

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Wiltshire Council Offices, Monkton Park,
Chippenham SN15 1ER
Date: Wednesday 31 October 2018
Time: 3.00 pm

Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718221 or email stuart.figini@wiltshire.gov.uk

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

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

Membership:

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

Substitutes:

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

Recording and Broadcasting Information

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Public Participation

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

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

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 - 20*)

To approve and sign as a correct record the minutes of the meeting held on 03 October 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 24 October 2018 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 26 October 2018. 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 21 - 22*)

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

7 **Planning Applications**

To consider and determine the following planning applications.

7a **18/08151/FUL - Dahl Al Misfir, Park Lane, Ford, Chippenham**
(*Pages 23 - 30*)

7b **17/09914/FUL - Land to the rear of 88- 89b, High Street, Cricklade**
(*Pages 31 - 50*)

8 **Urgent Items**

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

Part II

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

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 3 OCTOBER 2018 AT COUNCIL CHAMBER - WILTSHIRE COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM SN15 1ER.

Present:

Cllr Peter Hutton (Vice-Chairman, in the Chair), Cllr Chuck Berry, Cllr Howard Greenman, Cllr Gavin Grant, Cllr Chris Hurst, Cllr Toby Sturgis, Cllr Brian Mathew, Cllr Ashley O'Neill, Cllr Ben Anderson (Substitute) and Cllr Jacqui Lay (Substitute)

44 Apologies

Apologies were received from Cllr Tony Trotman.

Cllr Christine Crisp was substituted by Cllr Ben Anderson and Cllr Mollie Groom has been substituted by Cllr Jacqui Lay.

45 Minutes of the Previous Meeting

The minutes of the meeting held on 8th August 2018 were presented.

Resolved:

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

46 Declarations of Interest

There were no declarations of interest.

47 Chairman's Announcements

There were no Chairman's announcements.

48 Public Participation

The Committee noted the rules on public participation.

49 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

50 **Planning Applications**

To consider and determine the following planning applications:

51 **18/03673/FUL - The Solar, Market Place, Colerne, SN14 8DF**

Public Participation

Simon Chambers, agent, spoke in support to the application.

Councillor Tom Hall, of Colerne Parish Council spoke in objection to the application.

The Planning Officer, Simon Smith, introduced a report which recommended granting planning permission, subject to conditions, for the conversion of a stable block into a 1 bed dwelling, amended access and associated works.

Key issues highlighted included: the principle of development; its impact on heritage assets; the design/character and appearance of the area (AONB); highways and parking and residential amenity.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: whether the application was for a separate dwelling or for an annex to be connected to the existing property; parking arrangements; the number of bedrooms in the bungalow and the location of its windows.

Members of the public then had the opportunity to address the Committee, as detailed above.

Councillor Brian Matthew, Division Member, spoke regarding the application with the main points focusing on the area's cultural and historical significance and parking arrangements.

At the start of the debate a proposal was moved by Councillor Peter Hutton, seconded by Councillor Toby Sturgis to grant planning permission as detailed in the report.

During the debate the main points raised were: that, currently, national and local policy did not support the possibility of 'overdevelopment' on this site; over parking arrangements and whether more storage space would be needed (sheds etc.) for the separate dwelling.

Resolved

That planning permission is approved 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:

Plans as received by the LPA 16/04/2018:

Existing Plans and Section (1740 S/03, Dated: Jan 2018);

Existing Elevations (1740 S/04, Dated: Jan 2018); and

Existing Site Plan (1740 S/02, Dated: Jan 2018).

Plan as received by the LPA 09/07/2018:

Location Plan (1740 S/01 Rev: A, Dated: Jan 2018).

Plans as received by the LPA 04/09/2018:

Proposed Elevations (1740 P/07 Rev: C, Dated: 04.09.18);

Proposed Plans and Section (1740 P/06 Rev: D, Dated: 04.09.18);

and

Proposed Site Plan (1740 P/05 Rev: D, Dated: 04.09.18).

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

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

One off-street parking space as shown on the site plan must be retained for use in association with the new dwelling in perpetuity.

REASON: In the interests of highway safety and to ensure the revised access is no wider than as indicated on the approved plans, to safeguard the character and appearance of the area/setting of heritage assets.

4. No walls shall be constructed on site, until a sample wall panel, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

- 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, has been submitted to and approved in writing by the Local Planning Authority. The new dwelling shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.**

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 6. Prior to first occupation of the building as self-contained accommodation, details of the boundary treatment to be installed along the boundaries of the garden and private areas of the new accommodation shall have been submitted to and agreed in writing by the Local Planning Authority. The boundary treatments shall be implemented in complete accordance with those details so agreed and shall remain in that condition thereafter.**

REASON: In the interests of securing a boundary treatment that provides suitable privacy and amenity levels for existing and future residents as well as to ensure the boundary treatment is respectful of the sites sensitive location in the Conservation Area.

- 7. All new trees shown on the approved site plan shall be planted in the first planting and seeding season following the first occupation of the converted building or the completion of the development, whichever is the sooner.**

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

- 8. The rooflights hereby approved shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roof slope.**

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

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

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

- 10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.**

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

11. INFORMATIVE TO APPLICANT:

The revised access may impact upon a street sign within the public highway. It is recommended that northernhighways@wiltshire.gov.uk is contacted prior to any works are due to commence. Any relocation required would be at the applicants own expense.

12. INFORMATIVE TO APPLICANT:

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species Regulations 2010 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email enquiries@bats.org.uk or visit the Bat Conservation Trust website.

13. INFORMATIVE TO APPLICANT:

The applicant is advised that storage and mixing of materials must take place on hardstanding away from trees.

14. INFORMATIVE TO APPLICANT:

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

size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

15. INFORMATIVE TO APPLICANT:

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

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

16. INFORMATIVE TO APPLICANT:

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

17. INFORMATIVE TO APPLICANT:

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

18. INFORMATIVE TO APPLICANT:

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.

52 **18/04914/FUL - Land Adjacent to Ravensroost Farm, Minety, Malmesbury, SN16 9RJ**

Public Participation

Jamie Denman, local resident, spoke in objection to the application.

Jan Brooks, local resident, spoke in objection to the application.

Lee Searles, the agent, spoke in support of the application.

Simon Wheeler, the applicant, spoke in support of the application.

Councillor Charles Brook, Chairman of Minety Parish Council spoke in objection to the application.

The Planning Officer, Richard Sewell , introduced a report which recommended granting planning permission, subject to conditions, for the development works required for the construction of a battery energy storage facility.

Key issues highlighted included: principle of development; impact on residential amenities of adjoining neighbours; impact on character and appearance of the area; impact on ecology; impact on highways and impact on drainage.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: the location of other battery energy storage facilities in Minety; location of the nearest gas main; on-site security arrangements and details about the construction method statement.

Members of the public then had the opportunity to address the Committee, as detailed above.

Councillor Chuck Berry, Division Member, spoke regarding the application with the main point focusing on the oversupply of battery energy storage facilities in the Minety area.

At the start of the debate a proposal was moved by Councillor Peter Hutton, seconded by Councillor Brian Mathew to grant planning permission as detailed in the report and subject to additional conditions detailed below.

During the debate the main points raised were: concerns over current and future road conditions of the B4040; the possibility of a lead escort vehicle; the precedent this might set for future development on greenfield sites; consideration of policy guidelines and notification of construction vehicle movements to the Parish Council, residents fronting the B4040 and the local school.

Resolved

That planning permission is approved 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. Within six months of the commencement on site, a scheme for the decommissioning and restoration of the development shall have been submitted to and approved by the Local Planning Authority, the details of which shall include how the land will be restored back to fully agricultural use upon the development no longer being in operation or upon the expiry date of 25 years from the date of the development starting to feed electricity to the Grid, whichever is sooner. The Decommissioning and Restoration scheme of this development shall be carried out in accordance with the scheme so agreed.

REASON: To ensure upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition.

3. The Local Planning Authority shall be notified in writing within one month of the event that the development hereby approved has started to feed or take electricity to/from the Grid. The installation hereby approved shall be permanently removed from the site and the surface reinstated within 25 years and six months of the date of notification and the local planning authority shall be notified in writing of that removal within one month of the event.

REASON: In the interests of amenity and the finite operation of this type of development.

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

- a) location and current canopy spread of all existing trees and hedgerows on the land;
- b) full details of any to be retained, together with measures for their protection in the course of development;
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- d) means of enclosure;
- e) car park layouts;
- f) other vehicle and pedestrian access and circulation areas;
- g) all hard and soft surfacing materials;

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. The development hereby permitted will be carried out in strict accordance with the recommendations given in Section 6 of the Ecological Appraisal by Clarkson Woods Ecology dated April 2018 and detailed on the site plan on page 36 of the same report.**

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

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

- a) Description and evaluation of features to be managed;**
- b) Landscape and ecological trends and constraints on site that might influence management;**
- c) Aims and objectives of management;**
- d) Appropriate management options for achieving aims and objectives;**
- e) Prescriptions for management actions;**
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over an 25 year period;**
- g) Details of the body or organisation responsible for implementation of the plan;**

- h) Ongoing monitoring and remedial measures;**
- i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.**

The LEMP will also include the wider land holding within the applicant's ownership, covering the plantation to the immediate north of the red line application boundary, the access track and any features identified within the recommendations at in Section 6 of the Ecological Appraisal by Clarkson Woods Ecology dated April 2018 that may fall outside the site but which are in the wider ownership. Initial management prescriptions should be based on a 5 year establishment period, then for the remainder of the 25year permission, with review every 5 years and proposals for restoration of the site at the end of the 25 year permission.

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

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

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

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

- 8. 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.

9. Prior to construction details of the means of a suitable access to the site shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

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

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

11. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the

Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

- 12. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site.**

REASON: In the interests of the appearance of the site and the amenities of the area.

- 13. In addition to the Construction Traffic Management Plan CRM.349.004.TR.R.005 dated August 2018, no development shall commence on site until the following details have been submitted and approved in writing by the Local Planning Authority:**

- a) Details and locations of all proposed signage indicating transport routes of construction traffic**
- b) Details of lead escort vehicles associated with all HGV construction traffic travelling along the C76 unclassified road leading to and from the proposal site.**
- c) Details of notification letters sent to Minety Parish Council and all residents of the properties situated between the B4040 and Blue Boar Crossroads indicating the dates and timeframes of likely HGV movements.**

REASON: In the interests of highway safety.

- 14. Prior to the commencement of development a pre-construction photographic survey of the C76 north from the main entrance to the junction with The Common shall be carried out. Upon completion of the construction phases, a post construction survey shall be carried out at the same locations. Details and results of both before and after survey shall have been submitted to the Council as the Highway Authority within 3 months of the first use of the development. Those submitted details and results shall be accompanied by a plan and timing schedule for the repair of any damage identified and attributable to the construction of the development, to be carried out at the expense of the applicant, which shall have been agreed in writing with the Local Planning Authority beforehand.**

REASON: So as to secure a scheme for the repair of the public highway following completion of substantive construction works.

15. Prior to commencement of development an assessment of the acoustic impact arising from the operation of all internally and externally located plant shall be undertaken in accordance with BS 4142: 2014 by a suitably qualified person. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to ensure the rating level of noise emitted from the proposed plant shall be less than background. The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: To protect local; amenity from adverse effects of noise.

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

Option Plan 1396-OP-01 Rev 05

Planning Layout Proposed Site Layout 1396-PL-02 Rev 05

Planning Layout Proposed Site Location Plan 1396-PL-03 Rev 04

Battery Container Plans and Elevations ENS-STD-PL-25

HVAC (SLAB) Plans and Elevations ENS-STD-PL-27

Inverter/TX Container Plans and Elevations ENS-STD-PL-28

Containerised Switchgear Plans and Elevations ENS-STD-PL-30

6m High Security Column Standard Details ENS-STD-PL-31

Security Fencing Typical Details ENS-STD-PL-32

132kv Single Circuit Tee Off (Underground) Details ENS-STD-PL-33

Planning Layout Existing & Proposed Elevations 1396-PL-04 Rev 02

Control and Metering Room Plans and Elevations ENS-STD-PL-45
(received 19.09.18)

Landscape Strategy Plan CRM.349.004.L.D.001

Planning Layout Existing Layout 1396-PL-01 Rev 03

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

17. INFORMATIVE TO APPLICANT:

The Applicant is advised of the need to consult the Area Highways Manager at 01249468561 matt.perrott@wiltshire.gov.uk before access works commence. This is in order to agree a pre-construction survey to ensure any damage done to the public highway during the construction phase is made right within a reasonable time period post-construction.

18. INFORMATIVE TO APPLICANT:

The applicant is advised of the need to consult the School Travel Adviser at 01225 713483 ruth.durrant@wiltshire.gov.uk regarding the frequency and proposed routes of HGV construction traffic.

19. INFORMATIVE TO APPLICANT:

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

20. INFORMATIVE TO APPLICANT:

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

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

21. INFORMATIVE TO APPLICANT:

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

22. INFORMATIVE TO APPLICANT:

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

53 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.35 pm)

The Officer who has produced these minutes is Stuart Figini of Democratic Services,
direct line 01225 718221, e-mail stuart.figini@wiltshire.gov.uk

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

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Wiltshire Council
Northern Area Planning Committee
31st October 2018

Planning Appeals Received between 22/09/2018 and 19/10/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
17/00709/ENF	Thistle Barn, Ashley Box, Corsham Wiltshire, SN13 8AJ	BOX	Unauthorised creation of access	DEL	Written Reps	-	26/09/2018	No

Planning Appeals Decided between 22/09/2018 and 19/10/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
17/06412/PNCOU	Haxmoor Farm Cricklade Road Purton, Swindon Wiltshire, SN5 4HY	PURTON	Notification for Prior Approval for a proposed change of use of agricultural building to a dwelling house and associated operational development	DEL	Written Reps	Refuse	Allowed with Conditions	26/09/2018	None
17/06521/REM	Westfield Farm Nettleton, Wiltshire SN14 7PA	NETTLETON	Construction of Agricultural Workers dwelling (outline planning approval granted under application 17/01511/OUT). Reserved matters application covering Access, Appearance, Landscaping, Layout and scale.	DEL	Written Reps	Refuse	Dismissed	16/10/2018	None
17/10136/FUL	150 Sheldon Road Chippenham, Wiltshire, SN14 0BZ	CHIPPENHAM	Change of Use of Old Persons Home (Class C2) to Create 2No Residential Units Within Class C3(c)	NAPC	Written Reps	Approve with Conditions	Allowed with Conditions	25/09/2018	Appellant's Application for Costs - REFUSED
18/00923/PNCOU	Scots Smith Farm Sodom Lane Dauntsey Chippenham Wiltshire, SN15 4JA	DAUNTSEY	Notification for Prior Approval under Class O - Change of Use from Office (Class B1(a)) to a Dwellinghouse (Class C3)	DEL	Written Reps	Refuse	Dismissed	26/09/2018	Appellant's Application for Costs REFUSED
18/01108/FUL	Balmedie 29A Seagry Road Lower Stanton St Quintin, Wiltshire SN14 6DB	STANTON ST. QUINTIN	New direct access to highway for vehicles and pedestrians over verge to class C road in 30mph limit.	DEL	House Holder Appeal	Refuse	Dismissed	03/10/2018	None

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	31 October 2018
Application Number	18/08151/FUL
Site Address	Dahl Al Misfir, Park Lane, Ford, Chippenham, Wiltshire, SN14 8RN
Proposal	Install a 4.4m x 2.4m swim spa in the rear garden of the residence, Dahl Al Misfir. The spa will be part sunken with decking around.
Applicant	Mr John Worsnop
Town/Parish Council	NORTH WRAXALL
Electoral Division	BY BROOK – Councillor Baroness Scott of Bybrook OBE
Grid Ref	384246 174931
Type of Application	Full Planning
Case Officer	Catherine Jackson

Reason for the application being considered by Committee:

The application has been called to Committee by the Local Member, Councillor Baroness Scott of Bybrook OBE, in order to enable members to consider the scale of the proposal and its impact upon the natural beauty of the area.

1. Purpose of Report

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

2. Report Summary

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

- The principle of the development.
- The impact of the proposal on the character and appearance of the application site and the surrounding Cotswolds Area of Outstanding Natural Beauty.
- The impact of the proposal on the character and appearance of the Long Dean-Ford-Slaughterford Conservation Area and on the setting of the nearby listed buildings.
- The impact of the proposal on the residential amenities of surrounding properties.

An objection has been received from the North Wraxall Parish Council. In addition, six representations from members of the public have been received; five objections and one in support of the proposal.

3. Site Description

The application site relates to the rear garden associated with Dahl Al Misfir, which is located on the eastern side of Park Lane in Ford.

The site is situated within the Cotswolds Area of Outstanding Natural Beauty (AONB) and the Long Dean-Ford-Slaughterford Conservation Area. A number of Grade II listed buildings are also located within the vicinity of the site.

4. Planning History

N/02/01980/FUL	Erection of Dwelling	Refused November 2002
N/02/02096/CAC	Demolition of Outbuilding Stable/Garage	Approved November 2002
N/04/01267/FUL	Erection of Single Storey Part Underground Dwelling and Internal Garage	Allowed at Appeal
N/10/01614/FUL	Lay Geothermal Pipes 1 Metre Below Ground in Field Adjacent to Church Farm House	Approved August 2010
17/01623/FUL	Erection of building for equipment and tractor storage	Approved June 2017
17/00559/ENF	Allegation Of Unauthorised Development and Unauthorised Change of Use of Land	No Breach Of Planning Control

5. The Proposal

This application seeks permission for the installation of a swim spa and decking in the rear garden of Dahl Al Misfir. The spa would be part sunken into the natural slope of the land and surrounded by timber decking.

The swim spa would measure approximately 4.4 metres in length and 2.4 metres in width. It is of moulded fibreglass construction and has an insulated safety hard cover when not in use.

The swim spa would be used by the applicants throughout the year to maintain fitness.

6. Local Planning Policy

National Planning Policy Framework (NPPF):

Paragraph 11;

Section 4, Paragraphs 38, 47 and 55

Section 15, Paragraphs 170 and 172

Section 16, Paragraphs 192 and 200

Wiltshire Core Strategy (WCS):

Core Policy 51 – Landscape

Core Policy 57 – Ensuring High Quality Design and Place Shaping

Core Policy 58 – Ensuring the Conservation of the Historic Environment

Core Policy 67 – Flood Risk

7. Summary of consultation responses

Wiltshire Council Conservation:

No objections subject to the colour and finish of the pool cover and the colour and finish of the decking.

Wiltshire Council Drainage:

No objections.

North Wraxall Parish Council:

Concerns regarding the overdevelopment of the site and impact on AONB.

8. Publicity

The application was advertised by site notice and direct neighbour notification letter. Five letters of objection were received and are summarised as follows:

- Inappropriate development within a Conservation Area and an AONB.
- The scale and design of the proposal would be out of character with the environment and is inappropriate within a rural setting.
- Inappropriate siting as the proposal would be prominent from Park Lane, a popular footpath.
- A condition imposed by the Planning Inspector when granting planning permission for the dwelling known as Dahl Al Misfir, located on the adjacent site, restricts the development of garages, extensions or other structures.
- The proposal would result in unacceptable noise levels, both from the swim spa's pump system and from its users.

One letter of support was received and is summarised as follows:

- There would be no impact on the visual amenity of the surrounding area or on the amenity of the neighbouring properties.

9. Planning Considerations

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

Principle:

The principle of the proposal is acceptable. The application seeks to carry out works within the garden area of a residential property, which are ancillary to the use of the dwelling. Core Policies 57 and 58 are permissive of the proposals subject to a range of criteria and site specific impact assessment and these matters are addressed further under issue specific headings below.

The Appeal decision referred to in the neighbour objections included a condition removing permitted development rights for the erection of garages, extensions or other structures. The removal of permitted development rights does not mean no development is allowed, it means that a planning application is required for the development. This effectively allows the Council the opportunity to consider the impacts of new development proposals in full. As such, these types of conditions are not a total prohibition on any future development.

Character and Appearance:

The proposed swim spa and decking would be contained in a residential garden and within close proximity to the residential dwelling of which they are associated. In addition, the proposal would be low in height and is not considered to be overly prominent. For these reasons, it is considered that the proposal does not have any unacceptable impacts upon the character and appearance and visual amenity of the application site or surrounding area.

AONB:

The proposal is located within the Cotswolds AONB; consequently, there is a requirement to ensure that the development does not have a detrimental impact on the natural beauty of the

landscape. As the proposal is well contained within the application site, is positioned in close proximity to the setting of existing built form and is of a form and character appropriate to the residential context of the site it is considered that it would have acceptable impacts upon the natural beauty of the wider area. In addition, the proposal does not incorporate any external lighting that may adversely impact upon the landscape.

Heritage Assets:

Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities in determining planning applications affecting a Listed Building or Conservation Area to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

The proposal is located within the Long Dean-Ford-Slaughterford Conservation Area, however would not form a prominent or visible feature within it. As such, the proposal would not result in harm to the character and appearance of the Conservation Area.

The proposal would be located in the vicinity of a number of Grade II listed buildings. As such, a material consideration in the determination is the impact of the proposal on the setting of these listed buildings. The proposal would be positioned an adequate distance away from the listed buildings to ensure their settings would not be adversely impacted upon. In addition, views to and from the listed buildings would not feature the proposal prominently due to it being part sunken into the ground and of a limited scale and nature. Overall, the scale and design of the proposal, as well as the degree of separation from the listed buildings would ensure that the setting of the listed buildings is preserved, according with Core Policies 57 and 58.

The Council's Conservation Officer has requested that the lining and cover of the swim spa be as dark as possible and that the finish to the decking is agreed prior to its application. Conditions relating to colours and finishes can be applied should planning permission be granted and are recommended below.

Residential Amenity:

The proposal would not result in any significant additional levels of overlooking and would not result in any loss of light nor would it have an overbearing impact on neighbouring properties.

Concerns have been raised by the nearby residents that the proposal would result in unacceptable levels of noise caused by the pump system of the swim spa as well as by its users. It is acknowledged that the pump system would cause some noise, however this is not considered to be to a degree that would warrant the refusal of the application. The Applicant has submitted further details from the supplier which indicate that with only the filtration pump running, at approximately one metre away, 41dB would be emitted (similar to a standard fridge-freezer) and with all pumps running, 61.8dB would be emitted (similar to loud talking or a car engine).

Furthermore, it is not considered that the siting of the swim spa would necessarily result in the Applicants creating excess noise, or for that matter, additional noise than what is currently created through the normal enjoyment of the residential garden. It is to be expected that some noise is going to occur in a residential garden. It should be noted that the application site and adjacent residential properties are all detached and feature generous plot sizes. Consequently the proposed development is set some distance from neighbouring properties. Also the application site is separated from some of the adjacent neighbouring properties by the access road Park Lane, which itself is a noise generator establishing some

level of ambient noise. It should also be borne in mind that the use of the swim spa will not be constant and activity and related noise generation would therefore be relatively limited. The additional noise levels are therefore not considered such that consent ought to be refused on this basis.

Overall, the impact of the proposal on the residential amenities of the neighbouring properties is regarded as acceptable.

10. Conclusion

It is considered that the proposed development is in accordance with the development plan. The development is considered to be acceptable on its planning merits and does not result in significant harm to interests of acknowledged importance. Having regard to all other matters raised it is recommended that planning permission be GRANTED.

RECOMMENDATION:

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

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan, Layout Plan, Section and Swim Spa Specifications; all dated 24 August 2018.

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

- 3 No paint or stain finish shall be applied to external timber until details of the paint or stain to be applied have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 4 The shell of the Swim Spa shall be 'Quartz Mist' in colour and it shall have a dark grey cover.

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

- 5 INFORMATIVE TO APPLICANT:

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

6 INFORMATIVE TO APPLICANT:

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

7 INFORMATIVE TO APPLICANT:

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

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

8 INFORMATIVE TO APPLICANT:

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



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	31 st October 2018
Application Number	17/09914/FUL
Site Address	Land to the rear of 88- 89b, High Street, Cricklade, SN6 6DF
Proposal	Erection of 2 no. dwellings
Applicant	H M Baker Trust and Mrs S E Baker
Town/Parish Council	CRICKLADE
Electoral Division	CRICKLADE – Cllr Bob Jones OBE
Grid Ref	SU 10121 93753
Type of application	Full Planning
Case Officer	Victoria Griffin

Reason for the application being considered by Committee

The application has been called in to Committee if minded to support by the local Councillor in order to consider the proposal in relation to the materials impacts including the scale of development, the visual impact upon the surrounding area, the relationship to adjoining properties, the design - bulk, height, general appearance and highway impacts.

1. Purpose of Report

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

2. Report Summary

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

- Principle of development;
- Impact on the character and appearance of the Conservation Area, Listed Buildings and their setting;
- Impacts on local highways/parking; and
- Impact on neighbour amenity
- Drainage
- Other matters

Cricklade Town Council objects to the proposals for the following reasons:

- Loss of integrity of burgage plots in conflict with NP
- Highway safety concerns
- Overdevelopment

11 no. letters of objection/comments have been received from neighbouring properties and are considered in the officer assessment below.

3. Site Description

The site currently comprises of garden land for no's 88-89b (4 no. properties), 2 no. pre-fabricated garages a garden store and an area of hardstanding used for parking, with a pedestrian path linking back to the rear of the properties which front onto the High Street and lies within the Cricklade Conservation Area.

No's 88-89b High Street are Grade II Listed Buildings. The application site has a frontage on Horsefair Lane and is surrounding on all sides by existing residential properties. This rear garden area is characterised by a historic wall that runs along the frontage to Horsefair Lane and separates the properties which is proposed to be retained.

4. Planning History

No relevant planning history located on the site.

5. The Proposal

Planning permission is sought for the erection of a 2 no. x dwellings on an area of land to the rear of 88-89b High Street, Cricklade that fronts onto Horse Fair Lane. Horse Fair Lane runs parallel with the High Street to the east and serves a number of existing dwellings and other associated development. Horse Fair Lane is predominantly residential in character and comprises of a range of housing types and styles. Materials proposed include natural blue slates and natural rubble stone for walls with timber windows and doors. The proposals are situated within the gardens of 88-89b High Street which are grade II listed buildings.

6. Policies / Legislation

The Core Strategy for Wiltshire was formally adopted by the Council in January 2015. The Core Strategy forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's development Plan now comprises of:

- Core Strategy
- Saved Policies in the North Wiltshire Local Plan 2011
- Strategic Allocations plans (where relevant)
- Neighbourhood plans (where relevant)
- Minerals and Waste plan

Wiltshire Core Strategy:

Core Policy 1 (Settlement strategy)

Core Policy 3 – (Infrastructure requirement)

Core Policy 19 – (Spatial Strategy for the RWB & Cricklade Community Area)

Core Policy 51 (Landscape)

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

Core Policy 58 (Ensuring the conservation of the historic environment) Core Policy 60 (Sustainable transport)

Core Policy 61 (Transport and new development) Core Policy 64 (Demand management)

National Planning Policy Framework (2018)

Paragraphs 11 Presumption in favour of sustainable development

Section 5 (Delivering a sufficient supply of homes)

Section 12 (Achieving well designed places)

Section 9 (Promoting sustainable transport)

Section 15 (Conserving and enhancing the natural environment) Section 16 (Conserving and enhancing the historic environment)

Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. ‘

Paragraph 196 – Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Cricklade Neighbourhood Plan (March 2018)

H1 Settlement boundary

H3 Design of new housing

H4 Housing mix of sites

H7 Residential car parking

H8 Foul water, flood risk and surface water drainage

Legislation:

- Planning (LB&CA) Act 1990,
- Planning and Compulsory Purchase Act 2004

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Other guidance:

Conservation Area Description Cricklade (Designated 22nd September 1999)

Setting of Heritage Assets – Historic England Advice Note

7. Summary of consultation responses

Cricklade Town Council – Objection – (summarised):

- Harm to character of area
- Loss of integrity of burgage plot
- Highway safety
- Loss of residential amenity

Highways – No objection – (summarised) further clarification sought on existing parking and level of parking provision - adequate access and parking provision shown

Thames Water – No comments received

Archaeology – Support subject to conditions

Conservation Officer – No objections to revised proposals for 2 no. dwellings recommended conditions

Drainage – Support subject to conditions

8. Publicity

The application was advertised by site notice and neighbour notification. A re-consultation was carried out following revised plans submission.

11 no. letters of objection/comments were received from neighbours, raising the following points (summarised):

- Loss of parking and increased parking demand on restricted street
- Overlooking of property
- Loss of privacy
- Highway safety concerns
- Lack of space to accommodate level of development
- Reduce size of dwellings to alleviate parking demands
- Concerns over noise and construction disturbance
- Harm to Conservation Area and Listed Buildings
- Concerns over construction traffic and use of the lane
- Over-development of site
- Pedestrian safety issues
- Development should provide on-site parking
- Construction management is in place before works commence
- Relevant permissions for shared access has not be given

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. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the Cricklade Neighbourhood plan; and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

Principle of development

In this case, the Wiltshire Core Strategy (WCS), including those policies of the North Wiltshire Plan saved in the WCS set out in Appendix D, forms the relevant Development Plan for the Cricklade Community area.

Accordingly WCS Core Policies 1 and 19 identify Cricklade as a local service centre. They are defined as smaller towns and larger villages which serve a surrounding rural hinterland and possess a level of facilities and services that, together with improved local employment, provide the best opportunities outside the Market Towns for greater self-containment. Local Service Centres will provide for modest levels of development in order to safeguard their role and to deliver affordable housing.

WCS Core Policy 2, amongst other components, establishes a minimum housing requirement for each of the County's Housing Market Areas and sets out a role for settlement boundaries. Within a settlement boundary development is acceptable in principle; outside, other than in circumstances as permitted by other policies within the WCS, identified in paragraph 4.25, residential development will not be permitted.

This application seeks the erection of a 2 no. dwellings within an identified settlement boundary, as such would accord with Core Strategy policies 1 and 2 and is considered to be acceptable in principle.

Impact on character and appearance

Core Policy 57 (i) states that applications for new development will need to demonstrate how they make a positive contribution to the character of Wiltshire through (inter alia) enhancing local distinctiveness by responding to the value of the natural and historic environment. Core Policy 58 states that development should protect, conserve and where possible enhance the

historic environment.

The site is located within the Cricklade Conservation Area, which is characterised mainly by buildings of two storeys in height, vernacular in style and of traditional construction. The High Street itself has a diverse mix of uses with retail with a number of historic public houses and residential properties. Despite the development of the Town over the Centuries since its Anglo Saxon Foundation in the 9th Century, the grid pattern of the original streets can still be appreciated, this early foundation giving rise to the development of burgage plots leading back from the high street.

The current proposal seeks the erection of 2 no. dwellings within the rear gardens of no' 88-89b High Street, which would formalise a rear area that fronts onto Horsefair Lane. The siting of the dwellings would be viewed alongside existing built form and buildings that line the rear gardens of the Listed Buildings situated along the High Street and would represent an infilling of an area that is presently under-utilised part of garden in this part of the Conservation Area.

The Town Council comments are noted in respect of the impacts on the historic burgage plots within this part of the Conservation Area and some revisions have been sought to address the site's context more explicitly within the design proposals including the reduction of the number of units proposed from 3 no. dwellings to 2 no. dwellings and the retention of historic walling in this part of the site. The NPPF is a material planning consideration and paragraphs 194 & 196 of the NPPF are relevant to the determination of the application. Paragraph 196 provides: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal' .

Moreover, the principle of the layout and design approach on this site has been considered in some detail with the Conservation Officer, including having due regard to the most suitable approach to offer some level of protection to the integrity of the burgage plot arrangement and conserve the local character in accordance with CNP policy H3. This has evolved from the subdivision on the site from 3 no dwellings to 2 no. dwellings that appropriately follow the linear layout of the existing plots, within the context of the existing modern development and general condition and appearance of the existing site.

It is considered that the alterations to the site with the introduction of the 2 no. dwellings would provide an appropriate formal setting to the listed buildings, alongside existing modern development, and would continue to appear as a subservient entity from the listed building as

the informal garaging with a more active frontage facing out onto the street and this part of the public realm.

It is accepted that the proposals would lead to some degree of harm within the rear of gardens of the Listed Buildings which form a part of the setting for these designated heritage assets and within the Conservation Area however this is not considered to be unjustified within the submissions. In accordance with the advice contained in the NPPF, this harm can be qualified as less than substantial., in such circumstances this harm can be weighed against the public benefits of the proposal. As such noting the site's individual characteristics it is considered that the development would lead to less than substantial harm and this harm is considered to be at the low end of the scale and is weighed against the public benefits of the proposal, including securing its optimum viable use. The public benefits of the creation of 2 no. new dwellings include the use of land within a sustainable location within the settlement framework close to local amenities contributing to meeting the Council's identified housing requirement; and there would be economic benefits during construction.

Impact on highway/parking

The proposals have met with concern over the lack of allocated parking and existing/increased pressure for on-street spaces from immediate neighbours which is key issue with regards to objections received. The revised application proposes to provide 1 garage space for each of the 2 x 4 no. bed dwellings. The Highways officer is satisfied that the level of on-site parking provision for the development would be adequate in this location and that there is an existing parking arrangement which is used on an informal basis. Whilst the parking currently could provide some parking for the host buildings the Highways officer is satisfied that there is no formal agreement tying the existing hardstanding parking to any dwelling therefore no significant cumulative impact on the highway would arise to justify a refusal on this basis alone. A single parking space is to be retained for no.88 with the retention of a detached single garage within the site.

In respect of the visibility into the site, in particular with regards to Unit 1 where the heritage wall is to be retained, given that the fall-back position is of an existing parking access the proposals in the widening of the access do offer an improvement in visibility over the existing splay. Officers' are of the view that given the amount of accommodation proposed in the revised proposals, it is not considered that the number of domestic vehicles associated with the property would reach a point at which its local impact would result in 'severe' harm as

directed by Paragraph 32 of the Framework. A condition is however recommended to ensure that parking provision is provided within the site prior to the occupation of the dwellings.

Impact on Residential amenity

The site is surrounded on all sides by existing residential properties and the host building's no's 88-89b High Street. Revisions to the scheme have sought to reduce the scale of the building relative to its surroundings. No windows are proposed facing onto side properties within the main elevations of the dwellinghouse. Representations have been received in relation to no.87 to the rear of the site and the degree of overlooking, whilst it is accepted that the proposal would alter the outlook and character of the site with first floor windows facing towards these properties and surrounding having regard to the existing site context and the distance from the rear elevation (approx.. 30m) this is not considered to represent unacceptable degree of harm such as to justify a refusal on this basis. Furthermore it is considered that the number of openings and proximity to neighbouring properties would afford the proposed occupiers with an acceptable level of amenity in accordance with Core Policy 57.

Drainage

The site does not fall within a designated flood zone at risk and a sufficient level of information is provided within the submissions to recommend conditions for surface water drainage and foul water drainage. Relevant conditions and informatives are attached to this recommendation.

Other matters

Some clarification has been sought on the ownership of a pedestrian access to the side of the site leading to No.87 High Street concerning a representation received and in relation to the right of use of this are for waste bins etc. The applicant has confirmed that the path is within shared ownership and the red line is correct in that it extends over part of the access. This is considered to be acceptable in the context of the application submissions. An informative is duly applied that any relevant other permissions would need to be sought from other relevant land owners if required.

10. Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that “determination must be made in accordance with the plan unless material considerations indicate otherwise”. Paragraphs 2 & 11 of the NPPF reiterate and confirm this requirement. The Wiltshire Core Strategy Adopted January 2015 and Cricklade Neighbourhood Plan (2018) form the local component of the current Development Plan.

The impact of the proposal is considered to be acceptable in highway terms, residential amenity and the impact on the historic setting of Listed Buildings and Conservation Area. The main harm associated to the development is considered to be the changes to the historic burgage plots and impact on the setting of the Listed Buildings. Paragraph 134 of the framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposed development would result in less than substantial harm to the heritage asset of the Cricklade Conservation Area and the setting of Listed Buildings. Whilst the benefits of the development are limited to the social benefits of the creation of 2 no. new dwellings other benefits include the use of land within a sustainable location within the settlement framework close to local amenities and there would be economic benefits during construction. As such noting the site’s individual characteristics it is considered that the development would secure the optimum viable use of the site. It is considered that the proposal would form an enhancement to this part of the Conservation area and would formalise and enhance the appearance of the site which would pass the test of conserving or enhancing the character or appearance of the Conservation Area and would safeguard the setting of the nearby Listed Buildings. Therefore, it is considered that the public benefits associated to the development would outweigh the less than substantial harm to the heritage asset, which is considered to be at the low end of the scale, therefore whilst there are identified conflicts with Core Policy 58 of the Wiltshire Core Strategy there are other material considerations that need to be considered as set out above, the proposals are therefore considered to accord with the Cricklade Neighbourhood Plan (2018) and National Planning Policy Framework(2018).

RECOMMENDATION

Approve subject to conditions:

- (1) **TIME LIMIT** 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) **PLANS COMPLIANCE:** The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing Site Plan

Proposed Site Plan

Proposed Elevations

Proposed First Floor Plan

Proposed Ground Floor Plan

Proposed Elevations – date received 5th July 2018

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

- (3) **SAMPLE PANEL MATERIALS:** No external walls on site shall be erected until a sample panel of the materials to be used for all external walls (including boundary treatments) and roofs, including details of windows, doors and rainwater goods, have been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

- (4) **FOUL WATER DETAILS:** No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

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

REASON: To ensure that the development can be adequately drained

- (6) SURFACE WATER COMPLIANCE:** The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

- (7) PD RIGHTS REMOVED:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

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

- (8) PD RIGHTS REMOVED:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other forms of openings, other than those shown on the approved plans, shall be introduced in the elevations of the dwelling hereby permitted.

REASON: To preserve the character and appearance of the building and the amenities of adjoining residents.

- (9) PARKING AREA PROVISION:** No part of the development hereby approved shall be occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. The proposed access and this area shall be maintained and remain available for this use at all times thereafter.

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

- (10) BOUNDARY TREATMENTS:** No development shall commence until details of the proposed boundary treatments and landscaping to include a detailed planting specification showing all plant species, supply and planting sizes and planting densities; finished levels and contours. The development thereafter shall be carried out in accordance with the approved details.

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

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

REASON: To protect residential amenity and the character and appearance of the area.

- (12) CONSTRUCTION & ENVIRONMENTAL MANAGEMENT:** The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme to include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours,

- site opening times, wheel wash facilities and site compound arrangements.
- iv. Site working hours and a named person for residents to contact;
 - v. Detailed Site logistics arrangements;
 - vi. Details regarding parking, deliveries, and storage;
 - vii. Details regarding dust mitigation;
 - viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and

REASON: In the interests of residential amenity and highway safety

(13) ARCHAEOLOGICAL INVESTIGATION: No development shall commence within the site until:

- a) 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
- b) The approved programme of archaeological work has been 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, to enable the recording of any matters of archaeological interest.

INFORMATIVES:

PLANS COMPLIANCE

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

WASTE SUPPLY AND WATER CONNECTION:

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

S105a Public Sewers

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer can be found on our website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development.

No surface water connections will be permitted to the foul sewer system.

HIGHWAY WORKS:

The proposal includes alteration to the public highway; 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.

THIRD PARTY LAND:

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

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

CONSERVATION OF HABITATS REGULATIONS 2010:

Anyone undertaking this development should be aware that bats and their roosting places are protected at all times by the Conservation of Habitats and Species Regulations 2010. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. Consideration should be given to obtaining a survey from a professional ecologist before commencing work. If bats or evidence of bats is found at any stage of development, the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline online.

COMPLIANCE – MATERIALS:

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.

CIL COMPLIANCE:

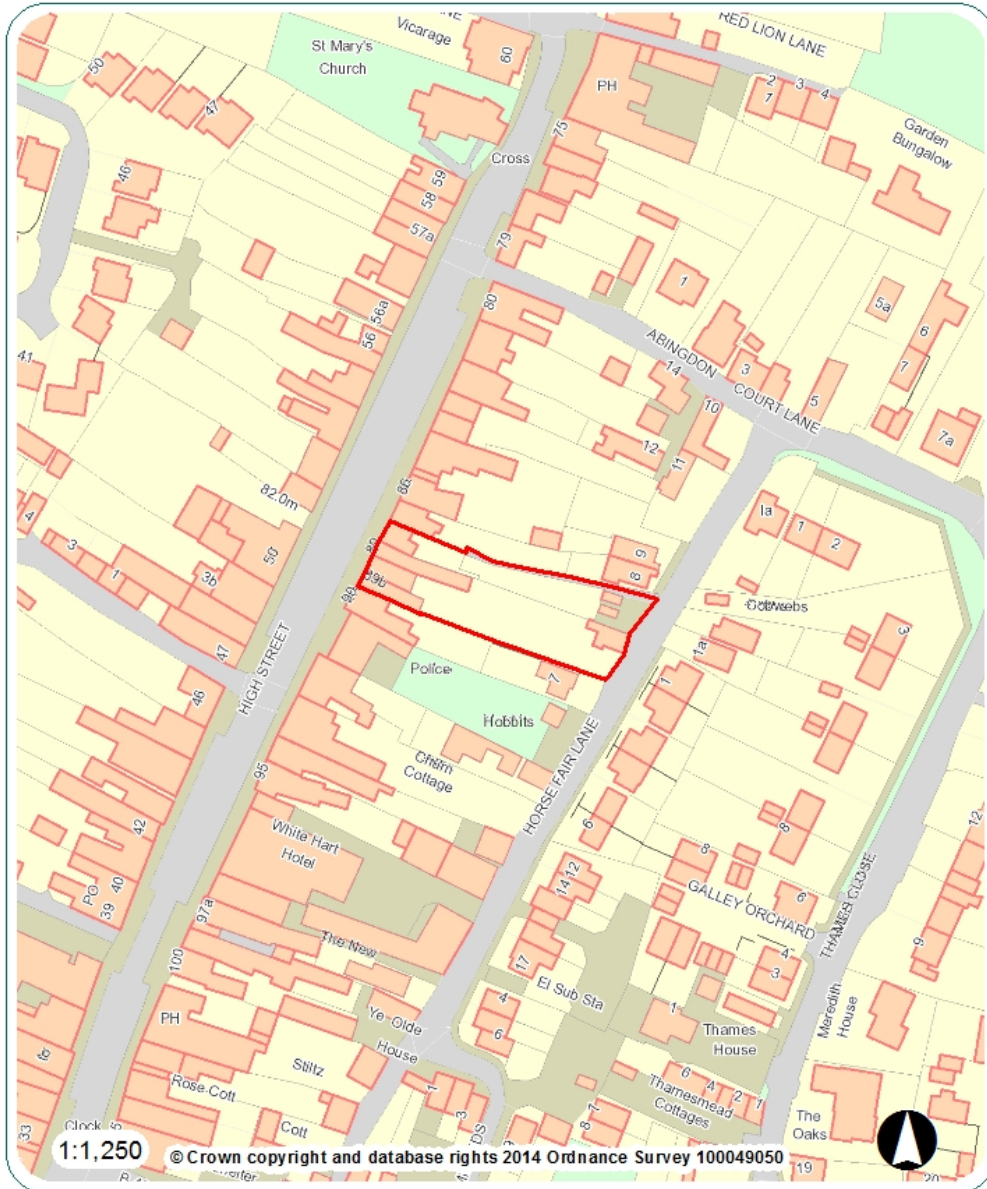
The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued 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

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Land rear of 88-89 High Street
Cricklade
Swindon
SN6 6DF



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