

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Wiltshire Council Offices, Monkton Park,
Chippenham SN15 1ER
Date: Wednesday 30 January 2019
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 713191 or email craig.player@wiltshire.gov.uk

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Membership:

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

Substitutes:

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

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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 - 26*)

To approve and sign as a correct record the minutes of the meeting held on 28th November 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 23rd January 2019 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 25th January 2019. 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 27 - 28*)

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

7 **Planning Applications**

To consider and determine the following planning applications.

7a **17/09618/FUL - Braydon Lane Garage, Chelworth Industrial Estate, SN6 6HE** (*Pages 29 - 42*)

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 28 NOVEMBER 2018 AT COUNCIL CHAMBER - WILTSHIRE COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice-Chairman), Cllr Chuck Berry, Cllr Christine Crisp, Cllr Howard Greenman, Cllr Gavin Grant, Cllr Chris Hurst, Cllr Toby Sturgis, Cllr Brian Mathew, Cllr Jacqui Lay (Substitute) and Cllr Philip Whalley (Substitute)

64 Apologies

Cllr Ashley O'Neill was substituted by Cllr Jacqui Lay and Cllr Mollie Groom was substituted by Cllr Philip Whalley.

65 Minutes of the Previous Meeting

The Chairman drew attention to a letter received from Cricklade Town Council in relation to Planning Application 17/09914/FUL. The Committee was invited to ask any questions or make any comments on the letter.

The minutes of the meeting held on 31st October 2018 were presented.

Resolved:

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

66 Declarations of Interest

There were no declarations of interest.

67 Chairman's Announcements

There were no Chairman's announcements.

68 Public Participation

The Committee noted the rules on public participation.

69 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

70 **Planning Applications**

The Committee considered the following applications:

71 **18/06305/FUL - Nos. 1-6 and 9-14, Bendy Bow, Oaksey**

Public participation

Richard Stephens, GreenSquare Architects, spoke in support of the application.

Meghan Rossiter, the agent, spoke in support to the application.

The Chairman read a statement from Chantelle Walsh, local resident, in support of the application.

Cllr Richard Moody, Chairman of Oaksey Parish Council, spoke in objection to the application.

The Planning Officer, Lee Burman, introduced a report which recommended granting planning permission, subject to conditions and completion of a Section 106 agreement, for the demolition of nos. 1-6 and 9-14 and replacement with 24 no. dwellings.

The Planning Officer provided the following update on the report:

- Page 13 – the date of meeting should read 28th November 2018

Key issues highlighted included: principle of development; impact on the character and appearance of the area including designated heritage assets such as the conservation area; impact on residential amenity; impact on highway safety and parking; impact on site drainage and impact on ecology. Site constraints and the character and appearance of the site and locality including key features were described. The status of the Development Plan and emerging neighbourhood plan were set out.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: provisions for residents to be decanted and/or offered places in the proposed dwellings and the character of the proposal compared to the locality and in particular the spacing between buildings and use of materials.

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

Cllr Chuck Berry, Division Member, spoke regarding the application with the main points focusing on the high level of consultation; the front gardens of the

dwellings; the historic relevance of the adjacent buildings; the Oaksey Neighbourhood Plan and in particular the character of the locality; the visual amenity of the street scene; the distance from the front of the proposal to the pavement to which the Planning Officer referenced a approximate distance of between five to 10 metres and the need to preserve the conservation area.

At the start of the debate a proposal was moved by Cllr Hutton, seconded by Cllr Grant to grant planning permission as detailed in the report.

During the debate the main points raised were: the need for village regeneration; the need for social housing in villages; the examples of similar developments in Wiltshire and their success; the type of stone to be used for the proposed dwellings; the pairing of adjacent doors and how they fit in with the locality; the appearance of the windows; the Oaksey Neighbourhood Plan and the appearance of the dwellings compared to that of the locality. A revised motion was put forward and agreed by Cllr Peter Hutton and Cllr Gavin Grant to address design characteristics.

Resolved

To delegate authority to the Head of Service to approve subject to a s106 agreement and conditions in accordance with the officer recommendation contained in the report subject to delegating authority to Officers to seek:

Design amendments to plots 1 – 5 to address treatment and extension of brick course above windows.

Repositioning of front doors from adjacent to another in order to achieve separation.

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:

Sitloc - Site Location Plan - /

P100 - Proposed Site Layout – B

P101 - Proposed Block Plan – B

P102 - Proposed Materials Plan – B

P107 - Site Layout in Context - /

P/CE 130-140 - Coate Floor Plans Plt 12-14 – A

P/CE 134-143 - Coate Floor Plans Plt 15-18 – A

P/CF 130 - Clifton Ground Floor Plt 19-20 - /

P/CF 140 - Clifton First Floor Plan plt 19-20 - /

P/EH 130 - Everleigh Ground Floor Plt 6-11, 21-24 - /

P/EH 140 - Everleigh First Floor Plt 6-11, 21-24 - /
P/EN 130 - Enford Floor Plans Plt 1-5 - /
P/CE 200-202 - Coate Elevations Plt 12-14 – A
P/CE 203-204 - Coate Elevations Plt 15-18 – A
P/CF 200-202 - Clifton Elevations - /
P/EH 200-202 - Everleigh Elevations Plt 6-11, 21-24 - /
P/EN 200 - Enford Elevations – A
P/EN 201 - Enford Elevations - A
P/EN 202 - Enford Elevations - B
P/SL 500 - Artists Impression – B
P/SL 501 - Artists Impression - B
P/SL 502 - Artists Impression - B
P/SL 503 - Artists Impression – B
P/SL 504 - Artists Impression – A
P/SL 505 - Artists Impression – A
P/SL 506 - Artists Impression – A
P/SL 507 - Artists Impression – B
P/SL 508 - Artists Impression – A
P/SL 509 - Artists Impression – A
P/SL 510 - Artists Impression – A
P/SL CMP - CMP Site Plan - /
918-01 - Landscape Plan Bridges Assoc – C
Landscape Management & Maintenance Plan
1769/001 - Engineering Layout PHG
Drainage Strategy FRA PHG dated June 2018

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

5 No part of the development hereby approved shall be brought into use until the parking areas as shown on the approved plans have been consolidated, surfaced and laid out in accordance with the approved details, including the provision of controlled accesses as detailed. These areas shall be maintained and remain available for their respective uses at all times thereafter.

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

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions 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.

7 No occupation of the dwellings shall take place until the Drainage works for the development are implemented. The development shall be carried out in accordance with the Drainage & Flood Risk Assessment dated June 2018 (phg Consulting Engineers). The development thereafter shall be maintained in accordance with the approved details.

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

8 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;
- h) measures for the protection of the natural environment; and
- i) hours of demolition and construction, including collection of waste and 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 demolition and construction phases.

9 No dwelling shall be occupied until the vehicular access serving the dwelling and the vehicle parking space(s) serving it has been completed in accordance with the details shown on the approved plans and supporting statements and, once provided, the parking space(s) shall thereafter be so retained.

REASON: In order to provide adequate parking and turning facilities, and in the interests of highway safety.

10 Plots 1,2,3,4,5 of the development shall not 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 600mm 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

11 No development, other than demolition, site clearance and that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition, shall commence on site, until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination. The development thereafter shall be carried out in accordance with the agreed programme and in writing by the Local Planning Authority.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination (including asbestos) on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency’s “Model Procedures for the Management of Land Contamination, CLR 11” and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted

to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12 The development hereby approved shall be carried out in accordance with the proposals within the ecological mitigation strategy and plans detailed within the 'Ecological Mitigation and Enhancement Strategy' Focus Ecology, July 2018, as already submitted with the planning application and agreed in principle with the local planning authority before determination.

REASON: To ensure adequate protection and mitigation for protected species / priority species / priority habitats through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

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

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

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

REASON: In the interests of residential amenity and privacy.

15 **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/communit yinfrastructurelevy

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.

INFORMATIVE TO APPLICANT:

The applicant is reminded of the need to obtain separate Land Drainage Consent for any drainage works comprising the extinguishment and/or creation of new outfall points at the adjacent watercourse.

INFORMATIVE TO APPLICANT:

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 [INSERT].

INFORMATIVE TO APPLICANT:

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way adjacent to the site, temporarily or otherwise.

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

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

be necessary for the applicant to obtain the landowners consent before such works commence.

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

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

Proposed Sewerage

The site shall be served by separate systems of drainage.

Foul Drainage

- Foul connections either directly or indirectly to the local public foul network can to be agreed in consultation with Wessex Water. Please visit the Developer Services section of our website and refer to Wessex Water's guidance notes 'DEV016G – Connecting to a public sewer' for further guidance or contact sewer.connection@wessexwater.co.uk
- Redundant drains and laterals should be sealed at the point of connection to the public sewer.

Surface Water Drainage

- The Drainage Strategy (PHG Consulting June 2018) proposes to utilise existing drainage infrastructure to 'discharge to the existing adopted system'. Our records indicate that there are highway and private sw systems in this area but there are no public surface water sewers recorded at this location.
- Surface water connections to the public foul sewer network will not be permitted. If

**there are any existing surface water connections to the existing foul water system
these should be redirected upon re-development.**

- We support the development in principle but advise that the applicant should further investigate the local surface water drainage systems to ensure that satisfactory disposal can be achieved with Highway / LLFA approval. The developer must demonstrate that any surface water sewers serving new development will not connect directly or indirectly to the public foul network.**

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

Water Infrastructure

A water supply can be made available from the existing network. The applicant should consult the Wessex Water website for further information. www.wessexwater.co.uk/Developers/Supply/Supply-connections-anddisconnections

72 16/10513/FUL - Land at Restrop Road, Purton, Swindon

Public participation

Chris Minors, the agent, spoke in support to the application.

Dr Richard Pagett, speaking on behalf of Purton Parish Council, spoke in objection to the application.

The Planning Officer, Jemma Foster, introduced a report which recommended granting planning permission, subject to conditions and the completion of a S106 agreement, for residential development of 38 dwellings including access, car parking, landscaping and other associated infrastructure.

Key issues highlighted included: principle of development; impact on character and appearance of the area; impact on highway safety and conformity with the Neighbourhood Plan.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: boundary treatment for the proposed play area; the permitted development rights proposed to be removed; the design of the dwellings and in particular its suitability for the disabled and elderly; the local need for smaller housing and housing for the elderly; the construction method

statement and in particular the construction of the buildings at reasonable hours and highways concerns.

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

Cllr Jacqui Lay, Division Member, spoke regarding the application with the main points focusing on the lack of recent consultation with the public; the length of time that the application has been on hold for; the need to look at villages individually and consider the local needs; the importance of the Purton Neighbourhood Plan; the appearance and character of the locality; the planning history of Restrop Road; concerns over parking arrangements; additional homes not necessarily safeguarding services; concerns over waste collection; the construction method statement and in particular construction vehicles and highways concerns.

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

During the debate the main points raised were: the feasibility of a construction management plan; highways concerns; the design of the dwellings; permitted development rights; access for disabled and the elderly; the need for housing for the elderly as well as affordable housing; the specificity of the Purton Neighbourhood Plan; the need to preserve the development as it is proposed and make sure the Lifetime Houses deliver what they say they will and the floor plan and its indication of where disabled access can be added; and future access arrangements to adjacent land.

Resolved

To delegate authority to the Head of Service to approve subject to a s106 agreement and conditions in accordance with the officer recommendation contained in the report subject to additional conditions as follows:

Demolition or construction works on the site hereby approved shall not take place outside 07:30hrs to 17:30hrs Mondays to Fridays and 08:00hrs to 12:30hrs on Saturdays not at any time on Sundays or Bank Holidays.

No works shall commence on site until a construction traffic management plan detailing how construction traffic will access the site has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

No dwelling shall be occupied until the boundary treatment around the equipped play area has been submitted to and approved in writing by the Local Planning Authority. The play area shall not be first put into use until the boundary treatment has been erected in accordance with the approved details.

- 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:

Drawing Number 085_101 (location plan), 600 (topographical) received by the Local Planning Authority on 2nd November 2016

Drawing Number 085_105A (Street Scene) received by the Local Planning Authority on 5th April 2017

Drawing Numbers: 085_104 G (storeys), 085_109 F (access & movement), 2601 P6 (levels), H100 P8 (drainage), 101 P5 (vehicle track analysis), 102 P5 (visibility), PERW20671-10 F (landscape) received by the Local Planning Authority on 17th August 2017

Drawing Number: PERW20671-03 E (tree protection) received by the Local Planning Authority on 11th May 2018

Drawing Numbers: 085_102 rev H (materials), 085_107_1 rev G (fences & enclosures) received by the Local Planning Authority on 12th November 2018

House Pack:085_: 120-1A, 124-1A, 124-2A, 126-1A, 126-2A, 127-1A, 127-2A, 127-3A, 128-1B, 128-2A, 130-1A, 130-2A, 130-3A, 130-4A, 131-1B, 131-2A, 131-3A, 133, 136-1A, 137-1 and Drawing Number 085_100 AA (Planning Layout) received by the Local Planning Authority on 13th November 2018

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

- 3** The development shall be carried out in accordance with the materials submitted to the Local Planning Authority on 10th October 2018

REASON: To ensure the development is acceptable for its surroundings

- 4** 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 specialist 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.

- 5 No development shall commence on site until a landscape and ecology management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape

and ecology management plan shall be carried out as approved 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 the proper management of the landscaped areas in the interests of visual amenity.

- 6** No development above slab level 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 and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority.

No dwelling hereby approved shall not be 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 and street furniture serving that dwelling has been constructed and laid out in accordance with the approved details.

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

- 7** No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4m metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 58 metres to the north east direction and 50 metres to the south-west direction from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.6m above the level of the adjacent carriageway. This also includes a 1m buffer in front of the hedge in order that the growth of the hedge does not encroach into the visibility splay.

REASON: In the interests of highway safety.

- 8** No development shall commence on site until full details of a footway from the site to Reeds Gables Close alongside a timetable detailing when

the footpath shall be provided have been submitted to, and approved in writing by, the Local Planning Authority.

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

- 9** 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 and ensuring that any pipe/attenuation system does not allow ingress of ground water to the system plus all third party permissions and approvals, has been submitted to and approved in writing by Wiltshire Council.

The development shall then 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 without increasing flood risk to others

- 10** No development shall commence on site until a scheme for the discharge of foul water from the site, including any required off site capacity improvements needed to existing public sewerage system to allow the site to be served and to prevent ingress of ground water into the sewer system , has been submitted to and approved in writing by Wiltshire Council.

The development shall then not be first occupied until foul water drainage, including any required off site capacity improvements needed to existing public sewerage system to allow the site to be served, 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 without increasing flood risk to others

- 11** No development shall commence on site until a construction management plan detailing drainage arrangements during the construction stage has been submitted to and approved in writing by Wiltshire Council. The development shall then be carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning

Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained without increasing flood risk to others during construction works

- 12 No dwelling hereby approved shall be first occupied until the associated allocated parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.**

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

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

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

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

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

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

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

the later].

REASON: To ensure the retention of trees on and off site during the construction stage.

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

* location and current canopy spread of all existing trees and hedgerows on the land;

* full details of any to be retained, together with measures for their protection in the course of development;

* a detailed planting specification showing all plant species, supply and planting sizes and planting densities/locations of trees, shrubs;

* the native mix that is proposed along the sections of hedgerow that will be infilled

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.

16 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.

- 17 Plot 6 and 10 as shown on the approved plans shall not be occupied until details of the obscure glazing to be used in the first floor window on the side elevation and details of how it will have restricted opening has been submitted to and approved in writing by the Local Planning Authority, and; the obscure glazing and restricted window opening has been installed in accordance with the approved details. The obscure glazing and restricted window opening shall be maintained in accordance with the approved details in perpetuity.

REASON: In the interests of residential amenity and privacy.

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

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

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

REASON: In the interests of residential amenity and privacy.

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

REASON: In the interests of visual amenity.

- 21 The development hereby permitted shall not be occupied until the approved sewage disposal works proposed 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.

- 22** The development hereby permitted shall not be brought into use until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority, and; no dwelling hereby approved shall be first occupied until the approved refuse storage has been completed and made available for use in accordance with the approved details. The approved refuse storage shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of public health and safety.

- 23** No works shall commence on site until a site plan for the receptor area detailed on a map together with a description of pre-translocation works required at the receptor site and a clear prescription of the receptor site in perpetuity post-translocation alongside a timetable for the translocation of the slow worms has been submitted to and approved in writing by the Local Planning Authority. The development shall then 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 and in the interest of ecology

INFORMATIVE TO APPLICANT:

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 ???/2018

- 2** **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/communityinrastructurelevy.

3 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.

4 INFORMATIVE TO APPLICANT:

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

Thames Water have also advised:

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility

infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission:"A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

73 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00pm - 5.00pm)

The Officer who has produced these minutes is Craig Player of Democratic Services, direct line 01225 713191, e-mail craig.player@wiltshire.gov.uk

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

**Wiltshire Council
Northern Area Planning Committee
30th January 2019**

Planning Appeals Received between 16/11/2018 and 18/01/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
17/12512/FUL	Street Farm, The Street Oaksey, SN16 9TQ	OAKSEY	Conversion of the existing barn to a single residential dwelling, and alterations and extensions to the existing house together with associated works including garage and new access from Cargill Place	DEL	Written Representations	Refuse	27/11/2018	No
18/06613/PNCOU	Fairmeadow Farm Dauntsey, Chippenham Wiltshire, SN15 4HN	DAUNTSEY	Notification for Prior Approval under Class Q - Conversion of Barn into Residential Use as a Single Dwellinghouse (Use Class C3) and for Associated Operational Development	DEL	Written Representations	Refuse	03/01/2019	No

Planning Appeals Decided between 16/11/2018 and 18/01/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
17/00709/ENF	Thistle Barn, Ashley Box, Corsham Wiltshire, SN13 8AJ	BOX	Unauthorised creation of access	DEL	Written Reps	-	Dismissed	19/12/2018	None
17/08735/FUL	Land at Church Place Lydiard Millicent Swindon, Wiltshire SN5 3LR	LYDIARD MILLICENT	Provision of new public open space, footpath, play area, nine homes (4 Affordable Units) and associated infrastructure.	DEL	Written Reps	Refuse	Dismissed	09/01/2019	None
17/12034/FUL	Land at Honeysuckle Cottage, Malmesbury Corston, SN16 0HJ	ST PAUL MALMESBURY WITHOUT	Erection of Single Dwelling	DEL	Written Reps	Refuse	Dismissed	21/12/2018	None
17/12507/FUL	Ashley Common Road Malmesbury SN16 0HN	ST PAUL MALMESBURY WITHOUT	Demolition of existing bungalow and erection of two new dwellings	NAPC	Written Reps	Approve with Conditions	Allowed with Conditions	12/12/2018	Appellant application for costs - Refused
18/00078/FUL	Abberd Farm House Abberd Lane, Calne Wiltshire, SN11 8TE	CALNE WITHOUT	Construction of dwelling	DEL	Written Reps	Refuse	Dismissed	16/11/2018	None
18/01532/OUT	Land at Yatton Road Biddestone Chippenham Wiltshire, SN14 7BZ	BIDDESTONE	Outline Planning Permission for the Erection of a Single-Storey Self-Build Dwelling.	DEL	Written Reps	Refuse	Dismissed	06/12/2018	None
18/02078/FUL	1 and 2 The Old Barn Purlieu, Minety Wiltshire	HANKERTON	Change of use of holiday lets to residential accommodation	DEL	Written Reps	Refuse	Dismissed	06/12/2018	None
18/02653/FUL	14 Bardsey Close Royal Wootton Bassett, Wiltshire SN4 8NA	ROYAL WOOTTON BASSETT	Loft Conversion with Box Dormer	DEL	Written Reps	Refuse	Dismissed	19/12/2018	None
18/04006/FUL	Ivy Cottage Box Hill Box SN13 8EX	BOX	Raised parking area to serve existing dwelling (retrospective)	DEL	House Holder Appeal	Refuse	Dismissed	05/12/2018	None

Date of Meeting	30 th January 2019
Application Number	17/09618/FUL
Site Address	Braydon Lane Garage, Chelworth Industrial Estate, SN6 6HE
Proposal	Use of Land for the Storage of Vehicles (Retrospective)
Applicant	Mr A Boles
Town/Parish Council	CRICKLADE
Electoral Division	Councillor Bob Jones OBE
Grid Ref	408166 192182
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

The application has been called in to Committee, in the event of a recommendation to approve, by the Local Ward Councillor in order to consider the proposal in relation to the site context, highway safety and the retrospective nature of the proposals.

1. Purpose of Report

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

2. Report Summary

One representation received from members of the public / neighbouring interested parties.

Cricklade Town Council submitted a representation of objection in respect of the proposals.

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

- Principle of Development/Development Plan Policy Compliance
- Highways Impact
- Drainage Impact
- Ecological Impact

- Impact on the Character and Appearance of the Locality
- Impact on neighbour amenity

3. Site Description

The application relates to a piece of land that measures approx. 0.86ha, it is understood the works were undertaken on the site on 1st May 2017.

The applicants operate from Braydon Lane Garage on the Chelworth Industrial Estate, southwest of Cricklade. The existing business operation is for the purchase and sale of haulage vehicles. The existing site comprises of an administration building at Braydon Lane Garage and open air storage of vehicles.

Additional land is occupied under licence to the northeast of the site and in February 2017 the applicant purchased a larger area with planning consent for B2 & B8 units, parking, roadways and drainage.

The application site lies to the South-East edge of the industrial estate on agricultural land. Permission was granted for B1 light industrial units in 2012 under permission 12/02096/OUT, however this was not implemented and has since lapsed.

The locality is identified as being susceptible to ground water flooding and is on the edge of an existing industrial area. To the east of the site is the Scheduled Ancient Monument at Chelworth Farm which comprises of a moated site and surrounding earthwork enclosure. The site is situated to the north-west of the Blakehill Farm Nature Reserve.

4. Planning History

12/02096/OUT – Proposed Outline Development for B1 Light Industrial Units (Resubmission of

11/03707/OUT) – Granted subject to conditions and a contribution to highways improvements

N/11/03707/OUT – Proposed outline development for B1 light industrial units - Withdrawn

N/03/01795/REM – Erection of B1, B2 and B8 units including car parking, road and drainage –

Approved

N/03/01479/FUL – 2640sqm of industrial warehouse units with associated access and parking -

Approved

5. The Proposal

Retrospective planning permission is sought for the use of land for the storage of vehicles. The works undertaken at the site include the erection of a perimeter fence and resurfacing of the site. The site

has been previously in use as agricultural land and is adjacent to the applicant's existing business J & B Haulage Ltd.

The application is supported with an Ecological Management Plan & Replanting Proposals and supporting Planning Statement.

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:

- Wiltshire 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 34 (Additional employment land)

Core Policy 35 (Existing employment land)

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)

Core Policy 67 (Flood Risk)

Cricklade Neighbourhood Plan March 2018

Policy H8 - Foul Water Management, Flood Risk and Surface Water Management

Policy TT1 – Traffic Impact

Policy B5 – The Chelworth Commercial Area

National Planning Policy Framework

Paragraphs 11 (Presumption in favour of sustainable development)

Section 4 (Decision-making)

Section 6 (Building a strong, competitive economy)

Section 9 (Promoting sustainable transport)

Section 11 (Making effective use of land)

Section 12 (achieving well-designed places)

Section 14 (Meeting the challenge of climate change, flooding and coastal change)

Section 15 (Conserving and enhancing the natural environment)

7. Summary of consultation responses

Cricklade Town Council – Objection

- Description of development should be for a change of use
- Does not comply with CP35 (additional Employment land) or CP35 (relocation of existing businesses)
- Failure to comply with conditions outlined in application 12/02096 (now expired)
- Ecology officer should consider proposed planting
- Concerns over HGV traffic on local road network and lack of mitigation proposed
- Encroachment in countryside
- Lack of effective monitoring of the local area by LPA

Highways – No objection

- In terms of increase in vehicular movements along the network no evidence of severe impact on the existing highway network
- Existing access adequate
- Information provided with the application that there would likely not be a significant increase in vehicular movements in the area of the site
- Condition recommended on the limit the numbers of storage vehicles on site.

Ecology – No objection – subject to conditions in line with recommendations of report

Public Protection – No objection - subject to conditions related to lighting

Spatial Plans Team – Comments – The commercial use should be concentrated on the Chelworth Commercial Area indicated on the map supporting Policy B5 in the NP, and the site is within the boundary of this area. Policy B5 states: In this Area proposals to extend the uses in the Commercial

Area into the surrounding countryside will not be supported. As the proposal falls within the area it enjoys support through Policy B5 in principle.

On that basis, based on NPPF para 30, the NP Policy in this instance supersedes CP34 (a non-strategic policy) which seeks to direct employment use to land falling within or adjacent to settlements. This is because the NP was made after CP34 came into force.

Drainage – Object – No LLFA permissions for the proposals and lack of surface water drainage details, details of surface water drainage and advisory on LDC required.

Archaeology – No comment

Natural England – No comment

Historic England – Raised concerns that the application was not informed by a Heritage impact Assessment with particular reference to Moated Site and surrounding earthwork enclosure, 100m south of Chelworth Farm (National Heritage List for England No. 1013353). Identified impact to the setting of this designated heritage asset resulting in less than substantial harm at the lower end of the scale.

8. Publicity

The application was advertised by site notice and notification to the Town council and Local Ward Member. One representation of objection was received on the basis that the development is in conflict with policy B5 of the Cricklade Neighbourhood Plan.

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. This statutory requirement is repeated throughout the NPPF and in particular at paragraphs 2 & 47.

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 (Made March 2018); and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

Principle of development

The application site does not fall within the defined settlement boundary for the town of Cricklade and is not allocated for any form of development in the WCS. However it is adjacent to an existing employment area and falls within the extent of the Chelworth Commercial Area as identified within the Cricklade Neighbourhood Plan in figure 14 supporting policy B5. Policy B5 requires development proposals not to

expand beyond the identified existing area of the industrial estate into adjacent countryside and agricultural land. Whilst the development proposal does not directly accord with the development strategy of the plan as to the scale and distribution of development set out in CP1 & CP2 of the WCS the site is adjacent to the Local Service Centre of Cricklade and the proposal facilitates the expansion of an existing business already located adjacent the town. As such the development is directly in accordance with the requirements and provisions of core Policy CP34 (i) of the WCS. As noted above policy B5 defines the extent of the Chelworth Commercial Area and specifies that development should not expand beyond the limits into the open countryside. The development accords with this policy requirement being located within the defined area and relating to the expansion of an existing business.

On this basis it is considered that there is no in principle conflict with the development plan and the proposals are acceptable in principle subject to the other relevant policies of the development plan and any site specific impacts.

Impact on highways/parking

The access to the site is served from the existing site access located on Braydon Lane. Further clarification has been sought on the number of vehicles parked on the site (edged red on location) which is indicated to be circa. 30 no. vehicles.

The Council's Highways Engineer has reviewed the proposals and is satisfied that the number of traffic movements will not change as the application site is being used to accommodate vehicles currently stored on rented land north east of the administration building.

The Town Council concerns have been considered particularly in regards to the objections on the basis of potential impacts to the local highway network through traffic generation from the development. In this context policy TT1 of the CNP states that proposal for industrial and commercial development will be supported where traffic movements generally and HGV movements in particular can be satisfactorily accommodated on the strategic and local highway network.

The Highways Engineer has confirmed that given the nature and scale of the proposals, and there is no evidence of a severe impact on the highway from site inspections, that the existing access and vehicular movements generated from the proposals are not grounds to object. This is subject to a condition to limit the number of vehicles; it is therefore considered that the development that has taken place can be satisfactorily accommodated on the existing highway network and as such there is no conflict with TT1 Of the CNP or CP34, CP57 or CP62 of the WCS.

Drainage Impact

Limited information has been provided on the drainage impacts of the proposals. The Drainage Engineer has raised a holding objection due to a lack of details on surface water drainage and the lack

of consents sought from the Local Lead Flood Authority for the works.

The site is not within an identified flood risk zone but falls in part within a locality where the Council has records of Ground water flooding. Having regard to the nature of the retrospective works and the scale of the proposals officers recommend that relevant conditions are attached to address surface water drainage. This is duly applied to this recommendation as set out below with an informative that Land Drainage Consent would be required for the works.

Ecology

Officers have sought the submission of an Ecological Management Plan (EMP) for the site which has involved the undertaking of a baseline ecological assessment and its immediate environs, an assessment of the potential ecological loss caused by the works and the production of an ecological management plan for the site that will support and inform a landscaping strategy and offer mitigation for the recent loss of features of ecological value. The site is situated to the north-west of the Blakehill Farm Nature Reserve.

Mitigation proposals in support of the application within the EMP indicates replanting proposals in order to provide foraging opportunities for existing wildlife in the area and compliment the network of hedges in the area. The Council's Ecology officer has accepted the proposals set out in the EMP are based on a sound assessment of the site and local area and a condition is recommended to ensure that mitigation planting is implemented in accordance with the EMP. It is not considered to conflict with Core Policy 50.

Impact on visual and landscape amenity

Core Policy 51 states development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character and any negative impacts must be mitigated through sensible design and landscape measures. In particular development proposals must demonstrate that the local distinctive character of settlements and their landscape settings have been conserved and where possible enhanced.

The application site is part of an agricultural field which forms the delineation of the existing development in Chelworth Industrial Estate and the countryside to the south. The use of land for the parking of vehicles encapsulates the existing site extending into the site and forming a new boundary with the wider area. It is considered that the works have had a localised impact when viewed from public footpaths to the east across to the Industrial area. However the development would be viewed against the backdrop of the existing site from the south looking north. The existing site context is industrial in character on a rural edge and is considered that with appropriate planting mitigation this would effectively mitigate the impact of the site from the wider landscape subject to appropriate conditions. On this basis it is not considered that the development results in conflict with WCS Core

Policy CP51 or the provisions of the NPPF.

Impact on historic environment

The application site is located approx. 20m to the east of the scheduled monument that includes a sub-rectangular moated site and surrounding earthwork enclosure 100m south of Chelworth Farm.

Paragraph 189 of the NPPF requires that in deterring applications Local planning Authorities should require applicants to assess & describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraph 196 identifies 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, where appropriate, securing its optimum viable use.

Historic England in their consultation response raised concern that the application was not supported by an assessment of the impact to the designated heritage asset of the scheduled monument. Further that in their assessment the development would affect the open agricultural setting of the monument but given the limited scale of development the resultant harm would be less than substantial and at the lower end of the scale. Following this the applicant has prepared and submitted an impact assessment of the development on the designated asset. It identifies that the setting of the asset as affected by development is in fact restored land following previous use as part of a military airfield and so has been subject to significant change over time and as such is not the original historic character and setting of the asset. The assessment identifies the very limited scale of development proposed as not significantly extending the boundaries of the industrial estate and so not bringing them significantly closer to or impacting upon the monument and its setting. Furthermore, that the location has been the subject of previous grant of consent for built development in 2012. As such the impact is identified as negligible. Finally the assessment also identifies that the development will result in economic benefits through the enhanced operation and retention of the business resulting in retained employment in the locality.

It is considered that the development does not lead to harm to the setting of the heritage asset having regard to the existing site context by reason of its scale, size and position. It is not considered that the development results in conflict with Core Policy 57 (i) and Core Policy 58 of the Wiltshire Core Strategy (2015). Furthermore the Council's Archaeologist has been consulted on the retrospective application and raises no comments. It is considered with proposed planting that the wider visual impact of the proposals can be mitigated appropriately subject to relevant conditions and this will further reduce the potential for impact to the setting of the heritage asset. It is also agreed that the development will result in some level of benefit economically and that this should be weighed in the balance.

Residential amenity

The nearest residential property is located approx. 180m to the south of the site, Purley Farm. It is considered that the development would not be harmful to residential amenity such that a refusal on this basis would be necessary and defensible. It is noted however that the Public Protection officer has requested details of any external lighting that may be proposed within this area. A condition is recommended in this respect.

Other matters

Other matters have been raised in respect of the description of development as retrospective use of land for storage of vehicles. It is noted that this description of development relates to both a material change of use of the land and operational development. As such the description of development is considered to be acceptable as submitted.

10. Conclusion

The development is not within a defined settlement; or established principle employment area and is not allocated for development in the WCS. The development does however directly meet and accord with the requirements of WCS CP34 (i) being for the expansion of an existing business in a location adjacent Cricklade (a Local service centre) and is consistent in scale with its location. Officers are of the view that the development would not conflict with principle policy B5 of the Cricklade Neighbourhood Plan. In these respects the development is considered to be acceptable in principle.

Subject to the use of conditions and on site mitigation the proposal is seen to raise no site specific harmful impacts in terms of highways and access, ecology or landscape and visual impact such that consent ought to be refused on this basis. Given location and proximity to neighbouring existing uses development would raise no issues in relation to residential amenity. In this context the proposals are seen to accord with the relevant policies of the development plan both in terms of the Wiltshire Core Strategy and Cricklade Neighbourhood Plan; and in terms of national guidance contained within the NPPF.

The proposals have resulted in economic benefits in terms of job creation and the enhancement and expansion of an existing local business. The impact to the designated heritage asset is considered to be neutral and in any event outweighed by the benefits of development.

The Town Council objections are noted however it is considered that the development would result in a benefit to an existing business within the site and does not conflict with national or development plan policies and therefore in accordance the guidance contained in paragraph 11 of the NPPF and policies CP34, CP51, CP57 CP58 of the Wiltshire Core Strategy and policies B5 & TT1 of the Cricklade

Neighbourhood plan and in accordance with paragraph 12 of the NPPF consent should be granted.

RECOMMENDATION

That Planning Permission be GRANTED subject to the following conditions:

- (1)** Within 3 months of the date of this decision or within the first planting season thereafter the replanting works proposed to mitigate the impact of the development shall be implemented in accordance with J&BH/RPP-01/18.03.18. 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.

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

- (2)** The development shall be retained in accordance with the drawings

J&BH/RPP-01/18.03.18
Block Plan LDC 2093_02A
Location Plan LDC 2093_01A

Received 06/04/2018

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

- (3)** No more than 30 no. vehicles can be stored on the site (as indicated in red on Location Plan) at any time.

REASON: In the interests of the appearance of the site and the amenities of the area and for the avoidance of doubt and in the interests of proper planning.

- (4)** The development hereby permitted shall not be brought into use until a plan showing the precise location of any areas of open storage and specifying a maximum height of open storage within such area(s) has been submitted to and approved in writing by the Local Planning Authority. No materials, goods, plants, 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 on the site outside the approved storage area, or above the height agreed as part of this condition.

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

- (5)** The parking area hereby permitted shall not be first brought into use 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 any identified water course maintenance

requirements in the offsite downstream system and all required third party approvals, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained without increasing flood risk to others

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

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

- (7) Within 3 months of the date of this decision the mitigation measures as set out in the recommendations given in the Ecological Management Plan (Tree Parts Limited Dated 29/03/2018) shall be implemented. The development thereafter shall be permanently retained as such.

REASON: In the interests of the ecology of the site

INFORMATIVES:

Any discharge of storm water to an ordinary water course will require a separate application (LDC) to and approval of the LLFA as well as that of the riparian owner.

If the development generates foul effluent discharge it will either need a full formal discharge licence from the EA or if under their set limit then need to follow the EA guidelines.

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

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

commence.

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

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

This decision does not purport to allow any additional signage or advertisements on the building or extensions where separate consent would be required under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

The Institute of Lighting Professionals "Guidance Notes for the Reduction of Obtrusive Light" can be found free online on the following website. www.theilp.org.uk/

17/09618/FUL
Braydon Lane Garage
Chelworth Industrial Estate
Chelworth Road
Cricklade
Swindon
SN6 6HE



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