

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER
Date: Wednesday 9 January 2013
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 - 10*)

To approve and sign as a correct record the minutes of the meeting held on 12 December 2012.

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 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 Wednesday 2 January 2013** 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 11 - 12*)

An appeals update report is attached for information.

7 **Planning Applications** (*Pages 13 - 14*)

To consider and determine planning applications in the attached schedule.

7a **N/12/02004/LBC and N/12/02006/FUL - 80 The Triangle, Malmesbury, Wiltshire SN16 0AH** (*Pages 15 - 20*)

7b **N/12/02106/FUL - Former Bath and Portland Stoneworks, Westwells, Corsham, Wiltshire** (*Pages 21 - 40*)

7c **N/12/03485/FUL - Friday Street, Christian Malford, Chippenham SN15 4BT** (*Pages 41 - 44*)

8 **Urgent Items**

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

9 **Exclusion of the Press and Public**

To consider passing the following resolution:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Number 10 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 5 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

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

10 **N/11/04162/FUL - Brynards Hill** (*Pages 45 - 52*)

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NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 12 DECEMBER 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Desna Allen, Cllr Chuck Berry (Substitute), Cllr Peter Colmer, Cllr Christine Crisp, Cllr Peter Davis, Cllr Alan Hill (Vice Chairman), Cllr Peter Hutton, Cllr Simon Killane, Cllr Mark Packard, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

Also Present:

Cllr Sheila Parker

119 **Apologies**

Apologies were received from Councillor Doyle.

Cllr Doyle was substituted by Cllr Berry.

120 **Minutes of the previous Meeting**

The minutes of the meeting held on 31 October 2012 were presented.

Resolved:

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

121 **Declarations of Interest**

There were no declarations of interest.

122 **Chairman's Announcements**

There were no Chairman's announcements.

123 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

124 **Planning Appeals**

The Committee noted the contents of the appeals update.

125 **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.

126 **12/00105/S73A - Cotswold Airport, Kemble, GL7 6BA**

Public Participation

John Nettleton spoke in objection to the application.

Simon Chambers spoke in support of the application

Councillor Roger Pettit raised the concerns of Kemble and Ewan Council.

The Planning Officer introduced the report which recommended that Planning Permission be DELEGATED to the Area Team Leader for the formal submission of a signed copy of the Unilateral Undertaking.

The Officer detailed the key areas for concern as being noise and traffic disturbance and attention was drawn to the change in the number of show days which was a welcome compromise.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed whilst possible to have 2 show events on the same day in different areas of the airfield they would count as two from the proposed total number of 16 show days

Members of the Public then had the opportunity to present their views as detailed above.

The Councillor Toby Sturgis, on behalf of Councillor Carole Soden, Local Member, then spoke in support of the application with permission to be delegated to the Planning Officer in consultation with the local member.

A debate ensued during which concerns were raised on the volume of traffic on show days and affected councils across the border were advised to approach Gloucestershire Police for proper enforcement on roads near Culkerton and Ashley.

Confirmation was received that the liaison group would continue to meet and discuss ongoing issues and there would be police involvement where events attracted high attendance.

At the end of the debate it was

Resolved:

To DELEGATE planning permission to the Area Development Manager in consultation with the Local Member for the formal submission of a signed copy of the Unilateral Undertaking

Subject to the following conditions:

Within 3 months of the date of this permission a Method Statement for the management and control of traffic on “Show Days” shall be submitted to and approved in writing by the local planning authority. “Show Days” traffic management shall be carried out in accordance with the approved method statement unless otherwise agreed in writing with the local planning authority.

REASON: In the interests of highway safety.

127 **12/02096/OUT - Land at Braydon Lane, Chelworth Industrial Estate, Cricklade**

Public Participation

Mr Emeris Williams spoke in objection to the application.

Mr Graham Warren spoke in support of the application.

Councillor John Harmer, Cricklade Town Council spoke in objection to the application.

The Planning Officer introduced the report which recommended that the application be DELEGATED to planning officers to APPROVE subject to no objections being raised by English Heritage.

He explained that as the emerging policy that sought to direct these more to towns was at draft stage the principle steer for this application was policy BD5. He confirmed that confirmation had been received verbally from English Heritage stating they did not want to raise any concerns or objections to this proposal however written confirmation was awaited.

The key concerns raised were the outline nature of the application and the impact of the volume of traffic generated, however these were mitigated by the conditions imposed on the maximum scale of the parameters and class of use.

He drew attention to the late observations where further detailed comments from Cricklade Town Council had been considered by the Highways Engineer however they were found to raise no concerns over increased traffic volume.

The Committee then had the opportunity to have technical questions and it was confirmed that there was no separate condition for the storage of waste on this application, but it could be handled within a reserved matters application.

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

The Local Member, Councillor Peter Colmer raised his concerns over the application encroaching into rural countryside, the proximity of a suitable alternative site in Calcott and the definition of 'limited' within paragraph 3 of policy BD3.

In the debate that followed attention was drawn to the need for a Highways Officer to attend the Committee to provide advice on applications and the weight given to an emerging neighbourhood plan in the event of an appeal. It was noted that the application site area was a small percentage of the whole industrial estate area. A suggestion on an informative suggesting a contribution to highways surfacing was welcomed.

Resolved:

To DELEGATE to the Area Development Manager to APPROVE subject to no objections being made from English Heritage; a legal agreement securing a contribution to the upgrading of 'The Fortey' related in scale and kind to the proposed development and the following conditions:

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

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

- 2. The site shall be used for B1 Light Industrial Units only and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).**

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

POLICY-C3 NE15

- 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. Any application for Reserved Matters has to comply with the details shown on those plans.**

Plans 600-02E 03 04A 05A 06 all dated 23/07/12 Ecological report, Transfer of land report, Planning Statement Design and access statement Flood Risk assessment 23/07/12.

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

- 4. Prior to commencement of development an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Management Plan shall set out in detail how the area identified as the 'Mitigation Area' on Plan 600-03 is to be managed for the benefit of biodiversity, particularly neutral grassland, tubular water-dropwort and great crested newt. The Mitigation Area shall be managed in accordance with the approved Ecological Management Plan unless otherwise agreed in writing by the Local Planning Authority.**
- 5. All site enabling works and construction works shall be carried out in full accordance with the approved 'Method Statement for the Protection of Great Crested Newt at Cricklade' (Revised 07/11/12), unless otherwise agreed in writing by the Local Planning Authority.**
- 6. No development shall commence on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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

POLICY-C3 NE15

- 7. An application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two**

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

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

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

8. 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.

POLICY- C3 NE15

9. 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) indications of all existing trees and hedgerows on the land;
 - b) details of any to be retained, together with measures for their protection in the course of development;
 - c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;

- d) finished levels and contours;
- e) means of enclosure;
- f) car park layouts;
- g) other vehicle and pedestrian access and circulation areas;
- h) hard surfacing materials;
- i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- k) retained historic landscape features and proposed restoration, where relevant.

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

POLICY- C3 NE15

10.The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by PFA Consulting (Job no. W414, Dated 25/10/11) and the following mitigation measures detailed within the FRA.

- i) Surface water discharge rates shall not exceed 8.5l/s during the 1 in 100 year storm event with an allowance for climate change in accordance with Table 2 of the FRA.
- ii) The surface water attenuation devices shall be sized for the 1 in 100 year storm event with an allowance for climate change.
- iii) The surface water drainage system shall include Permeable Paving, as detailed in paragraph 3.22 of the FRA

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water for the site.

11.Development shall not begin until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the local planning authority. The scheme shall include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON- To prevent the increased risk of flooding to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the drainage scheme.

12. The development hereby approved shall not be occupied until the vehicular access arrangements, road layout and parking areas has been provided in accordance with details submitted (Drawing 600-02 Rev E). Full details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

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

13. No development shall commence within the area indicated on plan no.600-03 adjacent to a Scheduled moated site (SM12037) located at SU0836 9199 until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and**
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.**

REASON: To enable the recording of any matters of archaeological interest.

POLICY-HE5

Informative:

- 1. Great crested newt is known to be present locally and could potentially occur onsite. The applicant should note that this permission does not derogate any potential offences under the Habitats Regulations (2010) involving European Protected Species. The applicant should satisfy themselves that the proposed works would not breach Regulation 41 of the Habitats Regulations, otherwise they should obtain a licence from Natural England prior to commencing works.**
- 2. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.**
- 3. Foul drainage should in the first instance be directed to the mains foul sewer. The applicant should discuss with the sewage undertaker the feasibility on connecting to the mains system. If a**

non main foul drainage system is produced that discharges to the water environment (e.g. septic tank package treatment plan) the applicant should be aware that this is likely to require and Environment Permit or Exception from the Environment Agency. Further information on foul drainage for new development can be accessed through the following link;

<http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>

128 **12/02928/LB and 11/03983/FUL - Highways Land off London Road, Box SN13 8EP**

Public Participation

Mr Michael Lyons, Mr Tim Walton and Mr Richard Campbell spoke in objection to the application.

Mr William Osborne spoke in support of the application.

Councillor Pauline Lyons, Box Town Council spoke in objection to the application.

The Planning Officer introduced the report which recommended that planning permission and Listed Building Consent be GRANTED subject to conditions and noted that a large number of objections had been received which detailed concerns over the impact on the green belt and visual impact within the Area of Outstanding Natural Beauty

He explained that the mast was aimed at improving coverage in the tunnel for rail passengers and the Government was very supportive of these services.

The Committee then had the opportunity to have technical questions and it was confirmed that as this was only providing coverage for rail passengers it would not replace other masts in the area; however an informative could be added to ask that they work to see if this was viable.

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

In the ensuing debate the Committee noted the concerns raised in the public addresses which included a technical query as to why a previous mast had not worked, the lack of benefit for the local people and the lack of a visit from highways since a nursery had been built near the lay-by as well as it being used as a National Express coach stop

Resolved:

To DEFER both applications 11/3983FUL and 12/2928FUL to allow officers to seek comments on:

- The best/most appropriate location for the mast
- Any other unexplored options for increasing the signal in the tunnel (e.g. using shafts that lead to the tunnel)
- Mast sharing and the need for more masts for other operators
- Additional highways officers comments regarding parking in the lay-by
- Appropriate decision making Committee (Area or Strategic)
- Financial implications for the Council of the use of Highway Verge.

129 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.05 - 8.10 pm)

The Officer who has produced these minutes is Kirsty Butcher, of Democratic Services, direct line (01225) 713948, e-mail kirsty.butcher@wiltshire.gov.uk

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

Wiltshire Council
Northern Area Planning Committee
9th January 2013

Forthcoming Hearings and Public Inquiries between 21/12/2012 and 30/06/2013

Application No	Location	Parish	Proposal	Appeal Type	Date
11/03734/FUL	OS 437, Bremhill, Calne	Bremhill	Erection of Temporary Agricultural Dwelling	Informal Hearing	17/01/2013
11/04126/OUT	Land South of Filands, Malmesbury, Wiltshire.	Malmesbury/St Paul Without	Outline Application For Residential Development Comprising of 180 Dwellings and Provision of Land for Primary School	Public Inquiry	22/01/2013
11/04162/FUL	Phase 3, Brynards Hill, Bincknoll Lane, Wootton Bassett, SN4 8SY	Wootton Bassett	Phase 3 - Erection of 43 Dwellings with Associated Roads, Sewers, Landscaping, Parking, Garages and Associated Works.	Public Inquiry	06/03/2013

Planning Appeals Received between 28/11/2012 and 21/12/2012

Application No	Location	Parish	Proposal	DEL or COMM	Officer Recommendation	Appeal Type
11/02071/S73A	Field 7860, Lower Fosse Farm, Crudwell, Wilts	Crudwell	Retention of Rifle Range, Shooting Shelter, Car Parking Area and Use of Land for Stationing of Portacabin (Retrospective Application)	DEL	Permission	Written Representations
11/04112/S73A	The Barn, Sodom Lane, Dauntsey, Wiltshire, SN15 4JA	Dauntsey	Lean to Extension, Generator Shed and Bin Store (Retrospective)	DEL	Permission	Written Representations
12/00365/S73A	Lidats Meadow, Grittenham, Chippenham, Wiltshire, SN15 4JW	Brinkworth	Retention of Rural Occupation Workers Temporary Dwelling with Treatment Plant. Retention of Existing Caravan and Container. Retention of Hardcore Area and 3 Earth Bunds. Retention and Improvements of Existing Access (Revision of 11.02825/FUL).	DEL	Refusal	Informal Hearing
12/00484/FUL	Land South of Sprats Barn Crescent, Wootton Bassett, Wiltshire, SN4 7JP	Wootton Bassett	Detached Dwelling	DEL	Refusal	Written Representations
12/00843/S73A	Land Off The B4969, Flaxlands, Royal Wootton Bassett, Wiltshire	Lydiard Tregoz	Agricultural Building, Associated Hardstanding, Agricultural Access Track and Alterations to Highway Access (Part Retrospective).	DEL	Refusal	Written Representations
12/01235/LBC	The Stables, 2 Academy Drive, Corsham, Wiltshire, SN13 0SG	Corsham	Insertion of Two Rooflights and Internal Alterations	DEL	Refusal	Written Representations
12/01483/ADV	Phelps Parade, Calne, Wiltshire, SN11 0HA	Calne	Two Fascia Signs, One Illuminated Projecting Sign and Two Roundel Signs	DEL	Split Decision	Written Representations

12/01805/FUL	The Coach House, 15A The Green, Calne, Wiltshire SN11 8DQ	Calne	Double Garage	DEL	Refusal	Written Representations
12/01862/FUL	Caerhays, The Hyde, Purton, Wiltshire, SN5 4DY	Purton	Detached Dwelling & Garage with Formation of New Access	DEL	Refusal	Written Representations

Planning Appeals Decided between 28/11/2012 and 21/12/2012

Application No	Location	Parish	Proposal	DEL or COMM	Appeal Decision	Officer Recommendation	Appeal Type
12/00457/FUL	Charlton Farm, Pink Lane, Charlton, Wiltshire, SN16 9DS	Charlton	Extension, Alterations and Conversion of Stables to Ancillary Accommodation.	DEL	Allowed with Conditions	Refusal	Written Representations
12/01992/FUL	24 Church Street, Wootton Bassett, Wiltshire, SN4 7BQ	Wootton Bassett	Installation of Roof Lights to Provide Balcony to Front Elevation	DEL	Allowed with Conditions	Refusal	Written Representations
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	Appeal Dismissed	Permission	Written Representations

Agenda Item 7

INDEX OF APPLICATIONS ON 09/01/2013

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7a	12/02004/LBC and 12/02006/FUL	80 The Triangle, Malmesbury, Wiltshire SN16 0AH	Alterations to Existing Retaining Wall & Steps and Car Parking Bay	Refusal Refusal
7b	12/02106/FUL	Former Bath & Portland Stoneworks, Westwells, Corsham, Wiltshire	39 Dwellings & Associated Highways	Delegated to Area Development Manager
7c	12/03485/FUL	Friday Street, Christian Malford, Chippenham, SN15 4BT	Erection of All Weather Riding Arena and New Access	Permission

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	9 th January 2013		
Application Number	N12.02004LBC and N12.02006FUL		
Site Address	80 The Triangle, Malmesbury		
Proposal	Listed Building Application-Alterations to existing retaining wall and steps and car parking bay. Full Planning Application- Alterations to existing retaining wall and steps and car parking bay.		
Applicant	Mr M Foley		
Town/Parish Council	Malmesbury		
Electoral Division	Malmesbury	Unitary Member	Simon Killane
Grid Ref	393064 187387		
Type of application	Listed Building and Full Planning		
Case Officer	Christine Moorfield	Christine .moorfield @wiltshire.gov.uk	01249 706 686

Reason for the application being considered by Committee

The application has been called to committee by Cllr. Killane for consideration of the following matters in relation to this proposal:
Scale, visual impact, design, general appearance and relationship to other buildings. Impact on the environment, highways and parking provision.

1. Purpose of report

To consider the above applications and to recommend that planning permission be Refused and Listed Building consent be refused.

2. Report summary

The main issues in considering the application are:

- Principle of development. In line with Policies C3, H8, HE1 and HE4 adopted North Wiltshire Local Plan 2011
- Consideration of other relevant guidance- NPPF and Conservation Area Management Plan 2010.
- Principle of development and its impact on the setting of the listed building and Malmesbury Conservation Area.
- Highway Issues

3. Site Description and Proposal

Number 80 The Triangle is a Grade II Listed Building. It is located within the Malmesbury Conservation Area.

The property is a stone built terraced cottage. The topography of this part of the Conservation Area is that the land slopes away to the south. The cottage has a south facing garden. The garden fronts onto Burnivale which is at a lower level than The Triangle. The garden is set up from Burnivale and has a stone retaining wall fronting onto Burnivale above the wall there is a fence and hedging. The rear of number 80 is approximately 3m higher than the road to the rear. The retaining wall is 2m-2.5m high.

There are steps down through the garden of number 80, these lead to a pedestrian gate onto Burnivale.

The north side of Burnivale is characterised by the high retaining walls which are continuous along the length of the lane. For the most part the wall runs in a single line, however there is one area where the wall is set back from the principle line to the rear of some five properties and supported, in part, by buttresses. This set back allows some parking off the carriageway. There is nowhere in the historic length of the lane where the set back is formed for only one property.

The wall makes a very significant contribution to the character and appearance of the conservation area, defining the enclosed character of the lane. It is recognised that part of the wall has been previously repaired/rebuilt.

Burnivale is a narrow road predominantly without a footpath. On the south side of Burnivale adjacent to the site there is a terrace of cottages accessing straight onto the street. The character of the street particularly at the western end is a street enclosed by traditional stone walls on the north side a traditional cottages on the south side.

This proposal is for the demolition of the existing retaining wall on the south boundary of the site adjacent to Burnivale. The area created is to provide an off street parking space adjacent to Burnivale. The wall is to be set back from the back edge of the carriage way by 1m at the western edge of the site and 3m at the eastern side of the site. The existing steps within the site are to be relocated so that access can be obtained to the parking space from the house. The wall will be rebuilt of the stone salvaged from the demolished/existing wall. The car parking space will be surfaced with tarmac.

4. Relevant Planning History

There is no relevant planning history for this site.

6. Planning Policy

The current strategic and local planning policy for the area is provided by the Wiltshire and Swindon Structure Plan 2016 and the North Wiltshire Local Plan 2011. The majority of the policies in the Structure Plan and Local Plan have been saved until further notice. National planning policy is provided by the National Planning Policy Framework (NPPF) which was published in March 2012. The North Wiltshire Local Plan was adopted in June 2006 and paragraph 214 of the NPPF indicates that the Local Plan policies can continue to be given full weight for 12 months from the day of adoption of the NPPF, even if there is a limited degree of conflict with the NPPF.

The Malmesbury Conservation Area Management Plan was adopted as supplementary planning guidance in February 2010. Item 3 Page 22 of the plan refers specifically to walls.

The relevant policies in respect of this proposal are C3 HE1 and HE4 of the North Wiltshire Local plan 2011.

7. Consultations

Malmesbury Town Council

Support

Highways

No objection- the provision of an off street parking space is welcomed but a condition and advise in respect of the construction details as this is adjacent to the highway would be required should permission be granted.

Environmental Health Officer

No adverse comments in relation to this application.

Conservation Officer

Objections to the wall being demolished and relocated. Officer comments are considered in the planning considerations below. However, no objection is raised to the re-forming of the stairs to make a wider and/or more gradual slope for the access.

8. Publicity

The application was advertised by site notice and neighbour consultation.

Four letters of objection have been received and the concerns raised include:-

- Road safety, manoeuvring vehicles
- The old walls should be retained where they are even if they need rebuilding
- Relocation of the wall would detract from the character of the Conservation area and the setting of adjacent listed buildings.
- This is something that has not happened other such set backs are the siting of old dwellings
- This is contrary to the Malmesbury Conservation Area Management Plan 2010 which seeks to retain historic walls.
- Concerns expressed in relation to neighbour consultation-(Notifications were carried out in accordance with the Council's procedure).

9. Planning Considerations

Principle of development and its impact on the setting of the listed building and Malmesbury Conservation Area.

The relocation of boundary walls along Burnivale is seen as an opportunity for residents whose gardens abutt the street to try to provide parking to the rear of their properties. However the impact of such development is greatest along Burnivale and the properties on the southern side of the road, many of which are listed.

It is considered that the demolition of the historic wall and setting it back as proposed would cause substantial harm to what is the boundary to a listed building and therefore covered by the listing designation, and a very significant part of its setting.

The wall is also a heritage asset in so far as it makes a very substantial contribution to the character and appearance of the Conservation Area along Burnivale. In addition the Malmesbury Conservation Area Management Plan identifies Burnivale as area 14 and specifically seeks to prevent the loss of stone walls as these contribute significantly to the character of the area.

Paragraph 133 of the NPPF clearly states that where substantial harm is caused to a heritage asset consent should be refused, unless the harm is necessary to achieve substantial public benefits that would outweigh the harm. It is your officer's view that there is no substantial public benefit to be gained by the proposed works, rather considerable detriment to the public experience of this historic setting. Whilst it is recognized that this scheme would provide an off street parking space for use by the applicant which the Highway Engineer would support this benefit has to be balanced and is not considered to outweigh the detrimental impact that this proposal will have on the heritage assets.

The setting back of the line of the wall would break the continuous line with the adjacent property, to the detriment of the character and appearance of the conservation area and to the settings of the listed buildings. An undesirable precedent would be set whereby any property backing onto Burnivale could set back the line of the wall thereby losing the historic line and the very distinctive appearance of this part of the conservation area.

Therefore this proposed demolition of the existing wall and its rebuilding back from the edge of the carriageway is unacceptable, having a detrimental impact on the setting of adjacent Listed Buildings as well as detracting from the character and appearance of the Malmesbury Conservation Area. The proposal does not therefore comply with policies HE1 and HE4 of the North Wiltshire Local Plan 2011 and is contrary to the provisions of S.12 of the NPPF.

Highway Issues

The highway engineer has not raised any objection to this proposal and would welcome the provision of an off street parking space. It is not considered that the creation of this space would create a safety issue. The Highway Engineers have suggested that should permission be granted the design and structural adequacy of the wall will need to be approved by Wiltshire Council as highway authority (Sec 167 of the Highways Act 1980 refers). A condition is suggested in respect of this matter.

10. Conclusion

The demolition and rebuilding of the boundary wall set back from the edge of the carriageway is not acceptable. The retaining wall which is covered by the Listed designation of the adjacent dwelling and forms an important part of the historic fabric, character and setting of the heritage asset. The wall is also a heritage asset in so far as it makes a very substantial contribution to the character and appearance of the conservation it is an important element in this street scene, along with other such boundary wall and is an integral part of the character of the Malmesbury Conservation Area. Therefore, the proposal is contrary to policies contained within the North Wiltshire Local Plan and the NPPF and refusal of both the planning application and the Listed Building Consent Application is recommended

11. Recommendation

Planning Permission be REFUSED for the following reason:

1-The proposed development will have a detrimental impact on the setting of the adjacent listed building and the character and appearance of the Malmesbury Conservation Area due to the proposed removal of this important historic feature and is therefore, contrary to policies C3, HE1 and HE4 of the North Wiltshire Local Plan 2011, The Malmesbury Conservation Area Management Plan 2010 Section.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of S.12 of the NPPF.

Informatives

This decision relates to documents/plans submitted with the application, listed below.

Plan Ref: Design and access statement, 756/CAM/2012/1 /2 /3 /4 /5

Dated: all date stamped 18/07/2012

Listed Building Consent be REFUSED for the following reason:

1-The proposed development will have a detrimental impact on the setting of the adjacent listed building due to the proposed removal of this important historic feature and is therefore, contrary to policy HE4 of the North Wiltshire Local Plan 2011, S.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of Section.12 of the NPPF.



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	09 January 2013		
Application Number	N/12/02106/FUL		
Site Address	Former Bath & Portland Stoneworks, Westwells, Corsham, Wiltshire		
Proposal	39 Dwellings & Associated Highways		
Applicant	Bloor Homes (South West) Ltd		
Town/Parish Council	Corsham		
Electoral Division	Corsham Without & Box Hill	Unitary Member	Councillor Dick Tonge
Grid Ref	385587 168867		
Type of application	Full		
Case Officer	Lee Burman	01249 706668	lee.burman@wiltshire.gov.uk

Reason for the application being considered by Committee

The application was called to Committee to allow consideration of the impact of vehicular movements on the highway network and residential amenities with specific regard to site access considerations and in respect of the cumulative impact of development.

1. Purpose of report

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

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 character of the locality
- Impact upon neighbour amenity
- Ecological Impact

The application has generated objections from Corsham Town Council; 36 representations in total were received, which included 25 letters of objection from the public.

The proposed development involves the demolition of existing site infrastructure and buildings and the redevelopment of the site for the provision of 39 dwellings and associated highways works and open space provision.

3. Site Description

The site of the proposed development is located within the defined framework boundary for the village of Westwells, which forms a part of the various outlying settlements within the Corsham locality. The site is a former stoneworks site that features redundant and semi derelict buildings, works and facilities associated with this activity and a main access point to and from the Westwells Road. The site also features a range of earth bunds with mature and semi mature vegetation. The site sits lower than some of the neighbouring development to the north and in combination with the bunding and vegetation appears as an isolated development within a bowl like land formation. The site however sits at the heart of the Westwells settlement. It has a longer pre-history of use prior to

the Stoneworks with the site having been used for the production and testing of munitions and military hardware related to the extensive MOD site operations in the locality. The site features related below ground infrastructure from these operations. The site lies adjacent to and is proposed to be accessed from the new residential area of Moor Park. This features modern and predominantly two storey detached and semi-detached properties with related open space and mature planting and landscaping.

4. Relevant Planning History	
11/2907/SCR	Screening Opinion – Proposed Residential Development – No EIA required
11/2577/OUT	Erection of 38 Dwellings and Associated Works (Renewal of 05/00101/OUT) - Withdrawn
05/02577/OUT	Erection of 38 Dwellings - Permitted

6. Planning Policy

North Wiltshire Local Plan (NWLP): policies C1; C2; C3; NE9; NE11; NE17; NE 18; H3; T2; T3; CF2; CF3

Central Government Planning Policy: National Planning Policy Framework (NPPF)

7. Consultations

Spatial Plans

Officers considered the application to be in effect a renewal of the previous Outline Planning Permission (N/05/02577/OUT) and raised no objection to the scheme proposals.

Ecologist

The Council's Ecologist has undertaken the judgement required by Regulation 61 of the Habitats Regulations 2010 as to the "likely significant effect", if any, of a proposed development on one or more European protected sites. In this instance the assessment relates to the protected species of Bat in the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC), which is located approximately 1km to the west of the application site (Box Mine SSSI component). In respect of the proposed development, both individually and cumulatively, and taking into account the submitted assessment and proposed mitigation measures officers do not consider that the proposals will have a significant effect. Appropriate conditions are recommended in respect of implementation of the identified mitigation measures.

English Nature

Objected to the proposal at the time of writing as the Council had not undertaken an appropriate assessment as required under Regulation 61 of the Habitats Regulations 2012 and the site was in proximity to the Bath and Bradford on Avon SAC.

Open Spaces & Leisure (Amenity and Fleet)

Raised no in principle objections to the scheme proposals but queried the provision of open space provision in relation to earlier phases of the development and linkages with the application site.

New Housing Team

Officers confirmed that the proposed quantum of provision and mix of types was acceptable but queried access arrangements in respect of different tenure types as registered social housing providers preferred to have separate arrangements in this respect. Officers suggested separate accesses be created or all provision be social rented accommodation.

Education

The Education Team do not object to the scheme proposals in principle but identify that circumstances have changed in the locality since previous permissions were granted in respect of the availability of school places and demand for school provision. Additional financial contributions

toward enhancements to primary school provision are sought, particularly in respect of the increased level of development proposed over and above that originally envisaged.

Drainage Engineers

Drainage engineers raised no in principle objections to the proposed site drainage scheme which included soakaways but raised some queries in this regard. It was identified that the site assessment work demonstrated that some of the proposed soakways worked well and others less so. Clarity as to the levels of standing water exposed in the soakways was requested in order to confirm the proposed soakaways to be used and their design. In addition officers highlighted the report's references to odours of fuel when boreholes were drilled. It was queried if there were therefore issues in respect of potential contamination arising from the previous munitions and MOD related use of the site and the matter was referred to the Council's Public Protection Team.

Public Protection Team

Environmental Health Officers raise no in principle following detailed review of the submitted ground investigations assessment and liaison with engineers within the applicant team. Concerns were identified in respect of the extent of the testing suite applied in the site assessment work by officers and the related necessary mitigation measures. The applicant subsequently proposed to expand on the testing and assessment work following initial site clearance of the existing structures' which in part limit the scope for site assessment. Environmental Health Officers are supportive of this approach and propose conditions to be attached to any permission to address this matter.

Highways

Highways Officers raised no objections to the proposals in principle to the proposed site access through Moor Park. Officers raised objections in respect of the carriageway and related footway width of the internal access road and its telemetry (layout as a straight line road and narrow corners). Officers raised objections in respect of the proposed parking provision and the extent of small scale garage parking in relation to the Council's adopted minimum standards.

Urban Design

Officers considered that the proposals did not meet the requirements of policy C3 of the NWLP in terms of the layout of the proposed housing which was considered overly rigid and not reflective of neighbouring residential development in form. Concerns were raised in respect of the orientation of properties in relation to the street scene and the presentation of blank facade walls from some dwelling aspects, as was the extent of hardstanding adjacent the proposed open space. The submitted plans showed no specific locations for refuse bins and parking provision was assessed as inadequate when considered against the Council's adopted minimum standards.

Wessex Water

Following pre-application consultations with the applicant Wessex Water raised no in principle objections to the proposed development but identified the need for conditions and informatives in respect of detailed survey of existing on site foul mains, easements within the vicinity of these mains and necessary agreements with Wessex Water in respect of foul sewer connections.

Corsham Parish Council

Object to the development on the basis of the site access being inadequate for the increased volume of traffic in Moor Park; the proposed density of development being too high and 30 dwellings per hectare being more appropriate; lack of supporting infrastructure in the locality; the cumulative effects of too many developments in the locality not being taken into account; and affordable housing provision being concentrated in one location rather than distributed throughout the development.

8. Publicity

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

25 letters of objection received Including Corsham Civic Society

Summary of key relevant points raised:

- Creation of a highway safety hazard and harm to residential amenities by virtue of the proposed use of Moor Park as the site access
- The existing access from Westwells should continue to be used as it is a safe and appropriate access
- There is no demand for the housing proposed
- The use of Moor Park for construction traffic is inappropriate given the size of the road, bends in the road and on street parking
- The density of development proposed is too great
- Corsham has been subject to too much development recently and there is inadequate infrastructure in place
- The site has potential land contamination issues
- Existing on street parking in the Neston locality restricts safe vehicular and pedestrian movement
- Overflow parking from the site will take place in Moor Park
- The development will result in the loss of existing vegetation in Moor Park with possible harm to ecological interest
- Moor Park is of substandard condition, particularly the manholes, and cannot accommodate the additional traffic
- The required visibility splay at the existing site access can be readily created from Council owned land
- The need for development should not outweigh quality of life and quality of the environment
- Large scale development in the locality already causes environmental harm and traffic congestion
- Alternate junction layouts i.e. traffic signals could overcome highway safety concerns at the site entrance and Westwells Road
- Developer contributions to other highways enhancements scheme in the locality should be sought
- Use of Moor Park will result in damage to existing footpaths, verges and vehicles
- The junction of Moor Park and Westwells Road is not safe for the proposed additional traffic.

It should be noted that many of the resident objections also identified that they had objected to previous scheme proposals. There is clear concern regarding the use of Moor Park from local residents.

One local resident of Westwells wrote and agreed with the assessment that the junction at the existing site entrance and Westwells was not safe. Objection was raised in respect of the safety of residents in the locality if this access point were to be used. The recent development in the locality has increased use of Westwells Road making the access even less safe for use.

9. Planning Considerations

Principle of Development and Planning Policy and Site History

The site falls within the defined framework boundary for the settlement of Westwells and would involve the redevelopment of previously developed land. The proposed development for residential use would therefore be acceptable in principle under policy H3 of the adopted North Wiltshire Local Plan 2011. Emerging policies contained in the Wiltshire Core Strategy would not alter this position substantively. The in principle support for the proposed development remains subject to consideration of site specific impacts and other relevant policies of the adopted NWLP relating to these material considerations. In particular, consideration is required in respect of the ecological interest; access and residential amenity; necessary infrastructure provision; and potential land contamination. These matters are addressed in more detail below. It is important to note that the previous permissions for residential development at the site are reflected in the assessment of housing requirements identified in the adopted NWLP 2011 and in particular the emerging

Wiltshire Core Strategy. The site is identified within the Council's assessments of available land for the supply of housing and as contributing to meeting the requirement set in the NPPF to provide for a 5 year supply of land for housing. The NPPF makes it abundantly clear the Local Planning Authorities must ensure an available and deliverable supply of land for housing for a 5 year period. Furthermore that boosting the supply of land for housing is a planning imperative. It is entirely clear from recent appeal decisions, in particular that at Ridgeway Farm, Purton, that housebuilding is considered by the Government to be an important economic driver and is essential to achieving economic recovery. Indeed the Secretary of State's decision letter identifies that boosting the supply of housing is the "golden thread" running through national planning policy.

The site history is a material and significant consideration in respect of the determination of this application. This area of land was included within the red line application boundary for the planning application (N/90/2973/OL) which was approved on the 13/07/94 and which included within that application boundary area Moor Green, Durley Park and Shepherds. The layout plans for this application appear to propose the development of the Bath and Portland Stoneworks site as a second phase of development. Subsequent full permissions relating to the Moor Green, Durley Park and Shepherds development superseded the earlier consent and these were implemented. The 1990 application was not implemented but is a relevant material consideration as it granted consent for the principle of development at the site and established the framework and principles for the layout of development at the locality. Under application N/90/02793/OL a Section 106 agreement was entered into which inter alia limited the maximum number of dwellings to be constructed across the site to 78 with the Bath and Portland Stoneworks phase limited to a maximum of 32 dwellings.

Subsequent to this a further Outline Planning application for the Bath & Portland Stoneworks site (N/05/00101/OUT) was submitted. This was approved subject to the signing of a section 106 agreement at Committee 31/08/2005. The application was then finally approved 10/12/2008. This related to the erection of 38 dwellings and associated works. Subsequent to this further detailed site investigations discovered the presence of a foul water main across the site. This necessitated alterations to the approved layout as permitted in the 2005 Outline planning permission. The applicants/developers were advised that the alterations could not be addressed as a minor amendment to the approved consent. Subsequently a further Outline Planning Application was submitted to renew the extant consent whilst further investigations were undertaken (N/11/02577/OUT). During the consideration of the renewal Outline Planning Application a change in material circumstances was identified in respect of the information available to the Council's Ecologists. Other recent development proposals and applications in the Westwells - Corsham - Box locality highlighted the importance of the area in respect of the protected Bat species and the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC). As such a requirement for additional survey and assessment work in respect of the Stoneworks site in respect of Bats was identified. Given the timing (Autumn 2011) it was identified that an extended period of survey through to Autumn 2012 would be required. The determination of the application was held in abeyance whilst the necessary assessment work was undertaken.

The applicant has progressed the collection and submission of this survey and assessment work. Given the delays involved and commercial commitments in respect of the site the applicant subsequently resolved to prepare a full detailed planning application for the revised proposals informed by the additional information in respect of bats and site constraints. This has led to the submission of the current planning application and the withdrawal of the Outline Planning Application (N/11/02577/OUT). Technically the previous Outline permission (N/05/00101/OUT) has now expired but this remains a material consideration. A Section 106 agreement specifying site service infrastructure requirements was entered into in support of the 2005 Outline permission. It should be noted that this agreement appears to have been formulated on the basis and therefore reflects the provisions made in respect of earlier phases of development at the site/locality. These remain material considerations in respect of the consideration of the current application proposals.

Impact upon Highway Safety in respect of the Principal Access to the Site

The fundamental objection in highway terms and particularly in the view of local residents relates to the proposed use of Moor Park as the access to the proposed development. Of particular

relevance in this regard is the existence and previous usage of a direct site access to and from Westwells Road. Objectors have concerns in respect of the impact on safety and quality of life (their residential amenities) and the local environment if the additional traffic generated by the development, including construction traffic, is to utilise Moor Park. Undoubtedly there will be a change in the current circumstances and living conditions within Moor Park as a result of the proposed development. For the residents of Moor Park the additional traffic on local roads can in no way be viewed as a positive enhancement of their amenities. Without doubt in this context it must be very difficult to comprehend why such a situation should prevail or any support or requirement for such a course of action can arise given the presence and previous use of the existing direct site access.

There are a number of material considerations and circumstances to consider in this regard and to weigh in the balance.

As noted previously the redevelopment of the stoneworks site is a long held development aspiration and indeed requirement that has been proposed and considered as a phase of the development at Moor Park and Durley Park. Previously approved applications dating back to the 1990s show development in this locality and this includes access through Moor Park. The road as it exists includes a spur which terminates abruptly as if leading to the site and this design clearly reflects an intention to lead through to the adjoining land. The intention has always been to access this phase of the development through Moor Park and there is a reason for this; the reason being a desire to secure the redevelopment of the redundant site and at the same time to address an existing unsafe access. This approach to development is quite common and indeed addressing existing problems through redevelopment is common practice and is often held as a reason in support of development proposals. The Council's Highways Engineers have identified this access as unsafe and a highways hazard. Officers have assessed the access in respect of the proposed development on several occasions and again in relation to the current application. Officers remain convinced that the access/egress is unsafe with wholly inadequate visibility splays particularly upon exit from the site in a right facing direction. The lack of an adequate visibility results in the creation of a highway safety hazard. Given the site circumstances and the nature of development and subsequent traffic movements officers do not support the use of this existing access for the residential development proposed.

Officers have considered the scope to improve the access utilising the available space and again remain convinced that the available highway verge if free of vegetation provides wholly inadequate visibility. Again an unsafe access would be in use for residential development and is not supported by officers. The Council's highways engineers have reconsidered the situation several times and again in the light of the current application and objections received. Officers remain without doubt that privately owned land is required to create the necessary visibility splays for safe access and egress for the site and the proposed residential development. This is specifically in the context of revised standards that have been adopted with regard to visibility splay requirements. Applicants cannot be compelled to purchase third party land. Indeed if the third party does not want to sell the land then there is little that a developer can do. In the context of other available access options it would be unreasonable to seek to compel an applicant to pursue this option before granting consent.

Various parties have stated and consider that the previous operation of the site for employment purposes, including staff vehicle movements, was undertaken wholly safely and without incident for many years. It is considered that this is evidence that a safe access to the site does exist. The absence of records of injured or killed motorists at a particular junction does not in itself present evidence that a junction is safe. This does not take into account unreported incidents. The recollections of local residents of the past are anecdotal information and whilst a valuable and useful indicator cannot really be considered as firm evidence particularly in the context of highway safety matters. It is entirely appropriate and necessary to consider these matters in the context of adopted standards, which are tested and considered. Against this measure the access is wholly unsafe and cannot be readily made safe for use.

It is important and material to note that substantial time has elapsed since the site became redundant and the use of the access ceased. In that time traffic volumes have increased through natural increase and through additional development in the locality. To this extent it is considered that the situation has worsened rather than improved. Indeed many objectors to the development refer to this change in circumstances in the locality.

It is material to note and consider that the site has been the subject of previous applications and permissions that have granted consent for the use of Moor Park as the access to the site – N/05/0101/FUL. This permission only expired at the end of the 2011. It is not considered that circumstances have changed radically since that time such that Moor Park is now so unsafe an access that it should not be considered appropriate to service the development of an additional 39 dwellings.

It is the stated position of the Council's Highways Engineers that Moor Park was designed and built in accordance with adopted standards as sufficient to serve a development of over 100 dwellings. Should the Stoneworks development take place the road will only be serving a total of 67 dwellings substantially below this figure. In this context Highway officers raise no objection to the proposed development in respect of the creation of a highway safety hazard. Whilst residents of Moor Park may well have, over time, become very used to the existing situation it is not considered that an objection to the scheme proposals can be sustained on the grounds of the creation of a highways safety hazard in Moor Park. Similarly it is not considered that the access and egress of Moor Park/Westwells Road is designed to a standard such that it could not safely accommodate the development proposed, either when considered in isolation or in comparison to the existing site access/egress for the Stoneworks and Westwells Road. The same situation pertains in respect of congestion within Moor Park. The road itself and related junction were designed to standards to accommodate a higher level of development than that which is cumulatively proposed, as such it is not considered that a defensible objection can be raised in this respect.

Objections submitted refer to the need to consider the proposed development in the context of other recently approved development in the locality and its impact on the locality and in particular the highway network. In this context it is material that the site benefitted from an extant Outline consent since 2008 and was previously identified for development in earlier applications. The Council as noted previously has identified the site as a part of its available 5 year supply of land for housing required by national planning policy. In this respect the development of the site was known and taken into account when recent development proposals were themselves considered and accepted as a part of the established circumstances of the locality.

Impact upon Visual Amenity and Character of the locality

Undoubtedly the proposals would result in a very significant enhancement to the visual amenity and residential character of the locality. The site is currently in state of significant dereliction and has been the subject of extensive vandalism. The existing bunding and vegetation on site provides significant screening. Nonetheless the site is large and centrally located within the heart of the residential community of Westwells. It is visually prominent from locations within the immediate vicinity and provides a significant visual intrusion in this context. The demolition of the existing derelict stoneworks structures, replacement with residential development of a high quality and retention of existing bunding and mature planting would without question result in a significant enhancement and this is a material consideration in any assessment of the proposed development.

Impact upon Neighbour Amenity

The proposed residential development is positioned and orientated on the site and located a sufficient distance from neighbouring properties to ensure that there would be no insignificant harm to existing residential amenities through overlooking and loss of privacy loss of daylighting or overbearing impact. The existing bunding and vegetation which will be retained which assists with ensuring that there would be no significant impact in this regard. As noted above the proposals would result in the removal of significant derelict structures and will therefore enhance the outlook from neighbouring properties with a consequent improvement to amenities. The removal of the

existing derelict structures would also remove a source of potential vandalism and attraction to youths and children from the locality who are naturally enticed to such locations by a sense of adventure. The extra degree of comfort and security that the removal of the structures would bring is considered to be an improvement to residential amenity through reduced fear of crime and safety concerns, albeit a minor one.

25 letters of objection have been received from neighbouring residents in respect of the current application. It should also be noted that there was also a very significant level of objection to the withdrawn Outline Planning Application for renewal of consent. Indeed residents objections to the proposed development is of long standing and is primarily focussed on one major concern – the use of Moor Park as the site access. The highways implications of this are addressed above but it should also be noted that residents raise objections on the basis that the use of Moor Park as the access and the increased traffic along the road not only raises Highways Safety concerns but also concerns in respect of the loss of residential amenity through additional noise and disturbance of traffic movements and a consequent loss of the peaceful, secluded residential character. Whilst undoubtedly there would be an increase in traffic volumes on Moor Park it is not considered to be of such a volume that the residential character of the locality would be fundamentally changed through very significant urbanisation, certainly not to the extent that the application proposals should be refused. It is essential to note that the material circumstances relevant to this assessment have not changed significantly since the 2005 Outline application was assessed and approved.

A further consideration is the harm to amenity caused by the increased perception of danger to residents through increased traffic movements and the subsequent loss of amenity. Whilst this is acknowledged as a potential issue in some appeal decisions, particularly in respect of the fear of crime for example, it is not considered that the basis for such fears is with such foundation as to warrant the refusal of consent. In this regard it is important to recall the site history and the knowledge that the stonework site was proposed for development from the first instance and that the access was always proposed through Moor Park. As such even before the communities became established and the sense of place developed it was known that there was an intention to develop this location and that traffic movements and conditions in the vicinity would reflect this situation. As such it is not considered to be reasonable to now refuse proposals on this basis.

Ecological Impact

The applicant has undertaken a full years worth of survey and site based assessment in accord with a scheme of investigation designed by officers and Natural England. This accords with accepted standards and requirements. The assessment identifies limited foraging use of the site and use of one building as an outlying feeding roost for protected species of bat. In this context the Council's officers consider and assess in accordance with European and National requirements that there is limited impact on protected species and their habitats. The proposals incorporate the erection and provision of bat roosting boxes as mitigation for the loss of habitat. In addition the site will minimise light pollution in terms of lighting design for the access roads and through the retention of the bunds and related vegetation. In this context it is important to note that the site is likely to have increased slightly in importance as ecological habitat following its disuse rather than being an intrinsically important habitat. It is not considered that the development will have such significant impacts in respect of protected species and their habitats, either individually or cumulatively, that development ought to be refused.

The Council's Ecologist has undertaken the judgement required by Regulation 61 of the Habitats Regulations 2010 as to the "likely significant effect", if any, of a proposed development on one or more European protected sites. In respect of the proposed development, both individually and cumulatively, and taking into account the submitted assessment and proposed mitigation measures officers do not consider that the proposals will have a significant effect. Appropriate conditions are recommended in respect of implementation of the identified mitigation measures. As a consequence Officers have liaised with Natural England to establish if their objection is now removed but no response has been received at the time of writing the report.

Other Material and Site Specific Considerations

In response to objections raised by Highways and Urban Design Officers revised plans have been submitted that alter the layout of the road and footway space to include shared spaces and introduce traffic speed control measures. Parking spaces and the detailed position of properties in relation to pinch points and corners within the site layout have been adjusted to ensure that service vehicles can access and manoeuvre within the site. Highways Officers have subsequently removed objections to the proposed site layout on the basis of the revised plans and subject to conditions.

A number of the proposed dwellings have integral parking spaces shown which, because of their size, do not allow for the parking of cars together with an element of storage. In line with the new parking strategy these areas, if treated as garages would not count as parking provision and thus the site would not comply with parking standards. In order to overcome this issue the developer has agreed that these should be treated as car ports with no external doors. The highway engineer is satisfied with this subject to conditions requiring the submission of the amended details and to prevent the future addition of external doors, or conversion to living accommodation.

The proposed site layout plans have resulted from pre-application discussions and reflect site constraints and officer input. In this context it is not considered that the proposed form, positioning and orientation of properties is so out of character with existing development within the locality as to justify the refusal of development. Similarly the density of development proposed is considered to be broadly in accord with neighbouring development in the locality and reflective of previous permissions issued at the site. Again it is not considered that the density of development is so high or so out of character with the locality that consent ought to be refused. Indeed 39 dwellings on a site area of 1.4 hectares results in a density of just under 28 dwellings per hectare, which is relatively low and considered to be commensurate with the locality. Finally the applicant has confirmed that the side elevations of dwellings presenting to the roads will provide active frontages with doors and windows albeit of a secondary nature. Properties incorporate spaces for refuse bin storage within their layouts and there is rear access to the private amenity spaces. The applicant has also clarified in response to officer queries that the existing fencing separating the application site from the adjacent Moor Park development will be removed and that as such existing open space provision will be accessible from the new development. As such it is not considered that a sound reason for refusal can be justified in respect of the detailed design and layout of the site and conflict with policy C3 of the NWLP 2011.

The applicant has confirmed that proposals will incorporate shared rented accommodation in response to the representations of New Housing Team Officers.

Following the submission of further information in respect of the borehole testing and detailed results and findings in respect of the proposed soakaways Drainage Engineers have confirmed that the proposals meet requirements and adequately provide for the satisfactory drainage of surface water from the site. No objections are raised in this regard.

The applicant has submitted a draft Section 106 agreement for consideration by the Council and this draft agreement addresses all the identified requirements in respect of the service infrastructure required to support the development proposed in the context of previous commitments and earlier agreements. The detailed covenants, terms and conditions are subject to on-going finalisation and agreement at the time of writing.

10. Conclusion

The proposed development is acceptable in principle under adopted and emerging planning policy. The development will secure key benefits which are material considerations in the determination of the application. In particular the proposals will result in the redevelopment of a redundant derelict site that it is subject to trespass and vandalism. This is a major developed site within a small rural village and the redevelopment for an appropriate use is critical. The proposals accord directly with existing national and local planning policy objectives by locating new residential on "brownfield" previously developed land and thereby securing significant enhancement of the existing built environment. Linked to this are the conditions proposed in respect of further site investigation and

potential remediation regarding potential contamination issues. The costs associated with securing these benefits are significant and the scale of development is relatively limited. Non-the-less the proposed development will make provision for affordable housing, open space, education and built leisure facilities thereby addressing infrastructure requirements arising from the development in the context of the site history.

It is also crucial to note and consider that the site has been identified as contributing to the supply of land for housing in a range of Council documents and not least of all in respect of the calculation of housing land requirements in the emerging Wiltshire Core Strategy. The Council's evidence to the examination into objections to the draft Wiltshire Core Strategy will follow this approach and be made on this basis. The Council is regularly challenged in respect of its ability to deliver these "difficult" development sites and this is often used as justification for the release of Greenfield sites elsewhere in the locality that are less complex and easier to develop. The release of this site for development justifies and reaffirms the Council's position in this regard and secures the implementation of national and local planning policy objectives.

Whilst third parties are not in agreement, Officers consider that the existing access to the site is unsafe and that the redevelopment removing vehicular access to the road network at this point results in an improvement to highway safety. This is further considered to be a benefit of the scheme proposals.

It is critical to acknowledge and take into account the site history and in particular previous grant of planning permission. These proposals always envisaged access via Moor Park, this is not a new proposal. It would be indefensible to refuse an application contrary to previous decisions without the ability to soundly demonstrate the changed circumstances that require and justify a contrary decision. In this case and given the site circumstances it is not considered that the position has changed such that consent now ought to be refused and that such a decision would be defensible. Moor Park was designed and constructed to adopted standards sufficient to accommodate traffic from a higher quantum of residential development than that which will use the road if this application is approved. There is insufficient publicly owned land available adjacent the existing road access to secure the necessary visibility splays to create a safe access in accord with currently adopted design standards.

The concerns and objections of local residents are strongly held, clearly articulated and of long standing. It is not the view of officers that these objections are without merit. Clearly the development would result in a change in circumstances with an increase in vehicular movements in Moor Park in the vicinity of existing residential properties. It cannot be considered that this change in circumstances is beneficial or positive for local residents. It is however Officer's view that when considered in the context of the site history, national and local planning policy objectives and the benefits arising from the redevelopment of the derelict site these impacts are not so significantly harmful in respect of highways or residential amenity concerns that the application ought to be refused. On balance it is considered that the development proposed is acceptable and that permission should be granted permission.

11. Recommendation

Planning Permission be GRANTED subject to the signing of a Section 106 agreement for the following reason:

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

The proposed development by virtue of its scale, form and layout will secure the redevelopment of a redundant derelict site and deliver residential development necessary to meet identified requirements in both adopted and emerging plans in accordance with previous historic permissions issued at the site. The proposed development of the site accords with policies C1; C2;

C3; NE9; NE11; NE17; NE 18; H3; T2; T3; CF2; CF3 of the Adopted North Wiltshire Local Plan 2011 and paragraphs 1 – 16 of the National Planning Policy Framework.

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 all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area and neighbouring amenities.

POLICY-C3

3. 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.

POLICY-C3

4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
 - location and current canopy spread of all existing trees and hedgerows on the land;
 - full details of any to be retained, together with measures for their protection in the course of development;
 - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - finished levels and contours;
 - means of enclosure;
 - car park layouts;
 - other vehicle and pedestrian access and circulation areas;
 - all hard and soft surfacing materials;
 - minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
 - tree(s), of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

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

POLICY- C3

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. 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.

POLICY- C3

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

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

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

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

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

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

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

POLICY-C3

7. No development shall commence on site until details of all earthworks, including retention of bunds on site, have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall not be occupied/first brought into use until such time as the earthworks have been carried out in accordance with the details approved under this condition.

REASON: To ensure a satisfactory landscaped setting for the development.

POLICY-C3

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

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

POLICY-C3

9. No development shall commence on site until details of the stopping up of all existing accesses, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first use of the approved access. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

POLICY-C3

10. 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.

POLICY- C3

11. Any garage doors installed at any time in the garage(s) hereby permitted shall be fitted so that its leading edge does not project forward of the leading wall of that garage.

REASON: In the interests of highway safety and convenience.

POLICY- C3

12. No dwelling shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

POLICY-C3

13. Notwithstanding the details shown on the submitted plans and forms, no development shall commence on site until details of the integral car ports 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.

POLICY – C3

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the integral car ports hereby permitted shall not be converted to habitable accommodation, nor any external doors fitted.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

POLICY – C3

15. No development (excluding demolition and site clearance) shall commence on site until a detailed and finalised scheme for the discharge of surface water from the site, incorporating sustainable drainage details in accordance with the submitted drainage strategy dated 13/3/12, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

POLICY-C3

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

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

POLICY-C3

17. The development hereby permitted shall not be occupied until the approved sewage disposal works proposed have been completed in accordance with the submitted and approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

POLICY-C3

18. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
- a) The demolition of existing structures in site and removal and disposal of waste materials;
 - b) the parking of vehicles of site operatives and visitors;
 - c) loading and unloading of plant and materials;
 - d) storage of plant and materials used in constructing the development;
 - e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) wheel washing facilities;
 - g) measures to control the emission of dust and dirt during construction;
 - h) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - i) measures for the protection of the natural environment.
 - j) hours of construction, including deliveries;

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

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

POLICY-C3

19. No development shall commence (excluding approved demolition and site clearance works) until the applicant has submitted additional geotechnical and ground investigations the findings and any necessary mitigation proposals and remedial have been approved in writing by the Local Planning Authority. The report must assess and consider the following matters. Two individual hotspots of lead and naphthalene were recorded in the grey angular fine gravel surface covering in TP07 and TP04, these occurrences should be removed where present below proposed private garden areas. Due to the pre-mentioned the entire site should be screened for similar substances and remediated appropriately. Two shallow rotary cored boreholes to allow at least 5 – 6m of penetration into the underlying Oolitic Limestone horizon in order to gain additional geotechnical data for pile design, should it be considered. An additional day's trial pitting is required in order to reduce uncertainty of the thickness of the quarry discards in the northern and southern site areas. TRL-DCP testing across site to gain a better understanding of CBR values at formation depth is required.

Examination of the underlying soils and assessment of the chemical nature of the underlying soils during the site clearance phase of works at the site to collect samples of the shallow soils for

testing for typical munitions residues, predominately accelerant and explosive breakdown products.

REASON: In the interests of residential amenities.

20. Pursuant to condition 19

Step (ii) Submission of Remediation Scheme:

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

Step (iii) Implementation of Approved Remediation Scheme:

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

Step (iv) Reporting of Unexpected Contamination:

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

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

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

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

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

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

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

21. All development shall be carried out in full accordance with the agreed bat mitigation measures, as set out in the submitted Bat Survey Report v4 (ADAS UK, September 2012), without the approval of the Local Planning Authority.

Prior to commencement of development a bat monitoring plan shall be submitted to and approved in writing by the Local Planning Authority. The monitoring plan shall clearly set out the methods and timing of annual post-construction monitoring of bat roosting, foraging and commuting activity to be carried out during the first three years upon completion of the construction phase, as necessary to assess the effectiveness of the approved bat mitigation measures. Annual monitoring reports shall be submitted to the Local Planning Authority in accordance with the agreed monitoring plan.

All external lighting shall be installed and maintained in full accordance with the details provided in the External Lighting Impact Assessment (URS, 2012, Ref: 47063838). No additional or alternative external lighting may be installed without the approval of the Local Planning Authority.

REASON: In the interests of the protection of protected species of wildlife and their habitat.

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

List of plans to follow as additional information

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

POLICY-C3

Informatives

1. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
2. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.
3. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.
4. The applicant should note the contents of the attached letter from Wessex Water and the requirements regarding existing Foul Sewers on site.
5. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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

6. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	9 th January 2013		
Application Number	12/03485/FUL		
Site Address	Friday Street, Christian Malford, Chippenham, SN15 4BT		
Proposal	Erection of All weather Riding Arena and New Access		
Applicant	Mr D Porter c/o Willis and Co, 30 The Causeway, Chippenham		
Town/Parish Council	Christian Malford		
Electoral Division	Kington	Unitary Member	Cllr Howard Greenman
Grid Ref	397342 440336		
Type of application	FULL		
Case Officer	Charmian Burkey	01249 706667	charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Greenman has requested that the application be considered by Committee to assess the environmental and highway impact.

1. Purpose of report

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

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

The application has generated objections from Christian Malford Parish Council; 1 letter of objection from the public.

3. Site Description

The site is a relatively flat parcel of land between Porters Metal & Skip Hire and Friday street. It lies to the east of the business and the west of Friday Street with the Lyneham to Christian Malford road to the north. The access is proposed approx 45m to the south of the junction between those two roads.

4. Relevant Planning History

Application Number	Proposal	Decision
None relevant		

5. Proposal

The proposal is for a riding arena for private use together with an access, track and turning head. The arena will measure approx 27mx approx 31m with the track running to the south.

The land to the south and west is where the horses which will use the arena will be kept.

6. Planning Policy

North Wiltshire Local Plan: Policies C3; NE15

7. Consultations

Christian Malford Parish Council recommend refusal for the following reasons:

- Inadequate on site parking and turning;
- Off site highways impact.
- Inappropriate location for such a facility in close proximity to a commercial premises and remote from other stables in the vicinity

Highways do not object to a private riding arena subject to a condition.

8. Publicity

The application was advertised by site notice.

1 letter of objection received

Summary of key relevant points raised:

- Creation of un-necessary accident hot spot due to the narrowness of Friday Street and its proximity to Main Road (B4096).
- Access should be from the Main Road via Porters Skip Hire.

9. Planning Considerations

The principle of a riding arena in the countryside is acceptable and it does not need to relate specifically to stables as horses can be ridden from the field. Policy NE15 looks at the impact of the development on the countryside and given the surrounding uses and the high hedges, it is not considered that the proposal would adversely affect the rural character of this area.

Whilst the concerns about the access are acknowledged the Highways officer specifically comments that there are wide verges to allow good visibility in each direction and, at 45m from the B4096/Friday Street junction there is sufficient distance. The removal of a section of hedge in this location is considered to be acceptable.

Overall, it is considered that the proposal accords with policies C3 and NE15 of the North Wiltshire Local Plan 2011.

11. Recommendation

Planning Permission be GRANTED for the following reason:

It is considered that the proposal accords with policies C3 and NE15 of the North Wiltshire Local Plan 2011 and will not lead to any significant detriment to the rural character of the area or highway safety.

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 riding arena hereby permitted shall be for private use only and shall not be used for hire, a riding school, tuition or any other commercial purpose whatsoever, without the written permission of the Local Planning Authority.

REASON: In the interests of highway safety.

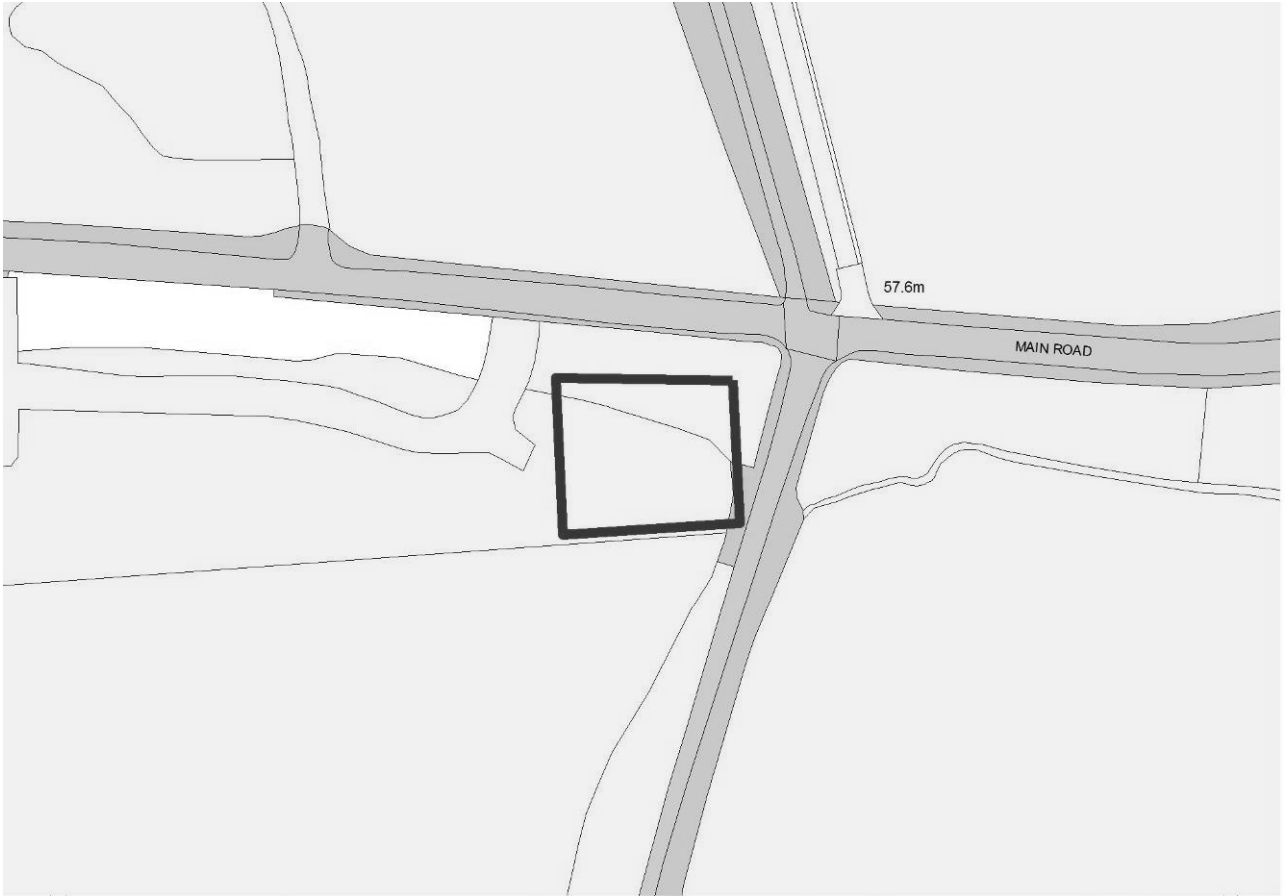
3. No development shall commence on site until details of the access layout improvements has been submitted to and approved in writing by the Local Planning Authority. The access improvements shall be carried out prior to the development taking place. The improvements shall include a 6.5m width for the first 10 metres of the access. The first 10m measured from the edge of the carriageway, shall be properly consolidated and surfaced (not loose stone or gravel). Any gates will be required to be set back 10m from the edge of carriageway and made to open inwards. The access shall be made to drain away from the highway.

REASON: In the interests of highway safety.

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

Drawing 2359/01 dated 23rd November 2012.

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



By virtue of paragraph(s) 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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