

# AGENDA

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

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

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

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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	

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## 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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## **Recording and Broadcasting Information**

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## **Public Participation**

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

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

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# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 34*)

To approve and sign as a correct record the minutes of the meeting held on Wednesday 4 October 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 25 October 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 27 October 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 35 - 36*)

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 **17/03035/REM - Land at Former Blounts Court Nursery, Studley Lane, Studley, Calne, SN11 9NQ** (*Pages 37 - 56*)

7b **17/07485/FUL- Flats 49 to 60, Woodroffe Square, Calne, SN11 8PW** (*Pages 57 - 72*)

#### 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

# AGENDA

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**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER  
**Date:** Wednesday 4 October 2017  
**Time:** 3.00 pm

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## 87 **Apologies**

Apologies were received from Cllr Christine Crisp who was substituted by Cllr Jacqui Lay.

## 88 **Minutes of the Previous Meeting**

The minutes of the meeting held on Wednesday 6 September 2017 were presented.

### **Resolved:**

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

## 89 **Declarations of Interest**

Cllr Toby Sturgis declared an interest in agenda item no 8i- 17/02820/OUT - Land south of Brook Farm, Great Somerford, Chippenham. He stated that he did not have a direct pecuniary interest in the item, but due to being a neighbouring land owner, would speak only as the Local Member and leave the room prior to the debate and vote taking place.

## 90 **Chairman's Announcements**

There were no Chairman's announcements.

## 91 **Public Participation**

The Committee noted the rules on public participation.

## 92 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

## 93 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of applications; agenda no 7- Application to Register Land as a Town or Village Green- Land Adjacent to Vowley View and Highfold, Royal Wootton Bassett, agenda no 8a- 17/03112/FUL - Land adjacent to Barton Piece, Silver Street, Colerne, SN14 8DY, agenda no 8b- 17/06735/FUL - Northwood Barn, Doncombe Lane, North Colerneand, agenda no 8c- 17/07011/FUL - Land South of Shoe Cottage, The Shoe, North Wraxall, Wiltshire, agenda no 8d- 17/06617/FUL - Blarney Cottage,

Biddestone Lane, Yatton Keynell, Nr Chippenham, SN14 7BD  
SN14 8SG, agenda no 8f- 17/05460/FUL - Land at Cedar Lodge, 3 Cove House  
Gardens, Ashton Keynes, Wiltshire, SN6 6NS, agenda no 8g- 17/05672/FUL -  
Land to West of Forest Lane, Forest Lane, Chippenham, Wiltshire, SN15 3PX,  
agenda no 8h- 17.07192.FUL - Land off Abberd Lane, Abberd Lane, Abberd, Nr  
Calne, Wiltshire, SN11 8TE, and agenda no 8i- 17/02820/OUT - Land south of  
Brook Farm, Great Somerford, Chippenham,  
Wiltshire, SN15 5JA, as listed in the agenda pack.

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### **Application to Register Land as a Town or Village Green- Land Adjacent to Vowley View and Highfold, Royal Wootton Bassett**

There were no public speakers.

The Rights of Way Officer introduced the Town Green application, to allow consideration of the evidence submitted with an application made under Sections 15(1) and (3) of the Commons Act 2006, to register land adjacent to Vowley View and Highfold, Royal Wootton Bassett, as a Town Green. The Officer gave an overview of the planning history of the site, explaining that since 2002, there had been 4 planning applications, and that there was currently a further application on the land. It was explained that the land had been used by those in the community for various activities, over a number of years, until May 2015, when a gate that had been installed, along with a fence in 2006, was locked. A brief overview of the Legislation was given, namely Sections 15(1) and (3) of the Commons Act, whereby Land may be registered as a Town or Village Green where a significant number of inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years and they have ceased to do so, the application being made within one year of the cessation of user. The two objections were explained to the Committee. Firstly, regarding the timescales/validity of the application. Secondly, whether a planning trigger event was in place over the land, by reference to the Wiltshire Core Strategy document, which would extinguish the right to apply. Both objections had been raised by the landowner, as legal points against registration. However, Councillors were advised that the correct procedures had been followed in the application and the Council, as the Commons Registration Authority, were satisfied that the application was valid and there was no planning trigger event in place, on the date the application was submitted to the Council. It was noted that there was no challenge to the user evidence submitted with the application.

There were no technical questions.

Cllr Chris Hurst spoke as Local Member and gave his support to the application. He read out a statement from the applicant Mr Gosnell. Cllr Hurst spoke of the Council's aims to build strong and resilient communities, and maintained that community green spaces were important in this respect. He also referred to his own experience of the area being used for community activities and said that it had been a community asset for many years. Cllr Hurst did, however, declare that he had already made statements in support of this application, and so declared that he would not vote in the application.



In the debate that followed, Cllr Tony Trotman proposed the Officer's recommendation, which was for approval, this was seconded by Cllr Hutton, and approved by the Committee.

**Resolved:**

**To GRANT the application to register land at Vowley View and Highfold, Royal Wootton Bassett, as a Town or Village Green, and to register the land in full under Sections 15(1) and (3) of the Commons Act 2006.**

95 **17/03112/FUL - Land adjacent to Barton Piece, Silver Street, Colerne, SN14 8DY**

The applicant's agent Ivan Lazzaroni spoke in favour of the application. Cllr Tom Hall from Colerne Parish Council spoke against the application.

The Team Leader introduced the application, which was for the conversion of an existing dilapidated garage into a 2 bedroom house, situated within the Colerne Conservation Area and Cotswolds AONB. A presentation was delivered, which displayed a site plan, photographs of the existing site, and proposed plans. It was also confirmed that the existence of covenant dispute was a civil matter and not a planning consideration for the Committee. It was also clarified that permitted development rights had been removed from the property. Attention was drawn to the Late Observations, which amended conditions 3 and 4 of the Officer's recommendation for approval.

There were no technical questions.

Members of the public spoke as detailed above.

Cllr Brian Mathews spoke as Local Member. He said that the area was being overdeveloped and that the application would lead to additional parking issues.

In the debate that followed, Cllr Tony Trotman proposed the Officer's recommendation for approval. This was seconded by Cllr Ashley O'Neil and approved by the majority.

**Resolved:**

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

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

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

The applicant Ben Harraway, and his agents Vic Moore and Chris Dance, spoke in favour of the application. Cllr Paul Joppins also spoke in favour of the application.

The Team Leader introduced the application, which was for the erection of a replacement dwelling on the site, within the Cotswold AONB. A presentation was delivered which displayed a site location plan, photographs of the existing site and the proposed plans. It was explained that the application was the demolition of the existing stone built house and for the erection of an eco-build, modular home, which would be timber clad, with a slate roof. Attention was drawn to the Late Observation. The Officer's recommendation was for approval.

Councillors were invited to ask technical questions and in response Officers confirmed that the house had a certificate of lawfulness to be used as a dwelling, having previously been a holiday let. Furthermore, it was confirmed that the property would be a dwelling in its own right, and would not be attached to another dwelling.

Members of the public spoke as detailed above.

Cllr Brian Mathews spoke as Local Member. He explained that the applicant was from a local farming family and that the Council should be supporting them to live in sustainable eco-homes, in area.

In the debate that followed, Councillors discussed the principal of development and the fact that they could support the erection of a new dwelling in principle, but expressed concerns as to the proposed design of this application. Cllr Peter Hutton proposed the Officer's recommendations. This was seconded by Cllr Ashley O'Neil. In the vote, with one Members abstention, it was a 5/5 split, with the Chairman Cllr Tony Trotman having the casting vote, in favour of the Officer's recommendation for refusal.

**Resolved:**

**To REFUSE the application for the following reasons:**

**That planning permission be refused for the following reasons:**

**1. The proposed development, by reason of its location would be contrary to the settlement, delivery and community area strategies and residential development in the open countryside policy and is unacceptable in principle. The proposal fails to accord with Core Policy 1, 2 and 11 of the adopted Wiltshire Core Strategy (Jan 2015), as well Saved Policy H4 of the North Wiltshire Local Plan 2011 and Paragraphs 14 and 17 of the NPPF.**

**2. The proposed development, by reason of loss of the existing building, which entirely appropriate to the distinctive character of the Cotswold AONB, and its replacement with a pre-fabricated bungalow would adversely impact the character and appearance of the Cotswold AONB. The proposal fails to accord with Core Policy 51 (ii and ix) and 57 (i, iii and**

vi) of the Wiltshire Core Strategy (Jan 2015), and Paragraphs 14, 17 and 115 of the NPPF.

97 **17/07011/FUL - Land South of Shoe Cottage, The Shoe, North Wraxall, Wiltshire, SN14 8SG**

Member of the public Mr Decks spoke against the application. The applicant Neil Edwards, and his agent Richard Harlow, spoke in favour of the application.

The Senior Planning Officer introduced the application, which was for a change of use to a dog kennelling business, erection of dog kennels and conversion of existing building to a small retail unit. A presentation was delivered, which displayed a site location plan, photographs of the existing site and proposed plans. It was explained that part of the application was part retrospective, in that the applicant sought permission for an existing outbuilding to be used as a pet supplies business and reception area. Attention was drawn to the Late Observations, which amended conditions to the Officer's recommendation of approval.

There were no technical questions.

Members of the public spoke as detailed above.

Local member Cllr Baroness Jane Scott of Bybrook OBE was not present but had requested Cllr Toby Sturgis represent her views in Committee. He stated that the principle concern was the retail unit, with a view that once a retail permission had been granted, this could be extended. He also expressed concerns as to the suitability of such an enterprise in the Cotswold AONB, along with concerns as to the acoustic insulation and increased traffic congestion in the area.

In the debate that followed, Cllr Peter Hutton proposed the Officer's recommendation of approval, with an additional condition against the external storage of paraphernalia and outside storage of any materials related to the dog kennelling and retail business, which was seconded by Cllr Greenman. However, this motion was withdrawn by Cllr Hutton when it was highlighted that a consultation from the Parish Council had not been received by Officers. Cllr Hutton then proposed a motion to delegate authority to Head of Development Management to approve the application, with an additional condition against the external storage of paraphernalia and outside storage of any materials related to the dog kennelling and retail business, subject to confirmation that the Parish Council's consultation representations do not raise any material planning matters not addressed at the Committee meeting, but with delegated authority to determine the application if any and if new material planning considerations are raised. This was seconded by Cllr Greenman but voted against by the majority.

Cllr Gavin Grant proposed a motion, which proposed to delegate Authority to Head of Development Management to approve, with an additional condition against the storage of paraphernalia, subject to confirmation that the Parish Council's consultation representations do not raise any material planning

matters not addressed at the Committee meeting, but in the event that new material planning considerations are raised by the Parish Council representation to bring the application back to Committee for determination. This was seconded by Cllr Sturgis and approved by the majority.

**Resolved:**

**To DELEGATE Authority to Head of Development Management to Approve subject to confirmation that the Parish Council's consultation representations do not raise any material planning matters not addressed at the Committee meeting. In the event that new material planning considerations are raised by the Parish Council representation to bring the application back to committee for determination.**

**In the event of approval under delegated authority, to apply the additional conditions referenced in late terms and debate. In the latter respect and additional condition to restrict external paraphernalia and outside storage of any materials related to the dog kennelling and retail business.**

**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 proposal and site (including the house) shall be used for the kennelling of no more than a total of 12 dogs at any one time.**

**REASON: In the interests of residential amenity**

**3 The retail facility at the site shall be limited to the building shown on approved plan Drwg AH2017/56 1of 2 and limited to a maximum of 30sqm of retail and storage space. The products sold shall be limited to dog food and associated dog care products.**

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

**4 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: In the interests of residential amenity.**

**5 No development shall commence on site until a scheme of acoustic insulation and noise control has been submitted to and approved in writing by the Local Planning Authority. The scheme should specify the acoustic insulation and other measures to be put in place to prevent and control the emission of noise from the development including noise from dogs. The approved scheme shall be implemented in full before the development is occupied/use commences and maintained at all times**



thereafter. In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a thorough background noise survey and noise assessment in accordance with:

**BS8233: 2014** and demonstrate that the noise generated by the development will not cause an exceedance of the guideline noise levels contained in Section 7.7

**BS8233:2014** at any residential or other noise sensitive property near to the development. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB LAmax between the hours of 23:00 and 07:00.

**REASON:** To protect residential amenity.

**6** No development shall commence on site until a scheme of works for the control and dispersal of atmospheric emissions, and in particular: dust has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

**7** No external lighting shall be installed on site until a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall be designed so as to meet the criteria for Environmental Zone E2 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working order at all times thereafter.

**REASON:** In the interests of residential amenity.

**8** Former agricultural use of the site/buildings may have given rise to potential sources of land contamination e.g. oil storage, pesticides or herbicides, asbestos etc. As it is now intended to use the site for residential purposes a statement/letter report must be provided which confirms the historical uses of the site/buildings and how development works will address any potential for land contamination which may exist.

**REASON:** In the interests of residential amenity.

**9** The development hereby permitted shall be carried out in accordance with the following approved plans: Drwg AH2017/56 sheet 1 of 2 and sheet 2 of 2 received 1st August 2018.

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

planning.

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

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

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

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

12 No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning Authority.

**REASON:** In order to protect the living conditions of nearby residents and/or the rural character of the area.

**INFORMATIVES:**

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

The applicant 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.

Members of the public Claire Lawrence and Ralph Whittaker spoke against the application. The applicant Hugh Rogers and his agent Sharon White spoke in favour of the application. Cllr Alistair Parker from Yatton Keynell Parish Council spoke against the application.

The Team Leader introduced the application which was to regularise amendments to an original permission, including amendments to the windows, fascia boards, use of materials and dimensions of the approved extension. A presentation was delivered which displayed a site location plan, photographs of the existing site and proposed plans. It was explained that revisions had been negotiated with the applicant as a consequence of enforcement action taken, against changes made outside of the original permissions. Attention was drawn towards the Late Observations, which added an additional condition to the recommended approval.

Councillors were invited to ask technical questions and in response to questions, as to the necessity of the dormer window, Officers confirmed that all options had been considered and that the amendments were not considered to be significantly harmful to the Cotswold AONB, conservation area, setting of nearby listed buildings or existing neighbouring amenities.

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

Local Member Cllr Baroness Jane Scott OBE was not present in the meeting but had requested that Cllr Toby Sturgis represent her views in Committee. He explained that the cumulative total of the changes made were not acceptable and that the dormer window was particularly detrimental to the conservation area.

In the debate that followed, there was strong criticism of the dormer window and the development of the cottage, outside of previous permissions. Cllr Tony Trotman proposed the Officer's recommendation of approval, seconded by Cllr Hutton. This was voted against by the majority. Cllr Toby Sturgis moved a motion to delegate authority to the Head of Development Management to seek further scheme revisions to reverse the works to the first floor gable end window to the original size and position; and removal of the first floor rear dormer window and replacement with a conservation style rooflight. Subject to securing these amendments to delegate authority to approve as per the conditions in the report. Officers clarified with members that in the event the amendments were not agreed and secured, that permission ought to be refused due to harm to the character and appearance of the locality, including the conservation area and consequent policy conflict. This was seconded by Cllr Grant and approved by the majority.

**Resolved:**

**Delegate Authority to the Head of Development Management to seek further scheme revisions to reverse the works to the first floor gable end window to the original size and position; and removal of the first floor rear dormer window and replacement with a conservation style rooflight.**

**Subject to securing these amendments to delegate authority to the Head of development Management to approve as per the conditions in the report revised as necessary by the revisions. In the event that these revisions are not agreed with the applicant to refuse permission for the following reason:-**

**The first floor rear fenestration treatment is out of character with the existing development in the locality resulting in harm to the character and appearance of the area including the Conservation Area. The development is in conflict with and contrary to Wiltshire Cores Strategy policies CP57 (i) and CP58; and paras 14, 17, 131, 134 of the NPPF.**

**Subject to conditions:**

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

**Site Location Plan YK01 L 001, Proposed Block Plan YK01- L 002 B, YK-01 EX01 A, Proposed Ground Floor and First Floor Plans YK-01 RS-010 A, Existing Elevations YK01 EX02 A (all received 10 July 2017), Proposed Elevation Revisions YK-01 RS-04 H and Proposed Flush Casement Windows YK-01 W-01 A (both received 30 August 2017)**

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

**2 No development shall commence on site until details of the windows and doors to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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

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

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

**4 The roof tiles to be used in the development hereby permitted shall match those of the existing building in terms of their material, colour, texture, profile and pattern of laying.**

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

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

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

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

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

**7 INFORMATIVE TO APPLICANT:**

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

**8 INFORMATIVE TO APPLICANT:**

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.

**9 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.

**10 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.

The applicant Peter Hathaway spoke in favour of the application. Cllr Helen Hall from Oaksey Parish Council spoke against the application.

The Team Leader introduced the application, which was for an oak framed mansard (garden room) at the rear of the property, and for removal of timber cladding and making good with matching stone. A presentation was delivered, which displayed site location plan, photographs of existing site and proposed plans. It was explained that concerns had been raised as to the impact to neighbouring residential amenities and character of the area, however, this was not considered to be a significant level of harm and so the recommendation was for approval.

Councillors were invited to ask technical questions and it was stated that due to the layout of surrounding houses, the rear of the property was visible to other properties. . Officers clarified that as part of the original consents for the barn conversions, permitted development rights had been remove by condition, but that this was not a prohibition to all future development in perpetuity but a means to exercise control over and consider the impacts of further householder development.

Members of the public spoke as detailed above.

Cllr Chuck Berry spoke as Local Member. He spoke against the application, expressing concerns as to the future urbanisation of the area. He gave a balanced view of supporting sustainable development but maintained the importance of protecting the heritage of the Oaksey conservation area.

In the debate that followed, Cllr Hutton proposed the Officer's recommendation, which was seconded by Cllr Greenman and approved by the majority.

**Resolved:**

**To GRANT subject to the following conditions:**

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

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

**2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be carried out in accordance with the materials listed on the applications form.**

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

**3 The development hereby permitted shall be carried out in accordance**

with the following approved plans: Site Location Plan (Drawing No 10650/04), Block Plan (Drawing No 10650/03), Proposed Plans and Elevations (Drawing No 10650/02) received by the LPA 12/07/2017.

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

**4 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.

**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:**

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.

**7 INFORMATIVE TO APPLICANT:**

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

100 **17/05460/FUL - Land at Cedar Lodge, 3 Cove House Gardens, Ashton Keynes, Wiltshire, SN6 6NS**

Member of the public Steve Shaw spoke against the application. Nicolas Hurst Spoke in favour of the application.

The Team Leader introduced the application, which was for a proposed single storey dwelling. A presentation was delivered, which displayed a site location plan, photographs of the existing site and proposed plans. It was explained that the proposed build was a modern design but would be screened by significant boundary treatments and tree planting and therefore not visually prominent in the locality, or harmful to the character and appearance of the conservation area. Officers referred to the site history and how the revised proposals sought to address previous concerns with a modern design. Officers referred to an additional condition in the Late Observations.

There were no technical questions.

Cllr Chuck Berry spoke as Local Member. He confirmed that previous concerns raised by the parish council had been addressed and their objections were removed. He sought clarity that all trees would be protected, to ensure the screening and it was confirmed that they would be protected.

In the debate that followed, Cllr Chuck Berry proposed the Officer's recommendation for approval. This was seconded by Cllr Gavin Grant and approved unanimously.

**Resolved:**

**To GRANT subject to the following conditions:**

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

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

**2 The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Elevations, Site and Block Plans (Drawing No 1652\_0411b) and Proposed Ground Floor Plan (Drawing No 1652\_0421b) received by the LPA 06/06/2017.**

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

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

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

**4 The development shall be carried out as specified in the approved Arboricultural Report prepared by Certhia Consulting Limited dated August 2017 and shall be supervised by an Arboricultural Consultant.**

**Reason: To prevent trees on site from being damaged during construction works**

**5 No part of the development hereby approved shall be occupied until the**



parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- g) measures for the protection of the natural environment.
- h) 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, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

**7** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B and E shall take place on the dwellinghouse hereby permitted or within its curtilage.

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

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

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

**9** The dwellings hereby approved shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate for it has been issued and submitted to, and approved in writing by, the local planning authority certifying that Code Level 4 has been achieved.

**REASON:** To ensure that the objectives of sustainable development set out Policy CP41 of the Wiltshire Core Strategy are achieved.

**10** Prior to the first occupation of the buildings a plan showing details of the green roof including species, planting density, substrate and a section at scale of 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

**Reason:** To ensure that the green roof is suitably designed and maintained.

**11** The drainage details shall be carried out in accordance with design and details outlined in the Supplementary Drainage System and Drawing No 1652\_0421c (Proposed Ground Floor Plan) received by the LPA 21/08/2017.

**REASON:** To ensure that the development is adequately drained

**12 INFORMATIVE TO APPLICANT:**

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

**13 INFORMATIVE TO APPLICANT:**

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

**14 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.

**15 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.

**16 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/communityinfrastructuelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructuelevy)

101 **17/05672/FUL - Land to West of Forest Lane, Forest Lane, Chippenham, Wiltshire, SN15 3PX**

Members of the public John Wallis and Sharon Parfitt spoke against the application. The applicant's agent Jonathan Walton spoke in favour of the application. Cllr Richard Banbury from Chippenham Town Council spoke against the application.

The Senior Planning Officer introduced the application, which was for the erection of 6 residential units including landscaping, highways layout and related works. A presentation was delivered, which displayed a site location plan, photographs of the existing site and proposed plans. It was explained that there was particular concerns as to the highways impact, with risks to pedestrians, caused by increased vehicle traffic on the narrow lane. Attention was drawn to the Late Observations, which amended conditions. The Officer's recommendation was for approval.

Councillors were invited to ask technical questions and in response Officers confirmed that there was no s.106 obligation for the developers and none of the units were affordable housing. It was also confirmed that allocated parking spaces would be provided with the properties.

Members of the public spoke as detailed above.

Local Member Clare Cape was not present.

In the debate that followed, Councillors spoke of the importance of maintaining the lane for residents. Members also discussed the appropriateness of the scale of development in that area, and its effect on the amenity of local residents and neighbouring properties. Cllr Peter Hutton proposed a motion for refusal based on harm to the character of the area, poor quality design of the development and harm to residential amenity of local residents and residential properties, contrary to CP57 (i), (iii) & (vii) of the Wiltshire Core Strategy and para 17 of the NPPF. This was seconded by Cllr Howard Greenman and approved by the majority.

**Resolved:**

**REFUSED for the following reason:**

**The harm to the character of the area, poor quality design of the development and harm to residential amenity of local residents and residential properties is considered to be contrary to CP57 (i), (iii) & (vii) of the Wiltshire Core Strategy and para 17 of the NPPF.**

102 **17.07192.FUL - Land off Abberd Lane, Abberd Lane, Abberd, Nr Calne, Wiltshire, SN11 8TE**

There were no public speakers.

The Senior Planning Officer introduced the application, which was for the erection of 2 No 10 metre high chimneys in association with onsite biomass boilers within approved building. A presentation was delivered showing a site location plan and proposed plans. It was explained that a previous application for the erection of 2 chimneys at this site had been refused, for lack of information being provided to enable Members to determine the application. It was confirmed that all information had now been provided and the Officer's recommendation was for approval. Attention was also drawn to the Late Observations, which provided for an additional condition requiring the colour of the flue to be non-reflective and requiring written approval of Planning Officers.

Councillors were invited to ask technical questions and in response Officers confirmed that the chimneys were going to be used to burn wood and that it could be conditioned that the chimneys would need to be removed if no longer required for the use specified in the documentation.

Cllr Alan Hill spoke as Local Member, against the application. He maintained that the application should be refused on the same grounds as the previous application. He stated that there was not enough additional information provided. He explained that the area concerned was becoming increasingly residential and would soon have hundreds of homes, on 3 sides of the site. Comparison was made to the requirements placed on Hills Recycling Centre, which he stated faced stricter controls, and that the current application should not be

approved, without the same impact assessments being made.

In the debate that followed, Cllr Peter Hutton proposed the Officer's recommendation for approval, with additional conditions for removal of the chimneys, should they no longer be required for their specified use. This was seconded by Cllr Toby Sturgis but voted against by the majority.

Cllr Gavin Grant proposed a motion for refusal of the application, stating that not enough information had been provided and for the application to be refused as contrary to CP 51, 55, 57(7) and 59 of Wiltshire Core Strategy. This was seconded by Cllr Brian Mathew and Cllr Peter Hutton requested a recorded vote, which received the requisite number of supporters. Councillors Greenman, Groom, Lay, Mathew and Grant voted in support of this motion. Councillors Berry, Hutton, Sturgis, Hurst and Trotman voted against the motion. Cllr Ashley O'Neil abstained. As Chairman Cllr Tony Trotman had the casting vote, so the motion was defeated.

Cllr Hutton, again, proposed the Officer's recommendation for approval, with the additional condition for the removal of the chimneys, should they no longer be required for their specified use. This was seconded by Cllr Lay and approved by the majority.

**Resolved:**

**To GRANT permission as per recommendations, with the following additional conditions:**

**Approved at Committee:**

**Should the chimneys hereby approved no longer be required for the purpose specified in the submitted documentation. The Chimneys shall be removed from the building and site within 3 months from their last use and the building made good.**

**REASON: In the interests of the visual amenity of the area.**

**Late Observations:**

**Prior to the commencement of development details of the finished colour of the flue hereby approved, which shall be non reflective, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**REASON: In the interests of the visual amenity of the area and to ensure a satisfactory appearance of the development.**

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

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

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

**2 No development shall commence on site until details of the external finish and colour to be used on the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area**

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

**Site Location Plan**

**AB/017-02**

**AB/017-03**

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

**INFORMATIVE TO APPLICANT:**

**The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.**

**INFORMATIVE TO APPLICANT:**

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

**INFORMATIVE TO APPLICANT:**

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

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**17/02820/OUT - Land south of Brook Farm, Great Somerford, Chippenham, Wiltshire, SN15 5JA**

Member of the public Andy Morris spoke against the application. The applicant's agent Naomi Hubbard spoke in favour of the application.

Prior to introducing the application the Senior Planning Officer clarified that on the first page of the report it states that the Case Officer and Author of the report was Mark Staincliffe. He confirmed that case officer and original drafting of the report was by Mark Staincliffe. However, the report has been amended by the Head of Development Management, Mike Wilmott in relation to the weight that can be afforded to the emerging Neighbourhood Plan. The recommendation within the report has remained the same.

The Senior Planning officer introduced the application, which was for outline planning permission for the erection of 8 dwellings with access to be determined. A presentation was delivered, which displayed the site location plan, photographs of the existing site and proposed plans. Attention was drawn to the Late Observations. The Officer's recommendation was for approval.

Councillors were invited to ask technical questions and it was confirmed that a 40% affordable housing contribution formed part of the application, as a s.106 agreement, which would equate to 3 houses.

Members of the public spoke as detailed above.

Cllr Toby Sturgis spoke as Local Member. He informed Members that he was the previous owner of the site, but had sold the land with permission in 2006. He explained the planning history behind the application and stated that the drainage issues and s.106 contribution issues, previously identified, had been resolved in the current application. As stated, earlier in the meeting, Cllr Toby Sturgis, exited the Committee room, prior to debate taking place and did not vote.

In the debate that followed, Cllr Tony Trotman proposed the Officer's recommendations, this was seconded by Cllr Ashley O'Neil and approved by the majority.

**Resolved:**

**To GRANT permission subject to all parties entering into an agreement under s106 of The Act in respect of bin/recycling facilities and affordable housing, then planning permission be**

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

**The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; Ecology and is therefore contrary to Policies CP3 CP43 & CP50, CP57 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.**

**Conditions:**

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

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

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

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;
- (e) The means of access to the site.

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

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

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

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

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

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



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

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

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

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

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

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

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

**UD01**

**Transport Statement**

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

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### **Urgent Items**

There were no urgent items.

**Wiltshire Council  
Northern Area Planning Committee  
1<sup>st</sup> November 2017**

**Planning Appeals Received between 22/09/2017 and 23/10/2017**

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
17/04425/FUL	Wootton Field Farm Marlborough Road Royal Wootton Bassett Wiltshire, SN4 7SA	ROYAL WOOTTON BASSETT	Conversions of existing barn and erection of family dwelling and associated works	DEL	Written Representations	Refuse	20/10/2017	No
17/05907/PNCOU	Big Barn Wootton Fields Farm Marlborough Road Royal Wootton Bassett Wiltshire, SN4 7EJ	ROYAL WOOTTON BASSETT	Notification for Prior Approval Under Class Q - Proposed change of use of existing agricultural building to form one dwelling and associated operational development.	DEL	Written Representations	Refuse	20/10/2017	No

**Planning Appeals Decided between 22/09/2017 and 23/10/2017**

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
16/08002/FUL	Woodlands Farm Doncombe Hill North Wraxall Chippenham Wiltshire, SN14 8SF	NORTH WRAXALL	Construction of new farmworkers dwelling	DEL	Hearing	Refuse	Dismissed	16/10/2017	None
16/10744/CLP	Orchard House Prospect, Kingsdown Wiltshire, SN13 8AY	BOX	Certificate of Lawfulness for Proposed Outbuilding for Use as games room, small gym, sauna, bike storage, freezer storage and boot room / laundry.	DEL	Written Reps	Refuse	Allowed with Conditions	03/10/2017	None
16/11581/FUL	Land at Ryleys Farmhouse Grittleton Chippenham Wiltshire, SN14 6AF	GRITTLETON	Conversion of store building to dwelling	DEL	Written Reps	Refuse	Dismissed	10/10/2017	None

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	01 November 2017
<b>Application Number</b>	17/03035/REM
<b>Site Address</b>	Land at Former Blounts Court Nursery, Studley Lane, Studley, Calne, SN11 9NQ
<b>Proposal</b>	Erection of 53 no. Dwellings with Public Open Space and Associated Infrastructure, Approval of Reserved Matters (scale, layout, external appearance and landscaping) to be Conjunction with Outline Application 15/10457/OUT
<b>Applicant</b>	Crest Nicholson South West Ltd
<b>Town/Parish Council</b>	Calne Without
<b>Electoral Division</b>	Calne Rural – Cllr Crisp
<b>Grid Ref</b>	396450 170996
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mark Staincliffe

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

The application was called to committee by Cllr Crisp due to the concerns expressed by local residents. In particular concerns still remain relating to the urban nature of the development, the provision of the crossing and the proposed location.

The application was previously presented to members of the Northern Area Planning committee on 06 September 2017, the item was deferred for the following reason:

*That the application be DEFERRED for two cycles to allow Officers to negotiate amendments to the submitted scheme in the following respects: (i) surfacing materials; (ii) linear kerbing and removal of kerb-stones; and (iii) layout, particularly in respect of the A4 frontage. To DELEGATE authority to officers to undertake the aforementioned negotiations.*

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

The purpose of the report is to assess the amendments to the submitted scheme and assess the proposal against the policies of the development plan and other material considerations and to **GRANT** planning permission subject to planning conditions.

### **2. Report Summary**

The original committee report is attached as an appendix to this short update report.

Changes made to the layout include: a more informal shared space lane approach (countryside kerbs/verges both sides), including variable widths, where the lane narrows and widens organically with some houses siding on to create pinch points/focal points through the lane. The road width ranges from 6m narrowing down to 4.1m with 2m & 1m verges each side. The revised layout takes account of space in front of plots 3 to 6, with the introduction

of grass verges (reducing hard surfacing), 3 no. on street trees to break up parking and changes of the surface treatment to tarmac.

The key issue in considering the application is:

- Do the revised plans overcome the concerns expressed by members with regards to *(i) surfacing materials; (ii) linear kerbing and removal of kerb-stones; and (iii) layout, particularly in respect of the A4 frontage.*

### **3. Site Description**

As set out in the committee report of 06 September 2017

### **Planning History**

As set out in the committee report of 06 September 2017

### **4. The Proposal**

As set out in the committee report of 06 September 2017

### **5. Local Planning Policy**

As set out in the committee report of 06 September 2017

### **6. Summary of consultation responses**

At the time of preparation of this update, no further consultation responses had been received.

### **7. Publicity**

At the time of preparation of this update, no representations had been received.

### **8. Planning Considerations**

The planning considerations set out in the original report remain unchanged.

### **9. Conclusion**

As set out in the committee report of 06 September 2017

## **RECOMMENDATION**

**GRANT** planning permission subject to planning conditions

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

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

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

Planning Layout (ref: 13245/5000 Rev H);  
Materials Layout (ref: 13245/5001 Rev G);  
Affordable Housing Layout (ref: 13245 5002 Rev A);  
Street Elevations A (ref: 13245/3600 Rev C);  
Street Elevations B (ref: 13245/3601 Rev C);  
Main Route Character Study (ref: 13245/3811);  
3D Visualisation (ref: 13245/3810);  
Parking Schedule (ref: SCH003 Rev A);

Landscape Proposals 1 of 4 (ref: DR-0001 S4-P8);  
Landscape Proposals 2 of 4 (ref: DR-0002 S4-P8);  
Landscape Proposals 3 of 4 (ref: DR-0003 S4-P8);  
Landscape Proposals 4 of 4 (ref: DR-0004 S4-P8);  
Materials and Furniture Details (ref: DR-0010 S4-P3);  
LAP Layout and Planting Detail (drawing no. DR-0006);  
Tree Pits and Support Detail (drawing no. DR-0007);  
Hedges, Grasses and Bulbs Detail (drawing no. DR-0008);  
Street Trees and Shrubs Detail (drawing no. DR-000P);  
Landscape Management and Maintenance Plan;

Levels Layout (ref: 5566:P02E);  
Surfacing Layout (ref: MJA-C-5566-04)

Tree Protection Plan (ref: 7638-A-01 C).

Construction Management Plan.

House types:

Hartley 1 (drawing ref: 13245/6001 Rev B);  
Welwyn (drawing ref: 13245/6003 Rev B);  
Calder (drawing ref: 13245/6005.1 Rev A);  
Calder (drawing ref: 13245/6005.2 Rev A);  
Caldwick (drawing ref: 13245/6006.1 Rev B);  
Caldwick (drawing ref: 13245/6006.2 Rev B);  
Caldwick (drawing ref: 13245/6006.3);  
Coxley (drawing ref: 13245/6007.1 Rev A);  
Coxley (drawing ref: 13245/6007.2);  
Coxley (drawing ref: 13245/6007.3 Rev A);  
4B 7P 1490 (drawing ref: 13245/6008);

HA 2B 757 (drawing ref: 13245/6010);  
HA 3B 895 (drawing ref: 13245/6011 Rev A);  
HA 3B (Wide) 937 (drawing ref: 13245/6012 Rev A);  
HA 4B 1194 (drawing ref: 13245/6014 Rev A);

Single Garage (drawing ref: 13245/6020.1 Rev B);  
Double Garage (drawing ref: 13245/6020.2 Rev B);  
Double Garage (drawing ref: 13245/6020.3 Rev B);  
Triple Garage (drawing ref: 13245/6020.4 Rev B);

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

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

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



highway safety.

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

REASON: In the interests of residential amenity and privacy.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed [INSERT anywhere on the site OR forward of any wall of the dwelling(s) (including a rear or side wall)] which fronts onto a highway, carriageway or footpath].

REASON: In the interests of visual amenity.

- 6 No more than 40 units shall be occupied until the unallocated parking shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for the use of parking motor vehicles at all times thereafter.

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

- 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 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.

9           INFORMATIVE TO APPLICANT:

Your attention is also drawn to the conditions imposed on the outline planning permission reference [INSERT] and dated [INSERT].

10          INFORMATIVE TO APPLICANT:

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

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.

## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	06 September 2017
<b>Application Number</b>	17/03035/REM
<b>Site Address</b>	Land at Former Blounts Court Nursery, Studley Lane, Studley, Calne, SN11 9NQ
<b>Proposal</b>	Erection of 53 no. Dwellings with Public Open Space and Associated Infrastructure, Approval of Reserved Matters (scale, layout, external appearance and landscaping) to be Conjunction with Outline Application 15/10457/OUT
<b>Applicant</b>	Crest Nicholson South West Ltd
<b>Town/Parish Council</b>	Calne Without
<b>Electoral Division</b>	Calne Rural – Cllr Crisp
<b>Grid Ref</b>	396450 170996
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mark Staincliffe

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

The application was called to committee by Cllr Crisp due to the concerns expressed by local residents. In particular concerns still remain relating to the urban nature of the development, the provision of the crossing and the proposed location.

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

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to **GRANT** planning permission subject to planning conditions.

### **2. Report Summary**

The key issues in considering the application are as follows:

- Principle of development
- Impact on the character and appearance of the area
- Highway safety
- Design and Layout

The Parish Council object to the proposed development. 28 letters have been received objecting to the proposed development and 0 letters of support were received.

### **3. Site Description**

The application site is located to the south of Studley and the north of Derry Hill in Wiltshire. The site lies adjacent to the A4, with Chippenham approximately 5 km to the west and Calne approximately 4km to the east. To the north of the site lies Vastern Saw Mill and the residential settlement of Derry Hill to the South.

Approximately 1.4 hectares of the site benefits from an extant permission for approximately 1.4 hectares of land as a commercial garden centre, which was granted permission in 2004 and has been lawfully implemented.

#### 4. Planning History

N/99/01373/S73A	Renewal of permission for mobile home
N/00/02147/CLE	Certificate of lawfulness (existing use) for use of part of nursery garden as a garden centre (sui generis)
N/00/02903/CLE	Use of part of nursery as a garden centre (sui-generis)
N/93/01942/ADC	Advertising directional sign advertising directional sign
N/90/03055/ADC	Erection of non illuminated signboards
N/90/00636/ADC	Advertisement sign
N/90/02404/ADC	Resubmission - display of three non illuminated signboards
N/02/00849/FUL	Erection of replacement buildings, car parking, landscaping and highway alterations
N/03/00403/FUL	Refurbishment of existing garden centre including erection of replacement buildings, revised car parking arrangements, landscaping and highway improvements
N/03/03374/FUL	Refurbishment of existing garden centre including erection of replacement buildings, revised car parking arrangements, landscaping and highway improvements
N/08/00822/FUL	Erection of replacement buildings (Alteration / Revision to permission 03/03374/FUL)
14/04177/OUT	Erection Of 28 Dwellings, Including Access, Car Parking & Landscaping.
14/09769/OUT	Erection of 28 Dwellings, Including Access, Car Parking and Landscaping (Re-submission of 14/04177/OUT) <b>GRANTED</b>
15/10457/OUT	Residential Development of 53 Dwellings Including Access, Car Parking, Landscaping and Associated Infrastructure. <b>GRANTED</b>

## 5. The Proposal

The application seeks permission for the erection of up to 53 dwellings. It follows the approval of an outline application for up to 53 dwellings. The outline permission sought permission for access only. The current planning application is a reserved matters scheme seeking consent for the appearance, landscaping, layout and scale.

## 6. Local Planning Policy

Wiltshire Core Strategy Jan 2015:

Core Policy 1- Settlement Strategy

Core Policy 2- Delivery Strategy

Core Policy 3- Infrastructure Requirements

Core Policy 8- Spatial Strategy: Calne Community Area

Core Policy 51- Landscape

Core Policy 43- Providing affordable homes

Core Policy 45- Meeting Wiltshire's housing needs

Core Policy 50- Biodiversity and Geodiversity

Core Policy 51- Landscape

Core Policy 57- Ensuring high quality design and place shaping

Core Policy 58- Ensuring the Conservation of the Historic Environment

Core Policy 62- Development impacts on the transport network

Core Policy 67- Flood Risk

Appendix D

Appendix E

Appendix G

Saved Policies of the North Wiltshire Local Plan:

NE18- Noise and Pollution

T5- Safeguarding

H4- Residential development in the open countryside

CF2- Leisure facilities and open space

CF3- Provisions of open space

National Planning Policy Framework 2012:

Achieving sustainable development – Core Planning Principles (Paragraphs 7 14 & 17)

Chapter 1- Building a strong, competitive economy (Paragraphs 18 & 19)

Chapter 6- Delivering a wide choice of high quality homes (Paragraphs 47, 49, 50 & 55)

Chapter 7- Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64) Chapter 8- Promoting healthy communities (Paragraph 75)

Chapter 11- Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)

Chapter 12- Conserving and enhancing the historic environment (Paragraphs 126, 128, 129, 132, 133 and 139)

## 7. Summary of consultation responses

Parish Council- Objects to the above planning application on the following grounds:

- The design, layout and materials of the detailed scheme presented in this application do not comply with Wiltshire Councils Core Strategy and the emerging Calne Community Neighbourhood Plan particularly policies below and sections 33.2, 28.1 & 28.3.
- Policy NE3 - Development which adversely affects the rural character of country lanes or **introduces urbanising features** will not be supported

- Policy BE2 – Local Distinctiveness and Aesthetics for all development must be designed to a high quality **that reinforces local distinctiveness, including in relation to materials, built form and settlement patterns**
- Policy H4 – Sustainable Design Development will be required to adhere to the principles of sustainable design and construction whilst **integrating into the environment and the local characteristics of the surroundings**
- In order to comply with these policies the design, layout and materials of the whole scheme must integrate with the local characteristics of the surroundings. That applies to the buildings but also to the layout, boundary treatments and road type. The whole street scene should reinforce local distinctiveness from the road surface to the chimney pots. Unfortunately these proposals clearly fail to do that. The development is at a prominent entrance to the village of Studley and must integrate with the local characteristics and feel of that village rather than the neighbouring village of Derry Hill which is much more urban in character
- The detailed matters which currently fall short are:
  - building mix and design
  - roof lines and material
  - boundary treatments
  - street scene (long continuous building and fence lines)
  - parallel concrete kerbs
  - traffic calming features
  - estate road turning head
  - footways
  - concrete block work
- We would recommend that design improvement should therefore include:
  - more diverse building mix
  - house and garage ridge lines
  - hedge and stone wall boundary treatments
  - some buildings close to the road, others not, some at odd angles
  - variable width carriageway with low countryside kerbs
  - no street lighting
  - verges rather than footways within the scheme
  - footways set back behind verges on Studley Lane and A4
  - gravel and tarmac driveways in keeping with those in the village.
- The location of the pedestrian/cycle (Toucan) crossing, or alternative measures, will have a material influence on the layout of the development. Therefore the location and design of the crossing must form part of the layout which is to be determined. In order to do this Crest should submit their Stage 2 Road Safety Audit (which is understood to have been undertaken) and a Non-Motorised User (NMU) Audit to show where pedestrians and cyclists are travelling to and from, now and in the future. This will not only influence the location and form of the crossing but also the 2m/3m paths on the A4 and through the scheme.

- The provision of the signal controlled Toucan crossing and its location is viewed by the Parish Council as an essential element of the proposals. Council considers it vital that Wiltshire Council and/or the applicant, engages with the Police now, to establish whether or not a reduced speed limit is acceptable. The Parish Council and planning committee can then have confidence that a safe crossing can be delivered as shown in the drawings (or an acceptable alternative location) before they approve the layout as part of the reserved matters application

The application does not appear to include any details of any noise attenuation measures in relation to vehicle noise from the A4. Without effective noise reduction from this source the amenity of future occupiers will be significantly compromised and potentially be detrimental to their health.

Pipeline Agency- Work should not be undertaken or activity without first contacting the CLH Pipeline System Operator for advice and, if required, Works Consent.

Drainage- No objection subject to conformity with submitted plans and discharge of conditions attached to the outline planning permission.

Highways- Revised plans have overcome initial concerns. No objection subject to conditions

Housing- No objection

Tree Officer- No objection subject to conditions

Urban Design- Revised plans have overcome initial concerns- No objection

Public Protection- The sawmill noise has been resolved, no objection subject to compliance with conditions attached to the outline application

Landscape- No objection

## **8. Publicity**

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

The application has generated 28 letters of objection and 0 letters of support. A summary of the comments is set out below:

- The site is outside of the village settlement area.
- In conflict with neighbourhood plan
- The site is greenfield, currently used for agricultural purposes.
- will create a precedent for yet more building on greenfield both within and immediately adjacent to the village.
- Over dense with little privacy for the residents.
- proposed development is too large a scale for the village environment.
- Will cause traffic congestion
- Highway safety issues
- Harm the character and appearance of the area

- Cramped and over development
- Parking is already an issue in this area and would be made worse by this development.
- Development would create parking problems.
- Noise problems from the road and saw mill
- Houses not required
- Density of development too high
- Development will harm protected species
- Development on this site has previously been refused planning permission
- Additional noise and light disturbance, street lighting not required
- Insufficient parking
- Development on this land would affect local drainage
- Issues with connectivity
- No details of speed limit reduction or crossing
- Layout more suited to an urban area
- Lack of sewerage capacity

## 9. Planning Considerations

### Principle of development

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

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Plan saved in the WCS, forms the relevant development plan for the Calne Community Area.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight.

The principle of development has been established through the approval of the Outline Application and cannot be reconsidered under this application. The Council is asked to look at the suitability of the layout, landscaping, appearance and scale of the development.

### Alterations and revisions to the proposed Design & Layout

Local residents have raised concerns that Council Officer's and the applicant have been inflexible in their approach to this application and have not responded to the views of local residents. The concerns of local residents are important and have been taken into consideration and the following changes to the scheme have been made by the applicant since it was received and validated by the Council:

- **Street lighting** – The applicant has removed street lighting from its technical approval submission at the direct request of the local residents and Parish. The suitability of that will be determined by the Highways authority when they are considering technical approval pack. This will subsequently be approved through the discharge of conditions attached to the outline application
- **Connections onto Studley Lane and relationship with Toucan** – The applicant has removed the footpath connection in between plots 39 and 40 and opened up a



new 3m cycle link between plots 47 and 48, this now relates better to the proposed Toucan Crossing.

- **Toucan Crossing** – The applicant has submitted for approval the technical details to both Wiltshire Council and their agents, Atkins, based on the outline approved requirements. The applicant has made the payment to the highways authority for the TRO work to commence. Consultation with external third parties (such as the Police) will now take place over the coming weeks together with advertisement of the proposed speed reduction. The applicant has addressed and returned comments to Atkins and are awaiting further comments. The applicant has also addressed and returned comments re the signals to Atkins. Siemens, who are the signal designers have been party to all these comments and assisted in that respect.
- **Landscaping** – The applicant have enhanced further the landscape planting and boundary treatments, including new estate railings along the A4 and native Horbeam hedgerow in response to concerns raised regarding the impact of the A4 and the need to soften the development. Areas of meadow have also been incorporated within the larger open spaces and along site boundaries to enhance green links through the development.
- **Plots 22/24** –The repositioning of the fence to ensure there is a 10m offset shown to rear of these properties in order to comply with the planning condition and at the request of Vastern Timber.
- **Changes to the landscape strategy** - Due to comments and feedback from the local highways authority. Officers confirmed that that they would not adopt any trees within the road. However, to compensate for this the applicant is proposing to plant 62 semi mature trees on site. In addition the scheme proposes to plant flowering shrub and herbaceous species as well as species rich grassland. Introducing these types of species should enhance the local biodiversity.
- **Ecological Enhancements Plan**- has been produced following discussions with local residents. The applicant is also proposing to provide bird and bat boxes across the site and a comprehensive management strategy to give ecology and landscape the maximum importance.
- **Noise**- Some objectors have raised concerns about noise and impact of the A4. As well as already resolving the original noise issue at Vastern Timber, an additional noise report to look at the impact from the A4 has been prepared. Noise mitigation in the form of a glazing solution and a complementary acoustic vent solution has been proposed for the affected facades.

#### Urban Design and Layout

Though not tied to the indicative masterplan submitted with the original outline application, the proposed development broadly matches this (in terms of residential development, though some changes have taken place). The urban design officer did express some initial concerns with the development with regards to buildings turning the corner, active frontages and the need to incorporate windows and detailing on exposed flanks.

These suggestions have been embraced and the proposal has made the most of this constrained site. It is considered that the scheme is of a reasonably high quality and makes good use of the opportunities and constraints of the site to deliver a coherent pattern of development interspersed with key focal points and open spaces. Where plots occupy prominent positions, either in terms of longer range views or pedestrian footfall, this has

been recognised through the use of additional fenestration and higher quality boundary treatments. The configuration of parking provision is such as to minimise the prominence of hard standing and avoid a street frontage dominated by on-street parking of private vehicles. Some effort is made to design out similar detriment to the public realm through effective boundary treatments.

#### Landscape impact

The proposal is broadly in accordance with the illustrative Master Plan. The principle of retaining existing important trees and hedgerows within areas of public open space/ landscape areas are included within this proposal and this is a significant benefit of the scheme and will help with its visual coherence with the existing built form of the locality.

The hard and soft landscaping proposal, as shown and specified within the submitted information is considered to be acceptable and provides a good level of visual amenity and external design quality.

Furthermore, the submitted 'Landscape Management and Maintenance Plan' is fit for its intended purpose and will ensure the long term maintenance of the public open space. In summary, the proposed development embraces opportunities to incorporate the development within the wider landscape area and though there will be some harm, as with any development on a site such as this, it is considered that the proposal is high quality and acceptable and accords with CP 51 and CP57 of the Core Strategy.

#### Pedestrian crossing

The outline planning permission to which this application relates and was permitted in 2016, with a specific condition requiring that:

*'No development shall commence on site until details of a pedestrian link from the development hereby approved to Footpath CALW65 to the west of the site, and pedestrian/cycle links from the development site to the local centre, via a new Toucan crossing on the A4...generally as shown on...drawing SK01'.*

The current proposal is a reserved matter application seeking approval of scale, layout, external appearance and landscaping. Matters relating to the access to the site and highway improvements such as the crossing and footways beyond the application red outline were considered at the Outline stage and the provision of them have been controlled through planning conditions and the s106 agreement.

Representations received by local residents focus on two main areas, one being highway safety. It is argued by some that the proposed location of the Toucan crossing will compromise the standard of the adjacent right turn lane.

As set out above, this is a matter controlled by condition attached to the Outline permission and does not form a reserved matters and is therefore not open to debate or consideration in the determination of this application.

To provide clarification on this point, officers can confirm that it is the Council's intention to advertise a reduction in the speed limit fronting the site, and in doing so, standards will be met as a result.

It is also argued by some that there is inadequate provision for cyclists – particularly that there is (alleged within representations) no segregated route between the site, along the A4, and links to the south.

As referred to above however, the outline planning permission was conditioned such that there will be a 3m cycleway on the south side of the A4 connecting the new Toucan crossing with the link to Chapel Street and onwards to the village facilities.

The process of designing and establishing the crossing as well as altering the speed limit within the locality is well underway, though not required by this reserved matters application. Taking into consideration the above there is no reason to withhold permission and the development is considered to accord with both local and national planning policies, including CP62 of the CS.

### Highways

The access and offsite highway works were approved and fixed through the approval of the Outline application. These details and any concerns with these can not be reassessed through this application.

Initial concerns were expressed with regards to trees on areas to be adopted as public highway, the width of some access to private drives, the need to meet the Council's parking requirements for cars and cycle parking.

Alterations to the approved plans and additional details have been provided to overcome the initial concerns relating to the trees, and the width of the highway.

Some local residents have expressed concerns with regards to the level of parking provided and questioned whether the proposal meets the Council's parking requirements. Particular concerns was raised with regards to the suitability of tandem parking and counting garages as a parking space.

The Council's adopted Car Parking Strategy does allow for tandem parking and the use of oversized garages to meet its parking standards. Taking into consideration the submitted information, officers are satisfied that the proposal does accord with the Council's parking standards. To ensure that communal parking is not allocated to private households these will be within the adopted highway. To ensure that parking within garages isn't lost permitted development rights for the conversion of garages to habitable accommodation are to be withdrawn.

### Setting of Listed Buildings

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

The House of Lords in the South Lakeland case decided that the "statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved."

The proposed development is located over 70m from the nearest listed building (Baptist Chapel on Studley Lane). Having viewed the site from the listed building and attempted to view the listed structures from within the site it is considered that the proposal is unlikely to be visible and will therefore have a neutral impact on the setting of the listed building. The proposal is considered to accord with CP58 of the Core Strategy and the NPPF.

## **10. Conclusion**

The proposed development is sustainable and, acceptable in principle, supporting the long-term objectives of the local area. The proposal will not result in harm to the natural or built environment or otherwise adversely affect highway safety or residential amenity. The

proposal is therefore compliant in policy terms with the Wiltshire Core Strategy and the National Planning Policy Framework.

## **RECOMMENDATION**

**GRANT** planning permission subject to planning conditions:

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

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

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

2550-5-2-DR-0001 P7 Received 19/07/2017

2550-5-2-DR-0002 P7 Received 10/08/2017

2550-5-2-DR-0003 P7 Received 10/08/2017

2550-5-2-DR-0004 P7 Received 19/07/2017

2550-5-2-DR-0005 P6 Received 19/06/2017

2550-5-2-DR-0006 P2 Received 22/03/2017

2550-5-2-DR-0007 P1 Received 01/02/2017

2550-5-2-DR-0008 P1 Received 01/02/2017

2550-5-2-DR-0009 P1 Received 01/02/2017

2550-5-2-DR-0010 P2 Received 13/07/2017

2550-5-4-LM-T4-S3 P1 Received 01/02/2017

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

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

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

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

REASON: In the interests of residential amenity and privacy.

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

REASON: In the interests of visual amenity.

- 6 No more than 40 units shall be occupied until the unallocated parking shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for the use of parking motor vehicles at all times thereafter.

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

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

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

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

requirements of the Party Wall Act 1996.

**INFORMATIVE TO APPLICANT:**

Your attention is also drawn to the conditions imposed on the outline planning permission

**INFORMATIVE TO APPLICANT:**

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

**INFORMATIVE TO APPLICANT:**

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

17/03035/REM  
Land at Former Blounts Court Nursery  
Studley Lane  
Studley  
Calne  
SN11 9NQ



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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	01 November 2017
<b>Application Number</b>	17/07485/FUL
<b>Site Address</b>	Flats 49 to 60, Woodroffe Square, Calne, SN11 8PW
<b>Proposal</b>	Demolition of 12 Flats Over Garages and 36 garages at nos. 49 to 60 Woodroffe Square and replacement with 24 dwellings, car parking and landscaping.
<b>Applicant</b>	Westlea Housing Association
<b>Town/Parish Council</b>	Calne
<b>Electoral Division</b>	Calne Central – Cllr Ian Thorn
<b>Grid Ref</b>	400419 171039
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mark Staincliffe

### Reason for the application being considered by Committee

The application has been called into committee at the request of Cllr Ian Thorn who would like the Committee to consider the impact of the proposal on the local area. In particular he would like consideration of the development's impact on the character and appearance of the area, scale of development, design of the proposal, impact on adjoining properties, proposed parking arrangements 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 delegate authority to the Head of Development Management to **GRANT** planning permission, subject to conditions and completion of a S106 legal agreement within three months of the date of the resolution of this Committee.

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

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing is therefore contrary to Policies CP3 and CP43 of the Wiltshire Core Strategy Adopted January 2015

#### 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 highway safety

- Parking provision
- Impact on residential amenity

Calne Town Council object to the proposed development. ?? letters have been received objecting to the proposed development and 0 letters of support were received.

### **3. Site Description**

The existing Flats Over Garages (FOGs) are of 1960s brick construction with render and UPVC cladding. They are located in four staggered blocks concentrated in the middle of the site, and have a broadly linear formation oriented north to south; the flats and garages are in poor state of repair. The last tenant has recently moved out.

Each block is configured to contain nine garages accessed directly off a private road at the centre, with three flats above. Individual pedestrian access to each of the flats is within the small private garden on the opposing side of the blocks facing out onto the existing properties on Woodroffe Square, from which they are separated by grassed amenity areas.

Lit footpaths link the northern and southern arms of this road whilst providing access to the frontage of the existing properties at nos. 27 to 48 to the west, and the rears of nos. 5 to 12 to the east of the site, and are also included.

### **4. Planning History**

No relevant recent planning history

### **5. The Proposal**

Demolition of 12 Flats and 36 garages and replacement with 24 dwellings, car parking and landscaping.

Following demolition, the proposal will change the layout of the site from its current condensed, linear form to a more open arrangement of buildings across the site, resulting in a net gain of 12 dwellings. The mix is defined in the following schedule:

- Bungalow x 1
- 2 Bed House x 10
- 3 Bed House x 4
- 2 Bed Flat x 9

Four of the properties (30% of the net gain in dwellings) are to be secured through a s106 agreement as affordable housing.

The houses are to be located around the perimeter, facing out onto Woodroffe Square and spreading out on to the existing grassed area to the east to complete the row of houses fronting Prince Charles Drive. They will be in runs of no more than four, with gaps between blocks to achieve vistas through the site, and each will have a private rear garden. The flats are to be located in a three storey block at the centre, with its main ground floor access on the southern elevation.

The positioning of the houses overlooking the road will bring a greater degree of natural surveillance than at present, which will be further assisted by placement of windows on the gable ends.

The internal road serving the garages will be removed, and the sections of the northern and southern arms of Woodroffe Square in the site altered in order to accommodate new car parking courts and turning heads along the outer edge of the development. The majority of

this new road will be constructed to adoptable standards, with small sections to remain private road, owned and maintained by the applicant.

## **6. Local Planning Policy**

Wiltshire Core Strategy Jan 2015:  
Core Policy 1- Settlement Strategy  
Core Policy 2- Delivery Strategy  
Core Policy 3- Infrastructure Requirements  
Core Policy 8- Spatial Strategy: Calne Community Area  
Core Policy 51- Landscape  
Core Policy 43- Providing affordable homes  
Core Policy 45- Meeting Wiltshire's housing needs  
Core Policy 50- Biodiversity and Geodiversity  
Core Policy 51- Landscape  
Core Policy 57- Ensuring high quality design and place shaping  
Core Policy 62- Development impacts on the transport network  
Core Policy 67- Flood Risk  
Appendix D  
Appendix E  
Appendix G

Saved Policies of the North Wiltshire Local Plan:

NE18- Noise and Pollution  
T5- Safeguarding  
H4- Residential development in the open countryside  
CF2- Leisure facilities and open space  
CF3- Provisions of open space

National Planning Policy Framework 2012:

Achieving sustainable development – Core Planning Principles (Paragraphs 7 14 & 17)  
Chapter 1- Building a strong, competitive economy (Paragraphs 18 & 19)  
Chapter 6- Delivering a wide choice of high quality homes (Paragraphs 47, 49, 50 & 55)  
Chapter 7- Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64) Chapter 8- Promoting healthy communities (Paragraph 75)  
Chapter 11- Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)

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

Calne Town Council- Resolved to decline this application due to the lack of parking for residents and lack of public open space. It was felt this was an over development of the site

Calne Town Council (additional comments)- This application was brought back to allow members to consider the proposal in relation to the Core Strategy. A discussion took place about the application, background and history of the current properties on the site.

It was agreed to add the following comment to the application

The reasons for not supporting the application for 17/07485/FUL is that it does not meet Core policy 1.3 - "Protecting and Planning for the enhancement of the natural, historic and built environments, including maintaining, enhancing and expanding the network of green infrastructure to support the health and wellbeing of communities"

Drainage- No objection subject to conditions

Wessex Water- No objection

Open Space- No comments received

Primary Education- The development generates a need for 3 primary places. Priestley Primary School is already set to be heavily over -subscribed.

In view of the high level of demand for primary places in Calne, we would normally require a developer contribution by S106 towards funding the 3 places that the proposed development generates a need for.

However, this is a small development with a commensurately small pupil product. In view of the S106 pooling restrictions imposed by CIL regulations, we will not be seeking a developer contribution towards the expansion of primary places for Calne, here.

Secondary Education- The John Bentley School is able to accommodate the additional pupils within current capacity and forecasts without the need for expansion. As a result, no secondary infrastructure requirement applies to this application.

Housing- No objection subject to the provision of affordable housing (3 x 2 bed 4 person affordable rented houses & 1 x 2 bed 4 person shared ownership house).

Tree Officer- Content of the content of the Arboricultural Survey, Impact Assessment, Protection Plan and Method Statement prepared by Barton Hyett dated 10.05.2017 noted.

The report highlights that eight trees have already been removed from site since the original tree survey was carried out. One more tree (T3 Ash) is highlighted for removal with the retention of three trees T2 (Ash), T4 (Lime) and T5 (Lime). Mitigated planting is proposed for the loss of these trees. The report and plan do indicate 11 replacement trees will be planted.

No foundations are anticipated within the RPAs of retained trees, although a small offset is likely to be required in location of tree protection barriers to enable the construction of Plot 9. This offset is minor and at the periphery of the RPA of T2. It is not considered that this encroachment is likely to result in any significant harm to the retained tree.

Public Protection- Whilst the findings reassure the LPA that there will not be any apparent AQ detriment through this development; officers are still keen to see new development make a contribution to the reduction of oxides of nitrogen in the locality. This is supported within the EPUK/LAQM guidance where it states ***“Even where the effect is judged to be insignificant, consideration should be given to the application of good design and good practice measures”*** and this is also quoted within the submitted AQA report.

It is noted that the location of parking spaces does not favour the installation of EV points at this development, has confirmed that the installation of one EV will be undertaken. They will also consider the possibility of infrastructure in the form of a wire in the ground approach or consumer units/boards at dwellings that will support the future use of EV. This is a positive step and the outcome would need to be submitted to the LPA for approval prior to the commencement of development. Subject to the provision of at least one EV point no objection is raised.

Landscape- No objection

Highway Engineer – No objection subject to conditions (see “highway issues” section below).

## **8. Publicity**

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

The application has generated 27 letters of objection and 0 letters of support. A summary of these comments is set out below:

- Lack of privacy
- Reduction in public open space
- Overbearing impact of the development
- a three story building which will allow the occupants to overlook new and existing properties,
- The proposed development of this area fails to show parking for existing residents
- Since Green Square has taken away the use of the garages, parking for all residents has become an absolute nightmare.
- natural light to properties will be lost
- flats need improvement/replacing but the idea that so many house will fit into the space without any problems is unfounded.
- The lack of green space in the proposals
- Too many units proposed - overdevelopment of the site
- Extra traffic a problem
- Emergency vehicles may struggle to get to the site
- Proposal fails all three threads of sustainable development as set out in the NPPF
- Proposal also conflicts with the PPG and Core Strategy
- Proposal is in conflict with the draft neighbourhood plan
- Insufficient school places
- No GPs or other local facilities for the new residents
- Many people have been evicted from the garages proposed for demolition
- Loss of wildlife
- Poor Layout and high density

A petition requesting the applicant to withdraw the application was also received by the Council, this contained 64 signatures from 37 individual properties. The signatories consider the current application to be overdevelopment of the site, would result in the loss of green space and loss of parking for local residents.

## **9. Planning Considerations**

### Principle of development

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

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

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Plan saved in the WCS, forms the relevant development plan for the Calne Community Area.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight.

The site is located within the urban area of Calne therefore the principle of residential development in this location is acceptable subject to the suitability of the highways matters, layout, landscaping, appearance and scale of the development.

#### Stopping up of the Highway

To provide some of the additional parking spaces it will be necessary for the applicant to request for the stopping up some of the highway. The submitted drawings clearly show some of the land for the additional parking to be beyond the red outline of the application site.

This matter will be controlled by condition and it will be necessary for this action to be undertaken prior to the commencement of development. The development does not therefore conflict with CP61 or CP63 of the Core Strategy or the NPPF.

#### Drainage

The Council's drainage team originally objected to the proposed drainage solution. Additional information has been provided by the applicant and these have overcome the council's concerns. Subject to conditions officers are satisfied that the development will not have an adverse impact on drainage within the locality and is therefore in accordance with the NPPF and CP67 of the Core Strategy.

#### Highway matters

The applicant has confirmed that there is no legal or planning tie between the garages and neighbouring properties. The garages have been let on agreement, which have all been served notice on and keys returned. The applicant stated:

“A total of 28 notices were served; of the other 8 garages, 5 were vacant (but available to rent at any time – there was no reason for vacancy other than lack of interest) and 3 were tied with individual flats which came to an end when those tenancies were ended and the tenants relocated. Of the 28 notices served 1 was associated with a flat within 49-60 WS, 13 separate households from the vicinity of the site were served notice for 14 garages and 13 for households located further afield.”

Whilst no precise information has been supplied as their internal dimensions, the Council's Highway Engineer is of the opinion that the garages are likely small and to be used for storage. Such assumptions about size and use are realistic given the garages' age and arrangement.

The Council's Highway Engineer confirms that car parking for proposal satisfies the Wiltshire Parking strategy. Two spaces per unit (48 spaces) Plus 4 spaces. There are other Greensquare and highway car parking spaces available in the locality. In the 'North' area - Currently, there are 11 approximately allocated spaces, whilst proposed 7 unallocated spaces 'Greensquare spaces' will be allocated and 3 visitor spaces. In the 'South' area - Currently there are 11 highway spaces, 3 Westlea. Whilst all spaces are being retained, but

5 being re allocated. In their comments, the Council's Highway Engineer confirms that, in his opinion, the 5 Wiltshire Council controlled spaces can be gifted to Greensquare on the condition, that they space remain available for public use only. There is no reason to disagreed with their conclusions.

Whilst it is apparent that the proposal will result in a loss of the opportunity for a small number of vehicles to park on the Public Highway in sections of Woodroffe Square north and south, parking on the Public Highway is not a right. Due to the layout, the car parking will result in the loss of the opportunity for 2-3 cars at the north and south to casually park on the highway. The Council's Highway Engineer considers it a reasonable compromise that 3 more car parking spaces could be provided in front of the flats (16 to 24). Suitably worded planning conditions can adequately control this situation.

Given the compliance with car parking standards, re-allocation of the off street car parking and the legal/ planning situation with the garages, and based upon the Council's Highway Engineer's conclusions, it is not considered that there are significant highway grounds to object to the proposals on highways grounds – a conclusion which is reached with particular regard to NPPF paragraph 32, which states that development should only be prevented or refused on transport grounds where the residual impacts of development are severe. Whilst the proposal would be likely to increase on-street parking by a moderate amount, it is not considered that those residual impacts of this would be severe

It is evident that the development / car parking provision will be reliant on the stopping up of the Public Highway. This will need to take place under section 247 of the Town and Country Planning Act, prior to any development taking place. This should be conditioned. It is important to note that there are no guarantees of successful completion of this process due to issues whether it is appropriate for highways to stop-up (ie. utilities within the public highway). The applicant will need to demonstrate that they own the sub-soil, the land can only revert to the original owner.

#### Impact on Residential Amenity

The layout of the development is fixed and a full assessment relating to impact on residential amenity of adjoining properties can therefore be undertaken.

Taking into consideration the existing character of the area and other surrounding residential developments it is considered that the proposal will not have a significant adverse impact on the residential amenities of adjoining properties in terms of loss of sunlight daylight or privacy.

It is acknowledged that there will be an impact on some properties' outlook but the separation between existing and proposed dwellings) would be sufficient to ensure that there will not be a conflict with CP57 (vii) and the NPPF and will not be overbearing. Furthermore there is already mutual overlooking of many of the properties and it is considered that the proposal will not result in any greater harm than the current situation.

It is acknowledged that a large block of flats is to be located within the central part of the site and this building is higher than the surrounding properties. Taking into consideration the existing mutual overlooking of properties within the street and the separation between the block of flats and the nearest residential properties it is considered that the proposal will not be over bearing or result in an wholly inadequate level of privacy such that development ought to be refused on this basis. The development is therefore considered to confirm with CP57 (vii) of the Core Strategy.

### Character and appearance of the area

It is acknowledged that the density of development is far greater than the existing situation. However, the density and the average plot size of the new units is far greater than the character of the existing surrounding properties. It is therefore considered that the proposal will not be on conflict with CP57 (i & vi) as it preserves the character and appearance of the street scene and makes efficient use of the site in accord with the requirements of the policy.

Though the dwellings would be of a slightly different design and appearance to the existing street and the buildings they replace, the proposed dwellings would be of traditional proportions both vertically and horizontally and their fenestration would have a strong vertical emphasis. At second floor level this would include windows, which would be consistent with the modest sized windows on other properties within the locality. Similarly, the proposed pitched roofs would pick up on the design characteristics within varied designs of the surrounding locality. Furthermore, the proposal is similar in design and style to the properties recently approved and constructed at a former garage court off Abberd Way and it is considered that the proposal would be high quality and therefore in accordance with CP57.

Overall the proposed dwellings would respect the topography of the street, the character of the area, and would improve the visual character of the area. In this instance the scheme is considered to be high quality. It is considered that the design and materials proposed responds to local character and reflects the identity of local surroundings.

Provided the development is constructed in accordance with the approved plans it would make a positive contribution to the character and appearance of the Area including long distance views. This enhancement is a positive aspect of the development, this is a matter that weighs in favour of the development and it is considered that the development would comply with the National Planning Policy Framework and Core Strategy policy CP57.

It is acknowledged that the loss of this green area is not ideal and the proposal does not seek to provide any additional public open space. The loss of this green area would result in minor adverse visual effects, particularly for nearby residents and people using public footpaths. To this extent the proposal would have minor harm but this is not considered to be significant enough to warrant a reason for refusal, particularly in the context of the benefits of development.

It is also necessary to acknowledge that the development would be CIL liable. CIL receipts received by the Town Council can be used to provide additional public open space or to improve the quality of existing space.

The NPPF indicates that good design is fundamental to using land efficiently. For the reasons set out above the development is considered to be acceptable and to accord with Core Policy CP57 and CP51.

### Amenity Space

Concerns have been raised by local residents with regards to the level of private amenity space for the proposed dwellings.

Furthermore, there is no national or local requirement for minimum garden sizes, the rear garden areas of the proposed development is, considered to be acceptable and in accordance with CP57 of the CS.



## 10. Conclusion

The application site is located within the urban area of Calne and sustainably located in relation to Calne's facilities, local services and employment opportunities. It is considered that the scheme will have an overall minor adverse landscape impact due to the loss of some green areas of land which is a matter that weighs against the proposal.

Taken in the context of the presumption in favour of sustainable development and the fact that this is not a designated or important landscape as defined by the NPPF and WCS and in terms of the planning balance, however, these considerations are outweighed by the benefits of development, which include, the delivery of housing and affordable housing, improvement in the visual appearance of the area. All other matters have been sufficiently addressed, with technical details capable of resolution by planning condition. On balance, therefore, it is considered that the proposal is acceptable in planning terms and in accordance with the Core Strategy and NPPF.

## RECOMMENDATION

Delegate authority to the Head of Development Management to **GRANT** planning permission, subject to conditions and completion of a S106 legal agreement within three months of the date of the resolution of this Committee.

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

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing is therefore contrary to Policies CP3 and CP43 of the Wiltshire Core Strategy Adopted January 2015

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

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

- 2 No part of the development shall be occupied until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

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

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

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

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

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

- 5 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

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

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

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

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

REASON: To ensure the protection of trees and in the interests of the amenity of the area.

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

REASON: In the interests of highway safety.

7 No development shall take place until details of 3 additional car parking spaces in front of flats 16-24 have been provided. Details of those parking spaces shall have been submitted to, and approved in writing by, the Local Planning Authority beforehand. No part of the development shall be occupied until the car parking spaces have been provided in accordance with the approved details. This bay(s) shall be kept clear of obstructions and available for the car parking of vehicles (visitor spaces) at all times thereafter.

REASON: To enable vehicles to satisfactory car parking provision.

8 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

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

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

REASON: In the interests of highway safety.

10 No development shall commence on site until details of the Stopping up of the public highway/ re-allocation of car parking provision, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details prior to the commencement of the development.

REASON: In the interests of highway safety.

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

REASON: In the interests of residential amenity/privacy and to ensure that there is sufficient offstreet parking.

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

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

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

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

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

To be advised.

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

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) hours of construction, including deliveries;

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

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

**INFORMATIVE TO APPLICANT:**

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

**INFORMATIVE TO APPLICANT:**

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

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

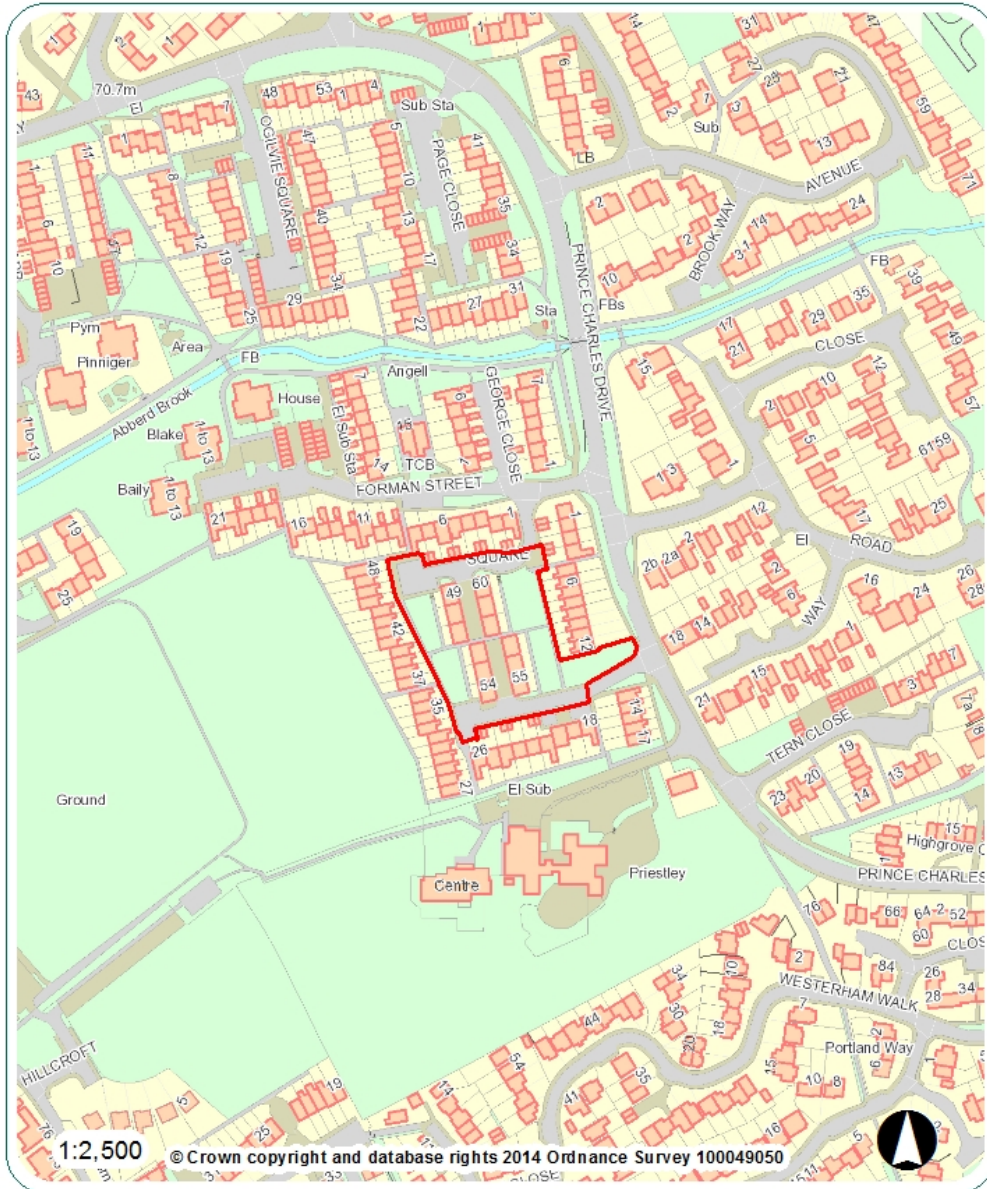
**INFORMATIVE TO APPLICANT:**

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

**INFORMATIVE TO APPLICANT:**

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

17/07485/FUL  
Flats 49 to 60  
Woodroffe Square  
Calne  
SN11 8PW



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