

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham
Date: Wednesday 29 August 2012
Time: 6.00 pm

Please direct any enquiries on this Agenda to Kirsty Butcher, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 713948 or email kirsty.butcher@wiltshire.gov.uk

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

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

Membership:

Cllr Desna Allen	Cllr Peter Hutton
Cllr Peter Colmer	Cllr Simon Killane
Cllr Christine Crisp	Cllr Mark Packard
Cllr Peter Davis	Cllr Toby Sturgis
Cllr Peter Doyle	Cllr Anthony Trotman (Chairman)
Cllr Alan Hill (Vice Chairman)	

Substitutes:

Cllr Chuck Berry	Cllr Howard Marshall
Cllr Bill Douglas	Cllr Bill Roberts
Cllr Mollie Groom	Cllr Judy Rooke

AGENDA

Part I

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

1 **Apologies**

To receive any apologies for absence.

2 **Minutes of the previous Meeting** (*Pages 1 - 6*)

To approve and sign as a correct record the minutes of the meeting held on 8 August 2012.

3 **Declarations of Interest**

To receive any declarations of pecuniary or non-pecuniary interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person **no later than 5.50pm on the day of the meeting.**

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda **no later than 5pm on Tuesday 21 August 2012.** Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides

that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals** (*Pages 7 - 8*)

An appeals update report is attached for information.

7 **Planning Applications** (*Pages 9 - 10*)

To consider and determine planning applications in the attached schedule.

7a **11/04069/FUL - Land at Manor Farm, Corston, Malmesbury** (*Pages 11 - 22*)

7b **12/01348/FUL - Land at 12 The Close Gastard, Corsham** (*Pages 23 - 28*)

7c **11/02946/FUL and 11/03200/FUL - Land at Great Middle Farm, Dauntsey and Land to The South of Middle Green Lane, Dauntsey** (*Pages 29 - 38*)

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

None

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NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 8 AUGUST 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Desna Allen, Cllr Peter Colmer, Cllr Christine Crisp, Cllr Peter Davis, Cllr Peter Doyle, Cllr Alan Hill (Vice Chairman), Cllr Peter Hutton, Cllr Mark Packard and Cllr Anthony Trotman (Chairman)

Also Present:

Cllr Sheila Parker

66 Apologies

Apologies were received from Cllrs Simon Killane and Toby Sturgis.

Cllr Killane was substituted by Cllr Bill Douglas.

67 Minutes of the Previous Meeting

The minutes of the meeting held on **18 July 2012** were presented. It was,

Resolved:

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

68 Declarations of Interest

Cllr Peter Doyle declared an interest in Minute Numbers **72a** - *Braeside Cottage, Box Hill* - and **72b** - *Warren Business Park, Knockdown* - as a member of the Cotswold Conservation Board. He declared he would participate in the debate and vote for each item with an open mind.

69 Chairman's Announcements

There were no announcements.

70 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

71 **Planning Appeals**

The Committee noted the contents of the appeals update.

72 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of applications **7a** and **7b** as listed in the agenda pack.

72a) **N/12/00309/FUL - Braeside Cottage, Box Hill, SN13 8ET**

Public Participation

Mr David Hadfield, agent and applicant, spoke in support of the application.

The Planning Officer introduced a report which recommended that planning permission be granted, subject to conditions. The existing extension to the cottage was noted along a comparison with the original structure, and the design and materials of the proposed new extension was raised, with the key issues for consideration including the principle of the development in the Area of Outstanding Natural Beauty (AONB) and the impact on the character and appearance of the area and the amenity of neighbouring properties. It was highlighted that parking arrangements would not be altered by the proposals.

The Committee then had the opportunity to ask technical questions of officers. Details on the graduated coloured cladding for the extensions was sought, and examples provided at the meeting. Members also sought details of the scale of the extension in proportion to the existing structure, including the existing extension.

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

The Local Member, Cllr Sheila Parker, then spoke in objection to the application.

A debate followed, where the impact on future amenity of the cottage with the reducing of the garden was discussed, and it was clarified that there is no policy minimum size for gardens, but could be a consideration. The Committee also discussed the balance between the attempt to improve upon the existing cottage with the visual impact upon the character and appearance of the AONB and the overall scale and design of the application, as well as choice of materials.

At the conclusion of debate, it was,

Resolved:

To REFUSE planning permission for the following reason:

By reason of its design, scale, form, materials and detailing the proposed development is not in keeping with the host building and is considered to not preserve the natural beauty and openness of the landscape, designated part of the Green Belt and Area of Outstanding Natural Beauty. The proposal is therefore considered to fail the requirements of policies C3, H8, NE1 and NE4 of the adopted North Wiltshire Local Plan 2011, as well as guidance contained within the National Planning Policy Framework.

72b N/12/01246/S73A - Warren Business Park, Knockdown, Wiltshire, GL8 8QY

Public Participation

Mrs Charlotte Watkins spoke in objection to the application.
Mr David Pearce, agent, spoke in support of the application.

The Planning Officer introduced a report which, modified by the late observations provided at the meeting, recommended that approval be granted, subject to conditions. It was noted that the application was retrospective, and that the key issues included the impact on the landscape and the Area of Outstanding Natural Beauty, and the affect on the amenity of neighbouring properties.

Details were then provided on the scale and number of solar panels on the application site, and it was stated that a landscaping planting plan to screen views had now been produced. It was noted that the County Landscape Officer raised no objection subject to the submission of a landscaping planting plan, and the Campaign to Protect Rural England (CPRE) broadly concurring with those comments.

The Committee then had the opportunity to ask technical questions of officers. Potential limits on the number of solar panels on site was raised, and the adequacy of the proposed screening of trees was discussed in relation to the nearest residential property.

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

A debate followed, where the distance from the nearest residential properties to the site in conjunction with the adjoining presence of the agricultural and commercial business park and the resulting slight impact of

the application was discussed. The specifics of the proposed landscaping planting plan were also raised.

After debate, it was,

Resolved:

That Planning Permission be GRANTED for the following reason:

The development is considered to be acceptable in principle and, subject to additional planting for mitigation and enhancement purposes, on balance it is considered that the proposal would not have an unacceptable impact on the landscape and natural beauty of the Area of Outstanding Beauty nor would unduly harm the amenities of neighbouring dwellings. As such the proposal would generally accord with policies C1, C3, NE4, NE15 and NE16 of the North Wiltshire Local Plan 2011.

And Subject to the following conditions:

1. The development hereby approved shall be discontinued and the land restored to its former condition on or before 25 years from the date of this permission in accordance with a scheme for the decommissioning and restoration of the development site, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include how the land will be restored back to full agricultural use upon the development no longer being in operation or upon the expiry of 25 years from the date of this planning permission, whichever is the sooner. The decommissioning and restoration of the development site shall be carried out in complete accordance with the scheme so agreed.

REASON: Reason: In the interests of amenity and the finite operation of this type of development and to ensure that upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition.

2. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting season following the date of this permission. 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.

3. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further

application.

- LDC Site Plan 1639.001, LDC Site Layout and Fence Details 1639.002, LDC 1639.003 Panel Details, received on 1st May 2012.
- LDC Landscaping Plan received on 13th July 2012.
- LDC Revised Drawing 1639.004A received 7th August 2012

REASON: To ensure that the development is implemented as approved.

73 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.00 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line (01225) 718504, e-mail kieran.elliott@wiltshire.gov.uk

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**Wiltshire Council
Northern Area Planning Committee
29th August 2012**

Forthcoming Hearings and Public Inquiries between 16/08/2012 and 28/02/2013

Application No	Location	Parish	Proposal	Appeal Type	Date
09/01315/CLE	OS 7400, Hicks Leaze, Chelworth, Lower Green, Cricklade	Cricklade	Use of Land for Storage and Dismantling of Cars, Vans, Lorries, Plant and Machinery for Export and Recycling; Siting of One Caravan for Residential Use	Public Inquiry	22/10/2012
11/02574/OUT	Land at Widham Farm/Widham Grove, Station Road, Purton, SN5	Purton	Outline Planning Application for up to 50 Dwellings, Access and Associated Works Following Demolition of Two Dwellings	Public Inquiry	21/08/2012

Planning Appeals Received between 26/07/2012 and 16/08/2012

Application No	Location	Parish	Proposal	DEL or COMM	Officer Recommendation	Appeal Type
11/03636/S73	Coach House, Heddington, Calne, SN11 0PQ	Heddington	Demolition of Industrial Buildings & Erection of Nine Dwellings (Renewal of N.08.00341.OUT)	DEL	Permission	Written Representations
12/00889/FUL	Land Adjacent to 8 Tern Close, Calne, Wiltshire, SN11 8NG	Calne	Two Dwellings & Associated Works (Revision to N/11/04061/FUL)	DEL	Refusal	Written Representations

Planning Appeals Decided between 26/07/2012 and 16/08/2012

Application No	Location	Parish	Proposal	DEL or COMM	Appeal Decision	Officer Recommendation	Appeal Type
11/02193/LBC	The Anchorage, Christian Malford, Chippenham, Wiltshire, SN15 4BQ	Christian Malford	Replacement of Two Windows & Addition of Two Rooflights	DEL	Allowed with Conditions	Refusal	Written Representations

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Agenda Item 7

INDEX OF APPLICATIONS ON 29/08/2012

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
(a)	11/04069/FUL	Land at Manor Farm, Corston, Malmesbury, Wiltshire, SN16 0HF	Erection of a Day Nursery with Associated Access & Parking Areas	Refusal
(b)	12/01348/FUL	Land at 12 The Close Gastard, Corsham, Wilts. SN13 9PX	Erection of Detached Dwelling, Conservatory, Carport/Workshop, Parking and Amenity Space	Permission
(c)	11/02946/FUL and 11/03200/FUL	Land at Great Middle Farm, Dauntsey, Wilts. SN15 4GY Land to The South of Middle Green Lane, Dauntsey, Chippenham, Wiltshire SN15 4GZ	Construction of Attenuation Pond and Associated Drainage Works Use of Land as Public Open Space and Formation of Pedestrian and Vehicular Access	Delegated to Area Development Manager Delegated to Area Development Manager

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	29 th August 2012		
Application Number	N.11.04069.FUL		
Site Address	Land at Manor Farm, Corston, Malmesbury, Wiltshire, SN16 0HF		
Proposal	Erection of a Day Nursery with Associated Access & Parking Areas		
Applicant	J R and C Eavis		
Town/Parish Council	St Paul Malmesbury Without		
Electoral Division	Sherston	Unitary Member	Councillor Thomson
Grid Ref	392318 183778		
Type of application	FULL		
Case Officer	Christine Moorfield	01249 706 686	Christine.moorfield@wiltshire.gov.uk

Reason for the application being considered by Committee This application has been called in by Cllr Thompson in order to consider the impact of the development on the character and appearance of the village and highway safety.

1. Purpose of report

To consider the above application and to recommend that planning permission be REFUSED.

2. Report summary

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

- Principle of development
- Impact upon highway safety
- Impact upon visual amenity and landscape character
- Impact upon neighbour amenity

The application has generated objections from the Parish Council,

There have been 5 letters of support and 42 letters of objection.

A petition signed by 74 residents has also been received objecting to the development.

3. Site Description

This site is agricultural grazing land. It is located adjacent to the main street through the village of Corston. There is an existing access to the site which serves the adjacent property and a property to the north. The site is generally flat and is located in village of Corston.

4. Relevant Planning History – the application site itself has no planning history. However, land opposite the application site in the control of the applicant has the following history.

Application Number	Proposal	Decision
99/01991FUL 99/01992LBC	Conversion of barn to holiday lets	Permission
	Conversion of barn to holiday lets	Permission
06/02304FUL	B1 Business B8 Storage distribution Use of replacement Building	Permission
08/01802fFUL	Conversion of farm buildings to provide 5 new dwellings - Resubmission	Permission
08/01815LBC	Conversion of farm buildings to provide 5 new dwellings - Resubmission	Permission

5. Proposal

This proposal is for a purpose built nursery with associated car parking play area and access.

The proposed building would be single storey and have a footprint of 416m². The building is to be divided into 4 elements internally: a young toddler's playroom; a baby's playroom; older toddler's playroom and; a preschool playroom.

Each area has its own associated facilities i.e. toilets changing area.

The building which is 'L' shaped has an enclosed south facing play area, all four areas have doors facing out into the play area.

The proposal will be for children between the ages of 0-5. It will cater for 64 children and will be open between the hours of 8am to 6pm. The nursery will be open 51 weeks a year and will require up to 20 staff.

The scheme as submitted was considered to have an industrial appearance and this was discussed with the agent.

Subsequently the design was amended and the materials altered. The building as amended is considered to have an 'agricultural' appearance which is considered more appropriate as seen from the open countryside. The envelope of the building increased marginally.

The layout of the play area was amended in order to incorporate a landscaped buffer to reduce the noise breakout which may impact on the adjacent property.

It was not considered necessary to reconsult as a result of these changes given their limited nature and on the basis that substantive objections to the application from third parties would not be overcome

6. Planning Policy

North Wiltshire Local Plan: Policies NE15; C3; CF1 T1.

In terms of the Local Plan the site is located within the countryside as Corston does not have a settlement boundary.

Emerging Wiltshire Core Strategy Pre-Submission Document February 2012, Core Policy 2 National Planning Policy Framework

7. Consultations

As mentioned above, no further consultation was undertaken in respect of the amendments outlined above.

Malmesbury and St Pauls without Parish Council- the revised application was narrowly supported. The views of the highway engineer have been recognised in that a refusal on this basis would not be justifiable.

Highway Engineer- Initial objection on grounds of the proposal "being outside of planning policy guidelines and offers concerns with regards to sustainability and in turn raises a highway objection". The following reasons were cited:

- Increased use of existing access prejudicial to road safety;
- Increased journey time (PPG13);
- Access from national primary route.

Following the submission of amended plans and additional submitted information in May 2012, the officer has confirmed:

The proposal would not require a right hand turn lane and that the site as a whole can accommodate adequate parking and drop off areas. The nature of child care does mean that visitors to the site can be spread throughout the day, with possibly a busy morning and evening drop off.

In terms of the Policy T8 objection, this was reconsidered and the officer confirmed that due to this location and the fact that it can be argued that the site is within the built area of Corston, then a refusal on this basis would be difficult to defend.

"With regards to the PPG13 objection: It is acknowledged that the new NPPF is in place which though on the surface looks as if it blurs the boundaries for objections based on sustainability, does in fact allow many of the concerns raised under PPG13 to be maintained. However in this case, the location is outside policy framework boundary... it sits between two built up areas (though on a greenfield site). As the agent argues it lends itself to the relaxation that the new NPPF framework encourages. They suggest that most of the vehicle movements will be tied in to existing patterns (i.e. people going to work) and that levels of movement are sustainable. The site is can be accessed via lit footways and could be accessed easily by cycling from the adjacent village."

Environmental Health Officer - "The unit may result in a future problem in relation to noise disturbance for adjacent residents." The following amendments were suggested:

- Building play area moved away from adjacent residents.
- Facility should be for less children

- Screening of the 'L' shaped building to reduce noise disturbance.

However, the comments were caveated that on the basis of the proposal as it is, an objection would be raised on noise grounds.

Spatial Plans Officer – confirms the weight to be attached to existing and emerging policy. Comments are in full on the file and website and replicated below.

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

The Malmesbury and St Pauls Residents Association objected to the proposal on highway grounds.

42 letters of objection have been received.

5 letters of support have been received.

One petition objecting to the scheme has been received signed by 74 residents.

Summary of key relevant points raised:

- Access
- Highway safety particularly at peak times and in addition to adjacent uses.
- No need for such a facility as there are already several within the locality.
- The village does not need this facility as there are not enough children in the village and therefore this will attract traffic into the village.
- Nursery in Christian Malford is not full.
- Increased traffic generation by parent's staff and deliveries.
- Unacceptable footpath access
- Green field site, setting a precedent for further development.
- Large unacceptable development in rural location
- Converted buildings within the locality should be considered before a new build is permitted.
- Loss of amenity for adjacent residents in terms of loss of privacy, noise disturbance and visual intrusion from an overbearing built form.
- Detrimental to the character of the village
- Protected designated zone- *the site is within the countryside as indicated within the local plan 2011*
- Ruined outlook for and loss in value of adjacent houses- *not a planning consideration*
- Loss of green belt- *this site is not within the green belt.*
- Comments have been made in respect of the financing and operation of the proposed nursery. *These comments are not a material consideration.*

9. Planning Considerations

Principle of development

Corston is primarily a linear village adjacent to the A429. The village does not have a framework/settlement boundary and there is no designated Conservation Area.

In the absence of a framework boundary, the site is within the countryside as stipulated within the Local Plan 2011.

Policy CF1 states that the provision of local community uses will be permitted within or adjoining framework boundaries of villages. However in this instance there is no framework boundary to Corston.

Development in the open countryside in principal is not generally supported and therefore this proposal is not in line with the North Wiltshire Local Plan 2011. Where development fails to accord with the development plan, material considerations need to be examined to ascertain if they outweigh policy.

Information submitted by the applicant indicates that nurseries within the locality are near capacity and therefore, it is considered that there is a need for such a facility in this location. Whilst there is an assumption that a local facility will serve people within the vicinity thereby limiting the need for people to travel by car this is not something that can be controlled by the Local Planning Authority.

The agents content the following:

- There will always be a need for residents within the countryside to use their car in the absence of a realistic alternative and therefore in this instance the ease of access to this site i.e. on a major route will enable car drivers to drop off pick up on their way to/from work.
- The National Planning Policy Framework focuses on the promotion of sustainable development and the provision of accessible local services is a key issue. Paragraph 28 of the NPPF confirms that to promote a strong rural economy local and neighbourhood plans should:
 - Support sustainable growth through the expansion of all types of business and enterprise rural areas through conversion and well designed new build.
 - Promote retention and development of local services and community facilities such as shops meeting places sports venues cultural buildings public houses and places of worship.

National Planning Policy Framework (NPPF)

New national level planning guidance has been introduced in the NPPF¹. This replaces the former planning policy guidance and statement notes. The NPPF is a key part of planning reforms that simplify the planning system and focus on promoting sustainable growth.

The NPPF includes a section focused on building a prosperous rural economy and states:

“Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development”.

It then sets out a number of objectives *that local and neighbourhood plans should achieve* and this includes the aim to:

“promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship” (paragraph 28).

¹ Published on the 27th March 2012.

It clearly promotes the provision of sustainable community facilities in villages. It states however that this must be encouraged through local and neighbourhood plans and these plans must ensure other planning factors are taken into account to ensure the facilities are in sustainable rural locations.

The NPPF also enables communities to have greater input in development in their area through neighbourhood planning.

Wiltshire Core Strategy Submission Document

The Wiltshire Core Strategy is now at submission stage. The Wiltshire Core Strategy Submission Document was formally approved for publication by Wiltshire Council on 26 June 2012. Following this decision Wiltshire Council submitted the Wiltshire Core Strategy to the Planning Inspectorate on 10 July 2012 for the purpose of initiating an independent public examination. The document carries greater weight as the process moves forward.

The NPPF was published during the development of the core strategy. As assessment has been carried out to ensure the document is in general conformity with the NPPF², the core strategy does therefore reflect the emphasis on enabling and promoting sustainable growth and development in the county in the right locations.

In rural areas the settlement strategy in the core strategy submission document identifies two tiers of rural villages: Large and Small Villages. Core Policy 1 states that development at Large and Small Villages will be limited to that needed to meet housing needs and improve employment opportunities, services and facilities.

Core Policy 2 sets out the delivery strategy and provides more detail on where and when in these Large and Small Villages development is acceptable in planning terms.

Corston is identified within the document as a Small Village. At Small Villages: **“development will be limited to infill within the existing built area”** (page 30). Proposals in the Small Villages for services and facilities can be supported where they meet a need for such a service or facility and provided they meet the following three criteria:

- i. Respects the existing character and form of the settlement.
- ii. The proposal does not elongate the village or impose development in sensitive landscape areas.
- iii. Does not consolidate an existing sporadic loose knit area of development.

The judgement has to be made as to whether there is a genuine need for the proposal and that these three criteria are met.

It is not considered that the development respects the existing character and form of the village as it creates a lung of development encroaching into the countryside. The existing site is an area of green within the length of Corston that is visible from the main road and does form an important part of the village's character.

The development results in the loss of this green area of land within the village's length. However it is recognised that the proposal does not elongate the village.

The draft Core Strategy Pre-Submission Document is still draft and in line with this it is necessary to judge whether this can be classed as infill development, or that the impact would not be greater than that of infill development.

² A report on the conformity of the core strategy pre-submission document to the NPPF can be found on the following link:

Whilst it is recognised that this site is located within the length of the village, the village is one that is predominantly linear with green areas encroaching in between the built areas. This site is quite noticeably an area where the development is sparse and where there is a clear gap in the built up area. The proposal is not considered to be justifiable as infill development as it is beyond the edge of the built up area. It proposes the development of a green field site which will create an area of development which encroaches into the countryside. It is recognised that this is a matter of judgement but it is considered that if a development boundary was in place this site would clearly be outside of that.

Consideration has to be given to whether the community and economic benefit this proposal would bring could justify the provision of a service that is not classed as infill.

As outlined above, notwithstanding that existing nurseries between Chippenham and Malmesbury are operating at or near capacity, there is nothing to suggest that this facility will serve the specific community of Corston, nor can it be controlled. It is accepted that the proposal has potential to increase employment opportunities but it is not considered that this should outweigh adopted and emerging development plan policies.

Community input

The Localism Bill and NPPF focus on empowering local communities and enabling them to have the opportunity to shape the development of the settlement they live within. The community opinion on this proposal should also be included in the decision making process. In this instance there has been an indication that numerous residents and the residents association are not in favour of this proposal.

It is recognised that for a proposal to be acceptable it must be shown to bring economic and community benefit to the village of Corston. Wiltshire is a predominantly rural county and sustainable development must be enabled in rural settlements to enable them to function effectively. The NPPF encourages sustainable growth in rural villages.

The draft Wiltshire Core Strategy Submission Document application of encouraging sustainable growth in rural villages is to enable growth in or on the edge of Large Villages, and for it to take the form of infill development at the smallest rural settlements identified as Small Villages. Corston is identified as a Small Village

Therefore, in the absence of specific policies in relation to such a proposal this development must be considered on its merits and in line with the spirit of local Plan policies, emerging policies and central government advice. This is a finely balanced decision, however, it is not considered that this site can be seen as an infill site and as such the principle of this development in the absence of local support cannot be justified as being acceptable.

Impact upon highway safety

The main issue raised by interested parties in relation to this application has been the impact that this proposal will have on traffic generation and the fact that this site is situated adjacent to the main A429 which is the main road between Malmesbury and Chippenham providing access to the M4.

Highways Officers had concerns in respect of this proposal in relation to the access to the site. The amended plans have addressed the issue of the access to the site. These submitted details are now considered to be acceptable. The access is located within the

30mph area and therefore vehicles manoeuvring into and out from this site should not create a traffic hazard.

A dedicated right hand turn lane was considered but it is not felt to be necessary given the speed limit in this area.

In addition, the Highway Engineer raised initial objections to the proposal on the basis that the proposal conflicted with the key aims of planning policy guidance PPG13 which seeks to reduce the growth in the number of journeys by car.

In March 2012 the National Planning Policy Framework cancelled PPG13. The main focus of this is to promote sustainable development and the provision of accessible local services is a key issue. The agent has stated that in relation to the desire to support a prosperous rural community paragraph 28 of the NPPF confirms that to promote a strong rural economy local and neighbourhood plans should:

- Support sustainable growth through the expansion of all types of business and enterprise rural areas through conversion and well designed new build.
- Promote retention and development of local services and community facilities such as shops meeting places sports venues cultural buildings public houses and places of worship.

It is recognised that there is no specific guidance given in relation to nurseries.

It is accepted that a use of this nature is likely to be used by residents in the surrounding villages who are likely to be travelling by car to adjacent towns or accessing the M4.

With regard to the Structure Plan policy T8 concerns were expressed by the highway engineer on the impact the development would have on the road which is classed as a 'National Primary Route' within the stretch of road where there are speed restrictions. On balance therefore the Highway Engineer has withdrawn this objection to this proposal.

It is not considered therefore that the proposal would create a traffic danger and the means of access is considered acceptable. No objection has been raised to the level of car parking and or the layout of the car park within the site. The site can be accessed by footpath and or cycles.

This proposed nursery in terms of its impact on highway safety is considered to comply with Policies T1 and C3 contained within the Local Plan 2011.

Impact upon visual amenity and landscape character

The scheme has been amended following discussions with the agents. The initial scheme submitted was considered to have an industrial appearance which was not considered appropriate in this location. The building design was amended to give a more agricultural appearance to the building as seen from the open countryside to the North and South West. This has been achieved through the greater use of vertical boarding and amendments to the fenestration.

The applicant has agreed to the planting of a landscaped belt outside the site but adjacent to the boundary and on land within the ownership of the applicant.

Sections through the site provide information in respect of the appearance of the building as seen from the road coupled with the impact on the adjacent dwelling.

The site is classed as being within the countryside (Local Plan 2011) with regard to its impact the development must be seen to conserve and enhanced the character and appearance of the countryside (Policy NE15). Development will be permitted if it does not adversely affect the character of an area and the features that contribute to its distinctiveness.

In this instance the distinctive character of the area is that of relatively level agricultural grazing land. There are native hedges delineating the boundaries between fields. This development results in agricultural land being developed and encroaches into the countryside at this point further than the surrounding buildings. This development is set away from the road and in this instance the rear boundary of the site protrudes into the countryside but it is accepted that it does not extend beyond the existing development limits of Barton Way to the South West.

The proposal, as a matter of principle conflicts Policies NE15 and C3 of the Local Plan in this respect.

Impact upon neighbour amenity

The Environmental Health Officer objected to the development given the position of the play area in relation to the adjacent residential units both on the main road and Barton Way.

A screen fence, as part of a landscaping belt is proposed which would offer limited protection for adjacent residents.

Limiting the number of children in the play area at one time in conjunction with the hours of operation is still being discussed with the agent.

As the property is in the applicants ownership it is proposed that the nursery manager would occupy the adjacent dwelling and therefore, the level of noise disturbance to the immediate neighbour would be considered to be less of an issue, but only on the basis that the dwelling were tied to the business. No tie has yet been agreed with the applicant.

The other surrounding residential units are at a distance (100m to Barton Way) from the proposal however it is considered on the basis of the scheme at present and the information available, that the proposed development would give rise to noise disturbance to neighbours adjacent to the site and therefore is contrary to Policy C3 of the Local Plan 2011.

With regard to outlook it is not considered that the development would impact on adjacent dwellings in terms of loss of privacy as the building is set well away from neighbours and is single storey. In this respect the proposed development complies with policy C3 of the Local Plan.

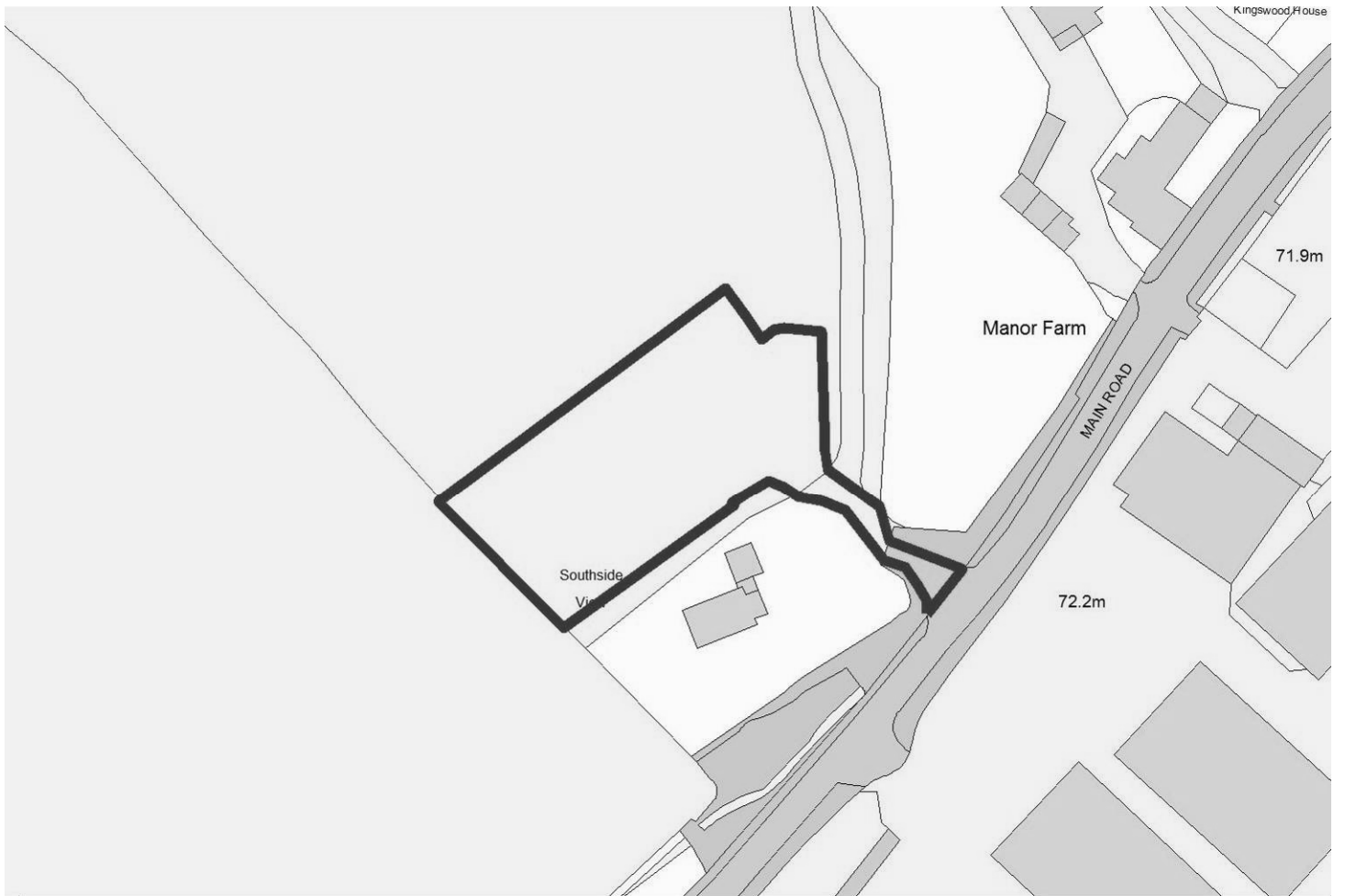
10. Conclusion

On balance it is considered that this proposal will not create a highway safety problem in terms of the numbers of vehicles it attracts and the position of the access in relation to the A249. The building is of an acceptable design. However a development of this nature without strong local community support cannot be justified. The site is within the countryside and is not considered to be an infill site within the built up limits of the village and therefore is contrary to Policies CF1 NE15 and C3 of the Local Plan 2011 and also Core Policy C2 of the emerging Wiltshire Core Strategy.

11. Recommendation

Planning Permission is REFUSED for the following reasons:

1. The proposed nursery development, in the absence of any framework boundary for Corston, is located within the open countryside. The site is not considered to be an infill site having regard to the character, built form and appearance of the area and is therefore, contrary to saved policies C3, CF1 and NE15 of the adopted Local Plan 2011 and Core Policy C2 of the emerging Wiltshire Core Strategy.
2. The proposed development would be likely to give rise to an unacceptable level of noise disturbance to adjacent residents to the detriment of their residential amenity and therefore does not comply with Policy C3 of the Local Plan 2011.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	29 August 2012		
Application Number	N/12/01348/FUL		
Site Address	Land at 12 The Close, Gastard, Wiltshire SN13 9PX		
Proposal	Erection of Detached Dwelling, Conservatory, Carport/Workshop, Parking and Amenity Space		
Applicant	Westlea Housing Association Ltd		
Town/Parish Council	Corsham Town Council		
Electoral Division	Corsham Without and Box Hill	Unitary Member	Councillor Tonge
Grid Ref	388304 1681164		
Type of application	Full		
Case Officer	Chris Marsh	01249 706657	chris.marsh@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called in by Councillor Tonge in order to consider the impact of the proposal on the surrounding area and on neighbour amenity.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

The application has attracted an objection from Corsham Town Council on the grounds that the proposal constitutes overdevelopment of the site, resulting in the loss of neighbour amenity.

2. Main Issues

The main issues in considering the application are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on highway safety
- S106 contributions

3. Site Description

The site is located within the framework boundary for the village of Gastard and comprises a large section of garden that has been separated from the curtilage of no.12 The Close, a semi-detached property at the end of a cul-de-sac. The orientation of the site is onto Silver Street, a main route through the village, alongside which the former garden of no.12 extends, bounded by a traditional stone wall. The northwest boundary is currently hedgerow and the border with no.11 a wire fence.

Directly opposite and northwest of the site are a number of listed and non-listed cottages, all of which contribute to the character of the local area. These are largely finished in natural stone, which has weathered down, and of a modest two-storey scale set back from the road. The mixture of styles and scales is characteristic of the village.

4. Relevant Planning History		
Application Number	Proposal	Decision
N/07/02242/FUL	Erection of Two Dwellings	Withdrawn

5. Proposal

The proposal comprises the erection of a new four-bedroom detached property on the site, including a new access onto Silver Street and a detached garage/workshop building to the immediate Southeast of the dwelling. The building is to be two storeys in scale, with partial dormer windows in the upper level, with a ridge height of 7.1m and eaves at 3.8m. The dormers adopt a lintel detail referencing properties opposite so as to break up the front elevation. To the rear of the property, a hipped-roof conservatory is proposed, providing access onto a patio within the rear garden, which is to be laid to lawn with hedged boundaries.

In terms of its siting, the building stands clear of the boundaries of adjacent properties, and is set back from the highway sufficiently to provide separate pedestrian access to the front door through a break in the boundary wall. At the Eastern corner of the site, a larger section of wall is to be cleared to provide access to the parking/turning area and detached single garage and workshop building. The garage/workshop is of timber construction, with a plain clay tile half-hipped roof over, featuring an open 'carport' type frontage.

Details of the external finishes of the building are yet to be refined, and these matters would be agreed by condition. However the expectation is to use double roman roof tiles and reconstituted natural stone in a style in keeping with those of the surrounding historic properties. The parking/turning area is to be surfaced in consolidated material for the first 2m, with mixed grade compacted gravel behind, providing a porous surface adjacent to the small front lawn, which runs the width of the building.

6. Consultations

Corsham Town Council – objects as *'the proposal would be overdevelopment of the site and detrimental to the streetscene'*

Highways – no objection, subject to conditions

Affordable Housing – confirmed requirement for S106 contribution of £26,000

Public Open Space – confirmed requirement for S106 contribution of £4,375

Wiltshire Biological Records Centre – confirmed recording of bats within 400m of site

Wessex Water – no objection, subject to satisfactory connection to utilities

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

9 letters of objection were received

Summary of key relevant points raised:

- Overdevelopment of the site
- Loss of neighbour amenity
- Access detrimental to highway safety
- Insufficient parking and turning space

A comment of 'no objection' was received from Corsham Civic Society, however it was noted that the dwelling should be in keeping with the character of the village.

8. Planning Considerations

Principle of development

The site is located within the framework boundary for Gastard, where there is a presumption in favour of new residential development under Policy H3 of the adopted Local Plan. A previous scheme for two semi-detached dwellings on this site was withdrawn (07/02242/FUL refers) and it is considered that this would have amounted to unacceptable development, given the constraints of the site.

With regard to the reduction in the amenity space associated with no.12 with the partition of the rear garden, it should be noted that this could be undertaken in any case without planning permission and indeed this separation of what is essentially a building plot has already occurred with the erection of a fence at the Southeast boundary of the application site.

Impact on the character and appearance of the area

This historic part of Gastard is characterised by its mix of styles and varied density of residential properties, which form a complex built fabric around the site. The design of the proposed dwelling references features found on surrounding properties and will readily engage in particular with the cottages directly opposite to form a more comprehensive street scene to this part of Silver Street.

Whilst the materials proposed for the outbuilding are something of a departure from those seen in the immediate vicinity, these will emphasise the ancillary nature of the building to the effect of maintaining the legibility of the overall street scene. As such, the proposal accords with Policies C3 and H3 of the adopted Local Plan.

Impact on residential amenity

The proposal allows for a separation of just over 9m between the single first floor window of the proposed dwelling on its Southeast elevation and the site boundary, with a further distance of 4m to the rear of no.12 The Close. Likewise a separation of 7.3m is maintained between the rear build line and the Southwest boundary, which borders the garden of no.11, and a distance of 25m from no.7 Silver Street, to the Northwest. Given the scale of the building, it is therefore considered that the dwelling will not have an overbearing effect on neighbouring properties or compromise the level of daylight or sunlight available to these.

The issue of potential overlooking has been raised in respect of the rear first floor windows to the Southwest elevation of the property, and their potential impact on the residential amenity of no.11 and even no.10 The Close. As the main pair of the aforementioned windows are to provide light to bathrooms, the obscure glazing of these can be ensured by condition, preventing overlooking entirely. The remaining central window is situated over a stairwell, so that direct viewing from inside the dwelling would be difficult to achieve. It is considered that an alternative rooflight over the stairwell would render the scheme less in keeping with the character and appearance of the area. It is considered that the proposal complies with Policy C3 of the Local Plan in terms of amenity.

Impact on highway safety

Details of access, parking and turning arrangements for the proposed dwelling have been agreed by the Highways Officer and no objection has been raised in respect of these. The configuration of the site provides for sufficient visibility onto the highway and adequate turning space for forward access and egress to and from the site by private vehicles. Three parking spaces are provided on site, including the single garage building, in line with County-wide parking standards.

It is not envisaged that the new access onto Silver Street will compromise the safety of this road. Objections make reference to previous incidents on the nearby bend. However it is not considered that the new access will exacerbate what is evidently a pre-existing issue, and it is in this context in which the proposal must be assessed, and so complies with Policies C3 and H3 in this respect.

S106 contributions

In accordance with Policy H6 of the adopted Local Plan, the erection of a new four-bedroom dwelling in this location would, under normal circumstances, trigger a requirement for a Section 106 contribution of £26,000 toward the provision of affordable housing elsewhere in the village. A further contribution of £4,375 will be sought toward the provision of public open space, the target site being Gastard Playing Field, as set out in Policy CF3 of the adopted Local Plan.

The applicant has submitted an open-book type financial report to demonstrate that the scheme would not be viable if the above requirements for contributions are carried through in full. This has been considered by the Council's Housing Officer, whose view is as follows:

"In line with North Wiltshire's Affordable Housing Supplementary Document 2008, the Council acknowledges that developers frequently incur other costs in bringing forward development opportunities. The level of affordable housing is therefore dependent on the level of these costs, and is assessed very much on a site by site basis after considering the site conditions and the economics of provision. Following an open book assessment of Land at 12 The Close, Gastard, application no 12/01348/FUL, it has been demonstrated by the applicant that the requirement to provide the affordable housing contribution of £26,000 makes the scheme unviable."

It is therefore concluded that the usual contributions would be a significant impediment to development, irrespective of the negative residual value of the plot in any case. It is therefore the Officer's view that permission should be granted without requirement for a Section 106 Agreement.

Conclusion

It is considered that the proposed development is acceptable in principle and will not amount to overdevelopment of what is, in reality, a generous site within an established village location. Owing variously to its siting, orientation and fenestration, the proposed dwelling will not result in the loss of residential amenity to neighbouring properties, maintaining a sufficient separation as to avoid overbearing and conform to the existing built pattern of its setting. The access and parking arrangements adhere to Countywide standards and, although it is accepted that certain highway risks may already exist, the proposal is unlikely to have any significant effect on the adjacent road.

9. Recommendation

That planning permission is granted for the following reason:

The proposed development, by reason of its siting, orientation, scale, massing and design, will not harm the character or appearance of the site or its setting. The proposal will not incur detriment to residential amenity or highway safety and as such accords with Policies C3 and H3 of the adopted North Wiltshire Local Plan 2011.

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 No development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area.

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

REASON: In the interests of highway safety.

- 4 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4m metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the North and 43 metres to the South from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 5 The office/workshop hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling subject of this application.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

- 6 Before the development hereby permitted is first occupied the larger two windows in the Southwest elevation shall be glazed with obscure glass only and the windows shall be maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

- 7 The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

06-102 P3 - Proposed Site Layout Plan

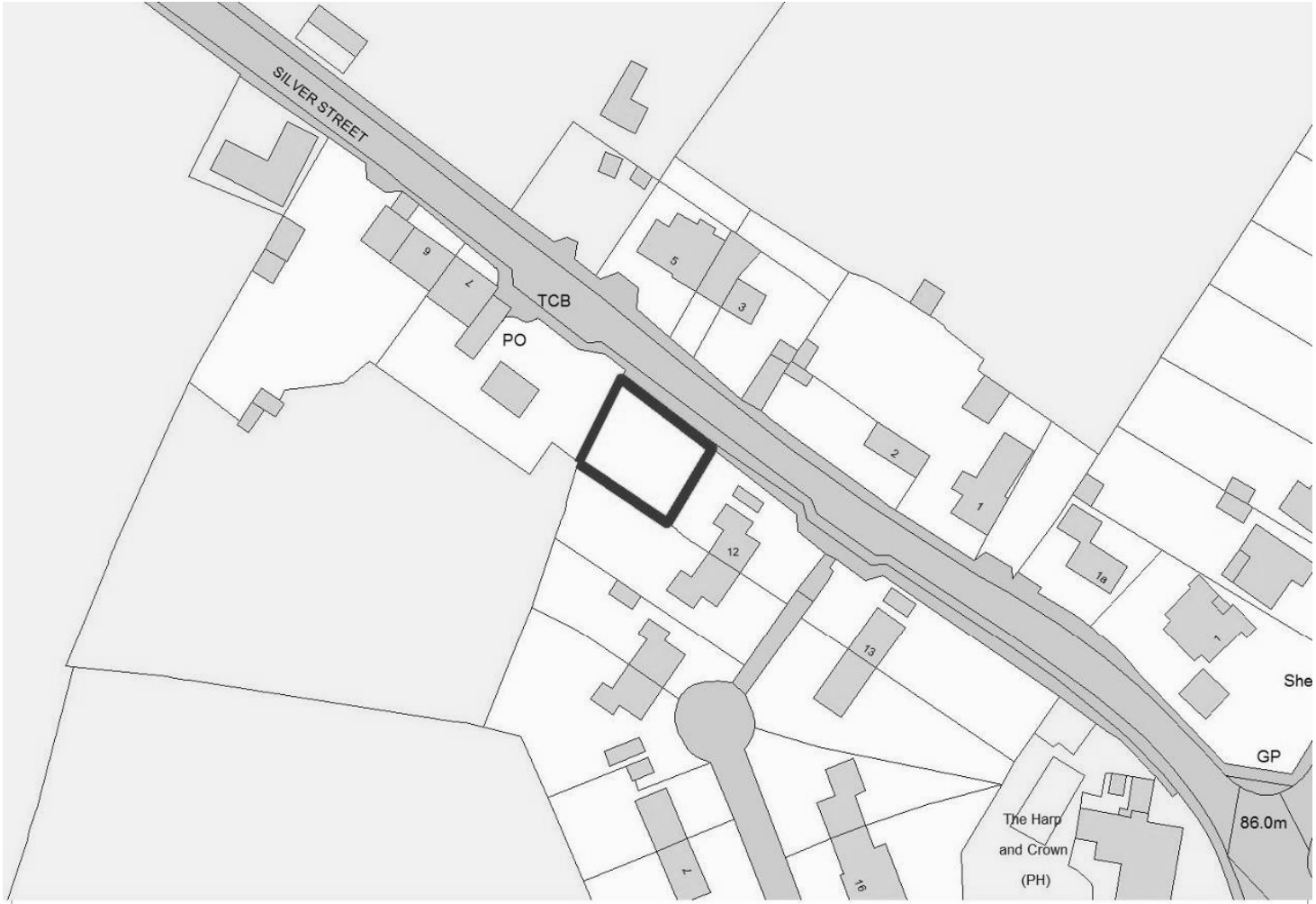
06-102 P4 - Proposed Plans and Elevations - 4 Bed Dwelling

06-102 P5 - Proposed Plans and Elevations - Carport

06-102 P6 - Proposed Streetscape Elevations

Received 11 May 2012

REASON: To ensure that the development is implemented as approved.



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	29th August 2012		
Application Number	11/02946/FUL and 11/03200/FUL		
Site Address	Land at Great Middle Green Farm, The Green, Dauntsey		
Proposal	11/002946/FUL – Construction of attenuation pond and associated drainage works 11/03200/FUL – Use of land as public open space and formation of pedestrian and vehicular access		
Applicant	Flower & Hayes Ltd		
Town/Parish Council	Dauntsey		
Electoral Division	Brinkworth	Unitary Member	Toby Sturgis
Grid Ref	399773 182103		
Type of application	FULL		
Case Officer	S T Smith	01249 706 633	simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

These applications seek, in effect, the discharge of conditions and amendment of previously granted planning permissions for development (03/02654/OUT, 05/00612/REM and 05/00962/REM refer). Those earlier planning permissions were considered and granted by the Development Control Committee of the then North Wiltshire District Council. Since the two applications now under consideration seek to alter the expectations and provisions of the earlier permissions, Officers consider it appropriate for both to again be considered by the Development Control Committee.

1. Purpose of Report

To concurrently consider the above applications for development and recommend that both are GRANTED planning permission.

The Dauntsey Parish Council do not object in principle to the proposed location of the attenuation pond subject to suitable drainage details being agreed. The Parish Council object to the proposed arrangements for public open space.

2. Main Issues

- Background to applications
- Attenuation pond and drainage scheme
- Public open space

3. Site Description

The application relates to a development site accessed from the main road through Dauntsey. The development is split into two distinct sections: the housing site fronting The Green and the employment units site, positioned to its immediate rear. The former section is within the Settlement Framework Boundary and the latter outside.

Both sites are under construction. The housing site is substantially complete with almost total occupation. Conversely, the employment site to the rear remains uncompleted with only two of the permitted six units completed. Neither office unit is occupied.

4. Relevant Planning History		
Application Number	Proposal	Decision
03/02654/OUT	Residential development and new industrial premises	Granted 08/06/04
05/00962/REM	Residential development – reserved matters	Granted 34/01/05
05/00612/REM	Employment development – reserved matters	Granted 24/01/05
06/03091/FUL	Employment development of 6 office units, access road and open park land including attenuation pond (revision to details, including addition of 1 unit under 05/00612/REM)	Refused 01/03/07 Appeal dismissed 17/09/07
08/00294/FUL	Employment development of 4 office units, access road, attenuation pond and use of land as open space (revision to reserved matters 05/00612/REM resulting in total of six employment units)	Refused 29/09/08 Appeal upheld 19/05/09
09/01420/S106	Variation of s106 agreement associated with planning permission 03/02654/OUT to remove requirement for the provision of public open space	Void
10/02960/S106	Modification of legal agreement (phasing of employment floorspace)	Deed of Variation agreed 06/10/11
11/03146/FUL	Change of use of offices to eight flats	Refused 31/01/12
11/03237/FUL	Erection of dwelling and garage (change of house type)	Refused 31/01/12
11/03322/S106	Modification of legal agreement (public open space)	Refused 31/01/12 Appeal pending

5. Proposal

Two planning applications are under consideration. Effective and informed determination of the applications should be achieved through their concurrent consideration.

11/02946/FUL seeks the construction of a flooding attenuation pond on agricultural land between the housing and employment elements of the development. Informing this application a comprehensive scheme for the drainage of the entire development has now been prepared and submitted. The drainage details submitted should form part of the consideration of this application. A grant of planning permission would also have the effect of addressing the requirements of drainage conditions imposed under the original outline and reserved matters permissions.

11/03200/FUL seeks permission for the creation of public open space of 1260m² together with 140m² play area and associated access road for maintenance purposes. The application proposes a quantum of public open space that would be below that already agreed under the original outline permission 03/02654/OUT, being 3800m²

6. Consultations

Dauntsey Parish Council

In relation to 11/002946/FUL (attenuation pond)

“No Objection in principle to the actual location of the pond but would request that the drainage engineering team at Wiltshire Council confirm that the drainage system details submitted are adequate to comply with storm water requirements for the whole development site including the size of the attenuation pond, raised land levels and proposed un-attenuated drainage, to ensure that the results are no worse than the original green field run off to existing drainage culverts downstream of Old Sodom Lane before a decision is made on the application.

The Council would also like it noted that the drawings and details indicate that further proposals may be forthcoming relating to additional development and a reduction in the size of Public Open Space which will not be acceptable.”

In relation to 11/03200/FUL (public open space)

“The justification for this is that on the 12th May 2004 a Section 106 Legal Agreement was signed by all parties to set aside this area of land for the benefit of public use, in perpetuity, as a public open space. The land originally contained within a residential development proposal and following recognition that the land was an important flood prevention zone the land was separated from further development proposals and became a separate entity as part of the Section 106 Legal Agreement.

The Section 106 Legal Agreement became extremely important material consideration in the determination of the outline planning application. This was one of the material planning considerations at the time the outline planning application was being considered with all parties involved realising that the area of land proposed for the Section 106 was far in excess of what could have been requested as part of the Local Plan 2001 Policy as a percentage of the development site itself. Consequently, the Local Planning Authority set aside this area of land, of no development value, under a separate Legal Agreement for the benefit of the village as a whole prior to determining the outline planning application.

The Section 106 Legal Agreement is sacrosanct and was signed at the time when it was public knowledge that the whole area of land involved was of no benefit to the applicant and could be excluded from the development site and given over as a public open space. The situation still exists today and the application is in contravention of many of the obligations contained within the Section 106 relating to this matter alongside other issues that need to be addressed.

The Council continues to object to all proposals for any development or alteration of size on the Section 106 Legal Agreement land.

The developer now relies on the Policies contained in the North Wiltshire Local Plan 2011 to argue his case for a reduction in size of the Public Open Space, with great play on the fact that its provision is for the benefit of the development itself and not for the community as a whole.

Once again it shows the total disregard for this community, which has been the case from day one, the developer being well aware of the aspirations to create a Village Green at The Green as a major feature within the centre of the Village. In fact the developer himself has produced various unsatisfactory schemes to lay out the whole Section 106 land for this function but has always complicated the issues by including some development form that should have been accommodated on the development site itself.

If the Section 106 Legal Agreement had been adhered to, work carried out and now forming a pleasant scene, the developer could well have benefited as this would have clearly assisted in the sale of the houses on the adjacent land and, more importantly at this stage, the employment units that remain unsold and unoccupied and now the subject of alternative proposals that are un-acceptable to the community.

The Council is against the proposal in principle and the application should be refused. However, they did look at the details presented and although a small scale Public Open Space is shown its frontage is partially enclosed by a new hedgerow tight to what would be the highway footpath and so the open aspect required is lost. The open aspect is an important part of the Village Green concept. In addition this frontage hedge and its return in the north- westerly direction will form an obstruction to the highway view around the curve of the highway which was provided as part of a previous planning permission for 6 dwellings to the west of the site when a new hedgerow was planted allowing a visibility line to be formed.

The developer is also proposing to use the part of the Section 106 land that is the low point on the land for a fenced Play Area which was previously proposed for the adjacent development sites storm-water infrastructure by way of an attenuation pond. This position is not acceptable both from the open aspect and visibility point of view and the fact that in extreme conditions it could well be under water. If there is any possibility that the principle of these proposals are found acceptable by Wiltshire Council then the Play Area should be moved to the rear boundary of reduced Open Space where there is a access road being proposed, supposedly for maintenance purposes but undoubtedly for future development proposals.

I am asked to finish this letter with a re-statement of the Council's previously expressed views that if immediate enforcement action, possibly a Stop Notice, had been issued soon after it was noticed that the developer had commenced work on the adjacent site in contravention of the planning permission and legal agreement the developer would not be in a position to continue to apply for alternative planning permissions at this time as the Public Open Space would have been handed over to the Public Authorities and now an asset to the community.

The Parish Council trusts their observations will be taken into consideration when the application is determined."

Council Land Drainage Engineer

No objections.

Environment Agency

No objections subject to conditions. Support the pond now being located outside of Flood Zone 3 and the pond providing additional capacity to accommodate the 1 in 100 year flooding event. Note

that the drainage scheme will involve various features that will require a relatively high level of long-term maintenance to ensure proper function.

Wessex Water

No objections.

Public Open Space (Environment Services)

No objections subject to resolution over future adoption of infrastructure.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

Four (4) letters of objection received in respect of two applications and associated drainage scheme details combined :

Summary of key relevant points raised:

- Developers blatant disregard to the requirements of lawful development and planning
- Inadequate drainage of the site – development exacerbates existing drainage problems
- Development creates traffic problems
- Applicant has yet to fulfil requirements of earlier permissions – this further application simply delays the applicant's agreement that enabled them to begin the development in first place.

8. Planning Considerations

Background and parameters of the application

The original redevelopment site bisected the Settlement Framework Boundary of Dauntsey, with the 0.828ha residential element positioned inside of the policy boundary and the office development positioned outside (reference 03/02654/OUT refers given planning permission by the Development Control Committee on 07/06/04).

Under the terms of the outline planning permission, a section 106 agreement was entered into, which, *inter alia*, required the provision, laying out and maintenance of a defined area of public open space. Condition 04 of the outline permission also required the submission, agreement and implementation of a surface water drainage scheme.

Two reserved matters applications, respectively for the residential and commercial elements of the overall development, were subsequently submitted by the then new owners Flower & Hayes Developments. The residential proposal comprised a total of 19 dwellings including 4 affordable units, with the employment element consisting of six detached B1 units and car parking, approximating 1200m² of floorspace in total. Conditions relating to drainage were re-imposed on these two Consents, since no details were supplied as part of those applications.

Following several refusals, permission was granted via appeal (08/00294/FUL refers) for the creation of a surface water attenuation pond within the area of public open space identified by the original outline permission. In the Inspector concluding that the attenuation pond, which after all is drainage infrastructure serving the entire development site, could be sited within the area previously identified for public open space, the two issues (ie. drainage and public open space) became inextricably linked. In granting the permission the Inspector also imposed a nuanced planning condition, again requiring the submission and delivery of a full drainage scheme.

It is germane to the Committee's consideration that the applicant has not complied with several planning conditions and clauses within the legal agreement. Development has continued on site with most of the dwellings now being constructed and occupied, rendering the development as a whole, unlawful.

These applications seek to address the last remaining, and most concerning, elements of the unlawful situation: the required drainage scheme and delivery of public open space.

Attenuation pond and drainage scheme

Application 11/02946/FUL now under consideration proposes to relocate the attenuation pond away from the identified public open space to agricultural land, also under the control of the applicant, just outside of the development site. Under the proposal the pond would now be located in low risk Flood Zone 1 and would provide 400m³ of water storage capacity, thereby providing for a considerable buffer to long term storm events (ie. a 1 in 100 year, plus "climate change", event).

The nature, shape and likely appearance of the pond remains largely similar to that considered by the previous appeal Inspector under 08/00294/FUL (ie. a shallow excavation of the ground of 658m² area and approx. 2.5m depth, complete with lip and grass banks). It is likely to remain dry for much of the year.

In common with the conclusions of the previous appeal Inspector, the appearance of the attenuation pond is not thought to be objectionable. Clearly the proposal still constitute the insertion of a form of infrastructure into the countryside, but high levels of visual intrusion are likely to be avoided by the ameliorating effects of planting and landscaping. The proposed relocation of the pond will also remove the pond from the area of public open space, thus also addressing a concern that the Council fought (and lost) the previous appeal over.

The relocated pond is to be part of a wider Sustainable Urban Drainage System (SUDS) now submitted for consideration in respect of the wider development site – precisely that required by the variously imposed planning conditions since 2003. The system proposed is designed to collect surface water from roofs, driveways and the highway and discharge via pipework leading to Dauntsey Brook. A hydroslide chamber would redirect flows to the attenuation pond if exceeding 6.75 l/s (equating to a 1 in 30 year storm). The attenuation pond would then subsequently discharge at a similar rate until dry. The water is to finally discharge downstream of Dauntsey Bridge via new 450mm dia. pipework (which itself further increases flood capacity of the system), and is to be fitted with non-return valves at agreed positions.

Following significant negotiation with the applicant, the Environment Agency, Wessex Water and Wiltshire Council (via the Council's Land Drainage Engineer) have all signalled their satisfaction that the proposed drainage scheme will work. There is considered to be no justifiable reason to disagree with their consistent conclusions.

When in place the drainage scheme, like any other, will require regular maintenance, with the attenuation pond likely to be a little more particular and effectual upon Wiltshire Council than the average drainage infrastructure installation; though clearly this has been the case since the grant of planning permission at appeal under 08/00294/FUL. It has been suggested that Wessex Water would adopt infrastructure upstream of the hydroslide (inclusive) with Wiltshire Council adopting the pond and pipework downstream to Dauntsey Brook. Wiltshire Council should rightly expect their respective arrangements for adoption and maintenance to be controlled by a legal agreement under s106 of The Act. Contractual arrangements with Wessex Water are resolved outside of the planning system.

Despite previous requests and as required by previously imposed planning conditions, the scheme has not been submitted complete with a timetable for implementation of the drainage scheme. This must therefore be the subject of another planning condition if planning permission is granted.

Public open space

Application 11/03200/FUL seeks permission to create public open space and associated access. If granted, the permission would effect a reduction in the quantum of public open space coming forward as a result of the wider development.

The proposed public open space would be positioned in the Eastern corner of the land previously identified for open space under the 2003 outline and 2005 reserved matters permissions. It would, however, equate to 1400m² of public open space, compared to the (approx.) 3800m² previously expected. It is to be separated from the remainder of the land by hedgerow and fencing with a maintenance access retained from the new road serving the wider development. Although not stated on the supplied plans, the remainder of the land (ie. that previously identified as public open space by the existing permissions) would remain as agricultural, since that would be the lawful planning use, albeit probably not in actual active agricultural use.

Upon first consideration the area of public open space now proposed does seem irreconcilable with the existing permissions, since they require a substantially greater area of open space to be provided. Indeed, the Parish Council rightly point out that the public open space was originally secured by legally binding agreement with the applicant and that the open space formed an integral part of the development concept. Equally, it is the case that the legal agreement was willingly entered into by the original applicants and that the agreement is binding upon successive owners, who would presumably have been well aware of its existence before purchase.

Whilst the above may be true, it remains the case that the quantum of public open space originally secured in 2003 exceeds that which can be justified by local plan policy (be that the currently adopted North Wiltshire Local Plan 2011, or its predecessor the 2001 Local Plan under the auspices which the 2003 outline permission was granted). This is important because the NPPF, like Circular 05/05 before it, firmly advises that legal agreements should only be sought where they, *inter alia*, "fairly and reasonably" relate in scale and kind to the development. Public open space secured in this way emphatically cannot be viewed or utilised as a method of addressing a settlement's perceived existing shortfall of such.

The above was presumably a planning policy universal not lost on both the 2007 and 2009 appeal Inspectors (06/03091/FUL and 08/00294/FUL respectively refer), since both, in considering proposals to use a proportion of that open space for the attenuation pond, concluded similarly:

2007 – 06/03091/FUL:

"The Appellant has drawn my attention to Policy CF3 of the LP and the subsequent requirement of 0.14ha of public space for the residential development proposed.....It is my consideration that that the total minimum public space requirement could be provided within Area A without encroaching on the area which would be occupied by the stormwater attenuation pond."

2009 – 08/00294/FUL:

"There is no dispute between the main parties that the overall amount of POS to be provided exceeds the requirements of the open space policies of the current and former local plans.....In my view, even with the proposed pond, the part of the POS nearest the road has some amenity value as a green buffer, suitable in a village with a strong agricultural setting."

Although not a precisely analogous situation (since the previous Inspectors were considering proposals to retain the originally secured area of open space, albeit with an attenuation pond inserted into one corner of it, whilst this proposal seeks to significantly reduce that open space), the Inspectors' conclusions on what can be justified by local planning policy are relevant since the principles behind them remain the same. Indeed, Members of the Committee should be aware that since the second appeal came about as a result of the Northern Area Development Control Committees decision to refuse planning permission for exactly the same reason already concluded

upon by the first appeal, the Council actions were held to be unreasonable and was duly punished by an award of costs to the appellant.

In summary, the 1400m² amount of public open space now proposed has been arrived at by using the Council's own method of calculating how much public open space must be delivered in association with the new residential development. It is therefore thought to fairly and reasonably relate to the development it serves. The Council's own Technical Officers have considered the quantum and use-ability of the public open space and play area and consider it to be acceptable.

Delivery of the open space and its long term management would again be secured through a legal agreement under s106 of The Act. Other concerns raised by the Parish Council in relation to the boundary treatment of the open space and its ability to have visibility and accessibility in the central part of the village can be controlled through the imposition of planning conditions.

9. Conclusion

The respective applications for proposed attenuation pond, public open space and associated drainage scheme are interrelated to the extent that they require concurrent consideration by the Northern Area Planning Committee.

The relocation of the surface water attenuation pond to agricultural land to the north is considered to be acceptable, subject to conditions in relation to landscaping. The various experts agree that the associated drainage scheme devised for the wider site will be effective and preliminary agreement has been reached over future maintenance responsibilities. Delivery and maintenance arrangements should be controlled by an agreement under s106 of The Act.

Whilst regrettable, the proposed reduction in quantum of public open space would nevertheless accord with national and local planning policy. The Council's Technical Officer raises no objection to the positioning and usability of the open space, with the delivery and future maintenance arrangements controlled through a legal agreement under s106 of The Act. Planning conditions in respect of boundary treatments can be controlled via planning condition.

The grant of planning permission for the reduced area of public open space would also signal the Council's willingness to vary the terms of the original legal agreement in that respect and the intention to raise no case in respect of the recently submitted appeal under reference 11/03322/S106.

For clarity the applications cannot be considered in the context of any suspected precursor for alternative/additional development on the employment site, since that is not being proposed. The applicant is of course at liberty to submit a separate planning application for whatever development they chose to propose. Whatever the outcome of the current applications, the Council will not be prejudiced in considering any future application for development, should it ever be submitted.

10. Recommendation

That subject to all parties entering into an agreement under s106 of The Act in respect of the following matters:

- Timetable for the delivery of the public open space, play area (including play equipment), stormwater attenuation pond and associated drainage infrastructure for the entire development site
- Details of respective adoption of stormwater attenuation pond and associated drainage infrastructure by respective Authority's as well as transference of the public open space and play area to the Council
- Arrangements for future maintenance of the public open space, play area (including play equipment), stormwater attenuation pond and associated drainage infrastructure

Then:

Planning permission be GRANTED under references 11/02945/FUL and 11/03200/FUL for the following reason:

The proposed is considered to be an acceptable form of development that, subject to the imposition of planning conditions and all parties entering into an agreement under s106 of The Act, would accord with the provisions of Policies C3, NE21, NE22 and CF3 of the adopted North Wiltshire Local Plan 2011 as well as guidance contained in the National Planning Policy Framework.

And Subject to the following conditions:

To be advised.

Dauntsey

