

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham, SN15 1ER
Date: Wednesday 13 June 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

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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 - 26*)

To approve and sign as a correct record the minutes of the meeting held on 16th May 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 6th June 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 8th June 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 27 - 28*)

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 **18/03570/FUL - Land Adjacent to Nettleton Baptist Chapel, Nettleton** (*Pages 29 - 40*)

7b **17/12507/FUL - Common Road, Ashley** (*Pages 41 - 62*)

7c **17/07724/FUL - SW Logistics, Braydon Lane, Chelworth Industrial Estate, Cricklade** (*Pages 63 - 78*)

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 16 MAY 2018 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Christine Crisp, Cllr Howard Greenman, Cllr Gavin Grant, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Toby Sturgis, Cllr Brian Mathew, Cllr Ashley O'Neill and Cllr Jacqui Lay (Substitute)

Also Present:

Cllr Andy Phillips and Cllr Allison Bucknell

1 **Apologies**

Apologies were received from Cllr Chuck Berry.

Cllr Chuck Berry was substituted by Cllr Jacqui Lay.

2 **Minutes of the Previous Meeting**

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

Resolved:

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

3 **Declarations of Interest**

Cllr Toby Sturgis declared an interest in agenda item no. 7b as he was a member of County Farms, which adjoins the Equestrian Centre site. He declared he would participate in the debate and vote for the item with an open mind.

4 **Chairman's Announcements**

There were no Chairman's announcements.

5 **Public Participation**

The Committee noted the rules on public participation.

6 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

7 **Planning Applications**

To consider and determine the following planning applications:

8 **17/09445/FUL - Land at Hungerdown Lane/Bristol Road, Chippenham**

Public Participation

Sheila Copeman, Governor Hardenhuish School, Chippenham, spoke in objection to the application.

Graham Smithson, local resident, spoke in objection to the application.

Ian O’Gorman, applicant, spoke in support of the application.

Richard Stephens, GreenSquare Group Ltd, spoke in support of the application.

Nina Phillips, Chippenham Town Council, spoke in objection to the application.

The Planning Officer, Charmian Eyre-Walker, introduced a report which recommended granting planning permission, subject to conditions, 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.

Key issues highlighted included, principle of the development, impact on town centre vitality and viability, impact on highway safety and convenience, design, drainage and impact on heritage assets. The Officer drew attention to received Late Observations and a need to vary the recommended condition relating the necessary legal agreement to include contributions towards waste and recycling facilities.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: the impact of the developments on the surrounding highway and the impact of the proposed zebra crossing in directing school children away from the site.

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

Councillor Andy Phillips, Division Member, spoke in objection to the application with the main points focusing on: the impact and location of the GreenSquare application on the surrounding area, access onto Hungerdown Lane and conflict with pedestrians in particular school children, support for the Hardenhuish School campaign for a crossing and reduced speed limit, the capacity of the Hathaway Wedical Centre car park.

At the start of the debate a proposal was moved by Councillor Tony Trotman and seconded by Councillor Toby Sturgis to grant planning permission as detailed in the report, taking into account the amended and additional conditions detailed in the late observations report. During the debate the main points raised were: traffic congestion would be evenly spread throughout the opening hours of the store, based on the observations of other Lidl sites, limited conflict with early morning or early evening rush hour, the offer from Lidl was different to the offer of other town centre businesses and therefore the element of

competition with the town centre would be very minimal, potential for congestion in the area, the need to limit construction vehicles along Hardenhuish lane, no street parking on the access to the residential development during construction, the need for routing plans for construction traffic and references to Core Policy 61, sub section G, point ii.

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. 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; P100Ereceived 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

SPP.2086.003RevA (Tree protection); SPP.2086.001RevB Tree Survey; Alternative Access Location 7.3m Wide Access Road A103274-SK03-C; Lidl Services and Topography Plan; Lidl AD118-RevC existing and proposed sections; P/EN® 111 GF and FF plots 26-29; P/EN(2) 111 GF and FF Block Plan plots 3-4; 9-14, 18-19 and 24-25; P/EN/® 112 GF and FF Block Plan plots 15-17; P/CE® 110 GF and FF Block Plan 1-2, 508; P/FL/114/GF and FF Block Plan plots 20-23; P/FL/115/A floor and roof plans plots 30-35 received 28h September 2017 and Landscape plan 867-01D received 5th Feb 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. 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.

- 9. The retail development hereby permitted shall not be occupied 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 retail development shall be occupied 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

10. (i) No deliveries to or collections from the retail development hereby permitted shall be made outside the hours of 06:00am and 22:00pm Monday to Saturday and 07:00am and 18:00pm 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. In addition, there shall be no use of reversing beepers on delivery or collection vehicles 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.

11. 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.

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

12. The retail development hereby permitted shall not be first occupied 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.

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

REASON: To protect the vitality of the Town Centre.

14. The retail store development shall not be occupied until a service yard management scheme has been submitted to and approved by the local planning authority. The development shall be operated in full accordance with the provisions of the service yard management scheme.

REASON: To protect the amenity of local residents and the surrounding rural area by minimizing any disturbance caused by vehicle movements, deliveries and other activities within the service yard.

- 15.** 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.

- 16.** 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.

- 17.** The retail development hereby permitted shall not be occupied 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.

- 18.** 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.

REASON: In the interest of sustainable development

- 19.** 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.

20. 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.

21. 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.

22. No development shall commence on the residential element of the development hereby permitted 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 and timings of deliveries to and from the site so as to avoid school drop off and collection times. 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.

- 23. 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.

- 24. No development shall commence on each phase of the 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 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: 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.

25. No development shall commence on site of each phase of the development (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.

- 26. Prior to occupation a lighting scheme must be submitted for the approval of the Local Planning Authority in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light. The scheme must be designed by a suitably qualified person in accordance with the recommendations for environmental zone E3 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:2011.**

Before commencement of operation of the approved lighting scheme the applicant shall appoint a suitably qualified member of the institute of lighting professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E3 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:2011

REASON: To protect the local amenity from any adverse effects from light.

- 27. Development shall not be commenced on site until a planning obligation has been completed by all parties with an interest in the site and accepted in writing by the Council 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. Additionally it shall include contributions towards waste and recycling facilities.**

REASON: To ensure the correct infrastructure is provided.

- 28. Prior to commencement an assessment of the acoustic impact arising from the operation of all internally and externally located plant at the Lidl store shall be undertaken in accordance with BS 4142: 2014. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to ensure the rating level of noise emitted from the proposed plant shall be less than background when measured at nearest noise sensitive receptors. The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.**

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

29. All site preparation and construction works (excluding internal fit out works within the building) and the use of generators externally, including road works, shall only be carried out between the hours of 07:30 to 18:00 Mondays to Fridays and 08:00 - 13.30 Saturdays and at no times during Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

REASON: During the construction phase to minimize the level of disturbance to local residents.

30. Prior to the commencement of development an acoustic report shall be submitted to the LPA that demonstrates the internal and external amenity standards in accordance with BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings and WHO Guidelines for Community Noise (1999) can be met within the proposed development; this must include details of any scheme of mitigation required to achieve this. Any scheme of mitigation applied to this development must be approved by the LPA prior to implementation and followed by verification prior to first occupation of the development and thereafter be permanently retained.

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.

31. Prior to the commencement of development a scheme of measures to ensure noise levels in all amenity spaces do not exceed 55dB LAEQ 1hr shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of post construction validation. Thereafter the development shall be carried out in accordance with the approved details and a separate validation report shall be submitted to and approved in writing by the Local Planning Authority 3 months prior to occupation.

REASON: To protect the local amenity from any adverse effects of noise.

32. Prior to the commencement of the each element of development hereby permitted an updated Acoustic report for the relevant section shall be submitted to and approved in writing by the Local Planning Authority. Any recommendations agreed shall be implemented prior to the occupation or first use of each element of the development.

REASON: To protect the amenity of nearby residential properties.

33. The development shall be undertaken in strict accordance with Section 5.0 and 6.0 of the Ecological Appraisal (WYG, September 2017) and Section 5 of the Bat Activity Survey report (Devon Wildlife

Consultants, September 2017), and with liaison with and supervision by (where applicable) a suitably qualified and competent ecological consultant.

REASON: To ensure appropriate protection and mitigation for habitats and wildlife including protected species.

34. No development shall commence until an Ecological Mitigation and Enhancement Strategy has been submitted to, and approved in writing by the local planning authority. The strategy shall be prepared by a suitably qualified and competent ecological consultant and shall include and build upon the measures stipulated in Section 5.0 and 6.0 of the Ecological Appraisal (WYG, September 2017) and Section 5 of the Bat Activity Survey report (Devon Wildlife Consultants, September 2017). The details presented in the strategy shall include, but not be limited to:

- a) Details of pre-commencement surveys including that required for badger;
- b) Precautionary working method statements including those required for tree felling and vegetation clearance particularly in respect of nesting birds, reptiles and roosting bats;
- c) Timings of the works and appropriate mitigation measures;
- d) Comprehensive details of ecological enhancement including wildlife friendly planting and inclusion of bat and bird boxes within the development, and these features should be illustrated on an accompanying site plan.

Thereafter, all works shall be undertaken in strict accordance with the approved strategy and with liaison with, and supervision by (where applicable) a suitably qualified and competent ecological consultant.

REASON: To ensure appropriate ecological mitigation and enhancement measures are implemented and to ensure compliance with wildlife legislation, the NPPF and Core Policy 50 of the Wiltshire Core Strategy (adopted January 2015).

35. No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by the local planning authority. The details presented in the LEMP shall include, but not be limited to:

- a) Full details of planting including a planting schedule and finalised landscape plan.
- b) Details of features to be retained and managed such as trees, together with details of how these features will be protected pre-construction and during construction and how they will be managed post-construction completion. These features should be shown on a site plan.
- c) Aims and objectives of management and prescriptive details of how management will be undertaken including timing and frequency of selected management options.

- d) Preparation of a work schedule (including an annual work plan capable of being rolled forward) and stipulation of the LEMP implementation period.
 - e) Details of the body or organisation responsible for implementation of the LEMP;
 - f) Details of when the LEMP will be reviewed to ensure it continues to be appropriate.
 - g) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.
 - h) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
- The LEMP shall be implemented in full in accordance with the approved details and with liaison with, and supervision by (where applicable) a suitably qualified and competent ecological consultant, arboriculturist and landscape manager/architect.

REASON: To ensure appropriate long-term management and protection of retained and created ecological and landscape features in perpetuity; and to accord with the aims of NPPF and Core Policy 50 of the Wiltshire Core Strategy (adopted January 2015).

36. No new external lighting shall be installed until a Sensitive Lighting Strategy has been submitted to the local planning authority for approval in writing. The lighting strategy shall specify the number, type and location of luminaires and lighting columns to be installed and will be accompanied by a lighting contour plan/lux plot. In addition, details of mitigation measures setting out how light spill onto retained and new habitats/areas of planting/ecological enhancement features will be minimised shall be included within the strategy. The strategy shall include and build upon the measures stipulated in Section 5.2 of the Bat Activity Survey report (Devon Wildlife Consultants, September 2017) and shall be prepared with liaison with a suitably qualified and competent ecological consultant. Thereafter, the development shall be carried out in strict accordance with the approved strategy.

REASON: To ensure appropriate mitigation for protected species and reduction in light spill onto retained and new habitats.

37. Prior to the occupation of the retail development, details of the stopping up of the Allington Way vehicle access, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details, prior to the occupation of the development. The sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

38. No development shall commence on the retail element of the development hereby permitted until a routing plan, providing full details of the proposed routing of HGVs associated with construction of the retail element has been submitted in writing to the Local Planning Authority. The plan also to include times of delivery for materials to the site, to avoid school drop off and collection times. The routing plan is to be adhered to at all times.

REASON: To ensure suitable routing of delivery vehicles so as to avoid conflict with peak traffic movements associated with the nearby schools at Hardenhuish and Hungerdown Lane.

INFORMATIVES TO APPLICANT:

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

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

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

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

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

9 18/00474/FUL - Equestrian Centre, The Malthouse, 18 Bushton, Swindon

Public Participation

Guy Rickett, local resident, spoke in objection to the application.
Alan Glasspool, Local resident, objecting to the application
Rosemary Greenway, supporting the application
Louise Jamieson, supporting the application
Ed Rudler – letter read out, supporting the application.
Peter Gantlett – Chair of Parish Council

The Case Officer, Victoria Griffin, introduced a report which recommended that planning permission be refused for the erection of 5 no. dwellings, parking, meadow and orchard (resubmission of 17/03393/FUL).

Key issues highlighted included, 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. The Planning Officer referred to the late observations report which included additional consultation responses and officer comment.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: affordable housing in rural communities, Clyffe Pypard neighbourhood plan, and marketing of the equestrian business.

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

Councillor Allison Bucknell, Division Member, spoke to the application with the main points focusing on: Planning policies and the ability to develop custom built home within a village setting.

At the start of the debate a proposal was moved by Councillor Gavin Grant and seconded by Councillor Christine Crisp to refuse planning permission as detailed in the report. During the debate the main points raised were: Ability to build custom built homes, paragraph 55 of the National planning Framework.

Resolved:

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**

10 **18/02295/FUL - The Methodist Church, Cuttle Lane, Biddestone, Chippenham**

Public Participation

Jon Llewellyn Architect – in support of the application
Ashley Juniper, Biddestone Parish Council, spoke in objection to the application.

The Case Officer, Chris Marsh, introduced a report which recommended planning permission be granted for the change of use to Use Class C3 residential including demolition of part derelict rear extension and new single storey rear and side extension. The Case Officer also referred to late observations which included neighbour representations and officers comments on these.

Key issues highlighted included, 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.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: Overlooking issues.

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

Councillor Toby Sturgis, on behalf of Cllr Baroness Jane Scott OBE, Division Member, spoke to the application with the main points focusing on: parking issues.

At the start of the debate a proposal was moved by Councillor Gavin Grant and seconded by Councillor Howard Greenman to grant planning permission as detailed in the report. During the debate the main points raised were: parking issues on the highway.

Resolved:

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.

7. 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.

8. INFORMATIVE TO APPLICANT

The applicant is requested to note that the land immediately in front of the property, beyond its boundary wall (as defined by the red-line of the submitted location and block plan), is regarded as highway verge and is not part of this properties private curtilage.

11 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.10 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
13th June 2018

Planning Appeals Received between 04/05/2018 and 01/06/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
15/00498/ENF	Appleford 14 - 15 Thornhill Royal Wootton Bassett Swindon, Wiltshire SN4 7RX	BROAD TOWN	Unauthorised development (hard surface created on equestrian land)	DEL	Inquiry	Enf Notice to be issued	22/05/2018	No
17/10136/FUL	150 Sheldon Road Chippenham, Wiltshire SN14 0BZ	CHIPPENHAM	Change of Use of Old Persons Home (Class C2) to Create 2No Residential Units Within Class C3(c)	NAPC	Written Representations	Approve with Conditions	11/05/2018	Yes
17/11180/FUL	Cotswold Heights Greenhill Royal Wootton Bassett Wiltshire, SN4 8EH	PURTON	Extension and Alterations to Dwelling.	DEL	House Holder Appeal	Refuse	22/05/2018	No
17/11346/FUL	Land at Newlands Littleton Drew Chippenham SN14 7NB	GRITTLETON	Change of Use to Equestrian, Erection of Timber Stables, Concrete Base/Turnout Area and a Parking/Turning Area - Part Retrospective	NAPC	Written Representations	Approve with Conditions	24/05/2018	Yes
18/00691/FUL	Land at 6 Halfway Firs Bath Road, Corsham Wiltshire, SN13 0PJ	CORSHAM	Demolition of Existing Barn and Erection of Family Dwelling and Associated Works	DEL	Written Representations	Refuse	24/05/2018	No
18/01084/FUL	31 Market Place Chippenham SN15 3HP	CHIPPENHAM	Front and rear dormer roof extensions to existing office loft spaces	DEL	Written Representations	Refuse	24/05/2018	No

Page 27

Planning Appeals Decided between 04/05/2018 and 01/06/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
16/03625/FUL	Land at Pavenhill Pavenhill, Purton Wiltshire	PURTON	Demolition of 1 existing dwelling and erection of 25 market and affordable dwellings, with associated access, car parking and landscaping,	DEL	Hearing	Refuse	Dismissed	10/05/2018	None
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 Reps	Refuse	Dismissed	24/05/2018	None
17/09114/FUL	Bewley Cottage Bowden Hill Lacock, SN15 2PW	LACOCK	Demolition and replacement of an existing garage with a garage annexe	DEL	Written Reps	Refuse	Allowed with Conditions	25/05/2018	None
17/11389/PNCOU	Big Barn Wootton Fields Farm Marlborough Road Royal Wootton Bassett, Wiltshire SN5 7EJ	ROYAL WOOTTON BASSETT	Prior Approval of Proposed Change of Use of Agricultural Building to Dwelling house (Use Class C3), and for Associated Operational Development	DEL	Written Reps	Refuse	Allowed with Conditions	10/05/2018	None

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	13 th June 2018
Application Number	18/03570/FUL
Site Address	Land adjacent to Nettleton Baptist Chapel, Nettleton
Proposal	Erection of single dwelling with attached garage and associated landscaping (Resubmission of 17/05891/FUL)
Applicant	Mr Ian Madge
Town/Parish Council	Nettleton
Electoral Division	By Brook – Cllr Baroness Jane Scott of Bybrook OBE
Grid Ref	382120, 177900
Type of application	Full Planning
Case Officer	Rose Fox

Reason for the application being considered by Committee

The application has been called in on the basis of a recommendation for refusal, for the committee to consider the following:

“The parish council are concerned at the lack of housing affordable for local families and decided that, on balance, this application should be supported. The applicant and his wife have lived in the parish for over 30 years. He is a senior farm worker (with Clark Farms) and she supports her elderly parents in the village. They are prepared to enter into a suitable agreement to prevent any further development on the land concerned. The Parish Council would like a condition added confirming the agreement of the owner informed the Parish Council he had agreed to, and that no more than 1 building allowed on the site. The reasons are it conforms with Core Policy 48 Supporting rural life.”

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 refused.

2. Report Summary

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

- Principle of Development
- Design/Character and Appearance of the Area (AONB)
- Residential Amenity
- Highways and Parking
- Drainage
- Ecology

The application has support of Nettleton Parish Council (objection was raised to the original application 17/05891/FUL). 26 representations have been received from members of the public with 16 in support and 10 in objection.

3. Site Description

The application site is situated within the area known as Nettleton, but it sits south of the main village where there is some sporadic, ribbon development following the unnamed road which leads north to south. The site would be accessed via the unnamed road on its eastern boundary. The application site comprises an agricultural field, although part of the land is being used as an allotment (it is unknown whether this is a lawful use). Aside from the buildings to the east (Nettleton Baptist Chapel and Rose Cottage), the site is bordered by open countryside on all other sides. The site is situated within the Cotswold Area of Outstanding Natural Beauty (AONB).

The application site is situated outside any defined settlement boundary, within the open countryside.

4. Planning History

17/05891/FUL - Erection of single dwelling with attached garage and associated landscaping – Refused 25 August 2017

The current application is a resubmission of the above application. The only change is the applicant's proposal to enter into a unilateral agreement to prevent future residential development on the land outlined in blue, which would need planning permission regardless.

5. The Proposal

This application seeks permission for the erection of a single dwelling with attached garage and associated landscaping

6. Local Planning Policy

The following policies of the Wiltshire Core Strategy (Jan 2015) (WCS) are relevant:

Core Policy 1 (Settlement strategy)

Core Policy 2 (Delivery strategy)

Core Policy 10 (Community Area strategy: Chippenham Community Area)

Core Policy 41 (Sustainable Construction and Low Carbon Energy)

Core Policy 45 (Meeting Wiltshire's Housing Needs)

Core Policy 50 (Biodiversity and Geodiversity)

Core Policy 51 (Landscape)

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

Core policy 60 (Sustainable Transport)

Core Policy 61 (Transport and development)

Core Policy 64 (Demand management)

Core policy 67 (Flood Risk)

National Planning Policy Framework (NPPF)

Paragraphs 14, 17, 34, 55 and 115 and Sections 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 11 (Conserving and enhancing the natural environment) are also relevant.

7. Summary of consultation responses

Nettleton Parish Council

“Nettleton PC Cllrs. voted to approve this application, although it was a split vote of 4 in favour, 1 against 2 abstained.” – Also see reasons for application being called for planning committee on page 1 which expresses the views of the Parish Council.

Ecology Officer

No objection subject to conditions as per comments on previous application:

The application is supported by an ecological appraisal identifying that the site is of local ecological value (in particular for Bat species) and consequently proposes mitigation measures which are considered necessary and reasonable and can be addressed via use of condition.

Conditions:

The development shall be carried out in strict accordance with the recommendations stipulated in section 4 of the Preliminary Ecological Appraisal (TP-Ecology Ltd, 15th June 2017) and the ecological enhancement measures proposed in section 4.18 shall be implemented.

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

If new external artificial lighting is proposed, a lighting plan shall be submitted to Wiltshire Council for approval in writing prior to the commencement of development. The lighting plan shall illustrate the location of proposed external lighting and specify the type and height of luminaire(s), the positions of fittings, direction and other features, e.g. cowls, louvres or baffles; and shall demonstrate that the proposed lighting will not illuminate the hedgerows and treelines along the site boundaries through provision of a lux plot/lighting contour plan.

REASON: To minimise light spillage and to maintain dark foraging and commuting corridors for bats.

Informative:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that planning permission does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist.”

Highways – Objection recommend refusal.

“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.

Reason: In the Interests sustainable transport

The proposed development is located in an unsustainable location in transport terms generating additional vehicular movements by private motor vehicle to access employment, services and facilities with limited scope for use of alternative sustainable modes of transport. Initial concern was raised in respect of inadequate visibility, however further to an additional plan demonstrating visibility at the site, the Highways Officer has no objection in respect of this.

Drainage

There is a lack of drainage information submitted in support of the application. The proposed foul drainage will be via a package treatment plant but there is no confirmation where the effluent will discharge. The storm water drainage is proposed to be by a soakaway but it is recognised there are high ground water levels so this may not work. Detailed drainage information and testing is necessary prior to the commencement of works. It is considered given the size of the site that suitable drainage could be achieved, so there is no objection subject to pre-commencement conditions.

Wessex Water

No objection

Cotswold AONB:

No representation

Rights of Way Officer:

No representation

8. Publicity

The application was advertised by site notice and neighbour notification letter.

26 representations have been received, 16 in support, 10 in objection.

Please note not all comments that have been submitted are from local neighbours.

Supportive comments are summarised as follows:

- Development would be in keeping, enhance the area of land, and would blend into the structure of the village. Design unobtrusive, utilizing natural landscaping, and traditional materials. Not overlooked.

- Nettleton is identified in the WCS as a location for limited development to meet local housing needs. Site is not isolated and considered to be a sustainable location.
- Very little affordable property available in area
- Intention of applicant to remain employed locally
- It would keep a local family in the parish and allow them to look after aging family members.
- The occupiers would use local facilities, shop, schools, church etc.

Concerns/objections are summarised as follows:

- Contrary to settlement and delivery planning policies:
 - Application site is outside the defined settlement boundary and is not infill development.
 - Contrary to community area strategies.
- Harmful to character, rural nature and amenity value of Nettleton and AONB
- Proposed property is a substantial 4 bedroom, 4 reception room executive style house with a double garage, set within a large plot. Size of proposed building cannot claim to be affordable housing.
- No request for agricultural tie despite the applicants job being used as a reason for development
- Previous refusal reasons still valid. No change from original application that was refused. No reasonable or logical reason to be considered for approval.
- Sustainability issues:
 - No effective public transport services and would lead to increase in car journeys contrary to local and national transport policy guidance.
 - Not in an area with services or employment opportunities.
- Concern over highway safety re: access and low traffic movements within the village
- Proposal could set a precedent for other speculative applications which could result in loss of amenity and environmental degradation. The proposal to enter into a unilateral agreement to prevent any future residential development on the adjoining land demonstrates the risk of precedent. Would such an agreement be enforceable in the first place and how long would this agreement be for? What would happen if land sold?
- Harm to neighbour amenity
 - Overlooking into garden and bedrooms of “King William IV” property from first floor windows.
- Drawings poor quality, unscaled and do not show the ridge heights.
- No visual impact assessment or environmental impact assessment.
- No appetite for new residential properties during consultation for the Nettleton Parish Plan (2011) with support only raised for redevelopment of existing outbuildings/brownfield sites. Some support for social housing or rural workers dwellings which do not pertain to this application.
- Applicant has suggested that neighbours who did not submit comments on the previous application were largely supportive – not the case.
- Applicant already lives and works locally.

9. Planning Considerations

Principle of development

New residential development in the open countryside outside of any defined settlement boundaries is strictly controlled so as to restrict homes being built in unsustainable locations remote from local services, facilities and transport routes. CP1 “Settlement Strategy” of the Wiltshire Core Strategy sets out where sustainable development will take place across the plan period. CP2 “Delivery Strategy” of the Wiltshire Core Strategy states that at the Small Villages development will be limited to infill within the existing built area. Proposals will be supported where they seek to meet housing needs of settlements provided that the development respects the existing character and form of the settlement; does not elongate the village or impose development in sensitive landscape areas; and does not consolidate an existing sporadic loose knit areas of development related to the settlement.

The application site is situated at the small village of Nettleton. The village is characterised by a cluster of development to the north of the application site, sporadic ribbon development along local roads, and farms. The application site comprises agricultural land which is situated adjoining the Nettleton Baptist Chapel and another property. The site is bordered on three sides by open countryside and is open in nature, and as such it is not considered that this site would be infilling a gap within an existing built area. The only adjoining built form is the church and property to the east. Consequently, it is not considered the proposal is infill development as intended by this policy. Whilst it has been put forward that the applicant wants to live locally, there has not been any evidence that justifies need for this additional housing within the village. Notwithstanding this, the site is situated within the open countryside and the Cotswold AONB, and consequently it is considered contrary to policy as it would impose development within a sensitive landscape area which would contribute to consolidating the sporadic nature of development within the area.

CP2 goes on to state that other than in circumstances permitted by other policies within the plan, development will not be permitted outside the limits of development. These exemption policies are:

- 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)

Core Policy 48 sets out an exception for accommodation to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture. Proposals for accommodation to meet the needs of employment essential to the countryside should be supported by functional and financial evidence.

Paragraph 55 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as

essential need for rural workers to live at or near their place of work or whether there is an exceptional quality or innovative nature of the design of a building. There are no special circumstances in this instance.

Saved Policy H4 of the Wiltshire Local Plan 2011 has also been considered which permits new dwellings in the countryside where it would be in connection with the essential needs of agriculture, forestry or other rural based enterprise; or it would be a replacement for an existing dwelling subject to certain criteria. The proposal is for a new dwelling (not a replacement).

The Planning Statement confirms that the applicant is employed by Clark Farms Ltd in Burton and suggests that the building is justified due to the applicant working nearby. The above policies (CP48, Para 55 and H4) relate to rural workers dwellings which are an exception to the housing and delivery strategies CP1 and CP2. The application is for a new dwelling and not a rural/agricultural workers dwelling and no functional and financial evidence has been provided to attempt to justify a rural workers dwelling in accordance with any of these policies.

Since the applicant's occupation is referred to within the application, it is also relevant to note that the employer of the applicant, Clark Farms Ltd, recently gained planning permission for a third agricultural workers dwelling associated with Burton Farm in December 2016 (ref: 16/07374/FUL). Since the grant of that planning permission for an exception dwelling, one of the other existing agricultural workers dwellings at the holding ("Burton Farm Cottage") was subsequently made available. An application was subsequently received in September 2017 from Mr Clark of Clark Farms Ltd for the agricultural tie of that property to be removed as it was claimed there was no need for a third agricultural workers dwelling associated with Burton Farm (ref: 17/09314/106). That application was refused in December 2017, as in view of the lack of evidence within the application to prove otherwise, it was concluded that there is still a need for properties with an agricultural occupancy condition to be available for workers at Burton Farm and the locality. Accordingly, the section 106 agreement covering that property still served a valid planning purpose.

Although not directly sought to be justified as an agricultural workers dwelling, in light of the above situation with the availability of agricultural workers accommodation at the applicant's place of work in Burton, it remains highly unlikely an additional agricultural workers dwelling could be justified in this location.

It is also claimed that the property as a self-build would constitute affordable housing, and the parish cite that there is a lack of affordable housing within the local area. There are no policies or guidance to suggest that "self build" housing should be treated any differently to regular open market housing. The four bedroom property is large in scale with a generous curtilage and would not fall under the definition of affordable housing. Affordable Housing is defined in the NPPF (March 2012) as social rented, affordable rented and intermediate housing. Similarly the scale and form of the proposed dwelling is such that it would not generally be considered appropriate and affordable as an agricultural workers dwelling.

The application would result in the addition of an isolated dwelling in the open countryside and conflicts in principle with the policies of the development plan and national guidance WCS CP1 CP2 CP10 CP48; NWLP Saved Policy H4; and NPPF para 55.

Design considerations and impact on the character and appearance of the area

WCS Core Policy 57 states that a high standard of design is required in all new developments which must enhance local distinctiveness by relating positively to the existing pattern of development and townscape features in terms of building layouts, built form, height, mass, scale, building line, plot size elevational design, materials and streetscape. Proposals must also take account of the characteristics of the site and local context to deliver appropriate development which relates effectively to the immediate setting and wider character of the area.

The property is situated in the Cotswold AONB where Paragraph 115 of the National Planning Policy Framework (the Framework) says that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and AONBs, which have the highest status of protection. This is closely reflected in Core Policy 51 of the WCS.

The proposal is for a sizable four bed two storey detached dwelling with attached double garage. The massing of the building is relatively large compared to the closest buildings. The building would be finished in natural rubble stone, bath stone, coloured textured render and vertical unfinished sawn oak boarding, set beneath a roof of clay double roman tiles for the dwelling and natural slate for the garage. The proposed materials are generally reflective of the local area. Whilst there are parts of the building which may appear somewhat agricultural, the building is predominantly domestic in appearance.

The construction of this dwelling including the associated infrastructure, boundary treatments, domestic paraphernalia and additional vehicles parked at the site would result in an urbanisation of currently open agricultural land in a visually prominent location and is consequently considered harmful to the character and appearance of the local area and it would not serve to conserve or enhance the AONB which must be afforded great weight. A new dwelling and associated development in this location would result in the consolidation of the existing loose knit pattern of development and would alter the visual appearance and prevailing rural character of the area. For those reasons it is not considered that the development would integrate effectively into the immediate setting or wider character of the area. The proposal is therefore considered contrary to NPPF Section 7 and WCS CP51 (ii, vi and ix) and CP57 (i, iii, vi).

Effect on Amenity of Neighbours

One neighbour has raised concerns in respect of overlooking from the proposal. However, given the distance of this property to the application site, the positioning of the proposed dwelling would not result in harm to neighbour amenity. The neighbouring properties would suffer no loss of daylight, sunlight or privacy as a result of the proposal.

Highways/Sustainability

The Highways Officer has not raised objection in relation to parking, turning areas and visibility. However officers have raised an objection on grounds of it being an unsustainable location. The Wiltshire Core Strategy seeks to ensure that all new development is located in accessible locations whilst promoting sustainable transport alternatives to the use of the private car. The proposal is 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.

Other matters

The proposal that the applicants would enter into a unilateral agreement with the council to prevent any future residential development on the land outlined in blue does not provide any justification for the proposal. Planning permission would be needed for any residential development on this land.

The Ecology Officer has raised no objection to the proposal subject to a condition and informative.

The Drainage Officer has stated that they would require submission of a Drainage Strategy, but this could be dealt with by way of a pre-commencement condition.

Conclusions

Overall, it is considered that the new dwelling would be contrary to the housing settlement and delivery policies and result in an isolated dwelling within the open countryside which is not justified by an exceptions policy. The location of the site is considered to be an unsustainable location for new dwellings in principle and in terms of highway policies. The proposal is considered to harm the character of the prevailing rural character of the area and the AONB.

RECOMMENDATION

The proposal does not comply with the development plan policies and as such the application is recommended for refusal for the following reasons:

1. The proposed development, by reason of its location outside of any defined settlement boundary and not being considered to meet the criteria of infill development contained within WCS Core Policy 2, the proposal is contrary to the settlement, delivery and community area strategies and is unacceptable in principle. The proposal fails to accord with Core Policies 1, 2, 10 and 48 of the adopted WCS (Jan 2015), Saved Policy H4 of the North Wiltshire Local Plan 2011 and Paragraphs 14, 17 and 55 of the NPPF (March 2012).

2. By reason of the location of the application site within the open countryside and AONB, the proposed development would result in the consolidation of the existing loose knit pattern of development and would alter the visual appearance and prevailing rural character of the area. It is not considered that the proposal would integrate effectively into the immediate setting and it would not conserve or enhance the AONB which is afforded great weight. Consequently the proposal is considered contrary to Core Policy 51 (ii, vi and ix) and 57 (i, iii, vi) of the WCS (Jan 2015) and NPPF (March 2012) Paragraph 115 and Section 7.

3. 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 WCS (Jan 2015) and Paragraph 34 of the NPPF (March 2012).

18/03570/FUL
Land adjacent to Nettleton Baptist Chapel
Nettleton
Wiltshire
SN14 7NP



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	13 th June 2018
Application Number	17/12507/FUL
Site Address	Ashley Common Road Malmesbury SN16 0HN
Proposal	Demolition of existing bungalow and erection of 2 no. dwellings
Applicant	Mr & Mrs Beardsmore
Town/Parish Council	St Paul Malmesbury Without
Electoral Division	Sherston – Councillor John Thompson
Grid Ref	X (Easting) 392281 Y (Northing)186822
Type of application	Full Planning
Case Officer	Victoria Griffin

Reason for the application being considered by Committee

Application called in by Councillor John Thompson for the due consideration of the proposal having regard to concerns raised in respect of neighbour amenity, out of character with the local area, uncharacteristic use of building materials and over-development of the site.

1. Purpose of Report

To consider the above application and to recommend **PERMISSION be granted** subject to the conditions listed below

2. Report Summary

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

- Principle of development
- Impact on visual amenities of the area
- Impact on the residential amenity
- Impact on highway safety/sustainability
- Impact on drainage
- Other matters
-

The application was advertised by neighbour letter and site notice. A further consultation was carried out following revised plans submission. These generated 11 no. letters of objection and 2 no. letters of support. The Parish Council have objected on a number of grounds including the development is considered to be out of keeping with local area, raises concerns over the effect on amenity of neighbouring properties to the front and rear and loss of screening due to revised parking/access layout.

3. Site Description

Ashley is located off Common Road within the defined settlement framework boundary of Malmesbury.

The existing dwelling is a detached 3 no. bedroom bungalow with an integral single width garage. The property is located within a sizeable plot, with further parking provided on hardstanding to the front of the property, and a garden located to the rear.

The application site has previously been sub-divided to allow the construction of a bungalow to the rear of Ashley, called The Birches. Ashley and the Birches share a driveway off of Common Road.

Common Road comprises of a range of house types with a predominant use of Cotswold type reconstituted stone for external walls to dwellings and pitched roof designs. To the eastern side of Common Road the grain of development is less formal with large plots having been subdivided into smaller development parcels that comprise of a number of dwellings, including Swinford Paddocks to the south of the site.

The application has been revised to address concerns raised in relation to overlooking to the rear and the impact upon The Birches to the rear.

The application is supported with a Design and Access Statement.

4. Relevant Planning History on the site

N/94/02033/OUT - Outline – 2 no. bedroom bungalow – Approved

N/95/00561/FUL - Erection of dwelling – Approved – (dwelling known as The Birches)

N/05/01733/FUL - Demolition of Existing Dwelling & Erection of Four Dwellings – Approved
– Land to south of site (Swinford Paddocks)

15/01966/FUL - Erection of Two Detached Dwellings with Integral Garages & Associated Landscaping following the Demolition of the Existing Dwelling – Withdrawn

15/10659/FUL - Proposed Erection of Two Detached Dwellings & Associated Landscaping, Following the Demolition of the Existing Dwelling – Refused, Appeal Dismissed (tandem layout)

Appeal assessment (ref. APP/Y3940/W/16/3164693):

The Inspector considered the main issues in the appeal to be:

1. the effect of the proposal on the character and appearance of the area; and
2. the effect on the living conditions of the occupants of neighbouring properties with particular regard to outlook.

- *Effect on the character and appearance of the area*

The Inspector considered that the proposed development would not harm the character and appearance of the area. It would be in accord with Core Policy 57 (iii) and (vi) of the Wiltshire Core Strategy (adopted January 2015) (CS) which seeks, amongst other things, to ensure that development responds positively to the existing townscape and relates effectively to the immediate setting and wider character of the area. It would conform to the requirements of paragraphs 17 and 64 the National Planning Policy Framework (the Framework) related to good design

- *Effect on the living conditions of the occupants of neighbouring properties with particular regard to outlook*

In respect of the second main issue, the Inspector concluded that the proposal would have a harmful effect on the living conditions of the occupants of The Birches, with particular regard to outlook. It would conflict in this way with the underlying aims of Core Policy 57 (vii) of the CS relating to the protection of residential amenity. It would be contrary also to the Framework's aims of seeking a good standard of amenity for occupants of land and buildings, as contained in paragraph 17. The appeal was duly dismissed on this ground only.

Notwithstanding the above position the Planning Inspector considered that the principle of development was acceptable on the site, being located within the settlement boundary for Malmesbury. It would provide two additional units of residential accommodation in an established residential area and in a sustainable location. This would be in line with local and national policy in relation to housing delivery and making efficient use of land. The proposal would incorporate sustainable construction techniques and would provide flexible accommodation for the appellants' family.

Officer note: This is a materially different proposal to that which is under consideration however it does raise some pertinent issues related to the principle of development and the compatibility of 2 no. dwellings within the site in close proximity to neighbouring properties covered in the officer assessment below.

15/01966/FUL - Erection of Two Detached Dwellings with Integral Garages & Associated Landscaping following the Demolition of the Existing Dwelling – Withdrawn (tandem layout)

16/06955/CLP - Single storey side and rear extensions, front porch, loft conversion with rear dormer extension and roof lights to front roof slope – Certificate refused

16/09256/CLP - Certificate of Lawfulness for Proposed Single storey rear and side extensions, front porch, loft conversion with rear dormer extension and roof lights to front roof slope – Certificate refused

16/11360/CLP - Certificate of Lawfulness for Proposed Use - Single story rear and side

extensions, front porch, loft conversion with rear dormer extension and roof lights to front roof slope – Certificate approved

17/09119/FUL - Erection of a single dwelling (resubmission of 15/10659/FUL) - Permission

5. The Proposal

The proposal relates to the demolition of the existing bungalow and the erection of 2 no. contemporary detached dwellings sited alongside one another with vehicular access from Common Road.

The composition of the 2 no. dwellings includes:

- 1 x 4 no. bedroom detached dwelling (Plot 2) and
- 1 x 3 no. bedroom detached dwelling (Plot 1)

The application is supported with a revised Design and Access Statement, sections and revised plans that have sought to address the impact on The Birches to the rear and include the re-siting of the dwellings and the reduction in the size of first floor openings. The key revisions/additional information include:

- Re-siting of both plots 2m towards Common Road so that they are approx. 23m from the front elevation of The Birches (approx. 15m from the shared boundary)
- The glazing to the first floor rear elevations of both plots have been reduced in size and number and the total area reduced by 45%
- The ground floor bay to plot 2 has been squared off
- Clarification regarding the siting of the photovoltaics within the flat roof areas and underground storage for rainwater harvesting

The dwellinghouses would follow the topography of the sloping site with level access from the front and rear with flat roof designs and large glazed sections, stone coloured render and grey stone panels. All external fenestration is proposed in powder coated aluminium. The design utilises sustainability credentials with energy efficiency designed into the building's fabric with highly insulated walls, roofs and heating systems.

6. Planning Policy

National Planning Policy Framework 2012 (NPPF)

Achieving sustainable development – Core Planning Principles (Paragraphs 7, 11, 14 & 17)

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

Wiltshire Core Strategy (WCS) (Adopted January 2015)

Wiltshire Core Strategy Jan 2015:

Core Policy 1- Settlement Strategy

Core Policy 2- Delivery Strategy

Core Policy 3- Infrastructure Requirements

Core Policy 13- Spatial Strategy for the Malmesbury Community Area

Core Policy 45- Meeting Wiltshire's housing needs

Core Policy 50- Biodiversity and Geodiversity

Core Policy 51- Landscape

Core Policy 57- Ensuring high quality design and place shaping

Core Policy 62- Development impacts on the transport network

Core Policy 67- Flood Risk

Saved Policies of the North Wiltshire Local Plan:

NE18- Noise and Pollution

Malmesbury Neighbourhood Plan 2015

Section 6 Protecting Malmesbury's setting, architecture and townscape

7. Summary of consultation responses

Malmesbury Without Parish Council – (summarised) – OBJECTION – (summarised):

- Out of keeping with local area
- Concerns over the effect on amenity of neighbouring properties to the front and rear
- Loss of screening due to revised parking/access layout

Highways- NO OBJECTION – (summarised):

- Parking and access is sufficient subject to conditions related to use and construction, obstruction close to highway, surface water discharge and advisory on license that may be required for highway works

Drainage – NO OBJECTION – (summarised) following submission of Drainage strategy - subject to conditions on surface water and foul water drainage

Ecology – NO OBJECTION– (summarised):

- Following assessment of proposals and information it is considered that no ecology survey would be required
- An informative is recommended setting out legislative responsibility with regards to bats roosts and nesting birds

8. Publicity

The application was advertised by neighbour letter and site notice. These generated 9 no. letters of objection and 2 no. letters of support raising the following points (summarised):

Objections:

- Inappropriate materials for rural setting
- Design not in keeping for setting
- Inappropriate use of flat roof design
- Negative description of area in submission does not reflect true local character
- Concern over use of balconies and loss of privacy
- Loss of boundary landscaping for new parking and access
- Misrepresentation of scale of development approved on the site
- No local support from Parish Council and statements to the contrary are misleading
- Overdevelopment of site
- Overlooking caused by windows
- Overbearing impact on neighbouring property's amenities
- Highway safety hazards caused by new access
- Traditional materials should be used
- Concern over noise and disturbance during building work
- Previous support for redevelopment of dwellings has been given
- Lack of detail on surface water and drainage matters

- Elevated position in prominent position would be highly visible from wider area
- Intrusive rooflights and palette of materials
- Extensive re-levelling works would be proposed
- Previous proposals materially different to that which is under consideration
- Fails to accord with Householder Design Guide
- Comparison with Oldwalls is not directly relevant
- Lack of details on PV panels
- Bats and great crested newts can be found in the vicinity of the site
- Covenant on shared boundary is unreasonable

Support:

- Quality of design and materials
- Inconsistent approach to housing design for individual plots in the neighbouring locality
- Replaces a low quality building
- No planning issues of merit raised to resist the proposals

9. Planning Considerations

Principle of development:

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); the Malmesbury Neighbourhood plan; and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight. Furthermore, the appeal decision relating to application 15/10659/FUL is also a material consideration and must be taken into consideration in the determination of this application; as must the extant permission for the Erection of a single dwelling (resubmission of 15/10659/FUL) under planning ref. 17/09119/FUL (approved on 30/11/17).

This revised application seeks the demolition of the existing bungalow and the erection of 2 no. dwellings within an identified settlement boundary as such would accord with Core Strategy policies 1 and 2. In order for the development to be considered unacceptable in this location the development would need to result in significant harm to the local character and amenity or be subject to specific site constraints sufficient to warrant a refusal.

Impact to the Visual Amenities of the Surrounding Area:

The application site is presently occupied by a detached bungalow which is set back from the road and is served from a side access leading to the host building and the neighbouring property 'The Birches' to the rear. Surrounding the site is a range of house styles including detached pitched roof modern dwellings constructed in reconstituted Cotswold stone. The host building and The Birches are uncharacteristic of the existing context, insofar that they are single storey and surrounded by two-storey properties. The site's individual characteristics add to the variety of dwellings within this part of the street scene, this was signalled by the Planning Inspector under planning ref. 15/10659/FUL, who identified that individual plot sizes vary considerably including dwellings with far smaller plots than that of the current dwelling on the application site. Following this appeal, a permission has also been given (under planning ref. 17/09119/FUL) for a large modern rendered dwelling that would be situated forward of the host building and which remains extant.

The proposal would involve the demolition of the existing Ashley bungalow and the construction of two new dwellings (identified as Plot 1 and Plot 2) within the existing site positioned side by side with plots running in parallel from the road. Plot 1 is a smaller size unit compared to the larger 4 no. bedroom dwelling. The proposed dwellings would broadly follow the existing building line of dwellings along Common Road orientated facing the road with setbacks for parking and turning areas. Both dwellings comprise of contemporary architecture with flat roof design and large glazed openings with modern materials including render and stone cladding. The bulk and form of the dwellings would follow the topography of the site, in order to allow level access from the front and rear of the properties and would be positioned so as to retain a parking and landscaped area to the front which would retain the character and appearance of the site from the street scene. In terms of appearance the proposed dwellings are of a contemporary design and a deviation from the existing house types that exist however the appearance and scale of the dwellings are not considered to represent wholly incongruous development within this part of Common Road that results in

significant harm to the character and appearance of the locality sufficient to justify a refusal on this basis.

To that end, the proposed dwellings would represent contemporary design, with flat roofs and rendered finished walls that would add to the mix of housing style and types along Common Road. This variety in style is not considered to be harmful within the wider context and having regard to the planning history on this site. In conclusion it is considered therefore that the proposals would accord with Core Policy 57 (iii) and (vi) of the Wiltshire Core Strategy (adopted January 2015) (CS) which seek, amongst other things, to ensure that development responds positively to the existing townscape and relates effectively to the immediate setting and wider character of the area and would conform to the requirements of paragraphs 17 and 64 the National Planning Policy Framework (the Framework) related to good design.

Impact on Residential Amenity:

A number of concerns have been raised by local residents with regards to impact on residential amenity. The site is surrounded on all sides by existing residential properties and is in close proximity to the nearest property The Birches situated to the east of the host dwelling, Ashley.

To the north of the site is Rooftops a detached dwelling separated by a vehicle access leading to the site. Other residential properties include Koinonia and Upper House situated to the east and no's 1 and 4 Swinford Paddock situated to the south. Opposite the site are no's 8 and 9 Common Road which are approx. 36m from the front elevation of the proposed dwellings.

Harm to residential amenity was a key consideration in the assessment of previous proposals on the site and in particular under planning ref. 15/10659/FUL which was dismissed at appeal due to the impact on The Birches. Moreover it was given significant weight in the officer assessment for the erection of a single dwelling (resubmission of 15/10659/FUL) under planning ref. 17/09119/FUL (approved on 30/11/17).

This revised proposal would result in a number of glazed openings which have the potential to look out over the property; however, following a number of alterations it is considered that the scheme that is now in front of the Council would not result in a significant loss of residential amenity. Revisions include the repositioning of the dwellings further away from the shared boundary which measures a distance of 23m from the front wall of The Birches;

and a reduction in the size of first floor openings facing this property. The section drawing illustrates that the ridge height of the proposed dwellings would not exceed that of the existing bungalow.

In terms of the distance from The Birches, in general, design standards advise that facing windows should maintain at least 21m between dwellings where the facing walls contain windows serving principal rooms, which this development achieves. Furthermore the size of the openings and glazing has been reduced to minimise the perception of overlooking. The two new dwellings would be located to the north-west of The Birches, so would not result in any loss of light.

The nearest adjacent property, No.1 Swinford Paddocks, would be located 6m to the south-west of the larger dwelling which is considered to be an acceptable distance given that No.1 Swinford Paddocks only has two obscure glazed windows which would face into the site. It is not considered that the proposal would result in any significant harm to the amenities of the occupiers of No.1 Swinford Paddocks having regard to the existing mutual overlooking that exists. To the north-east boundary the existing site access would be maintained which runs in parallel to the access serving Rooftops. Having regard to the separation distance of 18m from the side elevation of Plot 1 and the only windows at first floor on the rear elevation of the proposed dwelling would serve non-habitable rooms and will be installed with obscure glazing, which will be controlled by planning condition; it is considered that no overlooking would arise.

It is noted that there is potential for amenity issues during the construction phase through noise and potentially dust. To protect the neighbours during this period it is appropriate for a construction management plan to be submitted which addresses noise and disturbance during construction works.

Having considered the proximity of the existing dwellings to the site and the separation distances involved it is considered that the proposed dwellings have demonstrated a layout which would incorporate sufficient separation between existing properties and would not 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. Conditions are recommended to be attached which would remove permitted development rights for the dwellings in order to consider the impact of any further development within the site.

It is therefore concluded that the proposed development would have no significant adverse impact on the residential amenities of the surrounding properties and would secure an adequate level of residential amenity for future occupants of the proposed dwelling and thereby accords with CP57 of the Core Strategy (2015) and para 17 of the NPPF.

Drainage:

The Drainage officer has removed a holding objection as further drainage information has been provided in support of the application. Conditions are recommended to ensure that details of foul and surface water drainage details are submitted for consideration. Subject to conditions officers are satisfied that the development will not have an adverse impact on drainage within the locality and is therefore in accordance with the NPPF and CP67 of the Core Strategy.

Ecology:

A representation related to ecology matters is noted. Having regard to the planning history of the site, and that redevelopment has previously been accepted, officers remain satisfied that harm, which would warrant a refusal of the application, does not exist and there is no evidence to suggest a conflict with CP57 or CP50 of the Core Strategy or Paragraph 109 of the NPPF.

Highways / Parking/Sustainability:

The proposed units would utilise the existing access which serves the site and a new access to serve plot 2 which is considered to be adequate. Parking provision within the site would provide on-site parking for vehicles and a plan is provided showing vehicle entrance and exit tracking. The Highways officer does not raise any highway objections subject to conditions related to the access provision and parking having been completed prior to the use of the dwellings, maintenance of visibility across the frontage of the site and a scheme for surface water discharge. An informative is also recommended as the proposals may involve works to the highway which may a license from the Highways Authority. These are duly attached to this recommendation.

Trees:

The road frontage contains a number of low quality trees and shrubs which would be altered to allow for the new access into the site. That said it is considered that this landscaped buffer makes an important contribution to this part of the street scene and landscaping should be retained. A condition is duly attached to this recommendation to ensure that details of any existing landscaping and proposed new planting to be installed is submitted and agreed in writing prior to works commencing on site.

Conclusion:

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. Overall it is considered that the development complies with Core Policy 1, 2, and 57 of the Wiltshire Core Strategy as well as the relevant policies in the Malmesbury Neighbourhood plan. Furthermore the extant permission and previous appeal decision represent significant material considerations when assessing the site for redevelopment. The revised proposals are not considered to represent significant harm to the residential amenities of dwellings surrounding the site sufficient to justify a refusal. On this basis and having regard to all issues raised it is considered that the development itself would not result in sufficient harm to the character of the area or the amenity of neighbouring development to outweigh the benefits and to warrant the refusal of the application. The application is duly recommended for permission subject to conditions:

RECOMMENDATION:

Permit subject to the following conditions:

- (1) TIME LIMIT: 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) PLANS LIST: The development hereby permitted shall be carried out in accordance with the following approved plans and documentation:

Location Plan

3237.02 Rev B Colour Site Plan

3237.03 Rev B Site Sections

3237.04 Rev B Plot 1 Floor Plans

3237.05 Rev B Plot 1 Elevations

3237.06 Rev B Plot 2 Floor Plans

3237.07 Rev B Plot 2 Elevations

3237.08 Rev B Site Plan

3237.09 Rev A Contextual Front Elevation

3237.10 Rev A Contextual Elevation to Common Road

3237.11 Rev B Vehicle Tracking

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

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

REASON: In the interests of highway safety.

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

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

(5) VISIBILITY SPLAY: The development hereby permitted shall not be occupied until the area between the nearside carriageway edge and a line drawn 2 metres parallel

thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- (6) FINISHED SLAB LEVELS: No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels 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.

- (7) HARD AND SOFT LANDSCAPING: 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;
- means of enclosure;
- all hard and soft surfacing materials;

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

- (8) LANDSCAPING COMPLIANCE: 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

- (9) FOUL WATER DRAINAGE: No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

- (10) SURFACE WATER DRAINAGE: No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

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

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

- (12) PD NEW OPENINGS REMOVED: 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 window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the development hereby permitted.

REASON: In the interests of residential amenity and privacy and to ensure that should accommodation be provided within the roof space the property has sufficient off street parking to accord with the Council's parking standards.

- (13) OBSCURE GLAZING: Before the development hereby permitted is first occupied all windows at first floor in the Northern elevation of Plot 1 shall be glazed with obscure glass only and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

- (14) CONSTRUCTION MANAGEMENT: 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 (including how shared access to The Birches would be maintained);
- 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) 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.

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

All British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the

United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. If bats are discovered, all works should stop immediately and Natural England contacted for advice on any special precautions before continuing (including the need for a derogation licence).

All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Council Ecologists if required.

INFORMATIVE TO APPLICANT:

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

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

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it

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

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

In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way.



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REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	13th June 2018
Application Number	17/07724/FUL
Site Address	Land Adjacent to SW Group Logistics, Braydon Lane, Chelworth Industrial Estate, Cricklade, Wiltshire SN6 6HQ
Proposal	Erection of a warehouse building with associated office accommodation, hardstanding and car parking together with re-use of an existing access.
Applicant	SW Logistics
Town/Parish Council	Cricklade
Division	Cricklade – Cllr Bob Jones
Grid Ref	408297 192320
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

The application was called in for Committee determination by Councillor Jones to consider the impact of the development in terms of traffic generation in the locality.

1. Purpose of Report

To consider the proposed development against the relevant policies of the adopted development plan and with respect to any site specific impacts and recommend that planning permission be granted subject to the conditions listed below.

2. Report Summary

No representations were received from members of the public or any neighbouring interested parties.

Cricklade Town Council submitted a representation of objection in respect of the proposals.

The key issues raised by the proposed development are:-

- Principle of Development/Development Plan Policy Compliance
- Highways Impact
- Drainage Impact
- Ecological Impact
- Impact on the Character and Appearance of the Locality

3. Site Description

The site is currently flat open land, hard surfaced with gravel and compacted stone with the land used for the parking of HGVs. It is situated adjacent to existing employment related buildings within the industrial estate adjacent to the access road through the estate known as Braydon Lane. The site boundary adjoining the road features an earth bund and mature self-seeded planting and some relatively small mature trees. To the rear of the site is open agricultural land. Boundaries also feature secure fencing. The site and locality is identified as being susceptible to ground water flooding; is a Groundwater vulnerability zone; Water Source Protection Area; with Records of Protected Species of Bird; and a Health and Safety Executive Site.

4. Planning History

The planning history relevant to the application site is as follows:-

N/91/01027/SEC	Section 64 Determination - Construction Of Hard Surfaced Parking Area – Proposal constitutes development and permission required.
N/04/00903/OUT	Outline Application For Construction Of Steel Framed Building For Cold Storage With Associated Offices, Restroom, Car Parking, Vehicle Washing Area And Access Road – approved subject to conditions
N/07/02148/OUT	Construction Of Steel Framed Warehouse Incorporating Associated Offices & Facilities. Access Road And Parking – approved subject to conditions
N/12/00390/FUL	Extension To Existing Warehouse And Ancillary Office Accommodation – approved subject to conditions

It should however also be noted that there are multiple other applications relating to adjoining land which were also granted permission subject to conditions for similar development proposals e.g. 14/08037/FUL Erection Of New Workshop Unit.

5. The Proposal

Erection of a warehouse building with associated office accommodation, hardstanding and car parking together with re-use of an existing access. The proposed unit will provide additional space for the existing facility located on adjacent land.

6. Planning Policy

National Planning Policy Framework (NPPF) Paras 2, 7, 11, 12, 14 17, 18, 19, 21, 28, 32, 34, 103, 118, 120, 123.

Wiltshire Core Strategy Jan 2015 (WCS) CP1 CP2 CP19 CP34 CP35 CP51 CP57 CP61 CP67

Cricklade Neighbourhood Plan (CNP) (made March 2018) H8, TT1, B5

7. Consultations

Highways Officers – Initial response requested a full transport statement, followed by request for further details as to traffic generation from the existing unit, and proposed parking provision and layout. The applicant provided full responses to all requests. Officers have considered the submissions and raised no objections subject to conditions.

Drainage Officers – Initial holding objection subject to a request for additional storm water and foul drainage details. Following the provision of responses additional detailed queries and requests for further information were made by officers. The applicant has responded

with a full Flood Risk Assessment submission and clarifications and revisions in response to the further queries and requests. Officers have reviewed and considered the submissions in full and raise no objections.

Public Protection – No objections subject to conditions in respect of hours of construction; No burning of waste on site during construction; Contaminated Land Investigation.

Trees Officer – No comment

Ecology – No comment

8. Publicity

The application was advertised by site notice, press notice, neighbour notification and notification to the Town Council.

No representations from local residents or interested neighbouring third parties were received.

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/Development Plan Policy Compliance

The site falls outside the defined settlement boundary for the town of Cricklade and is not within any of the WCS CP35 designated principle employment areas. The application site is not allocated for development within either the WCS or the CNP for any form of development. In this context the development proposal does not directly accord with the development strategy of the plan as to the scale and distribution of development set out in CP1 & CP2 of the WCS.

This in principle position is not in itself fatal to the application and proposed development as the WCS does allow for the proposed development to come forward on unallocated sites outside of designated areas and defined settlements under CP34, subject to a range of criteria, as an exceptions approach. This policy provision directly accords with the requirements of para 21 bullet point 2 of the NPPF which requires that LPAs include policies in their plans which are flexible enough to allow for employment related development needs not anticipated in the plan period to come forward and allow a rapid response to changes in economic circumstances.

Policy CP34 includes a number of criteria to address the wide range of potential circumstances and material considerations relevant and to facilitate compliance with the NPPF objectives of para 21. Consequently not all of the criteria are of direct relevance to all proposals for employment development on unallocated sites outside of defined areas. In this instance it is considered that criterion (i) is of direct relevance in that Cricklade is defined as a Local Service Centre in the settlement hierarchy as referenced by CP1, CP2 & Appendix WCS. Criterion (i) permits proposals to come forward where located adjacent to Principle Settlements, Market Towns & Local Services Centres and where the proposal would seek to retain or expand businesses currently located within or adjacent such centres. That is specifically the case in this instance in that the site is adjacent to the Local Service Centre of

Cricklade and the proposal facilitates the expansion of an existing business already located adjacent the town - SW Logistics.

In addition the proposals are considered to meet other criteria of the policy in that as the development supports the expansion of an existing business providing for economic investment in Wiltshire resulting in job creation, support for supply chains and business rates revenues and as such it meets the wider strategic interest of economic development of Wiltshire as determined by the Council. The proposals are broadly consistent in scale with their location and would not adversely affect nearby buildings, the surrounding area or residential amenity; would not undermine strategic employment allocations as proposal involves the expansion of an existing business; and is considered to be supported by adequate infrastructure as discussed further below. In this context it is considered that the provisions of Criteria iv, vi, viii & ix of CP34 are also met.

The Cricklade Neighbourhood Plan (CNP) following examination and referendum was “made” in March 2018 after the application was submitted and forms part of the adopted development plan for the area. As with the WCS the plan does not allocate the site for development but does define the extent of the Chelworth Commercial Area in figure 14 and applies a policy to this area – B5. The policy states that proposals to extend the uses in the commercial area into the surrounding countryside will not be supported. However given the existing use of the site for storage of HGVs; it’s existing hard surfacing and its positioning in between existing built structures directly adjoining the site and located within the area defined in Figure 14 it is not considered that the proposals constitute an expansion into the open countryside surrounding the defined commercial area. As such it is not considered that the proposals conflict with this policy. Other relevant policies of the CNP are addressed further below under relevant subject specific headings.

On this basis it is considered that there is no in principle objection or conflict with the development plan and the proposals are acceptable in principle subject to the other relevant policies of the development plan and any site specific impacts.

It is also material to note that the application site has been the subject of multiple previous consents for employment related development as identified in the site history section above. This includes permission granted in 2007, which whilst no longer extant was for a similar form of development albeit larger in scale. There have been changes in material circumstances since this consent was granted but the previous permission and earlier permissions is a material consideration of some limited weight. Additionally it is also material to note that consent has been granted previously on adjacent land for similar employment related development.

Highways Impact

The proposal is for the erection of a warehouse as an extension of the existing operation on adjacent land and would involve the distribution of goods to and from the site. As such HGV vehicle movements are generated by the proposals. The site layout has been designed to accommodate the requisite vehicle manoeuvring, loading and unloading in accordance with the Freight Transport Association guidelines and to meet Wiltshire parking standards. An existing former access to the site is proposed for re-opening and is proposed to be configured to accommodate the projected vehicular movements.

As noted in the consultation summary section Highways Officers in their initial consultation response requested the submission of a full transport statement (TS) given the nature, scale and form of the development proposal. The TS was submitted and in response further information particularly in relation to traffic generation from the existing unit and confirmed parking provision in accord with the TS proposals was requested. In part this was required

as the TA as submitted assessed vehicle generation rates based on industry standard data derived from comparative development elsewhere nationwide in similar situations. The report identified that *trip generation based on TRICS trip rates shows that the proposed development could generate around 30 two-way vehicle trips in the morning and evening peaks of which around 2 would be heavy goods vehicles. These trips would disperse onto the surrounding highway network (including the B4040, B4696 and A419) and it is on this basis that it is considered that the potential trip generation and associated traffic impact of the proposed development would be negligible.*

The supporting data table at para 5.4 Table 5.2 identifies a total of 341 total vehicular movements 07:00 – 19:00; Am peak total 29 vehicles; pm peak Total 31 vehicles. OGV Trips are identified as total of 19 07:00 -19:00 hours; 2 in the am peak and 2 in the pm peak.

The TS also assessed parking requirements based on the proposed floor space; land use type and Wiltshire Standards and identified a requirement of 6 parking spaces for the B1 office element of the scheme and 17 spaces for the B8 element. In addition requirements for 2 motorcycle parking spaces and 14 cycle parking facilities were also identified.

As noted above Highways officers requested further detail in respect of these submissions in the context of existing operations, and detailed plans showing the parking layout as proposed. Plans were submitted to address this and further clarification detail as to traffic generation was submitted as follows:-

Business operations and HGV movements

The trip generation predictions set out in the Transport Statement (TS) were based on trip rates obtained from the TRICS database as set out in Chapter 5 of the TS. As requested, additional information has been obtained from SW Group Logistics in respect of its business operations and associated HGV movements as set out below:

Current situation

1. 28 round trips per week between Swindon and Chelworth, this is down from 50+ 6 months ago as a result of a major long term Customer setting up their own warehouse operation in Swindon which resulted in considerably reduced handling and transport activity at our warehouse because we now store bulk raw materials for them rather than “strategic” production material. Typically we previously operated 6 round trips per day for this customer now an average of 1.

2. We move an average of 2 trailer loads per day from Chelworth to our Distribution centre in Swindon.

3. Vehicles are mainly Articulated some 18 tonne rigids and no small vehicles, vans etc.

Anticipated Situation

1. Our use of the new building will be purely as a storage and processing facility, as now. Our Cheney Manor, Swindon site acts as a Southern Distribution depot for our transport operation with the central hub being our depot in Telford where some 70% of our overnight distribution volume is generated.

2. The new building has been designed with 4 loading bays, this is for purely operational efficiency reasons in that we will drop empty or loaded trailers onto bays to be processed as required, the tractor unit will then be deployed elsewhere while the trailers are loaded/unloaded.

3. Movement between the new building and the existing one will be minimal and may involve the odd forklift using the rear service road, we do not envisage any movement using the Public Highway.

4. The lack of space at our existing Chelworth warehouse causes us to use offsite overspill storage in Swindon which then requires transfer to Chelworth for processing thus creating additional transport, this will be eliminated with the new building.

5. As previously mentioned our Head Office, Workshop and Southern Distribution Centre are all based at Cheney Manor, Swindon and we do not anticipate that this will change at any time for operational reasons.

6. It is worth noting that whilst we trade as SW Group Logistics Ltd. an overnight next day distribution company our warehouse activity is to all intents and purposes a separate entity where storage and processing are its principal source of revenue with transport activity as a secondary and minor part of the overall operation.

As set out in the Transport Statement, the proposed building is to complement the existing business operation with the intention of making operational efficiencies. The pertinent points from the above are:

- The current operation generates 28 HGV round trips, which is 56 total HGV movements (28 arrivals + 28 departures = 56 total movements) per week or 11 total HGV movements a day (56 movements ÷ 5-days = 11 movements per day). The current operation therefore generates on average around 1 HGV movement per hour based on a 12-hour day.
- The current operation relies on off-site overspill storage in Swindon which then requires transfer to Chelworth for processing generating additional movements, which would be eliminated with the new building.

It is on this basis that SW Group Logistics anticipates that its use of the new building would not result in a material change in the number of HGV movements to/from Chelworth Industrial Estate and would result in a reduction in movements on the wider highway network through operational efficiencies.

On the basis of this clarification of detail in relation to the specific site operation and the additional plans providing parking layout details within the site layout plans in accord with identified requirements, Highways Officers raised no objection subject to conditions. The conditions to address detailed access requirements including adequate visibility splays; implementation of proposed parking provisions; and submission and agreement of a travel plan.

It is noted that the Town Council has raised objections on the basis of potential impacts to local highways conditions through traffic generation from the development. In this context policy TT1 of the CNS is also relevant in that it states that proposal for industrial and commercial development will be supported where traffic movements generally and HGV movements in particular can be satisfactorily accommodated on the strategic and local highway networks. Given the identified volume of traffic generated and the Highway officer's representation of no objection, alongside the use of the travel plan condition, it is considered that this position is confirmed and traffic can be satisfactorily accommodated on the highway network. It is not considered that projected traffic volumes are such that the development would result in adverse impacts of a severe cumulative nature that could under NPPF guidance para 32, CP61 WCS & TT1 CNS justify a refusal on this basis. It is also material to note the previous grants of consent at the site.

Drainage Impact

As noted above the site has some degree of sensitivity and constraint in respect to the water environment and drainage. Given the limited information submitted with the application initially in this respect and the scale of development proposed drainage officers sought additional information submissions.

The applicant has responded in full with a comprehensive flood risk assessment (FRA) detailing proposals for the drainage of the development proposal at the site. The assessments, mitigation proposals and conclusions are identified as follows:-

7.1.1 The site is classified as greenfield and is currently used for vehicle parking.

7.1.2 The proposed development consists of a new warehouse with associated hardstanding for heavy vehicle loads.

7.1.3 Surface water run-off will be drained using sustainable drainage methods, including permeable paving. Roof, access and hardstanding drainage will be discharged to the existing ditch network via a restricted outfall from site. Discharge rate will be limited to $Q_{bar} 2.3l/s$ in accordance with LLFA recommendations.

7.1.4 Attenuation shall be provided via on site pond/dry basin or underground storage device for storms up to and including the 100 year plus climate change event.

7.1.5 A full maintenance regime will be implemented at detailed design stage and will provide input into the operation and maintenance manual (O&M).

7.1.6 The proposal is considered to accord with the requirements of the National Planning Policy Framework (NPPF) with residual risk to the site fully mitigated, and as such considered low risk.

7.1.7 Given the information provided, it would appear that the proposed development can be achieved within the constraints and guidance as set out in all relevant standards, with matters relating to surface water design and SuDS safeguarded by planning conditions.

Additionally that:-

- It is agreed to 1 in 30 year event for the design of the pond and all other events up 1 in 100yr plus climate change retained on site.*
- The 1 in 100 year would normally cater for car parking and external areas.*
- Given the design has a lower level loading area and access to it we recommend the pond caters for the 1 in 100yr plus climate change volumes. We intend for an overflow for exceedance beyond this event with routes out to the front ditch.*
- Team 4 will be making a foul drainage consent application.. This should not hold up the planning approval for the drainage.*

On this basis the Council's Drainage Officers raise no objections. Given the comment from the FRA listed as 7.1.7 above standard conditions for surface and foul drainage are proposed.

As such it is considered that the proposals accord with and meet the requirements of WCS CP61 and NPPF para 17 & 103.

CNP Policy H8 addresses drainage matters in relation to new development in the plan area. Whilst the policy is contained within the housing section of the plan it does not refer exclusively to housing development and instead states that proposals for new development will be required to demonstrate that they will not increase the risk of flooding within the site or surrounding area. The policy goes on to identify that support will be given to sustainable urban drainage systems and measures where it is identified that such proposals will be

effective in preventing flooding and surface water run off. Given the findings of the submitted FRA and related mitigation measures alongside the Drainage team's position of no objection and the use of conditions it is considered that the provisions and requirements of this policy are addressed satisfactorily.

Ecological Impact

The Council's Ecologist was consulted in respect of the scheme proposals given the historic records of protected species in the locality. However, given the existing site conditions officers raised no concerns, considering that the site was highly unlikely to support any of the identified protected species. In this context it is also material to note the previous grants of consent at this site and in the adjoining locality.

Impact on the Character and Appearance of the Locality

As is identified in the site description the site is already subject to some level of use and development in terms of hard surfacing and stationing of a number of large scale vehicles. The site is also situated adjacent to existing large scale buildings and is screened at the boundary adjoining Braydon Lane by a bund and mature boundary vegetation. Other boundaries also feature fencing treatments and some level of self seeded mature vegetation. In this context the site is relatively well screened and self contained and is characterised by some level of usage. It does not appear visually as open countryside or agricultural land. Consequently the impact of the erection of the proposed warehouse and parking areas on the locality is considered to be minimised. It is also considered that this can be further mitigated by the use of conditions requiring the submission and approval of details for boundary treatments and the control of external lighting and hours of operation.

As such it is considered that the proposal do not conflict with the provision and requirements of WCS CP51, CP57 and NPPF para 17.

Other matters

Given existing use of the site and adjoining land, previous consents and constraints records for the locality alongside the proposed use of the site Public Protection officers identified potential issues in respect of possible ground contamination and recommended site investigations prior to the commencement of development via the use of condition. This is considered reasonable and necessary and the condition is proposed.

10. Conclusion

Whilst the proposed development is not within a defined settlement; defined principle employment area and is not allocated for development it does meet the requirements of WCS CP34 (i) being for the expansion of an existing business in a location adjacent Cricklade which is a defined local service centre. The proposals accord with other provisions of CP34 in particular (iv, vi, viii and ix) and in this context is considered to accord with the provisions of the plan in terms of the principle of development as an exceptions site. The proposals do not conflict with and are considered to accord with the principle policy of the Cricklade Neighbourhood Plan relating to this specific location, that being B5. In these respects the development is considered to be acceptable in principle.

In this context it is also material to note that the site has been the subject of several previous consents for similar forms of development whilst being situated directly adjacent other existing similar uses; and again sites that have also been the subject of multiple previous consents.

Subject to the use of conditions and on site mitigation the proposal is seen to raise no site specific harmful impacts in terms of drainage, highways and access, ecology or landscape and visual impact such that consent ought to be refused on this basis. Given location and proximity to neighbouring existing uses development would raise no issues in relation to residential amenity. In this context the proposals are seen to accord with the relevant policies of the development plan both in terms of the Wiltshire Core Strategy and Cricklade Neighbourhood Plan; and in terms of national guidance contained within the NPPF.

The proposals will result in economic benefits in terms of job creation and the enhancement and expansion of an existing local business. The proposed development is not subject to objections from local residents and interested third parties adjacent the site.

In summary the proposals result in benefits and do not conflict with national or development plan policies and therefore in accordance the guidance contained in paragraph 14 of the NPPF consent should be granted.

RECOMMENDATION

Approve subject to conditions

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

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

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

Design and Access Statement
Existing Site location Plan
Elevation and Section Proposed TA 16 071 36 REV A
All Received 08/08/2017

Site Location Plans; TA 16 071 20 REV A
Received 5/9/2017

Proposed Site Access Arrangements T344/1
PFA Consulting Transport Statement December 2017
Received 15/02/2018
(TA Addendum Statement Received 05/04/2018)

Site Location Plan Proposed TA 16 071 30 REV A
GF Warehouse and Ground & first Floor Office Proposed Plans TA 16 071 35 REV B
Site Plan TA 16 071 31 REV A
Received 20/04/2018

Flood Risk Assessment BR-533-0005 REV A May 2018
Received 14/05/2018

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

3. The development hereby permitted shall not, at any time, be subdivided into a larger number of units.

REASON: To enable the Local Planning Authority to consider individually whether planning permission should be granted for additional units on the site.

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), the site shall be used solely for purposes within Class(es) B8 Warehouse and B1 Ancillary Office 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 class(es), having regard to the circumstances of the case.

5. The development hereby permitted shall not be brought into use until a plan showing the precise location of any areas of open storage and specifying a maximum height of open storage within such area(s) has been submitted to and approved in writing by the Local Planning Authority. No materials, goods, plants, 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 on the site outside the approved storage area, or above the height agreed as part of this condition.

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

6. The B8 Warehouse use hereby permitted shall only take place between the hours of [06:00 hours in the morning and 18:00 hours in the evening) from Mondays to Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.

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

7. 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 2.4metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 120metres in both directions from the centre of the access in accordance with the approved plans (Proposed Site Arrangements, numbered T344/1). 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.

8. No part of the development hereby approved shall be first brought into use until the parking area 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.

9. No part of the development hereby permitted shall be first brought into use until the access (Proposed Site Arrangements, numbered T344/1), turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

10. 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.

11. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interests of residential amenity.

12. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: In the interests of residential amenity and the environment and air quality.

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

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination (including asbestos) 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 must be produced. The report should demonstrate the effectiveness of the remedial works.

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

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

Step (vi) Long Term Monitoring and Maintenance:

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

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

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

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

14. The construction of the Warehouse Building hereby permitted shall not commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first 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.

15. The construction of the Warehouse Building hereby permitted shall not commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be first brought into use 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.

16. No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

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

17. 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.

INFORMATIVES TO APPLICANT:

18. 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. 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.
20. 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.

21. 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.

Appendices:

Background Documents Used in the Preparation of this Report:

Wiltshire Core Strategy
Cricklade Neighbourhood Plan
National Planning Policy Framework
Planning Practice Guidance

17/07724/FUL

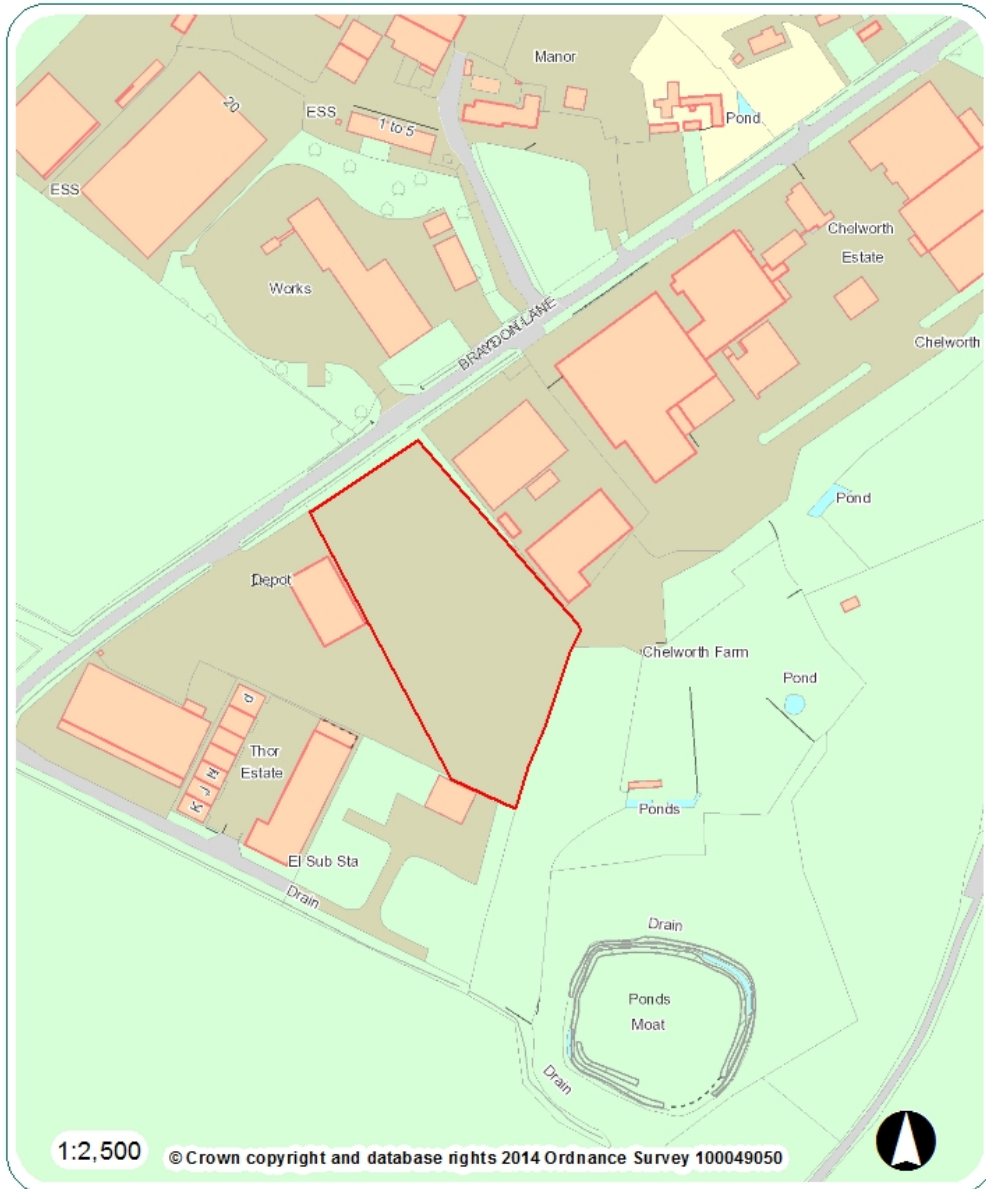
Land Adjacent to SW Group Logistics
Braydon Lane

Chelworth Industrial Estate

Cricklade

Wiltshire

SN6 6HQ



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