

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 19 September 2018
Time: 3.00 pm

Please direct any enquiries on this Agenda to Jessica Croman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718262 or email jessica.croman@wiltshire.gov.uk

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Membership:

Cllr Christopher Newbury (Chairman)	Cllr Peter Fuller
Cllr Jonathon Seed (Vice-Chairman)	Cllr Sarah Gibson
Cllr Phil Alford	Cllr Edward Kirk
Cllr Trevor Carbin	Cllr Stewart Palmen
Cllr Ernie Clark	Cllr Pip Ridout
Cllr Andrew Davis	

Substitutes:

Cllr David Halik	Cllr Jim Lynch
Cllr Deborah Halik	Cllr Steve Oldrieve
Cllr Russell Hawker	Cllr Roy While
Cllr George Jeans	Cllr Jerry Wickham
Cllr David Jenkins	Cllr Graham Wright
Cllr Gordon King	

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Public Participation

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

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

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

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

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 32*)

To approve and sign as a correct record the minutes of the meeting held on 27 July 2018.

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 **(4 clear working days, e.g. Wednesday of week before a Wednesday meeting)** 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 **(2 clear working days, eg Friday of week before a Wednesday meeting)**. 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 33 - 34)*

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

7 **18/04602/FUL: Trowbridge Retail Park, 235 Bradley Road, Trowbridge, BA14 0RQ** *(Pages 35 - 58)*

Proposed Coffee Shop unit with external seating area, and associated alterations to car parking and landscaping

8 **National Planning Policy Framework July 2018** *(Pages 59 - 64)*

To draw members' attention to the Councillors Briefing Note on the revisions to the NPPF

9 **Urgent Items**

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

Part II

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 25 JULY 2018 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice-Chairman), Cllr Phil Alford, Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen and Cllr Pip Ridout

Also Present:

Cllr Tony Jackson, Cllr Johnny Kidney

35 Apologies

There were no apologies for absence.

36 Minutes of the Previous Meeting

The minutes of the meeting held on 27 June 2018 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 27 June 2018.

37 Declarations of Interest

There were no declarations of interest.

38 Chairman's Announcements

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an emergency.

39 Public Participation

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

40 **Planning Appeals and Updates**

Public Speaker

Francis Morland spoke on the appeals report

The Planning Appeals Update Report for 15/06/2018 and 13/07/2018 was received.

Resolved:

To note the Planning Appeals Update Report for 15/06/2018 and 13/07/2018.

41 **Planning Applications**

With the agreement of the Chairman, and before the planning applications which required committee determination had been presented, Kenny Green, as Development Management Team Leader, informed the committee that the new National Planning Policy Framework (NPPF) had been published the previous day (i.e. 24 July) and that it took immediate effect. The committee was informed that the published committee reports and recommendations (as set out below) had been re-appraised and that the published recommendations remain unchanged. The committee was furthermore informed that following the individual case officer's verbal and visual presentations for each application and agenda item, Mr Green would provide members with a detailed outline of the NPPF changes. The committee was informed that every published paragraph reference to the now redacted NPPF had been superseded. Members were also informed that some of the material changes comprised a 'lift and shift' revision with the paragraph numbering being changed with the policy direction and emphasis remaining the same. Where there was a material revision to the policy direction, the committee was informed immediately after the case officer has completed their presentation.

The Committee considered the following applications:

42 **17-12348-OUT - Land East of Damask Way Warminster**

Public Participation

Andrew Rushton spoke in objection to the application

Adrian Bailey spoke in objection to the application

Mark Reynolds spoke in objection to the application

Ian Mellor spoke in support of the application

Paul Greatwood spoke in support of the application

Matt Williams spoke in support of the application

Steve Sims, as Senior Planning Officer, introduced the report which recommended that outline planning permission be granted subject to a s106 legal agreement for up to 28 dwellings on land to the east of Damask Way with all matters reserved except for the vehicular means of access (with a new access being proposed off Upper Marsh Road).

A site visit had been undertaken by Committee Members on the 23 July in accordance with the deferment resolution made at the previous meeting on 25 June 2018. The officer's report and presentation reflected upon the committee site visit and clarified that the application site comprised approximately 0.7ha of agricultural grade 3a land with the remainder of the 2.23ha site being 3b land. The officer informed the committee that the published report set out with the aid of an overlay map (produced by officers) the location and extent of the site graded as 3a and 3b land. The committee was also informed that the published report responded to the other deferment reason through providing more detail pursuant to the 2007 refused application nearby at No.2 Henford Close.

It was noted that seven late representations had been received in objection to the application however they did not raise new or additional matters that was not set out within the published report. It was however clarified that the reference made within the report to a residential address referred to as number 5 was actually number 75. The no. 5 reference was understood to be a plot number.

Key issues included; the principle of development, the impact on the character and appearance of the area, the impact on the amenity of neighbouring residents, highway issues, ecology issues, the impact on heritage assets (in this case a nearby listed building), drainage issues and necessary planning obligations.

Following the officer presentation, Kenny Green, referenced the following changes to the NPPF and the implications relevant to the application:

- Paragraphs 14, 186 and 187 which previously set out the need for LPAs to approach decision making in a positive way and look for solutions and approve applications in sustainable locations and satisfy economic, social and environment sustainable development objectives had been retained but renumbered and set out essentially within paragraphs 11 and 38. Under paragraph 38, LPAs were still encouraged to approach decision making in a positive and creative manner.
- Paragraphs 39-46 of the new NPPF set out the policy support in terms of encouraging pre-application and officer/developer negotiations in pursuit of delivering the best possible development outcomes; which had been followed in this particular case.
- In direct reference to the emerging Wiltshire Housing Sites Allocation Plan it was noted that: Paragraph 216 of the 2012 version of the NPPF had been replaced by paragraph 48. The committee was informed that the essential direction remained the same in that where an emerging

plan was being prepared, like the WHSAP, decision makers 'may' give weight to the emerging plan and its policies according to the stage it had reached in its preparation – i.e. the more advanced it is, the greater the weight that can be applied. Members were advised that with respect to the emerging WHSAP it still had to be sent to the Secretary of State to appoint a planning inspector to schedule an examination and with respect to paragraph 48 sub-section a), it could not be considered as being advanced enough to be afforded significant weight.

Members were advised that this was furthermore supported by the second criterion sub-section b) as set out within paragraph 48 which stated that the extent to which there are unresolved objections to relevant policies should inform the level of weight to be afforded to an emerging plan. Members of the committee were informed that there were unresolved material objections to the emerging WHSAP which required an appointed inspector to dutifully review and decide what to examine. The committee was advised that the examination process could take 6 months or more and that it was appropriate to only apply limited weight to the emerging WHSAP and that full weight should be given to the adopted Wiltshire Core Strategy and the development plan framework which included the made Warminster Neighbourhood Plan and the NPPF with special attention given to paragraphs 2 and 47.

- In reference to the natural environment, the committee was advised that: former NPPF paragraphs 109-125 had been replaced by paragraphs 170-183, which set out the new direction on conserving and enhancing the natural environment and identify net gains or betterment. The officer report had been re-appraised and remained policy compliant with the proposed illustrative scheme including mitigation to deliver ecological betterment on the site through additional landscaping, tree planting and providing new habitat opportunities.
- The policy direction on preventing significant loss of the best and most versatile agricultural land was now set out within paragraphs 170, 172 and footnote 53 on page 49 and Annex 2 Glossary of the new NPPF. The Committee was informed that 0.7 hectares of the application site (2.2 hectares total) was 3a agricultural land which was not considered 'significant'. With the aid of the published overlay plan, the committee was informed that the existing Damask Way residential development had already encroached over the majority of the 3a land in this part of the settlement and that losing a further 0.7 hectares would be outweighed as part of the planning balance when factoring in the delivery of new housing to include 8 affordable homes.
- In reference to conserving heritage assets it was noted that the new NPPF retained the statutory test of appraising the significance of any heritage asset affected by a development and to confirm the level of impact, as previously set out within paragraphs 128-141, with the new national policy direction set out within paragraphs 184-202.

- The committee was informed that paragraph 196 of the new Framework set out the need to weigh up the public benefits against an identified 'less than substantial level' of harm to the wider setting of the nearby listed building, and as reported within the published committee agenda, officers maintain that the public benefits would outweigh the identified harm in this case.
- In reference to drainage, it was noted that paragraph 103 had been replaced by paragraphs 155, 157 and 163 however there was no need to revise the appraisal set out within the published report.
- In reference to highway matters, members were informed that paragraph 32 had been replaced by paragraph 109 which now set out that "development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- The committee was advised that the application had been re-appraised in light of the above and that the published recommendation remained unchanged.
- Members were also informed that Chris Manns, a highway engineer representing the local highway authority, was present at the meeting and would be available to answer any technical related highway questions from members of the committee.

Members of the Committee then had the opportunity to ask technical questions of the officer with details sought on: whether the loss of the 3a agricultural land area would be significant enough to justify a refusal decision; whether the developer could increase the number of houses under a follow up application; concerns and queries were raised direct to the highway officer about whether two lorries could pass each other safely at the revised access (which is a detailed matter as part of the consideration of the application) and about pedestrian safety along the new access, the positioning of drains; and, questions were raised as to whether the access and road gradient would work; how the emergency access would be maintained during construction; whether the developer owned the emergency access; and separately through questioning the case officer again questions were asked about whether a bat survey had been carried out and habitat regulation implications; and, whether the neighbourhood plan allocated the site for development.

In response to the technical questions, officers informed the committee that: the 3a agricultural land was not considered a significant enough parcel of land to justify a refusal of planning permission. If the applicant or prospective developer wished to go beyond the terms of any approved outline consent, a fresh application would be required. The committee was informed that any such proposal could not be submitted under a reserved matters submission.

In response to the highway related questions, the highways officer confirmed that the access road would be wide enough to allow two lorries to pass each

other and that there would be a 2m refuge strip which did not have to be tarmac and could be a shared road. The field drains would need to be moved back to the edge of the carriageway and an assurance was given that the road widening and gradients could work although it was acknowledged that it may not be possible for the existing emergency access to be available during the construction of the new access for safety reasons, although a detailed schedule of the work plans would set out the timeframe for any disruption.

Officers continued to advise the committee that the Council's senior ecologist after assessing the site proposals, was of the view that there was no evidence that any protected species were on site and that a bat survey was not necessary. The Committee was informed that in relation to nutrient management, the Council had entered into a memorandum of understanding with the Environment Agency, Wessex Water, Natural England and neighbouring local authorities to have a consistent approach to managing phosphate levels and that a condition is recommended by officers to limit the amount of water usage for each occupant residing in each dwelling per day as set out within condition no. 20.

It was also confirmed that the developer did not own the emergency access although the necessary notification and certificates had been completed for the application and that officers had received no representation from the landowner of the emergency access stating any opposition to it being re-engineered, as proposed, to accommodate this new development.

The committee was furthermore advised that the Warminster Neighbourhood Plan did not allocate any residential sites for development and nor did it seek to secure the site as a local green space, unlike other parts of the town.

Members of the public, as detailed above, had the opportunity to speak on the application.

Local member, Councillor Tony Jackson, spoke in objection to the application highlighting key concerns relating to the exit route for cyclists being too narrow to be adopted and developed further and moreover, Cllr Jackson referenced previous highway advice provided at the time of the original outline development in circa 2012 that there would be no future development potential on this site due to a lack of safe and adequate pedestrian and cyclist infrastructure and street lighting.

A motion to refuse the application was moved by Councillor Andrew Davis and seconded by Councillor Pip Ridout referencing 8 reasons for refusal comprising the following:

1. That the development would prejudice the emerging housing policy set out within the draft Wiltshire Housing Sites Allocation Plan (WHSAP) which inter alia seeks to remove the application site from the settlement limits; and the development is premature contrary to NPPF paragraph 216.

Mr Green's response: The committee was advised that this reason for refusal was flawed and that the emerging WHSAP could only be given limited weight explaining the stage the emerging plan had reached and the fact that there were material unresolved objections and that the application proposal was not considered to be premature. The Committee was also informed that the NPPF paragraph in the cited refusal reason was wrong and due regard must instead be given to paragraph 48 of the new Framework.

2. That the major development with its heavily engineered access road and associated engineering operations would be in a prominent, elevated countryside location and would fail to conserve the rural landscape character contrary to WCS CP51 and NPPF paragraph 109.

Mr Green's response: The committee was advised that the NPPF cited paragraph was wrong and should instead read as para 170 of the new Framework.

3. That the major development would result in the significant loss of the best and most versatile agricultural land contrary to paragraph 112 of the NPPF and NPPG (sic) and moreover, the need for the development had not been evidenced and the application failed to consider the economic and other benefits of retaining the land in agricultural use or consider alternative sites of lower grade agricultural land.

Mr Green's response: The committee was advised that the 0.7 hectare extent of 3a land (which is acknowledged as being the best and most versatile land along with grade 1 and 2 land) is not considered by officers to equate to a 'significant' loss to warrant a refusal. The committee was also informed that the referenced NPPF paragraph in the motion to refuse was also flawed since it referred to the redacted NPPF and should instead refer to paragraph 170.

4. The proposed intensification of vehicular, cyclist and pedestrian movements along Upper Marsh Road and Smallbrook Road would result in a severe threat to highway safety of all road users along these sub-standard routes contrary to WCS CP61 and NPPF paragraph 32.

Mr Green's response: The committee was advised what paragraph 109 of the new Framework set out in terms the government policy direction relating to developments being prevented or refused on highway grounds.

5. The proposed development would harmfully encroach upon and lead to a domestication of the setting of the grade II* Turnpike Cottage resulting in less than substantial harm to the heritage asset. The public benefits of the scheme would not outweigh the identified harm contrary to WCS CP58 and NPPF paragraphs 132 and 134.

Mr Green's response: The committee was informed that the referenced listed building was not grade II*, but instead grade II; and that the wrong NPPF paragraphs are referenced and that paragraph 196 of the 2018 Framework was relevant. Members were also advised of the public benefits officers had identified that would outweigh the less than substantial harm to the wider setting of the referenced local listed building.

6. The proposed development failed to include a bat survey and there was inadequate information provided to determine whether the development would result in harm to European protected species contrary to WCS CP50 and NPPF paragraphs 117 and 119.

Mr Green's response: The committee was informed that the application had been appraised by the Council's ecologist and the published committee report set out the ecology issues which in relation to bats, it is acknowledged that the site is likely to have good potential for foraging bats, however it is reported that the site fell outside the consultation areas for Annex II bats but is located on the potential flight route for the Bath and Bradford on Avon Bats SAC and the Chilmark Quarries Bats SAC. After a careful review of the submission no bat survey was deemed necessary. The committee was also informed that the referenced NPPF paragraphs in the cited reason for refusal was again wrong and should refer to paragraphs 175-177.

7. The proposed development fails to provide adequate information to undertake a Habitats Regulation Assessment in respect of the impact it would have on phosphate levels in the River Avon SAC and SSSI and that the application should be refused as a precautionary approach since the development conflicts with WCS CP69 and NPPF paragraphs 117, 119 and 199.

Mr Green's response: The committee was informed that a habitat regulations assessment (HRA) had been carried out as part of the detailed multipartite engagement to manage phosphate levels entering the River Avon SAC and SSSI; and, that the report set out in detail the ecologist's appraisal and the necessity to have mitigation in the form of a planning condition to restrict the amount of water being used per person per day in each dwelling imposing the maximum standards set by Building regulations; and, in relation to the Salisbury Plain SPA, the HRA and Mitigation Strategy had been recently reviewed and the report set out officer advice. The wrong NPPF paragraphs are again referenced and should refer to paras 175-177.

8. The proposed development would result in a net loss of biodiversity contrary to the requirement for major development to deliver an increase in biodiversity and is thus contrary to WCS CP50.

Mr Green's response: The committee was informed that the application although in outline was supported by an illustrative masterplan which

included provision for new landscaping, densely planted buffers between potential new housing and the site boundaries which were mostly already heavily treed; and, in addition, the proposal had the capability of delivering net biodiversity gains through the planting of native species, improving boundary connectivity and delivering new habitats.

A debate and vote followed whereby the motion was lost.

A motion to move the officers' recommendation was then moved by Councillor Peter Fuller and seconded by Councillor Stewart Palmen.

A debate followed with the key points focusing on: whether a condition could be added to restrict the number of dwellings and condition 22 should be re-worded to correct the typographical error replacing the word 'stab' with slab.

At the end of the debate it was;

Resolved

To delegate authority to the Head of Development Management to grant outline planning permission subject to the planning conditions and informatives listed below following the completion of a legal agreement to enshrine the developer obligations under s106 of the Town and Country Planning Act 1990 as summarised within section 10 of the report.

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

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

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

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

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and

Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

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

Site Location Plan scale 1:2500 dwg no. 07179 – 12 rev C

Indicative Site Layout scale 1:500 dwg no. 07179 – 10 rev U

Site Access Arrangement and Preliminary Levels scale 1:200 dwg no. 006 rev D

Off-Site Improvement Works scale 1:250 dwg no. 007 rev A

Proposed Site Access and Off-Site Improvement Works scale 1:500 dwg no. 009

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

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

6. No development shall commence on site until a scheme for the discharge of foul water from the site, including any required offsite capacity improvements to existing sewer system to provide capacity to serve the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: 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.

7. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, cycle parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, cycle parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

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

8. No development shall commence on site until full details of the access, including drainage and retaining works, have been submitted to and approved in writing by the local planning authority. The junction shall be completed in accordance with the approved details prior to the occupation of any dwelling within the site.

REASON: To ensure the access is laid out and constructed in a satisfactory manner, in the interests of highway safety.

9. No development shall commence on site until full engineering details of the proposed highway works, forming mainly of carriageway widening and retaining works, all as generally identified on drawing No. IMA-17-167-007-A (Off-Site Improvement Works), have been submitted to and approved by the Local Planning Authority. No development shall commence on site until the highway works have been constructed in full accordance with the approved details.

REASON: In the interests of highway safety.

10. No development shall commence on site until full details of the tie-in between the existing emergency access link and the proposed access road has been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to the occupation of any dwelling within the site.

REASON: To ensure the access is laid out and constructed in a satisfactory manner, in the interests of highway safety.

11. No development shall commence on site until full details of the proposed pedestrian/cycle link between the existing emergency access link and the proposed access road has been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to the occupation of any dwelling within the site.

REASON: To ensure that an adequate pedestrian/ cycle route is provided, in the interests of highway safety.

12. No development shall commence on site until full details of the upgrading of footpath WARM53 has been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to the occupation of any dwelling.

REASON: To ensure that an adequate pedestrian/cycle route is provided and in the interests of highway safety.

13. No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

14. The gradient of the access shall not at any point be steeper than 1 in 30 (3.33%) for a distance of 9m metres from its junction with Upper Marsh Road and 1 in 12.5 (8%) throughout the site thereafter.

REASON: In the interests of highway safety.

15. No development shall commence on site until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

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

- Means of access for construction vehicles;
- Number and frequency of construction vehicles;

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Measures for the protection of the natural environment;
- The location and use of generators and temporary site accommodation;
- Pile driving (if it is to be within 200m of residential properties);
- Months and hours of construction, including deliveries.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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

17. No dwelling shall first be occupied until a Residential Waste Minimisation and Waste Management Plan for that part of the site has been submitted to and approved in writing by the Local Planning Authority. The Residential Waste Minimisation and Waste Management Plan shall include details of the volume and type of waste to be generated; re-use of materials and proposals for on and off site recycling; storage of re-cycling and waste collection facilities; proposals for and implementation of waste reduction; and proposals for the review and updating of the Residential Waste Management Plan.

REASON: In the interests of sustainable development.

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

- a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species;
- b) Description and evaluation of features to be managed; including location(s) shown on a site map;
- c) Landscape and ecological trends and constraints on site that might influence management and how these will be dealt with;

- d) Aims and objectives of management;
- e) Appropriate management options for achieving aims and objectives;
- f) Prescriptions for management actions;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10-year period) detailing when planting will occur;
- h) Details of the body(ies) or organisation(s) responsible for implementation of the plan, including a specialist body/organisation/contractor with wildlife-related experience and/or qualifications to specifically manage the County Wildlife Site;
- i) Ongoing monitoring and remedial measures;
- j) Timeframe for reviewing the plan;
- k) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.

19. No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity protection zones'
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialists ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

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

20. The dwellings shall not be occupied until the Building Regulations Optional Requirement of a maximum water use of 110 litres per person per day has been complied with. Within 3 months of each phase being first occupied or brought into use, a post construction stage certificate certifying that this standard has been achieved shall be issued and submitted to the local planning authority for its written approval.

REASON: To ensure that the development does not contribute to the unfavourable condition of the River Avon SAC due to excessive discharge of phosphates from sewage treatment plants.

21. No development shall commence within the area indicated (proposed development site) until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and the approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

22. No part of the residential development hereby approved shall commence beyond slab level (following approval of the subsequent reserved matters) until detailed plans showing the type of external light appliances, the height and position of the fittings, the illumination levels and light spillage levels in accordance with the appropriate Environmental Zone standards as set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), have been submitted to and approved in writing by the Local Planning Authority. Where development potentially affects green corridors and wildlife habitat, lux plots shall be submitted for the Council's written approval. Thereafter, all approved lighting shall be installed and be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site as well as being fully mindful of the proximity to the AONB and special landscape areas.

INFORMATIVES

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [to be inserted following the sealing of a s106]

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

The applicant is advised of the need to submit plans, sections and specifications of the proposed retaining wall for the approval of the Highway Authority in accordance with Section 167 of the Highways Act 1980. (For information, this relates to retaining walls which are wholly or partly within 4 yards (3.65metres) of a street and which is at any point of a greater height than 4'6"(1.40 metres) above the level of the ground at the boundary of the street nearest that point.)

The applicant should note that under the terms of 'The New Roads and Street Works Act 1991', any person other than a Statutory Undertaker must obtain a licence to carry out excavation works within a street. Licences may be obtained by application from the relevant Area Co-ordinating Engineer at Wiltshire's Highway Authority; highwaysandstreetscene@wiltshire.gov.uk

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

It will be necessary for the applicant to enter into a Mini Section 278 / Section 278 Agreement with the Local Highway Authority to ensure that the works within the existing public highway can be completed to the full approval of the Highway Authority. This will include a Bond, Supervision Fee and Commuted sums for these highway works.

Sewerage Infrastructure:

The site is crossed by a 150mm public foul sewer. There must be no building within 3m either side of this sewer, no tree planting within 6m and ground levels along the line of the sewer shall be maintained.

The proposed site layout appears to conflict with the sewer easement. The developer should accurately plot the line of the sewer on site and on deposited plans and ensure that the easement zone for this sewer is observed and does not fall within private enclosed gardens. Soakaways must not be sited within the statutory easement.

The developer should contact the Wessex Water to agree procedures for working in proximity of the public sewers. It may be possible to divert sewers (satisfactory hydraulic conditions and network capacity must be maintained). Diversions of public apparatus are at the developer's cost and applications should be made as early as possible to our local development engineers development.north@wessexwater.co.uk Please refer to our guidance note DEV014G and our website <https://www.wessexwater.co.uk/Developers/Sewerage/Building-near-sewers/> for further guidance and contacts.

Foul Drainage:

The site shall be served by separate systems of drainage constructed to adoptable standards. A connection to the public foul network can be agreed in consultation with Wessex Water.

Where proposed site levels indicate that a gravity connection may not be possible, the applicant shall make provision within the development layout for a foul pumping station (SPS) with appropriate access arrangements and 15m buffer zone to nearest dwelling.

Wessex Water will adopt sewers under a S104 agreement subject to technical review of satisfactory engineering proposals. The developer should contact our local development engineer, development.north@wessexwater.co.uk to agree proposals and submit details for technical review prior to construction. For more information refer to Wessex Water's guidance notes 'DEV011G – Section 104 Sewer Adoption' and 'DEV016G - Sewer Connections'

Surface Water Drainage:

The FRA & Drainage Strategy (IMA March 2018) proposes Surface water discharge to be managed by SuDS with disposal utilising infiltration drainage. This will be subject to approval by the Lead Local Flood Authority with flood risk measures. A robust strategy for surface water disposal will be expected. Surface water connections to the foul sewer will

not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

Phosphate Loading Impacts on The River Wylfe:

We are aware that there are concerns regarding the increase in phosphate loadings from new development and the impact upon the receiving watercourse. We can advise that there are proposals to review sewage treatment consent limits, which will reduce phosphate levels with improvements programmed for 2021/22. Further measures are planned by the Wiltshire Council/Environment Agency/Natural England for Nutrient Management Plans that will address phosphate levels within the catchment.

Water Infrastructure:

A water supply can be made available from the local network with new water mains installed under a requisition arrangement. Point of connection will be reviewed upon receipt of a Section 41 Requisition Application. The applicant should consult the Wessex Water website for further information. www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the Council's PROW officer for further information and advice.

In terms of waste collection the applicant is advised the council will only operate on private land where an indemnity is signed by the landowner. The council will also require an indemnity to operate on any roads prior to their adoption.

The applicant is advised that the LPA has considered all the material planning considerations that are relevant for this application on the basis of the site being developed for up to 28 dwellings only. No inference should be taken that in endorsing this development in outline, that any additional housing beyond 28 (should it be proposed under a separate application) would be acceptable.

Recorded votes:

Councillor Pip Ridout – Against
Councillor Andrew Davis – Against
Councillor Edward Kirk – Against
Councillor Ernie Clark – Against

Absences

Councillor Jonathon Seed was absent from 15:30 to 16:41 and abstained from voting

**43 18-01969-FUL 25 - The Clovers, Hartley Farm, Winsley, Bradford on Avon
BA15 2JB**

There was a 10 minute break and the meeting resumed at 17:30.

Public Participation

Lesley Magnus spoke in objection to the application.

Andrew Mead spoke in objection to the application.

Verity Giles-Franklin, as planning officer, introduced the report which recommended that approval be granted for the regularisation of an area of hardstanding and formation of access as well as the change of use of agricultural land to equestrian use and proposed erection of a timber loose box / stable building.

A site visit had been undertaken by committee members ahead of the meeting in accordance with the deferment resolution made at the previous meeting on 25 June 2018. Officers referenced additional reported details contained within the published reports in their presentation.

The committee was also informed about an email from a local resident that had been sent to members on 24 July expressing concerns about the size and impact of the proposed development. The committee was informed that the email did not raise any new information or representation that was not already addressed within report.

The key issues were identified as; the principle of development, the impact on the green belt and special landscape area as well as the impacts on neighbouring amenity, flood risk and highway safety.

Following the officer presentation, Kenny Green, outlined the relevant NPPF changes and the implications for this application which comprised:

- The Impact on the Green Belt Appraisal: The committee was informed that the referenced NPPF paragraphs 87-89 within the published report had now been replaced by paragraphs 143-147. However the same policy direction was in place pursuant to what comprised inappropriate development in the green belt and the exceptions set out within paragraph 145.
- Paragraphs 133 and 134 of the new Framework set out the Green Belt objectives and para 133 and 145 set out the importance attached to preserving the openness of the green belt.
- Highways interests: The committee was again advised on the policy direction set out within paragraph 109 of the new Framework in relation to highway interests and safety.

- The committee was advised that the officers had re-appraised the application against the revised framework and that the published recommendation remained unchanged.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on: the purpose of the stables, whether any planning permission has been secured for the changes that had taken place on the site and about the increase of traffic.

Officers in response advised the committee that the stables were being proposed for personal horse use and that no permission had been sought previously for the unauthorised area of hardstanding or for the siting of the caravan and field shelters. Members were informed that with the exception of the area of hardstanding, no permission was required for the siting of the tourer caravan and the field shelters after they had been the subject of an enforcement investigation, they were considered to be chattels and exempt from requiring planning permission. The committee was informed that the highways authority had been asked about the level of traffic likely to be associated to the proposed private horse stabling compared to the existing use of the land as a smallholding used presently for grazing sheep; and the response given by the highway team was that there would be only a nominal increase in traffic volume.

Members of the public, as detailed above, then had the opportunity to speak on the application.

Local Member Councillor Johnny Kidney spoke in objection to the application highlighting key concerns about the inappropriate scale of the proposed stabling, the consequential impact it would have on the green belt and the development equating to a form of urban sprawl.

A motion to refuse application was moved by Councillor Edward Kirk and seconded by Councillor Phil Alford.

A debate followed where the key points focused on: the extent of the unauthorised development; and, the impacts on the green belt and its openness.

At the end of the debate it was;

Resolved

To unanimously refuse planning permission for the following reasons:

- 1. The proposed loose box/stable by reason of its size, bulk and siting in an isolated location detached from any permanent built form of development is found to be harmful to the Green Belt which would not preserve the openness of the Green Belt contrary to Paragraphs 144 and 145(b) of the 2018 National Planning Policy Framework. Furthermore, the proposed development would have a harmful impact on the special landscape area contrary to Saved Policy C3 and CP51 of the Wiltshire**

Core Strategy by virtue of introducing an isolated form of equestrian development in the open countryside which would conflict with saved Policy E10 of the West Wiltshire District Plan, 1st Alteration.

2. The proposal, which in part comprises an area of hardstanding extending to some 555 square metres and finished in loose stone material is considered disproportionate and unjustified for the purposes of keeping a small flock of sheep on the 0.88 hectare site and it represents harmful intentional unauthorised development which diminishes the openness of the greenbelt and falls foul of the Written Ministerial Statement released by the Government on 31 August 2015, published as a planning policy statement on green belt protection and intentional unauthorised development (thus making it a material planning consideration).

In addition to the refusal and mindful of the unauthorised development that formed part of the application, members instructed officers to inform the planning enforcement team to commence with enforcement proceedings.

Absences

Councillor Trevor Carbin left the meeting at 17:30.

44 17-11739-FUL - 120 Upper Westwood, Bradford on Avon BA15 2DP

Public Participation

Lisa Otterbarry spoke in objection to the application.

Diana Lindsey spoke in objection to the application.

Nigel Honer spoke in objection to the application.

Ann Ross spoke in support of the application.

Ewan Earle spoke in support of the application.

Don McGillivray spoke in support of the application.

Cllr John Bishop, Chairman Westwood Parish Council, spoke in objection to the application.

James Taylor, as Senior Planning Officer, introduced the report which recommended that approval be granted for a replacement dwelling.

The key considerations were identified as; the principle of the replacement dwelling, the impact on the green belt, the impact on the special landscape character of the AONB, the impact on the landscaping and trees subject to preservation orders, design and heritage, the impact on nature conservation and ecology interests, the impact on neighbouring amenity, the impact on highway safety, the provision of adequate water supplies and sewerage and surface water disposal.

Following the officer presentation, Kenny Green, informed the committee of the relevant changes made to the NPPF and the relevant implications pursuant to this application:

- The committee was informed that the new NPPF under paragraph 8 set out the direction given to LPAs to support growth and design innovation, as well as identifying the need to provide a range of house types that were well designed and fit for purpose.
- Paragraph 127 of the new Framework advised that decisions should not discourage appropriate innovation and innovative design detailing if there was no substantial harm.
- In terms of the Green Belt, paragraphs 143-147 were pertinent with paragraph 145 being particularly relevant in terms of setting out the exception allowances set out within the NPPF for new 'materially larger' replacement buildings.
- The committee was informed that paragraphs 133 and 134 set out the Green Belt objectives, and paragraph 145 in particular referenced the need to preserve the openness of the green belt.
- The committee was informed that the NPPF did not define what 'materially larger' meant and neither did the saved H20 policy taken from the former West Wiltshire District Plan 1st Alteration. The committee was advised that in the absence of any interpretation of its meaning, the task fell to the decision maker to make a planning judgement on whether a proposed replacement building constituted as being 'materially larger' on a case by case basis. Mr Green furthermore observed that the literal direction made by the government was not about preventing a larger replacement dwelling in principle, instead the policy direction required a judgement to be made on whether the replacement building is 'materially' larger; and that this required assessments to be done based on the comparable differences in terms of heights, footprint and volumes between the existing building and the proposed replacement building.
- In terms of the AONB: the committee was informed that paragraphs 170 and 172 were now relevant in terms of setting out the Framework safeguards.
- With respect to the natural landscape, the nearby ancient woodland and veteran trees, NPPF paragraph 175 and criterion c) was relevant now.
- The committee was advised that the officers had re-appraised the application against the revised framework and that the published recommendation remained unchanged.

Members of the Committee then had the opportunity to ask technical questions of the officer with further clarification sought on the term 'materially larger' and whether there would be any detrimental impacts on protected habitats, ancient woodland and veteran trees.

Officers advised that the 'materially larger' test was relative to size and not a visual assessment test; and, as set out within the report, officers concluded that the 17% footprint increase, the circa extra 1.5m ridge height and approximate 50% extra volume did not constitute as a 'materially larger' replacement dwelling. The committee was also informed that the subject property still benefitted from PD rights and as set out within the report, various additions and outbuildings could be built without the need for planning permission and this fall-back provision should be weighed up as part of the planning balance.

The committee was also informed that the Council's ecologist had assessed the site and application proposals and concluded that the development was acceptable subject to a planning condition securing the implementation of the recommendations set out within the updated bat survey dated June 2018.

The committee was also informed that through negotiation, the case officer had secured a clear buffer and separation between the replacement dwelling's footings and all neighbouring trees including the nearby veteran tree which merited an increased buffer as illustrated on the proposed site plan.

Members of the public, as detailed above, then had the opportunity to speak on the application.

Local Member Councillor Johnny Kidney spoke in objection to the application with the key concerns focusing on: local concerns, ecology impacts, the increased size of the replacement dwelling, the loss of accessible housing for the elderly and concerns about the impacts to the conservation area, AONB, habitats, ancient forests and trees.

A motion was moved by Councillor Jonathon Seed to grant planning permission in accordance with the officers recommendation, which was seconded by Councillor Sarah Gibson.

A debate followed where a member debate focused on removing permitted development rights and whether the development was 'materially larger'.

At the end of the debate it was;

Resolved:

To grant planning 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:

Dwg 627-S-02 dated 28/11/17; Dwg 627-S-01 dated 28/11/17; Dwg 627-P-01 D dated 27/03/18; Dwg 627-P-02 C dated 20/03/18; Dwg 627-P-03 C dated 21/03/18; Dwg 627-P-04 D dated 27/03/18; Dwg 627-P-05 B dated 21/03/18; Dwg 627-P-06 B dated 21/03/18; Dwg 627-P-07 B dated 21/03/18; 627-P-08 E dated 27/03/18; Dwg 627-P-09 E dated 21/03/18; Dwg 627-P-10 B dated 21/03/18

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

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

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

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

- location and current canopy spread of all existing trees and hedgerows on and adjacent to the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc); and
- At least 4 trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in

an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

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

6. All works shall be carried out in strict accordance with the hereby approved Arboricultural Report (ref 7268/2) by Wessex Tree Consultancy and dated March 2018 and the associated Tree Protection Plan (Dwg TPP.02) Wessex Tree Consultancy and dated March 2018.

REASON: In order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the protection of trees in the interests of visual amenity and biodiversity.

7. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the final scheme of hard and soft landscaping. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

8. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the public right of way, 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.

9. The access shall remain ungated.

REASON: In the interests of highway safety.

10. The development hereby permitted shall not be occupied until the hereby approved surface water drainage (as illustrated on plan drawing

627 P 08 E by Hetreed Ross Architects and dated 27/03/18) have been completed in accordance with the submitted and approved details.

REASON: In order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

11. The development hereby permitted shall not be occupied until the hereby approved sewage disposal works (as illustrated on plan drawing 627 P 08 E by Hetreed Ross Architects and dated 27/03/18) have been completed in accordance with the submitted and approved details.

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

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;

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

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

13. The proposed development shall be undertaken in accordance with the recommendations set out in Section 5 of the "Updated Bat Survey" by Seasons Ecology, dated June 2018 (reference SEB1547_04); and the hereby approved plans which detail the replacement and additional roosting habitat and external lighting.

REASON: To ensure appropriate mitigation, compensation and enhancement for protected species; and compliance with The Conservation of Habitats and Species Regulations 2017, the National Planning Policy Framework, the NERC Act 2006 and Core Policy 50 of the Wiltshire Core Strategy (adopted January 2015).

14. 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 Schedule 2, Part 1, Classes A-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.

PLANNING INFORMATIVES:

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.

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

Absences

Councillor Phil Alford left the meeting at 18:30

45 **Urgent Items**

The Members agreed that it would be useful for officers to provide a report on clarifying and defining what constituted as 'materially larger' in the context of paragraph 145 of the NPPF; and separately, the committee sought a member's briefing note on the new NPPF to be circulated as soon as possible.

(Duration of meeting: 3.00 - 7.30 pm)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, direct line 01225 718262, e-mail jessica.croman@wiltshire.gov.uk

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

Wiltshire Council
Western Area Planning Committee
19th September 2018

Planning Appeals Received between 13/07/2018 and 07/09/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
17/12124/VAR	Land at Church Road Heywood, Wiltshire BA13 4LP	HEYWOOD	Removal of condition 2 and variation of condition 3 of planning permission 16/06088/FUL to allowed continued use of the building and part of land for storage purposes	DEL	Written Representations	Refuse	26/07/2018	No
18/02366/FUL	98 Bradley Road Trowbridge, BA14 0RB	TROWBRIDGE	Proposed extension with external alterations to an existing building which has consent for Change of Use from a shop into a dwelling.	DEL	Written Representations	Refuse	25/07/2018	No

Planning Appeals Decided between 13/07/2018 and 07/09/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
17/06040/FUL	Land at Staverton Staverton, Trowbridge Wiltshire, BA14 6PB	STAVERTON	Change of use and extension of existing agricultural building to a dwellinghouse with residential curtilage and a new access.	DEL	Written Reps	Refuse	Dismissed	31/08/2018	None
17/06080/FUL	Magdalen Farm Rowden Lane Bradford on Avon Wiltshire, BA15 2AB	BRADFORD ON AVON	Retention of temporary log cabin approved under W/11/03319/FUL as a permanent workers dwelling	DEL	Written Reps	Refuse	Allowed with Conditions	03/08/2018	None

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	19 September 2018
Application Number	18/04602/FUL
Site Address	Trowbridge Retail Park, 235 Bradley Road, Trowbridge BA14 0RQ
Proposal	Proposed Coffee Shop unit with external seating area, and associated alterations to car parking and landscaping
Applicant	Threadneedle Property Unit Trust
Town/Parish Council	Trowbridge
Electoral Division	Trowbridge Drynham – Cllr Graham Payne
Grid Ref	385585 155976
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

The application has been called into committee at the request of Cllr Graham Payne for the elected members to consider the visual impact upon the surrounding area, the relationship to adjoining properties, car parking and environmental/highway impacts. Cllr Payne also identifies that there would be a loss of car parking in what is a very busy retail park and the loss of amenity to houses opposite the site by way of overwhelming the site landscaping.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposed development against the policies of the development plan and other material considerations and to consider the recommendation that planning permission should be granted subject to conditions.

2. Report Summary

The key issues in considering the applications are as follows:

- Principle of the development.
- Highways and parking
- Impact on character and appearance of the area.
- Residential amenity

Trowbridge Town Council objects to the proposed development for the reasons set out within section 7 of this report. Section 8 summarises the letters of representation the LPA has received which comprises 6 letters of objection and 2 expressing support.

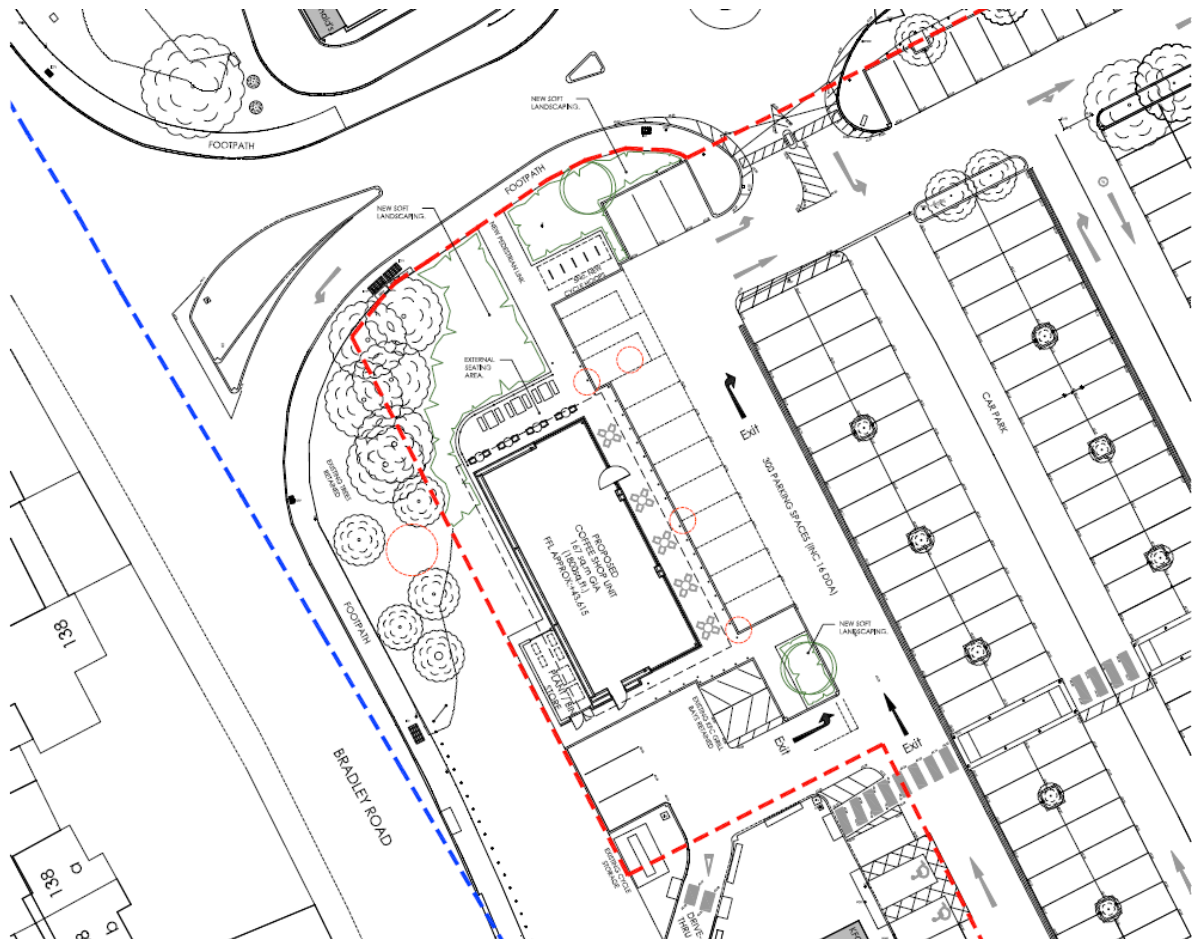
North Bradley Parish Council was also consulted for this application and they raised no objection.

3. Site Description

The application site forms part of the Trowbridge Retail Park which offers a wide retail offer and is located on the eastern side of Bradley Road (A363) – which is one the town’s main arterial routes into and out of the Town. Properties within the immediate/neighbouring area comprise A1 retail, A3 cafes and A5 take away as well as residential. The site is located about 1.5 miles from the town centre and the insert plans on the following page illustrates the site location.



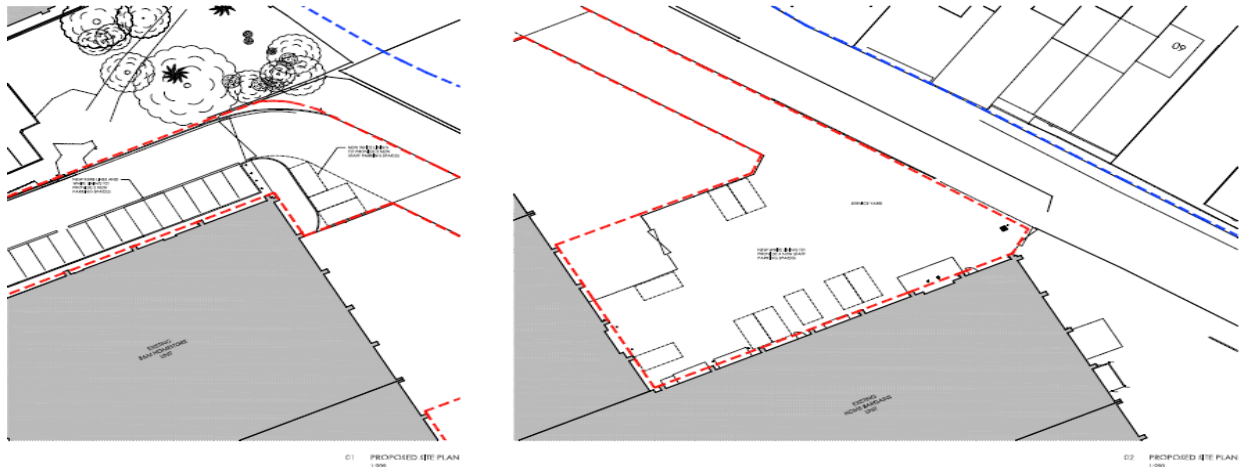
The yellow coloured site area shown in the upper right insert represents the site location area where the proposed coffee shop would be located. The plan below shows the site's context in more detail:



4. Planning History

The retail park is long established and there have been numerous planning applications over a number of years. Whilst no applications have been submitted to develop this specific part of the retail car park, an application for a coffee shop on the neighbouring Spitfire Retail Park (which is adjacent to the Trowbridge Retail Park) was refused in 2016 (16/10725/FUL) on the grounds of

within the service yard to the rear of the 'B&M Home' and 'Dreams' store units – which the insert plan below illustrates. The revised total car parking provision for the retail park, allowing for the proposed development would be 300, resulting in an overall net reduction of 14 car parking spaces.



The site would be accessed from the existing entrance to the Retail Park along Bradley Road. A pedestrian link would be provided from the proposed development to the existing pedestrian footpath.

As illustrated above and in the artist's impression below, the building would be of contemporary appearance and of modern materials. Elevations facing onto the retail park would be extensively glazed, with a mixture of brick, timber cladding and aluminium/pressed steel detailing. The Bradley Road-facing elevation would be largely of brick with metal clad detailing. The building would be of flat—roof construction and of low profile, at 4m in height. Standard "Costa" branding would apply, but where required, would be the subject of a separate advertising consent application.





The site viewed from the northern approach (Trowbridge Town side)



The site viewed from the southern approach (N Bradley side)



Application site viewed from within the retail park

6. Planning Policy

Wiltshire Core Strategy: CP38 Retail & Leisure; CP57 Ensuring high quality design and place shaping – Nuisance; and, CP61 Transport and New Development.

The (2018) National Planning Policy Framework: especially Chapter 6: Building a strong, competitive economy and Chapter 12: Achieving well-designed places

Planning Practice Guidance

7. Summary of Consultation Responses

Trowbridge Town Council: Objects on the basis that the proposed alternative parking and delivery arrangements are unsuitable for the safe movement of traffic and pedestrians in an area which already experiences significant traffic capacity issues.

North Bradley Parish Council: No objection.

Wiltshire Council Highway officer: No objections: The application is supported by a Transport Assessment which provides evidence of available unoccupied parking spaces and argues that the proposed new facility itself is unlikely to have a material impact to justify a highway refusal recommendation.

Wiltshire Council Environmental Health officer: No objections: The application is supported by an acoustic report which demonstrates that the proposed installation of external plant would have no impact on the surrounding residential properties. With regard to opening hours it is noted that the applicant wishes to open at 6am which does have the potential to cause a loss to residential amenity created by additional vehicle movements of customers. If the applicant was granted permission to be open for business at 6am, it would likely lead to the other existing eating establishments on the retail park requesting the same, which would lead to further cumulative effects to residential amenity. McDonalds opens at 07:30 and a 07:30 opening time should be imposed for the proposed coffee shop premises.

Wiltshire Council Tree Officer: No objections and concurs with the arboricultural report submitted by Barrel Tree Consultancy ref 17337-AA2-CA dated 9 May 2018.

Wessex Water: No objections but advised that the proposed strategy of routing surface water drainage to the sewer is not acceptable. Due to the risk of sewer flooding in the area, no rainwater connection to the foul network would be permissible with respect to this new development. The applicant's contractor would need to consider instead a point of discharge to an appropriate watercourse or public surface water system if soakaways are not suitable.

8. Publicity

The application was subject to the display of a site notice and individually posted out neighbour notification letters. Following this public notification, eight representations were received.

Two letters of support were received stating that that the proposed coffee shop would be welcome, and the two supporters argue that the facility and would be a great asset to the retail park. Traffic levels will increase once the residential development at the former district council office site is constructed and it is difficult to argue that a coffee shop at this site would result in significant additional parking and traffic problems.

Six letters of objection were also received raising the following concerns:

- Another Coffee shop in Trowbridge is not needed;
- Parking and traffic problems would worsen;
- Concern about additional anti-social behaviour issues;
- Increased noise and litter;
- The opening hours from 6 am are unacceptable;
- There is no mains sewer;
- Impact on the Grade II listed building opposite; and
- Loss of light.

9. Planning Considerations

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

9.1 The Principle of Development - The proposal is for a proposed coffee shop with associated development and landscaping including tree planting at an existing retail park. As noted above, a recent application submitted under ref: 16/10725/FUL assessed the principle of a similar proposal (for a café of less than 200m²) from the perspective of adopted WCS Core Policy 38 (Retail & Leisure) and it was concluded that the principle was policy compliant. The Policy establishes a requirement for a retail impact assessment (RIA) for out of centre proposals in excess of 200m² gross, and that a sequential approach should be adopted. New proposed retail developments under this threshold are considered too small to raise vitality and viability concerns with respect to the town centre. The proposed coffee shop, at 167m², is below the adopted policy threshold and a retail impact assessment/sequential approach is therefore not required and the principle of development is accepted.

9.1.1 It should be noted that the proposal was subject to a pre-application enquiry in late 2017, and the applicant has taken on board officer recommendations (which included the commissioning and submission of a transport assessment to support this application); and, the application submission is also supported by an arboricultural survey, tree protection plan and acoustic impact survey which have been carefully appraised and found to be acceptable.

9.2 Highway Considerations - A key consideration for this application relates to the highway impacts and the consequential reduced parking provision. The application is supported by a Transport Assessment (TA) which the highway officer has fully considered. The purpose of the TA is to establish the transport impacts of the proposed development. The report uses the same trip generation methodology which was agreed by the Council for a proposed 168m² Costa Coffee Shop unit at the Bath Road Retail Park in Chippenham (under application ref: 15/06322/FUL). The Assessment considers the accessibility of the site to sustainable modes of transport, the prevailing highway situation, car parking provision and use (including surveys), queuing on the highway network, collision data and the impacts of the proposal.

9.2.1 A key consideration pursuant to the application is that that the proposed form of development is not considered to be a trip attractor. It is accepted that coffee shop units in this type of context generally draw trade from existing staff and customers already visiting the retail park or via passing trade by users on the adjacent highway.

9.2.2 The TA reviewed the car park accumulation assessment and reported on an 'extreme case' based on surveys conducted on Good Friday and Easter Saturday when it was calculated that the car park had an occupancy rate of 88%, with a reserve capacity of 36 parking spaces. The traffic impacts of the proposed development were assessed using trip modelling and found that the proposed development would not create a severe residual impact on the operation of the local highway network. Paragraph 109 as set out within the recently revised NPPF states that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” Whilst this Paragraph does not override all highway safety considerations, it is argued that the parking changes and the additional business and vehicular traffic the site would generate using the access onto the A363 would not lead to unacceptable impacts to highway safety or ‘severe’ “residual cumulative impacts on the road network”.

9.2.3 It is accepted that the development would result in the loss of 14 car parking spaces within the retail park, however this is not considered substantive grounds to refuse the application given the results of the TA showing spare capacity and the lack of objection on highway grounds from the Council’s Highway Officers.

9.3 Impact on character and appearance of the area - The building would be set within a corner of the retail park, on a portion of land now utilised for parking. There is a belt of vegetation to the street and access frontages, including trees subject to TPOs. The proposal is accompanied by a landscaping scheme which provides, together with an arboricultural report, for the protection of the TPO belt (shown in solid pastel green below), along with replacement trees on site within the existing car park. One tree within the screening belt would be removed where it has been assessed as being in serious decline. The landscaping plan includes an enhancement to the TPO Group to compensate for the loss:



The Tree Officer has considered the scheme, along with the supporting arboricultural report submitted with the application (Barrel Tree Consultancy 09/05/18 ref:17337-AA2-CA) and raises no objections.

The TPO belt would lose a tree (red circle above) which is in very poor condition. The TPO area and the adjacent roadside land are under the control of the applicants and it is therefore considered reasonable, as part of a landscaping implementation condition, to require replacement planting in that area in accordance with the submitted landscaping plan. This would further enhance the road screening and the street scene opposite the Grade II listed building.

The site level is below that of the adjacent access and roadway. This, together with the relatively low profile of the proposed building; the fact that the development is set within the context of the retail park; and the well-established screen mean that no unacceptable harm would arise to the

street scene or to the setting of the Grade II listed building across the road. It is therefore considered that the proposal accords with Core Policy 47 as it relates to design and place-shaping.

9.3 Neighbouring Amenity - Key considerations in this regard relate to potential noise nuisance, odours and visual amenity. The Council's public protection team were consulted on this application and they carefully appraised the submitted Acoustic Impact Assessment. The assessment is found to be satisfactory and it is reported that the installation of the external plant, comprising two Mitsubishi PLA-RP100BA heat pumps, to be located within a dedicated bin-store/plant enclosure on the street-facing elevation, would result in no detrimental impact to the surrounding residential properties.

9.3.1 Concern is however reported in relation to the applicant's proposed opening hours (starting at 06:00). This is considered a wholly reasonable concern since, although Bradley Road is a busy thoroughfare, the potential for disturbance at that early hour created by road traffic would be low. The applicant duly re-considered these concerns during the course of the application and agreed to accede to the officer recommendation to restrict the opening times of 07:30 - 20:00 Monday to Saturday (including bank holidays) and 08:00 - 18:00 on Sundays. It is noted that a condition imposed by the Inspector in Appeal APP/Y3940/A/10/2142004 (KFC) provided for seven-day-a-week opening from 07:30 to 23:00. However, the applicant has agreed to shorter opening times and officers are supportive of this amended element of the application.

9.3.2 There would be no food preparation kitchen associated to the proposed coffee shop, with on-site food processing being limited to the toasting of sandwiches. The issue of odour concerns emanating from extraction units therefore is not considered to be a substantive reason to refuse the application.

9.3.3 The issue of visual amenity is discussed above. Given the setting within which the building would sit, along with the existing backdrop of the carpark and the large massing of the retail units, it is not considered that there would be any substantive harmful visual amenity issues to justify a refusal of planning permission. However, the proposed landscaping scheme should be secured by condition.

9.4 Other Matters - Wessex Water's comments on surface drainage is duly noted, however, no additional areas of hardstanding or additional surface area would be created by this development. The existing drainage arrangements for the retail carpark would remain in place. Any new drainage proposals would need to satisfy building regulations and agreement with Wessex Water. The applicant has subsequently submitted a drainage statement confirming that there is no proposed surface water drainage connection to the foul network and further details of surface water drainage will be agreed with WW as referred to under the Informative.

This application site falls outside of the Trowbridge Retail charging zone for the purposes of CIL; and, is consequently not CIL liable development.

10. Conclusion (The Planning Balance) - It is considered that the proposal would accord with the requirements of CP57 in relation to visual impacts and amenity. The Council's highway officer is satisfied with the findings of the traffic assessment and the public protection officer is satisfied that the development, subject to a condition restricting the opening hours, would not demonstrably harm residential amenity; and, officers duly submit that although the development would result in the loss of 14 car parking spaces, following a review of how the car park is used, it would not result in demonstrable harm to justify refusing planning permission; and as a consequence, the application is recommended for approval.

RECOMMENDATION: Approval, subject to the following conditions:

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

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

- 2 The use hereby permitted, including servicing, shall only take place between the hours 07:30 - 20:00 Monday to Saturday (including bank holidays) and 08:00 - 18:00 Sundays.

REASON: In the interests of neighbouring amenity and to be synchronised with the other nearby takeaway food/restaurant outlet.

- 3 All the landscape and tree planting, seeding and turfing comprised in the approved details of landscaping (as shown on Plan Number 14838A -L01A REV B) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All on-site construction works shall also be carried out in accordance with the protection measures shown on the approved "Tree Protection Plan" submitted on 29 May 2018.

REASON: In the interests of visual amenity.

- 4 No part of the development hereby approved shall be brought into use until the parking provision shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. The parking 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.

- 5 External plant shall not exceed the sound power levels of each of the example heat pump units evaluated in the assessment contained in the submitted document "Acoustic Impact Assessment: Trowbridge Retail Park, Bradley Road , Trowbridge (Hawkins Environmental, 9th May 2018)."

REASON: In the interests of neighbouring amenity.

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

14838A-100 B Site Location Plan Registered on 29 May 2018

14838A-101 B Existing Block Plan Registered on 29 May 2018

14838A-102 B Proposed Block Plan Registered on 29 May 2018

14838A-103 B Proposed Site Plan 1 Registered on 29 May 2018

14838A-104 B Proposed Site Plan 2 Registered on 29 May 2018

14838A-105 A Proposed GA and Roof Plans Registered on 29 May 2018

14838A-106 B Proposed Elevations 1 of 2 Registered on 29 May 2018

14838A-107 A Proposed Elevations 2 of 2 Registered on 29 May 2018

14838A -L01A REV B Proposed Landscape Plan-Received on 3 September 2018

Tree protection plan Registered on 29 May 2018

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

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Appeal Decision

Hearing held on 1 March 2011

Site visit made on 1 March 2011

by **JP Roberts** BSc(Hons), LLB(Hons), MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 March 2011

Appeal Ref: APP/Y3940/A/10/2142004

Trowbridge Retail Park, 235 Bradley Road, Trowbridge BA14 0RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Standard Life Investments against the decision of Wiltshire Council.
 - The application Ref W/10/00947/FUL, dated 18 March 2010, was refused by notice dated 23 June 2010.
 - The development proposed is an A3/A5 restaurant with drive-through facility.
-

Decision

1. I allow the appeal, and grant planning permission for an A3/A5 restaurant with drive-through facility at Trowbridge Retail Park, 235 Bradley Road, Trowbridge BA14 0RQ in accordance with the terms of the application, Ref W/10/00947/FUL, dated 18 March 2010, subject to the conditions listed in the Annex to this Decision.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the living conditions of nearby residential occupiers with particular regard to smell, noise and disturbance;
 - ii) the effect of the proposal on highway safety and the convenience of nearby residents as a result of the reduction in car parking spaces to serve the Trowbridge Retail Park, and
 - iii) the effect of the proposal on the vitality and viability of Trowbridge town centre.

Reasons

Living conditions

3. The appeal site forms part of a large car park serving the Trowbridge Retail Park, which lies adjacent the Spitfire Retail Park to the north. Further to the north is a smaller retail park comprising two units, occupied by B&Q and Halfords. It is proposed to construct a restaurant/take away, with 16 dedicated car parking spaces and a drive-through lane for motorists to order and collect

meals from their cars. It is intended that the unit be occupied by Kentucky Fried Chicken (KFC).

4. A landscaped strip separates the site from Bradley Road, a main route from Trowbridge to the south. A line of houses lies on the western side of Bradley Road, the nearest, No 146, being about 36m away from the site of the intended building. No 146 has a gable end facing the site, but the houses to the north all face towards the site.
5. It is intended to install filtration and odour suppressing equipment, indicative details of which were submitted with the appeal. The manufacturer's specifications indicate that such equipment can remove about 90% of smoke particulates, and thus there may be some residual escape of odour to the air. I was told in representations from neighbours of severe problems of smell which are alleged to result from the McDonalds restaurant on the adjacent Spitfire Retail Park. On my visit, I noticed a clearly identifiable smell emanating from those premises when walking along the footway outside the houses at 132 and 134 Bradley Road.
6. I do not know what equipment has been installed in that restaurant to deal with odour, or whether it is maintained as it should be. Moreover, the proposal is not for a McDonalds restaurant. I was told at the hearing that KFC typically have 60-70% of the turnover of a McDonalds restaurant and that the volume of sales is much lower. It is therefore not appropriate to compare that restaurant with the one proposed. In this case, the main parties agreed at the Hearing that, if I were to allow the appeal, it would be appropriate not only to require details of fume and odour extraction equipment to be submitted, but that there should also be a requirement for the system to be maintained in accordance with the manufacturer's recommendations. Such a requirement would give the Council the ability to ensure that the system would be in good working order.
7. Under such a regime, and taking into account the distance between the appeal site and the nearest dwellings, it is unlikely that there would be any material harm arising from smell from the proposal. Although the Council complains of a proliferation of restaurant/takeaway uses as a result of the proposal, there is only one other such use in the vicinity, the McDonalds premises some 100m away. At such a distance it is unlikely that there would be any noticeable combined effect from the two premises.
8. The proposal would generate additional car trips to the site, which, using empirical data, might be as many as 110 in the peak lunch hour, and 70 trips per hour during the weekday evening peak (17:00 - 18:00). The evidence base was overly represented by restaurant/takeaways with higher volumes of sales than KFC, and so the number of trips here may be fewer. The appellants also say that up to 65% of trade in such KFC establishments arises from linked trips to the retail park, and thus this may limit the extent of additional trips arising from the proposal.
9. Bradley Road is a very busy road, being one of the main routes into and out of Trowbridge. Nobody could tell me how many vehicles per hour use the road, but from my own observations at various times, it appears to be well used. Even though traffic would be quieter in the evenings, it is likely that the noise from additional movements would make no material difference to that from passing traffic on Bradley Road.

10. There may be some noise from car doors slamming, music played in cars and possibly loud conversations from customers, but much of this would take place at the front of the building, and the structure itself would act as a substantial barrier to sound reaching the façade of nearby dwellings. The intervening gap of Bradley Road between the site and nearby houses would also ensure that such noise would not result in harmful conditions for neighbours.
11. I was told by neighbours of problems associated with anti-social activity in the car parks of the two adjoining retail parks, mainly resulting from "boy-racers", who used the car parks as a kind of race-track, racing from one to another and back. I was told that the situation had improved since measures were put in place to gate off the Trowbridge Retail Park in the evening. The proposal would mean that it would again be open at night, at least until the late evening.
12. However, it would be possible to close off much of the car park whilst still allowing access to the proposed restaurant/takeaway. The Council has suggested that a condition be imposed which would require details to be submitted of how the car park would be managed, and at the Hearing, all parties agreed that it would be beneficial for such a scheme to be subject to monitoring and review. With such a condition in place, I am satisfied that there would be sufficient control to mitigate the effects of anti-social activity. Control of litter would also be subject of this condition, and would be a suitable means of dealing with this. These measures are also supported by the Council's Community Safety Manager and this, together with the absence of objection from the Council's Environmental Health Officer, reinforces my findings.
13. I therefore conclude on this issue that the proposal would not harm the living conditions of nearby residential occupiers or conflict with saved Policy C38 of the West Wiltshire Local Plan, which deals with the protection of living conditions and amenity.

Car parking

14. The proposal would result in a net loss of 66 car parking spaces, albeit that 16 spaces would be provided specifically for customers of the proposed restaurant/takeaway. Whilst it is possible that some of these 16 spaces might be used by other customers of the retail park, as there would be a clear demarcation between the two, I consider it unlikely, although the potential for linked trips would limit the need for additional spaces to serve the restaurant.
15. The Council's parking standards seek a maximum of 381 spaces, whilst 284 would remain for dedicated use of the retail park. The standard is a maximum one, and the advice in Planning Policy Guidance Note 13: *Transport* (PPG13) is that developers should not be required to provide more spaces than they themselves wish, other than in exceptional circumstances, for example where there are significant highway safety issues which cannot be dealt with using other controls.
16. In this case, the number of spaces provided was as proposed by the developer. Even so, the appellants have carried out a survey which shows that there is a significant under-utilisation of the car park on the Trowbridge Retail Park and also of the smaller car park of the Spitfire Retail Park. The survey was carried out in February, and therefore it is unlikely to be representative of the busier times of the year, and it was also carried when there was a

significant vacant unit on the Trowbridge Retail Park, and during the current economic downturn. However, the Spitfire Retail Park was fully occupied at the time of the survey, and even that showed a significant level of under-occupancy (94 spaces available) at the busiest times, and it has 88 fewer spaces than would the Trowbridge Retail Park as a result of the proposed development.

17. At the Hearing I was told by a local resident of an occasion when the car park was full, during an event where prices were discounted at Comet, on the Spitfire Retail Park. However, it is not appropriate to seek a level of car parking space that might only be necessary on rare occasions. The Highway Authority had no objection to the proposal, and I attach weight to this, as it might be expected that the Highway Authority would be in a good position to assess the application of parking standards against the likely use of the site.
18. Moreover, should overspill parking occur on Bradley Road to an extent where it would cause a serious danger or inconvenience, it would be open to the Highway Authority to impose parking controls along the road. I therefore find that the proposal would not result in any material harm to highway safety and the convenience of nearby residents.

Effect on Trowbridge town centre

19. Trowbridge Retail Park is located outside of the town centre, although within the limits of the town itself. As part of the application, the appellants submitted information to show that there were no better located sites available. An updated version of that search was submitted with the appeal. The Council accepted that there were no better located sites available. Whilst the Trowbridge Town Council claimed that the sequential test was not carried out and that there were suitable sites within the town centre, I was not provided with details of these, nor was there any explanation as to the alleged deficiencies of the appellant's search. However, the Local Planning Authority argued that the proposal would divert trade away from the town centre, counter to objectives to regenerate the centre, and would encourage unsustainable travel.
20. PPS4 *Planning for Sustainable Economic Growth* identifies drive-through restaurants as a town centre use. However, it is likely that the scope to provide large sites to accommodate the drive-through element of such facilities, which can be readily accessed by car, is a limiting factor in many town centre locations.
21. The appellants say that the drive-through takeaway part of the proposal is likely to account for about 50% of turnover, and therefore it is a significant element of the proposal. There are a large number of restaurants and takeaways within a short driving time of the appeal site. Many of these are within the town centre, but others are outside it, or in nearby towns. It is likely that the proposal would divert trade away from some of these establishments, but they are so numerous that the effect is likely to be very diffuse. Some of the custom would derive from passing trade, and from those visiting the retail parks or working on nearby employment sites, and may constitute new business, rather than diverted trade.
22. Furthermore, some custom may be in preference to home cooked meals rather than diverting trade from elsewhere. The nearest KFC restaurants are in

Frome and Bath, and it may also be the case that some trade will be diverted away from them. There is a continuing growth in the national expenditure on restaurant and takeaway meals, and the proposal would absorb some of that growth. Taken together it is unlikely that this would have much effect on town centre trade.

23. I recognise the Council's desire to direct new investment to the town centre, and the sustainability benefits that arise from this. However, the appeal proposal is heavily dependent on car-borne trade, and it is located on an existing retail park, which already attracts car-borne custom, and is well positioned to attract passing trade. Whilst the regeneration of the town centre is an important planning objective, there is insufficient evidence to show that the proposal would materially affect its viability or vitality, or conflict with LP Policy SP3 which aims, amongst other things, to protect the vitality and viability of the nearby centres.

Other matters

24. Councillor Morland raised concerns about the loss of landscaping within the car park which would result from the siting of the building and the reconfiguration of the parking layout. The area of the appeal site already benefits from an attractive area of planting on the roadside verge, which would remain and play a part in softening the effect of the new building. However, it is also important to break up the sea of car parking; much of the planting within the car park would be unaffected, and the small areas which would be lost could be adequately compensated for by additional planting, notably along the southern boundary of the site.

Conditions

25. The Council suggested a number of conditions which I have assessed in the light of national guidance and the discussion which took place at the Hearing. Conditions relating to tree protection and landscaping are necessary in the interests of appearance. Conditions relating to refuse storage and lighting are needed in the interests both of character and appearance and the protection of residents' living conditions. A management plan, controls on fume and odour suppression, noise and hours of opening are necessary in the interests of protecting residents' living conditions. I shall also attach a condition to require that the development be carried out in accordance with the approved plan for the avoidance of doubt and in the interests of good planning.
26. For the reasons given above, I conclude that the appeal should be allowed.

JP Roberts

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Roger Daniels, MA, MPhil, MRTPI	Pegasus Planning
Mark Dauncey, BA, MA	Pegasus Planning
Paul Proffitt, MRICS	KFC (UK) Ltd
Gino Casciani, BSc(Hons)	KFC (UK) Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Rosie MacGregor	Wiltshire Council
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INTERESTED PERSONS:

Councillor Francis Morland	Local Member
Mr G Watson	Local resident

DOCUMENTS

Document	1	Letter of notification
Document	2	Copy of Trowbridge Town Council's representations
Document	3	KFC's litter control policy
Document	4	Plan showing Trowbridge Community Area
Document	5	Indicative parking control plan



ANNEX

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 08(0017) C1 Rev D, 08(0017) SO1, 08(0017) PL01 Rev D and 08(0017) X01.
- 3) No development, including clearance of the area, shall commence on site until a scheme for the protection of the landscaped areas to the west and the south of the site during the construction phase has been submitted to and approved in writing by the local planning authority. The agreed measures shall be put in place prior to the commencement of development and shall be retained during the construction period.
- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 6) The use hereby permitted, including servicing, shall only take place between the hours of 07:30 and 23:00.
- 7) No development shall commence on site until a site management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:
 - a) full details of a scheme to manage the car park to deter anti-social behaviour, and measures to ensure its safe use (to include cars and motorcycles);
 - b) management responsibilities for liaison with the crime prevention working group;
 - c) the provision of CCTV to be linked to the Trowbridge CCTV system;
 - d) arrangements for the gating-off of the parking area outside of business hours;
 - e) measures for the control of litter;
 - f) measures to discourage the congregation of groups not associated with the use of the restaurant, and
 - g) arrangements for the monitoring and review of the agreed scheme.The approved management plan shall be implemented prior to the commencement of the use hereby permitted and shall thereafter be retained, or as subsequently approved as part of a review process.
- 8) Prior to the premises being brought into use, a scheme for the storage of refuse shall be submitted to and approved in writing by the local planning authority. The scheme shall then be carried out in accordance with the



approved details, prior to the commencement of use, and shall be retained at all times.

- 9) Ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from the cooking operations on the premises. Details of the equipment shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. All equipment shall be installed in accordance with the approved details and in full working order prior to the commencement of use, and thereafter the equipment shall be maintained in accordance with the manufacturer's recommendations, details of which shall be submitted as part of the details for approval.
- 10) Prior to the installation of any external ventilation system a scheme to mitigate noise shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the commencement of the use hereby permitted, and thereafter shall be retained.
- 11) A lighting scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and shall be so designed as to overcome glare, spillage and intrusion. The scheme shall comply with guidance issued by the Institution of Lighting Engineers. The lighting of the site shall only be carried out in accordance with the approved scheme, prior to the commencement of the use hereby permitted.

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The Revised National Planning Policy Framework (NPPF) – Published July 24th 2018

Purpose of Report

To provide an update to members on the introduction by the government of a revised version of the National Planning Policy Framework ('The Framework') published on July 24 2018. It replaces the first NPPF that was produced in 2012. The Framework is important as it sets out the government's planning policies for England and how they should be applied. Development plans (including the emerging Wiltshire Local Plan and Neighbourhood Plans) have to be compliant with these policies when being prepared and they form an important material consideration in the determination of planning applications. As the new Framework takes effect from the date of publication, the policies it contains are in force now.

Background

The government introduced the first NPPF in March 2012 to replace a raft of separate policy documents. Since then, the Government has made it clear, through such documents as the Housing White Paper, that the delivery of sufficient numbers of new housing is a central aim of government policy. They have also produced written ministerial statements on a wide range of planning subjects and introduced new planning legislation relating to development plans. This has meant that the 2012 Framework was looking increasingly outdated, and the revised Framework seeks to bring national planning policy up to date and fulfil commitments made in the Housing White Paper to increase the supply of housing.

The revised Framework is longer than the original (73 pages compared to 59 in 2012). This has allowed a new chapter to be introduced on 'Making effective use of land' and an extended glossary. The government has also moved the chapters on plan making and decision making to the front of the document, demonstrating the importance of these aspects to delivery. Whilst the revised framework aims to put in place policies to deliver the government target of 300,000 new dwellings a year, it seeks to promote the delivery of these through good design, and with environmental safeguards to protect areas or assets of particular importance. There is new guidance on viability, to discourage developers from paying excessive prices for housing and a renewed emphasis on 'front-loading' - getting things agreed at the plan-making stage. In place of minimising harm to matters such as the natural environment and biodiversity, the wording encourages 'enhancement' and 'net gains'

There is also a great deal of continuity - the government's aim is still to achieve sustainable development, pursuing economic, social and environmental objectives in a mutually supportive way. The wording in many of the chapters, such as those on the historic environment and on the use of minerals is little changed from the 2012 version, although now in different paragraph numbers.

However, there are also significant changes, and the remainder of the briefing note addresses these, although it should be appreciated that this is a summary focusing on the key changes and does not attempt to identify every change the government has made.

Plan Making (Chapter 3)

The opening line of the chapter on plan making restates the government's belief that the planning system '*should be genuinely plan-led*'.

The Framework makes clear that going forward, development plan policies must be categorised as either 'strategic' or 'non-strategic.' Strategic policies set out the overall strategy for the pattern, scale, and quality of development and must make sufficient provision for housing, employment, leisure and other commercial development, as well as infrastructure, community facilities and the conservation and enhancement of the environment. Non-strategic policies should be used for setting out more detailed policies for specific areas, and can include allocating sites and shaping the environment at local level through neighbourhood plans, although non-strategic policies can also be included in local plans covering wider areas, and are not restricted to neighbourhood plans.

The Framework states that strategic policies must plan to meet the 'objectively assessed needs' over the plan period. Furthermore, local planning authorities are under a duty to co-operate with neighbouring authorities on matters including infrastructure and whether development needs that cannot be met wholly within a particular area could be met elsewhere.

To ensure that plans are kept up to date, the framework refers to the legal requirement to review local plan every five years, taking account of changing circumstances and any relevant changes in national policy. New plans must demonstrate that they follow *an* appropriate strategy (the previous requirement that it must be *the* most appropriate strategy has been dropped) - and that the strategy accommodates any unmet need from neighbouring areas where it is practical to do so and consistent with achieving sustainable development. Plans should also set out the developer contributions expected from development, which should not undermine the deliverability of the plan.

Decision Making (Chapter 4)

The chapter restates the legal requirement - *that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*. Decisions should be made '*as quickly as possible and within statutory timetables unless a longer period has been agreed by the applicant in writing*'.

The weight to be given to relevant policies in emerging plans is spelt out - with the weight increasing where the plan is more advanced and there are no unresolved objections to relevant policies. Where there are unresolved objections to relevant policies, the weight that can be accorded them will be less and limited (because an inspector will need to resolve the conflict at the examination).

Planning conditions should be kept to '*a minimum, and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects*'.

Developers are encouraged to engage in pre-application discussions, both with the local planning authority, and with the local community, although it is noted that they cannot be required to do so.

A new section on viability puts the emphasis firmly on the applicant to demonstrate whether particular circumstances justify the need for a viability assessment of an application. Separate Planning Practice Guidance accompanying the Framework sets out a recommended approach for

carrying out such assessments and also makes it clear that the government expects them to be made publicly available in most circumstances. The expectation going forward with future local plans is that early engagement at plan making stage will ensure that site allocations take account of the policy requirements, minimising any requirement for viability assessments at application stage.

Delivering a sufficient supply of homes (Chapter 5)

This chapter was titled 'Delivering a wide choice of quality homes' in the 2012 version. The change from 'choice' to 'sufficient supply' recognises the government objective of '*significantly boosting the supply of housing*'. To help achieve this, the Framework requires the local housing needs assessment that underpins the housing requirement in local plans to be undertaken using a standard method set out in national guidance. This should be undertaken for the whole of a local planning authority area.

The local planning authority is required to identify in its planning policies sites for the delivery of housing, with a new condition that at least 10% of the housing requirement should be delivered on sites no larger than one hectare, unless there are strong reasons why this 10% target cannot be reached. This is to promote the development of small and medium sized sites that can be built out relatively quickly. Neighbourhood planning groups are similarly encouraged to consider the opportunities for allocating sites of this size in their area.

The definition of affordable housing is widened to include affordable home ownership, with sites granted permission for more than 10 houses expected to deliver 10% of the homes granted permission for affordable home ownership in most circumstances as part of the overall affordable housing requirement. (There are exceptions for developments such as specialist accommodation for groups of people with specific needs, where a 10% home ownership requirement would be impracticable).

A new definition of 'entry level' homes is included, with local planning authorities encouraged to support the development of sites for such housing as 'exception sites' adjacent to existing settlements and proportionate in size to them. This policy does not apply to settlements in AONBs or green belts.

The Framework notes that meeting a requirement for large numbers of new homes can often be '*best achieved*' through planning for larger scale development, *such as new settlements or significant extensions to existing villages and towns, provided they are well located and can help meet identified needs in a sustainable way.*

The need for local planning authorities to maintain a five-year land supply of deliverable housing sites, together with a suitable buffer is restated. An additional Housing Delivery Test (HDT) will also be introduced from November, whereby local planning authorities have to monitor progress in building out sites that have permission. Where a local planning authority cannot demonstrate a five year land supply, or where delivery falls substantially below the housing requirement over the previous three years, then the planning policies in the development plan which are most important for determining the application will be considered out of date, and planning permission for new housing should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or the site in question would affect a protected asset (such as an AONB, listed building, conservation area etc - the Framework defines the list of protected assets). Where the HDT indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority is required to prepare an action plan to assess the causes of underperformance and identify actions to increase delivery in future years.

The presumption against isolated housing in the countryside remains, although the list of exceptions is widened to include where '*the development would involve the subdivision of an existing residential dwelling*'.

Making effective use of land (Chapter 11)

This new chapter in the Framework promotes the use of brownfield land for housing and encourages higher densities in appropriate locations, particularly where there is an existing or anticipated

shortage of land for meeting identified housing needs. However, this is balanced by the recognition that policies and decisions need to take into account *'the desirability of maintaining an area's prevailing character and setting (including residential gardens) and the importance of securing well-designed, attractive and healthy places'*.

Re-allocating land for a more deliverable use that can help meet identified needs is encouraged if the local planning authority consider that there is no reasonable prospect of an application coming forward for the use allocated in the plan.

Local planning authorities are encouraged to take a proactive role in identifying and helping to bring forward land suitable for meeting development needs, including identifying opportunities to facilitate land assembly where this can help secure better development outcomes.

Brief comments on other chapters in the Framework

Building a strong, competitive economy (Chapter 6) - the government continues to give significant weight on the need for planning policies and decisions to support economic growth, *'taking into account both local business needs and wider opportunities for development.'*

Planning policies and decisions should recognize and address the specific locational requirements of different sectors, including *'storage and distribution operations at a variety of scales and in suitably accessible locations'*.

In a new section on supporting a prosperous rural economy, planning policies and decisions should recognize that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, but in locations that are sensitive to their surroundings and where they do not have an unacceptable impact on local roads.

Ensuring the vitality of town centres (Chapter 7) - there is little difference in this chapter from the 2012 version. The government have maintained the 'town centre first' approach for retail and leisure uses and local planning authorities are still required to carry out a sequential test to planning applications for town centre uses which are not in an existing centre, nor in accordance with an up to date plan.

Promoting healthy and safe communities (Chapter 8) - the government have added the word 'safe' to the heading of this chapter as a change from the 2012 version. There is encouragement to plan for the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

A new section on promoting public safety and taking account of wider security and defence requirements is included, with the aim being to reduce vulnerability and increase resilience and public safety. Policies and decisions should also ensure that operational defence sites *'are not affected adversely by the impact of other development proposed in the area'*.

Promoting sustainable transport (Chapter 9) - there is little change from the policies in the 2012 version, with the emphasis remaining on identifying, assessing and mitigating the environmental impacts of traffic and focusing significant development on locations that are, or can be made, sustainable. Applications for development are required to give *'first priority'* to pedestrian and cycle movements, encourage public transport use, and to address the needs of people with disabilities and reduced mobility.

Where proposals arise for new or expanded distribution centres, they should make provision for sufficient lorry parking to cater for their anticipated use.

Supporting high quality communications (Chapter 10) - the provision and expansion of electronic communication networks remains a Government priority that planning policies and decisions should support. The requirements for encouraging mast sharing and leaving health safeguards to International Commission guidelines is retained from the 2012 version.

Achieving well-designed places (Chapter 12) - this chapter has been strengthened to reflect the government aim of seeking to ensure that higher housing numbers are delivered through the '*creation of high quality buildings and places*' which is seen as being '*fundamental*' to what the planning and development process should achieve. Greater encouragement is given to early discussion between applicants, the local planning authority and local community, with a warning that those applications where there has been '*early, proactive and effective engagement with the community should be looked on more favourably than those that cannot*'. Developments should be '*sympathetic to local character and history, whilst not preventing or discouraging appropriate innovation and change*'. There is a new warning that local planning authorities should seek to ensure that the quality of approved development '*is not materially diminished*' between permission and completion as a result of changes being made to the permitted scheme. There is recognition that Neighbourhood Plans can play an important part in '*identifying the special qualities of each area and explaining how this should be reflected in development.*'

Protecting green belt land (Chapter 13) - the government have restated their commitment in national planning policy to protect the greenbelt from inappropriate development. The Framework clarifies that burial grounds and allotments are not inappropriate development. It also sets out a procedure for how green belt boundaries can be altered through strategic plans, but makes it clear that such alterations should only be considered in exceptional circumstances, and only where all other options for meeting identified needs for development have been fully examined.

Meeting the challenge of climate change and flooding (Chapter 14) - whilst the government restates their commitment to renewable energy in principle, applications for energy development involving onshore wind turbines are only to be supported in areas identified in development plans as suitable for wind energy development, and where the local community backs the project. References in the 2012 version to zero carbon development and energy efficiency in buildings have been omitted, and now any local requirements for the sustainability of buildings '*should reflect the government's policy for national technical standards.*' Policies on minimizing flood risk are restated, and a new paragraph is included requiring major developments to incorporate sustainable drainage systems, including maintenance arrangements for the lifetime of the development.

Conserving and enhancing the natural environment (Chapter 15) - the protection of valued landscapes is retained, with great weight still afforded to conserving and enhancing National Parks and Areas of Outstanding Natural Beauty. Major development in these should be refused planning permission, other than in exceptional circumstances, where it can be demonstrated to be in the public interest. However, for this one purpose only, the definition of what constitutes '*major development*' in these areas is a matter for the local planning authority as decision maker to determine. Government policy remains that decision making should enhance the natural environment by recognizing '*the intrinsic character and beauty of the countryside*', and should seek to '*minimise impacts on and provide net gains for biodiversity*'. Development resulting in the loss of '*irreplaceable habitats*' - a new definition that has been widened to include ancient woodland and veteran trees - should be refused unless there are wholly exceptional reasons. Planning decisions should also take into account Air Quality Management Areas and in relation to new developments next to existing community or business facilities that generate noise, the applicant should be required to provide suitable mitigation (rather than the burden being placed on the existing business or community facility).

Conserving and enhancing the historic environment (Chapter 16) - this chapter of the Framework is little changed from the 2012 version. The need to assess whether a development will harm a heritage asset, and if so, whether that harm is substantial or less than substantial is retained as Government policy, with great weight to be given to the asset's conservation '*irrespective of whether any potential harm amounts to substantial or less than substantial harm to its significance.*'

Facilitating the sustainable use of minerals (Chapter 17) - one of the questions raised during the government consultation on a revised draft of the Framework was whether minerals planning policy should be dealt with separately, but the government has decided to keep it within the Framework.

There is little change from the 2012 version, although one addition is that minerals planning authorities are now advised that they should *'recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy, and put in place policies to facilitate their exploration and extraction'*.

Transitional Arrangements - Neighbourhood Plans that are submitted to the council before 24 January 2019 can still be considered under the policies in the previous Framework. This is to avoid neighbourhood planning groups having to re-do work in the light of any changed policies in the new Framework. For local planning authorities, the threshold for passing the Housing Delivery Test will be raised incrementally between the introduction of the test in November 2018 and the second anniversary in November 2020.

Not included in The Framework - Government 'Planning Policy for Traveller Sites' is contained in a separate document last updated in 2015 and the national 'Planning Policy for Waste' was published in October 2014. These remain unchanged by the new Framework and should be read in conjunction with it.

In addition, the Government also publish Planning Practice Guidance (PPG), which is an online only source of government guidance on planning matters that is regularly updated. On the same date as the new Framework was released, the Government published detailed PPG on viability assessments to accompany the Framework.