

AGENDA

Meeting: Northern Area Planning Committee

Place: [View the Online Meeting of the NAPC Here](#)

Date: Wednesday 3 February 2021

Time: 3.00 pm

Please direct any enquiries on this Agenda to Ellen Ghey, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718259 or email ellen.ghey@wiltshire.gov.uk

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

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

Membership:

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

Substitutes:

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

Recording and Broadcasting Information

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AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 30*)

To approve and sign as a true and correct record the minutes of the previous meeting held on 9 December 2020.

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. During the ongoing COVID-19 situation the Council is operating revised procedures and the public are able participate in meetings online after registering with the officer named on this agenda, and in accordance with the deadlines below.

[Guidance on how to participate in this meeting online.](#)

[View the Online Meeting of the NAPC Here](#)

Statements

Members of the public who wish to submit a statement in relation to an item on this agenda should submit this electronically to the officer named on this agenda no later than 5pm on **Monday 1 February 2021.**

Statements should:

- State whom the statement is from (including if representing another person or organisation)
- Clearly state the key points
- If read aloud, be readable in approximately 3 minutes (for members of the public and statutory consultees) and in 4 minutes (for Parish Council representatives – 1 per Parish Council)

Up to three objectors and three supporters are normally allowed for each item on the agenda, plus statutory consultees and Parish Councils.

Those submitting statements would be expected to join the online meeting to read the statement themselves, or to provide a representative to read the statement on their behalf.

Questions

Those wishing to ask questions are required to give notice of any such questions electronically to the officer named on the front of this agenda no later than 5pm on **Wednesday 27 January 2021** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Friday 29 January 2021.**

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 members prior to the meeting and made available at the meeting and on the Council's website; they will be taken as read at the meeting.

6 **Planning Appeals and Updates** *(Pages 31 - 32)*

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 **20/04863/FUL - Land Adjacent to Waitrose, Malmesbury By-Pass, Malmesbury, SN16 9FS** *(Pages 33 - 50)*

Proposal for a change of use of land and the construction of a Gabion Wall and Infilling.

7b **20/08777/FUL - 31 The Close, Lydiard Millicent, SN5 3NJ** *(Pages 51 - 62)*

Proposed construction of a detached garage.

8 **Urgent Items**

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

Part II

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

Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 9 DECEMBER 2020 AT ONLINE MEETING.

Present:

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

39 **Apologies**

Apologies were received from Cllr Mollie Groom and Cllr Ian Thorn as the Local Unitary Member.

40 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 11 November 2020 were presented.

Resolved

To approve and sign the minutes of the meeting held on 11 November 2020 as a true and correct record.

41 **Declarations of Interest**

There were no declarations of interest.

42 **Chairman's Announcements**

The Chairman explained the procedure should a recess be required.

43 **Public Participation**

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

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

44 **Planning Appeals and Updates**

The Chairman moved that the Committee note the contents of the appeals report included within the agenda pack. As such, it was:

Resolved

To note the appeals report for the period of 25 September 2020 to 27 November 2020.

45 **Planning Applications**

The Committee considered the following applications:

46 **19/11601/OUT - Land South of Low Lane, Calne, SN11 8EQ**

Public Participation

Mr John Boaler, local resident, spoke in objection to the application.

Mr Andrew Stevens, neighbouring resident, spoke in objection of the application.

A statement in objection of the application from Mr Tony Matthews, neighbouring resident, was read out by a Democratic Services Officer.

Sarah Hamilton-Foyn, on behalf of the applicant, spoke in support of the application.

Councillor Glenis Ansell, on behalf of Calne Town Council, spoke in objection to the application.

Charmian Eyre-Walker, Senior Planning Officer, introduced the report which recommended that authority be delegated to the Head of Development Management to grant planning permission, subject to conditions and the completion of a S106 legal agreement, for an outline application with all matters reserved for the residential development of up to 26 entry level dwellings, associated infrastructure, open space and landscaping with the creation of new vehicular access from Low Lane.

Reference was made to the presentation slides (Agenda Supplement 1 and attached to these minutes) and the late observations (Agenda Supplement 2), with photographs provided by local residents which did not form part of the officer's presentation, noted. The key criteria and facets of Entry Level Housing, including the salience and provisions of Paragraph 71 to the National Planning Policy Framework (NPPF), was explained; specifically, allowing for the delivery of housing to meet the authority's area, not merely the local area. An

explanation was also made as to the Council's supply of deliverable housing land.

Key issues highlighted included: principle of the development; design and layout; ecology; landscaping; highways; drainage; and S106 requirements.

Members of the Committee had the opportunity to ask technical questions to the officer. The main points of focus included: the nature of Entry Level Housing; the access point; and the mature trees and hedges bordering the site. In response, officers noted the separation and distinction between Entry Level Housing and local community neighbourhood plans, highlighted that the internal road layout would be considered under reserved matters, and emphasised that the trees and hedges would be retained as part of the ecology requirements.

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

As Local Unitary Member Councillor Ian Thorn had given apologies, Councillor Gavin Grant read a statement of objection on his behalf and stated that despite this he would participate in the debate and vote with an open mind. The main points of focus in the statement were: that Calne had already fulfilled the housing allocations as required in Wiltshire Council's five-year land supply; biodiversity concerns on the site; loss of privacy for existing Low Lane residents; increased levels of traffic and safety of pedestrians. Wiltshire Core Strategy Policies (CP) 1, 2 and 8; North Wiltshire Local Plan 2011 Policy H4; and Calne Community Neighbourhood Plan Policies H1, H2 and H4, were cited.

Officers reiterated the nature of Entry Level Housing and how it was considered as a separate entity from any other local community plans as it had been brought forward after the creation of the abovementioned plans and policies. It was noted that any specific details as to the size and layout of the proposed dwellings were reserved matters as the application was outline only. Officers clarified that the ecology survey that had been submitted with the application had detailed conditions which would serve to mitigate the biodiversity concerns of local residents.

The Chairman noted the highways and air quality concerns raised by members of the public and Councillor Thorn, in particular the nature of Low Lane as a route for school children and cyclists, and questioned the officers as to the impacts on the safety of pedestrians around the application site. Officers noted that all highways research had been undertaken pre-pandemic when traffic was operating as normal and highlighted the Highways Officer's non objection. In regard to pedestrian safety it was noted that if members were minded to approve, then there would be a planning obligation in the S106 Agreement to secure a contribution to facilitate safe crossing points.

Councillor Gavin Grant moved to refuse the application, against officer recommendations, which Councillor Brian Mathew seconded.

During the debate members again discussed the nature of Entry Level Housing; road safety; impacts to the amenities of local residents and the ability to impose stringent conditions if approved. Before the vote, Development Management Team Leader, Simon Smith, sought clarification as to the specific reasonings behind the motion of refusal to which Councillor Gavin Grant reiterated that the location for the application was inappropriate on the basis of Core Policy 57, Sub-Section 6, which was approved by Councillor Brian Mathew as seconder.

During the vote the Democratic Services Officer called upon each member who confirmed that they had been able to hear and, where possible, see all relevant materials and indicated their vote in turn.

The motion failed.

A motion to approve the application, in line with officer recommendations, was moved by Councillor Peter Hutton and seconded by Councillor Toby Sturgis.

Officers noted that the motion would need to be amended to include the addition of two conditions: firstly, that the application should be for no more than 26 dwellings, and secondly that it should be delegated to officers to explore improvements to the footpath links leading out of the site. Both Councillor Hutton and Sturgis agreed to and included the amendments.

Officers additionally noted that the illustrative masterplan showed the site of access and that a technical layout for that access was a plan for approval and asked both Councillor Hutton and Sturgis if they were happy for access to remain as an approved plan or whether they felt it should require subsequent approval, to which the Councillors requested it be removed and considered at a later stage.

At the conclusion of the debate, a vote was taken on the motion of approval. The Democratic Services Officer called upon each member who confirmed they had been able to hear and, where possible, see all relevant materials and indicated their vote in turn.

Following which, it was:

Resolved

That authority be delegated to the Head of Development Management to GRANT planning permission, subject to conditions listed below and completion of a S106 legal agreement covering Affordable housing, Public Open Space, waste and refuse, and Highways infrastructure matters, within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to REFUSE planning permission on the grounds that the proposal fails to secure the necessary highway

infrastructure matters, Affordable Housing provision, POS and waste and refuse required to render the development acceptable.

Conditions:

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

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

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

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

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

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

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

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

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

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

- 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.**

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

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

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

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

7. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - 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;
 - j) 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.

8. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

- 9. Prior to commencement of clearance or construction works, a detailed Landscape and Ecological Management Plan ('LEMP') shall be submitted to the LPA and approved in writing, the LEMP shall be thereafter be fully adhered to unless agreed otherwise with the LPA. The LEMP shall include measures to ensure no net loss of native hedgerow habitat or ecological functionality of hedgerow habitat, through planting and management proposals, with suitable buffering of hedgerows to protect wildlife including bats.**

REASON; To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures and to secure net biodiversity gain in accordance with NPPF.

- 10. Prior to commencement of clearance or construction works, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to the LPA and approved in writing, the CEMP shall be thereafter be fully adhered to unless agreed otherwise with the LPA.**

REASON; To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures and to secure net biodiversity gain in accordance with NPPF.

- 11. The development hereby approved shall be carried out in accordance with the Dormouse protection proposals within paragraphs 14 and 15 of the 'Briefing Note: Further Ecology Response' Ecology Solutions, March 2020, as already submitted with the planning application and agreed in principle with the local planning authority before determination, and as modified by a Natural England European protected species licence where required.**

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures in accordance with NPPF, that were prepared and submitted with the application before determination.

12. Before development takes place, details of the provision of biodiversity enhancement measures such as bat roosting features and nesting opportunities for birds shall be submitted to the local planning authority for approval, including a plan showing the location(s) and type(s) of feature(s). The approved details shall be implemented before the development hereby approved is first occupied.

REASON: To provide additional biodiversity opportunities as a biodiversity enhancement, in accordance with paragraph 175 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

13. No new external artificial lighting shall be installed at on site unless otherwise agreed in writing by the Local Planning Authority.

REASON: Many species active at night (bats, badgers, otters) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

14. Applications for the approval of the Reserved Matters shall be in accordance with the principles and parameters described and illustrated in the approved Design and Access Statement and in broad accordance with the structure of the layout shown within the approved Illustrative Masterplan (unless otherwise agreed by the LPA).

REASON: To ensure that high standards of urban design is achieved in accordance with policies of the Core Strategy, the National Design Guide and the NPPF.

15. Applications for the approval of the Reserved Matters shall include a compliance statement demonstrating accordance with the approved DAS. With particular regard to the matter of appearance, this statement will demonstrate compliance with the design guidelines of the Calne Neighbourhood Plan.

REASON: To ensure that the character of architecture, urban design and landscape design is in accordance with policies of the Core Policy 57 and the Calne Neighbourhood Plan.

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

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

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

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

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no

concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[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

REASON: To protect trees on site in the interests of landscape amenity.

17. Any Reserved Matters application shall be accompanied a strategy to demonstrate how waste collections will function on the development are submitted to meet the requirements of policies CP3 and WCS6.

REASON: To ensure the site can be sufficiently serviced.

18. The development hereby permitted shall be carried out in accordance with the Location plan received 10th December 2019 and in broad accordance with Revised Illustrative Masterplan 301.P.3.1 and Revised DAS received March 5th 2020.

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

INFORMATIVES:

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

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

47 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.00 pm)

The Officer who has produced these minutes is Ellen Ghey of Democratic Services,
direct line 01225 718259, e-mail ellen.ghey@wiltshire.gov.uk

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

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Northern Area Planning Committee

9th December 2020

7a) 19/11601/OUT- Land South of Low Lane, Calne, Wiltshire, SN11 8EQ

Outline application with all matters reserved for residential development of up to 31 entry level dwellings, associated infrastructure, open space and landscaping, with creation of new vehicular access from Low Lane.

Recommendation: Approve with Conditions






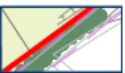

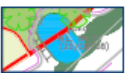

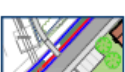




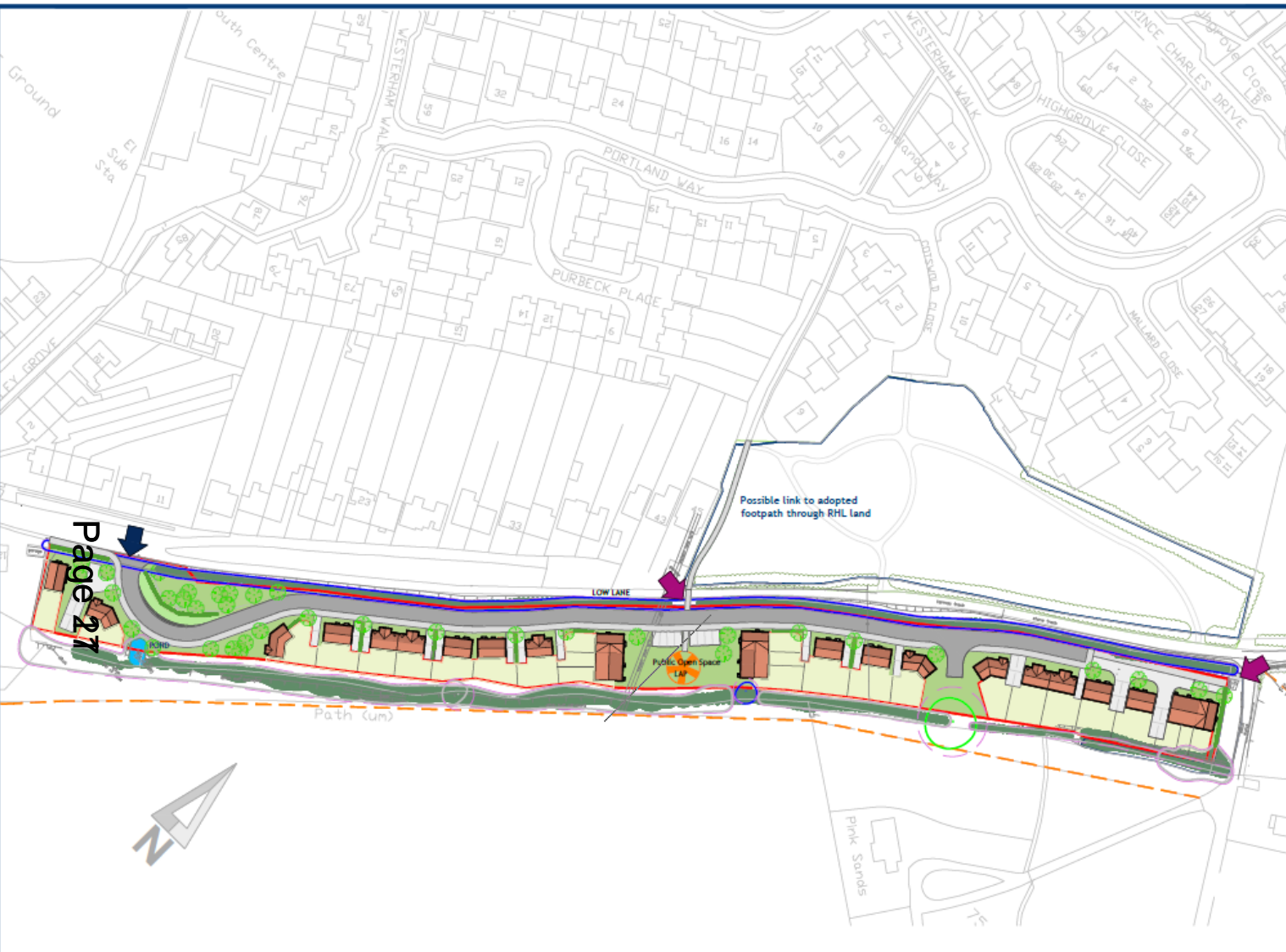
Site Location Plan



Aerial Photography

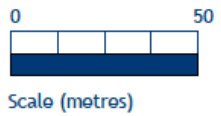
KEY

-  Principal Access
-  Pedestrian Links
-  Housing
-  Parking
-  Existing Trees Adjacent To Site
-  Existing Hedgerow Adjacent To Site
-  Proposed Tree Planting
-  Existing Pond Retained
-  POS with LAP
-  Proposed Footpath Links
-  Road
-  Proposed hedge and Shrub Planting



Possible link to adopted footpath through RHL land

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Site Name: Land adjacent to Low Lane, Calne		Drawing Number: 301.P.3.1		Revision: C	
Drawing Title: Illustrative Masterplan		Drawn By: POK	Date: 01.03.17	Scale: 1:1250@A3	



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Swindon, SN3 4HG
Telephone
01753 828000
Website
www.pfacpl.com

As Shown
This drawing is produced for the purpose of supporting a planning application and should not be relied upon for tender, pricing, or construction purposes.

KEY

- Proposed New Carriageway
- Proposed Footway
- Site Access Visibility Splay

NOTES

1. Based on Topographical Survey undertaken by Nigel Ruxton Land Surveys in September 2008 and shown in Drawing 08228/06A, Supplemented by OS Mapping.

Rev	Date	Description	Drawn	Check
1	08/12/09	Final Issue	SW	TP

Status **FOR PLANNING**

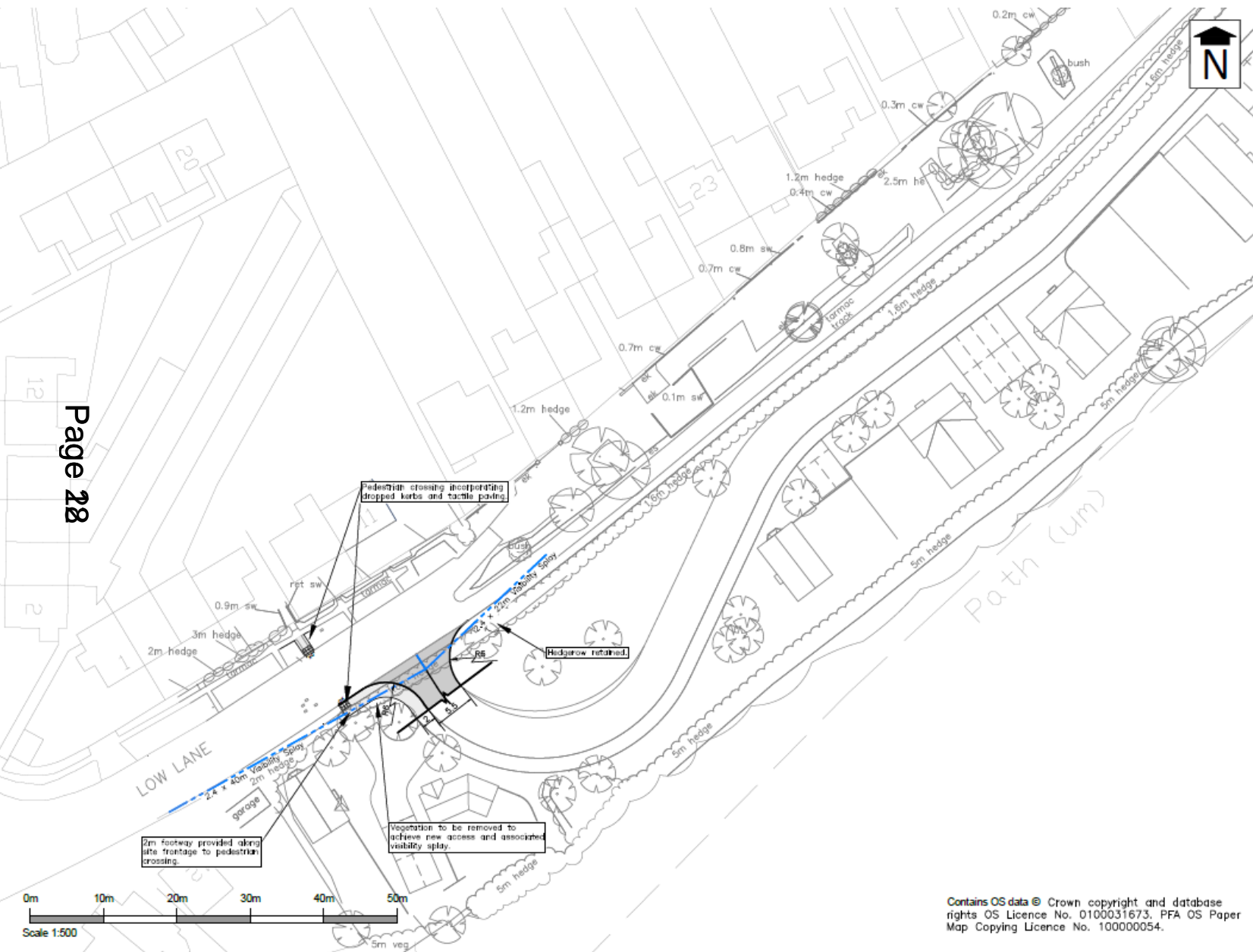
Client **Robert Hitchens Ltd**

Project **Land South of Low Lane, Calne**

Drawing Title **Proposed Site Access Arrangements**

Drawing No. **H638/01**

Date: November 2019 Scale: 1:500 @ A3
E-Mail: tp@pfa.com



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Photos from Low Lane



Left slide: Looking down Low Lane, Right Slide: The site from inside





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Photos provided by Local Resident

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Photos from Local Resident

Page 23



Further Slides supplied by Local Resident

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Northern Area Planning Committee

9th December 2020

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Wiltshire Council
Northern Area Planning Committee
3rd February 2021

Planning Appeals Received between 28/11/2020 and 22/01/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
20/03439/FUL	Swillbrook Farm Cottages, Swillbrook SN16 9GA	MINETY	Demolition of 4 no. semi-detached dwellinghouses; and erection of 1 no. detached dwelling (new build) with associated outbuilding; and the conversion of a barn to form 1 no. detached dwelling.	DEL	Written Representations	Refuse	02/12/2020	No
20/03931/FUL	Land at Four Seasons Lodge 59a Chelworth Road Cricklade, SN6 6HL	CRICKLADE	Erection of 1 new dwelling	DEL	Written Representations	Refuse	01/12/2020	No
20/04747/OUT	Sherwood Lower Seagry Chippenham, Wiltshire SN15 5EP	SEAGRY	Erection of self-build dwelling and associated works	DEL	Written Representations	Refuse	20/01/2021	No
20/05588/FUL	Hambrook Farm Thornhill Royal Wootton Bassett SN4 7RZ	BROAD TOWN	Demolition of existing barn and erection of a new dwelling with associated works	DEL	Written Representations	Refuse	02/12/2020	No
20/05589/FUL	BT Repeater Station Sutton Lane Langley Burrell Chippenham Wiltshire, SN15 4LW	LANGLEY BURRELL	Building Conversion to Holiday Let	DEL	Written Representations	Refuse	30/11/2020	No
20/05663/FUL	Ashley Wood High Street Kingsdown, SN13 8BH	BOX	Proposed Juliet balcony to first floor of extension currently under construction in accordance with 19/00360/FUL	DEL	Written Representations	Refuse	20/01/2021	No
20/06065/FUL	29 The Rise, Calne Wiltshire, SN11 0LG	CALNE	Flexible change of use of dwelling to a house in multiple occupancy containing 7 no. bedrooms or as a dwellinghouse (Use Class C3).	DEL	Written Representations	Refuse	19/01/2021	No
20/08658/FUL	Manisty, The Street Oaksey, Malmesbury Wiltshire, SN16 9TF	OAKSEY	Alterations to Boundary Construction, Access Road Layout and Other Alterations to Plot 1 (All Saints House), Plot 2 (Manisty) and Plot 4	DEL	Written Representations	Refuse	20/01/2021	No

Planning Appeals Decided between 28/11/2020 and 22/01/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
19/07399/FUL	Middle Cottage East Tytherton Chippenham Wiltshire, SN15 4LX	BREMHILL	Demolition of existing single storey extension; new double storey extension to replace.	DEL	Written Reps	Refuse	Allowed with Conditions	05/01/2021	None
19/07559/LBC	Middle Cottage East Tytherton Chippenham Wiltshire, SN15 4LX	BREMHILL	Demolition of existing single storey extension; new double storey extension to replace.	DEL	Written Reps	Refuse	Allowed with Conditions	05/01/2021	None

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	3rd February 2021
Application Number	20/04863/FUL
Site Address	Land adjacent to Waitrose Malmesbury By-Pass Malmesbury Wiltshire SN16 9FS
Proposal	Construction of Gabion Wall and Infilling
Applicant	Ms Orysya Lyvchanyn
Town/Parish Council	MALMESBURY
Electoral Division	Councillor Gavin Grant
Grid Ref	393674 186904
Type of application	Full Planning
Case Officer	Michael Akinola

Reason for the application being considered by Committee

The application is called in for committee determination by Councillor Gavin Grant for the consideration of the compatibility of the proposals with the Malmesbury Neighbourhood Plan; the status of this land as being within a Conservation Area and compatibility with Wiltshire Core Policy 57 subsections i, iii, iv and vii, among others.

1. Purpose of Report

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

2. Report Summary

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

- Principle of development
- Impact on the Heritage Asset (Conservation Area)
- Impact on the character, appearance, visual amenity and openness of the locality
- Loss of agricultural land
- Impact on the residential amenity
- Impact on archaeological interest and potential
- Impact on Ecology/County wildlife site
- Impact on drainage/flooding
- Impact on trees
- Impact on Highways safety

Malmesbury Town Council objects to the proposals. 12 representations from members of the public were received all of which were objections.

3. Site Description

The application relates to the Land adjacent the Waitrose superstore off the Malmesbury by-pass, located in the open countryside outside of the defined limits of development for Malmesbury. The site currently is an open field that faces on to residential properties to the north, with the Waitrose supermarket immediately adjacent to the south, directly to the east is the A429 Malmesbury by-pass and there is also mature vegetation and planting in that location, and it is considered that views to the town centre from this position are also obscured and fleeting as use of the bypass is vehicular with limited pedestrian accessibility. West of the site are other residential properties obscured by mature trees. The property is located within the Malmesbury Conservation area and further sited in the flood zone 2/3.

4. Planning History

19/04106/FUL – Upgrading the surface of an existing vehicular access with concrete (approved with condition)

19/10702/FUL – Construction of gabion wall, infilling, tree planting and COU from agricultural land to family leisure woodland (Refused)

5. The Proposal

The proposal is for a change of use of land from agriculture to a private amenity/recreational space by the applicant, their family and friends. Additionally, the proposal is to erect a 0.4m gabion wall that would be constructed of mesh, filled with stone and earth and external finish of green vegetation to match the site context and facilitate regrading and levelling of land within the site. This proposal is however a second submission following the previous refused application (19/10702/FUL). The difference between this proposal and the previous proposal is that this latest scheme excludes the tree planting that would have created a woodland and as such, the existing open site characteristics would largely be retained as the gabion wall and infill would constitute the only built elements of the proposals. The previous application in respect of the gabion wall simply proposed filling the wall the walls with stone and earth without any detail as to these materials or finishes.

In addition the current application seeks to respond to one of the previous reason for refusal in respect of inadequate information to asses the archaeological value of the site. A comprehensive archaeological assessment tis now submitted.

The vehicular access is off the A429 bypass and this entrance to the site already exists as part of the approved application under app no. 19/04106/FUL.

The use of the site remains the same and the proposal is still for a facility for use by the applicant and their family and friends as a private amenity/recreational space.

6. Planning Policy

Wiltshire Core Strategy (WCS) (Adopted January 2015)

Core Policy 1: Settlement strategy

Core Policy 2: Delivery strategy

Core Policy 13: Spatial Strategy: Malmesbury Community Area

Core Policy 50: Biodiversity and geodiversity

Core Policy 51: Landscape
Core Policy 57: Ensuring high quality design and place shaping
Core Policy 58: Ensuring the conservation of the historic environment
Core Policy 61 - Transport and New Development
Core Policy 62 - Development impacts on the transport network
Core Policy 67: Flood Risk

North Wiltshire Local Plan 2011

NE14 - Trees and the control of new development

Malmesbury Neighbourhood Plan volumes i & ii Feb 2015:

Vol I Policy 13: requires high quality design and proposal respect character of Malmesbury Town and surrounding area

Task 6: Protecting Malmesbury's heritage and setting

Task 8.1, Task 8.2 & Task 8.3: Development complements and enhances the character, form and qualities of Malmesbury

Task 8.4 & 8.5: Ensure positive relationship between town and countryside

National Planning Policy Framework July 2019 (NPPF)

Paragraphs; 2, 7, 8, 9, 12, 15, 83, 103, 108 127, 170, 174, 180, 187 (b), 189, 190, 192, 193, 194, 195, 196 and 200 Sections; 12,15 & 16

7. Summary of consultation responses

Malmesbury Town Council: OBJECT to the application due to a number of reasons which can be summarised as follows;-

- No justification for the proposal
- Height of the gabion wall and would harm the Conservation Area
- The gabion wall and infilling would be contrary to the Neighbourhood plan and Malmesbury Conservation Management plan
- Biodiversity and geological conservation
- Impact of development on existing tree and hedges
- Impact on the River Avon

The St Paul Malmesbury Without Parish Council: Object to the proposal as summarised below:

- No justification for the proposal
- Height of the gabion wall and would harm to the Conservation Area
- The gabion wall and infilling would be contrary to the Neighbourhood Plan and Malmesbury Conservation Management plan

Wiltshire Council Conservation officer: No objection subject to use of conditions to secure an appropriate finish to the Gabion wall through appropriate planting/green vegetation.

Wiltshire Council Archaeologist: No objection.

The Environmental Agency:

No objection subject to conditions

Wiltshire Council Drainage Engineers:

No objections

Wiltshire Council Arboricultural Officer:

No objection

Wiltshire Council Ecologist:

No objection subject to a condition

Wiltshire Council Highways officer:

No objection

8. Publicity

The application was advertised by neighbour letters, Parish council notification and site notice. This generated 12 letters of objection and no letters of support. A summary of the representations is set out below:

Objections

Flood – the proposal would increase the likelihood of flooding within the locality

Phased Developments – Majority of comments online suggest the proposal would result in further development on this site and they are concerned as to the future intentions of the applicant and future residential development proposals

Location – The gabion wall and infilling would be contrary to the Neighbourhood plan and the granting of this application would seriously jeopardise the future sustainable development of the town

Heritage asset (Conservation Area) – the proposal would harm the views to the historic town centre and the setting of the Conservation Area

Visual Impact – the existing agricultural land forms important vistas that are intrinsic to the village character and the gabion wall would harm the significance of this open space

Wildlife – comments received have stated that there are deers, newts, otters, etc on site and this would be disturbed by the development

Archaeological interest – the proposal would harm archaeological potential

Highways safety – the access point for this field is on to a busy main road to which any increased access would constitute a hazard.

9. Planning Considerations

Policy and 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, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. 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 (NWLP) 2011 (adopted June 2006); and the Malmesbury Neighbourhood Plan (Made February 2015).

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

This proposal is a second submission following the previously refused application (19/10702/FUL). The difference between this proposal and the previous submission is that this latest scheme excludes proposed tree planting, the materials to be used for the gabion wall are identified and a comprehensive archaeological assessment in accordance with a written programme of archaeological investigation has been provided.

As set out in the officer's delegated report for the previous application tree planting in and of itself is not development under the Acts and so does not require express consent. However, it was clear that the earthworks and engineering works are required to facilitate the proposed change of use from agriculture to private amenity space, all of which require consent.

Core policy 1 defines the settlement hierarchy in Wiltshire supporting the strategy for development and identifies Malmesbury as a Market Town with the potential for significant development. Core Policy 2 of the WCS states that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development. It advises that outside the defined limits of development that development will not be permitted other than in circumstances as permitted by other policies in the plan.

CP13 of the WCS states that development in the Malmesbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

The application site land projects from the West by approximately 117m (length), to the North approximately 160m (width), to the East approximately 89m (length) and to the South, it would be approximately 137 metres wide. The site is not within an area of special importance or interest such as an Area of Outstanding Natural Beauty (AONB) but remains an open area of agricultural land in the countryside, and within the Malmesbury Conservation Area.

At present, the proposal represents another individual application submitted on the site, the first proposal (19/04106/FUL) involved upgrading the existing vehicular access. The second proposal (19/10702/FUL) was refused, and this is a resubmission of that application which involves the construction of a gabion wall, infill landscaping, and use of the resultant space for private amenity purposes but amended as referenced above. Whilst the Town/Parish Council and representations received have identified concerns regarding the true intention of the proposal, the applicant asserts the proposal is to enhance the immediate setting to a beautiful area within the town landscape for their personal use and enjoyment and for that of their friends and family. The intention is stated a simply creating a beautiful amenity space close to the river and the centre of Malmesbury.

The applicant's agent has confirmed applicant has a relationship with the town of Malmesbury and with family and friends resident within the town. The land in question would not be in constant use not being directly related to a residential dwelling but is close to the town where family and friends are resident as such it is not considered that large scale vehicular movement or lengthy journeys will be necessary.

As set out above and the proposals includes the change of use of land from agriculture to private amenity and recreational space and not for commercial purposes (this can and will be condition restricting its use for private only). The land in question will remain predominantly open in character and as the use would be for private purposes including friend and family it is considered that the recreational activity would be low intensity. The site is located on the periphery of the town but relatively accessible from it and not remote from the urban built areas of the settlement, indeed the Waitrose superstore lies directly adjacent. Given the stated nature of the use, earthworks and engineering works alongside the relatively sustainable location for this type of activity it is not considered that the proposal would be unacceptable in principle and that any ancillary development that may occur could be controlled by condition. Private recreation/amenity especially low intensity private recreational and amenity use of land is not in and of itself considered to be harmful and there are no policies in the adopted development plan that specifically resist such uses in this type of location on the fringes of this higher order settlement. On this basis, the proposal can be considered a sustainable development in accordance with other guidance in the framework (paras 7 and 8) and the development strategy of the plan to focus development in accord with the defined settlement hierarchy.

The COU and the engineering works that support it are therefore acceptable in principle subject to considerations of site-specific impacts and other material considerations.

Impact on the Heritage Asset (Conservation Area)

Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 195 and 196 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset and where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Core Policies 57 & 58 require that development should protect, preserve and where possible enhance heritage assets.

Policy 13 of the MNP vi states the Neighbourhood Plan Design Guide as set out in Volume II of this Plan should be taken into consideration in all developments to ensure a high quality of design that respects the specific character of Malmesbury Town and the surrounding area.

The proposed site is within the Malmesbury Conservation Area and all applications within Conservation Areas will be assessed with full regard to their impact on their character and appearance, significance and heritage values. The Malmesbury Conservation Area appraisal is relevant in this context.

The Conservation Officer describes the proposed site as land that graduates down towards the River Avon. This valley is predominantly open grassland which gives a rural, pastoral setting to this historic town, which includes large numbers of listed buildings that can be seen in conjunction with views across the site towards Malmesbury. By virtue of its designation, the area is significant in heritage terms and this significance is arises from its (communal) value, aesthetic (fortuitous) value, evidential and historical (illustrative) value.

In considering all design proposals, the Malmesbury Conservation Area Management plan states the following will be taken into account:

- The relationship of the proposal to its site
- The relationship of the proposal to its wider setting

- How is the density of the proposal related to that of existing and neighbouring uses?
- The impact in close view, what materials are used?
- How do they relate to those of surrounding buildings?

Representations received from interested parties have noted that the application site is a green vista with views reaching out across to the town and that the field also forms part of the Conservation Area. Firstly, it should be noted that this field is not within a designated landscape, it is not within an area of special landscape importance or interest such as an Area of Outstanding Natural Beauty (AONB). It is important to stress that this site cannot be read in conjunction with views of the historic core of Malmesbury and the vast majority of its designated heritage assets. The site is situated on / forms part of a downward slope towards the existing properties and River Avon lies to north and west of the site. The site is adjacent the Waitrose supermarket and it is considered that this largely obscures and dominates views towards the Town Centre and adjacent areas of the town. Similarly, West of the site features mature planting with existing trees and a varied landform that limit and restrict views towards the town centre/historic core of the town and the application site within such views. Furthermore, East of the site is a by-pass and there is also mature vegetation and planting in that location. Consequently it is also considered that views to the town centre from this position are also obscured; and indeed fleeting as use of the bypass is vehicular with limited pedestrian accessibility. Similarly views from the town toward the site are dominated by the Waitrose Store and by pass and traffic using the road as well as existing mature planting.

As such, it is considered that the application site is not prominent within short and medium range views in and out of the conservation area and does not form a prominent and perceptible part of key vistas to and from the town. The works proposed and use of the land are also relatively limited and low impact. The gabion wall and land infill will be low lying and situated in close proximity to and obscured by the Waitrose store, with existing tree planting and mature vegetation providing further screening. The proposals effectively maintain the existing open characteristics of the land in question given the nature of the proposed use and limited built form. The existing situation and the impact of the development propose can be further mitigated by a sensitive landscaping scheme which can be controlled via use of condition. In this regard it is considered that the proposals will have a negligible / neutral impact on the character and appearance of the Conservation Area and setting of other designated heritage assets.

Whilst an objection was raised previously by the Council's Senior Conservation Officer whom considered that the design, scale, density, mass, height and appearance of the wall and related earthworks would result in less than substantial harm to the Conservation Area, albeit on the lower end of the scale, it was considered that the previous application contained insufficient information to allow the matters to be fully assessed in this respect. The previous proposal did not contain any information as to use of materials, particularly finishing materials that would be used to surface the external face of the gabion wall and the regraded land. The current scheme proposals now include the details required identifying that the gabion wall is of mesh filled with stone and earth and the external finish of the gabion wall would be covered in green vegetation to allow the walls to be fully submissive in its setting. The Council's Senior Conservation Officer was consulted again on this matter and given the information now submitted with the application identified that they no longer wished to raise objection. This conclusion on the basis that no harm could be readily identified to heritage assets that could be robustly justified and defend in an appeal situation. However, the SCO did consider that in the event of an approval being recommended the materials proposed to be used for the gabion wall should be subject of approval via use of condition as this would further mitigate visual impact of the wall and ensure neutral impact. Such a condition is considered reasonable and necessary.

In these circumstances, the proposed gabion wall, land infilling and change of would not result in harm to the designated heritage assets in the locality and there is no conflict with the development plan as a consequence. The proposals will also result in economic benefits through construciotn and although limited this is a benefit of the chem that weighs in favour. It is therefore considered that the proposal accords with CP57 (i) (ii) (iv) and CP58 of the WCS Jan 2015, paras 195 & 196 of the NPPF, Policy 13, Task 6.1 & 8.1 of the VII of the MNP; Section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990; Malmesbury Conservation Area Management Plan; and BS7913 Guide to the conservation of historic buildings.

Impact on the character, appearance, visual amenity and openness of the countryside

Core Policy 57, amongst other things, requires that applications for development should respect the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal. Core Policy 51 is also relevant as it requires that development should not cause harm to the locally distinctive character of settlements and their landscape setting.

Policy 13 of the MNP vi states the Neighbourhood Plan Design Guide as set out in Volume II of this Plan should be taken into consideration in all developments to ensure a high quality of design that respects the specific character of Malmesbury Town and the surrounding area.

Task 8.1 of MNP aims to ensure that development makes a positive contribution towards the distinctive character and form of the town as a whole and relate well to its site and its surroundings. Task 8.4 seeks to ensure that development proposals, particularly but not only, where sited on the edge of Malmesbury, maintains visual connections with the countryside & Task 8.5 sets out the visual impact of new development on the countryside, and on views from the countryside, should be positive.

Although there would be a change of use and alterations to the character of the landscape in this locality, the site is not within an area designated for its landscape value and it is not considered that the impact of the proposals on the character, appearance and visual amenity of the locality would be so significantly harmful such that consent ought to be refused on this basis. The reason being is that views of the development (the Gabion wall and use of the land) would be restricted only to Saint John Street and when seen from that location, it is considered that the external finish of the green vegetation around the gabion wall would allow for the proposal to be subservient to the current green nature of the site. In addition, these views are already affected by the existing Waitrose store and the bypass and it is considered that the proposal is not especially harmful to the visual amenity of the locality in this instance given that context. As noted above conditions requiring details as to site landscaping are proposed and his is further considered to mitigate visual impact.

In addition, concerns have been raised by the Town Council and representations received from third parties that the change of use of the land would potentially allow the erection of other development and structures to be undertaken. However, it must be noted that other development proposals would be subject to separate planning permission requirements which would be determined on their own merits. The proposed use if consented would not benefit from residential permitted development rights and so conditions removing such rights are not required. The levelling of the land may lend itself to a range of temporary uses allowed for under Permitted Development Rights which may not be appropriate in this location and so it is proposed to control these matters by use of condition. No other permitted development rights raising concerns in this regard are considered to apply. Conditions restricting the use to that proposed are considered appropriate and necessary and will effectively address the concerns being raised in this respect.

Therefore, the proposal on this basis is not considered to have a significantly adverse impact on the character appearance, visual amenity and openness of this part of the countryside and is in accordance to WCS Core Policies 51 and 57, section 15 of the NPPF (particularly para 170 (B)); and Policy13, Task 8.1, 8.4 & 8.5 of the VII of the MNP.

Loss of Agricultural Land

The NPPF expects local planning authorities to take into account the economic and other benefits of the 'best and most versatile agricultural land'. Paragraph 170(b) of the NPPF confirms that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside including the economic and other benefits of the best and most versatile agricultural land. The Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. The ALC system classifies land into five grades. The best and most versatile land is defined as Grades 1, 2 and 3a. The land related to this application is classified as Grades 4. As such, the land in question itself is considered to be of relative poor-quality with a limited site area (which does not exceed 20 hectares) in agricultural terms affected and as a result, it would not be considered reasonable to refuse the application on this basis.

Impact upon the residential amenity

Paragraph 127 of the Framework (June 2019) 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.

Concern was raised during the public consultation period regarding the impact of the proposal upon neighbour amenity. It was felt that the proposal would have a significant adverse impact upon the privacy enjoyed by neighbouring properties.

The proposed gabion wall and associated earthworks are not considered in and of themselves to adversely harm the residential amenities of surrounding properties. Whilst the proposed change of use (COU) of the land from agricultural to private amenity and recreational space could potentially allow views to the neighbouring properties from the site, the views that would be gained are not considered to be so significantly intrusive resulting in loss of privacy as to warrant the refusal of the application on this basis.

Whilst the rear boundaries of some neighbouring properties are relatively open, the redline boundary indicates there is a considerable distance between those properties and the application site. In addition, the extent and nature of the proposed use would be relatively low intensity and restricted and on balance it is not considered that the proposals would result in such loss of amenity as to warrant refusal on this basis or result in conflict with the provision of the plan or national guidance. As noted above it is proposed to control temporary use of land which may result in some disturbance by use of condition.

Impact on archaeology interest and potential

The Council's Archaeologist and representations have stated that the site is an archaeologically sensitive location and that a Roman farmstead was excavated just to the south west in advance of the construction of the adjacent Waitrose supermarket development. They observed the area which slopes down to the river has archaeological potential and given the high level of sensitivity this required assessment and evaluation prior to the determination of any application for development.

Whilst the lack of archaeological information provided in the previous application resulted in the refusal of the application, the applicant in support of this current application has now carried out a full and comprehensive archaeological assessment. This has included site investigations through trial trenching in accord with a written programme of archaeological

investigation agreed with the Council's Archaeologists. The result and findings of this investigation have been reported to the Council and assessed by Council Archaeologists. It concluded that no findings of archaeological interest were discovered. On this basis the Council's Archaeologist has withdrawn their previous objections and required no further detail or submissions to be made and as such the proposal is acceptable in this context. The previous reason for refusal is fully addressed and overcome.

Impact on County Wildlife Site

Representations received from interested third parties have raised concerns as to the ecological value and interest of the site and the harmful impact of development proposed in this respect. It was confirmed in the determination of the previous application when the Council's Ecologists were consulted that the proposed development is not considered to harm any protected species, habit or ecological interest. The red line boundary delineating the application site does not fall within or affect a County Wildlife Site (CWS). The only CWS in the locality is the River Avon and the Council's Ecologist did not raise concern or objection in respect of any likely impact or harm as a result of the development. However, the Council's Ecologist did recommend that a condition should be applied to protect existing features of the site during construction works, particularly adjacent river during construction in the event permission is granted. Such a condition is considered necessary and reasonable and is recommended below.

Impact on Flood Zones

Representations received have stated that the site is subject to flooding and noted that the proposal is located within a flood zone 2/3. As stated in the previous application, the Council's drainage officer did not object and did not seek any further information. In addition, the EA withdrew their objection following the supporting statement submitted in the previous application (confirmed with EA on the 5th of February) for the Flood Risk Assessment. However, the EA did suggest that conditions and Informatives be attached to a decision in the event permission is granted. The conditions are considered reasonable and necessary and are recommended below.

Impact on trees

Concerns have been raised by representation regarding the existing trees on-site. As noted in the determination of the previous application the Council's arboricultural officer did not object to the proposals.

Impact on Highways safety

Representations received have raised concerns regarding the suitability of the access. It should however be noted that a previous application for a revised and enhanced access to the site was made and approved under reference 19/04106/FUL. The application and the access proposals were fully assessed and considered acceptable by the Council's Highways Officers in the context of the site circumstances including connection to the A420 Malmesbury Bypass. It is not considered that there is a sound and defensible basis for refusal in this regard. In addition, no objection is raised to this proposal by Highways Officers.

10. Conclusion (The Planning Balance)

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.

The proposal site is outside but directly adjoining the defined settlement boundary of the Market Town of Malmesbury. The site is also located within the town's conservation area and it is not allocated for any form of development in the adopted development plan. There are no

specific policies in the development plan dealing with the proposed change of use of land from agriculture to private amenity/recreational space, that would prevent such development per se.

The informal recreation use proposed is low intensity private recreational and amenity use of land and not in and of itself considered to be harmful. There are no policies in the adopted development plan that would resist such uses in this type of location on the fringes of this higher order settlement. As such, it is not considered that the principle of the scheme could defensibly be refused as unacceptable and in conflict with the development plan. The proposal also results in some level of local benefits in regard to economic benefits from the construction.

Additionally, it is inappropriate to refuse applications for development solely on the basis of an assertion that the development is not required or that the ultimate intentions for the site are being concealed.

Site specific impacts in terms of visual amenity, character and appearance of the area, landscape and harm to designated heritage assets (Conservation Area) are considered to be very limited given the nature of the proposals incorporating green vegetation as external finish to the gabion wall; and given the nature and existing characteristics of the site as an open green space. The limited impacts in these respects are readily capable of mitigation through the use of conditions and it is considered unreasonable and indefensible to refuse the proposals on these grounds given this context.

With respect to impact upon residential amenities, especially in terms any overlooking concerns, the proposed red line of the development is some distance from the nearest property. In addition, the intensity of the use of the site as a private amenity space is very low and this would not result in harm to existing residential amenities that the proposal ought to be refused on this basis.

In the context of any archaeological potential on site, it considered that the comprehensive assessment undertaken and results provided to the LPA demonstrate that there are no archaeological findings and as such the proposal is acceptable on this basis.

Furthermore, it is considered that the proposal would not result in harm to any wildlife or increase the risk of flooding and respectively, both the ecologist and EA did not object to the scheme subject to conditions attached in the instance permission is granted.

The Council's Arboricultural officer has raised no objection to this proposal.

Regarding impact to the highway network, previous submissions for an access to the site have been made and assessed and considered acceptable by the Council's Highways officers in the context of the site circumstances. Consent has been issued.

As such it is considered that the proposal is acceptable in planning terms and in accordance with the provisions of CP57 (i), (ii) (iv) & CP58 of the WCS; Policy 13, tasks 6.1, 8.1, 8.5 & 8.6 of VII of the MNP and para 127, 189, 190, 192, 193, 194, 195, 196, 197, 200 and sections 12, 15 & 16 of the Framework and in addition section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990; Malmesbury Conservation Area Management Plan; and BS7913 Guide to the conservation of historic buildings.

11. Recommendation

Approve 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: 733/BLa (proposed location and block plan), BDS -09-19 REV C (Topographic survey), 733/01a (proposed gabion wall) and 733/02a (proposed section of gabion wall) [Received on the 15th of June 2020]

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

3 Prior to the development hereby permitted being first brought into use a scheme of soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials relating to the gabion wall hereby approved.

The development shall not be brought into use until such time as approved landscaping scheme has been carried out in accordance with the details approved under this condition.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

4 Prior to the development hereby permitted being first brought into use details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall not be brought into use until such time as the earthworks have been carried out in accordance with the details approved under this condition.

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

5 The development hereby permitted shall only be used for the private recreational space/private amenity for family and friends and shall at no time be used for any commercial purpose whatsoever.

REASON: In the interests of highway safety and/or to protect the living conditions of nearby residents.

6 A Construction Environmental Management Plan detailing how the existing ecological features of the site, particularly adjacent river will be protected during works as well as a detailed prior before the development.

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 order to protect existing features on and adjacent to the river Avon.

7 A Landscape Ecological Management Plan with details of how the site will be managed in the longer term should be provided prior before the development.

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 order to protect existing features on and adjacent to the river Avon.

8 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment statement by the applicant and drawings BDS-09-19C, T33/03, BDS-09-19b and along with the following mitigation measures detailed within the FRA: No raising of ground levels in the identified flood zones. No planting within 10m of the watercourse and maintaining a clear and unobstructed access to the river and flood alleviation scheme.

REASON: To prevent the development from impacting on flood risk in accordance with National Planning Policy.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 4, Class B shall take place on the land hereby permitted or within their curtilage.

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

INFORMATIVE TO APPLICANTS

This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Please contact Blandford.frap@environment-agency.gov.uk with details of permitted works with details of permitted works and state your planning application reference.

INFORMATIVE TO APPLICANTS

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

INFORMATIVE TO APPLICANTS

Biosecurity measures may be required to minimise the spread of non-native invasive species. These may consist of drying and disinfection procedures, a comprehensive visual check of equipment, materials, machines and PPE arriving and leaving the site. Control measures may also be required including herbicide treatment. Bio-security precautions should be undertaken when working on sites with water bodies on them. The applicant can view some general advice through the following link: [Bio-security](#)

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

INFORMATIVE TO APPLICANT:

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

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

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

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

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	3 February 2021
Application Number	20/08777/FUL
Site Address	31 The Close Lydiard Millicent SN5 3NJ
Proposal	Proposed detached garage.
Applicant	Mr D Harden
Town/Parish Council	LYDIARD MILLICENT
Electoral Division	Royal Wootton Bassett East
Grid Ref	409617 185854
Type of application	Full Planning
Case Officer	Eleanor Slack

Reason for the application being considered by Committee

The application was called into Committee by Councillor Groom to consider the scale of the development, the visual impact upon the surrounding area, the relationship to adjoining properties, the design – bulk, height and general appearance, the environmental/highway impact including whether it creates a safety hazard and the car parking use.

1. Purpose of Report

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

2. Report Summary

The key issues in considering the application are as follows:

- Principle of development
- Impact on the character of the area
- Impact on neighbour amenity
- Parking/highways
- Impact on drainage

As a result of the consultation exercise, nine letters of objection were received across two consultation periods. The Parish Council also raised a number of concerns regarding the application.

3. Site Description

The application relates to no. 31 The Close, which is an existing residential dwelling in Lydiard Millicent. Lydiard Millicent is defined by the Wiltshire Core Strategy as a small village which does not have a settlement boundary. The proposed garage would be constructed to the north west of no. 31 on an area which is currently being used as a domestic garden. The site is situated within a contemporary housing development and it is surrounded by residential dwellings on all sides.

The site is at medium risk of ground water flooding and parts of the adjacent highway are at risk of surface water flooding. The site is not subject to any other site-specific constraints.

4. Planning History

N/10/03469/FUL - Erection of Single Storey Rear Extension (approved)

5. The Proposal

The application originally sought permission for the construction of a detached garage measuring 5 metres in height to ridge and 2.6 metres to eaves. It was a double garage measuring 6 metres by 6 metres and it was proposed to construct it in the north western most corner of the plot, adjacent to the boundary line with no. 32. The garage would have been clad in stone to match the surrounding buildings under a composite metal tile roof.

Following concerns raised, revised plans were submitted. The height of the garage was reduced to 4.2 metres to ridge and 2.3 metres to eaves. The proposal was also pulled away from the boundary line with no. 32 and the revised proposal is situated within the north eastern most corner of the site. A revised block plan was provided which clarified the extent of new hardstanding proposed, as well as the orientation of the garage and its access point. Finally, the proposed materials were amended, and the garage would now be constructed of stone cladding with interlocking tiles to match the existing dwelling.

6. Local Planning Policy

Wiltshire Core Strategy (2015)

Core Policy 1 (Settlement Strategy)

Core Policy 2 (Delivery Strategy)

Core Policy 19 (Royal Wootton Bassett and Cricklade Community Area),

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

Core Policy 60 (Sustainable transport),

Core Policy 62 (Development Impacts on the Transport Network)

Core Policy 64 (Demand management)

Core Policy 67 (Flood Risk)

North Wiltshire Local Plan (2011)

NE18 (Noise and Pollution)

Emerging Lydiard Millicent Neighbourhood Plan

LM1 (Managing Design in Lydiard Millicent)

National Planning Policy Framework 2019:

Sections 2, 4, 9, 12, 14 including paragraphs 8, 11, 12, 38, 47, 48, 109, 127 and 130

7. Summary of consultation responses

Lydiard Millicent Parish Council

Objection raised. The Parish Council considered that the proposed garage constituted over-development in this area. They noted that the building would be very close to the pathway, and they considered that this would restrict visibility for both vehicles and pedestrians.

Highways

Although the Highways Officer initially raised concerns regarding the proposal, following the submission of revised plans confirming the orientation of the proposed garage, the Highways Officer raised no objection to the proposal. They were satisfied that the orientation of the garage as shown on the plans was a satisfactory arrangement and that it would not compromise highway safety or pedestrian safety.

8. Summary of representations received

First consultation period

Five letters of objection were received during the first consultation period. The main points raised were as follows:

- Highway and pedestrian safety concerns.
- The garage would block the view of the footpath and highway for drivers leaving the adjacent driveway and would create a safety hazard.
- The design and materials proposed would be out of keeping with other structures on the estate.
- There are no detached garages within the neighbourhood.
- Loss of light and overshadowing
- Noise and disruption as it is believed that a car lift will be fitted.
- Light pollution
- Due to proximity to the road, its proposed height and depth, the garage would be imposing.

Second consultation period

Four letters of objection were received during the second consultation period. The main points raised were as follows:

- Highway and pedestrian safety concerns.
- The garage would block the view of the footpath and highway for drivers leaving the adjacent driveway and would create a safety hazard.
- There are no detached garages in the area
- The garage would be imposing and would impact the character and appearance of the original dwelling and surrounding area.
- The proposed materials (metal tiles) would not be in-keeping with the surroundings.

9. Publicity

The publicity for the application was by way of neighbour notification letters. A second public consultation took place following the receipt of revised plans and this was advertised by way of neighbour notification letters.

10. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (Adopted January 2015) and the 'saved' policies of the North Wiltshire Local Plan 2011 (adopted June 2006).

The policies contained within the Lydiard Millicent Neighbourhood Plan are also material considerations. Although the referendum for the Neighbourhood Plan was due to take place in spring 2020, this was postponed due to the Covid-19 pandemic. However as the plan is at an advanced stage it can be afforded substantial weight in the determination of this application in accordance with paragraph 48 of the National Planning Policy Framework.

Principle of development

The Agent confirmed in writing that the proposed garage would be used to store the Applicant's collection of classic cars. Whilst it was initially proposed to install a car lift within the building, the Agent subsequently confirmed that this was no longer proposed and that a car lift would not be installed.

The construction of a domestic garage within an existing residential garden would not conflict with any of the policies contained within the development plan and is therefore acceptable in principle. However, given the detached nature of the proposed garage it would be reasonable to add a condition to any permission given to control its use and require that it is only used for purposes which are ancillary to the residential use of the host dwelling. This would provide clarity regarding the scope of any permission and would clarify that planning permission would be required to use the garage for any other purpose.

Impact on the character of the area

Core Policy 57 of the Wiltshire Core Strategy requires that development respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass and scale to effectively integrate the building into its setting. It states that development should take account of the characteristics of the site and the local context to deliver development which relates effectively to the character of the area. These requirements are also reflected by policy LM1 of the Neighbourhood Plan which requires that development proposals enhance the distinctiveness of the village.

The original plans sought permission for a garage measuring 6 metres by 6 metres and with an eaves height of 2.6 metres and an overall ridge height of 5 metres. It was proposed to clad the building in stone to match the surrounding built form, under a composite tile metal roof tiles.

Concerns were raised during the public consultation period that by virtue of its design and materials, the proposal was not in-keeping with the character of the area. Following receipt of these comments, revised plans were submitted showing amended materials and a reduction in the overall scale of the garage. The revised plans show that the revised garage would have an eaves height of 2.3 metres and an overall ridge height of 4.2 metres. Stone cladding and interlocking tiles to match the existing dwelling are now proposed.

It is considered that the revised scheme represents a significant improvement, and that the proposal would now be in-keeping with the surrounding built form. Although there is some uniformity in the surrounding built form in terms of design character and materials used there is also significant diversity in terms of plot size, building size, building line and layout. There are some examples of detached garages within the wider area and given the context described above the revised proposal is considered to be in-keeping with the surrounding built form.

The proposed block plan indicates that the existing hedge along the north-eastern boundary would be removed and that replacement landscaping would be implemented. As the block plan is somewhat vague about the replacement landscaping proposed, it would be reasonable to require additional information in this respect by way of condition. This would help to ensure that the proposed development has an appropriate appearance.

Impact on neighbour amenity

Concern was raised during the public consultation period that the proposal would result in overshadowing, that it would cause light pollution and that it would cause noise and disruption. Core Policy 57 of the Wiltshire Core Strategy requires that development should have regard to its impact on the amenity of existing occupants, including the consideration of privacy, overshadowing, vibration and pollution.

With respect to overshadowing, it is noted that the proposed garage would be approximately 3.4 metres away from the boundary line with no. 32, a dwelling which is located to the south west of the site. The block plan indicates that the proposed garage would be approximately 14.2 metres from the main rear elevation of this neighbour, however from the case officer's site visit it is apparent that no. 32 benefits from a single storey extension which has not been shown on the block plan. It is accepted that the proposed garage would be clearly visible

from the surrounding properties, including no. 32, however it does not follow that because the proposal would be visible, that it would also be harmful. In this case, due to the separation distances described above, the scale of the proposed garage and the orientation of the site in relation to no. 32, it is considered that the proposal would not give rise to such significant overshadowing that the application could reasonably be refused and defended at appeal on this basis. Any overshadowing caused would be within an acceptable limit, particularly when considered in light of the relatively dense urban grain in the area within which the site is located.

At its closest point, the proposed garage would be located approximately 12 metres from the neighbours to the north. The proposal would be separated from these neighbours by the highway. Given this context, separation distance and the scale of the proposal, it is considered that any overshadowing would be confined to the adjacent highway and would not significantly affect the neighbours to the north. It is considered that any overshadowing caused to these neighbours would be within an acceptable limit. The proposed garage would not overshadow any other neighbouring property.

It is also important to consider whether the proposal would appear as an overbearing or unneighbourly addition for any of the surrounding occupiers. As outlined above, the proposed garage would be approximately 3.4 metres from the boundary line with no. 32. The closest point of the garage to this boundary line would be its eaves. The garage would measure only 2.3 metres in height to the eaves, and therefore it would only be marginally taller than a standard domestic fence. The apex of the roof would be approximately 6.7 metres from the boundary line with no. 32 and due to these factors, most of the development which would be visible from this neighbour would be the expanse of its roof. Given the separation distances described above, the orientation of the garage and its relatively modest overall height; the proposal would not appear as an overbearing or unneighbourly addition for any of the surrounding neighbours including no. 32. Moreover, given the proposed use of the garage as well as the position of the proposed roof lights, it is considered that the garage would not erode the privacy enjoyed by the neighbouring properties.

Whilst the concerns raised regarding light pollution are appreciated, the plans do not indicate that any external lighting is proposed. However, in order to control this matter, it would be reasonable to apply a condition to restrict the erection of external lighting. It is accepted that the interior of the building may be lit, however this lighting is only likely to be of a domestic intensity and due to the orientation of the proposed garage when the garage doors are open any light would shine out towards the host dwelling rather than towards the surrounding neighbours.

As outlined above, the Applicant intends to store their classic cars within the garage. The use of the proposed building for this purpose is not likely to involve a significant degree or noise or disturbance for the neighbouring properties.

Due to the nature and scale of the proposal, the construction phase is not likely to be particularly noisy or lengthy and it would not therefore be reasonable to require the submission of a construction method statement or a construction and environmental plan. However, an informative can be added to recommend that the applicant adhere to the UK Constructors Group Good Neighbour Site Guide during the construction of the development

Parking/highways

Concerns were raised during the public consultation period that the proposal could cause harm to both highway and pedestrian safety. It was felt that the garage would block the view of the footpath and highway for drivers leaving the adjacent driveway, which would create a safety hazard.

The Highways Officer reviewed the proposal and raised no objection following scheme revisions. They advised that the visibility along the frontage of the proposal site would be adequate and that there would be sufficient space for turning. They acknowledged the presence of the adjacent private access and were satisfied that the garage would be set back a sufficient distance so that a minimum standard (manual for streets) of 2 metres by 2 metres pedestrian visibility could be achieved to either side of the access along The Close. They advised that when compared to the existing arrangement and given that the existing hedge would be removed, users of this adjacent access would see an improvement in visibility. On this basis the proposal is considered to be acceptable.

Impact on drainage

Although the application has not been accompanied by any drainage details, any necessary drainage provision will be addressed through approval of Building Regulations. Given the relatively low level of flood risk on the site it would not be reasonable or necessary to require the submission of additional information in this respect in support of the application.

11. Conclusion (The Planning Balance)

The development is acceptable on its planning merits. The proposal is acceptable in principle given its compliance with current planning policy including Core Policies 57, 60, 62, 64 and 67 of the Wiltshire Core Strategy in addition to policy LM1 of the emerging Neighbourhood Plan. The proposal would be in-keeping with the character and appearance of the locality and its appearance can be appropriately controlled by condition. The proposal would not cause any harm to the amenity enjoyed by neighbouring properties and it would have an acceptable impact upon highway and pedestrian safety. As such it is recommended that planning permission be granted subject to the following conditions.

RECOMMENDATION: grant permission subject to the following conditions:

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

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

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

Site location plan

Received 09/10/2020

2079.1 Rev C - Proposed floor plans and elevations

Proposed Block plan

Received 22/12/2020

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

- 3 The garage hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the main dwelling, known as 31 The Close and it shall remain within the same planning unit as the main dwelling.

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

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

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- means of enclosure;
- all hard and soft surfacing materials;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 5 No external lighting shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light GN01:2020", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

- 6 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.

7 INFORMATIVE TO APPLICANT:

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

8 INFORMATIVE TO APPLICANT:

The applicant 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.

9 INFORMATIVE TO APPLICANT:

The Council recommends that the applicant notes and implements the recommendations of the UK Constructors Group Good Neighbour Site Guide during the construction of the development hereby approved.

10 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.

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