

## AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER  
**Date:** Wednesday 19 June 2013  
**Time:** 6.00 pm

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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](mailto:alexa.smith@wiltshire.gov.uk)

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### Membership:

Cllr Christine Crisp	Cllr Mark Packard
Cllr Bill Douglas	Cllr Sheila Parker
Cllr Mollie Groom	Cllr Toby Sturgis
Cllr Chris Hurst	Cllr Anthony Trotman (Chairman)
Cllr Peter Hutton (Vice-Chair)	Cllr Philip Whalley
Cllr Howard Marshall	

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### Substitutes:

Cllr Desna Allen	Cllr Howard Greenman
Cllr Glenis Ansell	Cllr Simon Killane
Cllr Chuck Berry	Cllr Jacqui Lay
Cllr Mary Champion	Cllr Nick Watts

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# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies for absence.

2 **Minutes of the Previous Meeting** (*Pages 1 - 16*)

To approve and sign as a correct record the minutes of the meeting held on 29 May 2013.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chairman.

5 **Public Participation and Councillors' Questions**

Wiltshire 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 12 June 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 17 - 18*)

An appeals update report is attached for information.

7 **Planning Applications**

To consider and determine planning applications in the attached schedule.

7a **N/13/00795/FUL and N/13/00870/LBC- 8 Monks Lane, Neston, Corsham, SN13 9PH** (*Pages 19 - 24*)

7b **N/13/00011/FUL and N/13/00012/CAC - Hazelwood Farm, Seagry Road, Sutton Benger, SN15 4RX** (*Pages 25 - 40*)

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**

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### **DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 29 MAY 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.**

#### **Present:**

Cllr Mary Champion (Substitute), Cllr Bill Douglas, Cllr Chris Hurst, Cllr Peter Hutton (Vice-Chair), Cllr Simon Killane (Substitute), Cllr Jacqui Lay (Substitute), Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Anthony Trotman (Chairman) and Cllr Philip Whalley

#### **Also Present:**

Cllr Chuck Berry, Cllr John Thomson and Cllr Dick Tonge

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#### **45 Apologies**

Apologies were received from Councillor Christine Crisp, Councillor Mollie Groom and Councillor Howard Marshall.

Councillor Crisp was substituted by Councillor Mary Champion.

Councillor Groom was substituted by Councillor Jacqui Lay.

Councillor Marshall was substituted by Councillor Simon Killane.

#### **46 Minutes of the Previous Meeting**

The minutes of the meeting held on 24 April 2013 were presented.

#### **Resolved:**

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

#### **47 Declarations of Interest**

Councillor Simon Killane declared an interest in agenda items 7b and 7c as Chairman of the Malmesbury Neighbourhood Steering Group. He declared he would participate in the debate and vote for each item with an open mind.

48 **Chairman's Announcements**

The Chairman announced that agenda items 7d and 7h had been withdrawn from the meeting.

49 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

50 **Planning Appeals**

The Committee noted the contents of the appeals update.

51 **Planning Applications**

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

**Additional Information**

52 **N/13/00054/FUL - Field adjacent Old Inn, Upper Minety, Malmesbury, SN16 9PR**

Public Participation

Mr Mark Willis spoke in objection to the application.  
Mr Alex Maddon spoke in objection to the application.  
Mr Charles Cook spoke in objection to the application.  
Mr Jonathon Joyce spoke in support of the application.  
Mr Richard Kitson spoke in support of the application.  
Mr Matthew Harrison spoke in support of the application.  
Councillor Graham Thorne spoke in support of the application.

The senior planning officer presented a report which recommended that planning permission be granted subject to conditions and following the signing of a section 106 agreement. The proposal was for ten affordable houses arranged in four blocks on a greenfield site within Upper Minety. The officer described the policies considered and the main issues faced. The officer then went through the design and layout of the scheme.

The committee then had the opportunity to ask technical questions of the officer. The use of cladding on the development was raised.

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

The local councillor, Councillor Chuck Berry, then spoke in favour of the application, to support Minety Parish Council.

A discussion took place in which the highways officer explained the proposal would result in a small increase in traffic and the junction concerned was not deemed to be a dangerous one. With respect to site selection and evidence of methodology, much work had been undertaken at the pre-application stage. There was a need in the area for affordable housing and the availability of sites that met with the criteria was important. A letter had been received regarding

water voles at the site and it was felt this could be addressed within the conditions of the proposal.

**Resolved:**

**For Application N/13/00054/FUL**

**That planning permission be DELEGATED to the area development manager, subject to the signing of a Section 106 in respect of the:**

- **Retention of the dwellings as affordable housing in perpetuity**
- **Education contributions of - £19,155 (sum to be confirmed in late observations)**
- **Public open space contributions of - £20,130.**

**For the following reason:**

**This proposed development for 10 affordable housing units is acceptable as it is considered to be an exception site in terms of policy H7 of the North Wiltshire Local Plan. It is considered acceptable in terms of its location, impact on the surrounding area in terms of its access and impact on the highway network and local drainage conditions, its scale layout and detailed design and complies with the policy framework at this time**

**Subject to the following conditions:**

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

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

- 2. The development hereby permitted shall be 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.**

**6229D Design & Access Statement RevA  
6229D Site Analysis  
6229D 7901 External Material Schedule**

**White Design Drawings  
6229D 0101 Site Location Plan  
6229D 0102 Site Context Plan  
6229D 0103 Site Survey  
6229D 0104C Site Proposed Layout *10<sup>th</sup> MAY 2013***

**6229D 0111 Unit 1 Floor Plans  
6229D 0112 Unit 2 Floor Plans  
6229D 0113 Unit 3 Floor Plans**

**6229D 0114 Unit 4 Floor Plans**

**6229D 211 Unit 1 Sections**

**6229D 212 Unit 2 Sections**

**6229D 213 Unit 3 Sections**

**6229D 214 Unit 4 Sections**

**6229D 0301B Site Elevations Across Site 10<sup>th</sup> MAY 2013**

**6229D 0302B Site Elevations - Through Site 10<sup>th</sup> MAY 2013**

**6229D 0303 Site Elevations - Long 10<sup>th</sup> MAY 2013**

**6229D 0311A Unit 1 Elevations 10<sup>th</sup> MAY 2013**

**6229D 0312A Unit 2 Elevations 10<sup>th</sup> MAY 2013**

**6229D 0313 Unit 3 Elevations**

**6229D 0314 Unit 4 Elevations**

**6229D TRADA Feather Edged Detail**

**6229D 0501 Site View**

#### **Other Drawings and Docs**

- Extended Phase 1 Habitat Survey - Chalkhill
- Geotechnical Report - Integrale
- Housing Needs Survey - Wiltshire
- Notice on Landowners - WRHA
- Post Consultation Meeting Responses - Answers to Questions - WRHA
- Pre Consultation Meeting Handout - Questions and Answers - WRHA
- Statement of Community Involvement - WRHA
- – Tracking Plan
- –Flood Risk assessment
- Proposed Site Layout Revc – CEC

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

- 3. All boundary hedgerows to be managed as part of the public open space shall be managed favourably for the conservation of brown hairstreak butterfly. Favourable management practices shall include:**

- Hedgerows shall be trimmed no more than once every three years;
- Hedgerows shall be layed or coppiced no more than once every seven years;
- Hedgerow management shall be carried out in February; and
- Chemical treatments shall not be applied within 5m of the base of hedgerows.

**REASON:** To conserve local populations of brown haristreak butterfly.

- 4. 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 undertaken and until:

- a) The Local Planning Authority has been provided with written confirmation that, in the opinion of the developer, the site is likely to be free from contamination which may pose a risk to people, controlled waters or the environment. Details of how this conclusion was reached shall be included.
- b) If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary.
- c) In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

**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.

5. *No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-*
  - **A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;**
  - **A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2012;**
  - **A schedule of tree works conforming to BS3998:2010;**
  - **Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;**
  - **A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the**

installation of boundary treatment works, the method of construction of the parking areas including details of the no-dig specification and extent of the areas of the parking areas to be constructed using a no-dig specification;

- Details of all other activities, which have implications for trees on or adjacent to the site.

**REASON:** In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

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

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) car park layouts;
- (e) other vehicle and pedestrian access and circulation areas;
- (f) hard surfacing materials;
- (g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (h) 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.

7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the 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.

8. 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**

9. 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.

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

**POLICY-C3**

10. 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**

11. No development shall commence on site until details of the design location and proposed collection service for refuse and recycling facilities (including location and range of facilities) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the approved facilities have been completed and made available for use in accordance with the approved details and they shall be

subsequently maintained in accordance with the approved details thereafter.

**REASON:** In the interests of public health and safety.

**POLICY- C3**

**12.**No development shall commence on site until a scheme for the proposed bridging and piping of the drainage ditches adjacent to the site, to include precise details of the construction of the proposed vehicular and pedestrian accesses have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until these works have been constructed in accordance with the approved scheme.

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

**POLICY- C3**

**13.**No part of the development hereby permitted shall be first brought into use until the access (including visibility splay), and parking spaces have been completed in accordance with the details shown on the approved plans (Drawing titled Site Layout – Proposed numbered 6229 D 0104 Rev c). The areas shall be maintained for those purposes at all times thereafter.

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

**14.**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. In line with (Drawing titled Site Layout – Proposed numbered 6229 D 0104 Rev c).

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

**53** **N/11/04092/FUL - Malmesbury Garden Centre (Sainsburys application)**

Public Participation

Ms Iris Thompson spoke in objection to the application.

Mr Mike Stone spoke in objection to the application.

Mr Bruno Moore spoke in favour of the application.

Mrs Sue Wright spoke in favour of the application.

Mr Guy Perry spoke in favour of the application.

Councillor Kim Power spoke in objection to the application.

The area development manager presented a report which recommended planning permission be refused. He explained that each supermarket application would be considered in turn, however there were a number of common issues to consider, such as the size of the site, its location, the impact on the town centre, the prospect of linked trips, the non-food element of the proposal and the neighbourhood plan. The area development manager highlighted that the petrol filling station had been removed from the original Sainsbury's application. This site was currently used as a garden centre and physically out of town, making the prospect of linked trips limited. A vehicular roundabout was proposed to improve the entrance to the site. The proposal was for a mixed-use development comprising a foodstore, relocated builder's merchants and employment floor space.

The committee then had the opportunity to ask technical questions of the officer. The accident status of the junction was raised, fixing the non-food element to a specific number of square metres, and the movements of the large articulated vehicles using the existing builder's merchants.

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

The local councillor, Councillor John Thompson, then spoke in favour of the application.

A discussion followed in which it was noted that the impact of the proposal on a single property was not sufficient grounds for a refusal. It was thought to be unfortunate the applications had not waited for the neighbourhood planning process. The difference in the non-food elements of the applications was considered to be small. Concern was raised regarding people travelling out of the Malmesbury community area at present for their food shopping.

**Resolved:**

**For Application N/11/04092/FUL**

**That planning permission be REFUSED for the following reasons:**

- 1. "The proposed development will result in the creation of a food store in an out of town location some 1.2km from the existing Malmesbury shopping area. The proposed foodstore is considered to have an adverse impact upon the vitality of the existing town centre. The site is not sequentially preferable. The application does not comply with Policy R4 (Proposals Outside Town Centre Primary and Town Centre Secondary Areas) of the North Wiltshire Local Plan 2011; the retail element of the National Planning Policy framework (in particular paragraph 27; Policy 38**

**of the pre-submission draft Wiltshire Core Strategy and the policies in the draft Malmesbury Neighbourhood Plan.”**

**2. “The 3.9 ha (approximate) site is allocated for B1 and B2 employment uses in the North Wiltshire Local plan and this allocation is continued in the pre-submission draft of the Wiltshire Core Strategy and is supported through the draft Malmesbury Neighbourhood Plan. Around 2.4 ha of the site will be given over to non-employment based uses, namely retail. A retail use does not comply with the long term aims of the current or emerging planning policies in local documents. The application is contrary to the requirements of Policy BD1 (Employment Land) of the North Wiltshire Local Plan 2011; Core policies 13 and 35 of the pre-submission draft Wiltshire Core Strategy and the objectives of the draft Malmesbury Neighbourhood Plan”**

**Further advice regarding the impact on the landscape and visual appearance will be reported at the Northern Area Planning Committee and may result in additional reasons for refusal.**

**54 N/12/00165/FUL- Land to Rear of Avon Mills (Waitrose application)**

Mr Jonathan Davies spoke in objection to the application.  
Mr John Shillibeer spoke in objection to the application.  
Ms Caroline Moore spoke in objection to the application.  
Ms Lesley Bennett spoke in support of the application.  
Mr Jonathan Banham spoke in support of the application.  
Mr Keith Neil-Smith spoke in support of the application.  
Councillor John Gundry spoke in objection to the application.

The area development manager presented a report which recommended permission be granted subject to conditions. It was noted the town centre site had a surrounding earth bank and soft landscaping in order to help it blend in with the surroundings. Since the original submission, the car park had been moved to leave a greater area intact around the historic Avon Mills buildings. The proposal was to provide a foodstore with associated car parking, servicing, pedestrian, cycle and vehicular access, landscaping and boundary treatments.

The committee then had the opportunity to ask technical questions of the officer. It was stated that a service yard management plan could be included in the conditions of the application. It was confirmed the majority of the trees would be native deciduous species, however combined with the earth banks, they should hide the supermarket from view.

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

The local councillor, Councillor Simon Killane, spoke in favour of the application.

A debate followed, which covered the following main points; contributions towards the bus service, the closeness of the site to the town centre and the potential for linked trips, light pollution from the car parking area at night, the structure of the historic Avon Mills buildings, the amenities included in the application, and finding a balance between conservation and the survival of the market town. The area development manager clarified that the objectors had submitted a list of concerns and that some of these could be honed into viable conditions.

**Resolved:**

**For Application N/12/00165/FUL**

**That planning permission be GRANTED subject to the following conditions:**

- **A legal agreement to secure community benefits including highways improvements; provision of pedestrian/cycleway; a pedestrian crossing; traffic calming on the A429; Travel Plan for staff; public car parking on the site to facilitate linked trips and a comprehensive town centre enhancement strategy.**
- **Conditions to include (but not exclusively): securing landscaping proposals; restricting sales areas for comparison goods; restricting use of any part of the store as a pharmacy, post office; securing implementation of lighting scheme; securing a construction method statement; securing a service yard management plan; and securing drainage works.**

**For the following reason:**

**“The economic case for additional retail development in Malmesbury is clear cut. The site meets the sequential test and there are no other comparable sites that would meet the needs of the town. These facts weigh heavily in favour of the proposal. Whilst the heritage and landscape objections are understood, the Council has concluded that the potential harm would be less than substantial. However, there are significant public benefits that are likely to accrue from this proposal. The site’s location and the application proposal itself are considered to complement the existing town centre. Through the provision of publicly available parking on the site the possibility of linked trips is encouraged. The applicants have offered a package of measures (secured through a legal agreement) that are considered beneficial to the economy and amenity of the town (including a town centre enhancement strategy; traffic calming measures on the A429; a pedestrian footway/cycleway; a pedestrian crossing and Travel Plan). The proposal is considered to comply with policies C2 (Community Infrastructure); C3 – (Development Control Core Policy); HE1 (Development in Conservation Areas); NE15 (The Landscape and character of the countryside); and R4 ( Proposals**

outside town centre primary and town centre secondary areas) of the North Wiltshire Local Plan 2011; The National Planning Policy framework (in particular In particular the sections relating to ensuring the vitality of town centres (paragraphs 24 to 27) and the protection of heritage assets (paragraphs 17 and 128 to 134); the policies of the Wiltshire Core Strategy pre-submission document and the Draft Malmesbury Neighbourhood Plan”

*To note: On 30 May, an Article 25 notice was received which instructed Wiltshire Council not to issue the decision until such time as the Secretary of State had considered whether to recover the application.*

55 **N/12/03466/FUL and N12/03477/LBC - ITEM WITHDRAWN**

56 **N/13/00244/FUL - 8 Willowbrook and Ashgrove House, Purton, SN5 4AG**

#### Public Participation

Mr John Playfair spoke in objection to the application.

Mrs Barbara Kersey spoke in objection to the application.

Mr Mark Beggs spoke in objection to the application.

Mr Simon Chambers spoke in favour of the application.

Councillor Geoff Greenaway spoke in objection to the application.

The area development manager presented a report which recommended permission be granted subject to conditions. The proposed development was for a physical expansion of the site, but not to increase staff or resident numbers, but to allow for single occupier rooms in accordance with the spaces currently permitted by Wiltshire Council. The access to the building and the use of the building were considered by officers to be acceptable.

The committee then had the opportunity to ask technical questions of the officer. There were no technical questions.

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

The local councillor, Councillor Jacqui Lay, then spoke in objection to the application.

A discussion followed during which it was established no Section 106 agreements had been sought or offered and that the footway was used at present.

#### **Resolved:**

**For Application N/13/00244/FUL**

**That planning permission be GRANTED for the following reason:**



In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the environmental conditions of the area. The proposed conversion is considered to be acceptable in the context of the surrounding area and would preserve the character and appearance of this part of the Malmesbury Conservation Area. The property has been marketed for a period of over 24 months without success and therefore the change of use is considered to be acceptable in this instance and is in accord with policies C3 and H3 of the North Wiltshire Local Plan 2011.

Subject to the following conditions:

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

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

2. 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

LPC/3142/1

Location Plan

LPC/3142/EX/1 – Existing Plan

LPC/3142/EX/2 – Existing Elevation

LPC/3142/2A – Proposed Site Layout

LPC/3142/3A – Proposed Ground Floor Plan

LPC/3142/4A – Proposed First Floor Plan

LPC/3142/5A – Proposed Elevations

Received 29.01.13

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

3. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details.

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

4. No part of the development hereby approved shall be first brought into use until the parking area shown

on the approved plan, LPC/3142/3A, has been consolidated, surfaced and laid out in accordance with the approved details. The use of the car parking spaces shall only be for the use staff car parking. There shall be no deliveries, visitor parking via this car parking space. This area shall be maintained and remain available for this use at all times thereafter.

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

5. Pursuant to condition 4, no part of the development hereby approved shall be first brought into use until details of a sign saying 'Staff Parking Only' has been submitted to and approved in writing by the Local Planning Authority. The sign shall be erected on site in a position agreed in writing with the Local Planning Authority and shall be retained on site in perpetuity.

**REASON –** To ensure the parking spaces remain available for staff parking at all times.

6. The extension (building) hereby permitted shall not be occupied at any time other than for purposes ancillary to the use of the site known as property known as Ashgrove House Nursing Home.

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

7. 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 brought into use until surface water drainage has been constructed in accordance with the approved scheme.

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

57 **N/13/00477/FUL & N/13/00478/LBC- Horse and Jockey, Public House, Gosditch, Ashton Keynes, SN6 6NZ**

Public Participation

Mr Simon Jefferson spoke in objection to the application.  
Mr Malcolm Carter spoke in objection to the application.  
Ms Jackie Pembroke spoke in support of the application.  
Mr Nigel Whitehouse spoke in support of the application.  
Mr Guy Collister spoke in support of the application.  
Mr David Wingrove spoke in objection to the application.

The area team leader presented a report which recommended that planning permission and listed building consent be delegated subject to conditions. The proposal comprised the change of use of the buildings and grounds from a public house to form a single, six bedroom residential dwelling. The main issue related to the application was the loss of the public house as a facility in Ashton Keynes. Marketing and viability reports had been produced regarding the property and the viability report had concluded that the reopening of the Horse and Jockey as a pub business had no sound financial basis and would be highly unlikely to be successful. The building was run down internally and there was already another local public house.

The committee then had the opportunity to ask technical questions of the officer.

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

The local councillor, Councillor Chuck Berry, then spoke in support of keeping the building as a public house.

A discussion took place where it was raised there was insufficient evidence the building had been marketed to reflect its state, a public house in a similar position had been turned around in Little Somerford, the potential of visiting cyclists to use the public house and the importance of community assets.

**Resolved:**

**For Application N/13/00477/FUL**

**That planning permission be DEFERRED to ask the applicant to submit additional information on the marketing exercise carried out on the property and for Wiltshire Council to seek independent advice regarding the viability of the business and the justification for the proposed change of use.**

58 **N/13/00795/FUL & N/13/00870/LBC - 8 Monks Lane, Neston, Corsham, SN13 9PH**

**Public Participation**

Mr Mark Willis spoke in support of the application.

The area team leader presented a report which recommended that planning permission be refused for a pitched roof garage with a glazed linking section to the existing building. Concerns were raised with the use of materials and the setting of the listed building.

The committee then had the opportunity to ask technical questions of the officer. A question was raised about whether a condition on the application could be the building remained as a garage, and it was confirmed it could be.

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

The local councillor, Councillor Dick Tonge, then spoke in support of the application.

The visual impact of the proposal, the use of unsympathetic materials and the issue of setting a precedent in the local area were discussed.

**For Application N/13/00795/FUL**

**That planning permission be REFUSED for the following reason:**

**The proposed development, by reason of its siting, scale, massing, design and materials, will fail to conserve or enhance the character or appearance of the listed building and its setting and therefore fails to accord with Policies C3, HE4 and H8 of the adopted North Wiltshire Local Plan 2011 and Sections 7 and 12 of the National Planning Policy Framework.**

**In respect of 13/00870/LBC**

**Listed Building Consent be REFUSED for the following reason:**

**The proposed works, by reason of their siting, scale, massing, design and materials, will have a detrimental impact on the listed building and its setting contrary to the provisions of The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.**

59 **N/13/00846/FUL - ITEM WITHDRAWN**

60 **Urgent Items**

There were no urgent items.

The Officer who has produced these minutes is Alexa Smith, of Democratic Services, direct line (01249) 706610, e-mail [alexa.smith@wiltshire.gov.uk](mailto:alexa.smith@wiltshire.gov.uk)

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

# Agenda Item 6

## INDEX OF APPLICATIONS ON 19/06/2013

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7a	13/00795/FUL	8 Monks Lane, Neston, Corsham, Wiltshire, SN13 9PH	Replacement of Garage & Outbuildings & Construction of Glazed Link	Refusal
	13/00870/LBC		Replacement of Garage & Outbuildings & Construction of Glazed Link	Refusal
7b	13/00011/FUL	Hazelwood Farm, Seagry Road, Sutton Benger, SN15 4RX	Proposed Redevelopment of Redundant Farm Buildings & Paddock to Provide Residential Development Comprising 21 Houses With Associated Gardens, Parking, Pumping Station, Drainage & Landscaping.	Delegated to Area Development Manager
	13/00012/CAC		Proposed Redevelopment of Redundant Farm Buildings & Paddock to Provide Residential Development Comprising 21 Houses With Associated Gardens, Parking, Pumping Station, Drainage & Landscaping.	Permission

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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>29 May 2013</b>		
<b>Application Number</b>	<b>N/13/00795/FUL &amp; N/13/00870/LBC</b>		
<b>Site Address</b>	<b>8 Monks Lane, Neston, Corsham, Wiltshire SN13 9PH</b>		
<b>Proposal</b>	<b>Replacement of Garage &amp; Outbuildings &amp; Construction of Glazed Link</b>		
<b>Applicant</b>	<b>S Bagnall</b>		
<b>Town/Parish Council</b>	<b>Corsham Town Council</b>		
<b>Electoral Division</b>	<b>Corsham Without and Box Hill</b>	<b>Unitary Member</b>	<b>Cllr Dick Tonge</b>
<b>Grid Ref</b>	<b>387654 168157</b>		
<b>Type of application</b>	<b>Full and Listed Building Consent</b>		
<b>Case Officer</b>	<b>Chris Marsh</b>	<b>01249 706657</b>	<b>chris.marsh@wiltshire.gov.uk</b>

### Reason for the application being considered by Committee

The application is returned to Committee with a correction to the proposed materials.

### 1. Purpose of Report

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

A comment of 'no objection' has been received from Corsham Town Council in respect of the development.

### 2. Main Issues

The main issues in considering the application are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on the privacy and amenity of existing neighbours and potential occupants
- Impact upon the Listed Building
- Impact on highway safety

### 3. Site Description

Monks Lane is a narrow road set in a semi-rural position between the villages of Neston and Gastard and is dotted with a series of historic properties, a number of which are Grade II-listed. The site is otherwise located in undesignated open countryside.

No.8 Monks Lane is a late 17thC cottage, the end of a terrace of three (now two). The building is finished in rubble stone with stone mullion windows, under a stone tile roof, and features a substantial 20thC extension to the North gable and a flat roofed addition to the rear. To the North of the cottage adjoining the highway is an open parking area, to the rear of which, lying roughly parallel to the house, is a flat-roofed, prefabricated garage with a shed alongside and connected to the side wall of the 1970s extension by a fence. Both structures are in a dilapidated condition and visible from the road and the northern end of the building from the approach along the lane, along with the associated parking area.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>N/12/04107/FUL &amp; N/12/04127/LBC</b>	<b>Replacement of Garage and Outbuildings and Construction of Glazed Link</b>	<b>Permitted</b>

NB. The above permission relates solely to the garage and outbuildings, with the glazed link having been subsequently omitted from the scheme.

## **5. Proposal**

The proposal comprises the wholesale removal of the external garage and shed and their replacement with a substantial extension, which is to be sited over the same land to the North of the dwelling. The replacement internal floorspace for the consolidated outbuildings is to be laid out over a footprint of 5.4 x 5.9m, providing a garage and separate store/workshop element, with a further partially-open log store on the South elevation of the building. A predominantly glazed linking section is to connect the garage and store to the external door on the northern gable end of the dwelling. This section is to be 2.3m in height, utilising a flat glazed roof, and will turn on acute and obtuse angles to address the space between the dwelling and garage/store, the closest elevations of which are not parallel, with an 'L' plan.

An asymmetrical pitched roof is to be used to cover the garage/store element, with a ridge height of 4.0m, dropping to 2.2m at the main eaves. Reclaimed clay double roman tiles are proposed for the roof surfaces, the northern of which is to contain a single conservation-type rooflight. Externally, the garage/store is to be clad in feather-edged timber with modest inset timber-framed windows and a pair of timber doors onto the driveway and rear and side timber doors. Conversely, the proposed 'link' section is to feature extensive glazing throughout, with an initial width of 1.2m immediately adjacent to the earlier extension turning to a span of 2.4m to address the main outbuilding element. The principal North and West elevations are to be constructed from vertical glazed panels, framed in hardwood timber and each measuring 1900 x 700mm, to be mounted on a low plinth of natural stone. Timber doors with glazing in their upper part are to be positioned at the East and West ends, with a further perpendicular route between the doorways of the existing dwelling and workshop.

The parking arrangements on site remain unchanged, for planning purposes.

## **6. Consultations**

Corsham Town Council – no objection

Conservation Officer – objects, owing to the detrimental impact of the extension on the listed building

## **7. Publicity**

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

No public comments have been received.

## **8. Planning Considerations**

### Principle of development

The current development plan is broadly supportive of ancillary development within the established curtilage of domestic properties, and it is agreed that the current ramshackle array of outbuildings offers an opportunity for a significant visual improvement at the site. The need for associated



storage, even in conjunction with listed buildings, is recognised and therefore no objection is raised to the principle of the consolidation of these functions.

It is noted that the original cottage has previously been extended to a substantial degree, in a relatively sympathetic manner, to provide additional living accommodation. The proposal should be considered as a connected extension to the listed building, with its associated impact tested against the relevant development plan policies.

#### Impact on the character and appearance of the area

Insofar as the scheme impacts on the wider surrounding area, it is considered that the proposed combined outbuilding and link have only a relatively small effect. The scale of the development in relation to the existing extension has been contained, despite a slight differential in site levels that further reduces the apparent height of the timber-clad element when viewed from the East. There is also a degree of enclosure offered by the planting to the East and northeast of the site.

The apparent visual impact of the additional fabric is therefore much more localised, and principally relates to views from the immediate northwest, west and southwest. Regard should be paid, however, to the contextual comparison between the form of the proposed additions and those of a similar function in the immediate vicinity. Neighbouring ancillary structures and outbuildings are generally very simplistic and traditional in form, often simple timber sheds and lean-to's.

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

Owing to the relative position and orientation of the proposed development, no impact of overlooking or overbearing is anticipated as a result. Whilst the linking section accommodates a strong predominance of glazing, the function of this space as a through-route and non-habitable room will ensure that no meaningful impact on amenity is likely.

#### Impact upon the Listed Building

The appropriately understated proportions and detailing of the consolidated outbuilding are, unfortunately, undermined in the current scheme by the awkward form of the linking section, which not only introduces an alien design in the form of extensive 'box' glazing, but bears no resemblance to the design palette of the garage/store, host dwelling or surrounding area.

Whilst the earlier application maintained a suitable separation, both in physical and functional terms, between modest outbuilding and listed dwelling, it is highly likely that the development now proposed would become more 'domestic' in its use. This would fundamentally change the relationship and proportion of the listed building, to the detriment of the heritage asset and contrary to policy contained in the development framework.

It is considered that, unlike the previously-approved scheme that was subject to extensive negotiation at the time, the proposed 'link' extension would unduly detract from the character, appearance and setting of the listed building without offering any significant benefit.

#### Impact on highway safety

It is not considered that the proposed development will have any significant impact upon highway safety. The existing access and parking arrangements are to be replaced on a largely like-for-like basis.

#### Conclusion

Unlike the previously-approved scheme, the proposal amounts to a substantial extension to the listed building, rather than a straightforward consolidation of outbuildings, such that would detrimentally alter the character and appearance of the dwelling and its setting.

## **9. Recommendations**

### **N/13/00795/FUL**

Planning Permission be REFUSED for the following reason:

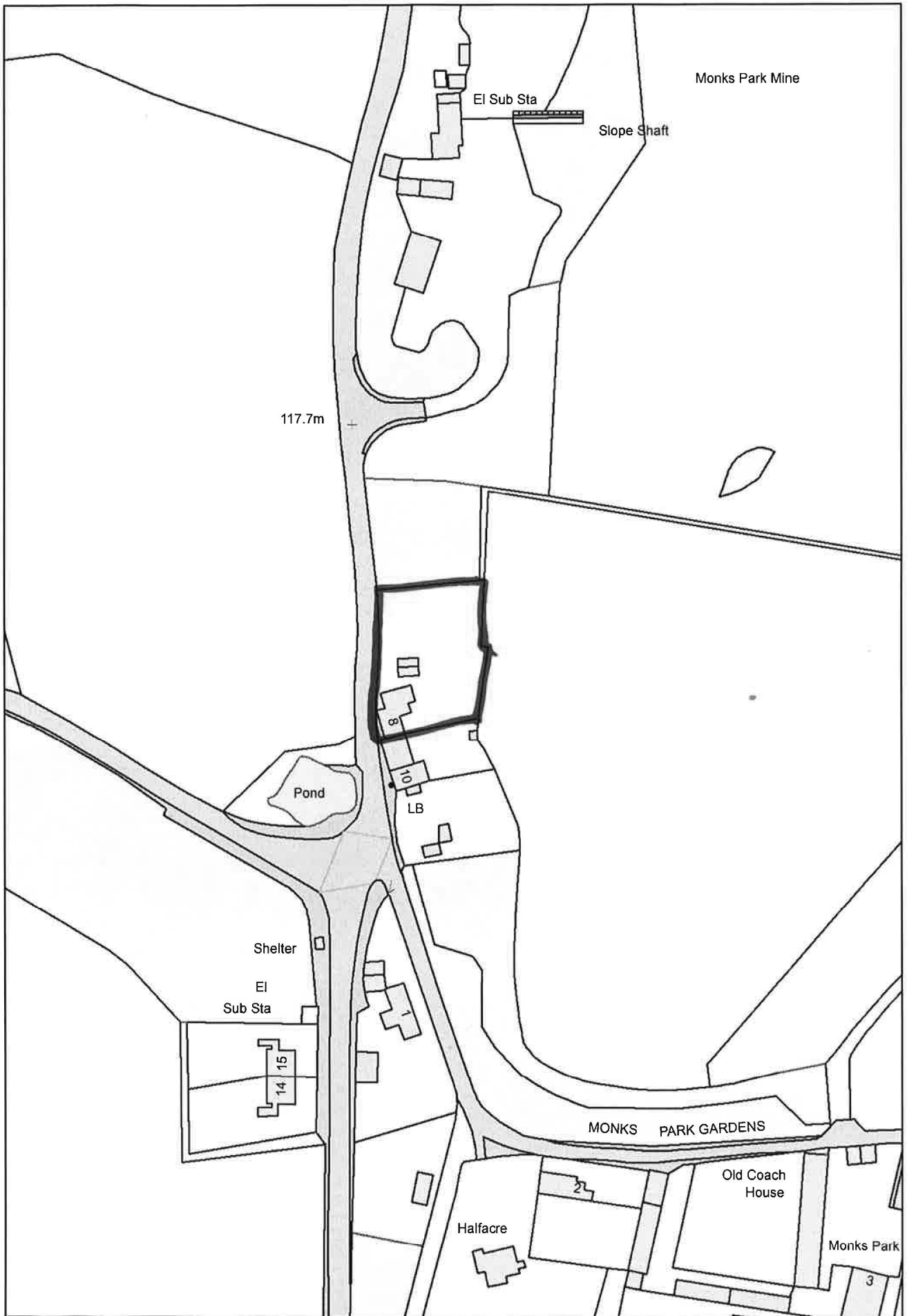
The proposed development, by reason of its siting, scale, massing, design and materials, will fail to conserve or enhance the character or appearance of the listed building and its setting and therefore fails to accord with Policies C3, HE4 and H8 of the adopted North Wiltshire Local Plan 2011 and Sections 7 and 12 of the National Planning Policy Framework.

### **N/13/00870/LBC**

Listed Building Consent be REFUSED for the following reason:

The proposed works, by reason of their siting, scale, massing, design and materials, will have a detrimental impact on the listed building and its setting contrary to the provisions of The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.





## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>19 June 2013</b>		
<b>Application Number</b>	<b>N/13/00011/FUL &amp; N/13/00012/CAC</b>		
<b>Site Address</b>	<b>Hazelwood Farm, Seagry Road, Sutton Benger, Wiltshire SN15 4RX</b>		
<b>Proposal</b>	<b>Proposed Redevelopment of Redundant Farm Buildings &amp; Paddock to Provide Residential Development Comprising 21 Houses With Associated Gardens, Parking, Pumping Station, Drainage &amp; Landscaping</b>		
<b>Applicant</b>	<b>Miss Thorpe, Gleeson Developments Ltd</b>		
<b>Town/Parish Council</b>	<b>Sutton Benger</b>		
<b>Electoral Division</b>	<b>Kington</b>	<b>Unitary Member</b>	<b>Cllr Howard Greenman</b>
<b>Grid Ref</b>	<b>394513 178879</b>		
<b>Type of application</b>	<b>Full Planning and Conservation Area Consent</b>		
<b>Case Officer</b>	<b>Chris Marsh</b>	<b>01249 706657</b>	<b>chris.marsh@wiltshire.gov.uk</b>

### **Reason for the application being considered by Committee**

The application has been called in by Cllr Greenman in order to consider the impacts of the development on local flood risk.

### **1. Purpose of Report**

To consider the above application and to recommend that the decision be delegated to the Area Development Manager to GRANT planning permission, subject to conditions and completion of a Section 106 Agreement, and conservation area consent subject to conditions.

Sutton Benger Parish Council has not objected to the application, but has raised a number of concerns, as summarised in this report. 6 objections and 5 comments have been received from local residents.

### **2. Main Issues**

The main issues in considering the application are:

- Principle of development under Policies C3, HE1 and H3 of the adopted North Wiltshire Local Plan 2011
- 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 site ecology and biodiversity
- Impact on site drainage
- Affect on highway safety
- S106 contributions

### **3. Site Description**

The application relates to an area of land located at the northern edge of the village of Sutton Benger, within the development framework boundary and principally accessed from the C-classified Seagry Road. The site comprises a total of approximately 0.7ha of agricultural land currently used in conjunction with Hazelwood Farm, incorporating associated buildings and hard

standing but predominantly comprised of informal grazing land used for keeping ponies, although site drainage is restrictive in this regard.

The site's unusual shape is dictated by the exclusion of Hazelwood Farmhouse, which occupies a substantial plot inset from the midpoint of the site boundary with Seagry Road, from the application site, along with the meandering route of the brook that defines its northern limit. The western edge of the land is separated from the highway by a narrow grass verge and traditional stone wall. A public footpath runs in close proximity along the southern boundary to the West of the farmyard, turning northwards around the western end of the paddock, and is understood to be used mainly by dog-walkers.

Due to drainage issues attributable partially to recent poor weather, the dependency on untreated surface runoff from the adjacent factory site and inadequate maintenance of the brook by the landowner, the site and environs have been liable to flooding in recent weeks and in one instance a considerable amount of damage was caused to a nearby property. The extent of flood risk zones 2 and 3 insofar as they relate to the application site has recently been clarified by the Environment Agency; ending roughly in line with the northern boundary of Hazelwood Farmhouse across the span of the paddock.

Mirrored by low-density but high-quality housing on the opposite, Eastern side of Seagry Road, the site is located within the framework boundary for Sutton Benger, of which the northern site boundary forms the furthest extent. Additionally, the village Conservation Area extends as far as the northernmost point of the established farmyard, incorporating a traditional brick and slate cow byre and, further West, similarly fashioned stables amongst other more modern utilitarian farm buildings. These include a large open-sided barn along with a smaller reconstituted stone and timber chicken shed.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>N/05/02883/OUT</b>	<b>Demolition of Existing Farm Buildings and the Residential Redevelopment of Existing Farmyard</b>	<b>Withdrawn</b>
<b>N/05/00264/OUT</b>	<b>Outline Residential Development</b>	<b>Refused</b>

Fundamental to the refusal of previous outline applications for residential development of the land has been the issue of incompatibility with the adjacent industrial use and associated loss of residential amenity. Having reached the end of its serviceable lifespan and identified as an allocated housing site in the Local Plan, the adjacent facility is currently subject of a separate reserved matters planning application (N/12/04072/REM refers) for residential development as approved in outline under application reference N/11/02286/OUT.

## **5. Proposal**

The proposal comprises the development of 21no. detached and semi-detached residential dwellings, utilising both the previously developed and paddock land in the southern portion of the site.

A strip of land approximately 8m in width is to be retained as an open but actively maintained ecological area adjacent to the brook at the northern boundary, linking to the larger area that includes the balancing ponds and pumping station at the northeast corner.

## **6. Consultations**

Sutton Benger Parish Council has raised the following concerns:

- Impact on local highways in terms of traffic volume and pedestrian safety;
- Potential to exacerbate drainage issues in the vicinity;

- Overprovision of affordable housing, delivering more units than are required locally;
- Incompatibility of the proposed density, design and layout with the existing village;
- Provision of a distinct pathway route between the site and the neighbouring Faccenda site; and
- Targeting of S106 contributions towards local infrastructure

Highways – no objection, subject to conditions

Landscape – no objection, subject to conditions

Urban Design – no objection, subject to conditions

Drainage – no objection, subject to conditions

Ecologist – no objection, subject to conditions

Environment Agency – no objection, subject to conditions

The Housing Officer has accepted the applicant's submission that a 50% on-site affordable housing provision would exceed the level of local need, although not necessarily render the scheme unviable. It is instead proposed that a contribution of 30% provision, comprising 80% social rented and 20% affordable market accommodation, should be required.

The County Education Officer has concluded that on the basis of the dwelling mix proposed and availability of existing facilities within the village, the development generates a requirement for a contribution of £140,185 toward the provision of local primary and secondary education facilities.

As no public open space is to be provided on site, the substantive areas of non-residential land being essential to site drainage, ecological conservation and maintenance of the brook, a contribution of £111,111 is to be sought, equating to an off-site provision of 0.126Ha.

## **7. Publicity**

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

6 letters of objection and 5 letters lending support in principle but raising certain concerns have been received from local residents

Summary of key relevant points raised:

- Impact on traffic volume and local highway safety;
- Impact on local flood risk and adequacy of drainage;
- Impact on local infrastructure and services;
- Design, layout and impact on the Conservation Area;
- Level of affordable housing provision.

## **8. Planning Considerations**

### Principle of development

Policy H3 of the adopted North Wiltshire Local Plan 2011 makes clear that residential development in this location is supported in principle within the framework boundary for Sutton Benger, which this site is located. Whilst the land in question abuts the current development framework boundary for the village, it is notable that Sutton Benger is identified in the emerging Wiltshire Core Strategy as a large village toward which limited infill residential development should be targeted. The application should further be considered in context with the adjacent Faccenda site, at which outline permission for 63no. dwellings remains extant, with implementation a realistic prospect.

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

The developed yard area at the southeast corner of the site falls within the northern boundary of the Sutton Benger Conservation Area, and owing to its scale and significance, it is reasonable to consider the impact of the development as a whole on the designated heritage asset.

Amongst several lower-quality structures, the proposal includes the removal of a pair of traditional agricultural buildings – a stables and cattle byre – both of which offer some benefit to the setting of the Conservation Area despite their dilapidated condition. Echoing the approach of its predecessor, PPS5, Paragraph 130 of the National Planning Policy Framework emphasises that in any cases, the deliberate neglect of such buildings should not be considered a material factor supporting the case for their removal. The question, therefore, is whether the proposed redevelopment of this part of the site serves to conserve or enhance the Conservation Area.

It is considered that the historic farm buildings should be considered in context with their operational neighbours, namely the large open-sided barn, small reconstituted stone building, large timber shed and even the severely dilapidated building immediately South of the site boundary (the replacement of which has recently been approved, subject to a legal agreement – N/12/03709/FUL refers), in order to assess their collective value. As a grouping, the array of buildings at the existing farmyard does little to enhance the street scene of Seagry Road, with the brick building making the only meaningful contribution in this regard. On balance, therefore, no objection is raised to the buildings' removal, subject to a suitable redevelopment of the land.

It is considered that the area of foremost importance in terms of visual impact is the site frontage directly adjoining Seagry Road. To this end, the applicant has proposed a generally high-quality finish to the proposed dwellings, which are the smaller semi-detached two-bedroom units, featuring a predominance of traditional materials. Natural stone is to be used extensively, drawing upon the materials already observed in the vicinity, with traditional cottage-style proportions and appropriate detailing to the road-facing elevations. Slate tiles are to be used for both the main roofs and canopy porches of these eight buildings, consistent with the local vernacular.

Further West, into the site itself, the palette of materials varies with the introduction of limestone-through-colour render, reconstituted stone and clay roof tiles, particularly for the larger detached properties at plots 12, 14, 18 and 19. Although these properties are undoubtedly very large, this is not an alien form of development in the context of the local area and does not compromise the sense of a distinct street scene within the development. It is considered that the proposed design approach also makes some concession to this issue with the introduction of set-backs and varied scale that serves to break up what might otherwise appear as expansive elevations.

Efforts have been made to secure suitable boundary treatments and integral garden storage outbuildings to the smaller units, in order to provide a suitable setting for the development as a whole. The modest timber and clay tile garden buildings are subservient but of a high quality design in themselves and make reference to the kind of historic structure found in the area. Likewise, the introduction of stone walls where appropriate will reinforce the built pattern of the development as a whole and increase legibility.

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

The scheme has been considered to provide adequate residential amenity to future occupants and neighbouring properties, with the siting and orientation of properties within the application site arranged in such a way as to avert any overlooking or overbearing effect. The proposed dwellings all maintain adequate amenity space and separation from one another so as to provide a definitive street frontage without any sense of overcrowding.

Consideration has been given to the impact of the dwelling to be sited on plot nos.7 and 8 of the development site on the building to the immediate South, which has permission for residential conversion, and vice-versa. Whilst it is apparent that the interaction of these properties will be somewhat closer than elsewhere, with some limited potential for overlooking, it is considered that this would not result in a detrimental loss of amenity and that due to the timings of development prospective occupiers would be aware of the arrangements.

For these reasons, it is considered that the development affords an acceptable level of amenity.



### Impact on site ecology and biodiversity

The site's most recent use has been as a working farm, comprising buildings and hard standing with associated pasture/paddock to the North. Owing to its substantial scale, which includes demolition works, the proposed development will impact upon on breeding birds and reptiles likely to inhabit the site to a significant extent. The proposal includes the provision of two ponds at the northeast corner of the site together with a reasonably wide landscape buffer running alongside the river, reinforcing this element as an ecological corridor. On balance, therefore, the landscaping measures employed in tandem with the scheme itself offer sufficient mitigation for the loss of habitat likely to occur elsewhere on the site. The ongoing maintenance of these elements of the scheme can be secured by condition.

### Impact on site drainage

The site lies in part within flood risk zones 2 and 3, and this has heavily influenced the emerging scheme. It is appreciated that in recent months in particular, most notably in December 2012, the nearest section of Seagry Road and environs were subject to prolonged flooding, which incurred substantial damage to one property in particular. Whilst it could be argued that recent weather events have been exceptional, this is nonetheless an issue that warrants careful consideration.

It is important that the drainage implications of the proposal are considered in the context of the redevelopment of the Faccenda site, given that at present the latter takes in substantial areas of concrete with no managed drainage provision as such. The scheme approved in outline incorporates substantial areas of green space as well as SUDS measures that represent a significant improvement in respect of the management of surface water, in particular reducing its uncontrolled runoff. This obviously has beneficial implications for the Hazelwood Farm site.

Further to the initial application submission, the applicant has undertaken further studies and analysis into the site's drainage capacity and anticipated impact of the development. Owing to the extent of development and the mitigation measures proposed, it is possible to control discharge of surface water without placing undue strain on the adjacent watercourse. Further detailed information is to be provided as part of a comprehensive drainage strategy to be secured by condition; however at this time the Council's Drainage Engineer is satisfied in principle that a realistic drainage solution can be implemented, mitigating against the impact of the development.

It is considered possible to manage the drainage of the site in such a way that does not exacerbate the risk of flooding through suitable conditions, protecting both the proposed dwellings and nearby properties from adverse impact in this respect and thereby complying with the relevant policy, as set out in Section 10 of the National Planning Policy Framework. The Environment Agency has approved this approach and recommended Conditions 9-11. When taken in context with the adjacent site, it is likely that the development could afford a marginal benefit to flood risk.

### Impact on highway safety

The site is relatively well connected in terms of public transport availability, with a bus service running from the stop close to All Saints Church at the Southern end of Seagry Road at regular intervals on weekdays, with a reduced service on Saturdays and no service on Sundays. The regular routes run variously between the village and Chippenham, Malmesbury, Seagry, Kington Langley and Great Somerford, with a single return service to Swindon and Castle Combe on Fridays.

The proposed access arrangements are considered adequate in terms of their visibility and the relative levels of pre-existing and anticipated transport movements along Seagry Road. A visibility splay of at least 43m in either direction can be achieved at the site entrance, with the adjoining boundary walls kept to a height of 600mm to preserve this in perpetuity. The area shown as tarmac toward the Eastern end of the site on the layout plan is to be adopted by the local authority, enabling refuse collection, etc, with the shared surfaces to the South and West to remain the responsibility of the developer.

The proposed site arrangement makes adequate provision for parking, in line with countywide standards. Spaces are incorporated to the rear of each of the street-facing properties, with driveways and private garages within the larger plots. Parking areas are to be surfaced in resin-bonded gravel as per the unadopted areas of highway, softening their appearance whilst maintaining highway safety by avoiding any loose surface that could spill onto the access. An additional unallocated visitor parking provision of four spaces is also included in the scheme.

Whilst concerns have been raised in respect of the cumulative impact of the proposed development and that of the neighbouring Faccenda site, it is not considered that the existing road network should be incapable of accommodating the combined additional traffic generated. Unlike this scheme, the Faccenda site's only vehicular access to the village is directly onto the High Street, alleviating pressure on the junction between the High Street and Seagry Road. A 30mph speed limit remains in force throughout the village and any issues of speeding would be a pre-existing problem and not relevant to the determination of the application.

In recognition of the circulation of the site and its relationship to the adjacent Faccenda site, a link footpath has been incorporated at the southwest corner of the site, at the turning head between plots 8 and 9, providing pedestrian access to the adjacent public footpath and anticipated public open space. This measure will further alleviate pressure on the junction with Seagry Road, which does not benefit from a pavement, with a consequent benefit to highway safety.

### S106 contributions

The Council has accepted a reduced level of affordable housing provision on the site, on the basis that the application site and the neighbouring site have the combined capacity to accommodate the immediate local affordable housing need. This equates to a level of on-site provision of 6no. affordable units, equivalent to a 30% allocation. No off-site contribution is sought in respect of affordable housing in addition to this provision.

Other off-site contributions have been calculated on the basis of the Council's general approach and consistent with Core Policy C2 of the adopted Local Plan (Community Infrastructure Core Policy). Public open space and leisure provision are calculated as a proportion of the number and size of the units, with a cost multiplier applied and local sites targeted to accommodate the immediate demand of the development. Education contributions have been sought as a standard cost multiplier in respect of all 15 units of open market housing. This makes provision for four secondary places at the local secondary school, Hardenhuish, which is consistently at capacity, whilst generating a requirement for five places at the local primary school, Sutton Benger, less the single available space on the current roll.

These contributions are summarised in the following schedule:

Area	Contribution (£)	Target
Education	£140,185	5no. primary places and 4no. secondary places
Public Open Space	£111,111	0.126Ha off-site provision (target site TBC)
Leisure	£10,731	Sports hall, artificial turf pitch

These heads of terms form the basis of the draft Section 106 Agreement and have the agreement of the applicant to pursue if the application is successful.

## **9. Conclusion**

The proposed development addresses all relevant policy considerations and meets an acceptable standard of S106 provision that meets the immediate needs of the village. The design and layout reflects the flooding limitations of the site and achieves the best balance of pragmatism and visual quality. Access, drainage and ecological measures are considered adequate and can be addressed fully through suitable conditions. The scheme is of a good quality overall and as such, the proposed development is considered acceptable in planning terms.

## 10. Recommendations

### N/13/00011/FUL

Planning Permission be delegated to the Area Development Manager to be GRANTED, subject to completion of the Section 106 Agreement for the following reason:

The proposed development, by reason of its siting, layout, access, design and materials, will not harm the character or appearance of the site or its setting in a Conservation Area. The proposed drainage and ecological mitigation measures are adequate, as is the level of S106 provision. As such, the proposal accords with Policies C3, NE11, HE1, H3, H6 and CF3 of the adopted North Wiltshire Local Plan 2011 and Sections 7, 10, 11 and 12 of the National Planning Policy Framework.

Subject to the following conditions:

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

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

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

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

- 3 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 buildings 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.

- 4 No part of the development hereby permitted shall be first brought into use until the access (road width at entrance to site 5.5m width), and layout have been completed in accordance with details shown on the approved plans ITB6118-GA-006 'Proposed site arrangements'. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 5 No part of the development hereby permitted shall be first brought into use and parking spaces have been completed in accordance with the details shown on the approved plans (drawing ITB6118-GA-010 titled 'proposed parking arrangement' and parking schedule included in Table 1 of the Technical Note – Post Application Matters). The areas shall be maintained for those purposes at all times thereafter.

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

- 6 No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility as detailed on drawing ITB6118GA-009 'Proposed Site Access Arrangements'. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 7 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. In line with (Drawing 'Service Margin Provision' numbered ITB6118-GA-12 Rev B).

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

- 8 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 buildings or structures, or wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area and mitigate against flood risk.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order with or without modification, no extensions, fencing, walls, outbuildings, sheds, greenhouses or any other type of building shall be erected, no orchards or other extensive planting, and no raising of ground levels, shall be permitted within Flood Zone 3, as delineated on the Flood Map in Appendix D and the Site Layout Plan in Appendix E of the Flood Risk Assessment.

REASON: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of overland flood flows and/or reduction of flood storage capacity and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions.

- 10 No materials, including spoil arising from the excavation of the conservation ponds, shall be deposited (either permanently or temporarily) within Flood Zone 3 as delineated on the Flood Map in Appendix D and the Site Layout Plan in Appendix E of the Flood Risk Assessment during the course of development.

REASON: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

- 11 No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of how the scheme shall be maintained and managed after completion. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

- 12 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.

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

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

- 14 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 shall 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.

- 15 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:

- (i) Full details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls / walls, service routes, surface water outfall, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture, including timetable for provision of such works unless an alternative timetable is agreed in the approved details;
- (ii) Submission of a Landscape and Ecological Management Plan, to include details of pre and post-construction measures together with monitoring details; and

- (iii) Full details and samples of all external materials.

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

REASON: In the interests of the character, appearance, amenity and highway safety of the area.

- 16 Notwithstanding the approved drawings, the development hereby permitted shall not be first occupied until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) Full details of the improvements to Public Footpath 8 (including specification details and in line with drawing titled 'Indicative Footpath 8 Improvements' numbered ITB6118-GA008); and
- (ii) Full details of the Seagry Road traffic calming measures including specification details (in line with drawing titled 'Potential gateway feature and visual narrowing on Seagry Road' numbered ITB6118-GA-007 Rev A).

The 10<sup>th</sup> (tenth) dwelling shall not be first occupied until the Seagry Road traffic calming measures have been provided in accordance with the approved details;

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.

- 17 Finished floor levels shall be set no lower than 55.305 metres above Ordnance Datum.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

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

- (iv) the parking of vehicles of site operatives and visitors;
- (v) loading and unloading of plant and materials;
- (vi) storage of plant and materials used in constructing the development;
- (vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (viii) wheel washing facilities;
- (ix) measures to control the emission of dust and dirt during construction;
- (x) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- (xi) measures for the protection of the natural environment.
- (xii) hours of construction, including deliveries; and
- (xiii) demolition works and disposal of demolition materials

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.

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

121207-HF-TPP rev A-AM - Tree Protection Plan

Received 21 December 2012

1117.11 A - House Type 'B': Plot nos. 15, 16, 17, 20 & 21  
1117.12 A - House Type 'C1': Plot nos. 1 & 9  
1117.13 A - House Type 'C2': Plot nos. 2 & 3  
1117.14 A - House Type 'E': Plot nos. 8 & 13  
1117.15 A - House Type 'F1': Plot no. 19  
1117.16 A - House Type 'F2': Plot no. 14  
1117.18 A - House Type 'G2': Plot no. 12  
1117.19 A - House Type 'D': Plot nos. 4, 5, 10 & 11  
1117.20 A - Garages to Plot nos. 13, 14 & 19

Received 11 February 2013

MWA 1117.22 - Garden Stores: Typical Design

Received 27 February 2013

274/P4 rev B - Landscape Strategy

Received 11 March 2013

1117.10 B - House Type 'A': Plot nos. 6 & 7  
1117.17 B - House Type 'G1': Plot no. 18

Received 19 March 2013

1117.06 H - Proposed Site Plan  
1117.21 C - Proposed Site Plan

Received 15 May 2013

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

## **INFORMATIVES:**

- 1 Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 2 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.  
  
If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.
- 3 There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.
- 4 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent (Flood Defence Consent) of the Environment Agency is required for any

proposed works (permanent or temporary) or structures (including any surface water drainage outfall) in, under, over or within 8 metres of the top of the bank of the Sutton Benger Brook, designated a 'main' river. The need for this consent is over and above the need for planning consent. The applicant is advised to contact Daniel Griffin on 01258 483421 to discuss the scope of the Environment Agency's controls.

## **N/13/00012/CAC**

Conservation Area Consent be GRANTED, for the following reason:

The proposed development, by virtue of the extent, type and quality of buildings to be demolished and prospect of a suitable replacement, will not harm the character or appearance of the Conservation Area or its setting. As such, the proposal accords with Policies C3 and HE2 of the adopted North Wiltshire Local Plan 2011 and Section 12 of the National Planning Policy Framework.

And subject to the following conditions:

- 1 The works for which Conservation Area 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 No building operations shall commence on site until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

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

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

- (xiv) the parking of vehicles of site operatives and visitors;
- (xv) loading and unloading of plant and materials;
- (xvi) storage of plant and materials used in constructing the development;
- (xvii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (xviii) wheel washing facilities;
- (xix) measures to control the emission of dust and dirt during construction;
- (xx) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- (xxi) measures for the protection of the natural environment.
- (xxii) hours of construction, including deliveries; and
- (xxiii) demolition works and disposal of demolition materials

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.



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

Red Line Plan

Received 21 December 2012

1117.21 C - Proposed Site Plan

Received 15 May 2013

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





**Promap**

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Land at Seagry Road, Sutton Bengier

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