

# AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham  
**Date:** Wednesday 4 May 2016  
**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Natalie Heritage, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718062 or email [natalie.heritage@wiltshire.gov.uk](mailto:natalie.heritage@wiltshire.gov.uk)

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## Membership:

Cllr Tony Trotman (Chairman)	Cllr Chuck Berry
Cllr Peter Hutton (Vice Chairman)	Cllr Terry Chivers
Cllr Christine Crisp	Cllr Howard Greenman
Cllr Mollie Groom	Cllr Howard Marshall
Cllr Mark Packard	
Cllr Sheila Parker	
Cllr Toby Sturgis	

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## Substitutes:

Cllr Philip Whalley	Cllr Linda Packard
Cllr Desna Allen	Cllr Graham Wright
Cllr Glenis Ansell	Cllr George Jeans
Cllr Mary Champion	Cllr Melody Thompson
Cllr Ernie Clark	Cllr Chris Hurst
Cllr Dennis Drewett	
Cllr Jacqui Lay	

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# AGENDA

## 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 - 24*)

To approve and sign as a correct record the minutes of the meeting held on **20 April 2016**.

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 Chairman.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

### Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person **no later than 2:50pm on the day of the meeting**.

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

### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this **agenda no later than 5pm on Tuesday 26 April 2016**. 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** (*Pages 25 - 26*)

An appeals update report is attached for information.

**7 Planning Applications**

To consider and determine planning applications as detailed below.

7a **15/09143/OUT - The Vale of the White Horse, Minety** (*Pages 27 - 42*)

7b **15/10251/FUL & 15/10390/LBC - 6 Oxford Street, Malmesbury, Wiltshire, SN16 9AX** (*Pages 43 - 60*)

7c **15/12651/FUL - The Pippin, Calne** (*Pages 61 - 80*)

**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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### **DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 20 APRIL 2016 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.**

#### **Present:**

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice Chairman), Cllr Christine Crisp, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Chuck Berry, Cllr Terry Chivers, Cllr Howard Greenman, Cllr Howard Marshall and Cllr Chris Hurst (Substitute)

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#### **42 Apologies**

Apologies were received from Cllr Groom and Cllr Packard.

Cllr Packard was substituted by Cllr Hurst.

#### **43 Minutes of the Previous Meeting**

The minutes of the meeting held on 30 March 2016 were presented.

#### **Resolved:**

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

#### **44 Declarations of Interest**

There were no declarations of interest.

#### **45 Chairman's Announcements**

The Chairman drew the meeting's attention to the following matters: The evacuation procedures; the procedure for public participation; and the policy on recording and broadcasting of meetings.

#### **46 Public Participation and Councillors' Questions**

The Committee noted the rules on public participation and that no questions had been submitted.

47 **Planning Appeals**

The Committee noted the contents of the appeals update. It was stated that application number '14/09744/WCM' held an error and should read approve under the Officer's recommendation, as opposed to refuse.

48 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of applications 15/07244/FUL - Land at Moor Lane Farm, Minety, Wiltshire and 15/10457/OUT - Land at Former Blounts Court Nursery, Studley Lane, Studley, Calne, Wiltshire, SN11 9NQ, as listed in the agenda pack.

**48a 15/07244/FUL - Land At Moor Lane Farm, Minety, Wiltshire**

The planning officer, Mathew Pearson, introduced the report and outlined that the application was for the proposed construction of a Solar Farm, comprising Solar Arrays, Inverters, Transformers, Equipment Housing, Security Fencing, CCTV Cameras, Internal Tracks and Ancillary Equipment. He explained that the proposed construction was for a 4.5 megawatt solar farm on 2 fields, measuring approximately 9.2 hectares. It was noted that the PROW would be retained on its current line. Photographs, a map of the area, as well as a map of the proposed cable routings were shown. It was highlighted that National Policy fundamentally supported renewable energy projects and that the proposed site for the solar farm had not been deemed the most versatile or highest quality agricultural land. Mr Pearson noted that the public benefit to the solar farm, as well as the national policy directive, outweighed the loss of the agricultural land and the less than substantial harm to the setting of the adjacent listed building.

Attention was drawn to the late list of observations provided with the agenda supplement. Mr Pearson detailed that Wiltshire Council was not aware of any brownfield land that would be suitable for the development and that the neighbour notification process for the Planning Application went over and above that required by the Town and Country Planning Act.

In response to technical questions, it was confirmed that the solar farm would be in operation for 30 years and, once this period expired, it would be returned to its former state. Some members raised concern about the agreement of a Construction Management Plan and a Traffic Management Plan. Mr Pearson drew attention to condition 13 of the application and advised that point 5 of condition 13 could be amended to request that a compound for construction vehicles be used and noted that development of the site would be unable to commence, until both a Construction Traffic Management Plan and a means of access had been finalised. It was highlighted that Highways Officers had stated that any damage that may be

caused to Minety's roads as a result of the development, would have to be repaired.

Nicola Dow spoke against the application. James Wallwork spoke in support of the application.

Cllr Cook (Minety Parish Council) spoke against the application.

Cllr Berry spoke in his capacity as the local division member.

In the debate that followed, several points were raised, which included: that the proposed development site was renowned for flooding; that the proposed construction plan could be further improved; that there was an over provision of solar energy in the UK; that the highway network in Minety was not deemed suitable for HGVs; that the proposed cabling route was not deemed feasible; that the safety of the public needed to be determined, if members of the public were to access the PROW within the field.

Cllr Sturgis proposed, seconded by Cllr Chivers, that the application be deferred and brought back to the Committee as soon as reasonably possible, once additional information relating to the following issues had been explored and submitted to the Council for consideration:

1. Flooding – further information required on working of swales and land drainage issues upon decommission. Specifically the effect of piling to erect the panels and method of repairing underground drainage system on decommissioning.
2. Detail access drawings showing visibility splays and treatment of the brook and details of any culvert.
3. Full Construction Management Transport Plan including details of delivery procedures and any compounds on the site (to include details of permanent and temporary tracks with quantities of materials).
4. Details of realistic proposed routes for cable and connection to national grid.
5. Confirmation that there will be no raising of ground level within the site
6. Further details that the right of way will be retained and safe access will be provided for the public.

The motion was put to the vote and passed.

**Resolved:**

**That the application be deferred and brought back to the Committee as soon as reasonably possible, once the following additional information has been submitted to the Council and considered by officers and local residents:**

1. Flooding – further information required on working of swales and land drainage issues upon decommission. Specifically the effect of piling to erect the panels and method of repairing underground drainage system on decommissioning.
2. Detail access drawings showing visibility splays and treatment of the brook and details of any culvert.
3. Full Construction Management Transport Plan including details of delivery procedures and any compounds on the site (to include details of permanent and temporary tracks with quantities of materials).
4. Details of realistic proposed routes for cable and connection to national grid.
5. Confirmation that there will be no raising of ground level within the site
6. Further details that the right of way will be retained and safe access will be provided for the public.

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:

**Plans**

Location Plan Drawing No: D03 (July 2015)

Array Cross Section Plan Drawing No: D04 (July 2015)

Prefabricated Housing DNO Switchgear Plan Drawing No: D05 (July 2015)

CCTV Pole Elevation Plan Drawing No: D06 (July 2015)

Fence 7 Gate Elevation Plan Drawing No: D07 (July 2015)

Inverter & Transformer Elevation Plan Drawing No: D08 (July 2015)

Substation Elevation Plan Drawing No: D09 (July 2015)

Satellite Pole Elevation plan Drawing No: D10 (July 2015)

Storage Container Elevation Plan Drawing No: D11 (July 2015)

Cable Route Plan Drawing No: D12 (July 2015)

**Reports**

Habitat and Species Report by Windrush Ecology Nov 2015

Planning Statement by DLP Planning July 2015

Flood Risk Assessment by H2O July 2015

Landscape and Visual Impact Assessment by Sightline Landscape July 2015

Design and Access Statement By DLP Planning July 2015



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

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

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

**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 a satisfactory landscaped setting for the development and the protection of existing important landscape features.

**4** All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the commencement of development; 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.

**5** The mitigation measures of SUDs and a Scrape detailed in the

approved Flood Risk Assessment (FRA) [July 2015 / J-5489-CFM / H2OK] shall be carried out in full prior to the first bringing into use of the development in accordance with the approved timetable detailed in the FRA.

**REASON:** In the interests of flood prevention.

6 The mitigation measures in accordance with the recommendations of the submitted Habitat and Species Assessment (November 2015/ Windrush Ecology 2015) shall be carried out in full prior to the first bringing into use of the development in accordance with the approved timetable detailed in the Ecological Assessment.

**REASON:** To mitigate against the loss of existing biodiversity and nature habitats.

7 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. 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;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over an 30 year period;
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- 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 mechanisms 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.

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

**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

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 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 including
  - " Protection measures for hedgerow, woodland and other habitat features
  - " Methods to avoid and minimise impacts on retained grassland;
  - " A Precautionary Method of Working for the protection of great crested newts/amphibians, including timing of construction works (November-March inclusive);
  - " Prevention of pollution to watercourses;
  - " Pre-commencement bat surveys of the mature willow tree
  - " Measures to avoid impacts upon breeding birds and their nests
- 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 within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

**REASON:** To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

**9** No development shall commence on site until details of the external finish and colour, including any paint to be used externally on the Fencing, Security Cameras, Inverter Substation, DNO Connection Substation, Auxiliary Transformer and Connection Substation have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use.

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

**10** No development shall commence on site until full details of the proposed cable route have been submitted and approved in writing by the Local Planning Authority. This will include any details of access and works to third party/public land. The permitted development will only provide a single access route as identified in the scheme.

**REASON:** In the interests of amenity and to protect from unnecessary noise and disturbance from the site.

**11** No development shall commence on site until details of demonstrating visibility splays of 2.4m by 43m in both directions have been provided. Such splays shall thereafter be permanently maintained free from obstruction to vision.

**REASON:** In the interests of highway safety.

**12** A condition survey of the highway network relating to the access routes to the site (between the B4969 at its junction with the Ashton Road and Ashton Road and Sawyers Hill at its junction with B4040) shall be carried out prior to the commencement of the works, the survey shall be carried out by the applicant in conjunction with the highway authority, in compliance with Section 59 of the Highways Act, to ensure that as a result of the proposal the existing condition of the highway network is maintained. This shall be submitted to an approved in writing by the local planning authority prior to the commencement of development. If as a result of the construction phase damage to the highway network has been identified, within 3 months of the identification of the damage, the works shall be remedied.

**REASON:** In the interests of maintaining the existing condition of the highway network

**13** A 'Construction Traffic Management Plan' shall be submitted and approved in writing by the LPA prior to commencement of development. The details shall include:

**1.** Deliveries from HGVs shall take place between the hours of

**10am-3.30pm. To avoid the peak hour traffic conditions on the A3102 in this location.**

**2. Wheel washing facilities and measures to prevent mud and other debris entering highway.**

**3. Signage / traffic management in relation to construction of the access.**

**4. Details of banksman to manage all HGV deliveries.**

**5. A programme shall for all HGV deliveries to ensure that there is no stacking on the highway or adjacent network.**

**Development shall be carried out in accordance with the approved details prior to the development being first brought into use.**

**REASON: In the interests of Highway safety**

**14 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.**

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

**15 The detailed landscaping plans to be submitted pursuant to condition no. 3 shall include a plan at not less than 1:200 scale, showing the position of any trees proposed to be retained and the positions and routes of all proposed and existing pipes, drains, sewers, and public services, including gas, electricity, telephone and water. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order with or without modification), no services shall be dug or laid into the ground other than in accordance with the approved details.**

**REASON: To ensure the retention of trees on the site in the interests of visual amenity.**

**16 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their 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. The protective fencing 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 tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s 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 tree is removed, uprooted, destroyed or dies, another tree 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" means an existing tree 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]**

**17 Following completion of Construction no materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site.**

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

**18 The Local Planning Authority shall be notified in writing within one month of the event that the solar array hereby approved has started to feed electricity to the Grid. The installation hereby approved shall be permanently removed from the site and the surface reinstated within 31 years and six months of the date of notification and the local planning authority shall be notified in writing of that removal within one month of the event.**

**REASON: In the interests of amenity and the finite operation of this type of development.**

**19 Within six months of the commencement on site, a scheme for**

**the decommissioning and restoration of the development shall have been submitted to and approved by the Local Planning Authority, the details of which shall include how the land will be restored back to fully agricultural use upon the development no longer being in operation or upon the expiry date of 30 years from the date of the development starting to feed electricity to the Grid, whichever is sooner. The Decommissioning and Restoration scheme of this development shall be carried out in accordance with the scheme so agreed.**

**REASON: To ensure upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition**

**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.**

**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.**

**48b 15/10457/OUT - Land at Former Blounts Court Nursery, Studley Lane, Studley, Calne, Wiltshire, SN11 9NQ**

The planning officer, Mark Staincliffe, introduced the report and outlined that the application was an outline planning application for the development of 53 residential dwellings, including access, car parking, landscaping and associated infrastructure. He explained that, should planning permission be granted, it would extinguish the extant planning permission for a garden centre on site.

It was highlighted that the application was for a change to a previously submitted and approved application; the application under consideration was for a larger site that had previously been granted permission. It was explained that the application now under consideration was a mix of previously developed land and greenfield land, whereas the smaller site was classified as previously developed land. Mr Staincliffe explained that, as

planning permission had previously been consented for the smaller site; construction could commence on the section of the site that had obtained planning permission. A site location plan and indicative layout for the previously approved scheme were shown.

It was detailed that the site was adjacent to the Vastern Timber Mill and that an acoustic fence had been built to minimise any detrimental noise impact. Mr Staincliffe highlighted that the subsequent measurements of the noise impact from the sawmill had been classed as better than required by the planning condition attached to the original consent; the Council's public protection team identified that the only noise disruption was from the main adjacent A4 road. Mr Staincliffe informed the meeting of the fact that the application was recommended to be delegated to the Area Development Manager, subject to the signing of a Section 106 agreement, which had to be signed within 6 months; otherwise the application would be refused.

Attention was drawn to the late list of observations provided with the agenda supplement. It was outlined that a toucan crossing had been proposed across the A4 road, to link the proposed development to the adjacent Derry Hill residential site. It was explained that, in principle, Highways officers had had no objection to the toucan crossing; however, it was not the responsibility of the Committee to decide upon whether such a crossing was deemed appropriate in the location shown on the indicative plans, in addition, the precise location would be controlled by planning condition, once the position had been agreed with the Council's Highway department.

In response to technical questions from the Committee, Mr Staincliffe confirmed that the speed limit of the A4 road could be reduced to 50 mph, as well as the provision of the toucan crossing across the road.

Ioan Rees, Janet Robbins and Peter Barnes spoke in objection to the application.

Peter Lawson spoke in support of the application.

Cllr French (Calne Without Parish Council) also spoke in objection to the application.

Cllr Crisp spoke in her capacity as the local division member.

In the debate that followed several points were raised, such as the following: that as the Chippenham DPD Sites had been suspended, Wiltshire was currently unable to demonstrate a 5 year housing land supply; that for the previous 20 years, both the Parish Council and the local division member had been trying to regulate a speed restriction for the A4 road; should the application be granted, a huge improvement to road safety would be provided for the area; the potential of a greater buffer zone between the



Vastern Timber Mill and the proposed residential dwellings, 10 metres was the distance suggested.

The Officer confirmed that, as the planning application was an outline and, therefore, the master plan submitted with the application was indicative, the 3 houses proposed in the top left-hand corner of the indicative layout plan could be altered and placed in the bottom left-hand corner; this would allow a greater gap between the sawmill and the residential dwellings and could be conditioned as such. Those present were further informed that the toucan crossing and the reduction of the speed limit would be a head of term with the Section 106 agreement; however, this could also be included as a condition, for added benefit to members.

Cllr Crisp proposed that, with an added condition of a secure crossing being established across the A4 and a further condition that noted the inclusion of a 10 metre buffer of public open space between the sawmill and residential dwellings, that the application be granted planning permission subject to conditions and the signing of a Section 106 agreement. Cllr Marshall seconded Cllr Crisp's proposal.

The motion was put to the vote and passed.

**Resolved:**

**To grant planning permission, subject to the following conditions; (including the addition of 2 conditions stating that, notwithstanding the details shown on the indicative layout, no dwelling or its curtilage shall be within 10 metres of the Northern site boundary of the site (Boundary adjacent to Vastern Timber) and prior to the occupation of the first dwelling on the site, a controlled pedestrian crossing and a 2 metre wide footway shall have been provided on the A4 - in accordance with details which shall first have been submitted to and agreed by the local planning authority), and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.**

**The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**

**REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

**2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved)**

have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

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

**REASON:** The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**3** An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**REASON:** To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

**4** No more than 53 dwellings shall be developed on the application site edged red on the submitted Site Plan.

**REASON:** For the avoidance of doubt and in the interest of proper planning

**5** No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their 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. The protective fencing 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 tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s 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 tree is removed, uprooted, destroyed or dies, another tree 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.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

**6** 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 by the Local Planning Authority. The development shall not be first occupied until 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 have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

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

**7** 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 public highway.

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

**8** Prior to first occupation of any of the dwellings hereby approved, the noise mitigation measures set out in 'Emtec Noise Level Survey and Noise Control Measures'- Issue 18 July 2014 shall have been implemented & 'Emtec Noise Level Survey and Noise Control Measures Addendum'- Issue 06 August 2015 in full. Once the works are complete and before the first occupation of any of the dwellings hereby approved a Noise Level Survey in accordance with

**BS4142:1997 shall have been submitted to and approved in writing by the Local planning authority demonstrating that the noise levels from the sawmill have been suppressed so as to achieve a Rating Level of 35dB(BS4142:1997) at 1m from the nearest noise sensitive properties. This noise mitigation shall thereafter be permanently retained.**

**REASON: To ensure adequate residential amenities of future residents.**

**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.**

**10 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; and**
  - h) measures for the protection of the natural environment.**
- i) hours of construction, including deliveries;**

**has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period.**

**The development shall not be carried out otherwise than in accordance with the approved construction method statement.**

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

**11** The development hereby permitted shall be carried out in accordance with the following approved plans:  
Site Location Plan- Received 20 October 2015  
Emtec noise survey dated 18 July 2014  
Emtec noise survey dated 06 August 2015  
Arboricultural Report dated 07 October 2015  
Flood Risk Assessment Craddy's Document Reference: 10318w0001  
Planning Statement  
Ecological Assessment

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

**12** The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water, acting as the sewerage undertaker, a drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

**REASON:** To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property

**13** The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

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

**14** No development shall commence on site until details of the pedestrian links from the development hereby approved to Footpath CALW65 and pedestrian links from the development to A4 have been submitted to and approved in writing by the local planning authority. Prior to the occupation of the 20th unit the approved details shall be provided.

**REASON:** To allow connectivity between the application site and Derry

Hill and to ensure that the development is sustainable.

**15** No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

**16** No dwelling built on the site shall be occupied until it has have been provided with car parking spaces in accordance with the minimum standards as required by the Wiltshire LTP 2011-2026 Car Parking Strategy. Any garage counted as a parking space shall have an internal dimension of at least 3m by 6m per space

**REASON:** To ensure adequate parking space is provided on site clear of the highway

**17** No dwelling shall be occupied before the 20th dwelling hereby permitted is occupied, until:

a) A scheme for the laying out and equipping of the play area shown on the submitted plan, to include landscaping, boundary treatment and provision for future maintenance and safety checks of the equipment has been submitted to and approved in writing by the Local Planning Authority and;

b) The play area has been laid out and equipped in accordance with the approved scheme.

**REASON:** To ensure that the play area is provided in a timely manner in the interests of the amenity of future residents.

**18** Prior to the commencement of the development Studley Lane shall be widened and improved in accordance with details which shall first have been submitted to and approved by the local planning authority. The details of the widening shall include the provision of a footway of minimum width 2 metres on the development side of the widened lane, and the provision of a bellmouth junction to the site, which shall include visibility splays for the access, and improvements, by way of forming a footway crossing, to the access retained for car parking for the adjacent sawmills site.

**REASON:** In the interests of highway safety

**19 Notwithstanding the details shown on the indicative layout, no dwelling or its curtilage shall be within 10m of the Northern site boundary of the site (Boundary adjacent to Vastern Timber).**

**REASON: In the interests of the residential amenities of future occupiers.**

**20 Prior to the occupation of the first dwelling on the site, a controlled pedestrian crossing and a 2 metre wide footway shall have been provided on the A4 in accordance with details which shall first have been submitted to and agreed by the local planning authority.**

**REASON: In the interests of highway safety**

**INFORMATIVE TO APPLICANT:**

**This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].**

**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.**

**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.**

**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.**

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

49 **Urgent Items**

There were no urgent items.

(Duration of meeting: 15:00-16:53)

The Officer who has produced these minutes is Natalie Heritage, of Democratic Services, direct line 01225 718062, e-mail [natalie.heritage@wiltshire.gov.uk](mailto:natalie.heritage@wiltshire.gov.uk)

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



**Wiltshire Council**  
**Northern Area Planning Committee**  
**4<sup>th</sup> May 2016**

**Forthcoming Hearings and Public Inquiries between 22/04/2016 and 31/12/2016**

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Date	Overturn at Cttee
13/07132/OUT	Land at The Forty Cricklade, Wiltshire	CRICKLADE	Residential Development for upto 70 Dwellings Including Access (Outline)	DEL	Inquiry	Refuse	24/05/2016	No
14/07602/OUT	Land at Oxford Road Calne, Wiltshire	CALNE	Erection Of Up To 41 Dwellings (Outline)	DEL	Inquiry	Refuse	17/05/2016	No
14/09744/WCM	Lower Compton Waste Management Facility, Lower Compton, Calne, Wiltshire SN11 8RB	CALNE WITHOUT	Retain and extend existing Materials Recycling Facility including transfer activities, screening bund and ancillary activities and development	COMM	Inquiry	Approve	06/09/2016	Yes
14/11179/OUT	Land at Prince Charles Drive, Calne, Wiltshire, SN11 8NX	CALNE WITHOUT	Residential Development of up to 130 Dwellings, Infrastructure, Ancillary Facilities, Open Space, Landscaping & Construction of New Vehicular Access Off Prince Charles Drive	DEL	Inquiry	Refuse	10/05/2016	No

**Planning Appeals Received between 07/04/2016 and 22/04/2016**

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
15/08465/OUT	Land off Flisteridge Road Upper Minety Wiltshire, SN16 9PS	MINETY	Proposed Outline Application for the Erection of 4 Dwellings & Associated Works (All Matters Reserved)	DEL	Written Representations	Refuse	12/04/2016	No
15/10927/FUL	Lower Greenhill Farm Royal Wootton Bassett Wiltshire SN4 7QP	ROYAL WOOTTON BASSETT	Internal & External Alterations Including Removal & Replacement of Conservatory, Minor Link to House & Garden Store, Redesign of North Porch, Extend the Domestic Use of North Barn, Minor Internal Alterations & Sensitive Enhancement Works for the Main House (Resubmission of 14/08393/FUL)	DEL	Written Representations	Refuse	14/04/2016	No
15/11109/LBC	Lower Greenhill Farm Royal Wootton Bassett Wiltshire SN4 7QP	ROYAL WOOTTON BASSETT	Internal & External Alterations Including Removal & Replacement of Conservatory, Minor Link to House & Garden Store, Redesign of North Porch, Extend the Domestic Use of North Barn, Minor Internal Alterations & Sensitive Enhancement Works for the Main House (Resubmission of 14/08501/LBC)	DEL	Written Representations	Refuse	14/04/2016	No
15/11821/PNCOU	Scotts Smith Farmyard Sodom Lane Dauntsey Wiltshire SN15 4JA	DAUNTSEY	Notification for Prior Approval for a Proposed Change of Use of an Agricultural Building to a use falling within Class C3 (dwellinghouses). Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 3, Class Q.	DEL	Written Representations	Refuse	12/04/2016	No

There are no Planning Appeals Decided between 07/04/2016 and 22/04/2016

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>4<sup>th</sup> May 2016</b>
<b>Application Number</b>	<b>15/09143/OUT</b>
<b>Site Address</b>	<b>Vale of the White Horse Inn, Station Road, Minety, Wiltshire SN16 9QY</b>
<b>Proposal</b>	<b>Erection of 6no. Dwellings (Resubmission of 14/08912/OUT)</b>
<b>Applicant</b>	<b>Mr Jamie Denman</b>
<b>Town/Parish Council</b>	<b>Minety</b>
<b>Division</b>	<b>Minety – Cllr Chuck Berry</b>
<b>Grid Ref</b>	<b>403450 190562</b>
<b>Type of application</b>	<b>Outline Planning</b>
<b>Case Officer</b>	<b>Lee Burman</b>

### Reason for the application being considered by Committee

The Application is reported to Committee as the previous application reference 14/08912/OUT was reported to Committee and members identified requirements in respect of any future application proposals, which would lead to support for a revised scheme. The proposals do not directly accord with the provisions of the development plan and it is therefore necessary for the Committee to consider whether the revised scheme meets identified Committee requirements, such that material circumstances exist to support a decision contrary to the provisions of the development plan.

### 1. Purpose of Report

To recommend that authority be delegated to the Area Development Manager to grant permission subject to conditions listed below and the signing of a S106 agreement within 6 months of the date of the Committee resolution.

In the event that the S106 agreement is not signed and sealed within 6 months to delegate authority to the area Development Manager to refuse permission for the reason identified below.

### 2. Report Summary

12 Representations of support

1 representation of objection

The Parish Council support the application proposals.

### 3. Site Description

The Vale of the White Horse is a public house located on the outskirts of Minety. The public house is set into an embankment with a railway line to the north of the site. Surrounding the

property is a large parking area. Onsite there is a large building which is utilised by the squash club. To the south of the site is a substantial pond surrounded by planting. The site is located on the outskirts of the village and is poorly related to the centre of the village and its amenities, such as the school and playing fields, with no footpath to connect them.

#### 4. Planning History

N/99/00466/COU	Change Of Use And Internal Alterations To Provide Self Contained Dwelling	Approved
N/00/01569/COU	Change Of Use From Public House To Residential Dwelling	Refused Dismissed at Appeal
N/88/00813/FUL	Extension And Alterations To Public House	Approved
N/02/00117/FUL	Erection Of Staff Accommodation Block	Approved
N/02/00118/FUL	Erection Of Conservatory, Porch And Store	Approved
N/04/03502/FUL	Construction Of Sixteen Bed Accommodation Block	Approved
N/11/00984/FUL	Provision Of Additional Accommodation & Associated Works	Withdrawn
N/11/02501/FUL	Provision Of Additional Accommodation And Associated Works (Resubmission Of 11/00984/FUL)	Approved
14/03728/OUT	Erection Of 12 Detached Dwelling & Formation Of 8 Apartments.	Withdrawn
14/08912/OUT	Erection Of 8 Dwellings	Withdrawn
14/08917/FUL	Convert Part Of Bar In Semi-Basement Into 3no. Guest Accommodation Rooms.	Approved

#### 5. The Proposal

The proposed development is for the erection of 6no. dwellings including 4 x 3 bedroom properties in a short terrace to the rear of the Public House and 2 x 4 bedroom units adjacent the existing lake. The proposed development aims to provide income to invest in the adjacent public house to secure its long term future and in that context is advanced as enabling development.

The application is submitted in Outline with approval sought for access, appearance, layout and scale with landscaping reserved for future determination.

The proposals in terms of design, appearance, scale and to a certain extent layout have been significantly amended from those previously advanced under application reference 14/08912/OUT.

## **6. Planning Policy**

National Planning Policy Framework

Paragraph 14 – Decision Making

Paragraph 17 - Core Planning Principles

Section 4 – Promoting sustainable transport (Paragraphs 32, 34, 35, 36, 37 & 38)

Section 6 – Delivering a wide choice of high quality homes (Paragraphs 47, 49)

Section 7 – Requiring good design (Paragraphs 63, 64, 65 & 66)

Section 8 – Promoting healthy communities (Paragraphs 73)

Planning Practice Guidance

Wiltshire Core Strategy CP1, CP2, CP13, CP41, CP49, CP57, CP61, CP62

North Wiltshire Local Plan 2011 (Saved Policies)

Policy H4 – Residential Development in the Open Countryside

## **7. Consultations**

### **Ecology**

No Objection following the submission of additional information in response to initial consultation response and subject to the use of a condition requiring the submission of an Ecological Mitigation Plan.

### **Drainage**

No objection subject to conditions requiring submission and approval of drainage details

### **Rights of Way**

No impact on rights of way so no objections or comments to make.

### **Spatial Planning**

No comment further to previous application N/14/08912/OUT. Previous comment:-

Development should be in accordance with the development plan unless there are material considerations to indicate otherwise. The proposal is considered contrary to saved policy H4 of the North Wiltshire Local Plan and CP2 of the Core Strategy for Wiltshire in that it represents new development in the countryside. There is not an urgent need for housing in the area, nor is the application for affordable housing which is recognised as a serious shortcoming of the proposal.

### **New Housing**

Identify an immediate housing need of 34 households seeking affordable housing in the Community Area of Malmesbury. The need for affordable housing has a tenure split of 60% Affordable Rented and 40% Shared Ownership homes.

Core Policies 43 and 45 are applicable; in line with current policy approaches a 40% on-site affordable housing provision will be sought. Following review and liaison off site financial contribution of £114,104.66 sought.

### **Public Protection**

In response to the previous outline planning permission officers requested an acoustic report to assess both road traffic noise and railway noise.

Neither of these have been assessed or provided in a acoustic report. Therefore objection to this application is raised. Following discussion with the applicant and case officer the Public Protection Team confirmed no objection subject to a condition requiring submission of a noise assessment.

#### **Education**

No objection and given the scale of development proposed education requirements should be addressed through Community Infrastructure Levy.

#### **Trees**

No objection in principle to this application in relation to trees. As there are important hedgerows which surround the site on the east, south and western boundaries which incorporate trees, request that a Tree Protection Plan is provided to protect the hedgerow and trees during development. If there is not adequate room for protective fencing, as specified in BS5837:2012, then ground protection should be used. This is addressed by condition.

#### **Estates**

Following review of the submitted viability appraisal identified that on the basis of the submitted information (which could have included significant additional detail) the scheme would be viable with the identified Affordable Housing requirement whilst still providing the required level of funding for the enhancement of the public house.

#### **Wessex Water**

No objection but identified Wessex Water infrastructure could be affected by the proposed development and consultation with them would be required prior to the commencement of development. A standard informative is included in this respect.

#### **Network Rail**

No objection but identifies concerns and requirements in respect of protection of Network Rail assets including the need for protective fencing. This can dealt with via condition requiring submission and approval of details for boundary treatments.

#### **Minety Parish Council**

Supports the application, especially as it will sustain the continuance of a community asset.

#### **Wiltshire Fire & Rescue Service**

Raised no objection to the scheme proposals but identified the need for consideration to be given to emergency vehicle access, firefighting equipment, fire regulations and the use of domestic sprinkler systems.

### **8. Publicity**

The application was advertised by neighbour notification, site notice and press advert.

13 representations from members of the public were received in respect of this application

12 representations expressing support for the proposal on the basis that the development will secure the future of the public house as a valued local community facility; and will provide much needed housing for young local residents.

1 letter of objection on the basis that the adjacent road is a very busy HGV route, though there are 30 mph signs very few vehicle take notice. There are no pavements at this end of Station Road which makes it difficult for pedestrians to access homes/pub etc. Because of the speed in which vehicles come over the bridge the access to and from the proposed site could be dangerous. Living on the road it is difficult to exit the property.

## **9. Planning Considerations**

### **Planning principle**

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 development plan for this area is the Wiltshire Core Strategy (WCS) and limited saved policies in the North Wiltshire Local Plan. The National Planning Policy Framework (NPPF) is an important material consideration. The main policies considered relevant to the consideration of the principle of this development are Core Policy 1, Core Policy 2 and Core Policy 13 of the WCS and the policies of the NPPF.

The principle of the proposal is considered to conflict with the settlement strategy for Wiltshire in that the development is on the outskirts of a small village, poorly related to the core of the village and in a location where new development is only considered acceptable if it is for small scale infill within the existing built area. Mitigating factors have been presented which identify that the redevelopment of the site will provide funding for the provision of letting rooms onsite.

Consideration has been given to whether the scheme has mitigating factors which outweigh the underlying planning policy objection to the scheme. With regard to supplementing land required for housing development, the WCS has been recently adopted. It is however acknowledged that the Council cannot currently demonstrate a deliverable supply of land of housing for a 5 year period plus requisite tolerances although the situation is currently under review in respect of preparation of a new Housing Land Supply Statement for 2016/2017. It is anticipated that this position will therefore change very shortly.

Given this position full weight cannot be given to policies in respect of the scale and distribution of housing under the terms of para 49 of the NPPF. In the determination of planning applications the most crucial issue to consider is whether or not the proposal accords with the relevant provisions of the development plan (the WCS). If it does not then the question of whether material considerations, including relevant policies in the NPPF, mean that permission should be granted despite conflict with policies arises. In understanding how to interpret paragraph 49 of the NPPF and what weight should be applied to policies within the WCS, the Council has relied on a number of appeal decisions in Wiltshire (Land at Arms Farm, Sutton Benger APP/Y3940/W/15/3028953 & Land to North of Holt Road and Cemetery Lane, Bradford-on-Avon APP/Y3940/W/15/3141340), and a recent court of appeal judgement that specifically examined how to apply and interpret paragraph 49 (C1/2015/0583 Suffolk Coastal District Council and Hopkins Homes Limited and C1/2015/0894 Richborough Estates Partnership LLP vs Cheshire East Borough Council First).

There are a number of important statements and points of clarity provided in the above decisions that are important to framing any discussion on this application and the degree of conflict with the WCS. Particularly relevant are the statements in the court of appeal decision, paragraphs 42 to 48 ('How is the policy in paragraph 49 of the NPPF to be applied?'), which highlight a number of key points. First, it is up to the decision maker to judge whether a plan policy is or is not a relevant policy for the supply of housing, this can include restrictive policies not necessarily related to housing specifically but that may have

the effect of limiting housing. Furthermore, the appeal court decision confirms that in their view there will be many cases in which restrictive policies are still given sufficient weight to justify the refusal of planning permission despite their not being up-to-date under the auspices of paragraph 49. In conclusion, the appeal court decision confirms that ultimately it will be up to the decision-maker to judge the particular circumstances of each application and how much weight should be given to conflict with policies for the supply of housing that are 'out-of-date', and, that the fundamental purpose of paragraph 49 is not to punish Councils (and by extension local communities) but to provide an incentive to boost housing land supply. In this context it is important to note that the scale of the proposed development at 6 dwellings is very limited and in the view of officers would not significantly boost the supply of land for housing such that this could be given significant weight in the planning balance.

Importantly, the decision goes on to highlight that paragraphs 14 and 49 of the NPPF do not make 'out of date' housing policies irrelevant to the determination of applications and that the weight given to such policies is not dictated by the NPPF and will vary according to circumstances on a case by case basis. This will also depend on the extent to which relevant policies fall short of providing for the five-year supply of housing land and the action being taken by the local planning authority to address the shortfall. Currently the shortfall is only 36 homes and there is no indication that rural areas are struggling to deliver housing. The Council has continued to promote development in the Malmesbury Community Area (which covers this site) at sustainable locations and recent committee approvals has seen further housing sites approved subject to signing of S106 agreements overall and above those minimum indicative targets.

In both of the Wiltshire based appeal decisions the Inspectors considered that weight should be applied to Core Policy 1 of the WCS despite paragraph 49 being engaged and in fact in the Sutton Benger appeal the inspector applied full weight to Core Policy 1. However, following the appeal court judgement the Council agrees that Core Policy 1 must be seen and assessed in the context of paragraph 49 and cannot be considered 'up-to-date'. Nevertheless, the Council still believes that Core Policy 1 must carry significant weight in any decision making process as the fundamental principles of the policy largely aligns with core planning principles of the NPPF, as set out in paragraph 17. It sets out the overarching spatial strategy for Wiltshire and, as highlighted above, the shortfall in supply is low and there is no evidence of significant unmet demand in the community area. As such, the settlement strategy and Core Policy 1 remains fundamental and relevant to the determination of this application.

Statements in the supporting material to the application identify that the future of the public house is in jeopardy. Funding realised by the proposed development will underwrite investment that can help to support it as a going concern. The applicant has agreed to enter into a Section 106 agreement to tie the residential development to the required enhancements to the public house thereby ensuring the link between the development proposed and community benefits identified. The public house is a well valued local community resource and there is significant local support for its retention. There are a limited range of other local community facilities in this location following closures thereby increasing the importance and value the remaining facilities such as the Public House. When the previous application was considered at the North Area Planning Committee meeting this benefit was identified as of significant weight as a community objective. Core Policy 49 identifies strong support for the retention of existing local community facilities and services within rural areas; improved accessibility to local services and the enhancement of a sense of community are a key aspect of the Spatial Vision of the Plan. Whilst ensuring that adequate infrastructure is in place to support local communities is Strategic Objective 6 of the Core Strategy.



As such the retention of the public house which will be facilitated by this development proposal and secured by S106 agreement is a material consideration of significant weight. On balance it is considered that this benefit alongside other benefits identified below and in the context of the current limited shortfall in the supply of land for housing is sufficient to outweigh the harm identified.

### **Size, scale and design**

It should be noted that in terms of the previous application proposal 14/08912/OUT the officer report to Committee recommended refusal on the basis of poor quality design of the proposed dwellings. There were also concerns in respect of the proposed site layout and quantity of development in this respect.

The applicant team has worked closely and co-operatively with Council officers since the withdrawal of the previous application to address officer's concerns. It is considered that the scheme proposals both in terms of design character, site layout and the quantum of development are a major improvement on the previous submissions. The proposals are considered to now accord with development plan requirements as set out in CP57 and the NPPF and no objections or concerns are raised in this respect.

CP41 of the WCS addresses sustainable construction and low carbon energy requirements in new development. Proposed amendments to the Building Regulations regime aimed at addressing such requirements nationally have yet to be introduced and until that time the policy remains of relevance. The requirements of the policy have not yet been addressed but it is considered that this can be dealt with by way of condition.

### **Impact on residential amenity**

The positioning of the units onsite are not considered to be in such close proximity to existing dwellings that they would impact on the living conditions in respect of overlooking and loss of privacy. As set out above the applicant team has worked closely and proactively with officers to address concerns in respect of the design and layout of the properties. As such previous concerns in respect of the scheme proposals relating to adequacy of private amenity space have been appropriately and fully addressed and it is now considered that the proposal accord with requirements of CP57 and NPPF para 17 in this respect.

### **Highways**

Highways Officers raised objection to the original proposal due to the lack of parking provision. The amended scheme requires less parking provision and Highways Officers are satisfied that the proposal now provides sufficient spaces for the public house and new dwellings. Officers have raised no concerns in relation to highways safety.

### **Planning contributions and CIL**

Following an extensive viability appraisal exercise it has been concluded that the scheme proposals would be viable with the identified Affordable Housing off site financial requirement whilst still providing the necessary funding to secure enhancement works to the public house. Following this process of testing assumptions and evidence the applicant has agreed to enter into the requisite S106 agreement/planning obligation to meet this requirement. As noted above the S106 agreement will also tie the development of the residential properties to completion of the enhancement works to the public house and as such these scheme benefits can be given full weight in the planning balance. No other section 106 requirements have been identified by consultees or officers. Instruction to

prepare the agreement has been issued to the Council's legal team and this will be completed within the 6 month period required by recommendation.

The development would also be liable for CIL contributions following its adoption and the Council has taken the position that CIL payments are non-negotiable regardless of the planning merits of a proposal and therefore CIL is payable. Notwithstanding the above CIL is separate from the issuing of any planning decision and therefore is not a matter for consideration within the planning balance informing determination of this application.

## **10. Conclusion**

It is considered that whilst the proposed development is located outside the defined framework boundary of any settlement and therefore, in the open countryside and in conflict with the provisions of the Wiltshire Core Strategy; there are sufficient material considerations that justify a recommendation for the grant of permission. In short, there are sufficient benefits arising from the scheme proposals that outweigh the limited harm identified through conflict with policies of the adopted development plan. These benefits include the contribution to the retention of a valued local community facility and service, in terms of the public house. In addition, the provision for affordable housing arising from the development is also a benefit of considerable weight in the planning balance, as identified in guidance issued by the Government and a range of appeal decisions. Other benefits include the economic development benefits arising from the construction works that will take place and the additional expenditure in the local community, arising from the new population resident in the dwellings and indeed the increased occupancy at the public house itself. The provision of additional housing adding to the available supply is also a benefit, albeit of limited weight, given the scale of the development proposed.

The harm arising from conflict with adopted development plan policies for the location and distribution of housing is also considered to be limited, given the identified shortfall in the available supply of land for housing below the required 5 years plus contingency, albeit this shortfall is considered to be very limited. In these circumstances the Council's adopted policies can still carry some weight dependent upon material circumstances. Given the relevant material circumstances identified, it is considered that on balance permission should now be granted.

## **RECOMMENDATION**

**That authority is delegated to the Area Development Manager to GRANT planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.**

**In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the following reason:-**

**The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing and is therefore contrary to Policies CP1 CP3 & CP43 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.**

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

(a) The landscaping of the site;

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

GTB-646-10-3D

GTB-646-10-4D

GTB-646-50B

GTB-646-52A

GTB-646-53

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

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 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.

6. No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: 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.

7. Prior to the commencement of development details including design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other boundary treatments and means of enclosure shall be have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied

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

8. 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; and
- h) measures for the protection of the natural environment. i) hours of construction, including deliveries;

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/or 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.

9. No development shall commence on site until details of the proposed ground floor slab 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 levels details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/or 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.

10. No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

11. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

12. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

13. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

14. Prior to commencement of development and Ecological Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be in general accordance with Section 6 of the submitted Ecological Appraisal (AD Ecology, dated 26<sup>th</sup> October, 2015) and include full details of:

- Construction methods for works in or near the pond and retained trees to reduce damage and disturbance to species and habitats
- Details of re-profiling and restoration of the pond margins
- The location and design of all bat and bird roosting / nesting features

The development shall be carried out in full accordance with the approved Ecological Mitigation Plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of Nature Conservation

15. No development shall commence on site until a noise impact assessment and scheme for protecting the residential properties and their curtilages against noise from both road traffic and railway noise has been submitted to and approved by the Local Planning Authority. Any works that form part of the scheme shall be implemented in full before any permitted dwelling is first occupied.

General: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a background noise survey and noise assessment according to BS8233: 2014 and demonstrate that internal and external noise levels will not exceed the guideline noise levels contained in Section 7.7 of BS8233:2014. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB LAmax between the hours of 23:00 and 07:00.

REASON: In the interests of residential amenity.

16. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their 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. The protective fencing 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 tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s 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 tree is removed, uprooted, destroyed or dies, another tree 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" means an existing tree 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.

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

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

**INFORMATIVES:**

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.

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

**Appendices: None**

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

NPPF

PPG

Wiltshire Core Strategy

Application Submissions

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<b>REPORT OUTLINE FOR AREA PLANNING COMMITTEES</b>		<b>Report No.</b>
<b>Date of Meeting</b>	4 May 2016	
<b>Application Number</b>	15/10251/FUL and 15/10390/LBC	
<b>Site Address</b>	6 Oxford Street, Malmesbury, Wiltshire, SN16 9AX	
<b>Proposal</b>	Proposed Change of Use from Ground Floor Shops (A1) to Residential, Conversion & Extension of Existing Brew House to Residential Unit, Conversion & Extension of Existing Garage & Stores to Residential Unit. Proposed Refurbishment & Extension to Dilapidated Red Brick Dwelling & All Associated Works.	
<b>Applicant</b>	Ms Liza Gozza	
<b>Town/Parish Council</b>	MALMESBURY	
<b>Electoral Division</b>	MALMESBURY – Cllr Simon Killane	
<b>Grid Ref</b>	393343 187229	
<b>Type of application</b>	Full Planning	
<b>Case Officer</b>	Sam Croft	

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

Applications called in by Councillor Simon Killane for the following reasons:

- Relationship to adjoining properties
- Change of use from retail to residential and the concerns of local retailers and residents that there is no case for change from retail to residential use.

**1. Purpose of Report**

To consider the above applications and to recommend APPROVAL subject to conditions.

**2. Report Summary**

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

- Principle of Development
- Impact on the Listed Building & Conservation Area
- Design and Site Layout
- Impact on the locality/amenity
- Highways
- Ecology

Malmesbury Town Council and Malmesbury and St Paul Without Resident’s Association support the application. 45 letters were received from local residents of which 32 were objections and 13 were in support.

**3. Site Description**

The site is located on the north side of Oxford Street, which is a major east-west thoroughfare lying to the south of the Malmesbury Abbey precinct and to the east of the Market Cross. The site is occupied by the Manor House and a number of associated

outbuildings. The Manor House was added to the statutory List of Buildings of Special Architectural or Historic Interest as Number 6 and attached outbuildings, 6, Oxford Street at Grade II\* on 19 January 1949. It is therefore deemed by Historic England to be a heritage asset of more than special interest. The site is also located within the Malmesbury Conservation Area which is focused upon the historic core of the town, and also covers the remains of the medieval town walls and the surrounding Avon valley.

The Manor House is of three storeys plus attic rooms and a cellar, with stone external walls, timber floors and roof structure. It is generally in a dilapidated state, but was in use until about ten years ago. It has a more recent two storey element to the rear, which is also dilapidated. The outbuildings associated with the manor house are of varying ages and is various states of repair.

#### 4. Planning History

N/87/02066/LBC	Conversion of existing buildings to form 4 no. new housing units and 2 no. shops	Approved
N/88/00620/FUL	Renovation of existing buildings to form 4 no. New residential units and 2 no. New shops	Approved
N/03/02979/LBC	Internal alteration to partition	Approved

#### 5. The Proposal

The applications seeks a change of use from ground floor shops (A1) to residential, conversion and extension of existing brew house to residential unit, conversion and extension of existing garage and stores to residential unit. Along with the proposed refurbishment and extension to dilapidated red brick dwelling and all associated works. The development would result in the creation of 4 residential units within the Manor house and associated outbuildings and would result in the renovation of the Listed Building.

#### 6. Local Planning Policy

##### National Planning Policy Framework 2012 (NPPF)

Paragraph 7, 14 and 17

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 8 - Promoting Healthy Communities

Section 12 – Conserving and Enhancing the Historic Environment

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

CP1 - Settlement Strategy

CP2 - Delivery Strategy

CP3 - Infrastructure requirements

CP13 - Spatial Strategy for the Malmesbury Community Area

CP45 - Meeting Wiltshire's Housing Needs

CP57 - Ensuring High Quality Design and Place Shaping

CP58 - Ensuring the conservation of the historic environment

CP60 - Sustainable Transport

CP61 - Transport and Development

CP62 - Development Impacts on the Transport Network

##### North Wiltshire Local Plan (Saved Policies) 2011

R2 Town centre secondary frontage areas

##### Malmesbury Neighbourhood Plan (Adopted February 2015)

Policy 4

Policy 13

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

Malmesbury Town Council - Support the application for the following reasons:

- The property is in a state of severe dilapidation and the retail units had been unlet for over a decade.
- The proposed street frontage, which would greatly enhance the appearance of Oxford Street.
- An application that did include the retail units may not come forward before the buildings had deteriorated irrevocably.
- Secure the preservation of the 17th century Manor House and associated 18th and 19th century buildings, at the loss of two small retail units outside the primary frontage.

Malmesbury and District Chamber of Commerce - The Chairman of the Malmesbury and District Chamber of Commerce objects to this application based on the fact that no attempt has been made to advertise this space as a commercial property.

Malmesbury Civic Centre - Malmesbury Civic Trust supports the application for the following reasons:

- The current application provides a sympathetic and sustainable 21st Century use for this historic house and outbuildings.
- There have been only intermittent, short term occupancies for over a decade and the ground floor layout is not ideal for retail use.
- Restoration and reuse of these important premises and the Civic Trust recommends approval.

Malmesbury & St Paul Without Residents' Association - The Association support the application for the following reason:

- The retail units have been unavailable for six or seven years and previously the businesses that operated from the site were unsuccessful.
- Restoration of this building is the principal consideration when determining the application. The property is extremely run down and probably not far from being 'at risk',

Historic England – Historic England welcome the approach to the conversion of the Manor House and have no issues to raise on this aspect of the scheme. With careful investigation into the building's fabric and sensitive handling of the restoration, this proposal should help to bring this building back to life and enhance its more significant features such as the staircase. In relation to the conversion of the ancillary buildings within the grounds to form separate residential units they state that given the need for a pragmatic approach to a site that has been problematic for many years, they consider that the harm caused will be of a minor nature. Therefore the scheme should be judged against the benefits that will come from the site being once again in use and fully restored.

Conservation Officer - Overall, the officer considers that the number of units that are being proposed for this site is too great. By converting all the storage spaces to residential units and taking a significant proportion of the garden as parking, the setting of the heritage assets will be harmed and the site will be cramped. The Officer also raised more specific concerns relating to specific aspect of the development in relation to:

- The retention of the shop frontage
- The number of openings be proposed

- The inclusion of roof lights
- Structural integrity of the cellar and ventilation
- Additional doorways in existing partition
- Servicing of new bath rooms
- Conversion of the attic space into accommodation

Highways – No objection

Ecology – No objection

## **8. Publicity**

Local Residents - 45 letters were received from members of the public in respect to this application. Of these 13 were in support of the application and 32 were in objection. The letters objecting to the application raised the following concerns:

- Loss of an important retail space within the commercial heart of Malmesbury.
- Negative effect on neighbouring and nearby commercial properties.
- Loss of local heritage in a conservation area - these premises have been a shop for at least 200 years.
- Over development of an historic site in a conservation area.
- Would set a precedent for other commercial premises in the town centre to gain change of use.
- Contrary to policies and guidance of The Malmesbury Neighbourhood Plan (2015), The Conservation Area Management Plan for Malmesbury (2010) and The Wiltshire Core Strategy (2015).

The letters in support of the application stated that the buildings have been derelict for at least 10 years and that the building is currently an eyesore.

The applications were advertised in the Wiltshire Gazette and Herald on the 29/10/2015.

## **9. Planning Considerations**

### 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, 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) and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006). A number of the NWLP policies continue to be saved to sit alongside the policies of the Core Strategy. These policies will be subject to further review as part of the Core Strategy Partial Review process.

Core Policy 1 of the WCS sets out the Settlement Strategy and identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. The policy classifies Chippenham as a Principal Settlement. Principal Settlements are strategically important centres and the primary focus for development. They will provide signify cant levels of jobs and homes, together with supporting community facilities and infrastructure, meeting their economic potential in the most sustainable way to support better self containment. Core Policy 2 sets out that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements. The proposal is considered to comply with these relevant policies of the WCS in respect to it being for residential development within the defined settlement boundaries.

The site is located within the Malmesbury town centre secondary frontage area, meaning that saved policy R2 of the NWLP is of particular relevance to this proposal. The policy sets out that proposals for shops, financial and professional services, food premises, leisure facilities and night clubs (Use Class A, D1 and D2) will be permitted within the defined town centre secondary frontage areas of Chippenham, Calne, Wootton Bassett, Corsham, Malmesbury and Cricklade, subject to all the following criteria:

- i) They do not individually or cumulatively undermine the vitality or viability of the town centre.
- ii) The proposal is consistent with the scale and function of the town centre.
- iii) Consideration is given to ensuring that proposals do not eliminate separate access arrangements to the upper floors, which could be used for residential, community or employment uses.

Policy R2 does not however seek to control the conversion of retail units into residential. The development is therefore not considered to be contrary to policy R2 of the NWLP. It is noted that concerns have been raised by local residents as to the loss of the retail units in this location; however, their conversion is not considered to be contrary to policy.

In respect to the Listed Building Consent the relevant legislation is Sections 16(2), 66 and 72 of the Town and Country Planning (Listed buildings and conservation areas) Act 1990 and the guidance set out in section 12 of the NPPF. In section 12 of the NPPF, paragraph 132 it sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of designated heritage assets of the highest significance, including grade II\* listed buildings such as this, should be wholly exceptional.

Further to this paragraph 134 sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Whilst the Council's Conservation officer has set out a number of concerns about the proposal and its impact on the fabric and setting of the listed building it is considered that this would amount to less than substantial harm, for the reasons set out in the Listed Building Section below, and that the public benefits are sufficient to outweigh this harm. This is supported by the consultation response from Historic England. In addition it is considered that this development would secure the optimum viable use of the heritage asset.

The proposal is considered to comply with the relevant policies of the WCS in respect to residential development within the defined settlement boundaries and the change of use of the retail unit. Furthermore, the development is considered to comply with the relevant section of the Town and Country Planning (Listed buildings and conservation areas) Act 1990 and the NPPF. Accordingly, the principle of the development is supported.

#### Strategy for Malmesbury

The NPPF is clear that the local planning authority should plan positively for housing and employment development and promote sustainable development. Core Policy 13 of the WCS sets out the spatial strategy for the Malmesbury Community Area. A large proportion of the housing numbers allocated for this area are to be located within the Framework boundary of Malmesbury with the remaining houses being allocated to the rest of the community area. As set out above the proposed development is considered to comply with

Core Policy 1 and therefore would be considered acceptable in respect to the spatial strategy for the Malmesbury Community Area set out in Core Policy 13.

#### Malmesbury Neighbourhood Plan

Policy 4 of the Malmesbury Neighbourhood Plan (MNP) sets out that planning applications for new housing must be tested against the current evidence of local demand and supply from sources including Wiltshire Council population forecasts, the Social Housing Register, the Strategic Housing Market Assessment and the most recent Neighbourhood Survey. As set out above it is considered that development complies with this policy.

In terms of retail development on page 35 of the MNP it sets out the primary and secondary retail frontage in Malmesbury. It is noted that the site is located within the secondary frontage as defined in the MNP; however, the supporting text does not prevent the conversion of retail units into residential

Policy 13 of the Neighbourhood Plan Design Guide as set out in Volume II of this Plan should be taken into consideration in all developments to ensure a high quality of design that respects the specific character of Malmesbury Town and the surrounding area.

#### Impact on Listed Building

The Manor House, otherwise known as Malmesbury House, is a Grade II\* listed building located centrally within the town's Conservation Area. The property has considerable townscape value with a strong presence on the street, reinforced by its ancillary buildings. It has been empty or partially in use for many years and has consequently become neglected with little maintenance and repairs carried out to the building's fabric, especially in recent years. It is not on the National Heritage at Risk Register. The shop has not been in use commercially for some years.

Given that the building is Grade II\* Listed and located within the Conservation Area the Council's Conservation Officer was consulted on the application alongside Historic England. The key concerns raised by the Conservation Officer were:

- The number of units being proposed
- The retention of the shop frontage
- The number of openings proposed and roof lights
- Structural integrity of the cellar and ventilation
- Additional doorways in existing partition
- Creation and servicing of new bath rooms
- Conversion of the attic space into accommodation in outbuildings

#### **Number of Units**

The Conservation Officer has raised concerns about the number of units being proposed within the associated outbuildings. It should be noted that no objection has been raised to the principle of the conversion of the Manor House into a single residential unit, nor the loss of the retail use on the ground floor. The Officer has stated that converting the storage areas to residential units and converting a significant proportion of the garden to a parking area will result in a cramped form of development and thereby harming the setting of the heritage assets.

In response to these concerns the applicant has stated that to reduce the number of units would make it unviable to fully restore the building and return it to its optimal viable use. The applicant also provided financial details relating to the development to support the viability of the scheme. The Council's Estate Team confirmed that the cost of works in the BCIS range from £1,800/m<sup>2</sup> to £4,000/m<sup>2</sup> for conversion of similar properties. This is dependent on the



extent and scope of the work, state of the existing building and the level of historical importance associated with certain parts, particularly if elements need to be replaced on a like for like basis. Given the current condition and the level of historical importance associated with certain parts of the property it is considered that the number of units proposed is reasonable in terms of the viability of the scheme.

Historic England has similarly confirmed that they are in support of the conversion of the existing building. In relation to the conversion of the outbuildings Historic England sets out that the main issue in terms of Heritage is to weigh up any harm caused by the conversion of these buildings into separate residential units with the consequent subdivision of the back garden upon the setting to the principle building. Given the need for a pragmatic approach to a site that has been problematic for many years, it is considered that the harm caused will be less than substantial. In this regard the scheme should be judged against the benefits that will come from the site being once again in use and fully restored. As previously set out the benefits of the scheme are considered to be the renovation and reuse of a building that has been vacant for a number of years and the positive impact this would have on the surround area and Conservation Area. In addition to this the development would result in the creation of housing units for Malmesbury.

### **Retention of the shop frontage**

The Conservation Officer raised concerns about the loss of the existing shop frontage, setting out that whilst the existing shop front is not particularly historic, the building has been a retail unit at ground floor level for many years and that is part of its evolution. If the existing shop front were to be altered, the officer would still expect to see far larger windows on the ground floor to ensure that the retail period for this building is still evident. Whilst the comments of the Conservation Officer are noted the comment of Historic England need to be taken into consideration. Historic England have set out that it is not appropriate to pick one period in the building's lifetime to which to restore the frontage (and this approach is not usually deemed appropriate to Historic England). While it may be possible to restore the existing shopfront, it is unsympathetic and of low significance, not worthy of restoration. It is suggested that redesigning the frontage to reflect its proposed new use would be a more honest approach. Though the comments of the conservation officer are noted it is considered that the changes will, rather than harm, will benefit the heritage asset.

### **Number of openings proposed**

The Conservation Officer has raised concerns about the number of proposed openings in the Manor House and outbuildings. Whilst the Conservation Officers comments are noted the amenity of future occupiers needs to be taken into account and it is understood that it would be difficult for an acceptable level of residential amenity could be achieved without the creation of new opening and roof lights . Given the position of the roof lights on the rear of the building, these would not be entirely visible from public vantage points. Therefore any harm would be less than substantial and any harm would be at the lower end of the scale.

### **Structural integrity of the cellar and ventilation**

In respect to the Conservation Officer's comments relating to the Cellar the applicant provided a structural report as part of the application which does not set out that there is a need for any structural work in the cellar. It is considered that appropriate ventilation could be provided, without intrusive works being carried, which would satisfy the Conservation Officers concerns. No harm to the heritage asset would occur

### **Additional doorways in existing partition**

In respect to these alterations it is understood that these are required in order to update the building so that it is suitable for modern living and that any works carried out would be done sympathetically. Historic England concluded, in relation to the conversion of the manor house, that they welcome this approach and have no issues to raise on this aspect of the

scheme. With careful investigation into the building's fabric and sensitive handling of the restoration, this proposal should help to bring this building back to life and enhance its more significant features such as the staircase. Overall it is considered that the alteration to the existing manor would amount to less than substantial harm in some respects but the benefits of the scheme, in terms of the renovation and reuse of a building that has been vacant for a number of years and the positive impact this would have on the surround area and Conservation Area would outweigh the harm.

#### **Creation and servicing of new bath rooms**

As with the creation of the additional doorways the creation of the bathrooms are required in order to update the building so that it is suitable for modern living and that any works carried out would be done sympathetically. It is considered that appropriate servicing could be provided, without intrusive works being carried, which would satisfy the Conservation Officers concerns. Overall, the alterations are considered to amount to less than substantial harm in some respects but the benefits of the scheme, would outweigh the harm.

#### **Conversion of the attic space into accommodation in outbuildings**

Whilst the Conservation Officers concerns are noted this could only be resolved by reducing the size a number of units provided as part of the development. As set out above it is considered that the number and size of the units proposed is required in order to fully restore the building and return it to its optimal viable use. .

Paragraph 132 of the NPPF it sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of designated heritage assets of the highest significance, including grade II\* listed buildings such as this, should be wholly exceptional. Further to this paragraph 134 sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Whilst the Council's Conservation Officer has set out a number of concerns about the proposal and its impact on the fabric and setting of the listed building it is considered that this would amount to less than substantial harm and that the public benefits are sufficient to outweigh this harm, supported by the consultation response from Historic England. In addition it is considered that this development would secure the optimum viable use of the heritage asset.

#### Impact on the Conservation Area

The building is located within the Chippenham Conservation Area and is located in close proximity to a number of listed buildings, meaning that Core Policy 58 of the Wiltshire Core Strategy (WCS) is of particular relevance. Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment, and should not have an unacceptable impact on the historic environment, particularly where this could be avoided or mitigated. The impact of the development on the listed building has been considered above. In terms of the impact on the Conservation Area neither the Conservation Officer nor Historic England has raised any specific concerns about the impact of the development on the wider historic environment. It is considered that the development of the property which is currently empty and in a state of disrepair would have a positive impact upon the character of the Conservation Area by way of bringing the building back into use and renovation of the Heritage Asset which occupies a prominent position in the Centre of Malmesbury and within the Conservation Area. Any minor harm through installation of rooflights openings etc. are considered to be outweighed by visual improvements (removal

of shop front restoration of building). The proposed development is therefore considered to comply with Core Policy 58.

#### Design and Layout

Core Policy 57 of the WCS requires that development respect the local character and distinctiveness of the area with regard to the design, scale, density, massing, materials, siting and layout of the proposal. The proposed development seeks the conversion of the existing buildings within the site which are in varying states of repair. The development is considered to make efficient use of the site whilst also seeking to be compatible with adjacent uses and the heritage asset itself. The development would result in renovation of a Grade II\* Listed Building which has been empty for a significant period of time. The scheme is considered to be the most viable option for restoring this property and would have a positive impact on the entire street scene. It is therefore considered that the proposal complies with Core Policy 57 of WCS. Furthermore it is considered that the proposal complies with paragraph 134 of the NPPF, as it is considered that the renovation of the building and the positive impact this would have on the surrounding area would be a significant public benefit.

#### Impact on the locality/amenity

Core Policy 57 also seeks to avoid creating developments with unacceptable low levels of privacy and amenity and avoid the unacceptable loss of privacy and amenity to adjacent dwellings. It is not considered that the development would result in loss of privacy and amenity to adjacent dwellings nor would it result in unacceptable low levels of privacy and amenity for the future occupiers such that permission ought to be refused on this basis. It is therefore considered that the proposal complies with Core Policy 57 of WCS.

#### Highways

The application has been reviewed by the Council's Highways Officer. While at first this is a development for four dwelling units with only two parking spaces, the Officer notes the town centre location of this proposal and consider two parking spaces to be an improvement upon the one space that is currently utilised at a driveway.

The officer noted from the amended plan that parking and turning is shown to be achievable on site. It is also noted that the bin store has four standard bins in the drawing and that if this is to be the bin store for all four units then there should be space for storage of 8 total bins and four small black box recycling bins (noting that a shelf can hold the black box bins. The officer considers that this type of storage is available on site and that four bins can be placed adjacent to the public highway without causing an obstruction to the footway.

Although the visibility splays are less than ideal at the access the officer considers that the nature of the traffic along Oxford Street given the speed controls in place and the fact that it is an existing access mean that it is not considered to have a severe impact on the public highway to have two cars use the proposed access.

Subject to appropriately worded planning conditions no highway objection has been raised.

#### Ecology

The application was supported by a bat survey which has been reviewed by the Council's Ecologist. The bat survey has confirmed that the building have limited potential to support roosting bats and while there appears to be some evidence of a feeding perch in the barn, the evidence does not indicate any significant roosting activity. Accordingly the Council's Ecologist has raised no objection to the proposals.

### **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. Overall it is considered that the development complies with Core Policy 1 and 2, of the Wiltshire Core Strategy, Policy R2 of the North Wiltshire Local Plan, as well as the relevant policies in the Malmesbury Neighbourhood Plan. Furthermore, the proposed development is considered to have a positive impact on the character of the Conservation Area and would represent the optimal viable use of a heritage asset which has been empty for a number of years and has fallen into disrepair. The development would appear to be appropriate given the proposed use of the building and would not result in the loss of amenity to neighbouring developments. It is therefore considered that the proposal complies with Core Policy 51 and 57 of WCS. On balance, it is considered that the development will result in less than substantial harm and that the public benefits are sufficient to outweigh this harm. Furthermore, it is considered that this development would secure the optimum viable use of the heritage asset. For this reason, it is considered that to comply with S16(2) and 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 132 and 134 of the NPPF.

It is noted that a number of consultees have raised concerns about the precedent that the approval of this application would set in terms of other retail units within Malmesbury. It is enshrined, in planning legislation, that all development be considered on its own merits. Accordingly, it is not considered that the granting of permission for this site would result in precedent having been set for the conversion of retail to residential.

## **RECOMMENDATION**

Planning Permission is APPROVED subject to the following conditions:

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

### **REASON:**

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

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

### **REASON:**

In the interests of highway safety.

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

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;

- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.

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 a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 4 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.

- 5 The development hereby permitted shall not be occupied until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority, and; the approved refuse storage has been completed and made available for use in accordance with the approved details. The approved refuse storage shall thereafter be maintained in accordance with the approved details.

REASON:

In the interests of public health and safety.

- 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) 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; and
  - h) measures for the protection of the natural environment.
  - i) hours of construction, including deliveries;

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

**REASON:**

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 be carried out in accordance with the following approved plans and documentation:

Heritage Assessment  
Design and Access Statement  
Bat Survey 2015  
Structural Report  
4173/11 Site Location Plan  
4173/50 Rev B Proposed Cellar Floor Plan  
4173/52 Rev D Proposed First Floor Plan  
4173/53 Rev D Proposed Second Floor Plan  
4173/54 Rev D Proposed Attic Floor Plan  
4173/55 Rev C Proposed South Elevation  
4173/56 Rev C Proposed North Elevation  
4173/57 Rev C Proposed East Elevation  
4173/58 Proposed West Elevation  
Received on 14/10/2016

4173/51 Rev F Proposed Ground Floor Plan and Site Plan  
Received on 02/03/2016

**REASON:**

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

- 8 **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.
- 9 **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.
- 10 **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.

11 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.

12 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

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

Listed Building Consent is APPROVED subject to the following conditions:

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

REASON:

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

- 2 No walls shall be constructed on site, until a sample wall panel, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON:

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

- 3 No external stonework shall be constructed on site, until a sample panel of stonework, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON:

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

- 4 No development shall commence on site until details of all eaves, verges, windows

(including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies 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.

- 5 No paint or stain finish shall be applied to external timber (including window joinery), until details of the paint or stain to be applied have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first occupied.

**REASON:**

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

- 6 No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

**REASON:**

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

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

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

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

**REASON:**



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

- 8 No works shall commence on site until a watching brief has been arranged to be maintained during the course of the works affecting the historic fabric of the building. The watching brief shall be carried out in accordance with a written specification which shall have been first agreed in writing by the Local Planning Authority, by a professional archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority.

**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 safeguard the identification and recording of features of historic and/or archaeological interest associated with the fabric of the building.

- 9 No works shall commence on site until a scheme for the protection of existing architectural / historic features in situ (including fireplaces, doors, windows, staircases, staircase balustrading and other woodwork) has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

**REASON:**

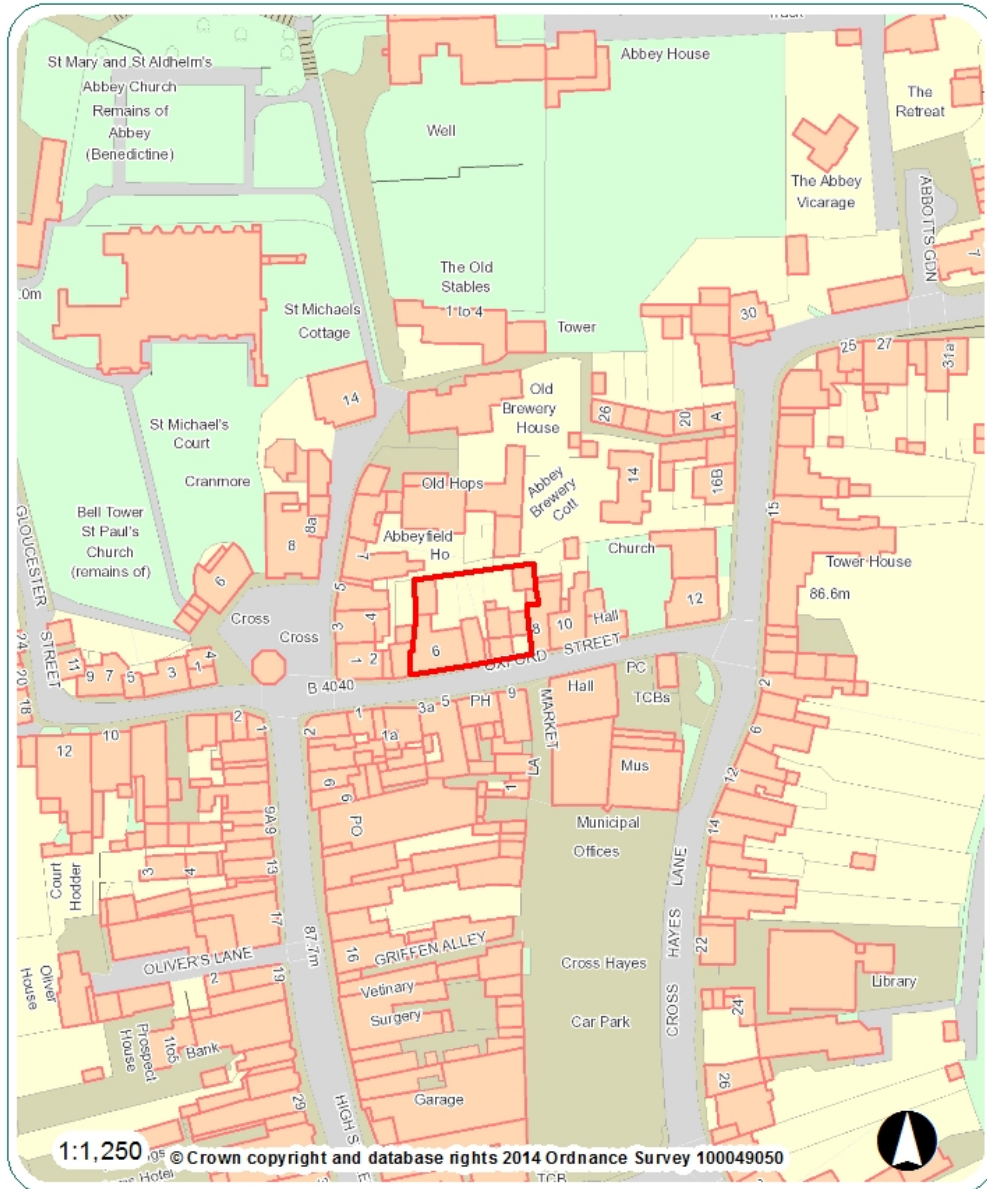
The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in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

- 10 The works hereby granted consent shall be carried out in such a manner as to ensure that the existing building(s) is/are preserved and not structurally or superficially altered in any way whatsoever, save in accordance with the approved plans and the said building(s) shall be structurally supported and weatherproofed at all times during the construction period in accordance with established building practice.

**REASON:**

To preserve the special architectural and historic interest of the listed building.

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	4 May 2016
<b>Application Number</b>	15/12651/FUL
<b>Site Address</b>	Land adj 81-83 The Pippin and rear of 8 - 13 High Street, Calne, Wiltshire SN11 8JQ
<b>Proposal</b>	Proposed Erection of a Building Comprising 32 Retirement Apartments with Associated Communal Facilities, Parking, Access & Landscaped Grounds. Rear Access Path & 3 Car Parking Spaces for Bank Premises on High Street
<b>Applicant</b>	McCarthy & Stone Ltd
<b>Town/Parish Council</b>	CALNE
<b>Electoral Division</b>	CALNE CENTRAL – Cllr Howard Marshall
<b>Grid Ref</b>	399781 171107
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Chris Marsh

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

The application has been called to Committee by the local Member in order to consider the scale, visual impact, design, environmental impact of the development, its siting and its relationship to adjoining properties.

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

To consider the application and recommend that planning permission is GRANTED, subject to completion of a S106 agreement within 6 six months of the date of the resolution of this Committee and conditions.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined time frame to then delegate authority to the Area Development Manager to REFUSE planning permission

### **2. Report Summary**

The key issues in the consideration of the application are as follows:

- Principle of development;
- Design and appearance of the development;
- Impact of the development on Listed Buildings, the Calne Conservation Area and archaeology;
- Impact on residential amenity;
- Highways/parking;

- Planning contributions

Calne Town Council objects to the application, which has also generated 30 letters of objection and 9 letters of support. Additionally, a petition with 52no. signatories has been received, raising further issues.

### 3. Site Description

The application relates to land and buildings at The Pippin, Calne, with the site currently comprising some 0.45ha of relatively under-utilised land arranged in a regular proportion and sloping gently southward across its narrower dimension. On the northern boundary lies a linear array of single-storey buildings, which are separated from the neighbouring Grade II-listed Zion Baptist Chapel, by a service lane with parking leading to the rear of the nearby Iceland supermarket. The southern boundary is demarcated by a regular line of mature trees, with further specimens on the western side. Directly opposite to the East lies the Sainsbury's supermarket and associated car park, whilst further parking extends to the South.

The site lies within the Calne Conservation Area and whilst the immediate architectural and landscape context is extremely mixed, the site maintains strong visual linkages with the historic townscape including listed and historic buildings along the High Street and Strand, the prominent Grade I-listed St Mary's Church and of course the Zion Baptist Chapel. The site is also constrained by the presence of a 1.5m-wide mains sewer, requiring a 6m easement over, a section adjacent to its southern boundary.

### 4. Planning History

The following planning history is relevant to the application site:

N/99/02539/FUL	FOOD STORE AND ANCILLARY RETAIL UNIT – Withdrawn
N/91/00667/LBC	CONSTRUCTION OF NEW REAR BOUNDARY RETAINING WALL AND REPAIRS TO EXISTING BOUNDARY WALLS WHERE ABUTTING NEW WALL – Approved
N/02/02525/FUL	DEMOLITION OF EXISTING GARAGE AND ERECTION OF ONE SHOP UNIT FOR A1, A2 AND A3 USE, WITH RESIDENTIAL ABOVE – Refused
N/03/01150/FUL	DEMOLITION OF EXISTING GARAGE AND ERECTION OF ONE A2 UNIT (FINANCIAL AND PROFESSIONAL SERVICES) ON GROUND FLOOR WITH RESIDENTIAL ABOVE – Refused
N/03/01148/CAC	DEMOLITION OF EXISTING GARAGE AND ERECTION OF ONE A2 UNIT (FINANCIAL AND PROFESSIONAL SERVICES) ON GROUND FLOOR WITH RESIDENTIAL ABOVE – Refused

### 5. The Proposal

The scheme comprises the erection of a single building to provide 32no. retirement apartments together with associated residents facilities, staff office, buggy store, car parking and external landscaping. The apartments are to be of standardised format and configured over four floors, with the partial top floor being contained in its own roof structure atop the main block. Undercroft and external car parking is to be provided to the southern side of the

building for residents, staff and an allocation for mobility impaired users and staff of the adjacent Lloyds Bank, which retains a right of pedestrian access. The principal entrance to the building is situated at the northeast corner, whilst vehicular access to the car park is to be obtained from The Pippin to the southeast.

In design terms, the building is of substantial form with a range of materials and design features to its external elevations, including natural stone facings, plinths, window surrounds, string course and coping, projecting tiled bays and varied roof shapes and fenestration. Indicative details have been provided in respect of these architectural features, although it is anticipated that final approval would be reserved by condition to ensure appropriate treatments. The surrounding area is to be landscaped on all sides, comprising both communal and private amenity areas to the North/West and East respectively, to be enclosed by a mixture of low and higher stone walls, railings and gates.

## **6. Local Planning Policy**

### Wiltshire Core Strategy 2015:

Core Policies 1 (Settlement strategy), 2 (Delivery strategy), 8 (Spatial strategy; Calne Community Area), 41 (Sustainable construction and low-carbon energy), 43 (Providing affordable homes), 57 (Ensuring high quality design and place shaping), 58 (Ensuring the conservation of the historic environment) and 64 (Demand management)

### Saved Policies of the North Wiltshire Local Plan:

NE18- Noise and Pollution

T5- Safeguarding

### National Planning Policy Framework 2012:

Paragraphs 14, 17, 123, 124 & 173 and Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities) and 12 (Conserving and enhancing the historic environment)

The Calne Town Centre Masterplan and emerging Calne Neighbourhood Plan are material planning considerations.

Regard should also be paid to Policy WCS6 of the Wiltshire & Swindon Waste Core Strategy and other relevant Waste DPDs.

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

### Calne Town Council

Objections, citing the capacity for the development to perpetuate a relative lack of local services and prejudice delivery of the Town Centre Masterplan.

### Highways

No objection, subject to conditions

### Urban Design

No objection, final comments awaited

### Conservation

No objection, final comments awaited

Environmental Health

No objection, subject to conditions

Archaeology

No objection, subject to conditions

Drainage

No objection, subject to conditions

New Housing

Advises that the proposals should be regarded as straightforward residential units and therefore 30% of units should be provided as affordable housing in accordance with Core Policy 43. Should viability be taken into consideration, it has been confirmed that a financial contribution in respect of the provision of local affordable housing elsewhere would be acceptable in lieu of on-site provision.

## **8. Publicity**

The application was advertised by press notice, site notice and neighbour notification.

30 letters of objection were received from members of the public, including those submitted on behalf of Calne Tourism and Calne: Our Place, raising the following concerns:

- Adverse impact on Calne's existing and future retail/service provision (26 references)
- Conflict with the Town Centre Masterplan and emerging Neighbourhood Plan (19)
- Poor design and/or conflict with local character (9)
- Adverse impact on local highways and traffic (7)
- Adverse impact on the residential amenity of neighbours (2)

Additionally, a petition with 52no. signatories has been received, raising the following issues:

- Conflict with the Town Centre Masterplan;
- Building physically limits integration of town centre as a cohesive whole;
- Loss of on-site and future masterplan-led retail;
- Building out of keeping and harmful to setting of listed buildings;
- Development will negatively impact on regular town events;
- Failure to deliver balance of housing and employment.

9 letters of support have been received from members of the public, raising the following points:

- Development will make use of redundant town centre site;
- Development will reduce crime and antisocial behaviour locally;
- Development makes contribution to the provision of local housing for older people

## **9. Planning Considerations**

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



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

#### Principle of development

The proposal is to redevelop a parcel of previously-developed land located centrally to Calne to provide 32no. residential units. Although the applicant restricts occupancy to over-55s, no significant element of care is provided at their facilities and therefore the scheme should be considered as any other open market development for C3 residential use. As such, it is not considered that Core Policy 46 (Meeting the needs of Wiltshire's vulnerable and older people) is wholly relevant. Nonetheless, the use of this site for the provision of new housing specifically for older people, amongst whom car ownership is typically lower, does offer some material benefit given the ease of access to local shops and services in the immediate vicinity. The proposal is in accordance with the settlement and delivery strategies for new residential development set out at Core Policies 1 and 2 of the Wiltshire Core Strategy and will contribute to the provision of new housing in a highly sustainable urban location at a scale commensurate with its role as a market town. This benefit of development should be afforded considerable weight.

In terms of the exploration of alternative uses of the site, as the development accords with Core Policies 1 and 2 there is no sequential approach to alternative uses – such as for expanded retail, leisure or community facilities – that should be adopted prior to the consideration of residential development. It is noted the viability has been cited in the first instance as the reason why it would not be practicable to entertain such alternatives and it is agreed that residential development will achieve the highest return in this location. However, upon interrogation by the Council's Estates Team, the margin of surplus considered available to provide planning contributions (after profit) has risen from around £34k to over £166k; a considerable increase. Whilst this does naturally bring into question whether alternative uses – such as retail with residential above – would in fact prove viable (mindful that this would also reduce planning contributions payable), given that there is no sequential approach to new development in this location this can be afforded little weight in the consideration of the application.

Core Policy 8 – the Spatial Strategy for Calne Community Area – requires that proposals take account of the stated objectives set out at the preceding paragraph 5.41, which establish the specific issues, challenges and aspirations for the area. These include broadly expanding and diversifying the range of services in the town as well as identifying an existing shortfall of local community facilities requiring support. At the heart of CP8 is a promotion of greater self-containment and balance between housing and services. The proposals would not contribute significantly toward this objective, although planning contributions/CIL may be available to support community facilities, however this should not be seen as necessarily weighing against the proposals. It is considered that the bearing of CP8 on the merits of the proposal is neutral.

The application conflicts directly with the Calne Town Centre Masterplan, which is anticipated to be amalgamated into, and ultimately adopted with, the emerging Calne Neighbourhood Plan. The Masterplan has been in the course of preparation for some years, progressing as far as to visualise desired land uses within the plan area, of which the application site forms a central component part. The Masterplan emphasises an aspiration

that the site forms part of an extended retail area and public realm for the town centre, potentially incorporating some residential development as flats above ground floor retail units. It is understood that the Masterplan benefits from considerable local support following extensive public consultation however for the time being it carries no statutory weight owing to the Neighbourhood Plan not yet being adopted. Owing to its more advanced stage or preparation, the Masterplan is best considered exclusively of the Neighbourhood Plan in terms of its content, as the latter has not yet been tested by referendum and thus cannot be afforded 'substantial weight'. Nonetheless, as a factor of its current stage of preparation the Masterplan is a material planning consideration that should be afforded some weight in the planning balance.

#### Design and appearance of the development

The external appearance of the proposed building has been the subject of extensive negotiation and dialogue with the applicant, resulting in the submission of revised plans warranting a second round of public consultation. Further to this, at the request of the Council, high-scale details of key architectural features have been provided as an indicator of the final finish of the building. It is considered that these details will be critical in ensuring that the building is sympathetic and complementary to its setting in accordance with CP57. It is considered that as a matter of principle, the proposed palette of materials is acceptable, reflecting the mixture of traditional and modern materials found in the vicinity of the site. Actual samples and finishing details can be agreed by condition to ensure proper oversight of the final article.

The proposed design can be broken down into separate elements which, it is considered, reflect the relative prominence and importance of different sections and serve to reduce the overall bulk of what is in reality a large building. The main entrance to the East elevation is framed by an imposing stonework fascia with articulated window surrounds and reveals and that turns the corner to the north to present a sparse but high-quality treatment to the wall facing the listed Zion Chapel. Subsidiary sections of the building are treated in render with stone detailing and clad projecting bays to improve articulation and avoid stark expanses. The third floor accommodation is to be contained within 'mansard' sections positioned behind low parapets over the principal eastern element and rear portion of the building, to be finished in a slate-type material to match with the regularly-proportioned intervening pitched roof sections. It is considered that the juxtaposition of traditional and modern design and materials will ensure that the building reinforces local character without aping the traditional vernacular nearby.

Although a substantial building in its own right, the scheme does make provision for a comprehensive scheme of hard and soft landscaping, likely to be achievable to a higher standard than traditional houses with separate gardens or retail/commercial use with their requisite service yards if these were introduced at the site instead. As proposed, the majority of the site is to be bounded by a combination of low and high stone walls, railings and planting, generally delivering a good quality finish that will enhance the sense of definitive streets when experienced as part of the public realm at The Pippin. As a comprehensive redevelopment scheme including the removal of low-quality fabric from the site it is considered that whilst the proposal will significantly alter the appearance of the site the design of the scheme is of a good standard overall, with architectural and finishing details capable of refinement and agreement by condition.

### Impact of the development on Listed Buildings, the Calne Conservation Area and archaeology

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. The House of Lords in the South Lakeland case decided that the “statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.”

The nearest and most sensitive designated heritage asset is the Grade II-listed Zion Chapel, situated a short distance away to the north of the site. In addition to the chapel building itself and small enclosed yard to its east, the reach of the chapel is also known to have included several burials in what was previously a much larger churchyard in the immediate vicinity. Owing to this consideration, further archaeological investigation has been undertaken at the application site. Units 8-21 High Street to the west of the site are also all Grade II-listed, although their rear elevations facing the site have generally all undergone significant alteration from their original form. Consideration is also given to the impact of the development on the Calne Conservation Area moreover, including the legibility of the historic layout of the town.

The Council’s Senior Conservation Officer has considered the proposals and is of the view that they would conserve the character and appearance of the setting of designated heritage assets overall, subject to appropriate detailing. A key objective of the negotiations undertaken in respect of the design had been to protect and reinforce the visual connection between the Grade II-listed Zion Chapel and distant Grade I-listed St Mary’s Church, which occupies a central position in views southward from The Pippin. This has been achieved by a suitable setback from the highway, together with good quality boundary treatments that enhance the sense of a definitive street orientation. Overall, it is considered that the proposals satisfy the requirements of CP58.

Archaeological evaluation has demonstrated the site contains archaeological deposits, featuring in all five of the trial trenches excavated. The deposits are of medieval, pre-medieval and post-medieval date, and include a possible Saxon or earlier ditch. The relative lack of later disturbance within the site compared with their part of the town centre make it an area of high potential for preservation of remains relating to the medieval and earlier history of Calne. Having visited the site during the course of this exercise and considered these findings, therefore, the County Archaeologist has recommended that an archaeological condition for full excavation, recording and protection is attached to any grant of consent for the proposal.

### Impact on residential amenity:

Although situated close to the centre of the town, it is not considered that the proposals will have any significant adverse impacts on future occupants, who in any case will be able to make a decision as to whether they are content with the proposed arrangements in full awareness of surrounding land uses. The units are set back from the surrounding public spaces, with the ground floor space immediately adjacent the prominent entrance being

given over to a reception area, office and stairwell. As such, it is not considered that the units will suffer from a lack of privacy from public viewpoints. In terms of the amenity enjoyed by neighbouring occupiers, amendments have been made to eliminate any significant overlooking by the omission of balconies and use of obscure glazing. It is considered that this arrangement is acceptable in protecting all parties from unacceptable inter-visibility detrimental to residential amenity. Given the site's town centre location, it is not considered that residential receptors are likely to suffer any significant adverse impact as a result of the increased activity introduced at the site; this is affirmed by the Council's Environmental Health Officer having no concern in this respect.

Crime and antisocial behaviour at the existing site has been raised in representations in support of the application, as this can be expected to be reduced by the introduction of a secure, controlled use of the site together with natural surveillance from occupiers. This view has been affirmed by the Police Crime Prevention Design Officer and thus the proposal offers a benefit to immediate neighbours in this regard. Access to the rear of Lloyds Bank is to be controlled by the installation of a metal gate across the footpath following the southern site boundary. Whilst control over actual means and hours of securing this fall to the landowner/site operator and the bank – and cannot, indeed should not, be controlled by planning condition – in practice this is likely to provide a further buffer between neighbouring properties and unauthorised intruders.

The development does potentially also have a bearing on the capacity to deliver other aspects of the Masterplan as a result of amenity considerations, however; residential receptors being the most sensitive to noise associated with, for instance, evening pub opening or occasional community events envisaged for this area. This is particularly relevant to the units orientated toward the southern side of the site, which would overlook the area visualised as a local plaza (currently the secondary Sainsbury's car park). It is important to consider this matter in relation to whether the proposals prejudice the delivery of that element of the Masterplan pertaining to the site alone, or whether in fact the scheme has wider implications. On balance, given the intervening presence of the parking area and boundary treatment to the south of the building, it is considered a stretch to assume that introducing residential units here would jeopardise the full utilisation of the adjacent car park site, particularly as the Masterplan in fact envisages some degree of housing on this site anyway. As such, in context with the existing surrounding land uses, it is not considered that the development introduces new receptors that would prejudice the delivery of the Masterplan to an extent any wider than the site itself.

#### Highways/parking

Access is to be obtained directly from The Pippin, effectively relocating the existing entrance to the car park that currently occupies the central portion of the site. The Highway Officer notes that this will require separate highways authorisation under S278 of the Highways Act and an informative can be attached to this effect. The Officer nonetheless notes that the access arrangements are acceptable in principle, enabling adequate visibility along The Pippin when leaving the site; the use of hard landscaping to either side should ensure that this arrangement is fixed however this can be secured in perpetuity by condition. An integral buggy store is co-located with the car park, with a sufficient gradient to enable shared use of the access by mobility scooters as their sole means of access to the site. This will improve both highway and pedestrian safety. The separate pathway access to Lloyds is also a fringe

benefit in that the proposals will marginally improve both ease and safety of inclusive access to the bank.

As accepted elsewhere for comparable facilities, the proposal offers a reduced level of parking provision falling below the usual adopted countywide standards for new residential development. As on-street and public car parking in the immediate vicinity of the site is strictly controlled, it is not considered that any occasional overflow, for example due to visitors, would result in a significant increase in on-street parking to the detriment of local residents or general amenity. It is on this basis that the reduced parking provision is considered acceptable subject to a condition limiting occupation to the over-55s only, as necessary in this instance to ensure this remains the case. The part-undercroft parking also provides allocated spaces for the obligation to Lloyds Bank and limited staff parking, together with adequate turning space to enable vehicles to enter and leave in a forward gear.

Existing traffic concerns in central Calne have been raised in representations received in respect of the application however, the impact of the development in this regard must be considered in context. The site benefits from excellent access to local services and the development is for sale exclusive to a demographic amongst whom car ownership is typically lower, reducing car dependency and the number of journeys by car. Mindful that it is a shared expectation that the site will come forward for some form of development, it is difficult to anticipate any other use generating fewer vehicle movements in the town centre. Accordingly, whilst it is accepted that the development will have an effect on the number of car journeys, this will be very limited as suggested by the transport statement, and significantly less than those generated by most other town centre uses.

#### Planning contributions

As the scheme comprises a major new housing development within a market town, the application attracts planning contributions in line with Core Policies 3 and 43 of the adopted Core Strategy. In Calne, this would equate to on-site provision of 30% affordable housing, with mix and tenancy reflecting local demand and a degree of on-site public open space.

The applicant has submitted a viability assessment, which has been reviewed by the Council's Estates Team in order to inform a judgement on whether some flexibility in terms of planning contributions should be afforded in this instance. In line with central government guidance, Officers have interrogated the viability assessment and considered whether reduced planning contributions would be appropriate.

Whilst the assessment initially offered £34,000 in planning contributions in lieu of any specific on or off-site provision, further scrutiny has evidenced a post-profit surplus of £166,488 as available for local planning gain; a considerable increase. As the latter figure would make a meaningful contribution to community facilities reasonably related to the development, it is considered that with due regard to the Guidance, this figure is acceptable. It is proposed that the total contribution is allocated to the following (actual sums TBC):

- provision of on-site waste collection containers
- possible local cemetery improvement/expansion
- provision of local affordable housing

The proposal would also be chargeable under the adopted Community Infrastructure Levy (CIL) Charging Schedule at a rate of £55/m<sup>2</sup>, equating to £181,390 in CIL contributions, payable upon commencement of development.

#### Other matters

##### *Loss of retail*

The development will result in the loss of a local hardware store, which currently occupies a small portion of the site directly opposite Phelps Parade and falls within the secondary retail frontage designation saved under Policy R2 of the North Wiltshire Local Plan. Whilst safeguards against unjustified loss of such shops were provided by the now cancelled Policy R6 of that plan - which required that viability and alternative facilities were tested prior to non-retail uses being considered – Core Policy 49, its successor, does not offer the same protection. The latter (*'Protection of rural services and community facilities'*) relates to precisely that; only being engaged where shops and other community facilities are under threat at settlements identified as local service centres or smaller. At market towns such as Calne, therefore, there is little local policy basis on which to oppose alternative uses at sites such as this, which should be tested on their individual merits.

##### *Air quality & contamination*

As a town centre site, the proposal falls within the Calne Air Quality Management Area (AQMA) requiring that an assessment is undertaken in respect of the development's impact on local air quality. On initial review of the applicant's assessment, the Council's Environmental Health Officer has concluded that the information is inadequate to conclude 'no harm to air quality' as a result of the scheme, not least due to the exclusion of vehicle emission impact from the scope of the exercise. Further assessment is understood to be in the course of preparation, and the outcome of this will inform whether or not an additional planning contribution in respect of air quality management initiatives is required in this instance. Subject to either a satisfactory assessment or suitable contribution being secured, it is considered that impact on air quality does not weigh significantly in the planning balance, particularly mindful of the relative vehicle movement considerations discussed earlier in this report.

Whilst there are no known former uses of the site likely to have given rise to significant contamination of the land, as the development concerns land within a previously industrial area and involves significant earthworks a precautionary approach has been recommended in this respect. It is considered that the Council's standard sequential condition in respect of investigation, reporting and, if necessary, remediation of contamination is sufficient to address any issue that may arise.

## **10. Conclusion**

The proposal complies with Core Policies 1 and 2 and will contribute to the supply of new market housing in a highly sustainable location with good access to local services. A reduced contribution will also be made in respect of off-site local affordable housing, although the practical benefit of this must be considered in the context of its shortfall against the requirements of Core Policy 43; such that its weight in the planning balance is neutral. Mindful of the nature of the development and content of the national Guidance in relation to

viability, it is considered that the breakdown of planning contributions is acceptable in relation to Core Policy 3.

It is considered that the design and layout of the development is of good quality and will represent an overall enhancement to the appearance of the site and the character of the Conservation Area, despite its considerable size and scale. Although the proposals will alter the settings of designated heritage assets – particularly the Zion Chapel and neighbouring buildings to the High Street – there will be no substantial or less than substantial harm to their significance. The development will employ high-quality materials and, subject to proper detailing, will contribute to creating a more legible urban setting in this presently underutilised location.

Conflict with the Calne Town Centre Masterplan and emerging Calne Neighbourhood Plan is a dis-benefit of development weighing against the proposals. However, given the consistency with the statutory development plan as outlined above, other merits of the application in regenerating brownfield land and lack of evidence to suggest prejudice to the Masterplan at a wider level, it is considered that these material considerations do not overcome the presumption in favour of development. Accordingly, it is considered that the proposed development is acceptable in planning terms.

## **RECOMMENDATION**

**That authority is delegated to the Area Development Manager to GRANT planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.**

**In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the following reason:-**

**The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing & Waste; and is therefore contrary to Core Policies 3 and 43 of the Wiltshire Core Strategy Adopted January 2015 and Paragraphs 50, 73 and 204 of the National Planning Policy Framework March 2012.**

- 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:

SO 2174 03 AC 026 E (Proposed Site Layout)  
SO 2174 03 AC 027 F – Proposed Lower Ground Floor Plan  
SO 2174 03 AC 028 E – Proposed Ground Floor Plan

SO 2174 03 AC 029 F – Proposed First Floor Plan  
SO 2174 03 AC 030 F – Proposed Second Floor Plan  
Received 12 February 2016

SO\_2174\_02\_LA\_005 rev H – Landscape Design  
Received 15 February 2016

SO 2174 03 AC 037 D – North & South West Elevations  
SO 2174 03 AC 035 D – North & South East Elevations  
Received 20 April 2016

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

- 3 No construction works shall take place on site until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

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

- 4 No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: 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.

- 5 No external stonework shall be constructed on site, until a sample panel of stonework, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

- 6 No render shall be applied to any building or walls on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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



area.

- 7 No development shall commence on site until details of all eaves, verges, parapets, balconies, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, flues, dormers and canopies 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.

- 8 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 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.

All hard landscaping comprised in the approved details of landscaping shall be carried out in the full prior to the first occupation of the building and maintained as such thereafter, in perpetuity.

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

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

REASON: In the interests of highway safety.

- 10 No development shall commence on site until visibility splays have been provided (in accordance with drawing Access Visibility Splays 034.0076.002 dated 01.07.15) between the edge of the carriageway and a line extending from a point 2.4m back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the north direction and 43m (27m tangent) to the south from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.6 metres above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

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

REASON: 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 that the development can be adequately drained.

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

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

- 13 No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;

- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwater and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

**Step (ii) Submission of Remediation Scheme:**

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

**Step (iii) Implementation of Approved Remediation Scheme:**

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

**Step (iv) Reporting of Unexpected Contamination:**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

**Step (v) Verification of remedial works:**

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The

report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

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

- 14 The residential occupation of the development hereby permitted shall only endure for the benefit of persons over the age of 55 years.

REASON: Permission would not normally be granted due to the reduced parking provision on site but regard has been paid to the specific intended occupants of the development and typically lower levels of car ownership such that, exceptionally, the proposal is acceptable in terms of highway safety and local amenity on this basis.

- 15 No development shall commence on site until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

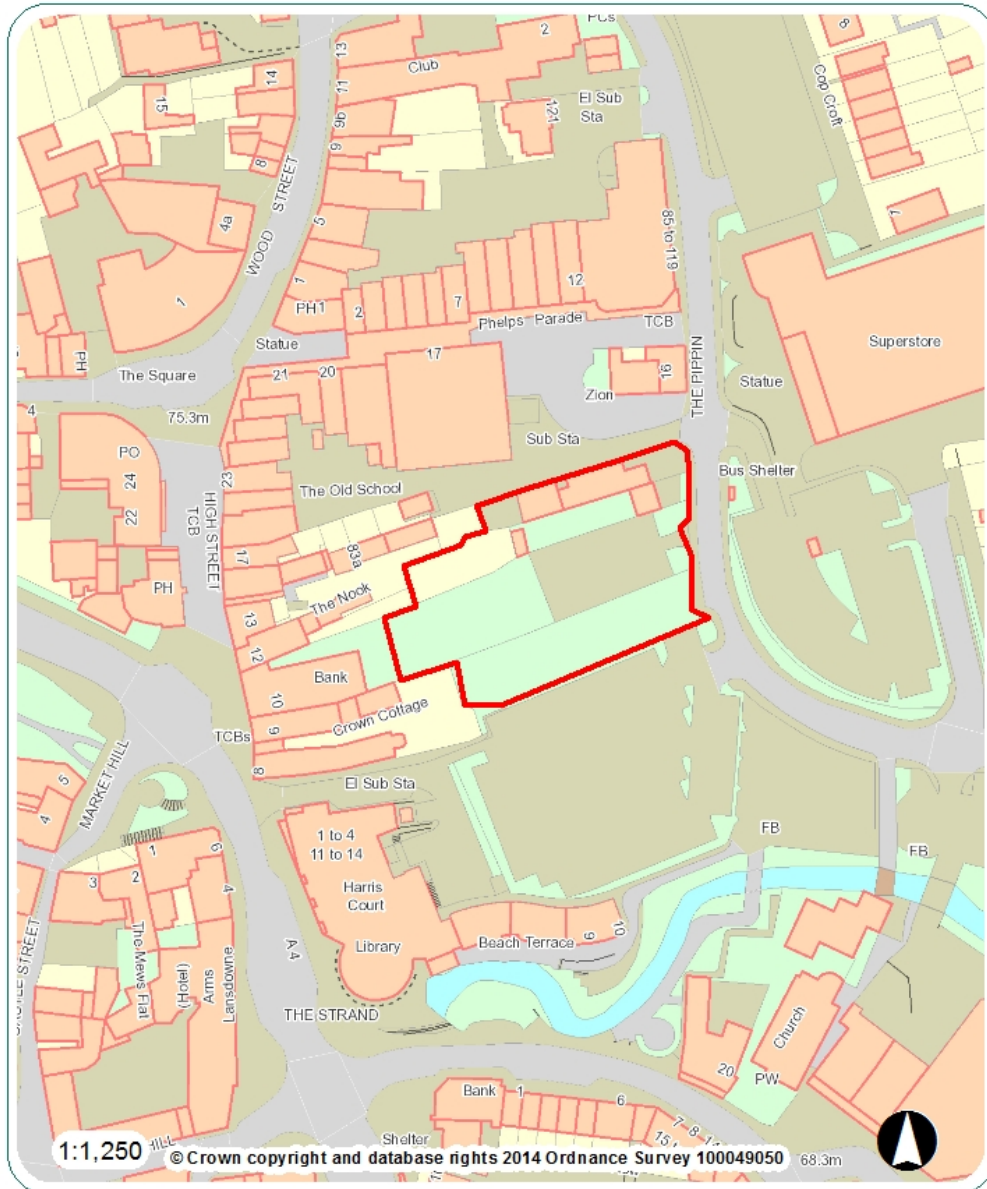
REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be

agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

- 16      INFORMATIVE TO APPLICANT:  
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 17      INFORMATIVE TO APPLICANT:  
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].
- 18      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.
- 19      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.
- 20      INFORMATIVE TO APPLICANT:  
The application involves creation of a new access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle crossing team on (01225) 713352.
- 21      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.

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Land Adjacent 81-83 The Pippin  
and Rear of 8-13 High Street  
Calne  
Wilts  
SN11 8JQ



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