

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 28 September 2016
Time: 3.00 pm

Please direct any enquiries on this Agenda to Jessica Croman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718262 or email <mailto:jessica.croman@wiltshire.gov.uk>

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

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

Membership:

Cllr Christopher Newbury (Chairman)	Cllr Magnus Macdonald
Cllr John Knight (Vice Chairman)	Cllr Pip Ridout
Cllr Trevor Carbin	Cllr Jonathon Seed
Cllr Ernie Clark	Cllr Roy While
Cllr Andrew Davis	Cllr Graham Payne
Cllr Dennis Drewett	

Substitutes:

Cllr Nick Blakemore	Cllr Keith Humphries
Cllr Rosemary Brown	Cllr Stephen Oldrieve
Cllr Terry Chivers	Cllr Jerry Wickham
Cllr Fleur de Rhé-Philippe	Cllr Philip Whitehead
Cllr Russell Hawker	Cllr Gordon King

Recording and Broadcasting Information

Wiltshire Council may record this meeting for live and/or subsequent broadcast on the Council's website at <http://www.wiltshire.public-i.tv>. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and/or training purposes.

The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request.

Parking

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

County Hall, Trowbridge
Bourne Hill, Salisbury
Monkton Park, Chippenham

County Hall and Monkton Park have some limited visitor parking. Please note for meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

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

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 32*)

To approve and sign as a correct record the minutes of the meetings held on 18 May 2016 and 10 August 2016.

3 **Chairman's Announcements**

To receive any announcements through the Chair.

4 **Declarations of Interest**

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

5 **Public Participation and Councillors' Questions**

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 in person no later than 2.50pm on the day of the meeting.

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

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 (acting on behalf of the Corporate Director) no later than 5pm on Wednesday 21 September 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 Applications**

To consider and determine the following planning applications:

6a **15/11604/OUT - Westbury and District Hospital, The Butts, Westbury BA13 3EL** (*Pages 33 - 56*)

6b **15/03120/FUL - Rosefield House, Polebarn Road, Trowbridge, BA14 7EQ** (*Pages 57 - 70*)

6c **16/01633/OUT - Land at The Grange, Devizes Road, Hilperton, Wiltshire, BA14 7QY** (*Pages 71 - 92*)

6d **16/06505/OUT - Land South Of Bury House, Green Lane, Codford, BA12 0NY** (*Pages 93 - 102*)

7 **Planning Appeals Update Report** (*Pages 103 - 104*)

To receive details of appeal decisions and appeals pending.

8 **Urgent Items**

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

Part II

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

None

This page is intentionally left blank

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 18 MAY 2016 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett, Cllr Roy While, Cllr Gordon King (Substitute), Cllr Jerry Wickham (Substitute) and Cllr Graham Payne

42 Apologies for Absence

Apologies for absence were received from Councillors Pip Ridout, Magnus Macdonald and Jonathon Seed.

Councillor Macdonald was substituted by Councillor Gordon King.

Councillor Seed was substituted by Councillor Jerry Wickham.

43 Minutes of the Previous Meeting

The minutes of the meeting held on 27 April 2016 were presented for consideration and it was,

Resolved:

To approve and sign as a true and correct record the minutes of the meeting held on 27 April 2016.

44 Chairman's Announcements

The Chairman made the following announcement:

Application 16/02223/FUL - The Grove Primary School, Hazel Grove, Trowbridge - had been withdrawn by the applicant prior to the meeting to allow for further discussion to take place.

45 Declarations of Interest

There were no declarations of any disclosable interests.

46 **Public Participation and Councillors' Questions**

No questions were received.

The rules on public participation were noted.

47 **Planning Appeals Update Report**

The Planning Appeals Update Report for forthcoming hearings and public inquiries between 9 May 2016 and 31 December 2016 was received.

Resolved:

To note the Planning Appeals Update Report.

48 **Planning Applications**

The Committee considered the following applications:

16/02681/FUL - 8 Fulmar Close Bowerhill

16/02306/FUL - Homefield 19 Bratton Road West Ashton

49 **16/02223/FUL - The Grove Primary School Hazel Grove Trowbridge**

The application was withdrawn by the applicant prior to the meeting.

50 **16/02681/FUL - 8 Fulmar Close Bowerhill**

Public Participation

Mr Robert Palin spoke in objection to the application.

Mr Alan Godwin spoke in objection to the application.

Mr Richard Harlow, agent, spoke in support of the application.

The Planning Officer outlined the report that recommended that the application for a new roof for a detached garage with ancillary accommodation be approved.

Members of the Committee had the opportunity to ask technical questions of the officer.

Members of the public then had the opportunity to address the Committee, as detailed above.

The Unitary Division Member, Councillor Roy While, then addressed the Committee in his capacity as the local member, including noting that no objection had been received from the Parish Council.

A debate followed where the scale and visual impact of the development, in particular any loss of light, and the existing character of the area was discussed. The purpose of the proposed expansion and similar applications in the area were also raised.

Following a defeat of a motion to refuse the application, a motion was proposed by Councillor Carbin, seconded by Councillor Newbury, to hold a site visit, and it was,

Resolved:

That the application be deferred in order to arrange a site visit.

51 **16/02306/FUL - Homefield 19 Bratton Road West Ashton**

Public Participation

Mr Chris Beaver, agent, spoke in support of the application.

Councillor Richard Covington, Chairman of West Ashton Parish Council, spoke in support of the application.

The Senior Planning Officer outlined the report that recommended that the application for change of use of part of an agricultural paddock to private garden use be refused.

Members of the Committee were given the opportunity to ask technical question of the officers. Details were sought on historic planning appeals in the area, land boundaries and ownership and use of other land around the application site.

Members of the public then had the opportunity to address the Committee as detailed above.

A debate followed, where members noted that although officers had recommended refusal in accordance with policy the Parish Council were in support and other properties in the area had made extensions to their gardens, in addition to adjacent development overshadowing the existing garden. Some

members raised concerns about setting a precedent should the application be approved.

Following a motion to approve subject to conditions to be provided by the Senior Planning Officer moved by Councillor Jerry Wickham, seconded by Councillor Graham Payne, at the conclusion of debate it was,

On being put to the vote and seconded to approve, subject to conditions being provided by the Senior Planning Officer, and a recorded vote having been requested by a Member of the Committee, the voting was recorded as follows:

Against; Cllr Ernie Clark, Cllr Dennis Drewett.

It was;

Resolved:

That permission be granted subject to the following conditions:

1

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

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

2

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-F shall take place on the land shown on the red line site plan hereby approved.

3

Prior to the commencement of the use hereby permitted details of boundary treatments to the site shall be submitted for approval in writing by the Local Planning Authority. Boundary treatment shall be implemented in accordance with the approved details and retained as such thereafter.

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

4

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

Site Location Plan Drg.No.1610.001 Registered on 18 March 2016.

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

Reason for permission

In the view of the committee, the development is in the social interests of the area (paragraph 187 of the National Planning Policy Framework refers).

52 **WILTSHIRE COUNCIL PARISH OF HEYWOOD PATHS 6 (PART), 7 AND 8 (PART) STOPPING UP AND DIVERSION ORDER AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2016**

Public Participation

Mr Francis Morland spoke in objection to the order.

Mr Chris Wordsworth spoke in support of the order.

The Rights of Way Officer outlined the report that proposed that the listed Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs for determination with the recommendation it be adopted without modification.

Members of the Committee were given the opportunity to ask technical questions of the officer. It was stated in response to queries that planning permission had been granted for a new business park, Hawke Ridge Business Park, and that there were several rights of way crossing the site that were intended to be diverted. Ownership of land for a proposed footpath had not yet been established.

In the debate which followed, problems with flooding and land ownership were discussed.

Resolved:

That the 'Wiltshire Council Parish of Heywood Paths 6 (part), 7 and 8 (part) Stopping Up and Diversion Order and Definitive Map and Statement Modification Order 2016' is forwarded to the Secretary of State for Environment, Food and Rural Affairs for determination with the recommendation that it is confirmed without modification.

53 **Urgent Items**

There were no urgent Items.

(Duration of meeting: 1500-1640)

The Officer who has produced these minutes is Shirley Agyeman, of Democratic & Members' Services, direct line, e-mail

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 10 AUGUST 2016 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr John Knight (Vice Chairman), Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett, Cllr Magnus Macdonald, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr Roy While and Cllr Gordon King (Substitute)

Also Present:

Cllr Stephen Oldrieve, Cllr David Jenkins and Cllr Horace Prickett

64 **Apologies for Absence**

Apologies for absence were received from Cllr Graham Payne and Cllr Trevor Carbin who was substituted by Cllr Gordon King.

65 **Minutes of the Previous Meeting**

It was noted that the minutes of the meeting held on 18 May remained outstanding.

Resolved:

To confirm the minutes of the meeting held on 29 June 2016 and request that the minutes of the meeting held on 18 May 2016 be presented at the next available meeting.

66 **Chairman's Announcements**

There were no Chairman's Announcements.

67 Declarations of Interest

Cllr Jonathon Seed advised that he was a holiday park owner however did not consider this to be an interest to preclude him from the debate and vote on item 6a - 16/00587/FUL- land at Brokerswood Country Park and he would participate with an open mind.

68 Public Participation and Councillors' Questions

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

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

Following a request from the local member, the Committee agreed to bring forward determination of agenda item 6c- application 16/03456/FUL – The Bungalow, Pepperacre.

69 Planning Applications

The Committee considered the following applications:

70 16/03456/FUL - The Bungalow, Pepperacre Lane, Trowbridge, BA14 7JQ

The Senior Planning Officer introduced the application for the conversion of an existing dwelling into two dwellings and the erection of one further dwelling, two detached garages, associated landscaping and access works. The application was recommended for approval, subject to the conditions outlined in the report. The officer presented the existing and proposed site plan, the proposed elevations of the dwellings and photographs of the site on Pepperacre Lane. A summary was provided of the recommended planning conditions which covered: materials, ecology, timescales, parking, landscaping, energy performance and plans.

As there were no technical questions the Chairman invited members of the public to speak.

Mark Sutton and Norbert Crossley spoke in objection to the application.

Chris Beaver (the applicant's agent) spoke in support of the application.

The local member, Cllr Steve Oldrieve, spoke in objection to the application. The councillor had no objection to the principle of the development however had concerns about overlooking, access arrangements, and the impact of the development on the character and tranquillity of the area.

Following questions from members about the Elmhurst development to the south west of the site, the Senior Planning officer advised that the access roads would probably be adopted by the Council due to the number of properties and this proposed development on the bungalow site would also accord with the character of the neighbouring development. Questions were raised over the potential for the proposed development to overlook the neighbouring development and officers reassured the Committee that there was sufficient distance between dwellings and that habitable rooms were not directly overlooked due to the direction of the windows.

Cllr Christopher Newbury, seconded by Cllr Ridout, moved the officer recommendation.

In the debate that followed members considered the density of the proposed development and understood that the footprint of the existing bungalow would not be changed. The Committee noted that there had been no objection from ecologists and there was to be further landscaping on the site.

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 development shall commence on site until details 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.

- 3. The development hereby approved shall be carried out in accordance with the Badger Mitigation Strategy and the Bat Mitigation and**

Enhancement Strategy, both prepared by Stark Ecology as submitted by email on 20th June 2016 and as modified by a Natural England European protected species licence. The bat roosting features incorporated within the garages shall be provided in a suitable condition for use by bats for the lifetime of the development hereby approved.

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

- 4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-**
 - a. a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
 - b. finished levels and contours;**
 - c. means of enclosure;**
 - d. all hard and soft surfacing materials.**

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 a satisfactory landscaped setting for the development.

- 5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development whichever is the sooner. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.**

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

- 6. No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first 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.

7. No development shall commence on site until details for the disposal of sewage 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.

8. No part of the development hereby permitted shall be first occupied until the turning areas and parking spaces/garaging 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.

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:

PEP 001 Rev B Plot 2 & 3 Existing Building Plan Registered on 27 April 2016;
PEP 001 Rev B Plot 2 & 3 Existing Elevations Registered on 27 April 2016;
PEP 003 Rev C Registered on 27 April 2016;
PEP 004 Rev C Registered on 27 April 2016;
PEP 005 Rev D Registered on 27 April 2016;
PEP 006 Rev D Received on 24 May 2016;
PEP 007 Rev E Registered on 27 April 2016;
PEP 008 Rev B Registered on 27 April 2016;
PEP 009 Rev C Registered on 27 April 2016;
PEP 0011 Rev D Received on 24 May 2016; and
PEP 0014 Rev B Registered on 27 April 2016.

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

11. INFORMATIVE:

Please note that this consent does not override the statutory protection afforded to any protected species. All British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. If bats are discovered, all works should stop immediately and a licensed bat worker should be contacted for advice on any special precautions before continuing (including the need for a derogation licence from Natural England).

Please also be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Council Ecologists.

The Protection of Badgers Act 1992 protects badgers from cruel ill-treatment, including damage or destruction of their setts, or disturbance whilst a sett is in occupation. This Act makes it illegal to carry out work that may disturb badgers without a Natural England licence.

12. 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

71 16/00587/FUL- Brokerswood Country Park, Brokerswood Road, Southwick, BA13 4EH

The Senior Planning Officer introduced the application for a change of use to locate 90 holiday lodges, 10 touring units and 10 camping pods together with associated infrastructure and Liquid Petroleum Gas storage area (in place of 89 touring unit pitches). The application was recommended for approval, subject to the conditions and informatives outlined in the report. A history of the site was given, including previous planning permissions and details of land ownership. It was explained that the key policy relevant to the proposal was Core Policy 39 (Tourism Development) of the Wiltshire Core Strategy. The officer advised that the application was an extension of the existing site and stated that the paddock area had existing planning permission for pitches. Statutory declarations regarding the use and non-use of this paddock had been received from the agent and residents.

The officer drew attention to the late observations and noted that a site visit, attended by all Committee members, had taken place earlier that day to allow members to familiarise themselves with the site. The proposed layout of the lodges, units and camping pods was provided, alongside details of existing structures to be removed and plans of the existing entrance and exits which were to be used for access. The Senior Planning Officer acknowledged that 1.7% of the woodland would be lost to the development however there would be no damage to the ancient trees and it was considered that the application, which included a woodland management plan, would be of significant benefit to the woodland.

Members were advised that the site would be open to visitors using the lodges, caravan and camping pods all year round, however traffic to the site was expected to reduce in comparison with current usage due to the site being closed to day visitors; as such no objections had been raised by Highways officers. It was noted that local residents had undertaken a traffic survey however this was not considered to be reliable and could not be taken into consideration due to a lack of information regarding when, how and where the survey had been undertaken, it had also not been submitted to the Local Planning Authority. Photographs of the site were shown and the officer summarised that the application was not considered to have an adverse impact

on the neighbouring amenity and would see enhanced ecology, employment opportunity, rural tourism and a positive impact on highways.

In response to technical questions, it was stated that in the locality there was a farm shop, nearby pubs and nearby towns and villages that could benefit from the development attracting tourists to the locality.

Tracey Peachment, Simon Langdon and Nigel Godsiff spoke in objection to the application.

Neil Benson, James Whiteford and Jeremy Lambe (the applicant's agent) spoke in support of the application.

Cllr Marion Masters, Southwick Parish Council, and Cllr Alison Irving, Dilton Marsh Parish Council, spoke in objection to the application.

The local member, Cllr Horace Prickett, spoke in objection to the application on the grounds that it did not meet the requirements of Core Policy 39, was an unsustainable development and he considered it to be more than an extension of the existing permission.

In response to statements from members of the public, the Senior Planning Officer stated that the addition of 21 pitches on the site was an extension of the existing permissions and that parts of the site within the application submission was a change of use. It was clarified that the site would still be a visitor attraction and would only alter the type of visitor being attracted as the site would no longer be open to day visitors.

Cllr Andrew Davis, seconded by Cllr While, moved the officer recommendation. The proposer and seconder accepted an amendment moved by Cllr Seed to include a further informative asking the applicant to consider the possibility of a vehicular exit from the site onto Brokerswood Road.

In the debate that followed, members discussed the impact of the development on traffic levels and consequently the local highways network. Some members expressed disappointment that the applicant had not considered a separate access to this site and the Committee agreed that an informative be added to request that the applicant consider the possibility of a vehicular exit from the site onto Brokerswood Road. Councillors discussed the impact of the proposals on the ancient woodland and the Woodland Trust's response. Overall, it was considered that the development would be an improvement to the woodland. The situation of the site in the open countryside was discussed and councillors considered the risk of the site becoming derelict without intervention and the subsequent loss of amenity. It was commented that the proposal would be an effective way of preserving the amenity.

On going to the vote, Cllr Ernie Clark wished it be recorded that he voted against the motion.

Resolved:

That planning permission be granted, 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. The use of the site hereby permitted is restricted to 90 lodges, 10 touring unit pitches and 10 camping pods and shall not be used for any other purpose. No more than either one tent, caravan, lodge (as defined in the Caravan Sites and Control of Development Act 1960 (amended by Statutory Instrument No 2374 1st October 2006) and the Caravan Sites Act 1968) or pod[s] shall be stationed on each pitch at any time.**

REASON: To control the number of pitches to ensure the adequacy of parking provision and in the interest of the character and appearance of the area.

- 3. Notwithstanding Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification), the accommodation hereby permitted (lodge numbers 1 to 67 and 69 to 90, camping pods 1 to 10 and touring unit pitches 1 to 10) shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence. An up to date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.**

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

- 4. The occupation of the lodge number 68 as annotated on drawing number LPD/BWCP16/HL5 shall be limited to a person solely or mainly employed or last employed in the business occupying the plot edged red on the submitted location plan, or a widow or widower of such a person, or any resident dependents.**

REASON: The site lies within an area where planning permission would not normally be granted for development unrelated to the essential needs of the established business for which nearby staff accommodation is now required and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

5. No demolition or site clearance 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 BS5837:2013 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;
 - Plans and particulars showing the siting of the existing and proposed service and piping infrastructure (including pipes, drains, sewers, gas, electric, telephone and water);
 - 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.
 - In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a precommencement site meeting has been held, attended by the developer's arboricultural consultant, the

designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.

- **Construction Method Statement** to provide details of excavation works within the root protection areas and how the proposed routes of underground services will avoid high density areas of root systems of retained trees and details of alternative routes for these services.

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

6. **No development associated with the lodges, camping pods and/or roads shall commence on site until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The content of the 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(s) 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) **A copy of the final Woodland Management Plan;**
- h) **Preparation of a work schedule (including an annual work plan capable of being rolled forward over a {5-year period)**
- i) **Details of the body or organisation responsible for implementation of the plan;**
- j) **Ongoing monitoring and remedial measures, including an Ecological Monitoring Programme);**
- k) **Timeframe for reviewing the plan; and**
- l) **Details of how the aims and objectives of the LEMP will be communicated to the 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: To ensure the long-term management of protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats and features in perpetuity.

7. No development associated with the lodges, camping pods and/or roads shall take place (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.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset)
 - 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)
 - h) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period
 - 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 the Ecological Clerk of Works certifying that the required mitigation and/or compensation 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 the Ecological Clerk of Works following that approval.

REASON: The application contained insufficient information to enable this matter to be considered in detail 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 and to ensure adequate protection, mitigation and compensation for ancient woodland, protected species, priority species and priority habitats.

8. No lodge shall be installed on the site until a palette of materials to be used for the external walls and roofs of the lodges hereby approved 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.

9. No lodge or camping pod shall be installed on the site until a scheme for the discharge of foul water from the site, incorporating either phased improvements to existing treatment facility to provide increased capacity or an entirely new treatment plant together with any discharge consents required, has been submitted to and approved in writing by the Local Planning Authority. The development, or phase, shall not be first occupied until foul water drainage has been constructed (for that phase) 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, in the interests of ensuring appropriate foul water disposal.

10. No lodge or camping pod shall be installed on the site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), 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 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 ensuring appropriate surface water run off.

- 11.No lodge or camping pod shall be installed on the site until a timetable for the removal of on-site infrastructure (adventure playground, train and its associated track, outbuildings etc) has been submitted to and approved in writing by the Local Planning Authority. The development shall then 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.

- 12.The development hereby approved shall be carried out in strict accordance with the additional Ecological Information ref. 15-3614 v2 dated 07.04.16 by Lockhart Garratt Design received by the Local Planning Authority on 25th April 2016**

REASON: To ensure adequate protection and mitigation for protected species, priority species and priority habitats, including ancient woodland, through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

- 13.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 first 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.

14. There shall be no lighting installed within the site other than those shown on the approved plans.

REASON: In the interests of minimising light levels and light spillage to avoid disturbance in the open countryside and to habitats.

15. The camping pods shall be constructed in accordance with the The Pod Brochure received by the Local Planning Authority on 7th June 2016.

REASON: To ensure the camping pods are appropriate in material and colour to their ancient surroundings.

16. No lodge hereby approved shall be first occupied until the associated parking spaces together with the access thereto, have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

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

received on 20th January 2016

LPD/BWCP16/LP4 (Location Plan), LPD/BWCP16/TSL1A (Existing Layout), LPD/BWCP16/LPG1 (LPG Tank Elevation), LPD/BWCP/16/LPG2 (Tank Floorplans)

Received on 8th February 2016

**Lodge Details: Rochester, Chichester
LPD/BWCP16/TSL1A/SR (Structures to be removed)**

Received on 12th February 2016

Lighting Bollard Details

Received on 13th May 2016

**3762/04/M15-2110 V5 (Operational Intentions Map)
3762/01/M16-0143 V2 (Ecological Mitigation Plan)**

Received on 2nd June 2016

**LPD/BWCP16/HL5 (Proposed Layout)
The Breeze House, Buckland**

Received on 13th June 2016

**LPD/BWCP16/HL5/LB/1B (Lighting Bollard Location)
3762/04/D15-2713 V3 (landscape strategy plan)**

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

1. INFORMATIVE TO APPLICANT:

Should works to, on, over, near or connections to ordinary watercourses form part of this application then a separate application for each will be required to be made to the LLFA for consent. Granting of planning permission does not mean automatic Land Drainage Consent approval
The applicant will need to contact the Environment Agency regarding and proposal to increase effluent discharge as proposals are likely to mean a need to amend existing or issue a new discharge consent.

2. INFORMATIVE TO APPLICANT:

Foul Drainage

A private package treatment plant is proposed. The site currently benefits from an existing Environmental Permit for a discharge to river. However, this will need to be varied if it is to be applicable to the proposed treatment plant. The applicant must contact the Environment Agency on 03708 506 506 or view our website for further details in this matter - <https://www.gov.uk/guidance/change-transfer-or-cancel-yourenvironmental-permit>

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover: - the use of plant and machinery - oils/chemicals and materials - the use and routing of heavy plant and vehicles - the location and form of work and storage areas and compounds - the control and removal of spoil and wastes.

3. INFORMATIVE TO APPLICANT

The Western Area Planning Committee would request the applicant to consider the possibility of a vehicular exit from the site onto Brokerswood Road.

72 **15/11604/OUT - Westbury and District Hospital, The Butts, Westbury, BA13 3EL**

The meeting adjourned at 17:10 for five minutes.

The Chairman permitted Michael Sutton to speak in objection to the application, prior to the planning officer's presentation.

The Senior Planning Officer introduced the outline planning application wither all detailed matters reserved for a later stage, except for the means of access to serve up to 58 dwellings. Members were informed that the submission was supported by several plans which illustratively identified landscape treatment,

provisions of public open space, housing and internal road layout on the site of the former Westbury and District Hospital. It was recommended that the Committee delegate authority to the Head of Development Management to grant outline planning permission, subject to the completion of a s106 agreement within 6 months (taken from the date of the committee resolution) to cover the developer obligations as summarised within section 9.14 of the report and planning conditions and informatives as listed in the report, and to consider the late observations (contained in the agenda supplement) made by the Council's archaeologist.

The Senior Planning Officer presented a parameter plan and illustrative landscape plan, explaining that the number of houses and density of development had materially reduced since the pre-application and initial application stages. An indicative layout showed where affordable housing could be located within the development, which factored in the vacant building credit implications alongside the provision for public open space. A series of extensive photographs of the site, and perspectives from nearby locations were shown and referenced.

The Committee was advised there was no photograph taken from Orchard Road in the officer's presentation. There were no other technical questions.

Erica Watson and Michael Pearce spoke in objection to the application.

Chris Beaver (the applicant's agent) and David Tout spoke in support of the application.

Cllr Ian Cunningham, Westbury Town Council, spoke in objection to the application.

The Chairman said he felt he should point out that he lived in Leighton Green, Westbury, not far from the site, and that in taking part in the debate and the vote he came to the matter with an open mind.

The local member, Cllr Gordon King, spoke in objection to the application since he considered there to be insufficient infrastructure in the town to support a further increase in population. The councillor considered there was sufficient housing supply already in Westbury, with substantial housing numbers and applications having been approved recently. The councillor also raised concerns in respect of drainage, highways, unsustainable development, limited affordable housing and conflict with Core Policy 43.

Cllr Gordon King, seconded by Cllr Magnus MacDonald, moved that the application be deferred to a future meeting to allow for a member's site visit.

In the debate that followed it was suggested that members could assess the potential highways concerns raised by the local member at a site visit. Members also commented this would allow more time for officers to supply further

information on the highways impact of the development and its effect on school places.

Resolved:

To defer determination until a future meeting date to allow for a site visit to assess the impact of the development on highways, and to allow for further information to be provided on the impact of the development on highways and education.

73 **Appeals Report**

Members considered an update on planning appeals, forthcoming hearings and public enquiries.

A member of the public, Francis Morland, questioned why planning decisions APP/Y3940/W/15/3129040 in Calne, APP/Y3940/W/14/2223354 in Cricklade and APP/Y3940/W/15/3130433 in Westbury were not included in the appeals report.

The Area Team Leader acknowledged Mr Morland's observations and explained that the decisions relating to Calne and Cricklade did not relate to the area covered by the Western Area Planning Committee and the appeals report would be presented to the Northern Area Planning Committee. The officer apologised for any other overlooked and missing decisions that had not been included in the update and advised he would liaise with the appeals administration team to correct matters and that the next appeals report would seek to address any anomalies.

The Area Team Leader explained in detail several key issues raised as part of two recently determined appeals including the dismissed appeal relating to an application the committee refused contrary to officer recommendation in December 2015 for a 4 house residential development at Station Approach, St Margaret's Street in Bradford on Avon. Members were informed that although the Inspector sided with the committee in turning down consent for the development, he found the reason to refuse the development on highway grounds unreasonable; and a partial award of costs was sanctioned. The Area Team Leader explained to members that no costed application had been received from the appellant to date, however, the officer asked members to consider the necessity of applying NPPF paragraph 32 whenever the committee is minded to refuse an application on highway grounds; and of the need to have evidence to substantiate any highway refusal. Without such evidence, Members were reminded that there could be a consequential costs being awarded against the local planning authority if it is found to have acted unreasonably.

The officer also provided members with an outline of what the inspector concluded in allowing an appeal at 48 High Street, Heytesbury and an explanation was given to members on the reasoning behind the withdrawal of the appeal at Land west of Drynham Lane, Trowbridge.

Members expressed particular interest in an update on an decision in respect of land at Trowbridge Rd, Westbury and councillors also requested an update on the latest land figures for the county as they considered this relevant to the determination of planning applications.

Resolved:

To note the update.

To request that updates missed from the appeal report at this meeting be included in an expanded and corrected appeals report at the next Committee meeting.

To request an update on the appeal decision relating to the appeal at Trowbridge Road, Westbury, be provided at the next meeting.

To endorse a request to the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste, for an updated statement on housing land supply to be made available to members and published online.

74 Urgent Items

The Committee considered potential dates of the site visit in respect of the Westbury Hospital application, and provisionally agreed upon 2pm on 28 September 2016, to be confirmed at a later date.

(Duration of meeting: 3.05 - 6.25 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

This page is intentionally left blank

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	28 th September 2016
Application Number	15/11604/OUT
Site Address	Westbury and District Hospital, The Butts, Westbury BA13 3EL
Proposal	Erection of up to 58 dwellings, public open space and associated access and drainage works
Applicant	NHS Property Services Ltd
Town/Parish Council	WESTBURY
Electoral Division - Ward Member	WESTBURY EAST – Cllr Gordon King
Grid Ref	387295 150687
Type of application	Full Planning
Case Officer	Eileen Medlin

Reason for the application being considered by Committee

This application has been called to committee for the elected members to determine by Councillor Gordon King should officers be minded to recommend approval, since the site has strategic importance to Westbury.

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 the application be approved. This application was deferred by the Western Area Planning Committee at 10 August 2016 meeting to allow for a site visit by elected members to take place. The report has been updated and to assist the committee’s determination, a member’s site visit has been scheduled.

2. Report Summary

The main issues discussed in this report are:

- the principle of the development,
- impact on the character and appearance of the area,
- impact on neighbouring residential amenities,
- drainage
- highway safety and parking.

3. Site Description

The application site is located on the south eastern edge of Westbury. As illustrated by the plan on the following page, the vacant hospital building and the majority of the associated car parking area is located within Westbury’s currently established Town Policy Limits. The land to the north east of the hospital, although outside the current Town Policy Limits, remains identified as a saved housing allocation for about 25 dwellings under saved WWDP policy H13A – which forms part of the Wiltshire Core Strategy. The land to the south east of the hospital building and to the south-west of the H13A site allocation falls outside the town policy limits and has no development allocation

status. The application site is bounded by residential development to the north-east and north-west, by open countryside to the south-east and by a recreation ground to the south-west. Vehicular access to the site is via the existing hospital access off the Butts.

Extract from Design & Access Statement illustrating key designations affecting the site:



Legend: 1 = Saved Housing Site Allocation H13a; 2 = Existing Hospital Site within settlement boundary; 3 = Area of site outside settlement boundary.

4. Planning History

W/01/01749/FUL – Balancing Pond (located near the hospital, but outside the town policy limits and the H13a site allocation. Approved - 25/01/2002.

5. The Proposal

This application proposes the demolition of the existing hospital building (which was vacated back in April 2012) and the erection of up to 58 dwellings. The site would utilise the existing hospital access. This application is in outline with the principle and the means of access being the only aspects to be considered at this stage. The landscaping of the site, the scale, the layout and the external appearance of the development are all reserved for future consideration. Officers acknowledge that the drainage proposals, landscaping and ecological treatment and mitigation have consequential effects on the developable area and potential future layout of the site; and, as outlined within this report, these matters are material considerations.

The applicant has submitted an illustrative Masterplan and illustrative Site Layout to show how the number of proposed dwellings could be constructed on the site. These plans are for illustrative purposes only and officers are mindful that a greater level of detail would be required at the reserved matters stage.

This application also includes a Parameters plan which identifies key elements of the proposed development which would be carried through to reserved matters to establish the detailed drainage infrastructure, landscape improvements to the existing boundaries, a badger corridor, building heights, quantum of open space, primary vehicular access and pedestrian and cycle routes.

The Parameters plan also indicates the area of the site to be developed for housing and identifies that this development would not exceed two storeys in height. A copy of the plan is produced below.

The Site Parameters Plan with the residential developable area coloured yellow



6. Planning Policy

The Wiltshire Core Strategy (WCS) was adopted on 20th January 2015 and forms a key part of the local development framework and local policy context. The following Core Policies (CP) are considered to be relevant when assessing this application.

Core Policy 1: Settlement Strategy; Core Policy 2; Delivery Strategy; Core Policy 3; Infrastructure Requirements; Core Policy 32; Spatial Strategy for the Westbury 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 46: Meeting the Needs of Wiltshire’s Vulnerable and Older People; Core Policy 47: Meeting the Needs of Gypsies and Travellers; Core Policy 49: Protection of Services and Community Facilities; Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; Core Policy 52: Green Infrastructure; Core Policy 55: Air Quality; Core Policy 56: Contaminated Land; 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; and, Core Policy 68: Water Resources;

The Development Plan also includes a number of policies carried over from the West Wiltshire District Plan 1st Alteration 2004, the West Wiltshire Leisure and Recreation DPD and the Swindon and Wiltshire Waste and Minerals Core Strategies and their subservient DPDs. For the avoidance of any doubt, the still saved policies of the West Wiltshire District Plan and the Leisure and Recreation

DPD are listed in Appendix D of the Core Strategy. Of particular relevance to this application is Site Allocations H13A which states that it is a:

“Site with a net development area of approximately 0.6ha is allocated for about 25 dwellings adjacent to Westbury Hospital, as defined on the Proposals Map”.

Other Material Considerations

- The Leisure and Recreation DPD (adopted February 2009) and specifically policies LP1- Protection and Enhancement of Existing Open Space or Sport and Recreation Provision; LP4 – Providing Recreation Facilities in New Developments; LP5 – New Sport and Recreation Facilities; CR1 – Footpaths and Rights of Way; CR3 – Green Space Network; GM2 – Management and Maintenance of New or Enhanced Open Space; GM3 – Future Management Partnerships; and YP1 – Children’s Play Areas.
- Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance)
- Affordable Housing Supplementary Planning Guidance (adopted August 2004)
- Wiltshire Car Parking Strategy (March 2015)
- Wiltshire Waste Core Strategy (adopted 2009) Policy WCS6 – Waste Reduction and Auditing.
- There is currently no neighbourhood plan in preparation for Westbury.

National Planning Policy – The National Planning Policy Framework (NPPF) was introduced as a principal material consideration in the determination of planning applications in March 2012. It introduces the presumption in favour of sustainable development at paragraph 14 as a ‘golden thread’ running through plan making and decision taking.

The NPPF is clear in stating that ‘planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 17 of the NPPF sets out the core planning principles and paragraphs 18-219 constitute what sustainable development means in practice. Paragraph 32 is also critical in terms of asserting that local planning authorities should only refuse applications on transport/highway safety grounds where “the residual cumulative impacts of development are severe”.

National Planning Practice Guidance (PPG) provides guidance on the interpretation of the NPPF. Recent changes to the guidance re-introduces a vacant building credit which can be applied in the calculation of affordable housing contributions.

7. Summary of consultation responses

Westbury Town Council – Objects for the following reasons:

- Insufficient infrastructure for a development of this size (Core Strategy para 5.16);
- Historical flooding in this area – the hospital extension suffered extensive flooding circa 1990;
- The scheme should make provision for 30% affordable housing i.e. 18 affordable houses;
- Allocation of local public spaces not in line with Town Policy Boundaries - whilst the planning application quotes H13a of the WWDP 151 Alteration (June 2004), sub sections [3.2.75a] to [3.2.75e] also apply to a development of this size;
- The Town Council is concerned about the narrow pavements in this area with regards to future traffic flow. This area has undoubtedly been safer since the hospital closed and the traffic reduced;
- Lack of pavements around the end of The Butts poses a safety risk and should be upgraded to have pavements on both sides of the road;

- Provision of a bus stop - there is currently no bus service in this area. The nearest bus passes approximately 350m away from the site. If a service was to be re- routed, a larger bus stop with a shelter should be provided by the developer;
- There is no provision of a zebra crossing to connect the site to the end of The Butts, although this is mentioned in the Transport Statement page 12 - 3.5 & 3.6. This should be conditioned.
- The Transport Statement page 12 - 3.5 & 3.6, mentions a pedestrian route to Matravers School. There are no drawings for this, so we are unable to make comment;
- The Town Council has raised concerns about the walking times shown in the Transport Statement pages 15 & 16. We feel that the walking distances to local facilities such as primary & secondary schools, doctor's surgery and post office do not take into account elevations and lack of alternate routes as this site is surrounded on three sides by existing residential housing.
- Would prefer this site to be used for health purposes or to house a health facility.

Wiltshire Council Archaeologist – No Objection subject to conditions

Wiltshire Council New Housing Team – No objection subject to a S106 Agreement to secure affordable housing

Wiltshire Council Tree Officer – Supportive subject to conditions to adequately protect retained trees and hedges

Wiltshire Council School Places Team – No objection as there is sufficient capacity at the local schools. The Council's Head of Education confirmed that no developer contributions are required.

Wiltshire Council Drainage Team – No objection subject to conditions

Wiltshire Waste Management Team – Supportive subject to conditions and a S106 Agreement to secure a financial contribution towards provision of containers for waste and recycling.

Wiltshire Council's Land Contamination Officer – No objection subject to the Council's standard precautionary land contamination condition being imposed on any permission.

Wiltshire Council's Air Quality Officer – No objection subject to a S106 securing a financial contribution towards Westbury's Air Quality Action Management Plan Project.

Wiltshire Council's Public Protection Team – No objection subject to construction management conditions being imposed on any permission.

Wiltshire Council Spatial Planning Team – No objection. The consultation response set out the relevant policy considerations, the spatial vision for Westbury and the current five year housing land supply position of the North and West Housing Market Area.

Wiltshire Council's Arts Development Officer - No objection subject to Public Art being secured on site either by planning condition or a S106.

Wiltshire Council's Urban Design Officer – No objection.

Wiltshire Council's Landscape Officer – No objection.

Wiltshire Council's Ecologist – Supportive subject to conditions

Wiltshire Council's Highways Team – Supportive subject to conditions and a S106 Agreement to secure a financial contribution to upgrade the A350/Hospital Road and Leigh Road junctions, the provision of a new pedestrian crossing on the A350 and sustainable transport measures.

Wiltshire Council's Public Open Space Officer – No objection subject to securing open space and play area within the site and its future management.

Environment Agency – No objection subject to conditions.

Natural England – No objection subject to mitigation of impacts on Salisbury Plain. Standing advice provided and other advice advising that they would expect the local authority to consider the effects of the development on local sites, landscape character and habitats. Biodiversity enhancements also suggested.

NHS England Estates Team – No objection.

Wiltshire Police Crime Prevention Design Advisor – Concerns raised over proximity of play area to the pond.

8. Publicity

This application has been subject to several rounds of public consultation. 200 letters were received from 163 neighbours objecting on the following summarised grounds:

- The ownership of the site is in dispute and believed to belong to the people of Westbury
- What will NHS do with the proceeds of the sale
- A proportion of the proceeds should go to Whitehorse Health Centre
- The site should be retained for health purposes and people of Westbury
- Short sighted infrastructure planning
- Site and hospital could help alleviate current bed blocking crisis
- Loss of employment opportunities on site
- Whitehorse health centre is stretched to capacity and failing patients
- Evidence suggest that more Health Provision is required in Westbury
- Long waiting times to see doctors
- The poor access to the site is unsuitable for housing
- Increase in traffic
- The site has not generated traffic for 10 years so disingenuous to say there will be no increase in traffic
- Walking times in Transport Assessment are optimistic
- Surrounding roads narrow and congested
- No bus service
- The access should not be allowed to serve further development beyond the site
- No evidence of need for new homes in Westbury
- Town infrastructure unable to support growth
- Conflicts with Core Policy 32 which seeks to slow down housing growth in Westbury
- Affordable housing proposals are not in line with policy
- Outside town policy limits
- Impact on the amenities of neighbouring occupiers is unclear and unacceptable
- Hours of construction should be restricted
- Wheelchair access to site difficult due to steep gradients
- New trees may affect light to neighbouring properties
- Larger buildings should be positioned away from northern boundary
- Proposals will result in loss of light, privacy and noise
- Historic Flooding of the site and the flood risk assessment should be revisited to consider overland runoff from south of site; and revise the drainage strategy
- Capacity of existing flood relief pond on hospital site
- Site would be over developed with too much non permeable surfaces
- Question logic of pedestrian link from play area to adjacent recreation ground
- Right to use secondary access needs to be established
- Noise generated on lane from existing use by vehicles
- Proposed houses will damage roots of tree in neighbouring garden
- Air pollution
- Cycle lane potentially dangerous
- Wildlife issue – relocation of badgers and bats
- The consultation on the application was inadequate

9. Planning Considerations

9.1 The 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. In this case, the Wiltshire Core Strategy, including those policies

of the West Wiltshire District Plan that continue to be saved in the WCS, forms the relevant development plan for the Westbury area. The Wiltshire Housing Sites Allocation Plan is an emerging plan but can only be afforded very limited weight at this stage of its preparation.

9.1.1 In this particular case, it is important to record that at the present time, the Council cannot demonstrate having a 5-year housing land supply in the North & West Housing Market Area and the current calculation is that the Council has a 4.76 years supply; and as a consequence, NPPF paragraphs 49 and 14 are engaged; and the local planning authority cannot give full weight to the adopted housing policies, including CP2. A recent court ruling - Suffolk Coastal District Council v Hopkins Homes Ltd [2016] EWCA Civ 168 has provided a useful direction and understanding that when Council's find themselves unable to demonstrate a 5-year housing land supply, whilst adopted housing policies and any associated restrictive policies relating to housing development should be considered "out of date", they should not be ignored. Moreover, it is necessary for decision makers, as directed by paragraph 14 of the NPPF, to weigh up the benefits against any identified harm.

9.1.2 With NPPF paragraph 49 engaged, paragraph 14 makes it explicitly clear that residential development proposals should be granted unless "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*", when assessed against the Framework taken as a whole.

9.2 Principle of the Development – There are a number of issues that affect the principle of development of this site such as the limits of development for Westbury, the saved strategic housing allocation carried across into the WCS from the former West Wiltshire District Plan 1st Alteration; and the existing use of the site.

9.2.1 The Settlement and Delivery Strategy - WCS 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 settlement boundaries of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, as defined by former District Local Plans, are carried forward into the Core Strategy and are retained. These settlement boundaries will be reviewed as part of the Wiltshire Housing Site Allocations DPD (and the Chippenham Site Allocations DPD), as set out in the Council's Local Development Scheme, in order to ensure they are up to date and can adequately reflect the changes which have happened since they were first established.

9.2.2 In addition, it remains the prerogative of any local community to review settlement boundaries through adopting a neighbourhood plan, which would, following adoption, become part of the local development framework. At the present time, there is no such plan in preparation.

9.2.3 Westbury is identified as a Market Town within the settlement strategy and Market Towns are defined as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities.

9.2.4 Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.

9.2.5 Core Policy 2 sets out the delivery strategy. The Core Strategy advises that a number of sources of supply have been identified for new housing in Wiltshire including through retained Local Plan allocations, future Site Allocations DPDs and neighbourhood plans. Core Policy 2 advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and Large Villages. For sites outside the defined limits of development (and approximately 17% of this application site falls outside of the settlement limits), the Core Strategy advises that other than in circumstances as permitted by other policies within the Plan, identified in paragraph 4.25, residential development should not be permitted unless it is brought forward through the identification of sites for development through subsequent Site Allocations Development Plan Documents and/or neighbourhood plans.

9.2.6 As illustrated and outlined in sections 3 and 5 of this report, the majority of the development site (approximately 83%) and developable parameters either fall within the settlement boundary or the saved housing site allocation; and as such, development of housing is supported by the settlement strategy and the delivery strategy. A proportion of the application site falls outside the identified limits of development for Westbury and as a consequence, there would be a degree of conflict with Core Policy 2. However, and as outlined above, CP2 cannot at this time, be given full weight due to the housing supply shortfall, and furthermore, officers duly argue that the relevant site extent is currently within the hospital site boundary and includes an existing drainage pond; and arguably has a clear functional relationship with the hospital rather than agricultural land. There is also merit in appreciating that the submitted indicative layout for the area outside the town limits/site allocation would be used for land drainage, play area and open space, rather than for housing.

9.3 The Westbury Community Area Strategy - Core Policy 32 (CP32) sets out the strategy for Westbury and its community area and identifies an indicative requirement of approximately 1615 new dwellings for the Westbury community area of which about 1500 should occur within Westbury. The requirement is expressed as a 20 year requirement covering the period from 2006 to 2026. The most up-to date and published Housing Land Supply Statement identifies a requirement for an additional 78 dwellings in the Westbury Community Area over the plan period. Since this statement was published, it is necessary to acknowledge that there have been some recent major housing development proposals which have been either granted permission on appeal (i.e. 14/09262/OUT – land north of Bitham Park for up to 300 dwellings) or are at an advanced stage in terms of completing a s106 i.e. 15/12551/OUT - a hybrid application comprising up to 300 dwellings approved by the Council's strategic planning committee in May this year for the H14 Station Road site allocation at the Westbury sailing lake. Allocation H14 is identified in the Core Strategy as contributing 250 dwellings and part of this site Allocation H13a is identified as contributing 25 dwellings.

9.3.1 It is also appreciated that the supporting text to CP32 advises that the strategy for Westbury will deliver a reduction in housing growth compared to historic trends, with a focus on improving facilities, services and job creation. Whilst Westbury is in a strong position with regard to meeting the indicative housing target set out in the Core Strategy it should be noted that this is an indicative target and not a ceiling on development. This is stated in paragraph 4.33 of the Core Strategy where it advises that...sustainable development within the limits of development or at Small Villages should not be constrained just because requirements have been reached. For these reasons the overall housing requirement is shown as "at least", while the area strategy figures are "indicative". It is furthermore important to stress that Central Government heavily supports housing delivery and that it is an essential planning objective as part of the "*government's pledge to deliver security, stability and opportunity to the British people*" (source: PM Press release dated 12 October 2015). The NPPF, within the context of a presumption in favour of sustainable development, established that there is a clear Government aspiration "*to boost significantly the supply of housing*" (source NPPF para 47).

In the recent appeal decision at Bitham Park the inspector identifies Core Policy 32 as a policy that restricted the supply of housing. As a policy that restrains housing growth limited weight can be afforded to it while the council cannot demonstrate a five year housing supply.

9.4 Loss of a Community / Health Facility – Westbury Hospital was previously in use as a community hospital. However, the former Wiltshire PCT made the decision to close the 16 bed facility that previously occupied part of the building some time ago. The most recent use of the property (in 2012) provided some outpatient (including GP and dental) services; and, to act as a NHS team base. The recent development of the new White Horse Health Centre at Mane Way, Westbury Leigh by the Westbury Group Practice resulted in the transfer of the remaining GP and other outpatient services to that new, purpose built facility. Westbury Hospital was closed soon after the opening of the White Horse Health Centre leaving the Westbury Hospital site now declared surplus to the requirements of the NHS by the Wiltshire Clinical Commissioning Group (CCG).

9.4.1 A comprehensive marketing report has been submitted with the application which includes letters from the Wiltshire CCG confirming that the hospital and hospital site are surplus to their requirements. These letters advise that the Westbury Group Practice is the only practice serving the town and there are no plans to develop another practice. It further advises that the building has been planned and constructed with sufficient capacity to deal with the expansion of the town.

9.4.2 The marketing report sets out that the site was marketed via ePIMS (Electronic Property Information Mapping Service) for 13 months at the time the application was submitted and no interest was shown from other public bodies. This is the central database of Government Central Civil Estate properties and land.

9.4.3 The report also advises that the site was marketed to local health and care providers such as the White Horse health centre, Wiltshire Dementia Care and Julia House Hospice but it was confirmed that the site did not meet their needs for various reasons as set out in the report.

In addition a marketing exercise was carried out to determine the feasibility of a private care home on the site but this option was discounted because of an oversupply of this type of facility in the area, the size of Westbury, and the size of the site.

As far as adopted policy is concerned, community facilities are not protected within the larger settlements of Wiltshire. Core Policy 49 seeks only to protect rural services and facilities in the smaller settlements which for the purposes of CP49, relate to Local Service Centres and below.

9.4.4 The NHS England Estates Team responded to the planning consultation and advised that they have no objection to the proposed development and that the number of new patients generated by the development can be accommodated in the White Horse Health Centre.

9.4.5 Therefore, it is important to stress, in the absence of a policy basis to object to the loss of the former community/health related service use of the site; and appreciating that a robust marketing exercise has been undertaken which resulted in no alternative developer interest, especially in terms of providing new community/health service provision, the former hospital site is considered suitable and appropriate for residential development.

9.4.6 In summary, the principle of residential development at this site is considered to be acceptable and the minor conflict with Core Policy 2 is substantively overridden by the absence of a 5 year housing land supply.

9.4.7 Officers duly assert that this application for housing must be considered in the context of the presumption in favour of sustainable development and consideration of any identified adverse impacts of the development compared to the benefits. The following sections will assess the issues before reaching a conclusion and recommendation.

9.5 Impact on the Character and Appearance of the Area - Core Policy 51: Landscape advises that *"Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures"*. The Council's landscape officer commented that *"the initial Landscape Appraisal identified the opportunities and constraints of the site and proposes a landscape framework for the development to mitigate potential landscape and visual effects. Key viewpoints within the open countryside to the south east of the site show that the development will be seen in the context of the existing urban edge, and that by strengthening the south eastern field boundary with additional planting, the impacts on the wider landscape will be minimal"*. The illustrative landscape proposal plan incorporates officer led suggested improvements by creating a greater planting buffer on the south eastern boundary and including more street trees within the development. Detailed landscaping would however be the subject of a reserved matter application, but officers conclude that the proposed development would not result in landscape harm.

9.5.1 Core Policy 57 titled Ensuring High Quality Design and Place Shaping requires a high standard of design in new developments. As the application is made in outline with layout and design reserved for future consideration, it is not open for the Council to assess such matters at this

stage. However, the illustrative layout has been amended in light of the comments made by the Councils Urban Design Officer, who sought material enhancements. The proposed development has also been amended to reflect the constraints placed on the site layout by trees outside the development site. Root protection areas within the site can be protected from development through the use of conditions.

9.5.2 An archaeological Desk Based Assessment and geophysical survey have been undertaken highlighting the potential for archaeological remains to be present within the proposed development site. An archaeological evaluation was carried out at the site between August and September 2015 which recorded a number of archaeological features across the eastern part of the site. Many of the features recorded were undated but some dated to the prehistoric and post-medieval period.

In line with the National Planning Policy Framework, due to the impact the proposed development will have on archaeological remains a programme of archaeological investigation has been included as a condition.

9.6 Impact on Residential Amenity - Due to the application being in outline, the detailed impact of the proposed development upon neighbouring properties in terms of overlooking and overshadowing cannot be fully assessed as the location of dwellings including heights and location of windows are yet to be determined. However, officers are satisfied given the site separation distances involved that a residential development of up to 58 dwelling at this site can take place without any unacceptable impacts upon the amenity of neighbouring properties.

9.7 Access and Transport - The site at the edge of the existing settlement is considered to be a sustainable location in accordance with WCS Core Policy 60 and 61. Wiltshire Council Highways officers have raised no objection to the scheme subject to conditions and financial contributions. Conditions would require improvements to the Hospital Road and Leigh Road junction with the A350 and a new pedestrian crossing near this junction. Therefore subject to conditions and S106 Agreement, the scheme is considered to be acceptable in transport terms. The development would not conflict with paragraph 32 of the NPPF – which explicitly states that decision makers should not refuse applications on transport / highway grounds unless “*the residual cumulative impacts of development are severe*”.

9.8 Addressing Climate Change – WCS Core Policy 41 identifies how sustainable construction and low-carbon energy should be integral to all new development across Wiltshire. This policy sets the framework for meeting a number of national and local priorities (for example Part L of the current Building Regulations) that seek to achieve sustainable development and conserve natural resources. This policy shall help Wiltshire’s contribution to addressing climate change through improved design and construction methods. The applicants would be required to demonstrate compliance with this policy in relation to energy performance at reserved matters stage. A planning condition is considered necessary to ensure the housing development conforms to WCS Core Policy 41. A Sustainability Statement and Sustainable Energy Strategy were submitted with this application but in draft form only due to the outline nature of the application.

9.9 New Housing – WCS Core Policy 43 sets out when on-site affordable housing provision is required for any given development and it indicates the proportions which are to be sought from open market housing development. In line with this policy, a 30% affordable housing contribution at nil subsidy, would normally be sought, subject to up-to-date viability and housing needs evidence. It is however necessary to be mindful of up-to-date NPPG which requires the floor space of existing buildings (known as the vacant building credit) to be taken into account and offset against the affordable housing requirement. In this case, the vacant floor space contained within the hospital is approximately 60% of the total proposed floor space and as such, the amount of affordable housing required is reduced accordingly.

9.9.1 Following consultation with the Council’s housing team; a tenure split of 80% affordable rental and 20% shared ownership is required and has been agreed. The exact location and mix of units is not for consideration at this outline stage since it is a matter to be determined under a reserved matters application. It would also be rounded to the nearest whole unit.

9.9.2 The provision of affordable housing within the scheme does however need to be enshrined within a s106 legal agreement. The suggested 80/20% mix reflects the current indicative requirements required by the Council's housing team. However this could be re-negotiated, especially to reflect any broadening of the affordable housing definition, the potential advancement of more starter homes and discounted market units. The exact mix would be something to be determined at the reserved matters stage.

9.9.3 Core Policy 45 provides the basis for considering dwelling type, density and mix of housing to be built. These matters would be also considered under a reserved matter application. Core Policy 46 also requires developers to demonstrate how their proposals respond to the needs of an ageing population. The supporting text refers to the role of Lifetime Home standards in meeting this aim. Again, this would be considered under a reserved matters application. The housing team have however, advised that 10% of the affordable homes should be built to meet the adapted needs of older people.

9.9.4 From the number of units shown in the illustrative layout, this proposal would provide seven affordable units, four of which would be affordable rent and 3 of which would be shared ownership. This is considered to be acceptable and has the support of officers and is compliant with Government PPG direction and advice.

9.10 Biodiversity and Geodiversity – WCS Core Policy 50 advises that development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. The application is accompanied by a Protected Species Report and a Badger Mitigation Strategy. The following ecological issues were considered by the Council's ecologist:

1. Bats
2. Reptiles
3. Badgers
4. Nesting birds
5. Hedgerows and trees
6. Salisbury Plain Special Protection Area (SPA) and Special Area of Conservation (SAC)
7. Public Open Space boundary; and,
8. Biodiversity enhancements

9.10.1 Overall, the ecologist considered the illustrative landscaping proposals (as revised), to be acceptable with regard to the provision of an "ecological corridor", "native marginal planting", "native wildflower planting" and a small "play area surface" but noted that measures recommended in the 'Badger Mitigation Strategy' by Engain were not all followed. However, it is considered that these matters can be adequately captured through planning conditions.

9.10.2 No ecology based objection is raised subject to a number of conditions requiring the development to be carried out in accordance with the recommendations in the Protected Species Report and the Badger Mitigation Strategy as well as the submission of a Landscape and Ecological Mitigation Plan and Construction Environmental Management Plan, the provision of bat roosts and the design of a sensitive lighting strategy.

9.10.3 The Council's Salisbury Plain HRA mitigation strategy (prepared as part of the Core Strategy HRA) is a material consideration as the application site lies within the 4km buffer to the European site. However, s106 contribution cannot be sought as Salisbury Plain/Stone Curlew HRA funding is now delivered through CIL. As the impacts of recreation on the SPA have been assessed by the Council as part of the HRA for the Core Strategy, no project-level HRA is required for this application. In line with Natural England's request, the HRA for the Core Strategy included a mitigation strategy for development within 4km of the Salisbury Plain SPA to reduce the impacts of disturbance to breeding stone curlew through a project set up to monitor and manage the site (Wessex Stone Curlew Project). The money diverted to HRA mitigation as part of CIL would contribute towards this project.

9.11 Core Policy 52: Green Infrastructure – This policy seeks to retain and enhance Wiltshire’s Green Infrastructure Network. The indicative layout shows that open space and play space would be provided on site in line with the open space standards currently in operation for this part of Wiltshire; and as such, the application is considered to be in accordance with planning policy. The proposals would include a pedestrian link to the adjacent recreation ground and the application documentation also indicates provision for the ongoing management of the open spaces and a management plan can be secured through a s106 agreement.

9.12 Core Policy 56: Land Contamination – This policy requires development proposals which are likely to be on or adjacent to land which may have been subject to contamination to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination on public health, environmental quality the built environment and amenity. There is potential for land contamination due to the historic use of the site and therefore a precautionary planning condition is proposed, with the full support of the Council’s public protection team.

9.13 Core Policy 67: Flood Risk - This policy advises that all new development needs to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable. A Ministerial Statement issued on 24th March 2015 confirmed changes in relation to planning applications and required drainage submissions, to strengthen existing planning policy, to ensure that sustainable drainage systems for the management of run-off are put in place. The Government’s expectation is that sustainable drainage systems should be provided in new developments wherever this is appropriate.

9.13.1 Local planning policies and decisions on major planning applications should ensure that sustainable drainage systems for the management of run-off are put in place by undertaking the following:

- consult the Lead Local Flood (LLFA) Authority on the management of surface water (the Government has laid a statutory instrument making the LLFA a statutory consultee under planning the Development Management Procedure Order effective from 15 April 2015)
- satisfy themselves that the proposed minimum standards of operation are appropriate
- ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development.
- the sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate.

[Note that Wiltshire Council is the LLFA].

9.13.2 The Flood Risk Assessment (FRA) submitted by the applicant has been revised in light of comments made by the LLFA/the Council’s Drainage Officer and issues raised by neighbouring properties. Following the results from further investigations and revisions to the FRA, the LLFA/officers are satisfied that sustainable urban drainage can be successfully implemented on this site. A number of conditions are recommended to ensure the necessary level of detail is provided prior to the commencement of development.

9.14 Developer Obligations - Section 106/S38 Legal Agreements – WCS Core Policy 3 advises that *“All new development will be required to provide for the necessary on-site and, where appropriate, offsite infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development”*. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 204 of the National Planning Policy Framework ‘The Framework’.

9.14.1 The affordable housing and the infrastructure items listed below are considered relevant to the application site, and are directly related to and are planning requirements to mitigate the impact

of the proposed scheme. For the benefit of the committee, the applicant has agreed to provide the following:

Affordable Housing - WCS Core Policy 43 sets out when on-site affordable housing provision is required for any given development and it indicates the proportions which are to be sought from open market housing development. In line with this policy, a 30% affordable housing contribution at nil subsidy, is sought for this site within the Westbury Community Area which reflects up-to-date viability and housing needs evidence. The PPG allows the floor space of existing buildings to be taken into account and offset against the affordable housing requirement. In this case the vacant floor space contained within the hospital is approximately 60% of the total proposed floor space and as such the amount of affordable housing required is reduced accordingly. Therefore 7 units would be required with the 58 units currently proposed. As the exact number of units proposed may change at reserved matters stage, the formula for calculating affordable housing should be enshrined within the S106 agreement.

Open Space and Play Provision – WCS CP52 requires development to make provision for accessible open spaces in accordance with the requirements of the adopted Wiltshire Open Space Standards and put measures in place to ensure appropriate long-term management of any green infrastructure directly related to the development. Saved Policy LP4 of the Leisure and Recreation DPD states that where new development (especially housing) creates a need for access to open space or sport recreation provision an assessment will be made as to whether a contribution to open space or sport recreation is required. Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhance open spaces which will be included within the S106. The proposal requires a public open space requirement of 2128m² of which 102m² is to be equipped play provision - all of which should be secured and managed in perpetuity.

Highways – WCS CP61 states that where appropriate contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives and more sustainable freight movements. These are as follows:

- Implementation of the residential travel plan including electric car charging point(s), information packs for each household, and appointment of a travel plan coordinator for 5 years.
- A contribution of £2,500 towards walking and cycling signage, between the site and key destinations within Westbury.
- A contribution of £75,000 towards a pedestrian crossing facility on the A350

Refuse Infrastructure - A contribution of £5,278 is required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development.

Air Quality – A contribution of £679.50 is sought towards Air Quality Action Planning Projects.

10. Conclusion – This application is considered to be a sustainable form of development which forms part of the established town policy limits as well as comprising the saved housing allocation site known as H13a – which has been allocated for residential development of about 25 dwellings for over ten years. There is a small proportion of the site (approx. 17%) which falls outside Westbury's settlement boundary; however, it is relevant to note that no residential development is planned for this land.

The NHS has declared the site surplus to their requirements and has marketed it for alternative community uses prior to proposing a housing development of the site in accordance with Core Policy 49.

A proportion of the site is located outside the Town Policy Limits and this element is technically in conflict with Core Policy 2. However, this has to be set against other material considerations that are relevant at this point in time, which includes the critical fact that the Council is unable to demonstrate a 5-year housing land supply which reduces the weight to be attached to such a policy.

Recent appeal Inspector decisions (i.e. in December on the Arms Farm appeal (14/08888/OUT), in March at Bradford on Avon (14/07689/OUT) and more recently at land north of Bitham Park (14/09262/OUT) in July for another Westbury site all concluded that WCS CP2 cannot be given full weight as a defensible housing policy due to the current lack of a 5 year housing land supply in the North and West Housing Market Area, which includes Westbury. The Bitham Park appeal decision stated that Core Policy 2 (Delivery Strategy) and Core Policy 32 (Spatial Strategy – Westbury Community Area) *'clearly relate to the supply of housing land and, as a five year housing land supply cannot be demonstrated, there is a clear material reason to depart from those policies'*.

It should be noted that the departure from policy is only in respect of that part of the site located outside of the Town Policy Limits and not allocated for housing.

As this report demonstrates there are no *"adverse impacts that would significantly and demonstrably outweigh the benefits"* that this particular development in this location on the edge of a sustainable settlement identified for sustainable growth would bring about – i.e. providing increased housing supply and delivering much needed additional affordable housing; infrastructure improvements. In addition, future financial benefits community infrastructure levy payments will contribute towards following detailed/reserved matters approval will bring about further enhancements, with a proportion of the CIL receipts going direct to Westbury Town Council.

11. RECOMMENDATION

It is recommended that the committee delegates authority to the Head of Development Management to grant outline planning permission subject to the planning conditions and informatives listed below and after the completion of a s106 legal agreement within 6 months (taken from the date of the committee resolution), to cover the developer obligations as summarised within section 9.14 above.

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.

2.

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 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

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:

Site Location Plan Dwg. No 1134.S.001 received 26th November 2015

Demolition Plan Dwg. No 1134.S.002 received 26th November 2015

Access Design Dwg. No SK001 received 26th November 2015

Parameters Plan Dwg. No 1134.P.002 received 19th July 2016

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

5. No development shall commence on site until a scheme for the collection and disposal of storm water flows (cut-off ditches and ponds) from off the site from reaching the developed area, including further ground investigations to determine ground water levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the scheme for the collection and disposal of storm water flows (cut-off ditches and ponds) from off the site from reaching the developed area has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately protected from flooding from offsite flows currently passing into the site

6. No development shall commence on site until a scheme for the discharge of surface water within the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365 together with extended ground water monitoring and deeper ground investigations, 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: To ensure that the development can be adequately drained within the national and council's policies without the need for offsite discharges

7. No development shall commence on site until a scheme for the maintenance and full responsibilities of the drainage systems as required by conditions 5 and 6, including details of a management company, have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the proposed drainage systems are properly maintained to allow the systems to continue to provide the required protection against flooding for the life time of the development and to comply with new land/property searches.

8. No development shall commence on site until a scheme that includes the following components to deal with the risks associated with potential contamination on the site have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which identifies:

a) Potential contaminants associated with those uses

b) A conceptual model of the site indicating sources, pathways and receptors

c) Potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on point 1 above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in point

2 above; and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy as required by point 3 above are complete and

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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.

9. No development shall commence on site (including any demolition works), until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details of the measures that will be implemented during the construction phase to prevent any harm or injury to protected species, hedgerows and trees, including full details of interim bat mitigation during the demolition and construction phases. Development shall be carried out in full accordance with the approved plan.

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

10. No development shall commence on site until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information requirements:

- a) Full details of bat mitigation (replacement roosts for Common pipistrelle and Brown long-eared bats) and reptile mitigation measures;
- b) Full details of bat boxes/bricks, bird boxes, artificial reptile refugia and garden boundary fencing (including the garden boundary treatment of Plot 53);
- c) Full specification of habitats to be restored and created, including locally native species of local provenance and locally characteristic species – including hedgerows, pond and dry ditch, species-rich grassland swales – and a planting specification for the 3 metre wildlife corridor for badgers;
- d) Full details of the design of natural play areas for children;
- e) Description and evaluation of features to be managed; including location(s) shown on a site map, and identification of maintenance/monitoring access points into the 3m wildlife corridor;
- f) Aims and objectives of management;
- g) Appropriate management options for achieving aims and objectives;
- h) Prescriptions for management actions;
- i) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5 – 10 year period);
- j) Details of the body or organisation responsible for implementation of the plan;
- k) Ongoing monitoring and remedial measures, including monitoring of the 3m wildlife corridor to avoid encroachment of back garden boundaries;
- l) Timeframe for reviewing the plan; and
- m) Details of how the aims and objectives of the LEMP will be communicated to the 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: To provide full details of bat, reptile, badger and breeding bird mitigation and enhancement, hedgerow enhancement, pond and dry ditch restoration/creation, native tree and shrub planting specification using species of British origin and local provenance, creation of species-rich grassland, provision of bird boxes, ongoing management of all retained and created habitats, and POS, to enhance biodiversity value and ensure the long-term management of these habitats and features in perpetuity.

11. No development shall commence on site until a lighting design strategy for biodiversity has been submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and badgers, and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, foraging and commuting;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications, including a Lux plot) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
- c) Specify luminaires, heights and positions of fittings, direction and other features, e.g. cowls, louvres or baffles.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To minimise light spillage into retained hedgerows and trees as part of the mitigation requirements for roosting bats (to maintain dark corridors for bats commuting to and from roosts).

12. No development shall commence on site until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and climate change adaptation.

13. No development shall commence on site (including any demolition works), until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority; which shall include the following:

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

14. No development shall commence on site until a dust suppression scheme is submitted to and approved in writing by the Local Planning Authority. The suppression scheme should be designed to minimise windblown dust from affecting adjoining neighbouring properties. This scheme

should cover all the phases of the construction site, including earth works, spoil heap storage, vehicle movements and cutting of materials.

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.

15. 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.

No part of the development shall be 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 serving that part of the development have all been constructed and laid out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

16. No development shall commence on site until a waste audit regarding the construction of the site (part a-g) of Policy WCS6 of the Waste Core Strategy) has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be prior to granting planning permission

17. No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials have been submitted to and approved in writing by the Local Planning Authority.

No dwellinghouse shall be first occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved details thereafter.

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.

18. 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 from the first occupation or the completion of the development, whichever is the later].

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

19. No development shall commence on site until 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 the approved programme of archaeological work has been carried out in accordance with the approved details.

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

Note: The archaeological investigation and reporting shall be undertaken by a professional archaeological contractor in accordance with NPPF paragraph 121 and Annex 2 requirements.

20. No development shall commence on site until details of improvements to Hospital Road and Leigh Road junctions with the A350 have been submitted to and improved in writing by the local planning authority. The approved works shall be completed prior to first occupation of the dwelling.

REASON: In the interest of highway safety

21. Prior to first occupation of the dwellings, the roads, including footpaths and turning spaces, shall be constructed so as to ensure that each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least binder course level between the dwelling and existing highway.

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

22. No dwellinghouse shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with Council policy and parking standards.

REASON: In the interests of highway safety and the amenity of future occupants.

23. No dwellinghouse shall be occupied until the first five metres of individual plot accesses, measured from the edge of the carriageway, have been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

24. No dwellinghouse shall be occupied until a public art scheme for the site and a timetable for its subsequent installation have been submitted to and approved in writing by the Local Planning Authority. The development shall then 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, to ensure the proposal complies with the relevant public art policies.

25. No demolition or construction works on the site shall take place outside the following hours: 08:00 to 18:00 Mondays to Fridays; and 08:30 to 13:00 on Saturdays; and at any time on Sundays or Bank Holidays.

REASON: In the interest of protecting the amenity of nearby residential properties.

26. No burning of waste materials shall be permitted on the site at any time.

REASON: In the interest of protecting the amenity of nearby residential properties

27. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. Within 6 months of any dwelling being occupied evidence shall be submitted to and approved in writing by the local planning authority certifying that the stated level or its equivalent has been achieved.

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

28. The development shall be carried out in accordance with the recommendations made in Section 6 of the 'Protected Species Report' dated 16 June 2016 prepared by Engain (Environmental Gain Ltd.), submitted with the planning application and as modified by a Natural England European protected species licence.

REASON: To ensure adequate protection and mitigation for protected species, priority species and priority habitats through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

29. The development hereby approved shall be carried out in accordance with the 'Badger Mitigation Strategy' dated 9 March 2016 prepared by Engain (Environmental Gain Ltd.), as already submitted with the planning application and agreed in principle with the local planning authority before determination, and as modified by a Natural England licence to interfere with a badger sett for the purposes of development.

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

30. All replacement bat roost features and bat access points shall be constructed in accordance with the Landscape and Ecology Management Plan (LEMP) as required by Condition 10, as modified by a relevant European Protected Species Licence, prior to first occupation of the development. Thereafter, all replacement bat roost features and bat access points shall be maintained in accordance with the LEMP for the lifetime of the development.

REASON: To compensate for the loss of bat roosts and to safeguard European protected species.

PLANNING INFORMATIVES:

INFORMATIVE 1: This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 (and to be dated).

INFORMATIVE 2: 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:

<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy>

INFORMATIVE 3: Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover: the use of plant and machinery

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

INFORMATIVE 4: With regards refuse collection, the council will only operate on private land where an indemnity is signed by the landowner. The council will also require an indemnity to operate on any roads prior to their adoption

INFORMATIVE 5: The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition relating to water efficiency will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

INFORMATIVE 6: The developer/applicant is advised to:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the [contaminated land](#) pages on GOV.UK for more information.

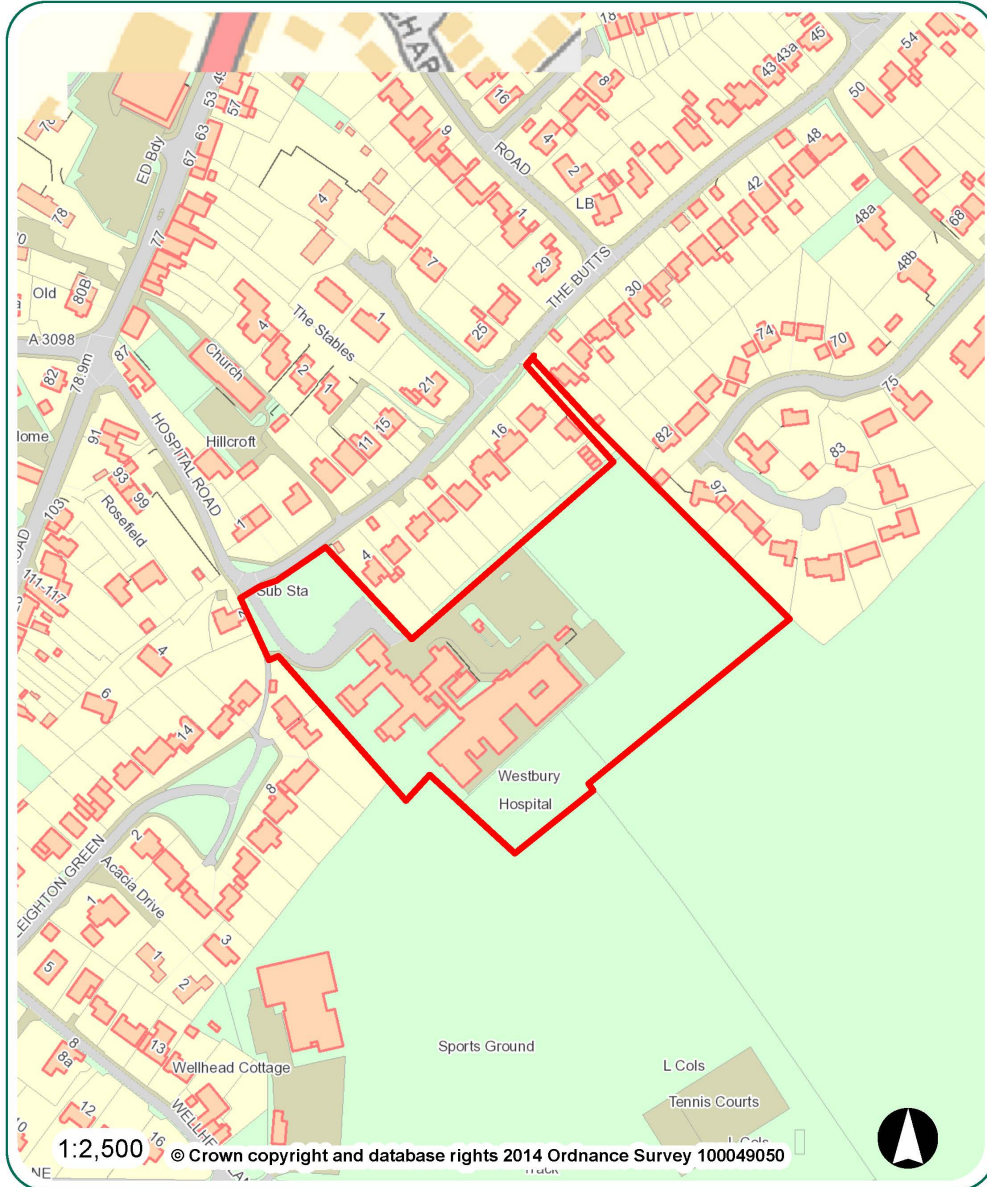
INFORMATIVE 7: Common pipistrelle and Brown long-eared bats have been found roosting in the main hospital building and a licence from Natural England is required before its demolition. Please note that this consent does not override the statutory protection afforded to any such species. All British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not.

INFORMATIVE 8: The Protection of Badgers Act 1992 protects badgers from cruel ill-treatment, including damage or destruction of their setts, or disturbance whilst a sett is in occupation. This Act

makes it illegal to carry out work that may disturb badgers without a Natural England licence. Particular care should be taken when clearing ground prior to development, and if evidence of badger activity is found, (such as foraging routes, snuffle holes, latrines or established setts), then work must stop immediately while a professional ecologist is contacted for advice. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the applicant and/or contractors liable to prosecution. Further information about badgers and licensing can be found at <https://www.gov.uk/badgers-protection-surveys-and-licences>

INFORMATIVE 9: The applicant is reminded that all reptiles are legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), and that it is an offence to remove, damage and destroy a nest of any wild bird while that nest is in use or being built under Section 1 of this Act. Planning permission for a development does not provide a defence against prosecution under this Act. Trees, scrub and other vegetation, such as dense ivy, are likely to contain nesting birds between 1st March and 31st August. Suitable vegetation is present on the application site and should be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

15/11604/OUT
Westbury and District Hospital
The Butts
Westbury
Wiltshire
BA13 3EL



This page is intentionally left blank

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.2

Date of Meeting	31 August 2016
Application Number	15/03120/FUL
Site Address	Rosefield House, Polebarn Road, Trowbridge, BA14 7EQ
Proposal	Proposed change of use of existing Stable Block at the rear of Rosefield House to form 2 residential units and proposed erection of two-storey side extension to form one additional residential unit
Applicant	Mr Nicholas Ross
Town/Parish Council	TROWBRIDGE
Electoral Division	TROWBRIDGE PARK – Cllr Dennis Drewett
Grid Ref	385990 157929
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

Councillor Drewett has requested that the application be considered by the Planning Committee for the following reasons:

- Visual impact upon the surrounding area;
- Relationship to adjoining properties; and
- Car parking

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 planning permission be granted.

2. Report Summary

The main issues to consider are:

- The principle of the proposed development;
- Potential impacts upon the character and appearance of the building and the Conservation Area;
- Impact upon neighbouring amenity
- Access and highways
- Loss of employment floorspace

The Town Council has no objection to the proposal.

3. Site Description

The application relates to the old stable block to the rear (north east) of Rosefield House, Polebarn Road in Trowbridge. It is understood that the building was previously occupied by the Ice Cream factory (Riddiford's Ices/Riddy's) which closed in the 1980's. The building is Grade II listed, and its original function, as indicated by the listing description, was as the stable block serving Rosefield House.

Access is off of Polebarn road onto a large courtyard/access area that serves a number of properties including those within Polebarn House and Rosefield Cottage. The building fronts onto this courtyard/access area.

4. Planning History

The Council's planning records do not reflect any relevant planning history affecting this particular building, including in relation to any employment use. However, it is clear that the ice-cream factory use has been abandoned for a number of years with the last known use therefore being under Use Class B1.

Further, on the wider surrounding site that includes Polebarn House and outbuildings, permission was granted under reference 15/12319/FUL for a similar change of use of a vacant, Grade II listed building from ancillary storage space and B1 use to create 2 new dwellings. (February 4, 2016: Approved with Conditions).

In another nearby application the Grade II Listed wall along Polebarn Road and the boundary wall between the Police Station and Rosefield House was rebuilt and repaired under application 15/01869/LBC (April 9, 2015: Approved with Conditions). This wall forms the road boundary of the wider site area.

5. The Proposal

The application is for the change of use of the existing stable block to form two residential units and the erection of two-storey side extension to form one additional residential unit. The proposals include the provision of 6 car parking spaces.

6. Planning Policy

National Planning Policy Framework

Section 4 – Promoting Sustainable Transport

Section 6 – Delivering a wide choice of quality homes

Section 7 – Requiring good design

Section 12 - Conserving and enhancing the historic environment

Wiltshire Core Strategy

Core Policy 1 – Settlement Strategy; Core Policy 2 – Delivery Strategy; Core Policy 29 – Trowbridge Community Area Strategy; Core Policy 35 - Existing Employment Land; Core Policy 41 - Sustainable Construction and Low Carbon Energy; Core Policy 45 - Meeting Wiltshire’s housing needs; Core Policy 50 - Biodiversity and Geodiversity; Core Policy 58 - Ensuring the Conservation of the Historic Environment; Core Policy 57 – Ensuring High Quality Design and Place Shaping; Core Policy 60 – Sustainable Transport

Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy (LTP3)

Wiltshire’s Community Infrastructure Levy - Charging Schedule (Charging Schedule)

Planning Practice Guidance (PPG)

Further, Section 66 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and Section 72 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the conservation area.

7. Summary of consultation responses

Trowbridge Town Council: No objection.

Wiltshire Highways: initially objected to a proposed new entrance, requesting details in respect of visibility splays. Revised plans were provided and the objection was withdrawn, subject to conditions.

Wiltshire Council Conservation - Objected to the initial proposals, raising concerns about the detail provided in the heritage statement and details in respect of roofing and new joinery. The agent submitted an amended heritage statement and provided additional details and plans. The officer now supports the application based on the revisions. Heritage aspects and the details of the Officer’s comments are discussed further in the “Assessment” section below.

Wessex Water - No objection, noting only that new connections will be required.

Heritage England - noted the issues identified by the Conservation Officer and recommended that they be addressed, but advised no further consultation was needed

8. Publicity

One neighbour responded to advertising, raising the following objections:

- 1) The proposed side extension is only 3.8 metres from the kitchen window to Rosefield Cottage and the effect of a two-storey building will be to seriously restrict daylight into the kitchen area;
- 2) The positioning of the proposed front door and windows opposite the window would affect privacy;

- 3) Possibility that tenants of that proposed extension would create noise disturbance and smells if waste disposal bins are located adjacent to the front door. Smoking outside the front door would also not be acceptable;
- 4) Unless there is a restriction in a tenancy agreement regarding parking and access, there could be interference with access to the garage to Rosefield Cottage Possible interference of the new extension with access roadway;
- 5) Sometimes when work is being done on the objector's dwelling Rosefield Cottage there are tradesmen's vehicles parked on the driveway in front of the garage/access roadway. This also applies to the front of the objector's building which faces onto Rosefield Court;
- 6) Care must be taken when the existing shed is removed to prevent asbestos contamination of Rosefield Cottage with asbestos fibres; and

There are no comments on the modification to the stable block itself, apart from those made previously regarding noise, rubbish disposal, smoking and parking.

9. Planning Considerations

9.1 Principle of development.

The change of use of these vacant B1 premises to residential use poses no in-principle objection subject to the loss of employment floorspace being justified; the heritage elements of the proposals being satisfactory and no other detail planning issues arising. This is because the application site is located within Trowbridge development limits in an accessible location where the principle of further housing development is acceptable.

A further material consideration is the Trowbridge Masterplan that sets out a desire to see residential planning uses within this location as it is considered to be a more suitable activity in this "quiet cul-de-sac" position that it considers Polebarn Road to be.

9.2 Potential impacts upon the character and appearance of the building and the Conservation Area.

Above the various tiers of planning policy and guidance is the over-arching statutory requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 to give special regard to the "desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (S16 and 66). Paragraph 128 of NPPF further requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 129 of the NPPF requires that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal.

Paragraph 132 of the NPPF states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. ... Significance can be harmed or lost through alteration or

destruction of the heritage asset.... As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

Core Policy 58 of the Wiltshire Core Strategy echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of listed buildings.

A parallel Listed Building Consent application (15/03181/LBC) was submitted alongside the application. Due to the setting of the adjacent Grade II* Historic England was also consulted. HE noted the issues identified by the Conservation Officer and recommended that they be addressed, but advised no further consultation was needed. Although the LBC application would deal with the detailed heritage aspects of the design, the impact on the building and the Conservation Area and adjacent Grade II Listed “Rosefield Cottage” settings are also relevant to this full planning application.

The building is a Grade II listed 18th century red brick stable block with a stone tile roof. The first floor has ashlar stone surround square windows flanking an ashlar detailed oculus central window. The ground floor has two cart-style openings. In initial comments the Conservation Officer requested additional information in the heritage statement to provide an assessment of the significance of the listed building under paragraph 128 of the NPPF.

The Officer noted that the stone slates are quite possibly the original roof covering but are in any case an historic roof covering that contributes strongly to the historic character of the listed building. Following the submission of revised plans that removed the initially proposed concrete tile replacements and indicated the retention and continuation of the stone roof; the retention of the windows to be supplemented with secondary glazing; and the confirmation that an inner wall was modern so its removal would not affect the special interest of the building, the officer removed initial objections. He however further noted that the fenestration details, in particular the detail of how to treat the former cart openings would need to be dealt with by way of condition within any Listed Building Consent approval.

In terms of Conservation Area impacts, the building is not visible to the street frontage, being set back within a complex of buildings on the site. The materials and design would nevertheless retain the historic appearance of the building, and the removal of an extremely dilapidated shed structure would constitute an enhancement. The building is seen within the private internal access/courtyard areas on site but, again, in heritage terms the refurbished building would enhance the setting.

The listed building consent application has been held in abeyance pending the decision on this full application, in the event that the decision may affect details/conditions applicable to the LBC decision.

Subject to conditions therefore it is considered that the proposal accords with local and national policy as it relates to heritage assets.

9.3 Loss of employment floorspace.

Core Policy 35 to the WCS is permissive of development replacing employment floor space in principle, subject to detailed criteria. The policy state that within the principal settlements proposals for the redevelopment of land or buildings currently or last used for activities falling within use classes B1, B2 and B8 must be assessed against the following criteria:

“i. The proposed development will generate the same number, or more permanent jobs than could be expected from the existing, or any potential employment use”

Information detailing how many jobs would have been reliant on either the application site or the wider employment activity is clearly not possible to fully establish, given the length of time the use has not been carried on. However the proposal is to completely remove the employment use at the application site and thus future employment from the scheme would be zero. Whilst the proposals would result in employment during construction, this would be nominal and moreover temporary.

“ii. Where the proposal concerns loss of employment land of more than 0.25ha in the principal settlements, market towns or local service centres it is replaced with employment land of similar size elsewhere at that settlement.”

The floor area previously utilised for employment use is approximately 70m², well below this requirement. No replacement floorspace would therefore be required.

iii. It can be shown that the loss of a small proportion of employment floorspace would facilitate the redevelopment and continuation of employment uses on a greater part of the site, providing the same number or more permanent jobs than on the original whole site

This is a proposal for 100% residential on the site and no employment floorspace would remain.

iv. The site is not appropriate for the continuation of its present or any employment use due to a significant detriment to the environment or amenity of the area

The application site is a relatively small part of wider (but now vacant) employment use on the site. Recent approvals (see above) have seen that use further diminished. Continuation of a B1 - e.g. light industrial/offices/research and development - would have implications in terms of potential new residents and, whilst B1 uses are considered compatible with residential properties, a degree of additional nuisance in the form of traffic movement. However it is noted that the Trowbridge Masterplan forms a material consideration and whilst the weight to be attributed to this is low; the plan does indicate a desire to see residential uses within this locality of Polebarn Road in preference to commercial uses.

v. There is valid evidence that the site has no long term and strategic requirement to remain in employment use; the ability of the site to meet modern business needs must be considered, as well as its strategic value and contribution to the local and wider economy both currently and in the long term. It must be shown that the site is no longer viable for its present or any other employment use and that, in addition, it has remained unsold or un-let for a substantial period of time (at least 6 months), following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account prevailing market conditions

The supporting documentation confirms that the building formed part of the wider uses of Homefield House and ancillary structures as a government building and commercial spaces. The application building has however been vacant since the Ice-Cream factory closed. Additional information has been provided upon request including a commercial assessment by Carter Jonas, which inter alia indicates the cessation of a commercial use in the 1980's

and that there has been no replacement activity. The firm marketed the wider site as a whole and on a floor by floor basis also, as reflected in the documentation submitted for the adjacent conversions. The document now submitted (May 2016) also assesses market conditions and the particular location and situation of the building, concluding that:

- There is significant availability of office space on the market in all West Wiltshire market towns and rural locations with limited demand as shown by an average take up in Trowbridge of approximately 20,000 sq. ft. p.a. over the past several years.
- The current consent for the property is B1(c) is, in the opinion of the author not suitable for the manufacturing, or indeed any commercial use, given the location of this property; and
- If planning consent is not forthcoming for a residential conversion, it is the opinion of the author that a conversion to an alternative commercial use would not be viable and the property would remain in its existing unoccupied state.
- It is also the author's view that due to the level of availability of office accommodation, there would be no adverse impact on the office market either within Trowbridge or on a more regional West Wiltshire basis if this site was to be used for an alternative use.

In light of the evidence submitted for the recent approval under 15/12319/FUL and the long-term vacancy of the buildings on the site, these views are considered to reflect the reality of the site, i.e. that commercial uses would be unlikely to bring forward interest that would result in the refurbishment of the Grade II listed building from its current poor condition.

In summary: The site has clearly been vacant for a considerable period of time; and there is evidence of genuine efforts made to market the wider premises for sale without any notable interest and the opinion of experts in the field is that the site is not suitable/viable for ongoing B1 uses.

It is further noted that that permitted development rights exist for some premises to change use to C3 from B1(a); however that is not applicable in this case where B1(c) (Light Industrial) was the last use. Planning permission is required for the change of use and the extension to the building and it needs to be assessed on its merits. The government's stance on allowing some further changes of use under permitted development is thus carries nominal positive weight.

vi. The change of use is to facilitate the relocation of an existing business from buildings that are no longer fit for purpose to more suitable premises elsewhere within a reasonable distance to facilitate the retention of employment."

This is not applicable in this case; the premises are vacant and there is no relocation.

The NPPF is of a further material consideration over and above CP35: *"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be*

treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities’.

Thus, having regard to all the criteria within CP35 and in light of the additional information provided it is considered that sufficient justification exists to allow the loss of employment floorspace at the site.

9.4 Access and Highways

The development site is located in close proximity and within easy walking distance of Trowbridge Town centre and the related facilities, open space and transport links. In such circumstances car-free schemes have in the past been seen as wholly acceptable. In this instance there is however an extensive open courtyard area wherein the proposals include the provision of 6 parking spaces. Following the re-building of the Grade II listed Wall fronting Polebarn Road between Rosefield House and the Police Station the initial plans that included a new access through what was the collapsing wall were revised to utilise the current access to the complex as a whole. The retention of the wall is considered to be essential to the street scene, and the use of the existing access would not give rise to any new unacceptable hazard when seen in the context of the fall-back position of the commercial uses that could take place on the site.

Pedestrian access over common areas would lead from the parking area to the new dwellings.

The existing courtyard area is wholly adequate in terms of size to provide for the proposed parking. However, a condition would be appropriate to ensure that the area provides for allocated, laid out spaces which are retained as such in the future. (This was an issue raised by the objector as well).

It is considered that, subject to conditions, issues of highways and parking can be fully addressed in relation to the proposed scheme.

9.5 Potential Impact on neighbouring amenity

The proposed development sits in the context of recently permitted residential conversions in the Polebarn House complex (not all fully implemented) as well as directly opposite Rosefield Cottage.

No vehicular access direct to the building would be provided, with parking provided in the separate existing large courtyard area. No new nuisance from car movements over and above that which would be anticipated with a fall-back commercial use of the building would arise.

There is currently one main entrance door to the building, which leads directly from a pedestrian footpath. This entrance is provided through large timber stable doors which are presently in relatively poor condition. It is proposed that the main entrance for one of the dwellings would be provided within this existing opening. A large window opening adjacent the stable doors will provide a main entrance to the second dwelling. A third door would be provided to the dwelling proposed within the extension. Adjacent to the new door would be a window serving an open plan sitting room/kitchen ground floor area. Part of the neighbour objection relates to these openings to the new dwelling.

Whilst acknowledging that the gap between the proposed and neighbouring kitchen window in Rosefield Cottage is narrow, the existing window of concern does serve the kitchen and not a habitable room such as a bedroom. The kitchen window furthermore faces onto the access/yard area serving the wider complex, which is not private curtilage land and issues of privacy are therefore not considered to be a reason for refusal. Further investigation confirmed that the kitchen forms part of an open plan arrangement with a primary window to a sitting room facing the opposite direction onto the garden space. Other primary windows to the lounge/bedrooms in the existing dwelling do not face onto the proposed development. The applicant has however agreed to a condition requiring obscure glazing to the new window that would face towards the existing kitchen in order to further limit any possibility of direct views into it.

With regard to the question of overshadowing, the existing kitchen window currently faces on to the derelict shed building that would be replaced. Beyond that (when viewed from the kitchen) is a double storey element of the complex of buildings on the site. The new extension would replace the footprint of the shed, with limited extension beyond the current outside walls (approximately 290mm towards the front elevation and 750mm to the side). Given the existing situation and the fact that the kitchen window does not serve a habitable room it is considered that refusal on the basis of loss of light to the window would not be sustainable. Higher level windows to the existing dwelling would also face the new extension but, again, these are either secondary windows or do not serve habitable rooms.

A further objection is the potential for future residents to loiter outside of the new building door, for example smoking and creating noise disturbance. There is no indication that the development would be likely to give rise to anti-social behaviour. The intervening space between the development and the existing dwelling is furthermore common land to the wider complex. Thus, whilst there might be a degree of additional footfall in the common area, this is not considered to be likely to give rise to a degree of nuisance justifying refusal. The fall-back position of a light industrial use in the building, with potential higher frequencies of non-residential occupants using the area is also a material consideration.

The proposal would give rise to the building being properly refurbished and brought back into functional use. This is considered to be a positive aspect for the surrounding area including the setting of Rosefield Cottage, and also in terms of the longer term future of the host listed building. The removal of the shed and its replacement with an extension compatible with the listed building would also remove the very dilapidated shed building. With regard to issues of asbestos contamination with the demolition of the shed building, this would be a matter for building regulations rather than planning.

With regard to access to the objector's garage, the extension to the building would result in a reduction of roughly 0.3m in the existing separation distance of approximately 9.7m. It is considered that this would not alter the manoeuvring space to such a degree that would justify refusal of the application.

In view of the above it is considered that, subject to conditions, the development would not give rise to unacceptable neighbouring amenity issues. A positive aspect of the proposal however would be the renewal of the area and enhancement of the parking courtyard.

9.6 Other matters

The existing building (as noted above) has deteriorated over time and, whilst some repair activity was evident at the time that the application was first received, this appears to have ceased. The sealing of the building now appears not fully secure and the possibility therefore exists that protected species may be nesting within the vacant structure. Thus it is considered reasonable to take a precautionary approach and require that prior to any works being commenced, the building is investigated for protected species and, if found, mitigating measures for their removal/accommodation at demolition are agreed.

10. Conclusion (The Planning Balance)

The principle of the acceptability new residential development in this locality is established by virtue of current policy. The proposals are satisfactory in terms of heritage objectives in light of the other additional information provided. The conservation officer is satisfied with the proposals, subject to conditions in any Listed Building Consent approval. Adequate information to justify the complete loss of employment floorspace on the site, and the building is part of a wider, long-term vacant employment site which has recently had other residential changes of use approved. Highways and access requirements are satisfactorily addressed subject to conditions. Also, subject to a condition in relation to obscure glazing, and considering the window affected to a degree by the new extension serves a kitchen, no unacceptable harm to amenity justifying refusal would arise.

RECOMMENDATION

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 development shall commence on site until details and samples of the materials to be used for the external walls and roofs and in accordance with the annotation to Drawing No. CLCS/ 136/102 REV A have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. For the avoidance of doubt roof material shall be natural stone and not of cement manufacture.

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

- 3 Before the development hereby permitted is first occupied the windows in the extension to the front elevation shall be glazed with obscure glass only and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

No dwelling shall be occupied until parking spaces for six vehicles, together with the

- 4 access thereto, have been provided in accordance with details to be submitted for approval in writing by the Local Planning Authority. The parking and turning spaces shall be retained for use as such thereafter.

REASON: In the interests of highway safety and the amenity of future occupants.

- 5 No demolition, development or other internal works shall commence prior to the assessment of the building for bats and nesting birds. The assessment shall be carried out by a licensed, professional ecologist. If the buildings are assessed as having low, moderate or high potential for roosting bats or other protected species, then subsequent presence/absence surveys shall be undertaken. If presence of bats or other protected species is confirmed, an impact assessment comprising detailed mitigation measures, a monitoring strategy and habitat enhancements shall be submitted to the Local Planning Authority before any demolition or other internal works are undertaken. The mitigation strategy, monitoring and habitat enhancements shall be carried out in accordance with the approved details and as modified by a relevant European Protected Species Licence from Natural England (where applicable).

REASON: In the interests of the protection of Protected Species.

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

CLCS/136/100 registered on 18 May 2015;

CLCS/136/101 registered on 18 May 2015;

CLCS/136/102 REV A received on 22 October 2016; and

CLCS/ 136/103 REV A received on 11 August 2016.

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

- 7 INFORMATIVES:

This Decision notice must be read in conjunction with that in relation to application 15/03181/LBC and the conditions applicable thereto.

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.



This page is intentionally left blank

REPORT FOR WESTETER AREA PLANNING COMMITTEE

Report No. 3

Date of Meeting	28 th September 2016
Application Number	16/01633/OUT
Site Address	Land at The Grange, Devizes Road, Hilperton, Wiltshire, BA14 7QY
Proposal	Erection of up to 26 dwellings - outline application: all matters reserved other than access
Applicant	Charlcombe Homes Ltd
Town/Parish Council	HILPERTON
Electoral Division	HILPERTON – Councillor Clark
Grid Ref	387531 158873
Type of application	Full Planning
Case Officer	Jemma Foster

Reason for the application being considered by Committee

Councillor Clark has requested that this application be considered by the Planning Committee if recommended for Approval for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Environmental/highway impact
- Contrary to the adopted Wiltshire Core Strategy

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 planning permission should be granted.

2. Report Summary

The main issues to consider are:

- Principle
- Impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Access and highways
- Other

3. Site Description

The site comprises 1.25 hectares of relatively flat open grassland/paddock immediately South of Devizes Road and to the east of 'The Grange' which is a large Victorian house.

The site is immediately adjacent to the current limits of development which runs on the north and west boundary of the site. To the South of the site is the existing Paxcroft Mead

development and immediately east of the site is an approved modern housing development which is yet to be completed. The site is also adjacent to the Hilperton Conservation Area which runs on the western boundary. The site is enclosed by existing vegetation on the north, east and southern boundaries. The western boundary sees a masonry wall and the existing driveway to The Grange with a variety of trees.

4. Planning History

There is no planning history on this site.

The site immediately to the east of the site had planning permission granted for 15 units through an appeal (application reference number 13/06879/OUT) which was allowed on 24th December 2014. Although this was some time ago, at the time of decision making, the Local Planning Authority were unable to demonstrate a five year housing land supply, a similar situation that applies at present.

5. The Proposal

The application seeks outline planning permission for the erection of up to 26 dwellings. The application has been made in outline with all matters reserved except for access which would be located off Devizes Road.

During the course of the application, amended plans and a Heritage Assessment were submitted which reduced the amount of dwellings from 30 to up to 26. Layout was also removed and will now be subject of a reserved matters application. A full consultation process was held with the public and statutory consultees following the amended information.

6. Planning Policy

The **Wiltshire Core Strategy** (WCS) was adopted on 20th January 2015. The following Core Policies (CP) are relevant when assessing this application.

CP1 (Settlement strategy), CP2 (Delivery strategy), CP3 (Infrastructure requirements), CP29 (Trowbridge Area Strategy), CP41 (Sustainable construction and low carbon energy), CP43 (Providing affordable homes), CP45 (Meeting Wiltshire's housing needs), CP46 (Meeting the needs of Wiltshire's vulnerable and older people), CP50 (Biodiversity and geodiversity), CP51 (Landscape), CP55 (Air Quality), CP57 (Ensuring high quality design and place shaping), CP58 (Ensuring conservation of the historic environment), CP60 (Sustainable Transport), CP61 (Transport and Development), CP62 (Development impacts on the transport network), CP64 (Demand Management), CP67 (Flood Risk)

Wiltshire Waste Core Strategy

WCS6 (Waste Audit)

When adopting the WCS, some policies continued in force from the West Wiltshire District Local Plan (1st Alteration) (WWDLP). Those which are relevant to this application include:

U1a (Foul Drainage/sewerage treatment) U2 (Surface Water Disposal).

Other

- Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance)
- Affordable Housing Supplementary Planning Guidance adopted August 2004
- Leisure and Recreation Development Plan Document
- National Planning Policy Framework 2012
- Planning Practice Guidance

- Wiltshire Car Parking Strategy
- Wiltshire Waste Core Strategy
- Circular 06/2005 – Biodiversity and Geological Conservation
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Wiltshire Council Waste Collection Guidance for New Development
- Wiltshire Housing Land Supply Statement 2015
- Hilperton Village Design Statement 2005

7. Consultations

Hilperton Parish Council – Object for the following reasons:

- The site is not allocated for housing and lies outside the limits of development
- Due to the conservation area, a full application should have been submitted
- The proposal fails to comply with CP1, CP2
- There is a requirement for a secondary school to the south east of Trowbridge which has not been constructed – this proposal would cause more cross town school traffic which is not sustainable
- The proposal does not enhance or preserve the Hilperton Conservation Area
- A buffer should be provided to the east of The Grange
- On-site parking is inadequate
- There have been flooding issues in the area which remains a problem when the highway drains are full to capacity
- Flats and three storey houses would be out of keeping with the area
- Provision should be made for the needs of vulnerable and older people

Wiltshire Council Highways – No objection

Wiltshire Council Ecologist – No objection as the application will not lead to adverse effects on the integrity of the Bath and Bradford on Avon Bats SAC alone or in combination with other plans and projects provided that conditions, informatives and S106 agreement are secured. The reserved matters application will be subject to HRA to test the deliverability of the mitigation.

Wiltshire Council Drainage – Support subject to conditions regarding surface water and foul water discharge

Wiltshire Council Public Rights of Way – Support

Wiltshire Council Archaeologist – No objection

Wiltshire Council Urban Designer – Support

Wiltshire Council Arboriculturalist – No objection

Wiltshire Council Public Protection Officer – No objection but would like the applicant to demonstrate what positive contributions the proposal would make to air quality

Wiltshire Council Affordable Housing Officer – No objection subject to 30% Affordable Housing being provided on site

Wiltshire Council Education Officer – No contributions required

Wiltshire Council Public Open Space Officer - – On site open space and equipped play would be required via S106 Legal Agreement

Wiltshire Council Waste Officer- Support subject to a S106

Wiltshire Council Landscape Officer – No objection

Wiltshire Council Conservation Officer – No impact on the setting of any listed building. The layout is acceptable but the design of the properties to the north of the site will need to be assessed at reserved matters stage to ensure there is no harm to the adjacent conservation area.

Natural England – No comment

Wessex Water – No objection

Wiltshire Fire and Rescue Service – Building Regulations should be incorporated

8. Publicity

The application was advertised by a site notice and neighbour notification letters. The deadline for any correspondence was 24th March 2016

18 letters of objection have been received with the following comments (summarised):

Principle

- Outside the settlement boundary
- The site is adjacent to a site that had planning permission refused for 15 dwellings – the reasons of which are applicable to this site
- It would join Hilperton and Paxcroft Mead
- Overdevelopment – too intensive
- The site is one of the last few green spaces in Hilperton which helps to retain the semi-rural identity of the Village
- Contrary to the Village Design Statement
- The density of 58 dwellings per hectare which is much more than the Government advice of 30-50 dwellings per hectare

Impact on Character and Appearance of the Area

- The removal of trees and bushes adjacent Devizes Road will leave the site open which is unacceptable
- The existing houses on Devizes Road are characterised by large plots which is not present in the proposed design
- There will be an impact on the Conservation Area
- Many trees (70%) and hedgerows are to be felled with no replacement or re-planting
- Is a Tree Preservation Order appropriate?
- Proposal may increase flooding issues on my property (NW corner)
- Impact on biodiversity
- The hazel coppice in the NW corner of the site is populated by dormice which is a protected species
- Render is not appropriate to Hilperton as shown by the recently completed building on Devizes Road
- Flats are not appropriate to Hilperton
- Will the dwellings be built in line with the eco green policies

Impact on Neighbouring Amenity

- Loss of amenity due to loss of hedges along Devizes Road – the replacement trees will take a long time to grow
- The proposed properties are too close to my property

- Increase in traffic will cause an increase in noise, light and exhaust pollution

Highways

- More dwellings would put pressure on Devizes Road
- Devizes Road is a rat run despite the opening of the Hilperton Gap bypass (including HGV'S)
- Many properties facing the development park on Devizes Road making access to and from the proposed site unsafe
- Parking restrictions around the entrance would penalise those residents in Devizes Road that have no off road parking
- More cars will result in more danger for pedestrians
- Inadequate parking facilities on site

Other

- Limited facilities in Hilperton (especially schools and doctors surgery)
- My property (128) is much closer to the boundary than shown – There is less than 3 metres to the boundary wall so the new properties would be 7 metres from my living room window

9. Planning Considerations

9.1 Principle

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 West Wiltshire District Plan that continue to be saved from the relevant development plan for the area. The Wiltshire Housing Sites Allocation Plan is an emerging plan but can only be afforded very limited weight at this stage of its preparation. In this particular case, it is important to record that at the present time, the Council cannot demonstrate having a 5-year housing land supply in the North & West Housing Market Area, and the current calculation is that the Council has a 4.76 years supply; In these circumstances, NPPF paragraph 49 advises that policies relevant for the supply of housing should not be considered up to date. As a result, the presumption in favour of sustainable development as set out in paragraph 14 of the framework is engaged so that permission should be granted unless “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*”.

A recent court ruling – Suffolk Coastal District Council v Hopkins Homes Ltd [2016] EWCA Civ 168 has provided a useful direction and understanding that when Councils find themselves unable to demonstrate a 5-year housing land supply, whilst adopted housing policies and any associated restrictive policies relating to housing development should be considered “out of date”, they should not be wholly ignored, but cannot be relied upon by themselves as reasons for refusal. It is necessary for decision makers, as directed by paragraph 14 of the NPPF, to weigh up the benefits against any identified harm.

Core Policy 1 (CP1) of the Wiltshire Core Strategy sets out the settlement strategy for Wiltshire identifying four tiers of settlement, namely: Principal Settlements, (2) Market Towns, (3) Local Service Centres and (4) Large and then Small Villages. The limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, as defined by former District Local Plans have been carried forward into the Core Strategy and retained. These settlement boundaries will be reviewed as part of the Wiltshire Housing Site Allocations Development Plan Document (DPD), as set out in the Council's Local Development Scheme, in order to ensure they are up to date and can adequately reflect changes which have happened since they were first established. It will also be the

prerogative of the community to review settlement boundaries through a neighbourhood plan. This approach was supported by the Core Strategy Examining Inspector in his report published in December 2014.

Core Policy 2 (CP2) sets out the delivery strategy and advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. The Core Strategy advises that a number of sources of supply have been identified for new housing in Wiltshire across the plan period including allocations within the Core Strategy, existing commitments, windfall sites, those sites identified through future the Site Allocations Development Plan Document and neighbourhood plans. The delivery strategy seeks to prioritise the re-use of previously developed land and supports the development of sites within the limits of development. It requires a plan led approach to the identification of new development sites on the edge of settlements outside of the limits of development to allow local people to shape their communities and consider alternative sites. The Hilperton Village Design Statement confirms that development outside of the Village would not be supported, but in the current circumstances, this statement too in relation to housing limits would be considered by the NPPF to be out of date.

The Limits of Development of Hilperton run to the north and west of the proposed site. The proposed site is therefore outside of the limits of development but adjacent to it. Hilperton is identified in the Core Strategy as a Large Village, classed as a “*settlement with a limited range of employment, services and facilities*”. Hilperton has a range of local services including a village hall, primary school, church, doctors surgery, business facilities (meeting rooms, office space, hot desking). A Neighbourhood Plan has started to progress in the Village, however as it is not well advanced it holds no weight.

CP29 sets out the strategy for Trowbridge and its community area and identifies an indicative requirement of approximately 7000 new dwellings. The policy continues to say approximately 5,860 dwellings will be delivered to the south east of the town (Ashton Park) and an additional 950 dwellings will then be developed at the town only once improved secondary school provision is in place towards the end of the plan period and there has been a further assessment of effects on protected bat species and their habitats to ensure that they properly safeguarded.

The housing target is expressed as a 20 year target covering the period from 2006 to 2026. The most recent Housing Land Supply Statement 2015 identifies an indicative requirement for 6,975 dwellings with an indicative remaining requirement of 1,635 in the Trowbridge Community Area over the plan period due to completions and previous permissions.

The settlement strategy set out in CP1 supports development in Large Villages. As noted above, at the present time, the Council cannot currently demonstrate a 5 year housing land supply in the North & West HMA, and the current calculation is that the Council has a 4.76 years supply. The relevance of this is that at present the restraints imposed by CP2 cannot be relied upon per se as a reason for opposing this particular development.

When using the Housing Land Supply Statement 2015, there is a requirement for a further 1,635 dwellings over the plan period in the Trowbridge Community Area and although this proposal is only for up to 26 units, it would still make an important contribution to the identified housing need and therefore in line with the previous inspectors report which was for an outline application for 15 dwellings, the need for both market and affordable housing carries significant weight in favour of the proposal.

The conclusion that can be drawn from this analysis is that the principle of the development of this site should be considered acceptable at present unless there are significant adverse

impacts that would significantly and demonstrably outweigh the benefits of the proposal, including the benefit of helping address the shortfall in housing land supply. The remainder of the report addresses the relevant issues relating to this proposal.

Concerns raised by the public include density/overdevelopment and coalescence. With regards to density, Paxcroft Mead which is located to the south of the proposed site is a relatively modern estate that has a higher density than those existing houses along Devizes Road which see houses in large plots which is not mirrored in the proposed illustrative layout. However the previous Inspector was of the opinion when assessing the adjacent development which was approximately 15 dwellings per hectare formed "*a reasonable transition from that of Paxcroft Mead to that of Devizes Road*". It is therefore considered that the proposal which could see approximately 21 dwellings per hectare is also considered to be a reasonable transition between Paxcroft Mead and Hilperton and as such would not warrant a reason to refuse the application.

Coalescence between Hilperton and Trowbridge has been raised as a concern but the previous inspector was of the opinion that coalescence has already occurred with Trowbridge at the eastern and western ends of Hilperton and as such did not find that this was a reason to refuse the development.

9.2 Land Quality

Archaeology

CP58 states that development should protect, conserve and where possible enhance the historic environment. The Wiltshire Council Archaeologist has confirmed that the site lies in an area of high archaeological potential however evaluation immediately to the east of the site revealed nothing of archaeological interest. The Historic Environment Record shows traces of medieval/post medieval ridge and furrow across the site and the centre of settlement during the medieval period lay to the northwest of the site along Church Street. The early Ordnance Survey mapping shows that the southern part of the site was an area of orchard during the late 19th century, likely to be part of "The Grange" to the west of the site. Based on the results of the adjacent evaluation the indication is that the proposed development site is in a localised area with little activity prior to the medieval period when it appears mostly to be activity of an agricultural nature on the periphery of the main settlement. It has therefore been considered by the Wiltshire Council Archaeologist that no archaeological investigations are necessary in relation to the proposed development and as such the proposal is considered to comply with the NPPF and relevant criteria of CP58.

Flood Risk and Drainage

A Flood Risk Assessment has been submitted with the application which demonstrates that the site is located in Flood Zone 1 where there is a low risk of flooding. The submitted application form confirms that foul drainage disposal and surface water will be to the main sewer. Wessex Water have confirmed that there is adequate available capacity within the existing foul sewer network to accommodate the predicted foul flows and that there is also available capacity within the existing water supply network. All of these areas would require further applications and agreements with Wessex Water.

The Wiltshire Council Drainage Officer has confirmed that the location of main foul and storm drainage systems are likely to require third party land crossing which would need to be gained by the applicant. If such an agreement was not possible, the applicant could requisition the sewerage undertaker to provide suitable drainage connections to the boundary of the site which would result in the undertaker using its powers of entry to achieve such a connection. Therefore the Wiltshire Council Drainage Officer has requested conditions requiring details to be submitted for the discharge of foul water and surface water which are considered to be appropriate.

In conclusion, the Wiltshire Council Drainage Officer and Wessex Water have raised no objections to the scheme subject to conditions. The proposal is therefore considered to comply with CP52 and Saved Policies U1a and U2.

Concerns have been raised by objectors regarding flooding in the area. Whilst this application is not able to solve existing problems, the Wiltshire Council Drainage Officer and Wessex Water are of the opinion that the existing facilities are capable of serving the additional dwellings.

9.3 Impact upon the character and appearance of the area

A Landscape and Visual Impact Assessment (LVIA) was submitted with the application which addresses the constraints and opportunities of the site and makes reference to the Hilperton Village Design Statement. The LVIA correctly confirms that there are no landscape designations on the site but the Hilperton Conservation Area adjoins the Western boundary of the site.

The existing site access is provided by an existing drive into The Grange from Devizes Road. The entrance is flanked by stone walls that are approximately 1 metre high. The eastern wall continues along Devizes Road. There is an existing overgrown field gate in the north east corner of the site. The northern boundary (along Devizes Road) has an existing belt of mature and over mature trees many of which are in poor condition. There is also some with a scrub/shrub land which is approximately 5-8 metres wide. The proposal sees the retention of the majority of the existing wall (albeit the proposed access) and a 6 metre vegetated boundary with replacement tree planting

The eastern boundary sees a mixed deciduous, unmanaged hedge which is approximately 3-4 metres in height. An existing ditch also runs alongside the hedgerow. The proposal sees the retention of a managed hedgerow on this boundary and the provision of a centrally located open space with new tree planting.

The southern boundary sees a belt of unmanaged young trees, shrubs and scrub which also includes a small wetland/pond. The proposal sees retained, reinforced planting on this boundary which includes a wildlife zone and SUDS area which will be fenced off by a 1.2 metre high post and wire fence.

The western boundary includes a line of varied semi-mature and mature trees alongside shrubs along the Southern half and an open boundary with scattered small trees along the edge of the drive. The proposal sees the retention of the majority of the trees along this boundary.

An arboricultural survey was carried out on the site and of the 56 trees, 7 were graded as category B trees “worthy of protection” with the remainder graded as category C “not worthy of retention” and as such are being removed. The LVIA confirms that the proposal will provide a tree replacement strategy which will see new tree planting along the road frontage and within the proposed open space area. The Wiltshire Council Landscape Officer has advised that this strategy should include some advanced nursery stock particularly along the Devizes Road boundary. A suitable tree replacement strategy can be requested via a condition.

The Village Design Statement (VDS) requires the following from new developments: *the landscape including flora and fauna features to be respected, enhanced and protected and existing hedgerows should be retained and enhanced to maintain the character of the village.* When assessing the proposal it is accepted that the majority of the trees are to be removed from the site but existing hedgerows and trees that are worthy of being kept are to be retained and managed and a new replacement tree strategy is proposed. As such the

proposal is considered to comply with this element of the VDS.

The proposed development would maintain landscape boundaries and it is accepted that the proposed access would form a substantial break in the existing northern boundary and its associated wall and that the tree replacement strategy will take time to grow, however it is worth stating that none of the trees on the site have a Tree Preservation Order nor are they considered worthy of being protected, furthermore the site is not located in a conservation area and therefore all of the trees and hedgerows on the site could be removed at any time without the need for consent from the local planning authority.

It is accepted that the proposal would result in a change from an open paddock/green gap to an area of residential dwellings and associated development which would have an impact upon the character and appearance of the immediate area. The proposed development would therefore be contrary to the VDS, however due to the existing development north and the proposed development to the east of the site, it is considered that this harm would not warrant a reason to refuse the application.

Illustrative Layout

The application included an amended illustrative layout. Whilst layout is a matter that has been reserved some statutory consultees have commented on the proposed amended layout, some of which warrant an informative to be included on any recommendation of approval.

The Wiltshire Council Landscape Officer advised that there are large garden trees to adjacent existing properties within the Conservation Area close to the site boundary one of which has TPO status. The proposed dwellings on the illustrative layout lie close to these trees, existing dwellings and the Conservation Area and as such a landscaped buffer should be incorporated along this edge. This can be advised via an informative on a recommendation of approval.

The amended illustrative layout indicates that the proposed dwellings would be two storey, built with a rubble stone or roughcast render finish, however the VDS refers to Bath Stone as the predominant material and recommends its use in new developments. The VDS also states that rendered finishes should only be applied to buildings where render is already present. The materials would therefore need to be re-assessed at the reserved matters application and an informative can be attached to a recommendation of approval ensuring that the proposed materials are reflective of the local character.

The Wiltshire Council Urban Designer has commented on the amended plans and has raised no objections to the proposal subject to the heights being limited to two-storey and a suitable material strategy to include surfacing which reflects the local character to be submitted at the reserved matters stage. The Officer has also suggested other elements to be included at the reserved matters stage which include character, position of buildings, design of corner plots, boundary materials, street furniture, lighting and landscaping all of which can either be conditioned or advised through an informative on a recommendation of approval.

9.4 Heritage Assets

The NPPF deals with determining planning applications that affect heritage assets in paragraphs 128 to 135. Paragraph 132 sets out that *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.* Significance is defined in the NPPF as *the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological,*

architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. It goes on to note that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and notes that substantial harm to or loss of designated heritage assets of the highest significance, including SAMs and Grade I & II Listed Buildings should be wholly exceptional. The setting of a designated heritage asset is defined in the Framework as the surroundings in which a heritage asset is experienced.*

Paragraph 133 goes on to note, that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.

In *Bedford Borough Council v Secretary of State for Communities and Local Government and NUON UK Ltd* [2012] EWHC 4344 (Admin), it was accepted that substantial harm is an impact which would have such a serious effect on the significance of an asset that its significance was either removed altogether, or very much reduced.

The site is located adjacent to a Conservation Area and therefore the impact the proposed development would have on its setting has to be taken into consideration when assessing this application. The Grange which is located to the west of the proposed site is identified in the VDS as an interesting landmark that is a feature on entering the old village from Paxcroft Mead. The Wiltshire Council Conservation Officer has confirmed that this building would be considered a non-designated heritage asset and therefore the impact the proposed development would have on its setting also needs to be addressed.

The Wiltshire Council Conservation Officer has considered the application in association with the submitted Heritage Assessment and illustrative layout and is of the opinion that if the reserved matters application delivers the claimed attributes in the said documents, then he would raise no objection as the proposal would not significantly adversely affect the setting of the conservation area and The Grange. This would be subject to a variety of informatives ensuring that the proposed development is carried out in broad accordance with the design principles submitted as part of the application. However the detailed assessment of the impact the design of the houses in the proposal would have on the setting of the Conservation Area and The Grange would be considered during the reserved matters application once the detail of the proposed dwellings and their exact locations and materials were known.

The Conservation Officer has confirmed that the proposal would result in no harm to the setting of nearby Listed Buildings which are located over 150 metres from the site and around a corner.

9.5 Ecology and Landscape

The application includes the following statements and plans that are relevant to this appropriate assessment:

- Ecological Appraisal (NPA, December 2015)
- Supplementary Ecology Statement (NPA, September 2016)

The Ecological Appraisal has been submitted with the application which confirms that the site is of low ecological value. The key ecological features of the site are the existing hedgerows on the boundaries which due to their age and type have low habitat value. No

bats, badgers, great crested newts were found on the site.

Additional tree planting will be located on the boundaries to provide screening for existing properties and 10 commemorative trees are due to be planted to remember the 10 casualties in World War I from the village. The proposed swales will provide opportunities for biodiversity enhancements.

The Ecologist has confirmed that there is some need for compensatory habitat provision to replace the section of northern boundary hedgerow that would be lost to the new access. The proposal provides new hedgerow on the boundaries of the site but also within the site and as such there would be a significant addition to habitat creation.

The Judgement of Likely Significant Effects (JLSE) completed by the Council Ecologist on 12/08/16 concluded there could be impacts with other planning applications and developments on the Bath and Bradford on Avon Bats SAC due to:

- a) the uncertainty over future functioning of the north, east and western boundary features used by SAC bats, particularly horseshoe bats but also possibly Bechstein bats,
- b) the in-combination effects of development of recreational pressure at Green Lane and Biss Woods on Bechstein's bats.

The Supplementary Ecology Statement was submitted following the JLSE to demonstrate additional commitments and measures that can be secured to avoid impacts to flight and foraging routes across the development site.

Increased recreational pressure could lead to a deterioration of woodland habitat used by Bechstein's bats and negatively affect their roosts due to the close proximity of fire pits, disturbance and vandalism of bat boxes. This development for comparatively few dwellings is at the outer limits of the distance where residents may be expected to visit the woodlands on a frequent basis. The Core Strategy allocates 5860 dwellings for Trowbridge town, of which 2526 have been completed. Developable commitments up to the year 2026 number 2649 dwellings which includes the strategic allocation of 2600. The two applications which comprise the allocation have yet to be determined and the HRA for the largest (2500 dwellings at Ashton park) will provide a strong steer for the development strategy for the area. While it is not possible to rule out an in-combination effect, approval for this application of 26 dwellings at The Grange is unlikely to trigger loss of integrity given the applications for other closer and much larger developments are still pending.

The Supplementary Ecological Statement demonstrated that measures could be put in place to provide greater certainty that replacement planting and ongoing management of the boundary features could be achieved in such a way as to avoid affecting bats. The Ecologist has recommended conditions which include a Landscape and Ecology Management Plan, a Construction Management Plan, lighting and a landscaping plan which are all considered to be acceptable. The proposal subject to these conditions is considered to comply with CP50 and CP51.

9.6 Sustainable Construction

CP41 of the Wiltshire Core Strategy identifies how sustainable construction and low-carbon energy will be integral to all new development in Wiltshire. In doing so this policy sets the framework for meeting a number of national and local priorities (for example Part L of the current Building Regulations) that seek to achieve sustainable development and conserve natural resources. This policy will help to reduce Wiltshire's contribution to climate change

through improved design and construction methods. As a requirement of this policy if this application were to be recommended for approval a condition would be required to secure all new homes to reach an equivalent energy performance level the same as Code Level 4 (in full) of the Code for Sustainable Homes.

9.7 Impact upon neighbouring amenity

Due to the application being in outline, the impact of the proposed development upon neighbouring properties in terms of overlooking and overshadowing cannot be assessed as the location of dwellings including heights and location of windows are yet to be determined. If this outline application were to be approved then these matters would be assessed in the subsequent reserved matters application.

Due to there being existing neighbouring properties near the site it would be important to request conditions on any approval requiring a dust management plan to cover the construction period to ensure that existing residential properties are not subject to dust nuisance. Conditions requiring no burning on site and construction hours to protect the amenity of existing neighbouring dwellings would also be appropriate at this stage.

A concern has been raised regarding a neighbouring property being incorrectly shown on the submitted plans and therefore the proposals would impact upon the amenity of the occupants. As neighbouring amenity is not being assessed during this outline application, the agent and applicant have been made aware of the concern raised and will address it in any future reserved matters application.

9.8 Highway Impact

The proposal sees the construction of a new access off Devizes Road to serve the new development which has been considered by the Wiltshire Council Highways Officer to be sufficient to serve the proposed development and the existing business centre at The Grange.

The previous Inspector was of the opinion that the appeal site located north of this site was in a sustainable location as it was located close to the local centre in Paxcroft Mead which has a general store, smaller shops including a hot food take-away, a public house, a nursery and a community centre, good public transport links (reasonably good bus service on weekdays with a more limited service on Saturdays and no service on Sundays) and a good network of cycleways and pedestrian routes to the south of the appeal site that extends beyond the local centre through Paxcroft Mead. There is also an existing primary school located between the site and the local centre. However in contrast, all three secondary schools in the Trowbridge area are located to the West of Trowbridge and are some distance from the site and therefore any future occupants are unlikely to walk to school. When assessing this, the previous Inspector indicated that *bus fares are reasonable prices for school aged children and a range of bus services that would link the site with these secondary schools at the start and end of the school day*. The Inspector continued by saying that *the same could be said for accessing a range of services, facilities and employment opportunities in and around the Town Centre*. The Inspector concluded that *the site had good access to a good range and quality of local services. Furthermore there is a range of other services, facilities and employment opportunities available in the wider urban area and links to these via modes of transport other than private motor vehicles are reasonably good*. The proposal is therefore considered to comply with CP60, 61 and 62.

There are no public footpaths on the site that would be affected by the proposal.

The illustrative layout details sufficient off street parking facilities in accordance with the Wiltshire Car Parking Strategy however this would be assessed in the reserved matters application.

Concerns have been raised regarding the loss of parking along Devizes Road for nearby residential properties. Devizes Road does not have allocated parking and therefore the loss of parking for these properties is not a material consideration when making a decision on this application. The impact of these parked cars on the proposed access has also been raised as a concern, but there is an existing access that is not impacted upon by the existing situation.

9.9 Other

Concerns raised by the public include the loss of a green space in Hilperton. The site is not protected as public open space and therefore is not able to be safeguarded as such.

The Environmental Health Officer raised no objections to the proposal but did raise a concern regarding air quality and suggested that the applicant could demonstrate what positive contributions they could make such as travel alternatives, tree planting and contributing to local air quality actions groups. Some of this information has already been submitted as part of the application but the remainder would not warrant a reason to refuse the application.

The Parish Council were of the opinion that as the proposal was adjacent to a conservation area, a full application should have been submitted and not an outline application, however the Applicant is at liberty to submit an outline application and as such this would not warrant a reason to refuse the application, especially as the site is outside of the conservation area and not within it.

9.10 Section 106/S38 Legal Agreements

Core Policy 3 advises that all new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 204 of the National Planning Policy Framework 'The Framework'

The infrastructure items listed below are those that are relevant to the Application site and are required in order to mitigate the impact of the proposed scheme. The Applicant has agreed to provide the following:

Affordable Housing

CP43 requires on sites of 5 or more dwellings, affordable housing of at least 30% will be provided and requires them to be subject to an appropriate legal agreement. 30% of 26 would equate to 8 affordable dwellings being required on this site. Based on current housing need figures for this area these should be a mix of 2 and 3 bed dwellings with a tenure split of 60% Affordable rent (5 units 3 x 2 bed houses, 2 x 3 bed houses) and 40% Shared Ownership (3 units 2 x 2 bed house and 1 x 3 bed house).

Education

The designated schools are Hilperton CE Primary School and Clarendon College and John of Gaunt in Trowbridge at a secondary level. At a primary level, 7 places would be required and at a secondary level, 5 secondary places would be required by this development. Due to the pooling restrictions in place which only allow a Local Planning Authority to combine no more than 5 contributions to the same project, the required places would be sought via CIL by the Education department. Therefore no financial contributions towards education would be required from this development.

Open Space and Play Provision

Saved Policy LP4 of the Leisure and Recreation DPD states that where new development (especially housing) creates a need for access to open space or sport recreation provision an assessment will be made as to whether a contribution to open space or sport recreation is required. Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhance open spaces which will be included within the S106.

The proposal requires 954 sqm of public open space of which 46 sqm should be equipped play provision. Due to the badger sett, equipped play would not be able to be provided on the proposed green and therefore £6,718 would be required towards existing play facilities at Lacock Gardens. The on-site open space will be managed by a private management company and as such this detail will also need to be included within the S106.

Refuse

A contribution of £2,730 would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development.

Ecology

The Habitats Regulations Assessment relies upon a commitment by the Applicant on land within the blue line of the application site (retention of trees, planting of additional trees) which would see the management of this area and communal areas of the application to be undertaken by a management company and in accordance with an approved LEMP. This would ensure the proposal complies with CP50 and the HRA Regulations.

10. Conclusion

The proposal is not in accordance with the development plan, in that it lies outside of the limits of development and has not been brought forward through the plan led process outlined in policy CP2. However, section 9.1 of this report clearly explains why at the time of decision making, the existing limits of development are not considered to be up to date and it details the latest position on the five year housing land supply. The conclusion that can be drawn from Section 9.1 of this report is that the principle of the development of this site should be considered acceptable at present unless there are adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal as CP2 cannot not be relied upon by itself as a defensible housing policy due to the Council being unable to demonstrate a five year housing land supply.

The proposal would see the erosion of an existing green gap between Hilperton and Trowbridge, however it has been considered that this does not amount to an adverse impacts that would significantly and demonstrably outweigh the benefits that this particular development in this location on the edge of a sustainable settlement identified for sustainable growth that is within walking distance to services and facilities would bring. Such benefits would include the provision of affordable housing, improved play equipment, increased housing supply and the financial benefits of the community infrastructure levy. The Council tried and failed to convince an Inspector to refuse the application to develop the adjacent land to the east, but lost because of the then demonstrated lack of a five year land supply. As a similar situation in terms of lack of land supply exists again, the Council cannot expect to win an appeal in this location for this proposal based on an out of date limit of development.

RECOMMENDATION: Defer and delegate to the Head of Development Management to grant outline planning permission subject to the prior completion of a section 106 Legal Agreement to secure the planning obligations set out in section 9.10 of this report and subject to the conditions set out below.

If the legal agreement is not completed within six months, then the application should be refused on the grounds that it fails to provide the necessary affordable housing, mitigation and infrastructure to provide for an acceptable development in accordance with the policies of the Wiltshire Core Strategy.

- 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 internal vehicular and pedestrian routes within 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 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 as well as any required offsite works to allow connection to existing main sewer, 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 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 and to ensure that the development can be adequately drained

- 5 No development shall commence on site until a scheme for the discharge of foul water from the site, including any required offsite works to allow connection to existing main sewer, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the foul 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, in the interests of suitable drainage

- 6 No development shall commence on site until a Tree Replacement Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall then 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

- 7 No development shall commence on site until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved by the local planning authority.. The development shall then be managed and maintained in accordance with the measures set out in the LEMP in perpetuity.

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 and to ensure appropriate management of priority habitats and mitigation for protected species.

- 8 No development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the local planning authority.. The CEMP shall provide details of the measures that will be implemented during the construction phase including the precautions that will be undertaken to avoid harm to protected species, hedgerows and trees. Development shall be carried out in full accordance with the approved plan

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 and to ensure adequate protection and mitigation for protected species, priority habitats

and Bechstein's bats.

- 9 No development shall commence on site until details of the material to be used for the access walls 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

- 10 No walls associated with the access hereby approved shall be demolished or constructed on site, until a sample wall panel, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: in the interests of visual amenity and the character and appearance of the area

- 11 No part of the development hereby approved shall be first brought into use until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interest of highway safety

- 12 No part of the development hereby approved shall be occupied until the access has 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 interest of highway safety

- 13 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.

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

Site Location Plan received on 25th February 2016

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

1 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].

2 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.

3 INFORMATIVE TO APPLICANT: The Reserved Matters application shall take into account the following as the illustrative layout provided as part of this outline application has not been considered to be appropriate:

a) The design of the proposed properties (especially in the northern part of the site) must take into account local vernacular features including size, scale, design and materials.

b) Heights of the proposed dwellings should be limited to a maximum of 2 storeys

c) A suitable material strategy (including surfacing) which reflects the local character and complies with the Hilperton Village Design Statement and Core Policy 57 of the Wiltshire Core Strategy should be submitted

d) The character and position of distinctive buildings, the design of corner plots, boundary materials, street furniture and lighting should be clearly detailed.

e) There are some large garden trees to properties within the Conservation Area close to the site boundary - one has TPO status. The proposed dwellings are close to these trees and the existing dwellings within the Conservation Area.

Therefore a landscaped buffer should be incorporated along this edge.

f) The Tree replacement strategy should include some Advanced Nursery Stock, a list of native species and details of retained hedgerows including densities and sizes particularly along the Devizes Road boundary.

g) The location of the proposed properties should take into account the Wiltshire Waste Supplementary Planning Guidance and ensure that residents will be able to use the standard waste collection service (carry distances). Internal roads should also comply with this guidance with details showing vehicle tracking to demonstrate that refuse vehicles can move through the development and turn.

h) Details of how the proposal complies with the Wiltshire Council Car Parking Strategy should be submitted alongside details of estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, and a timetable for provision of such works.

i) Any landscaping plans will need to ensure that they comply with the Supplementary Ecology Statement (Sept 16)

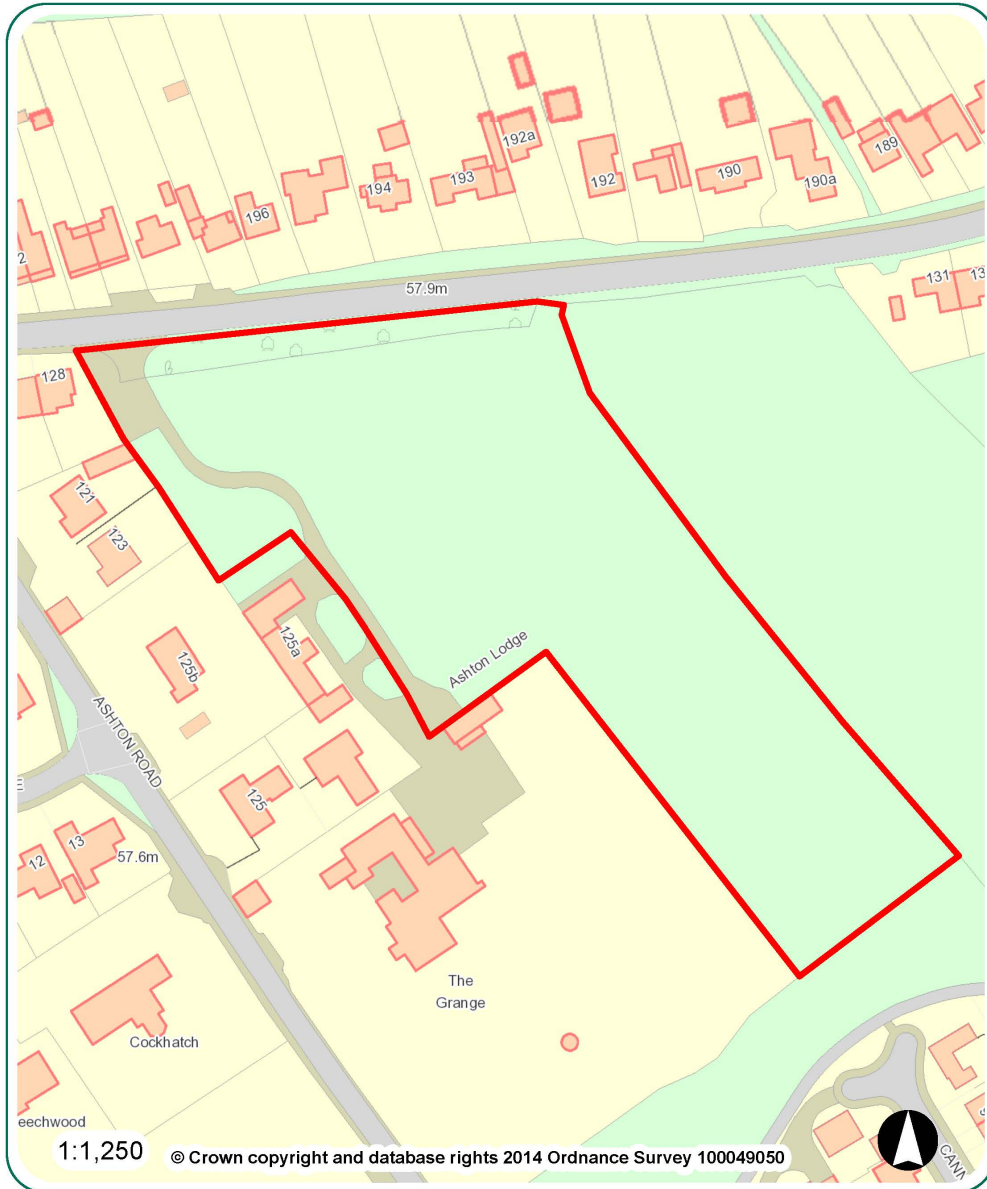
k) Any external lighting should demonstrate the use of lux plots and ensure that bat flight lines will receive no greater than 0.1 L7ux from artificial lighting.

l) Whilst this application is for up to 26 dwellings, a reduction in the number of units may be required to ensure that boundary features can be retained in a suitable condition so they are not harmed and can be protected so they can continue to be used by horseshoe bats and Bechstein bats while not affecting the amenity of adjacent properties.

4 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.

This page is intentionally left blank



This page is intentionally left blank

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No. 4

Date of Meeting	28 September 2016
Application Number	16/06505/OUT
Site Address	Land South Of Bury House, Green Lane, Codford, BA12 0NY
Proposal	Outline application for the erection of one detached dwelling
Applicant	Mr & Mrs Martyr
Town/Parish Council	CODFORD
Electoral Division	WARMINSTER COPHEAP AND WYLYE – Councillor Newbury
Grid Ref	396677 140142
Type of application	Full Planning
Case Officer	Jemma Foster

Reason for the application being considered by Committee

Councillor Newbury has requested that the application be considered by the Planning Committee if recommended for Approval for the following reasons:

- Visual impact upon the surrounding area.
- Relationship to adjoining properties.
- Called in at the request of the Parish Council in the interests of public debate, to consider the parish council's views and the policy considerations for this site.

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 planning permission should be granted.

2. Report Summary

The main issues to consider are:

- Principle
- Impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Access and highways

3. Site Description

The site lies just outside the limits of development of Codford. Bury House itself is a large detached dwelling with substantial grounds that has two existing accesses (and one partially blocked access). The site is currently used partly as a vegetable garden and is partly overgrown. The whole of the village and its surroundings, including this site, are located within the Area of Outstanding Natural Beauty (AONB) and just outside the existing limits of development of Codford (designated as a large village in the Wiltshire Core Strategy).

4. Planning History

14/07205/OUT – Detached dwelling and associated works (outline application to determine access) – Refused 19/09/14 for the following reason:

The site is located in the open countryside and there is no special agricultural, forestry or other overriding justification to allow such a residential development. The proposal would therefore result in unacceptable encroachment into the open countryside thus having an adverse impact upon the Area of Outstanding Natural Beauty and is therefore contrary to Saved Policies C1. C2 and H19 of the West Wiltshire District Plan 1st Alteration, Core Policy 2 of the emerging Wiltshire Core Strategy and guidance contained in the NPPF.

Although not on the site in question, a planning application on the neighbouring Bury Farm which is immediately south of the site was approved for the erection of 3 dwellings under reference number 15/12553/FUL on 15th February 2016. This development has not yet commenced.

5. The Proposal

This application is for outline planning permission for the erection of a single detached dwelling in the south west corner of the existing site, adjacent to Green Lane and close to existing buildings in Bury Farm. All other matters (access, appearance, layout, landscape, scale) have been left to the reserved matters stage.

The existing site has two accesses and one partially blocked access which would be permanently blocked up to allow a new access to the site to be created.

6. Planning Policy

Wiltshire Core Strategy

CP1 – Settlement Strategy

CP2 – Delivery Strategy

CP31 – Spatial Strategy Warminster Community Area

CP51 - Landscape

CP57 – Ensuring High Quality Design and Place Shaping

CP60 – Sustainable Transport

CP61 – Transport and New Development

Saved Policies for the West Wiltshire District Local Plan (1st Alteration)

U1a Foul Water Disposal

U2 Surface Water Disposal

Other

National Planning Policy Framework 2012 (NPPF)

Planning Practice Guidance (PPG)

Wiltshire Car Parking Strategy

7. Consultations

Codford Parish Council – Object for the following reasons:

- At the time of the application, notwithstanding any future changes to the village settlement boundary, the proposed development lies outside the existing village policy limit and as such the Council is not in a position to support it.

Wiltshire Council Highways – No objection

Cranborne Chase AONB Officer – The proposal does not comply with the AONB Management Plan but has advised conditions if recommended for approval.

8. Publicity

The application was advertised by a site notice and neighbour notification letters. The deadline for any correspondence was 19th August 2016. 2 letters of objection have been received by the Local Planning Authority raising the following concerns:

- Codford has enough houses that are either not finished or are in the process of being finished.
- There are not enough smaller houses that are affordable to allow the young villagers to remain or return to the village – a more sensible plan would be two smaller houses for young local people

6 letters of support have been received making the following comments (summarised)

- It has the potential to provide a beneficial addition to the stock of mid-range housing in this village
- It is in keeping with its immediate surroundings, including the development immediately adjacent to Bury Farm
- It should be regarded as infill and not encroachment
- The site is removed from the congested high street and has good access
- No objection subject to the dwelling not being built on the boundary to Bury Farm

9. Planning Considerations

9.1 Principle

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 West Wiltshire District Plan that continue to be saved, form the relevant development plan for the area. The Wiltshire Housing Sites Allocation Plan is an emerging plan but can only be afforded very limited weight at this stage of its preparation. In this particular case, it is important to record that at the present time, the Council cannot currently demonstrate a 5 year housing land supply in the North & West HMA, and the current calculation is that the Council has a 4.76 years supply. In these circumstances, NPPF Paragraph 49 advises that policies relevant for the supply of housing should not be considered up-to-date. As a result the presumption in favour of sustainable development as set out at Paragraph 14 of the Framework is engaged so that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

A recent court ruling – Suffolk Coastal District Council v Hopkins Homes Ltd [2016] EWCA Civ 168 has provided a useful direction and understanding that when Councils find themselves unable to demonstrate a 5-year housing land supply, whilst adopted housing policies and any associated restrictive policies relating to housing development should be

considered “out of date”, they should not be wholly ignored, but cannot be relied upon by themselves as reasons for refusal. It is necessary for decision makers, as directed by paragraph 14 of the NPPF, to weigh up the benefits against any identified harm.

Core Policy 1 (CP1) of the Wiltshire Core Strategy sets out the settlement strategy for Wiltshire identifying four tiers of settlement, namely: Principal Settlements, (2) Market Towns, (3) Local Service Centres and (4) Large and then Small Villages. The limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, as defined by former District Local Plans have been carried forward into the Core Strategy and retained. These settlement boundaries will be reviewed as part of the Wiltshire Housing Site Allocations Development Plan Document (DPD), as set out in the Council's Local Development Scheme, in order to ensure they are up to date and can adequately reflect changes which have happened since they were first established. It will also be the prerogative of the community to review settlement boundaries through a neighbourhood plan. This approach was supported by the Core Strategy Examining Inspector in his report published in December 2014.

Core Policy 2 (CP2) sets out the delivery strategy and advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. The Core Strategy advises that a number of sources of supply have been identified for new housing in Wiltshire across the plan period including allocations within the Core Strategy, existing commitments, windfall sites, those sites identified through the future Site Allocations Development Plan Document and neighbourhood plans. The delivery strategy seeks to prioritise the re-use of previously developed land and supports the development of sites within the limits of development. It requires a plan led approach to the identification of new development sites on the edge of settlements outside of the limits of development to allow local people to shape their communities and consider alternative sites.

The site of this application is located just outside but adjacent to the existing limits of development of the village of Codford. The existing limits of development run to the west and are approximately 40 metres to the South of the site. Codford is identified as a large village in the Wiltshire Core Strategy which are defined as “*settlements with a limited range of employment, services and facilities*”. Codford has a good range of services and facilities which include a primary school, post office, small supermarket, petrol station, theatre, village hall, bar, doctors surgery with pharmacy and a veterinary surgery. There are also plenty of interest groups that are run in the village which include a gardening club, history club, tennis club etc. The site is a short walk from the High Street that is served by public transport and as such cannot be considered to be inaccessible or even inconvenient. Its position within the village is therefore considered to weigh in favour of its sustainability credentials. It is clearly not an isolated location within the NPPF meaning, albeit is open countryside in policy terms.

The settlement strategy set out in CP1 supports development in Large Villages. As noted above, at the present time, the Council cannot currently demonstrate a 5 year housing land supply in the North & West HMA, and the current calculation is that the Council has a 4.76 years supply. The relevance of this is that at present the restraints imposed by CP2 cannot be relied upon per se as a reason for opposing this particular development.

9.2 Impact upon the character and appearance of the area

The site is located in the AONB where the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and that great weight should be given to conserving landscape and scenic beauty in AONB's which have the highest status of protection. The site is also located within the Wyllye Chalk River Valley landscape character area of the Greensand Terrace

Landscape character area. The AONB Officer is of the opinion that the application does not comply with the AONB management plan and does not address CP51 as it fails to demonstrate how the proposal takes into the account the objectives and policies of the AONB Management Plan. The AONB Officer continues by stating that a landscape and visual appraisal of the locality undertaken by a qualified landscape architect is required to consider the landscape impact and that the application should take into account the loss of open and green space by the proposed development. The Officer is also of the opinion that a full detailed application should be submitted to demonstrate that a dwelling can be located on this site to demonstrate that the proposal would not adversely impact the AONB. The Officer concludes by saying that if the Local Planning Authority were minded to approve the application then conditions should be applied requiring a detailed landscape plan and specification alongside details of any external lighting.

With regards to the AONB's comments, it is considered that the proposed dwelling which would be located behind an existing brick wall would not result in the loss of a green open space that would be experienced by those passing the site and that a dwelling that would be located adjacent to existing buildings/dwellings would not be seen in isolation when viewed from possible vantage points within the AONB. The site is located near to existing residential dwellings. On the opposite side of the road are existing cul-de-sacs of relatively modern housing, within the limits of development; to the north of the site would be Bury House. To the east lies existing fields and to the south lies the Bury Farm complex where the recently approved application for 3 dwellings is located. It is therefore considered that any harm to the character and appearance of the landscape would be limited, and that this needs to be balanced against the identified need for housing in the housing market area.

It is noted that the existing brick wall that fronts Green Lane is to be lowered to 900mm and a new access through this wall would have to be created. Although access has been left as a reserved matter, it is considered in principle that these elements which would change the character of this immediate area would not have an adverse impact upon the immediate area.

No details of materials have been submitted as the application is in outline and therefore this element would be left for determination under the reserved matters application.

Sustainable Construction

CP41 of the Wiltshire Core Strategy identifies how sustainable construction and low-carbon energy will be integral to all new development in Wiltshire. In doing so this policy sets the framework for meeting a number of national and local priorities (for example Part L of the current Building Regulations) that seek to achieve sustainable development and conserve natural resources. This policy will help to reduce Wiltshire's contribution to climate change through improved design and construction methods. As a requirement of this policy if this application were to be recommended for approval a condition would be required to secure an equivalent energy performance level the same as Code Level 4 (in full) of the Code for Sustainable Homes.

9.3 Impact upon neighbouring amenity

Due to the application being in outline, the impact of the proposed development upon neighbouring properties in terms of overlooking and overshadowing cannot be fully assessed as the location of the dwelling including height and location of windows are yet to be determined. However, the submitted illustrative site location plan and elevation drawing indicate that a dwelling could be located on this site without impact upon neighbouring amenity. The proposal at this outline stage is therefore considered to comply with the relevant criteria of CP57.

9.4 Highway Impact

The existing dwelling has two vehicular accesses and a partially blocked access which is to be permanently blocked up to allow a new access into the site. The proposal indicates through an illustrative layout that a new access is likely to be created through the existing brick wall which would need to be lowered to 900mm to gain the required visibility splays. This in principle has been considered to be appropriate by the highways officer but detailed information would still need to be submitted in the reserved matters application to demonstrate how the access would comply with the relative policies and legislation.

As the application is in outline, no details of off-street parking have been provided, other than on the illustrative drawing which details a possible double garage. However, it would be for the reserved matters application to demonstrate that the proposal would comply with the Wiltshire Council Car Parking Strategy and there is adequate land available to enable this to be accommodated.

The Council Highways Officer has raised no objections to the scheme but recommends conditions which include access surface, gradient, gates, visibility splays and details of surface water discharge all of which are not considered to be appropriate due to the application looking at principle only.

10. Conclusion

The previous application was refused on the basis that it was located outside the limits of development of Codford which was before the adoption of the Wiltshire Core Strategy and at a time when the Council could demonstrate a positive land supply position. Section 9.1 of this report explains why at the time of decision making, the existing limits of development are not considered to be up to date and it details the latest position on the five year housing land supply. The conclusion that can be drawn from Section 9.1 of this report is that the principle of the development of this site should be considered acceptable at present unless there are adverse impacts that can be identified that would significantly and demonstrably outweigh the benefits of the proposal. The potential adverse impact here would be the landscape impact, as the site is located within the AONB. However, in this case, the site is located adjacent to the existing limits of development and is set in the context of existing housing development to the west and north, with an approved scheme to the south. In this context, any adverse impact on the landscape is limited. In these circumstances, and given the sustainable location, close to the limits of development and within walking distance to services and facilities in the village, the application is recommended for approval.

RECOMMENDATION: Approve with the following conditions

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

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

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

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;
- (e) The 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 The dwelling hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. The 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.

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

BHC PL: 01 and 02

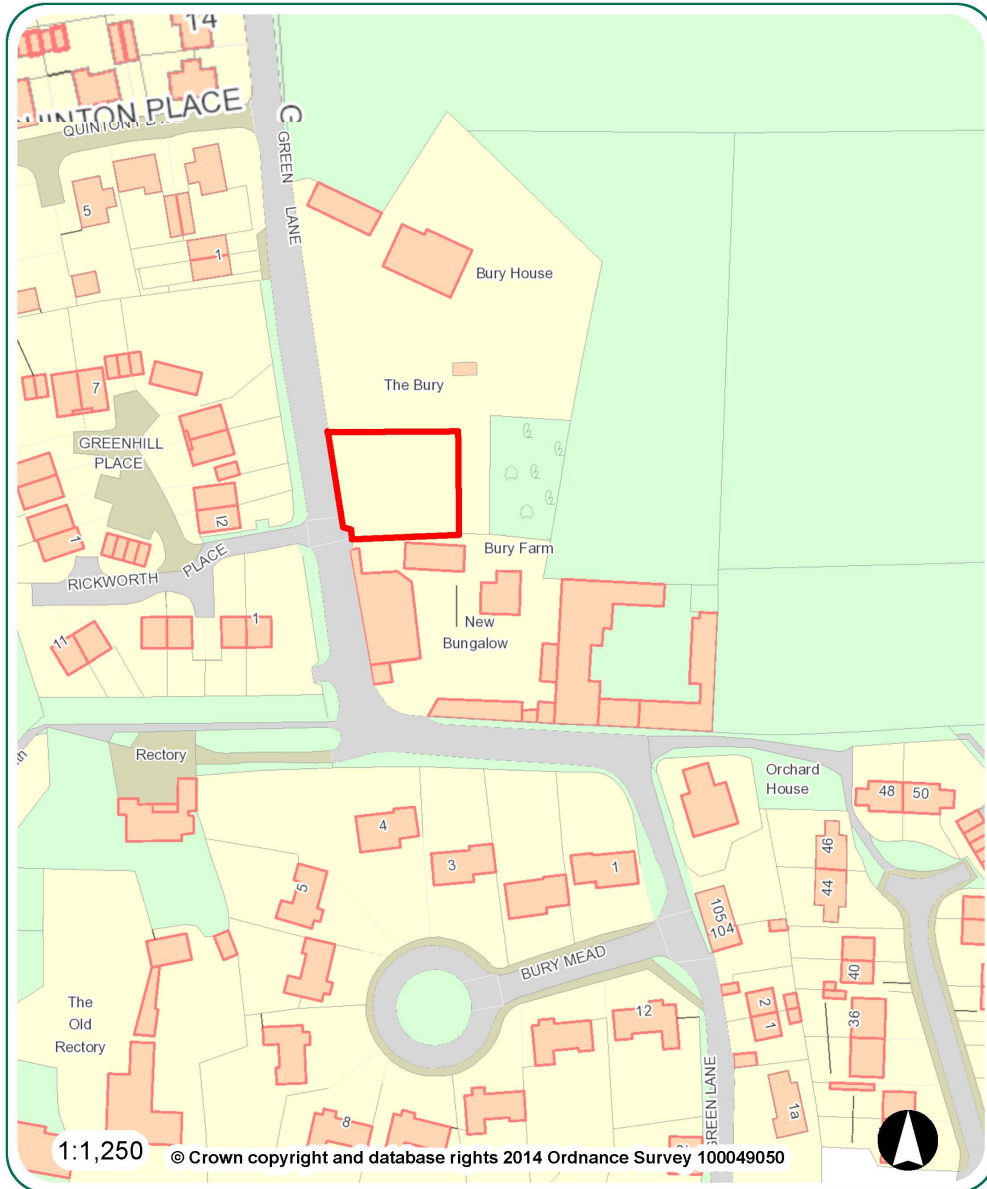
REASON: For the avoidance of doubt and in the interests of proper planning.

- 1 **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.

- 2 **INFORMATIVE TO APPLICANT:** The applicant is advised that the Reserved Matters application should include a detailed landscape plan and visual appraisal of the locality which should be undertaken by a qualified landscape architect. This report should include details of how the proposed dwelling will accord with the AONB Management Plan, Core Policy 51 of the Wiltshire Core Strategy, AONB's Position Statement on Light Pollution and the Good Practice Note on Good External Lighting and Paper by Bob Mizon on Light Fittings. More information can be found by contacting the AONB Officer Richard Burden at: AONB Office, Shears Building, Stone Lane Industrial Estate, Wimborne, BH21 1HB Tel: 01 725 517417, Email: info@cranbornechase.org.uk, Web site: www.ccwwdaonb.org.uk

16/06505/OUT
Land South Of
Bury House
Green Lane
Codford
BA12 0NY



This page is intentionally left blank

Wiltshire Council
Western Area Planning Committee
28th September 2016

No Planning Appeals have been received between 28/07/2016 and 16/09/2016

Planning Appeals Decided between 28/07/2016 and 16/09/2016 (NB Bitham Park is outside of this time and was determined by Strategic Planning Committee but is included here at the request of the previous Western Area Planning Committee meeting)

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
W/11/00064/ENF Enforcement Appeal	Fairfield Piggeries, Leigh Road, Bradford on Avon, Wiltshire, BA15 2RN	SOUTH WRAXALL	The material change of use of the Land from agriculture, to a mixed use of agriculture and use as a caravan site for the stationing and residential occupation of the mobile homes and storage of a touring caravan, and; operational development comprising formation of a vehicular access to the B3109 classified road; formation of hard surfacing, and the construction of timber decking to one of the mobile homes, all integral to the material change of use.	DEL	Inquiry	Enforcement Action	Split Decision. Lawful certificate granted for small part., Appeal dismissed for larger part.	24/08/16	No
3147406 Enforcement appeal	Fairfield Piggeries, Leigh Road, Bradford on Avon, Wiltshire, BA15 2RN	SOUTH WRAXALL	Retention of two storey building	DEL	Written Reps	Enforcement Action	Dismissed	08/09/2016	No
14/09262/OUT	North of Bitham Park Westbury	HEYWOOD	Outline planning application for up to 300 dwellings	COMM	Inquiry	Refusal	Allowed	05/07/2016	No

This page is intentionally left blank