

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER
Date: Wednesday 12 July 2017
Time: 3.00 pm

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

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

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

Membership:

Cllr Tony Trotman (Chairman)	Cllr 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	

Substitutes:

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

Recording and Broadcasting Information

Wiltshire Council may record this meeting for live and/or subsequent broadcast on the Council's website at <http://www.wiltshire.public-i.tv>. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and/or training purposes.

The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request.

Parking

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

County Hall, Trowbridge
Bourne Hill, Salisbury
Monkton Park, Chippenham

County Hall and Monkton Park have some limited visitor parking. Please note for meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

Public Participation

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

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

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

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

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 14*)

To approve and sign as a correct record the minutes of the meeting held on Wednesday 14 June 2016.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the 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 5 July 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 7 July 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**

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 **17.04080.FUL - Land East of 19 Crown Close, Chippenham** (*Pages 15 - 30*)

7b **17.03545.FUL - Land at Frog Lane, Great Somerford, Chippenham** (*Pages 31 - 46*)

7c **17.03123.FUL - Nos 8 to 10 Brokenborough, Malmesbury** (*Pages 47 - 58*)

7d **17.01154.FUL - Abberd Lane, Abberd, Nr Calne, SN11 8TE** (*Pages 59 - 66*)

7e **17.04117.FUL - Upper Studley Farm, Swindon Road, Royal Wootton Bassett** (*Pages 67 - 82*)

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

This page is intentionally left blank

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 14 JUNE 2017 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice Chairman), Cllr Christine Crisp, Cllr Gavin Grant, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Toby Sturgis, Cllr Brian Mathew and Cllr Philip Whalley (Substitute)

Also Present:

Cllr Ruth Hopkinson and Cllr Andy Phillips

47 Apologies

Apologies were received from Cllr Ben Anderson who was substituted by Cllr Phillip Whalley.

Apologies were also received from Cllr Ashley O'Neil and Cllr Howard Greenman.

48 Minutes of the Previous Meeting

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

Resolved:

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

49 Declarations of Interest

There were no declarations of interest.

50 Chairman's Announcements

The Chairman announced that due to unexpected large numbers of public attendance at the meeting, Councillors would vote to move certain agenda items forward. Namely Items 7b and 7c, but also 7e.

51 **Public Participation**

The Committee noted the rules on public participation.

52 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

53 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of applications 7b- 16/03721/REM and 7c- 16/04544/REM- Land North of Bath Road, Corsham, as listed in the agenda pack.

53a 16/03721/REM and 16/04544/REM Land North of Bath Road, Corsham, Wiltshire

Further to the Chairman's announcement, Cllr Tony Trotman proposed that Agenda Items 7b- 16/03721/REM and 7c- 16/04544/REM- Land North of Bath Road, Corsham, be brought forward in the agenda to be heard first. This motion was seconded by Cllr Peter Hutton and the Committee approved hearing these Items first.

The Senior Planning Officer referred the Committee to the late observations and explained that the submission from objectors was received shortly prior to Committee. The applicant had requested an opportunity to consider and respond to the submission. Due to the nature of the submission made there was a significant amount of work required to address the points raised, the Officer's recommendation was therefore to defer the items. This recommendation was proposed by Cllr Tony Trotman, seconded by Cllr Christine Crisp, and approved by the Committee.

Resolved:

Applications: 7b- 16/03721/REM and 7c- 16/04544/REM

DEFERRED to allow the applicant to consider and respond to matters raised by objectors and submitted as late representations immediately prior to Committee.

53b 17/00606/FUL - Link Road Between A3102 and Marlborough Road, Royal Wootton Bassett, Wiltshire

Further to the Chairman's announcements, Cllr Tony Trotman proposed moving Agenda Item 7e forward in the agenda. This was seconded by Cllr Gavin Grant and approved by the Committee.

Members of the public Alan Norman, John Parker and Karen Dykstra spoke against the application.

The applicant's agent Matthew Dawber spoke in favour of the application.

Cllr Janet Georgiou, Royal Wootton Bassett Town Council, spoke against the application.

The Senior Planning Officer introduced the application for the permanent retention of existing temporary road as an agricultural access. A presentation was shown containing photographs of existing site, both long range and short range, along with diagrams of proposed developments. The Officer's recommendation was for approval subject to conditions outlined in the report.

Members were invited to ask technical questions. In response to questions, the Officer confirmed that a condition was included requiring the approval of any proposals for the erection of lighting for the road/access and that if the Committee felt it necessary the wording of the condition could be amended to strengthen the position regarding restrictions on lighting. The Officer clarified that this would not and could not stop the submission of future applications for the erection of lighting for the road/access and that any future application would need to be considered on its merits and in the context of material considerations and circumstances relevant at that time.

Members of the public were invited to speak as listed above.

Local Member Cllr Chris Hurst spoke against the application. He stated that approving the application would cause significant harm to the local area, referring to public health concerns and enjoyment of the local area. He explained that the road had originally been built under a certificate of lawfulness to fulfil a specific temporary purpose, with the condition that it would be removed. He said that pledges had been made to residents by Wiltshire Council, in this respect and he urged Members to keep that promise. He also encouraged Members to consider deferring the item, so that alternative proposals, put forward by residents, could be properly investigated if an outright refusal was not considered appropriate.

In the debate that followed Cllr Chris Hurst proposed that the application be refused, based on significant harm to the area. This was seconded by Cllr Gavin Grant. However, Cllr Toby Sturgis expressed concerns that if the Committee refused the application, there was a chance that it could be successful at appeal and for there to be less favourable conditions put in place. He suggested that a deferment may be more suitable, showing that the Committee are willing to consider options and work with the applicant. Consequently, Cllr Hurst withdrew his motion, as did Cllr Grant. Cllr Sturgis proposed a second motion, that the application be deferred to allow the applicant to consider the alternative proposals put forward by residents. This was seconded by Cllr Phillip Whalley and approved by the Committee.

Resolved:

Deferred to offer the applicant an opportunity to consider and respond to alternate scheme proposals tabled by Local Residents. Officers are to report back to Committee as soon as possible after the applicant has identified their intentions in this respect.

53c 17/00870/FUL 60 Redland, Chippenham, Wiltshire

Members of the public Jonathan Li and Andrew Gregory spoke against the application.

The applicant Shofi Mahmud spoke in favour of the application.

Cllr Nina Phillips, Chippenham Town Council, spoke against the application.

The Team Leader introduced the application for a Change of Use for A5 Hot Food Catering. A presentation was given showing existing site, front and rear, and the relationship between the commercial unit and the residential properties above and in the surrounding area. The Officer explained that significant objections had been received and that a petition had also been raised. However, he clarified that the number of objections is not in itself a determinative factor. Officers explained the policy position and framework relevant to the site and the proposal. They identified the principal considerations that had been the matter of assessment including input from Public Protection and Highways officers, these being impacts to residential amenities through noise and odour disturbance; highways impacts and parking requirements.

Members of the Committee were invited to ask technical questions. It was clarified that if residents had concerns as to health concerns, whether it be noise or smells, the Public Health Protection Team could be contacted and would investigate any concerns.

Members of the public spoke as detailed above.

The Local Member Cllr Andy Phillips spoke against the application, stating that not enough weight was being given to the resident's health and happiness. He stated that not enough consideration had been given as to the impact on residents, through noise and odour issues, along with lack of parking.

In the debate that followed, Cllr Peter Hutton proposed the Officer's recommendation for approval, with the additional informative or conditions that residents be given advance notice of any maintenance of the extractor system and for all goods deliveries to be made during daytime hours. This was seconded by Cllr Tony Trotman and approved by the Committee.

Resolved:

To GRANT Planning Permission as per officer recommendation subject to an additional condition and additional informative as follows:

CONDITION:-

All goods deliveries associated with the use hereby permitted shall take place during daytime hours and not during evenings. Daytime hours hereby defined as between 8.30 am and 18:00 pm.

REASON: In the interests of residential amenity.

INFORMATIVE:-

The applicant is advised to provide written notification to neighbouring residential properties above the application site of proposed maintenance works to the ventilation extraction plant hereby approved in advance of the works taking place.

And the original conditions of the Officer's Recommendations:

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.

53d 17/03280/FUL Daisy Cottage, 26 A High Street, Sutton Benger, Wiltshire

The applicant's agent Richard Harlow spoke in favour of the application.

The Team Leader introduced the application which was for a detached single garage. Photos were shown of the site, which was identified as being within a conservation area which is a heritage asset. A location plan was shown, along with diagrams of proposed elevations and floor plans which were shown in comparison to a previously refused scheme and the site layout plans for the approved newly built dwellings at the site. It was highlighted that although there was a similar permission granted in the area previously, there were material considerations and site circumstances relevant to that application which did not apply in this instance. The Officers recommendation was for refusal.

Members were invited to ask technical questions and in response Members were informed that permitted development rights would not apply to this part of the property (frontage adjacent a public highway), and would therefore not have enabled the applicant to build a shed at the front of the property.

Members of the public spoke as detailed above.

Cllr Peter Hutton spoke on behalf of the Local member, Cllr Howard Greenman. He questioned why the application should be refused where a larger garage of a similar nature was permitted in the nearby area.

In the debate that followed, Cllr Christine Crisp spoke of the importance of preserving the heritage asset and proposed the Officer's recommendation for refusal. This was seconded by Cllr Sturgis and the Committee voted to approve the application.

Resolved:

To REFUSE Planning Permission for the following reasons:

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.

54 Urgent Items

There were no urgent items.

(Duration of meeting: 3.00 - 5.00 pm)

The Officer who has produced these minutes is Edmund Blick of Democratic Services, direct line 01225 718059, e-mail edmund.blick@wiltshire.gov.uk

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

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	12 July 2017
Application Number	17/04080/FUL
Site Address	Land East of 19 Crown Close Chippenham SN15 3UQ
Proposal	Proposed new dwelling with associated access and landscaping
Applicant	Mr Geoff Broom
Town/Parish Council	CHIPPENHAM
Electoral Division	CHIPPENHAM HARDENS AND ENGLAND – Councillor Cape
Grid Ref	393216 172237
Type of application	Full Planning
Case Officer	Eleanor Slack

Reason for the application being considered by Committee

The application was called into Committee by Councillor Cape to consider its visual impact on the surrounding area, its relationship with adjoining properties and its impact on car parking and highways.

1. Purpose of Report

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

2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development.
- Impact on character and appearance of the area.
- Impact on highways
- Impact on trees
- Impact on drainage

As a result of the consultation exercise, 5 letters of objection were received. The Town Council also objected to the application. The Arboricultural Officer, the Drainage Engineer and the Highways Officer raised no objection to the application subject to conditions.

3. Site Description

The application concerns land east of 19 Crown Close, Chippenham. The site is located within the defined and established residential area of Chippenham. It is located in an area which is identified as being susceptible to ground water flooding, but is not subject to any other constraints. At present and following determination of a recent certificate of lawfulness application (17/01373/CLE), the site forms a part of the residential curtilage of 19 Crown Close. The host dwelling is a bungalow and the site is currently enclosed by a low picket fence. The site is bounded by the highway to the south, with the host dwelling to the west in addition to a car park and residential gardens to the north. There are also residential dwellings immediately to the north east and the south east, with a footpath also running in this direction.

The built form surrounding the application site is diverse in form, design and appearance; comprising of a variety of detached, semi-detached and terraced dwellings. There is a varied material palette in the area, there is no uniform plot size or building line and the built form is dense with few sections of open space.

4. Planning History

N/03/01309/FUL	Conservatory - approved
17/01373/CLE	Certificate of lawfulness for use of land as private residential garden - approved

5. The Proposal

The application seeks permission for the construction of a new dwelling with associated access and landscaping. The dwelling would be a bungalow and would comprise two bathrooms, a kitchen, lounge and garage. It would be constructed of brick and would sit under a tile roof to match the existing dwelling, number 19 Crown Close.

6. Local Planning Policy

NPPF: Core Planning Principles and Sections 4,7 & 8, paragraphs 7, 14 and 17

Wiltshire Core Strategy:

CP1 The Settlement Strategy

CP2 The Delivery Strategy

CP10 Chippenham Community Area

CP57 Ensuring High Quality Design and Place Shaping

CP60 Sustainable Transport

CP61 Transport and Development

CP64 Demand Management

Wiltshire Local Transport Plan (3) Car Parking Strategy

7. Summary of consultation responses

Drainage Engineer – no objection subject to conditions

Arboricultural Officer – no objection subject to conditions

Highways – no objection subject to conditions

Chippenham Town Council - Recommend refusal. With respect to a previous planning application for this site (17/01373/CLE) the Town Council had “no objection subject to the land remaining as open space and not subject to future development and the current low level enclosure (fencing) being retained”. It is contrary to Core Policies 52 and 57. It is detrimental to the visual impact on the amenity and character of the area and will result in the loss of open space and on street car parking. The Town Council would also point out that it has been informed by residents that planning notices on nearby lamp posts refer to a previous planning application and not the current application.

Five letters of objection were received during the public consultation. The main points raised were as follows:

Highways safety

- There are existing issues with parking in this area and the proposal would exacerbate these issues and would increase the risk of accidents.
- The proposal and the creation of the driveway would remove space which is currently used for on-street parking.
- Concern that the garage will not be used for parking
- It is unclear how access to Hancock Close could be guaranteed during construction. The ability of emergency services to access the area is of particular concern. Concern was also raised regarding the disruption caused by contractors' vehicles during construction.
- The proposed driveway would cross the pavement which is at the end of a footpath which is heavily used, particularly by school children accessing Abbeyfield School.
- The refuse truck has difficulty accessing this location.

Impact on the character and appearance of the area

- Building a property on this open space would harm the open character of the area
- Section 7 paragraphs 56 and 58 of the NPPF were highlighted. Concern was raised that the proposal would not satisfy these paragraphs and would not contribute positively to making places better for people; not function well or add to the overall quality of the area.

- The proposal would not respond to local character and history.
- It was highlighted that a proposal to erect a short section of fencing was rejected on the basis that it would damage the open nature of the area. It was felt that building a house on open land would damage the open nature much more drastically than any fence.

Impact on neighbour amenity

- The proposal would obstruct the view of those houses currently situated opposite the application site. The living room window of number 21 would be affected; through the loss of a view and light due to the close proximity of the proposal.
- Questions were raised whether there would be a guarantee that should the proposal be approved, a six foot high fence or hedge would not be allowed around the garden which would have a further impact on the surrounding properties.

Publicity of the application

- Concern was raised regarding the publicity of the application. One objector who lives adjacent to the site stated that they had not been formally notified of the application.
- Concern was also raised about the location of the site notice.

Other matters

- It was felt that the land to which the application relates was “common land” cared for by the occupants in number 19. One objector stated that this continued to be their belief when Application 17/01373 (to use land as a private residential garden) was submitted. If they had known of the real purpose of the application, we would have objected then.
- Questioned if the land was considered not suitable to build on originally, why should it be considered suitable now.
- In the early hours of the morning hedgehogs can occasionally be spotted entering or leaving the present garden area attached to no.19 Crown Close.

8. Publicity

Concern was raised regarding the publicity of the application. One objector who lives adjacent to the site stated that they had not been formally notified of the application and concern was also raised about the location of the site notice. The Town Council also stated that they had been informed by residents that planning notices on nearby lamp posts refer to a previous planning application and not the current application.

Letters were sent to all of the adjoining neighbours to inform them of the application. However, as these are sent by post, the Council cannot guarantee their delivery. A site notice was also attached to a lamppost in close proximity to the site.

9. Planning Considerations

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

Principle of development

The site is located within the framework boundary for Chippenham which is defined within the settlement strategy (Core Policy 1) as a Principle Settlement. In accordance with Core Policy 1 and the Chippenham Community Area Spatial Strategy (Core Policy 10), residential development in this location is acceptable in principle, provided it meets the requirements of other policies within the Wiltshire Core Strategy.

The Town Council highlighted that they had raised no objection to a previous application (17/01373/CLE) subject to the land remaining as open space and not being subject to future development. This was echoed in the public consultation responses which suggested that had it been known that this application would subsequently be submitted, objections would have been raised. The previous application was not an application for full planning permission; it was an application for a Certificate of Lawfulness Existing Use or Development (Certificate of Lawfulness). This is an application process provided for under national legislation that allows applicants to establish the lawfulness of a development that has already taken place. The assessment of such applications turns on the evidence available to demonstrate that the use or development has been in place/taken place for the requisite period defined under the planning acts – it is not an assessment of the impact of a development proposals as would normally have taken place in the context of a full planning application. In this instance the use of the land as garden was found to be lawful by the previous application and it is not possible to revisit the issues raised by that application as part of this application. The principle of the proposal is therefore acceptable.

Impact on character and appearance of the area

During the public consultation a number of concerns were raised regarding the impact of the proposal on the open character of the area. One letter highlighted that a proposal for the erection of a short section of fencing was refused on the basis that it would damage the open character of the area and it was considered that the proposal would harm the open nature of the area more drastically than a fence. One letter highlighted section 7, paragraphs 56 and 58 of the NPPF and questioned whether the proposal would contribute positively to making places better for people or add to the overall quality of the area. These concerns were echoed by Chippenham Town Council who felt that the proposal was contrary to CP 52 and 57 of the Wiltshire Core Strategy, being detrimental to the amenity and character of the area and resulting in a loss of open space.

The built form surrounding the application site is not uniform in design or appearance and it has a varied material palette. The area is characterised by its diversity, and there is no uniform plot size or building line in this location. Whilst the host dwelling is a bungalow, the surrounding properties tend to be two storeys which are varied in form comprising detached, semi-detached and terraced dwellings. This area is densely populated with few sections of

open space. The private amenity space associated with dwellings in this area tends to be located to the rear and varies in form and size.

The proposed construction of a dwelling in this location is considered to be acceptable within this wider context. Although the proposal would result in the removal of a section of land which at present is open garden, the area is not characterised by its openness, and the removal of this land is considered to be acceptable. Given that the land concerned is lawfully a residential garden, CP 52 is not applicable. The proposed dwelling would be relatively modest in mass and scale. Its design would be similar to the host dwelling and is considered to be acceptable. The resultant layout of the site is considered to be consistent with the surrounding development in terms of density and form. As such, it is considered that the proposal complies with section 7 of the NPPF.

Although it was highlighted during the public consultation that previous proposals had been refused in this area on the basis that they harmed the open character of the area, each application must be assessed on its own merits and it does not follow that this application should be refused. A condition will be placed on permission given removing permitted development rights in respect of fences, extensions and outbuildings, to ensure that views through the site are maintained.

Impact on residential amenity

Concern was raised during the public consultation regarding the impact of the proposal on the amenity enjoyed by neighbouring properties. It was felt that the proposal would obstruct the view enjoyed by the surrounding dwellings. One letter stated that the construction of the proposal would darken the living room of number 21 as the side elevation of the proposed dwelling would be located in close proximity.

Loss of a view is not a material planning consideration and cannot be taken into account in the determination of the application.

It is considered that the proposal would not cause any significant harm to the amenity enjoyed by the neighbouring properties in terms of loss of light, privacy or overbearing impact. At its closest point, the proposed dwelling would be located approximately 7 metres away from the dwellings to the rear of the application site, and apart from number 19 Crown Close, 10 metres to the closest dwelling in Crown/Hanock Close. The proposed dwelling would be relatively modest in mass and scale, measuring approximately 4.5 metres in height to ridge. Given its size and distance from the surrounding properties, it is considered that no significant overshadowing or overbearing impact would arise. Whilst windows would be inserted into the front, side and rear elevations, these would be of a low level and would therefore not give rise to any significant loss of privacy. The window on the side (west) elevation which is likely to cause the most overlooking serves a non-habitable room and a condition is suggested to ensure that this window remains obscure glazed in perpetuity. Moreover, given the positioning of the dwelling and proposed fenestration in relation to the layout and positioning of neighbouring properties, it is considered that no overlooking would occur.

As existing, the site is enclosed by a low picket fence and it is proposed to retain the majority of this fence. The plans also indicate that a two metre high brick wall is proposed to the rear, which within the context of the existing boundary walls on the site is considered to be acceptable. As outlined above, a condition would be placed on permission given removing the property's permitted development rights in respect of fences, outbuildings and extensions. This would ensure that no fence, extension or outbuilding could be constructed on site without permission from the local planning authority; which would further protect the amenity of surrounding properties. This condition is considered to be reasonable and necessary in accordance with the six tests contained within planning policy guidance.

Highways

A number of objections were received regarding the impact of the proposal on highways safety. The existing parking and access issues in the area were highlighted and it was felt that the proposal would exacerbate these problems. It was felt that the creation of a driveway in this location would reduce space for on-street parking whilst also creating additional demand for parking. It was highlighted that the nearby footpath is heavily used, particularly by school children accessing Abbeyfield School. This was also reiterated by Chippenham Town Council who raised concern regarding the loss of on street car parking.

The Highways Officer raised no objection to the application subject to conditions. They were satisfied that the proposal complied with the current Wiltshire Parking Standards for a two bedroom dwelling. They noted that an appropriate vehicle to pedestrian inter-visibility splay had been demonstrated on the submitted plan and its retention could be ensured by condition. With regard to highways safety, they noted that there had been no reported accidents during the last 5 years in the area and due to the nature of the road, vehicular speeds in this location are likely to be low. Moreover, they stated that the removal of on-street parking spaces is not considered to have a detrimental impact upon highway safety. A condition is suggested to ensure that the garage cannot be converted into habitable accommodation, thereby retaining the parking provision on the site and this condition is considered to be reasonable and necessary in accordance with the six tests contained within planning policy guidance.

Given the limited scale of development proposed and the form and layout of development in this locality; it is considered that the construction of the dwelling would not give rise to significant disruption in terms of access such that controls are required in this respect. The construction industry has produced best practice guidance for neighbourly development and an informative is proposed referencing construction in accordance with this guidance.

Drainage

The Drainage Engineer raised no objection to the application subject to conditions. They noted that the site is located in flood zone one and it is not in an area that is at risk from surface water flooding for the 1 in 30 or 300 events.

The Drainage Engineer noted that the application form indicates that the foul drainage will be disposed of via the main sewer. They advised that this would need a separate application to the sewerage undertaker, but they noted that they were not aware of any issues within the

undertaker's system in the area and therefore it is likely that such an application would be problematic. Although this matter is dealt with by separate legislation, and would not prevent the grant of planning permission, the Applicant is reminded of their duty in this regard by way of an informative.

Although the application states that storm water will be disposed of through a sustainable drainage system, the Drainage Engineer noted that no further information regarding the proposed system had been provided. As such, they recommended that a condition be placed on any permission given requiring a scheme for the discharge of surface water be supplied to the Local Planning Authority prior to the commencement of development. Given the nature of the proposal and its location in a densely populated area, this condition is considered to be reasonable and necessary in accordance with the six tests contained within planning policy guidance.

Trees

As there is a large tree in close proximity to the site, the Arboricultural Officer was consulted as part of this application. They recommended that in order to protect trees on adjacent land during the construction of the proposed dwelling, the method of construction should be detailed in an Arboricultural Method Statement. They requested that a condition be placed on any permission given requiring this information prior to the commencement of development. Given that nature of the tree concerned and its proximity to the development site this condition is considered to be reasonable and necessary in accordance with the six tests contained in planning policy guidance.

Low Carbon Economy:

Policy CP41 requires all new dwellings to be built to Code Level 4 for sustainable homes. Therefore this shall be added as a condition. It is acknowledged that the Code for Sustainable Homes is no longer a government requirement, however it is still a policy of the Core Strategy and its application is therefore considered to be appropriate.

CIL:

The Council's CIL charging scheme was adopted on 18 May 2015 and it is understood that the proposal may be CIL liable. An informative is added in this respect.

Other matters

One letter of objection received highlighted that in the early hours of the morning hedgehogs can occasionally be spotted entering or leaving the existing garden area attached to the host dwelling. The site is not located in an area which is identified as being of particular ecological importance and the Ecologist confirmed that an Ecology survey would not be required. They considered that following the construction of the dwelling there would be sufficient garden space left for hedgehogs and that they would not be likely to be affected by the actual works as they are predominantly nocturnal. They noted that whilst the garden may support a range of wildlife, the habitats within the garden are likely to be man-made and not naturally occurring.

10. Conclusion (The Planning Balance)

The site is located within the framework boundary of Chippenham where residential development is considered to be acceptable in principle in accordance with CP 1 and 10. The proposal is considered to be acceptable on its planning merits as it is compatible with the scale and character of the existing dwelling and would not be significantly detrimental to any residential amenities in accordance with CP 57 and having regard to all other matters raised, it is recommended that planning permission is granted subject to the conditions below.

RECOMMENDATION

Grant subject to the following conditions:

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

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

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those listed on the application form received by the Local Planning Authority on 26th April 2017.

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

- 3 The development hereby permitted shall be carried out in accordance with the following approved plan received by the Local Planning Authority on 30th May 2017:

AH2016/103 - proposed new dwelling

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

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

A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;

A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;

A schedule of tree works conforming to British Standard 3998: 2010;

Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;

Plans and particulars showing the siting of the service and piping infrastructure;

A full specification for the construction of any arboriculturally sensitive structures and sections through them, the method of construction of the proposed extension including details of the no-dig specification and extent of the areas of the proposed extension to be constructed using a no-dig specification;

Details of the works requiring arboricultural supervision to be carried out by the developer; s arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and

Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of Town & Country Planning Act 1990.

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

REASON: To ensure that the development can be adequately drained

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

REASON: To ensure that the development can be adequately drained

- 7 The development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

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

REASON: To ensure that adequate provision is made for parking within the site in the

- interests of highway safety.
- 9 The development hereby permitted shall not be first brought into use until splays have been provided on both its sides of the access to the rear of the existing footway based on co-ordinates of 2.4m x 2.4m. The splays shall be kept free of obstruction above a height of 600mm at all times.
- REASON: In the interests of highway safety.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage hereby permitted shall not be converted to habitable accommodation.
- REASON: To secure the retention of adequate parking provision, in the interests of highway safety.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B and E shall take place on the dwellinghouse hereby permitted or within its curtilage.
- REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.
- REASON: To safeguard the character and appearance of the area.
- 13 The dwellings hereby approved shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate for it has been issued and submitted to, and approved in writing by, the local planning authority certifying that Code Level 4 has been achieved.
- REASON: To ensure that the objectives of sustainable development set out Policy CP41 of the Wiltshire Core Strategy are achieved.
- 14 Before the development hereby permitted is first brought into use the window in the side (west) elevation shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and the windows shall be maintained with obscure glazing in perpetuity.
- REASON: In the interests of residential amenity and privacy.
- 15 INFORMATIVE TO APPLICANT:

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

16 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.

17 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.

18 INFORMATIVE TO APPLICANT:

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

19 INFORMATIVE TO APPLICANT:

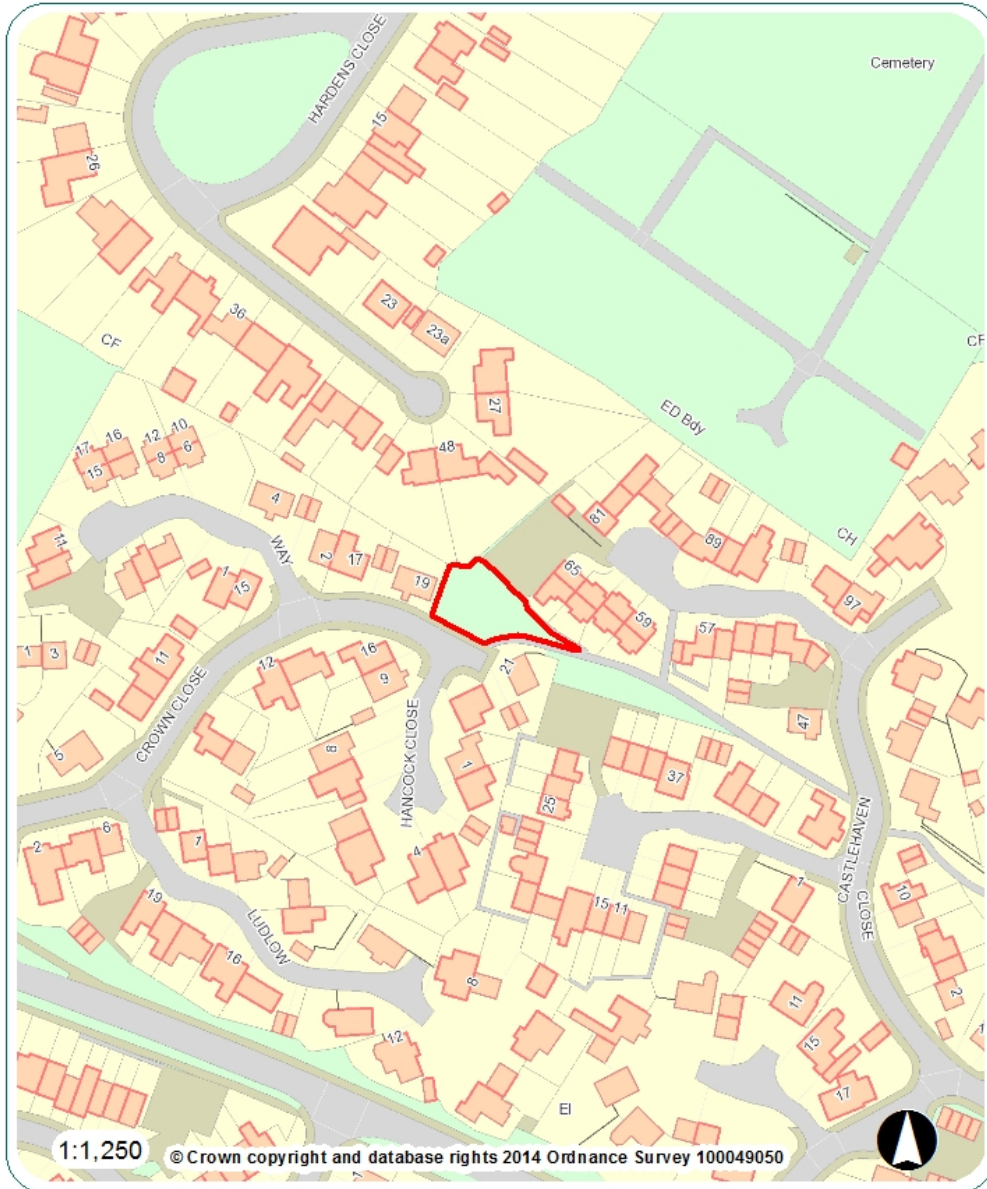
The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued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

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructure
elevy

20 INFORMATIVE TO APPLICANT:

The Council recommends that the applicant notes and implements the recommendations of the UK Constructors Group Good Neighbour Site Guide during the construction of the development hereby approved.

This page is intentionally left blank



This page is intentionally left blank

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	12 July 2017
Application Number	17/03545/FUL
Site Address	Land at Frog Lane, Great Somerford, Chippenham, Wiltshire, SN15 5JA
Proposal	Erection of Two Detached Dwellings with Ancillary Garaging and Associated Landscaping
Applicant	Moontron Ltd
Town/Parish Council	Great Somerford
Electoral Division	Brinkworth – Cllr Toby Sturgis
Grid Ref	396641 182935
Type of application	Full Planning
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

Reason for the application being considered by Committee

Part 3C, Paragraph 1 d. of the Council's scheme of delegation states:

Applications made by an elected member or a senior officer of the Council or their close relations, where representations objecting to the application have been received will be determined by committee.

The application form states that the applicant is the Sister of Cllr Toby Sturgis. Taking into consideration the above and the representations received the application must be determined by the relevant area committee.

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 **GRANT** planning permission subject to planning conditions.

2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development.
- Impact on character and appearance of the area.
- Impact on the character and appearance of the Conservation Area
- Impact on highway safety
- Conformity with the Draft Neighbourhood Plan

Great Somerford Parish Council supported the proposed development. 2 letters have been received supporting the principle of development but have raised concerns. 1 letter of objection was also received.

3. Site Description

The application site is approximately 1800sqm area of land to the north of Great Somerford. The site is accessed via a private drive from Frog Lane. The immediate area is characterised by large detached dwellings on varying sized plots. The application site is located beyond the existing framework boundary for Great Somerford but is previously developed land having been used for storage in connection with a vehicle dismantling business. The site is also located within the Great Somerford Conservation Area.

4. Planning History

N/00/01463/FUL	Erection of Dwelling and Attached Garage- Refused and Dismissed at appeal
----------------	--

5. The Proposal

The application seeks permission for the erection of two new dwellings with a car port, parking area and associated turning space & landscaping. The scheme will consist of 1x 3-bed dwelling and 1x 4-bed dwelling.

6. Local Planning Policy

Wiltshire Core Strategy Jan 2015:

- Core Policy 1- Settlement Strategy
- Core Policy 2- Delivery Strategy
- Core Policy 13- Spatial Strategy: Malmesbury Community Area
- Core Policy 41- Sustainable Construction and Low Carbon Construction
- 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 63- Transport Strategies
- Core Policy 64- Demand Management
- Appendix D
- Appendix E
- Appendix G

National Planning Policy Framework 2012:

- Achieving sustainable development – Core Planning Principles (Paragraphs 7 14 & 17)
- Chapter 7- Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)
- Chapter 8- Promoting healthy communities (Paragraph 75)
- Chapter 11- Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)
- Chapter 12- Conserving and enhancing the historic environment (Paragraphs 126, 128, 129, 132, 133 and 139)

7. Summary of consultation responses

Great Somerford Parish Council- Support, the application site is classified as a brownfield site being previously a scrapyards where vehicles and equipment were dismantled. The Parish Council would like to see an adequate turning area for service vehicles included.

Tree Officer- No objection subject to conditions

Drainage- Support subject to conditions

Highways- No objection subject to conditions.

8. Publicity

The application was advertised by neighbour letter, site notices and press advert.

The application has generated 1 letter of objection and 2 letter of support. However, the two letters of support did contain certain reservations. A summary of the comments is set out below:

- Use of the land for residential supported in principle
- Site allocated in the neighbourhood plan
- Only one dwelling should be constructed
- The existing land acts as a turning circle. Development of the land would remove the turning circle
- Turning circle required as part of this proposal
- Reversing vehicles down this road is dangerous
- Constriction vehicles will further damage this road. Planning condition needed to ensure that the track is resurfaced
- Assurances required that any works undertaken are limited to agreed working hours
- Frog Lane has been subject to very poor surface water drainage and it is quite common for the lane to become flooded even under moderate rain falls
- materials used in the construction of the proposed properties should be in keeping with materials used in adjacent properties
- Adequate privacy needs to be maintained
- Development must not result in loss of sunlight, daylight or privacy

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.

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

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the Area. The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight.

The Great Somerford Neighbourhood Plan has not yet been adopted but a public hearing was opened on 22 March 2017. Paragraph 216 of the NPPF states:

decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

Weight can therefore be afforded to the neighbourhood plan.

5 Year Housing Land Supply

On 3rd March 2017, the Council published an update to its 2016 Housing Land Supply Statement. This confirms that the Council can currently demonstrate a five-year supply of deliverable housing sites. It is considered that policies CP1 and CP2 are up to date and should be afforded full weight in the determination of the application.

Weight to be Given to Development Plan Policy CP13

Whilst the settlement boundaries are not fully up to date in terms of the fact that they relate to a previous time lapsed plan, they have been saved and rolled forward in the WCS and should still be given weight in decision making. It is considered that that significant weight should be afforded to this policy under the current circumstances.

The WCS Inspector considered that the appropriate mechanism for review of settlement boundaries is through Neighbourhood Plans and the Site Allocations Plans. An examination into the Neighbourhood Plan has opened and the application site is included within the proposed allocations.

CP13 identifies that the community remainder area is required to provide a minimum amount of housing during the plan period. The Council published its updated 2016 Housing Land Supply Statement on 3rd March 2017 and this document identifies that the figure has been reduced down to 84 units to be identified in the Community Area until 2026. Therefore, there is no indication that the community area is failing to deliver houses and clearly demonstrates that the Council is seeking to meet its obligations to provide housing at the large and small villages within the community area, furthermore the Neighbourhood plan would contribute 35 units towards this total. For the reasons set out above significant weight should be afforded to this policy even though the policy is out of date.

Wiltshire Core Strategy CP1, CP2 and CP13 and Saved Policy H4

CP1, CP2 and CP13 deal with the broad issues of settlement strategy and delivery. Other relevant policies of the Development Plan are otherwise discussed later in the report under topic heads.

Core Policy 1 and Core Policy 2 of the WCS set the foundations for how 'sustainable development' is defined and applied in Wiltshire. The strategy recognises the importance of delivering new jobs and infrastructure alongside future housing. The delivery strategy seeks to deliver future development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 178 ha of new employment land and at least 42,000 homes.

Chippenham is identified within the WCS as one of the three Principal Settlements which act as a strategically important employment and service centres for a number of villages in the immediate area and beyond. Chippenham is to be a focus for development (Core Policy 1). The principal settlements will provide significant levels of jobs and homes, together with supporting community facilities and infrastructure meeting their economic potential in the most sustainable way to support better self containment.

Great Somerford is identified as a large village in the core strategy. A proposal of 2 units in this type of settlement is not contrary to the Core Strategy and in particular core policies CP1 and CP2 which set out the overarching strategy for Wiltshire. According to CP1 'development at large Villages will be limited to that needed to help meet the housing needs

of settlements and to improve employment opportunities, services and facilities.' A development of this size is considered to do that.

Paragraph 4.15 says:

'At the settlements identified as villages, a limited level of development will be supported in order to help retain the vitality of these communities. At Large Villages settlement boundaries are retained, and development will predominantly take the form of small housing and employment sites within the settlement boundaries. These settlement boundaries will also be reviewed as part of the Housing Site Allocations DPD as set out in the Council's Local Development Scheme, in order to ensure they remain up to date and properly reflect building that has happened since they were first established.'

Core Policy CP2 states that development outside of the limits of development of existing settlements will only be permitted in exceptional circumstances, or if the site is identified for development through a site allocation document or a Neighbourhood Plan. The exceptional circumstances are set out in paragraph 4.25 of the Core Strategy. In this case, the site lies outside of the limits of development for Great Somerford and would be in conflict with CP2 of the Core Strategy.

The proposal does meet one of the exceptional circumstances identified in WCS paragraph 4.25 but the Neighbourhood Plan is not currently formally adopted. As the site lies beyond the limits of development, it also does not comply with saved policy H4 of the North Wiltshire Local Plan as it does not meet the exceptions, such as agricultural needs, set out in that policy. The proposal is therefore in conflict with the development plan in this respect.

The application site is located outside the settlement boundary for Great Somerford. The proposal for 2 dwellings is well below the level of development envisaged for large villages such as Great Somerford i.e. Small housing sites involving less than 10 dwellings. Whilst this site has been included within the Draft Neighbourhood Plan it has not yet been formally adopted.

Though the neighbourhood plan has not been formally adopted it doesn't appear that there are any unresolved objections to this allocation and weight can therefore be afforded to the DPD, though not full weight. Though some weight can be afforded to the draft neighbourhood plan the proposal is not in full accordance with the development plan and this weighs against the proposal.

Previous Appeal Decision

Planning Application N/00/01463/FUL sought consent for the construction of a single dwelling. This application was refused planning permission and the subsequent appeal was dismissed. This application was considered under a different local and national planning framework.

The Council and Planning Inspector agreed that the site was not allocated for development within the development plan and that the proposed development did not accord with the exceptions for new housing as listed within the development plan and national guidance. The Inspector also concluded that though the site was previously used as a scrap yard it did not fall within the definition of previously developed land as defined in PPG3.

Though the appeal decision is a material consideration it was made under over 15 years ago against a different policy framework. Though some of the observations are material

considerations in the determination of this application policies have changed as has the definition of previously developed land as contained within the NPPF. Limited weight should therefore be afforded to the appeal decision.

Drainage

Local residents have raised concerns with regards to drainage and localised flooding. The Council's drainage officer is happy that, subject to planning conditions, the proposed development will not result in flood or drainage issues.

Highways

Concerns have been raised in relation to delivery vehicles, once the properties are complete, turning on this private road as vehicles currently use the application site to carry out this manoeuvre.

The Council's highway officer has been consulted and is satisfied that there is sufficient parking and space within the application site for occupants of the new dwellings to enter and leave their respective curtilages in a forward gear as well as deliveries to these new properties.

The concerns expressed by local residents are noted. However, this piece of land is in private ownership and there is no given right for vehicles to turn on it. At anytime this land could be secured and vehicles prohibited from turning on it. Taking into consideration the unadopted status of the access road and the existing situation it would be very difficult to justify a reason for refusal based on no turning head being provided for the current properties along this private road. The proposed new development cannot be used to resolve an existing issue, it can only address its own impacts.

Any issues relating to deliveries and the parking of vehicles during the construction phase of development can be controlled through a construction management plan. A condition relating to this is listed in the suggested conditions below.

Impact on the Character and Appearance of the Area

As set out above, the site is located within the Great Somerford Conservation Area. The NPPF seeks positive improvement in conservation areas. Most explicitly paragraphs 126 and 131 require that local planning authorities should take into account "the desirability of new development making a positive contribution to local character and distinctiveness".

Paragraph 9 says that pursuing "sustainable development involves seeking positive improvements in the quality of the...historic environment...". The design policies further reinforce the objective of enhancement of an area's character and local distinctiveness, concluding that "Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area..."

Compliance with both the statutory consideration and the NPPF policies therefore, generally speaking, requires account to be taken of the desirability of taking opportunities to enhance the character and appearance of a conservation area.

Paragraph 120 of the NPPF requires that development should preserve or enhance the established character of the conservation area. According to the applicant and Parish Council the site is classified as previously developed land and this is also confirmed within

the neighbourhood plan. Furthermore the site is located in close proximity to varying property types, each of these being of differing quality. The area is characterised by detached houses of varying ages and design. The NPPF states that good design should contribute positively to making places better.

The proposed dwellings would respect the informal building lines that have been adopted within the street, and overall proportions and of context of the dwellings within the immediate area. The proposed dwellings would be of traditional proportions both vertically and horizontally and their fenestration would have a strong vertical emphasis. At second floor level this would include windows, which would be consistent with the modest sized windows on other properties within the locality. Similarly the proposed pitched roof would pick up on the design characteristics within the locality.

Overall the proposed dwellings would respect the topography of the street, the character of the area, and would improve the visual character of the area. It is recognised that some of the modern (20th Century) buildings in the immediate area are uninspiring and in some instances have a negative impact on the character or appearance of the Conservation Area. However as with all buildings, whether traditional or contemporary, the success with which they blend in with and make a positive contribution to the street scene is dependent on the quality of the design and the precise nature and quality of the materials used.

In this instance the scheme is considered to be high quality, which responds to local character and reflects the identity of local surroundings and materials. Provided it is constructed from high quality materials it would make a positive contribution to the character and appearance of the Area including long distance views from the open countryside. This enhancement is a positive aspect of the development, this is a matter that weighs in favour of the development and it is considered that the development would comply with the National Planning Policy Framework and Core Strategy.

The NPPF indicates that good design is fundamental to using land efficiently. For the reasons set out above the development is considered to be acceptable and to accord with Core Policy CP57 & CP58. The removal of a Brownfield site is considered to have a positive impact on the character and appearance of the conservation area and this is a matter that weighs in favour of the proposal and can be afforded moderate weight in the planning balance.

Impact on residential amenities

The application has been submitted in full. The layout of the development is therefore fixed. The submitted layout clearly demonstrates that the proposal will not result in adverse residential amenities for existing or future occupants of the existing/proposed dwellings.

Taking into consideration the existing character of Frog Lane and the other surrounding residential development it is considered that the proposal will not have a significant adverse impact on the residential amenities of adjoining properties in terms of loss of sunlight daylight or privacy. It is acknowledged that there will be an impact on some properties' outlook but the separation between existing and proposed dwellings would be sufficient to ensure that there will not be a conflict with CP57 and the NPPF. Furthermore, the redevelopment of this site would ensure that the once unsightly and likely noisy use would be extinguished and this is certainly a benefit of the scheme.

Whether a Sustainable Location

The site, which comprises previously developed land, lies on the edge of Great Somerford, in close proximity to the main road and local amenities. The Council's strategy for housing is

to focus growth in the principal settlements of Chippenham, Trowbridge and Salisbury. But the large villages are expected to accommodate limited new housing development.

At the settlements identified as large villages, a limited level of development will be supported in order to help retain the vitality of these communities.

In terms of accessibility, the village is classified as a large village- a Primary School is located within the village and will offer easy access by foot for the residents of the proposed development. Secondary Schools are located in surrounding larger settlements but are not walk able and vehicular transport is almost certain to be required.

There is a village shop, pub & church but the weekly shopping trip would be difficult on foot or cycle and would generally be undertaken by car in any event, often in conjunction with other activities. Limited employment opportunities are located within the village and the immediate locality, with the main employment located in larger settlements such as Chippenham and Malmesbury, including town centre employment and Langley Park Industrial Estate. Other employment opportunities in Chippenham include Bumpers Farm & Methuen Park industrial estates but only limited employment opportunities exist within the village.

The nearest bus stops are in close proximity to the site and these offer access to other settlements such as Chippenham, Swindon & Royal Wootton Bassett, where facilities and employment opportunities are available.

To conclude on this issue, the development would not prejudice the fulfilment of sustainable development objectives as set out in local and national planning policy. This brownfield site is therefore considered to be a sustainable location for new housing development of this size and scale, as is recognised by the Core Strategy and in particular policies CP1, CP2 & CP13. This matter weighs in favour of the proposal.

10. The Planning Balance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that *“determination must be made in accordance with the plan unless material considerations indicate otherwise”*.

As set out above, the proposed development would not be in accordance with CP1, CP2 & CP13 as the proposal is beyond the limits of the settlement framework boundary. As conflict with the Core Strategy is identified the planning application would not be in accordance with the WCS and this should be afforded substantial weight in the section 38(6) balance.

As the Supreme Court made clear in the Suffolk Coastal case, even if Paragraph 14 NPPF were triggered, the weight to be given to relevant development plan policies and the NPPF remain questions of planning judgment for the decision-maker. Paragraph 14 of the NPPF states:

permission should be granted unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted*

The appellant has advanced a number of benefits in support of the appeal scheme. In social terms, it would provide additional market housing, this factor should be afforded significant weight.

In environmental terms, the site is utilising a brownfield site and thereby reducing the need for Greenfield development. This is a matter which should be afforded significant weight.

In economic terms, the appeal scheme would provide construction jobs and some local investment during its build out. Albeit that these jobs and investment would be transitory, this a matter should be afforded limited weight.

The application site has also been allocated within the Neighbourhood plan and though not formally adopted there doesn't appear to be local objection to the allocation or any unresolved matters surrounding the allocation of this site. Though this document has not as yet been formally adopted it has progressed to a stage where weight can be apportioned to it, and a site that local residents and the Parish Council concede development will be taking place. These are matters which should be afforded moderate weight. Furthermore, it is a Brownfield site and this is a matter that can be given significant weight.

The development is consistent with CP1 and CP2 in so far as the number of dwellings proposed is 10 or less. In that respect it accords with these policies. This and the fact that it is a brownfield site was a significant factor in its selection and proposed allocation in the Neighbourhood Plan. This matter should be afforded moderate weight.

Core Polices CP57 & CP58 require new development to have a positive impact on the character and appearance of the conservation are and where possible have a positive impact. Taking into consideration the removal of a brownfield use this is considered to be a benefit of the scheme and can be afforded moderate weight in the planning balance.

The benefits outlined above are considered sufficient to outweigh the harm that has been identified to the Policy CP13. For the reasons given above the public benefits are sufficient to outweigh the identified harm to the adopted planning polices of the Core Strategy.

Placing these factors and all of the relevant material considerations in the balance, it is officer's opinion that the benefits of the proposed development would significantly and demonstrably outweigh the harm.

Overall, officer's view is that the appeal scheme is contrary to the development plan, but is otherwise justified by material considerations, including national policy in the NPPF.

RECOMMENDATION

GRANT planning permission subject to planning 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 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 development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- retained historic landscape features and proposed restoration, where relevant.
- Hard surfacing materials
- Bin storage facilities

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

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

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

5 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of

development, until the Tree Protection Plan (Plan number 14B) has been erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

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

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

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

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

- 6 The development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

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

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

- 8 Any gates shall open inwards only, this shall be retained in perpetuity.

REASON: In the interests of highway safety.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the car ports hereby permitted shall not be extended, altered or converted to habitable accommodation and shall be left

free for the parking of vehicles.

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

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

REASON: In the interests of visual amenity.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

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

01- Location Plan- Received 11 April 2017

03- Proposed site plan- Received 11 April 2017
04A- Proposed Floor Plans Dwelling 01 Received 11 April 2017
05- Proposed Elevations Dwelling 01 Received 11 April 2017
06- Proposed Floor Plans Dwelling 02 Received 11 April 2017
07- Proposed Elevations Dwelling 02 Received 11 April 2017
08- Proposed Elevations Dwelling 02 Received 11 April 2017
09- Proposed Plans & Elevations Car Port for Dwelling 02 Received 11 April 2017
10B- Proposed site location plan Received 07 June 2017
13A- Landscape Plan Received 07 June 2017
14B- Tree Protection Plan Received 07 June 2017

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

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

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

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

The applicant is 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.

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

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.



This page is intentionally left blank

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	12 July 2017
Application Number	17/03123/FUL
Site Address	No.s 8-10 Main Street Brokenborough SN16 0HZ
Proposal	Demolition of existing properties and erection of residential property
Applicant	Mr & Mrs Griffin
Town/Parish Council	Brokenborough
Electoral Division	Sherston– Cllr John Thomson
Grid Ref	391790 189196
Type of application	Full Planning
Case Officer	Richard Sewell

Reason for the application being considered by Committee

Application called in by Councillor John Thomson for the due consideration of the proposed dwelling regarding the design, scale, siting, materials and overall appearance of the development.

1. Purpose of Report

To consider the above application and to recommend APPROVAL

2. Report Summary

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

- The design, scale, siting, mass and materials of the proposed dwelling
- The impact on the AONB
- Impact on the residential amenity

Brokenborough Parish Council OBJECTS to the proposed the application 3 objections and 4 representations of support from members of the public were received.

3. Site Description

The site is located in the hamlet of Brokenborough near Malmesbury. Brokenborough is a small settlement in the Malmesbury Community area but outside of any defined settlement boundary. The hamlet consists of a public house and a variety of dwellings located within sizeable plots which predominantly face Main Street. The proposal site is approximately 0.11 hectares and is roughly rectangular in shape extending away from the highway to the south

west. The plot is located in a locally important archaeological site and also within an Area of Outstanding Natural Beauty. However the hamlet is not a designated Conservation Area and the proposal site is not adjacent to, or within, the setting of any listed buildings.

The application site is found within the established residential frontage along Main Street, where the majority of the existing surrounding dwellings are typically detached and consist of medium to large properties within substantial plots. The majority of the dwellings in the village have a traditional feel and are detached and built with natural stone walls and stone tile/reconstructed stone tile/clay tile roofs.

The site is currently occupied by a terrace of 3 No. two-and-a-half storey cottages which have been unoccupied for some time and although being in a fair external condition, are all in need of a complete internal refurbishment as there are no bathrooms within the dwellings. Additional outbuildings are found to the rear of the properties which will be demolished as part of this development.

The existing dwellings are situated across the front of a deep narrow plot and are not provided with any on-site parking or turning facilities. They are in front of the existing building line. The site is found within an established residential frontage with detached, more modern looking dwellings being on either side.

4. Planning History

14/10501/FUL- Erection of two replacement dwellings PERMITTED

16/02470/FUL- Proposed detached dwelling following demolition of existing dwellings & outbuildings (resubmission of 14/10501/FUL) PERMITTED

5. The Proposal

Demolition of existing properties and erection of new detached dwelling with single garage and garden studio.

The proposed 5 bedroom dwelling will be two storeys in height as per the previously approved scheme. However the built form varies considerably from that previously approved. Proposed plans demonstrate an asymmetrical roof structure over a broadly rectangular building with distinctly modern elevations. The palette of materials for the external elevations will feature a mixture of natural Cotswold stone, timber cladding and recon stone roof tiles. The floor plan is irregular to take advantage of the plot at ground floor and the front and rear elevations incorporate large sections of composite glazing. A detached studio is shown in the garden in addition to a single detached garage to the front.

6. Planning Policy

National Planning Policy Framework 2012 (NPPF)

Paragraph 7, 14 and 17

Section 6 - Delivering a wide choice of high quality homes paragraph 50

Section 7 - Requiring Good Design

Wiltshire Core Strategy (WCS) (Adopted January 2015)

CP57 - Ensuring High Quality Design and Place Shaping

North Wiltshire Local Plan 2011

Saved Policy H4 – Residential development in the countryside

Malmesbury Neighbourhood Plan 2015
Volume II Design Guide- 8.1 Design Quality

7. Summary of consultation responses

Brokenborough Town Council – The Parish have strong reservations on the modern look of the property, which is distinctly different in style from all other houses along Main Street. Although faced with stone, the overall shape, window styles, lack of visible roof and addition of timber facing all combine to create a development that will not be in keeping with the prevailing character of the settlement

Highways- NO OBJECTION. The proposal provides adequate access to the highway and appropriate parking and turning.

Ecology- NO OBJECTION. Development to be carried out in accordance with Bat Survey and Method Statement

Drainage- NO OBJECTION. Conditions relating to surface and foul water drainage required as with previous permission on site but principle is acceptable subject to details

Arboriculturist – NO OBJECTION. Development to be carried out in accordance with Arboricultural Method Statement and Tree Protection Plan.

Public Protection- NO OBJECTION.

Archaeology- NO OBJECTION. No conditions advised

8. Publicity

Local Residents- 7 neighbour representation letters received, 4 in support of the proposal and 3 against. All comments predominantly concern the design of the dwelling with those against feeling that the modern design does not respect the general character of the area. Those in support feel it will be an improvement to the existing dilapidated cottages and the C21 design will make a positive contribution to the settlement.

9. Planning Considerations

Policy and principle of development

Under the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

Saved Policy H4 of the North Wiltshire Local Plan permits replacement dwellings in the countryside providing the following criteria is met;

- a. The residential use has not been abandoned; and
- b. the existing dwelling is incapable of retention in its current state, is unsightly or is out of character with its surroundings and
- c. the replacement dwelling is of a similar size and scale to the existing dwelling within the same curtilage.

The existing cottages, although structurally sound, are all vacant but the residential use has not been abandoned. In their current state the dwellings are not desirable as they need complete refurbishment. The existing dwellings are not modern and the layout being two-and-a-half storey in height and only one room in width with no bathroom are not reasonably capable of being modernised and they do not provide on-site parking or turning facilities. Two previous consents granted at the site for demolishing the existing properties and erecting substantial family sized homes are a material planning consideration of significant weight in these respects.

Policy H4 requires that any replacement dwelling be built of a similar size and scale to the existing dwelling within the same curtilage. The proposed dwelling has a floor area of approximately 161 square meters and would measure approximately 7.4m to the ridge. The existing properties have a combined floor area of 192 square metres and would measure 7.4m to the ridge. Overall it is considered that the proposed dwelling is of a similar size and scale to the existing dwellings and within the same curtilage.

It is not considered that the character and appearance of the existing properties is so unsightly and out of character with the locality as to require replacement.

On the basis of that which is set out above, the principle of the proposal is considered acceptable given the compliance with Policy H4 of the North Wiltshire Local Plan. The principle of erecting a single family sized dwelling on the plot has already been established and considered acceptable as evidenced by the previous permissions on the site.

Design, scale and materials of proposed dwelling

Core Policy 57 of the WCS sets out that a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Core Policy 57, amongst other things, requires that applications for development should respect the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal. The Malmesbury Neighbourhood Plan Design Guide states that that building style must be appropriate to context and also seeks to ensure that proposed development complements and enhances the character, form and qualities of the area.

Paragraph 60 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

It is acknowledged that the design of the proposed dwelling is a departure from the more traditional character and house type of the other dwellings in the settlement. However, the site is not within a Conservation Area and the overall scale, bulk, mass and building line of the proposed development are in keeping with the built form and linear pattern of development within the locality meaning the property will not appear unduly incongruous or dominant within the street scene or when seen in context with the adjacent dwellings.

Materials for the external elevations will be of a high quality and are in keeping with the rural character of the area and those used within the wider settlement, therefore being considered to draw on local context and distinctiveness. The dwelling will sit comfortably in the plot so as to avoid any over development of the site. External fenestration will be substantial in scale but is evenly distributed across the front of the building so as not to result in an unbalanced street facing elevation

Taking all of these factors into consideration, whilst the overall contemporary design of the dwelling is a departure from the existing visual appearance and house type of other properties in the locality, the proposed is not considered to result in any significantly adverse impact on the visual amenity, character and appearance of the street scene and wider settlement such that consent ought to be refused.

Impact on AONB

Core Policy 51 states that development should protect, conserve and when possible enhance landscape character and any negative impacts must be mitigated against through sensitive design and landscape measures. The special qualities of AONBs will be afforded great weight in conserving and enhancing landscapes and scenic beauty.

The proposed dwelling is of a compact built form, is constructed from a neutral range of high quality materials and is of a similar scale and height to the existing and neighbouring dwellings. These factors will help assimilate the building into its setting so as not to appear visually dominant or prominent when viewed from the surrounding countryside. The siting of the proposed within the linear pattern of development fronting the highway respects the existing built form of the village meaning the proposal site will be seen in the context of the other residential development in the locality so as not to intrude into the openness of the surrounding countryside.

Therefore, by way if its scale, siting and materials and replacement of existing structures the proposed dwelling is not considered to appear unduly incongruous within the AONB or wider landscape setting and will be seen in the context of the existing built form of the settlement when viewed from the surrounding countryside. As such it is not considered that significant harm to the Cotswolds AONB will result from the development such that there is conflict with the development plan and national guidance.

Residential amenity

The proposed dwelling will be set broadly in line with the adjacent properties and positioned approximately 8m away from the side elevation of the dwelling to the south west and 10m from the dwelling to the northwest. These distances and orientation of the site, together with the low height and compact bulk of the proposed building, will avoid any significant over bearing impact or loss of sunlight to these neighbouring properties. First floor side windows as proposed will serve an en-suite and bathroom and are shown to be obscure glazed. There will no additional loss of privacy or overlooking in comparison to the existing row of cottages which also feature first floor windows on the rear elevations looking west over the adjoining garden areas. The proposal is therefore considered to not have an additional or significantly adverse impact on the residential amenities of the area.

10. Conclusion

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.

By way if its design, scale, siting and materials, the proposed dwelling is considered not to result in any undue level of harm to the character, appearance, and visual amenity of the settlement. The proposal will not appear visually prominent or incongruous within the landscape setting and so is not considered to be detrimental to the special quality of the AONB or openness of the surrounding countryside. The proposed dwelling does not result in any significant adverse impact on the current level of residential amenity awarded to the neighbouring properties. Previous consents on the site for demolishing the existing properties and erecting substantial family sized homes are a material planning consideration

that has been weighed in the balance in reaching this decision to recommend the proposal is approved

11. Recommendation

Planning Permission is APPROVED

Conditions:

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

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

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

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

3 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.

4 All development shall be carried out in accordance with the mitigation measures proposed in the submitted Bat Survey and Method Statement (dated 27th March 2017) or any subsequent licenced method statement. The bat roost compensation shall be retained as set out in Section 5 of the Bat Survey and Method Statement unless otherwise agreed in writing by the Local Planning Authority.

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

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

6 The garden studio hereby permitted as part of the proposal shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as (new property).

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

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

REASON: To ensure that the development can be adequately drained

8 No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

9 The development hereby permitted shall not be occupied until the required sewage disposal and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority and completed in accordance with the submitted and approved details.

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

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

o means of enclosure;

o all hard and soft surfacing materials;

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

11The development shall be carried out as specified in the approved Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan prepared by Greenman Environmental Management Ltd dated March 2017 and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works.

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

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

INFORMATIVES:

WP6 ALTERATIONS TO APPROVED PLANS

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

WP13 PUBLIC SEWERS

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

WP18 PERMISSION NOT AUTHORISING WORK ON LAND OUTSIDE THE APPLICANT'S CONTROL & PARTY WALL ACT

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.

WP31 MATERIAL SAMPLES

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

This page is intentionally left blank



This page is intentionally left blank

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	12 July 2017
Application Number	17/01154/FUL
Site Address	Abberd Lane, Wiltshire, Nr Calne, SN11 8TE
Proposal	Erection of 2 No 10 metre high chimneys
Applicant	Bromview Ltd
Town/Parish Council	Calne Without
Electoral Division	Calne South And Cherhill Cllr Alan Hill
Grid Ref	400852 171642
Type of application	Full Planning
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

The application has been called into committee at the request of Cllr Alan Hill who would like the Committee to consider the impact of the proposal on the local area. In particular he would like consideration of the development's impact on the character and appearance of the area, impact on adjoining properties, impact on the environment and impact on the local highway network.

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 **GRANT** planning permission subject to conditions.

2. Report Summary

The key issues in considering the application are as follows:

- Principle of development.
- Impact on character and appearance of the area.
- Impact on the residential amenities of local residents
- Impact on the local highway network
- Environmental concerns

Calne Without Parish Council are concerned about the need for the chimneys and possible increase in traffic from the site. 1 letters of objection was also received.

3. Site Description

The site is an existing waste management facility located on the west side of bridleway 56 from which access is derived. Three passing places are located to the south of the site before the bridleway meets the public highway (Abberd Lane). The bridleway has a consolidated surface that continues just beyond the site entrance towards the recently constructed solar farm.

The site currently comprises areas of covered sorting and storage, outdoor storage of recovered material and storage of skips. A weighbridge is located inside the access gates, with existing buildings and currently under construction being located to the western portion of the site, comprising offices, staff welfare facilities and covered sorting and storage areas.

Land surrounding the site is predominantly in agricultural use, with a farmyard and buildings bounding the site immediately to the north. There is also a recently constructed solar farm in close proximity to the site.

4. Planning History

N/08/07002/FCM	Change of Use of Agricultural Land to Use of Land for Storing Empty Skips and for Lorry Parking; Involving the Removal of Top Soil and Laying 450cm of Hardcore & Scalping- Refused
N/08/07027/FCM	Change of Use of Agricultural Land to Use of Land For Storing Empty Skips and for Lorry Turning Involving The Removal of Top Soil and Laying 450mm of Hardcore/Scalpings. Plus Area for Storing Reclaimed Materials at Land Adjacent Reclamation Yard- Granted
N/09/01253/WCM	Change of Use of Agricultural Land to use of Land for Storing Empty Skips & for Lorry Turning Involving the Removal of Top Soil & Laying 450mm of Hardcore/Scalpings. Plus Area for Storing Reclaimed Materials for Disposal to Appropriate Sites Without Compliance with Condition 3 of Permission N/08/07027 Dated 18th June 2009 (to Change Operation Hours)- Granted
13/07238/WCM	Extension to existing waste processing building and erection of covered store- Granted
14/02739/WCM	Section 73 Application - Erection of building for sorting, recovery and reclamation of waste, office, weighbridge and office and mess room for staff, without compliance with conditions 4 and 6 of planning permission N/98/2073 (change types of waste handled and remove time limit imposed on the use)- Granted
14/04903/WCM	Change of Use of Agricultural land to use of land for storing empty skips & for lorry turning involving the removal of top soil & laying 450mm of hardcore/scalpings together with an area for storing reclaimed materials for disposal to appropriate sites without compliance with Condition 5 of Permission N/09/01253/WCM (stockpile heights).'- Refused but Granted at Appeal
15/10250/WCM	Extension to existing waste processing building to replace existing workshop premises- Granted

5. The Proposal

The planning application seeks consent for the erection of 2 x 10m high chimneys and external ducting. The chimneys will be installed on the northern elevation of the building and will project approximately 2 meters above the existing ridgeline of the building.

6. Local Planning Policy

Wiltshire Core Strategy Jan 2015:

Core Policy 1- Settlement Strategy
Core Policy 2- Delivery Strategy
Core Policy 08- Spatial Strategy: Calne Community Area
Core Policy 51- Landscape
Core Policy 55: Air Quality
Core Policy 57- Ensuring high quality design and place shaping
Appendix D
Appendix E
Appendix G

National Planning Policy Framework 2012:
Achieving sustainable development – Core Planning Principles (Paragraphs 7 14 & 17)
Chapter 7- Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)
Chapter 8- Promoting healthy communities (Paragraph 75)
Chapter 11-Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 &123)

7. Summary of consultation responses

Calne Without Parish Council-

Highways- No objection

Public Protection (Noise)- No objection

Public Protection (Air Quality)- No objection in principle but do have some observations:

- a. The site is not within the Calne AQMA or AQ planning assessment zone.
- b. If the boilers are installed it is unclear if the height is sufficient for good dispersal of flue products.
- c. The proposed size of the boilers needs to be known in order for the LPA to consider whether an environmental permit is required for their operation.
- d. It is accepted that separate legislation covers the permitting of biomass boilers however it would be unwise to support this development without knowing that the requirements of an environmental permit the LPA was to issue could be met by the applicant. It would make sense for an application for an environmental permit to be made and agreed before submitting an application.

8. Publicity

The application was advertised by neighbour letter, site notices and press advert.

The application has generated 1 letter of objection. A summary of the comments is set out below:

- Fire hazard - they have had a fire at the site previously causing extensive damage and pollution.
- Silage, hay and straw bales are stored adjacent to the site. This is a fire hazard.
- Smoke pollution will cause dangerous fumes for livestock and humans.
- We have had a constant battle with them over rubbish, dust and smoke blowing into feed stuffs and cattle sheds giving serious cattle welfare problems.

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.

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the Area. The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight.

Noise and Pollution

Taking into consideration the lawful use of the site it is considered that the proposal will not have an adverse impact on local residents and businesses in terms of noise disturbance as the application involves the construction of two chimneys. The development therefore accords with CP57 of the Core Strategy.

Concerns have been raised in relation to pollution and the discharge of toxins from the proposed chimneys. As set out in the consultation responses above- It would have been advisable to have secured the environmental permit prior to the submission of the planning application but it is not necessary for the consideration of this planning application. The license will ensure that any future boiler and the clearance above the ridge line are sufficient to meet the relevant legislation. If changes are required to the size and design of the chimneys then a further planning application may be required.

The application is clear that it seeks consent for only the chimney and the applicant is of the opinion that the boilers, shown for information purposes, do not require consent. If the boilers are installed this will be a matter for the council to investigate at a later date and to determine if these are permissible under the current use of the site or require a further grant of planning permission. Taking into consideration the above it is considered that the proposal for the chimneys is in accordance with CP57 and CP55 of the Core Strategy.

Impact on amenity

The application has been submitted for the chimney only and though the supporting information indicates that these have been provided for use with a biomass boiler, permission is not sought for the boiler. The submitted layout clearly demonstrates that the proposal will not result in adverse residential amenities for existing or future occupants due to the distance between the nearest residential property and the chimney. It is considered that the proposal will not have a significant adverse impact on the residential amenities of adjoining properties in terms of loss of sunlight daylight or privacy and will therefore accord with CP57 and the NPPF.

The points relating to the livestock sheds adjacent to the property and the concerns expressed by the land owner are noted. However, the installation of the boilers and use of them will require separate licensing and this will ensure that the correct standards are adhered to. Should a licence not be applied for or a breach occur there is separate legislation to control compliance.

Impact on the Character and Appearance of the Area

The size and scale of the proposed chimneys is relatively minor in comparison to the existing building and only projects 2m above the existing ridge line of the building. Taking into consideration the existing site circumstances and the surrounding built development it is considered that the proposal will not have an adverse impact on the character and appearance of the area. The proposal is considered to accord with both local and national planning policies and in particular CP57 of the Core Strategy.

Highways

Concern has been expressed with regards to highway safety. The proposed development is for the construction of two chimneys. The two chimneys do not alter the planning status of the land or alter the permitted use of the site. The use of the site is still controlled by the planning conditions attached to the decisions referenced in section 4 above.

The number of vehicle movements to and from the site will remain the same as that permitted by the previous approvals. Should the nature of the site change in the future this will be a matter for the Council's enforcement team to investigate and take appropriate action if necessary.

The proposed development will not result in and adverse impact on highway safety and the development is therefore considered to accord with the NPPF and CP63 of the Core Strategy.

10. Conclusion (The Planning Balance)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that "*determination must be made in accordance with the plan unless material considerations indicate otherwise*".

As set out above, though not ideal to have been submitted in this way, the proposed development is an addition to an existing waste site and would be in accordance with both local and national planning policies and would accord with CP1, CP2, CP55 & CP57 of the Core Strategy.

Concerns have been raised in relation to the ultimate use of the site and the need for the chimneys. However, there is no requirement within the Core Strategy to demonstrate need for additions to the building. Should any internal works materially alter the use of the site this will be a matter for the Council to investigate and take action, if deemed necessary and expedient to do so.

Taking into consideration the above it is considered that planning permission for the proposed chimneys should be approved subject to conditions.

RECOMMENDATION

To **GRANT** planning permission subject to conditions

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

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

2004.

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

AB/017-03 A Received 14 June 2017

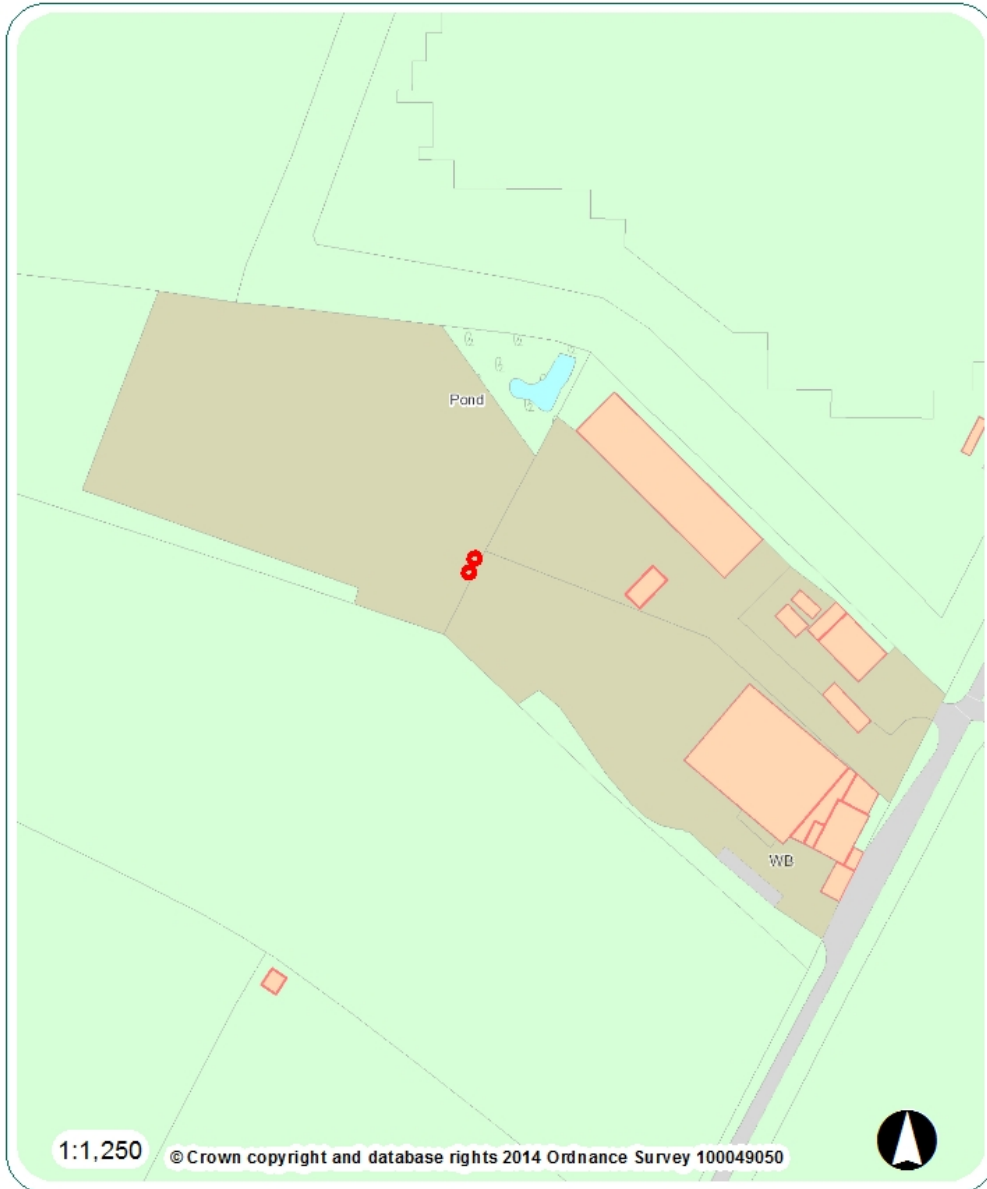
Site Plan received 14 June 2017

Location Plan Received 06 February 2017

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

INFORMATIVE TO APPLICANT:

The development relates solely to the installation of two chimneys on site. The installation of biomass boilers on site and a change in the nature of the use of the site may require a further grant of planning permission.



This page is intentionally left blank

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	12 July 2017
Application Number	17/04117/FUL
Site Address	Upper Studley Farm, Swindon Road, Royal Wootton Bassett, Swindon, Wiltshire, SN4 8ET
Proposal	Proposed Crematorium with Access Road, Car Parking, Garden of Remembrance, Landscaping, Ecological Enhancement, Sustainable Drainage System and Associated Works
Applicant	Crematoria Management Ltd
Town/Parish Council	LYDIARD TREGOZ
Electoral Division	WOOTTON BASSETT EAST – Cllr Mollie Groom
Grid Ref	410114 182432
Type of application	Full Planning
Case Officer	Chris Marsh

Reason for the application being considered by Committee

The application is reported to Committee due to the relationship of a Unitary Councillor – Cllr Alison Bucknell – to a director at the applicant’s company, as objections have been received.

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 pertinent considerations in the consideration of the application are as follows:

- Principle of development;
- Transport/highways impacts of the development;
- Visual/landscape impacts of the development;
- Ecological impacts of the development;
- Impact on heritage assets;
- Other material considerations

The application has attracted two letters of objection originating from the same household, five letters of support and three neutral comments/recommendations on various issues. Lydiard Tregoz Parish Council is supportive of the proposals.

3. Site Description

The application relates to an area of 8.6ha comprising agricultural land situated a short distance southwest of the M4 Junction 16 at Spittleborough, western Swindon. The land is currently configured as a mixture of copse woodland and open agricultural meadow, which it is understood is now owned separately from the historic farmstead at Upper Studley Farm, to the West, part of which is Grade II-listed. Access is obtained via the historic agricultural access at its eastern side, adjoining the A3102, also the route of public right of way LTRE5. The initial section of access has recently been upgraded on account of the improvement works at J16, with final surfacing on the section adjoining the highway yet to be completed. The site is located in undesignated open countryside and lies immediately eastward of the medium-sized solar park at Spittleborough Farm.

In terms of topography, the site is relatively level, sloping only slightly southward away from the main Swindon Road. The northern site boundary is heavily screened through the copse planting and a row of lime trees adjacent to the highway, while the eastern, southern and western boundaries of the main enclosure feature mature native hedgerow interspersed with trees. The site also extends to include part of the field immediately southward, accessed via a field gate breakthrough and from which the original farm complex to the East can be seen clearly. It also includes the north-western part of the copse and interspersed meadow, which form part of the wider ecological site around the pond abutting the western site boundary.

4. Planning History

N/91/01121/FUL	ALTERATIONS TO EXISTING ACCESS
N/88/00083/OUT	OUTLINE APPLICATION FOR SELF SERVICE PETROL FILLING STATION WITH DERV FACILITIES AND CAR WASH AND INSTALLATION OF SEPTIC TANK
14/02508/FUL	Construction of a 10.75HA Solar Park, to include the installation of solar panels to generate electricity with transformer housings, security fencing and cameras, landscaping and other associated works.
15/05835/VAR	Variation of Condition 2 of 14/02508/FUL Construction of 10.75HA Solar Park.
16/04465/SCR	Request for Environmental Impact Assessment relating to M4 Junction 16 Alterations
16/07120/HRN	3 Sections of Hedgerow Removal to Facilitate the Enlargement of M4 J16 Embankment
16/08698/VAR	Variation of Condition 2 of 14/02508/FUL Construction of 10.75 HA Solar Park Relating to Approved Plans
17/03930/SCR	Request for Screening Opinion for the Proposed Development of a Proposed Crematorium with Access Road, Car Parking, Garden of Remembrance, Landscaping, Ecological Enhancement, Sustainable Drainage System and Associated Works

5. The Proposal

The proposal comprises the change of use of the whole site and operational development to create a new crematorium with associated access, parking and landscaping. What appears to be an historic access point – now a layby – at around the midpoint of the site's boundary with the Swindon Road is to be reinstated with the

removal of trees and fencing to create a new access accommodating all non-emergency traffic. A single driveway is to be created through the existing areas of copse and meadow, for the loss of which compensatory planting is to be undertaken further West, leading to the facility itself, which is to be sited in the southwest corner of the main field.

The crematorium building is to provide all practical, public and service facilities under a single roof, comprising a main chapel, waiting areas, WCs, reception, office, staff facilities and cremation facilities. The building is to be of generous single-storey proportions and faced in a mixture of brick, stone and render beneath a steep, double-pitched composite slate roof. The external circulation areas include a covered porch area and have been configured to maintain a steady flow of pedestrians through the facility to prevent doubling back and meeting other parties. Situated to the North is a car park area providing 76 parking spaces, with a further six staff spaces to the rear.

The remainder of the site is to be landscaped mainly using 'soft' planted details to create a series of spacious enclosures associated with the use of the facility. These are to include a large garden of remembrance with loose-surfaced footway, a memorial orchard and an ash-scattering lawn, together with peripheral and incidental areas of amenity planting. The eastern edge of the site with the existing agricultural access is to be planted up with native species to provide, eventually, a robust screen. The existing breakthrough to the field to the South is to remain in situ, with a volume of material extracted to create an attenuation pond served by the existing field system and additional French drains to provide storage in extreme weather events.

6. Local Planning Policy

Adopted Wiltshire Core Strategy:

Core Policy 1 (Settlement strategy);
Core Policy 2 (Delivery strategy);
Core Policy 50 (Biodiversity and geodiversity);
Core Policy 51 (Landscape);
Core Policy 52 (Green infrastructure);
Core Policy 57 (Ensuring high quality design and place shaping);
Core Policy 60 (Sustainable transport);
Core Policy 61 (Transport and new development);
Core Policy 64 (Demand management);
Core Policy 67 (Flood risk)

North Wiltshire Local Plan 2011

Saved Policy NE14 (Trees, site features and the control of new development);
Saved Policy NE18 (Noise and pollution)

7. Summary of consultation responses

Lydiard Tregoz Parish Council – support
Highways – no objection, subject to conditions
Landscape – no objection, subject to final landscaping detail
Trees – no objection, subject to conditions
Public Protection – no objection, subject to conditions
Drainage – no objection
Ecology – final comments to be confirmed

Archaeology – no comment

Environment Agency – no objection, subject to conditions

Highways England – no objection, subject to conditions

8. Publicity

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

Five letters of support were received, raising the following points:

- Proposals meet an acute local need, reducing waiting and travel times for funerals;
- Support but ask that a left-turn only arrangement is adopted; and
- Support, provided suitable measures are taken to control emissions.

Two letters of objection were received, raising the following points:

- Based on previous experience, facility will give rise to unacceptable odours; and
- Access is too close to the Spittleborough roundabout and Spittleborough solar farm access junction, increasing risk of collision.

Three general comments were received, raising the following points:

- No objection in principle but could consideration be given to risk of accidents on A3102 with additional traffic and the prospect of pedestrian/cycle crossing;
- Welcome the provision of new footway links and pedestrian refuge

9. Planning Considerations

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

Principle of development

The site is located in open countryside, close to a main motorway junction but some 1.2km outside of the nearest identified settlement at Royal Wootton Bassett. Core Policy 1 identifies the settlement as a 'market town' capable of delivering significant levels of growth, whose framework boundary continues to provide a firm urban edge on its eastern side – perhaps understandably given the potential for coalescence with nearby Swindon. Although only around 400m from the industrial, business and service units around the motorway junction, the site is a similar 1km+ distance from the urban fabric of the larger settlement of Swindon.

Core Policy 2 states that "*Other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map.*" This is relevant inasmuch as it clearly relates to all 'development', regardless of any explicit mention of or exhaustive list that may refer to individual uses, as is the case with crematoria in the development

plan. This is entirely reasonable, as it is a fair expectation to control rarer sui generis uses without resort to tedious lists in what should be a user-friendly policy document. The salient point is that the development plan is not silent, absent or out-of-date in respect of the principle of development for the facility currently proposed. Core Policies 1 and 2 indicate that the development conflicts with the development plan in principle.

Transport/highways impacts of the development

The proposed layout depends upon re-opening what appears to be an historic field access directly onto the Swindon Road, following earlier advice against utilising the existing farm access partially due to the potential for conflict. The submitted details indicate a right-turn 'ghost' lane enabling vehicles approaching from the West to wait to turn without causing an obstruction. Given the type, level and timing of traffic projected, this is considered appropriate by the Council's Highways Officer, who is satisfied that the specification of the access meets the required standards in terms of visibility and manoeuvrability and will not result in any detrimental conflict with the upgraded motorway junction nearby. The access route also makes adequate provision for 'stacking' of vehicles waiting to leave the site without obstructing incoming vehicles or parking areas, the latter of which are agreed to meet an appropriate standard of provision. A Construction Method Statement will address transitional access and parking arrangements, and may need to be informed by ecological constraints.

Highways England further makes a recommendation that the hours of operation for the facility are limited in order to avoid conflict with existing highway use at peak traffic hours. Notwithstanding that the supporting documentation suggests that 95% of services take place between these periods in any case this alone is not a sound basis for imposing such a condition, not least because 5% of services do not. To a large extent, it is anticipated that this would be a self-regulating exercise; those organising or attending services are unlikely to take the risk of traffic delays as a matter of preference, while it is considered that the limited level of such services elsewhere suggests a minimal impact overall on the highway network. For instance, 'off-peak' services are more likely to take place where the deceased is ward of the local authority, such that attendance would be minimal in any case.

Visual/landscape impacts of the development

Despite its location in the open countryside, due to its topography and degree of enclosure from cultivated planting the application site remains largely screened from the surrounding countryside, with the only limited long-range views available from within the site those of the highest points of the raised land of the North Wessex Downs AONB, some 3km to the South/southeast. Consequently, the visual impacts of the development will be significant within their own enclosure but of little to no effect in a wider landscape context. The proposed access way will open limited views from the Swindon Road into what is currently a dense band of copse planting however the alignment of the proposed driveway will serve to prevent direct views through into open land or to the building itself. On this basis, and mindful of the neighbouring land use as an energy facility, it is considered that direct views of the site will not result in any adverse or urbanising effect on the surrounding area, maintaining the apparent degree of separation between J16 and the eastern edge of Royal Wootton Bassett.

The Council's Landscape Office considers the proposals to represent an appropriate form in principle, avoiding significant encroachment on the rural buffer between settlements and protecting in general the mixed meadow/woodland character of the site as existing. The Officer is satisfied that the proposals will not cause undue harm to short and medium-range views, particularly those of the experiential links provided by nearby

rights of way, although some limited landscaping enhancements are recommended which may be secured by appropriately-worded conditions. It is also noted that an earlier concern relating to the potential for conflict in sharing access with the farmstead has been resolved with the highways/landscaping solution now proposed. In considering the proposals against the relevant Landscape Character Assessment, submitted and agreed Landscape and Visual Impact Assessment (LVIA) and in the context of the Great Western Community Forest area it is considered that the proposals will conserve the features, character and appearance of the landscape, consistent with Core Policy 51.

The proposals will make a meaningful contribution to the Green Infrastructure network in this part of Wiltshire, particularly due to the site's interaction with nearby public rights of way providing a meaningful public link to open countryside and the railway cutting to the South. Whilst the facility is not listed amongst the (not exhaustive) list of potential sources of GI at Core Policy 52, that list does include church yards and cemeteries. Whilst there is some functional similarity with the garden of remembrance, etc, in this instance, it is the quantum of buildings relative to landscaped, publicly-accessible recreational open space that is more pertinent in this case. Although not decisive in respect of establishing the principle of development, and notwithstanding the earlier conclusions in that regard, the enhancement of GI elicits some support for the proposals from CP52, weighing in favour of granting permission.

The design of the crematorium building itself is to an extent a standardised form dictated by its functional requirements and experience of what works well in practice and so conforms to a type. The element of the building containing the chapel is given the highest status through the use of quality materials such as natural stone, whilst the subsidiary, more 'functional' elements are given a subordinate brick finish with additional quoin detailing and render to the rear chimney. Due to the procedural nature of services, the building is designed to relate clearly to its surrounding landscaping, providing navigable routes that disperse into a more informal arrangement of spaces within the grounds. Measures are included to minimise the dominance of hard landscaping – in particular the car parking areas – although these will read as less sympathetic in context. Overall, however, it is considered that the scale, form, design and materials of the built component of the development achieves the high standard of design required

Ecological impacts of the development

The scheme makes provision for general ecological enhancement measures in addition to the licensed works currently under the direction of Natural England at the northwest corner of the site. Although this feature is likely to have some peripheral benefits, as these are difficult to accurately predict and as the item is first and foremost a functional utility, the attenuation pond is not included within the suite of measures proposed in this regard. However, the act of taking the land out of agricultural rotation is likely to have a marginal beneficial effect that is not entirely negated by the limited built development currently proposed, and this is a relevant factor.

Having briefly reviewed the submitted information, including the measures currently proposed in respect of newt species under the supervision of Natural England, the County Ecologist is broadly supportive of the proposals, finding that the range of precautionary and mitigation measures promoted by the supporting documentation represent an appropriate reflection of the extensive habitat potential of the site. Due to unforeseen circumstances, however, final comments and any additional recommended conditions will be reported shortly.

Impact on heritage assets

Upper Studley Farmhouse is Grade II-listed and is identified in the list description as significant owing to its early-C17th origins and architectural detailing, much of which originates from subsequent phases of alteration and extension. The rather neglected and dilapidated state of the asset and its immediate surrounding is not material, in this respect. The asset's significance is adequately described and addressed in the submission, in accordance with Paragraph 128 of the NPPF, and the degree and nature of impact arising as a result of the development has been considered. In this instance, the farmhouse sits within a clearly identifiable traditional yard, notwithstanding the introduction of modern barns, and is read in this context rather than as part of any particular defined landscape. This will remain unchanged, as will the reliance upon a dedicated vehicular access on the route of LTRE5 at the eastern boundary of the application site. This is considered an appropriate arrangement, as it will maintain for the most part the simple access, keeping the more carefully maintained access to the crematorium entirely separate. By conserving the asset in this manner, the proposals are compliant with Core Policy 58 and Paragraph 131 of the NPPF, which therefore have a neutral weighting in the balance of considerations.

S66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that decision-makers pay special regard to the desirability of preserving listed buildings, their settings and any features of significance in determining planning applications. In this instance, the impacts upon the listed farmhouse will be minimal and not derived from any changes to land or buildings that make any particular contribution to the significance of the asset. Already the main volume of the site is visually separated from the historic farm complex, whilst the associated part of the field used to provide the attenuation pond will maintain its open character, resulting in no significant change to the asset's setting.

Other material considerations

In terms of the impact of the development on public health and amenity, it is noted that concerns have been raised from prior experience of crematoria where ash and odour emissions have caused discomfort. However it is likely that these facilities date back some time while the proposed is a modern facility incorporating technical filtration measures to mitigate these effects. The facility is bound by the 1902 statute restricting the separation distance from any residential occupiers in any case however the powers of the Environmental Protection Act 1990 guard against any unexpected nuisance arising in either respect and afford separate powers of enforcement. The Council's Public Protection Officer raises no objection subject to appropriate measures to ensure that considerate practices are employed in the course of construction.

The proposals have also been reviewed by the Council's Drainage Engineer, who has observed that the introduction of a managed surface water drainage system in relation to the relatively low proportion of built development represents a marginal improvement upon the current situation, in particular the green field discharge rate from the site into the open watercourse on the northern side of the railway cutting. The Engineer has raised a minor concern in relation to the likely high proportion of planted landscaping selected for appearance rather than resilience therefore potentially dropping leaves and petals with the potential to block drains. However, it is considered that the recommended Landscaping Scheme, to be secured by condition, would ensure the authority retains oversight on this point, enabling any immediate and/or obvious risks in this regard to be mitigated as appropriate. It is therefore considered that the proposals are acceptable in drainage terms and comply with Core Policy 67.

Supporting the application submission is a comprehensive Crematorium Needs Report indicating an immediate shortfall in provision within the reasonable catchment area for the facility proposed. This has been reviewed in the course of considering the application and its findings agreed, both in terms of the identified demand and the capacity of the scheme to alleviate pressure in this regard. This acute need is a material factor weighing in favour of the application, as is the ability of the development to reduce average wait and journey times at other crematoria in the region, and both must be considered in the balance alongside relevant planning policies and other material factors in this instance.

The affected land is identified as undifferentiated agricultural Grade 3, which is further broken down into Grade 3a and 3b, the former being at the lower end of Best and Most Versatile (BMV) for planning purposes. Paragraph 112 of the NPPF requires that the 'economic and other benefits' of BMV land are considered in decision-making. In this instance, even taking a precautionary approach and assuming that the land is at least in part Grade 3a, as identified above there is clear public benefit to the development, which itself will not undermine the overall viability of the wider agricultural unit of which the site currently forms a component part, as well as deliver some limited local employment. It is also noted that non-agricultural use has been permitted recently at neighbouring Spittleborough Farm and, although technically a temporary use, this demonstrates the acceptability in principle of releasing limited agricultural land for certain uses as appropriate in this location.

10. S106 contributions

No S106 contributions are payable in respect of the proposed development. The crematorium building itself is also likely to be exempted from the adopted Community Infrastructure Levy (CIL) charging schedule, although this is not material to the application under consideration.

11. Conclusion

The development plan, chiefly at Core Policies 1, 2 and 60, indicates that the development should be refused owing to its location away from any defined settlement reasonably capable of accommodating such a use. Relevant policies are neither absent, silent nor out-of-date and, although the application is considered in the context of the presumption in favour of sustainable development, the second part of Paragraph 14 of the NPPF is not engaged.

However, in this instance other development plan and national policies, specifically Core Policies 51, 52 and 57, and national policy including Paragraph 28 weigh in favour of the proposals. Finding compliance with all other relevant policies and taking account of material considerations including the acute local need for the development and excellent transport links to the strategic route network, in accordance with S70(2) and S38(6) of the Acts it is considered on balance that the development is acceptable in planning terms.

RECOMMENDATION

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

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

REASON: To comply with the provisions of Section 91 of the Town and Country

Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

03 rev F - Site Plan
04 rev E - Site Plan
05 rev B - Floor Plan Single Chapel
06 rev A - Roof Plan Single Chapel
07 rev B - Elevations Single Chapel
08 rev B - Site Sections
10 rev A - Floral Tribute Plans and Elevations
Received 20 April 2017

2827.01A - Proposed Site Access
Received 22 June 2017

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

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

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

The approved scheme of landscaping shall be carried out in full within or prior to the first planting season following the development's being first brought into use and maintained as such at all times thereafter.

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

- 4 The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

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

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

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

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

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

- 5 The development shall be carried out as specified in the approved Arboricultural Report prepared by Certhia Consulting Limited dated June 2017 and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works.

- 6 No development shall commence on site until full details of a ghost right hand turn lane has been submitted to and approved in writing by the Local Planning Authority (in line with drawing 2827.01A 'Proposed Site Access'. As part of the package of full details to be submitted shall include full construction details, safety audit, visibility splays (2.4m x 215m), deceleration / turning length provision, swept path analysis, provision for footways and pedestrian crossing facilities. No part of the development shall be first brought into use until the ghost right hand turn lane has been completed, surfaced and laid out in accordance with the approved details. It shall be maintained in this format at all times thereafter.

REASON: In the interests of highway safety.

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

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

- 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), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site without the written approval of the Local Planning

Authority.

REASON: In the interests of visual amenity.

- 9 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.

- 10 The site shall be used as a crematorium and associated facilities and for no other purpose (including any other sui generis purpose in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

- 11 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity during the course of construction, in the interests of the amenity of the area.

- 12 No development shall commence until an investigation and remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - " all previous uses;
 - " potential contaminants associated with those uses;
 - " a conceptual model of the site indicating sources, pathways and receptors; and
 - " potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect controlled waters from pollution. Past site uses as a farm may have caused contamination of soils, sub-soils and/or groundwater, which may be mobilised by development.

- 13 The mitigation measures detailed in the approved Flood Risk Assessment and Surface Water Drainage Strategy [SLR, March 2017] shall be carried out in full prior to the first bringing into use of the development or otherwise in accordance with the approved timetable detailed in the Strategy.

REASON: In the interests of flood prevention.

- 14 The mitigation measures detailed in the approved Ecological Assessment and Mitigation Strategy [Biocensus, April 2017] shall be carried out in full prior to the first bringing into use of the development or otherwise in accordance with the approved timetable detailed in the Ecological Assessment.

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

- 15 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Description and evaluation of features to be managed;
- b) Landscape and ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

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

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority habitats and

other ecological features.

16 No development shall commence on site until a Construction Method Statement, which shall include the following:

- a) access and parking arrangements for vehicles of site operatives and visitors, which shall include a 'no right turn' arrangement at the main access onto the A3102;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment; and
- i) hours of construction, including deliveries

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

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

17 INFORMATIVE TO APPLICANT:

The proposed use and associated package treatment plant will require an Environmental Permit to be issued by the Environment Agency. The applicant is advised to check requirements at the EA website as soon as possible.

18 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.

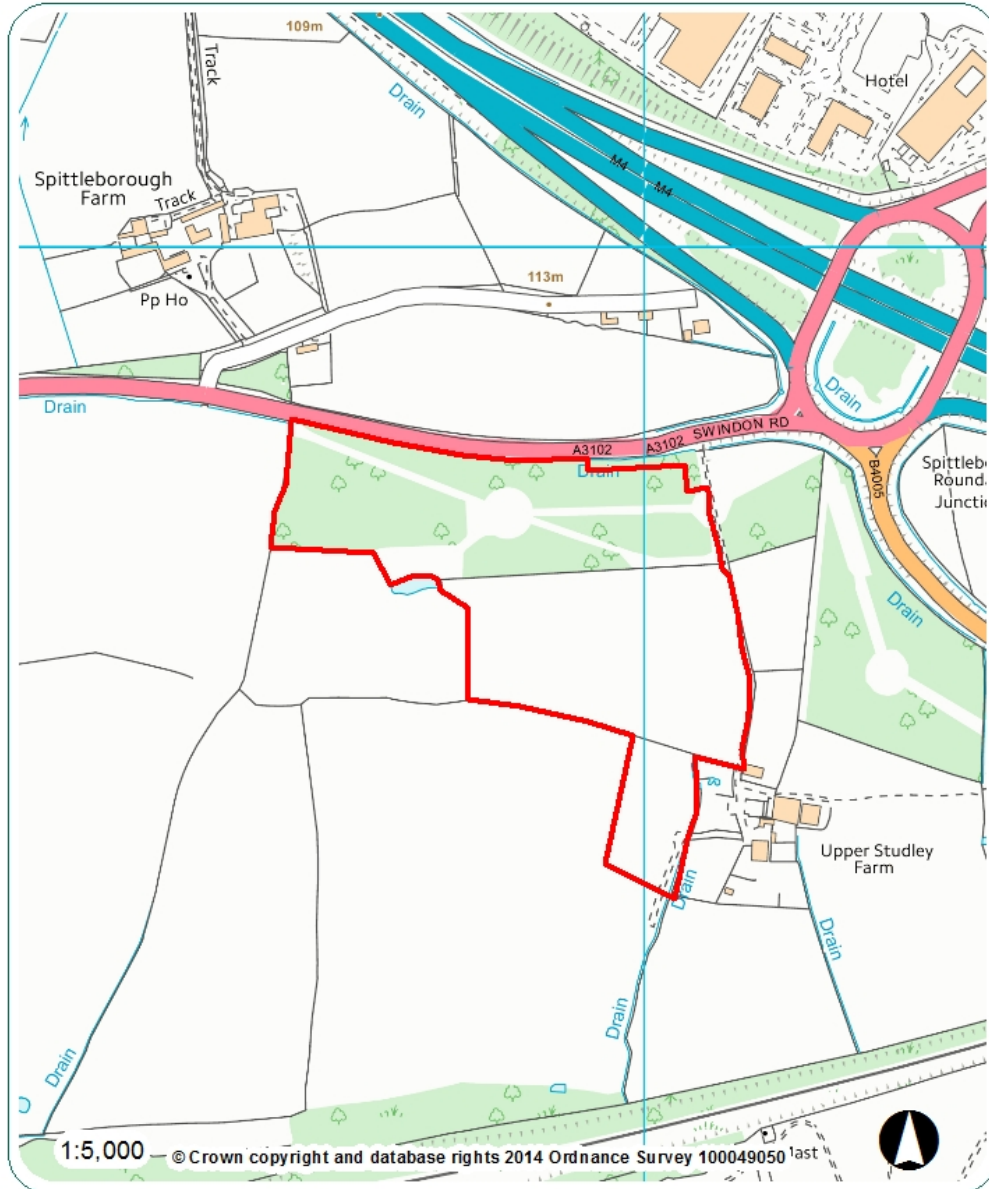
19 INFORMATIVE TO APPLICANT:

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

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

20 INFORMATIVE TO APPLICANT:

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



This page is intentionally left blank