

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER
Date: Wednesday 24 April 2013
Time: 6.00 pm

Please direct any enquiries on this Agenda to Alexa Smith, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01249) 706610 or email alexa.smith@wiltshire.gov.uk

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

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

Membership:

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

Substitutes:

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

AGENDA

Part I

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

1 **Apologies**

To receive any apologies for absence.

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

To approve and sign as a correct record the minutes of the meeting held on 20 February 2013.

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 Chairman.

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 17 April 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 7 - 8)

An appeals update report is attached for information.

7 Planning Applications (Pages 9 - 10)

To consider and determine planning applications in the attached schedule.

7a **13/00040/S73A - 9 Saddleback Close, Calne, Wiltshire, SN11** (Pages 11 - 16)

7b **12/04160/FUL - Land Adj Rowden Lane, Chippenham, Wiltshire** (Pages 17 - 26)

7c **13/00202/S106 - Land Adj Rowden Lane, Chippenham, Wiltshire** (Pages 27 - 30)

7d **11/02763/FUL - Land at Moredon Bridge** (Pages 31 - 54)

8 Urgent Items

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

Part II

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

None

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NORTHERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING
HELD ON 20 FEBRUARY 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES,
MONKTON PARK, CHIPPENHAM, SN15 1ER.**

Present:

Cllr Peter Colmer, Cllr Christine Crisp, Cllr Peter Davis, Cllr Bill Douglas (Substitute),
Cllr Peter Doyle, Cllr Mollie Groom (Substitute), Cllr Peter Hutton, Cllr Simon Killane,
Cllr Mark Packard, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

27 **Apologies**

Apologies were received from Cllrs Alan Hill and Desna Allen.

Cllr Hill was substituted by Cllr Mollie Groom.

Cllr Allen was substituted by Cllr Bill Douglas.

28 **Minutes of the previous Meeting**

The minutes of the meeting held on **30 January 2012** were presented. It was,

Resolved:

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

29 **Declarations of Interest**

There were no declarations.

30 **Chairman's Announcements**

There were no Chairman's announcements.

31 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

32 The Definitive Map And Statement For Malmesbury Rural District Area

Public Participation

Mr Maurice Moss spoke in support of the order.

Ms Susan Bobbett spoke in support of the order.

Mr Stuart Suter spoke in support of the order.

Cllr Paul Fuller, Lea and Cleverton Parish Council, spoke in support of the order.

The Rights of Way officer presented a report detailing the location and history of the proposed footpaths, and drew attention to the evidence submitted in support and objection to the order to amend the definitive map and statement to include the footpaths. It was noted that due to the objection received, the order had to go to the Secretary of State for determination, with a recommendation from the Committee.

The Committee then had the opportunity to ask technical questions of the officer. The current and historical use of the land was raised, along with whether new evidence could be submitted in support or objection. It was stated that new evidence could be submitted at any stage prior to determination.

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

The Local Member, Councillor Toby Sturgis, then spoke in support of the order.

A discussion followed, where use of the paths by the public prior to any determination, along with questions on what would happen to any obstructions placed on the footpaths should the Secretary of State approve the order. It was stated in response that until the order was approved, use of the footpaths would still be at risk of contention, but that if any additions were made which obstructed the use of the footpaths, in the event of approval they would have to be removed.

At the conclusion of debate, it was,

Resolved:

That the Wiltshire Council (Parish of Lea and Cleverton) Path No. 34, 35 and 36 Rights of Way modification Order 2012 is forwarded to the Secretary of State for Environment, Food and Rural affairs for determination with the recommendation that the order be confirmed.

33 Planning Appeals

The Committee noted the contents of the appeals update.

34 **Planning Applications**

The Planning Committee determined the following applications:

35 **12/03960/FUL & 12/03961/LBC - 31 Gloucester Street, Malmesbury SN16 0AA**

Public Participation

Mr Stewart Shape spoke in objection to the application.

Mr Brian Leitch spoke in objection to the application.

Ms Kim Power spoke in objection to the application.

Mrs J Blurton spoke in support of the application.

Mr T Blurton spoke in support of the application.

The Area Development Manager presented a report which recommended permission be granted for change of use. It was noted the building was a listed building in a conservation area, and the location in the secondary retail frontage area and physical state of the building was highlighted. It was also stated that the building had been vacant for two years with little interest, and that the key issue was its viability as a retail unit.

The Committee then had the opportunity to ask technical questions of the officer. It was noted that in 2012 the Committee refused a change of use for the neighbouring property, and the robustness of the marketing of the property for retail use was raised.

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

The Local Member, Councillor Simon Killane, then spoke in objection to the application.

A debate followed, where it was noted the Town Council were in support of the application, and the viability of retail units in the town and the state of many listed buildings was discussed. The robustness of the marketing of the building for retail use was again raised, including the price at which it had been set, and its lack of viability debated.

Questions were also raised about whether Listed Building Consent could be approved even should the planning application be refused, and it was confirmed it could be.

At the conclusion of debate, it was,

Resolved:

For Application 12/03960/FUL

That Planning Permission be REFUSED for the following reason:

The proposed development would result in the unacceptable loss of a retail premises within the secondary retail frontage in a prominent location within the centre of Malmesbury. The loss of premises would be to the detriment of the vitality and viability of Malmesbury Town Centre and its future vitality and viability. Insufficient information has been provided to demonstrate that the property has been marketed at an appropriate price in an attempt to secure a retail use at the premises. The proposal is contrary to Policies C3, R2 and R6 of the adopted North Wiltshire Local Plan 2011 as well as the strategy and objectives of the Wiltshire Core Strategy Pre-Submission Draft February 2012.

For Application 12/03961/LBC

That Listed Building Consent be GRANTED for the following reason:

The proposed development by reason of its scale, design and siting is considered to be an acceptable addition to the property and the proposed alterations would not unduly affect the fabric or setting of the listed building. The proposed development is in keeping with the character and appearance of the area and would secure the future of the building and this will achieve objectives for preservation of the heritage asset in accordance with the National Planning Policy Framework and the North Wiltshire Local Plan 2011. The proposals are thus considered to comply with section 12 of the National Planning Policy Framework (2012) and with S.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Subject to the following conditions:

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

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

2. The development hereby permitted shall be 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.

Plans

Existing elevations and sections
Site location plan
Existing floor plan
Associated photographs
Property marketing
Proposed elevations and sections
Heritage asset statement

**Design and access statement
Proposed floor plans**

Date stamped 28.11.12

REASON: To ensure that the works are implemented as approved and in the interests of the listed building.

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

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

Large scale details (1:5 elevations, 1:2 sections) of new dormer construction, including window;

Large scale details of proposed balcony structure (1:10 elevations 1:5 sections);

Large scale details of all internal joinery, including staircases (1:5 elevation, 1:2 section);

Full details of proposed rooflights, which shall be set in plane with the roof covering;

Large scale details of new fireplace to living room;

Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;

Full details of proposed meter and alarm boxes;

Large scale details of proposed eaves and verges (1:5 section);

Full details of proposed internal service routes;

Full details of external decoration to render, joinery and metalwork; and

Full details and samples of external materials.

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

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

4. No development shall commence on site until details and samples of the materials to be used for the external walls, including timber cladding which shall be feather-edged boarding, 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 preserving the character and appearance of the listed building and its setting.

5. Notwithstanding the submitted details (3799/51E) the new window to the west elevation of the first floor snug shall be a timber, double-hung sash window to match those on the first floor front elevation.

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

36 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.45 pm)

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

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

Wiltshire Council
Northern Area Planning Committee
24th April 2013

Forthcoming Hearings and Public Inquiries between 08/04/2013 and 31/10/2013

Application No	Location	Parish	Proposal	Appeal Type	Date
09/01315/CLE & 11/00435/ENF	OS 7400, Hicks Leaze, Chelworth, Lower Green, Cricklade	Cricklade	Use of Land for Storage and Dismantling of Cars, Vans, Lorries, Plant and Machinery for Export and Recycling; Siting of One Caravan for Residential Use	Public Inquiry	15/07/2013

Planning Appeals Received between 06/02/2013 and 08/04/2013

Application No	Location	Parish	Proposal	DEL or COMM	Officer Recommendation	Appeal Type
12/00625/FUL	The Paddock, Hook, Swindon, Wiltshire, SN4 8EA	Lydiard Tregoz	Siting of Two Mobile Homes, Two Dayrooms & Hardstanding	DEL	Refusal	Informal Hearing
12/03239/FUL	7 Pickwick, Corsham, Wiltshire SN13 0JD	Corsham	New Secondary Vehicular Access	DEL	Refusal	Written Representations
12/03568/S73	Fir Tree Cottage, Hook, Swindon, Wiltshire, SN4 8EA	Lydiard Millicent	Use of Existing Residential Annex as Self Contained Dwellinghouse (Class C3) - Resubmission of 12/00318/S73A	DEL	Refusal	Written Representations
12/03630/CLP	The Old Woodshed, Prospect, Kingsdown, SN13 8AY	Box	Rear Extension	DEL	Refusal	Written Representations
12/03740/FUL	Land off Stanier Road, Calne, Wiltshire	Calne	Erection of 34 Dwellings	DEL	Refusal	Informal Hearing
12/03335/FUL	Hammond House, 34 New Road, Wootton Bassett, SN4 7DG	Wootton Bassett	Single storey side extension	DEL	Refusal	Written Representations

Planning Appeals Decided between 06/02/2013 and 08/04/2013

Application No	Location	Parish	Proposal	DEL or COMM	Appeal Decision	Officer Recommendation	Appeal Type
12/00730/FUL	Avondale, Brook End, Luckington, Wiltshire, SN14 6PJ	Luckington	Demolition of Existing Dwelling & Erect Replacement Dwelling and Double Garage	DEL	Allowed with Conditions	Refusal	Written Representations
12/01622/FUL	Upper House, Thickwood Lane, Thickwood, Wiltshire, SN14 8BL	Colerne	Extensions to Garage to form Annex ancillary to Main House	DEL	Allowed with Conditions	Refusal	Written Representations
12/03335/FUL	Hammond House, 34 New Road, Wootton Bassett, SN4 7DG	Wootton Bassett	Single storey side extension	DEL	Allowed with Conditions	Refusal	Written Representations

11/03734/FUL	OS 437, Bremhill, Calne	Bremhill	Erection of Temporary Agricultural Dwelling	DEL	Appeal Dismissed	Refusal	Informal Hearing
12/00306/LBC	Pines Hotel, 81/82 Marshfield Road, Chippenham, Wiltshire, SN15 1JR	Chippenham	Alterations to Side Wall of Hotel to Increase Width of Access	DEL	Appeal Dismissed	Refusal	Written Representations
12/01321/FUL	Sheldon Business Park, Sheldon Corner, Chippenham, Wiltshire, SN14 0SQ	Chippenham Without	Erection of Commercial Building & Associated Parking & Landscaping	DEL	Appeal Dismissed	Refusal	Written Representations
12/01573/FUL	Former agricultural building known as Two Trees, Grittenham, Wiltshire, SN15 4JY	Brinkworth	Conversion & Change of Use of Former Agricultural Building to Dwelling	DEL	Appeal Dismissed	Refusal	Written Representations
12/01805/FUL	The Coach House, 15A The Green, Calne, Wiltshire SN11 8DQ	Calne	Double Garage	DEL	Appeal Dismissed	Refusal	Written Representations
12/03701/FUL	Knole, Box Hill, Rudloe, Wiltshire, SN13 8HN	Box	Extensions & Alterations to Form Two Storey Dwelling; Detached Garage & Store	DEL	Appeal Dismissed	Refusal	Written Representations
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.	DEL	Appeal Withdrawn	Refusal	Public Inquiry

Agenda Item 7

INDEX OF APPLICATIONS ON 24/04/2013

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7a	13/00040/S73A	9 SADDLEBACK CLOSE, CALNE, WILTSHIRE, SN11 8HW	Erection of Car Port, Store & Sun Room (Retrospective)	Delegated to Area Development Manager
7b	12/04160/FUL	Land Adjacent to Rowden Lane, Chippenham, Wiltshire	Residential Development of 95 Dwellings, Ancillary Roads, Public Open Space and Associated Works and Alteration to Parking Layout (Amendment to Phases A and B of 02/00600/FUL)	Delegated to Area Development Manager
7c	13/00202/S106	Parcel A & B, Rowden Lane, Chippenham, Wiltshire	Modification of Legal Agreement 02/00600/FUL	Delegated to Area Development Manager
7d	11/02763/FUL	Land at Moredon Bridge, Purton Road, Wiltshire	50 Dwellings, Access, Associated Works and Landscaping	Delegated to Area Development Manager

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	24 April 2013		
Application Number	N/13/00040/S73A		
Site Address	9 Saddleback Close, Calne, Wiltshire SN11		
Proposal	Erection of Car Port, Store & Sun Room (retrospective)		
Applicant	Mr Simpson		
Town/Parish Council	Calne Town Council		
Electoral Division	Calne Central	Unitary Member	Cllr Howard Marshall
Grid Ref	400284 170542		
Type of application	Retrospective Application		
Case Officer	Chris Marsh	01249 706657	chris.marsh@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called in to Committee by Cllr Marshall, in order to consider the scale, visual impact and design of the development and its relationship to other properties.

1. Purpose of Report

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

Calne Town Council has objected to the application, on grounds of visual harm and loss of residential amenity. Three letters of objection have been received from neighbours of the site.

2. Main Issues

The main issues in considering the application are:

- Principle of development
- Impact on the character and appearance of the area and Conservation Area
- Impact on the privacy and amenity of existing neighbours and potential occupants
- Impact on highway safety

3. Site Description

Saddleback Close is a small cul-de-sac of modern townhouses situated on land adjacent to the River Marden, in southern Calne. The 13 properties are laid out in two terraces, with no.9 being the southernmost of the smaller North array of buildings, affording the dwelling and its neighbour, no.8, a 2.8m space to the side of each property. Each property has a small area of amenity/parking space to the front, facing a high retaining wall, and a steeply sloping garden to the rear, most of which are terraced and directly adjoin the river.

The properties are characterised by their uniform brick facings and leaded mansard roofs with modest box dormers, accommodating their second floor living space, with uPVC glazing throughout the development, including at no.9. The site lies within the Calne Conservation Area and subject to restrictions on permitted development rights from the original permission (below).

4. Relevant Planning History		
Application Number	Proposal	Decision
N/94/01927/F	Erection of 13 no. Town Houses Together with Associated Garaging/Access and Landscaping	Permitted

5. Proposal

Retrospective planning permission is sought for the erection of a single storey side and rear extension that occupies the majority of the space between the host dwelling and boundary of no.8. The easternmost component forms an open-ended carport over the original parking area that adjoins the turning head to the southeast of the property, with a small secure store to the rear. Access through the extension can then be obtained to the rear sun room element, currently in use as a home office, from which a pair of glazed doors lead on to the rear patio.

The extension is constructed from timber panels, which are finished in an orange/brown wood treatment, with matching timber-framed windows and doors in the North and West elevations. A flat mineral felt roof keeps the height to a consistent 2.4m throughout the extension's 10.7m length, with a leaded flashing along the eastern end of the carport. Subsequent to submission of the application, the applicant has offered to refinish the external faces of the development in a muted mid-grey finish if permission is granted.

6. Consultations

Calne Parish Council - objects, on grounds of visual harm and loss of amenity

Highways - no objection, subject to conditions

Environment Agency - no objection, confirmed that access route to river no longer required at this location

7. Publicity

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

Three letters of objection received.

Summary of key relevant points raised:

- Visual harm
- Loss of access to the rear of the properties for Environment Agency and emergency vehicles.

8. Planning Considerations

Principle of development

The principle of residential extension is well established and supported by planning policy. As the site is located within a Conservation Area, particular care is warranted with regard to design quality and respect for the character and appearance of the area.

Impact on the character and appearance of the area and Conservation Area

The development is at its most visually apparent when viewed from the neighbouring property, onto whose side and rear areas of amenity space the extension directly fronts. Whilst the lengthy and plain elevation facing the neighbouring property at no.8 is imposing, it would not be appropriate to insert additional fenestration to break this up as this would be detrimental to residential amenity.

However, it is considered that the extension is sufficiently modest in scale as to not result in material harm to its setting, despite its substantial footprint. From the East in particular, the car port appears lightweight and does not alter the overall visual pattern of development. It is considered that the current finish is unacceptable in the context of the host dwelling and wider Conservation Area, however the alternative volunteered is a substantial improvement and will further reduce the visual impact of the development whilst offering some consistency with the colour of the surrounding leadwork. This finish can be secured by condition, as recommended.

Impact on the privacy and amenity of existing neighbours and potential occupants

Although directly adjoining the boundary with the neighbouring property, the extension's scale has been kept to a maximum of 2.4m, such that it is not considered that any sense of overbearing is caused. Due to its northern position relative to no.8 and open aspect to the rear, the development does not result in any significant loss of daylight or sunlight to the neighbouring property. Furthermore, fenestration is orientated in such a way as to not result in any additional overlooking - being omitted entirely on the southern elevation - to either occupants or neighbours.

Impact on highway safety

As the scheme maintains the pre-existing level of parking provision to the side of the dwelling, and access thereto, the proposal will not result in harm to highway safety. The Highways Officer has recommended a condition to ensure the maintenance of this.

Conclusion

Having considered the application and taken into account the comments raised by neighbours and statutory consultees, it is apparent that through the effective use of conditions the scheme can be brought up to an acceptable standard that will conserve the visual quality of the development's setting without detriment to either residential amenity or highway safety.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development, by virtue of its siting, scale, massing, design and revised appearance, will not harm the character or appearance of the host dwelling or its setting in a Conservation Area and will not in any case result in the loss of residential amenity. The proposal therefore accords with Policies C3, HE1 and H8 of the adopted North Wiltshire Local Plan 2011 and Sections 7 and 12 of the National Planning Policy Framework.

Subject to the following conditions:

- 1 The building operations hereby permitted shall be demolished to ground level and all equipment and materials brought onto the land for the purposes of such materials resulting from the demolition shall be removed within one month of the date of failure to meet any one of the requirements set out in (i) to (iii) below:
 - (i) Within three months of the date of this decision, the external surfaces of the development are refinished in accordance with Condition 2 below, to the satisfaction of the Local Planning Authority.
 - (ii) An appeal is made in pursuance of (i) above, that appeal has been finally determined and the revised details have been approved by the Secretary of State.
 - (iii) The approved refinish has been carried out and completed in accordance with the approved timetable.

REASON: To ensure a satisfactory standard of development in the interests of visual and or

amenities.

- 2 Within three months of the date of this permission, the external timber surfaces of the car port, store and sun room hereby permitted shall be finished in 'The Posh Shed Company' finish 'Gregorian' grey.

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

- 3 No external alteration (including doors) shall be made to the car port hereby approved without formal approval of the Local Planning Authority.

REASON: In the interests of highway safety, ensuring that the car port remains open and available for car parking.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted into the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

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

1006 B - Proposed Carport/Shed at 9 Saddleback Close Calne Wiltshire

Received 8 January 2013

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



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REPORT TO THE NORTH AREA PLANNING COMMITTEE

Date of Meeting	24 th April 2013		
Application Number	12/04160/FUL		
Site Address	Land Adj Rowden Lane, Chippenham, Wiltshire		
Proposal	Residential development of 95 dwellings, ancillary roads, public open space and associated works and alteration to parking layout.		
Applicant	Redcliffe Homes Ltd		
Town/Parish Council	Chippenham		
Electoral Division	Chippenham Lowden & Rowden	Unitary Member	Cllr Judy Rooke
Grid Ref	391118 172467		
Type of application	FULL		
Case Officer	Charmian Burkey	01249 706667	Charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called to Committee by Cllr Judy Rooke to assess the scale of the development, the visual impact, the relationship to adjoining properties, the design and highway/environmental impact.

1. Purpose of report

To consider the above application and to recommend that planning permission be DELEGATED to officers to allow for the signing of the revised legal agreement granted by application 13/00202/S106 and subject to conditions.

2. Report summary

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

- Principle of development
- Impact upon protected species/ecology
- Impact upon neighbour amenity
- Impact upon highway safety
- Pipelines and contamination.

The application has generated no objections from Chippenham Town Council and 25 letters of objection from the public.

3. Site Description

The site is part of the original permission granted at appeal for 138 houses under reference 02/0600/FUL . Part of the development (parcels E & F) have been completed for some time with their access off Patterdown.

The site is in 2 parcels – A & B. Parcel A to the north will involve the demolition of a bungalow, but is largely overgrown scrub land. Parcel B to the east is also overgrown although there are some poor quality agricultural buildings on site. A public footpath (to be retained) runs along the western boundary of parcel B.

Access to both parcels is from Rowden Lane, but the development will mean that the link to the Patterdown entrance/egress will need to be completed and Rowden Lane made a one way access only just to the west of Parcel A.

4. Relevant Planning History		
Application Number	Proposal	Decision
02/00600/FUL	Construction of 138 dwellings with ancillary roads, public open space and ancillary works.	Allowed at appeal with condition
06/01302/S73A	Amendment to conditions 2, 3, 6, 8 and 9 of 02/00600/FUL to enable phased development with amended access arrangements.	Allowed with conditions
13/00202/S106	Modification of legal agreement to reduce affordable housing contributions on parcels A & B..	Outstanding.

5. Proposal

The proposal is for alterations to Parcels A & B (already approved and live under 02/0600/FUL) to allow for the oil pipeline to the west of the site A and to allow for changes to the parking layout in parcel B.

The land for the easement needed for the pipeline in Parcel A is approx. 6m. This has had the effect of pulling some of the houses away from the houses in Rowden Road (plots 1-24), but mainly shortening the proposed gardens and moving the parking to the rear (ie closer to the houses in Rowden Road).

Parcel B has increased the number of parking spaces to comply with Wiltshire current parking standards.

No changes to house types are proposed although it should be noted that although house type S was shown on the previously approved layout as with a house with or without dormers, it appears that only the house type with dormers was approved.

6. Planning Policy

North Wiltshire Local Plan 2011 policies C3 and H3.

Wiltshire Core Strategy Core Policy 45.

NPPF Guidance in section 6 on delivering a wide choice of high quality homes.

7. Consultations

Chippenham Town Council has no objections.

The Council's Ecologist has raised concerns on the initial ecological survey and notes that although there is an outstanding consent there have been changes since the previous permission including circular 06/2005, case law relating to European Protected Species, NPPF, Maturation and development of on-site habitats, best practice guidelines for protected species surveys and local records of protected species.

The comments are available in full on the file, but the Ecologist asks for a proper habitat assessment by a suitably qualified ecologist at an appropriate time of year to assess the value of

onsite habitats, particularly those that will be lost; A reptile survey of both parcels of land to be undertaken in accordance with best practice (Froglife) is required; Bat surveys of potential roost features and valuable commuting/foraging features should be carried out by a licensed bat worker in accordance with best practice (BCT, 2012) is required; the Great Crested Newt is known to be present in the locality and the location, connectivity and suitability of the nearest ponds (within 250m) should be set out as a justification as to why Great Crested Newts do not occur on site; No consideration has been given to the invertebrate communities on site and the ecological assessment should consider the impact of development upon these communities.

An updated assessment is expected prior to the Committee meeting and comments will be reported as late observations.

The Council's Environmental Health Officer has some concerns about the submitted contamination report, but considers that a suitably worded condition is sufficient to mitigate any effects.

An hours of construction condition is recommended.

Highways do not object subject to conditions.

Landscape officer does not object subject to conditions to ensure that the previously submitted landscaping is implemented and protection of retained trees and hedgerows in accordance with BS 5837:2012.

8. Publicity

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

25 letters of objection received

Summary of key relevant points raised:

- Loss of privacy and increase in noise.
- Contamination of the land. Presence of carcinogenic substances in soil.
- Drainage/flooding.
- Effect on protected species and ecology.
- Traffic congestion on A4 and A4/A350 junction.
- Oil pipelines in area A – not just that being given easement.
- The permission has expired.
- 3 storey houses will overlook existing properties and were not originally shown..
- Loss of green areas.
- The application is invalid due to false certificates.
- The development has been constantly rejected by the Committee Members.
- The existing sewerage system is already overloaded.
- The land is not un used grazing land as sated, as there is a bungalow on site, derelict farm buildings and the occupants of the bungalow have run a double glazing business on the site for years (including burning products).
- Rowden Lane is no longer in the Local Plan as an allocated site.
- Rowden Lane is unsuitable for the development.
- The drainage that currently uses the ditch to the east of the site (backing onto the gardens of Rowden Lane) will go and what will happen to the water?

9. Planning Considerations

Principle of the development.

Planning permission was granted for 138 dwellings with associated works at appeal under reference number 02/00600/FUL and commenced when the houses in Patterdown were built. The

planning permission is still live and can be built out at any time. The principle of the development of Parcels A & B has already been established. This proposal seeks relatively minor changes to the layout and parking to allow for the easement around a government oil pipeline and additional parking to comply with Wiltshire Council's revised parking standards. However, any consent granted will be a stand alone permission and should be conditioned accordingly.

Impact upon protected species/ecology

The applicants have undertaken an updated ecology survey with this application. However, following comments from the Council's ecologist this is being further updated and comments will be reported as late observations, although it is not anticipated that the ecological concerns cannot be overcome.

Impact upon neighbour amenity

The proposal is very similar to that previously approved under reference 02/00600/FUL with amendments to the alignment of plots 1-24 by distances ranging from approx 1-3m to the west (ie further from the houses in Rowden Road) to allow for the easement requirement surrounding the oil pipeline which runs along the eastern boundary of the site. The garden are shortened for these plots. The alterations also mean that additional parking will be placed along the easement boundary. The 02/00600/FUL application made provision for some parking along the boundaries of the gardens of Rowden Road and although there is an increase, it is all now set at least 6m from the boundary. It is considered that the alterations to Parcel A improve the amenity of existing occupiers.

The issue of house type 'S' and dormers has been raised. However, although the layout plan approved with application 02/00600/FUL did not show dormers on all 'S' type houses the approved house type itself only showed a dwelling with dormers. Notwithstanding this the dormers on plots 25-27 inclusive have now been placed on the rear elevation and those on plots 7-11 incl. Are some 23m from the boundary of the houses on Rowden Hill and over 45m from the actual houses. This is not considered to be unreasonable or to lead to a significant loss of privacy.

The easement area itself will be left as grass and nothing can be built on it. It is proposed by the applicant to set up management company to maintain the land, which is not an un common solution to left out green areas and is considered to be acceptable in principle. This will need to be the subject of a condition to ensure the land is properly maintained.

Impact upon highway safety

The principle of the access arrangements for the total of 138 dwellings was established under permission 02/00600/FUL. The construction of parcels A & B will mean that the link to Patterdown will need to be constructed and that the 'in only' arrangement using Rowden Lane will need to be implemented. This will be controlled by way of a planning condition as before.

The proposal seeks a revised parking arrangement including an increase in the number of spaces to comply with Wiltshire Council's new standards. Highways are happy with the revisions subject to conditions.

Pipelines and contamination

This application has come about because of the presence of a live oil pipeline to the east of the site and the easement that this requires. However, there is at least one abandoned pipeline on site and information has been sought on what will happen to these when development takes place. The applicant has been advised by the pipeline operator of the steps to take to remove the pipelines and this is the subject of other legislation and guidelines. It is therefore considered that the removal of the redundant pipeline(s) can satisfactorily be controlled.

A contamination report has been submitted with the application and has been assessed by Environmental health officers who raise no outstanding concerns subject to a planning condition.

With both these issues, it should once again be noted that a live permission already exists on the site to build houses in Parcels A & B and this application merely seeks relatively minor changes to that layout.

10. Recommendation

Planning Permission be DELEGATED to officers to allow for the signing of the legal agreement granted by 13/00202/S106 for the following reason:

The proposal seeks relatively minor changes to the scheme approved under planning application reference 02/00600/FUL and any new issues cause can be satisfactorily controlled by way of planning conditions. The proposal is therefore considered to comply with North Wiltshire Local Plan 2011 policies C3 and H3; Wiltshire Core Strategy Core Policy 45 and NPPF Guidance in section 6 on delivering a wide choice of high quality homes.

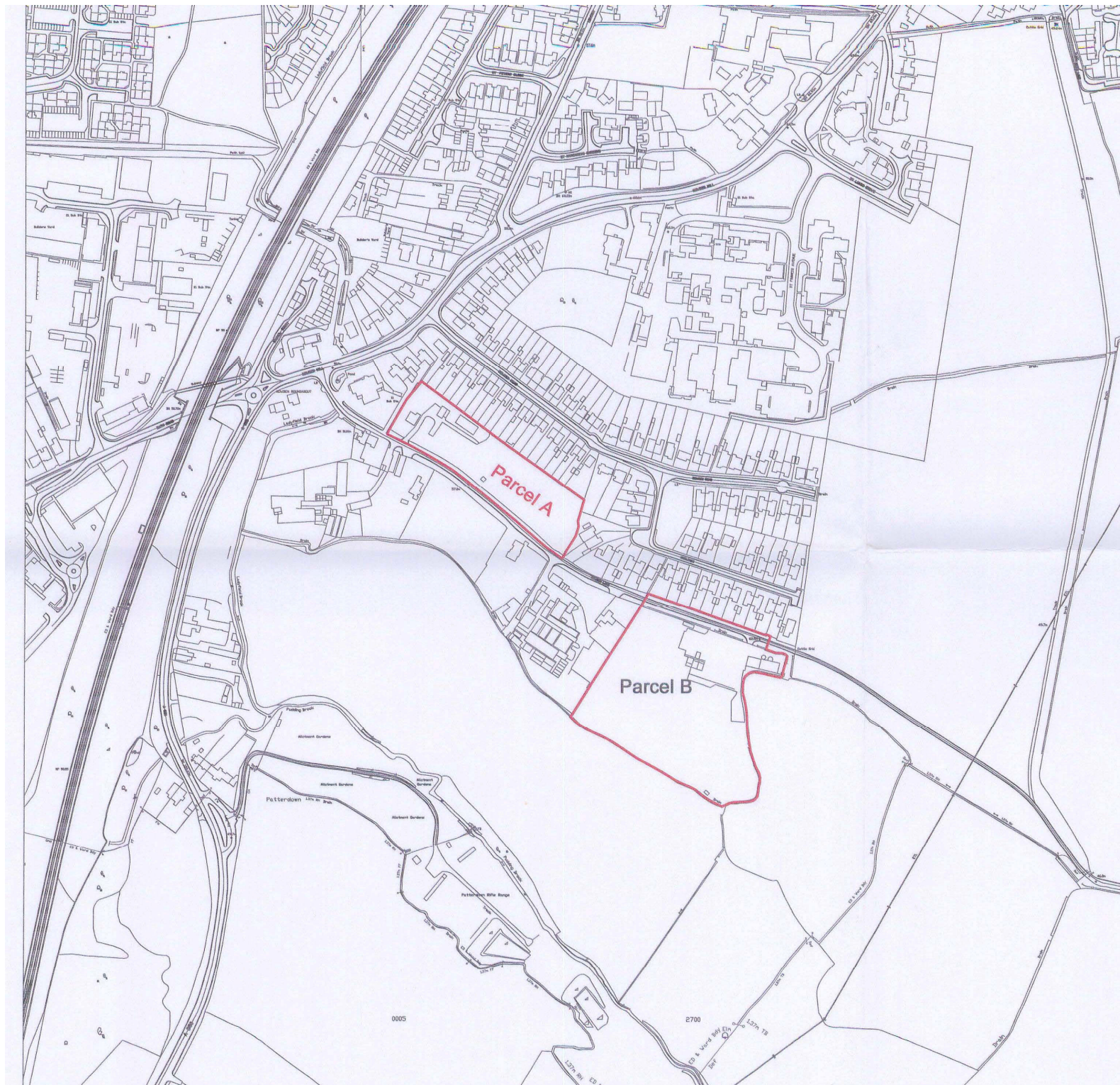
Subject to the following conditions:

1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p>
2	<p>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.</p> <p>REASON: In the interests of visual amenity and the character and appearance of the area.</p>
3	<p>No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied].</p> <p>REASON: In the interests of visual amenity and the character and appearance of the area.</p>
4	<p>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 :-</p> <ul style="list-style-type: none"> • 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; • 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

	<p>storage units, signs, lighting etc);</p> <ul style="list-style-type: none"> proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc); <p>REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.</p>
5	<p>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.</p> <p>REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.</p>
6	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.</p> <p>REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.</p>
7	<p>No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied] until surface water drainage has been constructed in accordance with the approved scheme.</p> <p>REASON: To ensure that the development can be adequately drained.</p>
8	<p>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.</p> <p>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.</p>
9	<p>No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The</p>

	<p>development shall be carried out in accordance with the approved levels details.</p> <p>REASON: In the interests of visual amenity.</p>
10	<p>No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:</p> <p>Step (i) A written report has been submitted to and approved by the Local Planning Authority, which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.</p> <p>Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance; and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme.</p> <p>Step (iv) Reporting of Unexpected Contamination:</p> <p>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 (ii) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (iii) and submitted to and approved in writing by the Local Planning Authority.</p> <p>Step (v) Verification of remedial works:</p> <p>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.</p> <p>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).</p> <p>REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.</p>

11	<p>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.</p> <p>REASON: To ensure that the development is served by an adequate means of access.</p>
12	<p>No dwelling shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans.</p> <p>REASON: In the interests of highway safety and the amenity of future occupants.</p>
13	<p>No development shall take place until detail of the management of the area of land shown as the oil pipeline easement has been submitted to and approved in writing by the local planning authority. The management of the land shall be permanently carried out in the agreed method unless otherwise agreed in writing by the local planning authority.</p> <p>REASON: To protect the amenity of nearby residents.</p>
14	<p>The construction of dwellings in areas A and B shown on drawing 23671/100RevF shall not be commenced unless and until the link between Rowden Lane and Melksham Road is constructed to at least base course level and in use.</p> <p>REASON: In the interests of highway safety.</p>
15	<p>None of the dwellings hereby permitted shall be occupied unless and until the one way restriction in the relevant part of Rowden Lane shown on drawing 23671/100 RevF has been instituted, or until the site roads have been completed to at least base course level.</p> <p>REASON: In the interests of highway safety.</p>
16	<p>No dwelling shall be occupied unless and until a scheme for the provision and maintenance of public open space and play space in the location identified on plan 23671/100 RevF in area B shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.</p> <p>REASON: To ensure adequate play facilities.</p>
17	<p>The delivery of materials and construction of the development hereby permitted shall only take place between the hours of 07:30 and 18:00 Mondays to Fridays and between 08:00 and 13:00 on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.</p> <p>REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.</p>



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REPORT TO THE NORTH AREA PLANNING COMMITTEE

Date of Meeting	24 th April 2013		
Application Number	13.00202.S106		
Site Address	Land Adj Rowden Lane, Chippenham, Wiltshire		
Proposal	Modification of legal agreement associated with 02/0600/FUL to reduce the amount of affordable housing provision.		
Applicant	Redcliffe Homes Ltd		
Town/Parish Council	Chippenham		
Electoral Division	Chippenham Lowden & Rowden	Unitary Member	Cllr Judy Rooke
Grid Ref	391087 172484		
Type of application	S106		
Case Officer	Charmian Burkey	01249 706667	Charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called to Committee by Cllr Judy Rooke to be heard in conjunction with application 11/04160/FUL .

1. Purpose of report

To consider the above application and to recommend that consent be DELEGATED to officers to allow the drawing up and signing of a revised legal agreement.

2. Report summary

The main issue in the consideration of this application whether the applicant has satisfactorily demonstrated to the Council that the site is unviable if they are to provide the 30% affordable housing agreed in the original legal agreement.

The application has generated no objections from Chippenham Town Council and no letters of objection from the public.

3. Site Description

The site is part of the original permission granted at appeal for 138 houses under reference 02/0600/FUL . Part of the development (parcels E & F) have been completed for some time with their access off Patterdown.

The site is in 2 parcels – A & B. Parcel A to the north will involve the demolition of a bungalow, but is largely overgrown scrub land. Parcel B to the east is also overgrown although there are some poor quality agricultural buildings on site. A public footpath (to be retained) runs along the western boundary of parcel B.

Access to both parcels is from Rowden Lane, but the development will mean that the link to the Patterdown entrance/egress will need to be completed and Rowden Lane made a one way access only just to the west of Parcel A.

4. Relevant Planning History		
Application Number	Proposal	Decision
02/00600/FUL	Construction of 138 dwellings with ancillary roads, public open space and ancillary works.	Allowed at appeal with condition
06/01302/S73A	Amendment to conditions 2, 3, 6, 8 and 9 of 02/00600/FUL to enable phased development with amended access arrangements.	Allowed with conditions
13/00202/S106	Modification of legal agreement to reduce affordable housing contributions on parcels A & B..	Outstanding.

5. Proposal

The proposal is for alterations to the legal agreement that accompanied approval 02/00600/FUL to reduce the contributions to affordable housing due to the viability of the site.

6. Planning Policy

North Wiltshire Local Plan 2011 policies C3 and H3.

Wiltshire Core Strategy Core Policy 45.

NPPF Guidance in section 6 on delivering a wide choice of high quality homes.

7. Consultations

Chippenham Town Council has no objections.

The Principal Housing Officer states: . Following the recent meeting that was held with the agents for Rowden Lane, Chippenham an open book has been submitted to the Council. I have reviewed the figures for the above application and can confirm that in line with North Wiltshire's Affordable Housing Supplementary Document 2008, the Council acknowledges that developers frequently incur other costs in bringing forward development opportunities. The level of affordable housing is therefore dependent on the level of these costs, and is assessed very much on a site by site basis after considering the site conditions and the economics of provision. Following an open book assessment of Rowden Lane, Chippenham, application no. 02/0600/FUL and 06/01302/S7A, it has been demonstrated by the applicant that the requirement to provide the full affordable housing contribution makes the scheme unviable. The following mix and tenure has been agreed;

Parcel A

Plots 23 & 24 (previously plots 66 & 67) – 1bed apartments @46sqm affordable rent
 Plots 28 & 29 (previously plots 71 & 72) – 2 bed houses @76sqm – rent on unsold equity pitched at 1%
 4 plots

Parcel B

Plots 2,3,4 & 5 (previously plots 95,96,97 & 98) 1 bed apartments @46sqm – Affordable rent
 Plots 39 & 40 (previously plots 134 & 135) 2 bed houses @ 76sqm – Rent on unsold equity pitched at 1%
 Plots 36, 37 & 38 (previously plots 136, 137 & 138) – 2 bed houses @ 76sqm – Affordable rent.
 9 plots

The homes are to be built to HCA Design and Quality Standards and North Affordable Housing Supplementary Planning Document.

CPRE object to the reduction as the draft Core Strategy policy 43 seeks affordable housing at 40% on sites over 5 dwellings. This is because the need for affordable housing is the fastest rising sector. This will not be resolved if numbers are allowed to be reduced. The Inspector at the Inquiry will be asking questions regarding the debate on affordable housing figures. The decision should be held back until after the Inquiry into the Core Strategy.

8. Publicity

The application was advertised by site notice and neighbour consultation.

0 letters of objection received

9. Planning Considerations

Planning permission was granted for 138 dwellings with associated works at appeal under reference number 02/00600/FUL and commenced when the houses in Patterdown were built. The planning permission is still live and can be built out at any time.

The original agreement with 02/00600/FUL dated 14th November 2002 showed Redcliffe agreeing to provide 30% of the units as affordable housing (AH). However, the layout plan approved by the Inspector shows a different level of provision with Parcel E providing 12 units, Parcel A 8 units, Parcel B 16 units (26%). The price to be paid for the AH units would be calculated using the Total Cost Indicator. However, it was acknowledged by the parties to the S106 that Total Cost Indicators were no longer available. The parties therefore, agreed to revise the original S106 agreement to reduce the number of affordable units on parcel E (the only site developable at the time) to 10 in 2008. This equated to 23% provision in Parcel E.

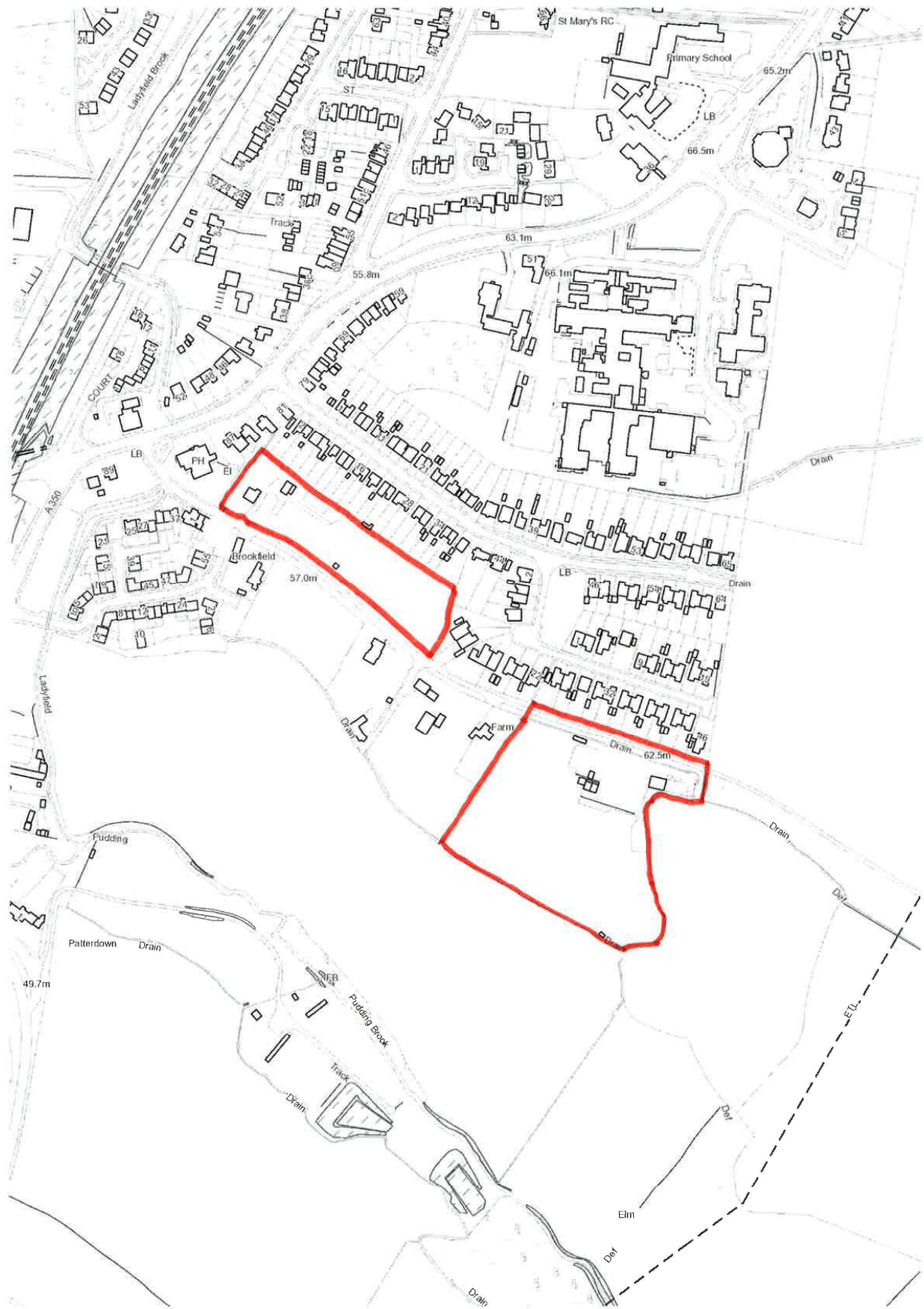
Redcliffe Homes purchased parcels A and B and before development commences have undertaken a viability study using the HCA development toolkit. Parcel A is difficult to develop because of its long thin nature (cost of sewers and inefficiency of road works) together with the oil pipeline which sterilises part of the site. Parcel B's major constraint is the provision of the required length of publicly adoptable road, together with other services.

Other costs are the contribution required to the main access and bridge (Patterdown) and the other S106 requirements for highways improvements, public open space and education.

The site lies within the framework boundary of Chippenham with an extant permission. The provision of homes is a key driver in the current planning environment and although affordable homes are very high on the agenda, the provision of some affordable homes is to be seen as better than the non-provision of any homes. With the Housing Officer's acceptance of the revised figures, it is considered that a refusal cannot be justified.

10. Recommendation

Planning Permission be DELEGATED to the Area Team Leader to allow the drawing up and signing of a revised S106 agreement to take into account the reduced contribution to affordable housing, but also to include any payments to highways, public open space and education as per the original agreement.



REPORT TO THE NORTH AREA PLANNING COMMITTEE

Date of Meeting	24 April 2013		
Application Number	N/11/02763/FUL		
Site Address	Land at Moredon Bridge, Purton Road, Wiltshire		
Proposal	50 Dwellings, Access, Associated Works and Landscaping		
Applicant	Wainhomes (SW) Holdings Ltd		
Town/Parish Council	Purton Parish Council		
Electoral Division	Purton	Unitary Member	Councillor Jacqui Lay
Grid Ref	412100 186862		
Type of application	Full		
Case Officer	Lee Burman	01249 70668	Lee.burman@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Lay called the application to Committee to consider the scale of development; visual impact on the surrounding area; relationship to adjoining properties; and design character.

1. Purpose of report

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

2. Report summary

The application was not determined within the 13 week period in an attempt to try and resolve ecological issues on the site and subsequent to that to await the outcome of the Secretary of State's decision in respect of Ridgeway Farm. This extended timeframe was agreed between the parties. Subsequently a further extension of the determination date was agreed to address ecological objections.

For consistency the main issues are broadly the same as those for Ridgeway Farm and are as follows:

- Status of the development plan
- Principle of development
- West of Swindon background
- Housing need and 5 year land supply
- Prematurity
- Development form including affordable housing
- Impact on the highway network
- Sustainability of the site and development proposals
- Provision of open space and green infrastructure
- Affect on ecology, nature conservation and biodiversity
- Affect on the character and appearance of the area
- Affect on drainage and flood risk
- Impact on residential amenity (existing and proposed residents)
- Other Material Considerations
- Section 106 requirements

The application has generated objections from Purton Parish Council; and 71 letters of objection from the public. One letter of Support has been received. A total of 85 representations have been submitted in respect of the application.

3. Site Description

The site is bounded by the consented residential development (ref. 09/02020/REM) accessed off of Purton Rd (84553) and the 84534 to the northwest, the dismantled Midland and South Western Junction Railway to the northeast, the River Ray to the southeast and the Swindon and Stroud railway line to the southwest. The overall site measures 13.5 ha. However, the application area covers approximately 1.7 ha and is delineated by hedgerows and trees on its East and South East boundary.

4. Relevant Planning History		
06/00250/OUT	Residential Development	Refused
08/00403/OUT	200 Dwellings, Public Open Space and Landscaping	Allowed
09/02020/REM	200 Dwellings & Associated Works	Permitted
10/03149/REM	Reserved Matters – Landscaping	Permitted

5. The Proposal

The scheme seeks permission for 50 dwellings of which 6 are a re-plan from a previous Reserved Matters approval. The scheme comprises the following mix:

36 market dwellings – mostly two storey comprising 2 and 3 bedroom with some 4 bed dwelling. 5 units are 4 bed 2.5 storey.

The proposed affordable units comprise 10 units to rent and 4 intermediate units most of which are 2 bed with one 1 bed and a 3 bed house.

Materials are predominantly brick with some render and reconstituted stone, roof materials are concrete tiles. All materials are to match the existing approved development together with window styles and features. A condition is required to identify specific materials to be used.

The application has been submitted with the following documentation and plans:

- Archaeological Report
- Constraints Report
- Design and Access Statement
- Drainage Layout (Revised)
- Flood Risk Assessment and Drainage Strategy
- Ecological Assessment
- Environmental Noise Assessment
- Footpath Diversion
- Geo-Environmental & Geo-Technical Report
- Landscape & Visual Appraisal
- Landscape Specification
- LAP Proposals
- Planning Obligation Heads of Terms
- Statement of Community Involvement
- Transport Statement
- Waste Management Plan
- Site Location Plan
- Topographical Survey

Highway Layout
Footpath Diversion
Revised Landscape Proposals WAIN17762-10 Sheets 1 to 3
House Type Planning Drawings – 1552 (1 – 27 various revisions)
Revised Site Layout 14/3/12
Revised Street Elevations 1552/103 REV B

6. Planning Policy

Below is a summary list of the most relevant adopted guidance and policy documents in the considerations of this proposal:

- National Planning Policy Framework (NPPF)
- Circular 05/2005 Planning Obligations
- Circular 06/2005 Biodiversity and Geological Conservation
- Conservation of Habitats and Species Regulations 2010
- Wildlife and Countryside Act 1981
- RPG10 Regional Planning Guidance for the South West
- Wiltshire and Swindon Structure Plan 2016 principally Policies DP2, DP3, DP4, DP10B and DP13
- North Wiltshire Local Plan 2011 Policies C1 Sustainability; C2 Community Infrastructure; C3 Development Control Policy; NE7 Nature Conservation Sites of Local Importance; NE9 Protection of Species; NE10 Managing Nature Conservation Features; NE11 Conserving Biodiversity; NE13 The Great Western Community Forest; NE14 Trees and the Control of New Development; NE15 The Landscape Character of the Countryside; NE17 Contaminated Land; NE18 Noise and Pollution; HE8 Archaeological Evaluation; T1 Minimising the Need to Travel; T2 Transport Assessment and Travel Plans; T4 Cycling, Walking and Public Transport; H4 Residential Development in the Open Countryside; H5 Affordable Housing in Urban Areas and Policy CF3.
- North Wiltshire Open Space Study 2004
- Affordable Housing SPD 2008

The following documents are emerging and the weight to be attached to each document is for the decision maker:

- Ministerial Statement “Planning for Growth” March 2011
- Wiltshire Core Strategy Submission Draft document July 2012 Policies 1, 2, 3 and 19.
- Swindon Borough Council Core Strategy – Revised Proposed Submission Draft June 2011 – principally Policy NC5.

7. Consultations

Purton Parish Council – refer to their historical objections to the site on the following grounds:

- The creation of an isolated community away from any established neighbourhoods notwithstanding previous Inspector did not agree;
- Ecological impact on Calcareous Grassland and Bradley Meadow, the latter was afforded protection via condition by the Inspector and the applicants have ignored this;
- The location of the play area in the flood zone which floods and should therefore be relocated to cope with this additional development;
- No junction management has been implemented contrary to approved plans;
- Highways impact.

However, notwithstanding the above the Parish Council considers that as the development has changed the area irrevocably and therefore does not object to modest development subject to caveats:

- An independent study confirming Bradley Meadow cannot be restored;
- Relocation of the play area;
- Implementation of traffic lights; and

Swindon Borough Council – Submitted two separate letters covering general planning policy and development control matters in one letter and transport matters in the second. The comments are extensive and detailed and are available for viewing on the File and the Council's website. In summary Swindon BC objects to the proposed development on the following grounds:

- The application and supporting information including the Design & Access Statement and Transport Statement are unclear and inadequate to the extent that the proposals cannot be formally and fully assessed with regard to impacts.
- The objections raised in respect of the Phase1 Appeal remain valid in the view of Swindon BC
- The site should not be considered in the context of the housing land supply for the Swindon Area being within Wiltshire. As such the position with regard to 5 year supply of land for housing in Swindon is irrelevant and in any event does not override the harm to the delivery of the development strategy for Swindon which focuses on delivery of housing at the Tadpole Farm site and the emerging development strategy in Wiltshire.
- The Government has resolved to abolish Regional Spatial Strategies. There is no specific site allocation of the land for development in emerging development plan documents.
- The site is of identified nature conservation importance.
- The site is subject to flood risk and development of plots close to the flood plain boundary is inappropriate.
- The proposed layout and design is not considered acceptable for a range of reasons details in the consultation response including inadequate levels of residential amenity for future occupants; poor relationship of properties to one another and the communal areas and street – blank facades; inadequate parking provision etc.
- Inadequate and inappropriate public open space provision including the provision of LAPs which Swindon BC does not accept.
- The proposals do not take account of Swindon Transport Policies and objectives.
- The proposals do not provide for or take opportunities to enhance links to the pedestrian and cycle network in the locality.
- Several key amenities are beyond recommended walking distances resulting in a car dominated development.
- The transport statement has not considered changed circumstances since the original application.
- The submitted assessment of the site access shows each arm is over capacity in each scenario. This will likely have an impact on highways safety. Swindon BC are concerned that the site access does not provide enough capacity to serve the development. Confirmation of Emergency Services support for the layout is required.
- Confirmation is required as to whether the submitted FRA covers the 50 dwellings, if a not a new FRA is required. Confirmation as to the capacity of the Drainage Strategy to accommodate the additional development is required.

Despite the above position regarding lack of detail and clarity in the proposals and supporting documentation and inability to assess impacts, Swindon BC was able to provide a detailed and quantified assessment of the financial contributions required to support service and infrastructure enhancements and provision to serve the needs of the development proposed. This matter is addressed under the S.106 section below.

Spatial Plans – The initial response from the Spatial Plans Team centred on the contention that a 5 year supply of land for housing could be readily identified in accordance with the then adopted and emerging national policy guidance contained in PPS3 and the draft NPPF. It was noted that the site fell outside any defined settlement framework boundary and was therefore in the open countryside with policy H4 of the NWLP relevant. Officers identified that the development plan

including Wiltshire and Swindon Structure Plan (Policy DP4) identified a requirement for housing provision in the locality of the application site which had not been met and the site had been found to be broadly sustainable through the Phase 1 appeal process. In this context officers noted the Ecological objections to the proposals (referenced below). However, given the open countryside location and the assessed ability to demonstrate a 5 year supply of land for housing officers considered that the site was not required for residential development and was in an inappropriate location contrary to adopted development plan policy. Further that the release of the site was premature to the emerging Wiltshire Core Strategy and Neighbourhood Plan process. Objection was therefore raised and refusal recommended.

Since those initial representations were made the Secretary of State for Communities has issued his decision in relation to the Ridgeway Farm appeal. The Inspector, while noting the presumption that development should be plan-led and have the support of the local community, in concluding her findings made the following points:

- In line with Structure Plan Policy DP10B “...it has already been accepted in the DP that some housing sites will be exceptions to countryside policy H4. RPG10 and WSSP supported residential development on Greenfield land to the west of Swindon and although the housing figures that justify it are outdated, they were due to be increased rather than decreased following the EIP into the dRSS”. (paragraph 403)
- The Inspector noted that “the Ridgeway Farm proposal would only provide about 3.8% of the total housing numbers envisaged as urban extensions to Swindon in the dSCS and a proportionally smaller percentage (1.9%) of the dRSS figures” (paragraph 357). In referring to this, the Inspector concludes: “The Appeal proposal is not such a significant percentage of the housing figures proposed in the dCSs that it would prejudice the ability of the local community to set a spatial vision for the area and prematurity is not a reason to refuse the scheme” (paragraph 404).

The proposals within this current application relate to land already permitted on appeal at Moredon Bridge for 200 dwellings. In total 900 dwellings have now been permitted in ‘locations’ west of Swindon that Inspectors have found to be sustainable. Spatial Plans Officers therefore consider that given the findings of the Ridgeway Farm Inspector and Secretary of State and the lack of 5 year land supply at Swindon, together with the Policy requirement for 1,000 dwellings in saved Policy DP10B of the Wiltshire and Swindon Structure Plan 2016, there is not an objection to this application on housing land supply grounds.

Notwithstanding this, Officers note that in order for the proposals to constitute sustainable development in accordance with the NPPF it will be important to ensure that there are no site specific reasons as outlined in the previous response to this application.

Affordable Housing – confirms that 30% affordable housing is required and the proposal appears to conform to SPD requirements.

Wiltshire Highways – no objections subject to conditions. See section on Highways Matters below for further details.

Tree Officer – following receipt of amended root barrier plans no objections are proposed.

Principal Ecologist – detailed comments are contained on the file and website (see email dated 4 April 2012) and these comments from the ecological considerations of the report below. The Officer recommended the following:

“Whilst pleased to see that the development itself has been redesigned to provide a buffer strip alongside the Moredon Copse CWS, until the drainage scheme for the site is revised it is still considered that the development would result in unacceptable damage to this woodland. The

submitted management plan provides no reassurance that the ecological value of the identified compensation site would actually increase in the long-term (indeed it could well decrease), or any evidence of what would actually be achieved through intervention; this therefore clearly fails to demonstrate that the necessary proportionate compensation for 2ha of calcareous grassland could be achieved. Indeed several of the proposals for that site could impact upon European protected species, and it is not clear that the Council could legally approve such measures. The site is also being promoted for future development which casts considerable doubt upon the delivery of long-term ecological compensation on this site and its suitability for such a purpose.

For the above reasons it is considered that the proposed approach to compensation is entirely inappropriate and the application therefore still fails to meet the requirements of local policy NE7 due to unacceptable impacts upon Bradley's Meadow and Moredon Copse CWSs. Therefore objection is maintained to the application on these grounds and it is recommended that it be refused."

Subsequently the applicant has employed ecological consultants to investigate and present options for acceptable and appropriate off site compensatory mitigation. Discussions have taken place regarding proposals with the Council's Ecologist and a scheme for off-site enhancement of Marlborough Downs Nature Improvement Area to create replacement calcareous grassland on a publicly accessible site close to Swindon has been proposed by the applicant, including funding provision and long term maintenance. The Council's Ecologist has reviewed and assessed the proposed mitigation scheme and considers them acceptable and appropriate as compensatory mitigation for the loss of the Nature Conservation Site and the original ecological scheme mitigation in line with guidance issued by the Department for Environment Food and Rural Affairs. Subject to appropriate conditions the above described objection is overcome and is withdrawn by the Council's Ecologist.

Education – Officers identify that the requirement for primary and secondary school place provision can be accommodated within existing facilities based on proposed enhancements to school provision in the locality and existing and projected school place availability. As such no requirement for contributions is identified.

Public Open Space – No objection subject to satisfactory provision for future maintenance and management not to be undertaken by the Council.

Archaeological Officer – Raised no objections to the scheme proposals.

Environmental Health Officer – Raised no objection to the scheme proposals

Drainage Engineers – No objections based on the submitted details.

Senior Waste Officer – Identifies a requirement for financial contributions toward the provision of Waste Bins to serve the residential properties. This is addressed further in relation to S.106 matters below.

Defence Estates – the MOD has no safeguarding objections.

Environment Agency – no objections subject to conditions but defer any comments regarding ecology to the Council.

Highways Agency – consider the proposed development would have an incremental impact on Junction 16 and thus a Travel Plan is required.

Wessex Water – have confirmed a water supply can be provided to the site and will be agreed at the detailed design stage. Assumptions have been made about surface water

8. Publicity

The application was advertised by site notice and neighbour consultation.

71 letters of letters of objection received

Summary of key relevant points raised:

16 representations raised objection in respect of the principle of development considering that there was no need and that the location was unsustainable;

17 representations raised objection in respect of the harmful ecological impact of the proposed development;

26 representations raised objection in respect of the lack of infrastructure and inadequate provision to serve the needs of the proposed development;

51 representations raised objection in respect of the impact of the proposals on the highway network;

9 representations raised objection in respect of the noise disturbance created by the nearby rail line

16 representations raised objection in respect of the impact of the proposals on flooding and the risk of flooding of the proposed dwellings.

Comments were also raised in respect of loss of views and open aspect, lack of demand for housing and impact on house values.

9. Planning Considerations

As identified above for consistency the key headings and planning considerations are identified as the same for the consideration of the Ridgeway Farm proposals. The assessment and main considerations under each of these headings is set out below albeit the situation has fundamentally changed following the publication of the Secretary of States decision in respect of the Ridgeway Farm Appeal.

Status of the Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material considerations indicate otherwise.

The development plan that relates to this development is as follows:

- Regional Planning Guidance for the South West (RPG10);
- Wiltshire and Swindon Structure Plan 2016 (adopted April 2006) – policies saved therein;
- North Wiltshire Local Plan 2011 (adopted June 2006) (and the saved policies therein; and
- Wiltshire and Swindon Waste Core Strategy (adopted July 2009).

With regard to the status of the development plan the above documents are adopted and incorporate saved policies however it has been accepted through various appeals dating back to 2011 that RPG10 and the housing requirement specified in the North Wiltshire Local Plan based on RPG10 are out of date. In addition the Government has stated (28/3/13) that all Regional Spatial Strategies – RPG10 will be abolished by order at the restart of the Parliamentary session after Easter 2013. Therefore whilst part of the adopted development plan at the point of submission, during determination and still at present the abolition of the document is imminent and therefore no weight should be attached. Furthermore the 12 month period after the publication of the NPPF which Adopted Local Plan policies according with the NPPF still carry full weight as

material considerations elapsed as of 27th March 2013. However, paragraph 215 of the NPPF makes it clear that where adopted Local Plan policies generally accord with the NPPF weight will still be attached to them even after the expiry of the 12th month period albeit this weight will be commensurately reduced. In this context it is essential to note that the Council has submitted its draft Core Strategy for examination which is due to take place in May – July 2013.

Principle of Development

The site lies outside of any currently defined settlement and is therefore by definition within the open countryside and a location where new residential development (other than specific limited categories) is not supported in principle. Saved policy H4 of the North Wiltshire Local Plan 2011 is relevant in this regard and identifies that only residential development for agricultural or forestry purposes or with respect to replacement dwellings will be permitted in locations outside defined settlement boundaries. The proposed development is therefore in direct conflict with this saved policy and therefore the adopted development plan. The emerging Wiltshire Core Strategy does not propose any alteration to the definition of settlement boundaries in this locality. The policy is considered to generally accord with the policies and strategy of the NPPF. It is therefore necessary to consider what if any material considerations would support a departure from this policy imperative and this is addressed in detail below.

West of Swindon Background

WSSP 2016 Policy DP10B requires a joint study to be undertaken by the local planning authorities to identify the most sustainable location(s), adjacent to Swindon for an urban extension or extensions west of Swindon for 1,000 dwellings. The outcome of the study was to be identified within the authorities' Local Development Documents or in a joint Local Development Document. (Paragraph 4.87).

In response to Policy DP10B North Wiltshire District Council in partnership with Swindon Borough Council commenced the production of the West of Swindon Joint Study (Spring 2006). However the progress of this specific study was halted in order to respond to the increased housing requirements contained within the draft Regional Spatial Strategy (RSS), published June 2006. As a result this study was incorporated into the wider Swindon Small Scale Urban Extension Study (SSUES) 2008 which formed a technical evidence document supporting both the emerging Swindon and Wiltshire Core Strategy Development Plan Documents.

The Swindon Small Scale Urban Extension Study (SSUES) – Jan 2008

The SSUES was an analysis of potential locations for development to meet the housing requirements identified through the draft RSS (June 2006). Referring to the western edge of Swindon this required housing provision to be made for 2,000 dwellings within the Borough and a further 1,000 dwellings adjacent to Swindon but within the former North Wiltshire District.

In order to facilitate a more detailed assessment of the study area, the urban fringe of Swindon was broken down into cells. Each cell was tested for a variety of potential options comprising 200, 500, 1,000 and 2,000 dwellings. This was for the sole purpose of testing growth and not for specifying site specific capacity.

- a) The SSUES concluded that in order to meet the requirements of the draft RSS (June 2006) the following development scenario is recommended.

Location	Number of Dwellings
Swindon Borough (2,000 dwellings)	
Tadpole Farm	1,500
Kingsdown	500
North Wiltshire District (1,000 dwellings)	

Ridgeway Farm / Moredon Bridge	1,000
Total	3,000

- b) Tadpole Farm is situated within the identified area of search for Policy DP10B (Cells G and H of the Swindon PUA Study). The SSUES concluded that “Tadpole Farm emerged as the most sustainable location in the study area to accommodate development and should therefore be the priority site.” (Paragraph 4.6).
- c) The study also identified land at Ridgeway Farm and Moredon Bridge as the location suitable to meet the RSS requirement for 1,000 dwellings in North Wiltshire adjacent to Swindon. Commenting on the development area at Ridgeway Farm and Moredon Bridge the SSSUES concluded that this area is:

“... very accessible to existing services and facilities and provided the development is contained to the east of Purton Road, could be accommodated without a significant contribution to coalescence between Swindon and any of the surrounding villages or strategic landscape impact.”

- d) In terms of the environmental considerations (this relates to both the natural and built environment), Cell D of the SSSUES (within which Ridgeway Farm falls within) does not perform as well as Cell G (Tadpole Farm), this is largely the result of concerns surrounding the impact on the strategic landscape to accommodate growth above 1,000 dwellings on land south of the railway. However the SSSUES recognised that:

“The fields to the south of Cell D [the location of this proposal] would provide the opportunity to integrate with the existing urban area without impacting too heavily upon local strategic landscape. There would also be capacity south of the railway line to accommodate a development scenario above 500 dwellings, provided that an element of strategic planting was provided to reduce the impact from the north. It should be acknowledged here that the local landscape impact of development here would be severe. There is not capacity to accommodate the full development scenario of 1,000 dwellings without extending beyond the typography that contains the site around Purton Road.” (Paragraph 3.29).

- e) The SSUES therefore recognised the potential negative impact of Cell D on the strategic landscape and also the potential to cause coalescence for large scale development i.e. 1,000 dwellings with outlying settlements but acknowledged that:

“There would appear significant capacity subject to mitigation to provide a minimum of 500 dwellings at this location. The capacity of the site is more likely to be around 700-800 dwellings.” (Paragraph 3.37)

- f) Finally the SSUES recognised that:

“Further detailed work needs to be undertaken to identify the exact scale of development that could be accommodated considering environmental constraints and it may be the site can only deliver around 800 dwellings. The majority of development would need to be concentrated to the south west of the railway line with only a small proportion of development land located on high ground at either side of Purton Road to the north and east of the railway.” (Paragraph 4.5, Page 60)

- g) In summary, the SSUES acknowledged that land at Tadpole Farm represented the most sustainable development option to deliver the housing requirements identified through the draft RSS (June 2006). An assessment of the SSUES findings also demonstrates that the Ridgeway Farm site is a suitable location for development to meet the additional requirements of the emerging RSS.

The West of Swindon Study Update – Feb 2009

- a) The West of Swindon Study Update, built on the SSUES, focused on the specific requirement identified through the Proposed Changes version of the RSS (July 2008) to assess development options for 3,000 dwellings to the west of Swindon within the former North Wiltshire District. This Study Update concluded that a combination of sites (Moredon Bridge, Ridgeway Farm and The Pry) represented the best option for development to meet this need.
- b) In respect of the application site, the Study Update concluded that “Development on land at Ridgeway farm and Moredon Bridge would read as a logical urban extension to Swindon and could be brought forward in the short-term which would provide an early phase of development”. (Paragraph 6.12)
- c) This document was subject to public consultation between February and April 2009, the findings of this consultation were subsequently used to inform the Wiltshire 2026 consultation document.

Wiltshire 2026: Planning For Wiltshire’s Future, October 2009

- a) The Wiltshire 2026: Planning for Wiltshire (A consultation document to inform the Wiltshire Core Strategy) document was subject to public consultation between 30 October 2009 and 31 December 2009. As part of the supporting evidence a ‘West of Swindon Background Paper’ was produced that outlined the background to the various studies undertaken to identify suitable and sustainable development options at the west of Swindon in accordance with the Proposed Modification version of the draft RSS.
- b) This document carried forward the best option for development at the west of Swindon identified through the West of Swindon Study Update; a combination of the sites of Ridgeway Farm, Moredon Bridge and land at Pry Farm. It should be noted here that development options at the Pry reflected the higher housing numbers identified through the Proposed Modifications version of the RSS which required an additional 2,000 homes to be provided for at the west of Swindon, increasing the total requirement to 3,000 dwellings.

Housing Need and 5 year land supply

As identified above it is the Council’s view that the most up to date identification of need is obtained via the respective emerging Core Strategies for Wiltshire and Swindon.

Regardless of the figures contained within the soon to be revoked Structure Plan (1,000 dwellings) or the most up to date figures contained within the Swindon Borough Core Strategy, the NPPF (paragraph 47) requires a 5 year supply of housing land. The NPPF identifies that a presumption in favour of sustainable development is the golden thread running throughout the NPPF. At paragraph 49 the NPPF specifies that applications for housing development should be considered in the context of the presumption in favour of sustainable development.

In terms of assessing supply, it is understood that 350 dwellings would be completed on Tadpole Farm by 2015/2016 (end of Structure Plan period). Together with the Moredon Bridge commitment of 200 dwellings, this means that in terms of the out of date Structure Plan requirement at West of Swindon, just over half of that requirement in Policy 10B could be delivered by 2016. However, this would leave a shortfall of at least 450 dwellings, which the permission granted at Ridgeway Farm site would deliver.

The assessed position indicated that having regard to the completions achieved at Swindon (within the Borough) to March 2011 a 2.6 to 2.9 years deliverable supply of housing land could be demonstrated compared to the Wiltshire and Swindon Structure Plan 2016 requirement, which is in conformity with RPG10, the adopted Regional Spatial Strategy for the South West. The

difference in figures depends on whether the requirement in Policy DP10B is included or not. This compares to 2.5 years when assessed against the figures within the Proposed Modifications to the Regional Spatial Strategy for the South West (2008).

This position previously assessed and pursued by the Council and Swindon Borough Council in respect of Ridgeway Farm has been superseded by the decision of the Secretary of State in respect of the Ridgeway Farm appeal. This is also the case in respect of several other key events and decisions as discussed below under "Other Material Considerations".

Prematurity

Based on the evidence outlined above in this report in respect of the diminishing, if not diminished weight that can be attached to the Structure Plan and the policies contained therein as well the draft RSS, any decision to approve this proposal could be considered premature to the emerging Core Strategies of both Councils, both of which are to be the subject of examinations later this year with adoptions expected during 2013/2014. A decision along these lines would be consistent with the *Cala Homes (South) Limited v Secretary of State for Communities and Local Government [2010]* and *R (on the application of Cala Homes (South) Limited) v Secretary of State for Communities and Local Government and another [2011]* decision. However once again this position has been significantly altered and undermined by the decision of the Secretary of State in respect of the Ridgeway Farm Appeal and in respect of several other key events and decisions as discussed below under "Other Material Considerations".

Development form including affordable housing

It is considered that the development form reflects that of the Phase I 200 dwellings already permitted and now under construction. The affordable housing provision in terms of quantum and layout is considered to be in general accord with the Council's adopted Supplementary Planning Guidance in respect of Affordable Housing provision. The Council's Housing Officers raise no objection to the scheme proposals. The Council's Urban Design Officer and other consultees including Swindon Borough Council have reviewed the scheme proposals and raise a number of queries and suggestions as to revisions in respect of layout. The Applicant has confirmed a willingness to amend the site layout to address these concerns. The matters raised are not considered to result in such a poor quality of layout or inadequate levels of amenity and design as to warrant refusal in any event, particularly given the approved and partially implemented scheme in respect of Phase 1.

Impact on the highway network

The Council's Highways Engineers have raised no objections in principle particularly in light of the Phase 1 Permission and the recent Decision of the Secretary of State in respect of Ridgeway Farm. This is discussed in further detail below. The Council's Highways Engineers consider that contributions to enhanced pedestrian movement and legibility in the locality particularly at the principle site junction. S.106 requirements in this regard are discussed further below.

Highways Officers at Swindon Borough Council have submitted representations in respect of the proposals as set out in the consultations section above. In particular Officers of SBC consider that the Transport Assessment submitted with the application is insufficient to allow detailed assessment of the impact of the proposals. Concerns are however raised in respect of the capacity of the proposed access to accommodate the development proposed. Similarly Purton PC has submitted representations that approved works have not been implemented and traffic signalisation is required.

Wiltshire Council's Highways Engineers were asked to review the scheme proposals and application submission details in the light of these representations. Officers confirmed that no objection is raised to the scheme proposals. Officers do not consider the submitted documentation to be inadequate or deficient. The impact of the scheme proposals for 50 dwellings on the local Highways network in the light of the recent approval at Ridgeway Farm are not considered to be

significant. In addition officers consider that all highway works required as part of the original development have been completed. There have never been any proposals to provide traffic signals at the site access as overall traffic delays would be increased. Officers acknowledge that turning right out of the site may be difficult at times but the alternative exists of a left turn out and a 'U' turn at the nearby Meadway roundabout. In this context and given the scale of development proposed the identified requirements of SBC officers and the Parish Council are not supported or considered to be necessary, reasonable and justifiable.

Whilst much of the impact of the scheme proposals in terms of transport and highways based traffic movements will be expressed on the road network in the Swindon Borough Council area Wiltshire Council is the Local Planning and Highways Authority for the application and in this context it is entirely appropriate and reasonable for the advice of Wiltshire Highways Officers to be followed.

The Highways Agency raised no objection to the scheme proposals but considers that the scheme requires preparation of a Travel Plan. The submitted Transport Statement commits to submission of a Travel plan should consent be forthcoming based on the provision and requirements of the Travel Plan agreed for Phase 1.

Sustainability of the site and development proposals

The general site location has been found to be broadly sustainable and appropriate for residential development in previous studies and assessments (referred to above). Similarly the recent appeals decisions at Moredon Bridge Phase 1 and Ridgeway Farm consider the location to be broadly sustainable. It is considered that the scheme can be supported by sufficient S.106 requirements to meet the needs arising from the development. Ecological matters are addressed below as are other site specific considerations. On these grounds there is no in principle objection to the scheme proposals.

Provision of open space and green infrastructure

The Council's Environmental Services Team have reviewed the scheme proposals and no objection is raised. In conjunction with the scale of provision as a part of Phase 1 of the development and the proposed phase II layout the needs of the proposed development can be met on site. Officers consider that the proposed layout is not in a form that the Council would prefer to adopt and maintain itself but is acceptable in terms of distribution and accessibility. As such there is no in principle objection but Officers have identified a requirement for the spaces to be maintained in perpetuity and for proposals to be incorporated within the S.106 to address this matter. This is addressed further below.

Affect on ecology, nature conservation and biodiversity

As identified above the Council's Ecologists formally objected to the scheme proposals due to their impact on sites of identified nature conservation importance protected under policy NE7 of the NWLP 2011 and the lack of any satisfactory proposals to mitigate and / or compensate for this loss. It is also important to note in this context that the application site incorporates land which was itself proposed to be enhanced in terms of its ecological value to compensate and mitigate for the loss of land within the first phase of the development. The applicant acknowledges that the previously agreed works of enhancement have not taken place as yet. In addition it was identified that the proposed drainage scheme for the site would result in the loss of protected woodland through harm to root protection zones by the laying of pipelines. Also that insufficient survey information was provided in respect of protected species to be able to fully assess impacts and to define to the required legal standard that harm to protected species or their habitats would not be significant and could be readily and effectively mitigated.

Since the Council's Ecological objections to the scheme proposals were identified the applicant has sought to address these through revisions to the scheme layout to incorporate buffer zones adjacent the woodland; revisions to the layout of the drainage scheme to ensure protection of the

tree root zones whilst ensuring adequate drainage flows and capacity; and provision of additional survey information and mitigation measures in respect of protected species at the site and their habitats. In addition proposals have been submitted through an Environmental Management Plan and related supporting documentation to ensure onsite ecological management of grassland, woodland the River Ray, and offsite enhancement and management of the land in the vicinity. The applicant has identified long-term land owner commitment to the offsite scheme (to be secured through a legal agreement with the Council); third party commitment to implementation and on-going management (to be delivered by the Marlborough Downs Nature Improvement Area project); and provision of funding for the management and maintenance of the site to be covered in the Section 106 agreement. Following review of the initial drafts additional supporting information and detail was requested and has been provided. The Council's Ecologist considers that the proposals represent adequate and commensurate mitigation and compensation for the loss of habitat over the long-term, provided that the Council is satisfied that the need for the proposal outweighs the need to safeguard the nature conservation value of the site (NE7).

The Environment Agency raised no objection to the scheme proposals. Natural England noted the location of the proposed development affecting a County Wildlife Site and advised that the council take particular care in the determination of the application. Given the limited scale of the development proposed no further comments were made and no formal objection was raised.

Affect on the character and appearance of the area

The proposal relates to open land of at least partial nature conservation importance featuring some elements of mature vegetation and a water course. The development of the land would undoubtedly result in a change to the visual appearance and character of this locality and this would be visible from transport links and neighbouring development. The site is however not overly prominent on the broader locality and is now seen and read in the context of the first phase of development permitted adjacent to the site. The existing woodland will be retained and this contributes to minimising the visual impact of the proposals. The Council's Landscape Officer has raised no objection to the scheme proposals. It is not considered that the visual impact is so significantly harmful to the character and appearance of the locality such that planning permission ought to be refused on these grounds. This is particularly considered to be the case in the context of the other material considerations discussed below.

Affect on drainage and flood risk

The applicant has submitted proposals for the construction of piped drainage for the development and these details have been assessed by the Council's drainage engineers. Whilst Officers are concerned regarding drainage in the locality, particularly given events during 2012, the detailed proposals, evidence and assessment submitted with regard to surface water drainage all demonstrate that the scheme can be adequately drained and no objection is raised in this regard.

Impact on residential amenity (existing and proposed residents)

Concerns have been raised by various parties regarding the initial proposed site layout, particularly in the context of the relationship between some of the properties on the site and privacy and the adequacy of the proposed layout of private amenity space for future occupants of the properties themselves. The applicant subsequently submitted a revised site layout plan and it has considered that the issues and concerns raised in consultation comments and officers review of the proposals have been largely addressed. Again it is not considered that the amenities of future residents of the development are so significantly compromised and sub standard as to warrant and justify refusal of the application. Given the location and positioning of the proposed dwelling in relation to neighbouring properties and the degree of separation between the development site and existing dwellings it is not considered that there will be any significant harm to existing residential amenities.

Other Material Considerations

Since the application was submitted there has been a significant change in material circumstances pertinent to the assessment and consideration of the development proposal. These are summarised as follows:

- a) The Secretary of State for Communities' decision in respect of the Ridgeway Farm appeal was issued on the 26 November 2012
- b) Two appeal decisions in respect of residential development proposals at Calne were issued by the Planning Inspectorate in September 2012
- c) An Appeal Decision in Respect of residential Development at Widham Farm, Purton was issued in September 2012 by the Planning Inspectorate. This decision has subsequently been challenged through the Courts of Justice and the decision has been quashed March 2013.
- d) Royal Wootton Bassett Town Council and Cricklade Town Council have both withdrawn from the neighbourhood Plan process for the Royal Wootton Bassett and Cricklade Community Area and resolved to prepare Neighbourhood Plans for their individual localities.
- e) An appeal decision in respect of a residential development proposal at Filands, Malmesbury was issued in error by the Planning Inspectorate and has subsequently been withdrawn to allow the Secretary of State to determine the appeal March 2013.

a) Ridgeway Farm Appeal Decision

The Ridgeway Farm Appeal decision is a particularly pertinent material planning consideration in respect of the determination of the current application for Phase II Moredon Bridge given the close proximity of the sites to one another and the material planning considerations relevant to both applications in the context of the nature of the development proposed. In particular the relevant development plan policies, 5 year supply of land for housing and housing land requirements; and prematurity to emerging development plans are all matters of principle relevant to both sites. These have been tested and thoroughly examined through an appeal process and full public inquiry with the final decision recovered by the Secretary of State for his determination. As such any decision in respect of Moredon Bridge Phase II must reflect and take into account the Ridgeway Farm decision unless there are clear and unequivocal reasons to justify a different approach. This is not considered to be the case and as such the Council's Spatial Plans team have removed their principle policy based objections to the scheme proposals. In this context it considered that a great many of the objections to and comments in respect of the scheme proposals including those of Swindon Borough Council are superseded by this decision.

Of particular relevance is the finding of the Inspector and subsequently the Secretary of State that the proposed scale of development at Ridgeway Farm was not so significant and substantive that :-

"The Appeal proposal is not such a significant percentage of the housing figures proposed in the dCSs that it would prejudice the ability of the local community to set a spatial vision for the area and prematurity is not a reason to refuse the scheme" (paragraph 404).

This of course related to a proposed level of development of some 750 dwellings with supporting infrastructure including a primary school, extra care facility, community buildings, roads and open spaces. In this context it is considered that the 50 dwellings proposed at Moredon Bridge cannot be considered significant or prejudicial to the communities' ability to set and define a spatial strategy for the locality. It is also important to note that the Secretary of State and Inspector found that neither Wiltshire Council or Swindon Borough Council had a confirmed 5 year supply of land for housing as required by the NPPF (Para 10 of the SoS's decision letter). Consequently the SoS goes on to state that the NPPF gives strong support for the grant of planning permission for housing schemes on sites in such circumstances as that of the Ridgeway Farm site. Given this finding it is considered that there is a strong likelihood that any appeal against a decision to refuse planning permission on Development Plan and housing land supply grounds would be allowed by an Inspector.

b) On the 18th September 2012 the Planning Inspectorate issued two decisions in respect of two separate appeal sites within the town of Calne. Both appeals were allowed with the Inspector finds at paragraph 19 of the decisions that the Council cannot demonstrate a deliverable 5 year supply of land for housing and that the provision of the Development Plan in that regard are out of date.

Of particular relevance is the Inspector's finding that there is significant doubt over the delivery of identified strategic sites in the emerging Wiltshire Core Strategy and that these should be discounted from the supply of land for housing as a consequence.

Whilst the sites fall within a different housing market area forming the basis for assessing housing requirements and provision from that of the application site the decisions are of relevance in respect of the findings as to the status of the development plan and the Council's general approach to assessing the supply of land for housing in terms of including provision from Strategic Sites.

c) On 5th October 2012 the Planning Inspectorate issued a decision in respect of an appeal against the refusal of planning permission by the Council for residential development on land at Widham Farm, Purton. The appeal was dismissed in the instance with many of the issues again similar to those at Ridgeway Farm and the two sites in Calne. In this instance the inspector found that the Council could demonstrate a deliverable supply of land for housing for a 5 year period. Further the Inspector found that there was sufficient evidence to demonstrate that housing would be delivered from the identified Strategic Sites in the Emerging Wiltshire Core Strategy such that they could be counted toward the supply of land for housing.

This decision was subsequently subject to legal challenge through the Courts of Justice by the appellant and a third party with an interest in the land. The third party in that case is also the applicant for the development at Moredon Bridge the subject of this application. The decision in respect of this legal challenge was issued on the 25th March 2013 and this quashed the appeal decision by the Inspector. The grounds for this being that the Inspector had not considered the Appeal decisions in respect of the two proposals at Calne (referred to above) and had not given detailed reasons for not considering these decisions which were assessed as material considerations. The appeal must now be heard again at a further public inquiry.

Once again the appeal site at Purton falls just outside the Housing Market area relevant to the current application at Moredon Bridge. It is however of material relevance in respect of the assessment of the Council's approach to assessing the 5 year supply of land for housing in respect of Strategy Sites in the eWCS and in respect of the materiality and relevance of the Calne appeal decisions.

d) At the time the application was submitted and representations submitted from interested parties work was underway on a Neighbourhood Plan for the locality as part of the Front Runner programme. It was anticipated that by the time the appeal would be heard that substantive progress could be demonstrated with the Plan. Since then Royal Wootton Bassett Town Council and Cricklade Town Council have both separately withdrawn from the Front Runner programme and the Royal Wootton Bassett and Cricklade Community Area Neighbourhood Planning process. Both Town Councils are now progressing their own separate Neighbourhood Plans, although it is understood that this is at an early stage.

This is of relevance in respect of the soundness of any reason for refusal based on grounds of prematurity to the Core Strategy and Neighbourhood Plan process.

e) On the 18th March 2013 the Planning Inspectorate issued a decision in respect of an appeal against the Council's refusal of an application for residential development on land at Filands, Malmesbury. The decision allowed the appeal but had been issued in error and has since been withdrawn to allow the Secretary of State to determine the application. As such there is no formal decision in respect of the appeal at this point in time. However many interested parties have had sight of the proposed decision of the Inspector hearing that appeal. Whilst not legally material in respect of the current application and therefore of very little weight it would be perverse of the

Council not to acknowledge the existence of the recommended decision of the Inspector and their findings in that regard.

Whilst the sites fall within a different housing market area forming the basis for assessing housing requirements and provision from that of the application site the decisions are of relevance in respect of the findings as to the status of the development plan and the Council's general approach to assessing the supply of land for housing in terms of including provision from Strategic Sites.

Summary

There are several key appeal decisions and other material considerations that have arisen since the application was submitted that are of direct relevance to the determination of the current development proposal. These decisions indicate clearly that various Inspectors and the Secretary of State do not consider that a deliverable 5 year supply of land for housing can be clearly demonstrated by the Council as is required by the NPPF. The deliverability of housing from strategic sites identified in the eWCS within the next 5 years is clearly disputed and decisions in that regard are not wholly consistent, which is not wholly surprising as this assessment requires Inspectors to consider evidence and form a view as the likelihood of development. This is a balancing exercise which leaves some scope for differing weight to be attached and conclusions reached. It is however critical to note that in respect of the Ridgeway Farm decision which is the most directly relevant to the current development proposals both the Inspector and the Secretary of State found that a 5 year land supply could not be demonstrated by either Wiltshire Council or Swindon Borough Council. All decisions have found the adopted development plan to be out of date in respect of housing requirements, with varying weight attached to the eWCS and the draft SWRSS. In these circumstances it is not considered that the current proposals could reasonably and justifiably be refused on the grounds of oversupply of housing or in principle conflict with the emerging development strategy for the locality. Particularly given the support in the NPPF for the grant of planning permission in circumstances where the development plan is out of date and a deliverable 5 year supply of land for housing cannot be demonstrated.

Given the findings of the Secretary of State in respect of the scale of development at Ridgeway Farm not prejudicing the local communities ability to set the development strategy for the locality and given the withdrawal of key parties from the Neighbourhood Plan process it is not considered that the proposals could reasonably and justifiably be refused on grounds of prematurity.

Given these circumstances it is considered that any decision to refuse the current application on these grounds is highly unlikely to be supported at appeal by an Inspector. Indeed should the Council resolve to refuse the application on these grounds in the light of the Ridgeway Farm decision it is considered that this would be considered unreasonable to the extent that the Council would be at risk of a costs award.

Section 106 requirements

The Council in liaison with Swindon Borough Council has identified the broad requirements that arising as a consequence of the development proposed in terms of the service infrastructure needs of future residents of the development and the works required to mitigate and offset the impacts of proposed development. Officers are in on-going discussions as to the exact nature of the measures necessary to address requirements and mitigate impacts and consequently the exact level of financial contributions necessary.

The broad areas/heads of items are considered to include:

- Ecological site provision, enhancement and maintenance
- Affordable Housing
- Formal Open Space provision and informal Open Space & equipped Playspace maintenance

- Highway works including Pedestrian Crossing facility provision
- Built Leisure Facilities
- Libraries
- Wiltshire Fire and Rescue Service
- Waste and Recycling Collection
- Travel Plan

Whilst no formal S.106 agreement is yet in place nor signed, the heads of terms (matters to be addressed as listed above, are agreed with the developer and it is considered that the detailed covenants, terms and conditions and exact levels of financial contributions can be finalised through on-going negotiation. It is not considered that there is any basis or concern as to key requirements not being adequately addressed and therefore no justifiable and defensible reason for refusal on this basis.

It should however be noted that Swindon Borough Council in their initial representations identified a broader range of contribution requirements than those listed above. In particular contributions to the enhancement of the public realm in the centre of Swindon were identified as a requirement. It is the view of the case officer that such a contribution could not reasonably be justified as directly related to the development proposed or necessary for the development to proceed on the basis of Wiltshire Council adopted policies and so this matter was not pursued with the applicant. In addition contributions to Community Forest provision and Public Arts at facilities and locations within Swindon were initially identified as requirements. However, during recent negotiations on the phase 1 replacement S.106 agreement which have taken place since the initial representations were submitted Swindon Officers resolved not to pursue these types of contributions. On this basis it is not considered reasonable or justifiable to seek the contributions in relation to phase II on the basis of representations made during 2011 and so these were also not pursued with the applicant.

10. Conclusion

The policy position and material circumstances relevant to the consideration of this application are and have been in a state of flux and constant change. However the importance of the Ridgeway Farm appeal decision by the Secretary of State is fundamental given the close locational relationship, nature and scale of developments proposed and the relevant policy and Development Plan considerations. Given the findings of the decision it is not considered that a refusal of planning permission on the grounds of conflict with the Development Plan, provision of a 5 year supply of land for housing or prematurity to emerging development plan documents would be defensible and supported by any Inspector at an appeal.

The applicant has adequately addressed the Council concerns regarding the ecological impact if the proposed development through on and off-site mitigation and compensatory provision. Similarly it is considered that the needs of the future occupants of the development and other impacts can be readily addressed and mitigated through provisions in a Section 106 agreement and the applicant has stated a willingness to enter into such an agreement based on the identified heads of terms.

11. Recommendation

Planning Permission be **GRANTED** for the following reason:

The Council has determined the application in accordance with the Development Plan and all material considerations. In respect of this site relevant material considerations, particularly including the Ridgeway Farm appeal decision by the Secretary of State for Communities, indicate that a departure from adopted development plan policy in particular NWLP 2011 Policy H4 is necessary and appropriate. Similarly with respect to emerging policies contained in the draft Wiltshire Core Strategy. The NPPF paragraphs 14 & 47-55 indicate strong support for the release of land in for residential development in the identified circumstances. The scheme proposals include adequate compensatory mitigation in respect of the identified Nature Conservation value

and importance of the site. The proposed development does not result in harm to the character and appearance of the locality such that consent should be refused. The proposals provide for an adequate level of amenity for future occupants of the dwellings and would not result in harm to existing residential amenities. The proposals include adequate provision to meet the needs of future occupants and mitigate the impacts of the development.

Subject to the following conditions:

(1) WA1 FULL PLANNING PERMISSION -COMMENCEMENT 3 YEARS

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) WB1 SUBSEQUENT APPROVAL OF MATERIALS FOR WALLS & ROOFS

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

(3) WC1 APPROVAL OF LANDSCAPING BEFORE COMMENCEMENT

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).

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

POLICY-[C3]

(4) WC2 LANDSCAPING TO BE CARRIED OUT & MAINTAINED

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]

(5) WC6 PROTECTION OF RETAINED TREES

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]

(6) WD8

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}

(7) WD12

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}

(8) WE3 NO ADDITIONS/EXTENSIONS OR EXTERNAL ALTERATIONS

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

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

POLICY {C3}

(9) WE15 USE OF GARAGE

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 garage(s) hereby permitted shall not be converted to habitable accommodation.

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

POLICY-[C3]

(10) WG3 DISPOSAL OF SEWERAGE-SUBMITTED & IMPLEMENTED

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]

(11) WG4 DISPOSAL OF SEWERAGE -IMPLEMENTED

The development hereby permitted shall not be occupied until the approved [sewage disposal] [drainage] 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]

(12) WH2A CONTAMINATION INVESTIGATION - SUBMIT AND IMPLEMENT

No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

POLICY-[C3]

(13) WH6 FLOOD RISK ASSESSMENT (IMPLEMENTATION)

The mitigation measures detailed in the approved Flood Risk Assessment (FRA) dated 12/9/12 shall be carried out in full prior to the first occupation of the development and/or in accordance with the approved timetable detailed in the FRA.

REASON: In the interests of flood prevention.

POLICY: National Planning Policy Frameworks paragraphs 100-103.

(14) WM4 CONSTRUCTION METHOD STATEMENT

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;

- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;

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

REASON: 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]

(15) WH8

Management and maintenance of all habitats shall be carried out in strict accordance with the management prescriptions set out in the approved Ecological Management Plan (Waterman, April 2013, Document ref: EED13466_R_1_4_4_LM), unless otherwise agreed in writing with the Local Planning Authority. Upon commencement of development, annual monitoring reports shall be submitted to the Local Planning Authority, as required by the Ecological Management Plan, annually for a period of at least five years.

Reason: To protect and enhance the nature conservation interests at the site

Policy NE7

(16) WH8

Prior to commencement of development, detailed proposals for the restoration of the River Ray (as approved by the Environment Agency) shall be submitted to and approved by the Local Planning Authority. The Detailed River Restoration Proposals shall be in accordance with the principles of the approved preliminary concept, as shown on Drawing Ref CPM2658a/20 (Figure 5 of the approved Ecological Management Plan), and shall include timescales for carrying out and completing the works. All restoration works shall be carried out in strict accordance with the approved Detailed River Restoration Proposals, and shall be completed within the approved timescales unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect and enhance the nature conservation interest of the River Ray

Policy NE7

(17) WM13 APPROVED PLANS

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

- Archaeological Report 12/9/11
- Arboricultural survey & Constraints Report 12/8/11
- Design and Access Statement 12/8/11

Drainage Layout (Revised) 9/2/13
Flood Risk Assessment and Drainage Strategy 12/9/11
Ecological Assessment 12/9/11
Ecological Management Plan including plan Ref CPM2658a/20 4/4/13
Environmental Noise Assessment 12/9/11
Geo-Environmental & Geo-Technical Report 12/9/11
Landscape & Visual Appraisal 12/9/11
Landscape Specification 12/8/11
Statement of Community Involvement 25/8/11
Transport Statement 12/9/11
Waste Audit and Management Strategy 12/9/11
Site Location Plan 12/8/11
Topographical Survey 12/9/11
Highway Layout 9/4/13
Car Parking Schedule 14/3/12
Footpath Diversion 9/4/13
Revised Landscape Proposals WAIN17762-10 Sheets 1 to 3 15/3/12
House Type Planning Drawings – 1552 (1 – 27 various revisions – full list to follow) 18/10/11
Revised Site Layout 14/3/11
Revised Street Elevations 1552/103 REV B 18/10/11

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

POLICY-[C3]

