20/03487/FUL	Land at Sutton Lane Sutton Benger SN15 4RR	Sutton Benger	Residential development for 21 dwellings with associated infrastructure, landscaping and construction of new access onto Sutton Lane	DEL	Written Reps	Refuse	Allowed with Conditions	08/06/2022	None
20/03876/OUT	Land to the east of Church View Sutton Benger Chippenham Wiltshire, SN15 4FD	Sutton Benger	Outline planning permission, with all matters reserved except for access, for up to 24 dwellings and associated infrastructure	DEL	Written Reps	Refuse	Allowed with Conditions	08/06/2022	None
20/09902/LBC	Home Farmhouse 2 Honey Knob Hill Kington St Michael Chippenham Wiltshire, SN14 6HX	Kington St Michael	Retrospective repairs to existing stone boundary wall and lintel.	DEL	Written Reps	Refuse	Allowed with Conditions	01/06/2022	Appellant applied for Costs - <b>REFUSED</b>
20/10523/OUT	Land at Purton Road Swindon	Purton	Outline Application for a Residential Development of up to 79 Dwellings and Associated Infrastructure with all Matters Reserved with the Exception of Access	DEL	Hearing	Refuse	Dismissed	13/07/2022	None
20/10607/FUL	Ryleys Farmhouse Grittleton, Wiltshire SN14 6AF	Grittleton	Single storey rear orangery extension together with addition of car port to rear garden (Resubmission of 19/11171/FUL)	DEL	Written Reps	Refuse	Dismissed	01/06/2022	None
20/11001/FUL	Manor Farm Main Road, Corston Malmesbury SN16 0HF	St. Paul Malmesbury Without	Use of Holiday Accommodation/Ancillary Accommodation as Separate Dwelling. Extension to the building and change of use of land from agriculture to residential (retrospective)	DEL	Written Reps	Refuse	Allowed with Conditions	20/04/2022	None
20/11380/LBC	Ryleys Farmhouse Grittleton, Wiltshire SN14 6AF	Grittleton	Single storey rear orangery extension	DEL	Written Reps	Refuse	Dismissed	01/06/2022	None
21/00066/ENF	The Stoneyard Potley Lane, Corsham Wiltshire	Corsham	Alleged unauthorised removal of trees & hedgerow and erection of 3 large white tents	DEL	Written Reps	-	Upheld	21/06/2022	None

21/02142/CLE	The Stoneyard Potley Lane, Corsham SN13 9RX	Corsham	Certificate of Lawfulness for the Existing of Use of land for storage (Class B8); use of existing building for light industrial use (Class E(g)(iii) and siting of 3no. portable storage shelters.	DEL	Written Reps	Refuse	Dismissed	21/06/2022	None
PL/2021/03826	West Street Farm, West Street Great Somerford SN15 5EH	Great Somerford	Change of Use of Land & 2No. Agricultural Buildings for the Purposes of Self-Storage	DEL	Written Reps	Refuse	Dismissed	13/06/2022	Appellant applied for Costs - <b>REFUSED</b>
PL/2021/04125	Land and Buildings at Highway Manor, Highway, Hilmarton, SN11 8SR	Hilmarton	Use of land for the purposes of agriculture, together with educational/therapy sessions by prior arrangement.	DEL	Written Reps	Refuse	Dismissed	03/05/2022	Appellant applied for Costs – <b>REFUSED</b>
PL/2021/08737	Rear of Monks Way, Corsham Road, Lacock, Chippenham, Wilts, SN15 2LZ	Lacock	Erection of new dwelling (Outline application with all matters reserved)	DEL	Written Reps	Refuse	Dismissed	22/07/2022	None

## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>3<sup>rd</sup> August 2022</b>
<b>Application Number</b>	<b>PL/2021/03928</b>
<b>Site Address</b>	<b>Poppy House, Barnes Green, Brinkworth, Chippenham, SN15 5AQ</b>
<b>Proposal</b>	<b>Formation of arena: erection of stables: vehicular access and parking area: change of use of land to equestrian use.</b>
<b>Applicant</b>	<b>Mr J Barnett</b>
<b>Town/Parish Council</b>	<b>Brinkworth</b>
<b>Division</b>	<b>Brinkworth ED</b>
<b>Grid Ref</b>	<b>401,740 184,460</b>
<b>Type of application</b>	<b>All other Developments (Q6, Q18)</b>
<b>Case Officer</b>	<b>Perry Lowson</b>

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

This report has been prepared following a call in to committee from Councillor Threlfall to consider the scale of development and impact on the character appearance and visual amenity of the locality, including in respect of floodlighting and highways access and ecological impacts.

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

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

### **2. Report Summary**

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

- Principle of Development
- Design & Landscape Impact
- Ecology
- Arboriculture
- Highways Safety
- Public Rights of Way
- Drainage
- Impact on Residential Amenities

Brinkworth Parish Council objects to the proposals.

14 representations in total were received from interested parties over multiple periods of consultation including multiple submissions from the same persons.

### **3. Site Description**

The site is located outside any defined settlement boundary. Accordingly, for planning purposes, the site is considered to be within the open countryside. It is acknowledged that public comments have questioned whether the proposal is within the 'open countryside', giving reference to its central location within the village of Brinkworth. However, 'open countryside' is a planning term used to define sites located outside any defined settlement boundary. Brinkworth does not have a settlement boundary and as such the site is therefore within the 'open countryside'.

The site predominantly constitutes an open agricultural field situated to the rear of those dwellings fronting Barnes Green. The site location plan also includes a narrow strip of land to be used as an access, which proceeds through a wooded/scrubland area, across the field and down the side of Poppy House, adjacent to Bluebell. It is noted that the wooded area, the field and Poppy House are all within the applicant's ownership.

Due to the topography of the land, it is noted that the site is at an exposed position, with views possible from the east and south. With regard to the site surroundings, to the north of the site is the built form of Brinkworth, whilst to the west, south and east are open agricultural fields, with the exception of an equestrian field immediately to the east. A railway line also runs to the south of the site.

In terms of physical constraints, the site is partially impacted by surface water flood risk constraints (risk of surface water flooring 1 in 1000 and Risk of Flooding from Surface Water 1 in 100 + Climate Change (40%)). Additionally, records indicate the presence of Great Crested Newts on the site and a Public Footpath (BRIN71) which crosses the southern side of the site.

In terms of policy constraints, the site is not within any designated area.

### **4. Planning History**

The development site is not considered to have any planning history of relevance to the current proposal.

There is no history of pre-application advice having been sought for the proposed development.

### **5. The Proposal**

Planning permission is sought for the erection of a menage/arena, erection of associated stables, establishment of associated parking area with associated vehicle access and the change of use of the land to equestrian use. The proposal is for private use.

There are retrospective elements to the proposal, with the commenced works including a temporary access track, digging of the foundations for the stable and the installation of utilities. It is understood that work ceased following a request from the Council.

A number of further submissions and alterations to the proposals were made as part of this application. These further submissions are summarised below:

*1<sup>st</sup> June 2021:*  
Representation - Response to Neighbour Comment

*7<sup>th</sup> June 2021:*



Revised Wessex Ecology Phase One Ecological Assessment.

*5<sup>th</sup> July 2021:*

Information on Vehicle Movements

*19<sup>th</sup> October 2021:*

Barnett-JH-04 New Front Gate Location

Lighting Specifications

Lighting Plan

Proposed Stable Block Plan

Existing Site Layout Sheet 1

Existing Site Layout Sheet 2

Preliminary Flood Risk Assessment

Soakaway Location Plan

PR123472-01 Tree Survey Plan

PR123472-03 Tree Protection Plan

Arboricultural Impact Assessment & Method Statement

Tree Survey

*3<sup>rd</sup> November 2021:*

Barnett-JH-04 B Site Plan

Revised Proposed Elevation Plan

Revised Proposed Roof Elevation Plan

*5<sup>th</sup> November 2021:*

Revised Proposed Elevation Plan

*3<sup>rd</sup> December 2021:*

GCN District Level Licensing Impact Assessment

*3<sup>rd</sup> February 2022:*

Annex 1 Location Plan (related to GCN District Level Licensing Impact Assessment)

*21<sup>st</sup> April 2022:*

Biodiversity Net Gain Small Sites Metric

*6<sup>th</sup> July 2022:*

Section A-A & B-B: Proposed stable building & arena

Barnett-JH-04 C Site Plan

## **6. Planning Policy**

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 (2015)

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 13: Spatial Strategy for the Malmesbury Community Area

Core Policy 50: Biodiversity and Geodiversity

Core Policy 51: Landscape

Core Policy 52: Green Infrastructure

Core Policy 57: Ensuring High Quality Design and Place Shaping

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and Development

Core Policy 62: Development Impacts on the Transport Network  
Core Policy 66: Strategic Transport Network  
Core Policy 67: Flood Risk

Saved Policies of the North Wiltshire Local Plan 2011 (2006)

NE14: Trees and the Control of New Development

NE18: Noise and Pollution

Wiltshire Housing Sites Allocation Plan (2020)

Settlement Boundary Review and Sites Allocations

Neighbourhood Plan

Whilst Brinkworth is a designated area, it does not yet benefit from a 'Made' neighbourhood plan.

National Planning Policy Framework (2021)

Paragraphs 2, 8, 11, 12, 92, 100, 111, 130, 134, 167, 168, 174, 180 and 182

Section 2 Achieving Sustainable Development

Section 8 Promoting Healthy and Safe Communities

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

## **7. Consultations**

Note that dates are included where there are multiple revisions to consultee responses, tied to the submission of additional information set out within the 'Proposal' section of this report.

Brinkworth Parish Council

Objection. The Parish considered that the proposal is unsuited to its location, which would be an intrusion on the immediate neighbours and the enjoyment of their lifestyles.

Concern was raised that the land would not be of sufficient size to support four, or even three, horses, with the absolute minimum being 5 acres.

Drainage concern is raised, which is considered to be worsened by the construction of the menage and parking area.

The proposed lighting for the menage is considered to be unacceptable in a location which is clearly visible from the main road in a village which does not have street lighting and would have a great intrusion on neighbouring houses. It is identified that applications for floodlighting in the village have always been successfully challenged. Further to this, the intention to install PIR lighting is also considered to be unacceptable, as they can be activated at any time to the disturbance of neighbours.

The site is considered to lack appropriate visibility from the access point and would be a dangerous access for horses and horse boxes.

It is identified that no provision is made for a tack room, hay barn or manure store which will reduce the grazing acreage further.

The provision of a car park is unnecessary as the property already benefits from sufficient parking.

The proposal breaks the natural great crested newt mitigation route allowing travel from pond to pond. It is identified that this has led to issues with past applications within the area.

Wiltshire Council Ecology

No objection subject to conditions.

Wiltshire Council Arboriculture

No objection subject to conditions.

Wiltshire Council Highways

No objection subject to conditions.

Wiltshire Council Public Protection

No objection subject to conditions.

Wiltshire Council Public Rights of Way

No objection received.

Wiltshire Council Drainage

No objection subject to conditions.

## **8. Publicity**

There were three rounds of public consultation for the application. The initial round of consultation was actioned on 21<sup>st</sup> May 2021 and ran until 18<sup>th</sup> June 2021. Following the submission of 'Representation – Response to Neighbour Comment', which sought to address concerns already raised by neighbours, a further consultation was issued on 11<sup>th</sup> June 2021 and ran until 1<sup>st</sup> July 2021. Finally, in response to concerns raised by a member of the public and division member, a further consultation ran from 21<sup>st</sup> July 2021 until 11<sup>th</sup> August 2021 which included the erection of a site notice. Note that due to the COVID-19 pandemic, site notices were only being erected where it was a legal requirement.

All public comments received over the course of the three consultations are available to view in full online. The key concerns from these comments are summarised below:

### *Design*

- Scale of development is too large/excessive for domestic use;
- Floodlights and the associated light pollution this would lead to;
- Unclear how land would be levelled;
- PIR lights are unacceptable and would be set off by wildlife throughout the night;
- Dressage arena should be the same height of the field; and
- The building design includes no hay storage facilities.

### *Drainage*

- Site is at risk of flooding and proposal would create a new footprint;
- Unclear how foul water would be connected to sewer;
- The site would be turned into a quagmire by the horses; and
- The proposal would lead to flooding of neighbouring land.

### *Highways*

- Access is unsafe;
- The quantity of parking in the proposal is excessive when Poppy House already benefits from parking; and
- Road is unsafe for horses.

### *Ecology*

- The reduction in surface water drainage may lead to reduced waterflow into watercourses which support habitats for wildlife; and
- Floodlighting will detrimentally impact biodiversity.

### *Public Rights of Way*

- Safety of walkers utilising the footpath which crosses the site.

### *Amenity*

- Impact on private views from neighbouring dwellings;
- Construction noise would be a nuisance at weekends; and
- Hygiene of the manure storage in the vicinity of dwellings.

### *Arboriculture*

- The wooded copse of trees should remain to retain privacy; and
- Hedging should be planted on the applicants site of the boundary to soften the view for nearby houses.

### *Other Matters*

- Construction has commenced without the benefit of planning permission;
- The stables should not be used for commercial use; and
- Animal welfare (availability of land compared to number of horses).

## **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 Wiltshire Housing Site Allocations Plan (WHSAP) (Adopted February 2020); and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (Adopted June 2006).

### Principle of Development

The site is located within the open countryside where, in accordance with Core Policies 1, 2 and 13 development will not be permitted, other than in circumstances as permitted by other policies within this plan, identified in WCS Paragraph 4.25. However, private equestrian use is a decidedly rural form of development, and the proposed development is located in close proximity to the existing residence of the future users of the facility, thereby providing for a sustainable form of development and, on this basis, is acceptable in principle subject to assessment of site-specific impacts and compliance with other relevant aspects of the development plan addressed within the following sections.

### Design & Landscape Impact

Core Policy 51 of the WCS states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

Additionally, Section iii of Core Policy 57 of the WCS states new development must respond positively to existing townscape in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines. Moreover,

Paragraph 130 states developments should be visually attractive as a result of good architecture and be sympathetic to local character.

It is noted that concern has been raised by neighbouring parties over the scale of development for domestic use; lighting; the height and levelling of the dressage area; and the lack of hay storage facilities.

The scale of the stables is acceptable and would not be larger than reasonably necessary for a private stable. The design of the building is utilitarian in nature as opposed to being overly elaborate. Whilst it is acknowledged that the proposal would sit at a relatively exposed position, and therefore visible from the surrounding countryside, including including Public Footpath BRIN71, it is not considered that the stable would be out of character with the rural setting and as such it is not considered that it would cause significant harm to landscape character and visual amenity. Additionally, as discussed further within the following sections, it is considered reasonable and necessary to apply a condition to approve landscaping and planting details within the site, thereby providing some additional screening for the development from surrounding areas.

In terms of the associated works, the access and parking area would have an acceptable impact on the character of the countryside. The works would require the use of retaining walls due to the sloping nature of the land, the most prominent of which would likely be that of the arena, given its location at the edge of the site and its length. However, Sections submitted on 6<sup>th</sup> July 2022 indicate that the retaining wall would be circa 1.5m in height. A retaining wall in the region of 1.5m is not significant and would not have a substantial impact upon landscape character.

In terms of lighting, this was identified as an unacceptable element of the proposal, in part due to the impact upon the landscape given visual prominence and significant views of the site. External floodlighting and PIR lighting was removed from the proposal in the Revised Site Plan submitted 3<sup>rd</sup> November 2021. A condition is also proposed to control use of lighting at the site. Accordingly, the proposal is now considered acceptable in this regard.

On the basis of the above, it is considered that the proposal would have an acceptable impact upon landscape character and the character, appearance and visual amenity of the area in accordance with WCS Core Policies 51 and 57 and NPPF Paragraphs 130 and 134.

### Ecology

Records indicate the presence of Great Crested Newts (GCN) on the site. Core Policy 50 of the WCS states that all development should seek opportunities to enhance biodiversity. Additionally, NPPF Paragraph 174 d) requires that development provide net gains for biodiversity, whilst NPPF Paragraph 180 states that '*if significant harm to biodiversity resulting from a development cannot be avoided..., adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*'. Paragraph 182 is clear that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a designated habitats site.

The proposal benefits from a Phase One Ecological Assessment. The assessment recommends installation of bat boxes; that grass in the development area be kept short prior to development; that the newt compensation habitat could be increased in size from half the woodland to the entire woodland to achieve a net gain for newts; the hedgerow to the north and east of the site be cordoned off during construction phase; and enhancement measures should be part of any application to give a net gain for birds which should include bird boxes on the stable building/trees on the site.

The Council's Ecologist was consulted and, having considered the Ecological Assessment, requested the submission of a population size assessment survey for GCN on all ponds with 250m and details to demonstrate requirements of no net biodiversity loss can be incorporated into the design.

Following the Ecologist's comments, the applicant has submitted a GCN District Licensing Impact Assessment which addresses the requirement for further GCN surveys. However, separately, the applicant has not produced appropriate information to demonstrate no net loss of biodiversity, covering the second aspect of the Ecologist's requested information above.

In line with the Ecologist's comments and in order to secure biodiversity net gain (BNG), it is considered reasonable and necessary to apply an appropriate condition to require the planting of an area of native woodland on the southern side of the site, with its scale sufficient to secure no net loss of biodiversity in accordance with a revised Small Sites BNG spreadsheet to be submitted to the Council. It is considered that the planting of native woodland will negate the need for additional bird boxes on site.

Finally, in line with the Phase One Ecological Assessment, the hedgerow to the north and east of the site shall be protected by heras fencing during the construction phase and, so as to give a net gain for newts, the existing area of newt compensation habitat shall be increased from half the existing woodland to the entire existing woodland. The existing woodland shall be managed in such a way that benefits newts (as described in Great Crested Newt Risk Assessment, Avoidance Measures & Mitigation Plan Updated for Land South of Grayways, Brinkworth, Chippenham, Wiltshire, SN15 5AQ, Wessex Ecology November 2018).

It is noted that floodlighting has been removed from the proposal and as such no longer represents a concern to Ecology. Furthermore, separate from the Ecologist's comments, the applicant has made provision for three bat boxes to be affixed to the exterior elevations of the stable on the Proposed Elevation Plans received 5<sup>th</sup> November 2021.

Accordingly, subject to conditions, the proposal would accord with the provisions of WCS Core Policy 50 and NPPF Paragraphs 180 and 182.

#### Arboriculture

The proposal has resulted in the removal of a section of woodland/scrubland to allow for the creation of an access route to the proposed stable. Policy NE14 of the NWLP states that permission will not be granted for proposals that would result, or be likely to result, in the loss of trees, hedges, lakes/ponds or other important landscape or ecological features that could be successfully and appropriately incorporated into the design of a development.

Additional information has been submitted in the form of a Tree Survey, Tree Survey Plan, Tree Protection Plan and Arboricultural Impact Assessment & Method Statement. The statement confirms that although works have already commenced, these works are outside of any of the root protection zones (RPZs) of trees on the site, and as such trees have not been negatively impacted. Moving forward, a tree protection plan is recommended (received 19<sup>th</sup> October 2021). The tree protection plan is considered appropriate to protect the trees present on site from construction work.

The Arboricultural Officer has raised no concern in this regard. Accordingly, the proposal is considered to comply with the provisions of Policy NE14 of the NWLP subject to an appropriate condition requiring accordance with the submitted tree protection plan.

#### Highways Safety

The proposal would result in an increased use of an existing access and the provision of additional parking spaces. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Additionally, Core Policy 62 of the WCS states that developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

It is noted that concern has been raised by neighbouring parties over the safety of the access, the quantity of parking on the site (excessive) and that the road (Barnes Green) is unsafe for riding horses.

However, following confirmation that the stables would be private use only and confirmation of expected trips from the site, the Highways Officer raised no objection to the proposal and raised no concerns over the safety of the access nor the quantity of parking associated with the proposal.

It is acknowledged that the parking spaces would leave appropriate space for the manure trailer, the applicant's vehicle(s) and visits by the farrier/vet and as such are not considered to be excessive in this instance.

Concern over the safety of Barnes Green for the riding of horses is not a material planning consideration that can be factored into determining the application and horse riding on the public highway in the rural areas of Wiltshire is not uncommon.

Accordingly, it is considered that the proposed private stables would have an acceptable impact upon highways safety and the wider road network in accordance with the provisions of WCS Core Policy 62 and NPPF Paragraph 111. An appropriate condition will be sought to ensure that the building remains in private use to limit the impact on the local road network.

#### Public Rights of Way

Public Footpath BRIN71 crosses the application site and would form part of the land changing use from agricultural to equestrian. WCS Core Policy 52 states that development shall make provision for the retention and enhancement of Wiltshire's green infrastructure network, and shall ensure that suitable links to the network are provided and maintained.

WCS Core Policy 57(ix) goes on to state that new development must ensure that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible in accordance with Core Policy 66.

NPPF Paragraph 92(b & c) is relevant in this regard, stating that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible and enable and support healthy lifestyles, for example through the provision of safe and accessible green infrastructure. NPPF Paragraph 100 states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

It is noted that concern has been raised by neighbouring parties over the safety of walkers utilising the public right of way to cross the site.

Whilst it is noted that the proposal would lead to the keeping of horses within a field containing a right of way, advice from Natural England published within the NPPG ('Public rights of way: landowner responsibilities') states that horses may be kept loose in fields crossed by public rights of way, as long as they are not known to be dangerous. Further to

this, it is noted that the Council's Rights of Way Team has raised no concerns in this regard. The existing agricultural use of the land could also include grazing of livestock also.

Accordingly, it is considered that the Public Right of Way BRIN71 would not be obstructed as a result of the development and that the keeping of horses within the field, provided they are not known to be dangerous, is acceptable in line with the provisions of the NPPG. The proposal is therefore considered to accord with the relevant aspects of Core Policies 52, 57 and 66 of the WCS and NPPF Paragraphs 92 and 100. An appropriate informative will be attached to any approval advising of the necessary procedure should the applicant wish to divert the footpath in the future.

#### Drainage

The site is impacted by surface water flood risk constraints (risk of surface water flooding 1 in 1000 and Risk of Flooding from Surface Water 1 in 100 + Climate Change (40%)). Core Policy 67 states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and the ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

In addition to this, NPPF Paragraph 167 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Lastly, NPPF Paragraph 168 is relevant in this instance, stating that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for a site-specific flood risk assessment as set out in footnote 55. It is noted that footnote 55 requires a site-specific flood risk assessment where a proposal is within a Flood Zone 2/3 designated area.

It is noted that concern is raised by neighbouring parties over increased surface water runoff into nearby watercourses and neighbouring land; that the proposal is unclear over the treatment of foul water; and, that the site would be turned into a 'quagmire' by the horses due to poor drainage.

The applicant has provided a preliminary flood risk assessment (FRA). The FRA concludes that the site is at low risk of flooding. In terms of flood mitigation measures, the FRA recommends that permeable hardstanding be incorporated in any proposed tracks, footpaths and car parking. In terms of managing surface water, the FRA advises on the installation of a soakaway at the site. Additionally, it is concluded that the risk of sewer flooding resulting from the connection of new drainage to the existing foul sewer will not be increased.

It is noted that the Drainage Engineer has raised no objection to the proposal subject to a standard drainage condition, which in this instance will seek details to demonstrate the use of permeable surfaces for tracks, footpaths and car parking and also to secure the implementation of the soakaway, in accordance with the conclusions of the FRA.

Again it is material to note that the establish use of the site enables agricultural livestock grazing which is not considered to be materially different in terms of impact to ground conditions for equestrian use.

Accordingly, the proposal is considered to comply with the provisions of Core Policy 67 and NPPF Paragraphs 167 and 168.

#### Impact on Residential Amenities

Section vii of Core Policy 57 of the WCS refers to the need to protect the amenities of the occupants of existing residential properties and to make sure that appropriate levels of amenity are achievable within new development itself. Further to this, relevant aspects of Policy NE18 of the NWLP state that development will only be permitted where it would not



generate harm upon public health or cause excessive noise, light intrusion, or other forms of air pollution. Additionally, Paragraph 130 (f) of the NPPF states planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the equality of life or community cohesion and resilience.

It is noted that concern has been raised by third parties over impact to private views; construction noise; and hygiene of the manure storage in vicinity to dwellings.

In terms of impact to private views, the planning system does not provide for development to be resisted on these grounds.

In terms of construction noise, in line with advice received from the Public Protection Officer, given the proximity of surrounding dwellings and the need to protect the amenities of occupiers it is considered reasonable and necessary to apply an appropriate condition limiting the hours of construction. Accordingly, a condition will be attached to this effect should the proposal be granted consent.

In terms of the manure storage, the agent has confirmed that the manure storage will constitute a trailer parked in one of the parking bays associated with the proposal. If the northern most parking space were utilised for keeping the manure trailer, the manure storage would be circa 47m from the closest dwellings (Bluebell House & Poppy House). Again, it is material to note the existing permitted use of this site and the open countryside location. However, it is noted that the Public Protection Officer has raised no concern in this regard. Accordingly, taking account of the advice of the Public Protection Officer and site-specific context, it is not considered that the arrangement would lead to such a demonstrably negative impact on neighbouring amenities that the application could be reasonably refused on this basis.

The proposed private stable would not lead to any loss of light, overshadowing, loss of privacy or overbearing impact to any neighbouring occupiers. Additionally, flood lighting has been removed from the proposal and external lighting shall be controlled via condition in order to protect the amenities of surrounding residents.

With regard to the impact upon Poppy House itself, it is considered that the proposal would lead to the provision of domestic stables for the enjoyment of present and future occupiers without detrimentally impacting amenities.

On this basis the proposals are considered to accord with the relevant policies of the plan and provisions of the framework.

#### Other Matters

Concern has been raised that development has commenced without the benefit of planning permission. The agent has been appropriately contacted and asked to liaise with their client to cease works on site. Wiltshire Council Enforcement are aware of the issue and on this basis the Council is satisfied that appropriate steps have been taken. Any works commenced thus far are entirely at the applicant's own risk, though the fact that work has commenced is not a material planning consideration in issuing a decision and it must be noted that the Acts make provision for retrospective planning applications.

Concern is raised over the use of the stables on a commercial basis. The proposals are for private use only which shall be appropriately controlled via condition. Should the applicant wish to convert the building to commercial use in the future they will need to apply to the

Council for planning permission, where the Council will have the opportunity to assess the impacts of the building changing to commercial use.

Whilst it is noted that concern is raised around animal welfare, specifically the availability of land in comparison to the number of proposed stables, animal welfare is not a material planning consideration in and of itself as the matter is addressed under other legislative provisions and as such cannot be taken into account in the determination of the application.

## **10. Conclusion**

It is concluded that the proposed development is acceptable in principle and in design and landscape terms in accordance with Wiltshire Core Strategy Core Policies 1, 2, 13, 51 and 57, North Wiltshire Local Plan Policy NE18 and National Planning Policy Framework Paragraphs 2, 8, 11, 12, 130 and 134, subject to conditions related to amenity.

In terms of Ecology, subject to conditions, the proposal would accord with Wiltshire Core Strategy Policy 50 and National Planning Policy Framework Paragraphs 180 and 182. An appropriate condition shall be sought to secure an area of natural woodland planting on the southern side of the site informed by a BNG spreadsheet to secure BNG on site. Additionally, in accordance with the submitted Ecological Appraisal, conditions will be sought to ensure the provision of bat boxes, that the hedgerow to the northeast of the site be protected and the protection of the remainder of the existing woodland for Great Crested Newt habitat. The provision of bird nest boxes is not considered necessary in this instance given the aforementioned condition requiring the planting of new native woodland and the associated benefits this will achieve.

In terms of arboriculture, subject to conditions, the proposal would accord with Policy NE14 of the North Wiltshire Local Plan. An appropriate condition will be sought in order to ensure the protection of existing trees on site in accordance with the submitted tree protection plan.

In terms of highways safety, subject to conditions, the proposal would accord with the provisions of Wiltshire Core Strategy Core Policy 62 and National Planning Policy Framework Paragraph 111. An appropriate condition will be sought in order to ensure that the proposal remains in private use and thereby maintains an acceptable impact upon the local road network.

In terms of public rights of way, the proposal would accord with the provisions of Wiltshire Core Strategy Core Policies 52, 57 and 66 and National Planning Policy Framework Paragraphs 92 and 100. An appropriate informative will be attached to any approval advising of the necessary process for diverting the footpath should the applicant wish to divert the footpath in the future.

In terms of drainage, subject to conditions, the proposal would accord with the provisions of Wiltshire Core Strategy Core Policies 67 and National Planning Policy Framework Paragraphs 167 and 168. Appropriate conditions will be applied to any permission to secure an appropriate on site soakaway and to require that tracks, footpaths and car parking areas be of a permeable material.

In terms of amenity, the proposals are considered to accord with the provisions of Core Policy 57 of the Wiltshire Core Strategy and Paragraph 130(f) of the National Planning Policy Framework.

In light of the above, it is concluded that, subject to appropriate conditions, the proposal accords with the adopted development plan and as such should be granted permission.

## RECOMMENDATION

Approve with conditions

## 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:

Barnett-JH-01 Location Plan – Rec: 15<sup>th</sup> April 2021  
Barnett-JH-03 Section Through Arena – Rec: 15<sup>th</sup> April 2021  
P2021-057 Existing Site Layout – Rec: 19<sup>th</sup> October 2021  
PRI23472-03 Tree Protection Plan – Rec: 19<sup>th</sup> October 2021  
Barnett-JH-04 New Front Gate Location – Rec: 19<sup>th</sup> October 2021  
PRI23472-01 Tree Survey Plan – Rec: 19<sup>th</sup> October 2021  
Barnett-JH-04 Soakaway Location – Rec: 19<sup>th</sup> October 2021  
P2021-057 Existing Site Layout – Rec: 19<sup>th</sup> October 2021  
Proposed Elevation Plan Rev 1 – Rec: 5<sup>th</sup> November 2021  
Proposed Roof & Floor Plan – Rec: 3<sup>rd</sup> November 2021  
DLL ENQ WILT 00032 Land To The Rear Of Poppy House – Rec: 3<sup>rd</sup> February 2022  
Barnett-JH-04 Site Plan – Rec: 6<sup>th</sup> July 2022  
Barnett-JH-20 Section A-A & B-B: Proposed Stable Building & Arena – Rec: 6<sup>th</sup> July 2022

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture to those detailed on the application form and approved plans.

REASON: In the interests of visual amenity and the character and appearance of the Area

4. No external lighting, fixtures or fittings will be installed within the application site unless details of existing and proposed new lighting has been submitted to and approved by the Local Planning Authority in writing.

REASON: In the interest of visual amenity, the character and appearance of the area and biodiversity.

5. Bat boxes shall be installed within 6 months of the completion of the stable in accordance with approved plan Revised Proposed Elevations received 5<sup>th</sup> November 2021. Once installed, the bat boxes shall remain in perpetuity.

REASON: In the interest of biodiversity.

6. No further demolition, site clearance or development shall commence on site until a Hedgerow Protection Plan showing the position of the hedgerow on the east boundary of the site and its protective fencing in accordance with British Standard

5837: 2012: "Trees in Relation to Design, Demolition and Construction – Recommendations"; has been submitted to and approved in writing by the Local Planning Authority; and

The protective fencing shall be erected in accordance with the approved details, together with the protective fencing for existing trees on site in accordance with approved plan 'PR123472-03 Tree Protection Plan'. The protective fencing for the retained trees and hedgerow shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained trees/hedgerow shall be cut down, uprooted or destroyed, nor shall any retained trees be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained trees/hedgerow is removed, uprooted, destroyed or dies, another tree/hedgerow shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree/hedgerow" means an existing tree/hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

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

7. Prior to operational use of the development a planting plan showing a replacement area of planting must be provided to compensate for the loss of habitats already cleared (woodland and grassland) within the application site boundary. This will comprise an area of native woodland to be planted in the southern part of the site adjacent the existing hedgerow using similar species. The planting plan shall be submitted to the LPA for approval and will include details and specification of planting and management of the area to ensure to the area remains as woodland for the lifetime of the development.

The area of woodland planting shall be sufficient to ensure no net loss of biodiversity within the application site as demonstrated by the Small Sites Biodiversity Net Gain calculator. The area will be mapped on Wiltshire Council's 'mitimap' GIS layer to safeguard the area from any future development.

The woodland planting scheme shall be implemented in full accordance with the approved plans and the condition will be fully discharged once photographic evidence of the woodland planting has been provided.

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 to ensure it complies with Council policy.

8. The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: In the interests of highway safety and to protect the living conditions of nearby residents.

9. Prior to the commencement of further works, details shall be submitted to the Local Planning Authority to demonstrate that the track, footpaths and parking area associated with the development are made of a permeable material in accordance with the provisions of the approved Preliminary Flood Risk Assessment (received 19<sup>th</sup> October 2021).

The track, footpaths and parking area shall be implemented in accordance with the approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

10. No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Wiltshire Council's Surface Water Soakaway Guidance have been undertaken to verify that soakaways will be suitable for the development.

If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

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.

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

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

12. The existing area of newt compensation habitat could be increased in size from half the existing woodland to the entire existing woodland and retained as woodland and managed in such a way that benefits newts (as described in Great Crested Newt Risk Assessment, Avoidance Measures & Mitigation Plan Updated for Land South of

Grayways, Brinkworth, Chippenham, Wiltshire SN15 5AQ. Wessex Ecology November 2018). The existing woodland shall be maintained as such in perpetuity.

For the avoidance of doubt, the November 2018 Wessex Ecology report was originally submitted with the current application on 15<sup>th</sup> April 2021.

In the interests of clarity, the area to be protected is demarcated in grey hatching within the approved PRI23472-03 Tree Protection Plan received 19th October 2021.

REASON: In the interest of biodiversity.

### **INFORMATIVES**

13. 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.
14. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.
15. 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.
16. 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.
17. Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer on [rightsofwayconsultations@wiltshire.gov.uk](mailto:rightsofwayconsultations@wiltshire.gov.uk).
18. The scheme will be operating under a District Level Licence (DLL) for Great Crested Newts. Great Crested Newts are protected under Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation.

19. With regard to infiltration testing, Part H of the Building Regulations states that infiltration devices should not be built within 5m of a building / road / unstable land.
  
20. With regard to infiltration testing, you must prove that a minimum of 1m clearance is available between the base of the soakaway and the maximum groundwater level.
  
21. In chalk, or any other fill material prone to instability, soakaways should be sited at least 10 m away from any building, road or structure foundations, in line with CIRIA C574 Engineering in Chalk.

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	03 August 2022
<b>Application Number</b>	PL/2021/10793
<b>Site Address</b>	Winkworth Gate, The Street, Lea, Malmesbury, SN16 9PQ
<b>Proposal</b>	Proposed new dwelling and associated works
<b>Applicant</b>	LP Planning Consultants
<b>Town/Parish Council</b>	Lea and Cleverton
<b>Electoral Division</b>	Councillor Elizabeth Threlfall
<b>Grid Ref</b>	396301 186958
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Michael Akinola

### Reason for the application being considered by Committee

The application is called in for committee determination by Councillor Elizabeth Threlfall to consider the proposal's visual impact upon the surrounding area & environmental/highway impacts in particular drainage.

#### 1. Purpose of Report

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

#### 2. Report Summary

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

- Principle of development
- Impact on the character, appearance, visual amenity and openness of the locality
- Impact on the residential amenity
- Impact on archaeology interest and potential
- Impact on drainage/flooding
- Impact on Highways safety
- Other matters

Lea and Cleverton Parish Council objects to the proposals. Of the eight representations received from interested third parties/neighbouring properties, six were of objections and two are of support.

#### 3. Site Description

The application relates to land at Winkworth Gate, located within Lea which features no settlement boundary. The application site is located adjacent two roads with residential properties to the south of the application site, a primary school immediately to the west and a pumping station immediately abutting to the north. Further to the south-east is a development in use for agricultural and equestrian purposes and directly to the north and northeast is open land that is separated from the application site by mature trees and vegetation and a watercourse.

The site is a corner plot adjacent two roads and as such would be open to views from public vantage points. A watercourse is located adjacent the application site and the locality is susceptible to ground water flooding.

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

16/11962/FUL – Erection of one dwelling & associated works (withdrawn)

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

The proposal is for the construction of a three-bedroom, two storey dwelling. In addition, the proposal includes planting and landscaping to the front (east) and south of the application site. Two parking spaces are created to the rear of the dwelling including a bin and cycling store. The access to the application site is off a public highway and the use of natural stone under clay double roman roof tiles materials are proposed.

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

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

Core Policy 1: Settlement strategy  
Core Policy 2: Delivery strategy  
Core Policy 13: Spatial Strategy: Malmesbury Community Area  
Core Policy 45: Meeting Wiltshire's housing needs  
Core Policy 51: Landscape  
Core Policy 57: Ensuring high quality design and place shaping  
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 July 2021:**

Paragraphs; 2, 7, 8, 11, 12, 14, 15, 38, 47, 59, 80, 104, 105, 110, 111, 112, 130, 134, 167 & 174

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

**Lea and Cleverton Parish Council:** OBJECT to the application due to multiple reasons which can be summarised as follows;-

- The proposal would elongate the village

- Question whether the development can be accommodated on the application site given the modest scale of the application site and existing Wessex Water foul water equipment
- The development would increase the flooding in the lower part of the village
- Increased risk to public health in Lea from additional discharges to already over-loaded foul sewers

**The Environmental Agency:**

No objection received

**Wiltshire Council's Drainage Engineers:**

No objections

**Wessex Water:**

Holding objection subject to revisions to the submitted FRA to address the risk of foul sewer flooding – measures/strategy to do so recommended. Subject to receipt, no objection subject to the use of condition.

*Officer Note – Revised FRA addressing WW requirements and recommendations in full submitted and use of condition agreed.*

**Wiltshire Council's Highways officer:**

An objection is raised on the grounds that the proposal is outside of any defined settlement and in an unsustainable location for new residential development, which would be reliant on access by the private motor vehicle, but defers to the case officer to determine whether or not there are material considerations that would support approval and overcome this concern.

No objections in respect of access and parking subject to use of condition.

**Wiltshire Council's Archaeologist:**

No objections

**8. Publicity**

The application was advertised by neighbour letters and Parish council notification. This generated **six** letters of objection and **two** letters of support. A summary of the representations is set out below:

**Support**

- Would not be detrimental to the village of Lea.
- Noted the expansion of Lea School is already an eyesore approaching the village
- The proposal is not visible and does little harm in terms of the village boundary.
- New dwelling would enhance the locality
- Noted the application site has never flooded
- It is located adjacent a school so would result in less commute during school runs

**Objections**

**Flood –**

- The locality has been subject to numerous flooding incidents.
- The proposal would increase the likelihood of flooding within the locality.
- The proposed development backs onto Wessex Water Pumping Station and a development in that location could impede access to the site.

- The scales of the plans are misleading in reference to the 15m exclusion zone from the associated Pumping Station.
- The FRA does not address the issues of flooding or foul water drainage.

#### **Location –**

- The proposed dwelling is outside of the village boundary

#### **Visual & residential amenity Impact –**

- The site, scale and plot would have an impact on the locality and adjacent residents

#### **Highways safety –**

- The proposal would increase congestion
- Parking cannot be accommodated on site due to the scale of development

### **9. Planning Considerations**

#### Policy and principle of development

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. 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.

The application site is located within Lea which is identified in the Wiltshire Core Strategy as a small village that does not have a settlement boundary.

This proposal is a second submission following the previously withdrawn application (16/11962/FUL) on the application site. The difference between this proposal and the previous proposal is that this latest scheme excludes the single storey rear extension and roof lights and the total area of the proposed dwelling in this application now measure around 62sqm. In the previous application withdrawn, the total area of the proposed dwelling measured around 87.49sqm. In addition, it is noted that in this current application a flood risk assessment is submitted in support of the application.

Core Policy 1 of the WCS states that Small Villages have a low level of services and facilities, and few employment opportunities and development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.

Core Policy 2 of the WCS sets out the delivery strategy for the Council and states that in small Villages development will be limited to infill within the existing built area. Proposals for development will be supported where they seek to meet local housing needs and/or employment, services and facilities provided that the development accords with all policies of the development plan and:

- i) respects the existing character and form of the settlement
- ii) the proposal does not elongate the village or impose development in sensitive landscape areas, and

iii) does not consolidate an existing sporadic loose knit areas of development related to the settlement.

CP13 states that development in the Malmesbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

Paragraph 4.25 of the WCS in support of CP2 identifies the exceptions to the restrictive approach and this includes:

- 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)

Saved policy H4 of the NWLP similarly allows for rural workers dwellings in the open countryside as an exceptions approach but the proposal is not a rural workers dwellings and as such, it does not accord with this element of the policy. Separately H4 allows for replacement dwellings subject to certain criteria but the proposal is for a new build dwelling, so this element is not engaged.

The Wiltshire Core Strategy defines infill development on page 32 as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling. The application site and proposal are considered to broadly conform with this requirement as there is substantive development on at least two sides of the site, and with a clearly defined boundary formed by the stream and planting adjacent the remainder. Certainly, the site is well related to the built form of the village, and it is not considered that the development materially elongates the existing built form nor consolidates sporadic loose knit development.

With regards to criterion i) of CP2 of the WCS, the locality consist of properties that are varied in character, appearance, mass, scale and height and it is considered that in terms of the proposed dwelling's siting, form, scale, building layouts, building line, plot size, position, location, appearance and height, the proposed building would effectively integrate into its setting and as such considered to respect the form of the settlement.

In the context of criterion (ii) and (iii) of CP2 of the WCS, and as identified above, the proposal is not considered to erode the transition from open countryside to built form or further extend the built form of the village into the open countryside. The reason being is that the application site is clearly separated from the open countryside and beyond by trees/shrubs and the watercourse. As such, there is clear distinction between the open countryside and application site. As noted above, there is substantive built development directly adjacent much of the application site forming the context in which it is viewed. Additionally, the proposed development includes substantive planting and site landscaping that mitigate the visual impact of development and assist with integrating the site within the built form, whilst further delineating separation from the adjacent open countryside by augmenting the substantive existing mature vegetation at the site.

As noted, the application site would be located amongst other properties and as part of and well related to existing built form. There is a primary school immediately to the west of the application site, which is currently being expanded and extended, there are multiple residential properties to the south of the application site, and it shares a road with access with neighbouring dwellings and a development in use for agricultural and equestrian purposes. The proposed development when viewed from public vantage points, is seen in this context.

On this basis, the erection of a dwelling in this location is not considered to result in a development upon land lying outside of the built envelope of the village and for this reason the proposal can reasonably be considered as 'infill development'. It is also material to note that the land proposed for development is not designated as a valued landscape or a protected green space, and it is not considered to contribute significantly to the openness of this part of the village and locality such that the loss of the undeveloped land would be significantly detrimental and should be refused on that basis.

However, it should also be noted that none of the exceptions provisions for new residential development in the open countryside set out in para 80 of the framework are met by the development proposal.

In the event that it was to be considered that the site does not constitute infill development and there is conflict with the strategy of the plan and the principle is not supported, it is also material to note that the Council currently cannot demonstrate an available and deliverable framework compliant supply of land for housing. The available supply is assessed at 4.72 years in the Council's Housing Land Supply Statement published April 2022 and although it is noted the contribution the proposal will make, being a single dwelling, to the supply is limited, the proposal would, however, make a modest contribution to the shortfall. The site is not remote or isolated and as noted above is well related to the built form of the village which does feature services and facilities. The proposed development is for members of the local community and so a local need is addressed. Other recent decisions at appeal in similar circumstances have also allowed development.

On balance, it is considered that the application site does constitute an infill site as defined by the development plan and so it is in accordance with the strategy of the plan as set out in WCS core policies CP1, CP2 & CP19. The proposed development is therefore considered acceptable in principle and subject to assessment and consideration of site-specific impacts and compliance with relevant policies of the plan and provisions of the framework in that regard can be supported. Site specific matters are addressed under issue specific headings below. The overall planning balance assessment is set out in the conclusion below.

#### **Impact on the character, appearance, visual amenity and openness of the countryside**

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

Comments from the Parish Council, neighbouring properties/interested third parties have been received regarding the potential of the development impacting the locality/open countryside as result of its scale, design, bulk, siting, location and character.

However, as noted above, the proposal would be positioned amongst other properties and well related to the built form of the village, with significant additional site landscaping and planting proposed to mitigate impacts and assist with integration within the locality. Existing properties in the immediate vicinity vary in character and appearance and as such, the locality has no prevailing architectural style or local vernacular. However, it is considered that the proposal would draw upon the context formed by existing properties in terms of materials, scale, building layout, building line, plot size, position and location and would not be so out of character as to result in a discordant feature that generates significant harm.

As noted above, the proposal when viewed from public vantage points would be read in the context of the existing built form and setting and alongside the existing and proposed site



landscaping and planting would not be visually prominent. On this basis, a proposal in that location would not be wholly uncharacteristic such that it ought to be refused on this basis.

The proposal is therefore not considered to be significantly harmful to the character, appearance, visual amenity and openness of the locality with regard to the form, scale, density, massing, siting and layout of the proposal is in accordance with Core Policy CP51 (ii, iii, vi), 57 (i) (ii) (iii) of the WCS, para 130 (b & c) & para 174 (b) of the Framework.

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

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

Comments from the neighbouring properties/interested third parties have been received regarding the potential of the development for overlooking and resulting in loss of privacy for existing residents.

However, it is considered that the proposal would not result in harm to these existing properties south of the application site (St Giles Cottage and Lower Winkworth); the development is separated from neighbouring properties by a road/public realm and there is sufficient distance between the properties such that there would be no significant overlooking to habitable rooms or direct intervisibility such that the proposal ought to be refused on this basis. Furthermore, it is noted there is existing mature planting around the application site and further planting is proposed at the site boundary which would help soften views in and out the site and reduce intervisibility when mature.

Similarly given the orientation, position and location of the proposed property, the proposed dwelling would not be subject of being overlooked and there is adequate amenity for future occupants of the proposed dwelling.

Therefore, due to the position, location and orientation, the proposal is in accordance with CP57 (vii) of the WCS, criterion 5 & 7 of Policy H3 of the CNP and para 130 (f) of the NPPF.

#### **Impact on archaeology interest and potential**

The Council's Archaeologist was consulted. Officers raised no objection to the scheme proposal and sought no additional information nor recommended use of conditions.

#### **Impact on Flooding**

Comments received from the Parish Council and interested third parties/neighbouring properties have stated that the locality and application site is subject of significant flooding and that the foul sewers are already over-loaded and the proposed development would only worsen this issue. The Council has some limited records of flooding at this site and other drainage related constraints, whilst there is an existing watercourse directly adjacent.

The Council's Drainage Engineers were consulted with respect to the scheme proposals but raised no objection and did not seek additional information prior to determination or through the use of conditions on the basis that drainage requirements would be adequately and appropriately addressed through determination of Building Regulations compliance. Similarly, the Environmental Agency were consulted with respect to the scheme proposals but raised no objection. Wessex Water were also consulted with respect to the scheme proposals and in the context of surface water drainage their comments are reflective of the Council's Drainage Engineers whom noted that surface water must be disposed of via the SUDs Hierarchy but details of which is also subject to Building Regulations consenting procedures.

With respect to the risk of foul sewer flooding Wessex Water did raise a holding objection on the basis that the site would be at the low point in the locality and there was risk of surcharge,

and such matters were not addressed fully in the submitted FRA. However, Wessex Water noted that should the applicant build up ground levels to a point where they can ensure that the private connection to the foul system is higher than the sewage pumping station design levels alongside raising the ground levels and setting the finished floor level and foul manhole cover levels at a higher level than those on the public sewer system then this would ensure that the proposed dwelling would avoid risk of surcharge in a storm event. Wessex Water recommended that the FRA be updated to address these matters and proposals and subject to receipt would be satisfied that the issue could safely be addressed by the use of condition.

The applicant has submitted a revised FRA that responds to the Wessex Water advice in full and has agreed use of the condition recommended by Wessex Water. As such this matter is now considered to be addressed in full and no conflict with the relevant policies of the plan or provisions of the framework arises.

The site is in close proximity to the Lea North sewage pumping station (SPS) site and interested third parties/neighbouring properties have stated that the dwelling would be constructed closer than 15m to the sewage pumping station. However, Wessex Water have been consulted with the respect to the scheme proposal in this context and they noted that the position of the proposed dwelling is at sufficient distance from the SPS. As such, it is considered that the application cannot be refused on this basis.

#### **Impact on Highways safety**

Comments received from interested third parties/neighbouring properties have raised concerns regarding the proposed development further increasing traffic around the application site, particularly as this area is already congested due to school drop-offs and pick-ups.

However, it is noted that two off street parking spaces will be provided as part of the proposed dwelling, and it is not considered that the erection of a single dwelling in this locality will result in significant additional traffic movements and congestion above the existing situation such that the application ought to be refused on this basis. Furthermore, the proposal has been subject of consultation with the Council's Highways Officers, and they have not raised an objection regarding congestion within the locality.

It should also be noted that the approved scheme for the expansion of the school has included substantive measures to address concerns regarding pupil drop off and pick up with a positive impact on existing congestion expected to result.

The Council's Highways Officers did, however, recommend that a condition be attached to the decision in the event that permission is granted. The condition to be inserted will secure necessary visibility splays to the junction of The Street and across the frontage of the site. As such, it is not considered that conflict with the policies of the plan or provisions of the framework or significant harm to highways conditions arises.

#### **Other Matters**

Comments received from interested third parties/neighbouring properties have raised concerns that the proposed dwelling will be rented out to wedding guests who attend Winkworth farm wedding venue. The proposal is for the erection of a dwelling for a family residence for existing members of the local community and can only be considered on that basis.

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

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications

must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

The proposed dwelling on Land at Winkworth Gate in Lea in the context of principle of development, is considered to constitute infill development and whilst it does not meet any of the exceptions criteria, the proposal accords with related policies that support some limited residential development within small villages. The application site is located within the built-up area and well related to the existing built form with built development on two of its site boundaries and a clear and defensible boundary for the remaining part of the site. As such, the proposal is well related to existing properties, and it would appear and be viewed as part of the built form and within that existing setting. The application site is not remote or isolated. As such, the proposal is in accord with the spatial strategy for Wiltshire as defined by policies CP1, CP2 and CP13 of the WCS and the relevant provisions of the framework.

In addition, of material relevance is the fact that the Council is not currently able to demonstrate a NPPF compliant supply of deliverable land for housing and the tilted balance is engaged. Full weight cannot be attributed to the policies of the plan most relevant for determination as a consequence. Although it is noted the contribution the proposal will make to the supply is limited, the proposal would, however, make a modest contribution toward meeting the shortfall and addressing a local need. Other benefits arising from the development include the economic benefits arising from construction and additional spending in the locality plus support for existing services and facilities in the village. As such any conflict with the strategy of the plan that could be considered to arise should the site not be deemed infill is considered to be outweighed by the benefits of development.

Additionally, harm is not identified to the character and appearance of the locality/open countryside in terms of scale, siting, location, position, materials, and design. Furthermore, it will not cause harm to the highway's safety, access and parking. The proposed dwelling will not cause further harm to the amenities enjoyed by the occupants of the adjacent properties through an overbearing or overshadowing impact, and nor would it result in an overlooking impact or as a result, loss of privacy to existing properties within the locality. In addition, the proposal would not impact the trees, drainage and archaeological area of interest and potential in accordance with CP51 (ii, iii, vi), CP57 (i, ii, iii & vii) & CP58 of the WCS and para 110, 111, 130 (b, c & f), 174 (b), 192 & 194 of the NPPF.

Given the principle of the proposal is considered to be acceptable, benefits arising from the construction of the development and no site-specific impact identified, the proposal is therefore in accordance with CP1, CP2 & CP13 of the WCS & paragraphs 7 & 11 of the NPPF.

## **11. RECOMMENDATION:**

### **That Planning Permission be APPROVED with 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: dwg no.969:001 (location plan), dwg no.969:P:01 (proposed site plan), dwg no.969:P:02 & dwg no.969:P:03 (proposed ground/first floor plan), dwg

no.969:P:04 & dwg no.969:P:05 (proposed elevations) [Received by the LPA on the 16<sup>th</sup> of November 2021]

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

3. No development above ground floor slab level shall commence on site until details and samples of the materials to be used for the external walls and roofs of the new dwellings 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.

4. 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:-
  - " all hard and soft surfacing materials;
  - " 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;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5. 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.

6. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) wheel washing facilities;
  - e) measures to control the emission of dust and dirt during construction;
  - f) measures for the protection of the natural environment; and
  - g) hours of construction, including deliveries;

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

7. The development hereby permitted shall not be occupied or first brought into use until the area between the nearside carriageway edge and a line drawn 2m parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level. That area shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety.

8. No development shall commence on site until a scheme for the discharge of foul water from the site, including the finished floor level and foul manhole cover levels and invert levels set at a level to avoid the risk of foul sewer flooding and mitigate restricted toilet use and including all necessary consents from the sewerage undertaker, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure the risk of foul sewer flooding has been mitigated and that the development can be adequately drained.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or

extensions or enlargements of any building forming part of the development hereby permitted.

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

10. 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 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.

11. 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.

12. INFORMATIVE TO APPLICANT:

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

13. INFORMATIVE TO APPLICANT:

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

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

14. INFORMATIVE TO APPLICANT:

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.

15. INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is

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

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	03 August 2022
<b>Application Number</b>	PL/2022/01974
<b>Site Address</b>	Key View Stoke Common Lane Purton Stoke SN5 4JG
<b>Proposal</b>	First floor extension to side and single storey extension to the rear
<b>Applicant</b>	Mr & Mrs Atherton-Ham
<b>Town/Parish Council</b>	PURTON
<b>Electoral Division</b>	Councillor Ms. Jacqui Lay
<b>Grid Ref</b>	683,678
<b>Type of application</b>	Householder Planning
<b>Case Officer</b>	Hilary Baldwin

### Reason for the application being considered by Committee

The application is called in for committee determination by Councillor Jacqui Lay to consider concerns in relation to consideration of overbearing size in relation to adjacent properties, scale mass and visual amenity and compatibility with Wiltshire Core Policy 57 subsections i, iii, iv and vii, among others.

#### 1. Purpose of Report

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

#### 2. Report Summary

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

- Principle of development
- Impact on the character and appearance of nearby listed buildings
- Impact on the character, appearance, visual amenity of the locality
- Impact on the residential amenity
- Impact on Highway safety

Purton Parish Council objects to the proposals on the grounds of overdevelopment by way of bulk, mass and scale, loss of privacy for neighbouring properties, change to street scene and skyline

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

#### 3. Site Description

The application relates to a detached, brick built, two-storey dwelling located on the northern side of the highway known as Common Lane which runs through the settlement of Purton Stoke. The site benefits from highway access from Common Lane and there is an existing double garage within the front amenity space, with the side elevation of that structure forming part of front boundary wall. There is a large private rear garden which has an open outlook to fields at the rear and the dwelling is not overlooked.

Purton Stoke is designated as a Smaller Village within the Local Plan with no settlement boundary. There is an eclectic mix of dwellings within the village ranging from terraced cottages, which front directly onto the highway to larger, more spacious properties with frontage parking and detached garages.

There is no designated Conservation Area but there are listed buildings to the east of the site and both sides of the highway.

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

In 2021, an application was made for similar proposals to those in the current submission, but which also included a single-storey link from the kitchen to the garage and the conversion of that structure to a dining room. That application was presented to the North Area Planning Committee on 02 February 2022 and was refused for the following reason;

**PL/2021/05198** - Extension to side and rear with link building to garage and conversion of garage.

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

An historic application in 2012 for a rear conservatory was granted approval.

**N/12/03967/FUL** – Erection of Conservatory  
Approved with Conditions

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

The current submission represents a revision to a preceding scheme which was refused by the NAPC. The applicant has sought to overcome the concerns raised with regard to that submission and reason for refusal, in the following way.

- Exclusion of glazed link between the dwelling and garage,
- Exclusion of extension to the garage and addition of clock tower to roof, and
- Exclusion of glazed walling to garage and its use as habitable accommodation

The scheme as proposed, now seeks to only extend the dwelling to the rear by way of a two-storey infill to the western side elevation, where there is currently a conservatory, and add a

single-storey projection to the rear. This element is the same as the preceding application and is described below.

The existing property has an “L” shaped footprint, which a glazed conservatory located on the inner angle of the rear elevation. It is proposed to remove the conservatory and erect a two-storey extension to infill this area. A further single-storey, flat roof extension is proposed to the rear elevation. The two-storey element would have a ridge roof profile to match the existing rear elevation projection, whilst the single storey projection would have a flat roof and glazed roof lanterns.

In terms of fenestration, the two-storey extension on its western side would have high level, opaque windows at first floor level and the proposed new windows on the existing eastern side would also have two new high level, opaque glazed openings. At ground floor level, two sets of patio style doors are proposed within the two-storey element on the western elevation, with a further set in the single storey element. Glazed bi-fold doors are proposed to the rear elevation of the single storey projection. To the front elevation of the dwelling, the design of the first-floor windows would be altered to include a paned design and small, gable end dormer above.

The enlarged bedrooms at the rear of the first floor level would have glazed openings with Juliet style balcony railings which would face down the garden.

The existing garage, located within the front amenity space would be retained for the parking of vehicles and a front elevation porch is proposed, which would adjoin an existing front elevation projection in this location.

The proposal would enlarge the habitable accommodation of the property but retain the number of bedrooms at four. Elevational materials are proposed in the form of render, brickwork and uPVC fenestration.

Off-street parking for up to three vehicles would be retained within the front amenity space together with the retained garage.

## **6. Planning Policy**

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

Paragraph 11 – Presumption in favour of sustainable development  
Paragraph 130 - Function and form of Development  
Para 195, 197 - Proposals affecting heritage assets

Section 16 'Conserving and enhancing the historic environment' of the National Planning Policy Framework sets out the Government's high-level policies concerning heritage and sustainable development. (The Historic Environment Planning Practice Guide published jointly by CLG, DCMS, and English Heritage provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and world heritage sites.) The National Planning Policy Framework can be awarded significant weight.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

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

Core Policy 1: Settlement strategy

Core Policy 2: Delivery strategy  
Core Policy 19: Spatial Strategy: Royal Wootton Bassett and Cricklade Community Area  
Core Policy 57: Ensuring high quality design and place shaping  
Core Policy 58: Ensuring the conservation of the historic environment  
Core Policy 62 - Development impacts on the transport network

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

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

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

### **Purton Neighbourhood Plan – Made November 2018**

Chapter 3 – Vision; to protect the distinct character and identity of history rural settlements of both Purton and Purton Stoke

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

### **Purton Parish Town Council: OBJECT**

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

- Over development
- Loss of privacy for neighbouring properties
- Change the street scene, visual amenity and detrimental impact on skyline

## **8. Publicity**

The application was originally advertised by neighbour letter and Parish council notification. This generated 3 letters of objection and no letters of support. A summary of the representations based upon the revised scheme is set out below:

### **Main reasons for Objection**

**Overdevelopment.** Mass and volume of existing large dwelling would overwhelm adjacent cottages. Detrimental to street scene. Overdevelopment of already large property. Would set a precedent for other development up to the highway.

**Neighbour Impact.** The site is higher than adjacent properties and would result in detrimental neighbour impact by way of overbearance. Loss of outlook. Loss of privacy by way of side elevation windows. Loss of privacy by way of glazed walling to front garden link. Noise impact from frontage dining room.

**Other Considerations.** Developmental creep, no change to preceding application at the rear of the site, inaccuracy in description as it is not possible to construct a first floor above the conservatory.

## **9. Planning Considerations**

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

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance

with the development plan, unless material considerations indicate otherwise. The statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); The WHSAP, (adopted February 2020) and the Purton Neighbourhood Plan (Made November 2018).

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in determining planning applications affecting a Listed Building to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

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

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

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

#### **Impact upon Heritage Assets (Listed Buildings in the vicinity)**

Paragraphs 195-197 of the NPPF, advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that the local planning authority should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and;
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

In this case, the proposed development for extensions used in conjunction with the residential use of the site is considered to result in neutral impact to the identified heritage assets, which are nearby listed buildings located to the east and west of the site along Stoke Common Lane. The property itself is not listed and has been altered over time. There are intervening residential properties on the northern side of the highway and to the south, visual separation by way of the highway.

Core Policies 57 & 58 require that development should protect, preserve and where possible enhance heritage assets.

In this instance, the degree of separation between the two sites and the very limited degree of development within the front amenity space is considered to result in a neutral impact and

no harm would arise to the setting and significance of the aforementioned assets and the proposals are therefore in compliance with WCS core policies CP57 and CP58 and the guidance and provisions as contained with the NPPF at paragraph 197.

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

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

The Purton Neighbourhood Plan at Chapter 3: Paragraph 3.1 states that the vision and objectives of the plan are to protect the distinct character and identity of the historic rural settlement or both Purton and Purton Stoke.

The site already benefits from a two-storey dwelling which spans most of the width of the site. A detached double garage sits within the front amenity space and already forms part of the frontage boundary wall with the public realm. The dwelling is however set back within the site which is a large plot size and there are boundary fences to the sides of the front amenity space.

In this context the additional work for the enclosed porch entrance, is considered to be subservient to the dwelling and only seen in conjunction with that structure and the principle of a large outbuilding in the front amenity space has already been accepted.

The extensions to the rear would only be viewed from the adjacent dwellings with very limited impact upon the public realm. There are no public rights of way to the rear of the site and the site opens onto open agricultural land. In this respect the extensions are also considered to be proportionate and read as extensions of the existing dwelling.

Concern has been raised by neighbours and the Parish Council in relation to visual impact of the development within the public realm and street scene. However, in this instance, the impact on the character and appearance of the site, the street scene, public realm and visual amenity of the locality would be limited and not be so significantly harmful such that consent ought to be refused on this basis.

The current proposal is a revised scheme from the preceding application, which was refused by the NAPC on 02 February 2022 (referenced in a preceding section of this report). That proposal whilst similar in terms of proposed works to the dwelling also included a glazed link from the house to the garage, and the conversion of that structure to a separate dining room. The current proposal has removed these elements which were of particular concern to the Committee and now comprises works to the rear of the property, small front elevation dormers and porch only.

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

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

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



It is noted that the terrace of properties to the west of the site are smaller than others in the locality and sited close to the highway. Whilst the garden to the directly adjacent property (No 13) is small and the garden to No 14 wraps around the rear of it, the garden at No 13, which is directly adjacent to the site, has a garage and further outbuildings long its eastern side and on the common boundary with the application site. There are no windows on the eastern side of that property and the private driveway adjacent to the common boundary leads to the garage only.

The proposed windows within the eastern elevation of the original section of the ground floor would be adjacent to the common boundary with the private rear amenity space of the adjacent dwelling to the east known as Sutherlea. The plans indicate that the proposed windows in the existing dwelling would at high level and opaque glazed. A condition to secure this design can be attached to any grant of permission and is considered appropriate and necessary in this instance to secure the privacy of adjacent occupiers.

Concern was raised in relation to the extent of the two and single-storey extension to the rear of the dwelling in terms of bulk, scale and overbearing impact and loss of privacy by adjacent occupiers. However, whilst considered a large addition, the location of outbuildings adjacent to the common boundary within the garden of the adjacent dwelling at No13, and the distance between the private section of that garden and the proposed development mitigate impacts such that the proposed development is not considered so overbearing as to justify a reason for refusal in this instance. Furthermore, the garden of the adjacent dwelling to the east at Sutherlea, is significantly larger and only the single storey projection would be visible. Again, this element is not considered to result in loss of outlook, overshadowing or overbearing impact to such a degree as to justify a reason for refusal. Furthermore, those windows annotated as opaque glazed on both side elevations can be secured by way of a planning condition and the proposed first floor windows with Juliet balconies are not considered to result in such overlooking as to justify a reason for refusal in this instance.

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

The proposed works would retain the frontage parking within the site and the existing garage for the parking of vehicles. No additional bedrooms are proposed and the development is considered to meet the requirements of the residential parking requirements within the adopted Wiltshire Transport Plan.

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

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

The proposal is set within a residential part of this designated small village and from the public realm the character is one of an eclectic mix of built form, with a variety of sizes of properties, architectural styles and elevational materials. Whilst there are listed buildings within the vicinity of the site, the degree of separation and minimal inter visibility result in a neutral impact in respect of these heritage assets. This submission, which has been revised from the previously refused scheme and on which this report is based, is considered to overcome concerns with regard to loss of privacy, overbearing impact and loss of outlook.

As such it is considered that the proposal is acceptable in planning terms and in accordance with the provisions of WCS CP1, CP2, CP19, CP57 (i), (iii) (iv) and (vii) & CP58 of the WCS; Chapter 3, paragraph 3.1 of the Purton Neighbourhood Plan and para 11, 130, section 16 of

the Framework; and in addition section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990.

## 11. Recommendation

That planning permission be GRANTED subject to the following conditions.

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

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

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

01 Location and Block Plan. Received on 08 March 2022  
02 Existing Floor Plans. Received on 08 March 2022  
03 Existing Elevations. Received on 08 March 2022  
04 Existing Garage. Received on 08 March 2022  
05 Proposed Ground Floor Plan. Received on 08 March 2022  
06 Proposed First Floor Plan. Received on 08 March 2022  
07 Proposed Elevations. Received on 14 March 2022  
Site Layout. Received on 08 March 2022

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

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

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

4. The proposed ground and first floor windows in the east and west elevations, as shown on drawing reference, 05 and 06 and annotated as being opaque glazed shall be glazed with opaque glass only prior to first beneficial use and maintained with opaque glazing in perpetuity.

REASON: In the interest of residential amenity and privacy

### Informative's

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

CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website.

[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructur](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructur)  
elevy.

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

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

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

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

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## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>3<sup>rd</sup> August 2002</b>
<b>Application Number</b>	<b>PL/2021/05209</b>
<b>Site Address</b>	<b>Land south of Filands, Malmesbury</b>
<b>Proposal</b>	<b>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.</b>
<b>Applicant</b>	<b>Bloor Homes South West</b>
<b>Town/Parish Council</b>	<b>Malmesbury Town Council</b>
<b>Division</b>	<b>Malmesbury</b>
<b>Grid Ref</b>	<b>393572 188606</b>
<b>Type of application</b>	<b>Reserved Matters</b>
<b>Case Officer</b>	<b>Lee Burman</b>

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

The application was called in for Committee determination by the Local Ward Member Cllr Gavin Grant to consider the impact of development on the character appearance and visual amenity of the area; design quality; accordance with Outline submissions and the provision of services and facilities, especially connections and linkages to Malmesbury, adjacent areas and other development.

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

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

### **2. Report Summary**

The key issues relate to the reserved matters and conditions discharge details for which permission is sought and so include:-

Design Quality

Impact on the Character appearance and visual amenity of the area - landscaping

Residential Amenity

Access, Highways & Parking

Drainage

Ecology

A total of 54 objections and comments were submitted over multiple periods of consultation but with 3 representations from members of the public.

Malmesbury Town Council objects to the scheme proposals.

### **3. Site Description**

The context, description and constraints are well established and are as set out in the outline application and related report to Committee.

The site is mostly open agricultural fields, with a drainage ditch running within the eastern extent. It is enclosed by hedgerows along northern and eastern boundaries. To the west of the application site, is a detached two storey dwelling. Further to the west is a development of 180 residential dwellings, known as Filands View. The land directly to the south of the application site was identified and permitted for the creation of a primary school, as part of the approval for Filands View.

The geo-environmental desk study has highlighted the potential for contamination in the northeast corner of the site. The southern section of the site has areas with records of surface water flooding. The site is an area of archaeological potential as evidenced by previous archaeological work done within the site in 2014 and in the adjacent development area in 2015.

A public right of way (MALM 8) runs alongside the ditch in the eastern extent of the site, running from the B4014 footway to Reeds Farm estate to the south. A significant Oak tree is located within the rear garden of the detached dwelling to the west, this tree is protected by Tree Preservation Order (LPA ref: N/10/00010/ND), and adjoining the connection point within the site between the current proposal and Filands View.

The site is located outside of the framework boundary for Malmesbury and is not allocated within the Malmesbury Neighbourhood Plan (MNP) for residential development. The land has an agricultural land classification of 3.

### **4. Planning History**

The following is a list of the relevant applications relating to this site and adjoining land but is not intended to be a definitive list of all applications in the vicinity.

N/11/04126/OUT Outline Application For Residential Development Comprising of 180 Dwellings and Provision of Land for Primary School. Approve with Conditions at appeal

15/05015/REM Reserved Matters Application (Appearance, Landscaping, Layout & Scale) for 180 Dwellings, Internal Road Network, Garages & Parking, Drainage Infrastructure, Public Open Space & Associated Works, Pursuant to Outline Planning Appeal Decision Notice Reference APP/Y3940/A/12/2183526 for Residential Development Comprising of 180 Dwellings & Provision of Land for Primary School. Approve with Conditions

15/07311/VAR Variation of Conditions 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 16, 17, 18, 19, 20, 21 & 22 of Planning Permission N/11/04126/OUT to enable the development to be constructed in phases (in order to allow the residential development to be completed separately from the development of the primary school). Approve with Conditions

16/01206/VAR Variation of condition 2 of Reserved Matters Application 15/05015/REM to vary the approved plans and allow for the substitution of 10 plots with improved house types to reflect customer interest Approve



**16/07288/OUT** Outline planning application (all matters reserved except means of access) for residential development, including the construction of up to 71 dwellings, the creation of new vehicular access with footways and cycleways and ancillary road infrastructure, public open spaces, children's play area, landscape planting, surface water attenuation and associated infrastructure. Refused Appeal withdrawn

**19/11569/OUT** Outline planning application (all matters reserved except means of access only in relation to a new point of access into the site) for residential development, including the construction of up to 71 dwellings, the creation of new vehicular access with footways and cycleways and ancillary road infrastructure, public open spaces, children's play area, landscape planting, surface water attenuation and associated infrastructure. Approve with Conditions

PL/2021/08453 Outline planning application (all matters reserved except means of access) for residential development, including the construction of dwellings, the creation of a new vehicular access with footways and cycle ways and ancillary road infrastructure, public open space, children's play area, allotments, landscape planting, surface water attenuation and associated infrastructure Appeal against non determination – decision not issued at the time of writing.

**PL/2022/04057** Discharge of condition 8 of 19/11569/OUT. Discharge approved.

**PL/2021/04148** Discharge of Condition 9 of 19/11569/OUT. Discharge approved.

*The Southern Parcel – adj land*

21/01641/OUT Outline planning application (all matters reserved) for residential development, associated infrastructure and public open space. Dismissed at appeal.

21/01363/OUT Outline planning application (all matters reserved) for residential development and land for a nursery, associated infrastructure and public open space. Allowed at Appeal.

20/05470/106 Discharge of planning obligation relating to N/11/04126/OUT. Dismissed at appeal.

## **5. The Proposal**

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.

The proposal is submitted in accord with the conditions attached to the outline permission with respect to the reserved matters for which approval is required and the timing of submission. The proposals also include details seeking to discharge other conditions attached to the outline permission including 6, 7, 8, 11, 13, 15, 19, 20 & 22

As noted above Condition 9 relating to archaeology has already been discharged and a separate application has also been submitted to discharge 8 Construction Ecological Management Plan which has now also been approved.

## **6. Planning Policy**

Wiltshire Council Core Strategy 2015  
Core Policy 1: Settlement strategy  
Core Policy 2: Delivery strategy

Core Policy 3: Infrastructure requirements  
Core Policy 13: Malmesbury Community Area  
Core Policy 43: Providing affordable homes  
Core Policy 45: Meeting Wiltshire's housing needs  
Core Policy 50: Biodiversity and geodiversity  
Core Policy 51: Landscape  
Core Policy 57: Ensuring high quality design and place shaping  
Core Policy 58: Ensuring the conservation of the historic environment  
Core Policy 60: Sustainable transport  
Core Policy 61: Transport and 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  
NE14 Trees and the control of new development  
NE18 Noise and Pollution  
CF3 Provisions of Open Space

The Wiltshire Housing Site Allocations Plan (WHSAP) was adopted 25 February 2020.  
Settlement Boundary Review & site allocations.

Wiltshire Council Waste Core Strategy 2009  
WCS6 – Waste Reduction and Auditing

Malmesbury Neighbourhood Plan (MNP) (Made Feb 2015)  
1.1.6 & 1.1.7 – Objectives and Policies  
Policy 1 – Backbridge Farm Allocation  
Policy 2 – Burton Hill Allocation  
Policy 4 – Local Need Assessment  
Policy 5 – Assessment Against Approved Consents  
Policy 6 – Burnham House Allocation  
Policy 12 – Primary School Expansion and Timing of Development  
Policy 13 – Development in Accordance with MNP Volume II

National Planning Policy Framework 2021  
Paragraphs: 2, 3, 7, 8, 9, 11, 12, 13, 14, 15, 34, 38, 47, 57, 74, 75, 76, 77, 95, 110, 111, 112, 124, 130, 134, 167, 169, 174, 180, 185, 195, 203 -205.

Supplementary Planning Guidance and Other Relevant Documentation

- Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) – Minimum residential parking standards.
- Local Transport Plan 2011-2026 Cycling Strategy (March 2015) – Appendix 4
- Open Space provision in New Housing Developments – A Guide
- Wiltshire Council Waste Collection Guidance for New Development
- Wiltshire Housing Land Supply Statement April 2019 (published December 2020)
- Wiltshire CIL Charging Schedule May 2015
- Wiltshire Planning Obligations SPD May 2016

Neither the Local Plan Review nor the MNP review are at a sufficiently advanced stage that weight can be attributed.

## 7. Consultations

There have been multiple phases of consultation following several additional and revised submissions made by the application team. The following is a summary of the final position reached and not a full recitation of all representations made. All consultation responses are in the public record.

Highways Officers – No objections subject to minor scheme alteration in respect of footpath link at site entrance (since addressed).

Urban Design – No objections subject to change proposed material to pennant stone for boundary treatments (since addressed).

Public Protection – No objections. Additional info required to discharge some conditions (since addressed); some conditions can be discharged.

Public Rights of way – No objections

Ecology – No objections. Additional information and revisions sought to accord with parameters approved at outline stage and achieve no net loss of biodiversity (since addressed and related condition discharged).

Waste & Recycling – No objections

Drainage – No objections

Wessex Water – No objections (Separate submission from the applicant indicate alternate service providers may be pursued).

Spatial Planning – No objections

Education – No objections.

Affordable Housing – No objections

Trees Officer – No objections

Landscape – Objection. Original design parameters not fully incorporated into scheme proposals. Site area reduced, scale of development maintained and site landscaping and facility provision compromised. Street trees required by national guidance inadequate. High quality design not achieved.

Public Open Space – concern that playspace provision is dependent upon the southern parcel/adjacent site. Also wish to see trim trail provided.

Malmesbury Town Council – Objection. Provision for community needs not fully addressed; Linkages and connections to neighbouring areas, the town and neighbouring development not achieved; site is reliant on development within the southern parcel delivery of which cannot be guaranteed. High quality design not achieved.

St Paul Malmesbury Without – Objection. The proposals are premature and should integrate with the adj site/southern parcel. Lack of detail for energy efficiency/sustainable construction proposal e.g. solar panels, electric vehicle charging. (Since addressed). Site and asdj land not allocated for development.

## **8. Publicity**

There have been multiple phases of consultation following several additional and revised submissions made by the application team. The following is a summary of the final position reached and not a full recitation of all representations made. All representations are in the public record.

3 Representations raising matters of concern were submitted over the whole consultation period. Matters raised can be summarised as follows:-

- Concern regarding the adequacy of the proposed drainage systems.
- Concern regarding relationship to adjacent land approved for development and integration of drainage provision/systems
- Concern over maintenance of existing drainage systems with which the new provision will integrate.
- Proposals will add to congestion in the town
- Inadequate supporting infrastructure, facilities and employment opportunities in the town for additional population/residential development.
- Additional large scale development has recently taken place in the town.

## **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, 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); the Wiltshire Housing Sites Allocation Plan (WHSAP) (Feb 2020); and the Malmesbury Neighbourhood Plan (MNP) (Made Feb 2015).

It is not considered that material circumstances and considerations have changed since the outline application was determined such that it is now considered that the application should be the subject of Environmental Impact Assessment under The Town and Country Planning Environmental Impact Assessment Regulations 2017. This is including the revised context formed by applications, appeals and permission on adjacent land.

Regarding the principle of development this has been established by the outline planning permission 19/11569/OUT and is not available for reconsideration in respect of matters and details for which approval is now sought. The proposals are in broad accord with the outline approval and are not considered to be so contrary to the approved development/outline permission as to constitute a different development proposal.

### Design Quality

As noted above the application has been the subject of multiple phases of submissions which have added to and revised initial submissions. All are in the public record. The proposals before the Council provide sufficient and full details to allow determination of all reserved matters.

With respect to the scale, layout and external appearance of the dwellings themselves the details as submitted, revised and augmented are considered to reflect and be consistent with the approved and implemented development on land adjacent to the west and south west –

the earlier phase of the “Filands” development. The proposals are considered to broadly accord with the design parameters established by the outline permission including design and access statement albeit not fully. The proposals are considered to be in broad accord with the relevant policies of the plan and provision of the framework in these respects, including WCS CP43 & CP57 and P13 & Part II of the MNP.

With respect to specific elements of the site layout especially landscaping the proposals are not considered to be in full accord with the design parameters of the outline permission. The proposals are also not considered to achieve the highest quality of design in respect of place shaping, particularly as the site has been dealt with independently from the “southern” parcel – the adjoining land immediately to the south of the application site the development of which has been allowed at appeal and for which the applicant has prepared reserved matters submissions. In the latter respect submitted details were incomplete and so an application has not yet been registered. As part of the review of that submission and consideration of this application the applicant has been repeatedly encouraged to address the two sites jointly and together. This follows previous recommendations in respect of applications submitted on the southern parcel site. The applicant has steadfastly refused to do so and maintains that it is neither necessary nor appropriate as the sites can be appropriately laid out and development integrated whilst pursuing the sites separately. The LPA cannot insist upon a concurrent or joint submission and a refusal of the current application solely on the basis of not having agreed to do so would not be sound or defensible. It must also be noted that this situation does not fetter the Council’s ability to determine the REM app for the southern parcel once registered although it does raise issues for that southern parcel site layout that may not be easily addressed.

It is Officers’ view that addressing the two parcels together and as a single development now both are consented in principle would allow for greater continuity in layout, greater efficiency, better use of space and siting of supporting facilities and infrastructure – in short better integration and with place shaping aims and objectives set out in the development plan and indeed the framework being more readily achieved, resulting in a higher quality of design and ultimately community cohesion. That has not taken place and as a consequence an opportunity is lost and the highest quality of design cannot be said to be fully achieved.

The situation is also reflected in concerns that have been consistently raised by a range of consultees. Whilst most consultees now raise no objections this is more a recognition that sufficient detail to allow consent to be granted is available and significant harm does not arise as a consequence of the scheme proposals. In that context and in relation to these specific matters the Council’s Urban Design Officer does not raise objection. The exception to this position being the Council’s Landscape officer who considers that the scheme proposals do not achieve high quality design and identifies a number of matters whereby the approved design parameters are not met, elements of the site landscaping are compromised and some provision is reliant on the southern parcel development. This is addressed further below.

As noted whilst it cannot be said that high quality design in its fullest sense has been achieved through the revised and additional reserved matters submissions, it similarly cannot be said that the proposals result in significant harm. There is considered to be some level of conflict with the relevant policies the plan and provisions of the framework but this is not considered to be of such significance that a refusal on this basis would be robust, defensible and withstand appeal.

In this context it is also material to note that the Council cannot demonstrate a framework compliant available and deliverable supply of land for housing including necessary buffer. The site was granted consent at Committee as part of the Council’s action plan for addressing the shortfall. It’s delivery and implementation is a pressing priority.

### Impact on the Character appearance and visual amenity of the area

As noted above the principle of development in this location has been accepted under the outline planning permission granted. As such landscape change and impact of built development on the open character of the site and immediate vicinity has been accepted.

As noted above the Council's landscape officer maintains objection to the scheme proposals identifying that original design parameters approved at outline have not been fully reflected within the reserved matters scheme proposals. The site layout and position, scale and form of proposed landscape areas has been altered from that envisaged at the outline application stage. A number of matters of detail are also raised as concerns including play space facilities, provision of paved footpaths, linkages within the site and street tree planting. It is noted that this position in part stems from a reduced overall site area for the northern parcel and the lack of integration in site layout planning with the southern parcel.

Having said that it cannot be said that the proposals are of a form that landscape and design quality is poor and significant harm arises. Similarly, whilst some aims and objectives of development plan policies and national guidance are not met as fully as would be possible with comprehensive site planning and integration of the two parcels it cannot be said that significant policy conflict arises. It is not considered that the proposals provide a robust and defensible basis for refusal on landscape grounds. The proposals broadly reflect the outline scheme proposals and do not result in harm in and of themselves.

Again it is material to note that the Council cannot demonstrate a framework compliant available and deliverable supply of land for housing including necessary buffer. The site was granted consent at Committee as part of the Council's action plan for addressing the shortfall. It's delivery and implementation is a pressing priority. Furthermore it is considered that the southern parcel is highly likely to be developed, as noted initial reserved matters submission have been made.

Other consultees do not raise objection with respect to site layout and site landscaping including the Council's Trees Officer, Urban Designers and Ecologists.

On this basis the proposals are considered to accord with the relevant policies of the plan and provision of the framework as they relate to the character, appearance and visual amenity of the locality.

### Residential Amenity

Given the site location and relationship to neighbouring development alongside the form scale and layout of development proposed it is not considered that harm to existing residential amenity arises from the proposals.

The design and layout of the proposed residential dwellings is considered to secure an acceptable level of residential amenity for future occupants of the proposed dwellings.

The Council's Urban Design and Public Protection Officers raise no objections to the scheme proposals in this regard.

As identified by several consultees the proposals as revised and as they relate to supporting open space and leisure provision are in part dependent upon the southern parcel. The applicant as noted declines to address the two sites together whereby this matter could have been fully overcome at this stage. It is considered that the southern parcel is highly likely to be delivered and as noted initial submissions have been made regarding site layout details.

It remains indicative of design quality concerns that this matter and related place making objectives have not been fully addressed by a comprehensive development proposal involving both sites. However, given the very high likelihood of the southern parcel being delivered it is not considered that significant harm and related development plan policy and national guidance conflict arises such that the application could defensibly be refused on this basis. Again it is also material to note here the Housing Land Supply position and the pressing need to deliver development at this site.

On this basis the proposals are considered to accord with the relevant policies of the plan and provisions of the framework as they relate to residential amenity.

### Access, Highways & Parking

As noted above the application proposals have been subject to multiple phases of submissions, including revisions and additional information. In part this has sought to address representations received from consultees, in particular the Council's Highways Officers and Waste and Recycling Team. Also as noted above the applicant has resisted requests to consider the layout and access provisions for this site alongside and jointly with the adjacent southern parcel.

However, the proposals have been designed to address concerns regarding accessibility and connections to the neighbouring existing development through to this site and ultimately the southern parcel. In particular controls at the connection to Gilmour Road in the adjacent development have been included in accord with the S106 provisions attached to the southern parcel permission. This provides for pedestrian, cycle and bus connections through and restricts access by private motor vehicle.

Revisions have also been made to secure a greater degree of internal site legibility, linkages and internal site movement with a broadly circular road network now included, albeit a number of cul de sacs do still remain.

Some provision has been made for street tree planting in accord with the Landscape officer's recommendation and provision of the framework and has been designed to address Highways Department concerns regarding the impact of trees in the highway verges.

Adequate parking provision is considered to have been made for the proposed residential dwellings and visitors. Provision has been made for public right of way connections and linkages. The main site access accords with details approved in full at outline planning application stage.

Sufficient and acceptable detail has been provided to allow approval of discharge of a number conditions attached to the outline permission in highways and access respects.

On this basis consultees, in particular highways officers, raise no objection to the scheme proposals and various conditions attached to the outline consent are considered capable of being discharged. Harm is not considered to arise and thereby no significant conflict with the relevant policies of the plan and provisions of the framework such that the application ought to be refused on this basis. It remains the case though that greater integration, connectivity, legibility and accessibility could have been achieved by planning the site layout and related access and highway provisions as a comprehensive development with the southern parcel/adjacent site. There are however no safety or highways hazard issues in this regard, but it is considered indicative that a higher standard of design quality could have been achieved in place making terms. In assessing and weighing such matters it is material to note again that the Council cannot demonstrate a framework compliant supply of land for

housing and there is a pressing need to deliver this approved development as a consequence.

On this basis the proposals are considered to accord with the relevant policies of the plan and provision of the framework as they relate to residential amenity.

### Drainage

As noted above the application proposals have been subject to multiple phases of submissions, including revisions and additional information. In part this has sought to address representations received from consultees, in particular the Council's Drainage Team. Significant detail has been submitted in respect of drainage calculations and flows. The proposals centre on a large attenuation basin in the south eastern corner of the site with connections to adjoining existing drainage provision; flow control measures; and discharge to adjacent watercourses.

The Council's Drainage Team having considered and assessed all submissions raise no objection and it is therefore considered in drainage terms that the application proposals are acceptable, result in no conflict with the policies of the plan or provisions of the framework and related conditions attached to the outline permission can be discharged. Similarly Wessex Water raise no objection and identify that necessary easement for their existing infrastructure is achieved by the application proposals.

It is noted that the proposed attenuation basin is located in land forming part of the on site open space provision. Concerns have been raised in this respect and continuity with the outline application approved design parameters by other consultees. Again the development proposed is in part linked to the adjacent southern parcel and so again the matter was capable of comprehensive resolution and potentially a higher quality design in place making terms for this site could have been achieved. Once again though it is not considered that significant harm arises with related policy and guidance conflict. The southern parcel is highly likely to be delivered and initial submissions in that context have been made. Again it is material to note the HLS position and the pressing need to deliver this development.

On this basis the proposals are considered to accord with the relevant policies of the plan and provision of the framework as they relate to residential amenity.

### Ecology

As noted above the application proposals have been subject to multiple phases of submissions, including revisions and additional information. In part this has sought to address representations received from consultees, in particular the Council's Ecologists. Also as noted above the applicant has resisted requests to consider the layout and landscaping provisions for this site alongside and jointly with the adjacent southern parcel.

The proposals have been amended and added to and do now include details of and provision for site landscaping as it relates to this parcel including provision for agreed ecological mitigation measures e.g. wildflower meadow, seasonal wetlands, native planting to expand and augment existing hedgerows and planting on site. Construction Environmental Management Plan, Construction Management Plan, Landscape and Environmental Management plan and separately a Construction Ecological Management Plan has been submitted and the related condition discharge approved.

The Council's Ecologists do not raise formal objection and previously identified requirements for additional information and revisions are now considered to have been addressed.



On this basis it is considered that ecological mitigation requirements and commitments of the outline permission have been incorporated and addressed in the scheme proposal such that no significant harm arises and there is no net loss of biodiversity. Consequently, it is not considered that conflict with the relevant policies of the plan or provisions of the framework arises such that consent ought to be refused on this basis.

## **10. Conclusion**

The application seeks permission for a range of details reserved by condition attached to the outline permission issued and which established the principle of development at the site. The details submitted are in most respects in accord with the outline permission issued and do not constitute a revised development proposal at complete variance from the outline permission.

In many respects the scheme proposals also reflect the design and layout of major development undertaken on adjacent land and seek to integrate with the established design character and parameters of the locality. Additionally following several phases of submissions and revisions comprehensive details have been submitted in all respects sufficient to approve the application and discharge multiple conditions attached to the outline permission.

These details have been considered and assessed by consultees against the relevant policies of the plan and provisions of the framework. It is not considered that significant harm arises as a consequence of the development as proposed.

The development proposed was granted consent in principle at outline planning application stage as part of the Council's efforts to address the identified shortfall in the required supply of land for housing as defined by the framework. Its delivery therefore remains a high priority and indeed is pressing given the ongoing proposals for speculative housing development in this locality and the wider Wiltshire area.

It is considered that the failure to consider reserved matters detail at this site in conjunction with the adjacent land to the south, which also has outline permission albeit granted at appeal, is a missed opportunity and that a higher standard of design in place making terms could potentially have been achieved if that approach had been pursued. However, given the context and absence of significant harm arising, with broad policy and guidance compliance, it is not considered that refusal on these grounds alone is defensible. The scheme proposals are acceptable, do not result in significant harm or policy conflict and in accordance with para 11 of the framework consent is recommended.

## **RECOMMENDATION**

**That Reserved matters details are approved and related conditions 2 and 3 discharged subject to the following conditions. Further planning conditions (6, 7, 8, 11, 13, 15, 19, 20 & 22) attached to 19/11569/OUT are discharged or partially discharged as set out below.**

1 The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise varied by details submitted to and approved in writing by the local planning authority in accordance with the conditions of this planning permission:

32441 Design Statement 04  
32441 Garages and Substation

32441 HTb Private and Affordable House types  
32441 Parking Schedule Rev A  
32441 PL-01 Site Location Plan  
32441 PL-02 Site Context Layout  
32441 SS-01a Site Sections

SW102-EN-2502P01(Road & Sewer Profiles+Sheet 1)  
SW102-EN-2503P01(Road & Sewer Profiles+Sheet 2)  
SW102-EN-2504P01(Road & Sewer Profiles+Cross section A-A)

All Received 11 January 2021

220406\_P1176\_C2\_LEMP\_Final03 LEMP EAD Ecology  
220407\_P1176\_C2\_CecoMP\_Final03 CEMP EAD Ecology  
Construction Method Statement 12 April 2022  
Stage 3 Arboricultural Method Statement Report, RSK, May 2021 & Tree Protection Plan  
32441 PL-07d Refuse Strategy Layout  
32441 SE-01d Street Elevations  
Car Charging Point Plan ref. SW146-PD-2250B and Wallpod EV Specification EV charging

- SW102-EN-2140P04(Swept Path Analysis+Refuse Vehicle+Overview)
- SW102-EN-2141P04(Swept Path Analysis+Refuse Vehicle+Sheet 1)
- SW102-EN-2142P04(Swept Path Analysis+Refuse Vehicle+Sheet 2)
- SW102-EN-2143P04(Swept Path Analysis+Refuse Vehicle+Sheet 3)
- SW102-EN-2144P04(Swept Path Analysis+Refuse Vehicle+Sheet 4)
- SW102-EN-2500P09(Drainage Layout+Sheet 1)
- SW102-EN-2501P07(Drainage Layout+Sheet 2)
- SW102-EN-2505P04(Misc Engineering+FW+Outfalls Layout)
- SW102-EN-2515P05(Misc Engineering+Flood Exceedance)
- SW102-EN-2715-P07(Engineering Layout+Sheet 1)
- SW102-EN-2716-P07(Engineering Layout+Sheet 2)
- SW102-EN-2800P05(Surface Finishes)
- Updated Drainage calcs B05397-CLK-XX-XX-CA- 0001 P01

All Received 12 April 2022

- PROW Long Sections (A-A) – SW146-EN-900
- PROW Long Sections (B-B) – SW146-EN-901
- Visibility Layout Sheet 1 – SW103 EN-2150 Rev P05
- Visibility Layout Sheet 2 – SW103 EN-2151 Rev P05
- Site Landscaping – SW146-LS-006c
- Site Landscaping – SW146-LS-007c
- PV Plan – SW146-SL-2252 B

All Received 1 June 2022

- Planning Layout – PL-03 Rev N
- Materials Layout – PL-04 Rev F
- External Works Layout – PL-05 Rev G
- 32441 DET-01e External Works Details
- Site Landscaping – SW146-LS-005D
- Site Landscaping – SW146-LS-008D
- Site Landscaping – SW146-LS-009D
- 32441 PL-06E Public Open Space Layout

All Received 14 July 2022

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

2 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.

3 No dwelling shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

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), 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.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslope(s) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

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

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

7 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 television / radio aerial / satellite dish or other form of antenna shall be installed / affixed on the exterior of any building forming part of the development hereby permitted.

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

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

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

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

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

#### INFORMATIVES:

This approval of matters reserved refers only to conditions 2 and 3 of outline planning permission 19/11569/OUT dated 1 September 2020, but does not by itself constitute a planning permission.

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

[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).

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 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.

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

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

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

**The following conditions of planning permission 19/11569/OUT are discharged or partially discharged as indicated:**

6 No development shall take place until full details of the proposed site levels (above ordnance datum), together with the finished floor slab levels of the proposed buildings and structures (including roads and footpaths), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure the finished levels are acceptable in the interests of visual amenity.

7 The first reserved matters application shall include, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Description and evaluation of features to be managed;
- b) Landscape and ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management, including long term objectives to ensure management in perpetuity on land outlined in red on boundary plan 15.019.DR.001.P2;
- d) Appropriate management options for achieving aims and objectives as set out in points a)-c) above ;
- e) Prescriptions for management actions for the site outlined in red on 15.019.DR.001.P2
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5 year period;
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures which shall include measurable targets;
- i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. A report shall be submitted to the local planning authority annually detailing the works undertaken and performance against the targets set.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: The matter is required to be agreed in writing with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species and priority species.

8 No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity and tree protection zones'
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialists ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority every three months from the start of the development until the completion of the final planting.

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, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

### Condition 8 partially discharged

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries; and
- j) drainage arrangements during the construction works;
- k) vehicle routing for construction vehicles.

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.

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

REASON: Development proposals will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

15 No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

19 No development shall commence on site until full details of the route and design of the up-graded MALMS8 (where it crosses the site) has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the route of the PROW is maintained as part of the development.

20 No development shall commence on site until a scheme for the discharge of surface water from the site / phase, including SuDS (sustainable drainage systems) and all third party approvals, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and the sewerage undertaker. Scheme details shall include any required off-site capacity improvements needed to allow the site/phase to be served, and to include a programme allowing sufficient time for the delivery of any required improvements.

REASON: 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.

22 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 BS5837:2013 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: 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 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.
- \* 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: 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 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.

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

**Application plans and documents**  
**19/11569/OUT Reports and Plans**  
**WCS; WHSAP; MNP**  
**NPPF**  
**NPPG**





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