

# AGENDA

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**Meeting:** Northern Area Planning Committee

**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER

**Date:** Wednesday 29 January 2020

**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Craig Player, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713191 or email [craig.player@wiltshire.gov.uk](mailto:craig.player@wiltshire.gov.uk)

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## Membership:

Cllr Tony Trotman (Chairman)  
Cllr Peter Hutton (Vice-Chairman)  
Cllr Chuck Berry  
Cllr Christine Crisp  
Cllr Gavin Grant  
Cllr Howard Greenman

Cllr Mollie Groom  
Cllr Chris Hurst  
Cllr Toby Sturgis  
Cllr Brian Mathew  
Cllr Ashley O'Neill

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## Substitutes:

Cllr Ben Anderson  
Cllr Bill Douglas  
Cllr Ruth Hopkinson  
Cllr Bob Jones MBE

Cllr Jacqui Lay  
Cllr Melody Thompson  
Cllr Nick Murry  
Cllr Philip Whalley

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## **Recording and Broadcasting Information**

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**County Hall, Trowbridge**  
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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 - 22*)

To approve and sign as a correct record the minutes of the meeting held on 06 November 2019.

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 22 January 2020 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 24 January 2020. 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 23 - 24)*

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 **19/03435/FUL - Land rear of 8-13 High St, Calne** *(Pages 25 - 64)*

7b **19/07988/FUL - Barn at Sydney Farm, Bath Rd, Colerne, Chippenham** *(Pages 65 - 76)*

7c **19/09234/FUL - 14 Keels, Cricklade, Swindon** *(Pages 77 - 84)*

**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

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#### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 6 NOVEMBER 2019 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

#### **Present:**

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

#### **Also Present:**

Cllr Alan Hill

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#### 80 **Apologies**

There were no apologies.

#### 81 **Minutes of the Previous Meeting**

The minutes of the meeting held on 09 October 2019 were presented.

The Chairman drew the Committee's attention to a letter received from Cllr John Boaler, Calne Town Council, regarding the accuracy of the minutes.

#### **Resolved:**

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

#### 82 **Declarations of Interest**

Cllr Toby Sturgis declared an interest in agenda item no. 8b (family member uses the services of the applicant's equestrian business). He declared he would participate in the debate and vote for each item with an open mind.

#### 83 **Chairman's Announcements**

There were no Chairman's announcements.

#### 84 **Public Participation**

The Committee noted the rules on public participation.

85 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

86 **APPLICATION TO DIVERT PUBLIC BRIDLEWAYS CALNE WITHOUT 89 (PART), 89A AND 89B AT THE MILL HOUSE, CALSTONE WELLINGTON**

Public participation

Norman Beasley, Wiltshire Bridleways Association, spoke in objection to the application.

Graham Bennett, British Horse Society, spoke in support of the application.

Derek Walsh, solicitor to the applicant, spoke in support of the application.

Cllr Rob Hislop, Calne Without Parish Council, spoke in support of the application.

The Highways Officer, Sally Madgwick, introduced a report which recommended refusing the application for an Order to divert lengths of public bridleways at the Mill House, Calstone Wellington, Calne.

Key issues highlighted included: the landowner's interest; the location and convenience of termination points; the convenience of the new path; the effect on public enjoyment of the new path or way as a whole; the effect on the existing right of way; the effect on land served by the existing right of way; the effect on land served by the new right of way; consideration of the Rights of Way Improvement Plan and the needs of agriculture, forestry and conservation of biodiversity.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: the cost of making an Order; the cost of bringing the new route to the required standard; the cost of maintaining the existing right of way and highway safety concerns.

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

Cllr Alan Hill, Division Member, spoke regarding the application with the main points focusing on: safety and security concerns; the impact on heritage assets; the convenience of the new path; the accessibility of the existing right of way; the use of gates on the new route; local support for the application and the local authority's obligation to maintain the existing right of way.

The Rights of Way Officer addressed some of the issues raised by the public and local members with the main points focusing on the use of gates on the new route.

At the start of the debate a proposal was moved by Cllr Howard Greenman, seconded by Cllr Gavin Grant to approve the application to divert parts CALW89, 89A and 89B, contrary to the officer recommendation.

During the debate the main points raised were: safety and security concerns; accessibility issues; accessibility to the countryside; the convenience of the new route; the need to consider the existing right of way as if it were in a usable state; the views of the Wiltshire Bridleways Association and the current state of the existing right of way.

### **Resolved**

**That, contrary to the officer report, an order (under s.119 Highways Act 1980 and s.53 Wildlife and Countryside Act 1981) is made and duly advertised.**

### 87 **Planning Applications**

Attention was drawn to application 19/03152/OUT, as considered on 04 September 2019. It was noted that officers are not yet able to refer the application back to Committee because the Ecologist's consultation advice which was requested at the meeting was dependent upon additional information which has not yet been made available.

The Committee considered the following applications:

### 88 **19/01991/VAR - Oaksey Park Cottages, Wick Road, Oaksey**

Public participation

Paul Kavanagh, long leaseholder, spoke in objection to the application.

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

The Planning Officer, Lee Burman, introduced a report which recommended granting planning permission, subject to conditions, for the removal of conditions 8, 9 & 10 of application reference N/10/03612/S73A to allow unrestricted residential occupancy of units 3, 5, 6, 8, 10 & 11 and 20-25.

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes.

Key issues highlighted included: the principles of the development proposal and compliance or conflict with the development plan; the viability of the existing units of accommodation with the currently attached conditions restricting the scope and nature of the residential use and occupancy; whether the properties have been marketed appropriately reflecting the restrictive occupancy conditions and residential amenity.

Members of the Committee then had the opportunity to ask technical questions

of the officer which focused on: the valuations of the properties; whether the properties have been marketed appropriately reflecting the restrictive occupancy conditions and residential amenity; the viability of the existing units of accommodation with the currently attached conditions restricting the scope and nature of the residential use and occupancy.

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 use of the development as both residential and holiday let/accommodation; the Oaksey Neighbourhood Plan and whether or not the material considerations as detailed in the report outweigh Policy 3 Holiday Accommodation, Leisure & Recreation of the made neighbourhood plan.

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

During the debate the main points raised were: the Oaksey Neighbourhood Plan; the need to give weight to the overwhelming material considerations as detailed in the report; the National Planning Framework; the suitability of the current waste collection; the effect of residential usage on local businesses within the park infrastructure; the character and appearance of the area and residential amenity.

## **Resolved**

**That planning permission is approved, subject to the conditions below and the completion of a S106 agreement within 6 months of the date of the Committee resolution to vary the existing agreement to apply to this permission; address open space requirements; and prevent the Applicant from building out phase 4 of planning permission ref N/10/03612/S73A without demonstrating to the Council's reasonable satisfaction (to be confirmed in writing and such approval not to be unreasonably withheld or delayed) that there is demand for the units contained within phase 4. In the event that the applicant declines to enter into the s106 agreement to refuse permission for the following reasons:**

- 1. The application fails to make provision for the requisite services, facilities and infrastructure needs arising from the proposals and is therefore contrary to Wiltshire Core Strategy Policy CP3 and paras 54 and 56 of the National Planning Policy Framework June 2019.**
- 2. The material circumstances supporting and justifying a decision otherwise than in accordance with the development strategy of the plan as set out in Wiltshire Core Strategy policies CP1, CP2 & CP13; and Oaksey Neighbourhood Plan Policy P3 have not been demonstrably established as evidence is available to indicate an intent to erect further holiday lets at the site.**



## **CONDITIONS**

1. The area between the nearside carriageway edge and lines drawn between a point 2.4 metres back from the carriageway edge along the centre line of the access and points on the carriageway edge 160m back from and on both sides of the centre line of the access shall be kept clear of obstruction to visibility at and above a height of 900mm above the nearside carriageway level and maintained free of obstruction at all times.

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

2. The development hereby permitted shall be served solely from the access shown in drawing c310/1.

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

3. The workshop / estate yard shall be used only for purposes ancillary to the golf course.

**REASON:** To prevent an inappropriate independent use.

4. The development hereby permitted relates solely to units 3, 5, 6, 8, 10 & 11 and 20-25 Inclusive as shown on site layout plan received 19/09/2019.

**REASON:** In the interests of proper planning.

5. 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 buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

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

6. 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 window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslope(s) of the development hereby permitted.

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

7. 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/extensions or external alterations to 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 external alterations.

**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:**

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 XX/XX/XXXX.

**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.

89 **19/07306/FUL - Land to the North West of Broad Town, Swindon**

Public participation

Peter Gallagher, The Ramblers, spoke in objection to the application.

Tony Kernon, the agent, spoke in support of the application.

Colin Rendell, Broad Town Council, spoke in objection to the application.

The Planning Officer, Nicole Gillett, introduced a report which recommended granting planning permission, subject to conditions, for the change of use of agricultural land to equestrian and construction of all-weather gallop.

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes.

Key issues highlighted included: the principle of development; the impact on the character and appearance of the area and AONB; the impact on highway safety; the impact on neighbour amenity; the impact on public rights of way and the impact on heritage assets.

There were no technical questions.

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

Cllr Mollie Groom, Division Member, assured the Committee that she would participate in the debate and vote for each item with an open mind. She then spoke regarding the application with the main points focusing on the impact on public rights of way, highways concerns and the impact on the character and appearance of the area and AONB.

The Planning Officer addressed some of the issues raised by the public and local members with the main point focusing on the applicant needing to agree the type, position and wording of signage to be erected at the Broad Town Road crossing with the Local Planning Authority in the interest of public safety.

At the start of the debate a proposal was moved by Cllr Toby Sturgis, seconded by Cllr Peter Hutton, to grant planning permission as detailed in the report and subject to the amendment of condition 8 to alter hours of operation/use to 9:00am – 4:00pm Monday – Friday and 9:00am – 12:00pm Saturdays.

During the debate the main points raised were: the viability and use of the gallops; the concerns of The Ramblers; operation/usage times; the impact on the public rights of way; the impact on neighbour amenity and road safety issues.

## **Resolved**

**That planning permission is approved as detailed in the officer report and subject to the amendment of condition 8 to alter hours of operation/use as detailed below:**

### **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. Approved Plans**

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

Site Location Plan KCC2759/01A received 21st October 2019

Site Plan KCC2759/02A received 18th October 2019

Further revised details of gallop and location of footpath crossings KCC2759/03B received 11<sup>th</sup> October 2019

Revised details of stopping circle KCC2759/04A received 7th October 2019

Details of start circle and entrance track KCC2759/05 received 29th July 2019

Revised cross section of gallops and details of footpath crossing including signage

KCC2759/06B received 7th October 2019

Details of footpath crossing 3 and 4 KCC2759/07 received 7th October 2019

Details of track and fencing KCC2759/08 received 15th October 2019

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

### **3. Public Right of Way Signage**

Prior to the commencement of the development hereby permitted, as to the type, position and wording of signage to be erected at the footpath crossing is to be submitted to and agreed in writing by the Local Planning Authority. The approved signage must be erected at the approved locations where each public footpath crosses the gallops before the gallops are first brought into use.

Reason: In the interest of public safety.

### **4. Public Right of Way**

The Public Right of Way BROA10 must not be obstructed 1.5 meters either side of the Public Right of Way line.

Reason: to safeguard the Public Right of Way.

### **5. Warning Signs**

The development hereby permitted shall not be first brought into use until the requirements for warning signs have been discussed and

**determined in relation to both approaches on Broad Town Road. Any requirements for warning signs would be implemented at the expense of the applicant.**

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

#### **6. Materials**

**No development shall commence on site until details of the materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority.**

**Development shall be carried out in accordance with the approved details.**

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

#### **7. Soil Disposal**

**No development shall commence on site until details of the disposal of top and sub soil have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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

#### **8. Timing of gallops**

**The use hereby permitted shall only take place between the hours of;**

**9:00am – 4:00pm Monday – Friday**

**9:00am – 12:00pm Saturdays**

**Reason: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.**

#### **9. Lighting**

**No external lighting shall be installed on site without prior written consent from the Local Planning Authority.**

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

#### **10. Parking**

**There shall be no parking of horse boxes, caravans, trailers or other vehicles on the site.**

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

#### **11. Fences and Jumps**

**No fences or jumps shall be erected on the site without the prior approval in writing of the Local Planning Authority.**

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

#### **12. Structures**

**No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site. Further, no permanent structures will be erected on site without the prior written consent of the Local Planning Authority.**

**Reason: In order to protect rural character of the area.**

#### **INFORMATIVE TO APPLICANT:**

**Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site.**

#### **INFORMATIVE TO APPLICANT:**

**Any alterations to the approved plans must first be agreed in writing with the Local Planning Authority before commencement of work.**

#### **INFORMATIVE TO APPLICANT:**

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

**INFORMATIVE TO APPLICANT:**

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

**INFORMATIVE TO APPLICANT:**

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website.

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

90 **19.0497.FUL & 19/5290/LBC - 4 Oxford Street, Malmesbury**

Public participation

Richard Cosker, the agent, spoke in support of the application.

Cllr Philip Exton, Malmesbury Town Council, spoke in objection to the application.

The Planning Officer, Catherine Blow, introduced a report which recommended granting planning permission, subject to conditions, for the change of use from an A3 cafe to single dwelling house. The proposed refurbishment & internal alterations are to facilitate the change of use.

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes.

Key issues highlighted included: the principle of development; the impact on the listed building and conservation area; the design and site layout; the impact on the locality and amenity and highways concerns.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on the viability of the property as a café and the provision of adequate residential parking.

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

Cllr Gavin Grant, Division Member, spoke regarding the application with the main points focusing on the impact on the locality and amenity; impact on the vitality and viability of the town centre; the importance of protecting existing services and facilities; parking concerns and the impact on the listed building and conservation area.

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

During the debate the main points raised were: the Malmesbury Neighbourhood Plan; the importance of protecting existing services and facilities; the impact on the locality and amenity; the impact on the town centre's retail offering, vitality and viability and parking concerns.

Following the debate, the motion was defeated.

A proposal was then moved by Cllr Gavin Grant, seconded by Cllr Brian Mathew to refuse planning permission, contrary to the officer recommendation.

The Development Management Team Leader, Lee Burman, advised the Committee that without sound reasoning which addressed the material considerations relevant to the determination of the application and the basis for the officer recommendation, refusing planning permission would leave the Local Planning Authority open to appeal.

This motion was also defeated.

The original proposal, to grant planning permission as detailed in the report, was then put back to the Committee by Cllr Ashley O'Neill, seconded by Cllr Peter Hutton.

This motion was carried.

A proposal was moved by Cllr Tony Trotman, seconded by Cllr Peter Hutton, to grant listed building consent as detailed in the report.

This motion was defeated.

A proposal was then moved by Cllr Gavin Grant, seconded by Cllr Brian Mathew, to refuse listed building consent, contrary to the officer's report.

The Development Management Team Leader again advised the Committee that without sound reasoning which addressed the material considerations relevant to the determination of the application and the basis for the officer recommendation, refusing planning permission would leave the Local Planning Authority open to appeal.



The original proposal, to grant listed building consent as detailed in the report, was then moved by Cllr Ashley O'Neill, seconded by Cllr Peter Hutton.

This motion was carried.

### **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: 33772-3 received on 21st May 2019 and 1925/1 Rev F received on 8th October 2019.**

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

- 3. No part of the development shall be occupied, until details of secure covered cycle parking and any enclosure for refused storage together with a timetable for their provision, have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and timetable and shall be retained for use at all times thereafter.**

**REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car and to protect the character, appearance and setting of the listed building and Conservation Area.**

### **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:**

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 listed building consent for certain works in addition to this. This decision should be read in conjunction with listed building consent 19/05290/LBC.

**INFORMATIVE TO APPLICANT:**

The applicant is advised that the development hereby approved may represent

chargeable development under the Community Infrastructure Levy Regulations

2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued

notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility.

The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website.

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

That listed building consent approved subject to the following conditions:

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

**REASON:** To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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: 33772-3 received on 21st May 2019 and 1925/1 Rev F received on 8th October 2019.

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

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

- Large scale details for all new or replacement external doors, gates, shutters and windows shown on elevations at a scale of no less than 1:10 (doors, gates and shutters), 1:5 (windows) and horizontal and vertical sections including setbacks and reveals at a scale of no less than 1:5 (doors, gates & shutters), 1:2 (windows);
- Large scale details for all new or replacement internal doors, stairs, skirtings and partitions shown on elevations at a scale of no less than 1:10 (doors), 1:5 (stairs), 1:2 (skirtings) and horizontal and vertical sections including setbacks and reveals at a scale of no less than 1:5 (doors & stairs), 1:2 (partitions and skirtings);
- Full details of any new flues, vents, meter boxes or mechanical extracts, including service routes and exit points;

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

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

4. Within 3 month(s) of the completion of the approved works being carried out, all adjoining surfaces which have been disturbed by the works (including brickwork, plaster and floor tiles) shall be made good with materials and finishes to match those of existing undisturbed areas surrounding the new opening.

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

**INFORMATIVE TO APPLICANT:**

The applicant is reminded of the need to obtain separate planning permission for certain works in addition to this listed building consent. This decision should be read alongside planning consent 19/04927/FUL.

**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 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.**

91 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 6.30 pm)

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

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

## NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION

06<sup>th</sup> November 2019

This is information that has been received since the committee report was written. This could include additional comments or representation, new information relating to the site, changes to plans etc.

### **8a 19/01991/VAR - Oaksey Park Cottages, Wick Road, Oaksey**

#### Late representation

Further submissions from Oaksey Parish Council have been submitted directly to Members. Officers have reviewed the submission and consider that matters raised are addressed in full in the report to Committee and the recommendation is unaffected.

### **8b 19/07306/FUL - Land to the North West of Broad Town, Swindon**

#### Late representations

Since writing the report the proposal has received a further 5 representations and these comment upon the revised submissions made to inform the application proposals. Further, Broad Town Parish Council stated their concerns still stand despite the revised plans. The additional objection letters from the parish and residents raised the below themes, which have been raised previously and are already noted and addressed in the report.

- Manor farm business scale
- Future intentions of applicant
- Requested conditions to prohibit further development/horse walking near boundaries
- Queried if trailers will be on the site
- Drainage
- The visual impact of the proposed
- Highway and pedestrian safety
- Noise
- Times of use
- Access to public rights of way

Mrs Clarke of East farm house, who has commented on the application, emailed development management requesting the issues raised by residents be given reconsideration.

#### Officer Response

The submissions do not raise new matters and the issues and concerns identified have been addressed in the report to Committee.

#### Late Representation

Cllr Groom forwarded a document produced by a resident regarding localised flooding at Manor Farm.

### Officer response

The Drainage Team were consulted on this application and raised no comment. The Drainage Officer who offered no objections on the application is experienced and knowledgeable and would have had access to relevant information in providing advice. The Drainage Team has been re-consulted following receipt of the submission and maintains no objection.

### Late representation

Further submissions from the Agent have been submitted directly to Members of the Committee. Officers have reviewed the submission and do not consider that this alters the content of the report or recommendation.

### **8c 19.0497.FUL & 19/5290/LBC - 4 Oxford Street, Malmesbury**

#### Corrections

An earlier draft version of the report has been printed on the agenda and the following corrections are made to the report:

First paragraph on page 418 of the agenda – this states an objection was received from Cllr Grant. However, although representations were made, those representations reiterated the concerns raised by the Town Council and sought to call in the application. This is not considered to be an objection to the proposed development.

On page 420 of the agenda there is reference to policies 5 and 6 of the Malmesbury Neighbourhood Plan but this should refer to policies 4 and 5 as the correct policies.

**Wiltshire Council**  
**Northern Area Planning Committee**  
**29<sup>th</sup> January 2020**

Planning Appeals Received between 24/10/2019 and 17/01/2020

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
18/09556/FUL	Land to Rear of 8 - 13 High Street Calne, Wiltshire SN11 8JQ	CALNE	39 Apartments for older people, Guest Apartment, Communal Facilities, Access, Car Parking, Landscaping and 4 Retail Units	DEL	Hearing	Refuse	11/11/2019	No
19/03141/FUL	112 High Street Cricklade SN6 6AF	CRICKLADE	Change of use of vacant A2 premises to single residential unit C3a to include single storey rear extension (43 square metres) and associated internal and external alterations	DEL	Hearing	Refuse	24/10/2019	No
19/04730/FUL	5 Polar Gardens The Street, Luckington SN14 6PZ	LUCKINGTON	Carport and Shed	DEL	Written Representations	Refuse	12/12/2019	No
19/05395/FUL	The Gables, Main Road Corston, SN16 0HD	ST PAUL MALMESBURY WITHOUT	Removal of modern conservatory, erection of single storey extension to provide open plan kitchen/dining area and boot room.	DEL	Written Representations	Refuse	14/01/2020	No
19/05398/LBC	The Gables, Main Road Corston, SN16 0HD	ST PAUL MALMESBURY WITHOUT	Removal of modern conservatory, erection of single storey extension to provide open plan kitchen/dining area and boot room.	DEL	Written Representations	Refuse	14/01/2020	No
19/05726/FUL	Greatfield Farm 6 Greatfield, Swindon Wiltshire, SN4 8EQ	LYDIARD MILLICENT	Retention of Building for B1, B2 and B8 Purposes, Together with Provision of Car Parking	DEL	Written Representations	Refuse	03/12/2019	No
19/07683/FUL	Plum Tree Cottage Kemble Wick, GL7 6EQ	CRUDWELL	Creation of concrete plinth and erection of stable block (retrospective)	DEL	Written Representations	Refuse	04/12/2019	No
19/08397/PNCOU	Agricultural Building Rosier's Yard Wood Street Clyffe Pypard Swindon, Wiltshire SN4 7PZ	CLYFFE PYPARD	Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to a Dwellinghouse (Class C3), and for Associated Operational Development.	DEL	Written Representations	Refuse	03/01/2020	No

Planning Appeals Decided between 24/10/2019 and 17/01/2020

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
18/11077/FUL	Land known as The Orchard, St Mary Street, Chippenham SN15 3JJ	CHIPPENHAM	Works to facilitate 4 car parking spaces and turning area.	DEL	Written Reps	Refuse	Dismissed	25/10/2019	None
19/00733/FUL	36 High Street Royal Wootton Bassett, SN4 7AF	ROYAL WOOTTON BASSETT	Removal of the red secure panel and full surround, the reinstatement of clear glazing and retention of the ATM with a small non illuminated bespoke surround.	DEL	Written Reps	Refuse	Dismissed	28/11/2019	None
19/00831/LBC	36 High Street Royal Wootton Bassett, SN4 7AF	ROYAL WOOTTON BASSETT	Removal of the red secure panel and full surround, the reinstatement of clear glazing and retention of the ATM with a small non illuminated bespoke surround.	DEL	Written Reps	Refuse	Dismissed	28/11/2019	None
19/03620/FUL	4 New Road Purton, Swindon Wiltshire, SN5 4HF	PURTON	Proposed Dwelling and garage with annex over.	DEL	Written Reps	Refuse	Dismissed	20/12/2019	None
19/03621/FUL	4 New Road Purton, Swindon Wiltshire, SN5 4HF	PURTON	Proposed garage and annex above for the enjoyment of relatives and friends on a temporary basis	DEL	Written Reps	Refuse	Dismissed	20/12/2019	None
19/03822/FUL	Sunnycroft, Mile Elm Wiltshire, SN11 0NE	CALNE WITHOUT	Conversion of existing outbuilding to create separate dwellinghouse, with associated change of use of land including parking, turning, landscaping, private amenity space, and access.	DEL	Written Reps	Refuse	Dismissed	14/01/2020	None
19/04127/PNCOU	Barn A Ballickacre Farm Cricklade, Wiltshire SN6 6HZ	CRICKLADE	Prior Approval of Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), and for Associated Operational Development	DEL	Written Reps	Refuse	Dismissed	01/11/2019	Wiltshire Council Applied for Costs – <b>REFUSED</b>
19/04621/FUL	Providence Cottage Braydonside, Wiltshire Brinkworth, SN15 5AR	BRINKWORTH	Independent use of annex	DEL	Written Reps	Refuse	Allowed with Conditions	22/11/2019	None
19/05866/FUL	Land opposite nos 8 to 10 Vowley View Royal Wootton Bassett, Swindon Wiltshire, SN4 8HT	ROYAL WOOTTON BASSETT	Proposed erection of a detached two bedroom bungalow (resubmission of 18/06845/FUL)	DEL	Written Reps	Refuse	Dismissed	14/01/2020	None



## REPORT FOR NORTHERN PLANNING COMMITTEE

<b>Date of Meeting</b>	29 <sup>th</sup> January 2020
<b>Application Numbers</b>	19/03435/FUL
<b>Site Address</b>	Land adj 81 - 83 The Pippin and rear of 8 - 13 High Street, Calne, Wiltshire SN11 8JQ
<b>Proposal</b>	39 Apartments for older people, Guest Apartment, Communal Facilities, Access, Car Parking, Landscaping and 4 Retail Units
<b>Applicant</b>	C/O Agent, Planning Issues Ltd
<b>Town Council</b>	Calne Town Council
<b>Electoral Division</b>	Calne Central
<b>Grid Ref</b>	
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Paul Galpin

### Reason for the application being considered by Committee

The application has been referred to the Northern Planning Committee because the local member has called the application to committee so that the issues of scale, visual impact upon surrounding area, relationship to adjoining properties, design bulk, height, general appearance, environmental / highways impact in the context of the Calne Neighbourhood Plan (2018) may be considered.

### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposals against the policies of the development plan and other material considerations and to consider the recommendation that planning permission should be **APPROVED**.

### 2. Report Summary

The key issues in considering the applications are as follows:

- Principle of development
- Design and appearance of the development;
- Town centre vibrancy;
- Impact of the development on Listed Buildings and the Calne Conservation Area
- Impact on residential amenity;
- Highways/parking;
- Ecology;
- Planning contributions/ Infrastructure
- Archaeology;

Calne Town Council raised objections to the proposed development. 73 letters of objection have been received, 1 letter of support. A petition with 200 signatures has also been received.

### 3. Site Description

The application relates to land and buildings at The Pippin, Calne, with the site currently comprising some 0.30ha of relatively under-utilised land (used for car parking, and retail unit (A1 Use Class). The site is arranged in a regular proportion and sloping gently southward, with a change in levels of 2.5m. The site could be described as untidy and need of redevelopment.

On the northern boundary lies a linear array of existing single-storey buildings (including retail), which are separated from the neighbouring Grade II listed Zion Baptist Chapel, by a service lane with parking leading to the rear of the nearby Iceland supermarket. The southern boundary is demarcated by a regular line of mature trees, with further specimens on the western side. Directly opposite to the east lies the Sainsbury's supermarket and associated car park, whilst further parking extends to the South.

The site lies within the Calne Conservation Area and the immediate architectural and landscape context is extremely mixed. The site maintains strong visual linkages with the historic townscape including listed and historic buildings along the High Street and Strand, the prominent Grade I-listed St Mary's Church and the adjacent Zion Baptist Chapel. The site is also constrained by the presence of a 1.5m-wide mains sewer, requiring a 6m easement over, a section adjacent to its southern boundary along with protected trees in the conservation area.

### 4. Planning History

The following planning history relevant to the application site:

- N/99/02539/FUL - FOOD STORE AND ANCILLARY RETAIL UNIT – Withdrawn
- N/91/00667/LBC - CONSTRUCTION OF NEW REAR BOUNDARY RETAINING WALL AND REPAIRS TO EXISTING BOUNDARY WALLS WHERE ABUTTING NEW WALL – Approved
- N/02/02525/FUL - DEMOLITION OF EXISTING GARAGE AND ERECTION OF ONE SHOP UNIT FOR A1, A2 AND A3 USE, WITH RESIDENTIAL ABOVE – Refused
- N/03/01150/FUL - DEMOLITION OF EXISTING GARAGE AND ERECTION OF ONE A2 UNIT (FINANCIAL AND PROFESSIONAL SERVICES) ON GROUND FLOOR WITH RESIDENTIAL ABOVE – Refused
- N/03/01148/CAC - DEMOLITION OF EXISTING GARAGE AND ERECTION OF ONE A2 UNIT (FINANCIAL AND PROFESSIONAL SERVICES) ON GROUND FLOOR WITH RESIDENTIAL ABOVE – Refused
- 15/12651/FUL - PROPOSED ERECTION OF A BUILDING COMPRISING 32 RETIREMENT APARTMENTS WITH ASSOCIATED COMMUNAL FACILITIES, PARKING, ACCESS & LANDSCAPED GROUNDS. REAR ACCESS PATH & 3 CAR PARKING SPACES FOR BANK PREMISES ON HIGH STREET – Refused
- 18/09556/FUL - 39 APARTMENTS FOR OLDER PEOPLE, GUEST APARTMENT, COMMUNAL FACILITIES, ACCESS, CAR PARKING, LANDSCAPING AND 4 RETAIL UNITS – LAND TO REAR OF 8-13 HIGH STREET CALNE

The application 18/09556/FUL is a key recent application and it is substantively similar. This revised application is a re-submission by the same applicant on behalf of Churchill and should be regarded as a material consideration when considering this application. This application was refused and is at planning appeal and the hearing is scheduled for 12<sup>th</sup> February 2020. This application was refused and in summary the refusal grounds are outlined below:

- (1) Scale, bulk, mass, positioning, detailing and lack of public realm improvements. Use of materials. Harm to setting of Grade II listed Zion chapel and conservation area.
- (2) Does not demonstrate adequate servicing to commercial units, refuse collections can be achieved and lack of shared use facilities.

- (3) Fails to provide/ secure adequate provision for necessary on-site and off-site infrastructure (affordable housing, air quality, housing and footpath connections).
- (4) Fails to provide sufficient ecological baseline information for comprehensive assessment.

Prior to the 2018 refusal above, an application for 32 retirement apartments was submitted by a different applicant (McCarthy and Stone) under reference 15/12651/FUL. That application was refused planning permission by planning committee on the following grounds:

- (1) Loss of retail and imbalance of residential and retail use
- (2) The scale, bulk, mass, positioning and use of materials that harm designated heritage asset and conservation area
- (3) Lack of off street car parking and
- (4) Insufficient provision of infrastructure and services

## **5. The Proposal**

The scheme comprises the erection of a single building to provide 39 no. self-contained retirement apartments, designed to meet needs of independent retired people and four retail units. This development will consist of 27 x 1 bedroom and 12 x 2 bedroom apartments. The proposal includes guest apartment, communal facilities, access, car parking, landscaping. The apartments are proposed to be of standardised format and configured over three/ four floors and this includes partial lower ground floor, in the south elevation. With regard to the four proposed retail units (281sq.m), Unit 1 and 2 face Phelps Parade. Unit 2 is a corner plot and also faces the Pippin along with units 2 and 4. Outside the retail units facing The Pippin a level surface is being provided to provide pedestrian access the retail units and apartments (steps at south end) . This will be a feature within the public realm with retaining wall, walls and balustrade and material surfacing is conditioned to enhance the setting.

External car parking (17 spaces) is proposed to the southern side of the building for residents, staff, allocation for mobility impaired users and staff of the adjacent Lloyds Bank, which retains a right of pedestrian access. The main pedestrian entrance to the residential element is situated towards the middle of the south elevation of the building. Alternative pedestrian access is located via the east of the building (Pippin). Vehicular access to the car park is to be obtained from The Pippin to the southeast.

In design terms, the building is of substantial form. In the elevations facing the Pippin and Phelps Parade the proposal is visually 3 storeys. Due to level differences in the southern elevation a lower ground floor is included that enable the property to be partial four storey. The building includes a range of materials and design features to its external elevations, such as mansard accommodation in the roof of the building. The proposal includes a variation of facings, plinths, window surrounds, balconies, string course/ coping, and fenestration.

The detailing and palette of materials has been strictly conditioned to enable a high-quality finish that reflects the buildings in the vicinity, conservation area and public realm. Not an exhaustive list of materials but this includes natural stone brick (south elevation), higher quality clay bricks (north-west), ashlar shopfronts, use of 'off white render', windows have been conditioned to ensure that they are not UPVC or GRP. Along with high quality boundary treatments to include 1.8m high brick walls in replacement of the 1.8m close boarded fencing.

The surrounding area to the residential units is to be landscaped on all sides, comprising both communal and private amenity areas to be enclosed by a mixture of low and higher stone walls, railings, hedges and gates. The hard surfacing and level surface outside the retail units is conditioned to ensure high quality materials in relation to streetscene and adjacent Public Realm.

## Main differences between current application and 18/09556/FUL

The main difference between current application and 18/09556/FUL. The 19/03435/FUL revised application contains the following:

- Reduced height of building and introduction mansard accommodation in the top storey, with a flat roof. This reduces the height of building. Effectively the roof has been lowered by approximately 2.9m in the north-east corner of the building and 2.4m more generally across the whole building (with the exception of the south-west corner). This helps reduce perceived height and bulk of the building.
- The height of the building in proximity of the Zion Chapel has been significantly reduced. This includes the top storey being stepped back slightly, further reducing overbearing.
- With the mansard accommodation, the design of the building is now altered to a more contemporary design. This is reflective of the nearby M & Co development.
- The pedestrian access to the retail units in the Pippin is now all on one level, with a public realm feature. This includes a retaining wall, with a wall feature and balustrade, with steps leading to the lower level. The details in this area are conditioned.
- The retail shopfronts have been reduced in size to suit the setting.
- The proposal now includes conditions to strictly control materials to ensure high quality. The brick used will be natural stone along with a high-quality clay brick. This includes window sills and lintels. Shop fronts/ facades - Unit 2 – east and north elevation, Unit 3 and Unit 1 – to be bath (local) stone/ ashlar work plinth for these shop fronts. Conditions imposed to ensure windows are not UPVC. There are other items conditioned to ensure materials reflect setting.
- Details have been recived to address Ecology, Highways (servicing and refuse), urban design and affordable housing.

## **6. Local Planning Policy**

### National Planning Policy Framework 2019 (NPPF):

Section 5 – Delivering a sufficient supply of homes

Section 6 – Building a strong, competitive economy

Section 8 – Promoting healthy communities and safe communities

Section 12 – Achieving well designed places

Section 15 – Conserving and enhancing the natural Environment

Section 16 – Conserving and enhancing the historic environment

Paragraphs - 8, 11, 38 and 47

### Wiltshire Core Strategy 2015:

WCP 1 - Settlement strategy

WCP 2 - Delivery strategy,

WCP 3 - Infrastructure requirements

WCP 8 - Spatial strategy Calne Community Area,

WCP 36 - Economic regeneration

WCP 38 - Retail and Leisure

WCP 39 - Tourism

WCP 41 - Sustainable construction and low-carbon energy,

WCP 43 - Providing affordable homes,

WCP 46 - Meeting needs of vulnerable and older people

WCP 57 - Ensuring high quality design and place shaping,

WCP 58 - Ensuring the conservation of the historic environment,

WCP 60 - Sustainable transport

WCP 61 - Transport and Development

WCP 64 - Demand management

Saved Policies of the North Wiltshire Local Plan, including:

NE18- Noise and Pollution

T5- Safeguarding

R2 – Town centre secondary frontage areas

Regard should also be paid to Policy WCS6 of the Wiltshire & Swindon Waste Core Strategy and other relevant Waste DPDs.

Calne Community Neighbourhood Plan (2018) and Calne Masterplan (2014).

Section 72(1) of the Town and Country Planning (Listed buildings and conservation areas) Act 1990.

## 7. Summary Consultation response

Calne Town Council – The Head of Business of the Town Council provided a strong objection to the proposal with three refusal reasons. The letter received provided further background details in relation to the refusal reasons. The letter is appended, in full, to this statement with the refusal reasons in **APPENDIX A**. Additional correspondence was received confirming the objections. The main concerns are summarised and set out below:

- The spatial layout, and private sheltered accommodation with retail failure to integrate with existing town, north and south boundary
- Does not enhance public realm, connectivity or support active community
- No benefits outweigh opportunity to regenerate the town centre
- Height and mass dominate town centre
- Obstruct existing north-south views
- The proposal ubiquitous design fails to reinforce local distinctiveness
- The mass clearly detrimental to character rather than enhancing
- Does not demonstrate adequate provision for servicing needs and staff parking of commercial units and inadequate frontage footway.

Highways – After submission of a transport addendum, addressing servicing, refuse, pedestrian movement, public transport. The highway officer raises no objection subject conditions.

Urban Design – Raises an objection to various design matters, including use of materials, accessibility, public realm, and refuse collection issues. Concern has been raised about the quality of the appearance of the building, raising that it is not a high quality in either a traditional or contemporary design in later comments. The material and detail issues have now been resolved via strict condition. The concerns raised have informed the matters considered in the “planning considerations” section below.

Spatial Planning - The Spatial Planning Officer concludes, that the proposals are in conflict with the Calne Neighbourhood Plan and Calne Town Centre Masterplan, which have been developed through a considerable amount of community engagement and consultation, and this proposal would make the Masterplan proposals unachievable. The proposals are for a different use than that outlined in the Masterplan and development of this site for retirement properties would therefore not contribute to meeting the objectives of the Masterplan, as required by Policy WS2.2 of the neighbourhood plan but would instead have a detrimental effect. Issues with regard to waste audit.

Conservation – The Conservation Officer has no objection to this revised scheme, after previously raising concerns in relation to visual relation of proposed building to the Zion Chapel and conservation area have been resolved. The need for high quality materials to respond to local materials have now been conditioned.

Environmental Health / Public Protection - The environmental health officers have raised no objection, subject to conditions to cover air quality assessment and noise assessment.

Archaeology - The County Archaeologist outlined that an archaeological evaluation undertaken in relation to a previous application on this site has revealed surviving features from the Medieval and Post-medieval period. Further work is required to excavate and record these features prior to any development starting on site. A condition is required on any grant of consent to secure a programme for archaeological mitigation (excavation) ahead of any ground works commencing on site.

Drainage / Wessex Water – The Council Drainage Engineer confirms that site is in Flood Zone 1 and not within any areas of surface water flood risk. As both foul and storm discharges are to be made to the public sewer systems confirmation should be sought from them over any issues or works needed and acceptability of flow rates. Wessex Water have confirmed storm and foul sewers in proximity and have not raised capacity issues at this stage but further approval of final arrangement is required and this is therefore conditioned.

Affordable Housing – The Council Housing Development Officer advises that the proposals should be regarded as straightforward residential units and therefore 30% of units should be provided as affordable housing in accordance with CP 43. Should viability be taken into consideration, it has been confirmed that a financial contribution (commuted sum) in respect of the provision of local affordable housing off site would be acceptable in lieu of on-site provision. A commuted sum would be calculated at the time the planning permission is granted and would be Index Linked (to the UK House Price Index). An indicative commuted sum figure would be £409,693.81 (June 2019). The applicant submitted a viability assessment in order to demonstrate that, in their view, the required provision/contribution of Affordable Housing in line with policy can be achieved on this scheme. That assessment has been considered by the Council's Estates Team (NOTE: The applicant and Council have agreed an acceptable sum to cover the affordable housing contribution (£375,000)).

Ecology - The Council Ecologist has outlined that the application provides sufficient ecological baseline information in order to inform a comprehensive assessment of the potential for effects upon ecological (bats/ nesting birds) receptors and ecology matters are conditioned.

Public Protection - The Environmental Health Officer confirmed that an Air Quality Assessment or Screening Assessment and Noise Impact Assessment needs to be submitted and is conditioned. Also conditioned is provision of 2 electric car charging points with infrastructure for more vehicles if demand requires.

Landscape – The Landscape officer offers no landscape objection, subject to appropriate tree protection measures being implemented for adjacent 3rd party trees overhanging the site (as agreed by council tree officer) and comments relating to the design and form of development at this site should be informed by this Council's Conservation Officer and Urban Design officer.

Waste – No objection subject to contribution of £3,549

Tree Officer – No objection subject to conditions to cover submitted report and maintenance of protected trees in conservation area.

Wiltshire Police – Various detailed concerns raised, and these are discussed and addressed below.

Rights of Way – No objection

## **8. Publicity**

The application was advertised by press notice, site notice and neighbour notification. The application received 74 comments from members of the public raising issues. 73 of the letters were raising issues / objecting to the proposal. There was 1 comment received supporting the proposal. Key issues are discussed in the planning assessment. Outlined below is a broad tabulated summary of the comments received:

- Mixed use development required (community, leisure, night) / reduce need to travel to other towns – 26
- Conflict with Town Masterplan - 22
- Conflict with Neighbourhood Plan - 18
- Contrary to Wiltshire core strategy /NPPF - 2
- Housing requirements have been met / no need for elderly accommodation -13
- Does not complement/ could detract development of town centre (vibrancy) or wider community – 17
- Lack of car parking – 19
- Proposal - Acknowledge need for elderly housing /will only serve elderly / segregated, insular development - 11
- Traffic issues in Pippin/ town centre/ air quality / highway safety /lack of infrastructure - 11
- Attractive development/ in wrong location – 13
- Could be easily sited elsewhere, wrong/ inappropriate location/ attractive development - 19
- More retail required / loss of valued site – 11
- Resubmission of previous and not acceptable – 7
- Poor Design / failure to integrate into the landscape and surrounding area/ poor aesthetics / poor public realm - 7
- Noisy location for elderly / Bike Meet Festivals - 6
- Proposal not suitable for site – 5
- No need for retail units - 5
- Large building/ Housing dense/ overdeveloped/ not in keeping/ impact on Zion chapel 4
- No NHS considerations / surgery space / infrastructure improvements required - 4
- No community/ leisure use / flexible use – 3
- Proposal will restrict geographic development of town centre / integration / layout / poor pedestrian/ cycle connectivity -1
- Will result in bank closure – 3
- Disabled access issues to bank - 1
- Baptist Church proposal /community use (other)/ preferable - 2
- Does not provide night time economy / entertainment / culture 1
- Town council rejected and not for Wiltshire council to impose - 1
- Small amendment provides no community benefit/ needs - 1

#### Support

- Retirement proposal ideal to rejuvenate site with the nearby facilities -1

A petition with 200 signatures objecting to the scheme has been received.

Representations submitted on behalf of local organisations also include Calne: Our Place (within the Town Council representations) and CPRE.

## 9. Planning considerations

Section 70(2) of the Town and Country Planning Act 1990, section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of NPPF (2018) require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

#### Principle of development

Each of the component uses proposed are objected against relevant national and local policy below.

### Housing

With regard to housing the proposal is to redevelop a parcel of previously-developed brownfield land located centrally to Calne town centre, located inside the defined limits of development. Although the applicant restricts occupancy to over- 60s (achieved via planning condition), no significant element of care is provided at their facilities and therefore the scheme should be considered as any other open market development for C3 residential use. As such, it is not considered that Core Policy 46 (Meeting the needs of Wiltshire's vulnerable and older people) is wholly relevant. It is important to note that this is why affordable housing contribution is applicable.

The issue of need for both additional housing and the type of accommodation (flats for older people) was raised in public representations and the by Town Council. The proposal is in accordance with the settlement and delivery strategies for new residential development set out at CP 1 (Calne being identified as a market town) and CP2 (within development boundaries) of the Wiltshire Core Strategy and will contribute to the provision of new housing in a highly sustainable urban location at a scale commensurate with its role as a market town. Therefore, due to the location (within settlement boundary) and proposal satisfying principle, housing need, supply and type of accommodation is not a significant issue. It is important to note that Wiltshire has a significant ageing population.

The Town council raised objections that the proposal is a sub-optimal use for this town centre location, suggesting that there is no need for the accommodation and that the regeneration does not strengthen the town centre. Nevertheless, in such town centre locations, the principle of mixed-use development such as that proposed would be generally regarded as acceptable in principal. Indeed, whilst the proposal may be regarded by some to be a sub-optimal proposal, the tests set out in both local and national planning policy is, rather, whether the proposed development is acceptable or not. With regard to the Calne Masterplan it is clear the principal of residential use on this site is acceptable.

### Retail

With regard to retail the development will result in the loss of a local hardware store (181sq.m), which currently occupies a small portion of the site directly opposite Phelps Parade and falls within the secondary retail frontage designation saved under Policy R2 of the North Wiltshire Local Plan. The proposed retail does not undermine the viability of the town centre (i), and the proposed retail is consistent with the scale and function of the town centre (ii) and the proposal does not eliminate access to upper floors. The site is located outside the town centre primary frontage area (R1).

It is important to note that in contrast to the earlier refused 2015 application, this revised proposal now includes the introduction of 281sq.m of new retail space, with a net additional space of 100sq.m, thereby somewhat compensating for the loss of existing retail activity on the site and providing modern facilities. As outlined the proposal is centrally located and therefore satisfies sequential approach, as set out in national guidance. The Calne Neighbourhood Plan and Masterplan requires retail in this area. The proposal is therefore considered to be broadly compliant of CP 38 Retail and Leisure and CP 8 Calne Spatial Strategy.

With regard to Core Policy 8 – the Spatial Strategy for Calne Community Area – requires that proposals take account of the stated objectives set out at the preceding paragraph 5.41, which establish the specific issues, challenges and aspirations for the area. These include broadly expanding and diversifying the range of services in the town and infrastructure – in compliance with the Calne Neighbourhood Plan (2018) and Masterplan (2014). Due to the mix of housing and retail, on balance the proposal is considered compliant with CP8 and will make a contribution to the stated objectives.

### Calne Neighbourhood Plan (2018) / Masterplan (2014)

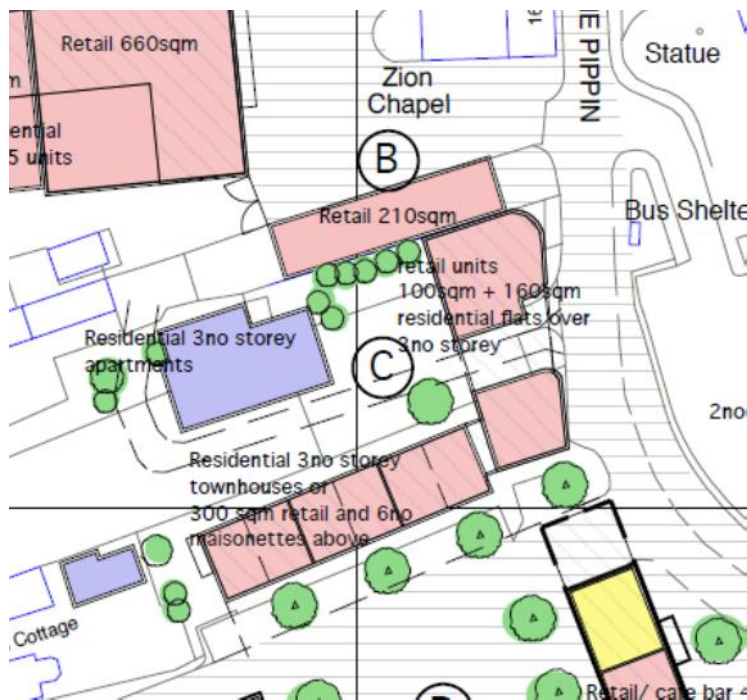
The Calne Neighbourhood Plan and accompanying Masterplan forms part of the adopted Local Plan for decision making purposes. The Masterplan acknowledges the redevelopment



of Calne Town centre is required (p13). The Masterplan benefits from considerable local support following extensive public consultation and final adoption in February 2018.

Policy WS2.2 (Calne Town Centre Masterplan) outlines that proposals must consider and address their relationship to the vision set out in the Calne Town Centre Masterplan. The Masterplan provides a “measured plan” amongst a number of various aspirational options for the town centre. The site is designated in the Masterplan and it forms part of an extended retail area and public realm (market square) for the town centre, potentially incorporating some residential development as flats above ground floor retail units (see Figure 1).

**Figure 1 - Calne Masterplan – “Measured Plan” of the site**



The Town Council consultation response states that the application is in conflict with the Calne NP Policy WS2.2 on the grounds that the proposal does not meet the criteria listed in Paragraph 125 of Neighbourhood Plan. As set out in this report it is considered that principal, housing need, supply, how the proposal (and design issues) relates to the town centre and the Masterplan is broadly compliant.

With regard to the “Measured Plan” contained in the Masterplan, it is important to note that the site is suggested as being suitable for a mix of housing, retail and commercial use (Figure 1). It is therefore considered that in general terms that proposal is considered compliant with the Masterplan, as the proposal provides a level of retail in the Pippin and Phelps Parade, whilst providing residential units. The extent of retail provided is not the specifically matching but is considered a reasonable and balanced approach to the Masterplan. The “Measured Plan” for the application site states:

*B. Trotman Store*

*Retail unit on the ground floor 210 sqm, Commercial office space above 210 sqm*

*C. Rear of Lloyds*

*Retail units on the ground floor 160sqm, 100sqm, 110sqm x 4 Piazza*

*Residential 21no flats, 7no townhouses*

The Masterplan provision in the Measured Plan for the site equates to:

- 28 residential units - 21 flats / 7 town houses (located to the west of site).
- Retail 580sq.m
- Commercial use 210sq.m

Whilst broadly the NP states 28 residential units and 580 sq.m of retail, 210sq.m commercial use for the site. The application proposal includes 39 apartments with four retail units totally 281 sq.m. It is important to note that, in this respect, the Neighbourhood Plan can be regarded as a vision, but not a prescriptive setting out how the site can and only should be developed. For instance, the masterplan provides for no site permeability, allowing for little in the way of direct pedestrian links through the site, when considering the retail frontage with Phelps Parade outlined.

To the south of the site, the Measured Plan includes a Piazza on the existing Sainsbury's car park. It is not considered that the deliverability of a Piazza would be compromised. The Masterplan itself contains 4 different options – so clearly flexibility is built into the Masterplan vision. The proposal would provide a pedestrian link with the retail units leading to the site via Phelps Parade and the Pippin. A footway connection with the footway that crosses the site associated with Bank would also be a possibility of pedestrian permeability into the site in the future.

Critically, there are key physical site constraints which in large part has driven the way in which the proposal has been configured:

1. The site is subject to a change in level of up to 2.5 metres from the North West to South East corner meaning that the relationships between separate buildings around the outside of the site would prove very difficult to manage.
2. The site accommodates a Wessex 1.5m mains sewer with a 6 metre easement which runs parallel to the Southern boundary. This further negates the possibility of building on this part of the site – ie retail units for the Piazza and hence why this provides the allocated car parking for the proposal.
3. There are protected trees adjacent to the site (close proximity of suggested retail units).

In this way, the constraints of the site (level changes, sewer easement and adjacent trees) must also inform the assessment of the proposal. It is important to note that the proposal has been developed in detail to taking into account site constraints. These details would have been unlikely to inform the Neighbourhood Plan when developing its vision. Therefore, the proposal when developed in detail and assessed in combination with the site constraints are considered in reasonable broad compliance of the vision of the Neighbourhood Plan. The Masterplan also provides little demonstration as to how parking requirements, level differences, easement and trees would be satisfied and addressed.

The town council response refers to a preferred alternative use of the site by the Baptist church. Of course, it is the duty of the Local Planning Authority to objectively consider the acceptability of the application submitted, not in the context of a preferred or idealised, alternative version of development. It is important to note that this is not the proposal being assessed as part of this planning application.

#### Design and appearance of the development

As a comprehensive redevelopment scheme including the removal of low-quality fabric from the site the proposal will significantly alter the appearance of the site, surrounding area and streetscene. The proposal is a substantial building with significant visual impact. The site is approximately 0.3 hectares. The ground floor footprint of the building is 1,169 sq.m, therefore the building occupies approximately 39% of the site. This is considered to be a reasonable land take and relatable to the size of the site. The external appearance of the proposed building has been the subject of dialogue with the applicant during pre-application, previous application discussions. It is considered that on balance all the requirements have reasonably been met (subject to conditions).

The proposed design can be broken down into separate elements which, it is considered, reflect the relative prominence of different sections of the residential and retail elements. The main entrance to the retail elements will be local stone/ ashlar plinth, which should be the subject of suitably worded planning conditions, and the main residential element will be set

back. Subsidiary sections of the building are treated in off white render to improve articulation and avoid stark expanses of red clay brick (to be conditioned). In the south elevation, this is natural stone brick. The accommodation on the top storey is to be contained within 'mansard' sections with windows in the roof, with a material of single ply roof membrane.

### Building height and size

Representations have been received relating to the impact of the proposal in the urban environment due to the height and mass, restricting views and the proposal being detrimental to character and appearance. The Town council raised an objection on this basis. The landscape officer raised no objection subject to the advice of the Council's Arboriculturalist, Conservation Officer and Urban Design Officer. It is evident that the protected trees from the neighbouring site offer a level of mitigation to the visual impact of the proposal in the urban landscape, particularly when the site is viewed from the south. The scale of the proposal is considered to correspond reasonably with the townscape, when also considering the Masterplan Plan (see below) and its relationship with neighbouring property that varies from 2-3 storeys, some including basements. With regard to building height, it is important to note that the Masterplan states the following (pages 13 and 22):

*"The new vision seeks to re-invent the town centre through (p13):*

*(6) It provides a strategy for improved vibrancy by increasing the density to 3-4 storeys using commercial and residential accommodation over retail and community use"*

*(10) Reviewing parking arrangements, which currently dominate the town centre, to provide a more diverse offer, while providing to meet the needs of town"*

*"The scale and mass of the existing centre is mainly two to three storeys, the new development at the eastern edge of Phelps Parade is four storey and sits comfortably within the scale of The Pippin road width and current urban grain. It is recommended that when Phelps Parade is redeveloped at the High Street end, it could accommodate a three storey building with the remainder scaling in height to match the new development to the east. The scale of The Pippin could accommodate four storeys with the possibility of a fifth if it is integrated within a roof ridge line and can be moderated by the change in ground levels which drop towards the River Marden." Page 22.*

Whilst the proposal is a 3 to 4 storey property, it is the level differences across the site that enable built form to sit comfortably within the site. It is therefore considered in broad design terms, the proposal providing 3-4 storey is compliant with the masterplan and the setting itself. It is important to note that facing Phelps Parade and The Pippin the proposal is 3 storey. It is only in the southern elevation and due to the level differences that a partial lower ground floor has been proposed, in compliance with Masterplan. In this regard, it should also be noted that the Masterplan suggests 3 storey residential development in the west of the site, similar to the proposal.

### The North-east corner

With regard to the previous scheme, particularly in the north-east corner of the site, the height, bulk and mass of the proposal, was considered overbearing and not in keeping with the setting, with impact on the Zion Chapel and conservation area/ public realm (figures 2/4). This was partly as result of a high gabled roof. This has now been amended, in comparison to the previous scheme the roof of the scheme has been significantly lowered and altered to mansard accommodation incorporating a flat roof (figures 3/ 5), replacing the high gabled and differing roof pitch heights and angles (with the exception of the tile roof in the south-west 3 storey element).

Effectively the roof has been lowered by approximately 2.9m in the north-east corner of the building and 2.4m more generally across the whole building (with the exception of the south-west corner). This significantly reduces the size of the building, particularly visually in Phelps Parade and its relationship with Zion Chapel, conservation area and public realm.

The 18/09556/FUL scheme at the corner with the Pippin and adjacent to the Zion Chapel, the ridge height is approximately 11.9m and eaves 8.2m. The proposed scheme now removes the imposing corner, with Mansard accommodation in the top storey. The height to the roof is approximately 9.21m, with set back of, 2.4m above the retail element/ first floor from the Pippin. This significantly reduces the mass and overbearing feel and provides better relationship with neighbouring properties. It is considered that by this sympathetic design the visual impact as a result of the height and mass is reduced in order to relate to the setting of the conservation area and public realm in a more suitable manner to ensure compliance with WCP 57/ WCP58 and BE2 of the Neighbourhood Plan. It is considered that the design of the proposal reflects the design of the relatively new retail and residential scheme approved north of the Zion Chapel under N/07/03228/FUL (M & Co).

**Figure 2 - 18/09556/FUL – North-east elevation**



**Figure 3 - 19/03435/FUL – North-east elevation**



**Figure 4 - 18/09556/FUL – North-west elevation**



**Figure 5 -19/03435/FUL – North-west elevation**



### Design and materials

Details of key architectural features have been provided as an indicator of the final finish of the building. The Council's Urban Designer has raised concerns about the quality of the appearance of the building not being either high quality traditional or contemporary design in later comments. The Urban Design Officer and Conservation Officer have raised concerns with regard to the materials and finishes. The developer has agreed to imposition of conditions that will ensure use of a palette of materials that will ensure use of high-quality materials to reflect the conservation area and adjacent public realm. This includes (for full breakdown see conditions 25, 26 and 27) to ensure windows and doors are not UPVC or GRP, brick natural stone and brick clay bricks (including boundary treatments), shop fronts for Unit 2 – east and north elevation, Unit 3 and Unit 1 – to be bath (local) natural stone/ ashlar work plinth for these shop fronts - no render. Paving and wall around the ground floor of retail units – specification to match in similar quality to Sainsburys public realm. Balconies – Full specification to be approved (metal not glass). Roof materials and cladding also to be approved.

Full architectural details (scale plans and elevations) of items are also conditioned, this includes windows, external doors, shopfronts, balconies, rainwater goods and boundary treatments (not an exhaustive list). Outstanding issues with retail refuse bin storage, cycle storage are also conditioned.

### Improvements to Public Realm

The 2018 application was, in part, refused planning permission due to the lack of associated improvements to the public realm, particularly in the area between the north of the proposal and the Zion Chapel. With regard to this application as raised by the Urban Designer, no provision for Public Realm improvements does not comply with the Neighbourhood Plan/ Masterplan.

At paragraph 188 to the Calne Neighbourhood Plan, it is confirmed that contributions for infrastructure will be sought on the back of proposal for new development; with paragraphs 26, 120 and 125 referencing those contributions, in part, being put towards the improvement of the "public realm". The NP includes no formula or methodology as to how those contributions will be sought and it is therefore concluded that they would be sought under the terms of the Community Infrastructure Levy Regulations 2010 and policy and guidance covering the reasonable use of planning obligations under s106 of The Act.

Further, Policy WS2.1 of the NP states "*Development proposals within Calne Town Centre must consider, assess and address their impact on the streets, pavements, parking areas and other public spaces*". Policy WS2.2 states "*Development proposals within or immediately adjacent to the defined Calne Town Centre must consider and address their relationship to the vision set out in the Calne Town Centre Masterplan (April 2014)*".

It is important to consider that this application stands or falls on its own merit. With regard to the impact of the proposal on the wider streetscene and locality. The proposal does come forward with a revision to provide pedestrian access and public realm feature related to the access to the retail units in the Pippin (or north-east elevation). With all retail units accessible

on one level, including retaining wall and walls/ balustrade. This will be conditioned to ensure high quality materials and ensure that it relates to the Sainsburys public realm provision and enhances the setting. It is considered that this will relate to and enhance the streetscene and locality.

It is considered that the scheme in the proximity of Phelps Parade and the Zion Chapel (north-west elevation), with its reduced height, scale and the materials (to be conditioned), it is more sympathetic to the setting, public realm and the streetscene than the previous scheme. It is considered the 3 storeys (and mansard in top storey) is considered acceptable, with the residential element set back and enhances the setting. Considering existing site context, it is considered the proposal will enhance the setting and public realm. However there is still requirement in the Masterplan and Neighbourhood Plan for the proposal to enhance the public realm features.

Notwithstanding the above conclusions, the applicant has offered to make a financial contribution of £15,000 towards public realm improvements. Such a contribution would allow the general improvement of the public realm so as to improve the integration of the proposed development in this important locality, thereby rendering the development fully compliant with policies WCP3, WCP8, WC57 and WCP 58 and Neighbourhood Plan.

That contribution would be secured via S106 of The Act . It is anticipated that the contribution would be made available to the Town Council, in conjunction with Wiltshire Council, who is the owner of land immediately surrounding the site.

### Heritage

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

Consideration is given to the impact of the development on the Calne Conservation Area and legibility of the historic layout of the town. With regard to paragraph 190 of the NPPF (2019), the significance of the heritage asset of the Zion Chapel and Conservation area have been assessed by the heritage statement produced by the applicant, the conclusions of which are largely agreed with. There are a total of 95 other designated heritage assets identified within the 250m study area around the site including one Grade I Listed Building, six Grade II\* Listed Buildings and 88 Grade II Listed Buildings.

The principle concern is the visual relationship between the proposed building and the Grade II-listed Zion Chapel (and enclosed yard to west) which is the nearest and most sensitive designated heritage asset. It is situated a short distance away to the north of the site. Whilst it is considered that the proposed site in its current form makes a neutral contribution towards the heritage significance of the Zion Chapel.

The Council's Conservation Officer has considered the revised application proposals and welcomes the improvements to the elevations fronting the Pippin and the Zion chapel. The revised form of the building achieves a less dominant relationship with the Chapel. (See figures 2-5) The revised scheme is considered to have addressed the previous concerns to ensure that the building reasonably relate, corresponds and remove harm to the Zion Chapel and conservation area and public realm. The scale of the proposal is considered to correspond with the townscape and enables the height of the building in the north-east corner to relate to the skyline without dominating. The scheme represents a reasonable change to the setting of the Zion Chapel, a modest size building. Therefore the scheme is considered to compliment to the heritage significance of the chapel.

A key objective in respect of the design needs is to protect and reinforce the visual connection between the Grade II-listed Zion Chapel and distant Grade I-listed St Mary's Church. This



visual is also improved partly due to the reduced height of the building and the change in the design to the roof and introduction of mansard accommodation.

Units 8-21 High Street to the west of the site are also all Grade II-listed, although their rear elevations facing the site have generally all undergone significant alteration from their original form. These buildings are set a further distance in comparison to the Zion Chapel. But the reduction in size of the overall building enables this not to dominate the skyline.

The outstanding issues were materials – this has now been conditioned to ensure use of high quality materials to respond to the local materials such as natural stone bricks, high quality clay bricks, ensure stone work plinths/ facades of retail units (1-3) are stone-work, windows are not UPVC and window lintel and sills are natural stone, replacing close boarded fencing amongst other standard conditions (Not exhaustive see condition xx). Overall, it is considered that the proposal now satisfies the requirements of WCP58 and BE2 of the Neighbourhood Plan.

### Archaeology

The County Archaeologist outlined that an archaeological evaluation was undertaken in relation to a previous application, that revealed surviving features from the Medieval and Post-medieval period, possibly Saxon or earlier. Further work is required to excavate and record these features prior to any development starting on site. A condition is required on any grant of consent to secure a programme for archaeological mitigation, recording and protection ahead of any ground works commencing on site. The relative lack of later disturbance within the site compared with their part of the town centre make it an area of high potential for preservation of remains relating to the medieval and earlier history of Calne. This is a matter that could be adequately controlled through the imposition of particularly worded planning condition, so as to ensure compliance with WCP 57 and WCP58 and the NPPF.

### Impact on residential amenity

The scheme has been designed to ensure that it would not result in demonstrable harm to the living conditions of adjoining residents. This has been achieved by setting the building away from key boundaries to provide reasonable separation distances, and ensuring windows that overlook are reasonably located.

Residents associated with the High Street have raised concerns in relation to the size of the development and impact on residential amenity. In the south-west corner it is not considered that the impact on residential amenity is significant. The building line distance is approximately 21m, whilst to the nearest rear garden space it is approximately 7.5m. Whilst the building is not directly in line and is at angle to this rear garden, so not directly overlooking. Whilst the property is 3 storey at this point, it is considered that the change in levels across the site need to be taken into account. In this area there is also a sub-station proposed, which is considered a reasonable location within the scope of the scheme and any externality resulting from this location can be suitably mitigated. It is also noted that there may be land ownership and encroachment issues but these are civil matters with no role of the Local Planning Authority to become involved as part of the planning application process. The applicant signed certificate B and submitted that relevant landowners have been notified.

In the north-west corner it should be noted that there are no windows proposed for the immediate adjacent west, and north elevations. Whilst the south-west elevation immediately this is 1.5 storeys and with no direct overlooking over the property within close proximity (3 storey), kitchen windows in the secondary north elevation look over car parking. Only balconies are included on the south-east elevation, this is overlooking both the site and neighbouring site car parking.

Although situated close to the centre of the town, it is not considered that the proposals will have a significant adverse impacts on future occupants of the proposal, who in any case will be able to make a decision as to whether they are content with the proposed arrangements in full awareness of surrounding land uses, including temporary community events. It is not considered that the units will suffer from a lack of privacy from public viewpoints, for example

the private right of way in relation to the bank is set behind the car parking, and the accommodation is set back from the service road. It is considered that this arrangement is acceptable in protecting all parties from unacceptable inter-visibility detrimental to residential amenity.

### Highways and Parking

Vehicle access is to be obtained directly from The Pippin, effectively relocating the existing entrance to the car park that currently occupies the central portion of the site. The Highway Officer notes that the access arrangements are acceptable in principle, enabling adequate visibility along the Pippin when leaving the site; the use of hard landscaping to either side should ensure that this arrangement is fixed and this can be secured in perpetuity by condition.

The car parking provides 17 spaces to south of the site, with 3 additional spaces allocated to Lloyds. Existing traffic concerns in central Calne and vicinity have been raised in representations received in respect of the application however, the impact of the development in this regard must be considered in context. As accepted elsewhere for comparable facilities, the proposal offers a reduced level of parking provision after demonstrating justification for discounting below the usual adopted countywide standards. As on-street and public car parking in the immediate vicinity of the site is strictly controlled, it is not considered that any occasional overflow, for example due to visitors, would result in a significant increase in on-street parking to the detriment of local residents or general amenity. The use of this site for the provision of new housing specifically for older people, as demonstrated by surveys of similar accommodation outlines lower car occupancy levels. Given the ease of access to local shops and services in the immediate vicinity, there is material benefit of low impact on traffic in vicinity. Lower car parking provision will be compliant with the Calne Masterplan (2014). For these variety of reasons, the proposed car parking is considered reasonable, subject to a condition limiting occupation to the over-55s only.

The separate pathway access to Lloyds is also a fringe benefit in that the proposals will marginally improve both ease and safety of inclusive access to the bank. Whilst control over pedestrian access and parking fall to the landowner/site operator and the bank – and cannot, indeed should not, be controlled by planning condition – in practice this is likely to provide a further buffer between neighbouring properties and unauthorised intruders.

Mindful that it is a an expectation that the site will come forward for some form of development, it is difficult to anticipate any other use generating fewer vehicle movements in the town centre. Accordingly, whilst it is accepted that the development will have an effect on the number of car journeys, this will be very limited as suggested by the transport statement, and significantly less than those generated by most other town centre uses.

With regard to servicing of the units, suitable arrangements have now been demonstrated to the satisfaction of the Council Highway Officer (as part of a Transport addendum). The Pippin footway widening provision will enable pedestrians / wheelchairs to pass, full details have not been provided at this stage but are conditioned and will require a legal agreement under S278 of the Highway Act. A key point is that the service road to the north is not part of the adopted highway, and not included within the application site. The likely service vehicle types/sizes and the frequency of deliveries, together with the regime for refuse collections have now been demonstrated. The Transport Statement provides means of refuse collections for the apartments, which would be from The Pippin, with storage being located within the site. The intended means of collection will be controlled via planning condition.

It has been raised by the town council that the width footway to the front of the retail units are limited. With regard to the retail units facing Phelps Parade/ service lane, the doors have been adjusted to open inwards. This footway is approximately 1.8m – 1.3m (with a pinch point). It is important to note that service lane is relatively lightly trafficked. No highway issue was raised on this basis and is therefore considered acceptable.



etc., where street furniture may restrict access for mobility aids. The audit has been accepted by the highway engineer and therefore no financial contributions towards improvements to existing pedestrian routes to required pedestrian links to Church Street, High Street and Curzon Street, including access to the bus stops.

### Waste

The waste officer recommends a condition that does not allow commencement of development until details concerning how waste collections will function on the development are submitted to and agreed by the council to ensure compliance WCS6 and CP 3. It is clear that the refuse collections for the residential units would be intended through the Council collection service, with the site Manager ensuring bins are moved to the collection point on collection days, in accordance with drawing 10100CNPA13 – Parking and Refuse area (Transport Addendum) with collections taking place for The Pippin. A contribution of £3,549 is required as part of S106.

### Affordable Housing

As the scheme comprises a major new housing development within a market town, the application attracts planning contributions in line with CP 3 and 43 of the adopted Core Strategy. In Calne, this would equate to on-site provision of 30% affordable housing, with mix and tenancy reflecting local demand. With regard to affordable housing the applicant has proposed a financial contribution in lieu of on-site provision. The Council's Housing Officer agrees with the principle of such provision in light of the nature of the accommodation proposed.

Following a protracted viability assessment process involving the Council's Estates Team, a sum of £375,000 has been agreed with the applicant. As noted under the Housing Officer's comments above, whilst this sum represents a sub-policy compliant amount, the Council's Officers regard the contribution as reasonable and are comfortable in recommending that the agreed amount should not prohibit the grant of planning permission when assessed against Policy CP3 of the Wiltshire Core Strategy.

### Air quality, Noise and Contamination

With regard to noise impact, the Public Protection officer has confirmed that with regard to the retail units, the council would expect any fixed plant to be capable of meeting a Rating Level of -5dB (BS4142:2014) below the measured background noise level during their proposed operating hours, at both existing and proposed residential receptors. A Noise Impact Assessment in accordance with BS4142:2014 should be submitted to demonstrate adherence to the above criterion. The applicant has not provided at this stage but it is considered that this requirement can be adequately controlled through the imposition of planning conditions.

It is considered important to consider whether the development has a bearing on the capacity to deliver other aspects of the Masterplan set out within the Calne Neighbourhood Plan as a result of amenity considerations. Residential receptors being the most sensitive to noise associated with, for instance, occasional community events envisaged for this area. This is particularly relevant to the units orientated toward the southern side of the site, currently the secondary Sainsbury's car park. It is important to consider this matter in relation to whether the proposals prejudice the delivery of that element of the Masterplan pertaining to the site alone, or whether in fact the scheme has wider implications. On balance, given the intervening presence of the parking area and boundary treatment to the south of the building, it is considered that introducing residential units here would not jeopardise the full utilisation of the adjacent car park site. A key point is that site is allocated for 28 residential units within the Masterplan and the neighbouring site / car park also allocates residential use in the Masterplan. As such, in context with the existing surrounding land uses, it is not considered that the development introduces new receptors that would prejudice the delivery of the Masterplan to an extent any wider than the site itself.

The Environmental Health Officer confirmed that an Air Quality Assessment or Screening Assessment is required and is conditioned. As a town centre site, the proposal falls within the Calne Air Quality Management Area (AQMA) requiring that an assessment is undertaken in

respect of the development's impact on local air quality. Whilst no assessment has been carried out by the applicant, in this particular instance, in the context of development which is not as car dependent as conventional residential development, it is considered that impact on air quality does not weigh significantly in the planning balance. It is important to consider that this proposal includes a relatively small number of car parking spaces to the scale of the development of 17 spaces. It is therefore reasonable to conclude that the proposal will not produce significant amounts of car emissions to warrant a significant mitigation strategy. It is considered reasonable that the applicant has agreed to a planning condition which would compel the delivery of two car charging points to encourage the use of electric vehicles, with further infrastructure (cabling) to be installed if there is demand (4-6 vehicles). It is therefore considered that as a measure to help improve air quality the proposal is considered compliant with WCP8.

Whilst there are no known former uses of the site likely to have given rise to significant contamination of the land, as the development concerns land within a previously industrial area and involves significant earthworks a precautionary approach. It is considered that the Council's standard sequential condition in respect of investigation, reporting and, if necessary, remediation of contamination is sufficient to address any issue that may arise.

#### Ecology

The council Ecologist has outlined that sufficient ecological baseline information/ details have been submitted to the LPA in order to inform a comprehensive assessment of the potential for effects upon ecological (bats/ nesting birds) receptors as is the duty of the LPA's ecologist and as required by the NPPF and WCP50 of the Wiltshire Core Strategy. There are number of ecology conditions imposed to cover ecology issues this includes lighting strategy details for bats, boundary treatments, LEMP and EMES.

#### Trees

The council Arboriculturalist Officer raised no objection subject to conditions to cover submitted report and maintenance of protection of the trees in conservation area. This includes two category 'C' trees to be removed and three category 'B' trees and two category 'C' trees to be retained.

#### Drainage

The Council's Drainage Engineer confirms that site is in Flood Zone 1 and not within any areas of surface water flood risk. As both foul and storm discharges are to be made to the public sewer systems confirmation should be sought from them over any issues or works needed and acceptability of flow rates. Wessex Water have confirmed storm and foul sewers in proximity and have not raised capacity issues at this stage but further approval of final arrangement are required. This can reasonably be controlled through the use of a suitably worded planning condition.

#### Police

The Police liaison Officer raised issues, in relation to security and lighting. The building is controlled through CCTV with visitors not being allowed in unless known to the residents or checked with house manager. In respect to boundary treatments the latest site plan 10100CN-PA101 B gives an indication of proposed boundary treatments, but these will now be conditioned to be a mix of brick walls, with a mix of heights, to lower metal railings. The walls will need to take into account ecology requirements to ensure provision for hedgehogs, lighting for bats and urban design and conservation comments.

### **10. Conclusion**

The proposal is considered to comply with the settlement and delivery strategies for new residential development set out at CP 1, 2, and CP 3 of the Wiltshire Core Strategy. Although the applicant restricts occupancy to over 60 years of age, no significant element of care is provided at their facilities and therefore the scheme should, in essence, be considered as any other open market development for C3 residential use. On the basis the proposal is located

within the settlement strategy, issues associated with need and the type of accommodation are not material planning issues.

With regard to WCP 8 Calne Spatial Strategy, broadly, the proposals with the mix of housing and retail would contribute significantly toward the objectives, with the introduction of 281sq.m of new modernised retail space (100sq.m net additional space). The proposal is centrally located and therefore satisfies sequential approach. The proposal is therefore considered to be compliant of WCP 38 Retail and Leisure and WCP 36 Economic Regeneration. With regard to the Calne Neighbourhood Plan and its associated Masterplan “measured plan”, it is important to note that the site is suggested as being suitable for a mix of housing, retail and commercial use. The Masterplan provision for the site equates to 28 residential units, Retail 580sq.m and Commercial use 210sq.m. In comparison, the application proposal by Churchill for the site includes 39 apartments and 281sq.m of retail. It is therefore considered that broadly the proposal is considered compliant with the Masterplan, as the proposal provides a level of retail in the Pippin and Phelps Parade, whilst providing residential units. Consideration of the site constraints (level differences, sewer easement and protected trees) are also important considerations of how the site has been developed or could be developed with regard to vision set out in Neighbourhood Plan.

With regard to the conservation issues and visual appearance of the proposal, as a result of this re-submitted application, the roof has been lowered and now includes windows in a mansard section, including a set-back in Pippin/ service lane elevation. Effectively the roof has been lowered by approximately 2.9m in the north-east corner of the building and 2.4m more generally across the highest sections of the building. This resolves the issues associated with the height, scale, mass and bulk associated with the harm to the setting of the Zion Chapel and wider Conservation Area and impact on public realm. The proposal now comes forward with a contribution of £15,000 towards public realm improvements in the immediate vicinity, which is not considered an insignificant figure that the Town Council can use as opportunity to develop the public realm in this area. It is considered that this revised proposal does now comply with WCP 57 / 58 and Policy BE2 of the Calne Neighbourhood Plan.

Subject to the imposition of a particularly worded planning condition, the detail finish of external materials of the building are considered to be of a high quality, appropriate to the locality and to satisfy policies WCP 57/58 and policy BE2 of the Calne Neighbourhood Plan.

The proposal does now provide sufficient information to address highway issues, in relation to servicing of commercial units, refuse collection and address pedestrian accessibility. The application provides sufficient ecological baseline information and details having been provided to the LPA in order to inform a comprehensive assessment of the potential for effects upon ecological receptors (bats/ nesting birds), in accordance to WCP 50. The proposal includes and an agreed financial figure for affordable housing contribution (£375,000) to address WCP3. The proposal provides adequate infrastructure contributions in relation to waste (£3,549) and air quality in form of provision of two initial electric car charging points.

## 11. Recommendation

Subject to all parties entering into an agreement under s106 of The Act so as to deliver the following infrastructure:

- Affordable Housing - £375,000
- Improvements to public realm - £15,000
- Waste - £3,549

Then, **planning permission be GRANTED subject to the following conditions:**

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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.

Drawings

2. The development hereby permitted shall be carried out in accordance with the following approved plans (date received):

- 10100CN-PA100 Site Location Plan 1/05/19
- 10100CN-PA101 Rev B Site Plan 1/05/19
- 10100CN-PA102 Lower Ground Floor Plan 1/05/19
- 10100CN-PA103 Ground Floor Plan 1/05/19
- 10100CN-PA104 A First Floor Plan 15/08/19
- 10100CN-PA105 A Second Floor Plan 15/08/19
- 10100CN-PA106 A Roof Plan 15/08/19
- 10100CN-PA107 A Elevation 1 15/08/19
- 10100CN-PA108 A Elevation 2 15/08/19
- 10100CN-PA109 Elevation 3 1/05/19
- JBA 18/262 Rev D - Landscape Strategy Masterplan 1/05/19
- 17335-BTS Tree Protection Plan 1/05/19
- SU-01 Topographic Survey 15/03/19

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

Land use

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the four units (1-4) allocated as 'non residential units' on the submitted drawings (10100CN-PA03) and shall be used solely for purposes within Class(es) A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

4. The residential occupation of the development hereby permitted shall only endure for the benefit of persons over the age of 60 years or with a spouse or partner of at least 55 years of age.

REASON: Permission would not normally be granted due to the reduced parking provision on site but regard has been paid to the specific intended occupants of the development and typically lower levels of car ownership such that, exceptionally, the proposal is acceptable in terms of highway safety and local amenity on this basis in accordance with CP60.

Highways

5. 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 (10100CN-PA101 Rev B). The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety in accordance with CP61.

6. No development shall commence until full details of the widening of the footway on The Pippin to 2m wide have been submitted to and approved in writing by the Local Planning Authority. There shall be no occupation of the development until the footway has been constructed in accordance with the approved details.

REASON: In the interests of sustainable development and highway safety and in accordance CP61.

7. No development shall commence on site until a Travel Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Statement shall include details of available means of travel, and the means of communicating such information to staff, residents and visitors, including the provision of appropriate plans. The development shall thereafter be operated in accordance with the Travel Statement.

REASON: In the interests of sustainable development, and reducing vehicular traffic to the development in accordance with CP60

8. No part of the development shall be brought into use until details of secure covered cycle parking for staff or visitors of the retail units and the residential home, together with a timetable for their provision, have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details. Revised details of the design of any related alterations to the floor plans or site plan shall be submitted to and agreed in writing by the Local Planning Authority before the development commences

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

9. Prior to the occupation of the development, an operational statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the regime for servicing and refuse collections, including the locations for servicing the site, and the types and frequency of servicing vehicles.

REASON: To ensure the safe operation of the highway in accordance with CP61, CP3 and WCS 6.

#### Waste – Refuse and Recycling

10. Notwithstanding the details shown on the submitted plans, details of the storage and collection of refuse and recycling for the retail units shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The design shall ensure that no refuse bins will be or visible from the public realm. The layout of the retail units currently has no allocated space for the appropriate storage and collection of refuse. Revised details of the design of any related alterations to the floor plans or site plan shall be

submitted to and agreed in writing by the Local Planning Authority before the development commences. The retail units shall not be occupied until the approved scheme for the refuse bins for the retail units has completed in accordance with approved details.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling

### Ecology

11. Prior to the commencement of any development works on site including vegetation clearance, site clearance, boundary treatment works, building conversion and/or demolition works, an Ecological Mitigation and Enhancement Strategy (EMES) shall be submitted to the local planning authority for written approval. The strategy shall augment and consolidate the recommendations proposed within the Ecological Assessment (Tyler Grange, 19th July 2019) and the Preliminary Ecological Appraisal (Ecosa, Revision 2, March 2019) submitted to the Council prior to the determination of the planning application. The strategy shall provide comprehensive details of all ecological avoidance, mitigation, compensation and enhancement measures to be implemented on site, and these shall also be illustrated on an accompanying site plan clearly illustrating the type, number and location of proposed features. Details of maintenance arrangements for these features should be included with the strategy, where this is applicable. Thereafter, the development shall be carried out in strict accordance with the approved strategy.

REASON: To ensure provision of comprehensive and enforceable details regarding proposed ecological mitigation, compensation and enhancement as the matter is required to be agreed with the local planning authority before development commences. To ensure features are incorporated within the scheme design and layout that will deliver a function for biodiversity in accordance with the NPPF 2019, Core Policy 50 of the Wiltshire Core Strategy (Adopted January 2015) and Section 40 of the NERC Act 2006, and that will provide suitable compensation for the loss of existing biodiversity and habitats at the site, particularly trees.

12. Prior to the commencement of any development works on site including vegetation clearance, site clearance, boundary treatment works, building conversion and/or demolition works, a Landscape and Ecology Management Plan (LEMP) shall be submitted to the local planning authority for written approval. The LEMP shall include a finalised soft landscape plan, a planting schedule and specification. Details of the proposed maintenance and landscape management of the site and the mechanism for securing the implementation of these activities where necessary, shall also be submitted to the local planning authority for approval. The development site shall be managed and maintained in accordance with the approved LEMP in perpetuity unless another time period is agreed with the local planning authority via the LEMP approval.

REASON: To ensure provision of finalised comprehensive details regarding the proposed landscaping as the matter is required to be agreed with the local planning authority before development commences. To ensure the appropriate maintenance and long term management of existing habitats to be retained that provide a function in terms of landscape and biodiversity, particularly the existing tree line along the southern boundary, as well as the proposed landscaping. To ensure that the proposed landscaping will serve a function for ecology and landscape and will contribute to delivering biodiversity gain at the application site in accordance with the NPPF 2019, Core Policy 50 of the Wiltshire Core Strategy (Adopted January 2015) and Section 40 of the NERC Act 2006.

13. Prior to the commencement of any works on site including vegetation clearance, site clearance, boundary treatment works, building conversion and/or demolition works, a finalised proposed Site Plan which incorporates and consolidates the proposed ecological mitigation, compensation and enhancement measures stipulated within the Ecological Assessment (Tyler Grange, 19th July 2019) and the Preliminary Ecological Appraisal (Ecosa, Revision 2, March 2019) shall be submitted to the local planning authority for written approval. The finalised Site Plan shall provide comprehensive details with respect of the proposed boundary treatment and fencing installation and this shall accord with Section 6.2.4 of the aforementioned Preliminary Ecological Appraisal. Thereafter, the development shall be carried out in strict accordance with the approved plan.

REASON: To ensure provision of comprehensive and enforceable details regarding proposed ecological mitigation, compensation and enhancement as the matter is required to be agreed with the local planning authority before development commences and a finalised plan was not submitted prior to determination. In accordance CP50.

14. Prior to the commencement of any works on site including vegetation clearance, site clearance, boundary treatment works, building conversion and/or demolition works, finalised details of any proposed external lighting should be provided to the Council for approval in writing. The lighting strategy should be sensitive to wildlife, particularly bats, and shall accord with the recommendations put forward in the Ecological Assessment (Tyler Grange, 19th July 2019) and the Preliminary Ecological Appraisal (Ecosa, Revision 2, March 2019). The strategy shall include a site lighting plan and lux contour plots that are based on the final design and scheme layout, and shall illustrate the location, height and specification of proposed luminaires. Details of mitigating fixtures to be used, where applicable, such as cowls, louvres or baffles shall also be included. All external lighting shall be installed in accordance with the approved lighting strategy and no other external lighting shall be installed without prior written consent from the local planning authority.

REASON: To minimise light spill onto retained habitats, particularly boundary tree lines, and onto enhancement planting, and to maintain dark corridors for wildlife, particularly commuting and foraging bats in accordance CP50.

15. The felling of trees, and clearance of scrub and other vegetation that affords opportunities for nesting birds shall not be undertaken between 1st March and 31st August inclusive as this is generally accepted to comprise the breeding season for birds. Where it is absolutely essential for tree felling and/or vegetation clearance to take place within the aforementioned breeding season, an inspection for active nests in the trees and vegetation to be removed must be undertaken by a suitably qualified and experienced ecological consultant within 24 hours of the felling/clearance. In the event that an active nest is identified, the nest and supporting tree/vegetation must remain in situ and a suitable buffer of at least 5 metres implemented and demarcated around the nest. The nest must remain undisturbed until all the fledgings have permanently left the nest, and this will need to be confirmed by the ecological consultant. This restriction also applies to the demolition and/or refurbishment of any buildings that are being used by nesting birds and support active nests, and demolition/refurbishment works cannot take place if active nests are present within the buildings to be affected.

REASON: It is considered likely that birds will nest in suitable trees, scrub, vegetation and buildings and/or vegetation on buildings, within the application site. All birds, their nests and eggs (with certain exceptions) are protected by the Wildlife and Countryside Act 1981 (as amended). Therefore, it is an offence to intentionally kill, injure or take any wild bird; to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built; and to intentionally take or destroy the egg of any wild bird. Planning permission does not

override the aforementioned legislation or provide a defence against prosecution under the Wildlife and Countryside Act 1981 (as amended).

16. The development shall be undertaken and maintained in perpetuity in strict accordance with the following approved documents (relevant sections stipulated) and plans:

- Tree protection plan (Barrell Tree Consultancy, Plan Reference: 17335-BT5);
- Preliminary Ecological Appraisal (Ecosa, Revision 2, March 2019); and
- Ecological Assessment (Tyler Grange, 19th July 2019).

The development shall also be undertaken in strict accordance with the following forthcoming documents and plans to be supplied to discharge associated conditions:

- Ecological Mitigation and Enhancement Strategy;
- Landscape and Ecology Management Plan;
- Finalised Site Plan; and
- Wildlife sensitive lighting strategy and lighting plan.

The development shall also be undertaken with liaison with, and supervision by a suitably qualified, experienced and licensed professional ecological consultant where this is necessary.

REASONS: To ensure implementation of appropriate and adequate protection, mitigation and compensation for ecological receptors including protected and priority species and their habitats. To ensure delivery of ecological enhancement measures to provide a benefit for biodiversity in accordance with Paragraph 170 of the NPPF, Core Policy 50 of the Wiltshire Core Strategy (Adopted January 2015) and Section 40 of the NERC Act 2006.

### Trees

17. The development shall be carried out as specified in the approved Arboricultural Assessment and Method Statement prepared by Barrell Tree Consultancy dated 1st April 2019 and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works in accordance CP 52.

18. 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: 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 Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity in accordance CP52 and CP57.

### Landscape

19. No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied. Natural stone will be used for masonry elements, not brick.

REASON: The application contained insufficient information to enable this matter to be resolved prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area in accordance with CP 57.

20. All soft landscaping comprised in the approved details of landscaping (JBA 18/262 Rev D) shall be carried out in the first planting and seeding season following the first occupation of the building 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. All hard landscaping comprised in the approved details of landscaping shall be carried out in the full prior to the first occupation of the building and maintained as such thereafter, in perpetuity.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with CP57.

### Materials

21. No brick walls shall be constructed on site, until a sample wall panel, not less than 1 metre square, demonstrating the colour, texture, face bond and pointing 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 in accordance with CP58.

22. No external stonework shall be constructed on site, until a sample panel of stonework, not less than 1 metre square, demonstrating the colour, texture, face bond and pointing 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 in accordance CP58.

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

REASON: In the interests of visual amenity and the character and appearance of the area in accordance CP58.

24. No roofing works shall be constructed on site, until a samples of all roofing products demonstrating the colour, texture, and appearance has been inspected and approved in writing by the Local Planning Authority. 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 conservation area in accordance CP58.

25. Notwithstanding the materials included in the submitted plans, elevations or application form or any other submitted statement and in accordance with the commitments made in the email of 30th December 2019, no development shall take place on site until a schedule of materials (outlined in the schedule detailed below) and accompanying explanatory plan shall have been submitted to and agreed in writing by the Local Planning Authority. That schedule and plan shall include the following details:

- a) Windows and doors - Details to include head, sill and window/ door reveal details.
- b) Lintels and window sills - to be specified and should be in natural bath stone to match other ashlar work such as plinths/shopfronts.
- c) Shop fronts/ facades - Unit 2 – east and north elevation, Unit 3 and Unit 1 – to be bath (local) stone/ ashlar work plinth for these shop fronts - no render
- d) Where render is used on the building it is to be off white / cream.
- e) Brick (natural stone) to be specified to high quality, along with mortar patterns.
- f) Brick (clay bricks) to be specified to high quality, along with mortar patterns.
- g) No painted brick to be used .
- h) Vertical Cladding – Full specification to be supplied
- i) Roof materials – Tiles and single ply roof membrane to specification to supplied.
- j) Paving around ground floor of retail units to be specified to match in similar quality to Sainsburys public realm

- k) Boundary treatments – With regard to the dwarf wall with railings on the north elevation facing Phelps Parade. Full specification of the brick and railings to be approved. With regard to the remaining 1.8m boundaries around the site, these will need to be brick and the specification will need to be approved.
- l) Balconies – Full specification to be approved

The development shall be carried out in complete accordance with the agreed schedule and plan.

REASON: Notwithstanding the lesser quality materials and details shown on the submitted plan, so as to ensure the development is carried out using materials and details of a high quality which is appropriate to this sensitive location in the town centre Conservation Area.

### Elevations

26. Notwithstanding the details shown on the submitted plans and elevations, no development shall commence on site until details at 1:10 or 1:20 scale of all:

- a) Eaves,
- b) Verges,
- c) Windows (including head, sill and window reveal details),
- d) Shopfronts (and material finishes),
- e) External doors (and material finishes),
- f) Balconies (and material finishes),
- g) Rainwater goods (details of routing and material finishes),
- h) Entrance canopies,
- i) Meter boxes,
- j) Fire hydrant/rise positions,
- k) Door entry systems and letter boxes,
- l) Boundary treatments (including materials and railings)

has been submitted to and approved in writing by the Local Planning Authority.

A plan to identify where each of these details are covered on the overall elevations should be submitted with these drawings.

Development shall be carried out in complete accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area in accordance CP58.

### Public Realm

27. Before any works commence on the road and walkways, open spaces or the individual buildings shown on the plans hereby approved, a scheme for public realm landscaping and boundary treatments within the application site directly outside the retail units shall be submitted to and agreed in writing by the local planning authority, which shall include details of all proposed hard surfacing, means of enclosure, including that relating to any refuse storage and collection, and any other street furniture including bike stands and balustrades. Unless otherwise agreed, public realm materials shall be similar in quality and appearance to those used in the public realm improvements to the **Page 51** neighbouring Sainsburys.

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

### Construction

28. No construction works shall take place on site until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area and neighbouring amenities in accordance with CP57 and CP 61

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

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

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase. In accordance with CP61.

30. 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. There shall be no construction or demolition on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area in accordance CP 57.

### Archaeology

31. 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 in accordance with CP50.

### Contamination

32. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), 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.

#### Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination 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 (referred to in PPS23 as a validation 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 in accordance CP 56.

### Noise

33. No development shall commence until a Noise Impact Assessment in accordance with BS4142:2014 has been submitted and approved in writing by the Local Planning authority to assess fixed plant associated with the retail units. With regard to the proposed retail units, fixed plant must be capable of meeting a Rating Level of -5dB (BS4142:2014) below the measured background noise level during their proposed operating hours, at both existing and proposed residential receptors. No fixed plant shall be installed unless it has been demonstrated that it is compliant with the above criteria.

REASON: To demonstrate that measures can be taken effectively mitigate noise levels to protect public health in accordance with CP55.

### Air Quality

34. No development shall be commenced until an Air Quality Assessment or Screening Assessment has been undertaken which quantifies both the effect of existing emission levels upon the development/end users and the impact of the development itself upon the future emission levels in the locality. The Air Quality Assessment or screening Assessment must be submitted and approved in writing by the Local Planning authority.

REASON: To demonstrate that measures can be taken effectively mitigate emission levels to protect public health CP55.

35. No part of the development shall be occupied until a scheme of 2 electric car charging points/ bays (e.g EV charging points) including cabling provision for up to 6, the details of which shall have been submitted to and approved by the Local Planning Authority, has/have been provided in accordance with the approved details prior to occupation. The 2 charging points/bay(s) shall be kept clear of obstructions and available for the passing/parking of vehicles at all times thereafter.

REASON: To demonstrate that measures can be taken effectively mitigate emission levels to protect public health CP55.

### Drainage

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

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

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:

In granting this permission, the Council has had particular regard to the quality of the materials and detailing of the proposed building's elevations. The agreed condition to conclude that outstanding concerns about appearance and impact upon the conservation area could be overcome. The Council expects to see this care and attention to detailing and materials continued in the submission of future discharge of conditions and will only approve such details where this is clearly demonstrated.

INFORMATIVE TO APPLICANT:

It is considered that the above conditions relating to the design of the building and public realm landscaping are important to the integrity of the scheme. They will be seen and used by the public frequenting this town centre location. You are advised that there will be a strong presumption against the variation of any conditions that seek to diminish the quality of the scheme.

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.

Please note that Conditions regarding the selection and approval of materials should be discharged before materials are ordered or delivered to site for general use. Failure to comply with this advice may result in purchased materials having to be refused.

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:

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 application involves creation of a new access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license will 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 crossing team on (01225) 713352.

**INFORMATIVE TO APPLICANT:**

The applicant should be advised that the works to widen the footway adjoining the site to The Pippin will need to be the subject of a S278 Agreement with the Highway Authority, for which engineering details will need to be submitted and approved, and a legal agreement in place, prior to any works commencing on the highway.

**INFORMATIVE TO APPLICANT:**

It shall be acknowledged that planning permission does not provide a defence against prosecution in the event that The Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) are contravened. It is advised that if a suspected protected species is encountered and could be affected by the development and associated works, such as but not limited to, bats roosting within trees to be felled or buildings to be demolished, that all works cease with immediate effect and the advice of a professional and suitably licensed and qualified ecological consultant is sought.

## APPENDIX A – Calne Town Council consultation response dated 4 June 2019

Calne Town Council STRONGLY OBJECTS to application 19/03435/FUL by Churchill Retirement Living plc as the Council did to their previous application 18/09556/FUL which was refused permission on 25<sup>th</sup> January 2019.

Our comments are shown below:

The differences in design, massing and siting between the 2nd application and the 1st application does not overcome the first two reasons for refusal attached to the 1st application by the Local Planning Authority.

Calne Town Council's reasons for **OBJECTION** to the proposal contained in application **19/03435/FUL** are as follows:

**Reason 1:** The proposal, by reason of its spatial layout, and the configuration of private sheltered housing with frontage retail development, will fail to integrate with the existing town centre along the north and south boundaries of the site, and does not make the most of the opportunity to enhance the public realm, improve connectivity, or support an active community. There are no benefits to the proposal that could be considered to outweigh the lost opportunity to regenerate the town centre that would arise from the implementation of this proposal. The proposal is therefore in conflict with Policy CP8 of the Wiltshire Core Strategy and Policy WSS.2 of the Calne Community Neighbourhood Plan.

**Reason 2:** The proposal, by reason of its height and substantial mass, would dominate the town centre, obstruct existing north-south views and vistas through the site, and would fail to enhance the public realm or improve connectivity in the town centre. The proposal's ubiquitous design also fails to reinforce local distinctiveness. The proposal is therefore in conflict with Policy CP57 of the Wiltshire Core Strategy and Policy BE1 of the Calne Community Neighbourhood Plan.

The Vision and Scoping study conducted as a forerunner to the creation of the Calne Community Neighbourhood Plan identified Calne as a market town set in a valley with characteristic views of the surrounding ridge lines from the town centre. The mass of this proposal would clearly be detrimental to that character rather than enhancing local distinctiveness.

**Reason 3:** The proposal, by reason of not being able to demonstrate that adequate provision for the servicing needs and staff parking of the commercial units, and the inadequate frontage footway, is likely to be prejudicial to highway safety for road users and pedestrians. The proposal is therefore in conflict with Policies CP60 and CP61 of the Wiltshire Core Strategy.

In addition, the proposed sheltered housing and retail scheme is a suboptimal use for this key town centre site on the basis that there is no local need for additional sheltered housing in Calne; it does not '...strengthen and regenerate the town centre and build on the success of recent regeneration projects' as required by the Wiltshire Core Strategy Policy CP8 entitled 'Strategy for Calne'. The site could however be developed for alternative and viable town centre uses for which there is demand that would include the provision of community facilities as part of mixed-use scheme.

Calne Town Council would also draw attention to the results of the public consultation which clearly show that this development is contrary to the wishes of the local community.

### **Additional information to support the reasons for refusal: Wiltshire**

#### **Core Strategy (2015)**

The Wiltshire Core Strategy identifies in respect of Calne that '...further regeneration opportunities remain' (Para.5.39); and the Strategy for Calne requires that '...housing growth is carefully balanced with job creation and town centre improvement' (Para 5.39).

The Wiltshire Core Strategy supporting text to Policy CP8 entitled the 'Strategy for Calne' identifies that a forthcoming Neighbourhood Plan will '...strengthen and regenerate the town centre and build on the success of recent regeneration projects' (1st bullet, Para 5.41). The Calne Community Area Neighbourhood Plan is now complete and was made in February 2018.

Policy CP8 states: “Development proposals in the Calne Community Area will need to demonstrate how the relevant issues and considerations listed in Paragraph 5.41 will be addressed”.

It is notable that the application submission has failed to justify the proposals in accordance with Policy CP8, and specifically the 1st bullet of Para 5.41. In fact, the application is largely silent on the local community’s aspiration to regenerate the town centre.

Wiltshire Council’s Housing Land Supply Statement, dated March 2017 confirms that Calne has exceeded its indicative housing requirement; therefore, there is no strategic need for further housing in Calne during the current Plan period.

### **Calne Community Neighbourhood Plan (2018)**

Paragraph 26 of the Calne Community Neighbourhood Plan states that the Masterplan has been incorporated into the Neighbourhood Plan and policy WS2.2 requires development proposals in the Masterplan area, or adjacent to it, to show how they meet its’ objectives.

The application site lies within the Calne Town Centre Masterplan Boundary (map P.52 of the Neighbourhood Plan). The Masterplan is embedded within the made Calne Community Neighbourhood Plan and forms part of the Wiltshire development plan. This gives significant weight to the Masterplan in the decision-making process regarding applications received.

Paragraph 125 of the Calne Community Neighbourhood Plan sets out a vision for the town centre drawn from an earlier iteration of the Masterplan (April 2014), and Policy WS2.2 expressly states that proposals in the Town Centre must, “...*demonstrate how they contribute to the masterplan objective and dovetail with the ambitions for the*

*Town Centre as a whole. In particular, proposals that have the potential to benefit vehicular, pedestrian and cycle movement within the Town Centre, helping to tackle issues identified within the masterplan, should consider and address opportunities as part of their scheme*”. Application 19/03435/FUL fails to demonstrate how it is compliant with Policy WS2.2 – there is no justification of compliance set out in the Planning Statement.

The application proposal is in conflict the Calne Community Neighbourhood Plan Policy WS2.2 on the grounds that the proposal does not demonstrably meet the criteria listed in Paragraph 125 of the Calne Community Neighbourhood Plan, and cannot be regarded as a ‘regeneration scheme’. It is instead a residential infill scheme with limited non-residential space, which even if let, would fail to achieve the objectives of the masterplan vision because of the spatial layout of the scheme, which fails to capitalise on the existing publicly accessible land to the north.

It is clear from the Calne Community Neighbourhood Plan that residents do not have to accept further housing development, as the indicative housing requirements for the plan period have already been met. However, there is provision in the Neighbourhood Plan for the community to accept further housing if it brings adequate community benefit. Calne Town Council does not believe that there is any community benefit contained within this scheme and therefore chooses not to support it.

Application 19/03435/FUL states that there is a need for sheltered housing in Calne; however, no evidence is provided in support of this statement. Furthermore, such sheltered housing could potentially be met on alternative sites, or a lower quantum of sheltered housing could have been incorporated into a more imaginative, mixed-use scheme. There is an undisputed need for care home facilities near Calne; indeed a recent development of approximately 300 houses to the south-east of the town was approved with Calne Town Council support because it incorporated a 75 bed care home. Unfortunately, the care home was not built as it would not be ‘financially viable’, only the houses! However, this proposal is not intended as a care home; indeed, the site would be entirely inappropriate for such a facility. Instead, this proposal is intended for older people who are fully mobile and able to live independently.

### **Design considerations**

The application proposal is 3-4 storeys. The applicants have sought to redesign the proposal by flattening the roof profile and simplifying the colour palette. Notwithstanding, this building is of considerable mass, and will dominate the public realm around this part of the town centre and from medium to long views across the town centre. The architectural style is mundane and uninspiring, is unlikely to be of enduring quality unless the detailing is strictly controlled.

The proposal is of a higher residential density than that previously refused under application number 15/12561/FUL on 4<sup>th</sup> May 2016.

The proposal is defensive as it includes private space for the sole use of residents. The small north and west facing private gardens will be mainly in shadow, and will

receive very little direct sunlight, even in summer. The only public realm contribution is the small amount of landscaping and the surfaced area in front of the proposed retail units. There is no permeability through the site, and the only interactive element of the scheme will be along The Pippin frontage.

### **Heritage considerations**

The proposal is in close proximity the grade II listed Zion Chapel, and also lies within the Calne Conservation Area. The Town Council is concerned that the height and mass of the proposal would excessively dominate the town centre and request that the views of the Urban Designer and Conservation Officers are taken into account.

In relation to the 1<sup>st</sup> application the Urban Design officer raised an objection to various design matters, including use of materials, accessibility, public realm, and refuse collection issues.

In addition the Conservation Officer raised concerns in relation to visual relation of proposed building to the Zion Chapel. The perceived height and mass of the building and the need for high quality materials to respond to local materials and sustainability.

The 2<sup>nd</sup> application does not address the concerns and objections raised

### **Transport considerations**

The parking provision of 17 spaces is at 0.38 spaces/unit, and as such fall below Wiltshire Council's parking standards. The Transport Statement has applied an accessibility discount and also states that alternative parking facilities are available in public car parks. However, the adjacent car parks are under the control of Sainsbury's Supermarket and are time limited (2 hours); there is no provision for longer stay either by direct payment or by season ticket. It is probable that new residents, who are likely to be fully mobile, may choose to own a car to travel further afield than the town centre, but they will have nowhere to park it.

### **Surrounding use considerations**

Public events, such as the summer carnival, winter festival, and Bike Meet, use the car park to the south of the application site. There is a genuine concern that future residents of the sheltered housing may make noise related complaints which may fetter the long-standing public use of this car park for public events.

### **Community considerations**

Residents voted to accept the Calne Community Neighbourhood Plan in February 2018 after extensive consultation. The Neighbourhood Plan makes clear that residents of Calne do not have to accept further housing development, as the indicative housing requirements for the plan period have already been met, and that further housing will only be supported if people believe that it brings adequate community benefit. This application does not.

A survey hosted by Calne Our Place in 2018 was completed by 493 local residents and businesses. When asked if they supported the proposal by Churchill Retirement Living for the town centre site 87% said they did not. Many of those who expressed support for the proposal stated that they felt that anything was better than the open wasteland that currently exists, rather than expressing the view that the current proposal was appropriate or would enhance the town centre.

A new survey again hosted by Calne our Place in May 2019 was completed by 174 local residents and businesses.

**Question 1** - Do you agree that the scale of the proposed development is out of keeping with the local area - and would result in harm to the setting of the Grade II Listed Building Zion Chapel, and the character and appearance of the Calne Conservation Area?

82% agree with this statement.

**Question 2** - This proposal is likely to generate an increase in pedestrians and the use of wheelchairs/mobility aids on highways in the area. The pavement immediately outside is already narrow and inadequate for pedestrians. Do you agree that the proposals, do not make adequate provision (and contribution) for pedestrians to access local facilities, with consequent additional hazards to all users of the highway?

85% agree with this statement

**Question 3** - Do you agree that the proposal does not address the community aspirations for the site and therefore is contrary to the Calne Community Neighbourhood Plan and Town Centre Masterplan?

86.5% agree with this statement

### **Alternative proposal for the site**

Calne Town Council is aware of an alternative proposal for this site that is being put forward by the Baptist Church; however, they are unable to progress their scheme since Churchill have an option agreement with the landowner. Calne Town Council's view is that this is a missed opportunity. The Baptist Church proposal is a regeneration scheme that shows how an alternative scheme, with a more diverse range of uses including a lot of community space, could be successfully integrated with the existing Town Centre, and create a greater public realm contribution without being overbearing or dominant.

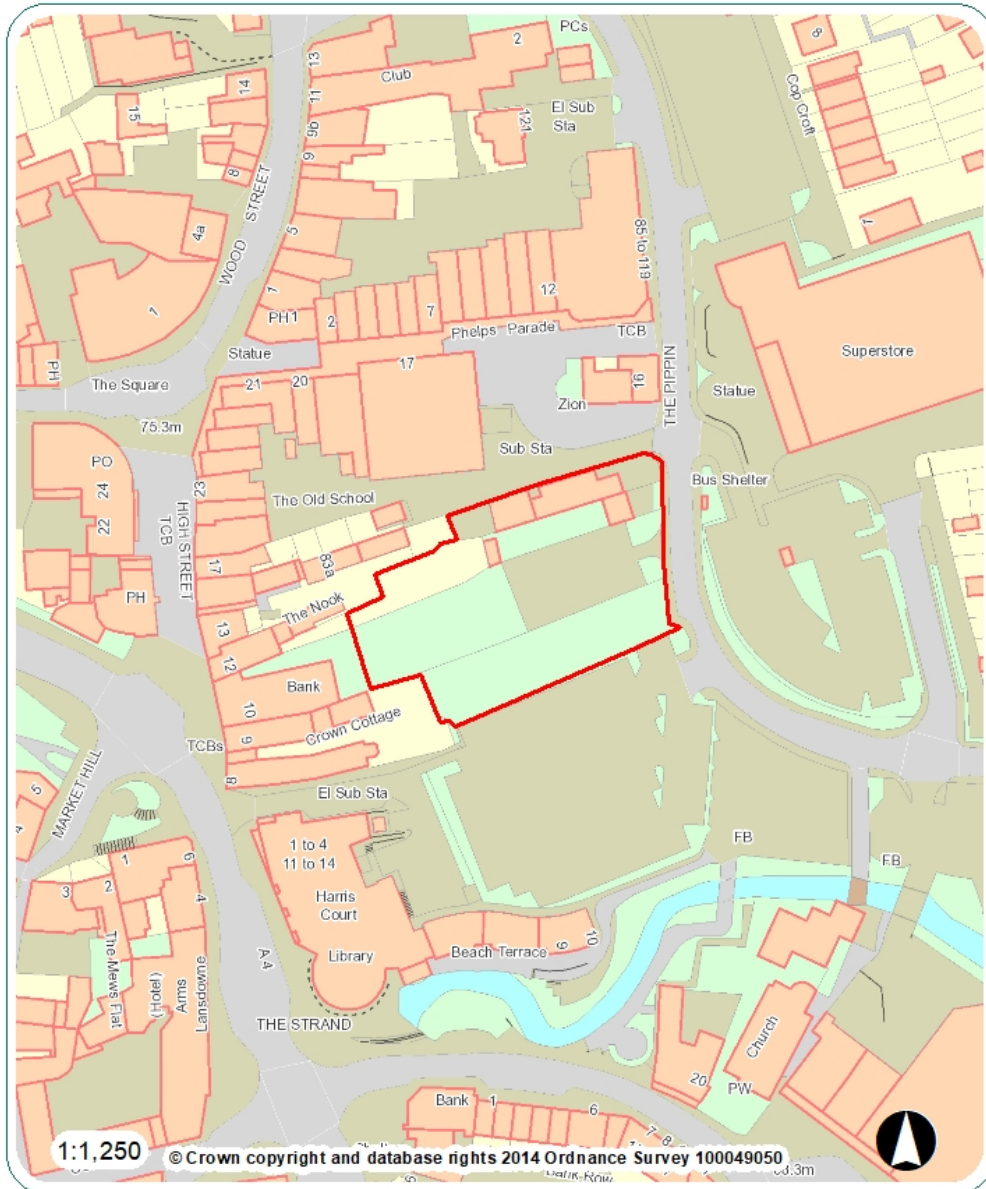
**The National Planning Policy Framework (July 2018)** states that in

(7) Ensuring the vitality of town centres. Planning policies and decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation. The Masterplan and Calne Community Neighbourhood Plan have sought to identify town centre sites as part of a long term strategy for the community to allow Calne to grow and diversify in

a way that responds to changes in retail and leisure industries and allow a mix of uses. Calne Town Council feels strongly that application 19/03435/FUL does not fulfil the aims of the NPPF.

(8) Promoting healthy and safe communities. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments and strong neighbourhood centres, and active street frontages. The NPPF asks that we plan positively for the provision and use of shared spaces, community facilities (such as shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

Calne Town Council requests that application 19/03435/FUL by Churchill Retirement Living plc is **REFUSED**, as was their previous application 18/09556/FUL which was refused permission on 25th January 2019



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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	29 <sup>th</sup> January 2020
<b>Application Number</b>	19/07988/FUL
<b>Site Address</b>	Barn at Sydney Farm, Bath Road, Colerne
<b>Proposal</b>	Conversion of Barn to Dwelling and Associated Works
<b>Applicant</b>	Mr Payne
<b>Town/Parish Council</b>	CALNE
<b>Electoral Division</b>	Box and Colerne
<b>Grid Ref</b>	
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Victoria Davis

### Reason for the application being considered by Committee

#### 1. Purpose of Report

Cllr Brian Mathew has requested the proposal be put before committee to consider the proposal in the context of another proposal for a barn in the area.

#### 2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development
- Appropriateness of development in Green Belt and harm to the openness
- Impact on rural landscape and AONB
- Residential Amenity
- Highways Safety
- Ecology

Colerne Parish Council support the proposed development.

No representations or objections have been received.

#### 3. Site Description

The site falls within open countryside to the west of Colerne is accessed from Bath Road to the north. The area is categorised by its largely open rural character although the barn is part of small pocket of development comprising of four dwellings and another agricultural building. The predominant use of the surrounding land is agricultural. The site currently comprises of a precast concrete framed agricultural building and partly gravelled yard area.

Critically, the application site is located within the Cotswolds Area of Outstanding Natural Beauty and the Western Wiltshire Green Belt.

#### **4. The Proposal**

This application seeks permission for the conversion of existing, currently unused, agricultural building to provide a dwelling and associated car parking and landscaping.

The proposed dwelling would include four bedrooms (three with en-suite), a family bathroom, an open plan kitchen/dining/living room, study, utility room and shower room. The planning statement suggest the proposal would utilise the existing precast concrete framed barn. The plans indicate a standing seam roof in a zinc colour, and external walls finished in a combination of metal and timber cladding. Aluminium fenestration is proposed.

The site would be accessed via the existing access track off Bath Road and three car parking spaces are proposed to the north east of the dwelling within an existing yard area.

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

##### Wiltshire Core Strategy 2015 (WCS)

Core Policy 1	Settlement Strategy
Core Policy 2	Delivery Strategy
Core Policy 11	Corsham Community Area
Core Policy 48	Supporting Rural Life
Core Policy 51	Landscape
Core Policy 57	Ensuring High Quality Design and Place Shaping
Core Policy 60	Sustainable Transport
Core Policy 61	Transport and Development
Core Policy 64	Demand Management

##### North Wiltshire Local Plan 2011 (NWLP)

Saved Policy H4

#### **6. National Planning Policy**

##### National Planning Policy Framework 2019 (NPPF)

Section 5	Delivering a sufficient supply of homes
Section 9	Promoting sustainable transport
Section 11	Making effective use of land
Section 12	Achieving well-designed places
Section 13	Protecting Green belt land

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

Colerne Parish Council: Support

Highway Officer: No objection

Ecologist: No objection

## **8. Publicity**

The application was advertised by site notice and neighbour letter. No representations have been received.

## **9. Planning Considerations**

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

### Principle of Development

Core Policies 1, 2 and 11 of the Wiltshire Core Strategy (WCS) set out a hierarchical approach which aims to deliver housing in areas with adequate access to services, facilities and employment opportunities to reduce the need to travel by private car.

Colerne is classified as a Large Village within the settlement strategy. However, the application site is approximately 0.5km outside of the settlement boundary. As such, planning policy defines the site as being open countryside where there is a presumption against new residential development.

Saved Policy H4 of the North Wiltshire Local Plan 2011 states that new dwellings in the countryside outside of any defined framework boundary will only be permitted provided that they are in connection with the essential needs of agriculture or forestry or other rural based enterprise. The policy is also supportive of replacement dwellings subject to a number of criteria including that the residential use has not been abandoned and where the replacement dwelling of a similar size and scale to the existing dwelling. The proposal does not comply with this policy.

Core Policies 60 and 61 of the WCS require new development to be located at accessible locations and be designed to reduce the need to travel particularly by private car. These policies should be read in parallel with Core Policies 1 and 2 which seek to promote new development at the most sustainable locations. The application site is located in open countryside, outside of any identified settlement, and is, therefore, not considered to be in a sustainable location.

Paragraph 4.25 to the WCS identifies a number of “exception policies” within the Strategy which seek to respond to local circumstances and national policies. These relate to employment land, military establishments, tourism, affordable housing, specialist accommodation and development to support rural life.

Core Policy 48 is one of the exception policies identified in para 4.25 of the WCS. Core Policy 48 is permissive of principle of the conversion and reuse of buildings. The final acceptability of a proposal for a conversion must, however, be assessed against number of criteria.

## Core Policy 48 – Conversion and re-use of rural buildings

Considering the ‘conversion criteria’ in turn:

- i) *The building is structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building*

The barn is a concrete portal frame building with sections of half height block walls. The elevations otherwise comprise of fibre cement cladding and corrugated metal sheet. The roof covering is stated to be cement fibre sheeting.

A report on the structural condition of the barn is supplied with the application. The introduction to this report explains that there has been no inspection of elements of the structure which are covered, unexposed or inaccessible and makes particular reference to the foundations not being seen or inspected. The report makes the following observations based on a visual inspection of the building;

- From visual inspection, the existing structure is capable of retention and conversion to a habitable building.
- Intermediate supports for the new first floor could be built off the present foundations to the concrete block walls
- Limestone ground is likely to have good bearing capacity.
- No trial holes have been dug and the actual foundations have not been seen. However, the nature of the ground suggests they would be capable of sustaining modest loads or they could be easily adapted and strengthened.
- The main roof support structure is substantial and appears capable of supporting reasonable additional loads. Some bracing can be easily introduced.
- Existing concrete floor will need to be upgraded to meet Building Regulations but work should not undercut or destabilise any foundations.

The building appears structurally sound for its current use however structural soundness for the *existing* use is irrelevant to the policy and it should be demonstrated that the building is sound for the *proposed* conversion to the new use.

On this critical matter, the submitted structural report is inconclusive and is merely based on a visual inspection of the building. Furthermore, it suggests various elements of structural intervention in the form of strengthening and bracing may be required. The report suggests the structure is capable of being retained and converted but specifically states that the foundations have not been seen. Neither does the submission provide information to demonstrate how the conversion would be achieved and there is no evidence that structural calculations have been carried out in consideration of the building works that would be involved.

In broad terms, it is clear from the submission that very little fabric of the existing building would be retained and that, in order to function as a dwelling, the building would require four

new external walls, a new roof and an upgraded floor slab (walls, roof and floor slab being the fundamental elements of a building). According to the survey report, the existing structure and foundations could be used, however, they may require strengthening and bracing to support additional loads associated with the conversion. When considering all of the above, it can only be concluded that the extent of works required to render the building capable of functioning as a dwelling goes beyond what could be reasonably considered as a conversion. Accordingly, the proposed development amounts to a new build dwelling which is beyond the scope of CP48. The development is considered to be in conflict with criterion (i) - Core Policy 48.

Paragraph 79 of the NPPF notes that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances which includes, amongst other criteria, 'the development would re-use redundant or disused buildings and enhance its immediate setting'. It is considered that due to the significant amount of work proposed to make this building habitable as a residential property, the proposed development would be regarded as a re-build rather than a re-use resulting in an unsustainable development within the rural area.

The planning statement makes reference to a converted barn development nearby at Ranch House Farm (16/02385/FUL refers) noting that the barns are of similar design and construction. However, in reality, the barns are not comparable, and any such comparison is meaningless and does not assist in determination of this application. On reviewing the proposal at Ranch Farm it is evident that there were parts of the building of much more substantial construction, a factor that appears to have been fundamental to the acceptability of that proposal.

Regardless of the above, the application must be determined on its own merits and any attempts to leverage other decisions elsewhere, on different sites, cannot be regarded as a significant material planning consideration. In this case, and based on the content of the application, the proposal is considered to be contrary to the requirements of Core Policy 48 as it does not amount to a conversion or reuse of an existing building that is adequately substantial for the intended residential use.

*ii. The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas.*

The proposed dwelling would be visible in the landscape, particularly western edge. However as there is already an existing structure in this location and the proposed dwelling appears to be formed largely within the envelope of the existing barn it is not considered that the overall visual impact would be harmful. The proposed external materials are of a high quality and the overall design approach is contemporary and reflective of the industrial nature of the existing barn. The proposed dwelling would be set against a backdrop of four existing dwellings and would be partially screened from the south east by an existing stable building. The proposed landscaping scheme is sensitive to the rural setting, the details of which could be controlled by conditions.

The development is located an adequate distance away from nearby residential uses to ensure it would not detrimentally impact upon their amenity through a of loss of privacy, loss of light, noise and disturbance or overbearing impact. This is discussed in more detail below.

*iii. The building can be served by adequate access and infrastructure.*

Access to the site is proposed via an existing agricultural access off the main road. No objections have been received from Council's Highways Officer with regard to access or highway safety in general. In addition, parking standards are in accordance with adopted minimum standards.

The application form indicates that surface water will be dealt with by a soakaway and foul water by sewage treatment plant. The dwelling location and curtilage appears adequate to service these systems. Technical details relating to sizing and position of these systems would be considered through the building regulations process. There are no significant additional hardstanding areas that would pose any additional on or off-site flood risk.

*iv. The site has reasonable access to local services.*

The site is located a short distance away from the Large Village of Colerne, which runs regular bus services to Bath. The site is also well connected via the main highway network to other settlements which public transport options to wider destinations. The site is therefore considered to have reasonable access to a wide range of local services should the proposal relate to the conversion or reuse of an existing building.

*v. The conversion or re-use of a heritage asset would lead to its long term safeguarding.*

It is not considered that the agricultural building is a heritage asset.

Core Policy 48 indicates that residential development should only be considered after potential employment, tourism, cultural and community uses have been explored. Given the location of the application site, realistically, it is not considered that employment or cultural uses would be more appropriate or sustainable options. In respect of the tourism use, whilst this is not necessarily considered incompatible with the site, given the lack of surrounding infrastructure and nearby attractions, a tourism use would not be insisted upon.

#### Appropriateness of development in Green Belt and harm to the openness

The application site is located within the Western Wiltshire Green Belt. Paragraph 145 to the NPPF confirms that when considering planning applications, Local Planning Authorities should give substantial weight to any harm caused to the Green Belt.

The NPPF indicates that essential characteristics of Green Belt land are their openness and permanence and that Local Planning Authorities should regard the construction of new buildings within the Green Belt as inappropriate. Paragraph 143 sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 146 of the NPPF outlines certain forms of development which are not regarded as inappropriate within the Green Belt and includes *'the re-use of buildings provided that the buildings are of permanent and substantial construction.'* Replacement buildings are only not inappropriate where the replacement building is in the same use and not materially larger than the one it replaces.

As is discussed in the sections above, it is not considered that the building is of permanent and substantial construction. Nor is the proposal for a replacement building in the same use. The development itself amounts to the erection of a new building in the Green Belt which is inappropriate development. In accordance with Paragraph 145 to the NPPF, this causes harm to the Green Belt which should be given substantial weight. Harmful development should not be approved except in very special circumstances. No special circumstances have been advanced in support of this application.

Notwithstanding the above, the effect on openness as a result of the proposed physical changes in built form and related development across the site has also be considered. It is clear that that proposed development would result in a new building taking the form and proportions of the existing barn. It also proposes the creation of a sizable residential curtilage with associated car parking, boundary treatments and other domestic paraphernalia. This does, however, appear to be well contained to an already clearly defined yard area associated with the existing barn. The plans indicate post and rail fencing and native hedgerow to demarcate the boundary at its most exposed western edge. Subject to appropriate landscaping conditions it is likely that any further harm to the Green Belt, as an effect on the openness, would be limited.

In summary, whilst the harm to the openness as a result of the physical changes across the site may be limited, the proposal does not relate to a replacement building in the same use or the reuse of a building of permanent and substantial construction. The proposal amounts to the erection of the new building which, in accordance with para 145 of the NPPF, is inappropriate development. In accordance with paragraph 143 of the NPPF inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. None are advanced in support of the proposal.

#### Area of Outstanding NatB

As is set out above, the proposal involved the creation of a dwelling which adopts the exiting built form proportions of the existing agricultural building. The choice of materials, specifically steel and timber cladding and aluminium fenestration is a contemporary approach which appropriately reflects the agricultural and industrial character of the existing barn. The larger areas of glazing to the southern elevation are provided at ground floor level with the upper floor openings being limited to conservation style rooflights.

Whilst the change to a residential use would bring with it a change in the character to a domestic garden with the associated paraphernalia, this is considered to be adequately contained within the existing yard area with no unnecessary encroachment into the open countryside. The proposed boundary treatments – post and rail fencing in combination with native hedgerow is a sensitive way to demarcate the new plot whilst forming a secure boundary. Based on the proposed pans, and subject to appropriate landscaping conditions specifically relating to boundary and surface treatments, it is unlikely that the outward appearance of the site would be altered to any significant degree. Accordingly, wider landscape views would be unharmed. When taking into account all of the above, it is considered that the natural beauty of the surrounding landscape, and particularly the Cotswold AONB, would be preserved.

### Residential Amenity

The closest neighbour to the site is Watersnaps, which is located approximately 15m to the north east of the proposed dwelling. The first-floor bedroom windows would have views towards this property however they are not directly opposing the elevations of the neighbouring property and so are at an oblique angle. With a separation distance of approximately 17m between the elevations it is not considered that the development would create an unacceptable arrangement in terms of ensuring adequate levels of privacy are maintained. As the dwelling would be formed largely within the existing envelope of the barn with no significant extension beyond the original proportions, there are not concerns in relation to overbearing development, overshadowing or loss of light. The proposed parking and turning area is immediately to the front of this neighbour, however, the vehicle movements associated with the proposed residential use for one dwelling are unlikely to cause any additional disturbance than could be expected from a continuing agricultural use of the yard and building. The other residential properties are sufficiently distanced from the application site so that acceptable levels of separation and privacy can be maintained.

### Highways safety & access

The application seeks permission to convert an existing barn to a dwelling with associated works at Sydney Farm. Bath Road is an unclassified section of public highway subject to a speed limit of 60mph in the vicinity of the site.

The Highways Officer identifies that the proposal would lead to a separate dwelling outside of identified development boundaries, the proposal would attract an adverse highway recommendation on sustainability grounds as has been discussed above.

In terms of direct highways impact the officer explains that the existing point of access, including visibility and space for turning on site is sufficient. It is also confirmed that the proposed parking provision meets the councils parking standards. Subject to a condition requiring the first 5m of the access to be consolidated and for any gates to be set back 5m and at least 5m wide, no objection is raised.

Public Right of Way COLE10 (bridleway) runs parallel with the southern boundary of the site. According to the site layout plan provided, access along this bridleway would be unaffected by the proposal.

### Ecology

The Council's Ecologist has reviewed the submitted ecology assessment, prepared by Malford Ecology. They are satisfied that there appears to be no impact on ecology as a result of the application and there is no reason to diverge for their conclusions.

## **10. Conclusion**

The application fails to demonstrate that the proposal for a dwelling meets the conversion criteria of Core Policy 48 in that the submitted evidence does not demonstrate that the



building is of a sufficient structural standard capable of conversion or reuse for the proposed residential purpose. The extent of works required to render the building capable of functioning as a dwelling goes beyond what could be reasonably considered as a conversion.

The proposed development amounts to a new build dwelling in open countryside which is contrary to Core Policies 1, 2 11, 48 and 61 of the Wiltshire Core Strategy. The development is also a new building in the Green Belt which is inappropriate development, contrary to Section 13 of the NPPF.

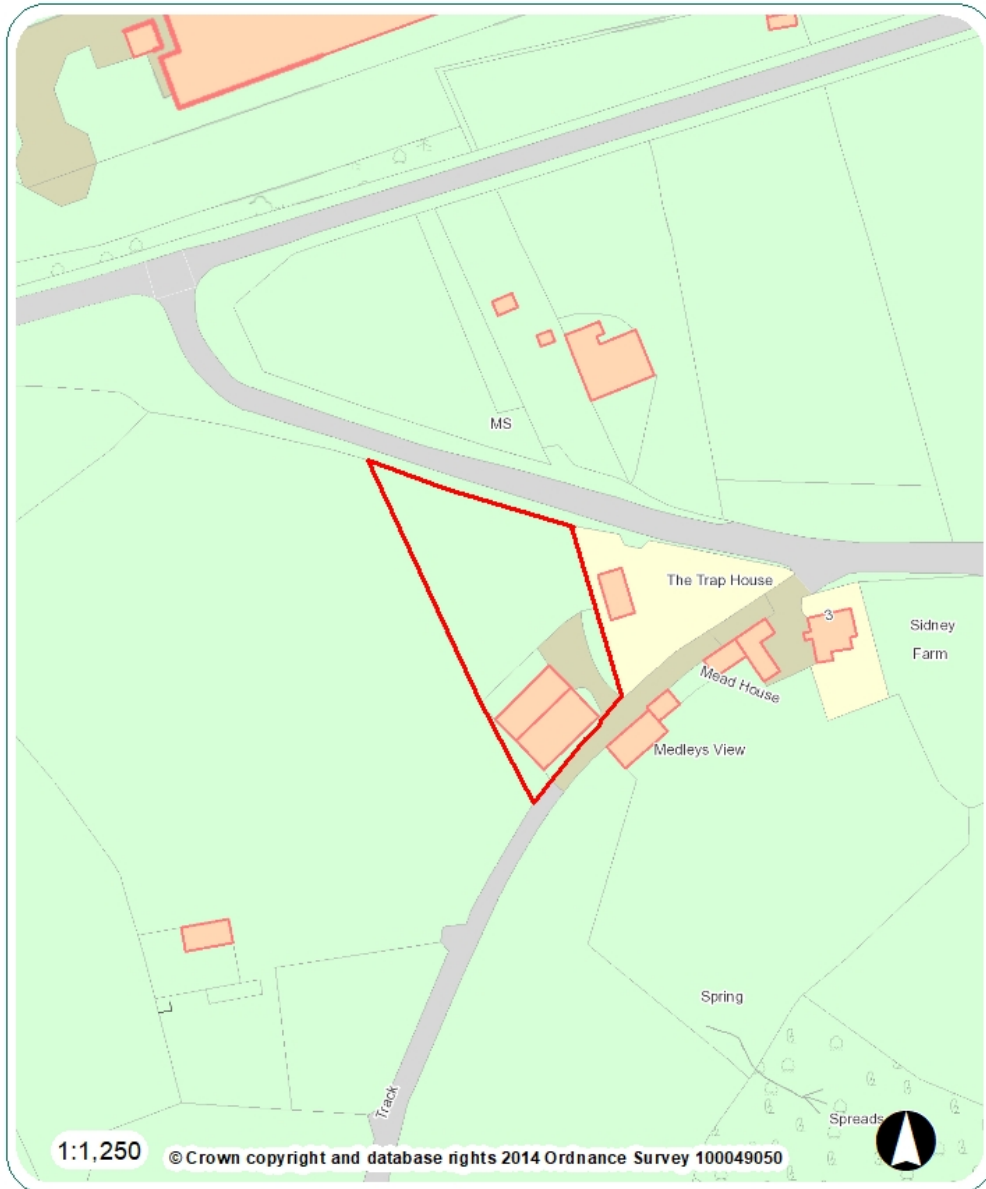
As such, the development is would be contrary to the development plan and, with there being no circumstances to warrant otherwise, the application is recommended for refusal.

## **RECOMMENDATION**

**That Planning Permission is REFUSED for the following reasons;**

1. The application fails to demonstrate that the proposal for a dwelling on the site meets the 'conversion criteria' of Core Policy 48 of the Wiltshire Core Strategy. The extent of works required to render the building capable of functioning as a dwelling goes beyond what could be reasonably considered as a conversion. As such the proposal amounts to a to a new dwelling in an unsustainable location in the open countryside, outside of any limits of development as defined by the Wiltshire Core Strategy. Accordingly, the proposal is considered to be contrary to the provisions and requirements of CP1, CP2 and CP48 of the Wiltshire Core Strategy and saved policy H4 of the North Wiltshire Local Plan 2011 as well as relevant sections of the NPPF including paragraph 79.
2. The proposed new dwelling is inappropriate development within the Green Belt which is, by definition, harmful. The application fails to demonstrate that there are any material considerations or very special circumstances that exist to outweigh this harm and overcome the presumption against such development. The proposal is contrary to Section 13, paragraphs 143, 144, 145 & 146 of the National Planning Policy Framework.

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	29 <sup>th</sup> January 2020
<b>Application Number</b>	19/09234/FUL
<b>Site Address</b>	14 Keels Cricklade Swindon Wiltshire SN6 6NB
<b>Proposal</b>	Retrospective removal of hedge and erection of 1.8m high featheredge fence
<b>Applicant</b>	Miss Emma Nash
<b>Town/Parish Council</b>	CRICKLADE
<b>Electoral Division</b>	Councillor Bob Jones MBE
<b>Grid Ref</b>	409466 194039
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Michael Akinola

### Reason for the application being considered by Committee

The Application was called in for Committee determination by Cllr Bob Jones to consider the impact of the development on highways safety and character and appearance of the locality.

#### 1. Purpose of Report

To consider the above application and to recommend **APPROVAL** subject to conditions

#### 2. Report Summary

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

- Principle of development
- The scale, design and layout of the proposals and impact on character, appearance and visual amenity of the locality
- Impact on the residential amenity
- Impact on highways and safety

Cricklade Town Council objects to the proposals. One representation of support and eight objections from members of the public received.

#### 3. Site Description

The application site relates to 14 Keels, a two-storey semi-detached property located within the defined settlement boundary for Cricklade. The property is sited within a residential cul-de-sac where properties feature similar characteristics and appearance but with varied boundary treatments including low level brick walls and large mature hedges.

The property is adjacent Keels public highway and the existing hedge has been replaced with the fence.

#### 4. Planning History

N/A

## 5. The Proposal

Retrospective permission is sought to retain the 1.8m fence erected along the boundary of the property.

## 6. Planning Policy

### **National Planning Policy Framework (NPPF) Feb 2019**

Para 11 – The presumption in favour of sustainable development

Chapter 4 – Decision Making (paras 38, 47 and 49)

Chapter 9 – Promoting Sustainable Transport (pars 108, 109, 110)

Chapter 12 – Achieving Well Designed Places (paras 127 & 130)

### **Wiltshire Core Strategy (WCS) (Adopted January 2015)**

Core Policy 57 – Ensuring high quality design and place shaping

Core Policy 61 – Transport and new Development

### **Cricklade Neighbourhood Plan (CNP) March 2018:**

Policy H3 – Design

Policy 12 – Road safety, traffic and transport

## 7. Consultations

### **Cricklade Town council:**

*Object to the application due to the following reason;*

- It is considered that the proposed fence would result in safety concerns, appear a discordant unattractive feature in the street scene, would detract from the amenity of the locality, and the remove a grassed area which is a feature of the estate.*
- the proposal is contrary to Wiltshire Core Strategy CP57 (iii) and (viii) ensuring high quality design and place shaping. CP52 states that development must not adversely affect the integrity and value of any green infrastructure.*

### **Wiltshire Council Highways:**

*No objection to the application and commented as follows;*

- Officers noted the previous border to the property was a wall and hedge that appears in some google street view images to be a similar 1.8 m height to the fence, and that the fence is an in-situ replacement for the former boundary treatment.*
- Having conducted a site visit officers are satisfied that visibility from the turning head to the west of the proposal site that serves to access nine dwellings, conforms to manual for streets standards as visibility can be achieved from 2.4 m back from the junction to the junction of Keels and North Meadow Road (design speed being 2.4 x 43).*
- Therefore, as visibility is contained within the public highway Officers raise no highway objection to the retrospective proposal above.*

## **8. Publicity**

The application was advertised by neighbour letters, Parish council notification and site notice. This generated 7 letters of objections and 1 letter of support.

Reasons of objections summarised:

- The proposal results in the loss of visibility and highway safety issues
- The proposal is not in keeping with local vernacular

## **9. Planning Considerations**

### **Principle of Development**

Under the provisions of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLTP) 2011 (adopted June 2006); and the made Cricklade Neighbourhood Plan (March 2018).

Cricklade is defined as a local service centre in a location that can accommodate additional development. The application site is located within the defined settlement boundary of the town and the proposal is for a residential boundary featheredge fence and therefore falls to be considered against the provisions of core policy 57 of the Wiltshire Core Strategy. CP57 states that new development will be supported subject to a number of criteria including amongst other things: responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size; making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area. Also that the public realm is designed to create places of character which are legible, safe and accessible in accord with Core Policy 66 whilst also requiring that the provisions of Core policy 61 are met.

In addition, policy H3 of the made Cricklade Neighbourhood Plan requires that development should be designed in a way that integrates them effectively into the existing fabric of the town and its footpath network. Development proposals will be supported where they include good quality design that responds to the character of its immediate locality and, as appropriate, to the site concerned.

Planning permission is required for the proposed development due to its visual impact on the character and appearance of the locality, relationship to adjoining properties and highway safety as permitted development rights for such householder development restricts the height of fences to 1 metre when in the vicinity of a highway. The application is retrospective and the fence has been erected to a height of 1.8 metres.

However, it should be noted that this does not necessarily preclude the element of development or activity that is restricted and not subject of permitted development in perpetuity, rather the restriction allows the Local Planning Authority the opportunity to assess the effect of development on an individual basis rather than allowing development to come forward under national permitted development rights.

As such it is considered that as a matter of principle the development is acceptable. Site specific considerations are considered further below.

### **Impact on visual amenity and the character and appearance of the locality**

Core Policy 57 requires that proposed development must relate positively to the landscape setting and existing pattern of development in terms of building layouts, built form, height, mass, scale, building line, plot size, etc in order to effectively integrate into its setting. Development must also make efficient use of land whilst taking into account of the characteristics of the site and local context to deliver appropriate development which relates effectively to the immediate setting and the wider character of the area. Likewise, policy H3 of the made Cricklade Neighbourhood Plan requires that development should be designed in a way that integrates effectively into the existing fabric of the town/built environment and its footpath network. Development proposals will be supported where they include good quality design that responds to the character of its immediate locality and, as appropriate to the site concerned. These policy requirements reflect and accord with the relevant paras of the NPPF, including para 127.

The existing street scene is characterised by a mainly low brick walls and mature hedges as boundary treatment as indicated by the representation submitted and summarised above. Furthermore, interested parties have stated that the addition of the fence would result in a discordant feature in a particularly prominent location at the entrance to the cul-de-sac. However, despite being situated within a location where there are limited wooden fences and is adjacent a highway/highway junction, the erected fence to the front elevation is not considered to be such a departure from the prevailing local vernacular as to appear wholly incongruous or discordant within the street scene such that it should be refused on this basis. Such boundary treatments are relatively common features of residential areas in the North Hub of Wiltshire and the Royal Wootton Bassett and Cricklade Community Area and do feature elsewhere within Cricklade itself. Whilst the recently erected fence has not been stained and the wood itself is light in colour it will weather in time and appear less prominent.

On this basis the erected wooden fence is not considered to have a significant adverse impact on the character, appearance and visual amenity of the locality and is in accordance with core policy CP57 of the WCS, Policy H3 of the CNP and section 12 of the Framework.

#### **Impact on the residential amenity**

Section 12 (para 127) of the NPPF and CP57 of the WCS (Jan 2015) seek to secure high quality design and a good standard of amenity for current and future land occupants.

The proposal is not positioned in a location that would result in harm upon the neighbouring properties in terms of any overbearing impact or loss of privacy or loss of daylight as result of the height, scale, form and position of the fence as erected. As such the proposal is considered to accord with CP57 of the WCS, Policy H3 of the CNP and section 12 (para 127) of the NPPF.

#### **Impact on Highways**

Wiltshire Core Strategy policies CP57 (ix), ensuring that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible.

Representations received including from the Town Council who objected cited reasons of restricted visibility and resultant highways safety concerns and issues as a result of the erected fence. The Wiltshire Council Highway officers were consulted and raise no objection to the erected fence. They noted the previous border to the property was a wall and hedge that appeared in some google street view images to be a similar 1.8 m height to the fence, and that the fence is an in-situ replacement for the former boundary treatment. The application submissions/agent confirm that the previous boundary treatment was of a similar height (1.8m) and in exactly the same location and extent as the fence now erected.



In addition, Highways Officers are satisfied that visibility from the turning head to the west of the proposal site that serves to access nine dwellings, conforms to manual for streets standards as visibility can be achieved from 2.4 m back from the junction to the junction of Keels and North Meadow Road (design speed being 2.4 x 43).

Therefore, as visibility is contained within the public highway they raise no highway objection to the retrospective proposal. In this context the application is considered to accord with the provisions of CP57 & CP61 WCS; Policy 12 of the Cricklade neighbourhood plan; and paras 108, 109, 110 of the NPPF.

## **10. Conclusion**

The erected fence at 14 Keels, in Cricklade, is considered acceptable in principle under the provisions of the development plan.

The erected development involved minor alterations to the front /side elevation of the property and is not considered to have any significant adverse impact on the character, appearance and visually amenity of the locality not being considered to result in a wholly incongruous or discordant feature when seen in context and comparison to the other properties in the vicinity.

Similarly, the alterations proposed would not have any significant impact on the current level of residential amenity afforded to the surrounding properties in terms of, loss of daylighting or overbearing impact.

Lastly, Wiltshire Council Highways officers have stated that the erected fence would not result in the loss of visibility or harm to highway safety as it replaces a hedge of a similar height in the same location and thereby preserves the existing level of visibility and safety.

It is therefore considered that the erected fence is in accordance with, Policies H3 & 12 of the CNP, CP57 & CP61 of the WCS and paragraphs 11 and 47, 108, 109, 110, 127 and 130 of the Framework.

**RECOMMENDATION: That Planning Permission be GRANTED subject to the following conditions:**

1. The development hereby permitted shall be in accordance with the following approved plans: location plan and fence plan [Received by the LPA on the 25th of September 2019]

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

2. Within 3 months of the date of this consent details as to the proposed staining treatment of the wooden fence hereby permitted shall be submitted for the approval of the Local Planning authority. Within 3 months of approval of the submitted details the fence shall be treated and finished in accord with the approved details.

REASON: In the interest of the character and appearance of the locality.

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.

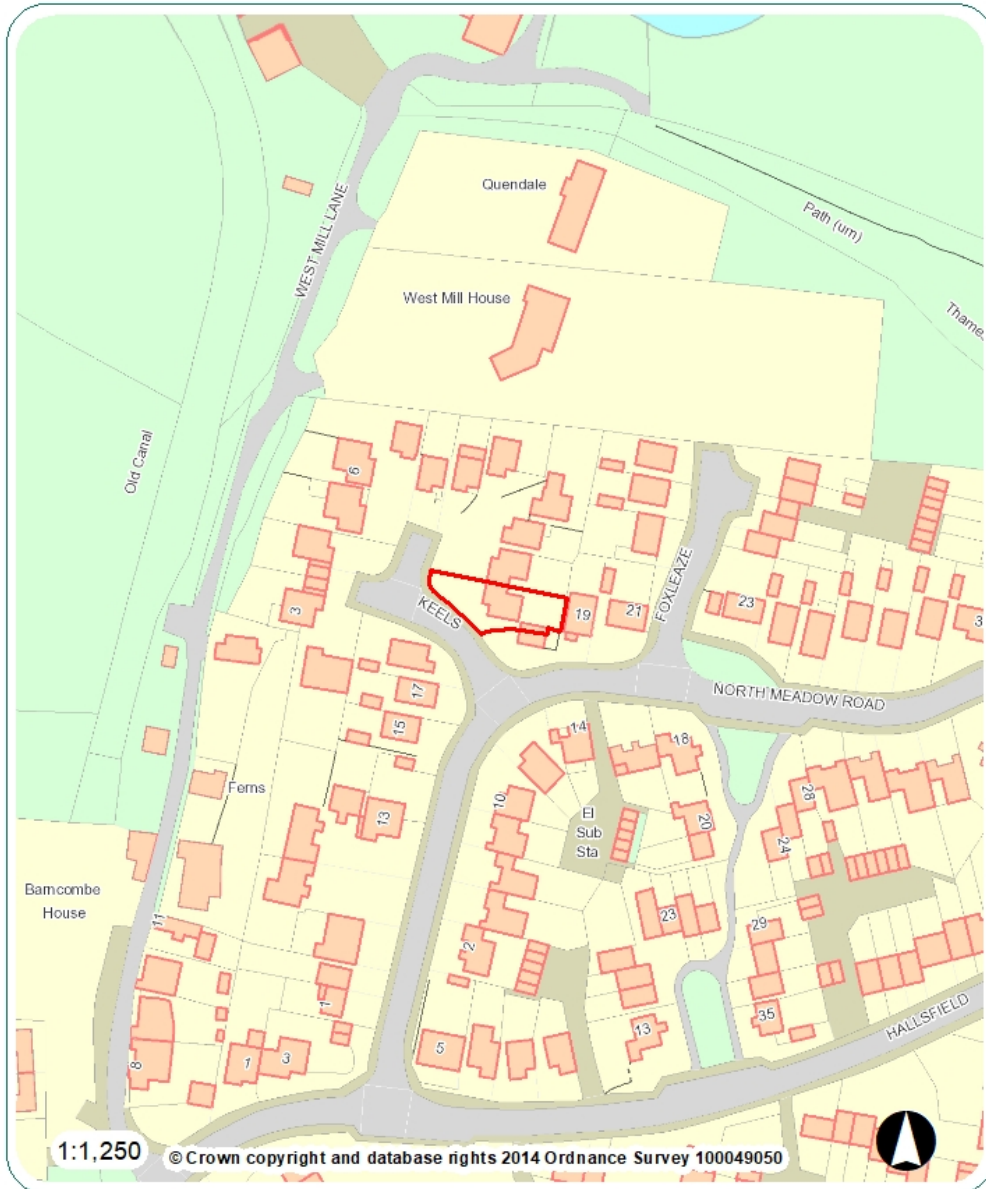
INFORMATIVE TO APPLICANT:

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

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

INFORMATIVE TO APPLICANT:

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



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