

Date of Meeting	20 April 2017
Application Number	16/10328/FUL
Site Address	Land at Devizes Marina, Horton Avenue, DEVIZES, SN10 2RH
Proposal	Use of land for the provision of 8 holiday lodges and associated external works
Applicant	Primrose Hill Developments Limited
Town/Parish Council	BISHOPS CANNINGS
Electoral Division	URCHFONT AND THE CANNINGS – Councillor Phillip Whitehead
Grid Ref	402437 162508
Type of application	Full Planning
Case Officer	Morgan Jones

Reason for the application being considered by Committee

In accordance with the Council's 'Scheme of Delegation Specific to Planning', this application is brought to committee at the request of the division member, Councillor Phillip Whitehead, due to concerns in relation to the scale of the development, design, visual impact upon the surrounding area, and environmental or highway impact.

1. Purpose of Report

To assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation to grant planning permission subject to the planning conditions.

2. Report Summary

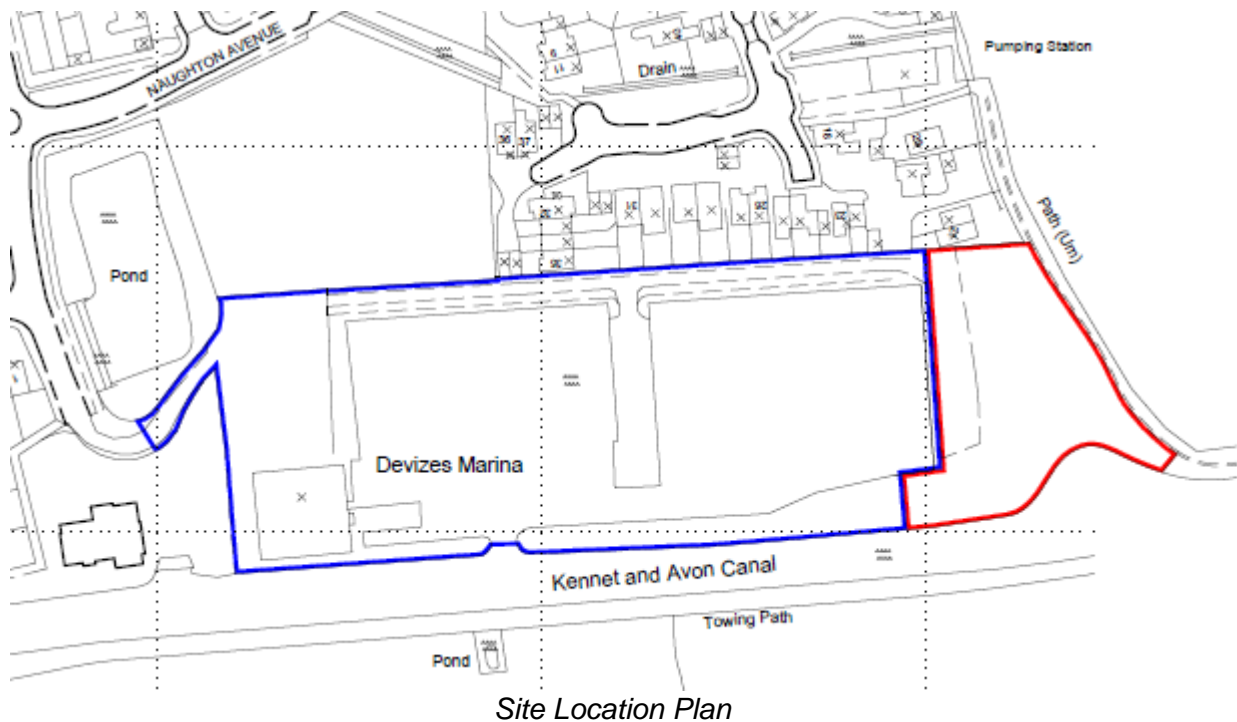
The key issues for consideration are:-

- Principle of development;
- Layout, design, landscaping & visual impact;
- Ecology;
- Impact on heritage assets
- Environmental impacts, flood risk & drainage;
- Impact on highway & pedestrian safety;
- Impact on residential amenity.

3. Site Description

This application relates to a parcel of land at the eastern end of Devizes Marina, which until recently comprised a hardstanding area used for car parking and a 4 metre high earth

mound which was grassed over. It is understood that the earth mound was a spoil heap which was created during the construction of the marina basin. The mound has recently been removed from the site and the ground levelled and prepared for the development which is the subject of this application.



4. Planning History

Full planning permission was granted on the 19th June 2013 (application reference E/2013/0109/FUL) for the 'erection of 6 holiday lodges and associated external works' on the application site. The planning permission was later varied under application reference 13/03441/VAR on the 24th October 2013 to allow for use as holiday accommodation with no restriction on period of occupation.

The Case Officer's report for application E/2013/0109/FUL stated that *"the application, as originally submitted, proposed the construction 8 timber holiday lodges within this area. The existing spoil heap would be removed and the site returned to its original level which corresponds with the adjacent parking area. The scheme has been amended during the course of its consideration, with the red line area revised to relate solely to land within the applicant's ownership. Furthermore, the number of lodges has been reduced from 8 to 6 due to concerns about the cramped layout, the proximity to the canal and the lack of landscaping to mitigate the impact of the scheme"*.

The planning permission included a condition which required the submission of a Construction Method Statement which included details of the works involved to remove the spoil heap. A Construction Method Statement was submitted and approved by the Council along with details of measures to protect the canal during the construction phase.

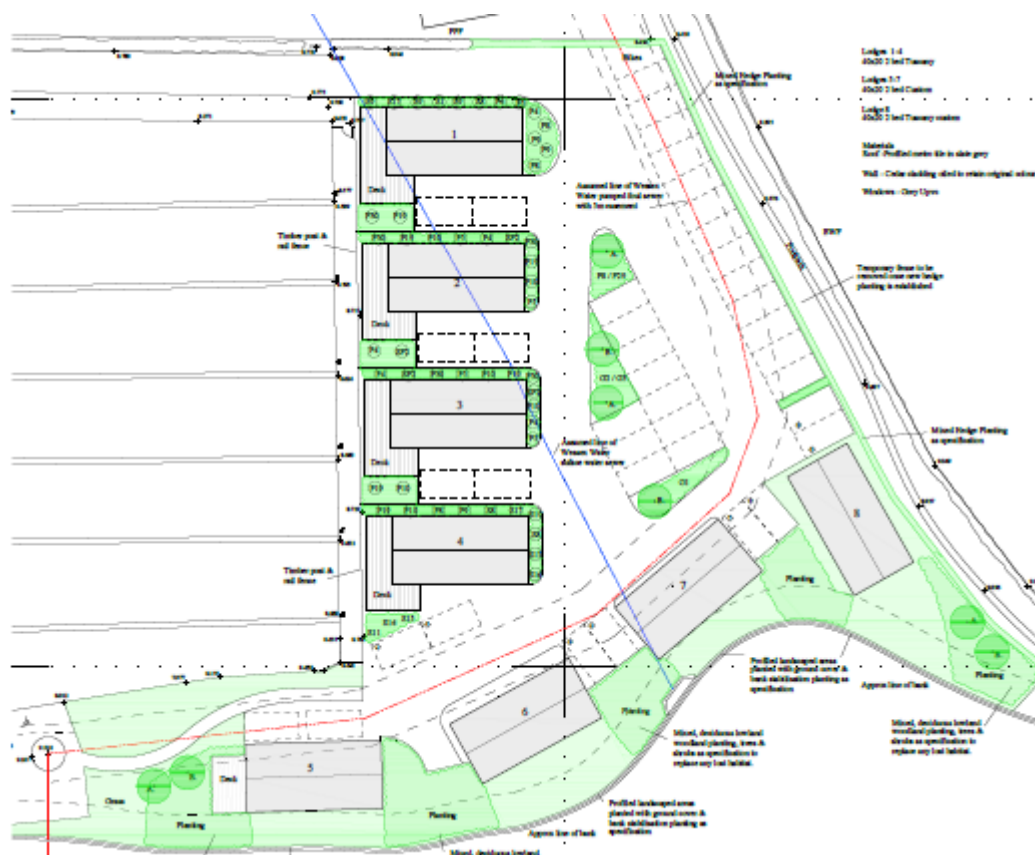
5. The Proposal

The current application seeks full planning permission for a new scheme for the 'use of land for the provision of 8 holiday lodges and associated external works'.

The agent's covering letter explains that "this revised Application is being submitted primarily because of delays associated with establishing the route of the main foul sewer crossing the site. This has necessitated the layout being altered. ...

The proposal is to incorporate 8 holiday lodges (all falling within the definition of a caravan) with 4 directly beyond and adjacent to the Marina at its east-end and another 4 set back from but adjacent to the canal which bounds the site to the south.

The scheme incorporates 2 parking places per lodge and a further 22 parking places in lieu of the existing parking provision at the eastern end of the Marina".



Site Layout

6. Planning Policy

The **National Planning Policy Framework** with particular regard to Chapters 7 'Requiring Good Design', 8 'Promoting Healthy Communities', 11 'Conserving and Enhancing the Natural Environment' and 12: 'Conserving and Enhancing the Historic Environment'.

The adopted **Wiltshire Core Strategy** with particular regard to:

- Core Policy 1: Settlement Strategy;
- Core Policy 2: Delivery Strategy;
- Core Policy 12: Spatial Strategy: Devizes Community Area;
- Core Policy 39: Tourist Development;
- Core Policy 40: Hotels, Bed & Breakfasts, Guest Houses and Conference Facilities;
- Core Policy 51: Landscape;
- Core Policy 57: Ensuring High Quality Design and Place Shaping;
- Core Policy 58: Ensuring the Conservation of the Historic Environment.

Devizes Area Neighbourhood Plan with particular regard to:

- H1 Strategic Policy Intent - Settlement Framework Boundary
- H2 Strategic Policy Intent – Built Environment & Sustainability
- T1 Strategic Policy Intent - Getting Around
- ESD1 Strategic Policy Intent - Environment & Sustainability

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

7. Consultations

Kennet and Avon Canal Trust – No objection

Canal & River Trust – Objected to the original scheme. Observations on the amended scheme that they have been consulted on are awaited.

Wessex Water – No objections, standard advice and guidance provided.

Environment Agency – No objection, subject to conditions.

Natural England – No objection – referred the LPA to their Standing Advice.

Wiltshire Council Highways – No objections.

Wiltshire Council Drainage Engineer - No objection, subject to conditions.

Wiltshire Council Public Protection team – No objection.

Wiltshire Council Ecologist – No objection to the amended scheme subject to conditions.

Bishops Cannings Parish Council – Object to the original and amended schemes for the following reasons:

Density: This proposal is an over-development of the site. There are too many lodges and an over-provision of parking to the extent that the majority of the site will be covered with buildings and hardstanding. This leaves very little provision for soft landscaping.

Landscaping & Environmental: The original habitat survey undertaken for this site assessed it as being important at the Site level because of the grassland, hedgerows, trees and scrub that it supported. A new Habitat Survey was then commissioned which states that the site now has negligible ecological value which is hardly surprising when there is nothing left. Compared to the previous scheme the proposed site layout plan which details the soft landscaping is very poor. There are non-native shrubs, grasses and perennials detailed in very narrow beds around the lodges. Compare this to the larger green areas incorporating trees within the site on the previous plan.

Visual impact: Anybody walking along the canal towpath on the opposite side from this development would have a full view of lodges 5-8. These buildings are parallel to the canal bank and the suggested planting in front of them is low growing and will offer no screening at all.

Larger shrubs are suggested for the canal bank in front of the car parking spaces, but there is no guarantee that these will be allowed to grow to a height that will effectively offer any

real screening

In conclusion, the Parish Council would like to see this application rejected. The site is in a sensitive location right next to the Kennet and Avon Canal which is a local nature reserve and on the edge of the countryside. Planning policy dictates that where development is deemed acceptable on the periphery of the countryside then a strong landscape buffer is required. The previous application (as amended) is far more suitable and we would be like to see that one re-instated over this one if permission is to be granted at all.

Wiltshire Fire & Rescue Service – Standard advice and guidance provided in order to improve the health and safety of the development.

8. Publicity

The application has been publicised via a site notice and letters sent to properties within close proximity of the site. As a result of the publicity 1 letter has been received from the residents of no.21 Hopgood Close with no objection to the principle of the development but seeking clarification in relation to the boundary treatment along the shared boundary with their property to ensure no loss of privacy or loss of amenity through light pollution.

9. Planning Considerations

9.1 Principle of Development

The relevant adopted local development plan document is the Wiltshire Core Strategy (WCS) (adopted January 2015). Core Policies 39 'Tourist Development' and 40 'Hotels, B&B, Guest Houses and Conference Facilities' of the WCS outline that proposals for tourist development of an appropriate scale, including attractions and tourist accommodation, will be supported within the Principal Settlements and Market Towns. Core Policy 12 'Spatial Strategy: Devizes Community Area' identifies Devizes as a Market Town as such the principle of tourist development is acceptable in principle at the site. Furthermore, planning permission has previously been granted for a similar scheme at the site.

Core Policy 12 'Spatial Strategy: Devizes Community Area' highlights that one of the specific issues to be addressed in planning for the Devizes Community Area include the need for new development associated with the Kennet and Avon Canal to protect and enhance its wildlife value, landscape setting and recreational use. The purpose of the proposed development is to provide holiday accommodation next to the canal and Devizes Marina which will complement its recreational use. A suitable layout and design is however important to ensure the landscape setting of the canal and wildlife value is protected.

9.2 Layout, Density and Landscape & Visual Impact

Core Policy 51 'Landscape' of the WCS outlines that development should protect, conserve and where possible enhance landscape character and Core Policy 57 seeks to ensure a high quality design. The proposed holiday lodges have been designed to fall within the definition of a 'caravan' and will therefore not be classed as buildings (the lodges will rest on blinded slabs). However, they will be finished with timber to ensure they are of a suitable appearance. In terms of layout, four holiday lodges will be positioned adjacent to the east side of the marina and four lodges next to the northern bank of the canal. The proposed layout is dictated by the presence of a Wessex Water foul sewer that crosses the site.

The Canal & River Trust and Officers of the Council originally raised concerns with the proximity of the lodges to the canal. The Canal & River Trust objected to the proposal

because it was felt that the proximity of the holiday lodges to the Canal would result in harm to its character and appearance. It was recommended that the holiday lodges should be sited further away from the edge of the canal and there should be more extensive landscaping with a continuous buffer strip along the canal edge. The Canal & River Trust also raised concerns with the impact of the proposal on biodiversity, land stability, land ownership and the works carried out to date.

In light of the above, and following a site meeting with the applicant and the Canal & River Trust a revised scheme has been submitted for consideration. The key changes relate to the repositioning of lodges 5 – 8 back from the canal bank and further from the eastern boundary. A 3m wide landscape/ecology buffer has been provided along the edge of the canal (measured from the top of the bank backwards). The revised scheme is also supported by detailed planting specifications around the holiday lodges with additional detail for bank planting, shrub planting, tree planting and new hedge planting. The applicant also served notice on the Canal & River Trust to address their queries in relation to land ownership.

The revised scheme is an improvement on the original. However the buffer strip cannot be any wider due to the presence of the Wessex Water foul sewer and the applicant does not wish to reduce the number of lodges. The landscaping along the edge of the canal will help soften the development and in light of the immediate context of the site, on balance, a refusal on the impact of the proposal on the character of the landscape is not considered to be justified. The development will be seen alongside the marina and associated buildings and The Hourglass Public House, along with the Lay Wood residential development next to the east side of the site.

9.3 Ecology

Core Policy 50 'Biodiversity & Geodiversity' of the WCS outlines that all development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Furthermore, the policy specifies that all development should seek opportunities to enhance biodiversity.

There are no statutory designated sites located either within or immediately adjacent to the application site, however the Kennet & Avon Canal which runs immediately adjacent to the southern boundary of the site carries the non-statutory designation of County Wildlife Site (CWS) for its UK BAP Priority Habitat of open water.

The application is supported by an Extended Phase 1 Habitat Survey by Seasons Ecology. The Council's Ecologist indicated that it is regrettable that the survey was not conducted prior to the site being cleared as there is now no record of the most recent ecology of the site prior to that clearance, to indicate appropriate mitigation and enhancement measures. However, aerial photography (2014) indicates that until recently cleared, the site supported an area of rough grassland and scrub, surrounded by a dense hedgerow to the eastern boundary and a hedgerow with mature trees to the western boundary. Furthermore, the Council's Ecologist highlighted that the proposal does not include any mitigation or enhancement for biodiversity within the development.

In light of the above the Council's Ecologist objected to the proposal as originally submitted as it did not incorporate any features for biodiversity and because the units are laid out in such a way which would result in barriers to commuting and foraging wildlife species both throughout and around the site.

The site has recently been cleared therefore there is only scope for habitat enhancement. The revised scheme incorporates a 3m wide landscape/ecology buffer along the edge of the canal and includes a detailed planting scheme. A wider buffer strip and further habitat enhancement is desirable; however the site was formerly used as a car park and accommodates a spoil heap. The removal of the vegetation along the edge of the canal has been the key area of biodiversity that has been lost, however the revised proposal seek to re-introduce a suitable area for wildlife.

The Council's Ecologist is pleased that a landscape/ecology buffer has now been provided along the bank of the canal. It is also recognised that the parking spaces for units 5-8 have been pulled further back from the canal as shown on a further amended plan. The Ecologist noted that "the revised layout plan 13113-3D addresses most of my remaining concerns in that it now proposes a substantial belt of vegetation along the canal side which will replace that lost from the bank of the watercourse. This area is included in the County Wildlife Site non-statutory designation carried by the Kennet & Avon Canal for its main habitat of open water, so replacement of suitable lowland deciduous woodland planting in this area will help the application meet the requirements of NPPF and Wiltshire Core Policy 50. The aim for this habitat should be to allow it to reach maturity without excessive cutting, although it is acknowledged that management will be required to ensure that the integrity of the canal bank is not compromised. In order to address this, it will be necessary to include a condition relating to management". The Council's Ecologist is therefore now in support of the proposal subject to the aforementioned condition to ensure continued integrity of the landscape features, along with conditions to require a lighting plan and an ecological construction method statement. These are considered necessary to ensure no light spill in order to allow for the canal and associated habitats to continue to function for biodiversity and to ensure no pollution of the canal during the construction phase. This is important as the scheme will require the removal of some of the tarmac recently laid next to the canal bank.

The concern of the Parish Council in relation to the loss of important habitat is understood and this view has been supported by the Council's Ecologist and the Canal & River Trust. However, the scheme has been amended to provide a landscape / ecology buffer along the canal bank and further landscaping within and along the eastern boundary of the site. It is recognised that the proposal will result in the development of the majority of the site with holiday lodges and car parking and further landscaping and biodiversity enhancement measures are desirable and have been requested. However, it is considered that due to the level of planting and habitat proposed within the revised scheme a refusal of planning permission is not considered to be justified on ecological grounds.

9.5 Impact on Heritage Assets

Core Policy 58 'Ensuring the Conservation of the Historic Environment' of the WCS seeks to ensure that developments protect, conserve and where possible enhance the historic environment. The application site does not lie within a Conservation Area but adjoins the Kennet & Avon Canal which is a non-designated heritage asset. As such, the proposal needs to comply with paragraph 135 of the NPPF which states:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the signification of the heritage asset.

The proposed development will sit on the edge of the canal bank, however as noted above the proposal will not have an unacceptable impact on landscape character. The proposal is designed to complement the recreational use of the canal and will not appear out of place on

the edge of the canal. As such, it is not considered that the proposal will harm the setting of the non-designated heritage asset.

9.6 Environmental Impacts & Drainage

Core Policy 67 'Flood Risk' of the WCS outlines that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable. The Council's Drainage Engineer has no objection to the principle of the development but recommended that full details of a surface water and foul drainage scheme be submitted under condition as very little information has been submitted as part of the application. It is unclear how the tarmac surface will be drained therefore a condition is necessary to ensure surface water does not flow freely into the canal.

Wessex Water provided a formal response stating that the proposed lodges are sited above an existing 450mm dia surface water sewer and that building over a critical sewer will not normally be permitted and that the applicant should discuss the need to divert this sewer with Wessex Water. The applicant discussed and agreed the position of the holiday lodges with Wessex Water prior to the submission of the revised scheme.

The Council's Environmental Health Officer has no objection to the proposed development. The Environment Agency also has no objection to the proposal.

9.7 Impact on Highway & Pedestrian Safety

Core Policies 60 'Sustainable Transport' and 61 'Transport and New Development' of the WCS seek to ensure that new developments are located within sustainable locations are capable of being served by safe access to the highway network.

The existing access arrangements to the marina will be used to serve the proposal. The existing parking area which accommodates approximately 16 spaces will be lost due to the siting of lodges 1 – 4, however these spaces will be relocated to the east of the site (23 spaces are shown on the revised site plan) and two parking spaces will serve each lodge (39 spaces in total). The concerns of the Parish Council in relation to overprovision of parking is noted, however the Council's Transportation department provided no objections to the proposal.

The NPPF advises that development proposals should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Council's Transportation department is satisfied that the development will not have a severe impact on highway safety.

The public footpath abutting the east of the site is BCAN43 and has a recorded width of 4 metres. This should remain unobstructed and the full width should be available for the public to pass and re pass. The Council's Rights of Way & Countryside team believe that the fence and hedge recently installed along the eastern boundary of the site encroaches onto the footpath. The planting of a hedge along the eastern boundary of the site forms part of this current proposal, however the fence is not included within the application. The most recent site plan however shows that some areas of the hedge will have to be replanted to ensure no encroachment and a note has been added to say the fence is temporary and will be removed once the new hedge matures. The Rights of Way & Countryside team have requested that the fence be removed as it is not of a temporary construction and would need to be in place for a number of years for the hedge to mature. An informative will be added to the decision notice should planning permission be granted to advise the applicant to resolve this issue with the Rights of Way & Countryside team.

9.8 Impact on Residential Amenity

Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the WCS which lays down the requirement for good design. The policy requires developments to have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

The residents of .21 Hopgood Close have asked for clarification in relation to the boundary treatment along the shared boundary with their property to ensure no loss of privacy or loss of amenity through light pollution. The applicant has clarified that the existing boundary fence will remain and the lighting will be minimal i.e. a single downlighter to the external doors to prevent light spill/disturbance of wildlife. Full details of lighting will be secured via condition.

The lodges will be positioned on site therefore there will be minimal disturbance to residential amenity during the construction phase.

The lodges will be placed 6m away from each other in order to comply with the required minimum separation distances. This is another reason for an amendment to the permitted scheme as the separation distances were not met.

In light of the above, it is considered that the scheme will not have a significant adverse impact on the residential amenity of any neighbouring properties.

10. Conclusion

The proposal will result in the siting of eight holiday lodges next to the Kennet & Avon Canal at Devizes Marina. The holiday accommodation will complement the recreational use of the canal and will not have a significant impact on the character of the landscape due to the context of the site. The site has recently been cleared however the proposal includes a landscape/ecology buffer strip and a detailed planting scheme which will restore habitat at the site.

Whilst the concerns of the Parish Council and the Canal & River Trust have been carefully considered, the scheme is considered to be in accordance with both national and local planning policy and with suitably worded conditions; it is recommended that planning permission be granted.

RECOMMENDATION

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

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

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

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

Drawing no.13113-1 - Location Plan;
Drawing no.13113-2 - Existing Site Plan;
Drawing no.13113-3 Rev D - Proposed Site Layout Plan;
Drawing ref.40'x20' Tuscany - 2 Bed;
Drawing ref.40'x20' Custom - 2 Bed;
Drawing ref.40'x20' Tuscany Side Aspect - 2 Bed;
Document: Planning Application form dated 20.10.16.

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

- 3 Notwithstanding Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification), the accommodation hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation including as a person's sole or main place of residence. An up to date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.

REASON: This site is 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 permanent residential accommodation.

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

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

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

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

- 6 No development shall commence on site until an Ecological and Landscape Management Plan (ELMP) has been submitted to and approved in writing by the Local Planning Authority. The ELMP will cover management of all ecological and landscape features within the site, including responsibility for maintenance and mechanism for changes to the plan should these be necessary to ensure continued integrity of the landscape features. The ELMP shall be implemented in full in accordance with the

approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 7 No part of the development hereby permitted shall be brought into use or 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.

- 8 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 development shall not be first brought into use or occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 9 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 lodge shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure 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.

- 10 No development shall commence on site until details of the proposed ground floor levels of the lodges have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

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

- 11 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in

writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 12 No development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Identification of 'biodiversity protection zones'
- b) Practical measures (both physical measures and sensitive working practices) to avoid harm to biodiversity features (may be provided as a set of method statements)
- b) The location and timing of sensitive works to avoid harm to biodiversity features
- d) Responsible persons and lines of communication
- e) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- f) Use of protective fences, exclusion barriers and warning signs.
- g) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 13 **INFORMATIVE TO APPLICANT:**
The attention of the applicant is drawn to the contents of the letter from the Dorset and Wiltshire Fire & Rescue Service, dated 16.11.16, which can be viewed on the Council's website at www.wiltshire.gov.uk

- 14 **INFORMATIVE TO APPLICANT:**
The attention of the applicant is drawn to the contents of the consultation response received from Wessex Water, dated 13.12.16, which can be viewed on the Council's website at www.wiltshire.gov.uk

- 15 **INFORMATIVE TO APPLICANT:**
The Environment Agency recommends that the development incorporates water and energy efficiency measures to reduce the water and energy consumption of the development hereby approved.

- 16 **INFORMATIVE TO APPLICANT:**
The applicant is advised to contact the Canal and River Trust in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works Affecting the Canal & River Trust.

- 17 **INFORMATIVE TO APPLICANT:**
The Environment Agency recommends that safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such

safeguards should cover:

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

18 **INFORMATIVE TO APPLICANT:**

The Council's Rights of Way & Countryside team advise that the public footpath abutting the east of the site is BCAN43 and has a recorded width of 4 metres. This should remain unobstructed and the full width should be available for the public to pass and re pass. The temporary fence is encroaching onto the footpath. Obstruction of the highway is an offence at common law as a form of public nuisance and also a crime by statute under Section 137 of the Highways Act 1980. The public are entitled to free passage along any highway and any building, fence, structure or deposited materials on the highway will be judged to be an obstruction in law. The Highway Authority is empowered to serve notice for the removal of obstructions and where not complied with the offence becomes a continuing offence liable to higher penalties. A court has the power to order the removal of an obstruction and failure to comply is punishable by a fine up to £5,000 with further failures to comply punishable by fines of up to £250 per day. If the Highway Authority removes the obstruction itself it has powers to recover costs from the offender.

It is recommended that the applicant contacts the Council's Senior Rights Of Way Warden (West), Mr Paul Millard, on 01225 712821 to discuss and resolve the above issue.