

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	11 August 2010		
Application Number	N/10/01533/OUT		
Site Address	Bowds Farm, Bowds Lane, Lyneham, Chippenham, Wiltshire, SN15 4DT		
Proposal	Construction of Road Bridge, New Road Embankments and Alignments, Excavation and Repair of Lock Chamber, Removal and Replacement of Hedgerow and Landscaping		
Applicant	Bowds Farm Partnership		
Town/Parish Council	Brinkworth		
Electoral Division	Brinkworth	Unitary Member	Toby Sturgis
Grid Ref	401790 180853		
Type of application	Outline Application		
Case Officer	Christine Moorfield	01249 706686	christine.moorfield@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called in by Councillor Toby Sturgis so that members may consider constraints on phasing.

1. Proposal

This is an outline planning application for the construction of a road bridge, new road embankments and alignments, excavation and repair of lock chamber, removal and replacement of hedgerow and landscaping.

2. Consultations

Environmental Health Officer- No adverse comments

Environment Agency- No objection subject to three informatives in respect of flood defence consent, flood risk and pollution prevention during construction

Parish Council- Support

Archaeology- No comments to make

Landscape Officer- No comments as hedgerow removal notice dealt with under separate application

Ecology Officer- No objection

Drainage officer- No objection

Highways officer- No Objection. Applicant will be expected to enter into a separate legal agreement under the Highways Act to ensure highway works undertaken meet necessary standards.

3. Policies

C3, TM4, NE15 of the adopted North Wiltshire Local Plan 2011

4. Publicity

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

13 letters of support have been received.

11 letters of objection have been received.

Summary of key relevant points raised:

- Loss of trees and habitats over some years has already taken place.
- 20 years of disturbance as the site appears like a building site.
- Water supply where will it come from?
- Long term management of the scheme.
- Management of the construction and completion of the scheme.
- Engineering brick is out of character with locality.
- Concerns in respect of the financing and the implementation of any approved scheme to a high standard
- Will access be allowed by adjacent landowners for a 'leisure facility which is the long time aspiration on this site?
- Wildlife/flora study needs to be updated.
- Access disruption and road incapable of dealing with the associated traffic.
- Volunteers likely to work at weekend thereby causing disruption to neighbours.
- Concerns in respect of the overseeing of works effecting the highway.
- Geology may require piling of foundations.
- Poor details provided in respect of the road/bridge construction.
- This proposal will do away with the historic line of the canal.
- The works carried out in this location are so far are an eyesore.

5. Planning Considerations

Principle of development

The principle of the works to this lock to enable it to be useable again, the realigning of the road and the construction of a new bridge, are all works that are considered acceptable. The intention of restoring the Wilts & Berks / Thames and Severn canals is defined in the adopted Local Plan and is covered by Policy TM2. This policy seeks to protect the alignments and support schemes of restoration.

This is an outline planning application to establish whether or not a proposal is likely to be approved by the planning authority, before any substantial costs are incurred. This type of planning application allows fewer details about the proposal to be submitted. Details may be agreed following a "reserved matters" application at a later stage.

Reserved matters can include:

1 appearance - aspects of a building or place which affect the way it looks, including the exterior of the development

2 means of access - covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site

3 landscaping - the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen

4 layout - includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development

5 scale - includes information on the size of the development, including the height, width and length of each proposed building

While some applications are straightforward and a decision can be made by the planning authority without detailed information, other proposals may need more information to be provided. Should outline planning permission be granted, a 'reserved matters' application must be made within three years of the consent (or a lesser period if specified by a condition on the original outline approval). The details of the application must be in accord with the outline approval, including any conditions attached to the permission.

This application seeks approval for access layout and scale. Other matters such as landscaping and appearance will be considered at the detailed stage.

In the context of this outline application, the proposal must therefore be seen as being in accordance with policy TM4, which seeks to support in principle proposals that protect the alignment of the Wilts and Berks/ Thames and Severn canals.

The canals are seen to be protected to allow for their preservation as an amenity and recreational feature. This proposal represents a step towards this goal.

Because this is an outline application and therefore some of the detailing of this proposal are not for consideration at this stage. However the appearance of the finished restoration can be considered during the detailed stage through the careful use of appropriate materials landscaping and design of the various elements of this scheme.

Policy NE15 (applicable to all proposed development in the countryside) and policy C3 (general development control policy applicable to all proposals for development) both seek to ensure that schemes for development respect the local character and distinctiveness of the natural environment. Any future Reserved Matters application would be subject to these policies.

Means of access -highways

The scheme has been discussed at length with Wiltshire Highways prior to the application being submitted. The Highway Engineer accepts the application as a request for approval in principal. Permission will allow the applicant to proceed with the request for a Section 274 licence to be able to fully stop up both the existing highway and affected length of footpath, which runs close to the south of the site.

The Highways officer has commented that the applicant will be expected to enter into a Section 278 agreement with Wiltshire Council to ensure that all works meet the necessary standards of design and construction as well as allowing all construction to be fully monitored . At agreement stage a '**prior to any construction work commencing on site**' will need to be seen along with full details of all structures (including calculations) of both the new carriage way and bridge/retention works and full details of road and foot way diversions. Safety audits will also be necessary to fully assess the effects on both road users and foot traffic. It is appropriate to make it clear to the applicant at this stage that there will be a certain amount of costs (for e.g. legal costs,

costs for structural technical checks etc) in relating to the process though we as the Council will be trying to keep these to a minimum, certain standards and legal requirements will have to be met. This matter should be attached as an informative.

The Highways officer has commented that both the Council's Rights Of Way team and Structures Team will have a pro active interest in the development and will need to be involved at all stages of the agreement.

The proposal is to build a new section of road alongside the present alignment. The trust confirm that a representative of a Crane Hire company has already visited the site to view the constraints, and has confirmed that a crane of adequate capacity to lift and place the culvert sections can be brought to site. The volumes of material necessary to form the embankments, and the culvert sections, will be delivered to site using vehicles of appropriate size for Bowds Lane. We note that Bowds Lane was used, some years ago, to move large volumes of material to strengthen the railway embankment.

The long-term management of the re-aligned road, and the new bridge, is proposed to be the responsibility of the local Highways Authority. This point is made in section 2.1.5 of the Design and Access Statement.

The scheme is located near to a footpath which runs along the south side of the canal but not adjacent to it, on joining the road the footpath turns due south, adjacent to the road. It is not considered that the proposal will have an impact on the nearby footpath.

The scheme therefore is considered appropriate and in line with the requirements within policy C3 in respect of provision of acceptable means of access.

Layout and scale of the proposal

The scheme layout as shown centres around the realignment of the road. This realignment has required the removal of a line of hedging which at present runs along the eastern boundary of the field to the north of the existing bridge and lock. This hedge was the subject of a hedgerow retention notice. No hedgerow retention notice was placed on the hedge as the replacement hedge was considered to be of an improved quality to the existing, a notice to this effect was issued on the 3/06/10. Application no. HRN 10/01532.

Details in respect of the construction of the new lock and associated works will be dealt with in relation to the reserved matters. Conditions in respect of those matters should be attached to any Reserved Matters consent, if granted.

It will also be necessary for an electricity line to be relocated. This is a matter between the developer and the electricity suppliers.

The layout of the proposal and the location of the new road and bridge are considered appropriate as part of this scheme to restore this lock.

Subject to conditions in respect of landscaping and design detailing the proposal is considered acceptable and in keeping with the requirements of policies NE15 and C3. It is not considered that the scheme should detract from the character and appearance of the locality and the restoration of the canal will contribute positively to the reinstatement of canals in the district in line with policy TM4.

Other issues raised by interested parties

Management of the proposal during the construction stage and after construction.

The Trust have confirmed that the management of the construction stages of the scheme will reflect the complexities of the tasks in progress. There will be a professional CDM co-ordinator

appointed, under sub-contract to the Canal Trust. The management of the site while the concrete culvert sections are being placed by a mobile crane is to be undertaken by specialist contractors. Other specialist professional input and supervision will be arranged as necessary. It is intended that the road and bridge will be adopted, on completion, by Wiltshire Council Highways so we expect their staff to make inspection visits as work progresses.

The management of the canal towpath and lock side on completion of the project will be, as for other adjacent restored sections of the canal, the responsibility of the Canal Trust.

Funding of the scheme

It will be the responsibility of the Canal Trust to source the funding necessary for the scheme to be implemented. Organisations who award funds to charities for such projects generally require that planning consent be in place before applications for grants are submitted. Submission of the present application must therefore precede major project-specific fund raising. The applicant has confirmed an intention to move the project forward in a several stages, and not to commence a stage until the necessary funds are in place for that stage. It is understood that support has been received from NPower, who have offered to supply and supply and deliver the material, at significantly reduced charge, to form the embankments.

Drainage

Concerns have been expressed into the water supply to the proposal. The present proposal does not include the re watering of any part of the canal.

A water resources report for the whole of the Wilts & Berks Canal was commissioned. Consultants Grontmij delivered the report in 2007 and it is a public document downloadable from the Partnership web site.

In the summary of the report (Sec 9) Grontmij concluded :

'While a number of uncertainties exist, which the W&BCT will need to address before an optimal water resource strategy can be established, this report can conclude that a viable water resource strategy exists in principle.'

The report went on to recommend a 4 stage further appraisal by the project which is currently being considered as part of the restoration process:

1. The viability of the canal under low loss conditions:

Consideration of canal lining where possible to reduce bed losses. Installation of back pumping system (intended for all locks)

2. The viability of existing storage:

In this location particularly to consider the use of the adjacent Tockenham Reservoir(subject to permission from the current owners)

3. The viability of the canal is dependent on providing new storage:

Not relevant at this location

4. The need to assess groundwater and other sources:

From observation there is a viable source of ground water available at seven locks which currently has to be diverted around the locks

In the light of this report therefore, it is not considered that supply of water should be an issue in relation to this scheme. However, it is recognised that the detailed construction bog the canal will need to be considered at the relevant stage of the development process.

Wildlife and Vegetation

Concerns have been received in respect of works that have been carried out in respect of trees near the site and adjacent to the proposal. The Trust have confirmed that they have done some overdue pollarding of trees in the vicinity - this they state has been done in the interests of the good health of the trees concerned. An unsafe ash tree has been removed in recent months in the interests of safety for people walking the towpath west of Bowds Lane. The Design and Access Statement refers to the diseased oak tree which is proposed to be remove to enable the re-alignment of the road to the geometrical constraints set by Wiltshire Highways. The application includes the provision of approximately 200m of additional hedgerow habitat. The Trust consider the proposal forms part of the greater project to restore the complete canal which will result in improved wildlife habitat - supporting wetland species in the canal pounds, supporting amphibious species on the offside margins, and supporting relevant species of birds in properly-managed towpath hedgerows.

The Phase One Habitat report was produced in recent months. It is considered acceptable for further inspections for relevant species to be performed as work proceeds, this has been confirmed by the applicant in the phase one habitat report and the associated Method Statement. Both documents are part of the application as submitted.

6. Conclusion

This is considered an acceptable outline planning proposal in terms of the access arrangements layout and scale of the proposal. The scheme represents the first stage in securing the restoration of this section of the canal and is therefore in line with policy TM4 of the local plan 2011. Subject to conditions in respect of the detailing of the scheme the proposal is in line with policies C3 and NE15 of the Local Plan 2011.

7. Recommendation

Planning Permission be GRANTED for the following reason:

This is a satisfactory form of development in principle and in terms of access layout and scale. Therefore it is considered acceptable for outline planning permission to be granted as the proposal complies with policy TM4. The future submission of details in respect of this scheme should be able to ensure that the proposal complies with policies NE15 and C3 of the Local Plan 2011.

Subject to the following conditions:

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

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

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

- (a) The external appearance of the development;
- (b) The landscaping of the site;

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

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

3. No development shall commence on site until details of the materials, sections through the canal at a scale of 1:20, engineering drawings including section details at a scale of 1:50 through the proposed bridge and engineering drawings including details at a scale of 1:50 of the lock gates to be constructed have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY – C3

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

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- (k) retained historic landscape features and proposed restoration, where relevant.

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

POLICY- C3

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

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

POLICY- C3

6. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

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

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

POLICY-C3

7. Prior to the commencement of any development on this site an updated habitat survey complete with recommendations and where necessary mitigating actions, carried out by a suitably qualified person, shall be submitted and approved by the Local Planning Authority. Thereafter any works shall be carried out and retained in accordance with any recommendations and or mitigating action that is suggested by the survey.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

POLICY: Planning Policy Statement 9: Biodiversity and Geological Conservation.

Informatives

1. The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact the district ecologist at Wiltshire Council.

2. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

3. The applicant should note that where permission to remove a hedgerow is given, if the hedgerow is not removed within two years of the date the application was received by the Local Planning Authority a further notice must be submitted for its removal.

4. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

site location plans scale 1:10000 and 1:2500, footpath plan, phase one habitat survey method statement, plan cross section 1:20, road realignment 1:500, photos all date stamped 29/04/10

Appendices:	None
Background Documents Used in the Preparation of this Report:	Adopted North Wiltshire Local Plan 2011

