

AGENDA

Meeting: Western Area Planning Committee

Place: [Access the meeting online here](#)

Date: Wednesday 28 October 2020

Time: 3.00 pm

Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504504 or email kieran.elliott@wiltshire.gov.uk

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

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Membership:

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

Substitutes:

Cllr Kevin Daley	Cllr Jim Lynch
Cllr David Halik	Cllr Steve Oldrieve
Cllr Russell Hawker	Cllr Toby Sturgis
Cllr Jon Hubbard	Cllr Ian Thorn
Cllr George Jeans	Cllr Philip Whitehead
Cllr Gordon King	Cllr Graham Wright

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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 - 24*)

To approve and sign as a correct record the minutes of the meeting held on 19 August 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 to 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](#)

[Access the online meeting here](#)

Statements

Members of the public who wish to submit a statement in relation to an item on this agenda should submit this in writing to the officer named on this agenda no later than 5pm on 23 October 2020.

Submitted statements should:

- State whom the statement is from (including if representing another person or organisation);
- State clearly whether the statement is in objection to or support of the application;
- Be readable aloud in approximately three minutes (for members of the public and statutory consultees) and in four 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.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions electronically to the officer named on the front of this agenda no later than 5pm on 21 October 2020 in order to be guaranteed of a written response.

In order to receive a verbal response questions must be submitted no later than 5pm on 23 October 2020.

Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent. Details of any questions received will be circulated to members prior to the meeting and made available at the meeting and on the Council's website. Questions and answers will normally be taken as read at the meeting.

6 Planning Appeals and Updates (Pages 25 - 26)

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

7 Planning Applications

To consider the following planning applications.

7a 20/02178/FUL: Land Adjoining Hatch House, Up Street, Upton Lovell, BA12 0JP (Pages 27 - 40)

Change of use from agricultural land to a dog exercise area with the retention of small paddock for agricultural use following expiry of the 2-year temporary permission granted under 18/01841/FUL

7b 19/07647/REM: Land North West of Boreham Mill, Bishopstrow Road, Warminster, Wiltshire (Pages 41 - 68)

Reserved matters application for: layout, scale, appearance and landscaping pursuant to outline permission 13/06782/OUT

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

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

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 19 AUGUST 2020 AT ONLINE MEETING.

Present:

Cllr Jonathon Seed (Vice-Chairman, in the Chair), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Pip Ridout, Cllr Suzanne Wickham and Cllr David Halik (Substitute)

115 **Apologies**

An apology for absence was received from Councillor Christopher Newbury, who was substituted by Councillor David Halik.

In the absence of the Chairman, Councillor Jonathon Seed as Vice-Chairman, chaired the meeting.

116 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 22 July 2020 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 22 July 2020.

117 **Declarations of Interest**

Councillor Jonathon Seed declared a non-pecuniary interest for application 20/01681/FUL – Land Adjacent Brickfield Farm House, Stokes Marsh, Coulston - as he knew both the applicant and objectors for application.

118 **Chairman's Announcements**

The Chairman noted that in the event of technical difficulties the meeting would be adjourned or rescheduled if unable to be resumed.

119 **Public Participation**

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

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

120 **Planning Appeals and Updates**

Resolved:

To Committee note the contents of the Planning Appeals Update.

121 **Planning Applications**

The Committee considered the following applications:

122 **20/01219/FUL and 20/02055/LBC - Manvers House, Bradford on Avon**

Public Participation

Mr Richard Sparks, on behalf of the neighbourhood group residing in Kingston Road, Mill Lane and Silver Street, spoke in objection to the application.

Leigh Denis, on behalf of Nash Partnership, spoke in support of the application.

Robert Moore, on behalf of the building owner, The Osborne Group, spoke in support of the application.

Natasha Bray, on behalf of Dan Tapscott at the Neighbourly Matters department at Rapleys property consultants, spoke in support of the application.

Steven Sims, Senior Planning Officer, introduced a report which recommended approving the application, subject to conditions, for alterations and extensions to existing office building including erection of mansard storey on north wing to accommodate additional B1 office floor space and the change of use of central building and southern wing from B1 offices to form 2 dwellings (C3).

The application had been deferred at the 22 July 2020 Western Area Planning Committee to enable the Councillors to attend a site visit which took place on the morning of 19 August 2020.

Three late representations had been received, including: a daylight and sunlight report submitted by the applicant, an additional letter of objection from neighbouring residents and an additional letter of representation from a company advising that they were no longer looking to lease Manvers House.

Key issues highlighted included: principle of development, impact on the setting of the listed building/conservation area/adjacent listed buildings, impact on the living conditions of adjacent residents, highway issues/parking and other issues.

Members of the Committee had the opportunity to ask technical questions of the officer. Reference was made to the daylight and sunlight report submitted by the applicant which stated 1-2 Kingston Road was commercial; officers acknowledged that it was in fact residential. Other points of focus were the mansard roof element and its relation to the stairway as detailed in the report.

Officers noted the planning condition of installing obscurely glazed windows in the south-east facing second floor.

Members of the public, as detailed above, had the opportunity to present their views to the Committee

The meeting was adjourned from 15:37pm to 15:42pm due to technical difficulties. The meeting resumed and confirmed all members present were in attendance

The local Unitary Member Councillor Sarah Gibson spoke in support of the application, with the key points focussing on the positive impacts associated with the conversion of the property. Councillor Gibson raised concerns of the application, specifically surrounding the sunlight and daylight report's findings and the impact on neighbouring residents' privacy with the height of the proposed second storey.

A motion to defer the application to allow the applicant time to consider and consult upon extending the mansard roof towards the stairwell was moved by Councillor Sarah Gibson.

The motion of deferral fell.

Councillor Gibson then proposed a series of conditions if the application were to be approved. Councillor David Halik moved to approve the application, subject to said additional conditions, seconded by Councillor Peter Fuller.

The additional conditions related to the proposed outdoor planters to ensure they were maintained in good condition in perpetuity and not to be removed, and to ensure the windows on the mansard roof and onto the stairwell are non-openable in addition to being obscurely glazed.

In the debate that ensued, members discussed concerns surrounding ventilation, fire safety and maintenance of the planters. It was suggested that the window associated with the planters should have a key system that is used for maintenance purposes only.

Following the debate, the Committee voted on the approval of the application in accordance with officer recommendations with the additional conditions as detailed.

During the vote each member confirmed they had been able to hear and where possible, see all relevant materials.

Therefore, it was,

Resolved

To approve the planning application 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:

**19044_NP-XX-XX-DR-A-1001-C Location Plan
19044_NP-XX-XX-DR-A-1002-D Existing Site Plan
19044_NP-XX-00-DR-A-1003-B Existing Ground Floor Plan
19044_NP-XX-01-DR-A-1004-B Existing First Floor Plan
19044_NP-XX-02-DR-A-1005-B Existing Second Floor Plan
19044_NP-01-00-DR-A-1006-B North Wing Existing Ground Floor Plan
19044_NP-01-01-DR-A-1007-B North Wing Existing First Floor Plan
19044_NP-01-02-DR-A-1008-B North Wing Existing Roof Plan
19044_NP-02-00-DR-A-1009-B Main House Existing Ground Floor Plan
19044_NP-02-01-DR-A-1010-B Main House Existing First Floor Plan
19044_NP-02-02-DR-A-1011-B Main House Existing Second Floor Plan
19044_NP-03-00-DR-A-1012-B South Wing Existing and Proposed Ground Floor Plan
19044_NP-03-01-DR-A-1013-B South Wing Existing and Proposed First Floor Plan
19044_NP-01-00-DR-A-1016-B North Wing Proposed Ground Floor Plan
19044_NP-01-01-DR-A-1017-B North Wing Proposed First Floor Plan
19044_NP-XX-00-DR-A-1018-C North Wing Proposed Second Floor Plan
19044_NP-02-00-DR-A-1019-B Main House Proposed Ground Floor Plan
19044_NP-02-01-DR-A-1020-B Main House Proposed First Floor Plan
19044_NP-02-02-DR-A-1021-B Main House Proposed Second Floor Plan
19044_NP-XX-XX-DR-A-1022-E Proposed Site Plan
19044_NP-XX-00-DR-A-1023-B Proposed Ground Floor Plan
19044_NP-XX-01-DR-A-1024-B Proposed First Floor Plan
19044_NP-XX-02-DR-A-1025-C Proposed Second Floor Plan
19044_NP-XX-XX-DR-A-2001-B Existing and Proposed Street Elevation
19044_NP-XX-XX-DR-A-2002-D Existing SE Elevation
19044_NP-XX-XX-DR-A-2003-D Existing-Proposed Rear Elevation
19044_NP-XX-XX-DR-A-3001-A Existing Section A-A
19044_NP-XX-XX-DR-A-3002-B Existing and Proposed Sections B-B, C-C and D-D
19044_NP-XX-XX-DR-A-3021-C Proposed Section A-A
19044_NP-XX-XX-DR-A-4001-B Door Architraves and Skirtings Detail
19044_NP-XX-XX-DR-A-4004-B French Door Detail
19044_NP-XX-XX-DR-A-4005-A Rooflight Detail
19044_T05_001_A_Door Schedule**

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

3. 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;**
- **details of methods to protect the tree subject to a TPO located to the rear of 6 Mill Lane during construction works. These methods shall be in accordance with British Standard 5837 (2012): “Trees in Relation to Design, Demolition and Construction -Recommendations” and shall be maintained for the duration of the works;**
- **means of enclosure;**
- **all hard and soft surfacing materials;**
- **minor artefacts and structures (e.g. bin stores, cycle shelters, furniture, play equipment, refuse and other storage units, signs, lighting etc).**

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, protection of existing important landscape features, in the interests of the character and appearance of the Conservation Area and preserving the character and appearance of the listed building.

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. Before the development hereby permitted is first occupied the windows in the northeast and southeast elevations of the new second floor mansard roof serving the WC and stairway and the eastern most

northeast facing window of the new mansard roof serving the new office space and the windows in the north elevation serving the en-suite and bathroom at first floor level of the Main House shall be glazed with obscure glass only [to an obscurity level of no less than level 4] and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

6. No part of the development hereby approved shall be occupied until the parking area shown on the approved plans (Dwg No. 1022 rev E) has been consolidated, surfaced and laid out in accordance with the approved details. The parking area shall provide two parking spaces to be allocated to the new 6-bed dwelling, one space for the new 3-bed maisonette and 7 spaces for the office use. Thereafter, the parking area shall be maintained and remain only available for such use in perpetuity.

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

7. No part of the office development shall be occupied until the cycle parking facilities shown on the approved plans (Dwg No. 1022 rev E) have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

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

8. No part of the office development shall be occupied until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring with the results being made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

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

9. The planters detailed in drawing no. 1018 rev C to the new second floor north wing extension shall remain and shall be maintained in good condition in perpetuity.

REASON: In the interests of the visual amenity of the area.

10. The dormer window on the northeast elevation to the new second floor north wing extension adjacent and directly to the northwest of the WC and the new windows on the southeast elevation to the new second floor north wing extension shall be nonopenable (except for the dormer window which shall be openable for maintenance purposes only).

REASON: In the interests of the amenity of neighbouring residents

Informatives

1. 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

2. The applicant is advised to make contact with Wessex Water to ensure the site is served by appropriate water and foul water connections.

Following which, a motion to approve the Listed Building Consent was moved by Councillor Trevor Carbin and seconded by Councillor Pip Ridout. During the vote each member confirmed they had been able to hear and where possible, see all relevant materials.

Therefore, it was:

Resolved

To approve the Listed Building Consent, subject to the following conditions:

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

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

19044_NP-XX-XX-DR-A-1001-C Location Plan
 19044_NP-XX-XX-DR-A-1002-D Existing Site Plan
 19044_NP-XX-00-DR-A-1003-B Existing Ground Floor Plan
 19044_NP-XX-01-DR-A-1004-B Existing First Floor Plan
 19044_NP-XX-02-DR-A-1005-B Existing Second Floor Plan
 19044_NP-01-00-DR-A-1006-B North Wing Existing Ground Floor Plan
 19044_NP-01-01-DR-A-1007-B North Wing Existing First Floor Plan
 19044_NP-01-02-DR-A-1008-B North Wing Existing Roof Plan
 19044_NP-02-00-DR-A-1009-B Main House Existing Ground Floor Plan
 19044_NP-02-01-DR-A-1010-B Main House Existing First Floor Plan
 19044_NP-02-02-DR-A-1011-B Main House Existing Second Floor Plan
 19044_NP-03-00-DR-A-1012-B South Wing Existing and Proposed Ground Floor Plan
 19044_NP-03-01-DR-A-1013-B South Wing Existing and Proposed First Floor Plan
 19044_NP-01-00-DR-A-1016-B North Wing Proposed Ground Floor Plan
 19044_NP-01-01-DR-A-1017-B North Wing Proposed First Floor Plan
 19044_NP-XX-00-DR-A-1018-C North Wing Proposed Second Floor Plan
 19044_NP-02-00-DR-A-1019-B Main House Proposed Ground Floor Plan
 19044_NP-02-01-DR-A-1020-B Main House Proposed First Floor Plan
 19044_NP-02-02-DR-A-1021-B Main House Proposed Second Floor Plan
 19044_NP-XX-XX-DR-A-1022-E Proposed Site Plan
 19044_NP-XX-00-DR-A-1023-B Proposed Ground Floor Plan
 19044_NP-XX-01-DR-A-1024-B Proposed First Floor Plan
 19044_NP-XX-02-DR-A-1025-C Proposed Second Floor Plan
 19044_NP-XX-XX-DR-A-2001-B Existing and Proposed Street Elevation
 19044_NP-XX-XX-DR-A-2002-D Existing SE Elevation
 19044_NP-XX-XX-DR-A-2003-D Existing-Proposed Rear Elevation
 19044_NP-XX-XX-DR-A-3001-A Existing Section A-A
 19044_NP-XX-XX-DR-A-3002-B Existing and Proposed Sections B-B, C-C and D-D
 19044_NP-XX-XX-DR-A-3021-C Proposed Section A-A
 19044_NP-XX-XX-DR-A-4001-B Door Architraves and Skirtings Detail
 19044_NP-XX-XX-DR-A-4004-B French Door Detail
 19044_NP-XX-XX-DR-A-4005-A Rooflight Detail
 19044_T05_001_A_Door Schedule

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

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

- **Samples of external materials**
- **Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;**

- Large scale details of all internal joinery (1:5 elevation, 1:2 section);
- Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- Details of all new or replacement rainwater goods

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

123 **19/02719/OUT - Steeple Ashton Kennels And Cattery Edington Road, Steeple Ashton**

Public Participation

Mark Pettit, agent to the applicant, spoke in support of the application.

David Cox, Senior Planning Officer, introduced a report which recommended the refusal of the planning application for the demolition of existing buildings/structures, and residential development (Class C3) of up to 9 no. dwellings; with associated car parking, turning, landscaping, private amenity space, access arrangements, and provision of footway - External access not reserved (Re-submission of Application No 18/07416/OUT).

Mike Wilmott, Head of Development Management, along with David Cox discussed issues surrounding the lack of a five-year housing land supply, the Ecological Parameters Plan, and the distance and isolation between the application site and village of Steeple Ashton.

Key issues highlighted included: the principle of the development; meeting Wiltshire's housing needs; highway safety and parking; impacts on landscape, ecology, designated heritage assets; drainage matters; and s106/CIL contributions.

Members of the Committee had the opportunity to ask technical questions to the officer. The main points of focus included: local village facilities such as the frequency of bus services, local schools and the community shop; drainage concerns; and if the proposed footpath would be lit.

Officers noted: that as per the drainage report, the site would contain septic tanks and any surface water would be dealt with soakways; there are approximately five daily bus services that stop in the main village; and that the proposed footpath would not be lit as the existing path is not, due to the site being a known bat route which officers sought to protect.

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

Local Unitary Member, Councillor Jonathon Seed, spoke in support of the application and made reference to the non-objection to the principle from the Parish Council, and the minimal changes to the landscape.

Members then debated their concerns in regard to the conflict with the development plan policies, the distance and separation between the application site and the village, and the lack of a five-year housing land supply.

Councillor Ernie Clark moved to refuse the application in line with officer recommendations, which Councillor Pip Ridout seconded.

In the ensuing debate, points raised included: the merits of the size and nature of the development, the concerns regarding prior noise complaints and the location being well beyond the limits of the village. During the vote each member confirmed they had been able to hear and where possible, see all relevant materials.

Following the debate, it was:

Resolved

That application 19/02719/OUT be refused, in line with officer recommendations, for the following reasons:

The application site is located in the open countryside outside of the established village limits for Steeple Ashton as defined by the adopted Wiltshire Core Strategy. The proposal does not satisfy any of the Council's adopted exemption policies and thus conflicts with the Council's plan-led approach to the delivery of new housing sites outside of the identified limits of development, as set out by Core Policy 2 of the Wiltshire Core Strategy. The proposal would therefore be contrary to Core Policies 1, 2, 15, 60 and 61 of the Wiltshire Core Strategy and would conflict with NPPF paragraph 79 which sets out the adopted approach to directing new housing growth to sustainable locations.

124 20/04037/FUL - 17 Blenheim Park, Bowerhill

Public Participation

A statement in support of the application from Chris Hulance (agent and designer for the applicant) was read out by a Democratic Services Officer.

Mike Wilmott, Head of Development Management, introduced a report which recommended approving the application, subject to conditions, for the demolition of an existing garage to erect a dwelling.

Key issues highlighted included: the principle of development; biodiversity matters; and design, highway and neighbouring impacts.

Members of the Committee had the opportunity to ask technical questions to the officer. The main points of focus included: internal layout plans, specifically surrounding the positioning of the existing chimney; and similar renovations in the immediate area.

Officers responded to the questions and referred to the pictures and layout plans included in the report.

Councillor David Halik moved to approve the application, subject to the conditions set out as per the officer recommendations, which Councillor Stewart Palmen seconded.

Members spoke of the amount of similar properties and developments in the local area and the minimal impact on the immediate neighbours but raised slight concerns as to the relatively small size of the property. During the vote each member confirmed they had been able to hear and where possible, see all relevant materials.

Following debate, it was,

Resolved

To approve the application subject to the following conditions:

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

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

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

Location Plan, Existing Site Plan, Block Plan, Existing and Proposed side elevations, existing front and rear elevations, proposed front and rear elevations, existing floor plans, proposed floor plans - Received 15th May 2020:

Revised Proposed Site Layout (BP 00351 R) received 3rd July 2020

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

- 3. No development hereby approved shall commence on site, except for ground investigation work and any necessary site remediation, until infiltration testing and soakaway design details in accordance**

with Wiltshire Council's Surface Water Soakaway Guidance have been undertaken and submitted to the Council for its written approval to verify that soakaways would be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and be installed prior to the occupation of the development. The development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to ensure that the development can be adequately drained without increasing flood risk to others.

4. No development hereby approved shall commence beyond slab level until 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 to be retained and new plant species, supply and planting sizes and planting densities;
 - * all soft surfacing materials; and
 - * biodiversity improvements

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 biodiversity improvements.

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

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

- 6. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the material, colour and texture of those used in the existing building at No. 17 Blenheim Park.**

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

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

REASON: In the interests of highway safety.

- 8. The development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.**

REASON: In the interests of highway safety.

Informatives

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

In order to discharge condition 3, the following information would need to be submitted:

" A clearly labelled drainage layout plan showing the pipe networks and any links into the soakaway.

" Evidence that the surface water drainage system is designed in accordance with national and local policy and guidance, specifically CIRIA C753 (The SuDS Manual), the Non-statutory Technical Standards for SuDS and Wiltshire Council's Surface Water Soakaway Guidance

" Measures to prevent pollution of the receiving groundwater and/or surface waters.

" Drawings showing conveyance routes for flows exceeding the 1 in 100 year plus climate change rainfall event that minimise the risk to people and property;

" The proposed ownership details of the drainage infrastructure;

" The maintenance programme and ongoing maintenance responsibilities of the drainage infrastructure

" Geotechnical factual and interpretive reports, including infiltration tests in accordance with British Research Establishment (BRE) Digest 365 - Soakaway Design.

The applicant should follow the advice and guidance provided by Wessex Water as contained within their letter dated 15 July 2020 with reference to: WW/NC/4272.

125 **20/01681/FUL - Land Adjacent Brickfield Farm House, Stokes Marsh, Coulston**

Public Participation

Stephen Lawton spoke in objection to the application.

A statement in objection of the application from Tim Johnson, was read out by a Democratic Services Officer.

Lieutenant Colonel Paul Snodgrass, applicant, spoke in support of the application.

Christine Vize, on behalf of Coulston Parish Council, spoke in objection to the application.

Verity Giles-Franklin, Senior Planning Officer, introduced a report which recommended approving the application, subject to conditions, for the change of the use of agricultural land to mixed use equestrian and agricultural use, and construction of a barn with associated access track, hardstanding, turnout area, manure clamp, and the creation of a landscaped bund. It was noted that the

proposed barn would house either five calves or ten sheep along with three horses, with the appropriate bedding and equipment included.

Key issues highlighted included: the principle of development and partial change of use; the impact on the area's character and neighbouring amenity; and highway safety.

Members of the Committee had the opportunity to ask technical questions to the officer. The main point of focus included concerns surrounding the amount of livestock proposed for the application site. Officers clarified that the application site for the barn and equestrian developments was one-acre, but the entire area owned by the applicant that encompassed the holding was far bigger and fit for purpose for the amount of livestock proposed.

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

Local Unitary Member, Councillor Suzanne Wickham, spoke in objection of the application. Concerns were raised in regard to the consultation period and was felt to have not included all members of the community. Reference was made to a number of different plots of land for sale in the area which highlighted concerns of a cumulative issue of similar developments. The rural character of the area and the single-track lane in regard to the potential increase in the volume and movement of farm vehicles was emphasised. It was suggested that the site of the building, if approved, should move and a new access point created.

Officers stated that the creation of a new access point would exacerbate visibility and spatial issues which the existing access point did not share. It was clarified that the applicant would not have needed to apply for planning permission if the site were not to be used for equestrian purposes and that these purposes along with the barn, as conditioned, were for private use only.

At the beginning of the debate Councillor Trevor Carbin moved to approve the application as per officer recommendations and attached conditions, which Councillor Stewart Palmen seconded. Members discussed the traffic concerns and sought clarification from officers surrounding the Council's policies related to subsequent applications, such as developing residential dwellings on the site. During the vote each member confirmed they had been able to hear and where possible, see all relevant materials.

Following the debate, it was:

Resolved

That application 20/01681/FUL be approved in line with officer recommendations, 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:

Drawings Nos: P1, Location Plan; P2 E, Block Plan E, Rev 1; P3, Elevations and Floor Plan; P4, Layout Plan E, Rev 1; L1, Cross Section E, Rev 1; VSI, Visibility Splay; all received on 27 February 2020

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

3. The development hereby permitted shall only be used for the private stabling of horses and livestock and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

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

4. The hereby approved bund shall be constructed and planted in accordance with the Planting Scheme Statement submitted on 27 February 2020.

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

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

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

6. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication *“Guidance Note 1 for the reduction of obtrusive light 2020” (produced by Institution of Lighting Professionals 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.

7. No development shall commence on site until a Construction Method Statement, which shall include the following:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction; and
- hours of construction, including deliveries;

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

REASON: To minimise detrimental effects to the neighbouring amenities and the natural environment.

8. No site clearance or construction works shall commence on site until a plan is submitted showing the exact location and extent of protective Heras (or similar style) fencing to protect the existing hedgerow and roots. Once approved, the protective fencing shall remain in place for the entire construction phase and until all construction equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

REASON: To safeguard the existing hedgerows and in the interests of visual amenity

9. The development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of

the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

- 12. No development above ground floor slab level shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access track), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.**

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

Informatives

1. The applicant is advised that the discharge of the drainage condition does not automatically grant land drainage consent, which is required for any works within 8m of an ordinary watercourse or any discharge into an ordinary watercourse. The applicant remains responsible for obtaining land drainage consent, if required, at the appropriate time.
2. The application involves the alteration of the existing vehicle access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

126 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 5.45 pm)

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

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

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Wiltshire Council
Western Area Planning Committee
28th October 2020

Planning Appeals Received between 07/08/2020 and 16/10/2020

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
19/08449/FUL	The Old Mill Annexe 33C Market Street Bradford On Avon BA15 1LL	BRADFORD ON AVON	Proposed insertion of five rooflights (replacement and enlargement of three existing windows) and new external flue (replacement of existing) and demolition of a single storey extension to create a garden	DEL	Written Representations	Refuse	17/08/2020	No
20/02835/OUT	Former Nursery Northleigh Bradford on Avon BA15 2RG	BRADFORD ON AVON	Outline application with some matters reserved for erection of a self-build dwelling (access and landscaping only).	DEL	Written Representations	Refuse	30/09/2020	No
20/03015/FUL	15 Willoughby Close Westbury, Wiltshire BA13 3GA	WESTBURY	Small brick retaining wall with close boarded timber fence on top. (part retrospective)	DEL	House Holder Appeal	Refuse	05/10/2020	No
20/03166/FUL	45 Seymour Road Trowbridge, BA14 8LX	TROWBRIDGE	Proposed new dwelling	WAPC	Written Representations	Approve with Conditions	30/09/2020	Yes
20/03845/FUL	The Barn, Beckerley Farm Beckerley Lane Trowbridge, Holt BA14 6QQ	HOLT	Retrospective use of building as an independent dwelling	DEL	Written Representations	Refuse	12/10/2020	No

Planning Appeals Decided between 07/08/2020 and 16/10/2020

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
18/00400/ENF	Home Farm Whaddon Lane Hilperton, Trowbridge Wiltshire, BA14 6NR	HILPERTON	Unauthorised metal fabrication business	DEL	Written Reps	-	Dismissed	01/09/2020	None
18/00901/ENF	Breach Lane Orchard Breach Lane, Southwick Trowbridge, Wiltshire BA14 9RG	SOUTHWICK	Unauthorised residential caravan	DEL	Written Reps	-	Dismissed	07/09/2020	None
19/03718/FUL	Breach Lane Orchard Breach Lane Wynsome Street Southwick, Trowbridge Wiltshire, BA14 9RG	SOUTHWICK	The retrospective siting of a mobile home for a temporary period of four years in connection with the agricultural use of the land for the keeping of alpacas.	DEL	Written Reps	Refuse	Dismissed	07/09/2020	None
19/09018/FUL	Westbury Leigh Baptist Church, Westbury Leigh Westbury, BA13 3SU	WESTBURY	Conversion of Baptist Chapel Building to four two bedroom apartments	DEL	Written Reps	Refuse	Dismissed	15/10/2020	None
19/09870/LBC	Westbury Leigh Baptist Church, Westbury Leigh Westbury, BA13 3SU	WESTBURY	To create four two bedroom apartments in the chapel building.	DEL	Written Reps	Refuse	Dismissed	15/10/2020	None
19/10008/WCM	Corsley House Deep Lane, Corsley BA12 7QH	CORSLEY	The creation of a landscape and amenity bund with ancillary native tree planting to enhance residential amenity, biodiversity, drainage and the overall setting of a Grade II Listed Building with the ancillary diversion of an existing public right of way at land to the north of the A362, Corsley, Warminster	DEL	Written Reps	Refuse	Dismissed	22/09/2020	None
20/01519/FUL	81 Station Road Westbury, Wiltshire BA13 3JS	WESTBURY	Construction of one no.3 bedroom bungalow with parking, EV charging and replacement garaging (Resubmission of 19/07894/FUL)	DEL	Written Reps	Refuse	Dismissed	22/09/2020	None

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	28 October 2020
Application Number	20/02178/FUL
Site Address	Land adjoining Hatch House, Up Street, Upton Lovell, BA12 0JP
Proposal	Change of use from agricultural land to a dog exercise area with the retention of small paddock for agricultural use following expiry of the 2-year temporary permission granted under 18/01841/FUL
Applicant	Mr Mark Street
Parish Council	Upton Lovell
Electoral Division and Division Member	Warminster Copheap and Wylve – Cllr Christopher Newbury
Grid Ref	394,347 141,070
Type of application	Full Planning
Case Officer	David Cox

Reason for the application being considered by Committee

Cllr Christopher Newbury has requested that should officers be minded to approve this application without a condition granting temporary permission, it should be brought before the elected members of the western area planning committee for its determination and to consider the relationship with adjoining properties as well as the environmental and highways impacts of the development.

1. Purpose of Report

Having assessed the merits of the proposed development and tested it against the policies of the development plan and other material considerations, officers recommend that the application should be approved subject to conditions.

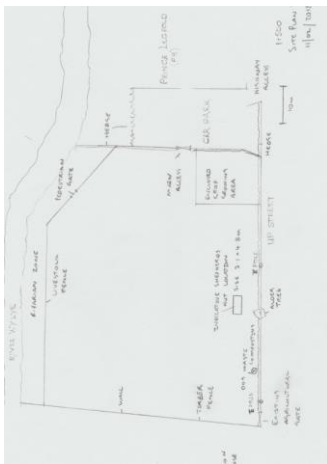
2. Report Summary

The main issues discussed in this report are as follows:

- The Principle of the Development
- Impact on Neighbouring Amenity
- Impact on Visual Amenity and the Area of Outstanding Natural Beauty
- Drainage and Flood Risk
- Highway Safety and Parking
- Impact on Ecology
- Impact on Designated Heritage Assets

3. Site Description

The application site is a rectangular piece of land located off Up Street at Upton Lovell – which is a small village without settlement limits located about 0.5km from Corton and 2km south-east of Heytesbury and extends to approximately 0.43 hectares. The site is located in close proximity to the River Wylve, located to the west; and the Prince Leopold Public House and its car park, located to the North. Two dwellings (Hatch House and Vazon House) share a boundary with the site; and six residential properties are located on the north eastern side of Up Street – all of which can be easily identified on the site location context plan which is reproduced below. The application site is located within the Cranbourne Chase Area of Outstanding Natural Beauty and the land is classified as grade 4 agricultural land.



Despite the site's close proximity to the river, the land is not at risk of flooding. The Council's /EA flood risk mapping database reveals that flood zones 2 and 3 (i.e. land that have the highest risk of flooding) do not encroach into the application site parameters, although it is noted that other land owned by the applicant, which is fenced off from the main field, is at risk of flooding which is illustrated below. It should also be noted that the River Avon is a SSSI and a Special Area of Conservation.



Flood Zone 2 Extent



Flood Zone 3 Extent

There are two grade II listed buildings within close proximity to the site at No 55 The Trumpeters approximately 45 metres to the north; and listed walls, railings and a gate which form the south, west and north boundaries of Lovell House – which is located approximately 77 metres to the south. BOYT21 and ULOV11 public rights of way footpath pass Hatch House to the south and in a western direction, although views from the PRow are limited.

4. Planning History

W/89/00504/OUT – Ten dwellings – refused

W/92/00369/FUL – Two dwellings and garages – refused

18/01841/FUL - Retrospective change of use from agricultural land to a dog exercise area with retention of small paddock for agricultural use. Retrospective siting of ancillary mobile Shepherd's hut – Temporary two-year permission granted 30 May 2018 at the Western Area Planning Committee.

5. The Proposal

Following the granting of a two-year temporary planning permission at the Western Area Planning Committee meeting on 30 May 2018, the applicant has submitted this application seeking permanent planning permission for the change of use of land from agricultural use to a sui generis use pursuant to dog exercise and training. Part of the landholding/paddock would still remain in agricultural use and the site photograph shown on the previous page illustrates the area that would left for crop growing.

For the avoidance of any doubt, this protracted application was validated and registered on 9 March (i.e. a couple of months prior to the expiry of the two-year temporary permission granted under 18/01841/FUL. The delay in the determination of this application has been due to the COVID 19 pandemic and the associated cancellation of several scheduled planning committees and application prioritisation since June when virtual committees meetings were introduced by the Council following the passing of the necessary legislation - all of which has been beyond the control of the applicant.

The application seeks to use the site between 9am and 5pm between Mondays and Fridays with no use taking place at the weekends or on bank holidays. The applicant has confirmed that when the site was used, dogs were brought to the site for exercise and training purposes for a maximum of 5 hours on any given day but to satisfy business needs, the applicants seeks the flexibility of using the site from 9am-5pm.

Following the submission of third-party objections, the applicant submitted a diary record of the times the dog exercise use has been used since August 2018. It sets out that the land has been used over 100 times between August 2019 to March 2020 with the minimum daily duration being one hour with the maximum period of use being 5 hours. During the autumn and winter months, the average time spent using the site was between 1 ½ and 2 hours a day which on average, increased to 2-3 hours a day during the spring and summer months.

The applicant has confirmed in an updated diary that since the national lockdown due to the COVID pandemic on 24 March, the site has only been used twice (on 1 September and 21 September). This has been because that since reopening her business, the number of dogs to be exercised has been lower and through the applicant not wishing to frustrate neighbours until the committee meeting has taken place.

It is understood that the applicant runs a dog training/dog day care business from the shared family home at Wellhead Drove in Westbury some 10km away. As dogs need to be exercised and stimulated, they are taken off site and since October 2016, the parcel of land at Upton Lovell has

been used for outdoor dog exercise. Similar dog walking/dog day care businesses would usually take dogs for walks in the open countryside but due to the applicant's health and mobility restrictions, unenclosed long walks are not a viable option, and instead a dedicated parcel of land that is suitably enclosed and secure where the dogs can be exercised and stimulated without the applicant having to walk long distances is a far more effective and practical arrangement.

The dogs are brought to the site via a large family sized car and up to 9 dogs are exercised by the dog trainer at any given time. No kennels are provided or proposed on the site as the dogs are transported from the applicant's home address on each occasion. For local dog owners, dogs could be brought direct to the site for the applicant to exercise and train, should permanent permission be granted.

Within the supporting Planning Statement, it has been confirmed that the facility is operated by Lorna Street who was awarded a 5-star, 3-year home boarding and day care licence from Wiltshire Council in December 2018. This is the top grade and length of licence under the current DEFRA Licensing rules.

The site has a Shepherd's hut with four wheels that could be moved around the site and off the site fairly easily and quickly. Under planning law, the hut is considered to be a 'Chattel' as set out by the following case: *Wealden District Council v Secretary of State for Environment and Colin Day (1988) JPL 268*. The hut could be used for associated ancillary agricultural use and it would not require planning permission for such purposes.

The primary issue with this application relates to the principle of the change of use of the agricultural land and the impact exercising dogs has upon neighbouring amenities.

If the Planning Committee approves the application for the change of use, by virtue of the hut not being "operational development", and not requiring planning permission, it could continue to be used for ancillary uses by the applicant when on site exercising the dogs and/or be used for storage purposes associated to the agricultural land use. If, however, the planning committee resolves to refuse planning permission and the land and hut are used beyond what is permitted development under the 28-day provisions in any given calendar year, planning enforcement action could be taken to secure the cessation of unauthorised use.

6. Planning Policy

The **Wiltshire Core Strategy (WCS)** - The following Core Policies (CP) are relevant when assessing this application: CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP3 (Infrastructure Requirements), CP31 (Warminster Area Strategy), CP51 (Landscape), CP57 (Ensuring High Quality Design and Place Shaping), CP58 (Ensuring Conservation of the Historic Environment), CP60 (Sustainable Transport), CP61 (Transport and Development), CP62 (Development Impacts on the Transport Network), CP64 (Demand Management), CP67 (Flood Risk).

When adopting the WCS, some policies remain saved from the **West Wiltshire District Local Plan (1st Alteration) (WWDLP)**. There are no saved policies which apply to this application.

The **National Planning Policy Framework (NPPF)**, **Planning Practice Guidance (PPG)** and **Noise Policy Statement for England (NPSE)**.

The AONB Management Plan

7. Summary of Consultation Responses

Upton Lovell Parish Council – Objects for the following reasons:

- The site has only been used on an occasional basis and therefore the impact of any intensification of the use hasn't been tested
- There should be another temporary permission
- The only 'chattels' that are on the land should be those associated with the daily operation of the business
- No more than one temporary mobile building should be allowed on site
- Conditions that all equipment on the site should be of a scale, character and colour appropriate for the location
- All other conditions of the original application should be maintained.

Wiltshire Council's Environmental Health Officer – No objection. The applicant's supporting 'diary' statement has been appraised and it should be noted that the Council's public protection team have received no noise related complaints associated to barking dogs at this facility since temporary planning permission was granted in 2018. We therefore have no concerns.

Wiltshire Council Ecology Officer – No objection

Wiltshire Council Drainage Officer – No comments.

Wiltshire Council Highways Officer – No objection

AONB Board – No objection

8. Publicity

A site notice was displayed along Up Street and twelve individual notification letters were posted to local residents. Following these notifications, 4 letters of support and 6 letters of objection were received. It should be noted that two of the letters of objection were from the same address.

The 6 letters of objection raised the following points of concern:

- The field was regularly used at first (for the first 3 months following the temporary permission) but then tailed off to about twice a month. The use of the field has only been sporadic
- The lack of environmental health noise complaints is due to the lack of the use of the field
- On the few occasions when the field is in use, there is a noticeable increase in noise when there are dogs in the field (due to excessive numbers)
- When the permission was granted the applicant encountered problems of substantial noise/barking whenever she was exercising dogs as other dogs passes by in the road. The screening that was on the gates has now gone and the dogs can see out into the road and vice versa
- The applicant claims an alternative site cannot be found but there are walks available near her home. Assume the reduced use of the field has been that the applicants knee condition has improved and therefore is now able to do the local walks
- Traffic use has increased over the last two years from the pub and local houses, causing severe congestion. When the dogs arrive there is further chaos, which is made worse when dogs are also dropped off here
- There has been chaos when the field was used for other uses than agriculture and dog use when 500 people turned up over a single day with public address system which could be heard all over the village. There are also weddings at the pub. No prior warning is given to the village.
- There is absolutely no value to the village from this use
- Dispute the dates in the diary as the applicant has not been seen on these days
- The agricultural use plot is very unsightly, and nothing has been done.
- The hedge has been left to grow straggly
- Still don't understand why this field is needed as its miles from where they live and are not local dogs

- We have friends who can walk dogs for free
- The only reason for this is because the applicant's parents used to live in Hatch House and retained ownership of the field
- The hut is used rarely and is an eyesore
- For the past few months the field has been used as a football pitch (letter received 27 April)
- There are no benefits to using this field for this use and no local employment
- This is unnecessary to sustain a rural business
- This takes away from local dog walking businesses in Upton Lovell
- The use is so infrequent why is a change of use necessary
- The use harms the protected species alongside the river

The 4 letters of support can be summarised along the following grounds:

- "I live directly opposite, work from home and fully support the application"
- The use of the land is quite charming
- The hut is also aesthetically pleasing
- The agricultural land is used to grow wild and traditional plants (including vegetables), attracting insects and birds. A wildflower area was also planted last year
- There has not been any additional traffic, it's only the applicant who travels to the site
- The applicant keeps the land organised, clean and free from dog mess
- There has only been the odd bark
- The owners of the adjacent pub send their dog to the business – and great care is taken of the dogs with dog noise kept to a minimum
- Since the pandemic started, as the field hasn't been used, the applicant agreed that local children could play football there instead

Following a change of description and the application reference suffix (in recognition that the two year temporary permission had lapsed) the third parties (and the Parish Council) were re-consulted. Should any late representations be received raising additional material planning issues, they will be raised verbally by officers at the committee meeting.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy (WCS), including those policies of the West Wiltshire District Plan that continue to be saved and enshrined within the WCS, constitutes the relevant development plan for the Warminster area.

9.1 Principle of the Development

9.1.1 The adopted Core Strategy at its very heart, seeks to promote and deliver sustainable forms of development that extends to supporting existing businesses; and at the same time, protect the natural, built and historic environment as well as protecting neighbouring amenity.

9.1.2 As reported above, the applicant has an existing business which is based in Westbury, and it is understood that when the business started, the applicant walked dogs on the Salisbury Plain as advertised on the applicant's website to which some objectors have referenced in their representations. However, because of the applicant's health, walking on the Plain has become more difficult and relying solely on her Westbury home garden ground is not ideal. The business is reliant upon providing dogs with a stimulated environment where the dogs can experience different sensations and to run about in a larger, enclosed setting which the Upton Lovell site provides. Without the ability to change the dog's environment or to go out for walks, the quality of the dog care would ultimately suffer along with the viability of the business.

9.1.3 The applicant owns the land which was retained when the family sold one of the adjacent dwellings, and the field provides an opportunity for the applicant to provide the exercise and training the dogs require within the existing secure site parameters, which negates the need to go out on long walks. As the applicant has mobility issues, whilst the dogs are on site, there is no need to do a lot of walking.

9.1.4 The Council's mapping constraint record indicates that the site is grade 4 agricultural land. The best agricultural land is graded as 1, 2 and 3a, with grade 1 land having the highest productive value. Whilst the field could be used for animal grazing or hay making for example, its productive and practical value given the low-quality soil and limitations of the site, the value of the land for agricultural purposes is very limited. It should also be taken into consideration that this application comprises no operational development of the land, which means the field could readily return to agricultural use, should the dog business cease. WCS Core Policies 60 and 61 seek new development to be located in accessible locations and be designed to reduce the need to travel particularly by private car. Whilst there is an option for dog owners to drop dogs off at the site, officers understand that dogs are generally dropped off at the applicant's home in Westbury by the owners at the start of the working day and the dogs are brought to the site when required. It is a regular activity for dog owners to exercise their dog(s) and it is often the case for dog owners to drive to set locations to walk their dogs, and making use the private motor vehicle to take dogs for a walk is part of daily life for many people, and there is an argument that one person taking up to 9 dogs in a car to a set location is better for the environment compared to individual dog owners all driving to set locations to walk their dogs. On the basis of the above observations and commentary, officers maintain that the principle of using the field at Upton Lovell for dog exercising on a permanent basis, is acceptable.

9.1.5 The representation objection letters have raised issues about the other uses taking place on the site including the 'village fete' type event that happened without prior warning. This can have no bearing on the assessment of this application as some temporary uses of land such as the holding of a fete do not require planning permission as set out by Schedule 2, Part 4, Class B of the General Permitted Development Order which (currently) states;

"The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the proposes of

(a) The holding a market;

(b) Motor car and motorcycling racing including trials of speed, and practice for these activities

And the provision of the land of any movable structure for the purposes of the permitted use."

9.1.6 This means that the land could be used to host a village fete, car boot sales or weddings without the need for planning permission providing the number of stated number of days in any given 12-month period is not exceeded.

9.1.7 The use of the land for dog exercising would and has in the past, exceeded 28 days each year, which triggers the need for planning permission. However, since the temporary two-year permission expired in May 2020, the application site has only been used for dog exercising purposes twice, which is well within the provisions allowed under Permitted Development Rights.

9.2 Impact on Neighbouring amenity

9.2.1 Officers acknowledge that the impact the dog exercising has upon neighbouring amenity is the key determining issue which is clearly expressed within the representations submitted by the concerned third parties and the Parish Council. Given the sensitivities of the contrasting neighbour responses and the potential for up to 9 dogs to create noise disturbance, the case officer visited the site on more than one occasion. On the first visit in April 2018, the site was not in use. The case officer was however able to appreciate the site's context as well as its proximity and

relationship with neighbouring properties, as well as appreciating the various background noises. A second visit took place on 8 May 2018 in the late morning when the applicant had seven dogs to exercise and the case officer was able to appreciate how dogs were kept under control and the extent of the noise from dogs barking. Since permission was granted on a temporary basis, officers have had no reason to visit the site as no concerns have been raised about noise from dogs being exercised and as reported above, the site has not been used except for two occasions since the COVID 19 outbreak and national lockdown, which did not lead to any noise related complaints.

9.2.2 During the case officer's second site visit pursuant to application 18/01841/FUL, the case officer spent 30 minutes walking up and down Up Street (without the applicant's knowledge) and noted that during that time there were only 3 single isolated barks (equating to 1 for every 10 minutes). The opportunity was taken to view the dogs from both the existing access from Up Street and from the public house car park access, during which time the dogs were exercised and kept under the control of the applicant. The case officer proceeded to walk past the site trying to make his presence known to the dogs making audible noises by juggling a set of keys from hand to hand and making other noises, but the dogs did not react by barking. From this observation, the case officer's own experience would align more with the supportive testimonies received from third parties which assert that the applicant has very good dog handling capabilities and control and provides excellent interaction to keep the dogs stimulated and that the dogs are very much focused on the activities provided within the site.

9.2.3 During the case officer's 30-minute observation period, a passing dog walker who had brought their dog to Upton Lovell was observed. As they walked past the site along Up Street, none of the 7 dogs who were being exercised on the site by applicant, barked and nor did the dog being walked. Indeed, the dog walker was surprised to learn of the presence of seven dogs in the adjoining field when the case officer explained the use of the site beyond the hedge. The case officer, who is not a dog owner, had fully anticipated that other dogs when being walked near or past the site would trigger outbursts of barking, but this was not the case. It is also important to appreciate that socialised dogs do not tend to bark at other dogs whilst on walks, and through proper training and keeping dogs interested in their localised environment, disobedience and unruly barking can be quickly managed and dealt with. From the case officer's own on-site observations, the applicant appears to be a very capable dog handler.

9.2.4 If permitted as proposed, the dog exercising use would take place during the set hours of 9am and 5pm on Mondays to Fridays which could be secured by planning condition. There would therefore be no potential early morning, evening, weekend or bank holiday nuisance to neighbours. Furthermore, officers have been advised that when the applicant had dogs to exercise and train, the sessions were split between the application site and the applicant's home address to offer a different environment and sensory interest for the dogs. The applicant maintains that the dog exercising use at the Upton Lovell site would only be used for to a limited part of any given weekday. The submitted diary of the use confirms that for the majority of the time, the applicant has brought dogs for the most part, between 1-3 hours, which has limited the impact upon neighbours. In the absence of any evidence to the contrary, officers are satisfied that the proposed operational hours of 9am-5pm would provide the applicant's business with sufficient flexibility in terms of when to bring dogs onto the site and share the use of the Westbury home garden and this site. After witnessing the good dog handling skills of the applicant, officers are not convinced that the use of the field would create an unacceptable adverse impact to neighbouring amenity to warrant a planning refusal.

9.2.5 The third-party concerns about barking dogs when people stop at the public house when out walking their dogs at weekends would not be an issue as the site would not be in use at weekends. It is accepted that dogs will bark occasionally, but the case officer's own observations and the testimony of several local residents indicate that the barking is infrequent. As the dogs are brought to the site in a business capacity, the dogs are trained and are also used to each other as

they see each other on a regular basis - which helps with their training and their overall control and contentment.

9.2.6 The Parish Council and third-party objections explain that there haven't been any Environmental Health noise complaints because the field has been used so infrequently and the noise levels cannot be tested. However, within two objection letters (received from the occupiers of Vazon House and No 49 Up Street) it is stated that:

*"the use was regular in the three months after the permission (*May-August 2018*)" and that "In the first year, the applicant would bring the dogs, maybe ten to twelve times a month."*

There would therefore be over 20 days available and if the site was used for 12 days a month during the first year of the temporary permission, that would represent a use rate of approximately 55%, which officers submit constitutes a frequent use to which a substantive appreciation of the use and the effects and impacts could be reasonably quantified and evidenced. The fact is that no complaints have been raised, and in the planning balance, officers consider this to be a significant material consideration, and it supports the recommendation that permission should be reasonably granted for a permanent use.

9.2.7 The third-party objections from the occupiers of No 52 Up Street and Vazon House also clearly state that when the dogs were on site there was a '*noticeable*' and '*substantial*' level of dog barking. Officers submit that if there was '*noticeable*' or '*substantial*' barking levels during the first three months of the temporary permission period, or over at least 55% of the available days over the first year of use, officers are unsure why this did not generate a noise complaint to the Council's public protection team. The committee's decision to grant a two-year temporary permission was understood to test whether the noise impacts would be harmful. There has been no empirical evidence submitted that would justify a refusal of permanent planning permission and the lack of any noise related complaint since the temporary permission was granted is of significant material consideration.

9.2.8 The case officer recalls the verbal contribution made by one of the objectors who attended the committee meeting back in May 2018 when it was argued that if permission was granted, the objector "*would be on to Environmental Health every day to complain*". Whilst Officers accept that for various reasons, the applicant has not used the site as much as she could have done, the supporting third party letters appear to officers, to signify that whilst there may be the '*odd bark*' from the site, the impacts are not harmful.

9.2.9 The submitted diary which sets out when the site was used by the applicant is a useful document as it demonstrates that during the two year temporary permission, although a 9am-5pm operational time was permitted, the length of time the applicant spent at the site exercising dogs averaged out at approximately 2-2.5 hours a day, with a maximum time of 5 hours without any evidenced harm.

9.2.10 Officers remain supportive of this application and recommend that permanent permission should be conditionally granted for dog exercising/training purposes.

9.2.11 Through liaising with the Council's public protection team, no noise complaints have been received relative to the use of the Upton Lovell site or indeed for the applicant's home address. As previously reported, the Council's Environmental Health Officer has raised no objection to the proposed development. For the 18/01841/FUL application, the Council's public protection team confirmed that a background noise survey was not reasonable or necessary. It is however worthwhile to note that a background noise survey would have picked up all audible noises within any given set parameters including;

- Vehicular traffic noise using local roads or from the A36

- The noise from the weir in the river adjacent to Hatch House
- Train noise on the nearby train line
- Associated noise from the public house, the beer garden and the large car park; and,
- Any barking dogs or from children

9.2.12 From the officer's site observations and liaison with the Council's public protection team, this part of Upton Lovell is generally quiet with the occasional road traffic noise and from irregular passing trains. The use of the site since October 2016 has not resulted in any reported complaint or documented evidence of harm, and officers are supportive of the application to make the proposed change of use of the land permanent for dog exercise purposes.

9.2.13 There is no evidence that the dog exercise use would not be contrary to WCS CP57 criterion vii or conflict with the Noise Policy Statement for England which aims to avoid "significant" adverse impacts on health and quality of life. Officers acknowledge that dog barking can create a nuisance but the evidence for this site and land use indicates that has been of limited duration. Through planning conditions, the use of the land can be suitably controlled which can include limiting the number of dogs the applicant can bring to and train on the site at any one time to 9 dogs.

9.2.14 The Parish Council have requested that the Council grants another temporary permission so that more time can be given to collate a "*meaningful assessment of the impact of the site...when daily use recommences.*" For the reasons explained above, officers consider there has been sufficient use of the land over the last two years and not a single noise related complaint has been lodged, and officers would question the reasonableness of imposing yet another temporary permission.

9.2.15 The Government issued planning practice guidance (PPG) supports, where appropriate, the imposition of a temporary permission for certain forms of development, but the guidance sets out a presumption against multiple temporary approvals unless there is a substantive reason for doing so as PPG paragraph: 014 Reference ID: 21a-014-20140306 explains:

"Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently." (note: emphasis added)

9.2.16 Officers submit that the use of the land for dog exercise purposes has had a satisfactory trial period which has resulted in no noise related complaints, and through the use of planning conditions, officers are of the view that a permanent permission can be issued with adequate protection to neighbouring amenity.

9.3 Impact on visual amenity and the Area of Outstanding Natural Beauty

9.3.1. The proposal solely involves the change of use of the land from agriculture to a sui-generis dog exercise and training area. It does not involve any kennel structures or other permanent or fixed buildings or operational development. Officers therefore raise no concern about the visual amenity impacts.

9.3.2 The protections afforded to the AONB seek to safeguard its scenic beauty as well as its tranquillity; although it is appreciated that excessive noise could lead to the tranquillity of the AONB being harmed. The AONB officer continues to raise no objection and concurs with the case officer

and public protection officer in arguing that imposing a Monday to Friday restriction would “*help avoid any potential clashes with exercising periods and the major, evening use of the public house next door.*”

9.3.3 The Shepherd's hut is on wheels and can be easily moved from the site. It is classed as a 'Chattel' under planning law and does not require planning permission, providing it is used in association with the approved use of the land.

9.4 Drainage and Flood Risk

9.4.1 The application site is located within flood zone 1. The application site parameters are set about 5-6 metres away from the river to help create a buffer zone between the proposed dog exercising area and the river. The dogs are prevented from entering the river by a post and wire fence, and the proposed development would have no impact on the site's porosity and drainage capabilities.

9.5 Highway Safety and Parking

9.5.1. The Council's highways officer continues to have no objection as the level of traffic generation would not be significant (mainly a single vehicle) and there is no evidence that it does or would adversely impact on highway safety interests. During the daytime when the site was visited and when it would be in use, the public house car park and Up Street were more or less free from any traffic. The applicant would park within the field itself and not on the road or public house car park. There is no evidence of local roads being virtually impassable, and even during any occasion when local roads are congested, the addition of one extra vehicle being driven by the applicant to access or leave the site would not warrant a refusal of planning permission.

9.6 Impact on Ecology

9.6.1 The Council's ecologist has raised no objection. The dogs are fenced off from the river and would not interfere with the SSSI environs. Dog faeces are regularly collected and disposed of in an appropriate manner in a composting bin. Members of the committee may recall that when the previous application was reported, a condition was imposed requiring additional details from the applicant to confirm the dog waste bin container and composting provision. This condition was discharged on 11 January 2019. The bin container is located close to the hedge alongside Up Street which would not harm the riparian zone of the river or the SSSI.

9.7 Impact on designated Heritage Assets

9.7.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting. There are two grade II listed buildings along Up Street within 100m of the site, but neither are immediately opposite the site and their respective settings do not extend to the application site. In the absence of any operational development, officers are satisfied that the proposal would cause no harm to the setting or the historic significance of either listed building.

10. S106 / Developer Contributions

No S106 financial contributions are sought for this site, and CIL would not apply.

11. Conclusion (The Planning Balance)

The proposal is for the change of use of an agricultural field into a dog exercise and training area. It is submitted that the applicant has justified the need to use the site for this purpose and that it is a site the small local business maximises through offering different environments for dogs under the control and training of the applicant. Whilst dogs shall bark from time to time, the incidents as observed by the case officer were not extensive or considered harmful enough to warrant a refusal of planning permission. No complaint has been lodged with the Council's public protection team despite the site being used since 2016 for exercising and training dogs. With the proposed restrictions highlighted above to be imposed by planning conditions, the use of the site should be

able to continue in harmony with neighbouring amenities without causing significant levels of nuisance.

RECOMMENDATION: - Approve subject to the following conditions

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

Design and Access Statement; Ecological Statement; Location Plan and Site Plan – all received 5 March 2018; and Planning Statement received 1 April 2020 and further supporting statement (use dairy) received 28 April 2020.

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

2. The use hereby permitted shall be restricted to dog exercise and training purposes only taking place between the hours of 0900 - 1700 on Mondays to Fridays. The use shall not take place at any time on Saturdays, Sundays or during Bank or Public Holidays.

REASON: To define the terms of this permission and in order to protect residential and local amenities.

3. No more than 9 dogs shall be brought onto or be exercised at the site at any one time.

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

4. The dog waste associated to the use shall continue to be collected, binned and composted on the site in full accordance with the approved details discharged on 11 January 2019, and in perpetuity for as long as the dog exercise/training land use operates.

REASON: In the interests of protecting the nearby SSSI from contaminated waste.

5. No external lighting shall be installed anywhere on site.

REASON: In the interests of preserving the scenic beauty of the Area of Outstanding Natural Beauty and to protect neighbouring amenity.



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REPORT TO WESTERN AREA PLANNING COMMITTEE

Date of Meeting	28.10.2020
Application Number	19/07647/REM
Site Address	Land North West of Boreham Mill, Bishopstrow Road, Warminster, Wiltshire
Proposal	Reserved matters application for: layout, scale, appearance and landscaping pursuant to outline permission 13/06782/OUT
Applicant	Backhouse (Boreham Mead) Ltd
Town/Parish Council	WARMINSTER
Electoral Division	Warminster East – Councillor Andrew Davis
Grid Ref	389532 - 144383
Type of application	Reserved Matter
Case Officer	Morgan Jones

Reason for the application being considered by Committee

In accordance with the Council's 'Scheme of Delegation Specific to Planning', this application is brought to committee at the request of Councillor Andrew Davis on the grounds of: - 'Scale of development', 'Visual impact upon the surrounding area', 'Relationship to adjoining properties', 'Design – bulk, height, general appearance', 'Car parking (use)', and 'for the committee to consider the Self Build' proposals.

1. Purpose of Report

To assess the merits of the proposal against the policies of the development plan and other material planning considerations and to consider the recommendation to approve the reserved matters application.

If the Committee resolve to grant reserved matters consent, it is recommended that delegated authority be passed to the Head of Development Management to issue the consent following the favourable conclusion of the Habitats Regulations Appropriate Assessment which would be completed by Wiltshire Council as the 'competent authority'.

2. Report Summary

The key issues for consideration are: -

- The Principle of Development;
- Layout, Density, Design & Impact on Landscape Character;
- Impact on Highway & Pedestrian Safety;
- Impact on Ecology;
- Impact on Heritage Assets;
- Flood Risk, Surface Water & Drainage;
- Environmental Impact.

3. Site Description

The application site is broadly circular in shape measuring approximately 1.22ha located on the southern side of Boreham Road, on the eastern edge of Warminster. The southern boundary is formed by the river Wylde and Boreham Mill lies to the south east. Beyond that lies Bishopstrow Conservation Area. The existing access into the site is near the north western corner of the site on the northern boundary, which runs adjacent and parallel to Boreham Road.

The site is partly within the River Avon Special Area of Conservation (SAC) which is a European designated site. The river is also notified at a national level as the River Avon System Site of Special Scientific Interest (SSSI).



Site Location Plan (Drawing no. P002 Rev.P04)

4. Planning History

By way of some background, the site was in agricultural use up until the early 1960s. In 1963 (under planning reference 44-1962/63), planning permission was granted for the tipping of building material and excavated soil. This permission was enacted and tipping operations were carried out which has resulted in raising the ground levels across the site by around 2m. The tipping operations have long since ceased and the land has been overgrown and unused for many years.

In 1974 a planning application for a motel/restaurant was submitted but was deemed premature pending the establishment of the Warminster bypass - which was eventually built in the 1990s.

A Neighbourhood Development Order (NDO) proposal for a self-build housing development was initiated in 2011 by Wiltshire Council with the support of the Town Council, but this was aborted by the Town Council in June 2013 following the appointment of new town councillors.

The following two applications were submitted but were later withdrawn to allow the applicant and his appointed agent(s) time to revise the submissions and to engage further with the local community.

- 13/02808/OUT Outline application for the erection of 35 dwellings and associated works including access and layout arrangements (including provision of 7 self - build plots) – application withdrawn
- 13/04282/LBC Relocation of Grade II Listed Milestone to facilitate the construction of a junction serving the proposed adjacent residential development – application withdrawn

The following two applications were subsequently submitted and approved: -

- 13/06782/OUT Outline application for the erection of 35 dwellings including access details – allowed at appeal on the 20th July 2017.**
- 13/06783/LBC Relocation of Grade II Listed Milestone to facilitate the construction of a junction serving the proposed adjacent residential development. (Resubmission of 13/04282/LBC) – Listed Building Consent granted 11th June 2014.

On 11th June 2014 the Council's Western Area Planning Committee resolved to grant outline planning permission for application 13/06782/OUT subject to conditions and a legal agreement to secure appropriate planning obligations. The legal agreement was subsequently drawn up and was completed and dated on 20 January 2015, and outline planning permission was granted on the 21st January 2015.

The outline planning permission was however subject to a successful Judicial review which led to the quashing of the outline consent for 13/06782/OUT by the High Court on 9 October 2015. An associated costs decision was issued on 19 October 2015.

In light of the outcome of the judicial review the application was reconsidered by the Council and was refused outline planning permission by the Western Area Planning Committee on 6 April 2016.

The refusal was successfully appealed on 20 July 2017 under appeal ref APP/Y3940/W/16/3150774. Outline planning permission was granted subject to 19 conditions and a legal agreement in the form of a Unilateral Undertaking. The outline planning permission approved the erection of up to 35 custom build dwellings with detailed permission granted for a new vehicular access to be formed off Boreham Road (the B3414).

The Unilateral Undertaking (UU) dated 26 July 2016 restricts the housing provided to being Custom Build and it sets out a "cascade" mechanism for the sale of the market housing units. It also specifies that 30% of the houses would be affordable housing, and of those 80% would be for rent and the remaining 20% for shared ownership. The UU also sets a requirement for the applicant to prepare a Landscape and Ecological Management Plan (LEMP) to protect the proposed ecological buffer zone. The Unilateral Undertaking also provides for financial contributions towards open space and off-site sports provision as well as education school spaces and some limited highway works.

It is also relevant to note that the site is now formally allocated for residential development within the adopted Wiltshire Housing Sites Allocations Plan (WHSAP) which was adopted by the Council in February 2020 and is referenced as Policy site H2.8 Boreham Road).

The WHSAP allocates new sites for housing to ensure the delivery of additional housing throughout Wiltshire and until 2026 (the Wiltshire Core Strategy plan period) in order to maintain an up-to-date supply of housing which now needs to be tested against local housing need. The

WHSAP recognises that the site has previously been considered as an opportunity to provide for self-build homes and this remains the preferred form of development. The relevant policy, ref Policy H2.8, within the WHSAP does not however require the dwellings to be custom or self-build properties.

5. The Proposal

This application seeks reserved matters approval for the 'reserved' matters of 'appearance', 'landscaping', 'layout' and 'scale' for the erection of 34 custom build dwellings, pursuant to the consented outline application reference 13/06782/OUT.

As proposed, the development would be made up of 24 open market homes (equating to 70% of development) and 10 affordable homes (i.e. 30% of the development) which would comprise of a mixture of one, two, three and four bed dwellings. The development would be served by a single point of vehicular access to be created via Boreham Road and would be served by 82 parking spaces. The layout of the proposed development is shown in the site layout plan below:-



Proposed Site Layout (Drawing no. P100 Rev.P06)

The application was originally submitted and registered back in August 2019, but the proposed scheme has been materially revised through 2020 in order to address a number of consultee and third-party comments and concerns. The following sets out the dates and submission of revised plans and additional / amended technical documents: -

- **4th November 2019:** Design & Access Statement Addendum, an Arboricultural Method Statement, and revised highways, drainage and landscaping plans;
- **4th February 2020:** A Construction Environmental Management Plan (CEMP), Landscape & Ecological Management Plan (LEMP), Ecology reports, Drainage Technical Note, revised Design & Access Statement, and revised hard and soft landscaping plans;
- **11th March 2020:** additional Drainage information, calculations and a revised plan;
- **22nd April 2020:** revised CEMP and LEMP, drainage reports and drawings, and layout and hard and soft landscaping plans;
- **12th June 2020:** a further revised LEMP;
- **16th June 2020** revised soft landscaping plans;
- **1st & 7th September 2020:** revised soft landscaping plans and final LEMP.

It is also important to report that the applicant has submitted a series of separate submissions to discharge the planning conditions imposed on the outline consent which evidences the applicant's commitment to implement to consent as set out below: -

- **Discharge of Condition application ref 19/08603/DOC** was submitted in relation to condition 6 which required full details of the culvert beneath the access prior to commencement, condition 9 which required full details of footway reconstruction prior to on-site commencement, condition 10 which required a foul and surface water strategy also prior to commencement. The submitted plans and documents, as amended, satisfy the stated conditions.
- **Discharge of Condition application ref 19/11510/DOC** was submitted in relation to condition 15 which required a scheme for water efficiency, and condition 17 which required a land contamination assessment prior to commencement of the development. Water Efficiency Calculations (ref. Jon no.4748 / date 11.03.20) and a Geo-Environmental Review Technical Note completed by Clarke Bond (ref B05066 and dated 11.18.19) has been approved.
- **Discharge of Condition application ref 20/03527/DOC** was submitted in relation to condition 14 which required the submission and approval of a Construction Environmental Management Plan (CEMP). The amended Construction Environmental Management Plan (April 2020 [V3]) by Seasons Ecology satisfies the condition.

6. Planning Policy

The **National Planning Policy Framework** (2019).

The adopted **Wiltshire Core Strategy** (2015), in particular:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 3 Infrastructure Requirements;
- Core Policy 31 Spatial Strategy: Warminster Community Area;
- Core Policy 45 Meeting Wiltshire's Housing Needs;
- Core Policy 46 Meeting the Needs of Wiltshire's Vulnerable and Older People;
- 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 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 67 Flood Risk;
- Core Policy 68 Water Resources;
- Core Policy 69 Protection of the River Avon SAC.

The **Warminster Neighbourhood Plan** (2016), in particular:

- Policy L1 – Design.

Wiltshire Local Transport Plan 2011 – 2016: **Car Parking Strategy** (March 2011).

The adopted **Wiltshire Housing Site Allocations Plan** (February 2020), in particular

- Policy H2.8 Boreham Road.

7. Consultations

Warminster Town Council – No objection.

Bishopstrow Parish Council – Object, on the following grounds: -

- Most trees in the Tree Survey Schedule have not been fully inspected. Their condition is therefore uncertain and until this is ascertained any scheduled for removal should be removed from the appropriate list.
- The development is very high density in comparison with the open nature of the locality. 34 new houses/flats plus summer houses, parking and road design will make this development out of character with the area.
- The design of the houses will repeat the mistake of Mill Island with the wooden cladding. The houses of the area, in Boreham Road and Bishopstrow are largely of stone and brick. The design principles are therefore not in harmony with the locality.
- The “Custom Build House” allows for hard landscaping which is not in keeping with the locality and will act against the interests of biodiversity. Additionally, there is also a proposal to allow extensions to properties and other configurations out of character with the area. Extensions increase the amount of built on land, once again removing garden space from the quantum of the biosphere.
- It is proposed to direct an attenuated or controlled discharge directly into the drainage ditch that lies within the site boundary. This ditch already receives flows from Woodcock Road and the roundabout on Boreham Road and has been shown, by regular flood events, to be incapable of dealing with the volumes generated. During the flood events, the roundabout has become impassable and raw sewage has been discharged on to the road. We need complete assurance that no further flooding will occur as a result of any development. We would further argue that Wiltshire Council drainage engineers consider the implications of any development alongside an understanding of the local drainage system, both up and downstream from the site and including the current run-off from the local roads.
- In the planning statement, much is made of the change of the former Beeline site into a residential development. The conversion of Brownfield sites, such as this, into housing is to be commended and should not be compared with the development of a Greenfield site, such as the one in this application.
- In the original outline planning application, much was made of the environmental protection of the developed site, including the formation of a management body. We hope that this is maintained and is effective in monitoring, policing and improving environmental outcomes on the site.
- There will be, inevitably, increased use of our field and our road. We welcome visitors

to our village but any additional use from residents from the proposed site is not funded through our modest precept and it should not be down to Bishopstrow to fund any additional costs.

- The road is the most obvious route to the A350 (South) and the A303 West. Our road gets blocked frequently and the surface is degrading and needs resurfacing with a noise deadening finish. We have used village funds to increase signage in order to prevent speeding and to encourage more considerate driving. We also have an active speed watch group. It would, therefore, be imperative, if this application is accepted, for provisions to be made to secure our village.
- During any construction work, we would not want our village to become an access route or rat-run for delivery vehicles and plant. A condition in this respect should be part of any agreement.

Historic England – No objection but raised concerns with the impact of the proposed development on the setting of the Bishopstrow Conservation Area.

Wiltshire Council Conservation Officer – No observations.

Milestone Society – No observations.

Wiltshire Council Archaeologist – No objection.

Wiltshire Council Highways – No objections, subject to conditions to secure the layout, parking, and access arrangement as shown.

Wiltshire Council Spatial Planning Officer – No objection.

Wiltshire Council Arboricultural Officer – No objection.

Wiltshire Council Landscape Officer – Supports the application.

Wiltshire Council Urban Design Officer – No objection subject to conditions to secure final design details of boundary treatments and other minor works.

Wiltshire Council Ecologist – No objection in principle in recognition of the consented outline, but there are ongoing discussions in relation to the River Avon SAC phosphate mitigation strategy which will need to be resolved prior to the completion of the Habitats Regulations Assessment.

Natural England – No objection, the revised reserved matters proposal is unlikely to have significant impacts on the natural environment.

Environment Agency – No objection to the revised scheme subject to conditions to ensure the recommendations of the Flood Risk Assessment and Surface Water Scheme are implemented.

Wessex Water – No observations.

Wiltshire Council Drainage Engineer – No objection to the drainage scheme following a series of updates and amendments.

Wiltshire Council Public Protection Officer – No objection subject to conditions to control working hours, to secure a construction environmental management plan, and contaminated land survey with remediation strategy if necessary.

Wiltshire Council Public Arts Officer – No observations.

Wiltshire Council Housing Officer – No objection, the proposed development will deliver affordable housing units in accordance with the terms of the outline planning permission.

Wiltshire Council Public Open Space Officer – No objection.

Wiltshire Police, Designing Out Crime Officer – replied with a series of recommendations to alter the design of the proposal to ensure the development is as safe as possible and discourages crime and anti-social behaviour.

8. Publicity

The application was publicised by both press and site notices and individual neighbour notification letters. As a result of the original publicity, one letter of objection was received from the East Boreham Residents Action Group (EBRAG) and 7 additional individual letters of objection were received from neighbouring residents which raised the following concerns: -

- It is questioned whether there is a need to build on greenfield land and it is questioned why brownfield land cannot be developed.
- It is argued that the building on this site at Boreham is unwarranted and completely unnecessary.
- Development on this site is of no benefit to the community and is against the majority wishes of the residents of Warminster East Ward and Bishopstrow.
- The site is the last open space between Warminster and Bishopstrow, in other words the last divide between town and village, and therefore very important it remains so.
- The design of the proposed housing layout is out of character in terms of housing density and design with the local environment.
- The houses of the area, in Boreham Road and Bishopstrow are largely of stone and brick.
- The “Custom Build House” allows for hard landscaping which is not in keeping with the locality and will act against the interests of biodiversity.
- The proposal is not a true ‘self-build’ but 34 high density basic timber clad house structures which are similarly constructed, with the customer “self-build” option explained as an ability to add additional rooms, conservatories and/or verandas etc
- The garden sheds located close to the river are an unnecessary and obtrusive structures and should not be allowed.
- The fencing on the boundaries would have been traditional hedges so why are natural hedges not being planted on the external side of the fence
- It is questioned whether the post and rail fencing would safeguard a child's safety.
- The site abuts the Bishopstrow Conservation Area and if built upon would be detrimental to the Conservation Area.
- A properly surveyed Tree Survey Schedule needs to be undertaken to ascertain the condition of the limited trees and shrubs surrounding the site.
- It is proposed to direct an attenuated or controlled run-off water discharge directly into the drainage ditch surrounding the site boundary.
- This area has been shown, by regular flood events, to be incapable of dealing with the volumes generated during heavy downfalls.
- The site was flooded in 2014.
- The overdevelopment of the site and discharge into the river system is of very real concern for flooding downstream in Bishopstrow. A less dense development will allow ponds to be constructed within the site and slow the discharge into the river.
- In addition to not measuring the current surface water discharge already occurring, no measurement or estimate of the additional discharge created from the upstream flood plain that discharges into the site ditch during river flooding has been measured.

- The land north-west of Boreham Mill is on a floodplain. The land north-west of Boreham Mill is a water meadow and therefore has a capacity to absorb floodwater. If it is concreted into a housing estate, it will lose that capacity, and the potential for flooding will increase.
- For the builder to provide a plan which encroaches raised ground in the flood zones 2-3, and which raises the rest of the site to prevent areas changing over time from zones 2 to 3 due to climate change, shows that the developer understands that the only method of flood management being employed is that of pushing the extra water onto properties already built that cannot raise themselves to avoid future flooding. The storage areas on site will be at new higher ground level and as such will only mitigate on site flooding, they will not mitigate for the flood storage areas being lost to raised grounds, foundations, piles and banking across the site and through the zones 2-3.
- The upper Wylve is part of the Avon River system, and the area is SSSI, AONB. No new building should be allowed in such places, except in cases of the direst necessity.
- The development will cause a great loss of wildlife habitat.
- The land north-west of Boreham Mill, commonly referred to as Spurt Mead, being a water meadow, is home to a number of endangered species: water-voles, slow worms, lizards, crested newts, grass snakes.
- It is hoped that a management body is set up as required and is effective in monitoring, policing and improving environmental outcomes on the site.
- There appears to be no increase of funding to accommodate the increased use of local recreational and pastoral facilities and accommodate additional traffic.
- The construction phase should be controlled by a construction management plan.
- The site is made up of made ground and it is suggested that trial pits are undertaken to determine the true level of fill, and contamination levels before anyone builds a home on the site.
- The proposed application will impact on the busy Boreham Road highway and the development will add to the traffic build-up at the crossroads at peak times.

As a result of the re-consultation exercise, which was carried out on 12 November 2019, three letters of objection were received which raised the following: -

- Concerns still remain over the drainage proposals and impacts and the damage to wildlife habitat and pollutants entering the proposed Culvert and the Wylve itself.
- The development would have a significant impact on the local community, wildlife, infrastructure and increased risk of flooding.
- The revisions have not resolved these issues.
- The 2013 HRA screening by HPH LTD is insufficient and Natural England has stated that an HRA should be completed by the Appropriate Authority which is Wiltshire Council. The HRA should include additional projects/developments in combination up-river that has the potential to impact on the Special Area of Conservation (SAC).
- If this development is approved, it would set a detrimental precedence for future development in relation to the SAC
- The proposed development "run off" remains of considerable concern and points directly to an overdevelopment of the land.

A further re-consultation exercise was carried out on 27 February 2020, which led to another letter of objection from the East Boreham Residents Action Group (EBRAG) and 3 separate letters of objection from neighbouring residents which argued that the revisions had not addressed the grounds of objection listed above.

A final re-consultation exercise was carried out on 24 April 2020. One letter was received as a result which questioned whether the proposed scheme constituted as being a genuine custom-build development.

9. Planning Considerations

9.1 Principle of Development

The principle of residential development for up to 35 dwellings at this site has been established by outline planning permission reference 13/06782/OUT which was granted on appeal on 20 July 2017 which was subject to 19 planning conditions and bound by a legal agreement in the form of a Unilateral Undertaking (UU).

The principle of the proposed quantum of housing is not open for the Council to reconsider at this stage and with the outline approval also granted detailed permission for a new vehicular access, that is not open for reconsideration either. The key planning consideration and determinative matters relate to whether the proposed details of 'layout', 'scale' 'appearance' and 'landscaping' are considered acceptable and in line with the parameters and conditions set by the outline planning permission.

The outline planning permission allows the construction of up to 35 dwellings with detailed permission granted for a new vehicular access to be formed off Boreham Road (the B3414). The development proposed within this current reserved matter application seeks approval for the erection of 34 custom build dwellings to be served by the previously approved vehicular access.

The proposed development has been designed to accord with the requirements of the Unilateral Undertaking. A key element of the development is the need for all the residential units to be '**Custom Build**' which is defined within the agreement as:

"the Residential Units built to a shell and the finishing design commissioned by individuals or groups of individuals for their own use being non-speculative housing with an identified end-user owner/occupier directly involved in the post-shell design process".

The Design and Access Statement submitted in support of this REM application explains that custom build allows for a choice of design, quality and configuration by the property purchasers. The document details how each house type can be configured or adapted to suit a number of customisation options. These options include how the dwellings would be arranged internally including the size of the rooms and the number of bedrooms along with the external hard and soft landscaping options.

It is recognised that many of the third-party representation have questioned whether the proposed scheme represents a true self-built development. These observations are acknowledged and understood, however, whilst the definition of 'custom build' and 'self-built' have evolved since the outline planning permission was granted, the definition as appended to the outline planning permission is the only one of relevance to this current reserved matters application. The proposed development aligns with the definition set within the Unilateral Undertaking and it is not open for the Council to reconsider this definition at this stage and doing so would be ultra vires and unreasonable.

Officers are fully satisfied that this revised REM application is compliant with the terms of the approved outline application, and in terms of dealing with the individual customised house submissions, subsequent discharge of condition applications would be required to be approved by the Local Planning Authority to appraise the individual final house designs and the appearance of each individual custom-build dwelling.

9.2 Layout, Density, Design & Impact on Landscape Character

The proposed development has been designed in accordance with the design principles which were agreed as part of the outline planning permission. The development would be accessed

The development would be contained within the red line site boundary although an informal gravel path would be provided to allow residents to walk through the western woodland.

The made Warminster Neighbourhood Plan requires development to complement and enhance the existing character of the town whilst recognising its unique form and landscape. However, it accepts that “*Warminster does not have any particular building designs, features or local materials that transcend the existing neighbourhood area. This Neighbourhood Plan therefore requires the adoption of a more general set of criteria that can be applied to new developments. Against this background, Bfl12 represents an appropriate standard. It is not just about the design and quality of buildings. The layout of developments and their associated infrastructure need to reflect good urban design. There is a parallel desire to conserve and enhance the local environment, including access to the surrounding countryside and leisure facilities.*” (Appendix A.2, para A.2.3).

Furthermore, Policy 'L1 – Design' of the Warminster Neighbourhood Plan encourages new developments “to reflect the principles outlined in the Building for Life 12 industry standard”.

The Warminster Neighbourhood Plan explains that “Good urban design ensures: the quality of a development; its attractiveness to prospective residents; the functionality of the community; and contributes to a feeling of safety. It is achieved by planning the space around and between new homes, including how they sit within a development. It therefore goes beyond the design of individual buildings alone. This Neighbourhood Plan encourages new housing to reflect the Building for Life 12 industry standard, which is endorsed by government for well-designed homes and neighbourhoods” (para 4.45).



Artist Impression & Photomontage of Proposed Development

The Council's Urban Design Officer has assessed the proposed development against the design principles within the Building for Life 12 which is the industry standard for the design of new housing developments, and he has concluded that the proposed development would create a very positive and distinctive character in terms of the urban design. The layout has

sought to respond to its landscape setting and to create additional landscape features. The arrangement of the plots, and rhythm of the proposed built form would reinforce a sense of deliberate composition and place. The Council's urban designer also supports the aspect that buildings would be designed and positioned with landscaping to define and enhance the streets and spaces and would address street corners well, with feature windows articulating the gables. The crescent shape made by the run of detached units, as shown on the artists impression of the development above, would create a striking enclosure to the central open space. There is also officer support for the proposed tree planting which has been well planned to define the edges of streets and to break up the areas of car parking.

The Council's urban designer concludes by stating that *"the submitted details demonstrate a high-quality development by the standards of the Building for Life guidance. In terms of Wiltshire Core Policy 57, I also find the reserved matters details to realise and generally improve upon the Outline's vision and deliver a bespoke scheme that can contribute very positively to the area"*.

In terms of the impact on the wider landscape character, the Landscape and Visual Assessment submitted in support of the outline planning application explained that due to the significant tree cover surrounding the site, and the lack of elevated vantage points in the immediate surrounding landscape, the proposed development would be physically and visually well contained. The current application is supported by a series of photomontages which demonstrate the impact of the proposal when viewed from outside the site.

The supporting text explains that *"the external views are from the north east along Boreham Road, and from the east from Bishopstrow Road, and demonstrate that the proposed two storey development [would] be well contained in landscape terms by the structure of the established mature perimeter vegetation. Filtered views of the proposed development [would] be evident, but these views demonstrate that the housing [would] not be unduly prominent. This analysis concurs with the Landscape and Visual Impact Assessment, which was considered by the Secretary of State in determining the outline planning application, which was approved in July 2017."*



Photomontage of Proposed Development (from south-west outside the site)

The revised proposal includes the retention of a group of trees which were previously identified for removal. Despite not being of the highest quality, through negotiation, the applicant concurs that they do not need to be removed to accommodate the development. The revised landscape scheme involves the planting of more trees around the site periphery to strengthen the green landscape structure around the site. The proposed development is considered to

meet the objectives of Core Policies 51 and 57 of the WCS which seek to secure high quality design and mitigate against any unavoidable harm to local landscape character.

9.3 Impact on Highway & Pedestrian Safety

Core Policies 60 'Sustainable Transport' and 61 'Transport and New Development' of the WCS seek to ensure that new developments are located within sustainable locations and are designed to encourage the use of sustainable transport facilities. Core Policy 61 also seeks to ensure that all new developments are capable of being served by safe access to the highway network. Core Policy 62 'Development Impacts on the Transport Network' seeks to ensure that developments provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

The outline planning permission granted detailed permission for the new vehicular access onto Boreham Road and the associated planning conditions (numbers 5 – 9 & 19) require the access to be delivered prior to the occupation of the development, along with the submission and approval of full details of the footway reconstruction and the culvert beneath the access. Discharge of Condition application reference 19/08603/DOC provided the details of the culvert design and the footway reconstruction has been approved by the Council with the support from the local Highways Authority.

In terms of the proposed layout and parking provision for the 34 dwellings, revisions have been submitted to satisfy the comments and recommendations of the local highways authority and to ensure that the main estate road is built to adoptable standards and allow for the safe movement of vehicular traffic and pedestrians around the site. The scheme would deliver both private and visitor parking spaces in line with the Council's Car Parking Strategy.

In light of the above it is considered that subject to conditions to secure the parking and access arrangements within the site as shown on the submitted amended plans the development would not result in unacceptable highway safety impacts.

9.4 Impact on Ecology

Core Policy 50 titled 'Biodiversity & Geodiversity' of the adopted WCS requires all development proposals to demonstrate how they would protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Furthermore, Core Policy 69 'Protection of the River Avon SAC' it is essential that new development should avoid and reduce potential environmental impact on the River Avon.

The outline planning permission secured an "Ecological Buffer Zone" around the periphery of the site in order to create an undeveloped natural ring around the new development thus creating and maintaining the green boundary to the site. The Ecological Buffer Zone surrounds the entire red line site boundary, and through the associated Unilateral Undertaking requirement of securing a Landscape and Ecological Management Plan (LEMP), officers are fully satisfied that this application proposal would safeguard the Ecological Buffer Zone, and with the proposed area of open space the proposal would deliver net ecological enhancement and biodiversity gain.

The submitted Landscape and Ecological Management Plan (LEMP ref JBA 19/109 Rev. F) and dated September 2019 and completed by JBA meets the requirements of the legal agreement. The application is also supported by a Construction Environmental Management Plan (CEMP dated April 2020 [V2]) and produced by Seasons Ecology which would minimise ecological impacts during the construction phases. An updated Ecology Appraisal, and

Updated Dormouse, Water Vole and Otter Surveys were submitted in support of the reserved matters application and have been approved by the Council's ecologist.

The Council's ecologist supports the amended scheme subject to planning conditions to include water minimisation measures which link with building regulation restrictions to secure appropriate phosphate loading mitigation, to remove permitted development rights for any new buildings or structures within the gardens adjacent to the ecology zone to safeguard its integrity and biodiversity value. Conditions are also considered necessary to secure the implementation of the soft landscaping and planting scheme, and to secure full details of the design and wording of the information boards to be erected within the ecology zone.

Natural England did not object to the outline application and have indicated that the reserved matters application is unlikely to have significantly different impacts on the natural environment than the original proposal. However, for a significant period throughout 2020, there has been strategic discussions held between the Council and Natural England regarding the potential impacts from all new planned development within the catchment of the River Avon SAC, which extends beyond the Warminster Community Area. These discussions have taken place because the ecology and biodiversity of the SAC are at risk from elevated levels of phosphorus from new development discharging into the sewage treatment works and package treatment plants. As such, any scheme with the potential for additional phosphate loading into the river requires to be appraised in line with the Habitat Regulations.

The levels of phosphorus discharging into the River Avon SAC has been an issue of focus, investigation and action for some time. In 2015 the Environment Agency, Natural England, and Wiltshire Council published the nutrient management plan (NMP) for the River Avon SAC which set out ambition targets to reduce the phosphate loading to the river from diffuse sources, in order to support compliance with conservation objectives, the requirements of the Habitats Directive and the Water Framework Directive, while still allowing some increase in point source (sewage) loadings from population growth. A Working Group (Natural England, the Environment Agency, Local Planning Authorities [including Wiltshire Council] and Wessex Water) was established to deliver the NMP which was primarily through the Catchment Sensitive Farming (CSF) initiative.

It became apparent that the CSF was not achieving the reductions in phosphates loading to the river required to meet the ambition targets. As such, in 2018 the Working Group signed a Memorandum of Understanding (MoU) that set out a more stringent approach to planning, requiring that new development in the catchment needs to be 'phosphate neutral' which is defined as follows in the MoU: -

"The additional phosphorous load generated by new development after controls at source, reduction by treatment and/or offsetting measures leads to no net increase in the total phosphorus load discharged to the River Avon SAC"

The MoU committed the signatories to working cooperatively to set out and cost appropriate phosphate mitigation measures over the period 2018 – 2025. This period is known as the 'interim period' because after this time, it is expected that the 'interim approach' will be replaced by an approach that would take account of water company planning as well as government policy and legislation.

The River Avon SAC Working Group subsequently developed the Interim Delivery Plan (IDP) (January 2019) for the purpose of describing the 'interim approach' to achieve phosphorous neutral development over the period to 2025. It includes a calculation of the estimated additional phosphorous load that would be discharged in the river catchment through increased volumes of sewage effluent and sets out a suite of measures that could be deployed

to mitigate that load. The report demonstrates that it is feasible to achieve the necessary reductions in diffuse phosphorous pollution to mitigate planned growth.

In April 2020, Natural England alerted Wiltshire Council that it does not have sufficient evidence to conclude that new development (which would discharge a net increase in foul water flows) would be compliant with the Habitats Regulations. This followed new modelling which was undertaken by the Environment Agency which revealed that the catchment is further away from meeting the SAC conservation objectives than was previously thought.

As a result, Wiltshire Council has had very detailed discussions with Natural England over several months in order to further develop a phosphate reduction scheme and demonstrate that the Interim Delivery Plan is fit for purpose and effective. These discussions are ongoing. Before the consent can be issued, the Council, as the 'competent authority', will be required to complete a Habitat Regulation Assessment (HRA) Appropriate Assessment which can be done as a defer and delegate matter (should the committee resolve to approve this REM application), which legally must be completed prior to the issuing of any decision so that the development is in compliance with the phosphate reduction scheme and mitigation strategy which would safeguard the integrity of the SAC.

9.5 Impact on Heritage Assets

Core Policy 58 titled 'Ensuring the Conservation of the Historic Environment' of the adopted WCS seeks to ensure that development protects, conserves and where possible enhance the historic environment. Through the approval of the outline planning application, it has been established that the site can be developed to accommodate up to 35 dwellings without harming the setting of Boreham Mill or the character and appearance of the Bishopstrow Conservation Area immediately to the south of the site.

The duty placed on the Council under Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 sets the requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The outline appeal decision found that the impact of the development would be neutral and that there would be no conflict with the statutory duty on the preservation or enhancement of the character or appearance of Conservation Areas. Historic England has raised concerns with the proposed dwellings along the south-east of the site being of a regimented layout and being somewhat incongruous in relation to the Conservation Area. However, officers argue that it is important to appreciate that the site is visually separated from the Conservation Area and the mitigating factors considered at the time of the outline application remain relevant whereby Boreham Mill effectively shields the majority of the Conservation Area from the site and protects its setting, apart from a small section of field which faces the site across the river Wylye. Furthermore, the proposed dwellings would be set back from the site boundary due to the landscape and ecological buffer zone around the periphery of the site, which in combination would lead to a neutral heritage impact.

The principle of the development has previously been agreed and the proposed scheme has been designed in line with the parameters of the outline planning permission which was issued by the Secretary of State, and officers have concluded that the proposed development would not harm the significance or setting of the designated heritage asset.

9.6 Flood Risk, Surface Water & Drainage

Core Policy 67 titled 'Flood Risk' of the adopted WCS sets out that all new development should include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (i.e. sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The outline planning permission requires the development to be carried out in accordance with the recommendations of the approved Flood Risk Assessment and the submission and approval of a surface water scheme. The current application is supported by a Flood Risk Assessment Addendum (dated 29/07/19) and a Drainage Strategy (dated 29/07/19) produced by Clarke Bond.

The proposed surface water scheme presented as part of this reserved matters application, in order to satisfy condition 10 of the outline planning permission, has been subject to significant discussion with the Lead Local Flood Authority (LLFA), and officers have been mindful that the site is located within a sensitive area in land drainage terms being surrounded by watercourses with surface water runoff / flooding concerns raised by local residents being a matter that has been central to the engagement of the LLFA.

The applicant's Drainage Strategy has been informed by a geo-environmental site assessment (which was prepared by Ground Investigation (South West) Ltd) which reveals that the site is not suitable for soakaways. However, there are two watercourses bordering the site. One is the River Wylfe located along the southern and eastern borders of the site, and the other is a drainage ditch that is situated on the western and northern borders of the site.

Under this REM application, it is proposed to direct an attenuated or controlled discharge of surface water directly into the drainage ditch that lies within the site boundary and falls under the riparian ownership of Backhouse Housing Ltd. The site would be split into two separate systems, with one system dealing with the runoff created by the private impermeable areas, and the second system handling all the on-site highway drainage, which would be adopted by the highway authority and would be conveyed via highway runoff.

The Environment Agency is satisfied that the proposed surface water scheme and flood risk mitigation measures are acceptable and supports the application subject to the imposition of a planning condition to ensure that: -

1. The finished floor levels are set no lower than 104.65 metres above Ordnance Datum;
2. The rate of surface water discharge is kept to 6.2l/s;
3. There is no ground raising within flood zone 2 & 3.

The first and third points are covered by Condition 11 of the outline planning permission and condition 10 requires the approval of the surface water scheme which would secure the approved rate of surface water discharge.

The LLFA is also in support of the revised submission proposal and has confirmed that the proposed drainage strategy would result in *"post development discharge rates [being] about half of what it is currently. Greenfield runoff rates for the 100-year event is 11.5 l/s and post development it [would] be 6.2 l/s. **So, the development should decrease flood risk in the area.** They will also be re-grading ditches which will improve the flow in the ditches"*.

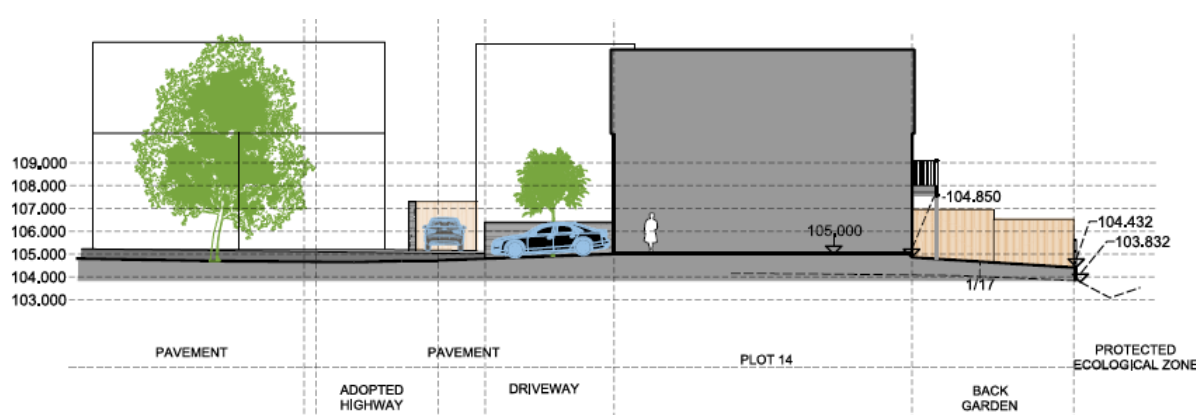
9.7 Environmental Impact

Core Policy 56 titled 'Contaminated Land' of the adopted WCS sets out that development proposals which are likely to be on or adjacent to land which may have been subject to contamination need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination on public health, environmental quality, the built environment and amenity.

The outline planning permission includes a planning condition which required a land contamination site investigation to be submitted and approved along with details of any

remediation measures to render the site suitable for the development. This REM application is supported by a Geo-Environmental Review Technical Note by Clarke Bond which includes a review of the Geo-Environmental Site Assessment Report completed by Ground Investigation (South West) Ltd. A full site assessment has been carried out and chemical exceedances against human health criteria were identified and the requirement for a clean cover system to gardens and soft landscaping areas as a remedial option (comprising 600mm of clean cover to private gardens and 300mm within the communal landscaping areas).

The Council's Public Protection officer is satisfied with the level of on-site investigation and supports the requirement for the clean cover system to the private gardens and communal areas. However, in order to meet the full requirements of the condition, a remedial strategy is necessary to set out how and where the works will be carried out, which should then be followed up with verification reporting to confirm the nature of the clean cover placed in private gardens and communal areas including the locations, depth profiles, photographs and soil analysis.



Extract from Cross Sections Plan (Drawing no. SK003)

The need for the clean cover system is accepted and the proposed new site levels are detailed on the proposed site and section plans. However, subsequent full and precise details would need to be submitted and approved by the Local Planning Authority, and suitable conditions are recommended to secure the requisite earthwork details and a remediation strategy as noted above.

10. Conclusion

This application seeks reserved matters approval for the erection of 34 custom build dwellings with vehicular access via Boreham Road pursuant to outline planning permission (13/06782/OUT) which was granted on appeal on 20 July 2017.

The proposed details of 'layout', 'scale' 'appearance' and 'landscaping' of the development are considered acceptable and in line with the parameters and the conditions set by the outline planning permission.

The development would contribute towards meeting the identified local housing need on a site that is now allocated for development by the Council within the Wiltshire Housing Site Allocations Plan.

The concerns of Bishopstrow Parish Council and third parties have been carefully considered and it should be noted that many of the expressed environmental impacts and site sensitivities which have been subject to extensive negotiations. The applicant has proactively engaged with the relevant stakeholders and has revised the application to address individual statutory consultee comments to ensure that the scheme can be delivered without unacceptable

ecological or environmental impacts, or harm to highway safety and wider landscape character.

The scheme is considered to be in accordance with both national and local planning policies and with suitably worded planning conditions it is recommended that reserved matters consent be approved.

RECOMMENDATION

It is recommended that the committee delegates the approval of this reserved matters application to the Head of Development Management subject to the following conditions and informatives following the completion of the necessary HRA Appropriate Assessment in respect to the SAC.

- 1 The development hereby permitted shall be carried out in accordance with the following approved documents and plans:
 - Document. Design & Access Statement Addendum (November 2019) by AHMM Architects, received 04.11.19;
 - Document. Design & Access Statement (Date of issue 21 January 2020) by AHMM Architects, received 04.02.20;
 - Document. Construction Environmental Management Plan (April 2020 [V3]) by Seasons Ecology, received 29.04.20;
 - Document. Landscape and Ecological Management Plan (ref JBA 19/019) (September 2019 Rev F 07.09.20), by JBA, received 07.09.20;
 - Document. Updated Ecology Appraisal (February 2020) by Seasons Ecology, received 04.02.20;
 - Document. Updated Dormouse Survey (July to November 2019) by Seasons Ecology, received 04.02.20;
 - Document. Updated Water Vole and Otter Survey (August / November 2019) by Seasons Ecology, received 04.02.20;
 - Document. Geo-Environmental Review Technical Note by Clarke Bond (ref B05066 / dated 11.18.19), received 02.12.19;
 - Document. Water Efficiency Calculations (ref. Jon no.4748 / date 11.03.20), received 13.03.20;
 - Document. Flood Risk Assessment Addendum by Clarke Bond (date 29/07/19) (report no. B05066-CLK-XX-XX-RP-FH-1001 / Number. P3 / Status. S2), received 07.08.19;
 - Document. Technical Note (Access Culvert Design) by Clarke Bond (date 07/08/19) (report no. B05066-CLK-XX-XX-TN-C-0001 / Number. P02 / Status. S2), received 07.10.19;
 - Document. Drainage Operations and Maintenance Manual (report no.B05066-CLK-XX-XX-RP-C-0001 / Status S2) by Clarke Bond, received 23.04.20;
 - Document no.0004 Rev.P03 – Highway Network with Surcharge (Surface Water Calculations & Scheme Design), received 23.04.20;
 - Document no.0006 Rev.P03 – Private Network with Surcharge (Surface Water Calculations & Scheme Design), received 23.04.20;
 - Drawing no.0515 Rev.P04 – Flood Exceedance Route Plan, received 23.04.20;
 - Drawing no.0535 Rev.P03 – Drainage & Tree Removal Plan, received 23.04.20;
 - Drawing no.0010 Rev.P01 – Proposed Ditch Re-Profile, received 04.02.20;
 - Drawing no.0705 Rev.P01 – Engineering Levels & Contours Layout, received 23.04.20;
 - Document. Arboricultural Method Statement (October 2019) by James Blake Associates, received 04.11.19;
 - Document. Tree Survey Schedule by James Blake Associates, received 07.08.19;

- Drawing no. JBA 19-019 TP01 Rev. B – Tree Protection Plan, received 04.11.19;
- Drawing no. JBA 19-019 TP01 Rev. B – Tree Removal Plan, received 04.11.19;
- Drawing no. P002 Rev.P04 – Proposed Site Plan, received 23.04.20;
- Drawing no. P100 Rev.P06 – Proposed Masterplan, received 23.04.20;
- Drawing no. P101 Rev.P04 – Proposed Unit Type Plan, received 23.04.20;
- Drawing no. P102 Rev.P04 – Proposed Tenure Plan, received 23.04.20;
- Drawing no. P103 Rev.P04 – Proposed Parking Plan, received 23.04.20;
- Drawing no. P101 Rev.P03 – Boat House – Type B4.1, received 07.08.19;
- Drawing no. P101 Rev.P03 – Large Boat House – Type LB4.1, received 07.08.19;
- Drawing no. P102 Rev.P03 – Large Boat House – Type LB4.2, received 07.08.19;
- Drawing no. P101 Rev.P03 – Terrace – Type TA1.1, received 07.08.19;
- Drawing no. P102 Rev.P03 – Terrace – Type TA2.1 & TA2.2, received 07.08.19;
- Drawing no. P103 Rev.P03 – Terrace – Type TA3.1, received 07.08.19;
- Drawing no. P104 Rev.P03 – Terrace – Type T3.1, received 07.08.19;
- Drawing no. P105 Rev.P03 – Terrace – Type T3.2, received 07.08.19;
- Drawing no. P106 Rev.P03 – Terrace – Type T3.3, received 07.08.19;
- Drawing no. P107 Rev.P03 – Terrace – Type T3.4, received 07.08.19;
- Drawing no. P108 Rev.P03 – Terrace – Type TA2.3, received 07.08.19;
- Drawing no. P201 Rev.P03 – Proposed Road Elevations – AA & BB, received 07.08.19;
- Drawing no. P203 Rev.P03 – Proposed Road Elevations – CC & DD, received 07.08.19;
- Drawing no. P203 Rev.P03 – Proposed Road Elevations – EE, received 07.08.19;
- Drawing no. JBA 19-01901 Rev. I – Proposed Hard Landscape, received 23.04.20;
- Drawing no. JBA 19-01902 Rev. L – Detailed Soft Landscape Proposals for Plots and POS, received 01.09.20;
- Drawing no. JBA 19-01903 Rev. L – Detailed Soft Landscape Proposals for Plots and POS, received 01.09.20;
- Drawing no. JBA 19-01904 Rev. H – Proposed Boundary Treatments, received 23.04.20;
- Drawing no. 0006 Rev.P02 – Boundary Conditions Retaining Walls, received 04.11.19;
- Drawing no. SK003 – Boundary Treatment Cross Sections, received 04.11.19;
- Drawing no. SK003 – Masterplan Upon Highway Officers Comments, received 04.11.19;
- Drawing no. 0140 Rev.P06 – Swept Path Analysis Refuse Vehicle, received 04.11.19;
- Drawing no. 0141 Rev.P06 – Swept Path Analysis DB32 Fire Tender, received 04.11.19;
- Drawing no. 0142 Rev.P06 – Swept Path Analysis DB32 Fire Tender, received 04.11.19;
- Drawing no.0145 Rev.P03 – Visibility Constraints Plan, received 23.04.20.

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

- 2 Prior to the post-shell design process and customisation of the dwelling on each plot, full details of the final design, layout, appearance and landscaping used in the construction of that plot, in accordance with the customisation options detailed within the approved Design & Access Statement by AHMM Architects (ref R001 Rev.P05) shall be submitted to and approved in writing by the Local Planning Authority. The design, layout, appearance and landscaping of each plot shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the site and because the final details for each plot have not been established to allow for flexibility in this custom-build scheme, in accordance the outline planning permission, ref 13/06782/OUT.

- 3 Prior to the first occupation of the development hereby permitted full details of the design and wording of the information boards required to be installed in line with paragraph 5.6.2 of the Ecological Management Plan (ref JBA 19/109) (September 2019) by JBA shall be submitted to an approved in writing by the Local Planning Authority. The approved information boards should be installed prior to the first occupation of the development.

REASON: In order to ensure long-term protection of habitats and wildlife in line with the requirement of the approved Ecological Management Plan.

- 4 Prior to the first occupation of the development hereby permitted the boundary between the development and the ecology zone shall be defined by the fencing and native hedgerow shown on the approved Detailed Soft Landscape Proposals for Plots and POS drawings (JBA 19/019-02 Rev L and JBA 19/019-03 Rev L) and the Proposed Boundary Treatments drawing (JBA 19/019-04 Rev H). The boundary treatments shall thereafter be retained for the lifetime of the development. None of the land within the ecology zone will be incorporated into gardens or used for any purpose including any temporary use other than for nature conservation, pedestrian access along the footpath marked on the Masterplan (P100 Rev P06) and works related to ditch and river management.

REASON: In order to ensure long-term protection of habitats and wildlife in line with the requirement of the approved Ecological Management Plan.

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

- 6 Notwithstanding the details shown on the approved plans, no railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted, including the enclosure of the Pump Station, until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

- 7 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 dwellings 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.

- 8 The development hereby permitted shall be carried out in strict accordance with the Arboricultural Method Statement (October 2019) by James Blake Associates, received 04.11.19.

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

- 9 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 the tree protective fencing has been 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 with British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

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

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

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

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

- 10 No development shall commence on site until full details of the remedial works recommended within the Geo-Environmental Review Technical Note by Clarke Bond (ref B05066 / dated 11.18.19) has been submitted to and approved in writing by the Local Planning Authority via a remediation strategy. The approved works shall thereafter be carried out in accordance with a timetable that shall be detailed within the remediation strategy. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

NOTE: The Geo-Environmental Review Technical Note recommends a cover systems to private gardens and communal areas and as such the remedial strategy should detail how and where this will be carried out; to be followed by verification reporting that confirms the nature of clean cover placed in private gardens and communal areas including locations, depth profiles, photographs and soil analysis.

- 11 With the exception of the installation of the access road, no development shall commence on site until 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 earthworks shall then be carried out in accordance with the details approved under this condition.

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

- 12 Prior to the occupation of each dwelling hereby permitted the access, turning area and parking spaces serving that dwelling shall be completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 13 No dwelling shall be occupied until details of secure covered cycle parking serving each individual dwelling have been submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided in accordance with the approved details prior to the occupation of each dwelling and retained for use at all times thereafter.

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

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), 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.

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

REASON: In the interests of residential amenity and privacy.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

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

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

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

INFORMATIVES TO APPLICANT:

The attention of the applicant is drawn to the conditions imposed on the outline planning permission reference 13/06782/OUT, dated the 20th July 2017. However, the Local Planning Authority can confirm that the details hereby approved under this reserved matters consent, as listed within condition 1 and detailed below, satisfy pre-commencement conditions 6, 9, 10, 14, 15 & 17 of outline planning permission 13/06782/OUT: -

Condition 6 - Culvert Details

- Document. Technical Note (Access Culvert Design) by Clarke Bond (date 07/08/19) (report no. B05066-CLK-XX-XX-TN-C-0001 / Issue Number. P02 / Status. S2), received 08.10.19.

Condition 9 - Footway Reconstruction

- Drawing no.0110 Rev.P1 - Highway Construction Details - Sheet 1, received 06.09.19;
- Drawing no.0200 Rev.P1 - S278 Works Proposed Junction Site Clearance Plan received 06.09.19;
- Drawing no.0801 Rev.P1 - S278 Kerbing & Surfacing Plan, received 06.09.19.

Condition 10 - Drainage Strategy

- Document. Technical Note (Access Culvert Design) by Clarke Bond (date 07/08/19) (report no. B05066-CLK-XX-XX-TN-C-0001 / Number. P02 / Status. S2), received 07.10.19
- Document. Drainage Operations and Maintenance Manual (report no. B05066-CLK-XX-XX-RP-C-0001 / Status S2) by Clarke Bond, received 23.04.20;
- Document no.0004 Rev.P03 - Highway Network with Surcharge (Surface Water Calculations & Scheme Design), received 23.04.20;
- Document no.0006 Rev.P03 - Private Network with Surcharge (Surface Water Calculations & Scheme Design), received 23.04.20;
- Drawing no.0515 Rev.P04 - Flood Exceedance Route Plan, received 23.04.20;
- Drawing no.0535 Rev.P03 - Drainage & Tree Removal Plan, received 23.04.20;
- Drawing no.0010 Rev.P01 - Proposed Ditch Re-Profile, received 04.02.20.

Condition 14 - Construction Environmental Management Plan

- Document. Construction Environmental Management Plan (April 2020 [V3]) by Seasons Ecology, received 29.04.20.

Condition 15 - Water Efficiency

- Document. Water Efficiency Calculations (ref. Jon no.4748 / date 11.03.20), received 13.03.20.

Condition 17 - Land Contamination Investigation

- Document. Geo-Environmental Review Technical Note by Clarke Bond (ref B05066 / dated 11.18.19), received 02.12.19.

The approved details listed above, which enable the pre-commencement conditions to be discharged, has been submitted under Discharge of Condition applications reference 19/08603/DOC, 19/11510/DOC, & 20/03527/DOC in tandem with the reserved matters application.

This approval of matters reserved refers only to condition 2 of outline planning permission 13/06782/OUT but does not by itself constitute a planning permission.

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Wylfe, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The need for an Environmental Permit is over and above the need for planning permission. To discuss the scope of the controls please contact the Environment Agency on 03708 506 506. Some activities are now excluded or exempt; please see the following link for further information: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

It must be noted that any works in proximity of a watercourse other than a main river, may be subject to the regulatory requirements of the Lead Local Flood Authority/Internal Drainage Board

Under the terms of the Land Drainage Act 1991 the prior written Land Drainage Consent of the Lead Local Flood Authority (Wiltshire Council in this case) is required for any proposed works or structures that could affect the flow of an ordinary watercourse (all non-main river watercourses/streams/ditches etc.). To discuss the scope of their controls and please contact Flood Risk Management Team at Wiltshire Council.

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

Water voles and their burrows are legally protected from harm and disturbance. Management works to the ditches should be conducted with advice from an ecologist to avoid committing an offence under the Wildlife and Countryside Act 1981 (as amended).

The ecology zone comprises land within 8m of the River Wylfe which is main river and 4m of the ditches which are ordinary watercourses. The relevant authority (Environment

Agency /Local Land Drainage Authority) should be consulted and approval sought for any new works proposed in these zones or any proposed new discharges to the river/water courses. This includes the works proposed under the current application and any subsequent changes



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