

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham
Date: Wednesday 26 October 2016
Time: 3.00 pm

Please direct any enquiries on this Agenda to Will Oulton of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713935 or email william.oulton@wiltshire.gov.uk

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Membership:

Cllr Tony Trotman (Chairman)	Cllr Chuck Berry
Cllr Peter Hutton (Vice Chairman)	Cllr Terry Chivers
Cllr Christine Crisp	Cllr Howard Greenman
Cllr Mollie Groom	Cllr Howard Marshall
Cllr Toby Sturgis	Cllr Chris Hurst
Cllr Glenis Ansell	

Substitutes:

Cllr Philip Whalley	Cllr Linda Packard
Cllr Desna Allen	Cllr Graham Wright
Cllr Mary Champion	Cllr George Jeans
Cllr Ernie Clark	Cllr Melody Thompson
Cllr Dennis Drewett	Cllr Bill Douglas
Cllr Jacqui Lay	

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AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 30*)

To approve and sign as a correct record the minutes of the meeting held on 5 October 2016.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chairman.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 19 October** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Friday 21 October 2016**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 Planning Appeals and Updates *(Pages 31 - 32)*

To receive details of completed and pending appeals and other updates as appropriate.

7 Planning Applications

To consider and determine the following planning applications:

7a **16/06346/FUL - 18 Elley Green, Neston** *(Pages 33 - 42)*

7b **16/03641/FUL -Southside, Manor Farm, Corston, Malmesbury** *(Pages 43 - 52)*

7c **15/10712/FUL - Land North of Baydons Lane, Chippenham** *(Pages 53 - 70)*

7d **16/08026/FUL - Hill Field Farm, Charlcutt, Calne** *(Pages 71 - 84)*

7e **15/11544/OUT - Peacock Grove, Corsham** *(Pages 85 - 104)*

7f **16/05959/OUT - South View, Lyneham** *(Pages 105 - 130)*

8 Urgent Items

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

Part II

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

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 5 OCTOBER 2016 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice Chairman), Cllr Christine Crisp, Cllr Mollie Groom, Cllr Toby Sturgis, Cllr Glenis Ansell, Cllr Chuck Berry, Cllr Howard Greenman, Cllr Jacqui Lay (Substitute) and Cllr Chris Hurst

Also Present:

Cllr Baroness Scott of Bybrook OBE

124 **Apologies**

Apologies were received from Cllr Howard Marshall who was substituted by Cllr Jacqui Lay.

125 **Minutes of the Previous Meeting**

The minutes of the previous meeting were presented and the Chairman advised that Cllr Hill had subsequently sent his apologies for that meeting.

Resolved:

To approve as a true and correct record and sign the minutes of the meeting held on 14 September 2016.

To note the apology for absence from Cllr Alan Hill.

126 **Declarations of Interest**

There were no declarations of interest.

127 **Chairman's Announcements**

There were no Chairman's announcements.

128 **Public Participation**

The Committee noted the rules on public participation.

129 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

130 **Planning Applications**

The Committee considered planning applications as detailed below.

131 **16/02433/FUL & 16/02612/LBC - The Old Stables, Grittleton House, Grittleton, Wiltshire, SN14 6AJ**

David Pearce spoke in support of the applications.

Cllr Lesley Palmer, Grittleton Parish Council, spoke in support of the applications.

The planning officer introduced the applications which were for full planning permission and listed building consent to allow the conversion of stables to form dormitories for Grittleton House School. The application had been deferred from a previous meeting to allow members to undertake a site visit; the site visit had taken place on 20 September 2016 and was attended by six members of the Committee. The officer recommended that both applications be refused for the reasons outlined in the report, the officer had significant concerns in respect of the impact of permission on the character and setting of listed buildings. Photographs of the site were shown, along with the proposed elevations and plans for the conversion.

In response to technical questions, it was confirmed that in the event of permission being granted a condition could be in place to seek details of insulation. Officers considered that a full business case and heritage impact

assessment to demonstrate and justify the need for conversion had not been submitted and advised the Committee that such a business case was material in balancing the benefits of the application with the risk of harm.

Members of the public then addressed the Committee as detailed above.

The local member, Baroness Scott, spoke in support of the application, preferring that the site be used for business enterprise by the school rather than for residential use.

In the debate that followed, members acknowledged the absence of a full business plan, however considered that the proposals would support the school to be economically viable and make a significant contribution to the local economy. The Committee considered that it would be impractical for dormitories to be within the school house and that the proposal would be the best option to maintain the stables by ensuring they had a use. The Committee agreed that, on balance, the benefits of the conversion outweighed the harm caused, due to the advantage it would bring to the business, educational benefit and social benefit of bringing the stables back into use. The Committee felt that other means to create dormitories would be more damaging than the current proposal.

Members were conscious that planning permission and listed building consent should be strictly conditioned to protect the listed buildings. Cllr Sturgis, seconded by Cllr Greenman, moved a recommendation for planning permission, and listed building consent and delegated to officers to impose conditions, requesting that conditions included WL1 and WC1. The reasons given for moving approval of permissions were that the Committee considered that the public benefits arising from the proposed development and works were significant and sufficiently so to outweigh the less than substantial harm to the listed building, adjacent listed buildings and conservation area that had been identified. The public benefits included the significant contribution to the local economy of the enhanced business operations at the site and the development proposed; alongside the enhanced educational opportunities that would arise from these business operations and activities. On the basis of the site inspection undertaken on 20/9/2016 and the information and statements provided to date by the applicant the committee considered that there were no other reasonably feasible options for securing the proposed development at this site or locality without the identified harm arising.

Resolved:

To grant planning permission and listed building consent and to delegate to officers to determine a comprehensive and appropriate list of conditions for both applications including:

WC1 (on planning permission)

“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:-

- finished levels and contours;
- means of enclosure;
- all hard and soft surfacing materials; and
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc)

The development shall be carried out in full 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 ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.”

And WL1 (on LBC):

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

- (i) Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
 - (ii) Large scale details of all internal joinery (1:5 elevation, 1:2 section);
 - (iii) Full details of proposed rooflights, which shall be set in plane with the roof covering;
 - (iv) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
 - (v) Full details of proposed meter and alarm boxes;
 - (vi) Large scale details of proposed eaves and verges (1:5 section);
 - (vii) Full details of proposed internal service routes;
 - (viii) A full schedule and specification of repairs including:
 - (ix) a structural engineer's report setting out the nature of, and suggested remedial work to, structural defects
 - (x) proposed timber and damp proof treatment
 - (xi) proposed method of cleaning/paint removal from historic fabric
 - (xii) a full schedule of internal finishes to walls, ceilings and floors
 - (xiii) Full details of external decoration to render, joinery and metalwork;
- and**

(xiv) Full details and samples of external materials.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting listed building consent and the matters are required to be agreed with the Local Planning Authority before works commence in order that the scheme is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.”

132 **16/06233/FUL Land at Orchard Cottage, Upper Minety, Malmesbury, SN16 9PY**

Andrew Pywell spoke in support of the application.

Cllr Charles Cooke, Minety Parish Council, spoke in objection to the application.

The planning officer introduced the application which was for the erection of a new 4 bed detached dwelling. The officer's report recommended that planning permission be granted, subject to the conditions and informatives in the report, as amended by the late observations. Attention was drawn to the late observations which recommended the removal of condition 3 and amendment to condition 12. Photographs of the existing cottage and proposed elevations of the new dwelling were shown. The planning officer described that the proposal was considered to be infill development.

In response to technical questions, it was confirmed that the site was outside a previous settlement boundary however this boundary had not been retained as part of the Core Strategy and therefore was not a planning consideration. The planning officer stated that this application was considered to be within the built form of the village. Members were advised that a limited scope construction method statement could be conditioned to address members concerns about parking and traffic during construction.

Members of the public then addressed the Committee as detailed above.

The local member, Cllr Chuck Berry, spoke against the application on the grounds that it was unsuitable for the location and unsustainable. The councillor also considered the previous settlement boundary to be relevant to the application.

In the debate that followed, members discussed whether the application could be considered as an infill development and whether housing was needed in the area. Cllr Hutton, seconded by Cllr Greenman proposed the officer recommendation, as amended by the late observations, and with the addition of a condition requiring a construction method statement to address parking and traffic concerns.

Resolved:

To grant planning permission subject to the following conditions and informatives:

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

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

2. No part of the development hereby permitted shall be first 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.

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4. No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority.

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

5. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

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

6. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365 not to make adjacent surface water flood risk any greater and prevention of the identified surface water flood risk in road entering the site, has been submitted to and approved in writing by the Local Planning Authority.

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

7. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouses hereby permitted or within their curtilage.

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.

9. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

10. The development shall be carried out as specified in the approved Arboricultural Impact Assessment prepared by S J Stephens Associates dated 24th June 2016 and shall be supervised by an arboricultural consultant.

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

11. The development hereby permitted shall be carried out in accordance with the following approved plans and documentation:
6060/01 Rev A Proposed Elevations
Site and Location Plan
Design and Access Statement
Arboricultural Impact Assessment
Received on 27/06/2016

6060/02 Visibility Splay Lines
Received on 28/09/2016

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

12. WM4 CONSTRUCTION METHOD STATEMENT

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

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

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, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

13. INFORMATIVE 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.

- 14. INFORMATIVE TO APPLICANT:** 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. INFORMATIVE TO APPLICANT:** 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.
- 16. INFORMATIVE TO APPLICANT:** 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.
- 17. INFORMATIVE TO 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 www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

Tony Philips spoke in support of the application

Ian Rae spoke in objection to the application

Cllr Margaret Bawden, Hullavington Parish Council, spoke in objection to the application.

The planning officer introduced the application which was for the creation of a new vehicular access onto a classified road at 40 The Street, Hullavington, to allow access to the site of residential property with paddocks which benefitted from an extant permission for the erection of stables. The offer recommended that planning permission be granted subject to the conditions and informatives in the report and drew attention to the late observations. Photos of the site and plans for access arrangements were shown. It was explained that highways officers had originally raised concerns with the proposed access however had withdrawn their objections since additional information including adequate visibility splays had been submitted.

In response to technical questions it was noted that the planning permission did not include the removal of an existing boundary wall to the north of the site. The planning officer advised that the highways officer was satisfied that the wall height had been reduced to a level that would not obscure views for drivers using the entrance and main road. It was explained that suggested planning conditions would limit the height of the wall to a safe height.

Members of the public then addressed the Committee as detailed above.

The local member, Baroness Scott, spoke in objection to the application, considering the existing access to be safer and questioning why a new access was required. The local member considered the access would be a highways safety risk to the busy road.

In the debate that followed, members noted the judgement of the highways officer however considered that on balance the highways impact of the proposal was dangerous and therefore 'severe'. Members of the Committee commented that they were familiar with the site and were concerned that the proposed access would be at the narrowest part of The Street, meaning that vehicles with trailers or horseboxes would have to use the other side of the road to turn slowly into the entrance. The Committee also agreed that a second access road into the site was unnecessary and considered the location of the existing access to be much safer. Councillors were mindful that it would be common for horseboxes to enter and exit the stables and they would only be able to do so slowly and so may cause a hazard blocking the road for on-coming traffic. Members also commented that the visibility splays demonstrated an improvement to visibility when exiting the site, however would not improve

visibility for vehicles approaching the site, on the highway, from around the nearby corner.

The Committee was reminded that that the planning officer had deemed the proposal to be acceptable and would have considered access by horseboxes, however felt the highways safety risks to be so severe that the application should be refused. The Chairman noted that the local member, and committee member who lived in the village knew the site well and considered the proposals to pose a severe risk to highways safety.

The meeting was adjourned for 2 minutes. On listening to the debate, officers suggested to the Committee that it had concluded that it wished to refuse permission for the following reason:

The proposed development would, by reason of an intensification of vehicles entering and exiting the site and inadequate visibility splays, result in highways hazard with the potential for severe harm to highway safety arising from conflicting vehicular movements and the volume and nature of vehicular movements at the proposed access. Therefore, the proposed development is considered contrary to Core Policy 61 of the Wiltshire Core Strategy and Paragraph 32 of the National Planning Policy Framework.

Cllr Sturgis requested that the refusal reason be amended to reflect the inadequate interrelationship between the existing and proposed accesses also.

Cllr Sturgis, seconded by Cllr Greenman moved that the application be refused for the reason set out below.

Resolved:

To REFUSE planning permission for the following reason:

The proposed development would, by reason of an intensification of vehicles entering and exiting the site, inadequate visibility splays and the proximity of the existing and proposed accesses, result in highways hazard with the potential for severe harm to highway safety arising from conflicting vehicular movements and the volume and nature of vehicular movements at the proposed access. Therefore, the proposed development is considered contrary to Core Policy 61 of the Wiltshire Core Strategy and Paragraph 32 of the National Planning Policy Framework.

And:

To note advice from officers that given the identified reason for refusal, the contents of the committee report and response of highways officers, Council Officers would not be in a position to represent the Council in the

event of an appeal. Therefore, members note that it would be necessary for officers to seek to appoint a suitably qualified consultant.

134 **16/04961/OUT Land at Arms Farm, High St, Chippenham, Sutton Benger, SN15 4RE**

Ian Pople spoke in support of the application.

Eileen Warren and David Ratcliffe spoke in objection to the application

Cllr Norman Davis, Sutton Benger Parish Council, spoke in objection to the application.

The planning officer introduced the application which was for the construction of up to 14 dwellings; the application sought only outline planning permission, with all matters reserved. The officer recommended that planning permission be granted, subject to the signing of a section 106 agreement and conditions and informatives outlined in the report. Attention was drawn to the late observations. It was noted that residents had requested the application be deferred; however officer advised sufficient detail had been submitted to proceed to determination. The Committee was reminded the application had been reduced from previous proposals for 28 dwellings on the site. An indicative layout of the site in respect of access arrangement and location of dwellings was presented, however members were reminded they were not asked to consider such matters at this stage, these issues would be addressed at reserved matters stage in the event of outline planning permission being granted.

Photographs of the site were shown and details of nearby extant planning permission were given. The officer acknowledged that there would be some harm to the setting of the listed building at Arms Farm as a result of the development, however considered this would be outweighed by the benefits of the scheme.

In response to technical questions the officer advised that the parish council had not been asked to form a judgement on the access arrangements on site, this was not part of the application for outline permission. It was noted that the Conservation Officer's response to the proposal had been published and the parish council was entitled to form a separate view on the impact of the development on the listed building, independent of the comments of the conservation officer. It was confirmed that the listed farm building would still have an outlook into an open field as a result of the development and that if access was taken from the B4069, as shown on the indicative layout, there would be some harm to the setting of the listed building. It was suggested that cart/bump stones be installed at frequent intervals along the rear of the byres in order to protect the structure if the track was created. On balance, the planning

officer considered the harm that would result from a new track, and the alterations associated with it, would be less than the harm that would occur if the access route were to be through the middle of the farmyard. It was explained that the harm would be outweighed by the public benefits of the scheme.

Members of the public then addressed the Committee as detailed above.

In response to statements from the public, the planning officer verified that proposed planning conditions would cover archaeological matters. It was acknowledged that there may be a need to remove a small part of the listed building as a result of the development, however the conservation officer had identified that this was a modern addition and deemed that on balance, this was not significant and therefore acceptable.

The local member, Cllr Greenman, spoke on the application and noted it was a more modest proposal than previous applications which had appeared before the Committee.

In the debate that followed, members were disappointed that a full planning application had not been submitted and it was commented that, at a reserved matters stage, they would prefer to see alternative access arrangements to those proposed on the indicative layout, preferably through the adjoining estate. Councillors sympathised with the concerns of the village however were not opposed to the principle of development on the site given material considerations as set out in the report.

Cllr Hutton, seconded by Cllr Trotman, moved the officer recommendation.

Resolved:

That authority is delegated to the Head of Development Management to GRANT planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to REFUSE planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing, Waste and Education and is therefore contrary to Policies CP3 & CP43 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

Planning 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 of the site;
 - (e) 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.

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. 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.

5. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and; The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations. No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise. If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority. No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land. [In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years

REASON: To ensure that the proposed development does not result in the unnecessary loss of trees and existing screening, and for the avoidance of doubt.

6. No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

7. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

8. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

9. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

10. The development hereby permitted shall be carried out in accordance with the following approved plans: EDP 2335/46

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

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

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- e) wheel washing facilities;**
- f) measures to control the emission of dust and dirt during construction;**
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- h) measures for the protection of the natural environment.**
- i) hours of construction, including deliveries;**

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

REASON: 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, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

12. No development shall commence until:

- a) A written programme of archaeological investigation, which should include onsite 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/or [DELETE as appropriate] 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.

13.No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by

the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be

undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report should be submitted to the Local Planning Authority. The report should demonstrate the effectiveness of the remedial works. A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

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

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

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

- 15.** 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 occupied.

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

- 16.** No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays,

accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid 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 ensure that the roads are laid out and constructed in a satisfactory manner.

17. 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), any garages shall not be converted to habitable accommodation.

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

18. The maximum number of residential units on site shall not exceed

REASON: For the avoidance of doubt.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE 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.

135 **16/03033/FUL - Land to the rear of Church, North Wraxall, Chippenham, SN14 7AD**

The planning officer introduced the application for the erection of a stable block at land to the rear of Church, North Wraxall. The officer's recommendation was that planning permission be granted subject to conditions and informatives as outlined in the report and amended by the late observations. The late observations proposed the additions of three conditions and the requirement to add a plan number to condition 7. The officer made reference to the site as located within an Area of Outstanding Natural Beauty and explained the proposal for the stable building had been reduced in size from the original application. It was explained that the field could sustain two horses and conditions on the number of horses had been proposed in the report. The officer also identified that further information as to the access arrangements had been submitted.

In response to technical questions it was confirmed that the site was bounded by the curtilage listed wall of the Grade 1 church, however would not impact upon a churchyard boundary wall and that the conditions proposed would restrict use of the shelter to private stabling. The officer explained that the shelter may be used to keep agriculture and had two entrances/exits.

The local member, Baroness Scott, highlighted that the parish council had raised concerns over the impact of the proposed shelter on the setting of the Grade 1 listed church. It was also commented that equipment to support equine use could impact upon the listed building and setting in the AONB and conservation area.

In the debate that followed, members noted that the proposed conditions addressed external lighting on the site. It was considered that the stable was

note in an ideal location, however on balance, was acceptable, provided it was conditioned strictly to minimize the impact in a sensitive area. Cllr Hutton, seconded by Cllr Trotman, moved the officer recommendation, with additional conditions to prevent outside storage and additional fencing.

Resolved:

To grant planning permission subject to the following conditions and informatives:

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

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

- 2. No fences (including temporary ones to divide the land) or jumps shall be erected on the site without the prior approval in writing of the Local Planning Authority.**

REASON: In order to protect the setting of the heritage assets and the landscape character of the area.

- 3. The development hereby permitted shall not be brought into use/occupied/ [DELETE as appropriate] until details of the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) have been submitted to and approved in writing by the Local Planning Authority, and; the works for such storage and disposal have been completed in accordance with the approved details. The approved storage area shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.**

REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

- 4. The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.**

REASON: In the interests of highway safety and/or to protect the living conditions of nearby residents.

5. There shall be no parking of horse boxes, caravans, trailers or other vehicles during the hours between dusk and dawn on the site.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

6. No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning Authority.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan received 4th April 2016; Proposed elevations and proposed site plan received 20th June 2016 and access plan dated 4th October 2016

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

8. Please note that this permission neither grants nor implies consent for a change of use of the land for the keeping of horses.
9. There shall be no external/outdoor storage of any kind at the site and there shall be no portable buildings or structures, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning authority.

REASON: In order to protect the setting of the heritage assets and to protect the landscape quality of the area.

10. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site.

REASON: In order to protect the heritage assets and landscape quality of the area.

11. No paint or stain finish shall be applied to external timber (including external walls and window joinery ~~-[DELETE as appropriate]~~), until details of the paint or stain to be applied 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 first brought into use / occupied [DELETE as appropriate].

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

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

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

13. Prior to the commencement of the development hereby permitted, details of the access track, including its finish, 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 protect the landscape quality of the Cotswolds AONB.

14. INFORMATIVE TO APPLICANT:

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.

15. INFORMATIVE 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.

16. INFORMATIVE TO APPLICANT:

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.

17. INFORMATIVE TO APPLICANT:

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.

136 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 6.15 pm)

The Officer who has produced these minutes is Libby Beale, of Democratic Services, direct line 01225 718214 , e-mail Elizabeth.beale@wiltshire.gov.uk

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

**Wiltshire Council
Northern Area Planning Committee
26th October 2016**

Planning Appeals Received between 26/09/2016 and 14/10/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
16/02442/FUL	Kintyre, Sutton Lane Sutton Benger Chippenham, Wiltshire SN15 4RR	SUTTON BENGER	Covered Yard for Livestock	DEL	Written Representations	Refuse	13/10/2016	No
16/04536/FUL	Wrens Brook Sambourne Road Minety, Wiltshire, SN16 9RQ	MINETY	Proposed Barn Conversion to Residential Dwelling (C3) & Associated Works. (Resubmission of 16/00725/FUL)	DEL	Written Representations	Refuse	04/10/2016	No
16/05303/FUL	Sunrise, Box Hill Corsham, Wiltshire, SN13 8HE	BOX	Proposed Conversion of Existing Garage to New Dwelling	DEL	Written Representations	Refuse	10/10/2016	No

Planning Appeals Decided between 26/09/2016 and 14/10/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
15/08865/OUT	Land off Flisteridge Road Upper Minety Wiltshire, SN16 9PS	MINETY	Proposed Outline Application for the Erection of 4 Dwellings & Associated Works (All Matters Reserved)	DEL	Written Reps	Refuse	Dismissed	26/09/2016	No
15/09506/FUL	Ashbury Stoppers Hill Brinkworth Chippenham Wiltshire, SN15 5AW	BRINKWORTH	Proposed Temporary 2 Year Permission to site a Mobile Home for Residential Use	DEL	Written Reps	Refuse	Allowed with Conditions	12/10/2016	No
16/02188/FUL	Land Adjacent Old Farm Grittenham Chippenham Wiltshire, SN15 4JY	BRINKWORTH	Install Concrete Slab Foundation & Site a Mobile Home	DEL	Written Reps	Approve with Conditions	Dismissed	12/10/2016	No

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	26 October 2016
Application Number	16/06346/FUL
Site Address	Sunnyside 18 Elley Green Neston Corsham SN13 9TX
Proposal	Construction of Dwelling House
Applicant	Ms Paula McHenry
Town/Parish Council	CORSHAM
Electoral Division	CORSHAM WITHOUT AND BOX HILL – Cllr. Richard Tonge
Grid Ref	386505 168858
Type of application	Full Planning
Case Officer	Victoria Davis

Reason for the application being considered by Committee

The application has been called into committee by the Local Member, in order to consider the overall design, bulk, height, general appearance and its visual impact on of the proposal on the character of the surrounding area.

1. Purpose of Report

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

2. Report Summary

The key issues in considering this application are as follow:

- Principle of development
- Impact on the character and appearance of the surrounding area
- Residential amenity
- Parking and access
-

Corsham Town Council object to the development and 3 letters of objection (from 2 neighbours) have been received and 1 letter of support.

3. Site Description

The application site is an area of garden land to the west of 18 Elley Green which is one of a collection of dwellings along the main road on the edge of Neston. Neston is defined within the Corsham Community Area Spatial Strategy (Core Policy 11) as a Small Village with no boundary.

The site backs on to open fields to the north with the Leafield Industrial Estate beyond. There are residential properties located to the east and west. It is a sloping site with the highest ground at the front of the property. The ground slopes downwards to the north (rear) and west.

The immediate area is characterised by dwellings of various age, size and design. There is little uniformity to the layout of properties along Elley Green and the building line is markedly staggered. Some dwellings immediately front the road and others have spacious gardens, parking areas and garages to the front. The properties are predominantly finished in stone but render is also a feature.

Permission was recently granted to alter and extend the existing bungalow (18 Elley Green) to create a two storey dwelling (16/04166/FUL). This development is currently under construction. Prior to this, in 2015, a separate application granted permission for the creation of a single storey annexe extension, connected to the bungalow and extending along the eastern boundary of the site (15/02337/FUL). This development has been substantially completed.

4. Relevant Planning History

15/02337/FUL	Extension to Bungalow (to create annexe for dependant relative) <i>Approved</i>
15/08384/PNEX	Prior Approval of a Proposed Larger Home Extension - Single Storey Side and Rear Extensions. Extending beyond the rear wall of the original dwelling by 7.9 metres. Maximum height measured externally from the natural ground level 3.4 metres. Height at the eaves measured externally from the natural ground level 1.9 metres. <i>Prior Approval Not Required</i>
16/04166/FUL	Extensions and Alterations to Bungalow to Form Two-Storey Dwelling <i>Approved</i>

5. The Proposal

The proposal seeks to erect a three bedroom dwelling on land which currently forms part of the garden of 18 Elley Green. The proposed dwelling is two storeys in height with a new access and parking area immediately to the front. It is proposed to finish the external walls with render with u-pvc doors and windows throughout. Concrete tiles are proposed for the roof.

6. Planning Policy

Wiltshire Core Strategy:

CP 1 Settlement Strategy
CP 2 Delivery Strategy
CP11 The Spatial Strategy: Corsham Community Area
CP57 Ensuring High Quality Design and Place Shaping
CP 61 Transport and New Development
CP64 Demand Management

National Planning Policy Framework (NPPF):

Achieving sustainable development – Core Planning Principles

Chapter 7 Requiring Good Design

7. Consultations

Corsham Town Council: OBJECTION

“Resolved: that the application be refused on the grounds that the proposal would constitute severe overdevelopment of the site; would have a detrimental effect on the privacy of the neighbouring property especially due to their differing heights; and was not in keeping with the character of the area; highways concerns regarding visibility splays for both vehicles and pedestrians; concern that the existing dry stone wall may be damaged. The Town Council would like the application to be called in.”

Highways: NO OBJECTION.

The officer initially raised concern relating to levels of visibility. This was addressed through alterations to the site layout and submission of a revised plan. No objection is raised to the revised layout subject to conditions.

8. Publicity

The application was advertised by site notice and neighbour consultation.

Three letters of objection were received from two neighbours. The issues raised are summarised below-

- Overcrowding of site – taking into account previously approved development
- Highways safety – busy road with large volume of HGV traffic from the Industrial Estate
- Development is out of character with surrounding area
- Loss of privacy affecting no. 20 Elley Green
- Possible damage to dry stone boundary wall

One letter in support of the application was received.

The Dorset and Wiltshire Fire and rescue service also provided comments in relation to building regulations, building access, water supply and sprinkler systems. Full comments are available online.

9. Planning Considerations

Principle of Development

Core Policy 1 sets out the settlement strategy for Wiltshire, identifying four tiers of settlement namely: Principal Settlements; Market Towns; Local Service Centres, and Large and Small Villages. The policy directs housing development towards the towns and villages identified in the relevant area strategies according to their hierarchy within the settlement strategy.

The site is located to the edge of Neston which is defined within the Corsham Community Area Spatial Strategy (Core Policy 11) as a Small Village with no boundary. In Small Villages development is strictly controlled but new dwellings can be supported where it is limited to in-fill development meaning small plots clearly within, and in association with, the built up part of the village. In this case the plot of land is clearly within the built up area of the settlement being positioned between two existing properties along the main road. Therefore the site is considered to be a sustainable location for residential development. The creation of one new dwelling in this location is acceptable in principle, provided it meets the requirements of other policies within the Wiltshire Core Strategy.

Impact on the character and appearance of the surrounding area

In accordance with Core Policy 57 development should respond positively to the existing site features which include building layout, built form, mass and scale.

In terms of the building scale, design and general appearance, the proposal follows the same design theme as has been recently approved for the extensions to the bungalow next door. It is also noted that there is a varied mixture of development in this area including a number of modern dwellings. The properties along the road are predominantly finished in stone however render does feature. On that basis it is considered that the simple modern design of the proposed dwelling is acceptable.

One of the objections raised by the town council and neighbour letters referred to the layout of the site commenting that the site would appear overcrowded. One letter makes reference to another application for a new dwelling on Park Lane in Corsham which was recently refused on the grounds of overdevelopment and impact on residential amenity. As with all applications, this proposal must be considered on its own merits and this means taking into account the surrounding mixture of development and local character. In this case, the pattern of development is different. Whilst it is acknowledged that some of the dwellings along Elley Green do occupy spacious plots, it is noted that two storey dwellings in close proximity to one another is not uncharacteristic. It is acknowledged that both applications involve developing garden land in between properties however the two sites are not comparable.

The proposed dwelling has a similar set back and ridge height to no. 18 and a number of other properties along Elley Green. The separation distance is not dissimilar to the properties almost immediately opposite the site and others further along the road. It is therefore not considered that the proposed new dwelling would appear out of place or cause harm to the existing character of this area.

Impact on residential amenity

The application site slopes downwards from front to back and the garden is currently approximately 1-1.5m lower than ground floor level of 18 Elley Green. The closest neighbour, no. 20 Yew Tree Cottage, is set further back from the road, approximately 15m to the north-east of the site and at a lower level. The Town Council and neighbouring residents expressed concern that the development would result in overlooking affecting the occupants of 20 Elley Green as a result of the rear facing windows and raised garden terrace. The impacts on this neighbour have been considered.

The ground floor windows of the proposed dwelling are not considered to create an unacceptable level of overlooking. It is noted that the original bungalow had side facing

windows at this same level. The proposed rear facing first floor windows would have oblique's views towards the rear parking area, part of the rear garden and two side facing windows of no. 20 but this arrangement, taking into consideration the separation distance in excess of 18m to the nearest habitable room, is also not considered to be unacceptable. It was however, considered that the raised terrace, accessed from folding doors at ground floor level, would cause an unacceptable intrusion into the privacy of no. 20. This issue was discussed with the agent and it was later agreed to remove the terrace from the design. It was also agreed that, in light of the neighbours concerns, and in order to reduce the 'perception' of overlooking, the first floor window closest to no. 20 could be obscure glazed. Revised plans were submitted to remove the balcony and rearrange the internal layout. The new layout proposed a basement level room with direct access out into the garden.

A second consultation was carried out based on the revised plans. One further letter of objection was received from the occupants of no. 20 which reiterated their original concerns. The letter also referenced the recently refused Park Lane application explaining that potential impacts on privacy in this case were significantly worse. Again whilst the sites are similar in terms of the type of development they propose, the exact circumstances are not comparable. No. 20 is approximately 15m from the boundary with the application site whereas at Park Lane the neighbouring dwelling is considerably closer. As with all applications, this proposal must be determined on its own merits and whilst it is acknowledged that the dwelling will appear prominent to this neighbour, it is not considered that it would lead to any significant and unacceptable impacts that would justify refusal of the application.

Parking and access

One of the neighbour letters and the Town Council comments raised concern relating to highways safety and the creation of a new vehicular access. It was explained that the road through Elley Green is a busy route with a large volume of HGV traffic. The impact on highway safety has been considered by the highways department and officers did initially raise concern relating to the level of visibility to either side of the new access. A revised site layout was submitted to address this issue and the officer is now satisfied with the proposed access and parking arrangements. No objection is raised subject to conditions.

Other issues

The Town Council and one neighbour letter made reference to the historic dry stone boundary wall separating no. 18 and 20. There was a concern that development in close proximity to this wall could undermine its stability. Whilst this structural issue a valid concern it does not affect the determination of the application.

10. Conclusion

It is considered that the proposal is acceptable in terms of scale, materials and design. The application is not considered contrary to the Core Policies of the Wiltshire Core Strategy and does not cause any significant material harm upon which a refusal could be sustained.

11. Recommendation

Planning permission be GRANTED subject to 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:

Proposed Plans and Elevations Scheme II 2261/1C (received 14 September 2016)

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

- 3 The development hereby permitted shall not be first occupied until all of the external walls have been rendered and painted.

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

- 4 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The first five metres of the access, measured from the edge of the carriageway, must be consolidated and surfaced (not loose stone or gravel). The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 5 No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600 mm above the nearside carriageway level, for a length of 2 m either side of the access. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety.

- 6 INFORMATIVE 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.

7 INFORMATIVE TO APPLICANT:

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.

8 INFORMATIVE TO APPLICANT:

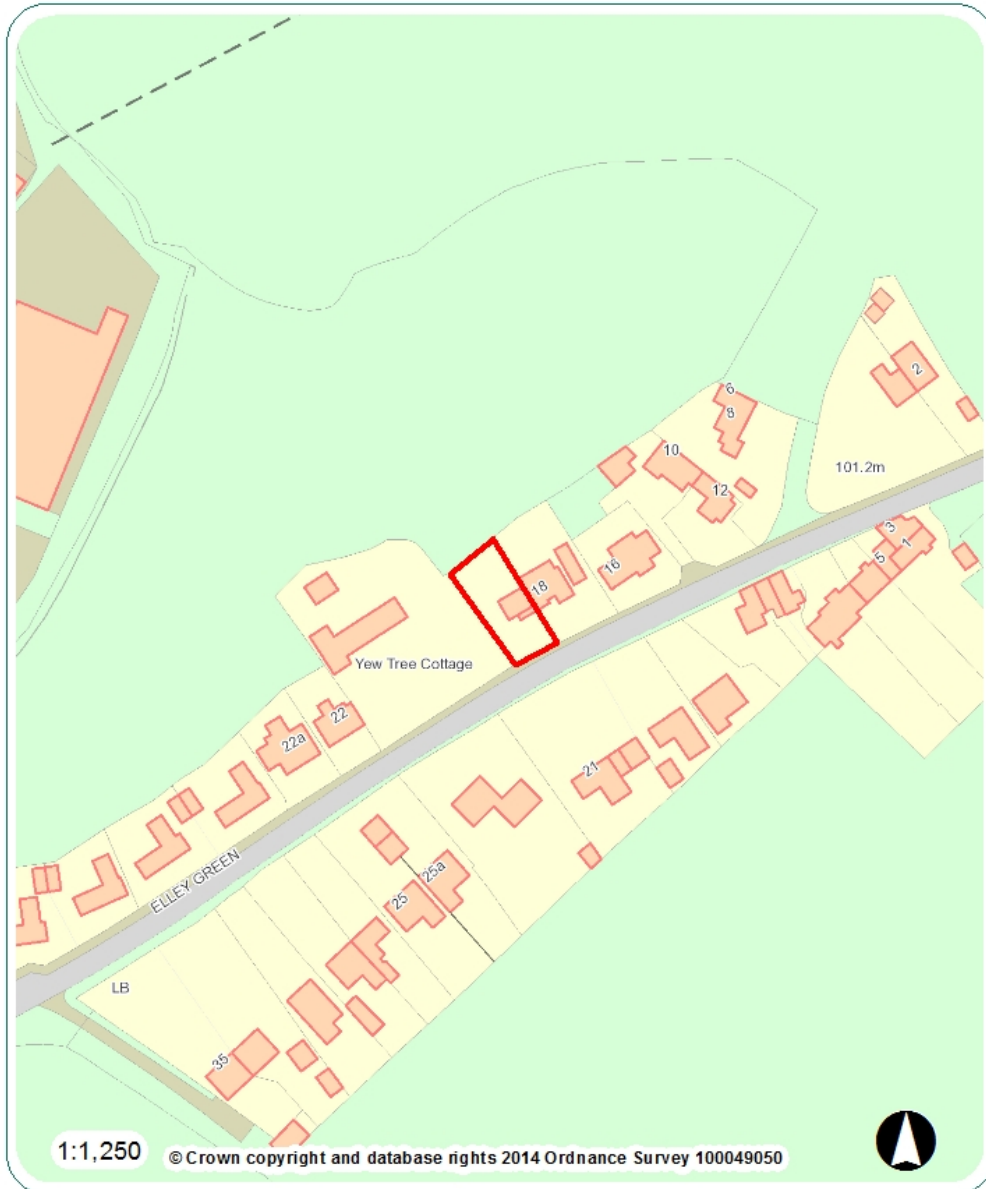
Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

9 INFORMATIVE TO APPLICANT:

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.

10 INFORMATIVE TO 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
[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructur
elevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructur/elevy).



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	26 October 2016
Application Number	16/03641/FUL
Site Address	Southside Manor Farm Main Road Corston Wiltshire SN16 0HF
Proposal	Conversion and Extension of 2no. Barns to Residential Use with Associated Parking, Turning and Access, Private Amenity Space and Landscaping.
Applicant	Mr & Mrs J Eavis
Town/Parish Council	ST PAUL MALMESBURY WITHOUT
Electoral Division	SHERSTON – Cllr Thomson
Grid Ref	392379 183837
Type of application	Full Planning
Case Officer	Alex Smith

Reason for the application being considered by Committee

1. Purpose of Report

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

The application has been called into planning committee by Cllr Thomson on the following grounds

- To consider the scale of the extension of the existing structures on site in relation to Core Policy 48
- To consider the impact of new structures on the setting of heritage assets at the site and in the vicinity.

2. Report Summary

The application was advertised by site notice and neighbour consultation. This resulted in no consultation responses from members of the public. St Paul's Malmesbury Without Parish Council raised no objection.

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

- The Principle of Development;

- Preservation of Character of the Building
- Impact to character or appearance of the area
- Impact to the amenity of neighbouring occupiers
- Access and Infrastructure
- Proximity to Services / Sustainability
- Impact to Heritage Assets
- Ecological Issues

3. Site Description

The application relates to a roughly rectangular plot of land measuring approximately 4,600 square metres located on the southwestern side of the highway of Main Road, Corston. The site forms part of the landholding of Manor (aka Southside) Farm, Corston and contains two buildings. Barn A which is a single storey long range of three attached elements. The south-western element is a three bay shelter shed, the central section is a one storey enclosed barn with loft and the north-eastern section of the building is a 5 bay open fronted shed with further space to the rear.

The second building, Barn B, is a two storey agricultural building including hayloft above, which is accessed from an external staircase on the north-eastern and south-eastern elevations.

The submitted heritage statement shows that buildings in this location were first noted on ordinance survey maps in 1834 and suggests that the buildings date from the early and late 19th Century with possible early 20th Century rebuilding to the pigsty. The Heritage Assessment also concludes that the buildings should be considered as undesignated heritage assets and within the setting of the Listed Farmhouse.

Access into the site is from an existing vehicular crossover from Main Street on the north-western boundary line of the site. Planning Permission has been granted in 2015 for the erection of 10 detached dwellings on the land to the southeast of the application site. Whilst some of the agricultural buildings had been demolished in the adjoining land, work has not commenced on the erection of the adjoining dwellings to date.

On the opposite side of the Main Street is the two storey detached dwellinghouse associated to Southside (Manor) Farm, which was granted Grade II Listed Status in 1987. Barn A & Barn B are not specified within the Listing for this building and given the highway which separates these buildings from the Listed Building, the barns are not considered to be curtilage Listed.

The site is located within Corston, which is designated as a Small Village under Core Policy 13 of the Wiltshire Core Strategy and, as such, does not have a settlement boundary. The site has no other designations under the Wiltshire Core Strategy.

4. Planning History

Planning Permission was granted in 2008 and renewed in 2012 for the conversion of Barn A into 3 dwellings & Barn B into 2 dwellings.

N/06/02304/FUL - B1 (Business) and B8 (Storage/Distribution) Use of Replacement Buildings – Approved

N/08/01802/FUL - Conversion, Adaptation & Extension Of Existing Farm Buildings To Provide 5 No New Dwellings – Resubmission – Approved with Conditions

08/01815/LBC - Conversion, Adaptation & Extension Of Existing Farm Buildings To Provide 5 No New Dwellings – Resubmission – Approved with Conditions

N/12/00327/FUL - Conversion, Adaptation & Extension Of Existing Farm Buildings To Provide 5 No New Dwellings (Renewal of 08/01802/FUL) – Approved with Conditions

N/12/00328/LBC - Conversion, Adaptation & Extension Of Existing Farm Buildings To Provide 5 No New Dwellings (Renewal of 08/01815/LBC) – Approved with Conditions

14/05470/FUL - Erection of 13 Dwellings, Parking & Associated Works (Following Demolition of Existing Agricultural Structures - Approved

15/11955/VAR - Variation of Conditions 2 & 6 of Planning Permission 14/05470/FUL - Approved

5. The Proposal

The application seeks Planning Permission for the conversion and extension of 2 No. barns to residential use with associated parking, turning and access, private amenity space and landscaping.

The proposed alterations to Barn A would include a single storey rear extension which would measure between approximately 3.8m to 6.8 metres in depth and would increase in the internal floor area of the building from 230 square metres to approximately 360 square metres. The designs of the extension would require the roof to the rear of the north-eastern range to be removed and rebuilt with a differing roof pitch. The central and western areas of the building would be extended by a single storey addition with two gable end features in the rear elevation and a butterfly hipped roof with valley covering the extension. The front elevation would be infilled using a range of stone to match the existing and timber boarding, with tiles to match the existing used for the roofing. The proposed development would provide a 3 bedroom dwelling (two with en-suites), living room, family room, dining room, kitchen / diner, study, utility room, boot room, 2 x W.C and a shower room.

The proposed alterations to Barn B would include a single storey side extension and the re-roofing of an existing lean-to extension. The external staircase would be removed and the existing sliding door openings on the north-eastern elevation block up. The building would provide a kitchen / diner, living room and utility room at ground floor level and 3 bedrooms (1 with en-suite) and bathroom at first floor level. The proposed extension would be erected from stonewalling and tiles to match the existing.

The proposal would also include the erection of store and cartshed / open car port for Barn A and a garage for Barn B, both located to the rear of each of the respective buildings. These would be erected from stone with tiled roofs.

6. Planning Policy

Wiltshire Core Strategy

Core Policy 1 – Settlement Strategy

Core Policy 2 – Delivery Strategy

Core Policy 48 – Supporting Rural Life

Core Policy 50 – Geodiversity & Biodiversity

Core Policy 57 – Ensuring High Quality Design and Place Shaping

Core Policy 58 – Ensuring the Conservation of the Historic Environment

Core Policy 60 – Sustainable Transport

Core Policy 61 – Transport and Development

Core Policy 67 – Flood Risk

National Planning Policy Framework

Paragraph 7 – Three Dimensions of Sustainable Development

Paragraph 14 – Presumption in Favour of Sustainable Development

Paragraph 17 – Core Planning Principles

Paragraph 32 – Highways Impacts

Paragraph 131–135 Impact to Designated and Undesignated Heritage Assets

7. Consultations

St Paul's Malmesbury Without Parish Council: No Objection

Conservation Officer: Objection: The development would result in an over development of Barn A and would result in less than significant harm to this heritage asset. The proposed garages would also harm the setting of the undesignated heritage assets and it is considered that the conversion to Barn B can be achieved without a further extension to this barn. Therefore, the development is considered to result in less than substantial harm to the undesignated heritage assets.

Highways: No objection; subject to conditions.

Ecology: No objection:

Archaeology: No comment.

Fire Service: No objection.

Drainage Officer: Site is in Flood Zone 1 according to the EA on line mapping but the road just north of the site is shown to be Flood Zone 2/3 therefore there may be access issues from that direction. Holding objection until additional information is providing demonstrating how access to the site will be achieved in the event of a flood of the adj road. Standard drainage details also required. Officers consider that given the site history it is possible to address such information provision requirements through the use of conditions.

EA map for surface water flood risk shows flooding risk in road immediately outside of site and running in both directions for a considerable distance with a small area within the site.

8. Publicity

The application was advertised by site notice and neighbour consultation. This resulted in no consultation responses from members of the public.

9. Planning Considerations

Principle of Development

The application seeks planning permission for the conversion of two agricultural buildings into residential use. Core Policy 48 of the Wiltshire Core Strategy states that:

“Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where they satisfy the following criteria:

- i. The building(s) is/are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building; and*
- ii. The use would not detract from the character or appearance of the landscape or settlement would not be detrimental to the amenities of residential areas; and*
- iii. The building can be served by adequate access and infrastructure; and*
- iv. The site has reasonable access to local service; or*
- v. The conversion or re-use of a heritage asset would lead to its viable long term safeguarding.*

Where there is clear evidence that the above uses are not practical propositions, residential development may be appropriate where it meets the above criteria. In isolated locations, the re-use of redundant or disused buildings for residential purposes may be permitted where justified by special circumstances, in line with national policy.”

Core Policy 48 requires a hierarchal approach to the conversion of rural buildings, with a preference for employment, tourism, cultural and community uses, before a residential use may be considered. However, in the case of the agricultural buildings subject of this application, planning permission has twice been granted previously for their conversion into residential use, in 2008 and then again in 2012. Whilst the latter consent lapsed on 25th January 2016, it is considered that the principle of residential conversion of these buildings to residential has been established by the historic consents

and is acceptable in principle. It should also be noted that the 2008 and 2012 consent granted the conversion of these buildings into 5 units, three within barn A and two within barn B.

Whilst the principle of residential conversion is acceptable, the development is required to meet the other aspects of Core Policy 48 of the Wiltshire Core Strategy:

i) The building(s) is/are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building:

The proposed barns are in sound structural condition and consent has twice been granted to allow for residential conversion. However, the residential conversion proposed for barn A is considered to not be achieved using only necessary extension or modification and would not preserve the character of the building. The proposed conversion would entail a rear extension which would span the entire width of the building at a depth of between 3.8 and 6.8 metres in depth. The overall size and scale of the extension would overwhelm the existing building and the entire original rear elevation would no longer be visible. The proposal would see an increase in the floor space of the building from 230 square metres to 360 square metres, an increase of approximately 56%. The extent of the extension is considered unnecessary to allow for a conversion to residential use and it is noted that the 2008 and 2012 approvals allowed for Barn A to be converted into three residential units, with much smaller extensions and alterations to the building. The proposal would create a three bedroom unit (two with en-suite) and a 43 square metre living room, 36 square metre kitchen diner, family room, dining room, study along with a substantial utility room. The overall size of the dwelling with proposed extension is excessive in the context of the CP48 policy of constraint and the 230 square metre footprint of the converted building without extension on this scale would allow for a substantial family dwelling to be provided with sufficient residential accommodation to provide an appropriate and acceptable level of amenity.

The overall modifications and extensions are not considered to preserve the character of the original building of Barn A. The modest appearance of the range building would be lost by the proposed development, when viewed from the rear. The development requires a butterfly hipped roof to be created with a valley between, which would appear alien against the simply proportioned existing building. Therefore, the proposed alterations to Barn A are considered to be contrary to Core Policies 48, 57 & 58 of the Wiltshire Core Strategy and paragraphs 17, 131, 135 of the NPPF and would result in unacceptable harm to the character and appearance of the existing undesignated heritage asset and is required to be considered in the balancing exercise.

The Conservation Officer has also raised an objection to the extension to Barn B and the impact on the character and appearance of this building. Whilst the objections of the Conservation Officer are noted, it has to be acknowledged that this building is currently attached to a significant modern green sheet metal barn on its south-western elevation. This barn would be required to be removed to allow for the extension to be erected. Given the removal of the barn, the proposed extension is considered to result in an improvement to the visual amenities of the surrounding area and the benefits of this are considered to outweigh any harm associated to the small scale extension to the building. Therefore, the development is considered to be acceptable in this regard. Likewise, the remaining alterations would be small scale amendments to the fenestration and the removal of the external metal staircase. These alterations are considered to preserve and enhance the appearance of the original building are considered acceptable.

ii) The use would not detract from the character or appearance of the landscape or settlement would not be detrimental to the amenities of residential areas:

As outlined above, the proposed extension to Barn A is considered to detract from the character and appearance of the existing building and would be harmful to the visual amenities of the surrounding area.

However, the use of the site for residential purposes is not considered to detract from the character or appearance of the landscape, given the approval for 13 residential units on the land adjoining to the south-east and the historic consents for residential conversion of these buildings. It is noted that the Conservation Officer has raised an objection to the outbuildings being proposed, due to the harm to

the setting of the non-designated heritage assets from the proposed development. However, given the large dwellings and garages which have been approved as part of the residential development to the south, these proposed outbuildings are not considered to be any more harmful to the significance of the undesignated heritage assets than the approved residential development. Therefore, the proposed outbuildings are considered to be acceptable in this regard.

The proposed dwellings would be sufficiently distanced from any neighbouring occupier to ensure no significant harm to the residential amenity of the adjoining occupiers would occur. Furthermore, the proposed dwellings would provide an acceptable level of residential amenity for future occupiers.

iii) The building can be served by adequate access and infrastructure

The proposed development would use the existing access into the site and the Highways Officer has reviewed this arrangement and raised no objection to the proposed development on highways grounds. Each dwelling would be provided with sufficient space to park at least 2 cars and would meet the Council's adopted parking standards.

The barns are located in close proximity to buildings with drainage and utilities supplied, ensuring that sufficient infrastructure could be provided to support the development.

It is noted that the Drainage Officer has raised a holding objection to the development in the absence of certain information in respect of site access and standard drainage details, as the highway of Main Street falls within Flood Zone 2/3. However, this is an existing situation and the proposed development would seek extensions on land which is set away from the highway and a significant distance from Flood Zone 2/3. The Drainage Officer has noted that the land around the buildings are at risk from increased surface water flooding also.

Therefore, the Drainage Officer has advised that the following additional information is required for consideration.

- 1) Access/Egress - Information of how occupants/emergency services will access/egress property when road is flooded
- 2) Flood protection measures for the proposed dwellings;
- 3) Surface water drainage plans to serve the application proposal to ensure no increase in flood risk at the site.

The information with regards to flood protection measures for the building and surface water drainage plans can be overcome by a suitably worded condition. Likewise, a condition requiring details for emergency evacuation procedures for the site could also be applied, to ensure there are clear measures for evacuation of the site, in case of flooding of the public highway.

Therefore, subject to suitable conditions stated above, the proposal is considered to be supported by sufficient access and infrastructure.

iv) The site has reasonable access to local service; or v) The conversion or re-use of a heritage asset would lead to its viable long term safeguarding.

The proposed development is located within the Small Village of Corston. Core Policy 1 of the WCS states that Small Villages have a low level of services and facilities, and few employment opportunities. However, Core Policy 2 and Paragraph 4.34 of the Wiltshire Core Strategy identify that infill development of a few dwellings would be supported in Small Villages. Therefore, it is considered that the provision of two dwellings would be suitable in the proposed location and would have reasonable access to local services. Furthermore, consent was granted in 2015 for the erection of 13 dwellings to the rear of the application site and also the previous conversion of these buildings into residential use and no objection was raised in relation to the proximity of these dwellings to local services.

Impact to Heritage Assets

Core Policy 58 of the Wiltshire Core Strategy states that development should protect, conserve and where possible enhance the historic environment.

Paragraph 135 of the National Planning Policy Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

The proposed extension and alterations to Barn A would result in harmful impact to the undesignated heritage asset and would fail to conserve its appearance, for the reasons previously stated. Therefore, the development is considered to be contrary to Core Policies 57(i) and 58 and Paragraphs 131 & 135 of the National Planning Policy Framework.

The proposed alterations to the dwelling would be located within the setting of the Grade II Listed Building on the opposite side of Main Street. However, given the intervening highway and distance of separation, the proposals are not considered to result in harm to the setting of this heritage asset.

Ecological Impacts

The application was supported by a bat survey of the two barns which the application relates to. The Council's Ecologist has reviewed the surveys and no evidence of roosting bats was found. Therefore they have no objection in relation to ecology.

10. Conclusion (The Balancing Exercise)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that "*determination must be made in accordance with the plan unless material considerations indicate otherwise*". Paragraphs 2 & 11 of the NPPF reiterate and confirm this requirement. The Wiltshire Core Strategy Adopted January 2015 forms the local component of the current development plan.

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development, whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors.

The proposed development would be limited in terms of benefits. These are considered to be the social benefit of the creation of two new dwellings and the economic benefits of jobs during construction and additional council tax revenues to the Council. These benefits are weighed against the social and environmental harm from the overdevelopment of the existing undesignated heritage asset and the environmental harms of the impact to the visual amenities of the surrounding area. The harms associated to the development are considered to be in conflict with Core Policies 48, 57(i) & 58 of the Wiltshire Core Strategy and Paragraphs 17, 131 & 135 of the National Planning Policy Framework. Therefore, it is considered that the harms associated with the development would not be outweighed by the benefits and the application is recommended for refusal.

RECOMMENDATION

REFUSAL; for the following reason:

- 1 The proposed extension and alterations to Barn A would, by reason of their size, scale and design, fail to preserve the character of the agricultural building and would result in harm to the character and appearance of the building which is assessed to be an undesignated heritage asset. The proposal would also result in harm to the visual amenities of the surrounding area. Therefore, the development is contrary to Core Policies 48, 57(i) & 58 of the Wiltshire Core

Strategy and Paragraphs 17, 131 & 135 of the National Planning Policy Framework.

16/03641/FUL
Southside
Manor Farm
Main Road
Corston
Wiltshire
SN16 0HF



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	26 October 2016
Application Number	15/10712/FUL
Site Address	Land North of Baydons Lane, Chippenham, Wiltshire, SN15 3JX
Proposal	Erection of Six Dwellings (Revision of 14/11995/FUL)
Applicant	Wainhomes (South West) Holdings Ltd.
Town/Parish Council	CHIPPENHAM
Electoral Division	CHIPPENHAM HARDENS AND ENGLAND – Cllr Bill Douglas
Grid Ref	392462 172960
Type of application	Full Planning
Case Officer	Mathew Pearson

Reason for the application being considered by Committee

The application has been called in by Cllr Douglas due to the scale and design of the development, impact on the surrounding area and adjoining properties and adverse impact on environmental and highways.

1. Purpose of Report

To recommend that authority is delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to **REFUSE** planning permission for the following reason:-

The application proposal fails to provide the necessary mitigation in line with Policies CP50, CP51 and CP58 of the Wiltshire Core Strategy (Adopted January 2015) and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

2. Report Summary

The proposed development is within the Chippenham settlement boundary and in principle is considered a sustainable location for development. The site is located within the Chippenham Conservation Area and is of limited ecological value. The proposed development will reinstate and reinforce a number of key features on the site boundary and improve the highway along Baydons Lane, which is already used due to the car park located at the end of the lane. The proposed dwellings are in keeping with the general character and appearance of the area and the site will act as a suitable transition between Monkton Park recreation area and the urban form of Chippenham.

Chippenham Town Council have objected to the application and nical consultee to raise an issue is the Council's Conservation Officer. There have been 14 letters of objection in 2015, following the submission of revised plans and re-consultation during 2016 a further 10 letters of objections were received.

The main issues for consideration are:-

- Principle of the Development
- Impact on the Character and Setting of the Conservation Area and Heritage Matters
- Flooding and Drainage including Foul and Surface Water
- Ecology
- Highways

3. Site Description

The site comprises an open and undeveloped area of land that falls within and adjacent to the settlement boundary of Chippenham. It also is situated within the designated Conservation Area for the town. This part of the Conservation Area at Baydons Lane has a distinctly rural and open feel given the combination of stone wall and vegetation on the boundaries. The loose knit form of development along the lane contributes to this feel also. A short distance to the east is a county wildlife site of local importance. Part of the site falls within the floodplain zones 2 and 3 of the River Avon which runs to the north of the site. The site contains numerous trees and hedges and Japanese Knotweed is known to be present. The presence of badger sets has been identified.

4. Planning History

14/11995/FUL	Erection of 8 Residential Dwellings with Associated Engineering Works, Parking and Drainage	Refused
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5. The Proposal

The application is for 6 four bedroomed houses built from a mix of natural stone, render and natural slate at Baydons Lane, Chippenham. The properties are set back from the lane with large gardens sloping down toward the River Avon. There are 4 detached dwellings with a pair of semi-detached house located at the western end of the site. The application is a full application and includes details of various on and off site improvements, including the widening of Baydons Lane and the reinstatement of stone walling and hedgerows, and area of screening to provide landscape and ecological mitigation to the north of the site. Key features will be retained on the site including a mature beech tree. The elevations show two storey front elevations with three storey rear elevations (except plot 1) due to the sloping nature of the site. The site includes garages and sufficient parking on site.

The application was submitted in late 2015, but due to the need for further ecological surveys was held in abeyance. The application has originally accompanied by an Ecology Report, Design and Access Statement, Flood Risk and Drainage Strategy. A revised Ecology Report and Drainage Strategy were received in June 2016.

6. Local Planning Policy

Wiltshire Core Strategy (WCS) (adopted January 2015)

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 10: Spatial Strategy: Chippenham Community Area
- Core Policy 41: Sustainable Construction and Low Carbon Energy
- Core Policy 50: Biodiversity and geodiversity
- Core Policy 51: Landscape
- Core Policy 52: Green Infrastructure
- Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring the conservation of the historic environment
Core Policy 60: Sustainable transport
Core Policy 61: Transport and new development
Core Policy 62: Development impacts on the transport network
Core Policy 67: Flood Risk

National Planning Policy Framework

Paragraph 14 – Decision Making

Paragraph 17 - Core Planning Principles

Section 4 – Promoting sustainable transport (Paragraphs 32, 34, 35, 36, 37 & 38)

Section 6 – Delivering a wide choice of high quality homes (Paragraphs 47, 49)

Section 7 – Requiring good design (Paragraphs 63, 64, 65 & 66)

Section 8 – Promoting healthy communities (Paragraphs 73)

Section 11 – Conserving and enhancing the natural environment (Paragraphs 118)

Section 12 – Conserving and enhancing the historic environment (Paragraphs 131, 132 & 134)

7. Summary of consultation responses

Chippenham Town Council – The Town Council’s comments on this application are as follows:-

“The Town Council reiterates its comments submitted in November 2015 that it has concerns in line with Wiltshire Council’s reasons for refusing the previous application. Reasons include layout, size, scale and failing to improve the character and quality of the Conservation Area. It also has concerns regarding a possible increase in parking problems and potential highway implications caused by the increase in traffic movement on a narrow road.”

We have been asked to pass on the views of the local member, Councillor Bill Douglas (his views were also supported by some members of the Committee), these are as follows:-

“On behalf of residents, we strongly oppose this application for the following reasons:-

This Lane is deservedly registered as a Conservation Area, in order to protect this special Area, which forms part of most of the last remnants of our ‘Old Town’. Any development which would alter the Character of this area would destroy the reason for the Conservation status. This we feel must be given a high priority when deciding on this application.

This is a vital stretch of the Town’s Sustrans System which Wiltshire Council upgraded within the past two years. The upgrading has been a significant success and the Lane section is now well used by pedestrians and cyclists from housing on the route etc, in addition to our residents from all the surrounding areas who use it to get to Monkton Park and Baydons Wood. These are well used leisure facilities. At its narrowest section the lane is only two metres wide, therefore there is a danger to mixed use to the present traffic using it, if the traffic is increased. We would ask Highways to please reconsider these details.

At present 11 houses in the lane have no parking spaces, so the two Parking areas on the lane section, at 6.00pm, are full, 15 cars in one and 8 cars in the other, in addition to several cars in driveways at the more accessible section, a total of 28 cars using this very short lane plus delivery vans etc. Further traffic would certainly increase the danger to the ever increasing number of lane users. If these houses have the use of an average even of 1.5

cars, an additional 9 cars would increase traffic by 33%, again a factor for Highways to consider.

The Area representatives have been contacted by residents in the areas serviced and the Mayor, Cllr Gibson has had many complaints from townfolk in the course of his duties.

In planning terms the plot itself would be over developed with this number of houses. The spacing of six houses on this small plot would completely change the regularity of the other housing in the general area and thus the character.”

Environment Agency – No objection subject to conditions

We note the proposed finished floor levels shown on submitted 'Proposed Drainage Strategy' drawing (1631-06 Rev E). These are as we have previously discussed and we have no further comments to make on this element of the proposal.

There must be no ground raising or obstruction to flow on existing land at or below the 1 in 100 year flood level (45.57mAOD).

WC Conservation – Support (Comments integrated into body of the report below)

WC Drainage – Support subject to conditions.

- They have as previously stated come up with foul and storm disposal arrangements which are acceptable in principle but rely on the sewerage undertaker giving permission for diverting the existing sewer crossing the site – if permission not forthcoming then layout as shown cannot be achieved
- Foul drainage disposal will need S106 WIA 1991 application to sewerage company
- As above S106 application needed for storm water disposal and rate quoted in FRA and drawings will need to be agreed – if rate not agreed then drainage system/storage volume would need to change

Based on above suggest that conditions from previous response are still appropriate

WC Ecology – No objection subject to conditions

Matters Considered:

Following on from previous comments (07/12/15), the applicant has submitted some updated ecological survey work. This has confirmed that:

- The site does not support any priority habitat types, indeed current habitats which appear to have deteriorated since the original survey and are now dominated by tall ruderals and bramble scrub.
- In addition to the mature oak tree previously identified, a number of additional trees in the western part of the site also have potential to support roosting bats. However the revised development plans indicate that these could be largely retained within the proposed 'badger area', although they would need to be protected during the construction phase or checked by an ecologist if they are to be removed.
- The badger sett is much more extensive than previously recorded, the development will require closure of a number of entrances within the main body of the site. These entrances were only partially used at the time of survey, however their status will need to be checked prior to commencing development. Other entrances could potentially be retained during development, however exclusion zones will be required and need to be clearly delineated to construction staff.

- A reptile survey has confirmed that the site supports reasonable numbers of slow worm and grassland which are likely to be killed or injured during construction. A translocation will be required prior to commencement of development, however given the relatively small size of the population I'm satisfied that this can be secured through a condition.
- Breeding birds are likely to be affected by the development if clearance is carried out during the nesting season, therefore this will need to be reassessed at the pre-commencement stage.

WC Highways – Support subject to conditions

In reference to the attached plan numbered 1084_0700 P3 and titled 'Engineering Layout and Details'.

With regard to the proposed highway amendments, am prepared to accept the widened 4.5m carriageway width – this will enable two reasonable size vehicles to pass within the carriageway. With regard to the access to plots 5 and 6 am prepared to accept the taper towards the traffic calming and entrance. The main section of carriageway will have the increased width. The alignment of the carriageway is now suitable. note that visibility splays of 2m x 25m are provided.

On the basis of the above drawing, can confirm that withdraw the highway objection. do not consider that a highway objection to this proposal would withstand planning appeal. The impact of the proposal cannot be considered severe.

Recommend that no highway objection be raised subject to the following:

Conditions to include implementation of highway works and parking, maintenance of visibility splays and restrictions on use of garages.

WC Rights of Way – No significant impact on the nearby rights of way network so no concerns.

Wiltshire Council Waste – Support subject to conditions. Waste collection and storage needs to meet the Councils guidance note.

Wessex Water – No objection

Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development.

The applicant has indicated they are to make an application to divert the surface water sewer.

Building Near to a Public Sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water.

8. Publicity

There have been 14 letters of objection in 2015 including from the woodland trust and the CPRE, following the submission of revised plans and re-consultation during 2016 a further 10 letters of objections were received. Major areas of objection focused around highway safety, impact on the Conservation Area and ecology and drainage

Transport

Objectors main concerns were that the increase in traffic will cause further hazards for walkers, cyclist and other users of the lane due to the access it provides. There are not enough parking spaces to in the area to serve the current dwellings. The proposal does include enough spaces to serve the development and will further exacerbate parking issues in the area. It was noted that construction traffic will also cause major disruption as there is only one access point.

Ecology

The site is adjacent to the important wildlife sites of Baydons Wood and Baydons Meadow. These are mature wildlife sites that have been managed by the Woodland Trust and local residents and provide a sanctuary for many different species of birds, mammals, insects, many of which are protected. The site is also well known for badgers nesting, feeding and foraging.

The site has serious problem with Japanese knotweed and any development of the site will need to adequately deal with this issue prior to construction and it is likely that this species will cause issues further down the line.

Conservation

The Chippenham Conservation Area Management Plan includes “to encourage the restoration of the hedgerow along the east side of Baydons Lane” & “encourage the rebuilding of the damaged stone wall at the eastern boundary”

The privacy and light of the properties immediately opposite and adjacent to the site will be affected. Likewise the privacy of the proposed properties will be adversely affected by the existing neighbours particularly.

The proposed dwellings are out of keeping with the pattern of development in the area and it would have a detrimental effect on the Conservation to have 8 densely packed and very similar semi-detached houses, particularly in the section of the walk which passes along an old country lane. Similarly the aspect of the new designs from the River is in no way in keeping with those riverside dwellings before it.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of development

The majority of the site, and all of the proposals built development, sits within the development boundary of Chippenham for the purposes of Core Policy CP1 and CP10 in the Wiltshire Core Strategy (WCS). Core Policy 2 states that within the limits of development, there is a presumption in favour of sustainable development. Further Core Policy 10 defines that development in and around the central area of Chippenham should retain and enhance

access to the River Avon and protect this area of greenspace within the town. Nevertheless, paragraph 4.7 of the WCS sets out further that sustainable development in a Wiltshire context is the spatial strategy and the following core policies as a whole, development that does not accord with the policies contained within the WCS is deemed unsustainable.

A previous application was refused in early 2015 on the site. The previous application was for 4 pairs of semi-detached dwellings and included removal of many key heritage features on the site. It was felt that this was an over development of the site and that the design was not in keeping with the general vernacular and layout of the area. Furthermore the removal of key heritage features meant the proposal would harm the Conservation Area and nearby heritage assets. The applicant has sought to address these refusal reasons by providing a less intense development and retaining and where possible enhancing key heritage features. The application now also provides for widening of Baydons Lane which is already a heavily used route due to the car parking facilities and proximity of the town centre.

Impact on the Character and Setting of the Conservation Area and Heritage Assets

Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities in determining planning applications affecting a Listed Building or Conservation Area to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

Core Policy 58 of the WCS and guidance contained in the National Planning Policy Framework (NPPF) are clear that the significance, character and setting of the historic environment and heritage assets should be sustained and where possible enhanced. The WCS goes further to explain that this must be in a manner appropriate to their setting. Core Policy 57 states that a high standard of design is required in all new developments. The NPPF stresses the importance of good design which should contribute positively to making places better for people.

The site is within the setting of a listed building and the area forms part of the Chippenham Conservation Area, being identified as part of the Monkton Park area. In the management plan the focus is on the river valley and restoration and extension of the public open space and other ecological assets along the valley. The plans show four detached properties with two semi-detached houses at the eastern end built using a mix of Ashlar stone, slate roofs and UPVC windows. The properties have two storey main elevations on Baydons Lane with three storeys to the rear facing the River Avon, except plot one which is two storey front and rear. The overall layout is similar to the general piecemeal and irregular development that characterises the Butts/Baydon Lane area and provides a set back and loose knit form of development which characterises the properties adjacent to the river in the vicinity.

A number of objectors have highlighted the important role the site plays in providing an area of open space in the Chippenham Conservation Area which positively contributes to the rural character and countryside and parkland appearance of this part of the town. While the development would introduce urban development it is not considered that the development is overly dense and will still provide a transition between the peripheral parts of the Chippenham Conservation area and the River Avon corridor and associated greenspace. The site will retain key features such as including mature trees and reinvigorate existing hedges and boundary treatment. The layout of the site of the houses is similar to that on the north side of Baydons Lane and beyond and the overall design and detailing is in character with that surrounding area. The plans show natural stone frontages with simple glazing and three storey rear elevation which are broken up by different roof pitches, dormer windows and

balconies. The site has uniform approach that mirrors the wider character of the area with duly mimicking designs to provide a modern development in character in the surrounding properties.

Particularly important is the boundary treatments to the front and rear of the site. At the rear further planting will help screen the development and provide a better transition between the wildlife corridor next to the River Avon and built development in Chippenham. The rear of the properties will remain open by providing smaller picket style fencing to keep the area open. To the front the hedge and stone wall be reinstated in line with widening the road. This is highlighted in the Chippenham Conservation Area Management plan as a key improvement to be secured in this area. It is considered that the onsite improvements will provide an uplift to the character of the area to what is currently an overgrown and under used area. The design of the boundary treatments and the spacious nature of the layout ensures that area provides a suitable transition from the urban form of Chippenham to the Monkton Park and the River Avon Corridor. Improvements to the front of the site will implement the proposals of the Chippenham Conservation Area Management Plan. Overall it is considered that the development will enhance the area and provide a development in keeping with the general design character enhancing the appearance of the conservation area. The application is considered in accordance with Core Policies 57 and 58.

Foul and Storm Sewage, Flood Risk and Proposed Drainage

An addendum to the initial Drainage Report was received in June 2016 which addressed a number of issues highlighted in the Council's Drainage Officer's response in November 2015. It should be noted that the Council's Officer was not objecting to the scheme at this time but had some areas which need clarifying. The addendum also addressed issues highlighted by Wessex Water.

The site will provide two connections for foul water within Baydons Lane by means of a new adoptable manhole at each connection point. In terms of the report it also notes that due to the proximity of the Flood Zone 2 and the ground conditions, soakaways would not be a viable solution for surface water disposal. It is therefore proposed to connect into the existing 300mm diameter Wessex Water surface water sewer that is located along the eastern boundary of the site. Discharge from the site will provide the uplift required by policy and prevention from flooding will be achieved through the use of oversized attenuation pipe storage. Details of proposed maintenance regimes have also been provided.

Neither, the Council's Drainage Officer or Wessex Water has objected to the application and it is considered that the level of information supplied is now consistent with that required to ensure that the application can be approved. Nevertheless, the Council's Drainage team is recommending suitable conditions be applied in relation to the final storm and foul drainage schemes to ensure they meet the requirements and technical specifications of policy.

Ecology

The applicant submitted a revised ecological assessment in June 2016 to respond to the Council's request for further ecological information. As noted above, the sites value as greenspace has formed the basis of the majority of objections to the scheme and a number of these have highlighted the ecological value of the site. However the ecology report notes that the site does not support any priority habitat types and that current habitats appear to have deteriorated since the original survey (from 2011) and are now dominated by tall ruderals and bramble scrub.

Actions will need to be taken to protect roosting bats and the badger set to the western part of the site and a reptile survey has confirmed that the site supports reasonable numbers of slow worm which will require translocation prior to commencement of development. The Council's Ecologist is satisfied that the main ecological features can be protected and given the relatively small size of the population of reptiles that a suitable environmental construction management plan can alleviate the onsite removal of this species. This can be addressed by condition.

The plans include the re-instatement of the hedge along Baydons lane and retention of the large beech tree which occupies a prominent position on the site. The retention and improvement of these features are noted as important from a conservation perspective but will also enhance the site in terms of ecology and improve what is currently an overgrown and underutilised space that is receding in terms of ecological value. Again a suitable construction environmental management plan will be required in order to protect the beech tree and ensure that the hedge is properly maintained after being planted.

The management of the open space that forms the ecological barrier will be controlled by a S106 agreement which will provide funds for any management company. Further conditions will control both the means of enclosure to the rear of the properties and the submission of landscape management plans and ecological construction statements to ensure that these features and the open space behind the house including the rear amenity space of the properties is properly protected.

Highways

After much negotiation with the Council's Highways Officers a scheme to widen the lane and provide traffic calming measures has been agreed and which addresses concerns identified in this respect. The site provides the required parking arrangements for each dwelling and includes visitor parking. Given the revised proposals, including widening the lane and pedestrian facilities, with the insertion of proper safe access it is considered that these measures will provide adequately for existing non car users.

A large number of consultation responses on this application have noted that the increase in traffic would not be acceptable and is likely to exacerbate existing problems connected to the car parking facilities as well as parking problems themselves. Furthermore it is noted that Baydons Lane now forms part of national cycle network and again responses have highlighted inherent safety issues with the use of the lane by more cars. Comments around safety of the lane and transport users other than cars are noted. However, the improved width of the lane and traffic calming measures will generally help in terms of safety and as noted by the majority of objectors the lane is already in heavy use and therefore improvements must be seen as significant benefit to the area and its use as a national cycle route. Further comments about construction traffic are noted. However, construction traffic would only see a temporary disruption and can be mitigated, especially as the lane is a deadend. It should be noted in this context that Highways Officers do not raise objection following the scheme revisions and similarly the Rights of Way Officer raise no objection.

A construction management plan will be condition in order to make sure that local residents are not unduly affected and access along Baydons Lane is not obstructed during construction of the site.

10. S106 contributions

Contributions to form management company for public open space

11. Conclusion (The Planning Balance)

The site is acceptable in terms of ecology and flooding, and there no other site constraints identified that makes this site unsuitable for development. It is considered that the site provides significant improvements in terms of transport and will enhance the character of the Chippenham Conservation Area by reinstating key features and providing a more coherent transition between the built form of Chippenham and the Monkton Park area. The site is acceptable in principle and is within walking distance of the town centre. The site is considered to be in conformity with planning policy and the development plan and is recommended for approval.

RECOMMENDATION

To recommend that authority is delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to **REFUSE** planning permission for the following reason:-

The application proposal fails to provide the necessary mitigation in line with Policies CP50, CP51 and CP58 of the Wiltshire Core Strategy (Adopted January 2015) and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

- 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:

Drawing No: 1631 - 01 (as submitted 20/09/2016) - Site Plan
Drawing No: 1631 - 02 (as submitted 20/09/2016) - Site Layout
Drawing No: 1631 - 05 (as submitted 20/09/2016) - Parking Provision
Drawing No: 1631 - 06 (as submitted 20/09/2016) - Drainage Strategy
Drawing No: 1631 - 07 (as submitted 20/09/2016) - Landscaping Layout
Drawing No: 1631 - Plot1fp (as submitted 20/09/2016) - Plot 1 Floor Plan and Elevations
Drawing No: 1631 - Plot2el (as submitted 20/09/2016) - Plot 2 Floor Plan and Elevations
Drawing No: 1631 - Plot3fp (as submitted 20/09/2016) - Plot 3 Floor Plans
Drawing No: 1631 - Plot3el (as submitted 20/09/2016) - Plot 3 Elevations
Drawing No: 1631 - Plot4el (as submitted 20/09/2016) - Plot 4 Elevations
Drawing No: 1631 - Plot4fp (as submitted 20/09/2016) - Plot 4 Floor Plan
Drawing No: 1631 - Plot5/6fp (as submitted 20/09/2016) - Plot 5 & 6 Floor Plan
Drawing No: 1631 - Plot5/6el (as submitted 20/09/2016) - Plot 5 & 6 Elevations
Drawing No: 1631 - gar/encl (as submitted 20/09/2016) - Garages and Enclosure plans.
Drawing No: 0700 Rev P2 (Sept 16) Engineering Layout and Details

Extended Phase 1 Habitat Survey and Assessment by Alder Ecology (May 2013)
Ecological Assessment by Tyler Grange (June 2016)
FRA Addendum Report by Craddys (June 2016)

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

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) 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 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, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 5 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Description and evaluation of features to be managed;
- b) Landscape and ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Details of how the aims and objectives of the LEMP will be communicated to future

occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

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

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

- a) Protection of trees including details of root protection areas and fencing;
- b) Mitigation for any potential tree bat roosts to be removed;
- c) An updated badger survey and mitigation strategy;
- d) A reptile mitigation strategy including methods to be applied during the construction phase and details of the proposed receptor site including long-term maintenance.
- e) Protection of breeding birds.
- f) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

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

7 No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- * A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
- * A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;

- * A schedule of tree works conforming to British Standard 3998: 2010;
- * Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- * A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- * Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- * Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

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

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

- 9 No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 10 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 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.

- 11 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), no gates, fences, walls or other

means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

- REASON: In the interests of visual amenity.
- 12 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.

- 13 There must be no ground raising or obstruction to flow on existing land at or below the 1 in 100 year flood level (45.57mAOD).

REASON: In the interests of flood prevention

- 14 The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

- 15 **INFORMATIVE 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.

- 16 **INFORMATIVE TO APPLICANT:**
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

- 17 **INFORMATIVE TO APPLICANT:**
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.

- 18 **INFORMATIVE TO APPLICANT:**
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.

- 19 **INFORMATIVE TO APPLICANT:**
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.

20 **INFORMATIVE TO 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
www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructuralevy.

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15/10712/FUL
Land North of Baydons Lane
Chippenham
Wiltshire
SN15 3JX



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	26 October 2016
Application Number	16/08026/FUL
Site Address	Hill Field Farm, Charlcott, Calne, SN11 9HL
Proposal	Construction of a 10MW Battery Storage Facility which will be housed within a newly constructed barn, with two transformer units and air conditioning units, a cable route/trench, landscaping and other associated works.
Applicant	Green Hedge Energy Barn Ltd
Town/Parish Council	Bremhill
Electoral Division	Calne Rural – Cllr Crisp
Grid Ref	398541 175543
Type of application	Full Planning
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

The application has been called into committee at the request of Cllr Crisp to consider important issues raised by local residents and the Parish Council such as scale of development and impact on the character and appearance of the area.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that authority is delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below.

2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development.
- Conflict with the emerging neighbourhood plan
- Impact on residential amenities of adjoining neighbours.
- Impact on character and appearance of the area.

Bremhill Parish Council object to the proposed development and 47 letters of objection and 17 letters of support have been received.

3. Site Description

The site comprises an ‘L’ shaped parcel of arable land with access gained from a track through an existing field gate at the northeast corner of the site. The field is enclosed by established native hedgerows to all boundaries.

A public footpath (BREM12) follows the access track, running along the eastern field boundary in the northern part of the site, before striking out across the field and bisecting the southern part of the site.

Topography within the site reflects the prevailing landform along the Lyneham Hills ridge, with the public footpath generally following a localised ridge, and land falling away to the east and west. The site is located within open countryside and beyond the framework boundary of the nearest settlement.

4. Planning History

No relevant planning history

5. The Proposal

The application seeks consent for a single barn which will house the necessary electrical equipment for a battery storage facility with a 10 MW capacity. The barn will have a footprint of 45m x 20m with a series of air conditioning units, transformers and associated fencing located at ground level outside the barn. The barn will measure 5m to eaves and 7.68m to ridge level. The application also seeks permission for a parking area, access road to the barn and a point of connection to the local grid.

The batteries will store “excess” electricity from within the local grid system so that at times where there is a deficit in electricity available in the local area the batteries can release their stored electricity back into the grid to “balance the system”.

The point of access into the field will be via the existing farm access track to the north. This access point will be improved to ensure that it is suitable for HGV deliveries for the construction of the barn.

6. Local Planning Policy

Wiltshire Core Strategy Jan 2015:

Core Policy 1-	Settlement Strategy
Core Policy 2-	Delivery Strategy
Core Policy 3-	Infrastructure Requirements
Core Policy 08-	Spatial Strategy: Calne Community Area
Core Policy 41-	Sustainable Construction and Low Carbon Construction
Core Policy 42-	Standalone Renewable Energy Installations
Core Policy 48-	Supporting Rural Life
Core Policy 50-	Biodiversity and Geodiversity
Core Policy 51-	Landscape
Core Policy 52-	Green Infrastructure
Core Policy 57-	Ensuring high quality design and place shaping
Core Policy 58-	Ensuring the Conservation of the Historic Environment
Core Policy 60-	Sustainable Transport
Core Policy 61-	Transport and Development
Core Policy 62-	Development impacts on the transport network
Core Policy 63-	Transport Strategies
Core Policy 64-	Demand Management
Core Policy 67-	Flood Risk
Appendix D	
Appendix E	
Appendix G	

Saved Policies of the North Wiltshire Local Plan:

NE18- Noise and Pollution

T5- Safeguarding

National Planning Policy Framework 2012:

- Achieving sustainable development – Core Planning Principles (Paragraphs 7 14 & 17)
- Chapter 1- Building a strong, competitive economy (Paragraphs 18 & 19)
- Chapter 6- Delivering a wide choice of high quality homes (Paragraphs 47, 49, 50 & 55)
- Chapter 7- Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)
- Chapter 8- Promoting healthy communities (Paragraph 75)
- Chapter 10- Meeting the challenge of climate change, flooding and coastal change
- Chapter 11- Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)
- Chapter 12- Conserving and enhancing the historic environment (Paragraphs 126, 128, 129, 132, 133 and 139)

7. Summary of consultation responses

Bremhill Parish Council- Object to the planning application on the following grounds:

The large storage unit is a building of industrial character more akin in size and bulk to those in an Industrial Estate. It is not appropriate in the rural landscape setting. The assertion by the applicant that it would look like an agricultural building misrepresents the adverse effects on local landscape character and setting.

The LVIA does not consider the adverse visual effects of the development in the months without benefit of screening vegetation.

The proposed site of the development is near the top of a ridge with land falling away to the south, east and west. This is a prominent location and would be visible on the sky line which is entirely open to views from the south and west and no planting is proposed to screen views. Therefore the application falls short of criteria set out in CP 51, it fails to overcome adverse effects on local landscape character and setting and the proposal is not compatible with the spirit of the Neighbourhood plan.

Landscape Officer- This is far from an ideal location. The only way that this could be supported is with a new woodland belt planting to screen the buildings southern and western elevations. This information has now been received and no objection is now raised

Ecology- No objection

Highways- No highway objection in principle. Due to the nature of the vehicles used and the width of the C class road leading to the site access swept path analysis of the large vehicles around the bends in the road between exiting the A3102 between Hilmarton and Goatacre particularly at Spirthill and the bend before the plant access south of Naish House Farm are required. Signage closer to the immediate access should also be provided.

Rights Of Way- The applicant has considered the impact of the building works on users of the public footpath and confirm that segregation of the track to keep pedestrians and vehicles apart is acceptable.

Public Protection- The applicant has predicted a very low level of 26dBLAeq at the nearest residential receptor. No objection subject to conditions.

8. Publicity

The application was advertised by neighbour letter, site notices and press advert.

The application has generated over 47 letters of objection and 17 letters of support. A summary of the comments is set out below:

- Industrial development in a rural area not acceptable
- Fire hazard
- Technology is new, is it safe
- This is not PDL
- In conflict with the neighbourhood plan
- In conflict with CP48, CP50, CP51 & CP57
- Adverse impact on the character and appearance of the area
- Harm to highway safety
- Noise impact unacceptable
- Approval would have an adverse impact on the local economy
- Adverse impact on the public footpath
- Development should be located on a brownfield site
- Should be located in Calne
- There is no local need
- Adverse impact on the setting of listed buildings
- Inadequate mitigation
- Harm to wildlife and ecology
- Good form of agricultural diversification
- Looks like an agricultural building
- No adverse impact on the character of the area
- Provides energy security

The Charlcott Ridge Action Group also submitted representations and a formal landscape objection. These matters are considered in the planning considerations below.

9. Planning Considerations

Principle of Development

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the Chippenham Area. The emerging Neighbourhood Plan is at an early stage but has now been submitted to Wiltshire Council for review. However, the plan has not yet been submitted for examination or a referendum held. Due to its progress to date, this document can only be afforded limited weight.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight.

NPPF, PPG and Core Policy 42

Government Policy on renewable energy is expressed in the NPPF. Paragraph 93 explains that

“...planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.”

Paragraph 98 of the NPPF sets out that applicants for energy development are not required to demonstrate the overall need for renewable or low carbon energy. Moreover it must be recognised that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Most importantly, a proposal should be approved (unless, of course material considerations indicate otherwise) if its impacts are, or can be made acceptable.

Government Planning Practice Guidance (PPG) sets out the planning considerations. PPG considerations include:

- Ensuring they take into account the requirements of the and, critically, the potential impacts on the local environment, including cumulative impact.
- the need for renewable or low carbon energy does not automatically override environmental protections;
- cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;
- proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration;

Core Policy 42 of the WCS in turn states that:

Proposals for standalone renewable energy schemes will be supported subject to satisfactory resolution of all site specific constraints. In particular, proposals will need to demonstrate how impacts on the following factors have been satisfactorily assessed, including any cumulative effects, and taken into account:

- i) *The landscape, particularly in and around AONBs*
- ii) *The Western Wiltshire Green Belt*
- iii) *The New Forest National Park*
- iv) *Biodiversity*
- v) *The historic environment including the Stonehenge and Avebury World Heritage Site and its setting*
- vi) *Use of the local transport network*
- vii) *Residential amenity, including noise, odour, visual amenity and safety and*
- viii) *Best and most versatile agricultural land*

Applicants will not be required to justify the overall need for renewable energy development, either in a national or local context.

The proposal is a form of renewable energy. Renewable energy is encouraged at both a national (NPPF, namely section 10) and local (WCS) level and is therefore considered in principle to be appropriate if the site-specific constraints are satisfactorily resolved.

For the avoidance of doubt, the final plans now submitted for approval have been amended following input from consultees. The plans have addressed issues identified by the landscape and highway officer and in an attempt to overcome concerns raised by local residents. Of particular importance to the setting is the confirmation that a 10m wide landscape buffer consisting of native species will be provided. Officers are satisfied that this can be controlled by condition but the applicant has confirmed that the final scheme will be presented to the Committee as a late item.

The effect of the revisions are that the landscape officer now raises no objection to the proposed development.

In considering CP42 criteria i to iii, the site is not located within an AONB, the Green Belt or any other designated landscape. It stands in relative visual isolation, though it will be visible from the adjacent public footpath. The immediate surrounds would be well screened from the site given existing boundaries and proposed hedge enhancements.

The visual impact on the open countryside (an issue raised by both Parish Councils as well as the many local objectors) nevertheless remains a consideration, including under WCS CP51 which requires development to protect, conserve and where possible enhance landscape character and must not have a harmful impact, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

There have been no other recent consents for this type of development within the vicinity. However, there are a group of agricultural buildings opposite Naish House, which are of a similar visual appearance to the proposed building, it is therefore considered that the design and appearance of the building is not dissimilar to what one might expect to see in a location such as this.

A further consideration is the potential sequential visual effects, on users of local pathways. There is a Public Rights of Way located in close proximity to the site and the building would be visible from this. This publicly accessible route is the most likely to be impacted by the proposal. It is considered that cumulative impacts on pathways would be of a low level, since no other renewable energy facilities such as this have been permitted in the locality. Furthermore, the distances between the application site and other wind and solar sites is a significant distance away and would not be visible in the context of this facility. Landscape issues are considered in greater detail later in the report.

With regard to biodiversity considerations (criterion iv to CP 42), Core Policy 50 also applies and requires that developments enhance biodiversity on the site, Following the submission of additional information and analyses, the Ecology Officer is satisfied that this can be achieved given the details provided. Importantly the proposed planting enhancements would be of particularly high ecological value. The revised proposals provide a significant opportunity to contribute to the council's biodiversity action plan.

For the reasons set out above it is considered that the proposal is in accordance with CP42 and national planning policies contained within the NPPF and PPG.

Ecology

Concerns have been raised by local residents in terms of ecological impact. The Council's ecologist has raised no objection to the proposed development and a reason for refusal based on this would be difficult to justify at appeal.

Flood Risk & Drainage

The Council's drainage team raise no objection to the proposed scheme, subject to conditions. It is considered that the development is acceptable with regards to this matter. The development therefore accords with Core Strategy Policy CP67.

Impact on Heritage Assets

There has been local concern raised in relation to harm to the setting of two listed buildings (Former Wesleyan Chapel & Naish House Farmhouse, both Grade II listed). The impact on the setting of listed buildings is an important material consideration and one that must be considered when determining this application.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. Considerable weight must therefore be given to the preservation of the listed building, including its setting.

The House of Lords in *South Lakeland District Council v Secretary of State for the Environment* case decided that the "statutorily desirable object of preserving the character or appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.

Officers have visited the site and viewed the application site from the above properties and from the application site looking towards the buildings in questions. When taking into consideration the existing site levels, distance between the buildings and existing screening the it is considered that the proposed development would not result in harm to the setting of the listed buildings.

For the purposes of determining the application Core Policy 58 is relevant and states:

Development should protect, conserve and where possible enhance the historic environment.

Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance:

The wording of core policy 58 and the supporting text to the policy is quite clear that if harm is identified it is in conflict with the policy. As the proposal conserves the setting of the heritage assets the development is in accordance with CP58 and the NPPF.

Impact on Landscape

A Landscape and Visual Appraisal (LVA) has been prepared to support the application. The landscape consultant considers that the LVA is proportionate to the level of development being proposed and has provided just 4 viewpoints. It is considered that these selected viewpoints adequately demonstrate the potential for this development to be viewed from the wider landscape context to the west and south. This is unfortunate and in certain respects has hindered and delayed the consideration of the application.

As set out above, the development will be visible from the south west travelling north along footpath BREM 27 and glimpsed from the adjacent section of Turf House Lane. From the west, the upper part of the larger building elevation and its roof will be visible from the minor rural road linking Charlcutt Hill to Bremhill typically viewed through field gates and over the low hedgerow.

It is acknowledged that the new building will also be visible at longer distances further south and south-west. None of these potential west and south-west receptors have been

assessed, which is unusual given the potential for higher levels of inter-visibility between the site and the landscape in these directions.

The assessment of potential landscape and visual effects, as included within the submitted LVA does include and rely on the final design appearance of the proposed new energy barn to be typically supportive and characteristic of the receiving local landscape character to justify the omission of additional planting to screen its southern and western elevations. Officers are concerned with this conclusion and the applicants have agreed to provide adequate screening to these elevations. It is however accepted that the proposed building is a modern steel portal framed building which is designed to fit within a more rural than urban context, low in height, finished in a neutral (non reflective) colour for a specific and temporary use.

While it is considered that the approach to the design of the building to be generally acceptable, the large footprint of this proposed modern portal framed building, combined with its elevated and prominent location, which is isolated and detached from any associated existing farmstead complex or any other existing agricultural farm building, does give rise to some landscape and visual concerns. The external air conditioning units, transformers, inverters, noise attenuation fencing, chain link fencing are all urban/industrial in character.

The proposed upgrading of the access road is also potentially harmful to landscape interests, as it erodes the existing character of the public right of way that will continue to share this route. The road should be surfaced with stone/gravel and not upgraded with tarmac and this will be controlled by condition.

The submitted information states that the empty building will be given to the landowner. This location is unlikely to be considered favourable for other business uses, and its detachment from any existing farmstead and its low height, may not be suitable or needed for any future farming use. It is considered that the removal of this building and all associated development and reinstatement of land following the end of its use is required to make the development satisfactory in planning terms.

The 'Charlcutt Ridge Action Group' has engaged the professional services of a Chartered Landscape Architect to provide an evaluation of the submitted Landscape and Visual Appraisal (LVA).

This report identifies some legitimate landscape concerns, many of which have already been incorporated or taken into consideration within the Landscape Officer's Consultation response. The failure of the submitted LVA to incorporate an assessment of Winter time effect's is a legitimate point, especially for large scale development. However in this instance officers don't believe this omission will manifest as a significant or decision changing factor.

In summary, due to the size of the proposed building and its elevated location, exposed to views from the west and south directions it would result in some harm to the landscape character of the area. Therefore it would be appropriate to screen this development as far as possible to safeguard the valued rural character of the limestone ridge and to better screen views of this building from public visual receptors and to integrate it better within views from the wider landscape. The applicant has agreed the inclusion of an area of mixed native woodland to provide new screen planting along the sites western and southern edges. These details are considered to be in accordance with CP42, CP57 & CP51 of the Core Strategy and polices contained within the NPPF. The implementation of these details can be controlled by condition.

10. Conclusion

The principle of the proposed Building, use and connection point is acceptable at national and local level. The site is not located within any protected landscape, and identified issues of ecology, Rights of Way, landscaping and highways can be satisfactorily addressed by appropriate conditions. There would be a positive public benefit in the form of energy security and the ability to store excess energy and thereby a saving of carbon emissions contributing towards government supported goal of a reduction in such emissions. No unacceptable amenity issues would arise. It is acknowledged that the proposed building may be visible to the immediate surrounds in particular to public footpaths, but the existing and proposed planting would reduce the impact of the proposed development. The benefits arising from the scheme are considered to outweigh the minor harm to the immediate landscape. In summary, the environmental benefits in terms of providing energy security and the proposed enhancements in terms of additional native landscaping would outweigh the limited harm identified.

RECOMMENDATION

Authority is delegated to the Head of Development Management to GRANT planning permission, subject to conditions listed below:

- 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 Within six months of the commencement on site, a scheme for the decommissioning and restoration of the development shall have been submitted to and approved by the Local Planning Authority, the details of which shall include how the land will be restored back to fully agricultural use upon the development no longer being in operation or upon the expiry date of 25 years from the date of the development starting to feed electricity to the Grid, whichever is sooner. The Decommissioning and Restoration scheme of this development shall be carried out in accordance with the scheme so agreed.

REASON: To ensure upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition.

- 3 The Local Planning Authority shall be notified in writing within one month of the event that the development hereby approved has started to feed or take electricity to/from the Grid. The installation hereby approved shall be permanently removed from the site and the surface reinstated within 25 years and six months of the date of notification and the local planning authority shall be notified in writing of that removal within one month of the event.

REASON: In the interests of amenity and the finite operation of this type of development.

- 4 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.

- 5 No development shall commence on site until the exact details and samples of the materials and their finished colour to be used for the external walls, external doors, roofs, transformer, air extract louvre, chain link fence, acoustic fence, air conditioning units have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 6 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.

- 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 The level of noise emitted from the site shall not exceed 26dBLAeq(15mins), nor Noise Rating(NR) Curve 20, when measured at the boundary of any residential receptor at any time.

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.

- 9 No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site between the times of completion of development and commencement of decommissioning.

REASON: In the interests of the appearance of the site and the amenities of the area.

- 10 A condition survey of the highway network relating to the access routes to the site (from the Beacon Hill/A3102 road junction to the site and as set out in the submitted highway and transport assessment) shall be carried out prior to the commencement of the works, the survey shall be carried out by the applicant in conjunction with the highway authority, in compliance with Section 59 of the Highways Act, to ensure that as a result of the proposal the existing condition of the highway network is maintained. If as a result of the construction phase damage to the highway network has been identified, within 3 months of the identification of the damage, the works shall be remedied.

REASON: In the interests of maintaining the existing condition of the highway network

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

Site Plan

West-East Site Cross Section

North-South Site Cross Section

Sections and Elevations

Access Cross Section

Roof Plan

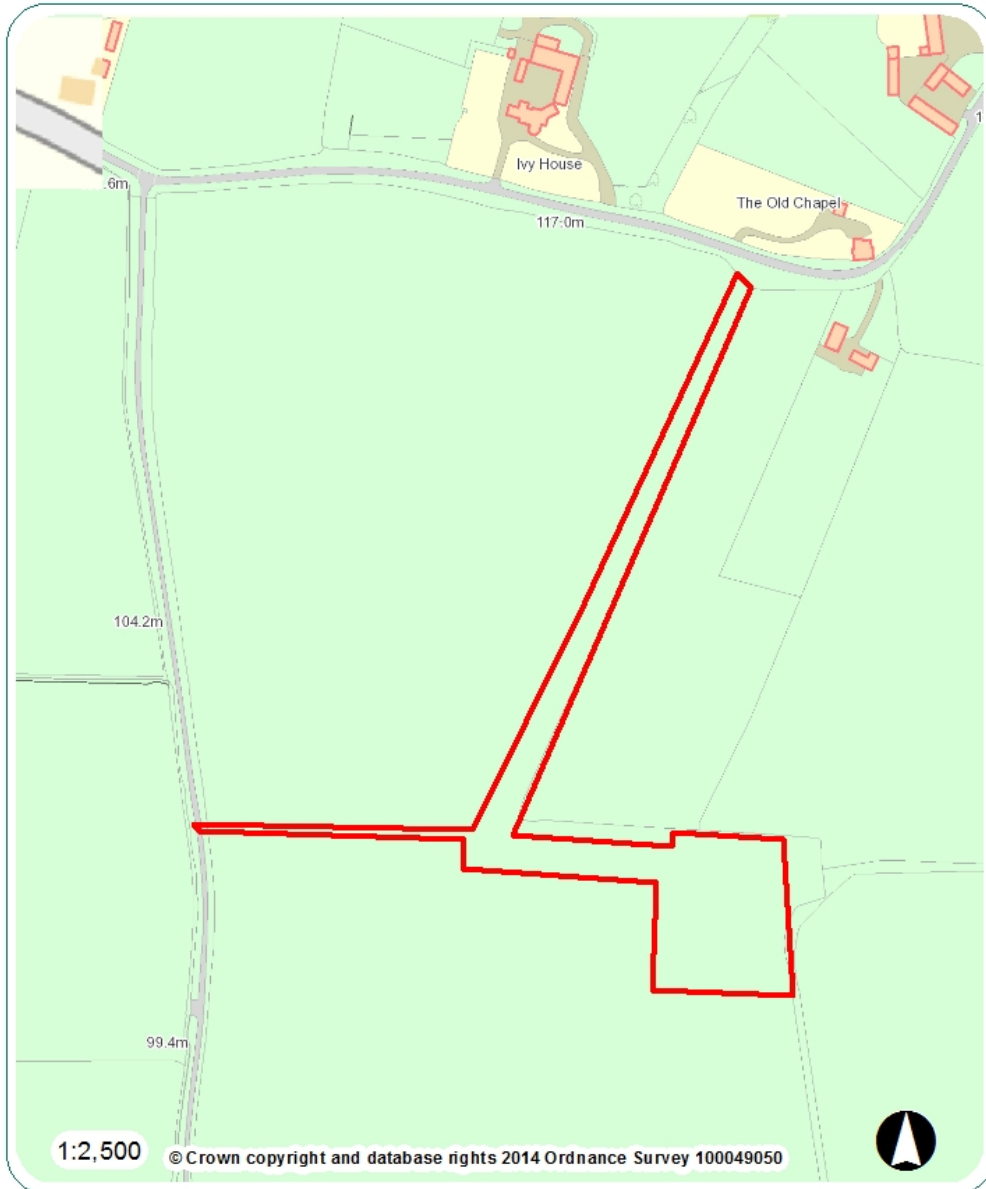
Ground Floor Plan

Flood Risk Assessment

Highway and Transport Assessment

P16-0139_08

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



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	26 October 2016
Application Number	15/11544/OUT
Site Address	Peacock Grove (adjacent to Brook Drive), Corsham, Wiltshire, SN13 9AZ
Proposal	Outline Application for the Erection of up to 31 dwellings Following the Demolition of 6 No. Existing Dwellings & Associated Access.
Applicant	RST Corsham Ltd
Town/Parish Council	CORSHAM
Electoral Division	CORSHAM TOWN – Cllr Philip Whalley
Grid Ref	387678 169367
Type of application	Full Planning
Case Officer	Chris Marsh

Reason for the application being considered by Committee

The application has been called in by the local Member in order to consider the scale of development, relationship to existing properties, design, environmental/highway impact, flooding implications and principle of development.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that authority is delegated to the Head of Development Management to grant outline planning permission, subject to conditions and completion of the Unilateral Undertaking within six months, or otherwise to refuse the application.

2. Report Summary

The main issues in considering the application are as follows:

- Principle of development;
- Impacts on local highways;
- Impacts on site drainage and flooding;
- Impacts on ecology;
- Impacts on landscape character;
- Relationship to the Great Western Railway;
- Impact on residential amenity; and
- S106 contributions

Corsham Town Council has objected to the application, which has attracted a further 81no. letters of objection from neighbouring occupants and local residents. Further details are set out later in this report.

3. Site Description

The 2.16ha application site is located on the southeast fringes of Corsham, immediately northward of a well-established mid-C20th development of suburban housing at Brook Drive/Broadmead. The site is largely comprised of an embankment of made ground formed through the extraction of material to create the Great Western Railway cutting, which runs along the northern boundary, and extending to include 6no. semi-detached dwellings at the corner of Brook Drive.

There is a public right of way, CORM105, leading from this corner through to the area known as The Batters, a wooded green link to the town centre owned and maintained by the Town Council. The southern site boundary is marked by the Byde Mill Brook running across the end of the rear gardens of Brook Drive to a modest bridge and culvert at Ladbrook Lane, upward of which the site's embankment is populated by a mixture of self-seeded trees. The higher part of the site has largely been cleared of trees and comprises a grassland meadow, with further trees lining the railway cutting boundary. A single property – 'Highlands', a large bungalow with generous garden – occupies the eastern end of the site, taking access from both Ladbrook Lane; a relatively narrow country lane linking the Lacock Road and Melksham Road to the East of Corsham, and a modest slab bridge at the far end of Brook Drive.

The site is located outside of, though immediately adjacent to, the saved development framework boundary for Corsham. The planning history of the site is very limited, with the only relevant case being the refusal of planning permission for 20no. dwellings on the site over 25 years ago (88/03024/OUT refers).

4. Planning History

N/95/01622/FUL	EXTENSIONS TO DWELLING EXTENSIONS (27 Brook Drive) – Approved
N/88/03024/OUT	OUTLINE -RESIDENTIAL DEVELOPMENT (20 No DWELLINGS) - Refused
14/01670/RWN	Reconstruction of Bridge Deck – Prior Approval granted

5. The Proposal

An application for planning permission is made in respect of the erection of up to 31no. dwellings and associated access, with all matters of landscaping, layout, scale and appearance reserved.

The proposal comprises the demolition of the six dwellings at the corner of Brook Drive together with the bungalow at the eastern end of the site in order to create a residential development comprising 31no. units indicatively shown as a mixture of detached, semi-detached and terraced dwellings.

Whilst the Ladbrook Lane and slab bridge accesses to the existing bungalow are to be re-used, most of the units are to be accessed via a new road bridge at the northwest corner of Brook Drive. In light of concerns raised in respect of the level of landscaping

detail provided, landscaping has been withdrawn from the matters sought for approval at this time; leaving only access subject to detailed consideration at this time.

Other matters of layout, scale and appearance remain reserved, although some detail in respect of the former is necessary to address fundamental issues such as ecology. The proposals have been revised from their original quantum of 53no. dwellings following initial concerns raised by various consultees whose cumulative effect is to compress significantly the developable area within the site, to which the reduction in units is a response.

6. Planning Policy

Wiltshire Core Strategy:

Core Policies 1 (Settlement strategy), 2 (Delivery strategy), 3 (Infrastructure requirements), 11 (Spatial strategy; Corsham Community Area), 41 (Sustainable construction and low carbon energy), 43 (Providing affordable homes), 50 (Biodiversity and geodiversity), 51 (Landscape), 52 (Green infrastructure), 57 (Ensuring high quality design and place shaping), 60 (Sustainable transport), 62 (Development impacts on the highway network), 67 (Flood risk)

North Wiltshire Local Plan 2011:

Saved policy NE14 (Trees, site features and the control of new development)

National Planning Policy Framework:

Paragraphs 14 & 17, Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 11 (Conserving and enhancing the natural environment)

7. Summary of consultation responses

Corsham Town Council – Objections –

“Resolved:

That the Town Council strongly recommends refusal of the application for the following reasons: exacerbation of flooding problems; creation of additional traffic problems including highway safety; reduction in privacy as the site is elevated; unjustified Greenfield development; unsustainable impact on primary education and health service provision; environmental and ecological harm; creation of a harsh and highly visible manmade skyline; detriment to the landscape character; visual impact in terms of scale; poor and unsuitable design quality; overdevelopment with a very high housing density; non-compliance with Wiltshire Council Core Strategy Policies CP1, 2, 11, 50, 51, 52 and 57; exacerbation of problems with water run-off and foul water flooding; Corsham will already exceed Core Strategy housing targets; lack of adequately sized gardens; destruction of woodland and the soft green transition from town to countryside; destruction of habitat used by rare species of protected bats; causes fragmentation and isolation of natural habitats; outside of the settlement boundary; the land should be returned to its former state; the character and scale and design is out of keeping with the Broadmead Estate/Brook Drive; the site is excluded from Wiltshire Council’s Core Strategy Draft Development Plan Document; the site is excluded from the emerging Corsham.”

Spatial Planning – support

Highways – no objection, subject to conditions

Drainage – no objection, subject to conditions

Ecology – objections; citing harm to protected and non-protected species

Landscape – objections; concerns of adverse impacts due to overdevelopment

Trees – no objection, subject to conditions

Urban Design – no objection, subject to conditions
Waste – recommend suitable contributions
Environmental Health – no objection, subject to conditions

Environment Agency – no objection, subject to conditions
Natural England – no objection, supporting the comments of the County Ecologist
Network Rail – no objection in principle, subject to proper consideration of railway impacts in respect of: planting, fencing, stability, drainage, access, lighting, amenity and construction.

The Council consultees' responses where planning contributions are recommended are set out at the 'S106 Contributions' section below.

8. Publicity

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

81 letters of objection were received from neighbours, local residents and on behalf of the Corsham Estate and Corsham Civic Society, raising the following issues (number of citations in brackets):

- Inadequate highways infrastructure and/or adverse impact on highways (74)
- Impacts on local drainage and flood risk (65)
- Impacts on local ecology and protected species (64)
- Impacts on local character (50)
- Inadequacy of local infrastructure (45)
- Impact on residential amenity (39)

Other issues raised included the need for additional housing, overdevelopment of the site, adverse effects from the railway, loss of trees/green infrastructure and loss of historic significance.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of Development:

In light of the recent Shurnhold appeal decision, in which the Inspector concluded that the Council did not have demonstrable five-year housing land supply and thus Core Policy 2 was out-of-date, it is considered that limited weight can be ascribed to the saved development framework boundary for Corsham for the time being. Accordingly, the merits of the site in spatial terms rely upon its situation and relationship to Corsham as an identified Market Town capable of providing most day-to-day services and offering a good range of employment and local public transport. It should be noted that although projected delivery at Corsham stands at around the target figures set out at Core Policy 11, these are expressed as a minimum and therefore the potential to exceed these does not weigh against the proposal.

The Council's Spatial Planning Officer has therefore supported the proposals as a means of delivering a significant number of new dwellings both on the open market and as affordable units. It is considered that the quantum of development is commensurate

with the approaches set out at Core Policies 1 and 11, whilst the site benefits from good links to the town and a degree of self-containment due to its enclosure by the railway, Brook Drive and Ladbrook Lane. The inquiry into the Chippenham Sites Development Plan Document has recently been re-opened and the Inspector's report expected by the end of 2016; although relevant to the broader picture of future housing delivery, when treated with due caution this does not significantly alter the above judgement at the time of writing. As such, residential development is considered acceptable in principle.

Highways

Whilst the previous proposals were received with concern by the Council's Highways Officer owing principally to the intensification of the re-use of the Ladbrook Lane access, this impact has now been addressed. The number of dwellings served by this access has been reduced from eight down to two, and it is considered by the Officer that the increase of one dwelling is compensated for by the proposed installation of a right turn in/left turn out arrangement at the junction with Ladbrook Lane. Similarly, the anticipated level of traffic and limited potential for conflict over the shared use of the existing Brook Drive slab bridge is not considered to be detrimental to the proposal subject to a suitable limit on the number of dwellings accessed via this route. Both arrangements can be secured by condition, as can the upper limit on the number of dwellings served by either, and therefore no objection is raised in this respect. As the internal circulation of traffic is a reserved matter, no detailed consideration has been given to this at the current time. However, residential streets and parking should be provided in line with the adopted countywide standards, and it is anticipated that the form of development will ultimately include a number of private driveways bringing, inter alia, potential ecological benefits/mitigation.

Turning to the prospective installation of a new road bridge at the northwest corner of Brook Drive, whilst a significant undertaking in engineering terms, the Highways Officer is satisfied that this will not have a significant adverse impact on the wider highway network including on traffic flows through Broadmead/Brook Drive. On-street parking has been raised as a concern in several representations received however this is a pre-existing situation borne in part out of the sporadic pattern of parking on either side of the road. With several private driveways enabling cars to pass one another where highway width and alignment is at its most restricted, it is not considered that the additional traffic generated will have a detrimental impact on highway safety or the living conditions of residents. A peripheral matter discussed, however, is the current junction between Ludmead Road and the B-classified Prospect/Pound Pill, where on-street parking frequently restricts access. It is considered that in light of the potential for additional traffic to exacerbate this situation a planning contribution should be made available to fund a suitable parking order if this is considered necessary in future.

Drainage

Of understandable local concern is the impact of the development in respect of drainage and flood risk, the latter made most apparent as a significant issue by events in 2014 when several gardens on Brook Drive were severely flooded together with sections of Ladbrook Lane and the adjacent railway, both of which became temporarily impassable. Whilst there is evidence of a lack of maintenance of the downstream ditch/watercourse that may have exacerbated these issues it is clear that surface runoff must be managed on site rather than relying upon any excess capacity in the downstream network. Through direct liaison between the applicant and Environment Agency, it has been accepted by the latter that, as made ground, the developable part of the site itself is not liable to flooding and that subject to proper management of runoff no objection is raised in principle.

In light of these comments, the Council's Drainage Engineer has considered the proposals and is content to offer no objection subject to conditions requiring subsequent approval of suitable engineering details. Due to the constraints on the site, however, attenuation ponds are not appropriate in this instance and would be of limited efficacy in an extreme flood event. Instead, the applicant has indicated a tanking facility to be accommodated beneath a section of highway traversing the upper part of the site, from which flows can be piped through to the existing outfall at a controlled rate. Independently, it is considered that this offers a practical solution that will ensure a net reduction in peak runoff rates and suitable attenuation during extreme events. As responsibility for maintenance downstream lies with the riparian landowner, no objection is raised in respect of site drainage.

Ecology

Together with The Batters, the neighbouring segmental green route, the site forms an important commuting and foraging corridor for bats including European protected species Bechstein's and Greater and Lesser Horseshoe Bats. Having completed an initial Judgement of Likely Significant Effects (JLSE) of development on these species, the County Ecologist recommended significant changes to the scheme. Through two further iterations in which the quantum of development has been successively reduced, the parameters plan accompanying the substantive revised plans now incorporates robust strategic landscaping proposals around the site periphery intended to achieve policy compliance in respect of conserving and enhancing priority habitats and species. The associated reduction in the developable envelope, which can be secured by condition, provides some degree of reassurance that the most sensitive ecological receptors can be conserved and other habitats mitigated/compensated within the site without the need to translocate species to a receptor site.

The County Ecologist has noted that the proposals would have a number of residual negative impacts upon a number of ecological receptors including the Byde Mill Brook, mixed deciduous woodland, reptiles and birds. Although significantly improved through successive iterations of the scheme, the creation of the access road would also result in some loss/fragmentation of the tree belt, partially offset by the enhancement of foraging habitat along the northern site boundary. The Officer is satisfied, however, that the residual effects are unavoidable and have been reduced as far as possible, such that they are relatively minor. Accordingly no further objection remains on these grounds.

The substantive scheme has since been taken through the process of a Habitats Regulations Assessment (HRA), which requires review and ratification by Natural England as a formalised component of the process. Natural England has confirmed its acceptance of its findings and confirmed its support of the Ecologist's recommendations in respect of the site as a whole. The draft assessment concludes that there will be no significant effects on the integrity of the Bath and Bradford-on-Avon Bats SAC; either independently or in conjunction with other existing and planned development in the locality. The Ecologist is also satisfied that the proposals will not have any significant adverse impact for other bat species not protected at a European level.

Landscape

The supporting Landscape and Visual Impact Assessment (LVIA) provides a selection of viewpoints toward the application site. It is apparent from the reasonably limited public viewpoints that the site's wider visual impact would be most pronounced from surrounding private land and it is considered that the development would not be seen in any planned or important public views. However, visual impacts described as

'Major/Moderate' in line with the standard guidance have been identified in the immediate vicinity at the Ladbrook Lane railway bridge and at Brook Drive itself. It is noted that both points are characteristically urban – the Ladbrook Lane bridge having recently been partially rebuilt in a more substantial engineered form to support electrification of the GWR line – and already at variance with the rural nature of many other selected viewpoints. At this range, the severity of any adverse visual impact of the development will be largely dependent upon the quality of layout and landscaping of the scheme, with high quality design capable of conserving amenity although representing a profound change in the character of the site. Consequently, it is considered that there is little long-range landscape impact and that more immediate effects can be addressed through the submission of suitable details at reserved matters.

Owing to the scale of the development, it is not considered that the proposals will have any significant impact on the setting of the Cotswolds AONB, the closest edge of which is some distance beyond the brow of the land north of the site that eliminate any direct inter-visibility between the two. The site's location is recognised in the Landscape Character Assessments as Type 16A – Malmesbury-Corsham Limestone Lowlands – being typified, inter alia, by sporadic woodland blocks, copses and frequent hedgerow trees. Whilst less 'managed' than these examples, the trees present on the brook embankment retain considerable group amenity value that would be reduced considerably by the piecemeal reduction or removal of individuals, which may also present ground stability issues. The Council's Trees Officer has raised concerns in relation to direct and indirect pressure on this bank of planting resulting from underground utilities, engineering works, construction work and eventual occupation and expectations in terms of residential amenity.

It should be recognised that the site itself, despite the recent removal of a significant number of trees, remains of value as a piece of green infrastructure together with The Batters serving as a transitional section between Corsham town and the countryside to the East. The value of the tree buffer to the Western and Southern of the site has recently been recognised through the designation of an area Tree Protection Order, which may be revised to a group Order in respect of managed improvement of these elements. The visual impact of the development for users of The Batters is identified as 'minor' however the related roles of The Batters and the application site as a wedge of green infrastructure linking the open countryside and town centre (albeit the latter is in private ownership) is significant. It is considered that the fundamental change in the character of the site and degree of management brought in respect of boundary planting will have a more pronounced effect than speculated. However, the introduction of a managed scheme of landscaping and creation of a new footpath link is likely to increase inter-visibility and alter the experience of the existing right of way for users, particularly in conjunction with the new highway access. This should be balanced against the value of a continuous, high-quality right of way and its capacity to improve links to the countryside and the availability of urban green infrastructure, however. To this end, subject to suitable details at reserved matters, it is considered that the overall scale of change is likely to be minor adverse with some independent benefits, and should be weighed accordingly in the planning balance.

Character

Whilst landscaping, layout, appearance and landscaping remain reserved matters, the infrastructure necessarily detailed at this stage – ecological mitigation planting, access and drainage – provides some indication of the constraints to the site perimeter and thus the likely residual developable area. This can in turn be used to provide some assurance as regards the general form of development in terms of overall density and, in some instances, orientation of units as necessary to secure appropriate treatments to

bat commuting corridors. The most significant landscape buffers – to the West and South site edges – are to be maintained and improved, reinforcing a recognised local feature whilst protecting neighbouring properties along Brook Drive in particular from an abrupt change in built character. There will be some change in character due to the introduction of the road bridge and increased activity associated with the right of way however it must also be recognised that the site falls within/adjacent to the built envelope of Corsham where neither is particularly out of keeping with the role of the area.

The final density and form of new dwellings has been raised as a concern in a number of responses, including the Urban Designer's early comments. It is agreed that three-storey dwellings and/or large blocks of flats are inappropriate for this site and therefore the reduction in the quantum of development is likely to alleviate pressure for the inclusion of such units within the final layout. It is not considered that a quantum of 31 dwellings – 27 within the upper portion of the site, rather than on Brook Drive – is unreasonable even given the evident constraints of the site. On a less complex site, a higher number would be expected in light of the policy desire for layout efficiency however the current number makes a practical concession proportionate to the constraints.

Relationship to the Great Western Railway

The application site is comprised largely of made ground resulting principally from the creation of the GWR railway cutting in the mid-C19th and latterly the development of Broadmead/Brook Drive with the mid-C20th expansion of Corsham. The site retains a close relationship with the railway line, although this section shows limited signs of recent maintenance, with a mixture of self-seeded scrub characterising the trackside part of the land. Network Rail have been consulted on the proposals and have raised a number of general concerns as set out in the relevant section above. Most of these relate to final layout and safeguarding the railway against structural movement, obstruction and unauthorised access. None is considered to impede the prospects of development in principle, but will require careful consideration of matters agreed by condition and as reserved matters; not least bank stability and planting and fencing specifications.

Residential Amenity

Reflexive of the potential for the development to impact on the safe operation of the railway line in this location is the prospect of the railway in turn affecting the residential amenity of future occupants. In the immediacy, the Council's Environmental Health Officer has recommended that any final scheme incorporates suitable acoustic fencing parallel to the railway although due to the abrupt landscape impact this would have it is likely that this would need to be rebated slightly into the proposed planting buffer to this boundary. Whilst design features such as acoustic glazing may be appropriate, the benchmark for occupation without undue noise incursion from the railway should be the peaceful enjoyment of dwellings with windows open. Although with electrification of the GWR shortly the likely noise levels associated with the railway are unknown, this matter can be addressed by condition, as has been used elsewhere. To this end, the withdrawal of the 'landscape' matter at this time is supported, in order to avoid over or under-specifying planting and acoustic measures.

Concerns have been raised in respect of the prospective loss of residential amenity to the occupants of Brook Drive, who currently enjoy open aspects to their rear gardens as these are orientated toward the brook and embankment to afford a degree of enclosure. It is considered that the same considerations that would discourage front elevations

facing the brook (i.e. to avoid intrusion from/to trees) in a final layout would similarly protect the existing residents of Brook Drive from unacceptable inter-visibility with their new neighbours. Units would typically need to be orientated side-on to the tree belt to protect bat commuting corridors from undue light pollution, an effect extended to properties beyond the tree belt.

S106 Contributions

The Council's New Housing Officer has confirmed a requirement for the provision of 30% on-site affordable housing, equating to 8no. units on the basis of the net figure. This should be dispersed through the site with a range of unit and tenancy types.

The development should also provide 2280m² of public open space, of which 225m² should be dedicated play space. This should include a useable link between The Batters and Ladbrook Lane and should be offered in the first instance for adoption by the Town Council in line with the Officer's recommendations.

The Council's Education Officer has confirmed that the development generates a need for 9 primary and 7 secondary school places, requiring a contribution of £152,811 in respect of the primary places, with the secondary element to be funded by CIL.

In line with the Council's Waste Strategy, developer contributions of £91/dwelling will be required in order to secure the provision of on-site waste containers, equating to a total contribution of £2,275 in this regard.

The scheme will also be liable for contributions under the Council's adopted Community Infrastructure Levy (CIL) Charging Schedule, equating to £55/m² for eligible floor space.

Conclusions

The current lack of a five-year housing land supply is a material consideration whilst the site is sustainably located in relation to Corsham, a market town capable of delivering significant housing including that in excess of the minimum figure at Core Policy 11. It is considered that the scheme will have an overall minor adverse landscape impact as well as prejudicing to limited extent the delivery strategy for Wiltshire.

Taken in the context of the presumption in favour of sustainable development and in terms of the planning balance, however, these considerations are outweighed by the benefits of development, which include improvements to surface water drainage, recreational provision and the delivery of housing, including affordable housing, itself. All other matters have been sufficiently addressed, with technical details capable of resolution either by planning condition or as reserved matters. On balance, therefore, it is considered that the proposal is acceptable in planning terms.

RECOMMENDATION

That authority is delegated to the Head of Development Management to grant outline planning permission, subject to completion of the Unilateral Undertaking within a period of six months and the conditions set out below, or otherwise to refuse the application for the following reason:

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; Waste; Public Open Spaces; Air Quality Management and is therefore contrary to Policies CP3 & CP43 of the Wiltshire Core Strategy

**adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework
March 2012.**

- 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 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 shall be carried out in accordance with the following approved plans:

1003_Red Line Plan - Site Location Plan
Received 20 November 2015

FMW1379 - GA02 rev A - Horizontal And Vertical 2.4m x 27m Visibility Splays
Received 15 March 2016

GOLD19349-15B - Parameters Plan
GOLD19349-14A - Buffer Planting Proposals
Received 21 July 2016

FMW1379-GA01 rev C - Proposed General Arrangement Option 2
Received 12 October 2016

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

- 5 No building on any part of the development hereby permitted shall exceed two storeys in scale or 9m in height relative to the adjacent ground level.

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

- 6 No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid 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 ensure that the roads are laid out and constructed in a satisfactory manner.

- 7 No works shall commence on site until the access to Brook Drive has been provided in full accordance with the details contained in drawing FMW1379-GA01 rev C (Proposed General Arrangement Option 2, received 12 October 2016).

No dwellings reliant upon access from Ladbrook Lane shall be first occupied until the access, together with suitable turning areas as agreed pursuant to Condition 2, has been provided in full accordance with the details contained in drawing FMW1379 - GA02 rev A (Horizontal And Vertical 2.4m x 27m Visibility Splays, received 15 March 2016).

The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 8 No development shall take place until full details of both hard and soft landscape works, including a programme for implementation, have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structures such as street furniture, refuse or other storage units.

The details shall also include the location, size and condition of existing trees and hedgerows, shall identify those to be retained together with measures for their protection during construction and shall show details of new planting areas, tree and plant species, numbers and planting sizes.

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

REASON: In order to secure a suitable landscaped setting to the development and in the interests of protecting retained trees and landscape features.

- 9 Applications for reserved matters shall be supported by a ground stability assessment

and lighting modelling (including lux plots) in order to demonstrate that detailed proposals meet the requirements of the submitted Parameters Plan, Lighting Strategy, Ecology and Landscape Strategy, and Appropriate Assessment.

All details of landscaping submitted for approval as part of any reserved matters application shall be in accordance with the mitigation measures set out in the Appropriate Assessment, including advanced planting of the northern buffer area and restoration of woodland habitats following construction of the road and bridge.

REASON: In the interests of protected species, to mitigate against the loss of existing biodiversity and nature habitats.

- 10 Prior to commencement of development (including demolition, ground works, vegetation clearance), a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not necessarily be limited to, the following:
- a) Risk assessment of potentially damaging construction activities including those highlighted in the Appropriate Assessment
 - b) Identification of construction excluding zones including the ecological buffers shown on the parameters plan
 - c) Detailed construction methods to be employed to avoid or reduce impacts during construction
 - d) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period
 - e) Details of reptile mitigation measures including translocation, habitat manipulation / clearance and receptor areas
 - f) Measures to avoid damage or destruction of nesting birds
 - g) Details of an appointed Ecological Clerk of Works
 - h) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

A report prepared by the appointed Ecological Clerk of Works certifying that the required mitigation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

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

- 11 Prior to commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved LEMP shall include, but not necessarily be limited to, the following information:
- a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species
 - b) Description and evaluation of features to be managed; including location

shown on a site map

- c) Landscape and ecological trends and constraints on site that might influence management
- d) Aims and objectives of management
- e) Appropriate management options for achieving aims and objectives;
- f) Prescriptions for management actions;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward)
- h) Details of the body or organisation responsible for implementation of the plan;
- i) Ongoing bat and habitat monitoring and remedial measures;
- j) Timeframe for reviewing the plan

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

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

- 12 The reserved matters submitted pursuant to Condition 2 shall be accompanied by a suite of acoustic measures in respect of all dwellings adjacent to the Great Western Railway (i.e. unobstructed by other buildings). These measures shall include those detailed in the "Noise and Vibration Assessment Nov 2014 296312-01(01)" para 6.1.3; comprising glazing, appropriate passive ventilation and boundary treatments and shall demonstrate that ingress of external noise can be reduced to a level whereby the Good standard of BS8233 for internal noise criteria can be achieved.

The development shall be carried out in accordance with the scheme prior to the first occupation of any affected unit and shall be maintained in accordance with the approved details at all times thereafter.

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

- 13 The reserved matters and details submitted pursuant to Conditions 2 and 14 shall be accompanied by a suitable engineering design for the creation of any subterranean surface water attenuation/storage to be provided on site.

The said design shall incorporate ground stability information as necessary and ensure that any associated operations can and will be implemented in such a way as to comprise the extraction of material and shoring up in a vertical section not requiring additional cutting/backfilling.

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

REASON: In the interests of ecological protection and ground stability.

- 14 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating

sustainable drainage details (together with any required off-site works to prevent any increased risk of flooding to downstream properties and any required permissions for connections to private drainage systems/land drainage consents), has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be first occupied until surface water drainage, including any off-site works, has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained and that such systems installed will be adequately maintained to the standard required to meet the requirements of the submitted design and thus prevent any increased risk of flooding to properties on/off the site due to lack of maintenance.

- 15 No development shall commence on site until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. The Strategy shall include a drainage scheme providing detailed arrangements for the means of connection to the main sewer network and the capacity improvements required to serve the proposed development, including any phasing.

No dwelling shall be first occupied or other building brought into use until the drainage scheme has been completed in full, in accordance with the approved details and to a timetable agreed with the local planning authority.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 16 No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on

the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;

- An assessment of the potential risks to
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwater and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in

writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

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.

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.

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, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

18 No construction activity whatsoever, including deliveries, shall take place outside the hours of 0730 and 1800 from Mondays to Fridays. No such activity shall take place at any time on Saturdays, Sundays and Bank or Public Holidays.

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

19 The dwellings hereby approved shall achieve a level of energy performance at or

equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

INFORMATIVE 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.

INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

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.

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REPORT FOR NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	26 October 2016
Application Number	16/05959/OUT
Site Address	Land to the South East of South View & North of Webbs Court, South View, Lyneham, Wiltshire
Proposal	Outline planning application for residential development of up to 60 dwellings; including the creation of new vehicular access, public open space, natural children's play area, landscape planting, pumping station, surface water attenuation and associated infrastructure (all matters reserved except means of access only in relation to a new point of access into the site) (Resubmission of 15/12487/OUT)
Applicant	Mr Mark Jackson
Town/Parish Council	LYNEHAM AND BRADENSTOKE
Electoral Division	LYNEHAM – Allison Bucknell
Grid Ref	402274 179372
Type of application	Outline Planning
Case Officer	Mathew Pearson

Reason for the application being considered by Committee

Cllr Bucknell has called the application in as it is a major housing development outside the built area of Lyneham that has created a substantial amount of community interest

1. Purpose of Report

To recommend that authority is delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to **REFUSE** planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing, Open Space and Education and is therefore contrary to Policies CP3 & CP43 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

2. Report Summary

The proposed development is considered to broadly conform to the sustainability principles of national policy and the acknowledged conflicts with the Wiltshire Core Strategy policies is considered to be outweighed by the benefits of scheme. The site specific impacts of the

scheme are limited and the application will provide an uplift in housing and affordable housing in accordance with the specific aims of national policy. Lyneham Parish Council supports the proposals and the only technical consultee to raise an issue is the Council's Conservation Officer. Initially there have been 68 letters of objection with 5 in support, following re-consultation there have been another 60 letters of objection. There have been petitions both for and against the development.

The main issues for consideration are:-

- Principle of the Development and Status of Development Pla
- Archaeology
- Flooding and Drainage including Foul and Surface Water
- Conservation, Heritage Assets and Design
- Landscape
- Ecology
- Transport and Access
- Rights of Way
- Sustainability
- Other Matters
- S106 contributions

3. Site Description

The application site is located to the north east of Lyneham to the south of the A3102 (South View). The site is outside the defined settlement framework boundary of Lyneham and therefore is in the open countryside. The site comprises two medium sized fields which are bounded by mature hedgerows with existing housing along the western edge. The site is criss-crossed by a network of footpaths, a small stream and overhead electricity cables. There are no ecological or landscape designations on the site. To the north and east of the site is the Old Rectory, a Grade II Listed Building on the A3102. Cowleaze Copse woodland lies just beyond the eastern edge of the site and Bailey's Hill Woodland, a County Wildlife Site, is within 500m.

4. Planning History

15/11047/SCR	Screening Opinion Request Relating to Proposed Residential Development of 111 Dwellings	No EIA required
15/12487/OUT	Outline Planning Application for up to 111 Dwellings, Vehicular Access, Public Open Space, Natural Children's Play Area, Landscape Planting, Pumping Station, Surface Water Attenuation & Associated Infrastructure (All Matters Reserved Except Means of Access Only in Relation to a New Point of Access into the Site)	Refused

5. The Proposal

The applicant is seeking outline planning permission (with all matters reserved except means of access) for residential development of up to 60 dwellings; including the creation of new vehicular access, public open space, natural children's play area, landscape planting, pumping station, surface water attenuation and associated infrastructure at land to the south east of South View and north of Webbs Court. The application is resubmission of a previous

scheme under 15/12487/OUT for 111 dwellings that was refused in April 2016. However, this application has made a number of significant alterations by reducing the number of dwellings proposed and only using two existing fields, amending the processed access, to which detailed consent is sought, and, including further measures in terms of screening the development.

The application is accompanied by an;

- Archaeological Desk Based Assessment (including assessment of Heritage and Conservation) and On-Site Archaeological Evaluation;
- Ecological Assessment;
- Design & Access Statement;
- Flood Risk Assessment;
- Landscape and Visual Impact Assessment;
- Planning Statement (including subsequent submissions following Consultee responses);
- Transport Assessment;
- Tree Survey; and;
- Waste and Recycling Audit.

6. Local Planning Policy

Wiltshire Core Strategy

Core Policy 1: Settlement strategy
Core Policy 2: Delivery strategy
Core Policy 19: Spatial Strategy: Cricklade and Royal Wootton Bassett Community Area
Core Policy 41: Sustainable construction and low carbon energy
Core Policy 43: Providing affordable homes
Core Policy 45: Meeting Wiltshire's housing needs
Core Policy 50: Biodiversity and geodiversity
Core Policy 51: Landscape
Core Policy 57: Ensuring high quality design and place shaping
Core Policy 58: Ensuring the conservation of the historic environment
Core Policy 60: Sustainable transport
Core Policy 61: Transport and new development
Core Policy 62: Development impacts on the transport network
Core Policy 63: Transport strategies
Core Policy 67: Flood Risk

National Planning Policy Framework

Paragraph 14 – Decision Making
Paragraph 17 - Core Planning Principles
Section 4 – Promoting sustainable transport (Paragraphs 32, 34, 35, 36, 37 & 38)
Section 6 – Delivering a wide choice of high quality homes (Paragraphs 47, 49)
Section 7 – Requiring good design (Paragraphs 63, 64, 65 & 66)
Section 8 – Promoting healthy communities (Paragraphs 73)
Section 11 – Conserving and enhancing the natural environment (Paragraphs 118)
Section 12 – Conserving and enhancing the historic environment (Paragraphs 131, 132 & 134)

7. Summary of consultation responses

Lyneham and Bradenstoke Parish Council – The Parish Council response can be read in full on the internet. The Parish Council have set out that they believe that the Neighbourhood Plan has stalled beyond their control and that despite various differing opinions between residents, the local member and themselves the application should be supported. They have set out a series of factors which they believe provide for this conclusion.

1. Lack of understanding in the local community about land ownership, public rights of way, and different types of planning process. The background notes describe some of the mixed messages and conflicting interpretations of the meaning of parts of Wiltshire's Core strategy and spatial planning calculations. All countryside is owned by someone – some of it close to the village is owned by a major housing developer.
2. Small group of residents oppose any housing development on green fields, especially fields nearest to their homes. Most of the objectors are those who live close to the proposed development site. A general disagreement with building outside the village boundary should apply equally to other sites being put forward as alternatives.
3. Different reasons for opposing housing development:
 - a. no evidence of housing need
This depends very much on how evidence is gathered – not an exact science
 - b. fear that one development would lead to more uncontrolled building
While this is an understandable fear, it is not a material consideration in planning terms
 - c. Lyneham described as a rural village
Lyneham has been dominated by the RAF for 70 years and now contains a growing Army garrison. Lyneham grew as a ribbon development along a main road – a road which is getting busier – and then had added a huge amount of Service quarters. These are not the characteristics of a rural village.
 - d. misleading statements published by the Wiltshire Councillor for Lyneham
The background notes describe the flaws in statements published on Wiltshire Council's website. The Parish Council is disappointed in the lack of co-operation from Lyneham's representative on Wiltshire Council.
4. Concerns about highway safety at proposed new road junction. The Parish Council agrees with most of the objections made about the positioning, layout and signage proposed in the plans and intends to endorse those objections.
5. Empty quarters cannot be counted as available dwellings. The management of Service Family Accommodation, including the release of houses onto the open market is not within the control of either the Parish Council or Wiltshire Council.
6. Local infrastructure problems caused by growth of housing in Calne and Royal Wootton Bassett – shortages of GP services, school places, employment opportunities – growth in Lyneham is needed to cause demand for services for all residents. The problems are there for all to see. The Parish Council sees growth as a potential solution.
7. Using brown field sites for infill housing development is not an answer: Each of the factors described is self-explanatory...

- a. piecemeal building on small sites adds to infrastructure problems without solving them
 - b. development of sites with ten or fewer dwellings does not require any affordable homes to be included
 - c. unused brownfield sites in the village have been commercial premises; change of use to residential a short sighted approach
 - d. no evidence that owners of sites wish to develop them for housing
8. Evidence of demand for new housing in Lyneham for:
Again, each of the factors described is self-explanatory...
- a. older residents wishing to downsize but remain in the village
 - b. younger residents wishing to remain in the village in a new home
 - c. local workers wishing to live nearer their work
 - d. retirees becoming ineligible to remain in quarters wishing to remain living locally
 - e.

In summary the Parish Council resolved there was no objection from the Parish Council for building 60 dwellings, however the Parish Council feel a better, safer solution for the access to the proposed new housing site needs to be found.

MoD Defence Infrastructure Organisation – No Objection

Wiltshire Council Archaeology – The archaeological evaluation previously requested has now been completed. It has indicated the presence of archaeological remains in two of the three fields making up this proposed development site. Archaeological mitigation is required to further investigate and record these remains by means of an archaeological strip map and record excavation in fields 2 and 3 (as indicated in the archaeological report).

Wiltshire Council Conservation - This is a revised proposal to erect houses on the land at the northern end of Lyneham when heading out towards Royal Wootton Bassett. The site is close to The Old Rectory, which is a grade II listed building.

Although the spread of development has reduced since the last scheme was submitted, I still feel that there is harm caused to the views to and from the listed building by bringing a road across the water course and filling field 2 with houses. I suggest that halving the area of land to be developed on field and continuing the road from Webbs Court instead of bringing the new road over the water-course would address my concerns.

Wiltshire Council Ecology –The proposals are considerably reduced in scale from the previous submission through the removal of areas of housing and road infrastructure, however the remaining elements are largely the same. Officers are therefore satisfied that observations on the previous application (15/12487/OUT, see memo dated 25/01/16) remain valid consequently it is recommended the same set of conditions are attached to any permission granted (see below) and no objection is raised.

Wiltshire Council Drainage – Support subject to conditions. Note that there is no change to proposed foul drainage strategy from original submission. There are various details that need to be finalised and will form either part of the discharge of conditions. These include:

- FRA indicate an intention to connect to public foul system but does not give any indication of how or where this connection will be made.
- Submitted illustrative layout drawing (and FRA) shows that it is believed that a pumping station is required to reach a potential discharge point

- Clearly point of discharge, if available will be off-site and may require crossing third party land
- Storm drainage strategy layout drawing shows a mix of attenuation ponds and underground storage to deal with storm flows with a number of discharge points to an ordinary water course – this plan needs to show the FRZ 2/3 area and surface water flood risk zones for 1 in 30 and 1 in 100 events.
- Any attenuation needs to be in FRZ 1 and not in any area at risk of surface water flood risk (or pond enlarged to cater for the existing surface water flood area/volume – various drainage feature appear to conflict with this requirement.

Wiltshire Council Education – Support subject to securing required contributions.
Designated schools are Lyneham Primary and Royal Bassett Academy

Lyneham Primary Assessment

- Capacity = 422 places.
- May 16 number on roll = 304 pupils.
- Forecasts (including approved housing completed & underway) peaking at 370 pupils.
- Additional places required in housing already registered/approved but not yet built out & so not yet in forecasts = 33
- No primary infrastructure contribution is required as the school has sufficient places to accommodate the pupil product of this

Royal Wootton Bassett Academy Assessment

- PAN years 7 – 11 capacity = 1400 places.
- May 16 Years 7 -11 number on roll = 1436 pupils.
- Forecasts peaking at = 1469 this year (including approved housing completed & underway)
- Additional places required in housing already registered/approved but not yet built out & so not yet in forecasts = 143.
- As a result, we require a developer contributions here towards the provision of the 11 places that this development requires.
- Using the current capital cost multiplier of £21,747 per place = $11 \times £21,747 = £239,217$ (to be index linked). There are 2 S106s currently pooled towards the planned secondary expansion

Wiltshire Council Highways – Support subject to conditions

Transport sustainability

There are a reasonable range of local facilities in Lyneham and the development will achieve good access by walking and cycling to these facilities. Nearby accessible facilities include: library, café, place of worship, hairdresser, florist, takeaway, charity shop, Tesco Express, Co-op supermarket, petrol station, hardware shop, recreation ground, primary school, and the Defence College.

The development is well served by public transport with main line rail stations at Chippenham and Swindon, and a frequent bus service past the site which connects to the rail station at Chippenham, and terminates only 300m from the Swindon rail station. The bus

service is frequent with a service at 20 minute intervals during the working week 06.00-18.00 and an hourly service at evenings and weekends. The rail stations at both Chippenham and Swindon have reasonable provision of parking spaces for those wishing to access the rail network by car. The local bus stops have shelters, seating and high access kerbs, and are 400m or 500m from the centre of the development.

For the above reasons the development is considered sustainable in transport terms.

The application includes a framework travel plan which sets out proposed targets for reductions in non-sustainable travel, proposes a travel co-ordinator for the correct timescale of five years, and proposes suitable measures including the offer of a £50 voucher for cycle purposes and a £50 voucher for public transport taster tickets to each household.

Traffic impact

The Transport Assessment takes a robust approach to trip generation of the development using trip rates 110% greater than the surveyed rates for the nearby Webbs Court in the am peak and 59% greater than the Webbs Court rate for the pm peak. Using these rates the development is calculated to generate up to 40 trips in each peak hour where a trip is a one-way vehicular movement. The nearby relevant main road junctions have been assessed for a future growth year and been found to operate satisfactorily without undue (development generated) delay.

Proposed vehicular access

The application seeks permission for a simple priority give way junction to the A3102. The junction can operate satisfactorily to cater for the proposed level of development subject to the required visibility splays being achieved, and the position of the speed limit being adjusted eastwards so that the access is more within the 30 limit.

In summary Highways officers have raised no highway objections subject to a set of conditions controlling the access arrangements, implementation of 30 MPH zone and phased implementation of cycle and pedestrian links

Wiltshire Council Landscape - This re-submitted application is supported by a revised 'Landscape and Visual Appraisal and landscape strategy' (May 2016) and a new 'illustrative site layout plan' Dwg. 11189/03c. The overall landscape recommendation has not altered following the resubmission of this reduced scheme for up to 60 dwellings and the previous informative landscape advice stands and remains relevant for the current. This set out he following

'This is a green field site on the edge of the settlement. The principles of the landscape strategy in providing a robust landscape framework for the development must be carried through to the detailed design stages. Officers suggest that more street trees within the public realm are proposed throughout the layout, and the distinctive hierarchy of streets with choice of planting and hard materials reflects the rural setting and local vernacular. The individual gardens should be well designed with adequately sized planting beds and garden trees.

The following will need to be addressed in the reserved matters:

1. *Detailed layouts for all areas of open space;*
2. *Details of proposed soft landscape scheme, to include planting species, sizes and densities, and specification;*

3. *Details of proposed hard landscape scheme including SuDs;*
4. *Landscape and Ecology Management Plan outlining the aftercare and maintenance for a 5 year period;*
5. *Details of proposed lighting scheme; and*
6. *Details of play areas and management plans'*

Wiltshire Council Public Art – Requirement for a public art contribution. It is considered that this is covered by CIL/on-site installations.

Wiltshire Council Public Open Space – In the absence of a dwelling mix, an estimated POS requirement is provided. The requirement would be 3420m² of POS to include 270m² of equipped play.

The POS/Play will need to be secured and maintained in perpetuity, either by the Parish Council (if they so wish) or through a management company. The development proposed to secure this onsite.

Wiltshire Council Spatial Planning – The majority of the statement is included below in the discussion around the principle of development.

Conclusions - The proposal is not in accordance with the development plan, in that it lies outside of the limits of development currently defined for Lyneham, and it has not been brought forward through the plan-led process outlined in policy Core Policy 2 of the Core Strategy. Furthermore the scale of development proposed is in conflict with Core Policy 1 in the context of growth at large villages; and it would likely to result in increased levels of out-commuting to higher order settlements which is something the development plan seeks to address through its delivery strategy. On the other hand the proposal would make a significant positive contribution to the delivery of the residual requirement of 63 dwellings identified in the 2015 HLSS for the remainder of the Royal Wootton Bassett and Cricklade Community Area; including affordable housing.

The NPPF requirement for a 5 year supply of deliverable housing sites is a material consideration. While in terms of the principle of development there are a number of concerns associated with this proposal as outlined above, these will have to be considered in the planning balance taking together all relevant planning matters, including the latest position in relation to the 5 year supply of housing.

Wessex Water - The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's S104 adoption of new sewer guidance DEV011G for further guidance. There are a number of existing sewerage apparatus crossing the site, particularly in the western section of Catchment Area 2 (Drainage Strategy Layout GLE/E4389/202B).

Appropriate easements must be observed from the existing 100 and 150mm diameter rising main and 375mm surface water sewer. These sewers must be accurately located on site and marked on deposited drawings. There must be no building within 3 metres and no tree planting within 6 metres. Build over or within easements will not be permitted under Building Regulations. Our engineer has provided additional detail concerning our requirements during pre-application discussions which must be adhered to.

Furthermore there are two existing public pumping stations close to the eastern boundary. There must be no habitable buildings within 15 metres of the pumping station; to lessen the risk of smell/ noise issues for potential residents. It also appears that proposals also inhibit access arrangements to Pumping station 17344 which is currently via Webbs Court. Twenty

four hour access is required to this pumping station to enable Wessex Water to undertake statutory duties. Appropriate access will be required for tanker deliveries. The applicant will need to contact this office to agree arrangements.

Drainage Strategy layout GLE/E4389/202B

The applicant has indication a SuDs solution for the disposal of surface water from the site with an attenuated discharge to the existing watercourse crossing the site. Arrangements will need to be agreed with the LLFA.

The applicant has indicated that on site foul water will drain to a new on site pumping station noted: "Discharge from pumping station to be conveyed to the existing Wessex Water Foul Water network subject to details and agreement with Wessex Water."

This strategy has not been agreed with Wessex Water and there may be opportunity to consolidate local arrangements, there is limited available capacity within the existing public foul network to accommodate additional foul flows. In view of these circumstances please consider the use of a planning condition should the application receive approval:

8. Publicity

Initially there have been 68 letters of objection with 5 in support, following re-consultation there have been another 60 letters of objection. There have been petitions both for and against the development. The petition in support totaled 283, although a number of commentators noted that these gather from people outside the village. The petition in support totaled 284.

The clear main issues highlighted by objectors were the number of houses and the need to build on greenfield land, and the safety of the proposed access.

Principle of the development

The majority of objections highlighted that the total number of houses proposed was in excess of those required at Lyneham. It was considered that this was against planning policy and delivery strategy of the Wiltshire Core Strategy and would mean the loss of green fields and agricultural land.

A number of responses highlighted that other brownfield sites existed in the area and also noted that there was a large number of empty MoD houses in the village. It was also noted that a number of objectors thought that the housing.

Comments also noted the impending housing sites DPD and the Neighbourhood Plan should decide the location of development with Origin Planning on behalf of Barrat Homes providing an assessment of the alternative sites in the SHLAA. It should be noted that there are errors in the information used for this assessment.

Highway Safety

Concerns were raised over highway safety and the proposed access to the north of site. Comments noted that the location was between two blind bends and that it was likely to cause accidents. A large number of commentators raised issues around congestion and the impact of the development on the transport network.

Character of the Village

The area is noted as being valued for recreation and the loss of green fields and agricultural land will have a negative effect on the character of the village.

Developer Intensions

Comments noted that both the outline nature of the application and the intension of the developers mean that this should be refused. It is clear that further phases of development will take place and that the intension will be to developer further fields behind this development

9. Planning Considerations

Principle of Development and Status of Development Plan

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the development Plan, unless material considerations indicate otherwise. The development plan for this area is the Wiltshire Core Strategy (WCS) and limited saved policies in the North Wiltshire Local Plan. The main policies considered relevant to the consideration of the principle of this development are Core Policy 1, Core Policy 2 and Core Policy 19 of the WCS. Government guidance is set out in the policies of the National Planning Policy Framework (NPPF) (paragraphs 18 – 219).

Core Policy 1 and 19 set out that Lyneham is a large village in the Cricklade and Royal Wootton Bassett (C&RWB) Community Area. The designation of Lyneham as a large village is based on an analysis of its role and function. During the examination of the WCS, the designation of Lyneham was specifically explored with a number of objectors contending that Lyneham was a higher order settlement, perhaps a local service centre expected to have a more significant role in rural areas. The WCS Inspector saw no reason to disagree with the categorisation of Lyneham as a large village. He concluded in his report that “*on such a basis there is insufficient robust evidence to support either settlement (Purton was also being assessed) being designated as Local Service Centres.*” (paragraph 321 in the Inspectors report).

However, for reasons set out later in this section, it is necessary to assess the individual characteristics of Lyneham. In the 2011 census the total population of Lyneham Parish is over 4,900 with total dwellings over 1,800 (This is the total for the whole Parish and includes smaller outlying settlements. The majority of this is located at Lyneham). The town has two small convenience stores, a library, pub, pre-school and primary school facilities and village and church halls and does cater for a range of local business, including the Defence Training College on the former airbase. Further permissions have been granted for new facilities in Lyneham including a GP surgery, pharmacy, veterinary surgery, a new convenience store/A1 retail Unit, extra care accommodation and 2 Restaurants. (Application Refs 14/10434/FUL 14/10444/FUL & 14/10431/FUL) Currently these permissions are in the process of discharging of conditions although further evidence has submitted that no GP surgery will be moving to Lyneham. It is considered that Lyneham is a settlement of some scale and significance in comparison to other larger villages, and that MoD Lyneham means that the urban form of the village is significantly over and above that of normally associated with a village type settlement.

The strategy for the C&RWB Community Area states that the majority of development will be located at Royal Wootton Bassett, with a modest level of development directed toward Cricklade, a local service centre. Lyneham, as a large village is expected to deliver housing in line with the indicative requirements for remainder of the C&RWB Community Area, as set out in Core Policy 19. There is an indicative housing requirement of 385 dwellings identified for the rural community area remainder (outside Royal Wootton Bassett). The Council's 2015 Housing Land Supply Statement demonstrates that there is a residual indicative housing requirement of 63 to be met within the community area outside Royal Wootton Bassett.

As a large village, Core Policies 1, 2 and 19 recognise that Lyneham has a role to play in the delivery of housing during the plan period. However, this will be limited '*to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities*'. Core Policy 2 sets out specific criteria that directs new housing development within defined settlement boundaries and only allows development outside boundaries to come forward through plan-led mechanisms or under a number of exception policies (listed in paragraph 4.25).

The Council's Spatial Planning team have concluded that the development is out of a scale and inconsistent to the general sustainable patterns of growth promoted through the settlement hierarchy established in Core Policy 1. Additionally they note that the development of 60 homes at Lyneham will not be matched by employment provision and is likely to result in commuting to higher order settlements. This is specifically noted in the WCS in the strategy for the C&RWB Community Area (at paragraph 5.101) as a crucial issue for this community area. It is clear that the site does not meet the requirements of Core Policies 1, 2 and 19 and would normally be refused in principle.

However, material to the consideration of this principle of this application is both the previous application (15/12487/OUT) refused in March and the requirement in the NPPF to assess whether the Council can demonstrate a five-year housing land supply plus necessary tolerances.

The NPPF is an important material consideration in any decision making. The Council accepts that it currently cannot demonstrate a five year housing supply. The most up to date position, as determined by the Planning Inspector at the Shurnhold, Melksham public inquiry in October is that the Council has a 4.25 year supply. Paragraph 49 of the NPPF is clear that where a local planning authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. The weight that can be attached to Core Policies 1 & 2 and 19, the principle policies in the WCS that set out housing policy for Lyneham, is reduced in light of the lack of a five-year housing land supply, although not eliminated (as was demonstrated at the appeals at both Arms Farm, Sutton Benger (APP/Y3940/W/15/3028953) and more recently at Shurnhold, Melksham, (APP/Y3940/W/15/3132915) where both were dismissed despite an acknowledged shortfall of housing land supply). It is for the decision maker to determine the weight to be given to these policies taking into account the government guidance in the NPPF.

Therefore, the application should be considered on its individual merits against the context of the policies within the adopted development plan (the WCS) and the guidance of the NPPF. Paragraph 14 of the NPPF, sets out that where policies are not considered up-to-date LPAs should be granting permission unless;

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or,
- specific policies in this Framework indicate development should be restricted.

In these circumstances it is considered reasonable to assess this application for housing in the context of the presumption in favour of sustainable development and the benefits of the development compared with any demonstrable adverse impacts and the significance of these impacts.

The previous larger application on this site was assessed in similar circumstances and was refused for 4 reasons; an unsustainable level of housing in a rural area; harmful impact on the rural character and appearance of the locality and urbanisation of the existing rural

entrance and setting to the village of Lyneham; harmful impact upon the setting of a designated heritage asset and; lack of planning contributions.

The applicants have made significant changes to the resubmitted application which has sought to address these refusal reasons. The scheme has been reduced from 111 to 60 dwellings and the access, including a proposed roundabout at the site entrance, has been amended and moved away from a designated heritage asset. In terms of the refusal reasons it is also worth noting that the revised scheme has enhanced the screening to the north adjacent to the designated heritage asset.

As such, it is considered that significant material changes have been made to the revised scheme in order to address the Council's previous refusal reasons and a revised assessment of these and all other aspects of the scheme is necessary. The following paragraphs summarise onsite and any relevant off site impacts of the scheme and then weigh the planning balance in order to assess the application in accordance with the NPPF. It should be noted that much of the assessment is very similar to that contained in the previous delegated report on the application.

Archaeology

The submitted archaeological evaluation has indicated the presence of archaeological remains in one of the fields making up this proposed development site. Archaeological mitigation will be required to further investigate and record these remains by means of an archaeological strip map and record excavation in field 2 (as indicated in the archaeological report). Although, there are potential for some archaeological remains on the site there is no indication that this is likely to be significant. The Council's Archaeological Officer is satisfied that this can be dealt with by condition to secure mitigation site. Therefore while there is slight impact on archaeology this is suitably mitigated by the proposal and is not considered to have a detrimental impact.

Flooding and Drainage

The site is within Flood Zone 1, the lowest flood risk area, although the area is identified as at risk to surface water flooding. The applicant has confirmed that infiltration on the site is not possible and proposes attenuation basins to achieve the uplifts in storm water drainage and site run-offs required by Core Policy 67. Foul water drainage will be connected to a public sewer but is likely to require a pumping station.

Neither the Council's Drainage Team nor Wessex Water are objecting to the proposals and are satisfied that required storm water and foul drainage can be achieved on the site but have provided a series of issues and points of clarity that need to be addressed.

In regards to foul water drainage further investigation should be carried out to understand whether there is scope to consolidate existing foul water facilities in the area. Wessex Water have suggested a specific condition which the Council's Drainage Team have suggested is a sound approach but have recommended the condition is strengthened by adding "any such scheme will need to include agreed proposals on rationalisation of the existing/proposed systems".

In terms of storm water the Council's Drainage Team did have some queries about specific parts of the indicative plans but are satisfied that the plans are achievable. The final design will in a large part dictate storm drainage plans, and while agreement still needs to be sort for the final scheme with Wessex Water, again it is clear that the foul drainage can be transported off the site as required. Therefore, the final details of these schemes will be conditioned but it should be clear that there are no technical barriers to the development in terms of providing sufficient foul and storm water infrastructure and alleviating flood risk. In so

far as these matters are concerned the application is in accordance with Core Policy 3 and 67

Conservation

The Council's Conservation Officer has raised concerns and is minded that the revised proposals will cause harm to the views to and from the designated heritage asset by bringing a road across the water course; and filling field 2 with houses. The NPPF is clear that where the impact of a proposed development will affect the significance of a designated heritage asset, great weight should be given to the asset's conservation. Further it states where that harm is less than substantial this should be weighed against the public benefits of the scheme.

However, the harm is significantly less than that resulting from the previous application proposals which formed one of the crucial refusal reasons. The previous application proposed major infrastructure development on the boundary of the Old Rectory (the designated heritage asset) and brought residential development along the western edge which spread south and would have obscured views in perpetuity. The harm now identified by the Council's Conservation mainly revolves around views of the rectory from the village. In this regard the proposed parts of the development that will impact on this view are significantly removed from the boundary of the Old Rectory, unlike the previous application. This still leaves a large area of open countryside between the physical boundary and residential development and the Old Rectory. As such it is considered that the harm identified is much reduced and now is at the lower end of the scale of "less than substantial".

Nevertheless, it is the Conservation Officers opinion that there would be harm to the setting of a listed heritage asset even if that harm is less than substantial. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is clear that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The ways in which to apply these principles have been set out in a recent court of appeal decision (*Barnwell Manor Wind Energy Ltd v E. Northants DC, English Heritage, National Trust & SSCLG*). This judgement outlines that there is 'strong statutory presumption against granting planning permission for development which would cause harm to the settings of listed buildings', even if that harm is less than substantial. The decision maker must also give this harm 'considerable importance and weight' when carrying out the balancing exercise. Therefore any balancing exercise under the NPPF must adhere to the duty of Section 66(1) and paragraph 134 of the NPPF. This issue is explored in more detail in the planning balance section and conclusions. It is acknowledged that by creating a level of harm the proposed development would be contrary to Core Policy 58 of the Wiltshire Core Strategy and the NPPF (paragraphs 131, 132).

In terms of the general design of the site, while it is noted that these matters are reserved the site has distinct blocks of housing with the main bulk of the housing in the larger field 1 to the north, with a central access road running down past the water course to field 2 where a smaller block of housing lies adjacent to Webbs Court. A number of objectors have noted that the access proposals remain similar to those previously submitted and highlight the likelihood of this eventually leading to further development and the Council's Conservation Officer has specifically noted that the road over the water course could impact on the setting of the Rectory. While it is noted that access to the smaller section of the development could be better served from Webb's Court the location of the road and the proposed landscape treatments will retain a linear feature which will serve both blocks of housing. As noted later speculation on future phases of development cannot form part of the assessment of this

application. Assessment of this application must be limited to the development proposed and it is considered that the location of the road would not be so detrimental as to warrant a refusal of the scheme. At detailed matters stage appropriate landscaping will limit the impact of the road on wider views to and from the site. In terms of the general detailing of the indicative plans these provide a suitable mix of dwelling types with a logical hierarchy of dwellings and local vernacular and materials. Overall the indicative design is fairly standard but can be considered broadly in accordance with Core Policy 57 as the scheme is appropriate to its context and will provide dwellings that in keeping with the general character and vernacular of the area.

Landscape

The indicative design plans show the retention of a number of key features on the site, including in particular the watercourse, hedgerows and mature woodland belt to the north eastern boundary. This will retain green corridors/open spaces, and to some extent mitigate potential visual impacts. Hedgerow planting/native planting is proposed along site boundaries with existing properties and the plans include public open space to the north of the site.

The Council's Landscape Officer has re-confirmed the advice provided on the previous application. It was previously noted that the site is visually contained in the wider landscape and that the potential visual impacts are limited to adjacent residential properties and the site, with the impact on wider views limited. The Council's Landscape Officer previously made some specific recommendations with regard to detailed design matters and again has commented that these remain relevant and will need to be incorporated at detailed design stage.

Overall, the loss of a greenfield site in agricultural use would result in some harm to the character and appearance of the area. There would be adverse visual effects, particularly for nearby residents and to this extent the proposed development would not accord with Core Policy 51 which seeks to protect and conserve landscape character. On the other hand the negative impacts would be mitigated as far as possible, as required by the policy, through the inclusion of structural landscape features. The management of the public open space will be controlled by a Landscape management plan with contributions via a S106 agreement to the ongoing maintenance of the area. Comments regarding the location of the public open space are noted. However, there is existing public pen with a short distance from that proposed and clearly the improvements in access will make the area available for a wider section of the village

Ecology

In terms of habitat the Council's Ecologist has confirmed that the majority of the site is of negligible ecological value. A small area of neutral grassland to the west of the site is considered species poor and does not qualify as priority habitat. The features of greatest ecological value is the watercourse which traverses the site, species rich hedge rows in the south of the site and an area of mature broadleaved woodland on the eastern boundary.

These features are largely retained, apart from small sections of the linear features (hedge and watercourse) which need to be removed for vehicular access. The Council's Ecologist is satisfied the fragmentation/loss of these species rich areas of value will be buffered by areas of open space and any will be compensated by the inclusion of new areas of species rich grassland, native tree/scrub planting and a SUDS feature which would be managed/maintained favourably. Appropriate protection will need to be included as part of the Construction Environmental Management Plan (CEMP).

In terms of species the site is home to a number of species including great crested newts, bats, breeding birds and badgers. The development would not result in the loss of any core

terrestrial habitats for newts and the major foraging areas that support roosting bats are proposed to be retained and buffered. The existing breeding bird population, which is noted as having a relatively low number of priority species, will be replaced by a more urban population. Again impacts will be restricted and the Council's Ecologist has not objected to the scheme

Transport and Access

Access is a detailed matter for determination at this stage and the Council has received revised plans in terms of main vehicular access which have satisfied previous issues identified by the Highways team with regards to visibility. The proposal includes a single point of vehicular access to the north of the site from the A3102 and pedestrian and cycle links to the existing developed area of Lyneham to the west including a significant link via Webbs Court.

Overall, the Council's Highways team have noted that in the development is sustainable in terms of transport. There are a good range of facilities and services within a short distance from the site and that they consider Lyneham to be well served by public transport. The development proposes three points of pedestrian access to the south and a single access by the A3102.

In terms of vehicular access the Highways team are satisfied that the priority junction is a suitable means of providing access to the development. A number of objectors have stated that traffic generation will be an ongoing issue and have highlighted safety issues on this stretch of road. The Highways team are satisfied that the traffic impact on the highway network is acceptable and has been thoroughly assessed with Defence College traffic taken into account as a committed development. The Highways team are also satisfied that the access can operate safely and that the required visibility splays are being achieved, and the position of the speed limit being adjusted eastwards so that the access is more within the 30 limit.

Right Of Way

Several footpaths run through the site LYNE1, 4 and 5, LYNE57 meets the edge of the site. The indicative plans seek to accommodate the footpaths on their existing legal lines. Any further revisions could be addressed at reserve matters stage.

Sustainability

The application is supported by a Sustainability Statement which confirms that the site will look to achieve Code Level 4 in line with the requirements of Core Policy 41. The statement acknowledges that further work is required to meet this standard but has taken the approach of ensuring that early design and layouts, in line with the level of detail to be provided at outline stage, will help achieve Code Level 4.

Other Matters

- Loss of agricultural land
This land is not within the NPPF recognised categories of best and most versatile agricultural land.
- Prematurity and alternative smaller sites/brownfield in area
A number of comments have been received regarding the Council's Housing Sites DPD, the Neighbourhood Plan and other available brownfield sites. However, neither of the two plans are at a sufficiently advanced stage where they could be given any significant weight as a material consideration at this time. While the SHLAA (Strategic Housing Land Availability Assessment) does indicate other brownfield sites could be available, none of these have come forward at this time and their delivery cannot be guaranteed or be a reason to refuse other sustainable development.

- MoD Housing
Comments regarding the subletting of military housing are noted. However, there is no indication that the MoD will be looking to dispose of this housing in the short to medium term and therefore it cannot be seen as contributing to any open market housing supply
- Outline planning permission
Comments regarding the nature of the application have cast doubts on the likely implementation of the scheme and the nature of the outline applications. The indicative scheme is considered acceptable and the planning system and relevant legislation and guidance allows for these types of applications. All detailed matters will be subject to a reserved matters application which will be consulted on and provide opportunity to comment on those proposals.
- EIA
The larger site was subject to a screening opinion prior to the refusal of the earlier application. This screening opinion is considered applicable to this development and no EIA is required.

10. Section 106 contributions

The applicant has committed to providing contributions for;

- The provision of 40% percentage affordable housing units,
- The phasing, management and maintenance arrangements for the delivery of the public open space
- Any arrangements for the transfer of land to Wiltshire Council or its nominee(s)
- The financial contribution towards the provision of secondary school places arising from the proposed development

These are in line with the requirements of the Council and the applicant has confirmed in writing their acceptance of these terms prior to the report being put before committee.

11. Conclusion (The Planning Balance)

As stated above, in the determination of planning applications the first issue to consider is whether or not the proposal accords with the relevant provisions of the development plan (the WCS). If it does not then the issue arises as to whether material considerations, including relevant policies in the NPPF, mean that the development can be regarded as sustainable and that permission should be granted despite conflict with these policies. Ultimately it will be up to the Council as decision-maker to judge the particular circumstances of each application and how much weight should be given to conflict with policies for the supply of housing that are 'out-of-date', and the NPPF guidance intended to boost housing land supply where the development can be judged sustainable.

Importantly, paragraphs 14 and 49 of the NPPF do not make 'out of date' housing policies irrelevant to the determination of applications and the weight given to such policies is not dictated by the NPPF and, as noted above, will vary according to circumstances on a case by case basis. It is also important to consider the extent to which the land available for housing in the housing market area falls short of providing for the five-year supply of housing land and the action being taken by the local planning authority to address the shortfall. In this regard and since the refusal of the last application the Council has continued to promote development in the housing market area at sustainable locations and recent committee approvals has seen further housing sites approved subject to signing of S106 agreements over and above those minimum indicative targets. Nevertheless, there is a remaining housing allocation to be developed in the C&RWB Community Area from the Council's most

recent Housing Land Supply Statement and the Spatial Planning team recognise that this development would make a significant contribution to meeting that outstanding requirement.

In the assessment of the previous application it was considered that the degree of conflict with the key development policies (Core Policies 1, 2 and 19) alongside site specific impacts, particularly the identified harm to heritage assets was considered to outweigh any benefits of the scheme. However, this revised application is materially different, with significantly fewer houses, a smaller area and different access and this means that a re-assessment of the degree of conflict with these housing policies is necessary.

Fundamental to any re-assessment of this judgement is an understanding of characteristics of Lyneham, the facilities it possesses as a large village, and its likely future development in particular in regard to MoD Lyneham. At the most recent census the Lyneham and Bradenstoke Parish population was over 4,900 with 1,800 dwellings, but it is noted that the area has been subject to significant changes caused by the use of MoD Lyneham. It is probable that the population will change further in the next years and indications are that the sections of the MoD housing are currently under used. Nevertheless, and despite the Core Strategy recommending that sites in rural areas be generally less than 10, a further 60 dwellings at Lyneham would not be a significant increase in the housing stock nor likely preclude further development at Lyneham. Furthermore recent permissions have granted consent for a range of new facilities at Lyneham. In the recent appeal at Sutton Benger the inspector considered a development of 28 dwellings to be of a suitable scale broadly in line with spatial strategy of the Core Strategy in comparison to the size of Sutton Benger as a settlement. A further 60 dwellings at Lyneham must be seen in this context.

The adverse site specific impacts of the proposal are limited to conservation and landscape matters. As noted above, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission. The impact of this proposal will encroach on views of the setting of the Old Rectory, a Grade II listed building. The significance of the Old Rectory is derived from its historic relationship to the village and its separation away from the main body of the settlement is vital to the appreciation and preservation of this building. While this proposal will bring development closer to the Rectory, it will maintain a degree of separation and open fields to the south, the most obvious view of this building from the village. The western boundary of the Rectory is already heavily screened and this will be enhanced. Thus the impact is considered very much toward the lower end of less than substantial harm as an impact and the immediate setting of the Rectory will be broadly retained. This is very different from the previous refusal and is a fundamental difference between the previous applications. This less than substantial harm is still harm and must be given serious weight in accordance with the Act, but must also be weighed in the balance with any public benefits of the scheme. In terms of the landscape harm, again as noted above, would result in some harm but the site is well contained in the wider landscape and those can be mitigated by the retention and buffering of key features.

In terms of these benefits there will be an uplift in economic activity for the village in terms of use of local facilities and employment, particularly during the construction phase. Furthermore there is unmet affordable housing need in the village and the proposal will provide 40% affordable housing, (24 affordable houses) in line with Core Strategy Policy. The delivery of affordable housing is a clear benefit of the scheme that weighs in favour of the application, as does the fact that the scheme will make a contribution towards meeting the current under provision of housing land in the housing market area. The representation from the Parish in support of the application is noted, albeit caveated, and gives further limited weight in favour of the application. It is noted that the Parish response specifically

favours growth of the village to drive demand for services. The proposal is also providing open space and secondary school contributions

Given the conflict with the policies of the development plan, the key test is whether the adverse impacts of granting permission significantly and demonstrably outweigh the benefits. Normally, the construction of a scheme of this size on an unallocated site outside the limits of development of a settlement identified in the Core Strategy as a 'large village' would not be considered sustainable, and a proposal for 75 dwellings on the edge of another 'large village' in the same housing market area has recently been refused planning permission. However, Lyneham is unusual and can be distinguished from many other villages by the wide range of services and facilities already available; the larger size of the village in terms of population and dwellings; and the existence of the adjacent MoD base, which gives both a more urban feel to the settlement and a range of employment opportunities. In this context, it is not considered that the delivery of 60 dwellings on this site would undermine the character or role of the village, but would support it in its aspirations to seek to retain existing services and attract new ones.

The site is acceptable in terms of ecology, transport and flooding, and no other site constraints are identified that make this site unsuitable for development. The Housing DPD and Neighbourhood Plan are both at early stages in their preparation and it is considered that the granting of permission on this site would not undermine the development of these documents or the promotion of other sites in Lyneham. The latest housing requirements for the C&RWB Community Area show a residual requirement that will in part be met by this development and an affordable housing need in the village which will be directly addressed by this development. Although there is some harm identified to both the landscape and the historic environment, these harms are considered limited and would by so significant as to outweigh the benefits of the scheme. Although Lyneham is a large village an assessment of the individual characteristics of the village lead to the conclusion that further housing in a wider context of the spread of urban development of Lyneham can help sustain and support growth of facilities without causing harm that is so significant that the application should be refused.

On balance, it is considered that the adverse impacts identified do not significantly and demonstrably outweigh the benefits that the development would provide.

RECOMMENDATION

It is recommended that authority is delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to **REFUSE** planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing, Waste and Education and is therefore contrary to Policies CP3 & CP43 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012. 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 layout of the development;
- (b) The external appearance of the development;
- (c) The landscaping of the site;

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 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 shall be carried out in accordance with the following approved plans:

Drawing No: 1189.01 (26/05/2016) Site Location Plan
Drawing No: ITB10092-GA-00 Rev B (21/04/2016) Access Plan

Archaeological Evaluation by Cotswold Archaeology (March 2016)
Arboricultural Method Statement and Tree Protection Plan by Tree Research (May 2016)
Design and Access Statement by Richards Urban Design (June 2016)
Ecological Impact Assessment By ead ecology (June 2016)
Flood Risk Assessment and Surface Water Drainage Strategy by Rogers Cory Partnership (June 2016)
Landscape and Visual Appraisal and Landscape Strategy by Enderby Associates (May 2016)
Sustainability and Energy Statement by DAEDALUS (June 2016)
Transport Assessment by i-Transport LLP (June 2016)
Framework Travel Plan by i-Transport LLP (June 2016)

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

- 5 The development hereby permitted is limited to up to 60 dwellings.

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

- 6 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be

limited to, the following information:

- a) Description and evaluation of features to be managed;
- b) Landscape and ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

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

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

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

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

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to

their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

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

- 8 The development hereby permitted shall not commence until a Construction Traffic Management Plan providing details of the management of construction traffic carrying excavated material or delivering materials to the site, including their routes approaching and leaving the site, and measures to keep the public highway free from mud and dust, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the existing highway links that serve the site from damage by large goods vehicles, to assist in the environmental protection of the interests of nearby residents, and in the interests of highway safety.

- 9 No part of the development shall be occupied prior to the implementation of the Framework Travel Plan, (or implementation of those parts capable of being implemented prior to occupation). Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein.

Reason: In the interests of reducing the amount of private car movements to and from the development.

- 10 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 11 The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the Local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. Any such scheme will need to include agreed proposals on rationalisation of the existing/proposed systems and include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property

- 12 No development shall commence within the area indicated Field 2 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: 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.

- 13 Prior to first occupation the 30/40 speed limit on A3102 South View shall have been relocated as detailed on plan number ITB10092/GA/006/B.

Reason: In the interests of highway safety.

- 14 Prior to first occupation the street lighting of the A3102 shall have been upgraded to BS5489-1;2013 BS EN123202-2 2003 for a distance of 60 metres to either side of the access position, in accordance with details to be first submitted to and approved by the Local Planning Authority.

Reason: In the interests of safe and convenient operation of the site access during the hours of darkness.

- 15 Prior to first occupation of any dwelling hereby permitted the access shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 90 metres to the east, and 59 metres to the west.

Reason: In the interests of highway safety.

- 16 Prior to occupation of the 20th dwelling footpath LYNE4 shall be planed off, resurfaced and street lit between the development and The Green, including new dropped kerbs where it crosses Pound Close, in accordance with details to be first submitted to and approved by the Local Planning Authority.

Reason: In the interests of improving pedestrian accessibility to and from the development.

- 17 Prior to first occupation new sets of dropped kerbs shall be provided at the end of Farthing Lane and at 2 locations on Pound Close in accordance with details to be first submitted to and approved by the Local Planning Authority.

Reason: In the interests of improving pedestrian accessibility to and from the development.

- 18 Prior to occupation of the 20th dwelling a 3.5 metre wide bollarded, emergency, pedestrian and cycle access link shall have been provided between the development and Webbs Court in accordance with details to be first submitted to and approved by the Local Planning Authority.

Reason: In the interests of improving emergency, pedestrian and cycle accessibility to and from the development.

- 19 Prior to occupation of the 20th dwelling footpath LYNE57 shall have been planed off and resurfaced between the point where it joins LYNE4, to the point where it connects with the proposed pedestrian link to Pound Close near 71 Pound Close, in accordance with details to be first submitted to and approved by the Local Planning Authority.

Reason: In the interests of improving pedestrian accessibility to and from the development.

- 20 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.

- 21 The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

- 22 **INFORMATIVE 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.

- 23 **INFORMATIVE TO APPLICANT:**
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

- 24 **INFORMATIVE TO APPLICANT:**
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.

- 25 **INFORMATIVE TO APPLICANT:**
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.

26 **INFORMATIVE TO APPLICANT:**

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.

27 **INFORMATIVE TO APPLICANT:**

The applicants should be advised that the Traffic Order for the relocation of the speed limit will be funded by the site developers.

28 **INFORMATIVE TO 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 www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.



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