

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 25 July 2018
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 jessica.croman@wiltshire.gov.uk

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

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Membership:

Cllr Christopher Newbury (Chairman)	Cllr Peter Fuller
Cllr Jonathon Seed (Vice-Chairman)	Cllr Sarah Gibson
Cllr Phil Alford	Cllr Edward Kirk
Cllr Trevor Carbin	Cllr Stewart Palmen
Cllr Ernie Clark	Cllr Pip Ridout
Cllr Andrew Davis	

Substitutes:

Cllr David Halik	Cllr Jim Lynch
Cllr Deborah Halik	Cllr Steve Oldrieve
Cllr Russell Hawker	Cllr Roy While
Cllr George Jeans	Cllr Jerry Wickham
Cllr David Jenkins	Cllr Graham Wright
Cllr Gordon King	

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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**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 16*)

To approve and sign as a correct record the minutes of the meeting held on

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

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

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

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

Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **(4 clear working days, e.g. Wednesday of week before a Wednesday meeting)** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **(2 clear working days, eg Friday of week before a Wednesday meeting)**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Appeals and Updates** *(Pages 17 - 18)*

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

7 **Planning Applications**

To consider and determine the following planning applications.

7a **17-12348-OUT - Land East of Damask Way Warminster** *(Pages 19 - 56)*

7b **18-01969-FUL 25 - The Clovers, Hartley Farm, Winsley, Bradford on Avon BA15 2JB** *(Pages 57 - 68)*

7c **17-11739-FUL - 120 Upper Westwood, Bradford on Avon BA15 2DP** *(Pages 69 - 92)*

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 27 JUNE 2018 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Phil Alford, Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Pip Ridout and Cllr Jerry Wickham (Substitute)

Also Present:

Cllr Tony Jackson, Cllr Johnny Kidney and Cllr Fleur de Rhé-Philippe

23 Apologies

Apologies for absence were received from:

Councillor Seed

24 Minutes of the Previous Meeting

The minutes of the meeting held on 30 May 2018 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 30 May 2018.

25 Declarations of Interest

There were no declarations of interest.

26 Chairman's Announcements

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an emergency.

27 Public Participation

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

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

28 **Planning Appeals and Updates**

It was noted that no appeals had been received or determined since the last meeting.

29 **Planning Applications**

The Committee considered the following applications:

30 **17/12348/OUT - Land east of Damask Way, and East of Upper Marsh Road and North of Smallbrook Lane, Warminster**

Public Participation

Harriet James spoke in objection to the application

Mark Reynolds, Chartered Town Planner, spoke in objection to the application

Anthony Setter, Road Safety Auditor, spoke in objection to the application

Paul Greatwood spoke in support of the application

Ian Mellor, Chartered Country & Town Planner spoke in support of the application

Diccon Carpendale, Agent, spoke in support of the application

Cllr Denis Brett Warminster Town Council, spoke in objection to the application

Steve Sims, Senior Planning Officer, introduced the report which recommended outline planning permission be granted subject to a s106 legal agreement for up to 28 dwellings on land to the east of Damask Way with all matters reserved except for the vehicular means of access (with a new access being proposed off Upper Marsh Road).

It was noted that two late representations had been received in objection to the application however they did not raise new or additional matters.

Key issues included within the officer's presentation comprised; the principle of development, the impact on the character and appearance of the area, the impact on the amenity of neighbouring residents, highway issues, ecology issues, and the impact on heritage assets and drainage issues.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on: The current status of the emerging housing sites allocation plan (HSAP DPD) and settlement boundary review, details on the planning history of a neighbouring site, details on the emergency vehicle access, the grading of the land, the extent of local road widening and the impact on the established trees on the site.

Kenny Green, Development Management Team Leader, informed the Members that the emerging HSAP was scheduled to be reported to Cabinet on 3 July, following its endorsement, the Plan would be reported to full Council for its

approval before being sent to the Secretary of State, to appoint a planning inspector who would be tasked with opening up an examination in public and to review and determine what needs to be examined and to weigh up a number of conflicting representations. Members were advised on the direction provided by paragraph 216 of the NPPF in terms of the weighting decision makers can apportion to emerging plans. The paragraph was read out in full and the officer advised Members that at this stage, the plan should be afforded limited weight. The weight would increase as the HSAP advanced through the process and after unresolved objections were duly appraised by a planning inspector. Members were informed that the HSAP had numerous conflicting and unresolved objections which meant that at this stage, with an adopted core strategy in place, the application having reached such an advanced stage, should be tested against the Core Strategy, and that full weight should be apportioned to the relevant policies identified within the published officer report.

The previous planning application which was refused for a single dwelling on land near to the site on the opposite side of Upper Marsh Road was referenced and the highway reasons for refusal were fully explained. The Council's highways officer, Chris Manns, who provided the highway consultation response for the current application before the committee, advised that he was satisfied that the new development would provide a suitable and safe access in-line with national guidance and council policy.

Following a question raised about the site's agricultural land classification, officers advised the committee that they understood the site to be grade 4 – which was taken from the Council's mapping constraint database. There was however some doubt as local residents believed the land to be grade 3a and 3b.

Members of the public, as detailed above, had the opportunity to speak on the application.

Local member, Councillor Tony Jackson, spoke in objection to the application and duly argued: that the development would damage the environment and countryside setting, that the proposed new access was constrained and dangerous, that the application was subject to a large number of objections and concerns which had not been fully explained. Cllr Jackson then argued that there was a plan being advanced to remove the site from the settlement limits and that it was right to exclude it as it was not suitable for residential development. Cllr Jackson moreover argued that presently the settlement boundary also included the town park and nature reserve but they too, were not deemed suitable parcels of land for residential development. Cllr Jackson argued that significant weight should be afforded to the emerging HSAP and that the development was contrary to Core Strategy 51.

Steve Sims informed the committee that the development site was not within a conservation area and no trees which had been felled were subject to preservation orders. Members were informed that the development proposal included a plan to safeguard the surrounding on-site trees and to create a buffer zone. The Council's ecologist consultation conclusions were reported to

members confirming that there was no ecology objection reported. It was also noted that although there would be some impact on the setting of a nearby listed building, the level of harm would be at the low end of less than substantial harm and in following the direction provided by NPPF paragraph 134, officers argued that the proposed scheme would deliver substantial public benefits in the form of additional housing including affordable housing that would outweigh the low level degree of harm to the wider setting of the nearby listed building.

A motion was moved to defer the application for a site visit and to request more information on the agricultural grading of the land, by Councillor Andrew Davis and was seconded by Councillor Pip Ridout.

A debate followed and the key points included: The need for more information on the grading of the land and whether the weighting of the settlement boundary review would change when it returns to committee.

Kenny Green explained the provisions of paragraph 216 of the National Policy Planning Framework in more detail and advised the committee to be mindful that the emerging plan still had to gain Cabinet and full Council endorsement and that there was a significant process still to follow before the HSAP could be reasonably afforded significant weight. Members were informed that even following Cabinet and full Council approval for the emerging housing sites allocation plan, the plan may be challenged on its soundness and/or be subject to potentially significant modifications by a planning inspector; and, as a consequence, officers advised members that the weight to be applied to the HSAP should be minimal.

At the end of the debate it was;

RESOLVED

To defer the application for a site visit and to request more information.

31 **18/03933/FUL - Sienna Valley Farm, Huntenhall Lane, Chapmanslade**

Public Participation

Maggie Thackway spoke in objection to the application.

Professor Nigel Brown spoke in objection to the application.

Ian Buick spoke in objection to the application.

Derek Tanswell spoke in support of the application.

Edward Drewe spoke in support of the application.

Cllr Keith Muston, Chairman Chapmanslade Parish Council, spoke in objection to the application.

Jemma Foster, Senior Planning Officer, introduced the report and members were informed that a previous application for a temporary agricultural workers dwelling on the site had previously been refused by the Council which went to appeal but the appeal had been dismissed. Members were informed of the material differences between the previous refused application and the current submission. Reference was made to what the planning inspector concluded as

part of the previous appeal, which included an acceptance, that there was an agricultural justification for an agricultural worker's dwelling on the site. The reason the appeal was dismissed was due to an unacceptable impact on the special landscape area.

The key issues were identified as; the principle of the development (with due regard made to the previous appeal decision), the impact upon the character and appearance of the special landscape area and potential neighbouring amenity impacts, as well access and highway matters and recommend that planning permission should be granted.

Members of the Committee had the opportunity to ask technical questions of the officer however no questions were asked.

Members of the public, as detailed above, had the opportunity to speak on the application.

Local Member Councillor Fleur De Rhe-Philippe spoke to the application highlighting: concerns about the impact on the special landscape area and that any further development would have a detrimental impact, and furthermore cast doubt about whether there was a need for the applicant to be on site 24 hours a day.

A motion was moved to refuse planning permission by Councillor Pip Ridout and seconded by Councillor Jerry Wickham.

A debate followed and the key points included: the provisions of Core Policy 48 and paragraph 6.66, the need for the committee to have consistency when making decisions and the decision of the Inspector.

At the end of the debate it was;

RESOLVED

To refuse planning permission for the following reasons:

- 1. The site is located in the open countryside, outside the limits of development for Chapmanslade as defined in the Wiltshire Core Strategy. Residential development in this location is restricted by Core Policy 48 which first requires a thorough scrutiny of available accommodation found locally and within nearby settlements (as directed by para 6.67 pursuant to CP48); and secondly, there must be a demonstrable essential need to justify a new dwellinghouse to be erected in the open countryside for the purpose of protecting the countryside and maintaining its local distinctiveness. In this particular case, the Council is not satisfied that there is an essential need for this proposal and the applicant has failed to appraise local housing opportunities as required by the adopted Core Strategy; and, for these reasons, the application is considered contrary to CP48 of the Wiltshire**

Core Strategy and paragraph 55 of the National Planning Policy Framework.

- 2. The site is located within the Corsley Heath to Chapmanslade Greensand Ridge Special Landscape Area and the Council concludes that the proposal would have a detrimental and harmful impact that would not be sympathetic to its special character and local distinctiveness; and for these reasons, the application is considered contrary to CP48 (and associated paragraphs 6.66-6.67) and CP51 of the Wiltshire Core Strategy and Saved Policy C3 of the West Wiltshire District Local Plan as well as being contrary to the NPPF and specifically paragraphs 17 and 109. The Council moreover submits that even if the applicant was able to make a convincing argument for the erection of a temporary dwelling on the site and in the location proposed, the harm that would be caused to the Special Landscape Area would not be outweighed.**

32 18/02549/OUT - Land to the rear 102 High Street, Chapmanslade

Public Participation

Paul Oakley, Agent, spoke in support of the application

Cllr Keith Muston, Chairman Chapmanslade Parish Council, spoke in on the application.

Matthew Perks, Senior Planning Officer, introduced the report which recommended approval be granted for an outline application for the erection of a single storey dwelling with all matters reserved except for access.

The key issues were identified as; light of the principle of the development and the potential impacts on the neighbouring amenity.

Members of the Committee had the opportunity to ask technical questions of the officer and no questions were asked.

Members of the public, as detailed above, had the opportunity to speak on the application.

A motion to move the officers recommendation with an amendment to condition 6 deleting the word 'between' and replacing it with the word 'outside' was proposed by the Chairman and seconded by Councillor Ernie Clark.

A debate followed and the key points included: the merit of including additional condition to restrict permission for just one dwelling and to amend condition 6.

At the end of the debate it was:

RESOLVED

To approve the officers recommendations subject to the following conditions:

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

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

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

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

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

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

3. The landscaping plan shall include provision for parking and turning areas on site. These areas shall be laid out and constructed prior to the first occupation of the dwelling hereby approved and shall be retained without obstruction thereafter.

REASON: In the interests of highway safety

4. The dwelling hereby permitted in outline form shall be single storey only.

REASON: To define the terms of this outline permission and to protect the amenity of the adjacent properties.

5. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may

have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

6. There shall be no burning of materials on site during the development works and no construction shall be carried out outside the hours of 07:30 to 18:00 Mondays to Fridays and 07:30 to 1300 on Saturdays. No working shall be permitted on Sundays or Bank Holidays.

REASON: In the interests of neighbouring amenity.

7. Prior to the commencement of the development, a construction management statement will be submitted to and approved in writing by the Local Planning Authority. The statement will include details in regards to types of vehicles, construction staff parking requirements, management of debris/mud from the site and a program of works.

REASON: In the interests of highway safety and neighbouring amenity.

8. The development shall be carried out in accordance with the following approved plans:

Location Plan registered on 26 March 2018; and Site Plan registered on 26 March 2018

REASON: In order to define the terms of this permission.

INFORMATIVES:

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 developer liable for prosecution. Further information about badgers and licensing can be found at <https://www.gov.uk/badgers-protection-surveys-and-licences>

There is a low risk that reptiles could occur on the application site. All reptiles are legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and planning permission does not provide a defence against prosecution. In order to minimise the risk of reptiles occurring on the site, the developer is advised to clear the site and vegetation in a sympathetic manner during the autumn (September/October) or spring months (April-May) and to maintain the vegetation at a short height to make it unsuitable for reptiles until the construction works commence. If these species are found during the works, the applicant is advised to stop work and follow the advice of a professional ecologist to inform necessary mitigation and/or compensation measures.

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.

33 18/01969/FUL - The Clovers, Hartley Farm, Winsley, Bradford on Avon

Public Participation

Andrew Mead spoke in objection to the application.

Keith Goddard spoke in objection to the application.

Lawrence Howe spoke in objection to the application.

Verity Giles-Franklin, Planning Officer, introduced the report which recommended approval be granted for a Change of use of agricultural land to equestrian use and proposed erection of a timber loose box / stable building

As part of the officer's presentation, members were informed that two late representations had been received following the publication of the committee report. Members were advised however that the late submissions repeated objections which had already been received during the consultation period.

The key issues were identified as; principle of development, the impact on the Green Belt and special landscape area as well as the impacts on neighbouring amenity, flood risk and highway safety.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on: whether structures already on the site needed planning permission, how many sheep were currently on the site and the amount of land that would be left taking into account the area of hardstanding.

Members of the public, as detailed above, had the opportunity to speak on the application.

Local Member Councillor Johnny Kidney spoke in objection to the application with the key points highlighting: That the development was in the greenbelt and special landscape area, that concerns were raised about increased traffic which had already caused damage to the local lanes and that the development was not appropriate for the size of the landholding.

A motion to defer the application for a site visit was proposed by Councillor Trevor Carbin and seconded by Councillor Ernie Clark.

A debate followed where the key points comprised: the scale of the development compared to the size of the land, clarification on the guidance published by the British Horse Society in terms of what constitutes as an appropriate ratio of horses numbers to area of landholding. Highway safety and increased traffic generation as also discussed and a question was posed to officers as to whether water and electric utilities were available on the site.

At the end of the debate it was:

RESOLVED

To defer the application for a site visit and to request that officers seek answers on whether the site has water and electric utility connections.

34 **Urgent Items**

Members discussed site visit arrangements for the two applications that were deferred for site visits and it was;

RESOLVED:

It was agreed that the site visit for 17/12348/OUT would take place at 1pm on Monday 23 July 2018.

It was agreed that the site visit for 18/01969/FUL would take place at 1pm on Wednesday 25 July 2018.

(Duration of meeting: 3.00 - 6.15 pm)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, direct line 01225 718262, e-mail jessica.croman@wiltshire.gov.uk

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

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Wiltshire Council
Western Area Planning Committee
25th July 2018

Planning Appeals Received between 15/06/2018 and 13/07/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
17/07646/FUL	land adjacent 44 High Street, Sutton Veny BA12 7AW	SUTTON VENY	Proposed dwelling with new access	DEL	Written Representations	Refuse	04/07/2018	No

There are no Planning Appeals Decided between 15/06/2018 and 13/07/2018

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	25 July 2018
Application Number	17/12348/OUT
Site Address	Land East of Damask Way and East of Upper Marsh Road and North of Smallbrook Lane, Warminster, BA12 9PP
Proposal	Outline application for up to 28 dwellings on land to the east of Damask Way with all matters reserved except access (with new access proposed off Upper Marsh Road).
Applicant	Greatworth Developments Limited
Town/Parish Council	WARMINSTER
Electoral Division	WARMINSTER BROADWAY – Councillor Anthony Jackson
Grid Ref	387586 144331
Type of application	Outline Planning Application
Case Officer	Steven Sims

Reason for the application being considered by Committee

This application was reported to the Western Area Planning Committee on 27 June 2018. However, following the officers' presentation and a short debate, the committee resolved to defer the application for a member site visit and to request that officers clarify the agricultural land classification for the site. Councillor Anthony Jackson requested that if officers are minded to approve this application, it should be reported to the area planning committee for members to determine principally in relation to the environmental and/or highway impacts.

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.

2. Report Summary

The key issues for consideration are:

- The principle of development
- Impact on the character and appearance of the area
- Impact on the amenity of neighbouring residents
- Highway issues
- Ecology issues
- Impact on Heritage Assets (Adjacent listed building)
- Drainage issues
- Other issues
- Planning obligations

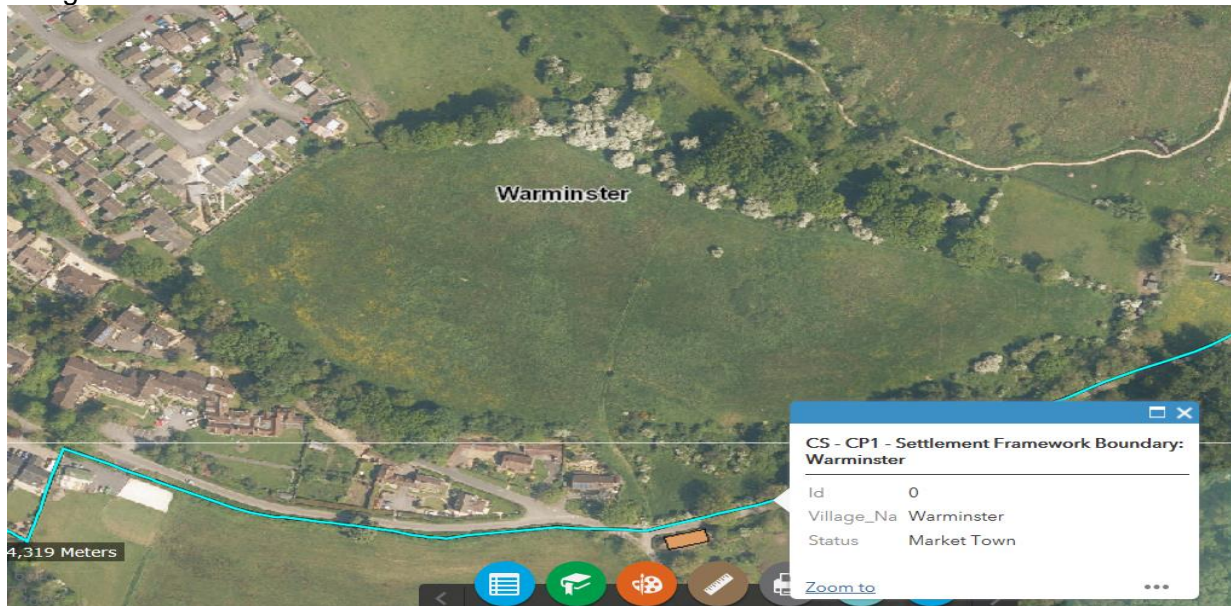
Warminster Town Council – Objects the this application for the reasons set out within section 7 of this report

235 third party/neighbour objections were received which are summarised within section 8 of this report

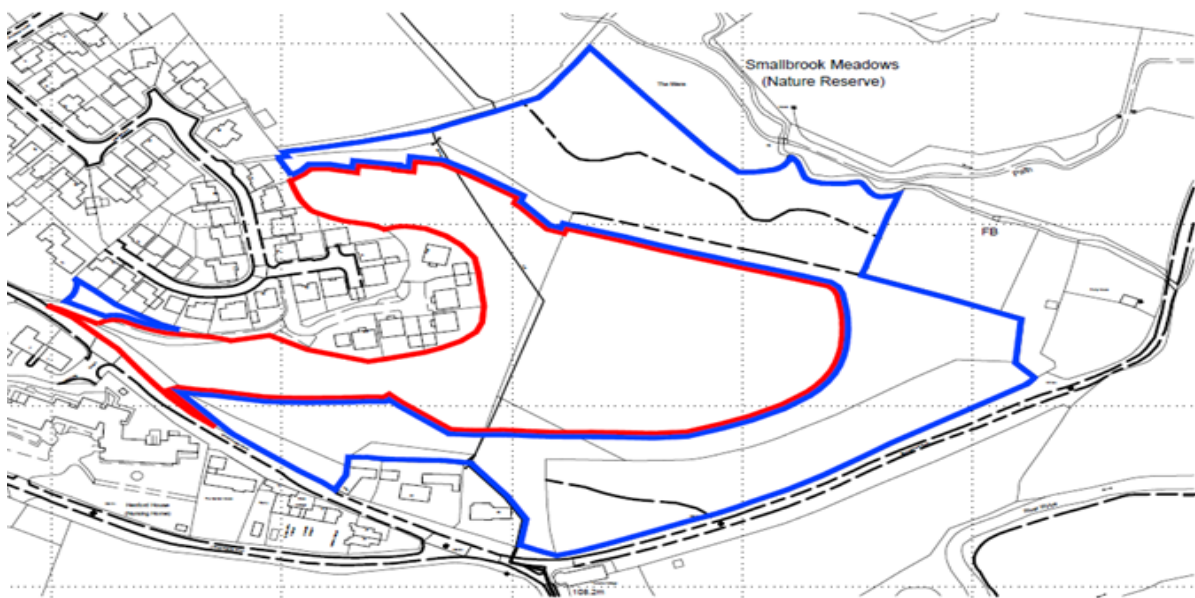
3. Site Description

The application site comprises approximately 2.23 hectares of agricultural land (which is categorised as grade 3A and 3B; good and moderate use) located to the east of Damask Way and to the north-east of Upper Marsh Road and north of Smallbrook Lane. As the insert on the

following page illustrates, the site is located within the current settlement limits of Warminster and abuts existing residential development to the west and south with well-established trees along the north and south site boundaries.



The site forms the brow of a hill that slopes down to the north, east and west. The 20 hectare Smallbrook Meadows Local Nature Reserve is located directly to the north and comprises a mosaic of six small water meadows, wet woodland, marsh, ponds, chalk rivers, hedgerows and ditches. A public footpath (WARM53) bisects the site north to south. The Cranborne Chase & West Wiltshire Downs Area of Outstanding Natural beauty (AONB) is located approx. 820 metres to the south. A grade II listed building, Turnpike Cottage, lies to the south of the site on the opposite side of Smallbrook Lane. The River Wylde (and River Avon System (SSSI)) is located to the south and east of the site and, at its closest, is approx. 80 metres distant. Residential development to the west off Damask Way was approved for 23 houses in 2012 under application refs. W/12/00687/OUT and reserved matters approval under 14/03655/REM). An additional 5 houses located directly to the west of the application site were approved in 2015 under application 15/01661/OUT and 15/12197/REM. These houses have been constructed.



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Site Location plan 07179 – 12 rev C

4. Planning History

13/06643/PREAPP	Erection of 23 dwellings (Reserved Matters for scale, layout, appearance and landscaping)
14/03655/REM	Reserved matters for the demolition of 66 Damask Way and erection of 23 dwellings following outline application (W/12/00687/OUT)
W/11/01173/PREAPP	Housing development
W/12/00687/OUT	Demolition of 66 Damask Way and erection of 23 dwellings (Outline application to determine access)
15/01661/OUT	Residential development of up to 5 dwellings (outline application to determine access)
15/12197/REM	Reserved Matters - appearance, landscaping, layout, and scale re. planning application 15/01661/OUT (residential development of up to 5 dwellings).
16/05744/FUL	Proposed rear extension and side door to west gable.
17/08219/PREAPP	Alteration to existing access, upgrade access road and residential development of land
14/00183/ENF	Unauthorised felling of trees within a conservation area.
15/00308/ENF	Breach of condition 17 of W/12/00687/OUT
16/00948/ENF	Unauthorised groundworks
17/01134/ENF	Non implementation of Condition 4 -15/01661/OUT - Landscape and Ecology Management plan
17/01198/ENF	Duplicate case of 17/01134/ENF - all documents moved over
18/00130/ENF	Non-implementation of condition 4 Landscaping Plan - 14/03655/REM

5. The Proposal

The proposal is an outline application for the erection of 28 dwellings with all matters reserved except the means of vehicular access. Access to the site would be via Upper Marsh Road which is located to the south of the site. The areas left for future determination under a reserved matters application would include the appearance of the buildings, layout of the proposed development, scale of buildings proposed and landscaping details.

6. Local Planning Policy

Wiltshire Core Strategy (WCS) - Relevant policies include: Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 3: Infrastructure requirements; Core Policy 31: Spatial Strategy – Warminster Community Area; Core Policy 41: Sustainable construction and low-carbon energy; Core Policy 43: Providing affordable housing; Core Policy 45: Meeting Wiltshire's Housing Needs; Core Policy 46: Meeting the Needs of Wiltshire's Vulnerable and Older People; Core Policy 50: Biodiversity and geodiversity; Core Policy 51: Landscape; Core Policy 52: Green Infrastructure; Core Policy 55: Air Quality; Core Policy 57: Ensuring high quality design and place shaping; Core Policy 58: Ensuring conservation of the historic environment; Core Policy 61: Transport and Development; Core Policy 62: Development impacts on the transport network; Core Policy 69: Protection of the River Avon SAC.

West Wiltshire District Local Plan (saved policies) - U1a Foul Water Disposal

The Warminster made Neighbourhood Plan (November 2016) - L1 – Design; E2 – New leisure facilities; E5 – Surrounding environment; and GA4 – Rights of Way

Supplementary Planning Guidance

Wiltshire Local Transport Plan 2011- 2026

National Planning Policy Framework (NPPF) - 1. Building a strong, competitive economy; 4. Promoting sustainable transport; 6. Delivering a wide choice of high quality homes; 7. Requiring Good Design; 11. Conserving and Enhancing the Natural Environment; and 12. Conserving and Enhancing the Historic Environment

7. Summary of Consultation Responses

Warminster Town Council: Objects to this planning application on the grounds listed below:

1. The site was not under consideration by the Draft Wiltshire Housing Site Allocation Plan (HSAP) and Revised Settlement Boundaries which was consulted on in September 2017. The comment that had been submitted by the Council on the settlement boundary in the Damask Way area was as follows:

ITEM NO.	MAP GRID REFERENCE	PROPOSED AMENDMENT OR CORRECTION
4	J10	The newly developed extension to Damask Way should be included within the boundary.

This was a reference to the residential site which is already built, which should be included within a revised settlement boundary. The draft HSAP does not include this site with a proposed revision to the settlement boundaries and the Town Council is supportive of its exclusion, and it is argued that it would be inappropriate to include it now.

2. The access point for this site would be disastrous. This section of Upper Marsh Road is narrow with no footpath and leads on to a narrow country road that is prone to flooding and often has to be closed. Runoff water from the site would exacerbate the problem.

3. The impact on the environment would be detrimental. The site is on the cusp of the Wiltshire Wildlife Trust area.

4. There is a highways conflict with pedestrians, cyclists, horse riders and the residents of the old people's home.

Following receipt of amended plans, the Town Council confirmed the following:

Members discussed this application and wholeheartedly agreed with all the comments that residents had put forward. They all had concerns with this application. Councillor Fraser proposed that this application be refused using all the previous comments that had been sent in, and in addition the development may cause traffic problems such as traffic generation, access or safety problems. The proposed development will damage the natural environment or will result in significant loss of trees for which tree protection orders are in place and the natural habitat. Any decision about this application should be deferred until after the settlement boundaries have been decided. The motion to refuse was seconded by Cllr Nicklin, which was voted through unanimously.

Wiltshire Council Highway Authority: No objections subject to planning conditions (the officer's detailed appraisal on the highway implications is included within section 9.4 of this report).

Wiltshire Council Public Open Space Officer: The 28 dwellings would generate a requirement for 1,027.54m² of POS including 49.56m² equipped play space. If no play space is to be provided on-site, an off-site contribution of £7,235.76 would be required. The site

would also generate a requirement for an off-site sports pitch contribution of £6,608 to be secured by s106.

Wiltshire Council Drainage Engineer: Supportive subject to conditions.

Wiltshire Council New Housing Team: On site provision of 30% affordable housing would be required to be secured by s106 agreement.

Wiltshire Council Landscape & Arboricultural Officer: No objections subject to condition.

Environment Agency: No comments.

Wiltshire Council Archaeology: No objection subject to condition.

Wessex Water: No objection. Wessex Water have provided advice to the applicant in relation to sewerage infrastructure, foul water drainage, surface water drainage, phosphate loading impacts on the River Wylye and water infrastructure. Further advice should be included in the form of an Informative.

Wiltshire Council Urban Design Officer: No objections following negotiated revisions. Any outline permission should include a condition requiring subsequent REM submission to be in accordance with the principles set out within the Design and Access Statement.

Wiltshire Council Landscape & Design Officer: No objections subject to conditions

Natural England: No objection

Wiltshire Council Ecology Officer: No objection

Wiltshire Council Rights of Way Officer: No object but would want to see steps installed on either side of the hill along the legal line of the footpath and surfacing through the nature reserve to the north.

Wiltshire Council Public Protection Team: No objection subject to conditions

Wiltshire Premises Team School Buildings & Places: No objections subject to s106 contribution of £139,896 for six new secondary school places pooled towards a second phased expansion of the Kingdown Academy. There is no requirement for a developer contribution towards expanding the primary schools which can serve this development, as sufficient places are available in this particular part of Warminster.

Wiltshire Waste Management Team: Supportive subject to a s106 contribution to the provision of waste and recycling containers amounting to £2,548.

Wiltshire Spatial Planning Team: No objection. The application should be considered in the context of the Wiltshire Core Strategy (WCS), the National Planning Policy Framework (NPPF), and the saved policies of the West Wiltshire District Plan (WWDP). The NPPF confirms that applications must be determined in accordance with the development plan and that proposals which conflict with the development plan should be refused unless material considerations indicate otherwise.

The application should be considered against the existing policy position in respect of the Warminster settlement boundary (principally Core Policies 1 and 2, and the Strategy for the Town Core Policy 31 of the WCS). As depicted on the adopted WCS policies map, the site falls within the existing settlement boundary and as such the 'principle' of development in this

location is accepted; subject to the application being acceptable from the perspective of the other policies of the development plan.

It should be noted that the emerging Wiltshire Housing Site Allocations Plan (WHSAP) proposes an amendment to the settlement boundary for Warminster, such that the site would be excluded from falling within the settlement boundary. The proposed revision to exclude the land east of Damask Way from the settlement boundary is based on the revised settlement boundary review methodology supporting the proposed submission WHSAP, which is set out below:

Areas which have been included in the proposed revised settlement boundary:

- Built and commenced residential and community facilities development such as religious buildings schools and community halls, that is physically related to the settlement
- Built and commenced employment development in principal settlements, market towns and local service centres that is physically related to the settlement
- The curtilage of a property that relates more closely to the built environment (e.g. a garden) or has limited capacity to extend the built form of the settlement in terms of scale and location
- Recreational or amenity space at the edge of a settlement that relates more closely to the built environment

Areas which have been excluded from the proposed revised settlement boundary:

- Employment development, farm buildings and farmyards, at the edge of large villages Isolated development that is physically detached from the settlement (including farm buildings or agricultural buildings and renewable energy installations)
- The extended curtilage of a property that relates more closely to the open countryside (e.g. a field or paddock) or has the capacity to substantially extend the built form of the settlement in terms of scale and location
- Recreational or amenity space at the edge of the settlement that relates more closely to the open countryside
- All types of unimplemented planning permission
- Site allocations

Using the proposed settlement boundary review methodology the land is 'undeveloped' and considered to relate more to the open countryside and is therefore proposed to be excluded from the revised boundary when this comes into force. This is explained in Appendix 1 of the [Warminster Community Area Topic Paper](#), which also supports the WHSAP.

Whilst the proposals pertaining to the settlement boundary amendments as part of the emerging housing site allocation plan have been endorsed by the elected members at Full Council subject to some amendments on 10 July, the emerging plan needs to be examined by a planning inspector and found to be sound.

In the context of paragraph 216 of the NPPF, the emerging HSAP proposed revision to the settlement boundary can therefore only be afforded limited weight at this time. This position would need to be re-evaluated once the Housing Site Allocations Plan progresses through public examination at which point, it would merit more weight.

Wiltshire Conservation Officer: The proposed development would result in 'some harm' i.e. 'less than substantial harm' to the setting of the grade II listed building at Turnpike Cottage, 5 Henfords Marsh and this level of harm should be weighed up as part of the planning balance taking into account public benefits that would outweigh the 'harm'.

Wiltshire Wildlife Trust (WWT): Objects on the basis of impacts of the development on the

adjacent Smallbrook Meadows Nature Reserve and nearby River Avon SAC (SSSI). This nature reserve is a County Wildlife Site and is of fundamental importance to the conservation of biodiversity in Wiltshire. The River Avon is of international importance for conservation.

The proposed development is contrary to Core Policy 50 of the Wiltshire Core Strategy which states that: *“Sustainable development will avoid direct and indirect impacts upon local sites through sensitive site location and layout, and by maintaining sufficient buffers and ecological connectivity with the wider environment. Damage or disturbance to local sites will generally be unacceptable, other than in exceptional circumstances...”*

Consideration needs to be given to the development in relation to Core Policy 69, para ref 6.177, which states that; *“currently phosphate concentrations exceed the appropriate targets required in the Conservation Objectives for the River Avon SAC over a number of reaches, and the Habitat Regulations Assessment of the Core Strategy has highlighted the potential for likely significant effects upon the River Avon SAC through elevated phosphate levels from additional sewage discharges in the catchment”*. The Ecological Impact Assessment is deficient in not considering the impact on the River Avon SAC.

WWT do not agree with Natural England’s assertions (letter dated 31 January 2018) that they are unable to formulate an objection to the planning proposal. This should be perfectly possible, and appropriate given the proximity of the development site to the River Avon SSSI and SAC.

“I have carried out a map check of the proposed development sites and can confirm that the nearest protected site, the River Avon System (SSSI), is 500m away. The IRZs for this SSSI indicate however, that Natural England does not need to be consulted on proposals for residential development of this size, at this distance from the SSSI, as this would not impact the interest features of the site (which include nationally rare and internationally important species of invertebrates and fish). Generally speaking, where Natural England consider there to be no impact on any designated sites in the vicinity, we are unable to formulate an objection to a planning proposal’ (Natural England 31st January 2018)

The proposed development site is in fact only 100 metres from the River Avon SAC, as identified in the Ecological Appraisal Phase 1 Survey, December 2017, accompanying the planning application. The impact on the River Avon SAC needs to be fully assessed. The current condition assessment by Natural England of the condition of the River Avon SSSI at this location is that it is in an unfavourable condition. Both of the statutory agencies, Natural England and the Environment Agency have as a fundamental part of their role to ensure the favourable condition of sites and good ecological condition of rivers under the EU Habitats Directive and the Water Framework Directive respectively.

NPPF 119 confirms that the presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined. As far as I can tell there has been no assessment of any potential impacts on the local hydrology, and water resource impacts of this development. Such an assessment should be a fundamental consideration for a proposed development adjacent to, and in such close proximity to an important wetland nature reserve, Smallbrook Meadows Local Nature Reserve (and County Wildlife Site) which is managed by Wiltshire Wildlife Trust.

This planning application would also be very disruptive to the local ecological connectivity, particularly for bat species. Species lists provided appear to omit the fact that Greater Horseshoe bats have been recorded in the area. Wiltshire Council should be developing and promoting ecological networks as required by the NPPF. Relevant clauses in the NPPF include.

NPPF para 109 states that the planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

NPPF para 114 requires local planning authorities to set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

The site is not under consideration as part of the Draft Wiltshire Housing Site Allocation Plan and Revised Settlement Boundaries which were consulted on in September 2017.

This planning application does not deliver a net Biodiversity Gain. It most likely imposes an additional adverse impact through encroaching urbanization directly adjacent to an enormously important local asset, Smallbrook Meadows Nature Reserve, and the close by internationally important River system.

Campaign to Protect Rural England: Objects. CPRE Wiltshire does not believe that the access proposed by Greatworth Developments Ltd is suitable in any way; we are not objecting to the development itself as it is on land clearly marked for such in the future. However, should Wiltshire Council accept this outline proposal, we reserve the right to comment on the full application in due course; in that case we would be looking carefully at the design, the number of affordable houses and retention of wooded areas in particular to ensure that this had not been changed from the current submission. We also have significant reservations about Greatworth Developments in terms of their attitude to tree preservation.

Following receipt of amended plans CPRE further objected as follows:

'The West Wiltshire District of CPRE Wiltshire wish to raise a further objection to the revised above application having objected to the original proposal in January 2018. As this revision applies only to access we have largely restricted our comments to the changed access proposals although given that the Warminster Settlement Boundary is shortly to be revised to remove SHLAA Number 239 we also see no good reason to grant planning permission for this development.

The new proposed access has moved a few yards up the road to lie between the locked Emergency Access and the access originally proposed by the developer, all three points being within 100 yards of each other. Having looked at the revised proposal carefully on the ground it would seem impossible to join the existing access road at the point intended without breaching the maximum gradient allowed; there is a large height differential between Upper Marsh Road and the Emergency access road at this point with only a short distance in which to achieve it. Even if by some stratagem it were possible to remain within the regulations, the access proposed is at one of the narrower parts of Upper Marsh Road and the same constraints that required the Emergency Access to be locked must apply. Frankly this is an ill-thought out proposal that should be rejected out of hand as being both unsuitable and dangerous.'

Crime Prevention Officer: Gates would be required to the ecological mitigation zone to north and rear of dwellings to northwest of site.

8. Publicity

This application has been publicised via press advertisement and site notices and individual posted letters that were sent to all neighbouring properties within close proximity of the site.

As a result of the publicity, 235 representation letters have been received raising the following concerns:

Ecology

- Buffer should be extended along whole length off development
- Adverse impact on local wildlife including badgers
- Adverse impact on sky line
- Site is habitat for wild species such as bats, badgers, buzzards, red kites and deer
- Trees along Upper Marsh Lane have been cut down
- Impact more cats will have on the local wildlife
- Adverse impact on Smallbrook Meadows Nature Reserve
- Environmental disaster
- Will lead to contamination/pollution of River Wyllye
- Buffer should be extended
- Destruction of hedgerows and trees
- Management plan for surrounding woodland required
- Contrary to DEFRA guidelines in terms of habitat surveys
- The development will lead to the further erosion of the wetlands

Highways

- No permission to use emergency access road
- Emergency access road and cannot be used for vehicles other than emergency vehicles
- Lack of pavements and street-lighting along Smallbrook Road
- Highway safety/pedestrian safety issues along Upper Marsh Lane and Smallbrook Road
- Significant increase in road traffic
- Proposed access onto Upper Marsh Road will create a hazardous traffic blackspot
- Increased traffic levels will harm environment
- Speed limit along Smallbrook Road should be reduced from the current 60 mph/ speeding vehicles along road
- Close Smallbrook Road to traffic at the top of the hill at the exit leading into Gypsy Lane
- Traffic count data is flawed
- Inaccurate car per household data
- Any widening, straightening of Upper Marsh road will permit vehicle speeds to increase, thereby making the road even more dangerous
- No visitor parking allocated
- Inability of refuse vehicles to pass
- Lack of road markings/pavement
- No footpath between No. 83 and 85 Damask Way
- Application W/07/01209/FUL for one dwelling at land adjacent to No. 2 Henford Close was refused

Design

- Overlooking/loss of privacy/overbearing impact to neighbouring residents
- Houses not in keeping
- Fails to 'pepper pot' affordable housing
- Fails to provide an adequate housing mix

Impact on character of the area

- The site is clearly visible from many areas of Warminster and the surrounding hills
- Loss of recreational land and green space

- Light pollution/adverse impact on 'dark skies' policy around nature reserve
- Precedence will be set for further development in the area
- Adverse impact on public right of way
- Already plenty of development in the Warminster area
- Adverse impact on Special Area of Conservation and the Site of Special Scientific Interest
- Adverse impact on setting of listed building

Other Matters

- Town Council has objected to development
- Not within Housing Site Allocation Plan
- Breach of planning conditions on previous applications (12/0068/OUT & 15/0166/OUT)
- Increased flooding in area
- Increased pressure on local community resources such as doctors and schools
- Insufficient local employment
- Site outside settlement boundary
- Adverse impact of increased water runoff from site
- Contrary to policies within the Neighbourhood Plan
- Site falls outside red line boundary
- Damage by construction traffic
- Impact of construction works
- No assessment to the slope stability, hydrology or impact on rainwater run-off has been considered as part of the draft design
- Energy saving measures should be imposed by legal agreement
- Street lighting and security lighting should be restricted
- All gardens should have dividing mixed hedges
- All gardens should have a permanent rainwater collection tank/water butt
- All houses should be sold with food and garden waste composting bins and kitchens with a food waste caddy.
- The central communal area should have a large pond in it and be maintained for amphibians.
- There should be designated cycle routes in and out of the site.
- Residents should pay a parking permit fee for each car that they own unless it is an electric one.
- Sufficient housing in Warminster
- Application should not have been validated
- Lack of pre-application community involvement
- Lack of waste audit

Since the committee planning committee on 27 June, 4 letters of representation were received although they did not raise anything new that is not summarised above.

9. Planning Considerations

9.1 Principle of Development

9.1.1 Principle of Development

Core Policy 1 'Settlement Strategy' and Core Policy 2 'Delivery Strategy' of the Wiltshire Core Strategy (WCS) outlines the Council's adopted strategy which identifies the settlements where additional sustainable residential development should take place to improve the lives of all those who live and work in Wiltshire.

The WCS identifies Warminster in Core Policy 1 as a Market Town. Market Towns are defined within the WCS as settlements that have the ability to support sustainable patterns of

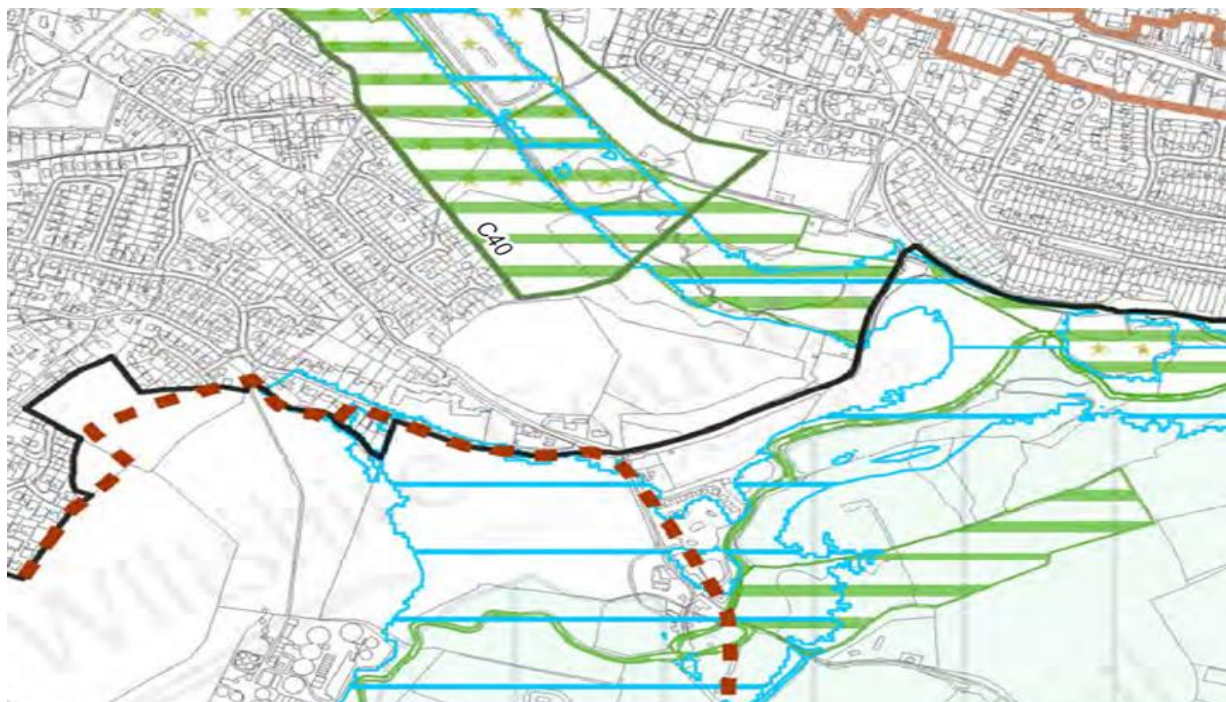
living in Wiltshire through their current levels of facilities, services and employment opportunities. Market Towns are considered to have the potential for significant development that will increase jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.

In order to direct development at a strategic level to the most suitable, sustainable locations and at appropriate times the area strategies contain an indicative housing requirement for each Community Area including the Principal Settlements and Market Towns (WCS, para 4.26). Core Policy 31 'Spatial Strategy for the Warminster Community Area' outlines that "over the plan period (2006 to 2026), approximately 2,060 new homes will be provided of which about 1,920 should occur at Warminster.

The site would provide for up to 28 new dwellings on a net developable area of 2.23 hectares which amounts to an average of 13 dwellings per hectare, which equates to a very low density. Amended plan drawing no: 07179-10 Rev U titled as Indicative Site Layout demonstrates how the site is capable of accommodating 28 dwellings with associated areas of open space and roads. A detailed layout would be considered at the reserved matters stage should outline planning permission be granted along with the scale, design and appearance of the development.

9.1.2 The Emerging Wiltshire Housing Site Allocation Plan and Revised Settlement Boundaries

The application must be considered against the existing policy position in respect of the Warminster settlement boundary (principally Core Policies 1 and 2, and the Strategy for the Town Core Policy 31 of the WCS). As depicted on the adopted WCS policies map (below) the site falls within the existing settlement boundary and as such the 'principle' of development in this location is accepted; subject to the application being acceptable from the perspective of the other policies of the development plan.



Current settlement boundary of Warminster 2018 south of application site

It is fully appreciated that the emerging Wiltshire Housing Site Allocations Plan (WHSAP) proposes an amendment to the settlement boundary for Warminster, such that the site would

be excluded from falling within the settlement boundary. The proposed revision to exclude the land east of Damask Way from the settlement boundary is based on the revised settlement boundary review methodology supporting the proposed submission WHSAP, which is set out below:

Areas which have been included in the proposed revised settlement boundary:

- Built and commenced residential and community facilities development such as religious buildings schools and community halls, that is physically related to the settlement
- Built and commenced employment development in principal settlements, market towns and local service centres that is physically related to the settlement
- The curtilage of a property that relates more closely to the built environment (e.g. a garden) or has limited capacity to extend the built form of the settlement in terms of scale and location
- Recreational or amenity space at the edge of a settlement that relates more closely to the built environment

Areas which have been excluded from the proposed revised settlement boundary:

- Employment development, farm buildings and farmyards, at the edge of large villages isolated development that is physically detached from the settlement (including farm buildings or agricultural buildings and renewable energy installations)
- The extended curtilage of a property that relates more closely to the open countryside (e.g. a field or paddock) or has the capacity to substantially extend the built form of the settlement in terms of scale and location
- Recreational or amenity space at the edge of the settlement that relates more closely to the open countryside
- All types of unimplemented planning permission
- Site allocations

Using the proposed settlement boundary review methodology the land is currently undeveloped and as such, the land does not fall within the criteria for land to be included in the revised settlement boundary. It should be noted that this assessment is one of 'current land use' and not an assessment of future land use. For example, reviewed housing allocations approved but not commenced (extant permissions) under the above methodology, would also be excluded from being included within the revised settlement boundaries, however, they could still be built if works commenced within the statutory time period.

By way of an update since this application was presented to committee in late June, officers acknowledge that the WHSAP was endorsed by Cabinet on 3 July and gained approval at Full Council on 10 July, and no changes were proposed/agreed to the plan relating to the Warminster town boundary. The WHSAP will now need to be examined by a planning inspector and it needs to be found sound to have full weight, and in the context of paragraph 216 of the NPPF, the proposed revision to the settlement boundary of Warminster should only be afforded limited weight at this time. Once a planning inspector has been appointed he or she would need to identify the areas to be examined and resolve conflicting representations as part of the critical next stage in the process of making an emerging plan sound before it is adopted by the Council. This next stage could be quite extensive; and at the time of writing, the timetable for the examination is provisionally programmed to start around November 2018 with the aim of adoption in early 2019. Officers have been advised that the Planning Inspectorate will look to appoint an Inspector in September/October and the examination in public may extend till February. The key point to distil from the above, is that there is a significant way to go before the emerging HSAP can be afforded material weight; and, as the decision making body, the committee is respectfully asked to duly note that an inspector may require modifications to the plan to make it sound. Applying material weight at this stage as a reason for refusal, could make any appeal very difficult to defend especially if the plan is subsequently and materially amended by a planning inspector pursuant to making it sound;

and any such refusal decision could be challenged with the potential of an award of costs against the Council on the grounds of substantive unreasonableness.

9.1.3 Principle of Development - Conclusion

The site is located within the settlement limits of Warminster, and the revised settlement boundary can only be afforded limited weight in the determination at this time, as such the principle of development is considered acceptable and in line with the aims of WCS Core Policy 1, 2 and 31. The development does not conflict with the made Warminster Neighbourhood Plan.

9.2 Impact on the Character and Appearance of the Area

Core Policy 51 'Landscape' outlines that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures.

The application site covers approximately 2.23 hectares and is located on the southern fringe, and within the settlement limits of, Warminster. The site consists of agricultural fields bordered by residential development off Damask Way to the west and to the south off Upper Marsh Road. Trees of varying quality provide a robust landscaped edge for the site along the north, east and south boundaries. The Smallbrook Meadows County Wildlife Site lies to the north and east of the site and consists of neutral grassland, wet and dry woodland, swamp and fen vegetation. There are no landscape designations constraining the site although it is within the Wooded Greensand Hills in the West Wiltshire Landscape Character Assessment.

The illustrative layout plan (drawing 07179-10 rev U) which is reproduced below indicates a development consisting of a band of housing located to the east of existing residential development off Damask Way. Vehicular access to the site would be off Upper Marsh Road to the south-west while pedestrian access would be achieved via Damask Way to the west. Landscape buffers of between 6 and 20 metres would be created to the north, east and south of the site while an open green space would be provided along the south and eastern reaches of the site. In addition a landscaped central space would be provided with residential rear gardens stretching north and southwards towards the landscaped edge of the site.



The proposed low density of the scheme is considered appropriate for the site and most certainly would not be considered as overdevelopment. The detailed layout would still need to be considered at the reserved matters stage should outline planning permission be granted along with the scale, design and appearance of the development.

In advance of such an application and to secure certain commitments from the applicants, the Council's Urban Design officer provided a series of recommendations to ensure a high quality designed scheme is submitted for consideration at the reserved matters stage. Although there would clearly be a change in the character and appearance of the area, this would be mitigated to some degree by existing trees along the boundary of the site and additional tree and other planting within the proposed buffer area around the site. The additional buffers would integrate the proposed development into the wider landscape context and protect the wider panoramas viewed from elevated countryside vantage points. In addition the development would also be viewed as a logical and sympathetic extension of the existing built up residential area to the west. Officers are satisfied that the revised illustrative layout would deliver an acceptable development of a maximum of 28 houses that could be satisfactorily accommodated on site in terms of landscape, character and visual impact.

It is acknowledged that the loss and redevelopment of the agricultural land would result in some harm to the character and appearance of the area. There would be minor adverse visual effects, particularly for nearby residents and people using the public footpath. However the negative impacts of the development would be mitigated as far as possible and as required by policy, through the inclusion of landscape features such as the addition of buffer zones on the boundary of the site and additional landscaped open space. As such the extent of adverse visual impacts would not be widespread and there would be only limited harm to the landscape setting of the local area. This harm is not considered to be significant enough to warrant a reason for refusal.

The Cranbourne and Chase Area of Outstanding Natural Beauty (AONB) is located over approx. 820 metres to the south with the A36 situated between the application site and the AONB; and due to the separation distances involved, and the intervening features such as the A36 highway, it is considered that the development would have no adverse impact on the setting of the AONB and as such it is not considered necessary to request consultation responses from the AONB organisation.

9.3 Impact on the Amenity of Neighbouring Residents

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

Existing residential development to the west comprises a mix of properties fronting Damask Way and directly to the south off Upper Marsh Road. This application seeks outline planning permission only at this stage; however the illustrative layout plan 07179-10 rev U demonstrates that the site is capable of being developed with acceptable property separation and having a clear plan on how to avoid detrimentally affecting the amenities of adjacent residents. Although the application is outline with all matters reserved except access, the indicative plan includes sufficient distance between the existing properties fronting Damask Way and Upper Marsh Road and the proposed development and officers are satisfied that the scheme as illustrated would not result in significant impacts on the living conditions of neighbouring residents in terms of loss of privacy or overlooking or loss of light and overbearing impact. For example the indicative plan shows that the separation distance between the rear elevation of No. 5 Damask Way and the front elevation the properties to the

northwest corner of the proposed development would be approximately 21-23 metres and set at an angle with an approximate separation distance of 16-17 metres to the rear boundary of No. 5. Although it is recognised the open outlook across the agricultural land would be lost for the existing housing, this cannot be used as a reason for refusal as there is no right to a view and there would be substantive harm caused to existing residents.

It is also not considered that the level of light and noise pollution associated with use of the new access road, and its impact on local residents, in particular those fronting Damask Way, would be so severe that the application could be recommended for refusal.

In light of the above, officers are satisfied that the scheme would not have a significant adverse impact on the living conditions of neighbouring residents and the proposal is considered policy compliant.

9.4 Highway Issues

9.4.1 Introduction - Highway Issues

One of the core planning principles of the NPPF is to “*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*” (para 17). This core planning principle is reflected within Core Policies 60 ‘Sustainable Transport’ and 61 ‘Transport and New Development’ of the WCS which seeks to ensure that new developments are located within sustainable locations and are designed to encourage the use of sustainable transport facilities. Core Policy 61 also seeks to ensure that all new developments are capable of being served by safe access to the highway network.

The application seeks outline planning permission with detailed consideration given to the means of ‘access’. Through highway officer negotiation, it is proposed that access to the site would be achieved by creating a new vehicle access onto Upper Marsh Road. The access would consist of a standard priority junction with a 5.5m carriageway and minimum 6m radii. This includes a 2m wide footway/ service strip and 0.5m rubbing strip, offering a total highway width of 8m on the site access road.

The application is supported by a detailed Transport Statement which considers the impact of the proposed development on the local highway network and shows the need to maximise opportunities for walking, cycling and public transport use to reduce reliance on the car. The statement concludes that:

‘The proposed residential development, mitigated by sustainable travel measures and improved passing facilities off-site - agreed with the LHA...for this 28-unit proposal - would not give rise to any significant adverse transport impact and therefore accords with local and national planning policy as it relates to transport.’

It is duly noted that local residents have raised a number of objections and issues in relation to highway safety pursuant to this application and proposal. These concerns are dealt with in the points below.

Although the development is outline with all matters being reserved except for the vehicular means of access, the indicative illustrative layout plan (amended plan 07179-10 rev U) indicates a proposed foot/cycle path from the new access road to Damask Way located to the south of 83A and 83B Damask Way. Concern has been raised by third parties that highway issues raised under previous applications (15/01661/OUT (pursuant to the residential development for 5 dwellings off Damask Way) are relevant to the current scheme. However it should be noted that each application must be treated on its own merits and the Council’s highway officer has no objections to the scheme.

9.4.2 Trip Generation Details

The trip generation assessment has been provided for the proposed 28 dwelling scheme and the industry standard TRICS database has been used to determine the likely amount of traffic generated by the proposed development. The Council's Highways Officer advises that the submitted TRICS data provides a robust TRICS assessment for this site. The TRICS data has derived peak trip rates of 0.508 (AM) and 0.472 (PM) which is considered comparable to other development sites within Wiltshire. This would equate to 15 two-way movements in the morning peak (8am to 9am) and 14 in the evening peak (5pm to 6pm) and a total of 122 two-way movements per 12 hour day time period to/ from the site.

The baseline traffic data collected suggests that the section of Upper Marsh Road between Damask Way and Smallbrook Road currently experiences around 59 two-way movements in the morning peak (8am to 9am) and 52 two-way movements in the evening peak (5pm to 6pm). Smallbrook Road itself currently experiences around 94 two-way movements in the morning peak and 96 two-way movements in the evening peak.

To help assess the likely distribution of these new trips generated by the development, turning count surveys at the Damask Way/Upper Marsh Road junction and local Census journey to work data has been used. This data, submitted by the applicant (Transport Statement (Post-Application Revision Volume 1)), suggests that the majority of site traffic would head north on Upper Marsh Road and the applicant has assigned 87% of the predicted trips in this direction. Although this conclusion has been contested by consultees working on behalf of neighbouring residents, the Council's highway officer is satisfied that this approach is acceptable and the majority of trips would be to the north. The Council's highway officer concludes that the trip rate and trip assignment work submitted by the applicant is a reasonable attempt at predicting the likely amount of traffic generated by the development and its direction of travel. In conclusion the majority of trips generated by the development would result in traffic heading north along Upper Marsh Road rather than east along Smallbrook Road.

9.4.3 Site Access

The site access being proposed off Upper Marsh Road would be a standard priority junction, with a 5.5m carriageway and minimum 6m radii. This would include a 2m wide footway/service strip and 0.5m rubbing strip, offering a total highway width of 8m on the site access road. This geometry acts effectively as a shared surface road, which would be more than appropriate for a development of this scale. Visibility splays at the access have been shown at 2.4m x 43m which satisfies the current design guidance in Manual for Streets (MfS) and is considered to be adequate at this urban location, where vehicle speeds are actually significantly lower than 30mph.

It is fully appreciated that there is a sharp topographical difference between the site and Upper Marsh Road, with the site steeply rising in a northern direction away from the highway. However a near level platform of a maximum gradient of 1 in 30 (3.33%) has been demonstrated as being achievable by the applicant through the submission of a long-section on drawing ref. 'Site Access Arrangement and Preliminary Levels' (no. IMA-17-167-006D). The Council's highways officer is satisfied that an adequate gradient of a maximum of 1 in 12.5 (8%) is achievable throughout the site, which accords with Council guidance.

The formation of the access and access road would require significant engineering works and likely retaining works, which would need to be approved in full detail by the Council and satisfy the Local Highway Authority (LHA). Having appraised the submitted plans, the Council's highways officer is satisfied that the engineering works can be suitably conditioned and no in principle objection is raised on highway safety.

It is fully acknowledged that the width of Upper Marsh Road is narrow at the proposed access location. However, under this application and through developer obligations, it would be

increased to 4.8m as a result of the access works, which, according to national design guidance in MfS, is adequate for a car to pass a large service vehicle. In addition, the Council's highways officer is satisfied that the geometry at this access is adequate to enable a large refuse vehicle to make the necessary turning manoeuvres, as demonstrated on 'Plan TS-3 Large Refuse Lorry Swept Path at Proposed Site Access' (IMA-17-167-010) and access the site.

It is acknowledged that local concerns are raised by third parties about the potential for conflict at the access if a vehicle is stationary at the site access when a large vehicle wishes to turn. In response, the Council's highways officer is satisfied that these occurrences would be very irregular and the road width of 4.8m would be adequate to avoid such conflicts. The Council's highways officer submits that the proposed site access has been designed to adequately serve a development of the size proposed and there are no highway safety concerns with regards to the design and form of this proposed access.

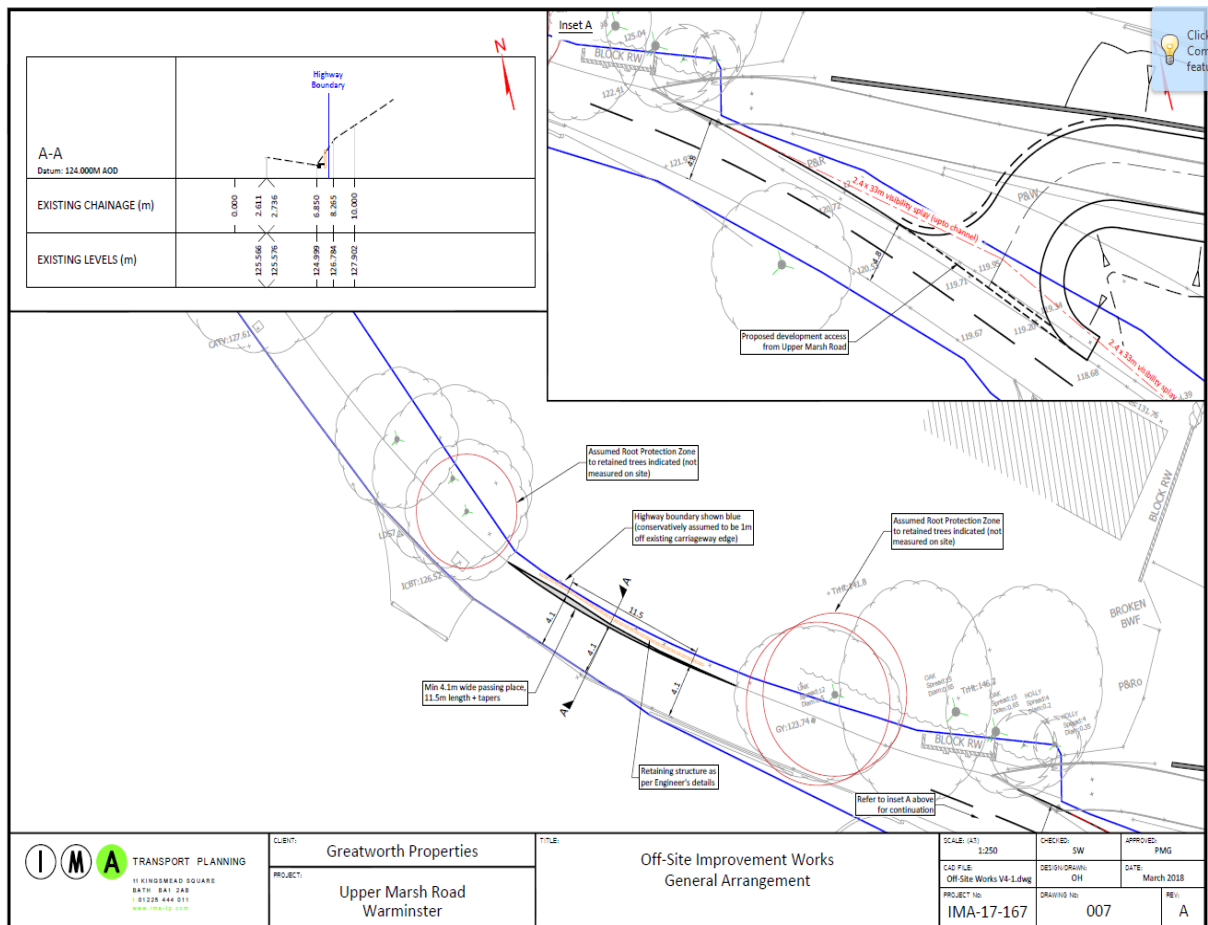
9.4.4 Suitability of Local Roads

As has been acknowledged by the applicant and highlighted by much of the local representations that the roads to the south of the site are narrow in width and lack dedicated pedestrian facilities. This includes the section of Upper Marsh Road that the proposed site would access off, with average widths of less than 4m.

The roads south of the site that future residents or visitors of the proposed development could reasonably be expected to use are namely; Smallbrook Road, Gipsy Lane and Chain Lane. Gipsy Lane is generally of a better standard than Smallbrook Road and Chain Lane, with the latter two roads being of narrow width and without dedicated pedestrian facilities. The concerns raised by local representations can be summarised under two main points; 1. The risk of conflict between vehicles and 2. The risk of conflict between vehicles and pedestrians/cyclists.

As mentioned above, the trip generation and assignment work submitted by the applicant projects that the scheme would result in very few additional vehicle movements to the south of the site, using the roads named above. The trip assignment work suggests that 2 vehicles would leave the site/ approach the site to/ from the south in the peak periods and whilst this could be an underestimation, the number of vehicles to be generated would not be significant. This level of additional traffic is minor and unlikely to be perceivable as a direct result of the development; and on this basis, the Council's highways officer concludes that the impact of the development on the roads to the south of the site would not represent a severe impact or highway safety concern.

Additional concern has been raised by local residents about the narrow width of a section of Upper Marsh Road north of the proposed site access. In order to overcome this issue the applicant proposes some localised road widening to address the narrow width of this section of road. The proposed access position means that vehicles must travel along approximately 100m section of Upper Marsh Road that is of single width, however, the applicant has offered some localised road widening along this section to mitigate any conflict caused by the development. The proposed widening shown on the 'Off-Site Improvement Works General Arrangement' plan (IMA-17-167-007-A) would secure provide a 4.8m carriageway width, which MfS states as being adequate to allow a large service vehicle and car to pass each other. Where 4.8m is not achievable, 4.1m width would be maintained, which MfS states is adequate to allow two cars to pass. This proposed widening would result in an approx. 35 metre section of road that is of single width, however, it would still deliver some betterment and the Council's highways officer is satisfied that forward visibility is adequate so that vehicles would be able to see each other at the wider sections of road, thus mitigating the likelihood of any future conflict between vehicles.



Proposed Off-Site Improvement Works General Arrangement' Plan (IMA-17-167-007-A)

In response to the concerns raised about conflicts between vehicles and pedestrians on Upper Marsh Road, due to the lack of footways/ pedestrian facilities, it is important to appreciate that existing pedestrians continue to use this route, and the main pedestrian and cycle route from the development would be via a new footway/cycle path onto the upper section of the existing emergency access and onto Damask Way. It is therefore not anticipated that a significant increase in pedestrian activity would be generated on Upper Marsh Road, as the gradients along Damask Way are for more attractive. Details submitted by local residents would seem to indicate that conflict with pedestrians is an existing issue on Upper Marsh Road, but it is not considered to be substantively dangerous given the respective low traffic speeds, which as previously reported, are generally lower than 30mph.

The Council's highway officer does not consider that the proposed development would result in a significant increase in pedestrian activity along Upper Marsh Road as a result of the development. There is no record of any accidents in the last 5 years on the roads in the vicinity of the site and whilst it is accepted that this does not necessarily mean there is not a hazard, the proposed development with its projected modest traffic generation would not present a significant danger compared to the existing situation, to justify a refusal. Officers submit that the development would not result in significant increased harm to pedestrian safety in the immediate area, and in particular along Upper Marsh Road, as a result of the development. The proposed road widening would deliver adequate mitigation for the scale of the development in this location.

9.4.5 The Existing Damask Way Emergency Access

The site access is proposed at a point where it would require the removal/alteration of part of the existing emergency access for Damask Way and the scheme would involve the regrading of the existing emergency access to integrate the access into the new proposed access to the service the development. It is appreciated that the regrading works would involve a significant level of engineering. However, because the application is outline with all matters reserved, these works would form part of a reserved matters application. The Council's highways officer is however satisfied that the a safe and suitable access and road is achievable in engineering terms and that any subsequent REM application would need to confirm the full engineering details including retaining works, construction formation and drainage.

The proposed alterations to this emergency link has been highlighted as a concern within local representations on the basis that the planning approval for the previous development off of Damask Way included a condition that this emergency access should be maintained in perpetuity. The proposed amendments to this emergency access would materially alter the emergency access, but the Council's highway officer highlights no in principle opposition to such works, subject to conditions. The emergency access would still be maintained for Damask Way in perpetuity.

Concerns have also been raised by third parties that the developer has no right of access across the existing emergency access. However the applicant has served notice on the landowner of the emergency access and officers have not been informed of any in principle objection to what is being proposed and following the submission of a revised location plan (07179 - 12 rev C) to capture the off-site works on land not within the applicants control or ownership, no objection was raised by the Council's highways officer.

9.4.6 Parking/On-Site Provisions

Whilst this application seeks outline consent with all matters reserved accept access, the submitted documentation and the applicants have committed themselves to satisfying Wiltshire's Council's Car Parking Standards for the development, including provision of unallocated visitor parking spaces.

In terms of proposed cycle parking, details would be submitted as part of a reserved matters application and through the discharge of planning conditions. Officers are satisfied that the development would comply with current Council cycle parking standards.

A condition can also be imposed on any approval requiring the submission of a Travel Plan Statement, in order to encourage the use of non-motorised modes of travel to and from the site.

9.4.7 Highways Issues - Conclusion

The site is considered to be a sustainable location within reasonable walking distance of the town centre, local shops and Warminster Railway Station. There are bus stops approximately 500 metres from the site on Avon Road off Upper Marsh Road that link the site to the town centre; and public footpaths run through the site and nearby providing people with options to walk.

Through the proposed road widening along the narrower sections of Upper Marsh Road and the modest projected increase in traffic numbers generated by the development, officers submit that the proposed scheme would not have an adverse impact on highway safety in the immediate area, and in particular along Upper Marsh Road. In addition the proposed site access and access road proposals would satisfy with current national guidance and is considerate adequate for the proposed development of 28 dwellings. Pedestrian safety in the immediate area would not be substantively harmed or at elevated risk to justify a refusal.

Following a detailed and lengthy appraisal of the application, the Council's highways officer has no objection to the scheme, subject to conditions.

9.5 Ecology Issues

9.5.1 Introduction – Ecology Issues

WCS Core Policy 50 'Biodiversity & Geodiversity' requires that all development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Furthermore, the policy specifies that all development should seek opportunities to enhance biodiversity. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services.

The application site is surrounded by species rich habitats, including scrub, woodland, wetlands, road verges, mature trees, grazed pastures and regenerating woodland habitats. Together they form a matrix which is likely to support high levels of biodiversity. The field itself supports a wide range of grass species as well as large swathes of sheep's sorrel and field woodrush indicating the site is has not been subject to reseeding and fertilizer treatment. The invertebrate abundance and biodiversity associated with such vegetation can be expected to be high especially with light levels of sheep grazing and this will contribute to the numbers and range of birds, mammals, amphibians and reptiles in the local area.

9.5.2 River Avon Special Area of Conservation (SAC)

The Council has been advised that all development individually or in combination within the River Avon catchment has the potential to give rise to adverse effects on the River Avon SAC, and in order for planning permission to be granted, all residential development should demonstrate that would be 'phosphate neutral'. As this site would be connected to the Warminster sewage treatment works it would need to comply with this requirement.

To secure a common approach to assessing the effects of development in the River Avon Special Area of Conservation (SAC) as well as having consistent approach to achieving the Nutrient Management Plan (NMP) ambition targets and identifying appropriate and proportionate mitigation measures, a Memorandum of Understanding has been agreed with Natural England, Wessex Water, the Environment Agency, Wiltshire Council and our neighbouring authorities of New Forest District Council and Christchurch and East Dorset Council.

The Council was advised by the Environment Agency (EA) and Natural England on 9 March 2018 that it cannot rely on the River Avon Special Area of Conservation Nutrient Management Plan (NMP) to demonstrate that impacts from new development would be offset and thus not lead to significant effects. A joint statement advised:

"Evidence suggests that the targets in the Hampshire Avon nutrient management plan are unlikely to be delivered by 2021. We are modelling what this means for the Nutrient Management Plan, and will be providing recommendations in March 2019. We know that there will be new development and we advise that the new development within the catchment of the Hampshire Avon needs to be "phosphate neutral". We will work with you to help you demonstrate how that can be best achieved." (Source: 9 March 2018 email from EA to Wiltshire Council, New Forest District Council and East Dorset/Christchurch Council).

The aim of the NMP is to bring phosphate concentrations in the River Avon SAC down to the conservation targets set by Natural England in order to bring the river system into a favourable condition. This is a requirement of the Habitats Regulations. The underlying premise of the

Plan is that increases in sewage derived phosphate would be more than offset by reductions from Defra's catchment sensitive farming (CSF) initiatives. However, by early 2018, Natural England and the EA reported that CSF has been much less effective than that which was projected by the NMP modelling and is unlikely to offset the increased level of phosphates from new development.

Where CSF cannot be relied upon, the NMP requires reductions to be made at point sources (i.e. sewage treatment works) if development is to be allowed to proceed. However until the EA's modelling has been completed, it is unclear how much phosphate would need to be offset to ensure the conservation targets are met. As an interim measure therefore, EA and NE have agreed that development would not lead to significant effects if it can be demonstrated it would be phosphate neutral. This applies to all development in the River Avon SAC catchment; and the availability of permit headroom in some sub-catchments does not set aside this requirement.

Consequently the local authorities in the catchment together with the EA, NE and Wessex Water worked together to prepare and sign up to a Memorandum of Understanding (MoU) to demonstrate how phosphate neutral development would be achieved until permanent reductions can be accommodated through the water company's asset management plan or other means such as reducing agricultural runoff.

The MoU commits the parties to deliver phosphate neutral development by:

- Imposing a planning condition on all planning permissions for new dwellings requiring their construction to adhere to the Building Regulations optional requirement of capped maximum water usage level of 110 litres per person per day;
- To have a draft Annex detailing appropriate offsetting measures within three months of the MoU being signed; and,
- To use appropriate developer CIL contributions to secure measures identified in the Annex sufficient to ensure that all development permitted up to 2025 is phosphate neutral.

The Wiltshire Council CIL Regulation 123 list includes provision to support the 'Nutrient Management Plan (NMP) – to address the level of phosphate in the River Avon.' Annex 4 to the NMP already provides some estimates of costs for off-setting measures and it is clear that together local planning authorities in the catchment are capable of funding off-setting measures for as long as they are needed to breach the gap when permanent measures to reduce phosphate are introduced. The MoU lists the measures currently under consideration which will be developed further and the approach in the MoU will be reviewed regularly with the first review planned for March 2019. In signing up to the MoU all the signatories agree that as a result of offsetting proposed in the Annex, development authorised between 9 March 2018 and the end of March 2025 is unlikely to lead to significant effects on the River Avon SAC. Consequently, permission for the current development can now be issued lawfully provided a condition is included requiring dwellings to be constructed to achieve the higher water efficiency standards of 110 litres per person per day.

9.5.3 Salisbury Plain Special Protection Area (SPA)

The 'HRA and Mitigation Strategy for Salisbury Plain SPA' has recently been reviewed with the consequence that the radius for visitor impacts has been revised to 6.4 km from the boundary of the SPA. This application site lies well within this limit but as contributions to avoid and offset the impacts to Salisbury Plain SPA are included in CIL payments, there is no likelihood for significant impacts to this European site.

9.5.4 Badgers

The Council's ecologist states there are no badger setts on the application site but the density of setts in the local area could be high. The application site is traversed by badgers and it

undoubtedly forms part of their foraging territory. Legislation protects badger welfare only rather than foraging ground; and this species is not of conservation concern. However the reduction in greenfield land could potentially lead to a reduction in the population of badgers in the long term but it would be insufficient to lead to any significant loss and badgers would continue to be present in good numbers in the area. The development is located sufficiently far away from setts to ensure that disturbance during construction can be kept to a minimum. If Members are minded to approve the application a condition requiring a Construction Method Statement would be necessary to secure details of the storage of plant and materials for the construction phase of the development and measures to be adopted for the protection of the natural environment before works on site commence.

9.5.5 Bats

The Council's ecologist considers the site to hold good potential for foraging bats and this is enhanced by low level sheep grazing. The application site lies outside the consultation areas for Annex II bats (such as Lesser and Greater Horseshoe bats and Bechstein's bats) but lies on high ground overlooking the River Wylye, a potential flight route between the Bath and Bradford on Avon Bats SAC and the Chilmark Quarries Bats SAC. The low number of roost records in the general area does not discount the possibility of older farm buildings supporting Annex II roosts especially as the habitat conditions are ideal for greater and lesser horseshoe bats. If these bats are roosting locally, then there is a good chance that the application site forms part of their foraging range.

It is noted that no bat survey has been undertaken by the applicant; and in response to this, the Council's ecologist accepts that no bat survey is required because; i) a bat survey would be unlikely to establish a connection with the Bat Special Area of Conservation even if horseshoe bats (i.e. SAC bat species) were identified using the site; ii) the application is unlikely to trigger a HRA in respect of Chilmark Quarries SAC and Bath and Bradford on Avon Bats SAC because it would be difficult to make a connection between the application site and any of the European sites which specifically protect Annex II bats; iii) the scale of the development is relatively small and iv) the amount of land set aside for mitigation is relatively high.

The Council's ecologist concludes that although lack of bat survey means the site cannot be assessed as to whether there would be a net gain in biodiversity, due to the creation of the proposed mitigation buffer zones to the north, east and south of the site (which would need to be conditioned and available before works commence), the development would not result in any net loss of biodiversity.

9.5.6 Other Species

The site conditions are not suitable for dormice. While woodland adjacent to the site is not ideal for this species, the large amounts of woodland locally increase the chance that habitats adjacent to the application site could be used by dormice. A small population of dormice may be present in the adjacent woodlands on a permanent or periodic basis, however the impacts on this species would mostly occur indirectly as a result of predation by domestic cats or increased use of the woodlands north and south by walkers and dogs. The effect may be to reduce their dependence on the area around the application site which would ultimately reduce the local population size. However due to the small population size it is not considered that the impact of the development on any dormice population would be severe and it certainly would not be substantive grounds to justify a refusal.

In terms of birds, Smallbrook Meadows is likely to support a wide range of birds, some of which will likely use the application site for feeding. It is unlikely any species would nest on the site given its management and small size. As such no loss of bird species would be expected due to the development and habitats in the proposed buffer may be expected to offset foraging habitat and create new nesting opportunities.

As far as reptiles are concerned, conditions are not conducive to supporting large populations. However the Council's ecologist concludes that populations of slow worm, common lizard and grass snake may remain neutral as the effects of increased disturbance and predation may be offset by increased unmanaged habitat in the buffer areas.

9.5.7 Proposed Mitigation

In order to overcome issues raised above and to comply with Core Policy 50 in terms of providing a development that would maintain ecological value, the development would include a buffer zone to the north, east and south of the site of between 6 and 20 metres. Conditions should be imposed for any approval requiring that these buffer zones are be planted before works on the development commences in order to ensure sufficient advanced mitigation is provided.

The amended Indicative Site Layout drawing Rev U demonstrates that at the northwest end of the site, the buffer would be 6 metres whilst along the northern site extent the buffer to offsite woodland would be 10 metres wide. At the eastern end there would be a large area of open space on a steep slope which is to be left undeveloped and to the south the buffer to the woodland would 20 metres wide. The Landscape Strategy Rev B demonstrates how these areas would be planted up, which is acceptable and would ensure that adjacent habitats are not affected by light spill from the development and provide a suitable amount of land in which to offset habitat loss. In terms of the 6 metre buffer, in order for this to be effective at reducing light spill effects from bedrooms and exterior lighting, it would be necessary to provide significant dense and mature planting in the buffer area to provide a suitable screen. Details of landscaping would form part of any subsequent reserved matters submission, but officers are supportive of the principles and on site capabilities to secure biodiversity safeguards and mitigation. Robust planning conditions are necessary however.

In addition the woodland surrounding the site to the north and south and within the ownership of the applicant is covered by a Tree Preservation Order (TPO) which should provide a degree of security for important wildlife species and habitat.

9.5.8 Impact of the development on the Smallbrook Meadows County Wildlife Site (CWS)

It is recognised that the development would result in some additional visitor pressure on the CWS from the development. However the Council's ecologist considers that the scale of recreational impacts from the scheme is unlikely to cause significant damage to the more vulnerable wetland features and impacts can be expected to be minor overall. In addition the scheme would include a buffer area of between 6 and 20 metres between the rear of proposed residential gardens and the edge of the woodland to the south of the CWS. As such it is considered the proposed development would have no adverse impact on the setting or character of the CWS.

9.5.9 Conclusion – Ecology Issues

Although the applicant cannot achieve a net gain in biodiversity terms, the Council's ecologist concludes that the development, subject to the creation of the ecological buffer zones, would result in no net loss. Appropriate management of the mitigation areas as well as other habitats to be retained and created on the site would be included within a LEMP. Management of the open spaces and mitigation buffer areas would be the subject of a legal agreement, and on this basis no ecology based objection is raised.

9.6 Impact on Heritage Assets (Adjacent Listed Building)

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting. 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." Paragraph 134 of the NPPF states where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset; this harm should be weighed against the public benefits of the proposal.

Turnpike Cottage, a grade II listed building, lies to the south of the site on the opposite side of Smallbrook Lane and approximately 60 metres distant from the southern boundary for the site. The Council's conservation officer submits that the proposed development would lead to 'some harm' i.e. 'less than substantial harm' to the setting of the aforesaid grade II listed building because the ridge line of the proposed development would be partially visible when the listed building is viewed from Smallbrook Lane to the south and the views of the building from the PROW would be partially obscured by the proposed development.

In accordance with paragraph 134 of the NPPF this harm needs to be offset by a public benefit.

In this case the proposed development would result in the construction of 8 affordable homes as well as deliver 20 open market houses, which would help boost local housing supply and in addition, the development would secure improvements to the local highway through the localise road widening proposals. As such it is considered that the proposed development harm to the wider setting of the local heritage asset would be substantively outweighed by these public benefits and in the opinion of officers, the development would comply with the NPPF.

9.7 Drainage Issues

Wessex Water has not objected to the scheme. Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. In this case, the site is recognised as being flood zone 1 – land that has the lowest probability of flooding and there are no known land drainage constraints which cannot be addressed.

The applicant proposes to deal with foul water drainage by connecting to the existing public foul water sewer within the immediate vicinity of the site. In addition a condition is recommended, if the scheme should be approved, requiring details of surface water drainage – which should be submitted before works on site commence. Issues of water runoff and its impact on the River Avon SAC are dealt with above under point 9.5.1.

9.8 Public Rights of Way (PROW)

Public right of way WARM53 bisects the site north to south and the submitted indicative site layout (amended plan 07179-10 rev U) illustrates how the public footpath would be incorporated into the site. The Council's public rights of way officer has no objection to the scheme and has requested steps to be installed along the path to the north and south where the land slopes and surfacing through the nature reserve to the north to provide some local enhancement. In addition the Council's highways team have requested the surface of the right of way be metalled. The submission of details pursuant to the surfacing of the PROW would form part of any reserved matters application and be subject to planning conditions. Officers submit that the proposed development would not adversely impact the public right of way.

9.9 Loss of Agricultural Land

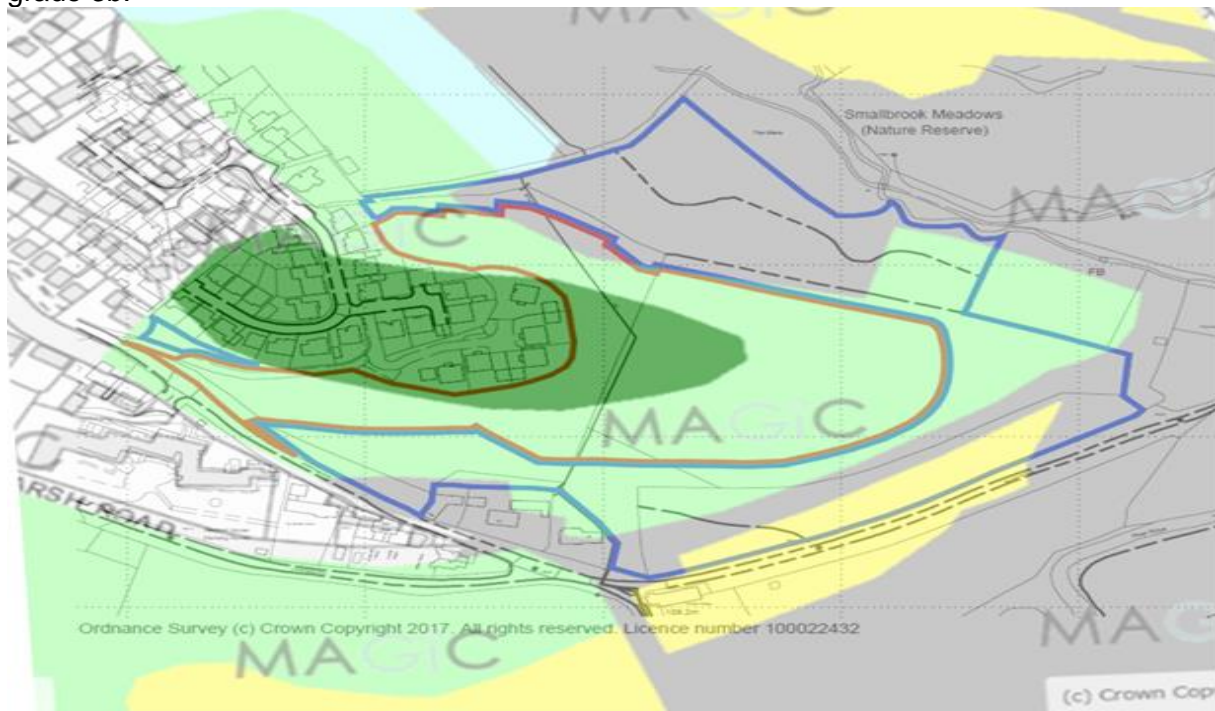
The application site comprises approximately 2.23 hectares of agricultural land which is categorised as agricultural land grade 3a and 3b. Grade 3a agricultural land is identified as being 'good quality land' capable of consistently producing moderate to high yields of a narrow range of arable crops, especially cereals, or moderate yields of a wide range of crops including cereals, grass, oilseed rape, potatoes, sugar beet and the less demanding horticultural crops. Grade 3b land is 'moderate quality land' capable of producing moderate

yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year.

Pursuant to any proposed loss of grade 1, 2 or 3a agricultural land, paragraph 112 of the advises that “*local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality*”.

Natural England’s Technical Advice Note TIN049 ‘Agricultural Land Classification: protecting the best and most versatile agricultural land’ explains that “*the Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system.*” The ALC system classifies land into five grades, with Grade 3 subdivided into sub-grades 3a and 3b. The best and most versatile land, in order, is defined by grades 1, 2 and 3a.

Since the June committee referral, officers have investigated the land classification further and can confirm that the application site is identified as being partially grade 3a land (identified in dark green – which encompasses much of the previously consented residential development as shown below) and 3b land (identified in the lighter green shading). To assist members, the overlay plan was produced by officers taking into account the updated mapping records obtained from Natural England land classification and comparing it against the existing built development and the proposed application site extent. The overlay reveals that the centre of the site is designated as being grade 3a land whilst the outer edges and slopes of the site are grade 3b.



Approx. amount of land within Grade 3a agricultural land use Land East of Damask Way

As can be seen from the attached plan the amount of land within the application site that falls within grade 3a which is not currently developed it quite limited (approx. 0.7ha) and forms only a small part of the application site. The remainder of the site for residential development falls within the 3b moderate agricultural land classification which does not have NPPF policy safeguards. It should also be noted that approximately a quarter of the field has already been developed following the approval of applications W/12/00687/OUT for 23 houses and 15/01661/OUT for 5 houses. In addition the application site remains located within the

settlement boundary of Warminster. The land is used for sheep grazing and would have limited practical use given the terrain for intensive arable crop production. The 0.7 hectares of 3a land that would be lost would not be 'significant' when applying paragraph 112 of the NPPF. The loss of the 3a and 3b agricultural land would be compensated for in the planning balance by the delivery of new housing of which 30% would be affordable.

9.10 Other Issues

At the June planning committee meeting officers were asked about the planning history for a site located near to the existing emergency access road that serves the existing Damask Way development. Application W/07/01209/FUL was specifically referenced which related to a refused application for one dwellinghouse at No.2 Henford Close – a site which is located approximately 25 metres to the west of the proposed new access to the Greatworth Development proposed scheme that is before committee for determination. The 2007 application was refused for four reasons referencing concern about the design and bulk of the development and overdevelopment of the site as well as a highway related refusal which read as follows:

The site has insufficient frontage to enable an access to be satisfactorily laid out incorporating the necessary visibility splays, which are essential in the interests of highway safety.

From reviewing the 2007 application, officers submit that the Henford Close application was a cramped form of development with insufficient land to adequately site a dwelling and provide the necessary on-site parking spaces; and at the same time, the applicant could not provide the necessary visibility splays. In the case of the current application for 28 dwellings, the highways officer is satisfied the applicant can provide a suitable and safe access that would satisfy with current national guidance and Council policy; and the quantum of housing would not constitute as overdevelopment of the site. It must also be remembered that every application should be assessed on its own merits taking into account individual site circumstances and any mitigation being proposed by the applicant.

The following insert map illustrates the 07/01209/FUL proposed site layout with its minimal site frontage.



Other issues have been raised by third parties relative to concerns over damage made by construction traffic. This is more of a civil matter rather than a material planning consideration and it cannot reasonably influence the determination of the application.

In terms of energy saving measures, the development would need to comply with building regulations; and officers, in line with ecology NMP / phosphate reduction requirements, recommend a planning condition restricting flushed water levels entering the sewerage system and impose water efficiency requirements.

Concern has been raised by third parties that the developer did not engage in community involvement. Whilst officers encourage developers to positively engage with local communities prior to a formal planning submission, it cannot be forced upon a developer.

Some third parties submit that the application should not have been registered in the first place due to a lack of information and poorly drawn plans. However, officers consider the submitted details to be sufficient to illustrate what is being proposed and the application is supported by sufficient evidence and supporting material to enable the Council to reach a decision.

Additional concern is raised about notifications to local residents when amended details were submitted. In response to this criticism, it should be noted that addresses of all residents who commented on the application are recorded on the Council's planning system and officers submit that sufficient notification to the local community was carried out as set out within section 8 of this report.

Third parties also criticise that lack of a waste audit undertaken by the developer. However it is considered that such details and a Residential Waste Minimisation and Waste Management Plan can be conditioned.

Enforcement Issues have also been raised by third parties in relation to the cutting down of existing trees on site and the failure of the land owner to comply with conditions imposed on previous approvals on and adjacent to the site. In terms of removal of the trees, the affected trees were not protected under a Tree Preservation Order (TPO) and the site is not a conservation area therefore there was no breach in planning control when the trees were removed. In terms of the landowner's failure to comply with conditions on previous approvals, in particular reference to landscape conditions imposed on application 12/0068/OUT and 15/0166/OUT, the matter has been investigated by the Council's enforcement team and this is a separate matter which is ongoing. Although the enforcement team quite correctly await the outcome of this application determination before taking any further steps.

In term of the likely affordable housing mix, 8 dwellings would be provided on site and that is as much information the Council needs to confirm at this stage. Any subsequent approved REM submission would confirm the type and siting of the affordable units that would need to respond to housing need at the time of its submission – which could be in several years' time.

Additional concern has been raised by third parties that the submitted landscape appraisal fails to fully assess the impact of the development on issues in terms of light pollution during the houses of darkness. In response, a planning can be imposed to secure a sensitive lighting strategy and scheme for the site. It is also important to appreciate that the application site is located within the limits of development of Warminster and the built area of Warminster is spread out to the west, north and east of the site with more dispersed residential development to the south. Subject to a sensitive lighting scheme, the 28 additional dwellings would not significantly harm local amenities and the AONB objectives.

10. S106 Developer Contributions

The site generates a requirement for the provision of 30% on-site affordable housing, to be provided in an integrated manner as agreed at the reserved matters stage. The type and tenancy mix shall be negotiated with the Council's housing officers to ensure a 'best fit' for local housing needs applicable at the time of the agreement.

Under WCS Core Policy 3, the proposal generates a requirement for the provision of on-site public open space proportionate to the final housing mix. The development would generate a modest increased population in this part of Warminster, placing additional demands on local primary and the secondary education provision, although the school's education head of commissioning reports that there is no requirement for a developer contribution for primary school places given the existence of some local capacity.

The summary heads of terms for the s106 for this application are as follows:

- On site affordable housing of 30%
- Onsite open space totalling 1,027.54m², including 49.56m² of equipped play space. If no play space is to be provided on-site we would look for an off-site contribution of £7,235.76. The site would also generate a requirement for an off-site sports pitch contribution of £6,608.
- Secondary education contribution of £139,896 (subject to indexation)
- Waste and recycling facilities for the site charged at £91 per residential unit
- The creation of a management company

11. Conclusion (The Planning Balance)

The application site is located within the settlement limits of Warminster and is considered to be a sustainable location on land located to the east of Damask Way and northeast of Upper Marsh Road and north of Smallbrook Lane. The site measures approximately 2.23ha in size and consists of a plot of agricultural land located on the southern boundary of the built up area of Warminster. The emerging Wiltshire Housing Site Allocations Plan (WHSAP) proposes an amendment to the settlement boundary for Warminster, such that the site would be excluded from falling within the settlement boundary. However as detailed above the revised settlement boundary can only be afforded limited weight in the determination at this time. As such the principle of development is considered acceptable and in line with the aim of Core Policy 31.

In terms of neutral impacts, the supporting information demonstrates that the proposed residential development would be a sufficient distance from neighbouring residential properties and officers are satisfied that the site can accommodate 28 dwellings without adversely impacting on the living conditions and amenities of the occupants. The density of the scheme is considered appropriate for the site the revised illustrative layout suggests that the level of development proposed (maximum 28 houses) could be satisfactorily accommodated on site in terms of landscape, character and visual impacts. It is recognised that the development would cause less than substantial harm to the setting of the listed building at Turnpike Cottage, however this harm would be offset by public benefits such as the provision of affordable homes, the delivery of open market housing and improvements to the local highway. Although it cannot be concluded that the proposed development would achieve a net gain in ecology terms, the Council's ecologist has concluded that the development, subject to the creation of the ecological buffer zones, would result in no net loss. The development would be served by a safe access to the highway network and the scheme would not result in severe cumulative harm to highway safety or result in harm to pedestrian safety. Sufficient parking could be secured and drainage issues can be adequately dealt with.

In terms of the negative impacts of the development, officers appreciate the concerns raised about the loss grade 3a and 3b agricultural land. However, as explained above, the circa 0.7 hectare extent of grade 3a agricultural land to be lost would not be classed as 'significant' in

terms of applying paragraph 112 of the NPP; and the negatives associated to the loss of natural capital would be outweighed by the public benefits associated to delivering 28 new houses of which 30% would be affordable.

The site is located within the settlement limits of Warminster whereby the established policies support the principle of windfall residential development on agricultural land subject to the impacts being acceptable. In this case, the applicants would provide additional screening and tree planting and creation of buffers between new housing and the site boundaries. It is accepted that the new development would result in the loss of outlook for some existing residential properties, however there is no right to a view in planning terms and whilst new housing may introduce some overlooking (where none exists at present), the illustrative site layout demonstrates that the scheme can be planned to avoid harmful overlooking and maintain sufficient separation distances between existing and proposed new housing.

In terms of positive aspects, the development would provide up to 8 affordable dwellings and 20 open market new homes and the scheme would result in highway improvements along Upper Marsh Road. These can be given moderate weight. There would also be some short term benefits during the construction phase of the development through direct and indirect job creation which can be given some weight as part of the planning balance determination.

The site has good transport links, and is able to be accessed via a variety of sustainable transport methods. It is therefore considered that the benefits of the development outweigh the negative aspects and in the planning balance the proposed development is considered acceptable.

RECOMMENDATION: 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 following the completion of a legal agreement to enshrine the developer obligations under s106 of the Town and Country Planning Act 1990

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

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

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

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 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 scale 1:2500 dwg no. 07179 – 12 rev C
Indicative Site Layout scale 1:500 dwg no. 07179 – 10 rev U
Site Access Arrangement and Preliminary Levels scale 1:200 dwg no. 006 rev D
Off-Site Improvement Works scale 1:250 dwg no. 007 rev A
Proposed Site Access and Off-Site Improvement Works scale 1:500 dwg no. 009

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 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, 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, to ensure that the development can be adequately drained.

6. No development shall commence on site until a scheme for the discharge of foul water from the site, including any required offsite capacity improvements to existing sewer system to provide capacity to serve the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until 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, to ensure that the development can be adequately drained.

7. 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, cycle parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, cycle parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

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

8. No development shall commence on site until full details of the access, including drainage and retaining works, have been submitted to and approved in writing by the local planning authority. The junction shall be completed in accordance with the approved details prior to the occupation of any dwelling within the site.

REASON: To ensure the access is laid out and constructed in a satisfactory manner, in the interests of highway safety.

9. No development shall commence on site until full engineering details of the proposed highway works, forming mainly of carriageway widening and retaining works, all as generally identified on drawing No. IMA-17-167-007-A (Off-Site Improvement Works), have been submitted to and approved by the Local Planning Authority. No development shall commence on site until the highway works have been constructed in full accordance with the approved details.

REASON: In the interests of highway safety.

10. No development shall commence on site until full details of the tie-in between the existing emergency access link and the proposed access road has been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to the occupation of any dwelling within the site.

REASON: To ensure the access is laid out and constructed in a satisfactory manner, in the interests of highway safety.

11. No development shall commence on site until full details of the proposed pedestrian/cycle link between the existing emergency access link and the proposed access road has been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to the occupation of any dwelling within the site.

REASON: To ensure that an adequate pedestrian/ cycle route is provided, in the interests of highway safety.

12. No development shall commence on site until full details of the upgrading of footpath WARM53 has been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to the occupation of any dwelling.

REASON: To ensure that an adequate pedestrian/cycle route is provided and in the interests of highway safety.

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

REASON: In the interests of highway safety

14. The gradient of the access shall not at any point be steeper than 1 in 30 (3.33%) for a distance of 9m metres from its junction with Upper Marsh Road and 1 in 12.5 (8%) throughout the site thereafter.

REASON: In the interests of highway safety.

15. No development shall commence on site until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

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

- Means of access for construction vehicles;
- Number and frequency of construction vehicles;
- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Measures for the protection of the natural environment;
- The location and use of generators and temporary site accommodation;
- Pile driving (if it is to be within 200m of residential properties);
- Months and hours of construction, including deliveries.

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

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

17. No dwelling shall first be occupied until a Residential Waste Minimisation and Waste Management Plan for that part of the site has been submitted to and approved in writing by the Local Planning Authority. The Residential Waste Minimisation and Waste Management Plan shall include details of the volume and type of waste to be generated; re-use of materials and proposals for on and off site recycling; storage of re-cycling and waste collection facilities; proposals for and implementation of waste reduction; and proposals for the review and updating of the Residential Waste Management Plan.

REASON: In the interests of sustainable development.

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

- a) 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 and how these will be dealt with;
- d) Aims and objectives of management;
- e) Appropriate management options for achieving aims and objectives;
- f) Prescriptions for management actions;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10-year period) detailing when planting will occur;
- h) Details of the body(ies) or organisation(s) responsible for implementation of the plan, including a specialist body/organisation/contractor with wildlife-related experience and/or qualifications to specifically manage the County Wildlife Site;
- i) Ongoing monitoring and remedial measures;
- j) Timeframe for reviewing the plan;
- k) 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.

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

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

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

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

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

20. The dwellings shall not be occupied until the Building Regulations Optional Requirement of a maximum water use of 110 litres per person per day has been complied with. Within 3 months of each phase being first occupied or brought into use, a post construction stage certificate certifying that this standard has been achieved shall be issued and submitted to the local planning authority for its written approval.

REASON: To ensure that the development does not contribute to the unfavourable condition of the River Avon SAC due to excessive discharge of phosphates from sewage treatment plants.

21. No development shall commence within the area indicated (proposed development 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.

22. No part of the residential development hereby approved shall commence beyond stab level (following approval of the subsequent reserved matters) until detailed plans showing the type of external light appliances, the height and position of the fittings, the illumination levels and light spillage levels in accordance with the appropriate Environmental Zone standards as set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), have been submitted to and approved in writing by the Local Planning Authority. Where development potentially affects green corridors and wildlife habitat, lux plots shall be submitted for the Council's written approval. Thereafter, all approved lighting shall be installed and be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site as well as being fully mindful of the proximity to the AONB and special landscape areas.

INFORMATIVES

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 [to be inserted]

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

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

The applicant is advised of the need to submit plans, sections and specifications of the proposed retaining wall for the approval of the Highway Authority in accordance with Section 167 of the Highways Act 1980. (For information, this relates to retaining walls which are wholly or partly within 4 yards (3.65metres) of a street and which is at any point of a greater height than 4'6"(1.40 metres) above the level of the ground at the boundary of the street nearest that point.)

The applicant should note that under the terms of 'The New Roads and Street Works Act 1991', any person other than a Statutory Undertaker must obtain a licence to carry out excavation works within a street. Licences may be obtained by application from the relevant Area Co-ordinating Engineer at Wiltshire's Highway Authority; highwaysandstreetscene@wiltshire.gov.uk

The proposal includes alteration to the public highway and the consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

It will be necessary for the applicant to enter into a Mini Section 278 / Section 278 Agreement with the Local Highway Authority to ensure that the works within the existing public highway can be completed to the full approval of the Highway Authority. This will include a Bond, Supervision Fee and Commuted sums for these highway works.

Sewerage Infrastructure:

The site is crossed by a 150mm public foul sewer. There must be no building within 3m either side of this sewer, no tree planting within 6m and ground levels along the line of the sewer shall be maintained.

The proposed site layout appears to conflict with the sewer easement. The developer should accurately plot the line of the sewer on site and on deposited plans and ensure that the easement zone for this sewer is observed and does not fall within private enclosed gardens. Soakaways must not be sited within the statutory easement.

The developer should contact the Wessex Water to agree procedures for working in proximity of the public sewers. It may be possible to divert sewers (satisfactory hydraulic conditions and network capacity must be maintained). Diversions of public apparatus are at the developer's cost and applications should be made as early as possible to our local development engineers development.north@wessexwater.co.uk Please refer to our guidance note DEV014G and our website <https://www.wessexwater.co.uk/Developers/Sewerage/Building-near-sewers/> for further guidance and contacts.

Foul Drainage:

The site shall be served by separate systems of drainage constructed to adoptable standards. A connection to the public foul network can be agreed in consultation with Wessex Water.

Where proposed site levels indicate that a gravity connection may not be possible, the applicant shall make provision within the development layout for a foul pumping station (SPS) with appropriate access arrangements and 15m buffer zone to nearest dwelling. Wessex Water will adopt sewers under a S104 agreement subject to technical review of satisfactory engineering proposals. The developer should contact our local development engineer, development.north@wessexwater.co.uk to agree proposals and submit details for technical review prior to construction. For more information refer to Wessex Water's guidance notes 'DEV011G – Section 104 Sewer Adoption' and 'DEV016G - Sewer Connections'

Surface Water Drainage:

The FRA & Drainage Strategy (IMA March 2018) proposes Surface water discharge to be managed by SuDS with disposal utilising infiltration drainage. This will be subject to approval by the Lead Local Flood Authority with flood risk measures. A robust strategy for surface water disposal will be expected. Surface water connections to the foul sewer will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

Phosphate Loading Impacts on The River Wylye:

We are aware that there are concerns regarding the increase in phosphate loadings from new development and the impact upon the receiving watercourse. We can advise that there are proposals to review sewage treatment consent limits, which will reduce phosphate levels with improvements programmed for 2021/22. Further measures are planned by the Wiltshire Council/Environment Agency/Natural England for Nutrient Management Plans that will address phosphate levels within the catchment.

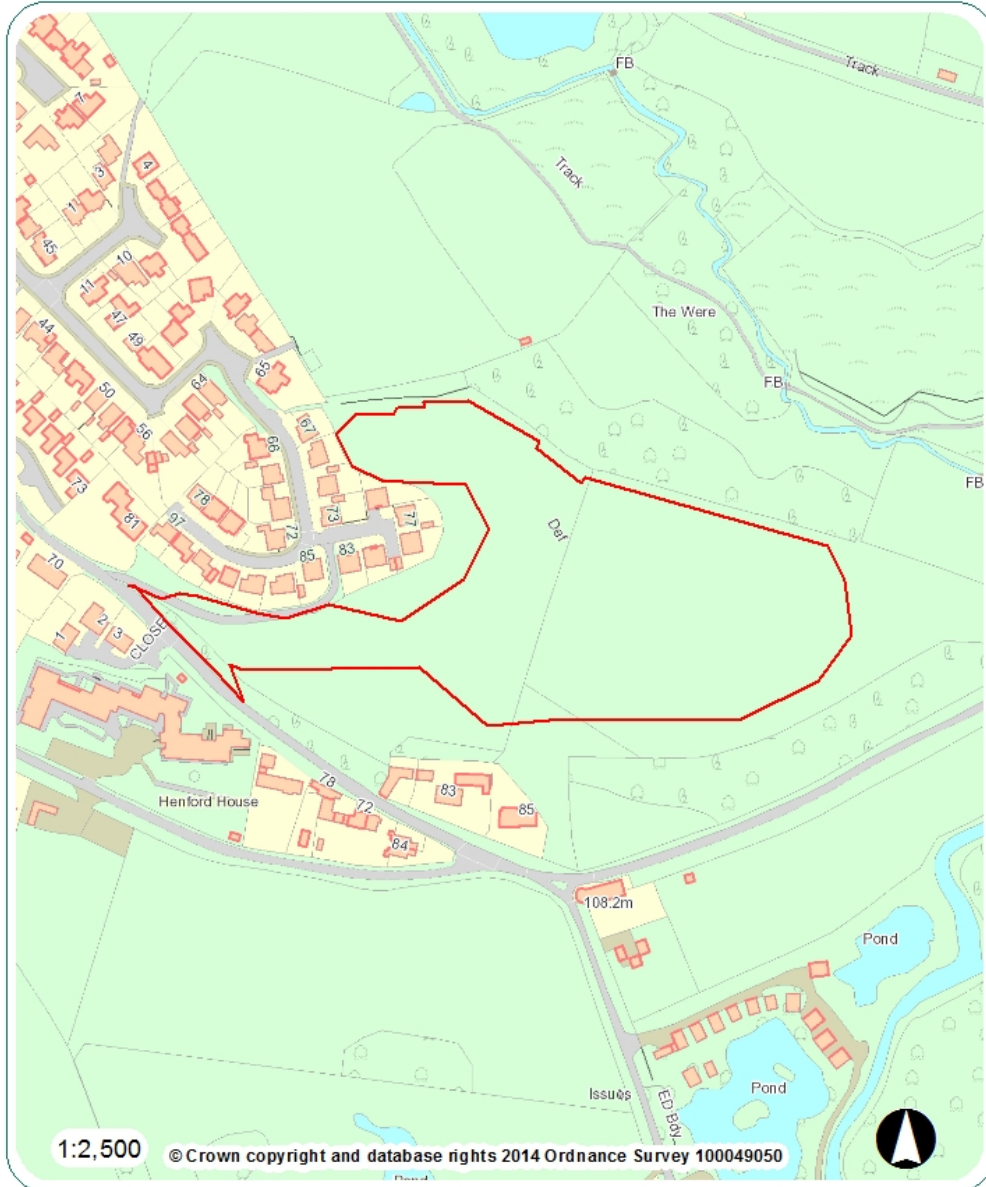
Water Infrastructure:

A water supply can be made available from the local network with new water mains installed under a requisition arrangement. Point of connection will be reviewed upon receipt of a Section 41 Requisition Application. The applicant should consult the Wessex Water website for further information. www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the Council's PROW officer for further information and advice.

In terms of waste collection the applicant is advised 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.

17/12348/OUT
Land East of Damask Way and
East of Upper Marsh Road and
North of Smallbrook Lane
Warminster
BA12 9PP



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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	25 July 2018
Application Number	18/01969/FUL
Site Address	The Clovers, Hartley Farm, Winsley, Bradford on Avon BA15 2JB
Proposal	Regularisation of area of hardstanding and formation of access and proposed change of use of agricultural land to equestrian use and erection of a timber loose box / stable building
Applicant	Mr Keith Harper
Town/Parish Council	WINSLEY
Electoral Division	WINSLEY AND WESTWOOD – Cllr Johnny Kidney
Grid Ref	380141 161820
Type of application	Full Planning
Case Officer	Verity Giles-Franklin

Reason for the application being considered by Committee: This application was reported to the 27 June 2018 committee meeting but was deferred for a members site visit and for officers to obtain more information about utility connections. Cllr Kidney requested that this application be called-in for the elected members to determine should officers be minded to grant permission and for members to appraise the impact of the development on the green belt, the scale and visual appearance of the development, the impact of additional traffic using narrow roads and to note that other similar developments have been converted to residential use utilised permitted development rights.

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.

2. Report Summary

This report appraises the principle of development, the impact on the Green Belt and special landscape area as well as the impacts on neighbouring amenity, flood risk and highway safety.

Winsley Parish Council object to the application for the reasons cited in section 7 of this report; and following the public notification exercise, seven third parties raised concerns/objections which are also summarised in section 8.

3. Site Description

The application site, which is illustrated in the insert plan below, relates to an approx. 0.88 hectare parcel of land which is located about 500m north-east of the Hartley Farm and prior to the applicant's purchase, it was owned and controlled by Hartley Farm.



Site Location Plan



The site, access road and its immediate surroundings

The application site is bounded by a hedgerow along its northern boundary, with a vegetated boundary to the east, which contains a number of mature trees. This rural site is located within the West Wiltshire Green Belt and Special Landscape Area for the southern fringes of The Cotswolds that are not covered by the Area of Outstanding Natural Beauty. There is a Public Right of Way (WINS38) which crosses the site to the west of the proposed siting of the loose box.



Northern site boundary



Proposed site and eastern site boundary

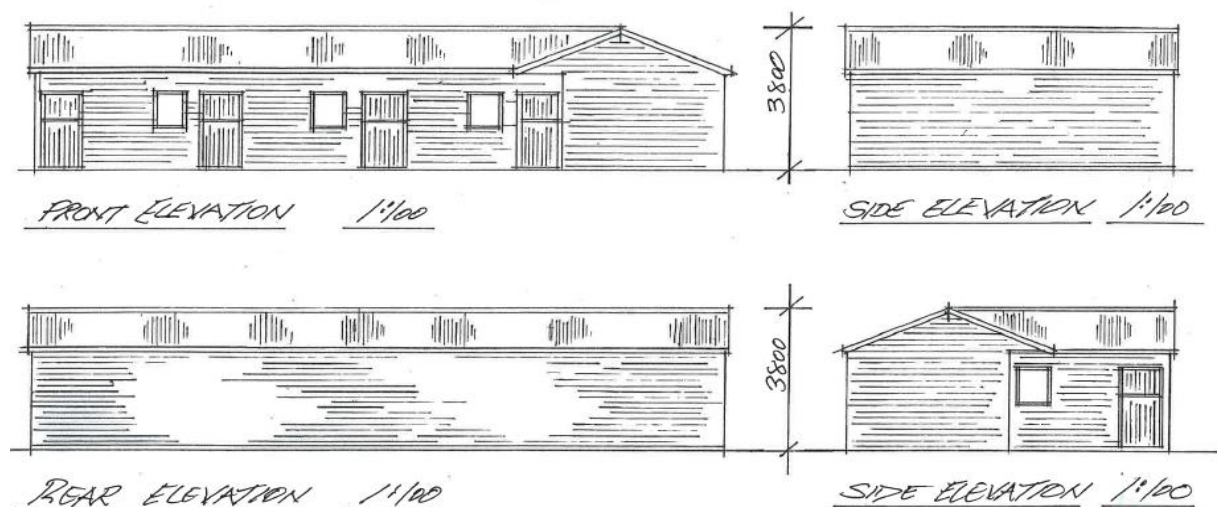
The applicant is currently grazing a small flock of sheep on the site and has sited a caravan for use during lambing periods. The site also has two small field shelters which are considered to be chattels – having no fixed foundations. The caravan is also considered to be a chattel with no fixed foundations. Officers have been informed by the applicant that the caravan and field shelters would be removed if planning permission is granted for the proposed stabling.

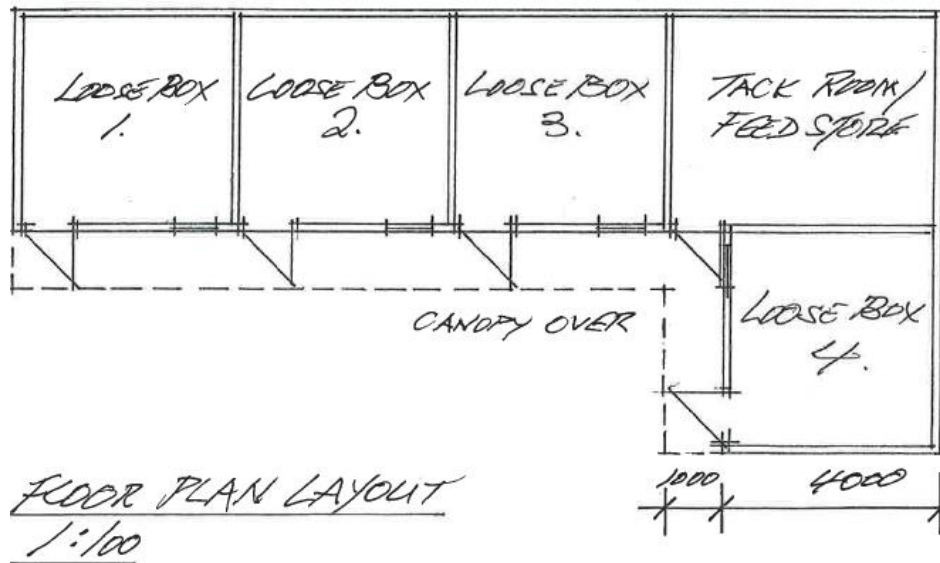
4. Planning History

There is no planning history pursuant to this site.

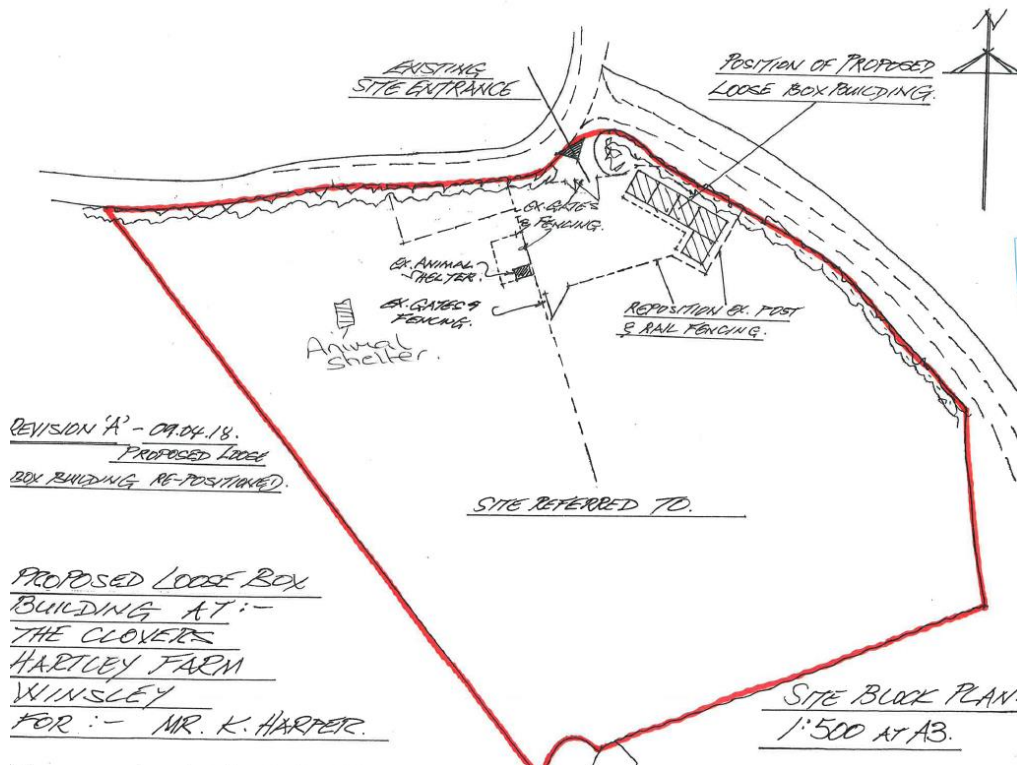
5. The Proposal

This application seeks permission to construct an 'L' shaped timber loose box stabling with associated post and rail fencing. The proposed building would measure approximately 17m in length and 3.8m in height. The loose box would comprise 4 bays with a tack room and feed store (as illustrated below). The stabling would be used solely for the private use of the applicant.





The application also seeks permission to regularise the formation of an area of hardstanding and formation of the access at the site frontage as well as change the use of the agricultural paddock to equestrian use. During the course of the application, revised plans were submitted repositioning the proposed stable against the existing eastern field boundary, as illustrated below:



6. Planning Policy

Wiltshire Core Strategy (WCS) - Core Policies: CP1 - Settlement Strategy, CP2 - Delivery Strategy, CP48 - Supporting Rural Life, CP51 - Landscape; CP57 - Ensuring High Quality

Design and Place Shaping, CP61 - Transport and New Development; and, CP64 - Demand Management

The following saved policies from the West Wiltshire District Plan – 1st Alteration are also relevant C3 (Special Landscape Areas) and E10 (Horse Related Development).

The Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy is also relevant

National Planning Policy: National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also of material relevance to this application.

7. Summary of Consultation Responses

Winsley Parish Council: Objects: Although Winsley Parish Council accepts Wiltshire Council's obligation to plan positively to enhance the beneficial use of the Green Belt by provision of opportunities for outdoor sport and recreation, it does not regard this proposed development as appropriate within the bounds of the NPPF. The position of the proposed development in open fields rather than adjacent to any form of settlement, plus the size and extent of the development, would erode the openness of the Green Belt.

The Council also notes that the drawings presented with this application are inaccurate and do not show several features. In particular, they do not show the presence of a mobile home that has been parked on this land for some time. The Council recognises that 'parking' a caravan/mobile home within the curtilage of a garden is deemed to be permitted development, but is so for this agricultural site? Its presence blights the open countryside.

The Council noted that the application indicated maintenance of the level of parking for six vehicles on site which appears to be at odds with the proposal to erect stabling for four loose boxes. The site is accessed via very narrow lanes, which do not have the capacity to take an increase in traffic. It has been highlighted that both the lanes and the site itself flood regularly (there are ponds at the southern corner of the site). Consequently, it was felt that any building on this field would increase the frequency and impact of flooding in the area.

The Parish Council is also concerned about the possible conversion of stable buildings into residential buildings under permitted development rights at a later date, which has happened in other cases in the area. If the authority is minded to approve this application a precondition should be set that precludes further development of the loose boxes to residences of any form.

Rights of Way Officer: No objection: There is a public footpath (WINS38) which runs to the west of the site. However the proposed building does not affect this footpath.

Wiltshire Council Highways: No highway objection, subject to conditions.

8. Publicity

The application was advertised by neighbour notification and by the display of a site notice. Third parties were also consulted for 14 days on receipt of the revised drawings in early May; and although the local ward Cllr noted the changes made, the committee call-in request was not retracted. The following summarised concerns were raised within the received letters of objections:

- Highway concerns raised about the site being accessed off a narrow road, with limited passing spaces;
- Harm to the green belt and erosion of the open countryside;
- Overdevelopment;

- Scale of the development;
- Flooding concerns;
- Lack of information as to how horse manure would be managed on site;
- Concerns about stables being converted into residential properties in the future; and
- The public right of way is not identified.

9. Planning Considerations

9.1 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.

9.2 Principle of Development - This application is seeking permission for the construction of a timber stable and to change the use of paddock to equestrian use. There is no in principle or policy objection to the proposed change of use of the small field to a private equestrian use and the proposed stable is considered to be policy compliant in terms of the WCS and NPPF.

9.2.1 Saved WWDP 1st Alteration Policy E10 states that “*proposals for equestrian facilities and changes of use will be required to have regard to minimising their effects on the appearance of the countryside and to highway implications. All such building proposals should have special regard to siting, design materials and construction to ensure they blend in with their surroundings and do not have an adverse impact on the countryside and the natural environment including the water environment*”.



9.2.2 Officers report that the revised position of the proposed stable would have a minimal impact on the overall appearance of the countryside and since the stables would be used for personal use only and not likely generate significant vehicle movements. The building would be positioned with the backdrop of the trees and hedgerow seen in the photograph above and would be well screened from the lane. As a consequence, the proposed development would satisfy saved policy E10 and would be compliant with WCS CP51.

9.2.3 Officers appreciate the concerns raised about a potential future conversion of the stable building if it is approved, however the LPA must appraise the merits of the submitted application. If the application is approved, the lawful use of the stable would be for

equestrian use and not agricultural, so the building would not benefit from the change of use permitted under the current Town and Country Planning General Permitted Development rights. A separate change of use would be required to convert the proposed building into agricultural, commercial or residential use and the Council would assess any such proposal against the policies and weigh up all the material planning considerations that apply.

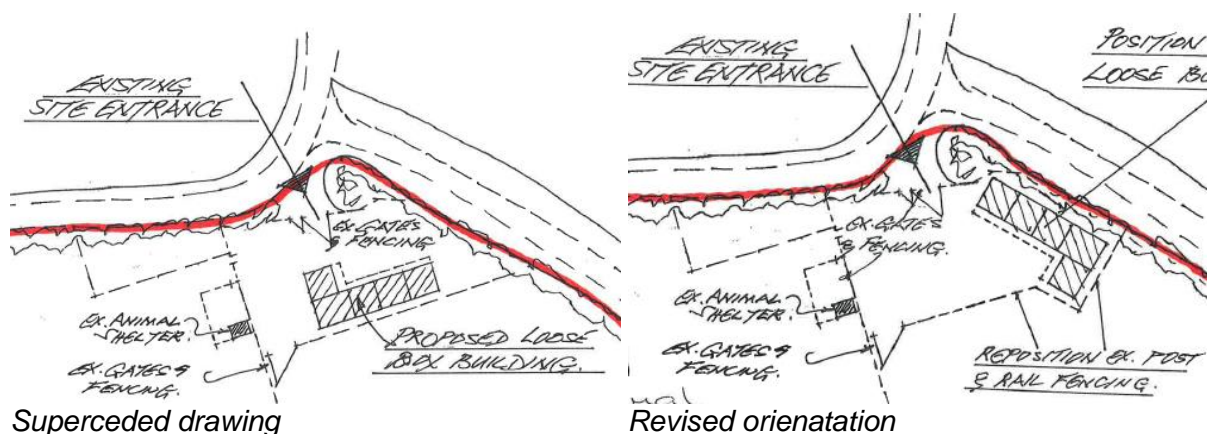
9.3 Principle of development in the Green Belt: Paragraph 87 of the NPPF states that “*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*”. Paragraph 88 leads on to state that “*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*”.

9.3.1 Paragraph 89 of the NPPF regards “*the construction of new buildings as inappropriate in Green Belt*” unless the proposal falls within the specific exceptions set out in Paragraph 89. One such exception is the “*provision of appropriate facilities for outdoor sport, outdoor recreation...as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*”.

9.3.2 In this case, the proposal seeks permission for the construction of a modest sized stable for equestrian use to be used for the applicant’s recreational purposes which is considered to fall within the definition of ‘outdoor recreation’ and is considered to be an exception in Green Belt policy terms.

9.4 Impact on the openness of the Green Belt: The second Green Belt test relates to appraising the impact of the proposed development on the openness of the green belt as set out in Paragraph 79 of the NPPF. Paragraph 79 states that “*the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*”.

9.4.1 As previously reported and as illustrated by the two insert plans below, the proposed development has been amended by repositioning the proposed stable to a position with a well-established landscaped backdrop that would reduce its visual impact in this rural setting and officers are satisfied that this would not result in demonstrable harm to the openness of the green belt.



9.5 Highway Issues: The proposed stable and site would be accessed via an existing vehicular access which is approximately 8.8m wide which connects with the lane that serves several isolated rural properties. The existing access is set back from the road by approximately 4m and the Council’s highway officer reports no objection.

9.5.1 The proposed stable would be used for private use only which can be conditioned. Wiltshire Council's highways have confirmed that the proposed use would not result in a material increase in traffic generation compared to the existing sheep farm smallholding. The proposals would also not lead to any material detriment to local highway interests. The lanes that serve the site may well be narrow and there may have been damage to boundary walls created by wide vehicles, however such circumstances cannot reasonably be used to refuse this application since the existing site is being used and has its own traffic generation and as reported by the Council's highway officer, no objection is raised to the proposal. The development would not conflict with local or national policy. Whilst it is appreciated that the submitted application form states that the site has provision to accommodate 6 cars on the site, this figure is based on the size of existing gravelled area to the front of the paddock. It does not necessarily mean that there would be or need to be six cars on the site at any given time.

9.5.2 In the interests of balancing the potential visual impacts, the applicant has agreed to remove the existing caravan and field shelters and a planning condition is recommended to request the removal of the caravan and field shelters.

9.6 Impact on the Special Landscape Area: Saved WWDP 1st Alteration policy C3 seeks the landscape character of such areas to be "*conserved and enhanced and development will not be permitted which is considered to be detrimental to the high quality of these landscapes*". In this instance the modest timber stable is not considered to be incompatible with the rural site context and nor would it be harmful for the reasons set out above.

9.6.1 In order to conserve the character of the open countryside and special landscape area, officers consider it necessary to impose a planning condition to prevent any external lighting on site without the prior consent of the local planning authority. A planning condition is therefore recommended in the interests of conserving the appearance of the open countryside and openness of the Green Belt.

9.7 Welfare Concerns: Following receipt of the representations relative to animal welfare concerns principally in relation to the number of loose boxes being proposed to house up to 4 horses on the site, officers submit that the guidance produced by the British Horse Society has been carefully appraised and after hearing further concerns about the matter at the June 2018 planning committee meeting, the following appraisal is made.

9.7.1 The total site (within the red line boundary) extends to approximately 0.88ha (i.e. 8800 square metres). The existing area of hardstanding (which would include where the proposed loose box would be sited) occupies approximately 555 square metres, which equates to 6.3% of the total site area. This would result in a grazing area of approximately 0.82ha. The British Horse Society (BHS) guidance on recommending two horses per hectare refers to horses in *permanent grazing*. It recognises that less land may be adequate where horses are principally stabled and where the grazing land is used for occasional turnout. In addition, the age, size and health of the horses amongst other factors also impacts on the amount of land they would generally require. In this particular case, the general animal welfare interests of horses are covered by other legislation, outside of the planning system. It is not considered reasonable to refuse the application citing BHS guidance where there appears to be such varying animal husbandry requirements and there is no planning policy conflict.

9.7.2 In addition to the above, the Department for Environment, Food and Rural Affairs, Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids, states on page 9, section 1.2, that there is a 'general rule' for each horse of having approximately 0.5-1 hectares of grazing if there is "*no supplementary feeding*" provided. As this application

seeks permission for the erection of stabling with a feed store, officers are satisfied that supplementary feeding would be provided.

9.7.3 In terms of utility connections, the applicant has confirmed that the site benefits from an electrical hook up point, which is positioned near to where the caravan is currently sited. There are currently no on-site water supply facilities; however, it is the applicant's intention to install an on-site water supply if the committee resolves to approve the application. Consent would be required directly from Wessex Water.

9.8 Impact on the Public Right of Way: The development would not affect WINS38 and the proposal would not have a substantive visual harm or impact on the use the right of way. Moreover, no objection has been raised by the Council's Rights of Way Officer.

9.9 Flood Risk: Whilst the concerns raised by third parties regarding flood risk/surface water on the road are duly noted, the site is located within Flood Zone 1 (having the lowest probability of flood risk) and it is not within an area susceptible to high surface water. That said CP67 of the adopted WCS requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground, unless site or environmental conditions make these measures unsuitable. The completed application form states that the surface water would be disposed of by a soakaway; however, no details have been provided with the application. As such, it is considered reasonable to request specific details by planning condition to ensure that the soakaway system is of a design to adequately deal with the surface water run-off from the site.

9.10 Impact on Neighbouring Amenity: The proposed development would not cause detriment to neighbouring amenities or privacy. It is acknowledged that the application does not contain any details of how manure would be managed or disposed. A planning condition can adequately cover this matter.

10 Conclusion (The Planning Balance) – The proposed change of use of the land and the construction of the stable would satisfy NPPF and WCS policies in terms of the principle and well as the impacts on the on the Green Belt, open countryside, special landscape area and highway safety interests. The proposed development is considered to comply with the requirements of Paragraphs 87-89 of the NPPF, and the Wiltshire Core Strategy in particular CP51, CP57 and CP61, and saved policies C3 and E10 of the West Wiltshire District Plan 1st Alteration. As such, it is considered that planning permission should be granted subject to conditions.

RECOMMENDATION: Approve subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. KH/003: Site Location Plan, as received on 26 February 2018; Drawing No. KH/001: Floor Plan and Elevations, as received on 26 February 2018; and Drawing No. KH/002/Rev A: Site Block Plan, as received on 3 May 2018.

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

3. Notwithstanding the provisions pursuant to The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or

amending that Order with or without modification) the stable hereby permitted shall solely be used for the private stabling of horses and the storage of associated equipment and feed; and at no time shall the site be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: the proposed use is acceptable by the local planning authority would wish to consider any future proposal for a change of use having regard to the circumstances of the case.

4. Within one month of bringing the hereby approved stable into use, the caravan and animal shelters shall be removed from the site.

REASON: In the interests of conserving the character and appearance of the open countryside and openness of the Green Belt.

5. The development hereby approved shall not be brought into use until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including the frequency) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

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

6. The development hereby permitted shall not be brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

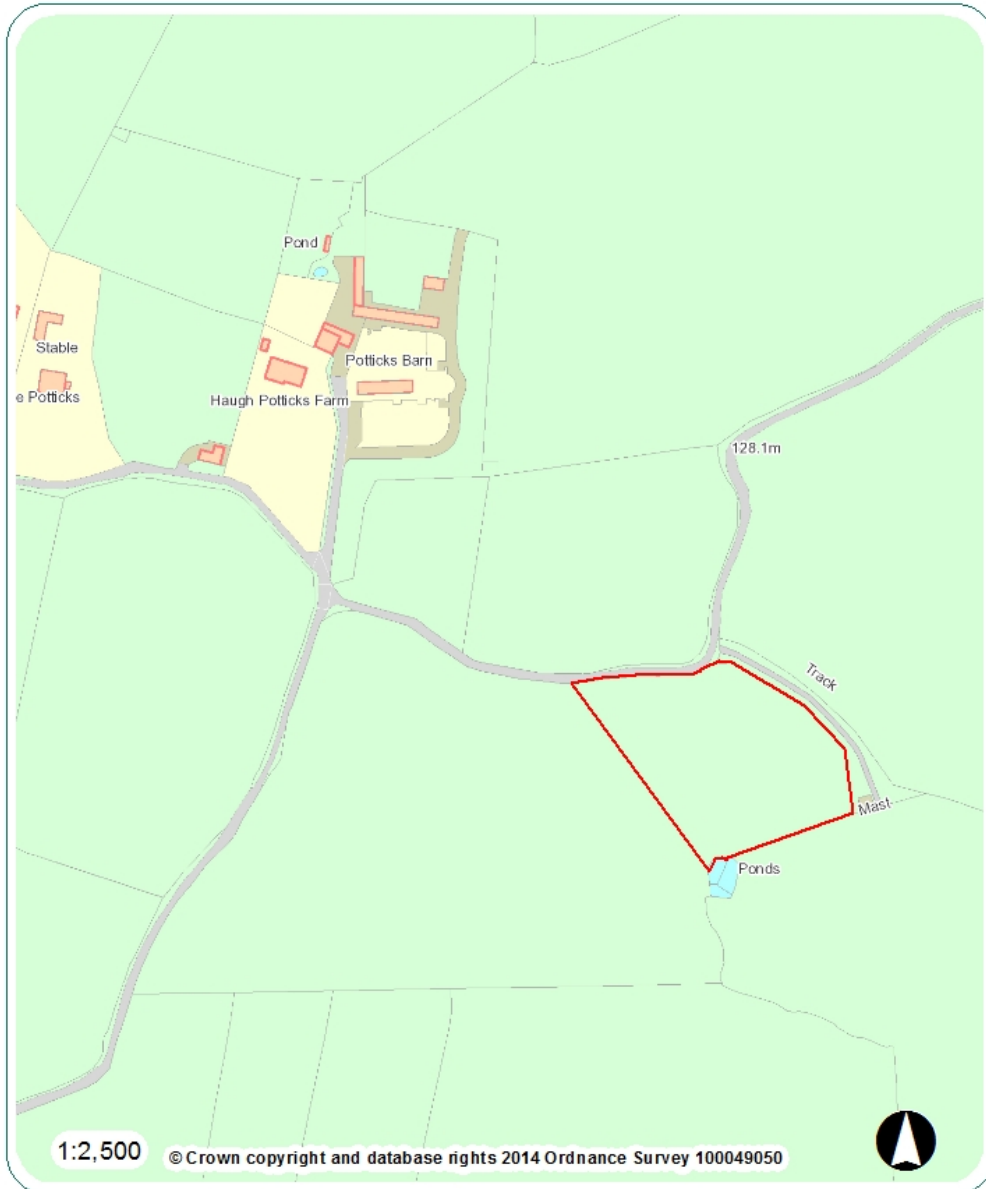
7. The development hereby permitted shall not be brought into use until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be completed prior to the use being enacted.

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

8. No external lighting shall be installed on site until a submission showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILP, 2011)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	25 July 2018
Application Number	17/11739/FUL
Site Address	120 Upper Westwood, Bradford on Avon BA15 2DP
Proposal	Replacement dwelling
Applicant	Mr Don McGillivray
Town/Parish Council	WESTWOOD
Electoral Division	WINSLEY AND WESTWOOD – (Councillor Johnny Kidney)
Grid Ref	380664 159826
Type of application	Full Planning
Case Officer	James Taylor

Reason for the application being considered by Committee

The application has been called-in for consideration by planning committee in the event of officers recommending approval. The following reasons were given for the call-in by Cllr Kidney:

- Scale of development is of local concern and greater than existing house footprint.
- Loss of a home suitable for older and vulnerable people.
- The development appears to be contrary to Wiltshire Core Policies 50, 51, 52, 57, 58 and 43, 45 and 46.
- The development appears to be contrary to the National Planning Policy Framework policy 89.
- Potential ecological impact on ancient woodland.

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.

2. Report Summary

This is a report that considers the relevant planning considerations of this development proposal, including the consultation responses all within the context of local and national planning policy and guidance.

The report identifies the various planning constraints and opportunities and considers whether this represents a sustainable form of development having regard to the social, environmental and economic dimensions of this construct.

Furthermore the report considers the level and nature of the public objection to the application as well as the objection from Westwood Parish Council. The level and nature of public support to the proposal is also noted.

Ultimately the report identifies, having regard to the constraints and opportunities and balancing all the planning considerations that, this is a form of development that should be supported and is recommended for planning permission.

3. Site Description

The application site comprises the established residential curtilage of 120 Upper Westwood, which is a detached bungalow with a detached single garage located within the village of Westwood. The property is sited centrally within the plot, built of reconstructed stone, with a tiled roof, set within the context of low density sporadic dwellings in a wooded valley landscape. The following plan insert illustrates the site, the position and layout of the property and its surroundings.

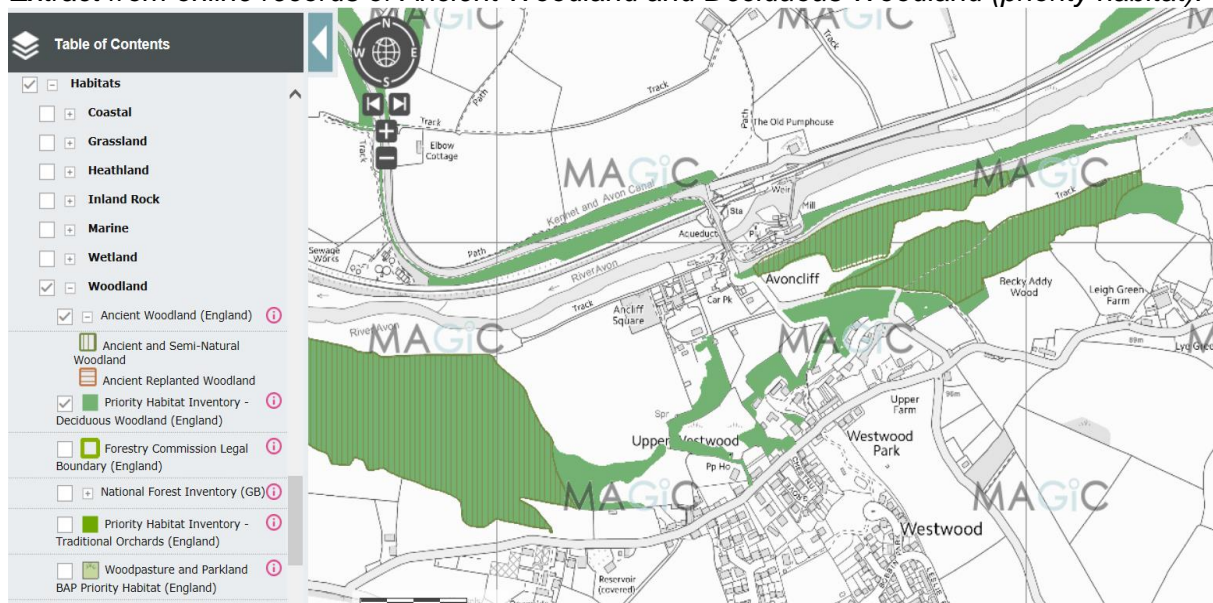


Within close proximity to the site, there are similar aged properties of similar construction, some single storey and some 2-storey. The dwelling is served off a private road along with 4 other properties. The road joins the public highway at the unclassified road between Upper Westwood and Avoncliff. This private road is also a designated public footpath (W0027).

There are a number of planning constraints relevant to this proposal. The site is located within the West Wiltshire Green Belt and the Cotswolds Area of Outstanding Natural Beauty. There are also ecology designations, tree constraints and potential issues with land stability affecting the site.

The property is not listed and nor is it located within a Conservation. Instead, the designated heritage assets comprising Westwood's conservation area and listed buildings are located 60 metres away from the site or more. The Avoncliff Old Quarries are located to the north and have been designated as an area of high ecological value.

Extract from online records of Ancient Woodland and Deciduous Woodland (priority habitat):



There are a number of WSBRC (Wiltshire and Swindon Biological Records Centre) records of protected species within the vicinity of the site including a number of bat species and badgers. Furthermore the woodland known as Becky Addy Wood to the north east (circa 100m away) is a designated County Wildlife Site (CWS) and registered as Ancient Woodland. The adjacent woodland to the north of the site is not part of this designation but is subject to tree preservation orders (TPOs) and is classed as a priority habitat as a deciduous woodland to which the preceding insert duly refers.

4. Planning History

W/75/00345/HIS – Garage – Approved

17/01612/DDD – T1 Felling of Ash Tree – Consented.

5. The Proposal

This application seeks planning permission to erect a replacement dwelling. The existing dwelling is a single storey property with a detached mid/late 1970s garage. The combined volume of these structures amounts to circa 317sqm. The height to the ridge of the existing dwelling is circa 5m-5.5m. The height of the eaves varies between 2.2m-2.6m; and the footprint extends to 10.7m by 6.4m.

The replacement dwelling, which is illustrated below, would be a 2-storey property with various minor single storey flat roof detailed sections to the rear, south west and front elevations as well as a flat roof detached store. Over the 2-storey element the proposal details a height to ridge of circa 6.8m and eaves height of 4.5m. The overall footprint of the dwelling, although slightly irregular in shape would be circa 12.6m by 7.1m.



The proposed replacement dwelling would have dormer window details that would extend above the eaves, as well as a rooflight and a range of external materials including rubble stone, timber cladding, and zinc. The roof would be covered with natural slate tiles.

The proposal sets out a footprint rotated 90 degrees to the existing arrangement which would present a front elevation facing the access road and public right of way.

The detached store would be a single storey structure with a flat roof form built from complimentary materials to provide space for domestic paraphernalia e.g. garden equipment, bicycles etc.

The proposal comprises the demolition of all the existing structures on the site. The vehicular means of access would be retained similar to the existing arrangement. The proposals detail ancillary earthworks, including retaining walls around the property extending up to 1.5

metres in height, the creation of minor terracing within the garden away from the root protection areas of trees. The scheme also indicates the planting of a boundary hedge along the access road, 2 further planting areas and the planting of 4 new trees.

6. Planning Policy

Local Context: Wiltshire Core Strategy (development plan) - CP1, CP2, CP3, CP7, CP41, CP48, CP50, CP51, CP57, CP58, CP67 and Appendix D 'saved' policies H20 and U1a of the West Wiltshire District Plan 1st Alteration (2004).

Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy (LTP3) Policy PS6.

Wiltshire's Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD)

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

Wiltshire's Community Infrastructure Levy - Regulation 123 List (123 List)

National Context: National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG)

Section 66 of the Planning (Listed building and Conservation area) Act 1990 is also of relevance given the proximity of Westwood Conservation Area and listed buildings. S66 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.

Section 72 of the Planning (Listed building and Conservation area) Act 1990 moreover 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

Westwood Parish Council: Objection. *"The Parish Council objects to this proposed development for the following reasons:*

- 1. It is contrary to the National Planning Policy Framework [para] No. 89.*
- 2. The proposed development represents a significant increase in size (volume and footprint) in comparison to the building it is intended to replace. It is out of scale and character and would dominate the landscape.*
- 3. The proposed development is located within the Green Belt and an Area of Outstanding Natural Beauty and is immediately adjacent to an Area of High Ecological Value. It is essential that the protection of the countryside afforded by these classifications is respected."*

Natural England: No objection.

Wessex Water: Have no comment.

Wiltshire Council's Conservation Officer: No objection.

Wiltshire Council's Ecology Officer: No objection in light of revised and additional submissions.

Forestry Commission: Standing advice provided.

Wiltshire Council's Environmental Protection Officer: No objection.

Wiltshire Council's Highways Officer: No objection subject to condition.

Wiltshire Council's Landscape Officer: Have no comment.

Wiltshire Council's Public Rights of Way Officer: No comments received.

Wiltshire Council's Tree Officer: No objection.

8. Publicity

This application was advertised by the display of 2 site notices, individual letters posted to neighbouring properties and the publication of the application on the Council's planning portal website.

Circa 41 letters of objection have been received which may be summarised as raising the following issues:

- Ecology / biodiversity / protected species / nesting birds / disturbance / cumulative impact of this development / prospect of major extinction / Appropriate Assessment required;
- Impact on Ancient Woodland / TPO trees / Veteran Ash Tree / Inadequate buffers from built form / Additional landscaping plan required / Should consult with Forestry Commission;
- Loss of shrubs/hedge/saplings has had a negative impact / proposal will add to the damage / developer cannot be trusted to comply with conditions or their own submissions;
- Change of use for garden extension into woodland required / land ownership ;
- Green Belt / materially larger / significantly bigger / needs to remain single storey;
- Impact on landscape / designated as an Area of Outstanding Natural Beauty / skyline / views from footpaths;
- Inappropriate materials i.e. glass, metal, slate / no local vernacular reference / suburban;
- Residential amenity / Loss of light / noise / inter-visibility / 20m privacy rule;
- Highway safety;
- Does not improve rights of way / RoW must remain open for access;
- Construction management due to access and potential damage to banks etc from large vehicles / piling foundations;
- Sets a precedent for other inappropriate development;
- Conflicts with need to provide affordable housing and accommodation for the elderly;
- Removal of permitted development rights should be conditional;
- Drainage and subsidence / making up of ground with crushed waste / foundation design / importation of concrete;
- Light pollution;
- No assessment of the setting of the conservation area provided;
- Geographical report appendices not part of planning file and should be available; and
- Suggested alternatives including re-use and extend existing building; rotate building through 90 degrees to avoid backfill area.

Circa 13 letters of support have also been received which may be summarised as raising the following issues:

- The proposal has been reduced following liaison with planning officer;
- Materials are sympathetic / Have been chosen after discussion with immediate neighbours / blend with woodland setting;
- No significant impact on the area / ;
- Garage proposals similar to existing;
- Existing building in poor state / does not comply with building regulations / not economic to refurbish and extend / eyesore;

- 3 out of other 4 dwellings have pitched roof 2-storey accommodation / other units in lane have been developed / ground floor disabled accommodation provided;
- Construction can be controlled / any impacts made good / inconvenience kept to a minimum;
- Landscaping can be enhanced / improve outlook from neighbouring property / good design;
- Proper ecological assessment carried out / developer aware of site ecology / bat boxes to be provided / wildlife is adaptable; and
- There have been no contraventions from removal of trees or bushes.

9. Planning Considerations

- The Principle of a replacement dwelling:

Although this proposal is located outside of any settlement limits, the development plan makes provision for replacement dwellings under 'saved' West Wiltshire District Plan Policy H20. This policy states that proposals will be permitted "*provided the new dwelling is not materially larger than the dwelling to be replaced*", does not "*perpetuate a serious traffic hazard*", "*form an isolated development*" or "*adversely affect the rural scene*". Policy H20 goes on to detail that "*replacement proposals that involve substantial alteration will be treated as new dwellings under Policy H19*". It is important to note that Policy H19 which formed part of the West Wiltshire District Plan – 1st Alteration is no longer a saved policy and it has been replaced by policies CP1 and CP2 of the current development plan - The Wiltshire Core Strategy which was adopted in 2015.

Policy H20 does not prescribe what would constitute as "materially larger". Instead, it is left for the decision makers to appraise each application on its merits taking into account the existing building and comparing it to what is proposed. In this particular case, the existing house (which includes the dwelling and garage) has a volume of circa 317 cubic metres, whereas the volume of the proposed property would be 50% greater at 475 cubic metres. In footprint terms, the existing dwelling and garage extends to approximately 89sqm whereas the proposed development would have a footprint of circa 104sqm – which equates to a 17% increase.

The proposed replacement dwelling is considered to be a well-proportioned design; the maximum height increase at ridge level of the existing versus the proposed dwelling is limited to circa 1.2m. This is an economical means of providing first floor accommodation and in design terms, is considered to be a far more coherent approach compared to adaptations to the dwelling that could be achieved under permitted development rights.

It is material in this case to appreciate that this dwelling retains permitted development rights and that it has been subject to no significant change through the years to the original property, save for the construction of a garage. The site is located within an Area of Outstanding Natural Beauty (which is Article 2(3) land) and therefore in the interests of landscape protection, permitted development rights are restricted. An increase at the rear could nevertheless provide some 18-20 sqm of additional volume (under Class A), roof lights may facilitate the internal conversion of the property to allow new habitable accommodation to be provided in the roof (which with an eaves to ridge distance of over 3m would appear to be realistic under Class C). In addition, PD rights to erect porches could provide a further 6sqm of extensions (Under Class D). Furthermore there are provisions for outbuildings (under Class E) which may allow quite extensive levels of development on the site far in excess of the level being proposed under this application.

It is noted that within the immediately environs of the site, No.119 has accommodation within their roof and rear projections. There is no planning history recorded on the Council's planning or mapping database for any alterations to the property at No.119 so these may

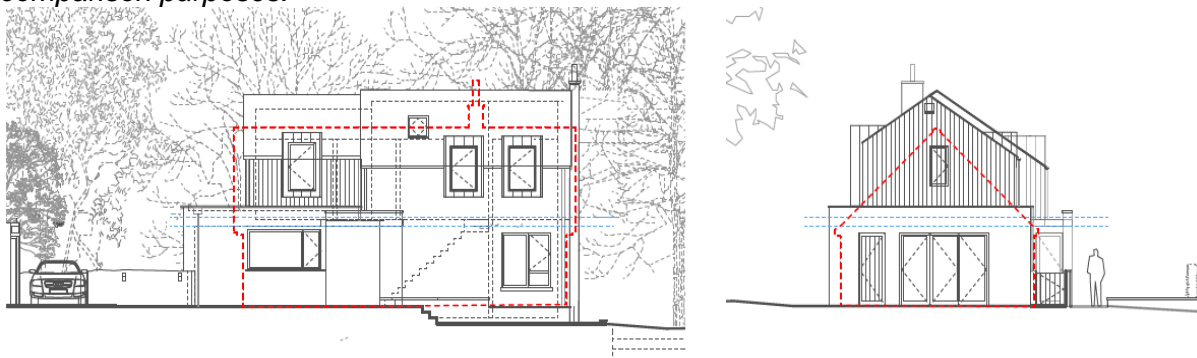
well be original, or secured under permitted development. It is noted that No.119a did obtain permission for loft conversion works in the late 1970s facilitating first floor accommodation.

Photo showing the application site in the foreground with the neighbouring property (No. 119) beyond and overlooking the site.



Under this application, the applicant proposes to rotate the siting of the dwelling through 90 degrees and make the outbuilding smaller than the existing garage. Whilst the following comparison plan omits the garaging, which the applicant proposes to reduce, it rotates the main building for comparison. This shows the additional height and footprint being proposed and how the additional volume is most notably created through the increased eaves levels at the first floor level. A conclusion supported by the 17% increase in footprint but 50% increase in volume.

Proposed dwelling with the existing dwelling rotated 90 degrees and outlined in red for comparison purposes:



Whilst the proposed dwelling would have a 2-storey form, it is noted that the first floor windows would be set into the eaves utilising dormers and thus creating a lower overall bulk and a reduced sense of scale and mass compared to a full 2-storey property.

The proposals make provision for a 3 bedroom property with a flexible additional ground floor room, over and above the existing 2-bedroom dwelling. The proposal also plans for the inevitable need for outside storage space by providing a store for domestic / garden paraphernalia. This is a detail that the applicant could have omitted in order to propose a reduced footprint and volume and then seek to provide storage at a later date. However, he acknowledged what a dwelling needs to function well and included this on the plans.



After extensive officer/applicant discussions and negotiations the proposed replacement has been much reduced from the original proposal which was well in excess of a 100% cubic volume increase. The application has reached a point where no further compromise can be achieved and ought to be determined on its merits.

The proposal is considered to be a well-proportioned replacement dwelling that would provide suitable space and accommodation for a 3-bedroom home. Having regard to the proposed increases in footprint (circa 17%) and height (circa 1.2m) over the existing 2-bedroom home, it is not considered that the replacement building would be materially larger. It is acknowledged that the replacement would have an overall volume increase of some 50%, however much of this extra space would be accommodated at eaves level which mitigates the visual impact of the increase. On balance, the proposal is not considered to be materially larger in terms of 'saved' policy H20.

Policy H20 also requires the decision maker to reflect upon the location of the proposed replacement house. In this particular case, the Westwood site location is not considered to be an isolated development, so there is no conflict with this element of the policy. It is located in a cluster of residential properties that form the outer margins of Upper Westwood and relates well to the existing settlement.



Whilst highway safety is a detailed matter that is addressed below it is not considered that the site is subject to serious traffic hazards and as such, this proposal would not perpetuate

any serious traffic hazard since any increased traffic generation attributable to a 3-bed house compared to the existing 2-bed house, would be very limited.

Landscape matters are a detailed matter that is addressed below; but in short, the proposals would not be considered to cause an adverse effect on the rural scene even in the context of the elevated protected status of the landscape at this location, being a designated Area of Outstanding Natural Beauty (AONB), whereby the landscape is of national significance.

Whilst it is acknowledged that the existing circa 1970s built dwelling has simplicity and form that is typical of that era, it is not a form of development that necessarily characterises the area or a character that needs to be protected or replicated. It does not reflect the local traditional vernacular. Whilst the proposal would have a 2-storey form with notably higher eaves; the proposed construction materials would bring about architectural and aesthetic betterment by replacing a property of re-constituted stone and a concrete tiled roof.

It is also important to consider that the planning system is not intended to stifle innovation and ought to support and encourage new good design (higher quality forms of development) as set out in the NPPF and the Wiltshire Core Strategy.

- Impact on the Green Belt:

The application site is located within the Western Wiltshire Green Belt. The guiding policy on considering proposals in such locations is the NPPF with the development plan being silent. This consideration is very important to the principle of the development in addition to local plan considerations. Paragraph 89 details that the erection of new buildings in the Green Belt is inappropriate development. Inappropriate development is by definition harmful and as such would generally be refused planning permission.

However, paragraph 89 lists some exceptions, relevant here is "*the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*". The test of whether the proposal is inappropriate in the Green Belt is very similar to the first test of Policy H20 in the local plan. As detailed above officers duly argue that the replacement dwelling would be larger, but not 'materially larger' when compared to the existing building. The building would remain in the same, singular residential use; and as such, it is considered that this proposal would not constitute as an 'inappropriate' form of development within the Green Belt.

The second test of development in the Green Belt is the potential impact on its openness. Openness is a defining characteristic of the Green Belt and it should be preserved. The proposed replacement building would be in a suitable plot and sit comfortably within this. Although the new build would be larger, the increased scale and massing would not significantly affect the openness of the Green Belt at this location. Nor would the revised siting, through rotating the building 90 degrees, significantly affect the openness of the Green Belt.

It is therefore argued that this proposal would not be inappropriate and would not cause demonstrable harm to the openness of the Green Belt and the proposed development would be in accordance with the exceptions allowed under paragraph 89 of the NPPF.

- Impact on the special landscape character of the AONB:

Whilst the Green Belt and AONB considerations are separate tests; a defining characteristic of the landscape at this point is the openness. Where a landscape has been designated as AONB it is considered to be of such quality and value as to be a nationally important landscape and should be afforded the highest level of protection and great weight should be

afforded to it in the balance of planning considerations. Therefore where any harm is identified it should be treated as being a significant impact.

A key feature of the landscape at this point is the wooded valley sides and it is imperative that this is maintained. From the officers' site inspection, and review of some older site photos and the public responses, the site area appears to have been managed prior to the submission of this application with much of the vegetation having been cleared. However the site remains surrounded by vegetation and this is subject to protection through a group and specific tree preservation orders to the north.

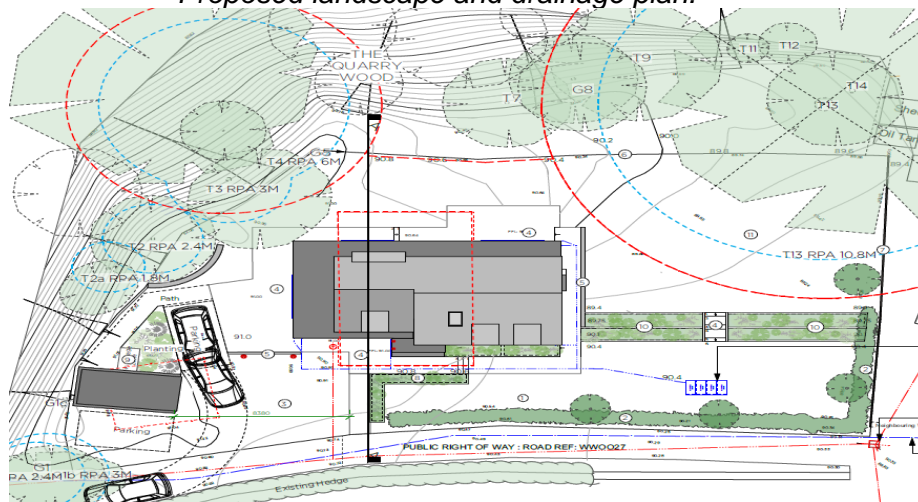
It is fully accepted that the proposals submitted under this application have the potential to affect these constraints unless it is properly planned so as to avoid impact on the overhanging canopy and underlying tree protection areas. Great care has been had over this matter through officer negotiations with the applicant discussing the siting of the dwelling and ancillary works within the residential curtilage. Negotiations have also ensured increased protection areas being afforded in particular to a Veteran Ash tree to the north east.

Having regard to national planning practice guidance and in light of advice from the Council's tree officer, standing advice from the Forestry Commission and the Natural England response, the proposed development ought to avoid any harmful impact to these important landscape features and thus ensure that the existing verdant setting to the plot is retained and no harm is caused to trees subject to tree preservation orders or the veteran Ash tree.

For example, the Veteran Ash Tree (tree T13 on the proposed plans) would be safeguarded by having a buffer from the development of some 13 to 14 metres which would exceed the root protection area of some 10.8m. In this context the proposal is considered to "avoid impacts" on the tree with no works within 14m of the tree at all including areas of hard landscaping.

Furthermore, the proposals have been subject to negotiation and discussion in order to improve the landscaping proposals for the site to ensure that the verdant setting is enhanced in a manner suitable for a residential curtilage – as opposed to woodland. The application site, as identified by the red line on the submitted plans is lawfully residential curtilage. The gardening works that have occurred within that area are significant, but reflective of the circumstances i.e. a new owner occupier moving into a property that was previously occupied by someone unable to manage the garden. The indicative landscaping for the site shows 4 new trees and new hedging being proposed. The indicative landscape proposals should be subject to conditions to secure precise details and its implementation.

Proposed landscape and drainage plan:



The materials palette has intentionally been chosen in order to try and help the scheme to harmonise into the wooded setting by providing timber cladding at first floor level. It is assessed that this would help the proposals to assimilate into the context. The level of timber cladding has been reduced in response to public objections on materials. The amount of timber cladding being proposed is not harmful. A high level of traditional local stone has been incorporated into the design to reflect a traditional local vernacular and elevate it above the existing materials.

3-D images of the proposal with natural rubble stone, timber cladding, grey zinc dormers and natural slate roof tiles:

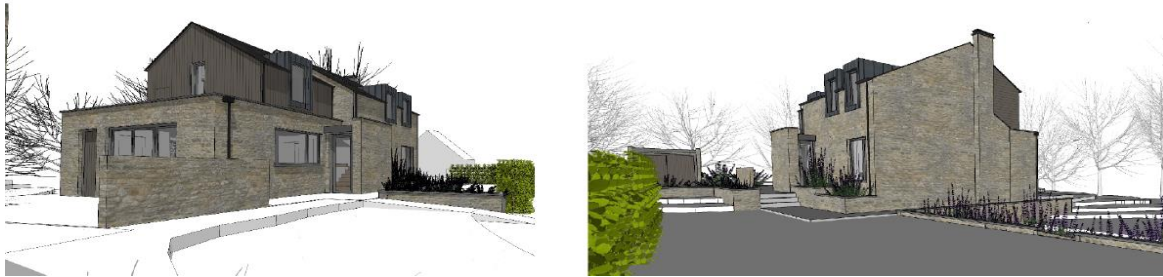


Photo below is of the existing dwelling with reconstructed stone walls and concrete roof tiles that are typical of the period:



The proposed replacement dwelling would be nominally more visible, during the winter months only, than the existing dwelling. This is because it is set within a deciduous location. In the summer months, the site and the dwelling would not be perceived much beyond the very immediate location. Even in the winter months the extent of visual receptors would be limited and offer only partial views through the trunks and branches of the protected woodland. The revised siting, with the north elevation set back from the verdant valley sides than the existing, would help mitigate the additional height and 90 degree rotation of the footprint. Overall, it is argued that in landscape terms the proposals would result in a neutral landscape impact.

<p><i>Existing footprint in dashed red line closer to north boundary.</i></p>	<p><i>View from the north looking up to the existing gable end from the public right of way.</i></p>

- Impact on landscaping and trees subject to preservation orders:

The application site is located close to trees that are subject to tree preservation orders, including a Veteran Ash specimen. The woodland though is not listed as being a semi-ancient one despite the public comments to the contrary. It is a priority deciduous woodland habitat. There is standing advice on the treatment of Veteran trees and this has been given due consideration and regard and led to revisions to the proposals. It is noteworthy to appreciate that para 118 of NPPF states that: *“planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”*

The proposals would broadly comply with the standing advice of Natural England and the Forestry Commission in relation to veteran trees as well as the NPPF and NPPG. This assessment has been carried out in the context of the standing advice. The Natural England and the Woodland Trust inventories have been consulted to identify that the woodland is not designated as semi-ancient woodland, but the Ash (T13) to the north east edge is a designated Veteran Tree within a non-designated woodland. The guidance is clear that woodlands of less than 2 hectares are unlikely to appear on the inventories and that ancient woodland is any area that has been wooded continuously since 1600AD. The woodland is a separate parcel of circa 1 hectare adjoining the designated Becky Addy Wood and only separated by a narrow lane. It is quite possible that it meets the definition of an Ancient Woodland in its own right, although it appears odd that it has not been recorded as part of the Beck Addy Wood designation given its relationship and that it has been designated on MAGIC (the Government’s relevant spatial mapping toolkit) as a priority habitat along with Becky Addy Wood.

The proposal does not include the loss of the Veteran tree. By way of mitigation to ensure this the veteran Ash tree has been afforded a RPA of 15 times the diameter of the Veteran Ash (13.5m) and open space has intentionally been focused to be around the Veteran Ash tree. In this case it is not considered that there is a need for any compensation in light of the lack of identifiable impact and that the proposal has deliberately avoided proposals around the tree. It is noted that the applicant’s arboricultural advice is that the Ash tree is not a Veteran Tree and is circa 120 years old (fully mature).

In terms of the adjacent deciduous woodland, it is considered to be unclear as to whether it should be afforded the protection of ancient woodland, as it is not designated as part of the Beck Addy Wood. Nonetheless it may meet the definition of ancient woodland and is a parcel of less than 1 hectare that may be excluded from the consulted inventories. For the avoidance of any doubt therefore the proposal has been assessed on the assumption that this ought to be treated as ancient woodland. The proposal would not cause any loss of ancient woodland and it is not proposed to cause any deterioration to it. The scheme has been discussed and negotiated in order to reduce the potential for impacts and ensure a reasonable buffer between the development and the woodland edge is maintained. A construction and arboriculture method statement is considered to be a reasonable means in order to mitigate for any potential impact by trying to reduce construction impacts through noise, dust and pollution, and protective fencing etc to avoid disturbance of canopies and roots. An appropriate buffer would be maintained proportionate to the scale of the development and mindful that this is a replacement dwelling. In some places the gap to the woodland edge would be less than existing, but in others more. The root protection areas of trees would be observed. Long held concerns over light spill would be avoided in the final proposals because external lighting is minimised and fenestration (and potential light pollution from windows without blinds or curtains) is comparable to the existing situation.

Furthermore the proposals have resulted, after discussion and negotiation, in no objection being reported from the Council’s tree officer who has considered impacts on all trees.

Based on the standing advice (from the Forestry Commission) and specific advice (from the Council's tree officer) it is considered that no harm to trees and landscape features would occur in this case.

The scheme of replacement landscaping is suitable for a residential curtilage in the context of the verdant wooded character created by the woodland that surrounds this plot on 2 sides.

- Design and Heritage:

The proposal presents a well proportioned and considered design that addresses the constraints and opportunities of the site. The proposals would provide a contemporary dwelling to replace a modest property that is atypical of the functional mid to late twentieth century simple house design.

The scale, massing and form of the proposed new building would be commensurate with the scale and size of the plot and would be reflective of and sympathetic to the existing density and amount of development seen on the plots within this cluster of dwellings on the fringes of Upper Westwood.

The orientation and fenestration arrangement would ensure that the dwelling would address the street scene, which the existing dwelling fails to achieve, and as such, it would create a clearer relationship with visitors and a sense of arrival and surveillance. This relationship and orientation also offers greater potential for solar gain and micro-renewable energy options.

The proposed palette of building materials are reflective of the contemporary design, the verdant character and setting, and historic quarrying activity in which the dwelling would be located. The use of traditional slate tiles with zinc details to the dormer windows would be dark and therefore recessive and would reflect traditional use of lead and slate. Also the use of traditional local stone for wall features would reflect the traditional local vernacular within Westwood and reflect (and enhance) the reconstituted stone of the existing dwelling and surrounding property. As such the materials are considered to be sympathetic to the context and an enhancement.

The proposal is located some distance from the nearest listed building to the east. The intervening distance, landscape features and built form all combine to result in no affect on the setting of this designated heritage asset. The site would be posited outside and remote from the designated Conservation Areas of Westwood and Avoncliff. Due to the position, topography and landscape features there would be no harm to the setting of the conservation areas. It should be noted that the Council's conservation officer raises no objection.

- Impact on nature conservation and ecology:

The site is located adjacent to a priority habitat comprising deciduous woodland. However as set out above, the proposals would avoid harm to this through reasonable separation distances and precautionary workings and details of external lighting. The locality has a number of recorded protected species, including bat populations, and given the rural setting, woodland location and mining activity a number of other creatures could be present.

The application was submitted with a bat survey report dated September 2016 and was supplemented by an updated desk study and bat survey report dated October 2017. This has been followed up with a brief addendum to accompany revised architectural plans that clearly show the mitigation provisions. Further to this a further updated bat survey was submitted in June 2018. The ecology reports have been submitted by suitably qualified and experienced member of the Chartered Institute of Ecology and Environmental Management holding a bat licence.

The September 2016 report identified that bats are a notable constraint given the site context rather than the building itself. The report sets out that the building offers “*low suitability for bats*”. DNA sampling of the low number of bat droppings found within the building proved them to be from a whiskered bat (*Myotis mystacinus*). The survey noted a single *Myotis* bat entering the building and concluded that the existing dwelling acts as a summer day roost for an individual whiskered bat. As advised by the Council’s ecologist, this is considered to be of “*low conservation significance*”. Furthermore the survey identified 6 species of bat active in the vicinity and likely to have roosts in the vicinity either within buildings and/or mature trees. Although it should be noted that such buildings and trees are not part of this application site.

In light of the above, the 2016 ecology report sets out within section 6.1, details of necessary and proportionate mitigation to include provision of an alternative roost, cold working method statement, lighting strategy and garden planting. Further to this updated reports have been submitted (dated October 2017 and June 2018). This identifies 13 species of bats within 4km of the site; and, sets out records for 6 other species of mammals including badgers, hedgehogs and water shrew; numerous bird species, amphibians and reptiles; and various invertebrates, flowering plants and invasive plant species within the general vicinity. The report concludes that the site offers “*very low suitability*” for other projected species (beyond bats) and none were found in the course of the surveys. The October 2017 report made inspection of the roof space and found no evidence of bats and a site walkover found no evidence of other protected species / notable species using the site or within the immediate surroundings.

In light of both surveys a series of recommendations were set out within section 5 of the 2017 ecology report including the need for a mitigating roost provision during and post construction, supervision of the roof tile removal by an ecologist, lighting and landscaping strategy and protection of the adjacent woodland to BS standards.

The 2018 addendum updates the mitigation in acknowledgement that there is no suitable tree within the site for the construction phase roost and that the architectural design was amended. The final mitigation is set out within the architectural plans. The further 2018 survey supports the previous conclusions.

In light of the submitted information the Council’s ecologist had been advising and raising holding objections and seeking additional information. Through the various submissions information has been provided to a point where the Council’s ecologist no longer objects to the scheme. Their final advice is that:

“The building was originally assessed as offering low potential for bat roosting and based on photographs of the structure and the consultant ecologists description of the nature and condition of the building, I agree with this assessment. The bat identified in 2016 entering the property (under a tile/lead flashing at the corner of the chimney stack) and the droppings identified from inside the roof space using DNA analysis were crevice dwelling species that do not require indoor flying areas (such as a roof space) and can be accommodated in bat boxes as proposed in the mitigation section. A derogation licence from Natural England will be required in order to carry out the proposed demolition and replacement of the building and this can be applied for once planning permission has been granted.

The consultant ecologists has now provided sufficient information in relation to the species of bat using the existing structure, the low numbers present (or likely to have been present previously) and the roost classification (opportunistic roosting for individual or low numbers of bats), together with appropriate mitigation for bats both during the demolition/construction process and in the longer term. This is proportional to the scale of the development and to the species of bat identified within the site. Information in relation to the “three tests” that are

part of the licence application process together with the updated ecology report mentioned above have also been provided. The mitigation includes a lighting plan which ensures all external lighting is low level and directed downwards, away from sensitive tree canopies and woodland edges where other bats may forage or commute. The plans also show replacement of some hedgerows and other linear features around the boundaries of the property. Based on the information submitted to date I consider that it is likely that a Natural England licence would be granted for this proposal, if planning permission is granted. Although minor amendments may be required to the mitigation strategy and will be agreed by the ecologist with Natural England, these would not be likely to affect the design or layout such that a variation or amendment to the planning permission would be required.

In summary, the following information has been submitted and judged sufficient and appropriate:

- Evidence of sufficient survey effort for bats such that use of the site by bats is effectively understood;*
- Appropriate mitigation proposals for the loss of opportunistic roosting by individual or small numbers of bats to be provided in the replacement structure;*
- Provision of bat roosting opportunities during the demolition and construction periods;*
- A lighting plan for the site that will ensure no additional light spill onto the canopy of adjacent trees or the woodland edge;*
- Re-planting of boundary hedgerows and erection of other linear boundary features such as fences.*

I consider that the above measures are sufficient to ensure that bat populations within the site and within the wider local area are not adversely impacted by the proposal.

Furthermore, the scale of the development does not increase the number of houses within the site or alter the use of the site from a single residential dwelling with garden. I therefore do not consider that there will be any significant adverse impact on the Bath & Bradford on Avon Bats SAC as a result of this proposal being implemented and I am happy to lift the holding objection maintained previously by my ecology colleague Emma Fisher, since all outstanding issues have now been adequately addressed”.

In this context the applicant has proposed a suitable mitigation strategy which sets out that the development needs a European Protected Species Licence from Natural England to go forward. In order to obtain this it is necessary to consider the 3 derogation tests and whether such a licence is likely to be forthcoming.

It is not considered that the economic, social and environmental benefit of providing employment through the redevelopment and providing a modern habitable dwelling to current energy performance standards provides imperative reasons of overriding public interest in this case where the proposals affect a low conservation status and may be mitigated.

It is considered that there is no satisfactory alternative to the proposal. Other alternatives may include redeveloping the existing building, but this is likely to result in a similar impact and level of disturbance and may have greater financial implications over and above the wholesale replacement (which is exempt from VAT). Within this proposal all reasonable steps have been taken to minimise and mitigate the impact and this can be secured through conditions on either the planning or the licence.

Based on the information provided, the proposals would, through the mitigation scheme be likely to ensure that a favourable conservation status of the bat species would be maintained.

The proposal details, as set out on the submitted architectural plans, includes for new and replacement roosting features to mitigate for the low conservation status features that would be lost through the demolition and site redevelopment. It is considered that the detail of this can be secured through condition.

In light of the expert advice received and in the context of discussion and negotiations to try and limit external lighting and moreover light spill to the wooded edges of the site it is considered that the proposals would cause no harm to ecological interests at the site. The fenestration arrangements are broadly comparable to the existing with less lighting to the west and more to the north. External lighting has been indicated on the plans and is limited to down lighters at the entrance and on the front wall by the car parking space. This is acceptable. The details of lighting can be controlled by condition.

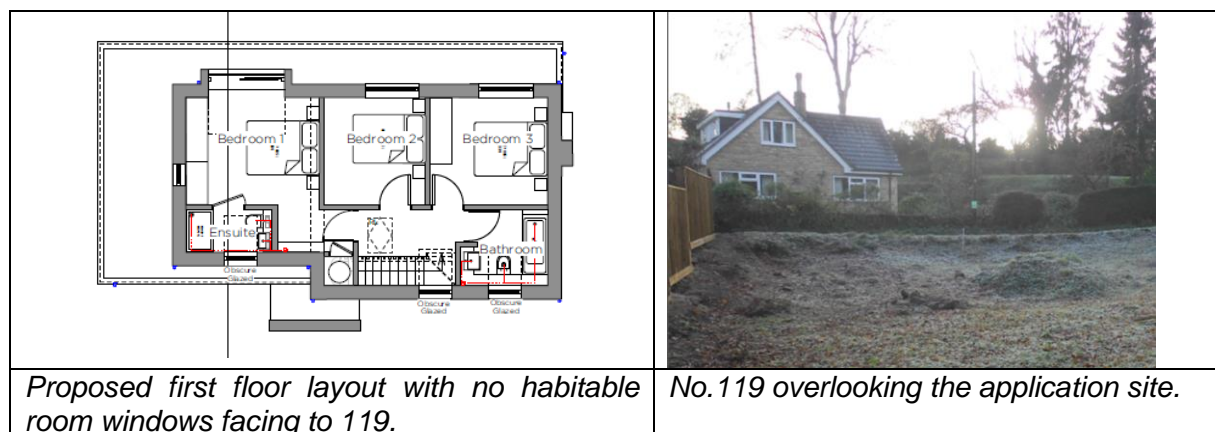
The proposals, through the scheme of landscaping offer opportunity for modest enhancement over the existing, similar to what may have existed prior to the site clearance – which was beyond the control of planning. Final details can be secured by condition.

It is considered that the scheme would provide a neutral ecology impact rising to modest enhancement from the implementation of satisfactory landscaping details. As such the proposals would lead to no harm, either individually or in combination with other developments, to the local bat population and would maintain its conservation status. The proposals would accord with CP50 of the development plan.

- Impact on neighbouring amenity:

The proposal would not cause significant overlooking of neighbouring properties, nor would they be unacceptably overlooked. Furthermore although the proposed dwelling would occupy a different position, be of a different scale and mass than the existing property, due to the building layout and separation distances involved, it would not cause any domineering or overbearing impact to neighbours.

The reorientation of the property and introduction of 3 first floor windows facing south has generated a degree of perceived overlooking to the garden of No.119. However, each of the first floor windows would be circa 10m from the boundary and in any event they would be obscure glazed and serve non-habitable rooms. As illustrated below, officers consider such a proposal to be less harmful than the existing overlooking from No.119 to the application site.



The ground floor window to the west elevation of No.119a is also noted, but this would be unaffected by the proposed works with no windows facing that direction and a separation distance of in excess of some 14 metres being maintained.

The proposed new house has been positioned so that it would be sufficient distance from the woodland edge and other trees in order to avoid any long term conflict between light being received within the dwelling and the management of those landscape features. Furthermore the verdant context is evident for future occupiers in determining if this is an environment they would wish to live.

- Impact on highway safety:

This is a proposal for the creation of a 3-bedroom property to replace an existing 2-bed house. The proposal also includes a flexible room at ground floor that could be used as an additional single bedroom, or study, or small formal dining room, or snug. However this appears as a 3-bedroom property. In this context the proposal requires 2 car parking spaces.

Highway officers have raised concern over the size and manoeuvrability of the garage; however the applicant has confirmed that this is intended more as a store than for car parking and it is noted that the proposal provides 2 car parking spaces within the site, which satisfies the highways officer.

The proposal would retain the use of the existing access onto the private road. This is a shared right of access and the road is a designated right of way also. It then has a well established access to the public highway to the east on the lane that winds down the valley side between Westwood and Avoncliff. In the context of this all being existing officers report no concerns in the context of this being a replacement dwelling.

The highway officer raises no objection and the rights of way officer has offered no comment.

- Provision of adequate water supplies, sewerage and surface water disposal:

As this is a proposal for a replacement dwelling the above considerations are not of great concern. There is an existing water supply and sewerage provision and the applicant proposals to retain these. A condition to secure connection to the sewers is however considered prudent.

The drainage plans detail a soakaway that would be sited outside of any tree protection areas and would not interfere with existing buildings and would be compatible with proposed landscaping. It is noted that the site does not have any elevated flood risks from any sources and the impermeable area will only be modestly greater. The level of information provided is acceptable in this context. A condition to require the implementation is considered necessary.

- Other material considerations:

In response to land stability and contamination issues, a geotechnical report was submitted and no significant concerns have been raised in regards to contamination and the risk are considered to be low. The proposal has been detailed to indicate a mix of foundation solutions in the context of the ground conditions and depths to bedrock. Land stability is not considered, in light of the submissions (which reveal no mapping of quarrying or mining at the site), to be a significant concern here and the matter can be left to Building Regulation legislation to construct a new build safely and securely.

It is noted that the replacement dwelling would have enhanced energy efficiency credentials over the existing dwelling which would be beneficial.

It is duly noted that objection and supportive letters have been received following the public notification processes. All the responses have been received and the contradictory nature of the comments highlights the potential for subjectivity in the assessment of the proposals. All the material considerations raised have been assessed and are duly considered as set out above.

Land ownership is not a material planning matter and the applicant has intentionally omitted an area of land (from the application site) that has been subject to ownership contention between the applicant and 3rd parties.

All development has the potential for levels of disturbance and nuisance impacts during the construction phases. This is a sensitive location and the scale of development is relatively modest and is comparable to a house refurbishment and extension – to which objectors have suggested, would be preferable. A proportionate construction management plan is considered appropriate in this particular case in the context of the local highways and adjacent woodland.

The removal of PD rights has been suggested by members of the public. In the context of what limited rights exist within an AONB, and that such removal should be exceptional, this is not considered to be necessary. A replacement dwelling would begin a new chapter in any planning history and any subsequent development, whether subject to express planning control or permitted development would need to be considered within that context.

The existing dwelling is not an affordable dwelling within the meaning of planning. It is an open market home comprising of 2 bedrooms. The proposed replacement would be an open market 3-bedroom dwelling. It is noted that the latest Strategic Housing Market Assessment identifies a need for a range of dwellings, with the greatest need being for 3 and 4 bedroom properties; which this proposal would help to deliver. The proposal complies therefore with CP45 and housing need.

The proposal offers an additional ground floor room that partially mitigates for the loss of a ground floor property that would well suit the needs of the less able bodied. As commonly occurs, bungalow accommodation can be lost through first floor conversion works that is often beyond the control of planning. Therefore whilst arguably regrettable, it is not a negative against the scheme of any significance. It is noted that public comments have been made to suggest a roof conversion would be preferential to the current proposals, however this too would result in a 2-storey home.

10. Conclusion (The Planning Balance)

In conclusion, officers submit that the principle of this development and the impact in terms of the Green Belt and AONB is acceptable. The scale, siting, orientation and design of the replacement dwelling have been negotiated by the case officer and it would have no demonstrable impact on the landscape or heritage considerations. In terms of the natural environment, the proposal is likely to have a broadly neutral impact and great lengths have been taken in the interest of ensuring the protection of trees and bats as part of this proposal. In terms of neighbour amenity the scheme would not be harmful. The impact on highways and parking would be neutral.

Officers have made all reasonable efforts to ensure that the public and Parish Council objections have been taken into consideration and factored into the design, so far as reasonably possible. The resultant scheme is a compromise on the part of the applicant and has always been a substantial compromise over their original submission that officers found to be unacceptable. Negotiations have reached a point where the scheme needs to be assessed on its merits and this revised scheme is considered to be in accordance with the

development plan and all other material considerations such as the NPPF; and, is consequently reported for approval subject to conditions.

RECOMMENDATION: Approve subject to conditions.

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

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

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

Dwg 627-S-02 dated 28/11/17; Dwg 627-S-01 dated 28/11/17; Dwg 627-P-01 D dated 27/03/18; Dwg 627-P-02 C dated 20/03/18; Dwg 627-P-03 C dated 21/03/18; Dwg 627-P-04 D dated 27/03/18; Dwg 627-P-05 B dated 21/03/18; Dwg 627-P-06 B dated 21/03/18; Dwg 627-P-07 B dated 21/03/18; 627-P-08 E dated 27/03/18; Dwg 627-P-09 E dated 21/03/18; Dwg 627-P-10 B dated 21/03/18

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

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

REASON: The 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.

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

- location and current canopy spread of all existing trees and hedgerows on and adjacent to the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc); and
- At least 4 trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

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

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

6. All works shall be carried out in strict accordance with the hereby approved Arboricultural Report (ref 7268/2) by Wessex Tree Consultancy and dated March 2018 and the associated Tree Protection Plan (Dwg TPP.02) Wessex Tree Consultancy and dated March 2018.

REASON: In order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the protection of trees in the interests of visual amenity and biodiversity.

7. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the final scheme of hard and soft landscaping. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

8. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the public right of way, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

9. The access shall remain ungated.

REASON: In the interests of highway safety.

10. The development hereby permitted shall not be occupied until the hereby approved surface water drainage (as illustrated on plan drawing 627 P 08 E by Hetreed Ross Architects and dated 27/03/18) have been completed in accordance with the submitted and approved details.

REASON: In order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

11. The development hereby permitted shall not be occupied until the hereby approved sewage disposal works (as illustrated on plan drawing 627 P 08 E by Hetreed Ross

Architects and dated 27/03/18) have been completed in accordance with the submitted and approved details.

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

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

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

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

13. The proposed development shall be undertaken in accordance with the recommendations set out in Section 5 of the "Updated Bat Survey" by Seasons Ecology, dated June 2018 (reference SEB1547_04); and the hereby approved plans which detail the replacement and additional roosting habitat and external lighting.

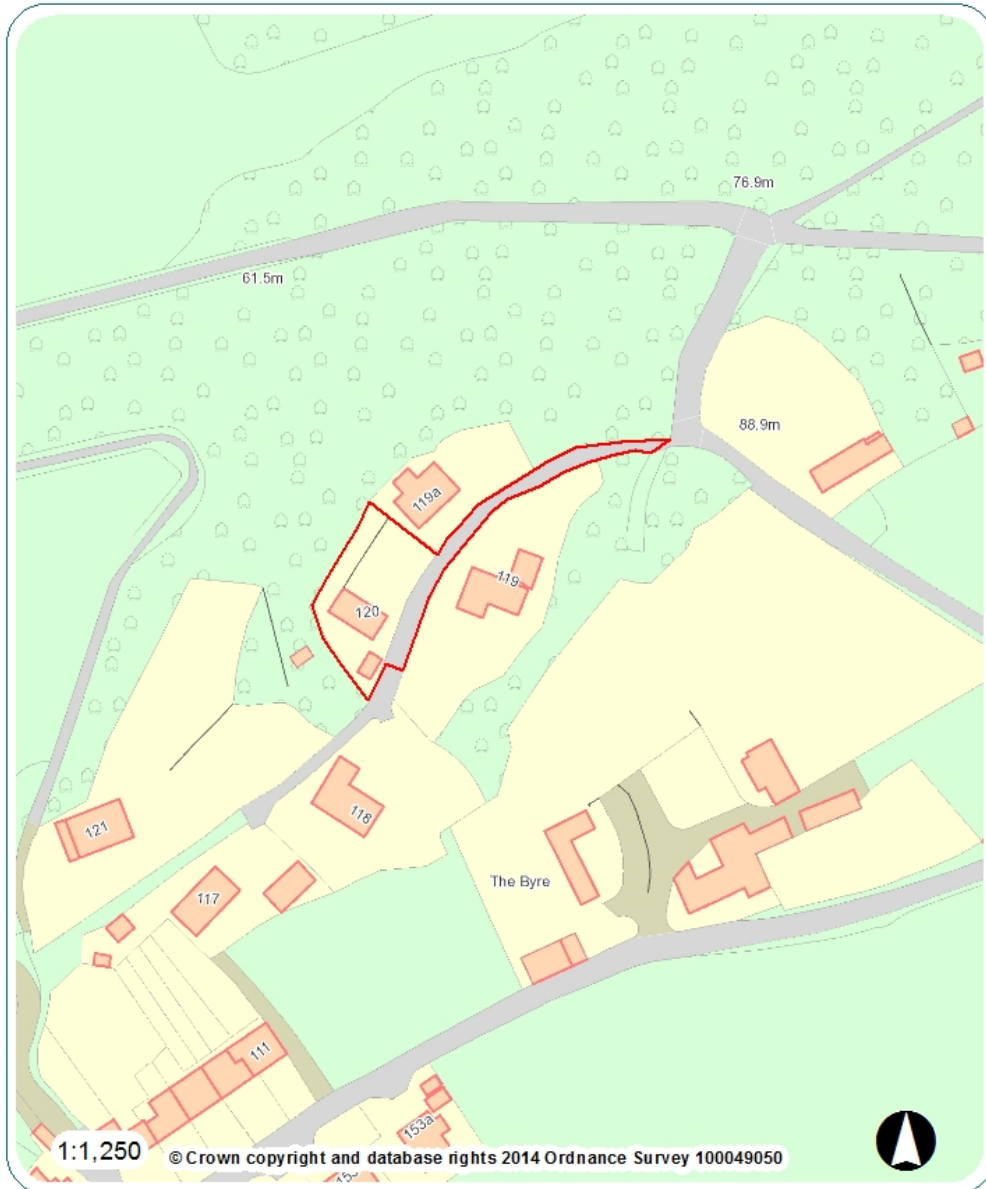
REASON: To ensure appropriate mitigation, compensation and enhancement for protected species; and compliance with The Conservation of Habitats and Species Regulations 2017, the National Planning Policy Framework, the NERC Act 2006 and Core Policy 50 of the Wiltshire Core Strategy (adopted January 2015).

PLANNING INFORMATIVES:

1. 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.

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



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