

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER
Date: Wednesday 9 August 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

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Membership:

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

Substitutes:

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

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

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

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

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

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting**

To approve and sign as a correct record the minutes of the meeting held on Wednesday 12 July 2017.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

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

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

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

Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Wednesday 2 August 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 28 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** *(Pages 7 - 8)*

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

7 **Planning Applications**

To consider and determine the following planning applications.

7a **17.00606.FUL - Link Road between A3102 and Marlborough Road, Royal Wootton Bassett** *(Pages 9 - 26)*

7b **16.06790.FUL - Methuen Park, Chippenham** *(Pages 27 - 40)*

7c **17/03112/FUL- Land adj Barton Piece, Silver Street, Colerne, Chippenham** *(Pages 41 - 68)*

7d **17/04235/FUL - 3 Church Place, Lydicard Millicent, Swindon** *(Pages 69 - 82)*

7e **17/05123/FUL - Wildings, Hazelbury Hill, Box, Corsham** *(Pages 83 - 92)*

8 **Urgent Items**

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

Part II

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

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Wiltshire Council
Northern Area Planning Committee
9th August 2017

Planning Appeals Received between 30/06/2017 and 28/07/2017

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
16/10491/FUL	15 The Derry Ashton Keynes Wiltshire, SN6 6PW	ASHTON KEYNES	Erection of Detached Three-Bedroom Dwelling and Formation of New Vehicular Access	DEL	Written Representations	Refuse	17/07/2017	No

Planning Appeals Decided between 30/06/2017 and 28/07/2017

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
16/04538/FUL	Ryleys Farmhouse Grittleton, Wiltshire SN14 6AF	GRITTLETON	Erection of Two Bedroom Dwelling	DEL	Written Reps	Refuse	Dismissed	20/07/2017	Not appropriate for either party to apply for costs
16/06991/FUL	82 Springfield Close Corsham, Wiltshire SN13 OJR	BOX	Erection of Dwelling & Garage (Revised Proposal)	DEL	Written Reps	Refuse	Allowed with Conditions	12/07/2017	Appellant's Application for Costs REFUSED
16/07288/OUT	Land South of Filands Malmesbury Wiltshire	MALMESBURY	Outline planning application (all matters reserved except means of access) for residential development, including the construction of up to 71 dwellings, the creation of new vehicular access with footways and cycleways and ancillary road infrastructure, public open spaces, children's play area, landscape planting, surface water attenuation and associated infrastructure.	DEL	Inquiry	Refuse	Withdrawn	12/07/2017	Not appropriate for either party to apply for costs
16/08173/FUL	Hillside Bungalow Common Hill Cricklade, Swindon Wiltshire, SN6 6HA	CRICKLADE	Conversion and Extension of Existing Farm Shop to Create Two Holiday Lets	DEL	Written Reps	Refuse	Dismissed	26/07/2017	Not appropriate for either party to apply for costs
16/08479/OUT	Land at 9 London Road, Chippenham Wiltshire, SN15 3AJ	CHIPPENHAM	Outline application for residential development of 12 flats	DEL	Written Reps	Refuse	Dismissed	20/07/2017	Not appropriate for either party to apply for costs
16/10012/FUL	Land Opposite Nos. 8 to 10 Vowley View Royal Wootton Bassett, SN4 8HT	ROYAL WOOTTON BASSETT	Erection of detached single three bedroomed dwelling	DEL	Written Reps	Refuse	Dismissed	13/07/2017	Not appropriate for either party to apply for costs
16/11154/FUL	Land off 12C Pound Pill, Corsham SN13 9HZ	CORSHAM	Two new dwellings in garden.	DEL	Written Reps	Refuse	Dismissed	26/07/2017	Not appropriate for either party to apply for costs
17/00252/FUL	9 Hoggs Lane Purton, Swindon Wiltshire, SN5 4HQ	PURTON	First Floor Extension of Annex with Link Between House and Balcony Over Existing Conservatory	DEL	House Holder Appeal	Refuse	Dismissed	14/07/2017	Not appropriate for either party to apply for costs

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	9 August 2017
Application Number	17/00606/FUL
Site Address	Link Road, Between A3102 and Marlborough Road, Royal Wootton Bassett, Wiltshire
Proposal	Full Planning Application for the permanent retention of existing temporary road as an agricultural access
Applicant	Oxford University Endowment Management
Town/Parish Council	ROYAL WOOTTON BASSETT
Electoral Division	WOOTTON BASSETT SOUTH – Cllr Chris Hurst
Grid Ref	407482 181032
Type of application	Full Planning
Case Officer	Chris Marsh

Reason for the application being considered by Committee

The application was previously deferred by Members at the meeting on 14 June 2017, in order for the applicant to reconsider amendments to the proposals to mitigate impacts of noise, pollution and overlooking on neighbouring residents.

The application was originally called in by the local Member in order to consider the scale of development, visual impact on the surrounding area, relationship to neighbouring properties and environmental/highways impact of the proposals.

1. Purpose of Report

The purpose of the report is to assess the changes made to the scheme and recommend that the application be approved, subject to conditions.

2. Report Summary

At the meeting of 14 June, having heard representations from local residents, Royal Wootton Bassett Town Council and the local Unitary Councillor, which focused on alternative proposals put forward by local residents, Members resolved to defer consideration of the item in the following terms:

“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.”

Further to that resolution, the applicant has prepared their own amendments to the proposals, seeking to address the concerns raised by local residents through adjustments to access and layout details.

3. Proposals

As set out in the applicant's covering letter dated 13 July, the principal amendments to the scheme concern the eastern access arrangements to the link road adjoining the Marlborough Road. Together with the surrounding agricultural land, this entrance has also historically served the neighbouring land user, Aggregate Industries, through a shared access arrangement understood to now lie essentially beneath the initial section of the new roadway in this location. The alternative proposals tabled by residents comprised the majority reinstatement of this element in order that AI traffic would not need to use the section of new raised access to the rear of properties on Dunnington Road, which some Objectors consider has some adverse impact in respect of noise, dust and overlooking.

In an effort to decouple so far as practicable the two types of user – namely agricultural vehicles and generally large articulated vehicles respectively – the new Marlborough Road access details include a junction arrangement enabling AI's vehicles to depart northward toward their yard at an earlier point relative to the Marlborough Road junction. The revised details comprised in updated drawing 5504/SK/210 Rev C show a new splayed access on the northern side of the new road, situated approximately 12m back from the junction lines along the edge of the Marlborough Road. The junction would offer a right turn in/left turn out only arrangement to users of the AI site and is to be secured with an additional set of gates alongside those indicated on the adjoining agricultural route. The specification has been informed by the respective vehicle tracking for agricultural vehicles (including trailers) and articulated 8-wheel tipper trucks, including the theoretical situation in which these use the main access simultaneously. Visibility splays and pedestrian crossing details remain as before.

4. Consultation

Upon receipt of the amended details, a further 14-day round of consultation was undertaken in respect of the application. This generated a further 15 letters of objection from local residents, raising the following concerns:

- Revised proposals do not resolve conflicts with residential amenity in respect of noise, dust, pollution and overlooking;
- Link road remains unjustified and unnecessary;
- Proposed Aggregate Industries access is over-specified;
- Concerns over security of the gated section of the road;
- Ecological harm associated with loss and replacement of planting;
- Proposals represent the permanent loss of agricultural land

It should be noted that comments relating to the opening of the road on a public basis or the future development of surrounding areas are not materially relevant to the proposals under consideration and should therefore not weigh in the decision-making process.

Due to the distribution of meetings over the Summer period, Royal Wootton Bassett Town Council has been unable to comment in respect of the revised proposals however their comprehensive initial comments are considered to be self-explanatory and would not be anticipated to be materially affected by the current revisions.

5. Planning Considerations

Addressing only the substantive changes to the scheme and consultation responses, it is firstly critical to stress that the revised arrangement was subject to initial consultation with the Council's Highways Officer. Preliminary drawings were advised by the relevant technical experts to place the proposed AI turning too close to the Marlborough Road junction, such that a conflict in vehicle movements could lead to large lorries abruptly waiting on the public highway, causing an obstruction. Consequently, the proposed new turning is positioned as close as is safely possible in relation to the public highway, but will unavoidably necessitate large vehicles travelling a short distance along the rears of properties at the eastern end of Dunnington Road. Nonetheless, it is on this basis that the revised proposals continue to offer a safe access arrangement and as such the conditions recommended by Highways Officers require only updating with the new drawing numbers.

In terms of the impacts of the proposals on residential amenity, it is recognised that some effect associated with the general level of activity has been identified previously and will not be wholly ameliorated by the revised proposals, due primarily to the raised roadway level. Notwithstanding that that impact was not considered by Officers to be fatal to the application in the first instance, however, it is clear that by diverting the more frequent, larger vehicles associated with the AI site away from the new road at an earlier point, a number of properties along the northern side of Dunnington Road will see this effect diminished. For properties at the easternmost end of Dunnington Road, whose gardens extend the closest toward the new road, it is important to note that the same general level of activity is likely to have existed previously in relation to the earlier AI site access, with the only significant change being the height of the initial section. It is also relevant to bear in mind that following the reconstruction of the Marlborough Road railway bridge, the associated raised road level adjacent would now likely render impossible the identical reinstatement of the earlier AI access to a safe standard.

Agricultural movements tend to be low-key and their concentration very seasonal, whilst there appears no sensible reason why vehicles would need to stop and wait longer than would be required to open or shut the gates. As such, the limited degree of overlooking arising from such vehicles in relation to the remaining run of properties on Dunnington Road is not considered to be severe in its impact. Likewise, the re-orientation of the section likely to be used for short-term waiting by AI vehicles will ensure that driver cabs are not positioned alongside domestic gardens, albeit that these were separated by a considerable distance, as has previously been raised as a concern. It is considered that exposure to noise, dust and pollution will be closely matched to any pre-existing impacts and quite possibly reduced within a short period due to the additional planting to be introduced on the banked sections of the development.

Overall, it is considered that the revisions improve upon the originally submitted proposal, reducing the limited degree of actual and perceived impact on the residential amenity of neighbouring properties whilst maintaining an access arrangement that is safe in highways terms. It should also be noted here that as per the previous report to Committee (reproduced at appendix a) officers did not consider the as submitted scheme to be significantly harmful in respect of impact to residential amenities such that consent ought to be refused, nor that the proposals were deleterious in respect of ecology or agriculture, as raised in public representations. Balancing all other material

considerations as set out in the original Officer report and the reduced impact to the residential amenities of some neighbouring properties, it is considered that the proposals as amended are acceptable in planning terms.

RECOMMENDATION

That planning permission is GRANTED, subject to the following conditions: (changes to conditions are highlighted in **bold**)

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

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

5504/SK/201 rev B - Proposed downgrading of western access with A3102
Received 28 March 2017

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

5504/SK/202 rev C - Proposed alterations to eastern access with Marlborough Road Re-instating previous Aggregate Industries access alignment
Received 13 July 2017

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

- 2 The engineering operations hereby permitted shall be removed and all equipment and materials brought onto the land for the purposes of such use and materials resulting from the demolition shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

(i) Within one month of the date of this decision a detailed landscaping scheme and Landscape and Ecology Management Plan (LEMP), incorporating fully the principles established in the Landscape and Ecology Strategy Note 10729_R04a (Savills/Tyler Grange, received 5 May 2017) and detailed in drawings 10729PO8d and 10729PO9a, shall be submitted to the Local Planning Authority, the scheme to include a timetable for its implementation;

(ii) If the Local Planning Authority refuse to approve the scheme submitted under (i) above, within one month of the date of that decision a valid appeal shall have been made to, the Secretary of State;

(iii) An appeal is made in pursuance of (ii) above, that appeal has been finally determined and the submitted scheme has been approved by the Secretary of State.

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

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

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

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

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

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

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

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

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

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

REASON: In the interests of highway safety.

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

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

- 8 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILP, 2011)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

- 9 **Within a period of six months from the date of this decision, the revised Aggregate Industries access arrangements shall be submitted on plan 5504/SK/202 rev C [Proposed**

Alterations to Eastern Access with Marlborough Road Re-instating previous Aggregate Industries access alignment] shall have been implemented in full and made available for use in accordance with final technical details to be first submitted to and agreed in writing by the Local Planning Authority. The access shall be maintained as such and available for use at all times thereafter.

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

- 10 **INFORMATIVE TO APPLICANT:**
The applicant should seek the advice of their ecologist on the necessity to vary the terms of the licence to disturb great crested newts, under which the works to construct the link road were undertaken, to accommodate the permanent loss of terrestrial habitat suitable for use by this species.
- 11 **INFORMATIVE TO APPLICANT:**
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 12 **INFORMATIVE TO APPLICANT:**
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.
- If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.
- 13 **INFORMATIVE TO APPLICANT:**
It is likely that a stock proof fence or similar will be required to help with the establishment of the new hedgerow at Station Road end. Written confirmation of this fencing specification should be established and agreed by the LPA prior to its erection. Measures to protect new planting from domestic or wild grazing animals should be provided as part of the scheme, i.e. spiral or tube guards etc.

ATTACHMENTS

Case Officer Committee report – 17/00606/FUL – 12 June 2017

Site Location Plan

Date of Meeting	14 June 2017
Application Number	17/00606/FUL
Site Address	Link Road, Between A3102 and Marlborough Road, Royal Wootton Bassett, Wiltshire
Proposal	Full Planning Application for the permanent retention of existing temporary road as an agricultural access
Applicant	Oxford University Endowment Management
Town/Parish Council	ROYAL WOOTTON BASSETT
Electoral Division	WOOTTON BASSETT SOUTH – Cllr Chris Hurst
Grid Ref	407482 181032
Type of application	Full Planning
Case Officer	Chris Marsh

Reason for the application being considered by Committee

The application has been called in by the local Member in order to consider the scale of development, visual impact on the surrounding area, relationship to neighbouring properties and environmental/highways impact of the proposals.

1. Purpose of Report

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

2. Report Summary

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

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

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

3. Site Description

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

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

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

4. Planning History

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

5. The Proposal

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

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

6. Local and National Planning Policy

[Wiltshire Core Strategy](#)

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

North Wiltshire Local Plan 2011

Saved Policy NE18 (Noise and pollution)

National Planning Policy Framework

Paragraph 14

Paragraph 17

Section 4 (Promoting sustainable transport)

Section 7 (Requiring good design)

Section 11 (Conserving and enhancing the natural environment)

Section 12 (Conserving and enhancing the historic environment)

7. Summary of consultation responses

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

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

Highways – no objection, subject to conditions

Landscape – no objection, subject to conditions

Rights of Way – no objection, subject to conditions

Conservation – no objection

Archaeology – no comment

Ecology – no objection, subject to conditions

8. Publicity

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

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

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

9. Planning Considerations

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

Principle of development

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

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

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

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

Highways impact of the development

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

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

Visual/landscape impacts of the development

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

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

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

Impacts on residential amenity

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

Impacts on ecology

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

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

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

Conclusions

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

RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REASON: In the interests of highway safety.

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

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

- 8 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILP, 2011)", have been submitted to and approved in writing by the Local Planning

Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

9 **INFORMATIVE TO APPLICANT:**

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

10 **INFORMATIVE TO APPLICANT:**

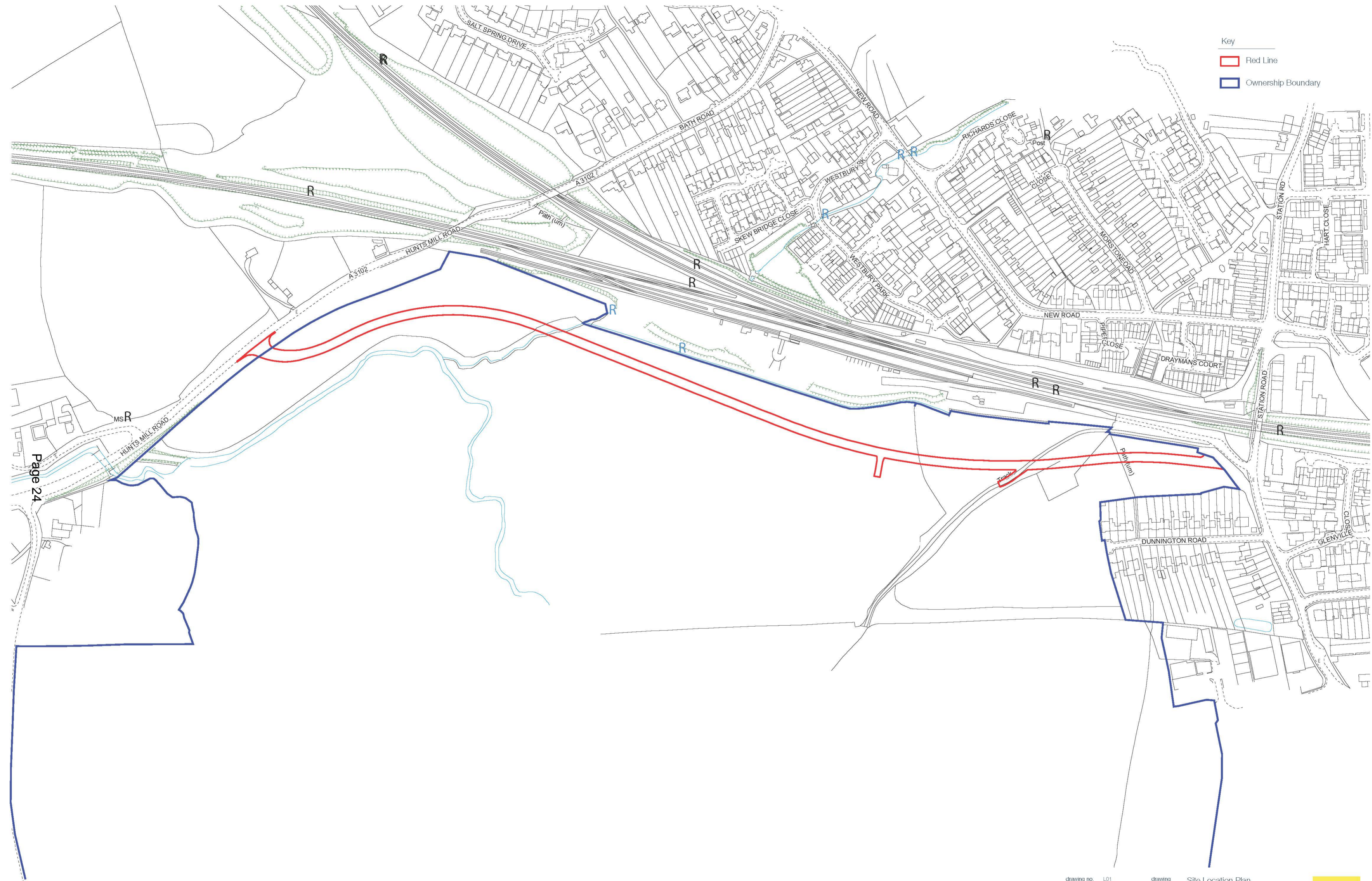
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

11 **INFORMATIVE TO APPLICANT:**

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

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

Key
▭ Red Line
▭ Ownership Boundary



Page 24

Royal Wootton Bassett
on behalf of OUEM

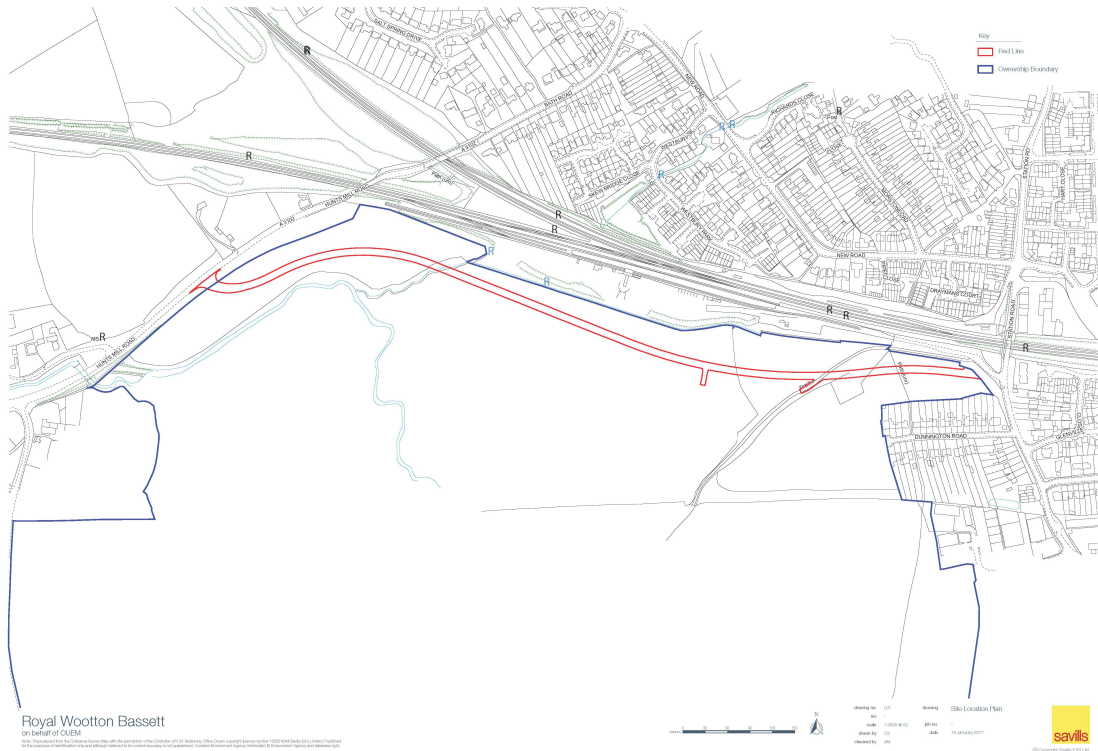
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drawing no.	L01	drawing	Site Location Plan
rev	-	job no.	-
scale	1:2500 @ A2	date	19 January 2017
drawn by	CS		
checked by	AM		



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	9 th August 2017
Application Number	16/06790/FUL
Site Address	Land at Methuen Park, Chippenham
Proposal	Proposed erection of 66 dwellings, formation of access road, open space, landscaping and associated works.
Applicant	Greensquare Group Ltd and Ashville, Calne, Ltd
Town/Parish Council	Corsham
Ward	Corsham Town – Cllr Whalley
Grid Ref	
Type of application	Full Planning
Case Officer	Charmian Burkey

Reason for the application being considered by Committee

The application is reported to the Committee in view of the electoral boundary changes, which directly affect the application site (transferring from Corsham CP to Chippenham CP) and the fact that the Chippenham Town Council is supportive of the proposed development.

1. Purpose of Report

To consider the above application and to recommend that planning permission is REFUSED

2. Report Summary

The key issues in considering the application are as follows:

- Loss of employment
- Urban design
- Trees
- Landscape
- Drainage
- Infrastructure – s106 agreement

11 letters of objection have been received.

Chippenham Town Council supports the application.

Corsham Town Council does not object but raise some concerns.

3. Site Description

The site is located on the western fringe of Chippenham within the south western corner of Methuen Park which is an established business park and Principal Employment Area as designated in the Core Strategy and CP35.

The site is rectangular in shape and is 1.3ha in area, relatively flat with the A350 at a lower level to the south-west. Easton Lane is to the south-east with a significant hedge forming the boundary. The remaining 2 sides are bounded by existing employment development.

The site is currently rough grassland, although there are 2 hardstanding areas which have been used for informal parking (permitted by N/05/00984/FUL).

On the opposite side of Easton Lane is the residential development allocation known as Hunter's Moon, the planning application for which was recently considered and resolved to be granted planning permission by the Council's Strategic Planning Committee on 21/06/17 (16/12493/FUL refers).

4. Relevant Planning History

N/03/2047/FUL - three 3-storey office buildings (capable of sub-division) and associated parking and landscaping – permission.

N/05/00984/FUL – temporary gravel parking area (44 cars) for over flow parking for Wincanton site (12-18 months) – permission.

N/06/02083/S73A – variation of time limit condition 1 of N/03/02047/FUL (permission).

15/06248/PREAPP- Proposed residential development (approx 60 dwellings) – not supported.

5. The Proposal

The proposal is in full for 66 dwellings with access via Methuen Park and, following comments from the Council has been revised. The layout is essentially a long cul-de-sac with houses fronting the access road as it goes into the site and tandem parking and then dwellings fronting the road with parking in front. Within the site, to the north of the access road pairs of semi detached houses are sited perpendicularly. There is a block of flats proposed in the south west corner.

6. Planning Policy

Wiltshire Core Strategy

CP57 - Ensuring High Quality Design and Place Shaping.

CP35 - Existing Employment sites.

CP41 Sustainable Construction and Low Carbon Energy.

CP60 – Sustainable Transport

CP61 – Transport and Development.

Chippenham Site Allocations Plan.

North Wiltshire Local Plan 2011 (saved policies)

CF3 – Provision of open space.

NPPF

Core Principles – para 17.

Delivering Sustainable Communities para 22.

Section 7 Requiring Good Design paras 56 and 58 in particular

7. Consultations

Corsham Town Council - Do not object but express concern about density, the quality of the street scene and bin storage.

Chippenham Town Council - Continue to promote developments on brownfield land and would not object to housing on this site subject to proven evidence that the land has been widely advertised for employment use for some considerable time and there has subsequently been no interest. The Council is aware that this specific site has remained underdeveloped for some years (20+) and would respectfully expect there to be strong evidence based case for refusing the application, rather than basing any refusal on a land classification made some years ago. The Town Council would not object to this application subject to the above and appropriate design considerations and respect for the character of the area.

Highway Engineer - No objections.

Education - Identify a requirement for 17 primary school places at a cost multiplier of £16979 = £288643. Secondary school places will be funded via CIL.

Archaeology - No comment.

Public Art - Request a public art contribution figure (based on £300 per dwelling) for this site would be £69,300 for 231 dwellings and we would expect that no more than 10% of this figure to be spent upon the production of a public art plan. We would welcome discussions on how best to integrate public art and design in the public realm for this development.

Drainage Engineer - Wessex Water response indicates connection proposals to their system shown in application are acceptable to them but note that they have highlighted approval of LLFA required.

- FRA 2.4 does not mention that the southern part of the site adjacent to West Cepen Way falls within the area shown to have high ground water flood risk issues – however 3.5 covers level of ground water found as part of ground investigations – it should be noted that date of investigation not given and during 2016 the ground water levels have been low compared to other years thus results need to be considered in relation to this issue
- FRA 5.1.1 states a separate drainage strategy report had been commissioned – included as appendix to FRA
- FRA 6.5.2 states storm drainage system designed to cater for 1 in 100 plus climate change but does not state cc %
- DSR 4.1.3 states that a pumping station will be needed to allow connection to existing public foul sewer, unless ground raising is allowed to achieve a gravity connection – if pumping station is required then no dwelling can be located within 15m of the pumping stn due to potential noise/smell/vibration issues – note that separate layout drawings (and those in DSR) do not show any pumping station!
- DSR states site investigation shows soakaway disposal as being unlikely to be viable for the site thus proposes (DSR 4.2.7) a Qbar restricted flow post development of 5.2 l/s – report states WW willing to accept this rate into their storm sewer
- DSR 4.2.8 states storage required on site for such a Qbar rate – need to use 40% cc level
- DSR 4.2.10 mentions SK02 for 1 in 100 attenuation in 2 locations
- DSR 4.2.11 raises issue of WW adoption standards only accepting storage tanks meeting 1 in 30 storm (as set out in SFA 7th) rather than the 1 in 100+cc – this appears to be a change in WW position as prior to April 2014 WW would consider adoption of tanks to 1 in 100+cc provided tank was of an adoptable type – this needs clarification with WW (have left message with WW for call back to discuss)
- As stated above the layout in DSR does not include a pumping stn – will ground raising be allowed? – if not shown layout will need to be altered
- DSR drainage layout for foul and even worse for storm is very convoluted and appears to be an attempt to fit within house layout with flows/pipework doubling back on itself where a more appropriate site layout would simplify the drainage

Drainage team is not supportive of the layout/drainage proposed within the FRA/DSR but does support the development of the site with housing with the drainage conditions as previously identified in original consultation response.

Strategic Programmes Manager (Economic Development) – Detailed consultation response is considered within the “Loss of employment” section set out below. However, they may be summarised as:

There is significant and compelling evidence for the retention of this plot as employment land:

- There is clear evidence of the prospects of the land being used for employment
- The evidence provided in the responses from Economic Development indicates a severe shortage of readily available employment land in Chippenham
- There is no evidence that the land is unviable
- There is a high likelihood of the land being taken up for employment use
- There is significant and compelling evidence of market interest.

Early Years Learning - Have not requested a contribution.

Public Protection - Have assessed the submitted Noise Report and are satisfied that the proposed mitigation measures (building envelope treatments/acoustic fence) are apt for the development. NOTE: revised plans have now removed the acoustic fence to the A350 boundary as it is not considered to be necessary (see planning considerations below).

Housing Officer - The Wiltshire Core Strategy details a requirement in the Chippenham Community Area for a 40% affordable housing contribution to be delivered in line with its Core Policies 43, 45 and 46 where there is demonstrable need for new affordable housing. We confirm that there is demonstrable need for affordable housing in this community area and note that the proposed scheme layout does indicate a 40% on site Affordable Housing contribution - with a mix of sizes and tenures ie: 26 affordable units (14 x Affordable Rent and 12 x Shared Ownership homes) which would be acceptable. Completed affordable dwellings are required to be transferred to a Registered Provider, approved by the Council, on a nil subsidy basis and secured via a S106 Agreement - and the Local Authority will have nomination rights to the affordable dwellings. This proposal is being put forward in association with GreenSquare - a member of the Council's Registered Provider/Housing Association Development Partnership.

Landscape Officer - Raises no issues in relation to the likely far reaching landscape or visual effects or impacts likely to arise from the proposed residential development of this site. His concerns relate to the poor relationship to adjoining site context resulting from the proposed layout. Despite its central location the small area of open space provides poor quality public amenity. The connecting cycleway/footpath which passes through this space is poorly designed and fails to provide a clear and legible route through and connecting development to onward destinations and fails to provide adequate amenity. Proposed landscaping around the site's perimeters and that proposed within the development layout is inadequate to integrate the site into its surrounding context and fails to provide an adequate level of amenity. His opinion is that many of these issues arise from the proposed over development of the site. Landscaping treatment to the A350 is not suitably incorporated. He proposes that a reason for refusal should centre on the failure to meet the requirements of WCS, 'Core Policy 51: Landscape' and 'Core Policy 57: Ensuring high quality design and place making' in NPPF context. Full comments are available on line.

Urban Design Officer – Full comments on the originally submitted plans are available in full on line (which amounted to an objection), Revised plans have now been received which substantially alter the layout and design of the properties. The revised plans are considered in detail within planning considerations section below.

Spatial Plans Team – The detailed comment is available online, but can be summarised as: Wiltshire Council places a priority on delivery of land for employment and significant job growth in Chippenham and Para 5.45 of the Wiltshire Core Strategy states that there is currently a shortfall of suitable land for employment growth in the town.....failure to provide sufficient land could lead to loss of local employment.

The strategic importance of Chippenham and the A350 is reflected in the Swindon and Wiltshire Strategic Economic Plan. Methuen Park is designated as a Principal Employment Site and is home to headquarters of numerous strategically significant businesses, several with overseas ownership or global reach. Reference to CP35 which seeks to retain employment land.

Ecology - No comment.

Arboricultural Officer - Note that there is an established hedgerow with trees located along the eastern boundary of the site. These trees are protected under Tree Preservation Order 145 confirmed on the 14th June 1990. There are concerns with regard to the proposed site layout shown on the Proposed Site Layout Block Plan Drawing No. P101/D. The building orientation of plots 19 to 38 show the rear elevations of houses and garages backing onto Easton Lane with small gardens, some measuring under 4 metres in length. This proposed layout would place unnecessary pressure on this hedgerow to be cut back or removed to establish larger gardens. The hedgerow is an important feature as it acts as a wildlife corridor and helps screen the proposed development from Easton Lane. The removal of this hedgerow would have a detrimental effect on the surrounding area. The comments made by the Urban Design Officer dated 21st February 2017 are re-iterated in that:-

The proposed reduction in the depth and removal of the existing hedgerow/hedgerow margin (by comparison of 001 Rev A & 002 Rev A - Tree Constraints Plans which shows existing site survey with plan 780-01 C 'Landscape Proposals'). This is along the boundary with Easton Lane from around 5 metres deep to around 1.5 metres deep and with the removal altogether of around 30 metres of hedgerow to this boundary at the north end of the site, and similarly the reduction in depth along the boundary with the A350.

This current proposal also places protected trees which are situated within this hedgerow under unnecessary pressure due to their orientated to the site. These trees will come under pressure to be reduced or removed by potential homeowners due to them being situated to the east of the development. Light issues and encroachment of branches will become a common problem, which is unacceptable.

There is an objection to this proposal in relation to hedgerows and trees.

8. Publicity

11 letters of objection have been received raising the following concerns:

- Parking issues and traffic.
- Question housing on office land
- Access is required from and to Easton Lane
- Local company has commented that the site would be suitable for their expansion plans, allowing the creation of more skilled jobs and it should not be lost to housing.
- Swindon and Wiltshire Local Enterprise Park object to the application stating that well connected employment sites are of major importance and Methuen Park provides high quality employment land with good road and rail access. They wish to retain it as employment land. SWLEP strategic plan stresses the importance of Chippenham due to its position in the Swindon/M4 corridor and its role as a gateway to the A350 corridor. Preserving good quality employment land at Chippenham is of strategic importance to SWLEP.

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. In this case, the Wiltshire Core Strategy forms the relevant development plan for the application area along with guidance in the NPPF (as set out above).

Loss of Employment

The application plot of land is located on and forms part of Methuen Park, one of Wiltshire's highest quality business parks, which is of considerable importance to the local economy. Inappropriate development on this business park (such as residential) could harm the vitality of the employment site and its occupiers. The site is located in Chippenham (identified in the WCS as a principal settlement), which has been identified by Wiltshire Council and the Swindon and Wiltshire Local Enterprise Partnership (SWLEP) as a priority area for investment and economic growth.

Government, the SWLEP, and Wiltshire Council are all investing in improving infrastructure in Chippenham via the Local Growth Deal. The Local Growth Deal Programme acts as a key enabler to drive innovation and accelerate economic growth. Over £10m is being invested in improvements to the A350 Chippenham Bypass, the latest phase includes dualling and also upgrading the Chequers roundabout (next to Methuen Park). In addition to this, funding has also been allocated to improve Chippenham Station, and Junction 17 of the M4. These projects, which all commence works this year, will support driving innovation and accelerating economic growth, therefore provision of employment land in this location is fundamental to achieve these objectives. Given the massive investment in infrastructure to enable economic growth it would be highly inappropriate for the application plot of land to be allocated for anything other than employment.

Methuen Park is home to the headquarters of numerous strategically significant businesses, several with overseas ownership or global reach. Wiltshire Council's Economic Development (ED) Service recognises the strategic importance of high value businesses to the economy and community and invests resource into close working to help ensure their ongoing presence and growth. This includes regular dialogue to better understand their business priorities - giving them (and their global owners where appropriate) confidence to continue to invest locally as opposed to competing alternative locations. Priorities raised with the ED Service include maintaining the image/integrity of commercial environments (which residential encroachment is seen to dilute), and ensuring a sufficient supply of employment land and premises to support ongoing investment and jobs growth.

The shortage of employment land and premises causing difficulties to businesses in the Chippenham area remains a theme in approaches to the ED Service. The application plot of land is the only readily available site in Chippenham that can accommodate local businesses or inward investors right now (see Whitmarsh Lockhart letter). The applicant has attempted to identify a number of alternative sites; however none of these will be available to cater for businesses in the short term.

This shortage of land and premises in Chippenham has also been identified by local commercial property agents, who have commented on the proposals:

"There has been a well-documented and steady drain of companies from Chippenham as they could not find the space to expand"

“The chronic shortage of second hand accommodation in the commercial property market in Chippenham, together with the lack of available land supply of freehold plots, has resulted in a migration of companies away from Chippenham to other locations”

“If Methuen Park is removed from the market for residential development the actual ability to buy a freehold site as at 2017 for commencing development later on this year or early next year would be zero”

“There is a very serious shortage of available employment land in the Chippenham area and there is also a serious shortage of industrial and warehouse units.”

“While there is some land allocated for employment use, it is not readily available as in some cases significant infrastructure is required to access and release it; and in other cases the land is held by residential developers who are holding onto it in the hope of getting a residential consent.”

Wiltshire Council asked local commercial property agents Whitmarsh Lockhart to provide information on demand, supply, and take-up. Their response can be found along with the submitted material from the ED Service. Their conclusions for the application plot of land are as follows:

“My considered opinion is that Wiltshire Council does not have the latitude to allow existing employment sites in Chippenham to be transferred to residential use at this particular point in the property cycle”

Wiltshire Council has an employment led Core Strategy and places priority on the delivery of land for employment and job growth in Chippenham. Loss of this plot of land within an established business park could lead to loss of jobs and certainly is against what the Core Strategy seeks to promote. CP35 in particular seeks to retain employment land and to address out commuting. Core Policy 35 of the Wiltshire Core Strategy includes the following requirement related to change of use:

v. There is valid evidence that the site has no long term and strategic requirement to remain in employment use; the ability of the site to meet modern business needs must be considered, as well as its strategic value and contribution to the local and wider economy both currently and in the long term. It must be shown that the site is no longer viable for its present or any other employment use and that, in addition, it has remained unsold or un-let for a substantial period of time (at least 6 months), following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account prevailing market conditions.

The applicants have supplied some evidence of marketing but what has been provided does not contain valid evidence that the site is no longer viable for its present or any other employment use. The application plot of land is commercially attractive, and has no identified constraints. There is clearly a very strong prospect of the plot being used for employment based on growth, examples of investment and development elsewhere, and the number of enquiries received by the Council and commercial property agents. There is no evidence that the application plot of land is unviable, or has little likelihood of being taken up for employment uses.

The application plot of land could accommodate a variety of 'B' use occupiers. However, recent correspondence with the applicant indicates a reluctance to explore uses other than B1a:

“Methuen Park is principally a business park locality comprising offices and, near the frontage, retail and A4 uses. Given that the neighbouring uses are office occupiers, the only commercial use this site is suited to is B1a and not manufacturing or heavy engineering uses which would cause undue disturbance”

The application plot of land forms part of an employment site, therefore it can accommodate employment uses other than B1a, for example B1b, B1c, and B8 uses. The ED Service would therefore advise the applicant to explore other employment generating uses. This admission by the applicants also clearly demonstrates that they have not addressed Core Policy 35 as outlined above.

Along with the potential loss of employment land, two other key concerns include; the impact on the vitality of Methuen Park and its occupiers, and if approved the precedent this would set. The inappropriate release of employment land for residential uses could create a domino effect in the area, and ultimately cause lasting damage to the local economy.

This application plot of land is of significant importance to the Chippenham and Wiltshire economy and as such should be protected for employment purposes. The Economic Development Team therefore objects to this application (as have the SWLEP, the Chamber of Commerce, and local businesses). The land should be retained and protected for employment uses to protect the vitality of the Business Park and support future business growth.

There is significant and compelling evidence for the retention of this plot as employment land:

- There is clear evidence of the prospects of the land being used for employment
- The evidence provided in the responses from Economic Development indicates a severe shortage of readily available employment land in Chippenham
- There is no evidence that the land is unviable
- There is a high likelihood of the land being taken up for employment use
- There is significant and compelling evidence of market interest

Urban Design

The originally submitted layout was considered to be of a poor quality of design and amenity. The layout did not comply with CP57 in that it did not create a strong sense of place which uses the site's characteristics to its best advantage.

However, following negotiations with the applicant, revised plans were submitted which have been amended to reduce the width of the road to a shared surface and significantly reducing the dominance of tarmac.

The dwellings which back onto Easton Lane have been redesigned and the layout altered so that there is some relief of built form and design. The houses have window arrangements, which although on the rear/side are designed so as to read as more of a primary frontage.

Easton Lane has a very attractive rural character and the changes to design are considered to help preserve that without merely being “flat” elevations of little interest.

It is understood that that in the event of the Committee resolving to grant planning permission, the applicants are willing to offer a contributions towards off-site public open space provision, which would make up for a deficient quantum of on-site POS demonstrated on the submitted plans.

It is considered that these alterations now make the layout and design of houses compliant with CP57 of the Wiltshire Core Strategy and the advice in section 7 of the NPPF.

Trees

There is an established hedgerow along the Easton Lane boundary which also contains a group TPO. The revised plans now show the RPAs of the TPO trees in this hedge and the hedge itself, and that the fence along this boundary is to be a 1.8m high chain link fence set on the garden side of the hedge. This will allow the rural character of the hedge to be fully maintained without the urbanising effect of a close boarded fence.

Concern has been expressed by the tree officer that the short gardens will put pressure on the hedge to be removed. The majority of the hedge is outside the site boundary and ownership.

It is considered that the trees and hedge could be adequately protected by way of planning conditions.

Landscape

The site is set within the context of existing buildings and once the Hunter’s Moon site is built-out there will be little impact in landscape setting terms. The POS, which was originally criticised for its location and size has been increased and divided into 2 parcels. Originally it was one parcel of 347 square metres and now it is 2 parcels of 141 square metres and 368sqm. However, this is significantly short of the required level of 3798 square metres. Saved policy CF3 of the North Wiltshire Local Plan 2011 requires on site provision or provision nearby by way of an off-site contribution, secured through a S106 agreement. There is currently no nearby scheme to contribute to. The proposal is therefore contrary to saved policy CF3 and Technical Services have stated that they are prepared to defend a reason for refusal based on this under provision on site.

The proposed landscaping around and within the site is of lower quality than would normally be expected, but the site sitting with in an industrial estate and the retention of the hedging and changes to boundary treatment in that location are considered to balance the lower overall landscaping, which could be conditioned for further enhancements.

Critically, revised plans now omit the previously proposed 2.3m high acoustic fence along the boundary to the A350, since a revised Noise Report prepared by the applicant confirms it would not now be necessary in the context of build techniques to be used for those

properties fronting the road (which could be secured by planning condition in the event of the Committee resolving to grant planning permission). The Council's Environment Health officer was not specifically requesting an acoustic fence in this location and its presence was, in any event, considered to be a significant alien feature along this boundary (indeed, it can be noted that existing residential development facing the A350 have post and rail fencing without issue). The omission of the acoustic fencing is considered to be an improvement to the proposed development in this *gateway to Chippenham* location.

It is considered the introduction of this stark fence would introduce an unacceptably alien feature into this visually important location and be contrary to CP57 of Wiltshire Core Strategy.

Drainage

The layout of the site as submitted is lacking in detail in respect of drainage and what information there is indicates that the drainage layout will be very convoluted and quite possibly inadequate. The response also points out that flow rates will be difficult to achieve without altering levels or putting in a pumping station. The applicants have submitted revised plans showing that they have elevated the levels to generate the required flow. The Council's drainage engineers have not been able to comment upon the detailed explanation in time for this report and will therefore be reported as late observations.

Infrastructure - S106 agreement

The development would generate need for contributions and terms secured by way of an agreement under S106 of The Act in respect of: education; affordable housing; public art and refuse collection. In light of the recommendation for refusal in other respects, the absence of a signed s106 agreement must comprise a separate reason for refusal.

10. Conclusion

The proposal has been amended since its first submission which has removed, to a satisfactory level, issues to do with design. However, the principle of the development of an allocated employment site is still fundamentally contrary to policy CP35 of the Wiltshire Core Strategy which seeks to retain employment land.

The proposal itself makes a significant under provision for Public Open Space on the site and there are no nearby available sites for an acceptable of site contribution. The proposal is thus contrary to saved policy CF3 of the North Wiltshire Local Plan 2011. There is currently no mechanism in place to secure other required contributions to affordable housing, education, waste and recycling, public art and for the ongoing maintenance of the POS shown on site making the proposal contrary to CP3, CP43 and CP45 of the Wiltshire Core Strategy.

11.Recommendation

The recommendation is for REFUSAL for the following reasons:

- 1) The proposal would lead to the loss of a major employment allocation of land, which is part of the strategic objective set out in the Wiltshire Core Strategy to deliver a thriving economy to provide a range of jobs in Wiltshire with dependence on retaining the availability of and enhancing existing employment sites. The loss of this site would also be contrary to the aims of the Wiltshire Core Strategy which seeks to protect Wiltshire's most sustainable and valued employment areas by applying policies to favour employment uses on these sites. The proposal would therefore be contrary to the aims of the Wiltshire Core Strategy and to Policy CP35 of the Wiltshire Core Strategy and the advice within section 1 of the NPPF in particular.
- 2) The application does not satisfactorily demonstrate through a robust and comprehensive marketing exercise that its retention is no longer warranted. This would be contrary to the employment led emphasis of the Wiltshire Core Strategy and the requirements of CP35 of that document together with advice in Section 1 of the NPPF.
- 3) The proposal does not make provisions to secure contributions to affordable housing; education; public art; waste collection and re-cycling; the ongoing provision and maintenance of open space. The application is therefore contrary to Core Policies 3, 43, 45 of the Wiltshire Core Strategy and saved policy CF3 of North Wiltshire Local Plan 2011.

INFORMATIVE: The applicant is asked to note that reason for refusal 3 may be overcome via the entering into an agreement under s106 of The Act to deliver the necessary infrastructure to make the development acceptable in planning terms.

16/06790/FUL
Land at Methuen Park
Chippenham



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	9 th August 2017
Application Number	17/03112/FUL
Site Address	Land adjacent to Barton Piece, Silver Street, Colerne, SN14 8DY
Proposal	Conversion of an existing dilapidated garage into a 2 bedroom house
Applicant	Mr Aleem Hosein
Town/Parish Council	COLERNE
Electoral Division	BOX AND COLERNE – Cllr Brian Mathew
Grid Ref	381799 171129
Type of application	Full Planning
Case Officer	Rose Fox

Reason for the application being considered by Committee

The application has been called to Committee by Cllr Mathew in order to consider the impact on highways, parking, residential amenity and scale of the development.

1. Purpose of Report

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

2. Report Summary

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

- Principle of Development
- Impact on Heritage Assets
- Design/Character and Appearance of the Area (AONB)
- Highways and Parking
- Residential Amenity

The application has met with objection from Colerne Parish Council, 13 letters of objection from local residents and a petition of 27 signatures in objection.

3. Site Description

The site comprises a single storey garage and amenity space to the rear which is mainly grassed with some shrubs. The building is finished in stone, set beneath a terracotta tiled roof. It has timber shutters and doors to the front, two timber doors to the side, two ground floor windows to the rear and a first floor circular window to the rear. It is

enclosed by a stone boundary wall and the neighbouring building's flank wall along the western boundary.

The application site is located centrally within the settlement limits of Colerne, which is defined as a Large Village within the Core Strategy. It is situated to the east of Silver Street, accessed via a private drive to the north which serves a cluster of residential properties. The surrounding residential properties comprise a mix of 1 and 2 storey buildings, which are finished in stone, with some variance in roof materials. The site is situated within the Colerne Conservation Area and Cotswolds AONB.

4. Planning History

16/11202/PREAPP – Conversion of garage to residential
15/11988/FUL - Proposed Conversion of Existing Garage into 3 Bedroom Dwelling (Resubmission of 14/11032/FUL) – Withdrawn
15/09384/PREAPP - Conversion of garage to residential
14/11032/FUL - Conversion & Extension of Existing Double Garage with Loft Over to Create Residential Unit with Integral Garage & Parking - Withdrawn
N/04/01225/FUL - ERECTION OF WORKSHOP – Approve with Conditions

5. The Proposal

The proposal comprises the conversion of the existing garage into a two bedroom dwelling. To facilitate the conversion there would be a modest increase in the height and length of the building through extensions with stone to match. The accommodation is to comprise an open plan kitchen/diner/living room, bathroom, storage and car port for two parking spaces on the ground floor and two bedrooms and a bathroom at first floor.

The two timber doors to the front would be removed and for use as a carport for two cars. The timber shutter above would be replaced with a single window. A single rooflight is proposed in the existing roof (eastern side) above the staircase, and the rear flat roofed extension would include bifold doors to the rear and a rooflight. It is proposed that the existing terracotta tiles are replaced with slate tiles to match neighbouring properties. There would be an area of timber decking to the rear of the property, paving along the side and a gate to the front.

6. Local Planning Policy

The following policies of the Wiltshire Core Strategy (Jan 2015) (WCS) are relevant:

Core Policy 1 (Settlement strategy)

Core Policy 2 (Delivery strategy)

Core Policy 11 (Community Area strategy: Corsham Community Area)

Core Policy 45 (Meeting Wiltshire's Housing Needs)

Core Policy 51 (Landscape)

Core Policy 57 (Ensuring high quality design and place shaping)

Core Policy 58 (Ensuring the conservation of the historic environment)

Core Policy 61 (Transport and development)

Core Policy 64 (Demand management)

National Planning Policy Framework (NPPF)

Paragraphs 7, 11, 14, 17, 55, 58, 115, 129, 133, 134 and Sections 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are also relevant.

7. Summary of consultation responses

Colerne Parish Council

“Colerne Parish Council request that this application be CALLED IN.

- 1. Overdevelopment of site in an already congested area with little or no parking.*
- 2. Covenant exists on land regarding building development.*
- 3. No legal right of vehicular access”*

In considering the above comment, it is understood there is a legal right of access but any covenant is a legal/property issue between the relevant parties and not a material planning consideration.

Conservation Officer

“No objection – The flat roof rear extension (and rooflight) is not typical of the conservation area, however it would not be highly visible from the main thoroughfares in the area. The form of the building is similar to existing so the proposal would not result in any harm to character or appearance of the conservation area. If approved, large scale drawings should be requested of the roof surface, eaves treatment, verges, gable (no fascia/barge boards – tiles should overlap the masonry by an inch to two inch with a simple mortar joint), and all new windows and doors. Full details should also be provided of rainwater goods and ventilation details. Materials should be conditioned to match and samples of all new materials to be submitted to the local planning authority.”

Highways

Initial objection to the proposal on grounds that the internal dimensions of the parking spaces within the garage were insufficient and the red line did not indicate access to the highway. The proposed integral garage has since been amended to a car port and the red line amended. Revised Highways Comments are as follows:

“I note the amended plan A 1.00 REV 01 demonstrates two parking spaces of standard size 4.8 m x 2.4 m. As discussed with the agent these are adequate parking spaces for a car port and I would be satisfied that the parking requirements have been demonstrated, should the parking be car port and open rather than with a garage door. The standard for a double garage is 6m x 6m internally. I note that the parking is still labelled ‘garage’ but it should not be enclosed to avoid adverse highways comment due to lack of provision for parking.

I am satisfied that there is sufficient space to manoeuvre along the private lane in order to enter and egress the public highway perpendicular and in forward gear. Should additional manoeuvres occur they will be away from the highway.

I am satisfied that there is sufficient indication that the site is linked to the public highway at Silver Street along the private lane and that the property has right of access to the highway.

Therefore I can raise no highway objection to the proposal subject to the following condition being attached to any permission granted.

No part of the development hereby approved shall be first brought into use until the car port parking shown on the approved plans (A 1.00 REV 01) 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.”

Drainage

“Site is in FZ 1 and not in an area at risk of surface water flooding for 1 in 30/100 events according to EA mapping

Application form states foul and storm drainage disposal will be to main sewer – not aware of location of sewers or whether there are any storm sewers in the area (nothing on Wessex Water drawings) and Wessex Water would not want storm water flows into the foul system

No drainage disposal information within the submission

Recommendation could be support but with drainage conditions (although if no storm sewers exist it would mean a condition which may not be able to be met) or a holding objection pending submission of drainage disposal arrangements”

After discussing further with the Drainage Officer, given the proposal is for a conversion within a built up area, and there is not a significant increase in hardstanding, a suitable drainage solution is considered achievable in principle. Drainage details will be conditioned.

Environmental Health

No objection but following condition suggested: *“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.”*

Given there has been some objection to the proposal, it is considered necessary to apply the condition to require a Construction Method Statement which will agree hours of construction amongst other construction details e.g. parking of construction vehicles.

Ecology

“I have reviewed the proposal alongside its supporting documentation, site photos and GIS ecological information, and determined that no ecological survey input is required to inform a planning decision.

The building proposed for works appears in good condition with little opportunity for bats to access potential roosting inside. It's in an urban setting in close proximity to adjacent buildings. The potential risk to roosting bats appears minimal."

Two informatives are suggested to be applied to any permission in relation to bats and birds.

8. Publicity

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

Representations have been received from 13 local residents, raising a number of concerns which can be summarised as follows (comments are addressed by the Planning Officer in italics where the issue is not addressed in the below Planning Consideration section):

- Additional parking on Silver Street (existing parking issues)
- Parking spaces provided too small – *spaces are standard size 2.4 x 4.8 m since being revised*
- Concern for parking, loss of turning space and safety on private drive – *On the assessment that adequate parking can be provided on-site, the specific issue of parking/turning on private land is a civil matter and not a material planning consideration*
- Highway safety issues entering/exiting private drive onto highway (and over a pavement)
- Overlooking/loss of privacy/overbearing on:
 - 10 High Street, Colerne (property to rear/south) from rear windows.
 - The Barn House (bungalow to north on other side of private drive).
Concern over first floor window overlooking into bedroom window.
Requests obscure glazed windows.
- Overdevelopment
- Not in keeping with conservation area/visual harm
- Comments on land values – *Not a material planning consideration*
- Concern not in compliance with building regulations – *Not a material planning consideration (if this is the case, where relevant, planning would have to be revised at a future date)*
- Queries location of bin store – *Now added to plans*
- Queries whether ecology study is needed (bats) – *Ecology confirmed this is not required*
- Covenant on land to prevent development – *Not a material planning consideration. It is understood there is a right of access.*
- Does not comply with The Nationally Described Spaces Standards – *There are no local space standards and the national standards are optional.*
- Queries over why Certificate B had not been served and party wall – *Certificate B now served. Party wall is separate legislation to planning but an informative would be applied to any permission stating advice should be sought on this.*
- Queries accuracy of plans – *Plans are considered to be accurate.*

- Proposed South/West elevation missing – *Now provided*
- Concerns over drainage – *Drainage Officer has been consulted and this detail can be conditioned.*
- Potential contamination issues – *No concerns raised by Public Protection.*
- Harm to trees on neighbouring property to east – *It is not considered there would be an adverse impact on any trees as a result of the proposal.*
- Concern that carport could be turned into a garage in the future – *This can be addressed by way of condition.*

A petition of 27 signatures has also been submitted in objection to the proposal on grounds of the following (summarised):

- No need for housing in the village centre;
- Need for parking spaces in the village will be best met by retaining the garage;
- Overdevelopment of the area and overuse of the drive;
- Parking space size inadequate; and
- Visitors will be forced to park on Silver Street and Grocyn Close, which is over congested and hazardous.

9. Planning Considerations

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).

Core Policy 1 of the WCS sets out that Colerne is defined as a 'Large Village' within Wiltshire where development will be limited to that needed to help meet the housing needs of settlements. Core Policy 2 sets out that within the defined limits of development of Large Villages there is a presumption in favour of sustainable development. The location of dwellings in this area is therefore considered appropriate in principle as long as it constitutes sustainable development and complies with the other relevant policies of the WCS.

Heritage Assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 66) as well as giving special attention to preserving or enhancing the character or appearance of the conservation area (s.72).

Paragraph 129 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 133

and 134 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset. Core Policy 57 requires, amongst other things, that new development must be sympathetic to and conserve historic buildings. Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment.

The property is situated within the Colerne Conservation Area. There is no Conservation Area Appraisal currently published for this designation. However, the conservation area, by virtue of its designation, is significant in heritage terms. The only listed building with a view of the application site is the rear of Charter House (no 10 High Street), the Grade II listed building to the south (approximately 21m from the edge of the new rear elevation of the proposed building). This building has aesthetic value and architectural significance.

The Conservation Officer does not consider the proposal to cause harm to the character or appearance of the conservation area as it would not be highly visible from the main thoroughfares in the area and the form of the building is similar to the existing. Given the appearance of the existing building would not be vastly changed, it is considered that the proposals result in a neutral impact to the conservation area. Large scale drawings and samples of all new materials are requested to be conditioned should the application be approved, however given the lack of harm identified and that the development does not affect a listed building itself it is not considered necessary or reasonable to require additional drawings at large scale of the proposed development. Given the location within the Conservation Area it is considered necessary and appropriate to condition to the use of materials and rainwater goods. Given the application building is situated a moderate distance away to the rear of the listed building, the revised proposals will not harm the setting or significance of this listed building.

Should the application be approved, Permitted Development rights for further extensions, external alterations and outbuildings would be removed to enable the LPA to consider individually whether planning permission should be granted for such development, in the interests of visual amenity, residential amenity and safeguarding heritage assets.

Design/Character and Appearance of the Area (AONB)

WCS Core Policy 57 requires new development to be of a high standard of design and requires development to create a strong sense of place through drawing on the local context and being complimentary to the locality. Amongst other matters, the policy requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials streetscape and rooflines, to integrate the building into its setting effectively.

The design of the proposed dwelling is to reuse the existing building but modestly increase it in height and length to provide a first floor. Matching materials will be used for the stone, and the terracotta roof tiles will be replaced with slate, which are used within the local area. External materials including rainwater goods would be conditioned to ensure good quality materials and matching stone would be used within the proposal.

There are a mix of single storey and two storey dwellings within the area, so it is appropriate in scale. It is not considered that the proposal would be harmful in design terms, and it would be in keeping with the local character of the area.

The property is situated within the Cotswold AONB, which Policy CP51 of the Wiltshire Core Strategy applies great weight to conserving and enhancing landscapes and scenic beauty. Given this proposal is for a modest extensions and alterations to an existing building within the Large Village of Colerne, the proposals would not be harmful to the AONB.

Highways and Parking

The Council's Highway Officer has considered the proposals in respect of the adequacy of car parking and the safety of the access and egress of the private access onto the public highway. The initial proposals included a garage with insufficient space for car parking. However, the scheme has since been revised to propose a car port which can accommodate two parking spaces of the standard size 2.4 x 4.8 m. The Highways Officer is satisfied that these are adequate sizes for a car port but that the car port should remain open and a garage door should not be installed or there could result in insufficient parking. Given these comments, it is considered necessary to apply a planning condition to prevent the car port from being enclosed and becoming a garage in the future. Two parking spaces are appropriate for a two bedroom dwelling in accordance with the Wiltshire Council Parking Standards, and with the above condition to prevent the car port being later converted to a garage, the parking is considered sufficient.

The Highways Officer is satisfied that there is sufficient space to manoeuvre along the private lane in order to enter and egress the public highway perpendicular and in forward gear, and the proposal would not result in highway safety issues. There is sufficient indication that the site is linked to the public highway at Silver Street along the private lane and that the property has right of access to the highway.

Parking tended to be one of the main concerns made by local residents, the parish and the ward councillor, with particular reference to the proposal exacerbating the existing parking on Silver Street and surrounding roads which is already limited. In considering this proposal, it is for a small two bedroom property which would have two off-street parking spaces in line with Wiltshire Council parking standards. Given sufficient parking is being provided off-street, it cannot be considered that the development would result in an adverse impact to on-street parking within the local area.

As already noted the use of and access to land and possible restrictions over rights of access are civil property matters between the relevant parties. The Highways Officer has assessed that there is a reasonable access to the property; the applicant has provided information demonstrating a right of access over this land, any dispute in that respect is therefore a civil matter between the parties and does not provide a defensible basis for refusal of the application not being a material planning consideration.

Residential amenity

Concerns have been raised in relation to overlooking/loss of privacy to 10 High Street (property to the south), and The Barn House (bungalow to the north). 10 High Street is the listed building (Charter House) situated to the south. It is approximately 21 m from the rear elevation of the application building to the listed building, and approximately 10 m from the rear elevation of the application building to the boundary with this property. Given these separation distances it is not considered the rear windows within the proposal would result in an adverse impact on residential amenity of the listed building or its garden.

The Barn House is the bungalow situated to the north of the property, on the other side of the private drive. Concerns have been raised in relation to overlooking of the windows from the first floor bedroom of the application property. Given these windows are already overlooked from a driveway where residents and visitors of the properties on the private drive can come and go, it is not considered these windows relate to a private space. Consequently, a window on the front elevation on the other side of the private drive would not be detrimental to the residential amenities of the neighbour opposite. There are a mix of single storey and two storey dwellings within the area and it is not considered the proposal would be overbearing on any neighbouring properties.

There are no windows in the side elevations aside from a single roof light which given it's positioning and the roof slope is not considered to provide for or result in significant overlooking and consequent loss of privacy.

Consequently, the neighbouring properties would suffer no loss of daylight, sunlight or privacy as a result. There would be no adverse impacts.

Conclusions

Overall, it is considered that the revised proposals for a new dwelling represents sustainable development in accordance with Core Policies 1, 2, 11, 45, 51, 57, 58, 61 and 64 of the WCS (Jan 2015; and Paragraphs 7, 11, 14, 17, 55, 58, 115, 129, 133, 134 and Sections 4, 6, 7, 11 and 12 of the NPPF, and is acceptable in planning terms.

RECOMMENDATION – Approve 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:

Existing Ground Floor Plan, Dwg No: A 0.10, Dated: 02/09/2015;

Existing Roof Plan, Dwg No: A 0.11, Dated: 02/09/2015;
Existing Elevations, Dwg No: A 0.20, Dated: 27/07/2015;
Existing Sections: Dwg No: A 0.30, Dated: 02/09/2015;
Proposed First Floor Plan, Dwg No: A 1.01, Dated: 02/09/2015;
Proposed Roof Plan, Dwg No: A 1.02, Dated: 02/09/2015;
plans as received by the LPA 27/03/2017;
Proposed Elevations, Dwg No: A 2.00, Rev: 01, Dated: 27/07/2015;
Proposed Sections, Dwg No: A 3.00, Rev: 01, Dated: 02/09/2015;
plans as received by the LPA 14/06/17; and
Location Plan and Site Plan, Dwg No: 0.01, Rev: 04, Dated: 02/09/2015;
plan as received by the LPA 25/07/17; and
Proposed Ground Floor Plan, Dwg No: A 1.00, Rev: 01, Dated: 02/09/2015; and
Proposed SW Elevation, Dwg No: A 2.01, Dated: 26/07/2017;
plans as received by the LPA 26/07/2017.

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

- 3 No part of the development hereby approved shall be first brought into use until the car port parking shown on the approved plans (A 1.00 REV 01) 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.

- 4 The car port hereby approved must not be enclosed and shall remain open in perpetuity.

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

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

(i) Full details and samples of external materials, including rainwater goods.

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the conservation area.

6 The natural stonework to be used externally on the proposed development shall match that of the existing building in terms of type, colour, size, dressing and bedding of stone, coursing, type of pointing and mortar mix.

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

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development; and
- d) 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 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, and dangers to highway safety, during the construction phase.

8 No development shall commence on site until a scheme for the discharge of foul water from the site, including any third party permissions, has been submitted to and approved in writing by the Local Planning Authority.

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

- 9 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.
- 10 No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating any required third party permissions, has been submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure that the development can be adequately drained.
- 11 The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.
- REASON: To ensure that the development can be adequately drained.
- 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 to, or extensions, enlargements or external alterations of any building forming part of the development hereby permitted.
- REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.
- REASON: To safeguard the character and appearance of the area.
- 14 **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.

15 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.

16 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.

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:

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species Regulations 2010 (as amended) even when

bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email enquiries@bats.org.uk or visit the Bat Conservation Trust website.

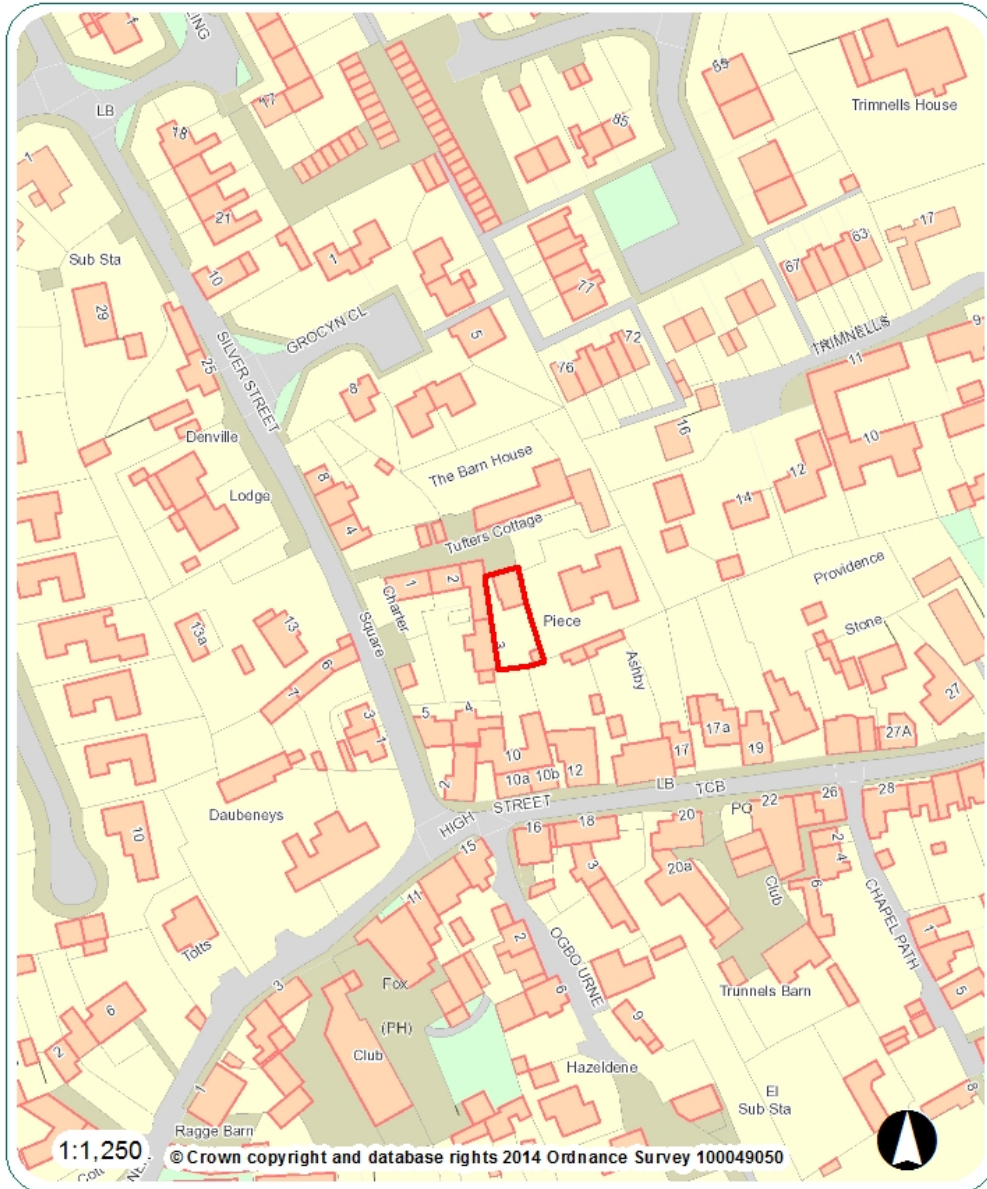
19 INFORMATIVE TO APPLICANT:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage and destroy a nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees, scrub and other vegetation, such as dense ivy, are likely to contain nesting birds between 1st March and

31st August. It should be assumed that onsite vegetation contains nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

20 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/communityinfrastructuralevy.



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	09 August 2017
Application Number	17/04235/FUL
Site Address	3 Church Place Lydiard Millicent Swindon Wiltshire SN5 3NE
Proposal	Part-retrospective permission sought for Detached Annex to Rear, Front Porch and Storm Water Harvesting System to Main Property and Erection of Potting/Bike Shed to the Front of the Property
Applicant	Mr Mohammad Shafie
Town/Parish Council	LYDIARD MILLICENT
Electoral Division	WOOTTON BASSETT EAST – Councillor Groom
Grid Ref	409474 186044
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 Groom to consider the scale of the development, the visual impact upon the surrounding area, the relationship with adjoining properties and the design of the proposal.

1. Purpose of Report

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

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 heritage assets
- Impact on drainage

As a result of the consultation exercise, 9 letters of objection were received. The Parish Council also raised a number of concerns regarding the application.

3. Site Description

The application concerns 3 Church Place, Lydiard Millicent. The host dwelling is detached and is bounded by residential dwellings to the north east and south west. The highway runs to the west and Bury Fields forms the eastern boundary.

The site is located in Lydiard Millicent, which is identified by the Wiltshire Core Strategy as a small village with no settlement boundary.

The site is not located within the Lydiard Millicent Conservation Area. However, it sits just outside of it, and falls within its setting. The Grade II* listed church of All Saints is located to the south west, approximately 115 metres from the site. The setting of the church includes the graveyard immediately surrounding it, and extends to the open countryside to the south of it. The application site does not fall within the setting of the church and no important or significant views of the church can be gained from the application site. The built form surrounding the application site is diverse in design and appearance. Whilst there is a diverse material palette in the wider area, render is a common feature of the immediate locality.

4. Planning History

N/12/03668/FUL Proposed Side and Rear Extensions - Approved

N/13/01251/FUL Single Storey Sunroom & Detached Annexe - Approved

14/06102/FUL Single Storey Sunroom & Detached Annexe (Revision to 13/01251/FUL)
- Approved

5. The Proposal

The application seeks part-retrospective permission for the construction of a detached annex, a potting/bike shed, a porch and a storm water harvesting system to the main property.

6. Local Planning Policy

NPPF: Core Planning Principles and Sections 4, 7 & 8, paragraphs 7, 14 and 17. Sections 7 and 12.

Wiltshire Core Strategy:

CP57 Ensuring High Quality Design and Place Shaping

CP58 Ensuring the Conservation of the Historic Environment

7. Summary of consultation responses

Lydiard Millicent Parish Council made the following comments:

- The Annex appears to be larger than stated on the original (14/06102/FUL) plans, we would not wish to see the building any higher than agreed in 2014; and especially there should be no windows above eaves height, to protect some of the neighbours privacy. Councillors were concerned as it was difficult to compare the scaled plans and the drawings supplied with the additional planning statement. The Council would appreciate a definitive height being stated.
- Previously, the applicant has used a private lane to the rear of this address to gain access. We have been informed by neighbours that there is no access at this point for that address, it is a private lane for use of owners of properties in Buryfields only. Access for this property being to the front only. We would ask that prior to planning permission being considered, applicant is asked to confirm intentions for entry /egress both whilst building and later, on completion if permission is granted.
- This is a large development for the edge of our Conservation Area and the addition of the Annex to the rear and the Potting Shed to the front of the property is not in keeping with the area. We would consider this to be an over development of this plot situated as it is very close to the Church. Whilst we appreciate the Annex has some permission and is situated to the rear of the property, the Potting Shed/Bike Shed will be in view of passers by.
- We understand the Unitary Councillor has already requested that this application be considered by a Planning Committee. When this application comes up for consideration it will be the Parish Councils intention to send a representative to address the committee on its behalf prior to their decision.

Nine letters of objection (two from the same individual) were received as a result of the public consultation period. The main points raised were as follows:

The Annex

Impact on the character and appearance of the area:

- It is out of keeping with the surrounding area and has an adverse impact upon it.
- It can be seen from the highway and dominates neighbouring properties.
- The site is already overdeveloped.

Impact on neighbour amenity:

- The structure is overbearing and can be seen from all adjacent properties, from the road and the surrounding public footpaths.
- The height of the structure is unnecessary as the same level of accommodation could be achieved with a shallower roof.
- The annex looks directly into the surrounding properties. The windows in the annex overlooking neighbouring properties should be obscurely glazed.
- The annex has had an adverse impact on the views and vistas enjoyed by surrounding properties.

- If permission is granted a limit should be placed on the hours of construction permitted.
- Concern was raised that a second floor would be inserted into the annex.

Drainage

- The application did not contain details of the foul sewage system. The existing septic tank sits within close proximity with the boundary and may not have sufficient capacity to accommodate the additional load.

Trees

- The application form incorrectly states that there are no trees or hedges adjacent to the development site. There is an existing mature beech and a leylandii hedge in close proximity to the annex. A tree survey should be conducted to understand the impact of the proposal on them.

Other matters

- The plans do not resemble what has been built.
- Concern that the proposal would set a precedent for future development.
- A section 106 agreement should be put in place to ensure that the annex cannot be rented or sold.
- It is unclear who will occupy the annex.
- The submitted block plan is inadequate as it does not show the existing trees, and surrounding outbuildings. There is insufficient information to enable the proposals to be appropriately considered or their impact on neighbouring properties to be fully understood.
- Concern was raised regarding the insertion of an access into the property from the public right of way Bury Fields. Planning permission should have been sought for this. The new steps serving this access do not fit in within a conservation area.

Potting/Bike Shed:

- There are no other examples of sheds in the front garden of properties in the area.
- Sheds are generally unattractive.
- Concern that the shed would be a footprint for future development

8. Publicity

The publicity for the application was by way of a site notice and neighbour notification letters.

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

Permission was granted for a single storey sunroom and detached annexe in 2013 and 2014 (N/13/01251/FUL and 14/06102/FUL). The annex approved under this application measured approximately 4.5 metres in height, 8 metres in width and 6 metres in depth. It had a 'bunker' style sedum roof and was positioned towards the rear of the garden of 3 Church Place.

The current proposal was submitted as the annex has not been constructed in accordance with the approved plans. The annex has been partially constructed, and at the time of the case officer's site visit the walls and roof structure were in place. The proposed annex would be of the same size as the permitted annex, being 4.5 metres in height, 8 metres in width and 6 metres in depth. It would also be located in the same position as the approved scheme. However, the proposed annex would have a slightly different roof form, being slightly curved rather than the 'bunker' style previously approved. It is also proposed to slightly alter the fenestration of the proposed annex, with a number of additional windows being inserted. Larch cladding is also proposed on the external surfaces of the annex. This information was not supplied as part of the previous application.

The principle of an annex was established by the previous applications on the site (N/13/01251/FUL and 14/06102/FUL). 14/06102/FUL remains extant and is therefore a material consideration of significant weight. Given this position the principle of development is established and the current application should be considered in so far as it differs from the previously approved schemes and how the alterations impact on interests of acknowledged importance, taking into account any changed material circumstances and considerations since the previous applications were determined. The proposal differs from the previously approved scheme in its roof form and shape, proposed materials and the proposed fenestration.

Retrospective permission is also sought for the erection of a potting/bike shed to the front of the property. Sheds are common features in residential areas and the principle of the erection of a shed in the curtilage of a residential property is acceptable.

Permission is also sought for the construction of a porch to the front of the property and a storm water harvesting system to the host dwelling. The principle of such features is considered to be acceptable on a residential property.

Impact on the character and appearance of the area

Concern was raised during the public consultation that the proposed annex was out of keeping with the surrounding area and had an adverse impact upon it. It was felt that the annex, which could be viewed from the highway, dominated the neighbouring properties and represented an overdevelopment of the site. This concern was echoed by the Parish Council who considered that the proposed annex and potting shed were not in-keeping with the surrounding area, and represented an overdevelopment of the site.

The annex is located to the rear of the host dwelling and is not therefore visible from the street scene. There is a public right of way running to the rear of the site (LMIL77) from which glimpsed views of the annex can be gained. The top of the annex is also visible from the surrounding residential properties. The site is well screened, with established mature boundary planting on all sides.

As outlined above, the principle of an annex on this site, and of the size proposed, is established and cannot therefore be revisited as part of this application. Given what is now proposed is the same size as that approved previously, the changes are considered minimal in terms of their impact on the character and appearance of the wider area. Moreover, the site is well enclosed by established boundary treatments, and is not visually prominent within the street scene. Whilst the annex proposal differs slightly from the previously approved scheme in terms of its roof shape, materials and fenestration; it is considered that the revised roof form has reduced the mass and scale of the annex and is acceptable in design terms. The revised fenestration proposed would be of a relatively low level, would not be highly visible from the surrounding properties and is considered to be acceptable in design terms.

It is proposed to clad the external surfaces of the development in Larch. Whilst timber cladding is not a common feature in the immediate area, the site is however well enclosed. The material is also a natural material and is not an uncommon feature of many properties in the wider community area surrounding Lydiard Millicent and indeed the wider north hub of Wiltshire. Therefore on balance, the use of timber cladding is considered to be acceptable and not considered to result in harm to the character and appearance of the area such that the revised proposals should be refused on these grounds.

Concern was also raised regarding the impact of the potting/bike shed on the character and appearance of the area. It was highlighted that there are no other examples of sheds to the front of properties in the area and that sheds are generally unattractive.

Although some views of the shed are visible from the street scene, due to the established boundary treatment surrounding the site, the shed is largely screened from view and does not constitute a prominent feature. The shed is relatively modest in mass and scale and is a typical feature of a large number of residential properties in the wider area and is considered to be acceptable in design terms.

Given its position on the front elevation, the proposed porch would be visible from the street scene. The plans indicate that it would have roof tiles to match the existing roof, with a solid oak fascia and brown guttering. The porch would be modest in mass and scale, projecting from the front elevation by 1230mm and measuring 2880mm in width. The proposed porch would not constitute a prominent feature when viewed from the street scene and is considered to be acceptable in terms of design and materials used.

The proposed storm water harvesting system would be located on the rear elevation and would not therefore be visible from the street scene. The plans indicate that the proposed storm water harvesting system would be domestic in nature, character and appearance and given that it would not be prominent, is considered to be acceptable in terms of design and materials used.

Impact on the conservation area

Concern was raised by the Parish Council regarding the impact of the proposals on the conservation area. They also noted the proximity of the site to The Grade II* listed church of All Saints.

The host dwelling is not listed and is not located within the conservation area. However, the site is in close proximity to the Lydiard Millicent conservation area and falls within its setting. The Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 66) as well as giving special attention to preserving or enhancing the character or appearance of the conservation area (s.72).

Paragraph 129 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 133 and 134 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset. Core Policy 57 requires, amongst other things, that new development must be sympathetic to and conserve historic buildings. Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment.

There is currently no conservation area appraisal currently published for this designation. However, the conservation area, by virtue of its designation is significant in heritage terms and this significance is likely to arise primarily from its historical (illustrative), aesthetic (fortuitous) and evidential value. The proposals are not considered to cause harm to the setting of the conservation area due to their nature, location, enclosure of the site and the very limited scale of the alterations and additional proposals that are the subject of this application. They would not feature within any key views either to, or from the conservation area. It should also be noted that the setting of the conservation area in this locality is characterised by the existing modern residential development that has already taken place. The proposals that are the subject of this application are very minor in scale in this context.

The Grade II* listed church of All Saints is located approximately 115 metres away from the application site. Therefore there is a significant distance between the application site and the church. The structures are separated by highways, established boundary treatments, a park and a graveyard which limits the inter-visibility between them and it is considered that the proposal would have no impact upon the setting of the church. It is also noted that the proposal would have no impact upon the setting of any other designated heritage assets. In this context it is important to recall that the proposals are limited alterations to a previously approved scheme. The differences between the schemes in term of built form, scale and character, which may impact on the designated heritage assets is therefore considered to be very limited in potential scope. In this instance, the revised scheme is considered to result in no impact on the setting of designated heritage assets.

Impact on neighbour amenity:

Concern was raised during the public consultation regarding the impact of the proposals upon the amenity enjoyed by surrounding properties. It was felt that the height of the annex was overbearing, was unnecessary and could allow for the insertion of a second storey. Concern was raised that the annex provides direct views into the surrounding properties and it was stated that any windows which would overlook neighbouring properties should be obscurely glazed. It was also felt that the annex has an adverse impact on the views and

vistas enjoyed by surrounding properties and that the block plan was inadequate and did not enable the impact of the proposal on the surrounding properties to be fully understood. It was requested that a condition limiting the construction hours permitted is placed on any permission given. These concerns were echoed by the Parish Council who considered that no windows should be inserted above eaves height in order to protect the privacy of the neighbours.

As outlined above, the principle of an annex of this height, size and in this position was established by the previous permissions issued, one of which remains extant and so is a material consideration of significant weight. As such the principles in this respect have been established but it is not considered that the scheme as previously permitted and now roposed subject to minor amendments does result in significant harms in this respect. It is considered that the altered roof form would not give rise to any additional overshadowing or overbearing impact. The submitted plans do not indicate that a second storey is proposed. It is considered that the height of the structure, combined with the roof form would be likely to make the insertion of a second storey unfeasible. It should also be noted that internal alterations for residential purposes that do not affect the external appearance of residential properties and ancillary structures do not constitute development under national legislation and, as defined in case law, as such do not require planning permission.

A number of additional windows would be inserted into the annex, some of which would be in the side elevation and would look out towards the surrounding properties. However, these windows would be of a low level and given the presence of established boundary treatments surrounding the annex, would not give rise to any significant overlooking. The submitted plans indicate that these windows would be obscurely glazed, a condition requiring implementation in accordance with the approved plans is proposed. As such additional conditions requiring obscure glazing are not necessary. In addition such an additional condition is not proposed as the windows are of a low level and such a condition would not be reasonable or necessary and in accordance with the six tests contained within planning policy guidance.

The loss of an existing view is not a material planning consideration and cannot be considered in the determination of the application. Similarly, it should be noted that just because a development is visible does not mean that significant harm results such that consent ought to be refused.

Given that the site is located in a densely populated area, a condition restricting the hours of construction has been suggested, which is considered to be reasonable and necessary in accordance with planning policy guidance. Moreover, the construction industry has produced best practice guidance for neighbourly development and an informative is proposed referencing construction in accordance with this guidance.

Due to the limited scale of the proposals and their positioning in relation to neighbouring properties, it is considered that the proposed porch, potting/bike shed and storm water disposal system would have no significant impact on the amenity enjoyed by the neighbouring properties. It is not considered that the application should and could defensibly be refused on this basis.

Drainage

Concern was raised during the public consultation that the application was not accompanied by details of the foul sewage system. It was stated that the existing septic tank sits within close proximity with the boundary and may not have sufficient capacity to accommodate the additional load.

The proposed drainage arrangement for the annex was found to be acceptable during the previous application. This current application and the proposals submitted have not altered the proposal in this respect and are considered to be acceptable. It is not considered that the scheme should and could defensibly be refused on this basis.

The site is not located in an area of high flood risk. The proposal would not significantly increase the footprint of the built form and is therefore considered to be acceptable.

Trees

Concern was raised during the public consultation regarding the impact of the proposal upon trees. It was suggested that the application form incorrectly states that there are no trees or hedges adjacent to the development site. It was highlighted that there is an existing mature beech and a leylandii hedge in close proximity to the annex. The objector requested that a tree survey be conducted so that the impact of the proposal upon trees could be understood.

The impact of the annex on surrounding trees was found to be acceptable by the previous application. This current application has not altered the scheme proposals in this respect and is considered to be acceptable.

It is noted that the porch, potting/bike shed and the storm water disposal system would have no significant impact upon trees.

Use of the annex and future development

Concern was also raised during the public consultation that the grant of planning permission would set a precedent for future development in the area. There is no precedent in planning terms and as defined in national legislation each application must be assessed and considered on its own merits. It does not therefore follow that what is found to be acceptable on one site will be acceptable on another. This is illustrated by the above consideration of the current proposals, in that the previous grants of consent are a material consideration of significant weight but not assessed as creating a precedent that automatically requires permission to be granted for these proposed revisions.

A number of concerns were also raised regarding the occupation of the annex and it was felt that a section 106 agreement should be used to ensure that it cannot be rented or sold. A condition was placed on the previous application (14/06202/FUL) to require that the annex remains ancillary to the host dwelling and is not occupied separately from it. It is also suggested that this condition is applied to this application. It is now common, particular at appeal by Planning Inspectors, to use conditions to restrict the use of buildings and such

conditions are considered to be sufficiently robust to achieve this purpose and a section 106 agreement is not therefore necessary.

Other matters

A letter of objection received stated that the submitted plans do not resemble what has been built. A number of public consultation responses also stated that an access had been inserted into the property from the public right of way on Bury Fields. These concerns were echoed by the Parish Council who requested that the Applicant is asked to confirm their intentions in respect of this access.

Any development must be constructed in accordance with the submitted plans and if members of the public suspect that it has not been they are able to report it to the Council's Planning Enforcement Team to investigate. Moreover, the access referred to does not form part of this application and the grant of planning permission does not grant permission for other works on the site other than that described. Any member of the public is invited to report works that they believe need planning permission, but which do not benefit from consent, to the Council's Planning Enforcement Team who will investigate. In terms of the use of the rear access for construction purposes in relation to rights of access over the land this is a civil matter between the interested parties and not a material planning consideration in and of itself. Given the scale of development involved and the existing site circumstances it is not considered necessary to impose a condition requiring submission and approval of a construction method statement to address matters of access, vehicle parking, storage of materials etc during construction. In addition construction is well advanced with limited additional work required. No such condition was imposed on previous consents but a condition is now proposed in respect of hours of working as such it is considered that matters raised are appropriately addressed as far as is possible.

10. Conclusion (The Planning Balance)

The proposal is considered to be in accordance with the development plan. The development is considered to be acceptable on its planning merits as the proposal is compatible with the scale and character of the existing dwelling and surrounding area and would not be detrimental to residential amenities. It is therefore in accordance with CP57 and CP58 of the Wiltshire Core Strategy, and the NPPF including paragraphs 4, 7, 8, 14 and 17 in addition to Sections 7 and 12.

RECOMMENDATION

That permission is granted:

- 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:

Proposed south elevation Rev E

The plan showing the existing and proposed rear elevation of the host dwelling

The plan showing the proposed north elevation of the host dwelling and annex, roof plan and potting shed

The plan showing the proposed roof plan of the host dwelling and annex and the proposed north elevation of the annex and host dwelling

The location plan Rev E

The plan showing the proposed potting/bike shed front and side elevation

The plan showing the existing and proposed south elevation

The plan showing the existing and proposed front elevation of the host dwelling

Received by the Local Planning Authority on 26th May 2017

The plan showing the proposed west elevation of the annex

The plan showing the proposed floor plan of the annex

The plan showing the proposed east elevation of the annex

The plan showing the proposed south elevation of the annex

The plan showing the proposed north elevation of the annex

Received by the Local Planning Authority on 2nd June 2017.

The plan showing the existing and proposed floor plan of the host dwelling

Received by the Local Planning Authority on 27th June 2017.

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

- 3 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 protect neighbour amenity

- 4 The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as 3 Church Place and it shall remain within the same planning unit as the main dwelling.

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.

5 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.

6 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.

7 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.

8 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.



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REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	9th August 2017
Application Number	17/05123/FUL
Site Address	Wildings, Hazelbury Hill, Box, Corsham, SN13 8LB
Proposal	Formation of additional car parking space
Applicant	Mr & Mrs Mcalpine
Town/Parish Council	BOX
Division	BOX AND COLERNE – Cllr Brian Mathew
Grid Ref	382957 168382
Type of application	Full Planning
Case Officer	Rose Fox

Reason for the application being considered by Committee

The application was called in for committee determination by Councillor Mathew to consider the impact of the car parking space on the character and appearance of the locality, the relationship to adjoining properties, and highway impact.

1. Purpose of Report

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

2. Report Summary

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

- Impact on character and appearance of the area (AONB and Greenbelt)
- Highways and Drainage
- Impact on residential amenity

Box Parish Council objects to the application and 8 objection letters have been received from members of the public.

3. Site Description

The application site is situated within the settlement boundary and built up area of Box. It is situated at the south end of Hazelbury Hill, on the south eastern edge of the village. The main road ends in front of this property, although from reviewing highway plans a narrow highway continues past the property and leads into a footpath/bridleway to the south east. The local area is characterised by detached dwellings which vary in form and design.

The application site comprises a detached single dwelling, which is set back from the road at a higher level than Hazelbury Hill. At present there is vehicular access to The Wildings via a gated access which slopes upwards to the property.

The part of the site relevant to this application is land at the front of the property, just off Hazelbury Hill. This land is part of the curtilage of the property and was until recently covered in foliage.

The site is situated within the Green belt and Cotswold Area of Outstanding Natural Beauty (AONB).

4. Planning History

16/01236/FUL - Proposed Side & Rear Extension – Approve with Conditions

5. The Proposal

The proposal is a part retrospective application for the formation of an additional car parking space at the entrance of The Wildings, Hazelbury Hill, Box. The application has been made further to enforcement investigation as some groundworks had been undertaken to create a level area for the car parking space without planning permission. A cotswold stone retaining wall with 900mm close boarded fence is proposed to the rear and western boundary, which have not been constructed at present and the groundworks do not appear to be complete.

6. Planning Policy

National Planning Policy Framework:

- Paragraphs 7, 14, 79 and 115
- Section 7- Requiring good design
- Section 9- Protecting Green Belt land
- Section 11- Conserving and enhancing the natural environment

Wiltshire Council Core Strategy (formally adopted 20th January 2015):

- Core Policy 51- Landscape
- Core Policy 57- Ensuring high quality design and place shaping

7. Consultations

Box Parish Council – “Objections. It is felt that this is unnecessary as there is adequate parking on site. It changes the character of the landscape contrary to Core Policy C51 and affects the amenities of the neighbouring properties”

Highways – “I note the proposal is for the formation of an additional car parking space. The current access to the property is shared and the new parking space will be located level with the adjacent highway next to the property drive. In order to create the off-road parking space, a rockery and boundary hedgerow would need to be removed to allow room for the proposed wall with some significant groundworks to excavate land. I also note from a recent site visit that there is a ditch that runs alongside the boundary of the property which can sometimes cause an increase in surface water to run down Hazelbury Hill. As a result of the work that has already started, this surface water has now become more apparent which could have a detrimental effect on Highway safety. Furthermore, as the proposal will affect the adjacent Highway during the work, the applicant is required to contact the Area Highway Engineer prior to commencement.

However, I do not believe that this would be sufficient grounds for refusal and I therefore recommend that no Highway objection is raised, subject to conditions”

A Senior Highways Officer has also reviewed the application and confirms that he is satisfied that the surface water condition can be amended but the applicant needs to submit full details of how they ensure no run-off and how water is treated to outfall. It is also considered that a condition to require full details of the retaining structure /wall and fence/ barrier are submitted, prior to development.

8. Publicity

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

Representations have been received from 8 local residents, raising a number of concerns which can be summarised as follows (for the Committee's assistance, some commentary from the Case Officer, in italics, has been provided where the issue is not addressed within the Planning Consideration section of the report):

- Trees and hedges have been removed (application form incorrect) – *Whilst some trees and foliage has been removed, this did not require planning permission. As this happened prior to the planning application, it does not need to be included within the application form.*
- Harm to amenity of Hazelbury Cottage (property to the west overlooking land in question)
 - Loss of outlook - previously overlooked foliage and the proposal detracts from outlook
 - Noise disturbance – concern over noise from cars (engines and car doors) in close proximity to dwelling
 - Impact on privacy – additional footfall outside kitchen windows
- Harm to the character of the area/AONB at entrance to the village by a public footpath – modern/urban feel to proposal, out of keeping with rural ambiance, objection to fencing which appears suburban
- Ground water and highway safety – Trouble spot for ground water due to underlying geology. Can cause sheet ice in winter which is a highway safety issue. The additional hardstanding is leading to additional run-off onto Hazelbury Hill.
- Access is required over a byway/bridleway – *Highway records show that the highway continues past the application site before leading into a footpath/bridleway.*
- Harm to condition of road and bridleway from car access – *The single car parking space is not likely to result in an adverse number of vehicular trips which would be harmful to the highway*
- Potential obstruction of bridleway – *Only the submitted plans may be considered, which propose a car parking space on private land which would not obstruct the highway.*
- Concern in relation to land ownership – *A title plan has been submitted and the red line reduced in size in accordance with the title plan boundary.*
- Appearance that the byway is a vehicular access – *It appears from the highway ownership plans that the highway continues further before turning into a footpath/bridleway*
- Questions need, given the property has existing parking – *There is no planning policy which limits the maximum number of parking spaces associated with a dwelling.*
- Additional parking should be located off existing drive – *No policy requirement for this.*
- If fencing was replaced with hedging this would significantly reduce the visual impact

9. Planning Considerations

Impact on character and appearance of the area (AONB and Green Belt)

The application site is situated within both the Cotswolds AONB and Green Belt. Paragraph 115 of the NPPF and Policy CP51 of the Wiltshire Core Strategy applies great weight to conserving and enhancing landscapes and scenic beauty in the AONB, whilst Paragraph 79 of the NPPF sets out that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open.

Whilst some concerns have been raised by local residents and the parish that the proposal would be harmful to visual amenity and the AONB, given the application is for a single parking space within the curtilage of a dwelling within a Large Village (which has a settlement boundary), it is not considered it would result in adverse landscape impacts that would warrant refusal of the application. It would not adversely harm the openness of the Green Belt, or the setting of the AONB.

Please note that the removal of trees and foliage does not require planning permission (the site is not in the Conservation Area and there is no TPO) so it is only the groundworks that required permission. Consequently, if the application were to be refused, the Enforcement Officer would only be able to enforce against the breach of planning control and not the reinstatement of landscaping.

Highways and Drainage

The Highways Officer has visited the site and the concerns raised were restricted to surface water drainage potentially having a detrimental effect on highway safety. However, this is an existing drainage issue and whilst the proposal may make this more visible, it does not mean that the proposal would worsen the existing surface water run-off, particularly if the surfacing used were to be permeable. In any event, the Highways Officer does not believe there would be sufficient grounds for refusal and recommends no objection subject to conditions.

To address the run off concerns, it is proposed that a condition is applied to secure details of the surfacing and confirmation that the hardstanding is permeable. This would be applied in lieu of a condition for a surface water drainage strategy in view of the small scale of the proposed development. Full details of the retaining structure /wall and fence/ barrier will be conditioned as requested in the interests of highway safety.

Impact on residential amenity

A number of concerns have been raised in relation to harm to the residential amenity of Hazelbury Cottage, the property directly west of the land in question. Loss of outlook has been raised; however whilst a view of foliage has been lost, this would not be to the detriment to the property and the loss of a view is not a material planning consideration. Concern has been raised in relation to noise disturbance from cars (engines and car doors) in close proximity to the dwelling. It is not considered that the single car parking space would result in adverse noise affects and this is a standard arrangement within a residential area. Impact on privacy has also been raised in respect of additional footfall outside the kitchen windows. The proposal is for a car parking space on the other side of the highway. Given the windows overlook the public highway which leads to a public footpath, is not considered

these windows relate to a private space, and therefore the proposal would not result in harm to privacy.

No neighbouring properties would suffer loss of daylight, sunlight or privacy as a result of the proposed car parking space. There would be no adverse effects on neighbour amenity.

10. Conclusion

Overall, it is considered that the proposed car parking space represents sustainable development in accordance with Core Policies 51 and 57 of the WCS (Jan 2015); and Paragraphs 7, 14, 79 and 115 and Sections 7, 9 and 11 of the NPPF, and is acceptable in planning terms.

RECOMMENDATION

Approval 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:

Proposed Plan, Dwg No: 0091/15/A, Dated: 24 May 17;

Existing Plan, Dwg No: 0091/15/B, Dated: 23 Jun 17;

plans as received by the LPA 26/05/17; and

Site Location Plan;

plan as received by the LPA 19/07/2017.

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

- 3 The gradient of the access way shall not at any point be steeper than 1:15 for a distance of 10 metres from its junction with the public highway.

REASON: In the interests of highway safety.

- 4 The land subject to this planning permission shall not be used for the parking of cars until full and complete details of the intended surfacing has been submitted to and approved in writing by the Local Planning Authority. Such details shall include confirmation and proof where required that the surfacing is permeable. The development should not be brought into use until the parking space has been

consolidated and surfaced in accordance with the approved details

REASON: So as to ensure that the development is carried out in a manner that is suitable to its location and that the surfacing materials to be used will assist with appropriate surface water drainage.

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

Full details of the retaining structure /wall and fence/ barrier

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

REASON: In the interests of highway safety.

- 6 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.

- 7 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.

- 8 INFORMATIVE TO APPLICANT:

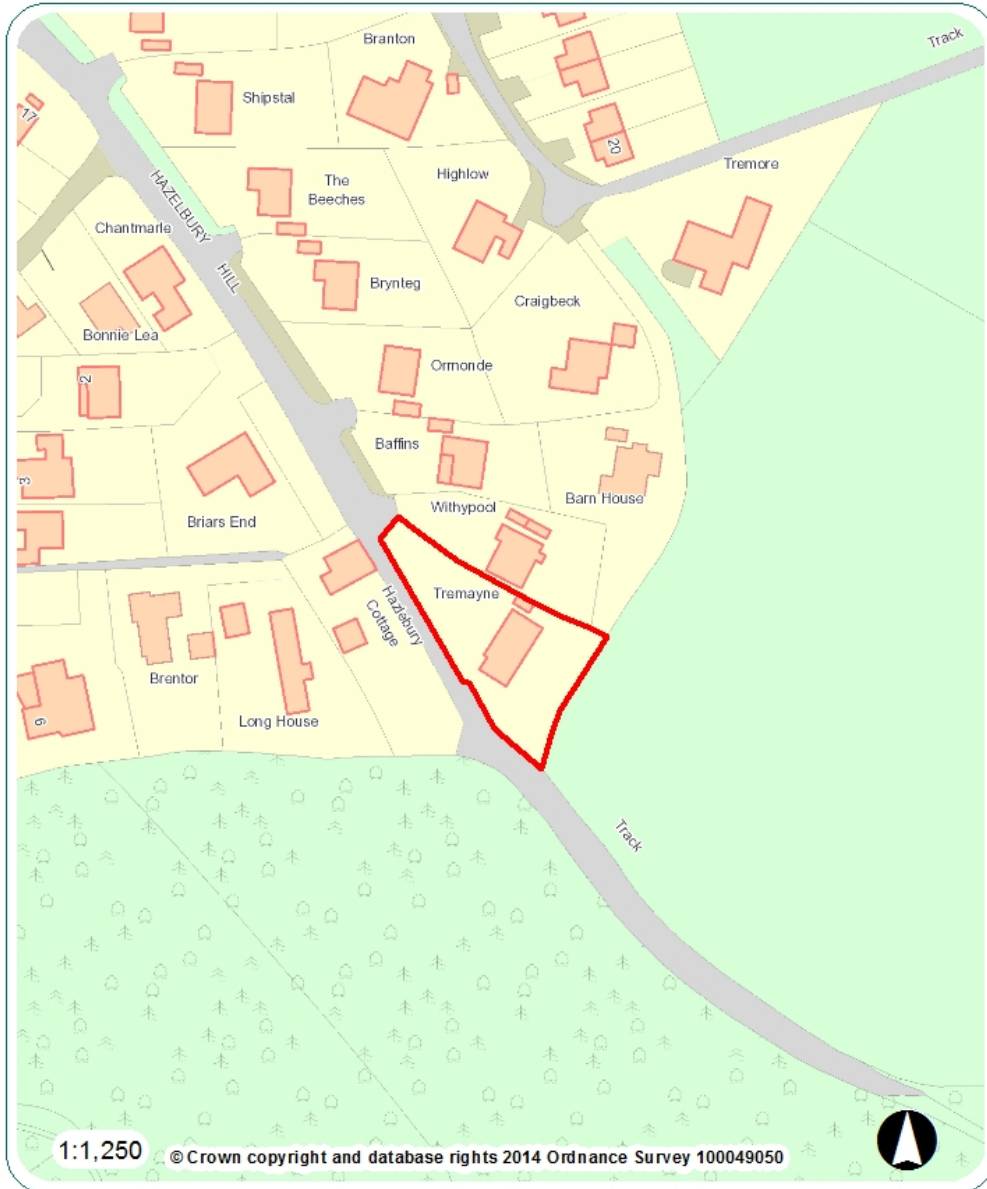
Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

- 9 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.

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