

# AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER  
**Date:** Wednesday 14 June 2017  
**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Edmund Blick, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718059 or email [edmund.blick@wiltshire.gov.uk](mailto:edmund.blick@wiltshire.gov.uk)

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## Membership:

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

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## Substitutes:

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

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## **Public Participation**

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

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

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

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

# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting**

To approve and sign as a correct record the minutes of the meeting held on Tuesday 23 May 2017.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

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

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

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

### Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 7 June 2017** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Friday 9 June 2017**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

#### 6 **Planning Appeals and Updates** *(Pages 7 - 8)*

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

#### 7 **Planning Applications**

To consider and determine the following planning applications.

7a **17/00870/FUL 60 Redland, Chippenham, Wiltshire** *(Pages 9 - 20)*

7b **16/03721/REM - Land North of Bath Road, Corsham, Wiltshire**  
*(Pages 21 - 34)*

7c **16/04544/REM - Land North Of, Bath Road, Corsham, Wiltshire**  
*(Pages 35 - 46)*

7d **17/03280/FUL Daisy Cottage, 26 A High Street, Sutton Benger, Wiltshire** *(Pages 47 - 54)*

7e **17/00606/FUL - Link Road Between A3102 and Marlborough Road, Royal Wootton Bassett, Wiltshire** *(Pages 55 - 66)*

#### 8 **Urgent Items**

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

## **Part II**

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

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**Wiltshire Council**  
**Northern Area Planning Committee**  
**14<sup>th</sup> June 2017**

**Planning Appeals Received between 12/05/2017 and 02/06/2017**

<b>Application No</b>	<b>Site Location</b>	<b>Parish</b>	<b>Proposal</b>	<b>DEL or COMM</b>	<b>Appeal Type</b>	<b>Officer Recommend</b>	<b>Appeal Start Date</b>	<b>Overturn at Cttee</b>
16/04489/FUL	66 High Street Royal Wootton Bassett Wiltshire, SN4 7AR	ROYAL WOOTTON BASSETT	Partial Demolition of Brick Wall to Create Vehicular Access	DEL	Written Representations	Refuse	18/05/2017	No
16/04935/LBC	66 High Street Royal Wootton Bassett Wiltshire, SN4 7AR	ROYAL WOOTTON BASSETT	Partial Demolition of Brick Wall to Create Vehicular Access	DEL	Written Representations	Refuse	18/05/2017	No
16/08473/FUL	Hillside Bungalow Common Hill Cricklade, Swindon Wiltshire, SN6 6HA	CRICKLADE	Conversion and Extension of Existing Farm Shop to Create Two Holiday Lets	DEL	Written Representations	Refuse	23/05/2017	No
16/09220/LBC	Barnsgate Kington St Michael Chippenham Wiltshire, SN14 6HX	KINGTON ST. MICHAEL	2 replacement doors and 1 replacement window.	DEL	Written Representations	Refuse	18/05/2017	No
16/10059/LBC	First Floor 18 High Street (formerly The King's Arms) Calne, Wiltshire SN11 0BS	CALNE	Internal Alterations to First Floor to Affect Use for Residential (C3/C4) Purposes (Part Retrospective)	DEL	Written Representations	Refuse	18/05/2017	No
16/10558/FUL	88 Bristol Road Chippenham Wiltshire, SN15 1NS	CHIPPENHAM	Erection of two single storey dwellings	DEL	Written Representations	Refuse	18/05/2017	No
16/11847/FUL	The Orchard Land South West to The Street, Oaksey Wiltshire, SN16 9TJ	OAKSEY	Proposed dwelling, garage and access	DEL	Written Representations	Refuse	24/05/2017	No

Planning Appeals Decided between 12/05/2017 and 02/06/2017

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
15/11544/OUT	Peacock Grove (adjacent to Brook Drive), Corsham Wiltshire, SN13 9AZ	CORSHAM	Outline Application for the Erection of up to 31 dwellings Following the Demolition of 6 No. Existing Dwellings & Associated Access.	NAPC	Written Reps	Approve with Conditions	Allowed with Conditions	31/05/2017	Not appropriate for either party to apply for costs
16/07095/OUT	Wood Lane Nursery Wood Lane, Braydon, Wiltshire, SN5 0AJ	LYDIARD MILLICENT	Demolition of existing buildings and glass houses & erection of single dwelling (outline application for access and layout only)	DEL	Written Reps	Refuse	Dismissed	16/05/2017	Not appropriate for either party to apply for costs
16/08285/FUL	Burton Hill House Burton Hill Malmesbury SN16 0EL	ST PAUL MALMESBURY WITHOUT	New boundary wall and entrance gates	DEL	Written Reps	Refuse	Split Decision	22/05/2017	Not appropriate for either party to apply for costs
16/08736/LBC	Burton Hill House Burton Hill Malmesbury SN16 0EL	ST PAUL MALMESBURY WITHOUT	New boundary wall and entrance gates	DEL	Written Reps	Refuse	Split Decision	22/05/2017	Not appropriate for either party to apply for costs
16/08748/FUL	Little Kent End 4 Kent End Ashton Keynes SN6 6PF	ASHTON KEYNES	Formation of pitched gable roof to existing two-storey flat roof and erection of first floor extension	DEL	House Holder Appeal	Refuse	Allowed with Conditions	23/05/2017	Not appropriate for either party to apply for costs
16/09938/PNCOU	Leighfield Farm The Leigh Cricklade	LEIGH	Prior approval for a Proposed Change of Use of Agricultural Buildings to 3 Dwellinghouses (Class C3), and for Associated Operational Development	DEL	Written Reps	Refuse	Dismissed	02/06/2017	Not appropriate for either party to apply for costs
16/08684/LBC	37 St Mary Street Chippenham	CHIPPENHAM	Internal alterations to basement	DEL	Written Reps	Refuse	Allowed with Conditions	02/06/2017	Not appropriate for either party to apply for costs



## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>14<sup>th</sup> June 2017</b>
<b>Application Number</b>	<b>17/00870/FUL</b>
<b>Site Address</b>	<b>60 Redland, Chippenham, Wiltshire SN14 0JB</b>
<b>Proposal</b>	<b>Change of Use for A5 Hot Food Catering</b>
<b>Applicant</b>	<b>Mr Shofi Mahmud</b>
<b>Town/Parish Council</b>	<b>Chippenham</b>
<b>Division</b>	<b>Cepen Park &amp; Redlands Councillor Andy Phillips</b>
<b>Grid Ref</b>	<b>390675 173893</b>
<b>Type of application</b>	<b>Full Planning</b>
<b>Case Officer</b>	<b>Lee Burman</b>

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

The Application was called in for Committee determination by Councillor Andy Phillips to consider the impact of the proposed use on the residential amenities of neighbouring residents.

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

To consider the proposed development in the context of the development plan, national planning policy and site circumstances and recommend that planning permission be granted subject to the conditions identified in this report.

### **2. Report Summary**

1797 Objections received including 2 petitions 1 x 983 signatories; 1 x 797 signatories. 0 letters of support.

Chippenham Town Council objects to the proposal.

### **3. Site Description**

The application site is an existing retail unit with a small rank of retail units within the existing defined settlement of Chippenham. The rank of shops is not defined as a shopping centre for policy purposes and is not subject to any site specific constraints. The building within which the shop and adjacent shops are located is a 3 storey modern structure with residential flats located on the two floors above the ground floor retail units. The building is freestanding surrounded by residential accesses rounds and the residential distributor road known as Redlands. To the rear of the buildings is a court yard arrangement of residential properties with rear parking court accessed from the residential road separating the buildings. To the adjacent sides are residential properties separated by residential access road and informal open space/landscape areas. Immediately to the front of the application site is a pedestrian area, pavement parking spaces and the Redlands road. Opposite and across Redlands are further residential properties.

#### 4. Planning History

N/01/01050/COU	Change Of Use Of Ground Floor For Body Piercing And Tattooing With Ancillary Retail Sales  Approval
N/07/03300/COU	Change Of Use Of Ground Floor Unit From Tattoo Studio To Shop, Financial, Professional Services, Office Or Community Use  Approve with Conditions
16/11661/PREAPP	Change Of Use To A5 Hot Food

#### 5. The Proposal

The proposal is for the change of use of the retail unit to a Hot Food Take Away. This proposal would be a change of use for the permitted mixed use (use classes A2, B1, D1) to an A5 use. The proposals would include an ancillary development to include the installation of ventilation and extraction plant.

#### 6. Planning Policy

National Planning Policy Framework Paras 2, 7, 11, 14, 17, 19, 21, 23, 26, 34, 56, 70, 120, 122, 123, 187, 196, 197 & 203

Wiltshire Core Strategy (Jan 2015) CP1, CP10, CP57, CP61

Saved Policies of the North Wiltshire Local Plan 2011 NE18

#### 7. Consultations

##### Highways

No Objection.

##### Public Protection (Environmental Health)

Initial consultation resulted in a request for further information in respect of Noise and Odour impacts and measures to provide for controls in this respect.

The applicant has provided additional information submission and details. These have been assessed and considered by the Public Protection Team. No objection is raised subject to conditions.

Full consultation response and consideration of this matter are addressed in full in the body of the report below.

##### Chippenham Town Council

Full consultation response:-

The Town Council objects to this application. It has grave concerns which include the fact that a previous application had been rejected. It has received a petition (which will be

forwarded to the Case Officer), heard the views of the public and notes that the Local Member will be calling it in subject to the Officer's decision.

Officer comment:- the site application history is referenced in full above this does not identify a previous application refusal of this proposal at this site.

## **8. Publicity**

The application was advertised by site notice, neighbour notification letters to 14 properties, notification to the Town Council, publication of the Council's weekly list of applications to its website and publication of the application details to the Council's website.

1797 representations of objections have been received including 2 petitions 1 x 983 signatories; 1 x 797 signatories. 0 letters of support have been received. The two petitions are overlapping versions of the same petition with one forward to the Town Council who submitted it for consideration as such the actual level of representation of objection is 1000. The petition sets out the reason for objection as follows:-

"There are too many fast food takeaways and we do not need another one".

Other matters of objection raised by representations can be summarised as follows:-

- Harm to residential amenities due to noise from delivery vans & customers;
- Late opening hours resulting in disturbance and harm to residential amenities
- Increased littering;
- Chippenham market for food businesses is saturated, additional takeaway will damage existing businesses;
- National Economic climate is uncertain and additional competition between restaurants is harmful;
- Inadequate parking provision;
- Concern as to impact of repositioned staircase and erection of extraction flues on fabric of property and rights of access for tenants;
- Additional traffic;
- Odour pollution and consequent harm to/loss of residential amenity
- Conflict for pedestrian accessibility and safety resulting from unauthorised parking on pavements, pedestrian areas and private drives

It should be noted that several of the separate objections are standard letters signed by existing takeaway operators.

## **9. Planning Considerations**

### Principle of Development

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

The application site/property is an existing retail unit and benefits from a mixed consent including a type of retail – A2 Financial and professional. There are various types of retail classifications within the retail section of the Use Classes Order. Policies invariably seek to protect and retain the A1 type use and the most valuable and desirable in terms of community requirements. The A1 type covers things such as :-

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the reception of goods to be washed, cleaned or repaired, where the sale, display or service is to visiting members of the public.

Additionally these types of retail planning policies seeking to retail such uses are related to defined retail centres and frontages i.e. town centres – primary and secondary frontages. In secondary frontage areas greater flexibility as to the types of retail and other town centres uses I usually adopted and invariably those are considered appropriate locations for A2 and A3 – A5 uses.

However the application site is not a defined retail centre, it is a small local parade of shops serving the residential area immediately adjacent. The mix of uses reflects this position. It is also of material relevance that the unit itself benefits from permission for a mix of uses including retail outside of the A1 uses class. As such higher value retail uses would not be lost to the proposed development to change the use to hot food takeaway (A5). As such there are no adopted development plan policies related to retail that would indicate that the proposed change of use is inappropriate in principle. The proposal falls to be considered against CP57 which is the general development management related policy dealing with a range of matters relevant to all development reflecting the core planning principles set out in Para 17 of the NPPF. Of particular relevance here is the assessment of impact on existing residential amenities and this is addressed further below. Subject to meeting and not significantly conflicting with the criteria in CP57 the proposed use is considered to be acceptable in principle.

In this context a large number of the objections submitted are on the basis of the need for the proposed use asserting that adequate provision for hot food takeaways is already made. It is a principle of the planning system established through guidance and case law that the system does not exist to prohibit competition between providers/developers of services. As such it is not material to consider whether or not here is a need for the use. Planning guidance does require Local Planning authorities to assess large scale retail proposals in out of centre locations for their impact on the vitality and viability of town centres. The Council's policy in this respect is to require that assessment for proposal of 200sq m or above. The current application relates to a unit of a mix of 77 sq m and so is below that threshold and does not require assessment of impact. It is also material that this property benefits from a retail use consent already and is existing in a small parade of shops within the existing residential area of Chippenham.

On balance it is not considered that there is an in principle objection to the scheme proposals.

## Residential Amenity

The application proposals and indeed a significant number of objections raise issues concerned with the impact of the proposed development upon existing neighbouring residential amenities. In particular in terms of noise and smell from the operation of the unit relating to food preparation but also noise and disturbance from customers including vehicular access and parking. The latter point is addressed further under separate heading below.

With respect to noise and odour disturbance and pollution full consultation has been undertaken with the Council's public Protection Team. Initial advice from the team was that a full assessment of these matters was required and additional information in that respect was sought from the applicant. A noise and odour assessment and report has been undertaken and submitted and this has been fully considered and assessed by the Public Protection Team. The consultation response of the Public Protection Team is herein reproduced in full:-

### **Noise**

*Whilst we would 'routinely' seek to achieve the -5dB criterion for any new plant in most situations, if in these circumstances, the flue is so close to the nearest window, then a predicted level of LAeq39dB should not cause any adverse impact, in my opinion.*

*The predicted level of 39dB should benefit from approximately -13dB attenuation for an open window, which would result in an internal level of 26dB. This would be 4dB below the 30dB level for the night-time BS8233 desirable level for sleep and the flue should only be operating into the late evening with a switch off time of 22:30.*

*Officers believe consideration should be given to the expectations of residents who live in areas of mixed development, as we simply cannot deliver the concept of inaudibility here as this is symptomatic of any bank of shops with flats above, across the County and Country.*

*In order to provide sufficient protection to the flats above the premises it is recommended that the following condition is attached to the permission:*

*The Air extraction unit shall not exceed an LAeq39dB and an NR 35 (to ensure that the flue does not have any intrusive tonal component) at 1.5m from the termination point of the flue.*

*Officers also believe it maybe pertinent to condition the hours of the operation of the flue and recommend a condition that restricts the flue to only be operated between the hours of 16:30 and 22:30 Monday through to Sunday.*

### **Odour control**

*In order to protect the amenity of the neighbouring properties a condition is required and should be added to any permission you grant. It should ensure that the applicant installs the Odour control system (carbon filters and grease filters) that is detailed in the application and can be found in the document titled "Specification of Extraction System" which was submitted with this application. The condition should also include the time period for cleaning and maintenance of the system.*

### **Grease traps**

*To ensure that fat and grease is prevented from entering into the public sewer a grease trap shall be fitted. This will collect and filter waste water prior to it entering the drain and collect all grease and fat. This shall be emptied and maintained in line with manufacturer's recommendations.*

**Informative:**

*Food Business Registration: Under Article 6 of EC Regulation 852/2004 all businesses who prepare, store, transport or sell food must register their food business with the local authority. Food businesses must register with their local authority at least 28 days before they begin to operate. Food business operators in Wiltshire can register their food businesses free of charge through the following web page:*

<http://www.wiltshire.gov.uk/communityandliving/publicprotection/foodsafety/foodsafetyinformationforbusinesses/foodbusinessregistration.htm>

On this basis it is not considered that there is a sound and defensible objection to the scheme proposals. The recommended conditions and informative are included below.

It should be noted that many of the objections raised relate to the impact on residential amenities of the existing hot food takeaway at this rank of shops. It would not provide a sound and defensible basis to refuse the proposal on the grounds of harms caused by an existing operator in the assumption that the new proposal will operate and impact in the same way. The current proposed use includes significant proposals for the extraction and ventilation of cooking smells from the property and the control of related noise from the operation of that plant. Conditions are proposed that will adequately mitigate the impact of the proposed plant particularly in relation to hours of operation and noise controls from the plant.

With respect to the noise and disturbance from customers and the related vehicular parking this is considered to be adequately addressed as far as is reasonable and possible under the planning system by the use of hours of operation / opening conditions. The parking provision at the site is considered adequate and the issues identified in objections again relate to an existing issue associated with the existing uses within this parade of shops. It must be noted that this is an existing retail/mixed use unit that does generate/has the potential to generate a similar/significant number of vehicular traffic movements and parking requirements. It would not be reasonable and defensible to refuse the current proposal on the grounds of inadequate parking provision given site circumstances and the permitted uses at the site. As to the behaviour of some customers this is a civil matter and outside of the control of the planning system, it is not reasonable to hold business operators responsible for the actions and behaviour of the clientele and refuse development on this basis. Such an objection would have the potential to frustrate a large amount of otherwise acceptable and necessary development. In addition it would not be reasonable to assume that customers will behave in a harmful and negative way and determine on that basis. In relation to littering it is also considered that the type of operation proposed is less likely to generate littering than some other operators given the nature of the food sold. This is more likely to be consumed at home than immediately upon leaving the premises as would be the case with burger bars for example.

On balance it is not considered that the scheme proposals will result in such significant harm to existing residential amenities over and above the existing site circumstances given the scheme proposals and use of conditions such that consent ought to be refused.

**Highways & Parking**

There exists off highway parking available at this locality. The property benefits from consent for a mix of uses including retail already. Additional parking provision over and above that required for the existing consented uses is not considered necessary under the council's adopted policies. The Highways Officer has raised no objection to the scheme proposals and does not identify a "severe" cumulative harmful impact to the existing highways conditions. On this basis it is not considered that there is a sound and defensible reasons for refusal on highways/parking grounds.

Again it should. Also be noted that many of the objections submitted are based on the impact of the existing operator in this parade of shops. Developers / applicants cannot be required under national guidance and case law to address existing problems and indeed many of the objections raised are matters of highways and parking enforcement or civil matters and not within the control of the planning system.

### Other matters

In relation to design character and appearance it is acknowledged that the proposed ventilation extraction equipment is significant in scale and will be visible in the immediate locality. However this is to the rear elevation of the property and is not unusual in respect of this type of retail facility i.e. small parade of shops within an existing urban area. The submitted plans indicate that requirements to screen the plant through use of appropriate materials would be acceptable and a condition requiring the submission and approval of details in this respect is proposed. On balance it is not considered that the extraction plant is so significantly harmful to the character and appearance of the locality and the property as to warrant refusal.

The submitted plans indicate a requirement to reposition existing stairs to the properties above the retail unit. A condition requiring the submission and approval of details in this respect is proposed. Objections and concerns have been submitted in this respect but it is not considered that the proposals are so significantly harmful as to warrant and justify refusal on this basis, the condition will require the submission and approval of details prior to the commencement of development and until satisfactory arrangements are details development would not proceed.

Objection and concerns have been raised as to rights of access and consents for and impacts to the fabric of the property. The building is not a designated or undesignated heritage asset not subject to any protections and safeguarding in that respect. As such the matters raised are property/civil considerations between the interested parties and not material planning considerations providing a basis for determination. An informative identify that planning permission as recommended/granted does not override property owners' interests or grant rights of access to the property. Similarly and informative is included I respect of building regulations identifying that any requirements brought about by approvals in that respect may result in a requirement for revised planning permission.

It should be noted that the volume/number of representations received to any particular application in and of itself is not a determinative factor.

### **10. Conclusion**

The principle of development is considered to be acceptable given site circumstances and the provisions of national and local planning policies. In this respect the proposal is considered to accord with the provisions of the development plan. It is not considered that the site specific impacts if the development proposals are so significantly harmful as to warrant refusal given the proposals and the proposed use of conditions which are

considered to adequately and appropriately mitigate the impact of development. Again in this respect the proposed development is considered to accord with the provision of the development plan and national planning policy.

## **RECOMMENDATION**

### **Approval 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 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) Materials and finishes to the extraction and ventilation plant
- (b) The position, layout and scale of the access stairs to the rear property..

The 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 the character and appearance of the area [and neighbouring amenities].

3. The development hereby permitted shall be carried out in accordance with and incorporate all proposals a requirements for the Odour control system (carbon filters and grease filters) identified within the "*Specification of Extraction System*" Received 03/02/2017.

REASON: In the interests if the residential amenities of neighbouring residential properties.

4. Prior to the commencement of the use hereby permitted a grease trap shall be fitted. This will collect and filter waste water prior to it entering the drain and collect all grease and fat. This shall be emptied and maintained in line with manufacturer's recommendations.

REASON: To ensure that fat and grease is prevented from entering into the public sewer.

5. The Air extraction unit hereby permitted shall not exceed an LAeq39dB and an NR 35 (to ensure that the flue does not have any intrusive tonal component) at 1.5m from the termination point of the flue.

REASON: In the interests if the residential amenities of neighbouring residential properties.

6. The use and the related operation of the ventilation equipment hereby permitted shall only take place between the hours of 4.30pm in the evening and 10.30pm in the evening) from Mondays Sundays and Bank / Public Holidays.



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

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

Ground floor plans; rear elevation; side elevation received 03/02/2017.

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

### **INFORMATIVES:**

1. Food Business Registration: Under Article 6 of EC Regulation 852/2004 all businesses who prepare, store, transport or sell food must register their food business with the local authority. Food businesses must register with their local authority at least 28 days before they begin to operate. Food business operators in Wiltshire can register their food businesses free of charge through the following web page:

<http://www.wiltshire.gov.uk/communityandliving/publicprotection/foodsafety/foodsafetyinformationforbusinesses/foodbusinessregistration.htm>

2. 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.

3. The applicant is advised that this permission authorises a change of use and does not authorise any works or alterations that may require planning permission in respect of the shop front.

4. This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.

5. 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.

6. 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.

7. 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.

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

Wiltshire Core Strategy Jan 2015

NPPF

Planning Practice Guidance

Application documentation



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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	14 June 2017
<b>Application Number</b>	16/03721/REM
<b>Site Address</b>	Land North of Bath Road, Corsham, Wiltshire, SN13 0QL
<b>Proposal</b>	Reserved Matters Application Relating to Appearance, Landscaping, Layout & Scale (following outline application 13/05188/OUT) Residential Development for 150 Units Together with Associated Highways, Drainage and Other Infrastructure Works, Landscaping and Play Area.
<b>Applicant</b>	Mr Edward Nelthorpe, Redrow Homes South West
<b>Town/Parish Council</b>	CORSHAM
<b>Electoral Division</b>	CORSHAM PICKWICK – Cllr Ruth Hopkinson
<b>Grid Ref</b>	385631 170465
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Chris Marsh

### Reason for the application being considered by Committee

The application was originally called in to Committee by Cllr Macrae - the call-in subsequently upheld by Cllr Hopkinson - in order to consider the visual impact, relationship to adjoining properties, design and environmental impact of the proposal.

#### 1. Purpose of Report

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

#### 2. Report Summary

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

- Layout of the development;
- Landscaping of the development;
- Scale of the development; and
- Appearance of the development

Corsham Town Council has objected to the application, which has also attracted 48 public objections from neighbours of the site and local residents.

#### 3. Site Description

The application site is located to the immediate North of the A4 Bath Road toward the western fringes of Corsham and comprises a large arable field, with a smaller historic

pasture inset, amounting to approximately 10ha. A public right of way traverses the site from southeast to northwest, linking Corsham Town to the listed Guyers House, which is located a short distance from the northern site boundary. The site is otherwise bounded by late-C20<sup>th</sup> residential development at Academy Drive, the A4 Bath Road and the narrow Guyers Lane, to the West, and is enclosed by a combination of estate fencing, mature hedgerow and stone walling. At around the midpoint of its southern boundary, the regular shape of the site is interrupted by 3no. separate properties, the historic cottages forming nos. 53, 55 and 57 Pickwick, inset from the main road.

A number of mature trees of varying quality and health are dispersed through the site, contributing to the estate character and public amenity of the landscape. A concrete airshaft approximately 1.5m in height and 1.5m in width protrudes from the ground close to the southwest corner of the site, indicating the extent of underground mining operations to date. The Corsham Conservation Area borders the site at its southeast corner and eastern side, covering in the immediate vicinity notable buildings including the Grade II-listed St Patrick's Church and The Coach House, together with the unlisted but historic no.51 Pickwick, to the immediate East.

Outline planning permission was granted in May 2015 for the erection of up to 150 dwellings and 1,394m<sup>2</sup> of employment space, subject to a S106 legal agreement and conditions, several of which relate to specific technical matters. Application 13/05188/OUT refers. At that time, a dual access system consisting of a new roundabout directly opposite the main Bradford Road junction at the southwest corner and T-junction with right-turn lane at the southeast boundary with Bath Road were also approved, engineering details of which remain under separate consideration. The associated application for the approval of reserved matters related to the 'employment' element is 16/04544/REM.

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

13/05188/OUT	Outline planning application for erection of up to 150 dwellings, up to 1,394sqm B1 offices, access, parking, public open space with play facilities and landscaping – appeal allowed
16/04544/REM	Reserved Matters Application for Access, Appearance, Layout & Scale (Following Outline Application 13/05188/OUT) Proposed B1 Employment Units on Land to the West of Bath Road Development Corsham – pending decision
16/08668/ADV	Erection of V Stack Sign and Flags to Advertise the Land for Residential Development – approved

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

The principle of development of up to 150 dwellings and up to 1,394m<sup>2</sup> of B1 employment, together with details of access and associated off-site highways engineering works, at this site together with the adjoining parcel has been accepted by the grant of outline permission at appeal (13/05188/OUT refers). The outline permission remains extant and therefore these matters cannot be revisited at this time.

This reserved matters application seeks approval of the outstanding matters of the layout, landscaping, scale and appearance of the residential element of the outline permission. The full 150 units have been carried forward into the scheme, which also makes provision for associated public open space, play provision, ecological buffers and a large attenuation basin at the southeast corner of the site. The scheme broadly adopts

the hierarchical street layout indicated at outline stage, with a general succession from affordable and smaller dwellings, including flats, toward larger detached units as one moves away from the main adopted section into peripheral private driveways. Existing trees are to be incorporated into the scheme, whilst some historic stonework from within the site is to be re-used in the landscaping of the formal public open space. In terms of materials, the development is to comprise a mixture of reconstituted Cotswold stone, roughcast render, concrete tiles and slate, broadly dictated by the prominence and status of the individual units.

## 6. Local Planning Policy

Core Policy 57 (Ensuring high quality design and place shaping) of the adopted Core Strategy is of critical relevance in this instance, supported by Core Policies 43 (Providing affordable homes), 50 (Biodiversity and geodiversity), 51 (Landscape), 58 (Ensuring the conservation of the historic environment) and 64 (Demand management).

Paragraph 17 and Sections 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are also of importance.

## 7. Summary of consultation responses

Corsham Town Council – objections, relating broadly to:

- Inadequacy of ecological mitigation;
- Unsuitable cul-de-sacs in respect of refuse collections and pedestrian permeability;
- Generic house types unsuited to context, with a predominance of render;
- Lack of integration of affordable units;
- Unsuitable surfacing, such as block paving prone to damage;
- Inadequate boundary planting/landscaping;
- Unclear specification of play area; and
- Need for safe access to attenuation basin if this is to be part of amenity space

Comments also related to off-site highways works, public art, future mine workings and ecological derogation licensing, all of which are separate matters not subject to consideration under this application.

Highways – no objection, subject to conditions

Urban Design – recommended changes – revised details received subsequently

Ecology – objections, although limited to those impacts on protected species and retained trees already subject to the previous Inspector's conclusions

Trees – no objection, subject to conditions

Housing – recommended changes to integration of affordable homes – revised details received subsequently

Drainage – no objection – final details to be agreed by outline condition

Rights of Way – no objection, however noted that footpath CORM75 may require diversion

Police Crime Prevention Design Advisor – no objections

Historic England – no comments

Natural England – no objection in respect of internationally and nationally protected sites, refer to standing advice in respect of protected species.

## 8. Publicity

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

48 letters of objection were received, based on the number of households, raising the following points:

- Design out of keeping with Corsham/Pickwick (29 references)
- Materials inappropriate/unsympathetic to context (28)
- Landscaping is inadequate or inappropriate (32)
- Ecological constraints are not fully addressed (34)
- Layout will impact adversely on neighbour amenity (27)
- Adverse impact on retained trees (11)
- Adverse impact on setting of the Conservation Area (13)
- Inadequate or unsuitable highways layout (3)
- Affordable Housing inadequately incorporated into layout (1)

As the principle of residential development and means of access to the site are already agreed matters, any such points should be discounted from consideration for the purposes of the current application. Several comments also related to drainage, access, off-site highways works, licensing and future mining works, all of which are either already approved or subject of separate conditions attached to the outline permission.

## 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.

Given the relationship to designated heritage assets at Guyers House and Pickwick Conservation Area, the provisions of S66(1) and 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant.

### Layout

It is considered that the overall layout adopts a legible hierarchy as one would reasonably expect of a development of this size where the dual access arrangements are already agreed, and are generally in accordance with the indicative details submitted at outline stage. The main crescent highway will provide for an active principal route through the site, also creating prominent corner plots where this adjoins subsidiary adopted sections. Following revisions to the scheme, the built envelope of the development is to be contained within the restrictions imposed by the original Ecological Parameters Plan barring the slight incursion of access and parking areas into the indicative mine shaft buffer and otherwise providing scope for peripheral landscaping, open space and reinforcement of the public right of way within the scheme. Although



terminating in cul-de-sacs, the hierarchy of circulation areas now provides for a number of pedestrian breakthroughs into the continuous informal footpath through the East and West ecological buffers, increasing permeability and access to open space and, beyond, the open countryside.

Formal open space is to be provided at the southern end of the site, framing the initial section of the right of way and adjoining the permanent attenuation basin and overflow area at the southeast corner. In re-using the stone walling removed from the earlier inset field boundary, the open space is to be enclosed to a high standard, with a good quality hoggin path providing circulation between the adopted highways and public right of way. The open space is also to incorporate a Local Equipped Area of Play (LEAP), the specification of which has been agreed with the Council's Environmental Services Officer. There is now a permanent pond of sealed construction to prevent water ingress to the mines below, with an overflow area attenuation basin designed together with the areas toward the southern site boundary to meet the 1 in 100yr + 30% storage capacity for extreme weather events. Both are to be left open to the open space, with the permanent water body to retain a constant depth of approximately 500mm.

In the first instance, the proposals were met with a holding objection from the Council's Drainage Engineer; owing to uncertainty over the current runoff and the capacity of the downstream system, Officers could not be certain that the layout could accommodate suitable surface water management. Although the (now considerably overdue) Atkins report into the capacity and condition of the Corsham system – into which the development would feed – remains outstanding, a subsequent revision to the Drainage Strategy for the site shows the layout capable of supporting an on-site system reducing maximum runoff rate to 10l/s. In the view of the Council's Engineer, with any reasonable assumption of current runoff arrangements, this represents a level that will not exacerbate existing, unrestricted flows, and will provide some betterment in extreme weather events. Accordingly, the Officer is content to remove the holding objection and control the detailed foul and surface water drainage arrangements under Conditions 13 and 14 of the outline permission respectively.

Having requested successive minor adjustments to highway surfacing, widths and alignments, vehicle tracking and parking provision, the Council's Highways Officer is now satisfied that the adopted and private street hierarchy is of an appropriate layout and specified to adoptable standards (excepting the private driveways). Visibility at junctions is adequate and can be secured by planning condition to ensure that the development is laid out in a timely and safe manner and retained in an appropriate arrangement. It should be noted that off-site works including the provision of a new roundabout at the Bath Road/Bradford Road junction were agreed under the outline permission, subject to approval of details under technical highways regulations, and are therefore not relevant considerations in this case.

Following initial concerns raised by the Council's Housing Officer, revised details have provided improvement in respect of the distribution of affordable units on site, with a terrace of four units (47-50 on the most recent iteration) repositioned within the northeast part of the site. Although there remains a general bias of affordable housing toward the southwest portion, when mindful of constraints such as the requirement for

adopted highways and value of these more dense units in creating an active street scene, a sensible layout has now been achieved in this regard. The scheme also includes flats to be offered as affordable rented units, together with a mixture of dwelling sizes. So far as reasonably practical, therefore, it is considered that the proposals comply with Core Policy 43's *On site distribution and standards*. Being broadly in accordance with the outline details, in respect of which concerns over overlooking were not upheld by the Inspector, it is considered that the proposals will promote an adequate standard of residential amenity to all new and existing properties.

### Landscaping

The peripheral landscaping to the application scheme is largely dictated by the Ecological Parameters Plan, agreed previously, which provides *inter alia* for suitable landscaped buffers to protect important bat commuting and foraging routes, guarding against undue intrusion from activity and, in particular, lighting. These are retained along the North, West and East site boundaries, the former providing for an uninterrupted link between Guyers Lane and the retained mine shaft. Following negotiation, the treatment of the landscaping around the mine shaft has been refined, now comprising a double-row of tree planting and cat-proof wire mesh fencing. The latter will secure the area – accessible only for maintenance from the East – and also guard against vandalism and damage, as a chain link fence would likely require regular repair/maintenance. The County Ecologist has considered in detail the submitted landscaping scheme and its integral ecological mitigation and considers this to be broadly consistent with the measures originally provided for in the outline application, notwithstanding some minor variations in layout and lighting, and as such is satisfied with the proposals' compliance with Condition 4 of the outline permission.

Turning to the detail of the landscaping scheme, the Ecologist notes the treatment of retained trees, which are generally contained to incidental pockets rather than part of any strategic landscaping scheme, and the pressure they may subsequently encounter due to their proximity to dwellings. Although this is not ideal, the Trees Officer is content that such matters can be addressed by condition, ensuring their independent retention as valuable habitat as much as in the interests of general amenity. The Ecologist does however also raise concerns consistent with the professional judgement reached at the time of the outline application. In particular, the Officer remains of the view that the effect of the development on non-SAC protected bat species using the mine shaft has been dramatically underestimated, and that the construction and occupation phases are likely to impact detrimentally upon these species. Concerns are also raised in respect of the potential for light intrusion from the illumination of the new roundabout access, notwithstanding existing sub-optimum conditions, impacting upon the use of the southern mine shaft buffer area by bats. Nonetheless, as indeed noted in the Ecologist's comments, these matters must be considered in the round with other material considerations including the approved quantum of development (i.e. whether the full 150 units previously approved could be accommodated with significantly better ecological mitigation) and, critically, the Inspector's earlier judgements in respect of ecology. In both cases, a number of concerns were either dismissed altogether or considered by the Inspector to be insignificant or outweighed in relation to the substantive benefits of the scheme and its associated mitigation measures. Notwithstanding the professional view

of the Ecologist, when having regard to the number of units to be accommodated the findings of the Inspector and the scheme of mitigation now proposed, it is considered that to substantiate a refusal on the above grounds would amount to unreasonable behaviour that would not be defensible on appeal.

Given the time elapsing between the determination of the appeal and consideration of the reserved matters applications, the County Ecologist has undertaken an update to the appropriate assessment under the Habitats Regulations in respect of any likely impacts upon the integrity of the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC). Although it should be noted that the earlier judgement of the Inspector, as competent authority in this regard, at the time of his decision represents the 'baseline' position that must be accepted, the update assessment has regard to any changes in circumstances arising since that time and the extent of effect these may have on relevant protected species. The assessment concludes that *relative to the accepted findings of the Inspector*, the proposed scheme whether independently or in combination with other 'live' or pending developments locally will not impact detrimentally on the qualifying features of the SAC. In this respect, the application is considered in conjunction with the Landscape and Ecological Management Plan (LEMP) submitted in respect of Condition 5 to the outline permission. The recommendations of the Ecologist as set out in the appropriate assessment have been reviewed by Natural England and agreed without amendment. On a related note, it should be made absolutely clear that neither the Council nor Natural England has the power to compel the applicant to apply for a derogation licence. Nonetheless, given the Inspector's earlier conclusions and the outcome of the update AA, there is no reason to believe a licence would not be forthcoming if applied for and therefore any speculation that no application would be made in this respect is neither relevant nor fatal to the current reserved matters applications. This is a separate matter to be monitored and, if necessary, enforced by Natural England should a breach of the Regulations occur subsequently.

Although the northern boundary buffer area in particular appears to have been reduced relative to the indicative outline layout, the original plan was only indicative and an objection on this basis is considered unreasonable. The Inspector previously concluded that some harm to the setting of Guyers House would be experienced (but that this was outweighed by the public benefits of the scheme) and it is not considered that the closer proximity of built development as proposed exacerbates this effect to any significant extent. Similarly, the development's relationship to the Pickwick Conservation Area is substantively the same as that indicated at outline stage and accordingly, it is considered that the Inspector's findings in respect of the impact on designated heritage assets remain valid in considering the current details. Having regard to the provisions of S66(1) and S72(1), therefore, it is considered that in light of previous conclusions there is no fundamental conflict with the relevant legislation when considering the proposals at this time. The private cul-de-sac arrangement facing the boundary emulates the driveway access to Guyers House; together with the intervening landscaping, this will avert the unwelcome 'sterilisation' of the space with uninspiring domestic boundaries and paraphernalia associated with dwellings backing on to this edge. It should also be noted that independently this section offers considerable ecological improvement, as detailed in the Ecologist's response.

The North and West buffers are to incorporate an informal hoggin pathway, providing an alternative daytime link between the public right of way and the various cul-de-sacs. The right of way is to be of more formalised construction – being surfaced in tarmac in the interests of longevity – and is to be set within a landscaped corridor extending throughout the site. Following initial concerns raised by the Council’s Urban Design and Landscape Officers, negotiations have sought the improvement of this, including reviewing the orientation of neighbouring units and alignment of adjacent driveways, to improve the setting of the right of way. Although the proposals represent a fundamental shift in the character of the route, it is considered that its treatment is now of a high standard contributing to the overall public realm of the scheme and addressing the initial shortcomings identified in this respect.

### Scale

The proposed scale of the development maintains a consistent maximum of two storeys throughout, including the proposed flats, whose design is considered to be in keeping with the suburban location and character of the development as a whole. This is consistent with the original Design & Access Statement and indicative details considered at outline stage. Although building height is fairly constant throughout – albeit with the depth of some of the large units creating a greater ridge height – the greater density and closer proximity to the highway will give the units fronting the main arc the most presence as perceived from the public realm. Garages maintain a modest single-storey scale, with roof coverings rather than gable ends generally orientated toward the highway, in turn minimising their apparent bulk within the street scene. The scale of the development is considered acceptable, therefore.

### Appearance

The proposed house types proposed are, by and large, of standardised form, with the flats being the notable exception and occupying a prominent position on the main ingress to the site. Notwithstanding this, the individual units themselves are appropriately distributed such that those with a greater street presence are sited on the principal routes and generally appear more engaged with their context. In particular, an increased density of units has been introduced facing Bath Road, and other prominent plots such as those on corners or facing public spaces given greater definition. Although not typical of the immediate context of the site, the Arts and Crafts style of the dwellings is in keeping with some of the examples of suburban housing in Corsham more widely and certainly not atypical of the type and distribution of residential development over the past 80 years or so. Improvements in the external appearance of the development have been secured by negotiation in the course of the application process and are considered to address largely the original concerns raised by the Council’s Urban Designer.

Several representations make reference to the proposed mixture of materials, which broadly comprises natural stone boundaries together with reconstituted stone and render finishes to individual units, beneath either slate or concrete tile roofs. It is considered that, in principle, this combination is reasonable; although benefiting from a high quality setting it must be recognised that the site is not located within a Conservation Area and will read as an honest reflection of its status as a comprehensive

modern housing development. It is not considered that the use of higher-order materials such as natural stone would significantly diminish the level of harm to the setting of Guyers House identified by the appeal Inspector and it is acknowledged that reconstituted stone has been given precedence in the most readily visible parts of the site. Similarly, it is considered that the use of Welsh slate or stone roof tiles, for instance, would only confuse the legibility of what are, in reality, modern buildings.

### Conclusion

In respect of the specific scope of the reserved matters application, it is considered that the substantive scheme represents an appropriate standard of design overall, and one that will deliver specific improvements including public open space, play and footpath provision. The matters assessed are considered to be satisfied by the submitted details and any approval is given without prejudice to any other outstanding technical matter, several of which have been raised through representations. Although ultimately subject to the granting of a Licence by Natural England, in the view of Officers the scheme will make adequate provision for the various elements of ecological mitigation sufficient to satisfy the relevant conditions and original terms of the outline application. Accordingly, it is recommended that the application is approved.

### **RECOMMENDATION**

That the application is approved, subject to the following conditions:

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

5064/501 rev A - Attenuation Pond Details  
Received 1 February 2017

1794 01 G H - Landscape Masterplan  
1794 02 D - Detailed Planting Plan (1 of 7)  
1794 03 C - Detailed Planting Plan (2 of 7)  
1794 04 B - Detailed Planting Plan (3 of 7)  
1794 05 B - Detailed Planting Plan (4 of 7)  
1794 06 B - Detailed Planting Plan (5 of 7)  
1794 07 D - Detailed Planting Plan (6 of 7)  
1794 08 B - Detailed Planting Plan (7 of 7)  
Received 20 September 2016

RHSW.5365.PL001 rev D - Planning Layout  
RHSW.5365.SMP001 rev C - Surface Material Plan  
Received 12 September 2016

RHSW.5365.MP001 rev D - Material Plan  
Received 13 September 2016

F-SD-5365-01 - Stock Fencing Details  
Received 7 September 2016

RHSW.5365.AHP001 rev B - Affordable Housing Plan  
RHSW.5365.EP001 rev C - Enclosures Plan

5064/SK01 rev B - Preliminary Levels  
Received 5 August 2016

04644 TPP - Tree Protection Plan  
1794 09 A - Detailed LEAP Proposals  
Received 26 April 2016

Housetype Booklet "Bath Road, Corsham"  
F-SDO902 - Knee Rail Fencing  
F-SDO906 rev A - Screen Fencing, 1.8m High, Standard Effect  
dwg: Natural Dry Stone Wall  
Received 18 April 2016

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

- 2 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.

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

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

- 4 The screen walls and/or fences shown on the approved plans shall be erected prior to the first occupation of their respective dwellings hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

- 5 No dwelling shall be first occupied until its turning area and parking spaces and access thereto 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.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or

amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.

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

7 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.

8 INFORMATIVE TO APPLICANT:

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer.

9 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.

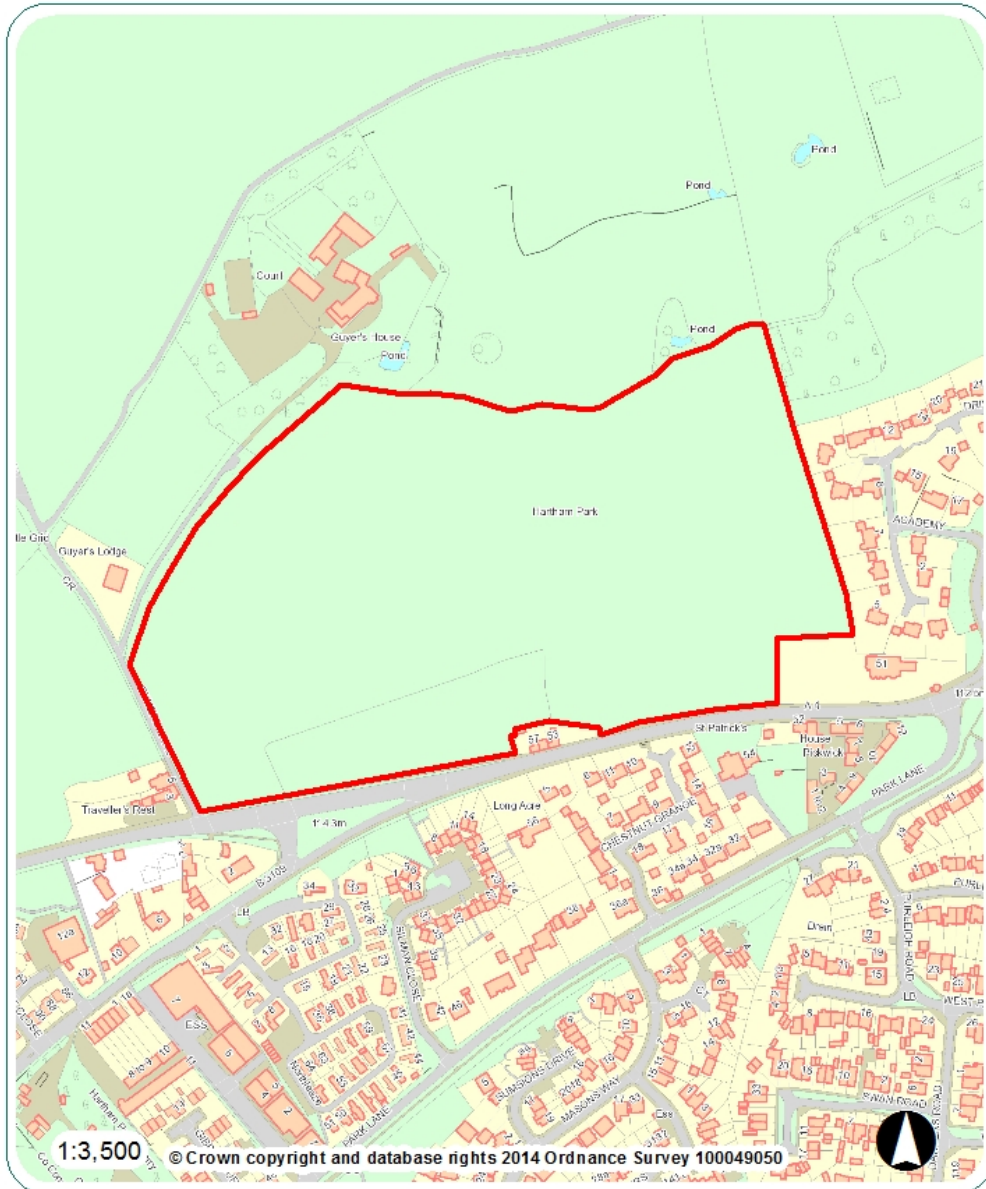
10 INFORMATIVE TO APPLICANT:

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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16/03721/REM  
Land North of Bath Road  
Corsham  
Wiltshire  
SN13 0QL



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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	14 June 2017
<b>Application Number</b>	16/04544/REM
<b>Site Address</b>	Land North of Bath Road, Corsham, Wiltshire
<b>Proposal</b>	Reserved Matters Application for Access, Appearance, Layout & Scale (Following Outline Application 13/05188/OUT) Proposed B1 Employment Units on Land to the West of Bath Road Development Corsham
<b>Applicant</b>	Redrow Homes Ltd.
<b>Town/Parish Council</b>	CORSHAM
<b>Electoral Division</b>	CORSHAM PICKWICK – Cllr Ruth Hopkinson
<b>Grid Ref</b>	385631 170465
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Chris Marsh

### Reason for the application being considered by Committee

The application was originally called in to Committee by Cllr Macrae - the call-in subsequently upheld by Cllr Hopkinson - in order to consider the visual impact, relationship to adjoining properties, design and environmental impact of the proposal.

#### 1. Purpose of Report

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

#### 2. Report Summary

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

- Layout of the development;
- Landscaping of the development;
- Scale of the development; and
- Appearance of the development

Corsham Town Council has objected to the application, which has also attracted 24 public objections from neighbours of the site and local residents.

#### 3. Site Description

The application site is located to the immediate North of the A4 Bath Road toward the western fringes of Corsham and comprises the southwestern portion of a large arable

field, itself including a smaller historic pasture inset and amounting to approximately 10ha in total. The West site boundary is marked by a good quality stone wall running alongside the narrow Guyers Lane, beyond which is a sporadic series of historic cottages, whilst a similar structure flanks the southern – Bath Road – edge. The L-shaped plan of the site is partially dictated by an ecological ‘stand-off’ area, established through an earlier appeal, around an historic mine shaft that is a nationally-important site for protected bat species.

Outline planning permission was granted in May 2015 for the erection of up to 150 dwellings and 1,394m<sup>2</sup> of employment space, subject to a S106 legal agreement and conditions, several of which relate to specific technical matters. Application 13/05188/OUT refers. At that time, a dual access system consisting of a new roundabout directly opposite the main Bradford Road junction at the southwest corner and T-junction with right-turn lane at the southeast boundary with Bath Road were also approved, engineering details of which remain under separate consideration. The associated application for the approval of reserved matters related to the residential element is 16/03721/REM.

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

13/05188/OUT	Outline planning application for erection of up to 150 dwellings, up to 1,394sqm B1 offices, access, parking, public open space with play facilities and landscaping – appeal allowed
16/03721/REM	Reserved Matters Application Relating to Appearance, Landscaping, Layout & Scale (following outline application 13/05188/OUT) Residential Development for 150 Units Together with Associated Highways, Drainage and Other Infrastructure Works, Landscaping and Play Area – pending decision
16/08668/ADV	Erection of V Stack Sign and Flags to Advertise the Land for Residential Development – approved

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

The current reserved matters application seeks approval of the outstanding matters of the layout, landscaping, scale and appearance of the ‘employment’ element of the outline permission 13/05188/OUT, which was granted on appeal. Having initially been granted outline permission for up to 1,394m<sup>2</sup> of office space, the revised proposals now comprised a reduced quantum of 991m<sup>2</sup> (10,664sq/ft) offices, with the parking allocation reduced accordingly. The proposals also make provision for ecological buffers as mandated at the time of granting outline permission. Having originally been of a rather standardised form, the revised scheme now comprises two detached buildings, situated on the southern and northern parts of the site and measuring 595m<sup>2</sup> and 396m<sup>2</sup> in floor space respectively, each formed of varying components.

The existing tree at the southwest corner of the land is to be removed and new planting is to be introduced around the periphery of the development and also within a new area of courtyard amenity space. A dedicated bike/bin store is to be positioned at the southwest corner, designed as a simple, timber-clad box beneath a dark corrugated sheet roof. In terms of materials, the development is otherwise to comprise a mixture of reconstituted Cotswold stone, timber cladding, slate and clay tiles, informed by the relative status of each component and the more ‘rural’ vernacular found in the local area.

## 6. Local Planning Policy

Core Policy 57 (Ensuring high quality design and place shaping) of the adopted Core Strategy is of critical relevance in this instance, supported by Core Policies 50 (Biodiversity and geodiversity), 51 (Landscape), 58 (Ensuring the conservation of the historic environment) and 64 (Demand management).

Paragraph 17 and Sections 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are also of importance.

## 7. Summary of consultation responses

Corsham Town Council – “*Resolved: to refuse the application on the grounds that the two applications (16/04544/REM and 16/03721/REM) should have been considered in a single application as the twin elements of residential and employment uses constituted a significant part of the argument in favour of sustainable development. There is insufficient detail to ensure that the landscape buffers and dark areas required have been provided and are not infringed by the proposed development. The Town Council still has concerns regarding land stability and drainage and would like to be assured that there is only one air shaft on site. The larger trees to be provided on site should be indigenous species and the regimentation of the planting scheme is not in keeping with the area. The Town Council had concerns over the thoroughness of the bat survey. The Town Council supports the Pickwick Association’s objections to the application.*”

Highways – no objection, subject to conditions

Urban Design – initial objections, citing primarily the utilitarian design of the units – revised details received subsequently

Ecology – objections, although noting Inspector’s conclusions, on effect on ecological buffers

Landscape – initial objections, citing inadequacy of landscaping treatments – revised details received subsequently

Drainage – no objection

Archaeology – no comments

Historic England – no comments

Highways England – no objection

Natural England – no objection in respect of internationally and nationally protected sites, refer to standing advice in respect of protected species

## 8. Publicity

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

24 letters of objection were received, based on the number of households and including those submitted on behalf of the Pickwick Association, Beechfield House Trustees and Corsham Civic Society, raising the following points:

- Ecological impacts, and in particular the adequacy of information required under condition 4 of the outline permission (20 references)

- Design out of keeping with Corsham/Pickwick (12)
- Landscaping inappropriate or ineffective (5)
- Materials inappropriate/unsympathetic to context (3)
- Adverse impact on setting of heritage assets (2)
- Inadequate or unsuitable highways layout (2)
- Adverse impact on residential amenity (1)

As the principle of employment development and means of access to the site are already agreed matters, any such points should be discounted from consideration for the purposes of the current application. Several comments also related to the prospect of future mining works beneath the site however this matter is subject of separate conditions (no.22 & 23) to the outline permission.

## 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.

Given the relationship to designated heritage assets at Guyers House and Pickwick Conservation Area, the provisions of S66(1) and 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant.

### Layout

The proposed layout is relatively simplistic, owing primarily to the considerable restrictions imposed by the proximity of the mineshaft and ecological buffers along the western and southern site boundaries. These spatial limitations effectively push any built development to the southern and northern ends of the site as well as limiting the intervening space available for parking. Consequently, the level of floor space has been decreased substantially relative to the maximum granted outline permission; this is welcomed. As parking standards for commercial developments are set on a per m<sup>2</sup> basis, this reduces pressure for parking and associated hard standing and lighting.

In its revised form, the proposal adopts a considerably more rustic form, featuring setbacks and projections to increase street frontage and add articulation, whilst also reducing bulk and part-enclosing areas such as the central courtyard to enable the creation of a quality landscaped amenity space within the development. Access and parking provision is considered adequate by the Council's Highways Officer, whilst the relaxed requirement in this regard represents a considerable improvement in terms of likely ecological impact, with considerably less lighting disturbance to the mine shaft swarming area in particular.

The Inspector did not previously identify any particular conflict between the development of the 'employment' element of the outline proposals specifically and the setting of the listed Guyers House or the Pickwick Conservation Area. Having regard to the provisions

of S66(1) and S72(1), therefore, it is considered that the respective significance of the designated heritage assets would be preserved. Due to their use, landscaping, orientation and relative containment, it is not considered that the proposed buildings or the use of surrounding areas would impact significantly on the residential amenity of nearby occupiers.

### Landscaping

The landscaping for the site is provided principally by the designated buffers which enclose the site on all but its shorter northwest and southeast ends. Accordingly, there is little planting incorporated into the proposals per se, relying on sensitive transitional landscaping such as low level shrubs to avert undue pressure on the more strategic landscaping. It is considered that this approach is acceptable in the circumstances and that to instead attempt to screen the development altogether would run counter to the site's role as the gateway to Corsham, ultimately unsuccessfully. The South and West fringes of the site have been shaped by what cannot be introduced, rather than what can or should, and is therefore open to interpretation. The limited planting scheduled can be secured by condition, together with the timely delivery of the hard landscaping that is integral to the success of the scheme in amenity and functional terms. Being quick to mature with the use of the development, it is considered that this would provide a good level of amenity consistent with the overall approach to the site and its role in the wider context of Corsham and Pickwick.

Initial objections were raised by both the Council's Landscape and Ecology Officers, relating specifically to the relationship between the scheme and the adjacent strategic planting surrounding the mine shaft clearing. As the latter forms part of a vital piece of ecological mitigation, it is essential that the planting should be able to establish rapidly and continue to mature without pressure for reduction arising from neighbouring buildings and/or unnecessary intrusion as required for building maintenance. This relationship has now been improved significantly through revised details; the building is set further back with only a blank elevation presented toward this part of the wider site, both minimising the above conflicts and safeguarding the ecological area from additional light ingress from windows, over which the authority would have little control. In order to prevent similar incursion from external lighting, a condition is recommended to provide additional control over such installations to prevent unwelcome light spill to ecological receptors. It is considered that this approach is a successful one overall when considered in the context of the quantum of development approved in outline for the site, and considerably better than any fallback position comprising an exhaustive representation of the maximum commercial floor space and associated infrastructure.

### Scale

In keeping with the original Design & Access Statement, the employment buildings proposed comprise of a reasonable two-storey scale within their principal elements, dropping to around one-and-a-half storeys in the more subordinate sections. This mixture of proportions is welcomed as a means of achieving a more articulated, softened form of development in this prominent position without adversely affecting the degree of visibility in the street scene that it should rightly command. The dedicated

cycle/bin store is of very modest proportions and will not appear particularly prominent given the scale of the adjacent building and limited wider visibility due to the boundary walls. It is not considered that the proportions of the buildings will have any overbearing or overshadowing effect on neighbouring properties and, with the re-orientation of the units, will not result in unwelcome light spill – particularly during the winter months – that would unduly illuminate bat areas, a notable improvement on the original submission.

### Appearance

The external appearance of the units is much improved relative to that originally submitted and indeed that indicated at outline stage. Both previous iterations leaned heavily toward the rather utilitarian style of building typically found on commercial estates and devoid of any notable concession to local building styles. By contrast, the revised scheme represents a sympathetic composition utilising more traditional forms and materials to achieve an altogether more 'agricultural' appearance, including the modest timber structure of the cycle/bin store. This will assist in forming a transition between, in particular, the historic cottages at Travellers Rest, and the modern form of the larger housing element for which approval is sought separately.

It is nonetheless considered that the buildings themselves have some independent merit; the South and East-facing elevations of Block A – perhaps the most prominent element – will be finished in a higher order reconstituted stone, giving the building a status and positive relationship to the newly-created access to the wider development. As a smaller component, Block B will assume a less articulated, more simplistic appearance that is considered well-suited to its recessed position. Nonetheless, the building now incorporates a good standard of finish, including a dedicated area of amenity space that can be refined through a detailed landscaping condition.

### Other matters

Given the time elapsing between the determination of the appeal and consideration of the reserved matters applications, the County Ecologist has undertaken an update appropriate assessment under the Habitats Regulations in respect of any likely impacts upon the integrity of the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC). Although it should be noted that the earlier judgement of the Inspector, as competent authority in this regard, at the time of his decision represents the 'baseline' position that must be accepted, the update assessment has regard to any changes in circumstances arising since that time and the extent of effect these may have on relevant protected species. The assessment concludes that *relative to the accepted findings of the Inspector*, the proposed scheme whether independently or in combination with other 'live' or pending developments locally will not impact detrimentally on the qualifying features of the SAC. In this respect, the application is considered in conjunction with the Landscape and Ecological Management Plan (LEMP) submitted in respect of Condition 5 to the outline permission and is currently under review by Natural England with comments to follow. On a related note, it should be made absolutely clear that neither the Council nor Natural England has the power to compel the applicant to apply for a derogation licence; the previous assumption that this would occur is not relevant or fatal to the current reserved matters applications. This is a separate matter to



be monitored and, if necessary, enforced by Natural England should a breach of the Regulations occur.

Having initially raised a holding objection owing to uncertainty over whether adequate drainage could be accommodated within the proposed layout, the Council's Drainage Officers are now satisfied that final details can be secured through outline conditions 13 and 14, relating to foul and surface water disposal respectively. The updated Drainage Strategy makes provision for a maximum discharge rate of 10l/s and, notwithstanding that the results of the survey of the downstream system remain outstanding, this represents a reasonable solution based on the assumed existing arrangement. Final detail will still be subject to scrutiny and may require improvement works as directed by the statutory undertaker to ensure that these are adequate in practice. In any case, however, this is not incompatible with the proposal considered here and thus not critical to the application.

Whilst not a matter within the immediate control of the Local Planning Authority, the Officer is aware of other instances whereby outline or full planning permission has been granted in respect of commercial development but instead residential development pursued subsequently in its place. In this instance, however, the approval of reserved matters in respect of the units – which are designed to a reasonably high standard – would represent a better prospect for the purposes of marketing and improve the chances of finding a suitable tenant. Should the site be sold on as freehold, this would also provide greater reassurance to any purchaser as to the costs and yield of development. Notwithstanding the lack of any outline phasing condition and the Inspector's conclusions in relation to the principle of employment development in this location, this is material to maximising the prospects of delivering a balanced mix of housing and employment in tandem with the adjacent site.

### Conclusion

It is considered that the much-improved proposals achieve a high standard of design in relation to this prominent corner plot. Notwithstanding that the development represents a significant change to the existing character of the site, the details submitted are of a good standard relative to the assumptions of the outline permission and represent the best chance of securing a long-term active employment use in this location at the entrance to Corsham. It is considered that the revised proposals are acceptable in planning terms.

## **RECOMMENDATION**

That the application is approved, subject to the following conditions:

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

BS.01 - Bin & Cycle Store Plans & Elevations  
Received 2 September 2016

SLP.01 rev A - Site Location Plan

SL.01 rev A - Site Layout  
EL.01 rev A - Engineering Layout  
A.e1 rev A - Block A Elevations  
A.e2 rev A - Block A Elevations  
A.p1 rev A - Block A Ground Floor Plan  
A.p2 rev A - Block A First Floor Plan  
B.e1 rev A - Block B Elevations  
B.e2 rev A - Block B Elevations  
B.p1 rev A - Block B Ground Floor Plan  
B.p2 rev A - Block B First Floor Plan

Received 16 September 2016

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

- 2 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.

- 3 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.

- 4 No paint or stain finish shall be applied to external timber (including external walls and 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 brought into use.

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

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

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

- 6 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on approved plan EL.01 rev A - Engineering Layout (received 16 September 2016). The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

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

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

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions, extensions or external alterations to any building forming part of the development hereby permitted and no plant, machinery or other incidental structure shall be installed outside any such building on the site on the approved plans.

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, or the installation of any outdoor plant, machinery or other structure.

- 9 No external lighting shall be installed on site until details of lighting, external cowls, louvers or other shields to be fitted to reduce light pollution have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be put in place before the floodlights are first brought into use and shall be retained and maintained in accordance with the approved details at all times thereafter.

REASON: To protect species and to minimise light pollution in the interests of ecology and the amenities of the area.

- 10 **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.

- 11 **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.

- 12 **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

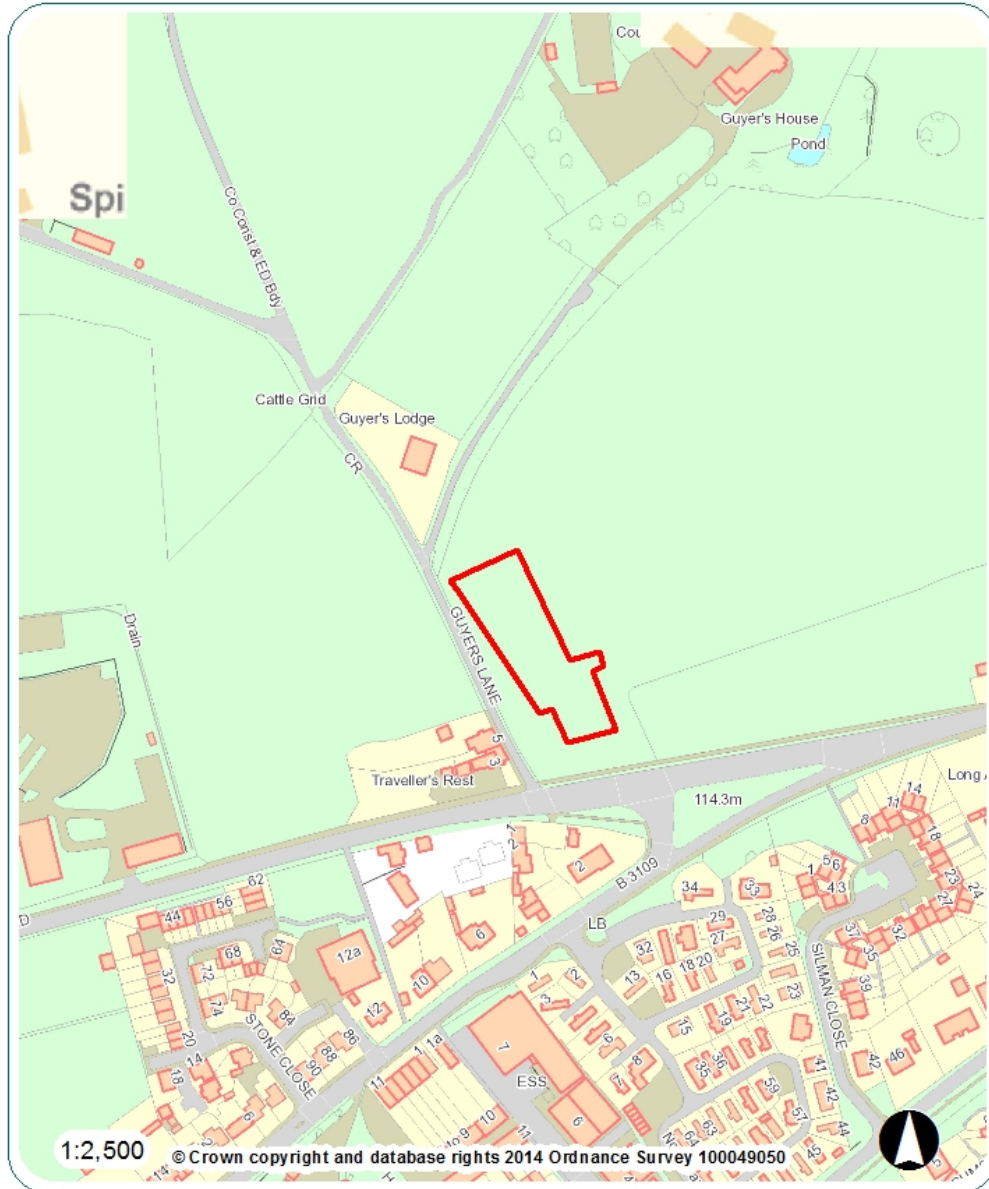
outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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.

13

**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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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	14 June 2017
<b>Application Number</b>	17/03280/FUL
<b>Site Address</b>	Daisy Cottage 26 A High Street Sutton Benger SN15 4RF
<b>Proposal</b>	Proposed detached single garage (Resubmission of 17/00850/FUL)
<b>Applicant</b>	Mr Simon Ellinger
<b>Town/Parish Council</b>	SUTTON BENDER
<b>Electoral Division</b>	KINGTON –Councillor Howard Greenman
<b>Grid Ref</b>	394467 178684
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Louisa Haines

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

The application has been called to Committee by the Local Member, Councillor Howard Greenman, in order for the *“committee to consider environmental impact, size and scale. I have every belief that this will be taken to appeal if it is refused, and would be more comfortable with the outcome if there had been a committee decision too.”*

#### 1. Purpose of Report

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

#### 2. Report Summary

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

- The principle of the development.
- The impact of the proposal on the Sutton Benger Conservation Area
- The impact of the proposal on the character and appearance of the application site
- The impact of the proposal on the residential amenities of surrounding properties.

At the time of recommendation, objections have been received from Sutton Benger Parish Council, the Conservation Officer and a local resident.

### 3. Site Description

The application relates to a new build detached house, which is one of two built on the site of the old post office in Sutton Benger. The house sits on the main high street of Sutton Benger within the conservation area. The houses along this part of the conservation area front the highway with the principal elevation and garages are to the side of the property. On the surrounding dwellings to Daisy Cottage the properties have a drive fronting the road. Daisy cottage has a similar driveway currently consented. The dwellings on the opposite side of the road are similar but with shorter driveways and a stone wall between the driveway and the pavement, garages are again to the side of the property. This maintains a distinctive street scene along the road.

### 4. Planning History

N/12/04032/FUL	Proposed front extension, raise roof, alter windows and change external wall material to render- related to post office and some additional residential.	Approve with conditions
N/13/00835/FUL	Principle of additional housing was considered acceptable, but refused as the post office was still a functioning shop. A change to introduce a parking area was considered to be significant but not harmful to the conservation area as the 6 dwellings to the East had similar front driveways.	Refuse
14/04152/FUL	Amendments to 12/04032/FUL to subdivide into 2 dwellings and new access (resubmission of 13/00835/FUL)	Approve with conditions
16/01606/PREAPP	Two new dwellings and Demolition of Existing Dwelling	Pre-application advice
16/03211/FUL	Demolition of existing dwelling and erection of two new dwellings. This is the current permission under which Daisy Cottage is being built. The main dwellings have now been externally constructed.	Approve with conditions 31.05.2016
17/00850/FUL	Proposed Detached Single Garage	Refuse 24.03.2017

### 5. The Proposal

This application seeks permission for a proposed single detached garage to the front of Daisy Cottage, this will replace one of the parking spaces already consented. This is a resubmission of 17/00850/FUL which was refused. This application proposes a minor change to the design of the roof with the garage remaining sited in the same location to the front of the dwelling.

The garage considered in this application is proposed at Daisy Cottage. Daisy Cottage is a newly built house, built under 16/03211/FUL as one of two dwellings. Pre-application advice was sought for Daisy cottage and the neighbouring dwelling. The parking put forward by the applicant for both the pre-application and application, did not show a garage at Daisy



Cottage. There is parking, including subsequently a garage, to the rear of the other dwelling. The Conservation Officer would have preferred parking for both properties to be at the rear but the applicants preferred the front access and parking for Daisy Cottage, (front access had been previously consented in 14/04152/FUL).

## 6. Planning Policy

### National Planning Policy Framework (NPPF):

Paragraphs 14 and 17; and Section 7 paragraphs 58, 60, 61, and 64; and Section 12 paragraphs 128, 129, 131, 132, 134 and 137

### Wiltshire Core Strategy (WCS):

Core Policy 1: Settlement Strategy

Core Policy 57: Ensuring High Quality Design and Place Shaping

Core Policy 58: Ensuring the Conservation of the Historic Environment

## 7. Summary of consultation responses

Sutton Benger Parish Council – Object 1. *The proposed development, by reason of its design and location fails to conserve the character of the Conservation Area. This harm is not otherwise justified by any wider public benefit.....* 2. *The proposed development, by reason of its scale, mass and siting within a residential garden and design would fail to integrate into the existing built context and pattern of development. Therefore, the proposal would have an unacceptable impact on the visual amenities and character of the surrounding area*

Conservation Officer- Object. Same reasons as highlighted by the Parish Council above and in addition *'The principle of a detached garage structure would remain an alien and incongruous feature in the streetscape. The applicants agent cites a previous application as setting a precedent for such structures. Examining the impact this previous decision it is clear that it causes an adverse effect on the views along High Street.....The adverse effects in this situation are caused by the non-characteristic form of service buildings to the fore of domestic dwellings. In the Sutton Benger Conservation typically Buildings are recessed from the road behind gardens and planting. Where car parking exists within the forecourts predominantly it is surface parking surrounded by planting.'*

Local resident- Object. *This change to the materials used to construct the single garage does not overcome the key issues .....No other building along this side of the High Street has a garage in front of it and it would therefore seem to be detrimental to the overall look of this part of the conservation area (noting that without the garage the developers have made the new builds integrate very well into the surrounding houses) ...The comparison to another house along the High Street is fatuous – in that development there was little opportunity to build a garage behind the house – and it should be noted that on this site the developer had ample space to construct a suitable arrangement of garages behind both houses but chose not to do so. Instead there was a clear focus on providing one double garage for one house in the original planning application and presumably they hoped to gain a subsequent approval for an unsightly addition to the other house.*

## 8. Publicity

The application was advertised by an advert placed in the Wiltshire Gazette and Herald, a site notice and direct neighbour notification letters. One letter of objection was received from a local resident.

## 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.

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

### Principle:

The principle of a detached garage within the residential curtilage of a dwelling in Sutton Benger is established under Core Policy 1 and Core Policy 57 of the Wiltshire Core Strategy. The proposed garage is within the conservation area so Core Policy 58 must also be considered as must relevant national legislation and guidance as highlighted above.

### Effect on the Conservation Area and Street Scene

There would be harm caused. This is assessed as less than substantial harm but it is considered that this harm is not outweighed by any public benefit.

Core Policy 57 requires development to enhance local distinctiveness by responding to the value of the historic environment. Core Policy 58 states development should protect, conserve and where possible enhance the historic environment, which includes the special character or appearance of conservation areas. This reflects the guidance given in paragraphs 126 and 137 of the National Planning Policy Framework and in paragraph 72 (1) of the Planning (Listed Building and Conservation Area) Act 1990.

Core Policy 57 states a high standard of design is required in all new developments. New developments should relate positively to the existing pattern of development and take account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area. The government attaches great importance to the design of the built environment as laid out in section 7 of the NPPF, including the need to respond to local character and history as set out in paragraph 58.

The central area of the village including the High Street in Sutton Benger is designated as a Conservation Area, in relation to its historic, evidential and interpretive significance and the communal value in that regard. Daisy cottage currently has permission for three parking spaces at the front of the property granted under 16/03211/FUL. This would maintain the open frontage to the principal elevation which is characteristic of this part of the conservation area. The proposed single detached garage would sit between the front of the dwelling and the highway; this is uncharacteristic in this part of the conservation area and would not accord with the historic built form and historic significance of the area. Harm would be caused to the character and distinctiveness of the conservation area therefore this application is not in accordance with the principles outlined above in CP57 and CP58 or with national planning policy.

As set out in the NPPF where harm is identified in a conservation area its significance must be considered and if it is found that less than substantial harm would occur, this must then be weighed against any public benefits gained from the proposal. The small scale of the proposal, being for a single detached garage within a residential curtilage, and with the

impact relating to the character and appearance of the conservation area means the identified harm in this case is considered to be less than substantial. The proposed garage is purely for the residents of Daisy Cottage. Daisy Cottage already has adequate existing off street parking providing by application 16/03211/FUL, there is no additional requirement and there are no additional spaces provided by this application as one parking space would be lost to allow for the garage, therefore there is no public benefit gained from this application.

It is proposed to locate the garage in a particularly prominent position in the street scene as it has been located in the far south corner of the plot, not in close proximity to any other dwellings including the host dwelling. This further adds to the adverse impact. However, it is not considered there is any location to the front of the property where a garage would be acceptable so an alternative location has not been discussed with the applicant.

The proposal shows some hedges on the plan, around the proposed garage and between the dwellings. Although this would help to partially mitigate the visual impact of the garage it would still not remove the less than substantial harm that a detached garage to the front of principal elevation in this location would have on the character and distinctiveness of the conservation area, as described above.

The applicants have sent in pictures and information of a detached double garage at 11B on the High Street within the conservation area in support of their application. Although the application must be considered on its own merits the Case Officer did view this development and also discussed it with the Conservation Officer. 11B is in reasonably close proximity, however it is located around a corner within an area that has more of a mix of building types and dwelling frontages. Directly opposite 11B is a stone dwelling that is positioned next to the highway and there is a detached outbuilding which is adjacent to the pavement. There is also a pub and some other buildings set back from the road. A detached garage therefore does not have the same level of harm in this location. It does however show how the open nature of the frontage is not maintained by having a garage at the front of the property and the Conservation Officer also felt this was actually a good example of why a garage in front of Daisy Cottage would not be appropriate.

Sutton Benger Parish Council has objected to the proposal as they consider it fails to conserve the character of the conservation area and the proposal would not integrate into the existing built environment.

One local resident has also objected to the proposed garage as it would be detrimental to the conservation area. They put forward that the developer has made the original houses integrate well and that the developer had the opportunity to consider a garage for Daisy Cottage under that application.

#### Effect on appearance of application site

The garage is of a fairly typical design. It is proposed as a single storey detached building with a hipped roof to be clad in Bradstone conservation roofing slate and timber cladding and reconstituted stone. There has been a minor design change in terms of roof style from the previous submission refused under application 17/00850/FUL, but it is not considered that this amendment has addressed the identified concerns and harmful impact of the proposed development.

Daisy cottage has been built using pale beige stone and roof tiles, therefore these elements of the proposed garage appear to match, however, the host dwelling does not have timber cladding. Although timber cladding is an often utilised material for outbuildings it is not in keeping with the host dwelling and as the garage is proposed in such a prominent position in the conservation area it is considered that the design would not accord with CP57 which

requires materials to effectively integrate the building into its setting. Discussions on changing this have not been undertaken as it is considered a garage at the front of this dwelling is not appropriate in principle due to the detrimental impact on the character and distinctiveness of the conservation area as described above.

### Highways

The access to the property remains in the same place as the previous permission, and the total amount of parking also remains unchanged, (the proposed garage meets the minimum dimensions required to provide an off road space). The Highways Officer feels the proposed application for a single garage still leaves sufficient space for turning and therefore there is no significant adverse effect from the proposal.

### Effect on Amenity of Neighbours

The proposed garage is situated to the front of the property by the boundary wall. It is not in close proximity to either of the residential buildings adjoining the site and therefore it is not considered to have an adverse effect on the amenity of the surrounding properties. In relation to the host dwelling, the proposed location provides a reasonable sized gap that should ensure the garage does not reduce the amenity for future occupiers in terms of loss of daylight or having a detrimental impact by virtue of being overbearing.

### Conclusion

The above assessment has shown that the development would cause less than substantial harm to the character and distinctiveness of the conservation area as it will have a detrimental effect on the distinctive frontage pattern. This harm is not outweighed by any public benefit. The application is therefore not in accordance with Wiltshire Core Strategy Policies 57 and 58. NPPF paragraph 17; and Section 7 paragraphs 58, 60 61 and 64; and Section 12 paragraphs 131 132, 134 and 137 and Planning (Listed Building and Conservation Area) Act 1990 paragraph 72 (1). The materials currently proposed are also not in keeping with the host dwelling. This application is recommended for refusal.

## **RECOMMENDATION**

**That planning permission is REFUSED, for the following reason:**

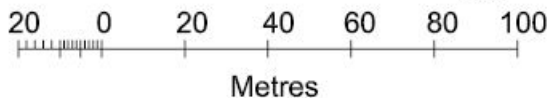
- 1 The proposed development, by reason of its design and location fails to conserve the character of the Conservation Area. This harm is not otherwise justified by any wider public benefit. The proposal is therefore contrary to Core Policy 57 (i) and 58 of the adopted Wiltshire Core Strategy, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 17, 58, 131, 132, 134, and 137 of the National Planning Policy Framework.



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 Data recorded for 1 year, valid up to 10 February 2017, unless otherwise referenced to 2016/02/10/16156.

Location Plan 1:1250

North



Drawn by

A Harlow & Son 01225 938329

Proposed Garage at  
Daisy Cottage  
26A The High Street  
Sutton Benger  
Wiltshire  
SN15 4RF

A1 Papersize

Scale

1:100, 1:1250,  
1:50

Drawing No AH2016/15

Rev.

Date

30th March 2017

Sheet 1 of 1

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	14 June 2017
<b>Application Number</b>	17/00606/FUL
<b>Site Address</b>	Link Road, Between A3102 and Marlborough Road, Royal Wootton Bassett, Wiltshire
<b>Proposal</b>	Full Planning Application for the permanent retention of existing temporary road as an agricultural access
<b>Applicant</b>	Oxford University Endowment Management
<b>Town/Parish Council</b>	ROYAL WOOTTON BASSETT
<b>Electoral Division</b>	WOOTTON BASSETT SOUTH – Cllr Chris Hurst
<b>Grid Ref</b>	407482 181032
<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 in by the local Member in order to consider the scale of development, visual impact on the surrounding area, relationship to neighbouring properties and environmental/highways impact of the proposals.

#### 1. Purpose of Report

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

#### 2. Report Summary

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

- Principle of development
- Highways impact of the development
- Visual/landscape impacts of the development
- Impacts on residential amenity
- Impacts on heritage assets

Royal Wootton Bassett Town Council has objected to the application, which has also generated 24 letters of objection from local residents.

#### 3. Site Description

The application relates to a linear strip of former agricultural land traversing a series of fields within a single agricultural holding located to the south/southwest of the town of Royal Wootton Bassett. A short distance to the north runs the mainline railway, to the

immediate South of which, within the former railway sidings, is a linear site compound operated by Aggregate Industries, alongside which further areas are currently in intensive use in association with electrification works. The substantive component of the application is a 600m length of raised roadway running between the main A3102 Hunts Mill Road/Bath Road into Royal Wootton Bassett and the Marlborough Road at the southeast side of the town. As both roads bridge the railway line, the Hunts Mill/Bath Road bridging it twice including one heavily skewed bridge in order to traverse the split railway line, the road was originally constructed as permitted development to prevent lengthy highway diversions during bridge closures.

The application site departs from Hunts Mill Road a short distance to the North of the Brinkworth Brook, rejoining the highway at Marlborough Road a short distance South of the reconstructed Broad Town overbridge and to the immediate North of the rear gardens of the properties on Dunnington Road. The current siting differs slightly from the original Certificate submission, being predominantly marginally further South – including both junctions – although rising further north toward the railway bridge, and includes a stub access onto the open land southward, which remains in agricultural use. Surrounding land within the same ownership is also affected by the landscape and ecological elements of the proposals, as detailed later in this report.

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

15/02336/HRN	200 Metres of Hedgerow Removal
15/04898/CLP	Certificate of Lawfulness for Proposed Creation of New Accesses off A3102 (East), Marlborough Road (West) & Creation of Temporary Road Between & to the South of the Mainline Railway.
16/08004/PREAPP	Making Temporary Link Road Permanent

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

Planning permission is sought in respect of the retention of the roadway, with some significant alterations, to serve as an agricultural access only. In practice, the reduced status of the route makes feasible a level of decommissioning works including the removal of Armco highway barriers and acoustic fencing to the North of Dunnington Road, both of which are to be replaced to some extent with additional hedgerow screening/gapping up. Landscape proposals also include planting and management to enhance ecological networks, speculated to be capable of long-term implementation through agreement of a Landscape and Ecological Management Plan (LEMP).

The junctions at either end of the road are to be reconfigured slightly in order to provide 10m setbacks to dual agricultural gates to restrict access to unauthorised traffic, whilst additional works include the instatement of priority junction markings and a pedestrian crossing point at the Marlborough Road end of the road. The proposals also make provision for associated pathways to restore an effective public right of way along the route of WBAS1, to include the provision of loose-surfaced steps to accommodate the built-up route of the new road.

#### **6. Local and National Planning Policy**

Wiltshire Core Strategy



Core Policy 3 (Infrastructure requirements)  
Core Policy 19 (Community Area strategy; Royal Wootton Bassett and Cricklade Community Area)  
Core Policy 50 (Biodiversity and geodiversity)  
Core Policy 51 (Landscape)  
Core Policy 57 (Ensuring high quality design and place shaping)  
Core Policy 58 (Ensuring the conservation of the historic environment)  
Core Policy 60 (Sustainable transport)  
Core Policy 61 (Transport and new development)  
Core Policy 65 (Movement of goods)  
Core Policy 66 (Strategic transport network); and  
Core Policy 67 (Flood risk)

North Wiltshire Local Plan 2011

Saved Policy NE18 (Noise and pollution)

National Planning Policy Framework

Paragraph 14

Paragraph 17

Section 4 (Promoting sustainable transport)

Section 7 (Requiring good design)

Section 11 (Conserving and enhancing the natural environment)

Section 12 (Conserving and enhancing the historic environment)

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

Royal Wootton Bassett Town Council – objections, citing the following concerns raised at the meeting:

- The original consent was for a temporary structure; those residents who are directly affected were willing to be inconvenienced for a short period of time only, and received assurances on this fact from Network Rail during a series of public meetings and consultations.
- There is a feeling that the road would become an ‘unofficial by-pass’, thereby reducing the likelihood of the preferred by-pass route ever coming to fruition.
- Should the retention be granted, satisfactory screening measures should be put in place for neighbouring dwellings as the current arrangement is not suitable for long-term use.
- Whilst the access to the aggregate yard must be retained, there were concerns over why agricultural access would need such a wide road with two lanes.
- It was noted that there are concerns that the retention of the road would lead to development in the vicinity in the near future. Members were advised that this area of the town has been identified as a development site in the past, as it would not lead to any coalescence with neighbouring towns. It was noted however that Royal Wootton Bassett has fulfilled its housing quota until 2026, in line with the development policies of the Wiltshire Core Strategy.
- Councillor Chris Wannell informed the Committee that he lives along the diversion route, and that the volume and nature of the traffic using the road has been less than originally anticipated. This has led to a lower than expected number of noise, privacy and pollution complaints. It was also noted that a recent poll taken within the town had shown a majority of 75% in favour of retaining the road.
- It was noted that the junctions would be returned to their original layouts if the retention of the road was to go ahead.

Highways – no objection, subject to conditions

Landscape – no objection, subject to conditions

Rights of Way – no objection, subject to conditions

Conservation – no objection

Archaeology – no comment

Ecology – no objection, subject to conditions

## **8. Publicity**

The application was advertised by press notice, site notice and neighbour notification letter. 24 letters of objection (by household) were received, the points raised in which can be summarised as follows:

- No justification for permanent retention of road following re-opening of bridges;
- Adverse impact on residential amenity of neighbouring/nearby properties;
- Adverse impact on landscape and visual amenity;
- Adverse impact on ecology; and
- Loss of agricultural land

Two further petitions containing 35no. signatures from residents of Westbury Park, Royal Wootton Bassett and a further 16no. signatures (combined) respectively were also received, raising similar concerns.

## **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

As a matter of principle, the provision of new engineering works to provide access in undesignated open countryside does not represent a conflict with adopted planning policy. Whilst such works may have landscape and visual impacts, the inherent presumption that 'openness' as an attribute will be preserved as a matter of priority is generally more pronounced in the case of designated AONBs and, of course, the Green Belt. Given its proposed use as an agricultural, and partial utility, route there is no strategic requirement for or wider public gain arising from the road, as might otherwise be supported by the Council's transport policies; however neither are the works subject of the application inherently in conflict with adopted policies.

It is essential to note the 'Golden Thread' of planning practice that is the presumption in favour of sustainable development, as outlined at Paragraph 14 of the National Planning

Policy Framework. Should proposals be assessed and it be concluded that no significant harm will arise when having regard to relevant policy and other material considerations, this means granting planning permission without delay. This is particularly relevant in this instance, where the use of the road is to be restricted to agricultural vehicles required in connection with the working of the adjoining land. As it appears that vehicles hitherto have managed perfectly well without such an engineering operation – relying instead upon simple field gates and modest junctions with the public highway – it is not considered that the works are essential for this purpose. Whilst it is indisputable that the infrastructure currently in situ is over-specified for such use, therefore, this does not weigh specifically in favour of or against the proposals.

Some representations have raised the prospect that the road is a precursor to further residential development expanding the town to the South. Whilst the author is not aware of any such proposals being forthcoming over the current plan period, it is emphasised that applications should in any case be treated on their individual merits. In this respect, the substance of the application is clear; the road is for private access. In any case, it is also highly unlikely that at a strategic level, plan-makers would consider the presence of one solitary piece of infrastructure to be determinative in allocating future housing sites.

#### Highways impact of the development

As stated, the proposals do not form an extension of the public highway and are not proposed for adoption by the Local Highways Authority however they do of course adjoin both the Hunts Mill/Bath Road and Marlborough Road, requiring suitable junctions to be created to ensure safe access to and egress from these adopted routes. The amended technical details for these junctions demonstrate how safe turning arrangements for agricultural vehicles, including suitable setbacks to ensure vehicles with trailers can be wholly off of the highway when opening/shutting gates, are to be achieved to the satisfaction of the Council's Highways Officer. The proposals will also ensure a legible priority junction at the Marlborough Road end, including the provision of a dropped pedestrian crossing point away from the carriageway edge, improving a currently poor situation. Together with the greatly reduced level of traffic, this will secure an appropriate degree of safety for pedestrians on this reasonably well-used route and improve connectivity to the public right of way.

Although the addition of hard landscaping measures to provide a useable public footpath through the public right of way represents an improvement on the existing situation, that situation has already arisen principally due to the works already undertaken. As the proposal falls to be considered on its individual merits, that harm arising through the obstruction of public rights of way should be acknowledged as entirely avoidable in the first instance. This provision, although supported by the Council's Rights of Way Officer, therefore only effectively restores the status quo and does not weigh significantly in the planning balance. It does, however, reflect the comments made on behalf of The Ramblers Swindon & North-East Wiltshire Group in respect of the application.

#### Visual/landscape impacts of the development

The submitted Landscape and Visual Impact Assessment (LVIA) reaches the sensible conclusion that the works' impact is profound at a local level, although far less significant in a wider landscape context. This is a view agreed by the Council's Landscape Officer who has welcomed in principle the amendments to the treatment of the 'landscape' elements of the proposal to de-urbanise would could otherwise be a very hard engineering operation in this rural fringe setting. The planting-up of the embankment and removal of acoustic fencing and Armco barriers in particular will

reduce the three-dimensional impacts of the works, notwithstanding the retained raised height of the roadway. Combined with the substantial reduction in traffic using the road and associated movement and headlights, this will minimise its visual impact to the point that it is only legible as such when viewed from the immediate surroundings, conserving overall landscape character and appearance in conformity with Core Policy 51.

Specifically, the Landscape Officer is supportive of the proposed introduction of additional hedgerow planting, having confirmed that this will not unduly impinge on the designed areas of open/semi-open amphibian habitat introduced to the scheme. This will reinforce existing characteristics found further southward on the Marlborough Road toward Broad Town and soften the overall appearance of the development. The planting proposals will also provide a better experiential link along the reinstated public right of way. Although the relatively 'urban' appearance of the new pedestrian facility is noted, given that this previously traversed open countryside, it should be acknowledged that this section runs only between the urban area of Royal Wootton Bassett to the North of the railway and the suburban setting of Dunnington Road. There may be some marginal gain in accessibility however moreover this new feature – whose implementation may be secured by condition – will offer a formalised pedestrian facility offering a good standard of amenity for users.

#### Impacts on residential amenity

It is essential to note that the application under consideration seeks to provide agricultural access only and speculation as to potential unauthorised use by other vehicles or the risk of prompting unauthorised traveller settlements is not material. In these terms, the proposals represent a substantially less intrusive use of the land than recently observed, in particular in relation to the level of background noise and light pollution from headlights that will have characterised the use of the road over the past several months. The applicant's acoustic report confirms that the retention of the acoustic fencing currently in situ to the North of Dunnington Road is no longer required in respect of the low-level use anticipated, and therefore proposes its removal and replacement with new planting to reduce the scheme's landscape impact. There is, of course, no right in planning to a private view and in considering the proposals against NPPF Paragraph 17 and Core Policy 57 it is not considered that the proposals will impact adversely upon residential amenity in any other respect.

#### Impacts on ecology

Whilst the prior existence of the engineering works is not prejudicial to their acceptability or otherwise in planning terms, it must be recognised that their implementation has irreversibly altered the makeup of the site in ecological terms. The effects of doing so have been both, in theory, positive (including the removal of the land from agricultural use) and negative (including the loss of hedgerow and fragmentation/disruption of habitat). Whilst the removal of the road may secure the land's return to productive agricultural use, it must be acknowledged that re-establishing the profile of protected and non-protected species and habitats previously observed would be a much more long-term exercise and very unlikely to ever achieve quite the same balance.

The Council's Ecologist has expressed support for the amended proposals particularly owing to their capacity to deliver a connected habitat or series of habitats previously absent from the site as well as delivering some localised improvements for individual species. This is a positive enhancement compliant with the sequential preferences of Core Policy 50 and weighs in favour of the proposals. Whilst this must be balanced against the loss of productive agricultural land, the proper context is set out at Paragraph 112 of the NPPF in which only the best and most versatile (BMV) land

Grades 1-3a are given material weight. As the affected land is classified as Grade 3 and 4, it is not considered that its loss amounts to significant harm in this instance.

### Conclusions

In light of the above, the ecological benefits of the scheme weigh in favour of the development and, on balance and in light of the policy framework, this consideration is not outweighed by the loss of agricultural land. All other relevant matters are considered to have a neutral impact in planning terms and therefore, whilst the concerns of local residents are duly taken into account, the presumption in favour of sustainable development is determinative in this instance; the proposals are considered acceptable in planning terms.

### **RECOMMENDATION**

That planning permission is GRANTED, subject to the following conditions:

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

L01 - Site Location Plan  
5138466-ATK-HGN-HR-DR-D-1039 rev P01.2 - Vehicle Tracking  
Received 20 January 2017

5504/SK/201 rev B - Proposed downgrading of western access with A3102  
5504/SK/202 rev A - Proposed alterations to eastern access with Marlborough Road  
Received 28 March 2017

17/12/01 rev A - Illustrative Public Footpath  
Reinstatement Works  
Received 26 April 2017

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

- 2 The engineering operations hereby permitted shall be removed and all equipment and materials brought onto the land for the purposes of such use and materials resulting from the demolition shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
  - (i) Within one month of the date of this decision a detailed landscaping scheme and Landscape and Ecology Management Plan (LEMP), incorporating fully the principles established in the Landscape and Ecology Strategy Note 10729\_R04a (Savills/Tyler Grange, received 5 May 2017) and detailed in drawings 10729PO8d and 10729PO9a, shall be submitted to the Local Planning Authority, the scheme to include a timetable for its implementation;
  - (ii) If the Local Planning Authority refuse to approve the scheme submitted under (i) above, within one month of the date of that decision a valid appeal shall have been made to, the Secretary of State;
  - (iii) An appeal is made in pursuance of (ii) above, that appeal has been finally determined and the submitted scheme has been approved by the Secretary of State.

(iv) The scheme as approved by the Local Authority or Secretary of State has been carried out and completed in full, in accordance with the approved details and timescales.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and ecological enhancement.

- 3 The use of the development hereby permitted shall only enure for the benefit of agricultural traffic accessing the adjacent fields and, from the Marlborough Road junction only, the movement of vehicles accessing the railway sidings depot.

REASON: Having regard to the particular circumstances of the application which are considered, exceptionally in this case, to justify the grant of planning permission in this instance.

- 4 There shall be no raising of existing ground levels on the site.

REASON: In the interests of visual amenity and landscape quality.

- 5 Notwithstanding the details shown on CEC Plans 5504/SK/201(A) [Proposed Downgrading of Western Access with A3102] and 5504/SK/202 [Proposed Alterations to Eastern Access with Marlborough Road], the existing road shall be closed by permanent gates at either end, which shall be kept closed and locked at all times except when required for access for agricultural purposes or for access to the railway sidings depot to the south side of the railway line.

No access to the railway sidings depot shall be permitted along the retained road between the depot site and the A3102

REASON: To prevent the movement along the road by general traffic seeking to use the route as a short cut between Marlborough Road and Hunts Mill Road, and to ensure that sidings depot traffic service route is defined.

- 6 Notwithstanding the visibility splay details shown on CEC Plans 5504/SK/201(A) [Proposed Downgrading of Western Access with A3102] and 5504/SK/202 [Proposed Alterations to Eastern Access with Marlborough Road], The visibility splays at the junctions of Marlborough Road and Hunts Mill Road shall be provided in accordance with details which shall first have been submitted to the local planning authority within one month of this decision and implemented in full within two months of their approval in writing by the Local Planning Authority. The splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 7 Within three months of the date of this decision, the scheme for safe pedestrian use of the route of public right of way WBAS1 shall be provided in accordance with the approved details (17/12/01 rev A) and certified by the local Rights of Way Warden. Such facilities shall be maintained as such thereafter, in perpetuity.

REASON: In order to maintain appropriate public rights of way.

- 8 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 Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILP, 2011)", 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.

9       INFORMATIVE TO APPLICANT:

The applicant should seek the advice of their ecologist on the necessity to vary the terms of the licence to disturb great crested newts, under which the works to construct the link road were undertaken, to accommodate the permanent loss of terrestrial habitat suitable for use by this species.

10       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.

11       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.

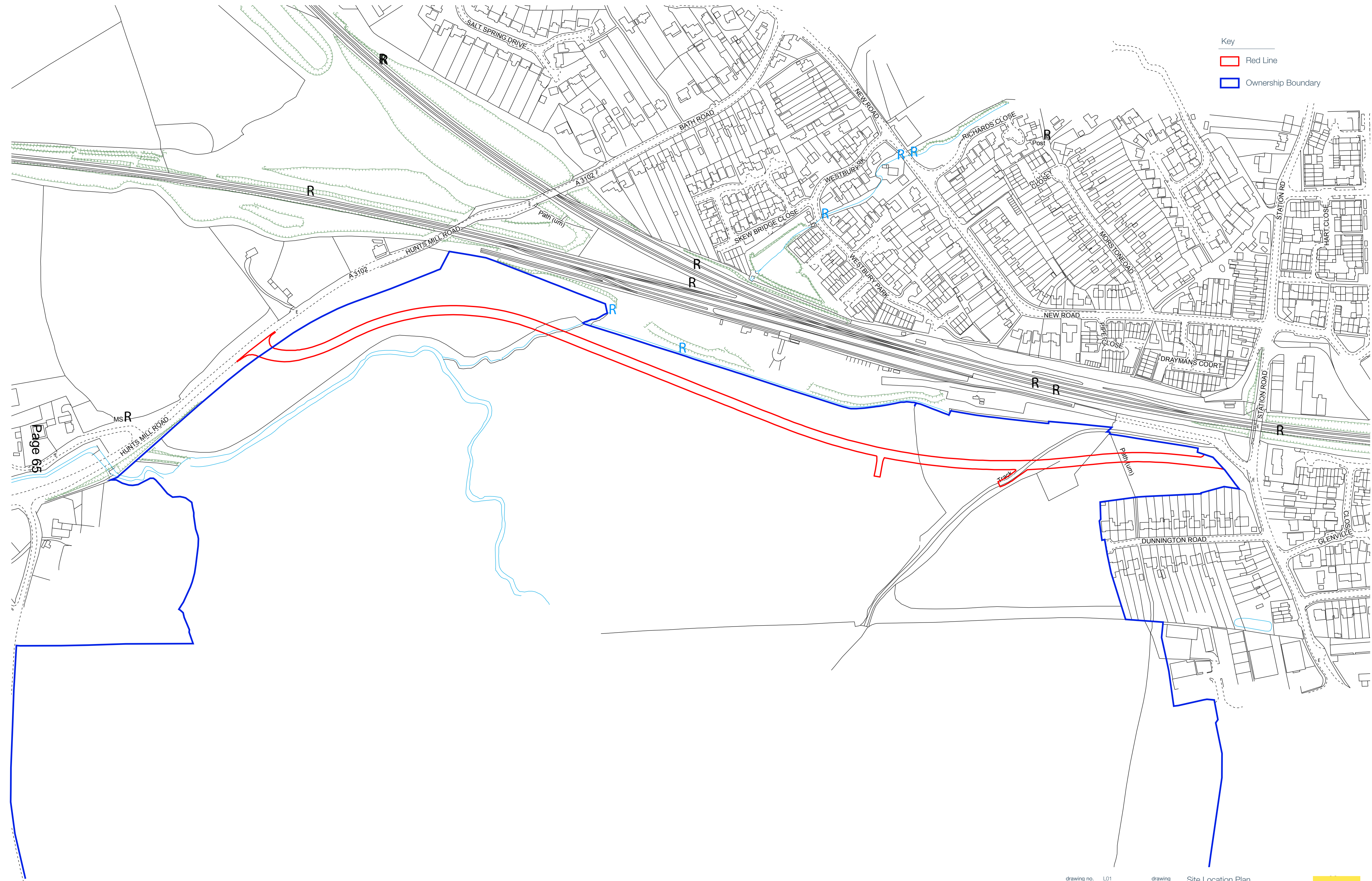
12       INFORMATIVE TO APPLICANT:

It is likely that a stock proof fence or similar will be required to help with the establishment of the new hedgerow at Station Road end. Written confirmation of this fencing specification should be established and agreed by the LPA prior to its erection. Measures to protect new planting from domestic or wild grazing animals should be provided as part of the scheme, i.e. spiral or tube guards etc.

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Key  
▭ Red Line  
▭ Ownership Boundary



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Royal Wootton Bassett  
on behalf of OUEM

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drawing no.	L01	drawing	Site Location Plan
rev	-	job no.	-
scale	1:2500 @ A2	date	19 January 2017
drawn by	CS		
checked by	AM		



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