

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham, SN15 1ER
Date: Wednesday 16 May 2018
Time: 3.00 pm

Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718221 or email stuart.figini@wiltshire.gov.uk

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

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Membership:

Cllr Tony Trotman (Chairman)	Cllr Mollie Groom
Cllr Peter Hutton (Vice-Chairman)	Cllr Chris Hurst
Cllr Chuck Berry	Cllr Toby Sturgis
Cllr Christine Crisp	Cllr Brian Mathew
Cllr Howard Greenman	Cllr Ashley O'Neill
Cllr Gavin Grant	

Substitutes:

Cllr Ben Anderson	Cllr Bob Jones MBE
Cllr Bill Douglas	Cllr Jacqui Lay
Cllr Ross Henning	Cllr Melody Thompson
Cllr Ruth Hopkinson	Cllr Philip Whalley

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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 - 22*)

To approve and sign as a correct record the minutes of the meeting held on 21st March 2018.

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 **Wednesday 9th May 2018** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Friday 11th May 2018**. 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 23 - 24*)

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 **17/09445/FUL - Land at Hungerdown Lane/Bristol Road, Chippenham** (*Pages 25 - 48*)

7b **18/00474/FUL - Equestrian Centre, The Malthouse, 18 Bushton, Swindon** (*Pages 49 - 62*)

7c **18/02295/FUL - The Methodist Church, Cuttle Lane, Biddestone, Chippenham** (*Pages 63 - 72*)

8 **Urgent Items**

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

Part II

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

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 21 MARCH 2018 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice-Chairman), Cllr Chuck Berry, Cllr Christine Crisp, Cllr Howard Greenman, Cllr Gavin Grant, Cllr Toby Sturgis, Cllr Brian Mathew, Cllr Ashley O'Neill and Cllr Bob Jones MBE (Substitute)

Also Present:

Cllr Nick Murry

17 **Apologies**

Apologies were received from Cllr Chris Hurst and Mollie Groom.

Cllr Chris Hurst was substituted by Cllr Bob Jones MBE.

18 **Minutes of the Previous Meeting**

The minutes of the meeting held on 21st February 2018 were presented.

Resolved:

To approve as a true and correct record and sign the minutes.

19 **Declarations of Interest**

There were no declarations of interest.

20 **Chairman's Announcements**

There were no Chairman's announcements.

21 **Public Participation**

The Committee noted the rules on public participation.

22 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

23 **Planning Applications**

To consider and determine the following planning applications:

23a 17/05828/FUL - Former Wiltshire College, Cocklebury Road, Chippenham

Public Participation

Thomas Mallard, local resident, spoke in objection to the application.

Mark Collis, local resident, spoke in objection to the application.

Geoff Barrett, Civic Society, spoke in objection to the application.

Chris Carpmael, applicant, spoke in support of the application.

Paul Davis, applicant, spoke in support of the application.

The Area team Leader, Lee Burman, introduced a report which recommended delegating authority to the Head of Development Management to grant planning permission, subject to conditions and completion of a S106 legal agreement within three months of the date of this meeting, for the Demolition of Existing Buildings and the Erection of a 140 Unit Extra Care Facility (of which three are duplexes) (Use Class C2) Comprising of 21,602.6 sq m (gross external) of Floorspace Over Five Storeys (four storey building with a five storey recessed), Three Units for Uses within A1/A2/A3, 97 Car Parking Spaces Split Across the Basement (85 no. spaces) and Ground Floor Level (12 no. spaces) and Associated Access and Landscaping. Key issues highlighted included, principle of the development, impact on residential amenities of adjoining neighbours, impact on character and appearance of the area, loss of non-designated heritage asset, impact of the development on the character and appearance of the Conservation Area and highway impact.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: hours of operation of external lighting, car parking bay for emergency services, land ownership of the site, artefacts of historic value to be made available for preservation by local history and civic societies, external cladding of the building, affordable housing provision, adequacy of car parking spaces and S106 contributions.

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

Councillor Nick Murry, Division Member, spoke in objection to the application with the main points focusing on: traffic volume issues, height and mass of the proposed building, access onto Sadlers Mead and impact on neighbouring residential amenities.

At the start of the debate a proposal was moved by Councillor Peter Hutton and seconded by Councillor Christine Crisp to grant planning permission as detailed in the report. During the debate the main points raised were: the need for the

applicant to engage with the community during the development process, regeneration of a brownfield site, concerns about the availability of on-site car parking and possible impact on neighbouring roads, comparisons with similar developments and the provision of car parking spaces, references to Core Policy 57, i, ii and iii.

Resolved:

To delegate authority to the Head of Development Management to GRANT planning permission, subject to conditions and completion of a S106 legal agreement within three months of the date of the resolution of this Committee.

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

The application proposal fails to provide and secure the necessary and required services and infrastructure supporting the proposed residential development including Affordable Housing is therefore contrary to Policies CP3 and CP43 of the Wiltshire Core Strategy Adopted January 2015

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

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

- 2. No part of the development shall be occupied until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.**

REASON: In the interests of the character and appearance of the area and neighbouring amenities.

- 3. No development shall commence on site until the exact details and samples of the materials to be used for the external walls, roofs, Windows, balconies and rain water goods 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 external natural stonework shall be constructed on site, until a sample panel of stonework, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

5. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include
 - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - finished levels and contours;
 - means of enclosure;
 - all hard and soft surfacing materials;
 - minor artefacts and structures (e.g. furniture, planters, and other storage units, signs, lighting etc);

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.

6. 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.

7. No development shall commence on site until the trees on the site which are protected by a Tree Preservation Order have been enclosed by protective fencing, in accordance with British Standard 5837 (2012): "Trees in Relation to Design, Demolition and Construction -Recommendations". Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

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

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

REASON: In the interests of highway safety.

9. The A3 unit here by approved shall not be brought into use, until details showing ventilation and extraction equipment within the site (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority, and the approved ventilation/extraction equipment has been installed in accordance with the approved details. The approved ventilation and extraction equipment shall thereafter be maintained in a serviceable condition in accordance with the approved details.

REASON: In the interests of the amenities of the area.

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

details and no additional external lighting shall be installed. To require agreement over the hours of operation of any external lighting to be approved.

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

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

- **AA6717-2001 REV A**
- **AA6717-2002 REV A**
- **AA6717-2003 REV A**
- **AA6717-2115 REV B**
- **AA6717-2110 REV C**
- **AA6717-2111 REV B**
- **AA6717-2112 REV A**
- **AA6717-2113 REV B**
- **AA6717-2114 REV A**
- **AA6717-2116 REV B**
- **AA6717-2600 REV B**
- **AA6717-2400 REV A**
- **AA6717-2401 REV A**
- **AA6717-2402 REV A**
- **AA6717-2403 REV A**
- **AA6717-2404 REV A**
- **AA6717-2405 REV A**
- **AA6717-2601 REV B**
- **AA6717-2700**
- **AA6717-2701 REV A**
- **AA6717-2602**
- **AA6717-2604**
- **AA6717-1032 REV D**

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

12. None of the individual units of residential accommodation at the development shall be used otherwise than as a private place of residence for a person or persons of whom at least one must be a 'qualified person' (defined below) at the date of his or her first occupation of the unit in question. For the purposes of this schedule a 'qualified person' means a person who is or has attained the age of 65 years and thereby in need of personal care by reason of old age or by reason of disablement. (whether or not such person suffers from a registered disability under the terms of the Chronically Sick and Disabled Persons Act 1970). An occupier of

one of the individual units of residential accommodation who is not a 'qualified person' but who shares or previously shared the accommodation with a 'qualified person' (e.g. a spouse or surviving spouse) must have attained the age of at least 55 years.'

REASON: The application has been considered on the basis of occupation by elderly persons in class C2 accommodation and the Local Planning Authority wishes to consider any future changes to occupation of the building.

- 13.** The development hereby permitted shall only be used for the purposes specified in the application and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or reenacting that Order).

REASON: The application has been considered on the basis of occupation by elderly persons in class C2 accommodation and the Local Planning Authority wishes to consider any future changes to occupation of the building.

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

Step (i) Site Characterisation:

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

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

and other characteristics that can influence the behaviour of the contaminants;

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

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a

Step (iv) Reporting of Unexpected Contamination:

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

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report should be submitted to the Local Planning Authority. The report should demonstrate the effectiveness of the remedial works.

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

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

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step

(ii) above, until all the remediation objectives in that scheme have been achieved.

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

15. 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.

16. There shall be no subdivision of, extension to or amalgamation of the A1, A2 and A3 units shown on the approved plans.

REASON: The proposed use and size of the units is considered acceptable but the Local Planning Authority wish to consider any future proposal as it may result in conflict with the Wiltshire Core Strategy.

17. No deliveries shall be made to or collections made from the A1, A2 or A3 units hereby approved except between the hours of 06:00am and 22:00pm Monday to Saturday and 07:00am and 17:00pm on Sundays.

(ii) There shall be no use of reverse beepers on delivery or collection vehicles between 06:00am and 07:00am Monday to Saturday and between 07:00am and 09:00am on Sundays.

REASON: To limit the impact of the development on adjacent residential amenity and prevent undue disturbance

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the A1, A2 and A3 units shown on the approved plans site shall be used solely for purposes within these use Classes of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

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

19. The A1 and A2 use hereby permitted shall not be open to the public except between the hours of 08:00am to 22:00pm Monday to Saturday, 09:00am to 18:00pm on Sunday & Public Holidays.

REASON: To limit the impact of the development on residential amenity.

20. There shall be no customers/members of the public within the A3 unit hereby approved except between the hours of 07:00am to 22:00pm on Monday to Saturday, 07:30am to 20:00pm on Sunday & Public Holidays.

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

21. No development shall commence on site (including any works of demolition), until a Commercial Waste Management and Collection plan, which shall include the following:

- a) Means of collection of commercial waste;**
- b) Means of collection of clinical waste;**
- c) Means of collection of domestic waste;**
- d) Details of the operator**

e) Procedures and plans setting out how all waste will be collected to ensure that collection vehicles are not parked on the public highway. has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full. The collection of waste shall not be carried out otherwise than in accordance with the approved 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 highway network, the amenities of the area in general.

22. Prior to the demolition of the existing buildings on site until a full survey, including analysis, and photographic record of the historic Wiltshire College building has been submitted to and approved in writing by the Local Planning Authority. Any artefacts of historic value to be made available for preservation by local history and civic societies.

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 secure the proper recording of the undesignated heritage asset.

23b 17/09336/FUL - Land at Three Bridges, Ashton Keynes, Swindon

Public Participation

David Norman, local resident, spoke in objection to the application.

Sarah Shepherd, local resident, spoke in objection to the application.

June Bull, local resident, spoke in objection to the application.

Paul Eastman, local resident, spoke in support of the application.

James Wood, local resident, spoke in support of the application.

Cllr David Wingrove, Chair of Ashton Keynes Parish Council, spoke in support of the application.

The case officer, Richard Sewell, introduced a report which recommended planning permission be granted, subject to conditions, for the partial change of use of land to form a coach depot with improved access and enhanced landscaping. Key issues highlighted included, the principle of development, the scale, design, layout and materials of the proposed parking facility and impact on visual amenity, impact on the residential amenity, impact on highways, impact on ecology, impact on drainage and the impact on the historic character and appearance of the Ashton Keynes Conservation Area.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: the storage of materials and unauthorised equipment on site, the existing hedgerow, Ashton Keynes Neighbourhood Plan, external lighting within the application site, reasons for the transfer of business operations to the application site, the potential for setting personal use conditions within any grant of the application.

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

Cllr Berry spoke in respect of the both the site specific impacts of the proposals, concerns raise by some local residents and the wider benefits of the scheme

At the start of the debate a proposal was moved by Councillor Toby Sturgis and seconded by Councillor Ashley O' Neill to grant planning permission as detailed in the report. During the debate the main points raised were: The hedge fronting the application site and potential planting schemes, and potential for an increase in light nuisance from higher traffic flows from the site.

Resolved:

To GRANT planning permission, 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. 1920/PA/4 Site Location Plan and Drawing No 1920/PA/2 Rev Site Layout and Landscape Scheme D both received 26.09.17**

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

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

- location and current canopy spread of all existing trees and hedgerows on the land;**
- full details of any to be retained, together with measures for their protection in the course of development;**
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities, means of temporary support and protection from livestock and vermin;**
- finished levels;**
- means of enclosure including gates;**

- all hard and soft surfacing materials;
- minor artifacts and structures (e.g. refuse and other storage units, signs, bollards, street lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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.

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

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

5. No development shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:
 - detailed extent and type of new planting (NB. planting to be of native species)
 - details of maintenance regimes
 - details of any new habitat created on site

- details of treatment of site boundaries and/or buffers around water bodies (including measures to ensure the riverbank is not allowed to scrub up to the extent that they become unsuitable for wolverines).
- details of management responsibilities

REASON This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

6. The development shall be carried out as specified in the approved Arboricultural Impact Assessment incorporating Tree Survey, Tree Protection Plan and Arboricultural Method Statement (AMS) prepared by S J Stephens Associates dated 24th August 2017, and shall be supervised by an arboricultural consultant.

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

7. The development will be carried out in strict accordance with the prescriptions given in Section 6 of the Ecological Appraisal by Malford Environmental Consulting dated 8th September 2017.

REASON: To ensure protection of ecologically sensitive habitats and species within or adjacent to the site.

8. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON The use of the site as a coach park has the potential to release hydrocarbons to ground. Ground water is likely to be close to the surface.

9. No development approved by the permission shall be commenced until a scheme of surface water drainage, focusing on pollution prevention, is submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as agreed, in the timescales agreed.

REASON: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

10. No part of the development hereby permitted shall be first brought into use until the turning area and parking spaces have been completed in accordance with details shown on the approved plans.

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

REASON: In the interests of highway safety.

11. No part of the development hereby permitted shall be first brought into use until full technical detail of the access have been submitted to and approved in writing by the Local Planning Authority. The details shall be broadly in accordance with 'Junction visibility requirement Sheet 1 of 5' ST17110-01 details. The radius of the access shall be increased for the coaches. No part of the development shall be first brought into use until the access has been completed in accordance with the approved details. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

12. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4m back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 160m metres in both directions from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1m above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

13. No development shall commence on site until a Travel Plan 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.

14. No development shall commence until a Site Management Plan detailing measures to minimize noise disturbance has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be implemented and operated in accordance with the approved details thereafter.

REASON: In the interest of residential amenity

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

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

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

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

17. The occupation of the site hereby permitted shall only enure for the benefit of the following Business/Persons and their Dependents: Ellisons Coaches/Barry Ellison.

REASON: Permission would not normally be granted for this development, but regard has been paid to the personal circumstances of the applicant which are considered, exceptionally in this case, to be sufficient to outweigh the normal planning policy considerations which would normally lead to a refusal of planning permission.

18. INFORMATIVE TO APPLICANT:

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

19. INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

20. INFORMATIVE TO APPLICANT:

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

21. INFORMATIVE TO APPLICANT:

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

22. INFORMATIVE TO APPLICANT:

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

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

24 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.30 pm)

The Officer who has produced these minutes is Stuart Figini of Democratic Services, direct line 01225 718221, e-mail stuart.figini@wiltshire.gov.uk

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

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**Wiltshire Council
Northern Area Planning Committee
16th May 2018**

Planning Appeals Received between 09/03/2018 and 04/05/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
16/06790/FUL	Land at Methuen Park Chippenham, Wiltshire	CORSHAM	Proposed erection of 66 dwellings, formation of access road, open space, landscaping & associated works	NAPC	Hearing	Refuse	04/04/2018	No
17/04648/OUT	The Paddock Tiddleywink Wiltshire, SN14 7BY	YATTON KEYNELL	Outline application for 4 self-build dwellings relating to access and layout	DEL	Written Representations	Refuse	21/03/2018	No
17/05672/FUL	Land to West of Forest Lane, Chippenham Wiltshire, SN15 3PX	CHIPPENHAM	Erection of 6no. residential units including landscaping, highways layout and related works.	NAPC	Written Representations	Approve with Conditions	29/03/2018	Yes
17/09114/FUL	Bewley Cottage Bowden Hill, Lacock SN15 2PW	LACOCK	Demolition and replacement of an existing garage with a garage annexe	DEL	Written Representations	Refuse	21/03/2018	No
17/10658/FUL	Land to the Rear of No 25 The Tinings Chippenham SN15 3LX	CHIPPENHAM	Erection of bungalow (resubmission of 17/03021/FUL)	DEL	Written Representations	Refuse	28/03/2018	No

Planning Appeals Decided between 09/03/2018 and 04/05/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
14/10601/FUL	Chelworth Lodge Cricklade, Swindon Wiltshire, SN6 6HP	CRICKLADE	Erection of 7 Employment Buildings (B1 & B8 Uses)	NAPC	Inquiry	Refuse	Dismissed	17/04/2018	None
17/00945/FUL	Foxham Farmhouse Foxham, Wiltshire SN15 4NQ	BREMHILL	Retention of barn conversion to C3 residential use & installation of replacement oil tank. (Retrospective and Amendment to Previously Approved Application 15/05097/FUL)	DEL	Written Reps	Refuse	Dismissed	03/04/2018	None
17/05204/FUL	Land Adj 12 St Giles Close, Lea Wiltshire, SN16 9PQ	LEA AND CLEVERTON	Proposed new dwelling.	DEL	Written Reps	Refuse	Dismissed	30/04/2018	None
17/07794/PNCOU	1 The Old Barn Purlieus, Minety Wiltshire, SN16 9RP	HANKERTON	Notification for prior approval for a proposed change of use of agricultural buildings to 2 dwelling houses and associated operational development.	DEL	Written Reps	Refuse	Dismissed	27/03/2018	None
17/08489/FUL	Westfield 31 Malmesbury Road Leigh, SN6 6RH	LEIGH	Retrospective application for the erection of an ancillary stable barn.	DEL	House Holder Appeal	Refuse	Allowed with Conditions	03/04/2018	None
17/11441/FUL	6 Halfway Firs Bath Road, Corsham Wiltshire, SN13 0PJ	CORSHAM	Proposed Extension to Existing Dwelling	DEL	House Holder Appeal	Refuse	Dismissed	10/04/2018	None
17/11396/PNCOU	Dairy, Leighfield Farm The Leigh, Cricklade SN6 6RQ	LEIGH	Notification for Prior Approval under Class Q - Conversion of Agricultural Building to a Single Dwellinghouse (C3) and Associated Operational Development.	DEL	Written Reps	Refuse	Dismissed	03/05/2018	None
17/05627/FUL	Ravenscourt Crudwell Malmesbury	CRUDWELL	Change of use of part of dwelling to mixed use D1/C3 comprising ancillary accommodation being used as a yoga studio	DEL	Written Reps	Refuse	Dismissed	30/04/2018	None

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	16 th May 2018
Application Number	17/09445/FUL
Site Address	Land at Hungerdown Lane/Bristol Road Chippenham Wiltshire SN14 0JP
Proposal	Joint Application by Middlefield SPV, GreenSquare Group Ltd and Lidl UK for the Construction of 35 100% Affordable Dwellings with Associated Car Parking, Hard and Soft Landscaping, and a New Lidl Neighbourhood Discount Foodstore, with Associated Car Parking, Landscaping and Access Arrangements
Applicant	Middlefield SPV, Greensquare Group Ltd & Lidl UK
Town/Parish Council	CHIPPENHAM
Electoral Division	CHIPPENHAM CEPEN PARK AND REDLANDS
Grid Ref	390534 174014
Type of application	Full Planning
Case Officer	Charmian Eyre-Walker

Reason for the application being considered by Committee

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.

The application has been called to Committee by Cllr Andy Phillips on the basis that the access onto Hungerdown Lane, which Lidl have to have should be egress only. Both Lidl and Greensquare should have access from Bristol Rd and egress onto Hungerdown Lane to prevent overcrowding.

2. Report Summary

Issues to be addressed:

- Principle of the development.
- Impact on town centre vitality and viability.
- Impact on highway safety and convenience

- Design
- Drainage
- Impact on heritage assets

14 letters of objection received together with a petition of 41 signatures; 2 letters of support and a further 15 letters of comment.

Waitrose and Aldi representatives have objected.

Chippenham Town Council comment that they have no objections subject to some issues being resolved (see later section in report)

3. Site Description

The proposal relates to a relatively flat site of approximately 2.38 hectares bounded on 2 sides by Hungerdown Lane and Bristol Road and housing on the other with a vacant site to the south which is owned by Wiltshire Council. The original buildings on the site, Middlefield Day Centre for adults and a Children's Resource Centre were demolished and the site has been vacant and unused for a number of years.

There is a range of housing in the immediate vicinity and the Hathaway medical centre approx. 200m to the west.

The site is flood zone 1.

4. Planning History

16/00997/DEM – Proposed two storey traditional brick built building demolition – approved

5. The Proposal

The proposal is for a 2206sqm foodstore to the eastern part of the site with 35 affordable dwellings on the western section together with associated access, landscaping, parking.

Access is to be gained from Hungerdown Lane for the foodstore and through the Middlefield residential development for the housing element.

6. Planning Policy

Wiltshire Core Strategy

CP1 Settlement Strategy

CP2 Delivery Strategy

CP3 Infrastructure

CP 10 Spatial Strategy: Chippenham Community Area

CP43 Providing Affordable Homes

CP56 Contaminated Land

CP57 Ensuring High Quality Design and Place Shaping

CP58 Ensuring Conservation of the Historic Environment

CP60 Sustainable Transport

CP61 Transport and New Development
CP67 Flood Risk
CP68 Water Resources

Saved Policies from North Wiltshire Local Plan 2011

NE18 Noise and Pollution

National Planning Policy Framework

Achieving Sustainable Development – Core Planning Principles (paras 7, 14 and 17)

Chapter 2 Ensuring vitality of town centres

Chapter 6 Delivering a wide choice of high quality homes

Chapter 7 Requiring good design

7. Consultations

Chippenham Town Council has no objections but has the following concerns and requests that they be addressed by Wiltshire Council:

“That gates be installed on the car park to prevent any antisocial behaviour on the Lidl site at night.

Delivery hours to the Lidl site be limited at night time.

That no delivery lorries to be able to park on site overnight.

That a litter management plan be adhered to.

That an electrical car charging point be installed in the car park.

A lighting plan to be produced to consider and reduce the impact of unnecessary lighting on the neighbouring residential properties.

Overall safety on the highways is a concern and the town council requests that a survey be undertaken that considers traffic, pedestrian and cyclist safety in the whole area, and in particular the safety of children travelling to and from the two senior schools and residents accessing the Lidl store from Cepen Park North, including the Folly Roundabout and the need for a pelican crossing on Bristol Road (A420) in the vicinity of Hathaway Medical Centre.

Vehicle access into Middlefield is a concern as the roads are of limited width and potentially dangerous.”

Highways has no objections subject to conditions, but, in relation to the housing element requires a traffic regulation order be prepared prior to occupation. This amendment to the parking restrictions in the vicinity will help keep the roads clear for the benefit of site access. It will be a measure that the parking enforcement team can then act upon if there any obstructions.

A construction traffic management plan should be conditioned. I consider that construction traffic and contractor car parking is a key issue. I recommend a condition that the construction access is via the new right hand turn lane. This may have implications for the build of the supermarket, but I consider the construction access needs to be via an alternative to Middlefields.

Drainage does not object.

Urban Design Officer has worked on the design of the layout and is now satisfied with it, having made detailed comments which are available on line.

Public Art require a contribution of £15000 for public art on site.

Technical Services Officer states that using the dwelling mix provided on the proposed site layout the requirement for the 35 dwellings would be 1950m² POS including 150m² equipped play. It would appear that the majority of the POS requirement is met on-site; however there is no on-site equipped play space. The Play area at Little Battens Park off Barken Road is within the distance thresholds to be directly related to the site and as such we would require an off-site contribution of £21,900.00 to upgrade the facilities there.

The site also generates a requirement for 974.05m² sports pitches which would equate to an off-site contribution of £9,740.50 for the upgrade of Chippenham Sports Club.

Spatial Planning Officer originally objected on the grounds of impact on the town centre, but following the Retail Consultants response does not object.

Landscape officer has no objections.

Archaeology has no objections

Tree Officer has no objections subject to conditions

Education does not object subject to a S106 contribution.

Ecology has not yet responded

Chippenham Without Parish Council, although not a statutory consultee wished it to be noted that they objected to the mixed use and thought it would be better as totally housing given the shortage of housing land.

Wessex Water do not object

Housing support the application and state:

We can confirm that there is demonstrable affordable housing need in the Chippenham Community Area and that a 40% on-site affordable housing contribution at nil subsidy is required from these proposals in line with policy approaches (ie: 14 of the homes to be provided on site will be required to be secured at nil subsidy in line with policy) with a tenure split of 60% affordable rented homes (8) and 40% intermediate (Shared Ownership) housing (6) – based on current demonstrable need and reflecting mix proposals we would suggest the following units:

Affordable Rent (8 units)

4 x 2 bed 4 person houses

4 x 3 bed 5 person houses

Shared Ownership (6 units)

2 x 2 bed 4 person houses

4 x 3 bed 5 person houses

6

Council's Retail Consultant The Council consulted a retail consultant who has given the detailed advice, which is summarised below (Full reports are available on line) :

Sequential Test

Their review of the sequential test considered a number of aspects, namely the applicants approach to flexibility, whether the conclusions reached in relation to the assessment of alternatives for Langley Park foodstore remain valid and also whether Langley Park can provide a suitable and available alternative to the application site.

The assessment concludes that the degree of flexibility outlined in section 8 of the RPS is not sufficient and smaller sites/stores should also be considered. They have, however, concluded that any of the alternative sites in and around Chippenham Town Centre do not require re-assessing as their circumstances have not changed since the previous analysis in 2016.

The one previously analysed site is the Bath Road car park site and the consultant has extended the analysis to include Langley Park, given its sequentially preferable location and current proposal to provide a foodstore on the site.

The Bath Road car park site has been promoted for retail led development by the Council for a number of years and can be generally considered an available site on the basis of the intentions of the Council and the development plan allocation. Beyond the general principles, there also needs to be consideration of whether it can become genuinely suitable and available for the proposed development. There are a number of constraints and the Council has parted company with its previous development partner. There is no need to reach an alternative conclusion to that reached with the Aldi proposal at Langley Park, namely that the Bath Road car park site is not a genuine suitable and available alternative.

Although Langley Park is a suitable site, when appropriate levels of flexibility in scale and format are taken into account, this is based on a recent permission for a foodstore. The decision maker will need to make its decision on the availability of the site at the point of determination of the current application.

An important starting principle of the sequential test is that availability should be judged on the basis of the proposed development and not the identity of the occupier. Therefore just because the part of the site at Langley Park is in the control of Aldi, that does not make it unavailable for the Hungerdown Lane proposal. This principle is confirmed in the Exeter and Mansfield High Court judgement. Attention is also drawn to a proposal outside Epsom town centre where there was a proposal for a food store by Aldi. There was a sequentially preferable site in Epsom which was owned by Lidl and was subject to an application by Lidl for a food store. The Lidl site was vacant at the time of the public inquiry. Taking into account the Mansfield judgement, the Inspector agreed that the Lidl store was available as an alternative to the Aldi site.

As matters stand Langley Park is an available and suitable alternative site.

Impact

Given the location of the site there is a need to assess the impact of the proposal on the health and

investment in nearby town centres. The focus is on Chippenham.

Subject to the applicant providing further justification on the level of trade diversion from stores outside Chippenham the trade diversion, they are satisfied with the applicant's monetary trade diversion. The forecast is that the proposed store will divert £0.82m of retail expenditure away from class A1 shops in the town centre.

Concerns over the robustness of the base data being used to underpin the applicant's assessment, due to the decision of the applicant to provide only a "broad brush" financial impact assessment. The consultant therefore cannot confirm:- the applicant's level of solus impact (2.1% for convenience goods and 0.16% for comparison goods) are accurate: the applicant's % levels impact for commitments (8.5% for convenience goods and 4.2% for comparison) are accurate: The applicant's level of cumulative impact (10.5% for convenience goods and 4.4% for comparison goods) are accurate.

The above concern is based on the age of the evidence base data for the applicant's broad brush assessment, the need to make numerous manual adjustments to the base data and the possibility that shopping patterns could have changed naturally in any event.

The consultant concluded that it was not possible to be precise over whether (A) the scale of the solus impact associated with the proposed store is of concern, and (B) whether the scale of cumulative impact represents a threat to the future health of Chippenham Town Centre.

These issues were raised in connection with Aldi also.

The applicant was provided with this summary and has subsequently undertaken a household survey and provided an Addendum Retail Statement. This has been analysed by the Consultant (report available in full on line) and is summarised as follows:

The additional evidence has responded positively to the concerns over the robustness of the evidence base data used to underpin the applicant's original financial impact analysis. In particular the a new household survey has been completed, which provides data on main food, top-up food and non-food shopping and also linked trips associated with main and top-up shopping trips.

The exercise demonstrates that whilst there are differences between the applicant and consultant on the pattern of trade diversion to the proposed store, there is general agreement over the level of direct financial impact upon the convenience and comparison goods sector in Chippenham Town Centre and this is broadly consistent with the views reached in relation to the recent Aldi proposal at Langley Park.

The consultant's analysis shows that the proposed foodstore is likely to have a -2.4% direct impact on the convenience goods sector in Chippenham Town Centre and an overall direct impact of 0.5%. There is also likely to be a small knock on impact in terms of the level of linked trips associated with food shopping, but this is unlikely to represent a significant adverse impact on the health of the town centre.

Overall the consultant concludes that these are minor negative factors to be weighed against the other positives and negatives of the scheme. A positive impact might be the reduction in trips outside the area of Chippenham as the household survey shows that Chippenham residents are travelling outside the town to visit discount stores. Whilst the committed Aldi store will claw some of this back, this pattern is likely to be reinforced by the current proposal.

Overall the consultant is satisfied that the additional information and analysis provided by the applicant is able to show that the proposed store is unlikely to have a significant adverse impact upon the health of Chippenham Town Centre.

The National Planning Practice Guidance notes that in this situation

If the impacts of the proposed development are not likely to be significantly adverse, the positive and negative effects should be considered alongside other material considerations to determine the outcome of the application.

The Conclusion is that if the Council is minded to approve the application conditions are applied.

8 Publicity

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

Public Consultation – 29 individual representations

27 raised objection in relation to highways safety, specifically in relation to access along Middlefield Road and the junction with Bristol Road, increased congestion affecting Middlefield Road, Cornfields, Middleaze, Hardenhuish Lane, Hungerdown Lane and Bristol Road. Concerns are summarised below-

- Conflict with existing traffic of Fenway Park and vehicles using the medical centre.
- Increase in congestion and vehicle conflicts along Bristol Road, Hungerdown Lane and Hardenhuish Lane
- Insufficient crossings to serve schools, particularly along Hardenhuish Lane
- Two letters on behalf of Sheldon School and Hardenhuish secondary schools raising pupil safety concerns., suggested speed restrictions and zebra crossings
- Several suggested a traffic calming measures were needed including reducing the speed limits along Bristol Road and Hardenhuish Lane
- One letter queried information contained within the Lidl Transport Assessment – speed limit on Bristol Road (40mph not 30mph?) and suggestion of a bus stop on Middlefield Road?
- Too many supermarkets in Chippenham
- Several mentioned the future plans for Care Home – additional traffic, parking and emergency access

2 letters queried time taken for decision to be made

Petition of 42 Signatures

Impact on adjoining land use

- Commercial activity close to residential areas
- Less attractive and less safe environment

Highways Safety

- Congestion around Middlefield Road, Middleaze and Hathaway Surgery

Pedestrian Safety

- Access from Cornfields and Middlefield Road to St John's and Green Square sites should be for pedestrians only.
- St John's should directly access Hungerdown Lane – the layout of Lidl site can affect this and land should be given over to allow for a new lane to serve the St John's site.
- Residential development should directly access Bristol Road and not use Middlefield junction with Bristol Road

Representatives of Aldi and Waitrose have objected (available on full on line) on the following grounds:

Inadequate sequential assessment.

Failure to consider appropriateness of alternative sites by reference to type and location of development.

Inadequate consideration of retail impact and failure to assess accurately the cumulative effects of the proposal together with other local permissions.

There is a need for an up to date household survey.

In the case of Waitrose they note that their store already operates at a loss and M&S and Aldi proposals have already affected the viability of that store (the M&S store was only open for a few days when they made their comments and Aldi is not open).

9. Planning Considerations

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

In this case, the Wiltshire Core Strategy (WCS), including those policies of the North Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the Chippenham Area.

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

CP1 of the WCS sets out the settlement strategy for the area, identifying Chippenham as a Principal Settlement, a focus for new development. CP2 confirms a presumption in favour of sustainable development within the defined limits of development.

The NPPF encourages use of brownfield land. One of the 12 core planning principles is “ *encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value.*”

Paragraph 11 says:

Planning Policies and decisions should encourage the effective use of land by re-using land that

has been previously developed (brownfield land), provide that it is not of high environmental value. Local Planning Authorities may continue to consider the case for setting a locally appropriate target for brownfield land.

The strategy for Chippenham is based on delivering significant job growth, which will help to improve the self-containment of the town by providing more jobs for local people (WCS para 5.47)

The proposal under consideration is in 2 parts: The food store and delivery of 35 affordable homes and associated works.

The Food Store

Design

The proposal is for a new A1 store of 2206sqm gross external area with 1325 sq as sales area, the remaining being ancillary areas and warehouse. There are to be a total of 167 car parking spaces of which 10 are for disabled users and 10 spaces for parent and child. The application is supported by a Statement of Community involvement which includes a petition of 970 signatories in favour of the retail store.

The design of the building is contemporary with a large area of glazing to the frontage to increase natural light. The building has elements of flat roof with a shallow mono-pitch for part of it. The lower walls will be white render above which will be the silver 9006 Alucobond panel cladding system. The design has been slightly modified following the urban designer's comments.

Pedestrian routes are provided through the site and cycle storage area are identified on the layout. The development has a gradient of 2% so caters for those with mobility issues.

There is a grade II listed building some 100m away on the opposite side of Bristol Road, The setting of this listed building is severely compromised already by surrounding roads and modern development and no further harm is caused by the proposed development. Overall the design of the store is considered to be acceptable in its setting and to be compliant with policies CP57 and CP58 of the Wiltshire Core Strategy and advice in the NPPF.

Retail Impact

The proposal is for a net sales area store of 1325 sqm of which 80% (1060 sqm) will be devoted to the display and sale of convenience goods. The balance of 265 sqm will be accounted for by a limited range of comparison goods. The sales areas of each type of goods can be controlled by way of planning condition. Whilst there is no suggestion that Lidl would not occupy the proposed store, should planning permission be granted, it should be remembered that a personal permission is not being sought and the most appropriate way for the application to be determined is to consider the scale and form of the proposed development, rather than the trading characteristics of a particular single occupier.

The proposed development involves a 'main town centre use' as defined by the NPPF. As the site is out of centre, the application has been accompanied by a Retail Impact Assessment (RIA), which undertakes the Sequential Test and Impact Assessment as required by paragraphs 24 and 26 of the Framework and CP38 of the WCS.

Unlike the Aldi application at Langley Park (ref 16/04269/FUL), the applicants have commissioned and undertaken an updated household survey to support their application. The Council appointed a Retail Consultant to look through all the evidence submitted to support the proposal and the findings are available in full on line. Before the submission of a household survey, the Council's consultant was not in a position to accept the findings of the applicant on impact. However, although not necessarily in agreement on the pattern of trade diversion to the proposed store, the conclusions are accepted by the Council's retail expert. The commitments of both Aldi at Langley Park and the permission at Whitehall Garden Centre have been taken into account in the applicants' cumulative impact assessment.

In conclusion the consultant has stated that the impact on the town centre will be -2.4% on the convenience sector and -0.5% on the comparison sector. % figures are not an absolute science so an impact of 10% may be acceptable on some town centres and conversely an impact of 1% can be devastating. The consultant concludes that the impacts of the proposed development are not considered to be significant in relation to the health of Chippenham Town Centre.

It is thus considered that the trade impact on Chippenham Town Centre is acceptable and would not have any significant impact on viability. The concerns of Waitrose are noted (in particular) as they represent an anchor store in Chippenham's Borough Parade, but they already operate at a loss and have done so for a while (See objection to M&S application at Bath Road, Methuen Park) . With the overall growth in convenience goods spend, it is not considered that the impact will make the situation significantly worse.

The other impact test in paragraph 26 of the NPPF is a consideration as to whether a proposal is likely to have a significant adverse effect on town centre investment. The focus has largely centred around the Bath Road Car Park site, which has been promoted by Wiltshire Council for a number of years with an allocation in the development plan. The Council parted company with the potential developer and no further progress has been made on delivery. Recent appeal decisions, particularly the Rushden Lakes decision, have sought to outline how the 'impact on the town centre investment' policy test should be applied. In essence there must be an investment project to impact upon and in the case of Bath Road car park, there is currently none. This part of the impact assessment is thus passed.

The proposal is thus considered to accord with the NPPF, paragraph 27 in particular and CP38 of the Wiltshire Core Strategy.

The Sequential Test

Within the retail impact assessment, the applicant has sought to address this requirement, assessing a range of alternative sites in and around Chippenham. The sites were as follows:

- Borough Parade Car park
- Railway station carpark
- Westmead Fields
- Hatahway Retail Park
- Bath Rd/ Bride Centre

- Langley Park

A number of these sites were looked at and dismissed whilst considering recent applications including Langley Park (For Aldi). Bath Rd/ Bridge Centre Car Park has, as set out above been accepted as suitable but not available. Langley Park has a permission for a Class A1 discount foodstore of 1741sqm gross internal area) (16/04269/FUL). The Council's retail consultant advises that the Council cannot dismiss the site as being unavailable until the status of the implementation of that permission is known. He gives an example of an appeal at Epsom where a site had planning permission for a retail store for Lidl and was vacant at the time of the public inquiry for an out of town site for Aldi. The inspector concluded that at that moment in time, the Lidl site was still technically available. That appeal decision is somewhat different in several respects: the proposal also caused less than substantial harm to the conservation area, which was not outweighed by the public benefit: There was general harm to the character and appearance of the area. In addition to this it appears that, unlike in this application, there was insufficient capacity in Epsom to absorb both retailers without harming the town centre viability. With this application, it is accepted that the impact on Chippenham Town Centre is not sufficiently detrimental to justify a refusal.

With the site at Langley Park the applicant has applied to discharge the pre-commencement planning conditions and the applicant has served an "Initial Notice" to the Council Building Control Office (May 2017) which shows significant intent to deliver the planning permission. They have applied to pay all CIL charges in one lump sum which also demonstrates an intent to implement. A recent site visit shows that the buildings on site have been demolished and works commenced to level the site. Advertisement consent has been applied for and granted for signage in the name of Aldi (17/04992/ADV). Should the current application be refused, at the time of any Public Inquiry (currently approximately 12 months from lodge of appeal), it is considered that the Aldi store may well be open or certainly well under construction, given the current investment and progress. It is therefore your officers' opinion that significant intent to implement the permission for Aldi has been demonstrated and the site is no longer available as a sequentially preferable site to that under consideration.

The consultant's analysis of the sequential test also considered a number of aspects namely the applicant's approach to flexibility, whether the conclusions reached recently in relation to the assessment of alternatives for Langley Park foodstore proposal remain valid and also whether Langley Park can provide a suitable alternative site. The conclusion is that whilst the submitted report does not sufficiently examine the smaller sites around Chippenham, these were assessed for the Aldi store (of similar footprint) and were discounted in 2016. The sites of Bath Rd car park and Langley Park can be discounted as set out above and thus the application is considered to have passed the Sequential Test.

The Housing Element

The site lies within the framework boundary of Chippenham which is identified as a principal settlement suitable for housing as set out in policies CP1, CP2 and CP10.

The housing element provides 35 dwellings (6 of which are 2 bed flats in a 3 storey building, with the remaining as two storey houses) with 66 car parking spaces and 7 visitor spaces. The application is for the housing to be 100% affordable housing, but any planning permission would only require that 40% is Affordable so as to be policy compliant (CP43). However any additional

affordable housing in Chippenham is welcomed should that come forward through the delivery of the scheme. Housing are in support of the application with 8 units provided as affordable rent and 6 units as shared ownership.

The layout has been amended since its original submission so that better links are formed to Bristol Rd for pedestrians and side elevations better articulated, plots 09-12, 18-19 and 20-23 have been re-orientated and parking re-arranged to give better layout and outlook. The entrance into the development now is less dominated by car parking. There is pedestrian link out onto Bristol Road.

The materials used will be a mixture of buff brick, recon stone and recon stone lower sections with render above. In this context this is considered to be acceptable and to blend in with the surrounding palette. The scale of built form is similar to those properties in Middlefield, which is a mixture of 2 and 3 storey buildings.

It is unusual to have an application for retail and housing in one application where the 2 elements are completely separate. However, both parties have worked together to produce a layout that is acceptable and protects the amenities of the residential occupants.

Neighbours and the local councillor are concerned about additional traffic exiting the residential element via Middlefield, which currently suffers from on street parking congestion at times, particularly when the doctors' surgery is open. Highways do not object to the vehicular traffic from the new dwellings using Middlefield, but have recommended that traffic order be put in place on the existing highway to stop the level of on street parking.

Construction traffic for the housing element will not access the site from Middlefield, but from a temporary access from Bristol Road. This arrangement is to be secured by way of planning condition.

10 Conclusions

The development will provide much needed affordable housing in Chippenham at a guaranteed level of 40% (to be controlled by way of legal agreement) and possibly up to 100%.

Access to the housing element is to be via Middlefields. This is accepted by the Highways Officer, subject to a waiting restriction being implemented to control the excessive on street parking in Middlefields. Construction traffic will use a temporary access from Bristol Road, to remove large vehicles accessing the site through the housing estate.

With regard to the retail store, the Council has sought expert advice. With regards to impact, the conclusion is that whether on its own or cumulatively with other permissions (eg Aldi at Langley Park), the impact on Chippenham Town Centre falls within acceptable limits.

In line with National Policy (paragraph 24) and policy CP38 of the Wiltshire Core Strategy, the Sequential Test must also be satisfied. It is now accepted that at this time the Bath Rd/Bridge Centre Car Park site is not available, but an argument has been put forward that the Langley Park site is. The Council's retail consultant has given advice on this and states that the Council must make a decision on its availability at the time of the actual decision on the current application. The applicant for the Langley Park site maintains that it could still be considered as available.

Whilst the Council's retail consultant has advised that the Aldi site at Langley Park may still be technically 'available', it is clear that Aldi do intend to imminently implement their permission.

Conditions have been discharged and negotiations well under way on paying the CIL requirements.

This combined with the advanced stage of delivery of the Langley Park site means that should this current application be refused, by the time any Public Inquiry were to be heard, it is likely that the store at Langley Park would already be open. It therefore cannot logically be argued that there is another site that is sequentially preferable to the current application site.

It is considered that the proposal complies with Wiltshire Core Strategy policies CP1, CP2, CP10, CP38, CP57 and CP61 in particular and is not contrary to any of the policies listed above. It is considered that it complies with the advice contained in the NPPF and permission should be granted subject to the signing of a S106 agreement to provide 40% affordable housing as set out in the report above; contributions to off site POS and sports facilities, waste and refuse, education and public art.

11 Recommendation

The recommendation is for **permission** 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 No development shall commence on each phase of the development 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

- 3 The development shall be carried out as specified in the approved Arboricultural Method Statement (AMS) prepared by Swan Paul Partnership dated 2017 and Tree Protection Plan Drawing No. SPP.2086.003 Rev A. All works shall be carried out in accordance with BS3998:2010 and shall be supervised by an arboricultural consultant, if required.

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

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans: P102D; P101D; P100E received 30th April 2018; P/AL/205B Adwell elevations; P/CE/200A Coate elevations; P/CE/201A Coate elevations; P/CE/202A Coate Elevations; P/CK/200B Cricklade elevations; P/CK/201B Cricklade elevations; P/CK/202B Cricklade Elevations; P/CW/200B Chedworth elevations; P/EH/200B Everleigh elevations; P/EH/201B Everleigh elevations; P/EH/202B Everleigh elevations; P/EH/206A Everleigh elevations; P/EH/207A Everleigh elevations; P/EH/208A Everleigh elevations; P/EN/203A Enford elevations; P/EN/204A Enford Elevations; P/EN/205A Enford Elevations; P/EN/206A Enford elevations; P/en/207 Enford elevations received 10th April 2018 AD 100RevC; AD101RevC; AD110Rev J; AD111RevC; AD112RevA; AD114RevG; AD114RevG; AD115RevH; AD116RevF received 18th January 2018

AD113RevD received 30th April 2018

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

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

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

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

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

- 8 No development shall commence on site to implement the retail element of the proposal until full details of a ghost right hand turn lane has been submitted to and approved in writing by the Local Planning Authority (in general accordance with drawing Alternative Access Location 7.3m Wide access Road A103274-SK03-C'. As part of the package of full details to be submitted shall include full construction details, safety audit, visibility splays, swept path analysis, provision for pedestrian crossing facilities. No part of the development shall be commenced until the ghost right hand turn lane has been surfaced and laid out in accordance with the approved details.

REASON: In the interests of highway safety and that the access is suitably laid out

- 9 No development shall commence on site to implement the retail part of the development until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43metres in both directions from the centre of the access in accordance with the approved plans (Alternative Access Location 7.3m Wide access Road A103274-SK03-C'). Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.6m above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 10 The retail building hereby approved shall not be first brought into use until the parking area and turning areas for HGV deliveries shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

- 11 No development shall commence on site to implement the retail part of the development until details of secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority (in accordance with council cycle parking standards). These facilities shall be provided in accordance with the approved details and made available for use prior to the first opening of the development hereby permitted and shall be retained for use at all times thereafter.

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

- 12 No part of the retail element of the proposal shall be first used until details of an electric car charging point (including management) in accordance with 'Smarter Choices Strategy' be submitted and approved in writing by the Local Planning Authority. The development shall not open until the electric charging point is made available for use in accordance with agreed details and shall remain in use for this purpose at all times.

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

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

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

- 15 No part of the residential development hereby approved shall be first brought into use until the parking area shown on the approved plans ('Proposed Site Layout 16-007/P100 C') has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

- 16 No development shall commence on site until full details (including visibility splays, provision for pedestrians, signage) of the provision for the construction access on the A420 have been submitted to and approved in writing by the Local Planning Authority. The details shall include details of a routing agreement, that will facilitate the ban of both vehicle movements right turning in and right turn out of the construction access. No part of the development hereby approved shall commence until details have been approved and the construction access built in accordance with the submitted and approved details.

REASON: To ensure that adequate construction access is made for loading/unloading within the site in the interests of highway safety.

- 17 Prior to first occupation of a dwelling a Traffic Order to amend the waiting restrictions in Middlefields and adjacent roads shall have been prepared, consulted upon, and advertised, with a final report recommending whether to proceed with the Order prepared for consideration by the Cabinet Member for Highways. In the event that the Cabinet Member for Highways approves the Order the amendments shall be implemented.

Reason: In the interests of achieving improved egress from the development.

Informative: The applicant will bear the costs of condition Traffic Order condition irrespective of whether the Order is proceeded with.

- 18 The retail unit hereby permitted shall be used by a discount food supermarket operator and for no other purpose (including any other purpose in Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). The following services shall not be operated from the land:
- (i) Bank facilities
 - (ii) Dispensing pharmacy.
 - (iii) Dry cleaning or post officer services
 - (iv) Cafe restaurant
 - (v) sales of cigarettes or tobacco

The unit shall not have a net sales area of greater than 1325 sq metres, with no more than 20% of that floor area being for the sale of comparison goods.

REASON: To protect the vitality of the town centre.

- 19 The retail unit hereby permitted shall remain as one unit and shall not be subdivided.

REASON: To protect the vitality of the Town Centre.

- 20 No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition),

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

Step (i) Site Characterisation:

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

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

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

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme

to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

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

Step (iv) Reporting of Unexpected Contamination:

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

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report should be submitted to the Local Planning Authority. The report should demonstrate the effectiveness of the

remedial works.

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

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

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the

scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 21 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.

- 22 (i) No deliveries shall be made to or collections made from the development hereby permitted between 06:00am and 22:00pm Monday to Saturday and 07:00am and 17:00 on Sundays and bank holidays.

(ii) There shall be no use of reversing beepers on delivery or collection vehicles between 06:00 and 07:00 Monday to Saturday and between 07:00 and 09:00 on Sundays and bank holidays. All deliveries between these approved hours shall be direct via the loading and unloading dock shown on the approved plans.

REASON: To limit the impact of the development on adjacent residential amenity.

- 23 The retail unit hereby permitted shall not be open to the public except between the hours of 08:00am to 22:00pm on Monday to Saturday and 09:00 to 18:00 on Sundays and Bank Holidays.

REASON: To limit the impact of the development on residential amenity

- 24 No external lighting shall be installed on the site of the retail unit until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light (ILE2005), 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..

Any lighting approved shall be turned off at all times when the store is not open to the public, with the exception of 1 hour before store opening and closing times.

REASON: To limit the impact of the development on adjacent residential amenity.

- 25 No on-site cooking or baking shall take place until a scheme of works for the control and dispersal of atmospheric conditions (in particular emissions from cooking or baking of food) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any on-site cooking or baking takes place and shall be maintained in effective working condition at all times thereafter.

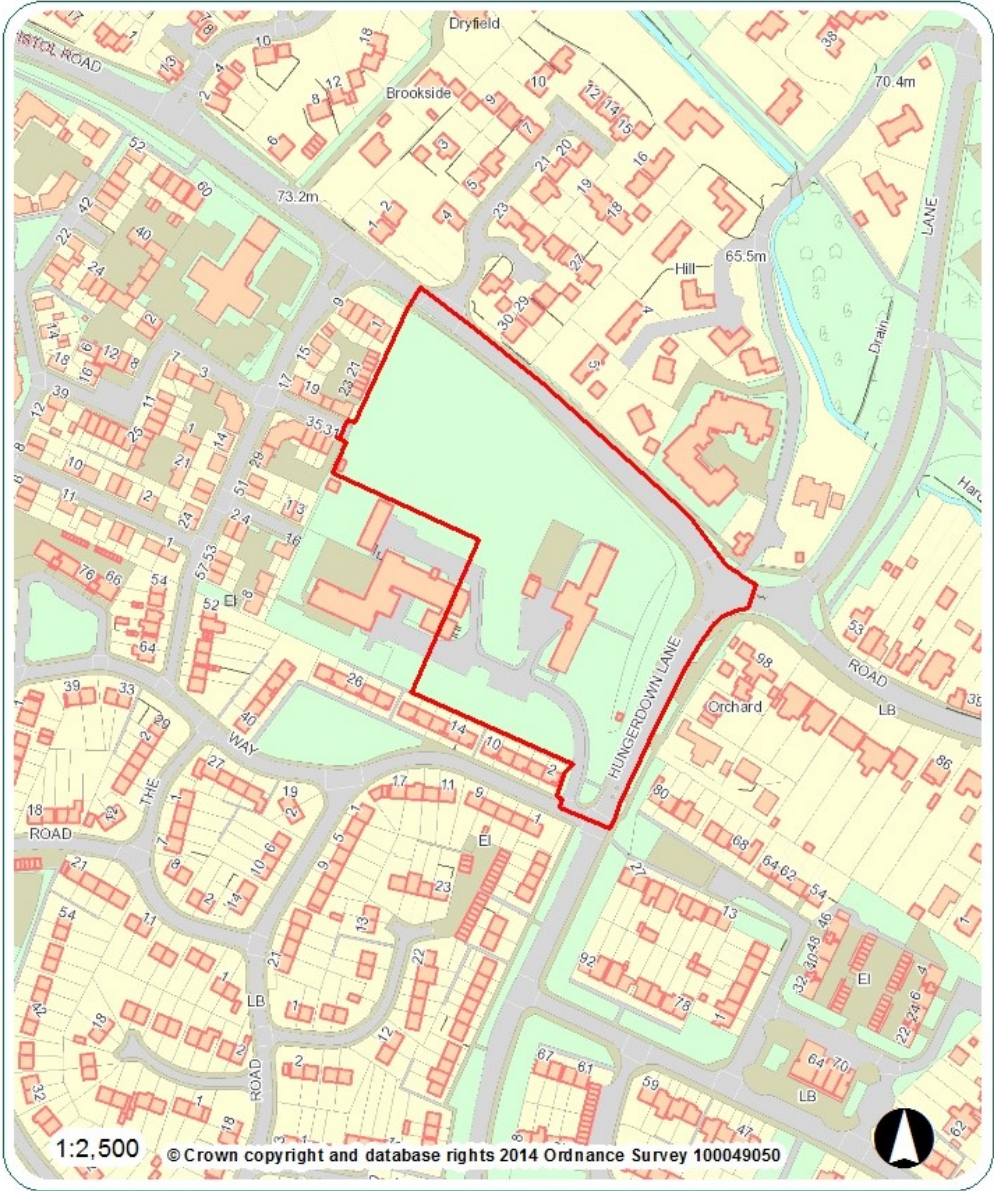
REASON: In the interests of neighbours' amenity.

- 26 No development shall take place on site until a legal agreement has been entered into to secure the provision of 40% affordable housing on site; the mechanism for the provision and maintenance of public open space on site; contributions to primary education; contribution of £15000 for public art; £21900 for upgrade of play facilities at Little Battens Park and £9740 for upgrading facilities at Chippenham Sports Club.

REASON: To ensure the correct infrastructure is provided.

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17/09445/FUL
Land at Hungerdown Lane/Bristol Road
Chippenham
SN14 0JP



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	16 th May 2018
Application Number	18/00474/FUL
Site Address	Equestrian Centre The Malthouse 18 Bushton Swindon Wiltshire SN4 7PX
Proposal	Erection of 5 no. dwellings, parking, meadow and orchard (resubmission of 17/03393/FUL)
Applicant	Mr & Mrs Greenway
Town/Parish Council	Clyffe Pypard
Electoral Division	Lyneham – Councillor Allison Bucknell
Grid Ref	
Type of application	Full Planning
Case Officer	Victoria Griffin

Reason for the application being considered by Committee

Application called in by Councillor Allison Bucknell for the due consideration of the proposal having regard to the planning history on the site and the concerns raised by the local community.

1. Purpose of Report

To consider the above application and to recommend **REFUSAL**.

2. Report Summary

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

- Acceptability of proposal site being located outside of the defined settlement boundary and rural exceptions site
- Impact on historic setting
- Impact on visual amenities of the area
- Impact on ecology
- Impact on the residential amenity
- Impact on highway safety/sustainability
- Impact on drainage

3. Site Description

The application site is situated to the western edge of Bushton and comprises of a detached dwellinghouse known as The Malthouse, a ménage and land that is occupied by an indoor riding school, barn and stables. It's eastern boundary forms strip development that runs along the main road through Bushton comprising of residential properties. The western boundary is open agricultural land. The site is fairly level with a slight slope towards the north-east corner of the site. A part of the site is currently used for an equestrian riding school.

To the south of the site is Smith's Farm, a 17th century farmhouse which is a Listed Grade II building. To the east of the site is Manor Farmhouse a Grade II listed building, which is enclosed by service yard brick/stone entrance walls and piers – also being Grade II listed.

Bushton is identified as being within a historic rural landscape which comprises of a few large farms and a scatter of houses. It is understood to be a post medieval hamlet that despite some modern expansion along the road retains much of the historic form/character seen on the historic mapping. The site is situated approximately 0.6km from the northern edge of the North Wessex Downs Area of Outstanding Natural Beauty and would be visible from public footpath CPYP6 which runs through the adjoining field to the west leading to the remains of the medieval village of Woodhill and Mill Mead Wood.

The application is supported with a Planning Statement and Preliminary Ecological Appraisal dated January 2017.

4. Relevant Planning History

17/03393/FUL – Erection of six dwellings with ancillary parking and associated landscaping – Refused for the following reasons:

- 1 The proposed development is located outside of a designated settlement boundary and does not meet any of the exception criteria listed under paragraph 4.25 of the Wiltshire Core Strategy. As such the proposal fails to promote a sustainable pattern of development within the County and the harm associated to the development is not outweighed by the benefits. Therefore, the proposed development is considered contrary to Core Policies 1 & 2 of the Wiltshire Core Strategy and paragraphs 14 and 55 of the National Planning Policy Framework.
- 2 The proposed development would, by reason of the size and scale of the proposed dwellings and associated residential paraphernalia result in unacceptable increase in the built form within the site resulting in harm to the visual amenities of the open countryside. Therefore, the development is contrary to Core Policy 51 and 57 of the Wiltshire Core Strategy.
- 3 The site is located in close proximity to a known medieval settlement. The application fails to adequately demonstrate that the proposed development can be carried out without harming any significant archaeological remains. Without the submission of this information it is not possible to fully consider the development's impact. The proposed development is therefore contrary to Core Policy 58 of the Core Strategy.
- 4 The proposal located remote from services, employment opportunities and being unlikely to be well served by public transport is contrary to the key aims of Core Policy 60 and national sustainable transport guidance which seeks to reduce growth in the length and number of motorised journeys.

5. The Proposal

This is a revised proposal which seeks permission for the erection of five dwellings with associated parking, meadow and orchard. The application seeks to address the reasons for refusal set out in 17/03393/FUL.

The main dwellinghouse, The Malthouse is situated to the south of the proposed site for the dwellings and would share the access that serves the proposed development. The application site is a broadly rectangular plot of land orientated north to south and is approximately 1.23 hectares in size. The site is fairly level with a slight slope towards the north-east corner of the site. The 5 no. dwellings would be arranged in a sporadic fashion along the western boundary with open countryside.

The composition of the 5 no. dwellings comprises:

- House type A and B – detached 3 no. bedroom, 2 bathrooms (x 2)
- House type C – semi-detached 2 no. bedrooms (x 2)
- House type D – detached 4 no. bedrooms, 2 bathrooms (x1)

The application is supported with a Preliminary Ecological Appraisal dated January 2017 and Planning Statement.

6. Planning Policy

National Planning Policy Framework 2012 (NPPF)

Achieving sustainable development – Core Planning Principles (Paragraphs 7, 11, 14 & 17)
Chapter 1- Building a strong, competitive economy (Paragraphs 18, 19 & 21)
Chapter 3- Supporting a prosperous rural economy (Paragraph 28)
Chapter 4- Promoting Sustainable Transport (Paragraphs 30, 32, 36 & 41)
Chapter 7- Requiring Good Design (Paragraphs 56, 57, 58, 65 & 66)
Chapter 11- Conserving and enhancing the natural environment (Paragraphs 109, 111, 113, 117, 118, 120, 121, 123 & 125)

Wiltshire Core Strategy (WCS) (Adopted January 2015)

Core Policy 1 - Settlement Strategy
Core Policy 2 - Delivery Strategy
Core Policy 3 - Infrastructure Requirements
Core Policy 50 – Biodiversity and Geodiversity
Core Policy 51 - Landscape
Core Policy 57 - Ensuring High Quality Design and Place Shaping;
Core Policy 60 – Sustainable Transport;
Core Policy 61 – Transport and Development;

Saved Policies of the North Wiltshire Local Plan 2011

NE14- Trees and the control of new development
H4 – Residential development in the countryside

Neighbourhood Plan

A Clyffe Pypard Neighbourhood Plan Area was designated on 13th July 2017 in accordance with section 61G of the TCP Act 1990 as amended for the purposes of Neighbourhood Planning.

Paragraph 5.2 of designation statement states that:

Clyffe Pypard parish is rural in nature and includes the hamlets of Clyffe Pypard and Bushton and harms within open countryside. The parish is partly within the North Wessex Downs AONB.

Preparation of a Neighbourhood Plan has not reached an advanced stage and for the purposes of decision making, therefore, little weight can be given to it.

7. Summary of consultation responses

Clyffe Pypard Parish Council – COMMENTS/OBJECTION – (summarised);

- The PC supports small scale affordable development
- Core Strategy does not identify CP for development except in exceptional circumstances
- CP 44 referred to throughout application however the proposals is not for affordable housing and cannot be applicable
- Extract from Parish newsletter is unclear
- NP is underway and in accordance with plan led housing needs survey the objective needs of the parish would be identified at that time with support of the local community

Highways- OBJECTION – (summarised):

- Previous refusal attracted adverse highways comments involving lack of detail and on principle on sustainable transport grounds.
- A similar lack of detail with the above proposal with no detail on how the site is to be drained and no parking information.
- As the access is existing as indicated in the Site Entrance plan (PG/D/12.17) is considered to be adequate.
- The principle of development given the isolated nature of the proposal site would normally attract negative highway comments on sustainability issues. The proposal, located remote from a range of services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of local and national sustainable transport policy guidance which seeks to reduce growth in the length and number of motorised journeys. New development should be located and designed to reduce the need to travel by private car and should encourage the use of sustainable transport alternatives. The proposal is contrary to Core Policy 60 of the adopted Wiltshire Core Strategy and Paragraph 34 of the National Planning Policy Framework.
- Comments on on-site parking standards

Ecology – OBJECTION – (summarised):

- The Phase 2 surveys recommended in the Preliminary Ecological Appraisal report have not been completed. As such, this justifies an objection on ecology grounds on account that insufficient baseline information and mitigation measures have been submitted to determine the application. The Ecologist confirms that Phase 2 surveys would need to be carried out and submitted for consideration before determination of

any application for development on this site and goes on to state that it is not appropriate for phase 2 surveys to be the subject of planning conditions.

Archaeology – OBJECTION – (summarised):

- It is noted that a short archaeological desk assessment is provided however it is requested that a field evaluation is carried out as the site has some archaeological potential within a Medieval settlement in line with advice provided previously

Drainage - SUPPORT subject to conditions on surface water and foul water drainage

Housing Team - OBJECTION – (summarised):

- Does not meet Core Policy 44 as the site will not be 100% affordable housing
- Letting to people in the village is not enough to meet the affordable housing criteria
- Any affordable housing would need to be transferred to a registered provider
- In exceptional circumstances market housing can be used to subsidise AH provision to make the scheme viable this is not the case here

Arboriculturist - OBJECTION – (summarised):

- The application is not supported with any information in relation to trees
- Unable to confirm the impact on trees

Public Protection – COMMENTS – (summarised):

- Conditions requested on noise, odour and light emission

Wessex Water – COMMENTS only – (summarised):

- It appears that surface water from the site will be directed to an on-site pond prior to discharge to off-site watercourse. Your Authority will need to be satisfied with arrangements and clear regarding future ownership and maintenance liabilities.
- There must be no surface water connections to the foul sewer network.
- There is an existing public foul water sewer to the east of the site; connection subject to application. There is current available spare capacity within the existing public foul sewer network and receiving sewage treatment works to accommodate the predicted foul flows generated by the development. Connection subject to application and adoption arrangements. Further details on Wessex Water website.

8. Publicity

The application was advertised by neighbour letter, site notice and press advert. These generated 11 no. letters of objection and 8 no. letters of support raising the following points (summarised):

Objections:

- Inappropriate site for business use outside of the settlement boundary
- Site is not Brownfield land but agricultural
- Fails to be truly affordable housing
- Expensive housing in the countryside

- Landscape impact
- Noise and disturbance from building work
- Road safety concerns
- Not in a sustainable location
- Lack of public transport provision locally
- Lack of safe pedestrian access
- Closure of local facilities locally
- Layout shows a gated community out of character with local area
- No local consultation
- Not in line with Neighbourhood Planning process
- Unacceptable harm to landscape character in this part of Bushton
- Out of scale and character in this rural area resulting in back-land development
- Overlooking and loss of amenity for nearby residential properties
- Bushton is a hamlet and not a village
- Information within the submission is not accurate

Support:

- Will provide low cost housing locally for local people and families
- Will bring vitality back to village
- Brownfield site suitable for redevelopment
- Need to grow local community
- Other uses of the site would be undesirable in this location
- Will ensure existing site does not fall into dereliction

9. Planning Considerations

Policy and principle of development:

Wiltshire Core Strategy

Under the provisions of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

This revised application seeks the erection of 5 no. dwellings outside of an identified settlement boundary. Core Policy 2 of the Wiltshire Core Strategy states that other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. Paragraph 4.25 of the Wiltshire Core Strategy identifies the following policies as exception criteria to allow development outside of the limits of development:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)

- Rural exception sites (Core Policy 44)
- Specialist accommodation provision (Core Policies 46 and 47)
- Supporting rural life (Core Policy 48)

This revised application seeks to justify the proposals by meeting Core policy 44 as a rural exception site for affordable housing provision. Core Policy 44 (inter alia) states that a proactive approach will be taken with local community's and Parish Council's to allow housing that meets a local housing need **solely** for affordable housing, provided that:

- The proposal has clear support from the local community
- The housing is being delivered to meet an identified and genuine local need
- The proposal is within, adjoining or well related to an existing settlement
- Environmental and landscape considerations will not be comprised
- The proposal consists of 10 units or fewer
- Employment and services are accessible from the site
- Its scale and type is appropriate to the nature of the settlement and will respect the character of the setting of the settlement
- The affordable housing provided under this policy will always be available for defined local needs

The submission is considered to fail to accord with Core Policy 44 on a number of levels as the housing mix of the site would not seek to provide affordable housing despite the aspirations contained within the accompanying Planning Statement.

Neighbourhood Plan

Clyffe Pypard Neighbourhood Plan is under development, whilst at an early stage the hamlet of Bushton has been identified within the Clyffe Pypard Neighbourhood Planning area where any local housing provision and allocations will be identified as the plan progresses and gains weight in consultation with the local community in this area. This is the relevant mechanism with which to identify sites (ie. a plan led approach). However, because the Neighbourhood Plan is at an early stage of development, at this time, it may only be afforded limited weight when determining this planning application. Further, the number of representations received has in any event identified that there is no clear support from the local community meaning that there is some doubt as to whether an allocation of this site within a Neighbourhood Plan would survive independent examination or referendum.

Previously Developed Land

The applicant has advised that they consider the proposal to be the redevelopment of a brownfield site. It is considered that in-part the site can be considered to be previously developed land however this does not relate to the entire site and the proposals would represent a significantly more intensive form of development. Paragraph 111 NPPF advises that policies should encourage the effective re-use of land provided that it is not of high environmental value. The existing stable and riding arena buildings are single storey structures which are befitting of this rural setting and which retain an open rural character, this character would be seriously undermined with the introduction of an urbanised form of development in this rural edge location.

Location and sustainable development

Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- The exceptional quality or innovative nature of the design of the dwelling.

The proposals are not underpinned with any supporting evidence or undertaking to ensure that the 5 no. dwellings comply with the definition of Affordable Housing and the application is not being brought forward in conjunction with a registered affordable housing provider. As such it is not considered to meet an identified and genuine local need. Officers' are of the view that the proposed development seeks the creation of 5 no. dwellings outside the limits of development which does not meet any exception criteria identified in Saved Policy H4 of the North Wiltshire Local Plan 2011 or para. 4.25 of the Core Strategy.

The proposed development would represent isolated dwellings in the open countryside and would not meet any of the exception criteria listed. Therefore, the development is considered to fail to follow the sustainable plan led approach to residential development in Wiltshire and is contrary to National Planning Policy on new dwellings in the open countryside.

Impact on the historic setting:

The site is situated within an identified medieval hamlet where there is potential for archaeological surviving remains. No archaeological evaluation has been submitted in support of the application which has been requested by the Council's Archaeological officer as part of previous submissions. The archaeological desk top assessment submitted with this application has not sufficiently appraised the site it is not possible therefore to fully consider the proposed development's impact.

To the south of the site is Smith's Farm, a 17th century farmhouse that is a Grade II listed building. To the east of the site is Manor Farmhouse a Grade II listed building which is enclosed by service yard stone/brick entrance walls and piers which are also grade II listed.

No analysis of the existing heritage asset's or their setting is contained within the submissions. The proposed development is considered to be contrary to Core Policy 58 of the Core Strategy.

Impact to the Visual Amenities of the Surrounding Area:

The proposed development seeks the demolition of buildings and structures within the site and the erection of 5 no. dwellings that would be arranged in a sporadic fashion along the western edge of the site. The site itself is approx. 0.6km to the north of the Wessex Downs Area of Outstanding Natural Beauty. From the west there are limited views of the western edge of the site from the main road leading towards Thornhill however more significant views

would be gained from the Public Rights of Way (CPYP6) that runs through the adjoining field alongside the site boundary and leading to the site of an identified medieval village at Woodhill Park and Mill Mead Wood.

Presently, this edge is occupied by buildings that have an agricultural character and appearance between the existing linear settlement that runs along the road side to the east which is separated from the application site by a small section of existing agricultural land. Whilst it is considered that the existing built form is of limited architectural merit the stables and riding school are timber clad structures with shallow pitched roof profiles that are not inappropriate within this rural landscape setting. It is considered that the introduction of 5 no. two-storey dwellings, that includes 3 no. large detached properties and 2 no. semi-detached dwellings, would have an urbanising impact and would seriously undermine the rural landscape character in this part of the hamlet. This would lead to a more consolidated line of dwellings, which would dilute the character of the area.

To that end, the mitigation of the proposals include the provision of a pond, wild flower meadow, orchard, paddocks as a buffer between the existing built form and the proposed site. Whilst this is a positive feature the existing site is already undeveloped and open which provides the setting of the development. No detailed assessment of existing landscape features are provided including trees and hedgerows to be replaced or retained and how they would be impacted by the proposals. This would conflict with the Framework which recognises the intrinsic character and beauty of the countryside as part of one of its core planning principles. Therefore, the proposed replacement of the existing buildings on site in this open countryside setting with 5 no. dwellings is considered to result in unacceptable harm to the visual amenities of the surrounding area.

Ecology:

The Council's Ecologist has advised that Phase 2 habitat surveys specifically recommended in the submitted Preliminary Ecological Appraisal (PEA) report have not been completed and that their absence is necessarily fatal to the proposal due to the LPAs statutory duties.

Section 3.1 of the submitted PEA refers to the potential presence of great crested newts and reptiles on the site. Via survey work, that potential does need to be firmly established prior to the determination of any application for development. Where necessary, such surveys would inform the formulation of appropriate mitigation and compensation – which would also be required prior to the determination of any planning application.

Contrary to what is asserted within the PEA, it is not appropriate or possible for the LPA to make use of planning conditions to compel the completion of ecological survey work since, their completion goes to the heart of the acceptability of a proposal for development on the site. Such conditions would not be NPPF compliant and the Council would demonstrably fail in exercising its statutory duties in attempting to use them.

The Council's Ecologist objects to the proposals and it would place the LPA in legal jeopardy if it were to diverge from their clear conclusions.

Impact to Residential Amenity:

Concerns have been raised by local residents with regards to impact on residential amenity. Having considered the proximity of the existing dwellings to the site and the separation distance it is not considered that the proposed dwellings would represent significant harm to residential amenity to justify a refusal on this basis.

The proposed dwellings would be sufficiently distanced from any neighbouring residential unit, to ensure no harm to residential amenity would occur from loss of light, loss of outlook or sense of dominance.

Highways / Parking/Sustainability:

The proposed units would utilise the existing access into the site which is considered to be adequate and does not raise any highway objections. The provision of 5 no. dwellings however remote from services, employment opportunities and not being well served by public transport would mean that the occupiers of the dwellings would be reliant on private car to travel to and from the site. As such the proposals are considered to be contrary to the key aims of Core Policy 60 and national sustainable transport guidance which seeks to reduce growth in the length and number of motorised journeys. This is considered to represent a reason for refusal and is duly attached to this recommendation.

Drainage:

The Drainage Engineer has identified that the application lacks any details concerning drainage proposals however conditions are recommended. Subject to the submission of detailed surface water drainage and foul water drainage. This is not considered to represent an additional reason for refusal.

10. Conclusion

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

The proposed development would provide the limited environmental benefits of the removal of some existing structures from within the site and the social benefit of the provision of new residential dwellings. However, these limited benefits are not considered to outweigh the harm from the creation of isolated dwellings in the open countryside, the increase in built form within the site and, the absence of meeting one of the identified exceptions within adopted planning policy, the harm to the open countryside and failure to follow a sustainable plan led approach to residential development within Wiltshire and would, therefore, fail the requirements of Policies CP1 and CP2 of the Wiltshire Core Strategy as well as Saved Policy H4 of the North Wiltshire Local Plan 2011.

The proposal fails to provide adequate ecological baseline information and mitigation measures for the site and development proposed and would accordingly fail the requirements of CP50 of the WCS.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:

- (1) The proposed development is located outside of a designated settlement boundary and does not meet any of the exception criteria listed under paragraph 4.25 of the Wiltshire Core Strategy. As such the proposal fails to promote a sustainable pattern of development within the County and the harm associated to the development is not outweighed by the benefits. Therefore, the proposed development is considered contrary to Core Policies 1 & 2 of the Wiltshire Core Strategy, Saved Policy H4 of the

North Wiltshire Local Plan 2011 and paragraphs 14 and 55 of the National Planning Policy Framework.

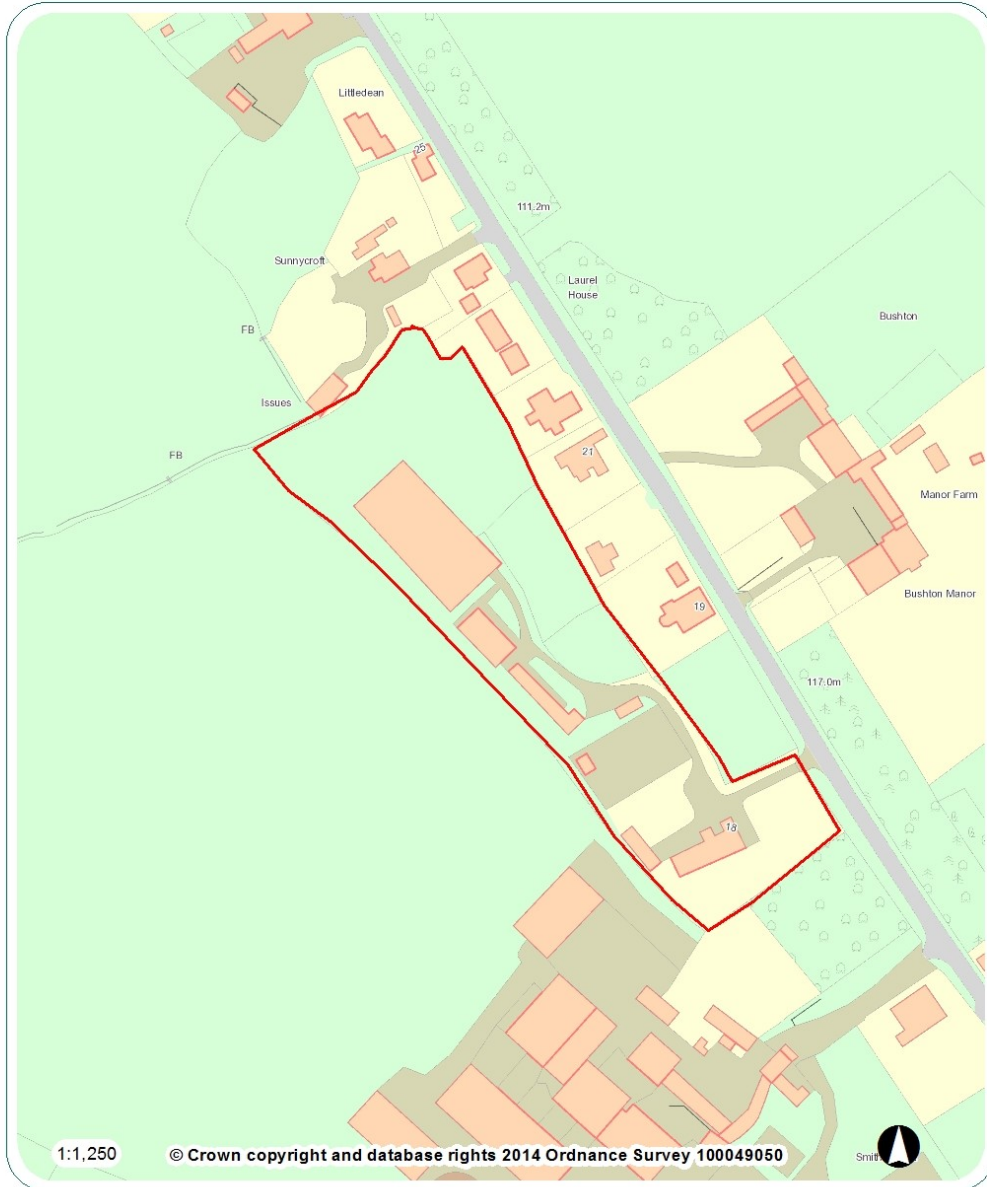
- (2) The proposal located remote from services, employment opportunities and being unlikely to be well served by public transport is contrary to the key aims of Core Policy 60 and national sustainable transport guidance which seeks to reduce growth in the length and number of motorised journeys.
- (3) The proposed development would, by reason of the size and scale of the proposed dwellings and associated residential paraphernalia result in unacceptable increase in the built form within the site resulting in harm to the visual amenities of the open countryside. Therefore, the development is contrary to Core Policy 51 and 57 of the Wiltshire Core Strategy.
- (4) The site is located in close proximity to a known medieval settlement and the setting listed buildings. The application fails to adequately demonstrate that the proposed development can be carried out without harming any significant archaeological remains. Without the submission of this information it is not possible to fully consider the development's impact. The proposed development is therefore contrary to Core Policy 58 of the Core Strategy.
- (5) The proposal fails to provide any information on the proposed impact on existing trees or hedgerows within the site. As such it is not possible to fully consider the development's impact on natural landscape features. The proposed development is therefore contrary to Core Policy 51 of the Core Strategy.
- (6) The submissions fails to provide complete Phase 2 surveys recommended in the Preliminary Ecological Appraisal. As such, this justifies an objection on ecology grounds on account that insufficient baseline information and mitigation measures have been submitted to determine the application. The proposed development is therefore contrary to Core Policy 50 of the Core Strategy.

In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

This recommendation relates to the following plans/documents:

Planning Statement & Addendum
Keystone Preliminary Ecological Appraisal
House type D elevations and floor plans
Location Plan
Block Plan
Site Entrance Plan
House type A, B and C elevations and floor plans
Sections

18/00474/FUL
Equestrian Centre
The Malthouse
18 Bushton
Swindon
Wiltshire
SN4 7PX



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	16 May 2018
Application Number	18/02295/FUL
Site Address	The Methodist Church, Cuttle Lane, Biddestone, Chippenham, SN14 7DB
Proposal	Change of use to Use Class C3 residential including demolition of part derelict rear extension and new single storey rear and side extension.
Applicant	Mr P Goodchild
Town/Parish Council	BIDDESTONE
Electoral Division	BY BROOK – Cllr Baroness Jane Scott OBE
Grid Ref	386160 173945
Type of application	Full Planning
Case Officer	Chris Marsh

Reason for the application being considered by Committee

The application has been called in to Committee by the local Councillor in order to consider the highways/parking and potential amenity impacts of the proposed development.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved, subject to conditions.

2. Report Summary

The key issues in the consideration of the application are as follows:

- Principle of development;
- Impact on the character and appearance of the host building and its setting;
- Impacts on local highways/parking; and
- Impact on neighbour amenity

Biddestone and Slaughterford Parish Council object to the proposals, in respect of which two letters of objection and one of support have also been received, as summarised later in this report.

3. Site Description

The application relates to a building and its modest curtilage situated close to the junction of Slaughterford Road and Cuttle Lane, on the northern side of the village of

Biddestone. The site is located within the Biddestone Conservation Area and the Cotswolds AONB, and is bounded on both sides by historic residential properties forming part of the linear built fabric of this part of the village. The application building, a former Methodist chapel, retains much of its original character, being of solid ashlar stone construction and substantial single-storey scale due to its vaulted interior. There is a low-quality lean-to extension to the rear and a modest, recently repaired, stone porch and low wall fronting Cuttle Lane. There is limited outside space surrounding the building despite its detachment from neighbours, with on-street parking utilised on the splayed junction adjacent.

4. Planning History

N/10/03742/TCA Fell 1 Sycamore Tree

18/00478/TCA Fell 1 Multi-stemmed Ash Tree

16/00025/ENF Alleged unauthorised change of use/development at The Methodist Chapel, Cuttle Lane, Biddestone

5. The Proposal

Planning permission is sought in respect of the proposed change of use of the building to residential (Class C3), creating a single dwellinghouse through internal alterations and demolition/replacement of later extensions. Notwithstanding the applications indication that the present use of the building is as a store workshop, the information available suggests that its lawful use remains as a church (Class D2). In order to create living accommodation, a first floor is to be inserted to create two bedrooms, bathroom and a modest gallery/circulation area, with the open-plan ground floor area configured as a kitchen/dining/living area accessed from the original porch. To the rear, the lean-to addition is to be removed altogether and replaced with a modern, flat-roofed rear/side porch, set a considerable distance back from the main gable elevation. This would provide access to a very modest enclosed area of outside amenity space on the northern side of the building.

6. Local Planning Policy

Adopted Wiltshire Core Strategy:

Core Policy 1 (Settlement strategy)

Core Policy 2 (Delivery strategy)

Core Policy 49 (Protection of rural services and community facilities)

Core Policy 51 (Landscape)

Core Policy 57 (Ensuring high quality design and place shaping)

Core Policy 58 (Ensuring the conservation of the historic environment)

Core Policy 60 (Sustainable transport)

Core Policy 61 (Transport and new development)

Core Policy 64 (Demand management)

National Planning Policy Framework

Paragraphs 14 & 17

Section 4 (Promoting sustainable transport)

Section 6 (Delivering a wide choice of high quality homes)

Section 7 (Requiring good design)

Section 11 (Conserving and enhancing the natural environment)

Section 12 (Conserving and enhancing the historic environment)

7. Summary of consultation responses

Biddestone and Slaughterford Parish Council - Objections; *“Biddestone & Slaughterford are opposed to this application. Concerns regarding the windows in South elevation overlook neighbouring property, No provision for off road parking a major concern as the road is already congested and the property is adjacent to a blind corner. Unitary Councillor concurs with these findings..”*

Highways – Objections: *“The proposed conversion of the property into a three bed dwelling, where there are no parking facilities on site, would be likely to give rise to the on-street parking of additional cars attracted to the premises and thereby interrupt the free flow of traffic to the danger of road users in an area which is already congested with on-street parking. Adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner.”*

8. Publicity

The application was advertised by site notice and neighbour notification.

Two letters of objection were received from neighbours, making the following points:

- Proposals have no allocated parking and will increase demand for limited on-street availability;
- Loss of amenity due to overlooking of bedrooms from South elevation;

One letter of support was also received, noting the high standard of repairs already undertaking at the building.

9. Planning Considerations

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

Principle of development

As lawfully a former church (Use Class D2; ‘Assembly and Leisure’) within a small village, the principle of the building’s change of use falls to be considered against Core Policy 49 ‘Protection of rural services and community facilities’. Although active use of the building for such purposes has long ceased, such not being uncommon in small rural parishes, the impacts of this and potential for it to serve other purposes relating more directly to the local community warrant some consideration. The policy requires a reasonable exploration of alternatives, to a set of criteria, with the intention of maximising flexibility to accommodate a range of potential uses. It seems in this

instance that upon cessation of use around 2009, little marketing was undertaken prior to the building's being (unlawfully) re-used as a store and workshop by a local building firm, in which use it has remained subsequently. It is notable, though, that this being a relatively low-value use would not necessarily have precluded sensible offers for other purposes were such forthcoming.

Consideration turns to the current offer of community facilities at Biddestone, which currently offers two pubs, a C of E church, village hall, sports pitch and clubs, together with reasonable access to higher-order facilities at Corsham. Although a modest offer, this is not disproportionate to the relatively small size of the village. Regard must also be given to the practicalities of the site, given the building's diminutive size and lack of any allocated parking or significant outside space. These do impose certain limitations on its potential use that it would be remiss to ignore, and one must conclude that use as holiday accommodation or a self-contained dwelling is likely to represent the least intrusive prospect for near neighbours of the site. Notwithstanding the lack of a robustly-evidenced marketing exercise complying exhaustively with CP49, therefore, taking a pragmatic view the above material considerations are considered collectively to justify residential use in principle in this instance.

Impact on character and appearance

The external changes to the building are relatively minor, largely consisting of the replacement extensions and minor elevational changes including the reinstatement of a modest window and replacement doors. Despite its modern form and materials, the small extension will be recessed well into the site where public and private views will be extremely limited, and this will also provide a welcome distinction between original and later fabric. The proposed scale and materials are suitably subordinate and considered appropriate in this context. Following officer advice, a new flue on the main roof has been amended from stainless steel to a matt black finish. It is considered that these changes maintain the simple aesthetic of the building, whose quality lies in its honest, traditional materials, craftsmanship and evident former use. The use of external areas to the North of the building as private amenity space will possibly have the greatest impact on the street scene however these are well enclosed and not inconsistent with visible elements of incidental residential amenity space along Cuttle Lane. Overall, the proposals will conserve the character and appearance of the building, its setting and the wider Conservation Area. There will be no identifiable loss of openness or quality to the wider Cotswolds AONB.

Impact on highways/parking

It is noted that the proposals have met with concern over the lack of allocated parking and existing/increased pressure for on-street spaces from both neighbours and the Council's own Highways Officer. The Officer notes in his response that adopted minimum parking standards within the current Wiltshire Car Parking Strategy require two on-site parking spaces to be provided for a two or three bedroom dwelling. This proposal demonstrates two allocated parking spaces, although these are provided on the public highway and thus beyond the control of the applicant. This is not supported as

an appropriate means of satisfying the standards and would result in increased pressure on an already informal highway arrangement to the detriment of all other road users.

Notwithstanding, the proposals of course do not result in the loss of parking – such things being of limited concern when the church was first constructed – and it is perfectly conceivable that continued use as a church or other community facility would actually generate a limited amount of movements by private car. This fall-back position is relevant. Given the extremely modest amount of accommodation to be created now or possible in the future, it is not considered that the number of domestic vehicles associated with the property would reach a point at which its localised impact would result in ‘severe’ harm as directed by Paragraph 32 of the Framework. There may already be issues with parking in the vicinity however it is not the applicant’s responsibility to resolve these and the outcome is likely to be added inconvenience, rather than outright loss of highway safety.

Furthermore, it is unlikely that in this sensitive setting, within a Conservation Area and AONB, that the incursion into neighbouring open land to create a new parking area would be supported in planning terms. As there is unlikely to be a significant adverse effect on highway safety caused by irresponsible parking around junctions or in narrow sections, for instance, reliance upon the un-allocated spaces in the near vicinity of the building is considered acceptable in this instance and preferable in relation to any other realistic use of the building or nearby land.

Impact on amenity

Revisions to the scheme have resulted in the reconfiguration of the first floor accommodation, such that there is no habitable space at the critical southwest corner of the building. This area is also to be treated with an obscuring film to the existing window and has been restricted to a size that does not readily allow for intensive use. As this will eliminate direct overlooking/inter-visibility with the adjacent no.15, it is considered that this arrangement overcomes the justified concerns of the neighbouring occupier, while no such issues of overlooking arise from the dwelling’s relationship to the opposite neighbour. It is considered that the proposed use is compliant with the quiet residential character of the area and will not otherwise result – through the use of outside areas, for instance – in any significant harm to the amenity of others, certainly so in relation to other potential uses of the building.

Conclusions

The proposals are, on balance, justified in principle and, having incorporated suitable changes, considered to represent a good standard of development in terms of design, character and amenity. Parking and highways arrangements are considered acceptable and the development thereby compliant with Core Policies 1, 2, 49, 51, 57, 58, 60, 61 and 64 of the adopted Wiltshire Core Strategy and those of the Framework. In the absence of material considerations indicating otherwise, it is considered that the proposals are acceptable in planning terms.

RECOMMENDATION

That planning permission is GRANTED, subject to the following conditions:

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

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

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

3010/38/P4A – Proposed Floor Plans
3010/38/P5A – Proposed Elevations
Received 8 May 2018

3010/38/P0 – Location Plan
3010/38/P3 – Proposed Site, Block & Roof Plan
Received 7 March 2018

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no modification of the first floor configuration as shown on the approved plans at any time.

REASON: In the interests of residential amenity and privacy.

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

- 6 **INFORMATIVE TO APPLICANT:**
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

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INFORMATIVE TO APPLICANT:

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

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18/02295/FUL
The Methodist Church
Cuttle Lane
Biddestone
Chippenham
SN14 7DB



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