

AGENDA SUPPLEMENT (1)

Meeting: Northern Area Planning Committee

Place: Council Chamber - Council Offices, Monkton Park, Chippenham, SN15
1ER

Date: Wednesday 18 December 2024

Time: 2.00 pm

The Agenda for the above meeting was published on Tuesday 10 December 2024. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Democratic Services of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line or email committee@wiltshire.gov.uk

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

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

8 **20/11236/OUT: Land to the South West of The Street, Latton, Swindon, SN6 6EH (Pages 3 - 106)**

Please note that the Location Plan and order of Appendices for this application has been amended. As such, please disregard the original Location Plan and list of Appendices within the Agenda Pack and instead refer to this Agenda Supplement.

9 **PL/2023/07797: Land Off Park Road, Malmesbury, Wilts (Pages 107 - 112)**

Please note that the Appendix for this application was added to the documents pertaining to 20/11236/OUT by error. Therefore, please refer to this Agenda Supplement.

DATE OF PUBLICATION: Thursday 12 December 2024

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Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 2 FEBRUARY 2022 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Howard Greenman (Vice-Chairman), Cllr Chuck Berry, Cllr David Bowler, Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Dr Brian Mathew, Cllr Nic Puntis, Cllr Martin Smith, Cllr Elizabeth Threlfall and Cllr Peter Hutton (Substitute)

Also Present:

Cllr Allison Bucknell
Cllr Bob Jones MBE

1 **Apologies**

Apologies for absence were received from Councillor Jacqui Lay, who had arranged for Councillor Peter Hutton to attend the meeting in her absence.

2 **Minutes of the Previous Meeting**

The minutes of the meeting held on 13 October 2021 were presented for consideration, and it was;

Resolved:

To approve and sign as a true and correct record of the minutes of the meeting held on 13 October 2021.

3 **Declarations of Interest**

Councillor Steve Bucknell declared an interest in Item 7g, being the applicant and would therefore leave the room for this item.

4 **Chairman's Announcements**

The Chairman made those in attendance aware of the Covid regulations that were in place for the meeting.

5 **Public Participation**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

6 **Planning Appeals and Updates**

Councillor Gavin Grant moved that the Committee note the contents of the appeals report included within the agenda. It was seconded by Councillor Martin Smith.

Resolved:

To note the Planning Appeals Update Report for 2 February 2021.

7 **Planning Applications**

The Committee considered and determined the following planning applications:

8 **PL/2021/05305 - Former Calne Youth Centre, Priestley Grove, Calne, SN11 8EF**

Senior Planning Officer, Charmian Eyre-Walker, presented a report which outlined the demolition of the former youth centre (D1 Use) and redevelopment to form nine 2- & 3-bedroom dwellings (C3 Use) and associated works.

Details were provided of the site and issues raised by the proposals, including the principle of the application, loss of the facility, highways matters, drainage, archaeology, design, impact on residential amenity, loss of playing field, impact on heritage assets as well as other matters raised.

Attention was also drawn to the late items agenda supplement, which detailed an additional condition to be attached to the Officer's recommendation.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified by the Officer that the semi-detached properties with linked garages would have permitted development rights. It was also clarified that provision of replacement facilities was not part of the application, however there are other facilities for youth clubs in Calne, such as Beversbrook. Additionally, the Officer noted that funds could not be put aside to assist in the provision of a replacement facility as this would be subject to a Section 106 agreement. Further technical questions were clarified by the Officer, including that the attenuation pond within the application had been designed by engineers and that there was not a plan for the inclusion of solar panels.

Members of the public then had the opportunity to present their views to the Committee, however there was no registered speakers.

The Local Unitary Member, Councillor Ian Thorn provided his apologies of his absence.

At the start of the debate a motion to move and accept the officer's recommendation, including the additional and revised conditions, was moved by Councillor Peter Hutton and seconded by Councillor Gavin Grant. Following which, it was,

Resolved:

To approve the application in accordance with the officer recommendation and additional and revise conditions as set out in late items and recommended during the meeting as follows: -

1. The development hereby permitted shall be carried out in accordance with the following Approved plans:0001;RevA;100;120RevD;121RevD;125;26;127;128;129;140;141;145;150RevA received 17th September 2021.

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

2. 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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of 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 enlargements.

4. No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, has been submitted to and agreed in writing by the Local Planning Authority. The Statement shall include the following:

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**
- d) the erection and maintenance of security hoarding including decorative displays and**

- e) facilities for public viewing, where appropriate;
- f) wheel washing facilities;
- g) measures to control the emission of dust and dirt during construction;
- h) a scheme for recycling/disposing of waste resulting from demolition and construction
- i) works; and
- j) measures for the protection of the natural environment.
- k) hours of construction, including deliveries;
- l) pre-condition photo survey has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved
- m) construction method statement without the prior written permission of the Local Planning
- n) Authority.

The construction phase of the development shall be carried out in complete accordance with the agreed 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. The developer/applicant will be expected to enter into a S38 Agreement with the Highway Authority before commencement of works hereby approved.

5. The development shall be carried out in accordance with the Updated Hydraulic Model & Drainage – Acl610-20053 / 5th November 2021 and the Surface Water Drainage Strategy contained within it.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

6. No development shall commence within the area indicated by application PL/2021/05305 until:

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

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

7. The development shall be carried out as specified in the approved Pre-development Arboricultural Report on Trees prepared by Sharples Tree Services dated 19th January 2021 and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works.

8. 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) location and current canopy spread of all existing trees and hedgerows on the land;**
- b) full details of any to be retained, together with measures for their protection in the course of development;**
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
- d) finished levels and contours;**
- e) means of enclosure;**
- f) all hard and soft surfacing materials;**

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

9. 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.

10. 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.

11. Prior to the commencement of the development hereby permitted details of the number and location of swift bricks within the walls of the houses shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To enhance the biodiversity on site.

12. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

13. Prior to the commencement of the development hereby permitted, details of the method of management of open spaces within the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and managed in accordance with the approved details in perpetuity.

REASON: To secure residential amenity.

14. Prior to the first occupation of plot 9, the first-floor side window shall be fitted with a top hung, obscure glazed window that shall also be fitted with a restrictive opening mechanism that prevents opening greater than 45 degrees. The window shall remain as such throughout the life of the development.

REASON: In the interests of residential amenity.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

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

The development hereby permitted shall be carried out in full accordance with the recommendations set out in Section 8 of the Ecology Report by Ethos Environmental Planning dated May 2021

REASON: In the interest of protection of Protected Species on site and biodiversity.

INFORMATIVES TO APPLICANT:-

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

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.

Please note that Council offices do not have the facility to receive material samples.

Please deliver material samples to site and inform the Planning Officer where they are to be found.

In relation to condition 06, the archaeological evaluation should be carried out by qualified archaeologists following the standards and guidelines for such work as set out by the chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by the applicant.

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

<https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

9 **PL/2021/04439 - 38 Stone Lane, Lydiard Millicent, SN5 3LD**

Public Participation

Bob Nicholls in objection of the application.

Peter Birch in objection of the application.

Councillor Derek Harden spoke on behalf of Lydiard Millicent Parish Council.

Development Management Team Leader, Lee Burman, presented a report which outlined the part retrospective change of use of section of agricultural land to residential.

Details were provided of the site and issues raised by the proposals, including the principle of development, impact on the landscape & character and appearance of the area, impact on residential amenities and other matters. Reference was made to an omission within the report, which should have referred to consent in the planning history, which approved alternations to the garage for part use of residential purposes.

Members of the Committee had the opportunity to ask technical questions regarding the application, however no questions were asked.

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

The Local Unitary Member, Councillor Steve Bucknell then spoke regarding the application. Councillor Steve Bucknell stated that a current Bing aerial map would show a clear encroachment onto the field before the depicted red area within the block plan. With aerial views having shown that the applicant had set up football goalposts as well as parking a vehicle on the field. Councillor Bucknell also noted that before it was previously removed, the hedge line was the parish boundary between Lydiard Millicent and Purton. Therefore Councillor Bucknell argued that this was contrary to CP1.

Councillor Bucknell also cited that the development would breach CP51 (i) (ii)(ii) (v) (vii) on the grounds that there had been evidence of the disregard of neighbouring amenity with the removal of the hedgerow, the erection of goal posts and the parked vehicle. In particular, Councillor Bucknell noted that CP51 seeks that developments protect, conserve and enhance landscapes through sensitive developments; whilst also referencing the separate identity of settlements, in relation to the removed hedgerow. Furthermore in relation to the hedgerow, Councillor Bucknell, drew upon CP57 (i) (ii) (iii) (vi) (vii), stating that the parish boundaries create a strong sense of place as well as contributing to the character of Wiltshire.

At the start of the debate a motion to move and reject the officer's recommendation was moved by Councillor Steve Bucknell and seconded by Councillor Gavin Grant. On grounds that the development undertaken and proposed for the change of use of land is out of character with the immediate

locality and the existing features and characteristics of the settlement and adjoining areas. The proposals would not maintain, reflect and respond positively to the existing landscape character and were thereby in conflict with Wiltshire Core Strategy (Jan 2015) Core Policies CP51 (i) (ii)(ii) (v) (vii) & CP57 (i) (ii) (iii) (vi) (vii).

During the debate the issues were raised such as the permitted development rights of the land in question and the nature of the size of the land in question; however it was advised by the enforcement team that permitted development rights do not apply. The paraphernalia currently on the land was also referenced in discussion. Further reference was made to the CPs referenced by Councillor Bucknell, in particular the transition to man-made and natural settlement. Additionally, it was referenced that though in the report, harm caused was listed as minimal, the Committee shouldn't be content to allow breaches and if the amendment was to be successful it would be a matter of enforcing the CP principles.

At the conclusion of the debate, it was,

Resolved:

That contrary to the Officer recommendation the application be refused for the following reason:

The development undertaken and proposed for the change of use of land is out of character with the immediate locality and the existing features and characteristics of the settlement and adjoining areas. The proposals would not maintain, reflect and respond positively to the existing landscape character and are thereby in conflict with Wiltshire Core Strategy (Jan 2015) Core Policies CP51 (i) (ii)(ii) (v) (vii) & CP57 (i) (ii) (iii) (vi) (vii).

10 **PL/2021/05198 - Key View, Stoke Common Lane, Purton Stoke, SN5 4JG**

Public Participation

Denise Simpkins, on behalf of Mrs Stare and Mr Bellamy, spoke in objection of the application.

Sandra Brimacombe spoke in objection of the application.

Simon Littlewood spoke in support of the application.

Development Management Team Leader, Lee Burman, presented a report which outlined an extension to side and rear with link building to garage and conversion of garage.

Details were provided of the site and issues raised by the proposals, including the principle of development; impact on the character and appearance of nearby listed buildings; impact on the character, appearance, visual amenity of the locality; impact on the residential amenity and impact on highway safety. It was also noted that the application had changed to have small and obscure overlooking windows.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on what the percentage of development increase would be compared to the current property, to which it was clarified by the Officer that such assessments no longer formed a policy basis.

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

The Local Unitary Member, Councillor Jacqui Lay provided her apologies of her absence and was therefore represented by Councillor Allison Bucknell, who had been covering Councillor Lay's case work. Councillor Allison Bucknell stated that having driven past the site it appeared to be a large infill site with little space either side, therefore making it constrained. Councillor Bucknell stated that though the proposals would be advantageous for the applicant, this would be at the expense of neighbours, through a loss outlook and the extension potentially having an overbearing impact. Furthermore, there would be an additional loss of amenity to a neighbour, with a proposed glass side that would be overlooking. Councillor Bucknell further added that if permitted, the application would potentially cause a loss of parking whilst also causing more vehicle movements with cars being forced onto the road. In summary, Councillor Bucknell stated that this would be overdevelopment to the property, which would contradict CP57 (vii), causing an existing amenity impact.

At the start of the debate a motion to move and accept the officer's recommendation was moved by Councillor Tony Trotman and seconded by Councillor Peter Hutton, however when later voted upon the motion fell due to the number of votes against.

Consequently, a motion to reject the officer's recommendation was moved by Councillor Gavin Grant and seconded by Councillor Steve Bucknell. The reason being that following debate and receipt of representations at the meeting, members considered that the proposal constituted an overdevelopment of a constrained site that would not achieve high quality design by virtue of its bulk, mass and positioning. The proposals thereby result in harm to the character appearance and visual amenity of the locality and existing neighbouring residential amenities being both overbearing and resulting in loss of privacy. The proposals were thereby in conflict Wiltshire Core Strategy (Jan 2015) Core Policy CP57 (iii) & (vii).

During the debate the issues included the potential parking issues that might be caused if the application was permitted; though it was acknowledged that the Highways report showed no objection. A potential parking issues was identified in that one of the necessary spaces would be outside double doors which would open, therefore causing the space to be out of use. It was also argued that parking issues could potentially be enforced if evidenced. The location of neighbouring properties was referenced, with it being argued that all of the properties were in line and therefore would not cause the garage to look out of

character; additionally the neighbouring buildings could potentially obscure the view of the connection to the garage.

Further issues that were debated were whether the extension would reflect positively on CP57 (iii), in providing a positive response to the townscape and landscape. It was also argued that if accepted, the built form would take up more of the site than space left to remain; with the property itself already being significant within its area. Furthermore, due to the size of the property, it was questioned whether conditions would be enough to resolve concerns, especially with contradictions to Core Policies involved. Comparisons were also made between the application and with properties 13 & 14, with suggestions made that due to the large size of the plot neighbours could be made to feel oppressed. Additionally, it was suggested that if the application was to be accepted, the property would eventually exist to be double its original size.

At the conclusion of the debate, it was,

Resolved:

That contrary to the Officer recommendation the application be refused for the following reason:

The proposal constitutes an overdevelopment of a constrained site that does not achieve high quality design by virtue of its bulk, mass and positioning. The proposals thereby result in harm to the character appearance and visual amenity of the locality and existing neighboring residential amenities being both overbearing and resulting in loss of privacy. The proposals are thereby in conflict Wiltshire Core Strategy (Jan 2015) Core Policy CP57 (iii) & (vii).

11 PL/2021/08970 - 135 High Street, Royal Wootton Bassett, SN4 7BH

Public Participation

Stacey Hartrey spoke in support of the application.

Development Management Team Leader, Lee Burman, presented a report which outlined the change of use from a Bank (Use Class E) to a Hot Food Takeaway (Sui Generis) Together with External Alterations.

Details were provided of the site and issues raised by the proposals, including the principle of development, impact on heritage assets and the character of the area, impact on neighbour amenity, parking and highways, waste and recycling.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified that it was not a care home behind the application, but rather an age-related accommodation in the form of flats. The Officer clarified that the trading hours if approved would be comparable to other takeaway establishments on the High Street and that regarding the taxi rank immediately outside, if other vehicles were to park here, they would face parking enforcement controls.

Further technical questions were clarified by the Officer that extraction facilities would be practically possible to put into place, having been considered and addressed within the Public Protection assessment within the report. The Public Protection assessment also addressed concerns about potential noise implications caused by the application.

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

The Local Unitary Member, Councillor Mary Champion provided her apologies of her absence and was therefore represented by Councillor Allison Bucknell. Councillor Bucknell stated that though the majority of her concerns for the application had been addressed within the report, there was concern about deliveries including large articulated lorries potentially blocking the High Street and therefore causing congestion. Councillor Bucknell also additionally noted that there had been no reference to delivery vehicles, the hours of operation that they would follow and also where they would park whilst conducting business.

At the start of the debate a motion to move and accept the officer's recommendation was moved by Councillor Tony Trotman and seconded by Councillor Gavin Grant.

During the debate the issues included that parking should not be reason for concern, as it was suggested within the report that there was adequate parking opposite and collecting a takeaway would only take minimal time and that though this was a main arterial road, patience would be required from road users. Congratulations were offered to the town of Royal Wootton Bassett for seeking to convert an empty bank to have a useful purpose, also offering further benefit that there would potentially be minimal litter due to food being delivered or taken away. The potential benefits to the town, such as increased footfall and employment were referenced.

It was also acknowledged that though there would potentially be noise, a noise impact assessment had been completed, with the Officer's report having done all that it could to mitigate concerns. Additionally, it was stated that noise and odour shouldn't be overstated with there currently being a pub next door. Potential concerns regarding deliveries were raised, such as potential road blockages and environmental concerns, however such points could potentially be negated by the operator, if they were to find a suitable optimal time for deliveries to take place.

At the conclusion of the debate, it was,

Resolved:

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 plans listed in schedule

12477-AEW-PJ004106-XX-DR-0005, 12477-AEW-PJ004106-XX-DR-0006, 12477-AEW-PJ004106-ZZ-DR-0003, 12477-AEW-PJ004106-XX-DR-0004, 12477-AEW-PJ004106-ZZ-DR-PRELIM-0001

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

3. The Local Planning Authority approves the information detailed in RSK Acoustics Plant Noise Assessment 206/0418/R1 and this must be adhered to. The mitigation measures in section 5.3 of the report must be implemented prior to use of premises and permanently maintained for lifetime of the development.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

4. The use of the development hereby permitted shall only take place between the hours of 11:00 in the morning and 23:00 in the evening Mondays to Sundays.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable. The proposed opening hours of 11am to 11pm have been used throughout this assessment, deviation from these hours would render the assessment unreliable, thus these hours must be adopted (with exemption of cold room condenser, which requires 27/7 operation).

5. The Odour Specification Details document prepared by Purified Air are approved by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

6. The external flue shall be finished in a matt black colour and maintained as such thereafter.

REASON: In the interests of preserving the character and appearance of the conservation area and its setting.

7. 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 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.

8. Deliveries to the development site shall only take place between the hours of 10:00hrs to 20:00hrs.

REASON: In the interests of the amenities of the area and to minimise conflict with highway movements.

9. The site shall be used for a hot food takeaway (sui generis use) and for no other purpose (including any other purpose in Class (Sui generis] of the Schedule to the Town and Country Planning (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).

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

INFORMATIVES

10. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

11. 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.

12. 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.

13. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging

Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website.

14. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

15. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

12 20/11236/OUT - Land to the south west of The Street, Latton, SN6 6EH

Note: The meeting adjourned for a break at 5.05pm and then resumed at 5.12pm.

Public Participation

Andrew Miles spoke in support of the application.

David Pembridge spoke in support of the application.

Councillor Kevin Johnson spoke on behalf of Latton Parish Council.

Development Management Team Leader, Lee Burman, presented a report which outlined an application (with all matters reserved) for a village recreation hall, all weather tennis court, parking, access and erection of six houses (Resubmission of 19/08877/OUT).

Details were provided of the site and issues raised by the proposals, including the principle of development, heritage assets, character and appearance, flood risk and drainage, transport and access, ecology, archaeology and community facilities.

Attention was also drawn to the late items agenda supplement, which provided a revised plan showing a reduced red line boundary area.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified that it was not recommended by the Officer that the application should be deferred, with the applicant already having had an opportunity to provide a detailed archaeological assessment. When queried about why the archaeological assessment had not been forthcoming, it was suggested that this could have been related to finances. It was also clarified that the Parish of Latton has provided a local plan and that the small village does not feature a settlement boundary.

Further technical questions included who the existing provision was owned by, to which it was clarified that this was the Diocese of Bristol. It was additionally noted that regarding the surroundings, the area consisted of a mixed age of buildings, including a number that were listed. It was also clarified that it would not be possible to set a condition regarding the archaeology assessment.

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

The Local Unitary Member, Councillor Bob Jones MBE then spoke regarding the application. Councillor Jones provided the Committee with a slide show, providing an overview of the Parish of Latton as well as of the character and appearance of the village and its location. The overview also included reference to two listed buildings and a listed cross, which though the report identified as potentially being harmed within the report, this would be less than substantial. Councillor Jones also cited some of the benefits to accepting the application, such as providing 6 properties as well as an outstanding financial contribution to the local community; further adding that the current village hall had declined and would need £150,000 of funding to restore.

Councillor Jones noted that if granted, the application would in regard to planning balance, provide benefits to local residents, such as physical wellbeing through the tennis courts as well as being a development in the centre of the village. A potential reason to approve the application was cited as being the lack of a 5-year housing land supply.

At the start of the debate a motion to reject the officer's recommendation was moved by Councillor Dr Brian Mathew and seconded by Councillor Gavin Grant. The reason being that tilted balance had been engaged by a lack of 5-year housing land supply, a lack of an up-to-date housing needs assessment as well as the potential benefits of the application outweighing the harm. An amendment was accepted by both Councillor Gavin Grant and Councillor Dr Brian Mathew to delegate authority to the Head of Development Management to grant outline planning permission subject to conditions.

During the debate the issues included that a key concern regarding the application was the archaeological dig and whether it would be possible to make a decision without the detailed assessment. The potential of including a condition to fulfil the offer made by the developer to undertake the archaeological dig was discussed; it was however noted that this wouldn't need to be conditioned but rather set as a potential resolution to prompt completion

prior to determination and issue of the outline decision. Additionally, the balance of the potential benefits and harms of the application were discussed, with the support for the application from local residents and Member acknowledged.

Other issues included that the Parish Council of Latton was praised for its active work in attempting to bring forward a community asset such as the application in question. It was recognised that this was potentially a rare opportunity for Latton, that might not be repeated. The potential of conditioning the 6 properties to restrict use until the opening of the village hall was considered, as well as that in person the sensory experience of the site would be different, with a lot of noise from the nearby A419. The importance of neighbourhood plans was mentioned, with the need for local plans to be kept in tact in order to develop areas how residents wanted them to be.

Dorcas Ephraim the Council's Senior Planning Solicitor clarified that the some of the benefits to accepting the application, such as the proposed outstanding financial contribution to the local community did not meet one of the tests for planning obligations- fairly and reasonably related in scale and kind to the development and so contrary to paragraph 57 of National Planning Policy Framework, 2021, and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

During debate it was clarified that further submissions could be made prior to determination to address such matters.

At the conclusion of the debate, it was,

Resolved:

To delegate authority to the Head of Development Management to grant outline planning permission subject to:

- (i) The completion of an archaeological field evaluation;**
- (ii) The submission of a Viability appraisal and costs assessment for the development including village hall replacement and proposed financial contribution;**
- (ii) The completion of a s.106 agreement within six months of the date of this resolution. In the event that the applicant makes clear that they will not complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the reason set out below. This alternate provision to be subject to consideration of any other factors outside the control of the applicant and the Council that may result in unavoidable delay. If such circumstances are assessed by officers to arise then to allow for completion of the agreement after the 6-month period under delegated authority: -**

The proposal does not provide for the delivery of the necessary and proposed infrastructure (e.g., village hall, tennis court and maintenance and management) required to mitigate the direct impacts

of the development and thereby fails to comply with CP3, Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the National Planning Policy Framework. to secure provision of the village hall, car park and tennis court in advance of the six houses; and

(iii) Appropriate conditions prepared by officers.

Such conditions would include, but not be limited to the following:

- Approval of the reserved matters (i.e., access, layout, scale, appearance and landscaping);
- Detailed design and maintenance of surface and foul water drainage systems;
- Prevention of works within 5m of the strategic water main;
- Details of the tennis court enclosure;
- Details of noise attenuation measures;
- Any additional archaeological work;
- An ecological enhancement scheme; and
- A lighting strategy.

13 **PL/2021/10696 - Land Adjacent to Sherston C of E Primary School, Sherston, Malmesbury, SN16 0NJ**

Public Participation

Michael Rees spoke in objection of the application.

Cllr Martin Smith, representing Mrs Robinson, spoke in objection of the application.

Cllr Martin Smith, representing Councillor Tanya Burgess, spoke on behalf of Sherston Parish Council.

Development Management Team Leader, Lee Burman, presented a report which outlined a planning application for Proposed erection of a GP Surgery (Class E(e)), car park and associated works (Outline application relating to access).

Details were provided of the site and issues raised by the proposals, including the principle of development; design issues; impact on the immediate area including the Cotswolds Area of Outstanding Natural Beauty (AONB); impact on heritage; impact on biodiversity; impact on highway and access considerations.

The Planning Officer drew attention to the late item agenda supplement, in which two letters of representation had been submitted by Sherston Parish Council and Sherston Primary School Governors. The letters were in objection to the application due to the indicative site layout proposing a surface water attenuation basis, the land in which would potentially be required if the school was to expand. The Planning Officer noted that the application was in outline and other drainage solutions and facilities could be pursued that wouldn't impinge on potential school expansion; though the Council's Education Department had confirmed that there was no current or projected requirement for expansion of the school.

Members of the Committee had the opportunity to ask technical questions regarding the application, however no questions were asked.

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

The Local Unitary Member, Councillor Martin Smith then spoke regarding the application. Councillor Smith stated that the proposal was a key part of the Sherston Neighbourhood plan, which had been worked on since 2012 by residents and that the plan had the support of 93% of local residents. Councillor Smith noted that the Parish Council and School were supportive of the plan in principle but had sought clarity on the provision of land available for future school expansion if required. Following the latest response, Director of Assets & Commercial Development, Simon Hendey had arranged for a revised layout for the drainage basin.

At the start of the debate a motion to move and accept the officer's recommendation was moved by Councillor Peter Hutton and seconded by Councillor Martin Smith with an informative added encouraging consultation with the school governors and parish council in respect of drainage proposals and solutions.

During the debate the issues included that though there was a pre-school diagonally opposite to the land (Pumpkins Pre-school), it would be positive to approve the application with questions surrounding the lease. It was also stressed that though the Education Department assess data on birth-rates, Sherston previously had to build a new school due to a population increase, which could happen in the future again.

At the conclusion of the debate, it was,

Resolved:

That planning permission be GRANTED 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 scale of the development;

- (b) The layout of the development;**
- (c) The external appearance of the development;**
- (d) The landscaping (non-strategic) 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 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted and reserved matters details shall be in accordance with the parameters illustrated in the following approved plans and documents: Planning, Heritage, Design & Access Statement 2849 PHDA REV A Received 06.01.2022 Drainage Strategy & Supporting Information 21-027-003 REV A & Acl619-21027- TN Received 23.12.2021

**Ecological Assessment Received 22.12.2021
Biodiversity Net Gain Report Received 13.12.2021
Transport Statement Received 15.11.2021
Location Plan 2849 001,
Existing Site Plans 2849 100, 2849 101, 2849 102,
Revised Proposed Site Plan 2840 111 REV A & 2849 112 REV A
Proposed Street Scenes 2849 115
Proposed Elevations 2849 115 & 2849 116**

All Received 06.12.2021

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

5. No part of the development hereby approved shall be first occupied until the car and cycle parking provision has been suitably provided and laid out in accordance with the approved details (Proposed Site Plan, 2849-111 and 112 – Received 06.12.2021). Car parking spaces shall be properly consolidated and surfaced and shall be maintained and remain available for this use at all times thereafter. The car and cycle parking spaces shall not be used other than for the parking of vehicles or cycles or for the purpose of access.

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

6. No development shall commence on site until full technical details of the new site junction with Sopworth Lane have been submitted to and approved in writing by the Local Planning Authority. The new junction and visibility splays shall be provided in accordance with the approved details (Proposed Site Plan, 2849-111 and 112 - both Received 06.12.2021 and Access Arrangements and Proposed off site highway works, SK01 A Nov 2021) prior to first occupation (or timetable agreed with Local Planning Authority) and maintained thereafter. No part of the development shall be first occupied, until the visibility splays shown on the plans (2.4m x 43m) have been provided with no obstruction to visibility at or above a height of 0.6m above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

7. No part of the development hereby permitted shall be commenced until full technical details of the footway works and carriageway widening scheme for Sopworth Lane as detailed on Access Arrangements and Proposed off site highway works, SK01 A - Nov 2021 and Proposed Site Plan, 2849-111 and 112 both Received 06.12.2021 have been submitted to and approved by the Council. Unless otherwise agreed the development shall not be first occupied until the Sopworth Lane footway scheme have been completed in accordance with the details shown on the approved plans. This shall include streetlighting, drainage and full surfacing of wearing course, the surface wearing course of Sopworth Lane will need to be re-surfaced for whole widths adjacent to the new footways. The footway/ kerbing from the junction of Sopworth Lane/ Knockdown shall be extended from the junction north to connect with the uncontrolled crossing outside Sherston Primary school. No part of the development shall be first brought into use until the highway improvements have been completed in accordance with the approved details (unless otherwise agreed by the Local Planning Authority).

REASON: To help encourage walking to and from the site and in the interests of highway safety.

8. Prior to the development hereby permitted first being brought into use a Traffic Regulation Order (TRO) to amend the speed limit on Sopworth Lane shall have been prepared, consulted upon, and advertised, with a report recommending whether to proceed with the Order prepared for consideration by the Cabinet Member for Highways (Proposed TRO SK02 Rev A (Nov 21). If the Cabinet Member for Highways approves the Order the amendments shall be implemented.

REASON: In the interests of highway safety.

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

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

10. No part of the development shall be brought into use until full details of the visibility splays for the access to the approved GP Surgery access/egress have been submitted to the Local Planning Authority, approved and have been provided in accordance with those approved details. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- measures for the protection of the natural environment
- hours of deliveries
- pre-condition photo survey
- vehicle Routing Plan
- traffic Management Plan (including signage drawing(s))
- number (daily / weekly) and size of delivery vehicles to ensure appropriately size vehicles are being used for the highway network.
- number of staff vehicle movements.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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.

12. No external lighting, including security 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 have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals. In addition, lux plots will demonstrate that light levels within 3m of the site boundary will be no more than 0.2 lux. The approved lighting shall be installed and 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, to minimise unnecessary light spillage above and outside the development site and to ensure lighting does not impact wildlife habitat.

13. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including supervision by an Ecological Clerk of Works who will keep a written log of dates of site visits, advice provided, impacts observed, and mitigation/remediation achieved and provide this to the Local Planning Authority on request. Methods statements will cover the following:

- a) removal of hedgerows**
- b) location of protective fencing**
- c) minimising risks to protected species**
- d) erection of bat and bird boxes on the surgery building (including details of number, type and location)**

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant.

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

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.

The Landscaping scheme will accord with the Proposed Site Plan (2849-112- Rev A) the Landscaping Scheme will demonstrate that the development will achieve an overall net gain for biodiversity through the submission of a completed Natural England Biodiversity Metric (version 3.0 or subsequent version) spreadsheet (unlocked) based on the post construction landscape scheme, and a current survey of pre-construction habitats based on the UK Habitat Classification.

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 a satisfactory landscaped setting for the development and the protection of existing important landscape features.

15. 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.

16. No development shall commence within the application area until:

a) A written programme of archaeological investigation to include a strip, map and ample excavation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

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

17. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: Core policy 57, Ensuring high quality design and place shaping such that appropriate levels of amenity are achievable.

18. In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed by a written verification report that confirms what works that have been undertaken to render the development suitable for use.

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

INFORMATIVES

20. S278/ S38 - The developer/applicant will be required to enter into a S278 to cover the footway scheme /S38 Agreement for site with the Highway Authority before commencement of works hereby approved.

TRO - You are advised that a Traffic Regulation Order (TRO) is required for condition 8. You must submit a plan to a scale of an indicative scheme for a TRO, along with timescales for commencement and completion of

the development. Please be aware that the statutory TRO process is not straightforward; involving the public advertisement of the proposal(s) and the resolution of any objections. You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process. We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Transport Development Management Team at highwaysdevelopment@wiltshire.gov.uk N.B. The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

Advance Payment Code - Please note that the road layout of the site will be subject to the Advanced Payment Code, relating to the Highways Act 1980. A bond will be required by the Highway Authority to cover highway works and will only be released subject to a suitable management company/other being secured for the site by the Developer.

22. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

23. 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.

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

25. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

27. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

28. 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.

29. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

The Council's Northern Area Planning Committee recommends that the applicant undertakes consultation with the Parish Council and Sherston Primary School Governors regarding approval of details and layout for the required surface water drainage provisions.

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Note: Councillor Steve Bucknell left the room at 6.45pm.

Public Participation

Steve Tubb spoke in objection of the application.

Bill Pier spoke in support of the application.

Development Management Team Leader, Lee Burman, presented a report which outlined the proposed Change of Use to Auction Rooms together with

alterations to front elevation and first floor extension to provide Gallery, rooftop terrace and café bistro.

Details were provided of the site and issues raised by the proposals, including the principle of development; impact to heritage assets, residential amenity, highways impact, parking and access.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified that a condition had not been imposed within the Officer's recommendation in relation to external music amplification as at the time of application there was no detail of what activities might take place on the outside terrace. The Officer however noted that strict conditions had been included within the recommendation in order to negate any potential harm that might be caused by the rooftop terrace. Clarification was provided that the empty pub shown within the Officer's presentation was not within the redline boundary and that this building had been vacant for an extended period of time.

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

The Local Unitary Member, Councillor David Bowler then spoke regarding the application. Councillor Bowler stated that if approved the new frontage façade would be an improvement to the High Street, further adding the vibrancy of the town centre, as well as offering employment and increasing footfall. Regarding any concerns surrounding the Officer's report and recommendation, Councillor Bowler stated that though CP57 and CP58 were cited within the report, Highways and Public Protection did not raise any issues, therefore Councillor Bowler believed that if there was to be a degree of harm it would be to a lower scale. Additionally, if there were any issues regarding parking shortfall, this would be difficult to argue with the previous use of the property having been a supermarket and with additional parking at Borough Fields, a 5-minute walk away.

At the start of the debate a motion to move and accept the officer's recommendation was moved by Councillor Peter Hutton and seconded by Councillor David Bowler .

Prior to the debate, Senior Solicitor Dorcas Ephraim, mentioned that though on page 138 of the agenda pack there was within an objection of an intention to submit a legal injunction on the applicant that this should not deter the Committee from making a decision as this was a civil matter between the applicant and resident.

During the debate the issues included that there are other local examples of such businesses successfully managing with a limited parking provision, such as Bingham Hall in Cirencester. Additionally, it was noted that there was a typo within Condition 14 of the Officer's recommendation, with the omission of the word "No".

At the conclusion of the debate, it was,

Resolved:

That planning permission be APPROVED subject to the following conditions:

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.

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

**Location Plan P-0026-100b
Existing Elevations P-0026-103A
Existing Site Plan P-0026-101A
Existing Floor Plans P-0026-102A
Design and Access Statement
All Received 28.05.2021
Proposed Elevations 0026-115 REV C
Proposed Floor Plans 0026-111 REV B
Proposed Site Plan 0026-110 REV B
All Received 27.10.2021**

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

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

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**
- d) wheel washing facilities;**
- e) measures to control the emission of dust and dirt during construction;**
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- g) hours of construction, including deliveries;**

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

REASON: 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 minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and dangers to highway safety, during the construction phase.

No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish 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 brought into use.

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

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the approved plans, Design and Access Statement and application form.

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

The use of the roof top terrace hereby permitted shall not be first brought into use until full details of the proposed privacy screening to the rear roof top terrace have been submitted to the Local Planning Authority, approved in writing and erected in accordance with the approved details. The erected screening shall be retained in situ as approved as long as the use of the roof top terrace continues.

REASON: In the interests of visual amenity and the character and appearance of the area and ensuring high design and place shaping such that appropriate levels of amenity are achievable.

The site shall be used for an Auction House including ancillary spaces (sui generis use) and Bistro/Café E (b) for no other purpose (including any other purpose in Class (Sui generis) or (E) of the Schedule to the Town and Country Planning (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).

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

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

No part of the development shall be brought into use until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

No development shall commence on site until a scheme of works for the control and dispersal of atmospheric emissions, in particular odours, and including full details of required ventilation and extraction mechanical plant has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

REASON: Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

Notes: In discharging this condition the applicant should ensure that the ventilation system discharges vertically at a height of at least 1m above the height of any nearby sensitive buildings or uses and not less than 1m above the eaves. In discharging this condition the applicant should consult EMAQ ref "Control of odour and noise from commercial kitchen exhaust systems" (Gibson, 2018)

Prior to commencement an assessment of the acoustic impact arising from the operation of mechanical ventilation shall be undertaken in accordance with BS 4142: 2019. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to demonstrate the rated level of noise shall be: -5dB below background and is protective of local amenity.

Background levels are to be taken as a 15-minute LA90 at the boundary of the nearest residential noise-sensitive receptors.

The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

Notes: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a thorough background noise survey and noise assessment in accordance with:

BS4142:2019 (or any subsequent version) and demonstrate that the rated noise level is at least 5dB below the background noise level.

The Roof Terrace use hereby permitted shall only take place between the hours of 08:00 and 18:00 in the evening from Mondays to Fridays and between 09:00 and 17:00 in the evening on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

There shall be no customers/members of the public on the Auction Rooms and inside spaces (excluding the café/bistro) outside the hours of 08:00 - 20:00 Monday - Saturday and 10:00 - 18:00 Sunday and Bank Holiday. With respect to the café/bistro no customers/members of the public will be on site outside of the hours 08:00 – 23:00 Monday to Saturday and 10:00 – 22:00 Sundays and Bank Holidays.

REASON: Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

No deliveries shall be made to or collections made from the development hereby approved except between the hours of: 08:00... and ..19:00... Monday to Saturday.

REASON: Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

INFORMATIVES

CIL The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by

the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website.

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

WP6 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

WP13 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

WP18 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.

15 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00pm – 7.20 pm)

The Officer who has produced these minutes is Ben Fielding of Democratic Services, direct line , e-mail benjamin.fielding@wiltshire.gov.uk

Press enquiries to Communications, direct line ((01225) 713114 or email communications@wiltshire.gov.uk

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LAND SOUTHWEST OF THE STREET, LATTON, WILTSHIRE.

NGR: 409053.195509

Accession Code: DZSWS:22-2022

ARCHAEOLOGICAL EVALUATION

May 2022
Report No. 1490



**LAND SOUTHWEST OF THE STREET,
LATTON,
WILTSHIRE.**

NGR: 409053.195509

Accession Code: DZSWS:22-2022

ARCHAEOLOGICAL EVALUATION



May 2022
Report No. 1490

Quality Assurance

This document has been compiled and authorised in accordance with AMS's Quality Procedures (ISO 9001: 2015)

Author: A. Hood BSc MCIfA

Date: 20th May 2022

Approved: R. King BA MCIfA

QA Checked: T. Michaels BSc MCIfA

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SUMMARY

Between 11th and 13th April 2022 Foundations Archaeology undertook an archaeological evaluation on land southwest of The Street, Latton, Wiltshire (NGR: 409053.195509). The project was commissioned by Andrew Miles of LPC (Trull) Ltd.

The works comprised the excavation of five trenches within the area of a proposed development, which had previously been subject to a geophysical survey.

The geophysical survey and evaluation have indicated that the southern part of the site contains ditches and postholes, which may be related to Anglo-Saxon activity; although, due to a general paucity of finds, an earlier, or later date for some or all of the revealed features could not be ruled out. The ditches appeared to form part of a co-axial field or enclosure system, to which the postholes may have been related, although this remained uncertain.

The northern part of the site was devoid of archaeological features and was therefore of lower archaeological potential.

GLOSSARY OF ARCHAEOLOGICAL TERMS AND ABBREVIATIONS

Archaeology

For the purpose of this project, archaeology is taken to mean the study of past human societies through their material remains from prehistoric times to the modern era. No rigid upper date limit has been set, but AD 1900 is used as a general cut-off point.

CBM

Ceramic Building Material.

Medieval

The period between AD 1066 and AD 1500.

Natural

In archaeological terms, this refers to the undisturbed natural geology of a site.

NGR

National Grid Reference from the Ordnance Survey Grid.

OD

Ordnance datum; used to express a given height above sea-level. (AOD Above Ordnance Datum).

OS

Ordnance Survey.

Post-medieval

The period between AD 1500 and AD 1900.

Prehistoric

The period prior to the Roman invasion of AD 43, traditionally sub-divided into; *Palaeolithic* – c. 500,000 BC to c. 12,000 BC; *Mesolithic* – c. 12,000 BC to c. 4,500 BC; *Neolithic* – c. 4,500 BC to c. 2,000 BC; *Bronze Age* – c. 2,000 BC to c. 800 BC; *Iron Age* – c. 800 BC to AD 43.

Roman

The period traditionally dated AD 43 until AD 410.

Saxon

The period between AD 410 and AD 1066.

1 INTRODUCTION

- 1.1 This report presents the findings of an archaeological evaluation undertaken by Foundations Archaeology between 11th and 13th April 2022 on land southwest of The Street, Latton, Wiltshire (NGR: 409053.195509). The project was commissioned by Andrew Miles of LPC (Trull) Ltd.
- 1.2 The evaluation was conducted in accordance with an approved Written Scheme of Investigation (WSI), prepared by Foundations Archaeology (2022) and the Chartered Institute for Archaeologists (CIfA) *Standards and Guidance for Archaeological Evaluation* (2014).
- 1.3 The CIfA code of conduct was adhered to throughout.

2 PROJECT BACKGROUND

- 2.1 There is currently an application (**No.19/08877/OUT**) for a new development, which consists of a village hall, six houses and a tennis court.
- 2.2 The site currently comprises part of a field given over to pasture, which is located to the southwest of The Street, to the north of the A419, with housing to the southeast and northwest. The topography within and around the site is generally flat, at around 82m aOD. The underlying geology is recorded as *Oxford Clay Formation* – mudstone, overlain by *Northmoor Sand and Gravel Member* - sand and gravel (BGS Online Viewer).
- 2.3 A Heritage Impact Assessment has been prepared for this site by Foundations Heritage (2019), which is summarised below:
 - 2.3.1 Prehistoric activity within the study area predominately relates to extensive surveys undertaken in advance of the Latton Bypass and gravel extraction. Evidence includes Neolithic pits (MWI75468) and finds (MWI9428), a late Neolithic/Early Bronze Age enclosure (MWI75206), Bronze Age activity in the form of a round barrow (MWI9491), ring ditch (MWI76312) and gully (MWI76313), ditches (MWI75470) and enclosures (MWI75469). Two further round barrows are known from near Field Barn (MWI9474 and MWI9476). The greatest concentration of prehistoric activity, however, relates to the Iron Age. This includes settlements (MWI75471, MWI75207, MWI75472 and MWI76314), enclosures (MWI9431, MWI75208, MWI75209 (Iron Age-Roman with later burials) and MWI76316), pits (MWI75473, MWI75477 and MWI76315), ditches (MWI75474 and MWI75476) and a gully (MWI75475). There are also two Prehistoric records that cannot be assigned a specific period in the form of a posthole (MWI9432) and a ditch (MWI9467).
 - 2.3.2 Roman activity in the general area is very well represented. Latton is located virtually equidistant, between the small town of *Durocornovium* at Wanborough in Swindon and the civitas capital of *Corinium Dubunorum* at Cirencester. The village lies on the east side of the major Roman Road of

Ermin Street (MWI9434), with the site located immediately adjacent to the west side of the road. Extensive Roman settlement remains are known from the parish, with two Scheduled Monuments within the study area dating to this period, both in the form of a Roman settlement, which may or may not have been in contemporary use. The Weavers Bridge settlement ('Settlement West of Latton' MWI9449, UID 1004689) is located approximately 95m to the northwest of the site, while the Field Barn settlement is located approximately 220m to the southeast of the site ('Settlement SE of Latton' MWI 9437, UID 1004690). There are numerous individual HER records relating to the scheduled areas; these are not individually discussed in this report. There are a small number of other HER entries relating to this period outside of the scheduled areas in the form of a number of pits northeast of Court Farm on the edge of the scheduled area and partially beneath the A419 (MWI9438) and further pits found northwest of Latton Lock (MWI8318), which have also been destroyed by the A419. A series of rectilinear earthworks to the west of the Field Barn scheduled area and now predominantly destroyed by the A419, may also date to this period (MWI9468).

- 2.3.3 The West Saxons advanced from the south coast in the 5th century AD and brought the area around Swindon under their control after the Battle of Beranburgh, reportedly at Barbury Castle in AD556. Saxon settlement may be anticipated within the general vicinity from around this time, but limited activity is known from the study area in the form of Saxon pits (MWI75480 and MWI9457) both located approximately 300m to the west and a Saxon building (MWI75479) approximately 1km to the northwest; both of which have been destroyed by gravel quarrying. It should be noted, however, that early Saxon settlement would have taken the form of family groups or small hamlets, prior to the nucleation of villages and may not be easy to identify.
- 2.3.4 There was an estate at Latton prior to 1066, at which time the estate was amalgamated with Eisey (Eysey). Domesday Book of 1086 mentions Latton as 'Latone'; the name deriving from 'farm where herbs are grown' in the hands of Reinbald the Priest. During the 13th - 14th century the village probably lay as two separate parts with the church, demesne farm and vicarage house forming one core and perhaps as many as 25-30 farmsteads and tenements beside Ermin Street, with the two parts linked by Gosditch. The HER defines the historic core of the Medieval village of Latton (MWI9458) focussed around the Grade I listed Medieval church of St. John The Baptist (MWI33838, UID 1284123) and Church Farm. The Victoria County Histories (VCH) considers it likely that there would also have been settlement throughout the period along Ermin Street, but aerial photographic and LiDAR evidence suggests that the site area was in agricultural use during this period.
- 2.3.5 The area was probably in agricultural use during the early part of the Post-medieval period, although late 18th century mapping shows buildings within the southern half of the site. The HER records no clear evidence for 15th - 17th century activity, beyond a limestone building to the west of The Street, which was excavated during the construction of the bypass, with its earliest phase of activity dating from 13th to 14th century (MWI9466), it was in use until the 16th

century and the site reused again later. A quarry pit (MWI75798) at 35 Upcott in the main historic core was identified as being Post-medieval and a number of undated pits/quarry pits (MWI9498) within the gardens of Nos 38-39 Upcott may be contemporary (no HER number). Further Post-medieval pits (MWI9470) are known from approximately 95m to the west of the site. The Thames and Severn Canal (MWI31335) also passed to the southwest of the site within the study area and there are several HER entries relating to this feature (MWI76164, MWI76165, and MWI9468; the latter also including 18th - 19th century property boundaries).

- 2.4 A magnetometer survey was carried out by Archaeological Surveys in 2022. The survey identified a number of positive linear and rectilinear anomalies in the eastern and southern parts of the site which are parallel with and orthogonal to The Street, which follows the course of the Ermin Way Roman road. Although they appear to relate to cut features, it is not clear if they relate to Post-medieval boundaries or if they relate to Medieval or possibly Roman features. Within the central part of the site, outside of the area outlined for development, are a number of positive linear, discrete and amorphous anomalies that form a ring or arc of features. A number of negative linear and rectilinear anomalies are situated to the north, but they lack a coherent morphology. Strongly magnetic discrete anomalies appear to relate to Modern bonfires and a water pipe crosses the site partly truncating the earlier features.
- 2.5 The site therefore contained the potential for significant archaeological features and deposits dating from the Prehistoric period onwards.

3 AIMS

- 3.1 The aims of the archaeological evaluation were to gather high quality data from the direct observation of archaeological deposits in order to provide sufficient information to establish the nature, extent, preservation and potential of any surviving archaeological remains; as well as to make recommendations for management of the resource, including further archaeological works if necessary. In turn, this would allow reasonable planning/mitigation decisions to be taken regarding the archaeological provision for the areas affected by the development.
- 3.2 These aims were achieved through pursuit of the following specific objectives:
- i) to define and identify the nature of archaeological deposits on site, and date these where possible;
 - ii) to attempt to characterize the nature of the archaeological sequence and recover as much information as possible about the spatial patterning of features present on the site;
 - iii) where possible to recover a well dated stratigraphic sequence and recover coherent artefact, ecofact and environmental samples;

- iv) to provide sufficient information on the archaeological potential of the site to enable that archaeological implications of the proposed development to be assessed;
- v) to inform formulation of a strategy to avoid or mitigate impacts of the proposed development on surviving archaeological remains.

4 METHODOLOGY

- 4.1 The evaluation consisted of five trenches, as shown in Figure 2. The trenches were located in order to test the results of the previous geophysical survey, as well as to provide a representative sample of the development area.
- 4.2 Non-significant overburden was removed, under constant archaeological supervision, to the top of archaeological remains, or the underlying natural deposits, whichever was encountered first. This was achieved through use of a 360° mechanical excavator, equipped with a toothless grading bucket. Features and spoil tips were visually scanned for finds, whilst spoil heaps were subject to metal detector survey.
- 4.3 Where potential archaeological features were present, these were subject to appropriate levels of investigation. All excavation and recording work was undertaken in accordance with the approved WSI and the Foundations Archaeology Technical Manual 3: Excavation Manual.

5 RESULTS

- 5.1 A full description of all contexts identified during the course of the fieldwork is presented in Appendix 1, whilst a report on the recovered ceramics is given in Appendix 2 and a list of miscellaneous finds is presented in Appendix 3. A summary of the results of the evaluation is given below.
- 5.2 The natural substrates, which consisted of variable bright beige gravel and bright brown orange clay silt, were present at an average depth of 0.45m below the Modern ground level. In Trenches 1 to 4 these were sealed by subsoil (102/202/302/402), 0.30m average thickness, which was subsequently overlain by topsoil (101/201/301/401), 0.22m average thickness. The subsoil was absent in Trench 5 and, as such, the natural gravel was directly overlain by topsoil (501), 0.22m average thickness.
- 5.3 A single Modern feature [405] was present at the east end of Trench 4, other than this, there was no evidence for significant or extensive Modern disturbance within the evaluated area and, as such, preservation conditions were assessed as moderate to good.

- 5.4 **Trenches 1 to 3** were devoid of archaeological features. A small assemblage of Post-medieval and Modern pottery, along with a fragment of glass, was recovered from the topsoil (101) in Trench 1, whilst a sherd of Post-medieval pottery was present as unstratified material in Trench 2. The metal detecting survey recovered a lump of clinker or industrial waste from Trench 1 spoil heap, as well as a Victorian or Modern metal clothes button from Trench 2 spoil heap.
- 5.5 **Trench 4** contained two ditches and a Modern feature.
- 5.5.1 Feature [403] consisted of a northeast – southwest aligned ditch, which was cut into the top of the natural and was sealed by subsoil (402). It contained soil fill (404), which yielded a single sherd of Early to Middle Anglo-Saxon pottery, as well as four fragments of animal bone and a very small lump of undiagnostic burnt material.
- 5.5.2 Feature [407] consisted of a northeast – southwest aligned ditch, which was cut into the top of the natural and was sealed by subsoil (402). It contained soil fills (408) and (409), which were devoid of finds.
- 5.5.3 Feature [405] was partially revealed at the southeast end of the trench. It was cut through the subsoil and contained a clinker-rich fill, which was associated with Modern detritus.
- 5.6 **Trench 5** contained two ditches and two postholes.
- 5.6.1 Feature [502] comprised a northwest – southeast aligned ditch, which was cut into the natural and was directly overlain by topsoil (501). It contained fills (503) and (504), from which was recovered a single crumb of Early to Middle Anglo-Saxon pottery, from fill (504) and two fragments of animal bone, from fill (503).
- 5.6.2 Features [505] and [508] consisted of two near identical probable postholes, which were cut into the natural and were directly sealed by topsoil (501). Both postholes contained a loose gravel basal fill (506/9), overlain by a brown soil fill (507/10). Feature [505] was devoid of finds, however, posthole [508] yielded a fragment of animal bone, from fill (509), as well as a sherd of Early to Middle Anglo-Saxon pottery, from fill (510).
- 5.6.3 Feature [511] comprised a northeast – southwest aligned ditch, which was cut into the natural and was directly overlain by topsoil (501). It contained fill (513), from which was recovered a small fragment of burnt animal bone.
- 5.7 There was a generally good correlation between the results of the geophysical survey and the evaluation. Positive linear anomalies of archaeological potential (Figure 2; red features) were confirmed within Trenches 4 and 5. However, possible ditch-like linear anomalies (orange features) were generally not present within the evaluation trenches, apart from a correlation with ditch [407] at the northwest end of Trench 4.

6 DISCUSSION

- 6.1 The evaluation has indicated that the north part of the site, in the areas of Trenches 1 to 3, has a generally low archaeological potential.
- 6.2 A total of four ditches [403], [407], [502] and [511], which were present within Trenches 4 and 5, appeared to represent parts of a possible co-axial field or enclosure system, which was set out on alignments that were orthogonal to the Roman road to the northeast. Two postholes [505] and [508], present within Trench 5, were situated on an alignment perpendicular to an adjacent ditch [511].
- 6.2.1 The features in Trenches 4 and 5 were generally poorly dated, however, a small amount of Early to Middle Anglo-Saxon pottery was recovered from ditches [403] and [502] and posthole [508]. It was also notable that ditches [403] and [407] were sealed beneath the subsoil (402) in Trench 4, which suggested that they were likely to be of some antiquity.
- 6.2.2 The geophysical survey and evaluation have therefore indicated the presence of archaeological features in the southern part of the site, around the areas of Trenches 4 and 5. At present, these are poorly dated, although a small amount of recovered pottery may indicate that at least some of the features may date to the Early to Middle Anglo-Saxon period. Although there was no evidence for any particular focus of activity within the site, the presence of ditches and postholes, along with a small number of finds including pottery and animal bone, some of which was burnt, may indicate settlement activity in the vicinity.

7 CONCLUSION

- 7.1 The geophysical survey and evaluation have indicated that the southern part of the site contains ditches and postholes, which may be related to Anglo-Saxon activity; although, due to a general paucity of finds, an earlier, or later date for some or all of the revealed features could not be ruled out. The ditches appeared to form part of a co-axial field or enclosure system, to which the postholes may have been related, although this remained uncertain. The northern part of the site was devoid of archaeological features and was therefore of lower archaeological potential.
- 7.2 The archive is currently held at the offices of Foundations Archaeology, but will be deposited with Wiltshire Museum, under Accession Code DZSWS:22-2022. A digital report/archive will also be submitted to OASIS/ADS. A short note will be submitted for publication in the relevant local archaeological journal.

8 BIBLIOGRAPHY

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9 ACKNOWLEDGEMENTS

Foundations Archaeology would like to thank Neil Adam and Tim Havard of Wiltshire Council, along with Andrew Miles of LPC (Trull) Ltd. for their help during the course of the project.

APPENDIX 1: Stratigraphic Data

CXT	L(m)	W(m)	D(m)	DESCRIPTION	CUTS/LATER THAN	CUT BY/EARLIER THAN
				TRENCH 1: 24m long by 1.5m wide. Natural = bright brown orange clay silt, which contained occasional patches of bright beige gravel. Present at average 81.32m aOD.		
101	n/a	n/a	0.22	Topsoil: dark grey brown sand silt.	102	n/a
102	n/a	n/a	0.37	Subsoil: brown clay silt sand.	natural	101
				<i>No archaeological features were present within the trench.</i>		
				TRENCH 2: 24m long by 1.5m wide. Natural = variable bright beige gravel and bright brown orange clay silt. Present at average 81.50m aOD.		
201	n/a	n/a	0.18	Topsoil: dark grey brown sand silt.	202	n/a
202	n/a	n/a	0.36	Subsoil: brown clay silt sand.	natural	201
				<i>No archaeological features were present within the trench.</i>		
				TRENCH 3: 29m long by 1.5m wide. Natural = variable bright beige gravel and bright brown orange clay silt. Present at average 81.39m aOD.		
301	n/a	n/a	0.20	Topsoil: dark grey brown sand silt.	302	n/a
302	n/a	n/a	0.33	Subsoil: brown clay silt sand.	natural	301
				<i>No archaeological features were present within the trench.</i>		
				TRENCH 4: 24m long by 1.5m wide. Natural = variable bright beige gravel and bright brown orange clay silt. Present at average 81.13m aOD.		
401	n/a	n/a	0.27	Topsoil: dark grey brown sand silt.	402	n/a
402	n/a	n/a	0.35	Subsoil: brown clay silt sand.	natural	401
[403]	1.50	2.23	0.53	Northeast – southwest aligned ditch with a rounded to undulating profile. Contained 404.	natural	404
404	1.50	2.23	0.53	Fill of [403]: orange brown sand clay, which contained frequent gravel.	[403]	402
[405]	1.65	0.70	0.45	Cut feature with a steep to vertical profile. Partly revealed within the evaluation trench. Contained 406. Modern feature, which was cut through subsoil 402 into the top of the natural substrates. Partially recorded in plan only.	402	406
406	1.65	0.70	0.45	Fill of [405]: black clinker, which contained Modern metal and glass.	[405]	401
[407]	1.85	1.56	0.38	Northeast – southwest aligned ditch with a rounded profile. Contained 408 and 409.	natural	408
408	?	0.68	0.11	Fill of [407]: light grey brown silt gravel.	[407]	409
409	1.85	1.56	0.38	Fill of [407]: orange brown silt sand.	408	402

CXT	L(m)	W(m)	D(m)	DESCRIPTION	CUTS/LATER THAN	CUT BY/EARLIER THAN
				TRENCH 5: 25m long by 1.5m wide. Natural = bright beige gravel with occasional patches of bright brown orange clay silt. Present at average 81.67m aOD.		
501	n/a	n/a	0.22	Topsoil: dark grey brown sand silt.	natural	n/a
[502]	4.0	2.03	0.87	Northwest – southeast aligned ditch with a steep sloping to rounded profile. Contained 503 and 504.	natural	503
503	?	1.12	0.31	Fill of [502]: grey brown sand gravel, which contained rare charcoal flecks.	[502]	504
504	4.0	2.03	0.56	Fill of [502]: brown clay sand.	503	501
[505]	0.55	0.48	0.32	Sub-circular probable posthole with near vertical sides and a rounded base. Contained 506 and 507. Similar / related to [508].	natural	506
506	?	0.47	0.20	Fill of [505]: grey loose gravel.	[505]	507
507	0.55	0.48	0.12	Fill of [505]: brown clay sand.	506	501
[508]	0.56	0.50	0.30	Sub-circular probable posthole with near vertical sides and a rounded base. Contained 509 and 510. Similar / related to [505].	natural	509
509	?	0.54	0.18	Fill of [508]: grey loose gravel.	[508]	510
510	0.55	0.48	0.13	Fill of [505]: brown clay sand.	509	501
[511]	4.50	2.13	0.78	Northeast – southwest aligned ditch with a steep sloping to rounded profile. Contained 513.	natural	513
512				Void – natural gravel.		
513	4.50	2.13	0.78	Fill of [511]: red brown clay sand silt, which contained frequent gravel.	[511]	501

APPENDIX 2: The Ceramics

By Paul Blinkhorn

The pottery assemblage comprised eight sherds with a total weight of 303g. It was all Early/Middle Anglo-Saxon or Post-medieval. The following fabric types were noted:

- E/MSAX:** Early/Middle Anglo-Saxon Hand-built Ware, 5th – 9th century. 3 sherds, 17g.
PMR: Glazed Red Earthenware, 16th – 19th century (Brears 1969). 4 sherds, 234g.
MOD: Misc. Modern Wares, 19th century+. 1 sherd, 52g.

The pottery occurrence by number and weight of sherds per context by fabric type is shown in Table 1. Each date should be regarded as a *terminus post quem*. The range of fabric types is fairly typical of sites in the region.

The sherd of E/MSAX from context (510) is a rim from a small jar with an upright rim-form typical of the tradition. The fabric is sandy, with moderate organic voids up to 5mm and rare quartz and flint up to 0.5mm. The fragment from context (504) is in a sandy fabric, whilst that from (404) is in an organic-tempered fabric, with moderate to dense oolitic limestone temper. The fabrics are very typical of the pottery of the period in the region (eg. Seager Smith 1997, 68). The sherds are all undecorated and so cannot be closely dated other than to within the broad Early/Middle Anglo-Saxon period (5th – 9th century).

The PMR is fragments of jars and bowls, which is fairly typical of the tradition. The sherd of Modern pottery from context (101) is from a stoneware drain-pipe.

The assemblage is in reasonably good condition and appears reliably stratified, albeit as the product of secondary deposition.

Table 1: Pottery occurrence by number and weight (in g) of sherds per context by fabric type.

Cntxt	E/MSAX		PMR		MOD		Date
	No	Wt	No	Wt	No	Wt	
Tr2 U/S			1	47			U/S
101			3	187	1	52	MOD
404	1	7					E/MSAX
504	1	1					E/MSAX
510	1	9					E/MSAX
Total	3	17	4	234	1	52	

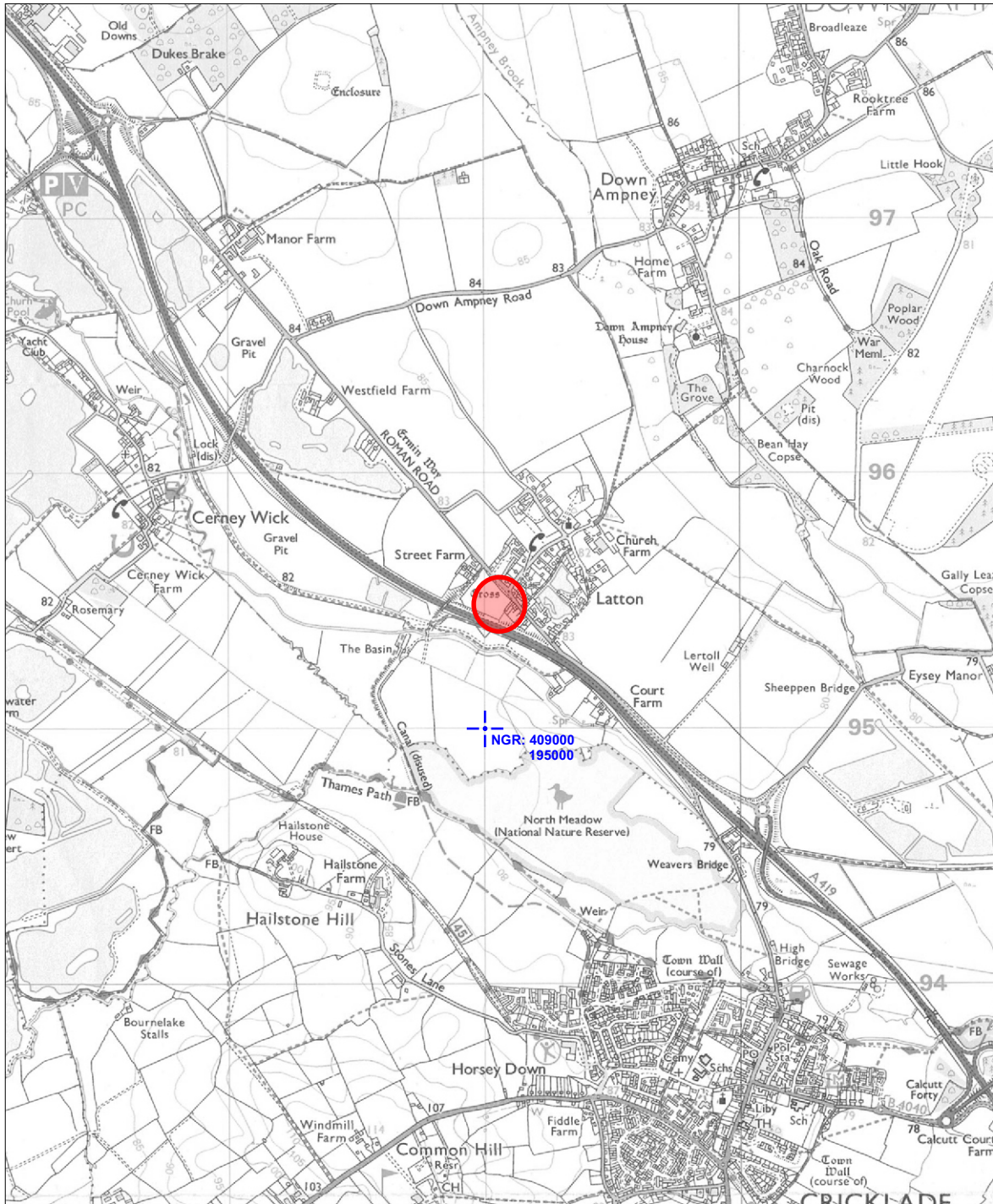
Bibliography

Brears, P C D, 1969, *The English Country Pottery. Its History and Techniques*. London. David and Charles.

Seager Smith, R, 1997, 'Saxon Pottery' in CA Butterworth and R Seager Smith, Excavations at The Hermitage, Old Town, Swindon, *Wiltshire Archaeological and Natural History Magazine* **90**, 68.

APPENDIX 3: Miscellaneous Finds List

CXT	DESCRIPTION
101	1 x fragment of semi opaque glass. 8g.
Tr1 spoil heap	1 x lump of clinker or industrial waste. 7g. Metal detecting survey find.
Tr2 spoil heap	1 x metal perforated clothes button - Victorian / Modern. <1g. Metal detecting survey find.
404	4 x animal bone fragments. 10g.
404	1 x lump of burnt material, possible industrial waste. Uncertain. <1g.
Tr4 u/s	2 x animal bone fragments. 3g.
503	2 x animal bone fragments. 75g.
509	1 x animal bone fragment. 6g.
513	1 x animal bone fragment (burnt). 2g.



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 Ordnance Survey Licence 100015722

Site Code: TSL22

Accession Code: DZSWS:22-2022

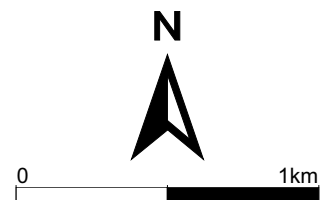
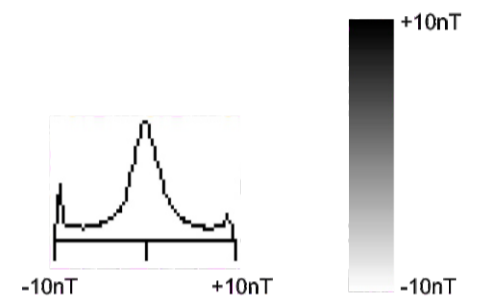
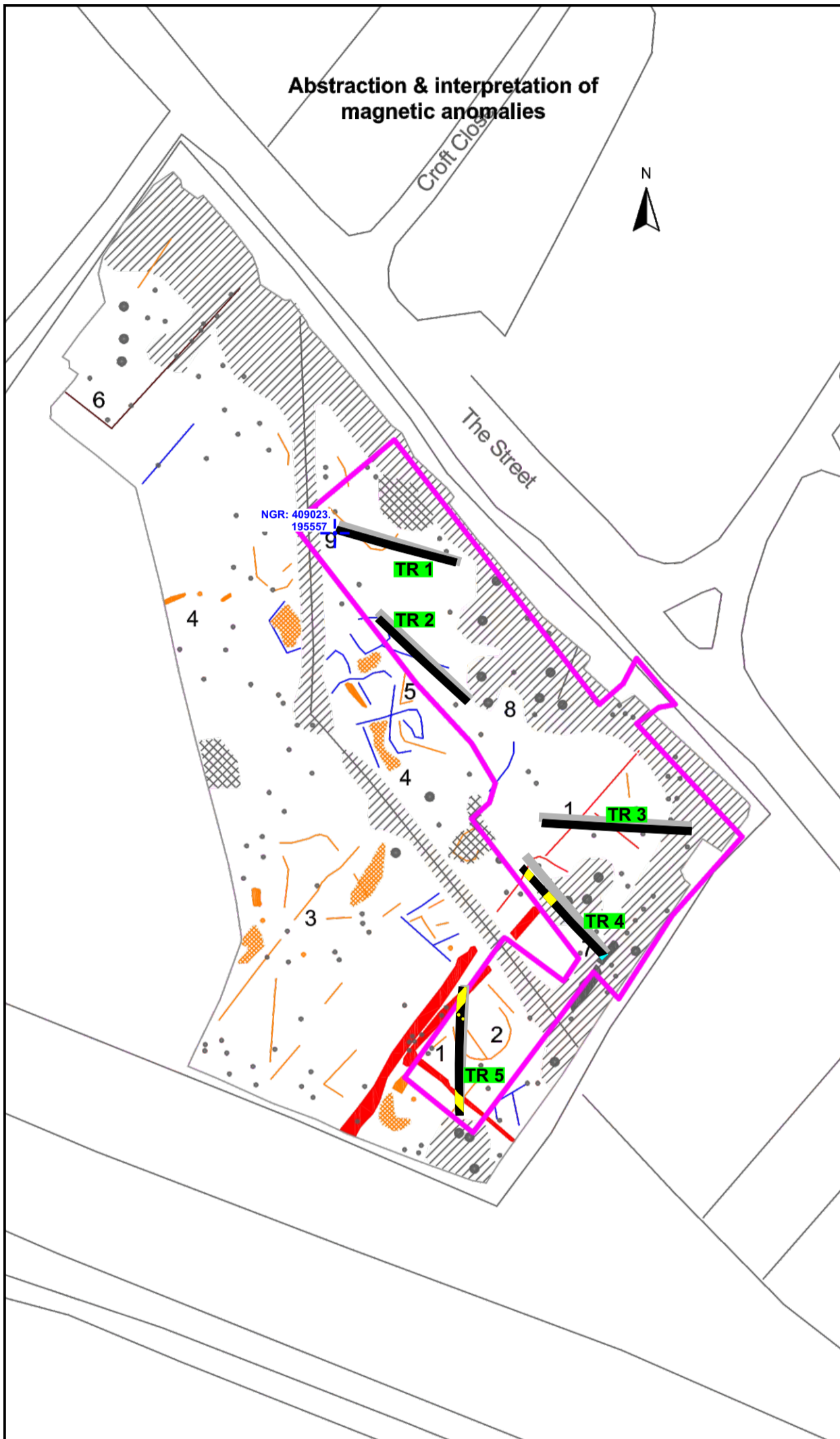


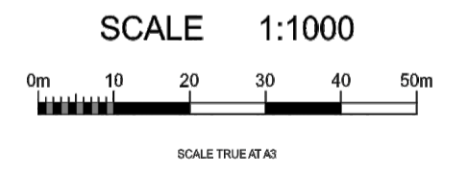
FIGURE 1: Site Location

Geophysical Survey
Land south west of The Street
Latton
Wiltshire

Greyscale plot of magnetometer data & abstraction & interpretation of magnetic anomalies with development boundary



- Positive linear anomaly - cut feature of archaeological potential
- Positive linear anomaly - possible ditch-like feature
- Positive linear anomaly - former boundary
- Negative linear anomaly - material of low magnetic susceptibility
- Discrete positive response - possible pit-like feature
- ⊗ Positive anomaly - magnetically enhanced material
- ⊗ Magnetic debris - spread of magnetically thermoremanent/ferrous material
- /// Magnetic disturbance from ferrous material
- Strong multiple dipolar linear anomaly - pipeline / cable / service
- Strong dipolar anomaly - ferrous object



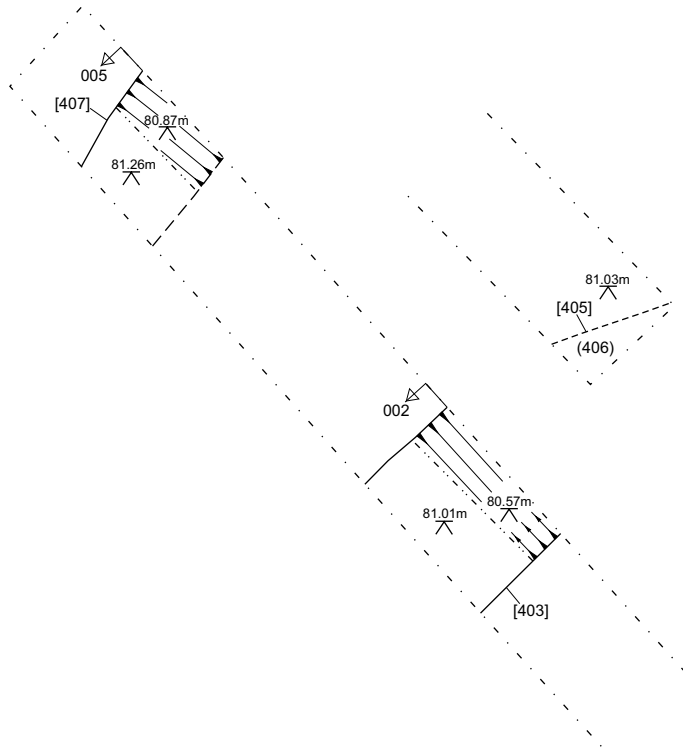
DRAWN BY **KTD** CHECKED BY **DJS** **FIG 06**

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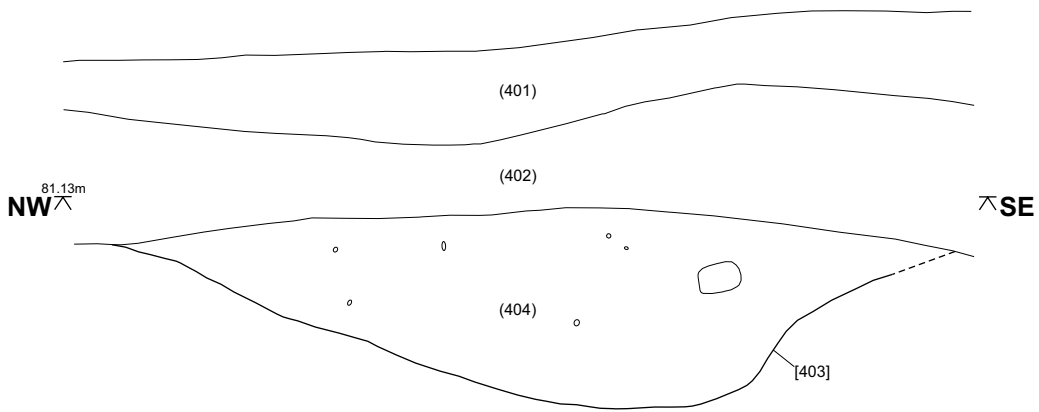
Site Code: TSL22
Accession Code: DZSWS:22-2022

- = PROPOSED TRENCH
- TR 1 — = TRENCH AS DUG
- = FEATURE
- = MODERN FEATURE

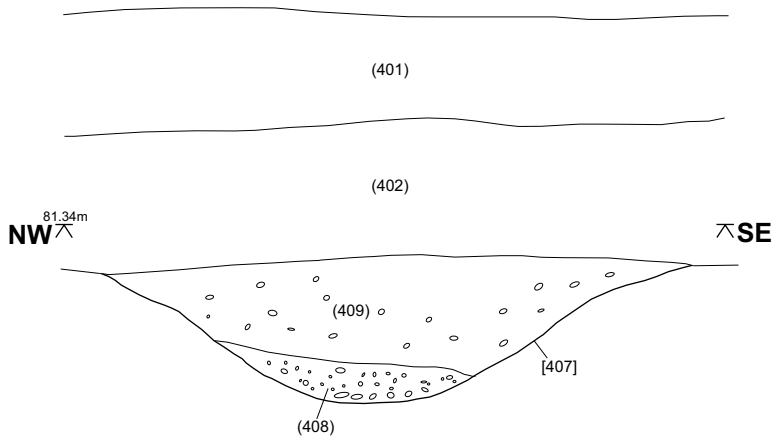
FIGURE 2: Site Plan



SEC 002: SOUTHWEST FACING SECTION [403]



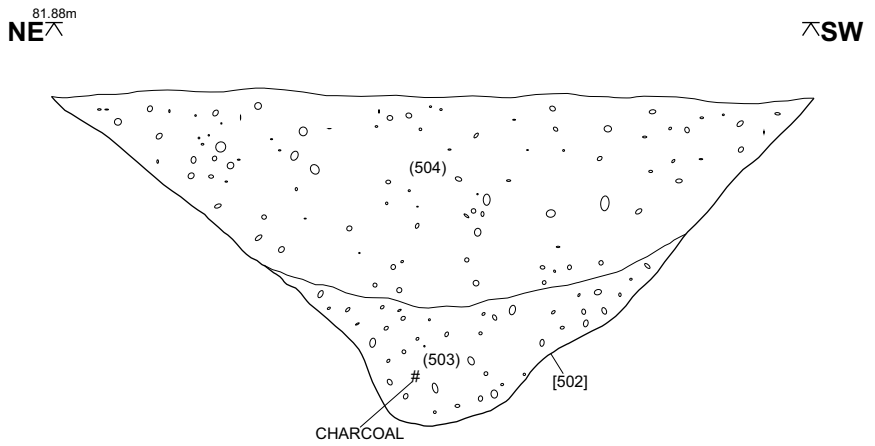
SEC 005: SOUTHWEST FACING SECTION [407]



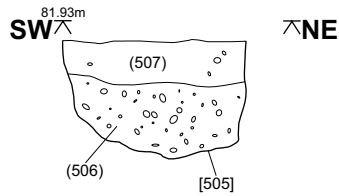
<p>Site Code: TSL22 Accession Code: DZSWS:22-2022</p>	
<p>N</p>	
<p>0m 4m</p> <p>Plan</p>	
<p>0m 1m</p> <p>Section</p>	
<p>FIGURE 3: Trench 4 Plans and Sections</p>	



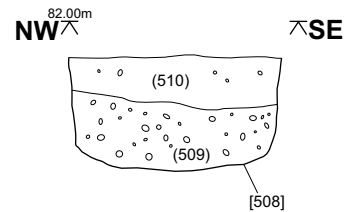
SEC 001: NORTHWEST FACING SECTION [502]



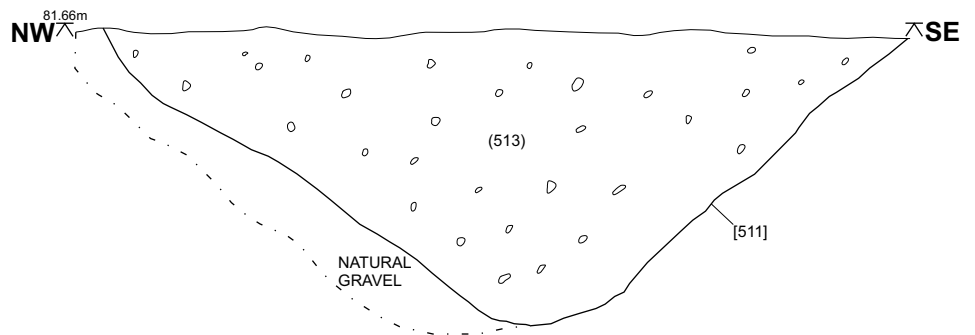
SEC 003: SOUTHEAST FACING SECTION [505]



SEC 004: SOUTHWEST FACING SECTION [508]



SEC 006: SOUTHWEST FACING SECTION [511]



Site Code: TSL22
Accession Code: DZSWS:22-2022

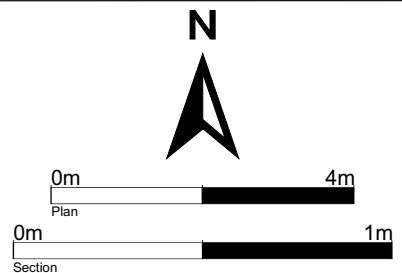


FIGURE 4: Trench 5 Plan and Sections



P1: TRENCH 1 LOOKING SOUTHEAST



P2: TRENCH 2 LOOKING NORTHWEST



P3: TRENCH 3 LOOKING WEST



P4: TRENCH 4 LOOKING NORTHWEST



P5: FEATURE [403], SEC 002



P6: FEATURE [405], PARTIAL RECORD ONLY



P7: FEATURE [407], SEC 005



P8: TRENCH 5 LOOKING NORTH



P9: FEATURE [502], SEC 001



P10: TRENCH 5 NORTH LOOKING NORTHEAST



P11: FEATURE [505], SEC 003



P12: FEATURE [508], SEC 004



P13: FEATURE [511], SEC 006



TOWN AND
COUNTRY
PLANNING
DEVELOPMENT
CONSULTANTS



LAND TO THE SOUTHWEST OF THE STREET, LATTON, SN6 6EH

PLANNING APPLICATION REFERENCE 20/11236/OUT

VIABILITY ASSESSMENT

Prepared by

**Andrew Miles DipTP MRTPI
Director
LPC (Trull) Ltd**

Our Reference: ADM.LPC4561

June 2022

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1.0 INTRODUCTION

1.1 At its meeting on 2nd February 2022, the North Area Planning Committee, Wiltshire Council resolved to grant outline planning permission for a village recreation hall, all weather tennis court and erection of six houses. This was delegated to the Head of Development Management to grant permission subject to:

- (i) The completion of an archaeological field evaluation, which has now been undertaken and the content was subsequently approved by the County Archaeologist.
- (ii) The submission of a viability appraisal and costs assessment for the development including village hall replacement and proposed financial contribution, and
- (iii) The completion of a S106 Agreement to ensure that part of the application site is transferred to the local community and that a financial sum will be paid towards the cost of the construction of the village recreation hall.

1.2 This paper is submitted concerning the second requirement, the viability appraisal. It should be noted at the outset that since this proposal was the subject of the first application, in September 2019, the costs for the construction of the village hall have increased by 70%, due to global issues that have arisen since then.

2.0 THE VILLAGE RECREATION HALL

2.1 In order to build the hall, prices have been sought for the construction costs. However, without a detailed drawing of the proposed structure, which will require the benefit of planning permission, it has been assumed that a building measuring 23m long x 13m wide will be acceptable, this to be suitable for multi-functional recreational use, as sought by the local community. This would be a steel framed, wide spanned building that would be suitable for a variety of indoor recreational purposes and the indicative costs for the construction of the

building is circa £280,000. This does not include internal decoration and fitting out, which will be undertaken by the local community in order to reduce costs.

- 2.2 The tennis court/outdoor recreation area has not yet been priced as that part of the proposal will take place in the future but the land will be donated for that purpose and the grassed area could be utilised in the short term.

3.0 THE HOUSING PROPOSAL

- 3.1 The drawing submitted with the outline application showed the erection of six houses with the illustrative elevations anticipating the type of dwellings that would be appropriate in this location. These show accommodation in the roof space to maximise the use of the built form, adopting a similar approach to that of Croft Close, on the opposite side of The Street.

- 3.2 As with the hall, the appearance, design and layout of the dwellings have yet to be approved and so this assessment is based on the type of accommodation submitted in support of the outline application. It showed 2 detached houses and 4 semi-detached with 5 dwellings having gross internal floor areas of approximately 130m² with one of the detached houses have a larger floor area of some 150m². The total gross internal floor area (GIFA) for the houses for the purposes of this assessment will be 800m².

4.0 THE SALE OF HOUSES IN LATTON

- 4.1 Investigations have taken place of the most recent properties for sale in Latton on the Rightmove website. These revealed just two houses for sale in May 2022, a 4-bedroom house with a GIFA of 216m² for sale at £895,000 and a 2-bedroom end of terrace on The Street with a GIFA of 95.3m² for sale at £395,000. These properties differ significantly in size and location but their selling prices equated to £4,144 per m² and £4,145 per m² respectively. This is, therefore, the most up-to-date valuation for property sales within Latton.

5.0 ESTIMATE OF SITE AND HOUSE PRICES

- 5.1 Based on the most recent sales price per m² of gross floor area, the selling price of the houses at the application site should be in the region of 800 x £4,145 which equals £3.31 million.
- 5.2 Working backwards from the sale price are the construction costs, including infrastructure, and the developer's profit. The current build costs are difficult to estimate as much depends upon the quality of finish but it is likely to be in the range of £1,700 - £2,500 per m². Taking a figure of £2,000 per m² would result in a build cost for the six houses and infrastructure of £1.6 million. With the officer's Committee report suggesting that builders would be looking to make 15-20% profit, this would make the build cost and profit of between £1.84 million to £1.92 million. If the profit was higher at 25%, this would be £2.0 million.
- 5.3 Based upon the above calculation and with a developer's profit of 25%, the land cost would be £1.30 million, which equates to an average of just under £217,000 per plot. In my opinion, this is an unrealistic figure for this particular location where there is the potential for noise from traffic along the A419 and The Street, as well as being in close proximity to the proposed hall. Furthermore, the gardens, whilst adequate for the proposed dwelling are not of the size found in other locations within the village. Accordingly, it is necessary to re-visit the selling price of comparable properties to see if this is accurate.
- 5.4 Looking at house prices in Croft Close, a 4-bedroom detached house with double garage sold for £507,500 in October 2020 and another similar sized property sold for £475,000 in August 2019. Whilst Rightmove says that house prices in Latton had an overall average price of £554,000 in the last year and that prices have risen 9% on the previous year, it is unlikely that the proposed houses would sell for as much as comparable houses in Croft Close. Instead, I would suggest that the semi-detached houses would probably sell for about £450,000 each and the detached houses for £500,000 and £550,000, if they all

had garaging. This would result in an overall sales figure of £2.85 million but the build costs would increase due to the cost of building the garages, by approximately £150,000. Accordingly, the build costs for the houses and garages would total £1.75 million. Builder's profit would be £350,000 at 20% or £437,500 at 25%, making a total build cost in the region of £2.1- 2.2 million. Deducting these figures from the sales price would result in a land price of £662,500 - £700,000.

- 5.5 Another option for the current owners of the housing land would be to sell the plots, as a serviced site, to individual landowners in order for them to erect self-build dwellings. This would, of course, mean that the developers profit element would not be within the calculation. The build cost would be slightly higher, depending upon the finish sought by the individual landowners but an additional £150,000 would be generated from the sale of the land, based on the average price for each plot being circa £140,000.

6.0 ARE THE CONTRIBUTIONS FAIRLY AND REASONABLY RELATED IN SCALE AND KIND TO THE DEVELOPMENT?

- 6.1 The land for the village recreation hall and the outdoor recreational area to its south will be gifted to the Latton Parish Community Trust upon it achieving charity status, the application for which is currently being prepared. At the same time, a donation will be made to the Trust, as a registered charity, for the sum of £100,00 to pump prime the construction of the hall. This financial sum will represent an advanced contribution from the sale of the land for housing with the owners being reimbursed at a later date when the land for housing is sold.

- 6.2 To ascertain whether this contribution is fair and reasonable, a comparison can be drawn with the Community Infrastructure Levy that the proposal would generate. Based on the CIL rate which is indexed linked, the cost per m² for CIL would be £108.54, based upon a notice received by this practice within the last week. For the 800m² of development proposed, this would equate to £86,832. If double garages

were added for each property, the total amount payable would be just over £110,000 or if double garages were proposed for the detached houses and single garages for the semis, the CIL payment would be about £100,000. Accordingly, the proposed financial contribution towards a village recreation hall for the local community is considered to be fair and reasonable.

- 6.3 In addition, the owners will also provide the land and fund the construction of the access road and drainage infrastructure. It is not possible to state at this time the sale price of the housing land as the owner's priority over the period of 3 years since this project was first mooted was to ensure that there would be benefit to the local community. Latton Parish Council and the Community Trust that is being formed to administer the land and the proposed building consider that the donation of the land and the financial sum is acceptable and the North Area Planning Committee were also aware of the package when making the resolution to grant permission.
- 6.4 I trust that you will agree that this assessment shows that the contribution is viable reasonable and fair and that the land will be donated and the financial sum paid as soon after the signing of the Agreement and the issuing of the planning permission as is possible, upon the Trust gaining charity status.

APPENDIX D

LATTON PARISH COMMUNITY TRUST

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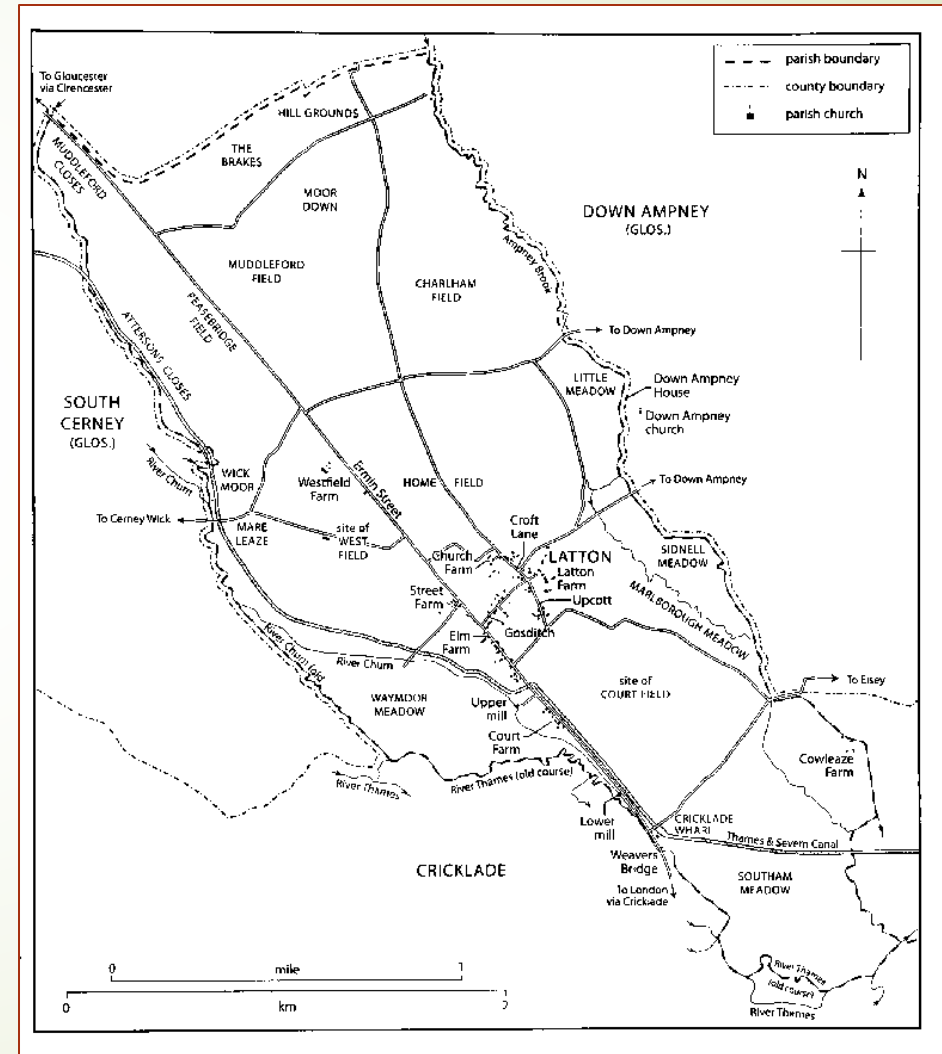
Update



Contents



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- [Plan / Phasing](#)
- [Structure / Cadence](#)
- [Charitable Trust](#)
- [Community Engagement](#)
- [Purpose / Uses](#)
- [Design](#)
- [Funding / Grants](#)
- [Run, Grow, Give](#)
- [Recent Work](#)
- [So Now What](#)
- [Appendices](#)



Overview



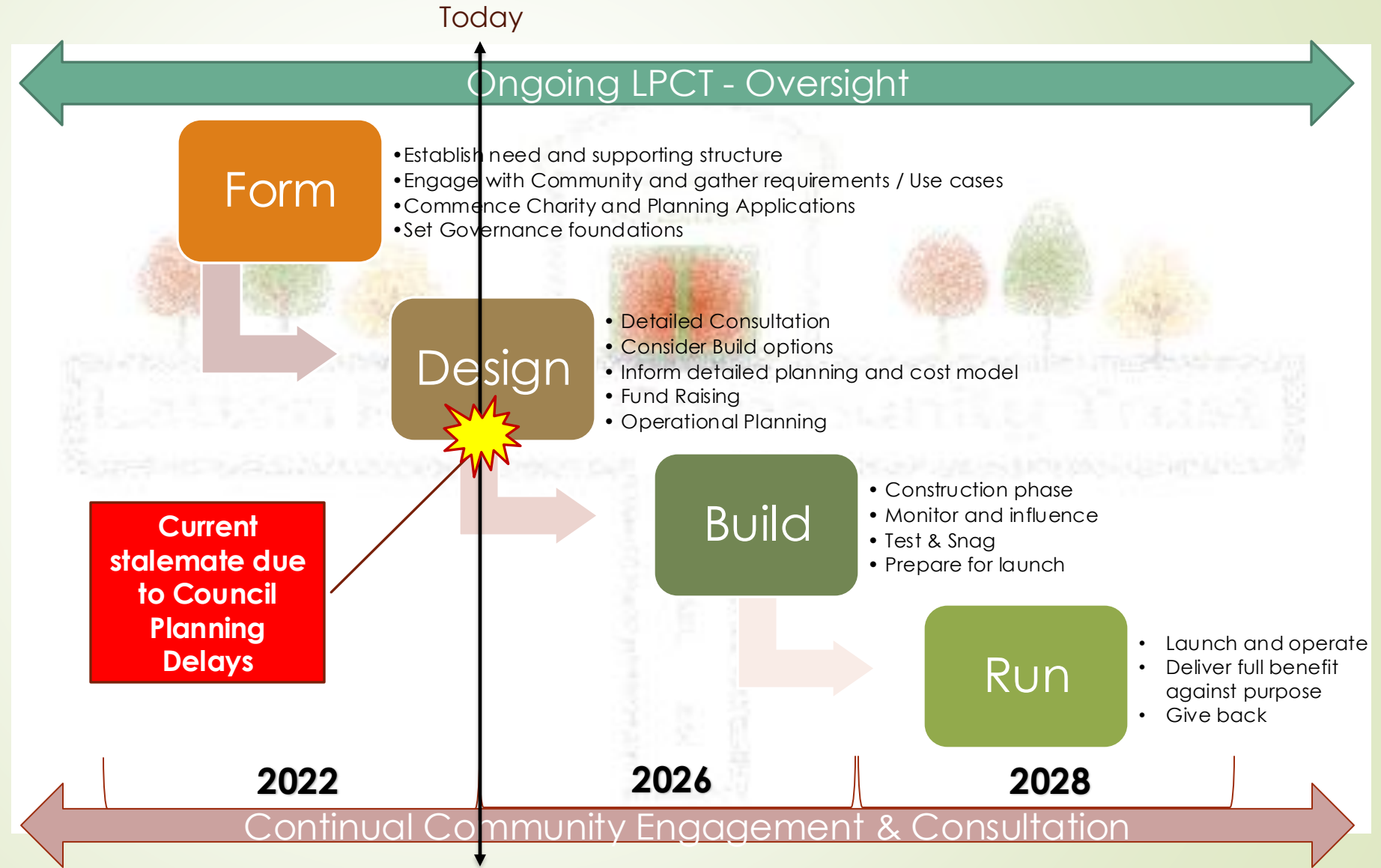
- ▶ Latton is a village and civil parish in Wiltshire, England, 1.5 miles (2.4 km) north of Cricklade, on the county border with Gloucestershire. The village is bypassed by the A419 road from Swindon to Cirencester. The parish of Latton includes the hamlet of Eysey and Water Eaton. It has a population of c.469 electors registered, resident in around 238 properties and is increasing with c.12 new homes in the last 2-years and a further 6 in planning. If we were to account for all age groups, we are likely to be serving c.700 residents and growing.
- ▶ Over the last 12-years there have been numerous studies completed to determine the needs and shape the future of the Parish. This has been supported by an active and Community led Parish council. These studies have highlighted the need for a Community Hub, run by and for the Community.
- ▶ The recent Pandemic and current increase in the cost of living has put this need into the spotlight, energising demand from Parish residents for inclusive activities, events and interest in support of good causes. This has driven the need to create a Charitable Trust to enable strong foundations and a purposeful vehicle to deliver tangible benefits to the community and surrounding area.
- ▶ Concurrently, land has been offered as a donation to the Parish to put towards a New Village Hall, permission for which has reached conditional outline planning stage (see [Appendix 1](#)). A previous attempt to progress this opportunity stalled due to the Covid-19 pandemic.
- ▶ This document represents the efforts to combine and continue intent to form a Latton Parish Charitable Trust (LPCT) to exploit opportunities for community development, social cohesion and support.
- ▶ The progress of the Outline Planning application seems to have stalled with the the Wiltshire Council Planning Department, despite our understanding that conditions have or are being met by the applicant.



Plan / Phasing

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A top-level plan dependant on achieving Charitable Status, New Village Hall – facilitating the needs of the community and becoming a vehicle for community cohesion



Committee Structure / cadence



We already have a vibrant Community with many dedicated Volunteers doing amazing things (examples pictured). The governance and structure of the Trust Committee aims to augment, support and sustain these efforts and the needs of the parish now and into the future

➤ 3 trustees (minimum):

- Ben Stevens (Chair)
- Emma Fletcher (Sec)
- Barry Branigan
- David Pembridge
- Andy Lawrence

• Members:

- Barry Branigan (Treasurer)
- James Trudgian (Communications)
- Andy Lawrence (Design)
- David Pembridge (Planning)
- Marietta Crockford (Fund Raising)
- Brian Paxton (Community Research)



- Meeting cadence every month
- Quorum and Governance laid out in the [Constitution](#)
- Representation from the Latton Parish Council (Chairman)
- Regular updates to residents
- In setting up this Committee advice and guidance has been sought from numerous official sources available on request





Charitable Trust

► Objects / Purpose:

To advance such charitable purposes (according to the law of England and Wales) as the trustees see fit from time to time in particular but not limited to advancing citizenship or community development.

To further or benefit the residents of Latton Parish and the neighbourhood, without distinction of sex, sexual orientation, race or of political, religious or other opinions by associating together the said residents and the local authorities, voluntary and other organisations in a common effort to advance education and to provide facilities in the interests of social welfare for recreation and leisure time occupation with the objective of improving the conditions of life for the residents.

In furtherance of these objects but not otherwise, the trustees shall have power:

To establish or secure the establishment of a village hall or community centre and to maintain or manage or co-operate with any statutory authority in the maintenance and management of such a centre for activities promoted by the charity in furtherance of the above objects.

In the process of delivering on these objects the Trust may need to own land, control substantial funds or enter into contracts. Therefore, the body will be run as a **Charitable Incorporated Organisation (CIO) and given its Community focus, adopt the 'association' model as it will have a wider membership, including voting members other than the charity trustees.**

The energy of willing volunteers has formed a cohesive committee and its collective effort, continued momentum and the opportunities being presented will not be fully exploited until we achieve charitable status

- Trustee declaration ([link](#))
- Constitution ([link](#))
- Application ([link](#))

Community Engagement



- Latton has a vibrant community, and continual consultation is needed to ensure we cater for the Parish and remain open minded to its needs.
- An ongoing and effective way of communicating with the local community has already been established and will continue to evolve to ensure the Trust meets the ever-changing and diverse wishes of the community.
- This has and will continue to include:
 - [Latton Community FaceBook Group](#)
 - [Latton Parish Council Website](#)
 - Cricklade & Latton Chronical
 - Other local press (Swindon Advertiser)
 - Flyers to residents ([example](#))
 - Local events:
 - Open Evenings
 - Latton Café and other Events, etc.
 - Community surveys



Purpose / Uses

Improving the conditions of life for residents...



Sports / Leisure:

- Keep fit / Pilates classes
- Badminton / Paddle Tennis / Table Tennis
- Skittle Alley
- Pensioners morning exercise
- Youth soft football

Clubs / Interest Groups

- Lunch club
- Dance / Music club
- Book exchange
- Bridge Club
- Cooking club
- Flower arranging
- Art / Crafts

Environment:

- Recycling
- Local Canal Trust
- Archaeological Interest Groups
- Electric Car Charging?

Charity / Good Causes

- Fund raising events
- Charity Events
- Trust / Charity meetings
- Food / Clothes Bank Collection
- Community Capacity projects

Leisure Time Occupation



Education

Recreation

Meetings, Lectures and Classes

Welfare:

- Mental Health training
- Mother & Baby / Children clubs
- Treatment Room (Outreach)
- Drop-in Clinics (Dr, Physio, Vets?)

Local Economy:

- Point of sale for local producers (garden plants, veg, eggs, etc.)
- Mobile Take away
- Pop Up - Village Shop / post office
- Business / Networking hub (Wi-Fi)
- Parish Council

Social Cohesion / Inclusion:

- Quizzes / parties, coffee mornings, cake sales, pub evenings
- Disabled social afternoon exercise / activities
- Multi-faith groups / activities
- Latton Café and Committees
- Cinema / Race nights

'Something for everyone'

Representative ideas from Parish residents gathered through local engagement...

Design

Dual Use

Regular
Foot-fall



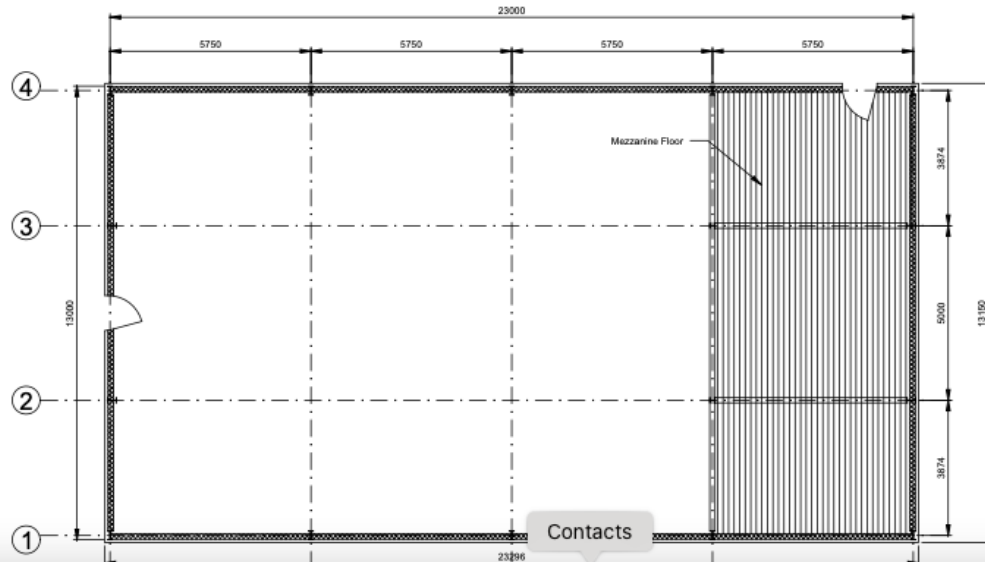
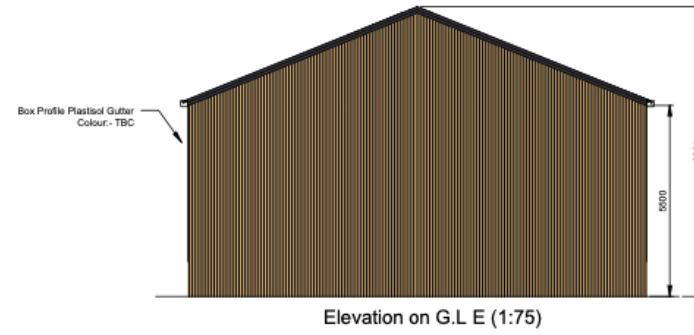
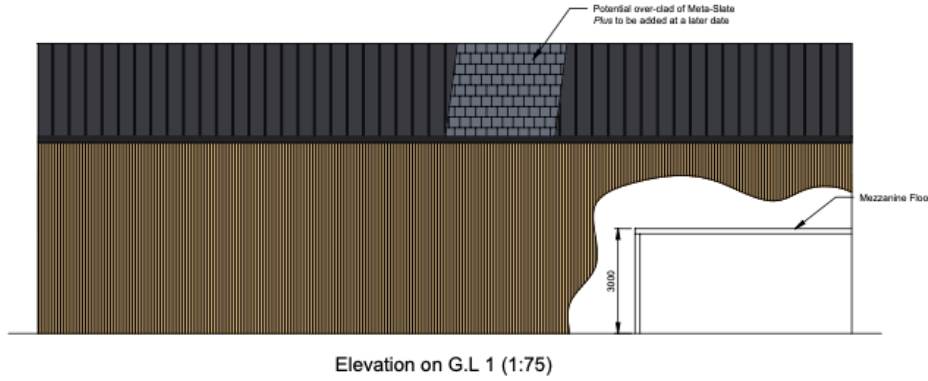
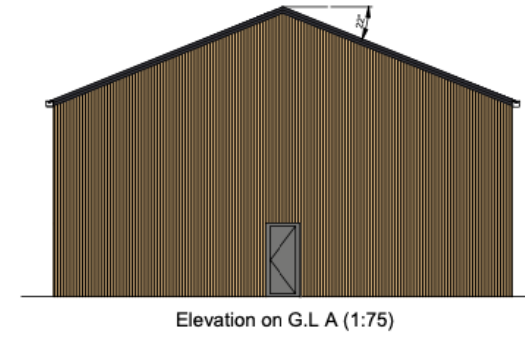
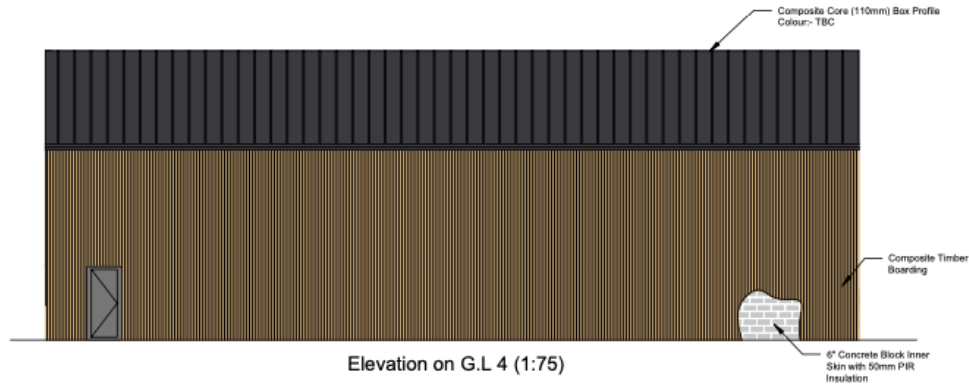
- From a design perspective numerous visits have been conducted to similar facilities to review:
 - How they look and are designed
 - What activities they support
 - How successful they are and how they are run
- We are also reviewing examples of modern structures that are representative of the potential construction methods and materials
- Clearly, we will need to strike a balance between the aspirations of the community and what is realistically sustainable and affordable
- Our Plans will also need to be phased to secure some funding so the function of the facility may have to iterate or evolve
- Safety, security, sustainability and supportability will also be key factors driving this

Shop

Creche

Cafe

HQ!



For illustrative purposes only



For
illustrative
purposes
only

Funding / grants



Our research has suggested numerous of sources of funding. All will be approached to support the Trust on a one-off donation or ongoing grant basis:

- Crowdfunding
- Community First
- Latton Parish Council / CIL
- Arnold Clark
- Solve community fund
- Mid Counties Co-operative Grants
- National lottery community fund
- Hills Landfill Trust
- Crapper and Sons Landfill Trust
- National Emergencies Trust Local Action fund
- Central Southern England Fund
- 113 Events (and other local event organisers)
- Community ownership fund
- Platinum Jubilee Fund
- Garfield Western foundation
- FCC Community Action Fund
- Small Grants Scheme – foylefoundation.org.uk
- Waylands
- Cullimore
- Tarmac
- Amazon Smile
- Local Community Groups
- Other Local Businesses / Employers
- Our own Fundraising Events

- *List is not exhaustive*
- *Funding / requests will be phased to align with spend profile*
- *Any donation will be tracked and recorded enabling full audit*
- *This also allows us donor contact and transparency should circumstance change*

Run, Grow, Give



- Aspects of how the facility will be run, develop and give back to the community will continue to mature through the early stages of the facility planning / constructions. Outline arrangements include:

- Opening Hours:** The facility will be made available daily from 8:00am to 10:30pm. Requests can be made outside of these parameters by exception and will be considered by the trust on their own merit (i.e. Polling Station / Emergency shelter, etc.)
- Access:** The facility will only be opened as required / on demand via a network of responsible key holders through a central booking process and with organisational oversight. Physical or Policy Restrictions maybe put in place to Kitchen or storage facilities, depending on each situation. This would be quite normal to safeguard property, hygiene standards, for Health & Safety reasons and general protection of users. Hall access arrangements will include the need for hand over and acknowledgement of related policies by the user, including what to do in the event of an emergency
- Who benefits / Prioritisation:** The Facility is run as a charitable cause, so there will always be consideration to those less fortunate to enable some sort of support and/or access. It is the intention to make the community centre available for all and therefore the price will be determined accordingly to ensure equality of access. For this reason, the principle of 'Charity first' will be applied where there are booking contentions.
- Private Parties / Commercial use:** policies will be developed to ensure that these events are controlled and, in the parameters, and spirit of both the Trust Governance and community guidelines / wishes. For example; the 'sale' of alcohol is forbidden within the parish due to local by-laws/conditions.
- Hire Rates:** It is anticipated that a nominal rate to cover costs will be charged to community users with a commercial rate being charged for commercial hirers. They are not set in stone, subject to regular review and situation dependent.

Proposed Hire Rates	Charity / Non-Profit	Private	Commercial
1 Hour Hire	£15	£20	£30
Half Day AM/PM/Evening Hire	£45	£60	£90
Full Day Hire	£75	£95	£160



Appendices

14

1. The Facility

1. The Facility



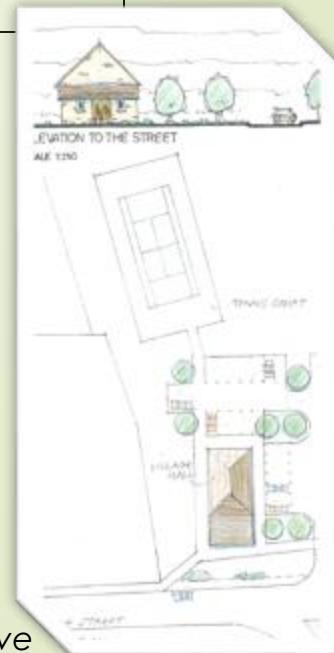
Existing Facilities:

- There are no existing and suitable facilities owned by and for the sole benefit of the village
- An existing building being used as a village hall was once the village school and is owned by The church. It is a listed building and in a significant state of dilapidation, does not meet the increasing needs of a growing parish.
- The building is not suitable for many of the uses the village have put forward and, in any case, would need complex and costly renovation to bring to safe and modern standards, estimated to be of greater cost than a new build
- The village buying the facility from the Church is not an affordable option and any proceeds from the sale would in any case go to the church for the wider diocese.
- Access to other facilities requires travel outside of the Parish / County including the need to navigate the busy A419 dual-carriageway.

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New Village Hall Plans:

- Over recent years a local landowner has applied for permission to build a modest housing development of 6-houses. ([20/11236/OUT](#))
- As part of this scheme the developer is donating ¼ Acre of land to the Village to build a new Village Hall. This is by way of bequeathed from the land-owner who is in poor health, making some of this initial activity both situation and time sensitive
- The Plans have now received conditional Outline Planning consent and the LPCT has been working closely with all stakeholders to progress this opportunity for the Parish
- Research is continuing to determine the best design to meet the needs of the community whilst remaining economically viable, sympathetic to the environment and meeting legislative requirements.
- By-products from the new facility are also likely to include traffic calming measures enhancing the safety of Villagers and visitors



Picture is purely illustrative

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APPENDIX E

DATED

2024

between

WILTSHIRE COUNCIL

and

BERESFORD ORAM

MICHAEL WILLIAM GIBBONS

WILLIAM HOPKINS

**Deed under Section 106 of the Town and Country Planning Act 1990
and all other enabling powers
relating to Land on the south west side of The Street Latton Swindon**

Wiltshire Council

Solicitor to the Council

Wiltshire Council

County Hall

Bythesea Road

Trowbridge

Wiltshire BA14 8JN

Ref: Iken 145625

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THIS DEED is dated

2024

- (1) **WILTSHIRE COUNCIL** of County Hall Bythesea Road Trowbridge Wiltshire BA14 8JN
(**Council**).
- (2) (**Owner**).

BACKGROUND

- (A) The Owner is the freehold owner of the Land registered at the Land Registry under title number WT189238 shown for the purposes of identification only edged blue on the Plan
- (B) The Council is the local planning authority for the purposes of the Act, the highway authority, the education authority and the housing authority for the area in which the Land is situated
- (C) The Owner has submitted the Planning Application to the Council and the parties have agreed to enter into this Deed in order to secure the planning obligations contained in this Deed without which the Planning Permission would not be granted

NOW THIS DEED WITNESSES AS FOLLOWS:

1. Definitions

The definitions and rules of interpretation in this clause apply in this deed:

“the Act”

The Town and Country Planning Act 1990 as amended

“CIL Regulations”

means the Community Infrastructure Levy Regulations 2010 (as amended)

“Commencement of Development”

the date on which any material operation as defined in section 56(4) of the Act forming part of the Development begins to be carried out with the exception of investigation of ground conditions and remedial work archaeological work demolition and erection of hoardings and

in the context of a Residential Unit or Residential Units the material building operation or development in accordance with Section 56 of the Act shall refer to that Residential Unit or Residential Units and Commence and Commenced shall be construed accordingly

“Contribution” each financial contribution payable under this Deed

“Council’s Nominee” Means the Latton Parish Community Trust registered charity number 1200388 of Poppy Cottage, 39 Upcott, Latton SN6 6DS

“Development” any development permitted by the Planning Permission

“Director” the Corporate Director, Growth, Investment and Place or his appointed representative for the time being of the Council

“Highway Works” means all works required as a result of the Development to construct the access road, utility service, drainage infrastructure for the village recreation hall, tennis courts and car park and which details will be provided at Reserved Matters Application

"Interest" interest at the rate of 4% above the base lending rate of the HSBC Bank Plc from time to time

“Land” the land on the south west side of the Street Latton Swindon shown edged blue on the Plan

“Land Compensation Act”

in relation to clause 16 means the Land Clauses Consolidation Act 1845 the Land Compensation Act 1961 the Compulsory Purchase Act 1965 the Land Compensation Act 1973 and the Planning and Compensation Act 1991 and includes the Human Rights Act 1998 and any variation or enactment of the Land Compensation Acts on a date on or after the date of execution of this Deed which confers a right of compensation for the compulsory acquisition of land and/or the diminution in value of land as a result of the carrying out of or the use of public works

“Monitoring Fee”

means the sum of one thousand and nine hundred pounds (£1,900.00) as a contribution towards the Council's costs of monitoring the implementation of this Deed

“Occupation” and “Occupied”

occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction and “Occupy” shall be construed accordingly

“Plan”

the plan or drawing attached to this Deed and referenced Site Location Plan (Revised) which plan is for the purposes of identification only

“Planning Application”

the planning application for outline (with all matters reserved) planning permission for village recreation hall, all

weather tennis court, parking, access and erection of six houses registered by the Council on 16th January 2021 and allocated reference number 20/11236/OUT

“Planning Permission” the planning permission for the Development that may be granted pursuant to the Planning Application

“Reserved Matters Application” means any reserved matters application submitted for the Development pursuant to the Planning Permission

“Residential Unit” Means all residential units forming part of the Development

“Section 73 Permission” means a planning permission granted by the Council pursuant to an application made under section 73 of the 1990 Act to vary the Planning Permission

“Transfer Period” means within 6 months from the Commencement of Development

“Village Recreation Hall Land” means the land edged red on the Plan

“Village Recreation Hall Transfer” means the transfer of the Village Recreation Hall Land to the Council’s Nominee in accordance with Schedule 4 using the transfer in substantially the same form as indicated at Annex B

“Working Day(s)” days on which clearing banks in the City of London are open to the public and for the avoidance of doubt such days shall not include any Saturday or Sunday New

Year's Day Good Friday Easter Monday
May Day Christmas Day and Boxing Day

2. Construction of this Deed

- 2.1. Words importing the masculine include the feminine and neuter gender and vice versa
- 2.2. Words importing the singular include the plural and vice versa
- 2.3. Words importing persons include companies corporations and vice versa and all such words shall be construed interchangeable in that manner
- 2.4. Wherever there is more than one person named as a party and where more than one party undertakes an obligation (including by becoming a successor in title) all their obligations can be enforced against all of them jointly and against each individually
- 2.5. Insofar as different parts of or interests in the Land are owned by different persons each person Covenants with the Council and with one another to co-operate insofar as they are able to ensure that the Covenants herein on behalf of "the Owner" are fulfilled as expeditiously as possible
- 2.6. The headings throughout this Deed are for convenience only and shall not be taken into account in the construction and interpretation of this Deed
- 2.7. Any reference to a clause paragraph schedule or plan is to one in to or attached to this Deed and any reference to this Deed includes any schedule, plan, annexure or other attachment to this Deed
- 2.8. In the absence of contrary provision any reference to a Council document to be completed which is annexed or referred to in this Deed shall be the Council document which is current and in force at the date of its completion
- 2.9. In the absence of contrary provision any reference to a statute or statutory instrument includes any statute or statutory instrument amending consolidating or replacing them respectively from time to time and for the time being in force and reference to a statute includes any statutory instrument direction or specification made or issued under the statute or deriving validity from it

- 2.10. References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and successors to any statutory functions of the Council
- 2.11. Covenants to do or not to do an action shall include respectively a covenant to permit or not to permit that action to be done

3. Statutory provisions

- 3.1. This Deed is made pursuant to the following:
Section 106 of the Act
Section 111 of the Local Government Act 1972
Section 93 Local Government Act 2003
Section 1 Localism Act 2011
and all other enabling powers
and has been entered into by the Council pursuant to those powers
- 3.2. The covenants restrictions and requirements created by this Deed are planning obligations for the purposes of Section 106 of the Act to the intent that it shall bind the parties and their respective successors in title to each and every part of the Land and are enforceable by the Council as local planning authority
- 3.3. It is acknowledged that the obligations contained in this Deed are:
- 3.3.1. necessary to make the Development acceptable in planning terms;
- 3.3.2. directly related to the Development; and
- 3.3.3. fairly and reasonably related in scale and kind to the Development
in accordance with the requirements of Regulation 122 of the CIL Regulations

4. Commencement

- 4.1. This Deed takes effect on the grant of the Planning Permission
- 4.2. The Owner shall notify the Council of the Commencement of Development and the Owner agrees that no time shall run to the detriment of the Council if and so long as the Owner has failed to serve notice

4.3. If the Owner has not provided the information referred to in clause 4.2 above within 20 Working Days of its becoming available the Council shall have the right to obtain this information by other reasonable means and to charge the Owner its costs in obtaining this information subject to a maximum of one thousand pounds (£1,000) per time **PROVIDED THAT** the information is in fact obtained as aforesaid and reasonable evidence of this is provided by the Council to the Owner

5. The Owner's Covenants

The Owner will observe and perform the obligations set out in this Deed and in Schedule 1 Schedule 2 Schedule 4

6. The Council's Covenants

The Council covenants with the Owner as set out in Schedule 3

7. General

The parties agree that:

7.1. Nothing in this Deed constitutes an obligation to grant planning permission or any other approval consent or permission required from the Council in the exercise of any other statutory function and nothing in this Deed constitutes and such approval, consent or permission.

7.2. In the event the Council grants a subsequent Section 73 Permission or if a Section 73 Permission is granted following an appeal under Section 78 of the 1990 Act, any such Section 73 Permission shall be deemed to be granted subject to the covenants and provisions of this Deed and to apply in equal terms to it save that where the Council in its determination of the application for a Section 73 Permission requires consequential amendments to this Deed to reflect the impact of the application for a Section 73 Permission in such circumstances a separate deed pursuant to section 106 of the 1990 Act will be required to secure relevant planning obligations relating to the Section 73 Permission

7.3. This Deed does not and is not intended to confer a benefit on a third party within the meaning of the Contracts (Rights of Third Parties) Act 1999 (other than any replacement body of the Council)

- 7.4. No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Land or that part of the Land in relation to which such breach occurs but without prejudice to liability for any subsisting breach arising prior to parting with such interest
- 7.5. Insofar as any clause or clauses or any part thereof of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed
- 7.6. If before Commencement of Development the Planning Permission:
- a) expires within the meaning of Sections 91 92 or 93 of the Act; or
 - b) is revoked, quashed or modified without the consent of the Developer;
- this Deed shall cease to have effect
- 7.7. The Owner shall pay to the Council:
- 7.7.1. its proper and reasonable legal costs incurred in negotiating preparing and entering into this Deed upon completion of this Deed and in relation to any transaction arising therefrom upon completion of the same
 - 7.7.2. the Monitoring Fee prior to Commencement of Development
- 7.8. The Owner shall pay to the Council its proper and reasonable legal costs incurred in respect of the transfer or other disposal of any land or facility as required by this Deed.
- 7.9. This Deed shall be registerable as a local land charge by the Council
- 7.10. If required by the Council the Owner shall secure registration of this Deed in the Charges Register of the Registered Title to the Land at the Land Registry
- 7.11. Where the agreement approval consent or expression of satisfaction is required by the Owner from the Council under the terms of this Deed such agreement approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement consent approval or expression of satisfaction shall be given in writing on behalf of the Council by the Engineer or Director as appropriate

- 7.12. Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed
- 7.13. Nothing contained or implied in this Deed shall prejudice affect fetter or restrict the rights powers duties and obligations of the Council in the exercise of its functions as Local Planning Authority or any other statutory function rights duties powers and obligations under all public and private statutes byelaws and regulations
- 7.14. This Deed is governed by and interpreted in accordance with the law of England and Wales and the parties submit to the non-exclusive jurisdiction of the Courts of England and Wales.

8. Notices

Any notice or other communication given or made under this Deed shall be in writing and (unless otherwise herein provided) shall be deemed to be sufficiently served if sent by pre-paid first class post or other next working day delivery service to the address of the party specified in this Deed or to such other address (in substitution thereof) as may be notified in writing by that party from time to time for this purpose and in the case of the Council shall be addressed to the Head of Legal Services and quote reference Iken 145625 and copied to the Section 106 and Community Infrastructure Levy Officer

9. Waiver

No waiver (whether expressed or implied) by the Council of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default

10. Change in Ownership

The Owner agrees with the Council to give the Council immediate written notice of any change in ownership of any of its interests in the Land occurring before all the obligations under this Deed have been discharged. Such notice to give details of the transferee's name and registered office (if a company or usual address if not) together with the area of the Land or unit of occupation transferred by reference to a plan

PROVIDED THAT this clause shall not apply to the disposal of an individual Residential Unit

11. Interest

If any payment due under this Deed is paid late Interest will be payable from the date payment is due to the date of actual payment compounded annually.

12. VAT

- 12.1. All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable in respect thereof
- 12.2. If at any time VAT becomes chargeable in respect of any supply made in accordance with the terms of this Deed then to the extent that VAT had not previously been charged in respect of that supply the person making the supply shall have the right to issue a VAT invoice to the person to whom the supply was made and the VAT shall be paid accordingly

13. Indemnity

- 13.1. The Owner hereby undertakes and agrees with the Council that in the event of any claim or claims being made against the Council for any one or more of the following payments:

- a) Compensation (including any claim arising under the Land Compensation Acts)
- b) Damages
- c) Costs
- d) Charges
- e) any other payment

such claim arising in connection with or incidental to or in consequence of any failure on the part of the Owner to comply with its obligations under this Deed the Owner will hold the Council fully indemnified from and against each and every said claim

- 13.2. The Owner shall not be liable under this clause to indemnify the Council in respect of any claim only insofar as and to the extent that the said claim is found to have resulted from the negligent act or omission of the Council or its servants or agents save that for the purpose of this clause the Owner or persons acting on behalf of the Owner shall not be regarded as servants or agents of the Council

14. The provision of this Deed shall not bind any statutory undertakers in respect of land held for their operational purposes and as a consequence of the release given in this clause this Deed may be modified varied or released without the consent or approval of any such person without them being a party to any document or deed required to effect such modification variation or release but such document or deed shall take effect as if they had been a party to such document or deed.

15. Delivery

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

SCHEDULE 1 - Village Recreation Hall Transfer – COUNCIL'S NOMINEE

The Owner covenants to:-

- 1 transfer, in accordance with the Village Hall Transfer, the Village Recreation Hall Land to the Council's Nominee within the Transfer Period
- 2 ensure that prior to the transfer of the Village Recreation Hall Land to the Council's Nominee in accordance with the Village Recreation Hall Transfer the infrastructure for water, electricity, telephone and drainage are provided at the locations on the boundaries of the Village Recreation Hall Land
- 3 ensure that the Village Recreation Hall Land is generally level, free from contamination, of low flood risk and unencumbered so as to be suitable for and to allow its use for a Village Recreation Hall
- 4 to transfer the Village Recreation Hall Land to the Council's Nominee for consideration not in excess of one pound (£1.00)
- 5 provide to the Council's Nominee a statutory declaration in respect of the ownership of the unregistered land shown shaded orange on the Plan and to use reasonable endeavours to promptly deal with any Land Registry requisitions relating to the registration of the Village Recreation Hall Land to the Council's Nominee

SCHEDULE 2 – Contributions

DRAFT

SCHEDULE 3 - Covenants by the Council

Repayment of Contributions

The Council covenants with the Owner:

1. to pay to the Council's Nominee the Village Hall Contribution in accordance with this Deed

DRAFT

DRAFT

Executed as a deed by affixing The
common seal of WILTSHIRE COUNCIL
in the presence of:

Authorised signatory

Signed as a deed by **BERESFORD
ORAM** in the presence of:

.....

SIGNATURE OF OWNER

.....
SIGNATURE OF WITNESS:
NAME OF WITNESS:
ADDRESS OF WITNESS:
OCCUPATION OF WITNESS:

Signed as a deed by **MICHAEL
WILLIAM GIBBONS** in the
presence of:

.....

SIGNATURE OF OWNER

.....
SIGNATURE OF WITNESS:
NAME OF WITNESS:
ADDRESS OF WITNESS:
OCCUPATION OF WITNESS:

Signed as a deed by **WILLIAM
HOPKINS** in the presence of:

.....

SIGNATURE OF OWNER

.....
SIGNATURE OF WITNESS:
NAME OF WITNESS:
ADDRESS OF WITNESS:
OCCUPATION OF WITNESS:

Appendix F – Suggested 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. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. 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:

- The scale of the development;
- The layout of the development;
- The external appearance of the development;
- The landscaping of the site;
- The means of access to the site.

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. The dwellings hereby approved shall not exceed two storeys in height.

REASON: In the interests of amenity having regard to the characteristics of the site and surrounding development.

5. No development on the dwellings hereby approved shall commence until the access road, utility service, drainage infrastructure for the village recreation hall, tennis courts and car park has been completed.

REASON: To enable the delivery of the community infrastructure.

6. The dwellings hereby approved shall not proceed beyond slab/finished floor level until the exact details of all external materials and finishes have been submitted to and

approved in writing by the Local Planning Authority. As a minimum, the submitted details shall include the manufacturer/supplier and material name and a photographic sample of the material/finish. The development shall be completed and maintained in accordance with the approved details.

REASON: To ensure the development does not cause harm to character of the area in accordance with the aims of Core Policies 51 and 57 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

7. The dwellings hereby approved shall not be occupied or brought into use until a scheme of site planting has been implemented in accordance with details that shall first be submitted to and approved in writing by the local planning authority.

As a minimum, the details shall include the locations, sizes, species, planting specifications, maintenance details (to ensure the trees/shrubs establish). If, within a period of 10 years, the trees/shrubs are removed or become damaged or diseased they shall be replaced in the next planting season with the same species. If a variation in species is required due to disease, agreement must be sought in writing from the Local Planning Authority before the replacement is planted.

REASON: To secure vegetative screening within the development site and to ensure development provides net gains to the biodiversity value of the site in accordance with the aims of Core Policies 50, 51 and 57 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

8. The dwelling hereby approved shall not be occupied or brought into use until secure cycle storage sheds for a minimum of two bicycles per dwelling have been installed/constructed in full in accordance with details that shall first be submitted to and approved in writing by the local planning authority. Thereafter, the cycle storage areas shall be kept available for their intended use, in association with the respective dwellings.

REASON: To promote the use of sustainable modes of transport in accordance with the aims of Core Policies 61 and 64 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

9. The dwellings hereby approved shall not be occupied or brought into use until boundary enclosures have been installed in accordance with details that shall first be submitted to and approved in writing by the local planning authority. As a minimum, the details shall include locations, heights and materials/external finishes of all existing boundary enclosures to be retained or replaced and all new boundary enclosures to be constructed/installed. The development shall be completed and maintained in accordance with the approved details thereafter.

REASON: To ensure the development does not cause harm to character of the street scene and to preserve privacy to neighbouring domestic properties in accordance with

the aims of Core Policies 51 and 57 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

- 10.** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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.

- 11.** No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interests of preserving the residential amenities of nearby occupiers in accordance with the aims of Core Policy 57 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework

- 12.** No development shall commence within the area indicated by application 20/11236/OUT until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

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

- 13.** No removal of trees or shrubs shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) A landscape scheme showing planting comprising species of value to wildlife and the creation of corridors for the movement of wildlife around the developed site as well as to and from existing green corridors off site.

(ii) Details of proposed measures that will be taken to avoid harm to wildlife, including timing of works to avoid nesting birds, and pre-commencement checks for protected species including reptiles and amphibians.

(iii) Details of the provision of bat roosting features and nesting opportunities for birds, including but not exclusive to swifts, including a plan showing the location(s) and type(s) of feature(s).

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development.

REASON: To ensure adequate protection, mitigation and compensation for protected species and to provide a biodiversity enhancement, in accordance with paragraph 118 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

- 14.** Prior to first use or occupation of the buildings a lighting design strategy should be submitted to and approved in writing by the local planning authority. It should show the locations and specifications of external lighting and demonstrate that artificial light spill onto features of importance to bats, including new habitat, has been avoided. All external lighting should then be installed in accordance with the strategy.

REASON: Many species active at night (bats, badgers, otters) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

- 15.** No development shall commence, except ground investigations and remediation, until a detailed foul and surface drainage design and maintenance schedule has been submitted to and approved in writing by the local planning authority (in consultation with Highways England). The detailed design shall include infiltration testing and soakaway design in accordance with [Wiltshire Council's Surface Water Soakaway Guidance](#) to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others. to protect the integrity of the highways drainage asset and in the interest of the safe and efficient operation of the A419 trunk road.

- 16.** Prior to the tennis court hereby permitted being brought into use, suitable netting or fencing shall be erected around the perimeter of the court and shall be maintained as such for the duration of use.

REASON: in the interest of the safe and efficient operation of the A419 trunk road.

- 17.** No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the

approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

REASON: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

- 18.** No development shall commence until a noise strategy has been submitted to and approved by the Local Planning Authority in consultation with (in consultation with Highways England). The strategy shall include appropriate assessment of noise impacts from both the A419 and the proposed village hall and tennis courts and that any mitigation measures identified as necessary are provided by the developer and located wholly within the development site.

REASON: To protect the amenity of residents from noise.

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Land at Park Road, Malmesbury

ADVICE

Introduction

1. I am asked to advise in relation to an application for approval of reserved matters pursuant to planning permission granted by the Planning Inspectorate under reference APP/Y3940/W/21/3286853. I am familiar with the site as I acted on behalf of the Appellant in relation to the appeal. The site is known as Land off Park Road, Malmesbury (“the Site”).
2. Planning permission was granted at the Site for the erection of up to 50 residential units and associated development. The permission is an outline planning permission but with detailed approval in relation to access.
3. The planning permission contained a number of conditions. Conditions of particular relevance are set out as follows:
 - “1. Details of the appearance, layout and scale (hereafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved”.
 - ...
 12. No development hereby permitted shall commence on site until an Flooding Emergency Access and Egress Management Plan (the Management Plan), taking account of guidance in the Planning Practice Guidance on how to ensure safe access and egress to and from the development and including details of any gates or similar between the development and the access egress point on Park Lane and the arrangements for their access by the emergency services, has been submitted to, and approved in writing by, the local planning authority. The

access and egress provisions from the approved management Plan shall be implemented prior to the first occupation of any dwelling on the site and emergency access and egress shall be maintained in accordance with the approved Management Plan.”

4. I am asked to advise as to the scope of the reserved matters application. I am instructed that an application has been made for approval of all of the reserved matters. Separately, an application has also been made to discharge condition 12. I understand that the determination of the reserved matters application has been deferred by the local planning authority due to matters relating to the discharge of condition 12.

The Reserved Matters

5. The scope of reserved matters is set out in article 2 of the Town and Country Planning (Development Management Procedure)(England)(Order) 2015, as follows:
 - ‘Access’ – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
 - ‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
 - ‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
 - ‘Layout’ – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

- ‘Scale’ – the height, width and length of each building proposed within the development in relation to its surroundings.
6. In the present case, as set out in condition 1 of the planning permission, the reserved matters are appearance, landscaping, layout and scale. The access details for the site access have already been approved.

Discharge of Conditions

7. The discharge of condition 12 is separate from the approval of reserved matters. It is well-recognised that applications for reserved matters have a specific statutory basis which is distinct from applications to discharge conditions (s92 TCPA 1990 and R (Murray) v Hampshire CC [2003] EWCA Civ 760, and article 6 of the Development Management Procedure Order).

Advice

8. For the purposes of the Town and Country Planning Act 1990 the outline planning permission is the grant of planning permission for the development permitted. It establishes the principle of development. In this case permission has been granted subject to conditions for the erection of up to 50 dwellings and the associated development. The scope of any subsequent approvals is determined specifically by the terms of the particular condition imposed.
9. The reserved matters application is defined in its scope by the definition of reserved matters (as set out above). It is subject to specific statutory status, and its own timescales with statutory consequences. An application is made under Article 6 of the Development Management Procedure Order.
10. In my opinion, there is no valid basis on which the reserved matters should be deferred or refused by reference to condition 12. If the reserved matters details are acceptable in terms of appearance, landscaping, layout and scale then they should be approved without delay given the timescales contained within the planning permission.

11. A clear demonstration of the separation of these processes is that if the reserved matters application was appealed, either for refusal or for non-determination, then matters relating to the emergency access management plan would not be before the Inspector for consideration. The application for approval of reserved matters is legally separate and distinct from the application for discharge of condition 12.
12. If there are concerns in relation to the application to discharge condition 12 this may justify seeking further details in relation to the discharge of that condition. The development pursuant to the reserved matters cannot commence in any event unless and until condition 12 is discharged.
13. However, the scope of the discharge of condition 12 is limited by the terms of the condition itself. It relates specifically to provision and management of an emergency access to address concerns as to flood risk (as referred to in paragraph 60 of the decision letter). I further understand that the statutory technical consultees raise no objection to the reserved matters application or the application to discharge condition 12. Condition 12 is not concerned with the layout of the development, which is a matter to be determined under the reserved matters approval. For example, if the internal emergency access was blocked by housing, that would give rise to an objection to the layout – not to the discharge of condition 12. The main site access is also separate, having been approved through the appeal decision.
14. Condition 12 is a negatively worded pre-commencement condition. It has the effect that no development may commence on site until the Management Plan has been submitted and approved.
15. Condition 1 is also a pre-commencement condition, but with a different time period imposed through conditions 2 and 3 which ensure that reserved matters applications are made within one year from the date of the permission.
16. It follows that in my opinion any concern of the Council relating to the Flooding Emergency Access and Management Plan should not delay or affect the determination of the reserved matters application.

17. If I can be of any further assistance those instructing me should not hesitate to contact me in Chambers.

Landmark Chambers,

GUY WILLIAMS KC

180 Fleet Street,

London EC4A 2HG

6th December 2024

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