

# AGENDA

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**Meeting:** Eastern Area Planning Committee  
**Place:** Wessex Room, Corn Exchange, Market Place, Devizes SN10 1HS  
**Date:** Thursday 28 March 2019  
**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Tara Shannon, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

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

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## Membership:

Cllr Mark Connolly (Chairman)	Cllr Peter Evans
Cllr Paul Oatway QPM (Vice-Chairman)	Cllr Nick Fogg MBE
Cllr Ian Blair-Pilling	Cllr Richard Gamble
Cllr Stewart Dobson	Cllr James Sheppard

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## Substitutes:

Cllr Ernie Clark	Cllr Jerry Kunkler
Cllr Anna Cuthbert	Cllr Christopher Williams
Cllr George Jeans	Cllr Graham Wright

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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 - 40*)

To approve and sign as a correct record the minutes of the meeting held on 31 January 2019.

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 21 March 2019 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 25 March 2019. 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 **Items**

To consider and determine the following items:

### 6a **Wildlife and Countryside Act 1981 - The Town and Country Planning Act 1990 Section 257 - The Wiltshire Council Marlborough 30 Diversion and Definitive Map and Statement Modification Order 2018 (Pages 41 - 68)**

To recommend that the Order be abandoned and withdrawn from consideration by the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA) as the Order no longer meets the legal tests for confirmation.

## 7 **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***

## **EASTERN AREA PLANNING COMMITTEE**

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### **MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 31 JANUARY 2019 AT WESSEX ROOM, CORN EXCHANGE, MARKET PLACE, DEVIZES SN10 1HS.**

#### **Present:**

Cllr Mark Connolly (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Ian Blair-Pilling, Cllr Stewart Dobson, Cllr Peter Evans, Cllr Richard Gamble and Cllr James Sheppard

#### **Also Present:**

Cllr Jane Davies, Cllr Phillip Whitehead

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#### **1. Apologies**

Apologies were received from Cllr Nick Fogg MBE.

#### **2. Minutes of the Previous Meeting**

The minutes of the meeting held on 29 November 2018 were presented for consideration, and it was:

#### **Resolved:**

**To approve and sign as a true and correct record the minutes of the meeting held on 29 November 2018.**

#### **3. Declarations of Interest**

There were no declarations of interest.

#### **4. Chairman's Announcements**

The Chairman announced that as there was a yellow weather warning in force and as snow was forecast we would keep an eye on the weather. If necessary he would cancel the meeting so that people could get home safely.

#### **5. Public Participation**

The rules on public participation were noted.

6. **Planning Appeals and Updates**

The report on completed and pending appeals was presented for consideration.

**Resolved:**

**To note the updates.**

7. **Planning Applications**

The following planning applications were considered.

8. **18/07283/FUL - Land at St Marys Close, Potterne, Wiltshire - APPLICATION WITHDRAWN**

The Chairman announced that application 18/07283/FUL, Land at St Marys Close, Potterne, Wiltshire, had been withdrawn by the applicant after publication of the agenda.

9. **18/06977/FUL - Land at Uphill, Friars lane, Urchfont, SN10 4SA**

**Public Participation**

Mr Malcolm Smith, spoke in objection to the application

Mr Jim Stevenson, spoke in objection to the application.

Ms Nicola Sage, spoke in objection to the application.

Ms Jenny Holt, spoke in support of the application.

Mr Kieren Dobie, Agent, spoke in support of the application.

Mr Richard Cosker, Design Team, spoke in support of the application.

Cllr Trevor Hill of Urchfont Parish Council spoke in objection to the application.

Senior Conservation/Planning Officer Morgan Jones, introduced a report which recommended that the application for the erection of 8 dwellings together with associated works be granted subject to conditions and a section 106 legal agreement.

The application had been amended to reduce the number of dwellings from nine to eight. These dwellings would be served by a single point of access at the south-west corner of the site onto Friars Lane. Two of the eight dwellings would be affordable housing. This figure met the requirement of policy H3 of the Urchfont, Wedhampton and Lydeaway Neighbourhood Plan (UWLNP) which required 30% of the development to be affordable housing. It was noted that there had been a mistake in section 8.92 of the agenda report, where it should read 2 affordable homes rather than 3.

Key details were stated to include the following:

Highway safety had been raised as an issue. However, the Highways Authority were happy with the layout of the development. The plans had been amended to include a footpath at the front of the scheme, so one of the issues raised by the parish council had been addressed. However the parish council were also

concerned about increased vehicle movements and their effect in particular on Crooks Lane and the access to the B3098. The Highways Authority recognised that Crooks Lane was narrow in places, but felt that it was sufficient to cope with a development of the proposed scale. Landscape impact was also considered an issue by objectors.

The development was considered to be of an appropriate design and layout and to meet the need for affordable housing identified in the UWLNP on this allocated site.

Members of the Committee then had the opportunity to ask technical questions of the officer. In response to a question regarding whether the proposed estate road would be adopted by Wiltshire Council, the officer stated that the Highways Authority would not be looking to adopt this road. However, if the application were to be approved, the section 106 legal agreement would secure a scheme for the management and ownership of the estate road. In response to a question regarding protecting significant parcels of agricultural land the officer explained that as this site had been allocated for residential development in the UWLNP, these issues would have been looked at during the allocation process.

Members of the public then had the opportunity to present their views to the committee as detailed above.

The unitary division member, Cllr Philip Whitehead, spoke in objection to the application. Cllr Whitehead explained that the main reason he called this application in to the planning committee was because of the access to the site via Crooks Lane, stretches of which he felt were very narrow and would exacerbate the existing problem with traffic on this road. He stated that although the land had been allocated in the neighbourhood plan this did not mean that the Highways Officer should be unable to object. Locals felt that the road was not safe. Cllr Whitehead had spoken to a local farmer regarding the implementation of a footpath over his land which might help to mitigate the impact, and the farmer seemed willing to discuss the matter. Therefore he felt that unless mitigation measures could be secured, the application should be rejected.

In response to public statements the Highways Officer stated that there was no objection from the Highway Authority.

Cllr Mark Connolly proposed a motion to grant planning permission with conditions and a section 106 agreement as per the officer recommendation. This was seconded by Cllr Ian Blair-Pilling.

A debate followed where key issues raised included the access to the site via Crooks Lane. It was noted that in the UWLNP, Policy TIC1 – Local Traffic and Movement, stated that developments would need to provide the necessary road infrastructure required as a result of, and to support, the development including access to the B3098 where appropriate. However, it was noted that underneath this policy was a qualifying statement, stating that highway improvements were a community aspiration and therefore could not be insisted on. It was stated that

the parish council should have acknowledged this. The local farmer was willing to discuss a footpath and there would also be Community Infrastructure Levy (CIL) monies available. Some felt that implementing a footpath as suggested was the responsibility of the parish council. It was also suggested that the Community Area Transport Group (CATG) may be able to help with this. If able to implement a new footpath this would also be of benefit to the residents of nearby Foxley Fields.

Other issues raised included the number of affordable homes on the site, as there were now only two affordable homes included in the scheme. However, it was noted that this met the 30% requirement.

It was suggested that it may be possible to amend the motion being discussed to add a condition that would ensure the implementation of the footpath. However, after discussion with planning officers it was determined that this could not be added as a condition due to ownership issues. However, it would be possible to add an informative.

Therefore, Cllr Connolly proposed an amendment to the motion, which was to add an informative suggesting that the parish council work with CATG to try and address the footpath issue. The final wording of the informative would be delegated to officers. This was seconded by Cllr Stewart Dobson. It was;

**Resolved:**

To amend the motion as proposed.

At the conclusion of the debate it was;

**Resolved:**

**To grant planning permission with the following conditions and a section 106 agreement, as per the officer recommendation, with the addition of an informative, suggesting that the parish council work with CATG to try and address the footpath issue. The final wording of the informative would be delegated to officers.**

**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 documents and plans:**

- **Drawing no.BDS-01-18. Title. Topographical Survey, received 24.07.18;**



- Drawing no. 01-01-Existing B&L Rev.A. Title. Existing Block & Location Plan, received 24.07.18;
- Drawing no.04-04-Proposed B&L Title. Proposed Block & Location Plan, received 17.12.18;
- Drawing no.04-03-Proposed Site Plan Rev.A. Title. Proposed Site Plan, received 15.01.19;
- Drawing no. 04-07-Boundary & Hard Landscape Plan Rev.A. Title. Proposed Boundary & Hard Landscape Plan, received 15.01.19;
- Drawing no. 04-08-Site Section Rev.A. Title. Proposed Site Section, received 15.01.19;
- Drawing no. 04-09-Vision Splay. Title. Proposed Vision Splay
  
- Drawing no. 02-01-Plot 1 - Three Bed Bungalow. Title. Proposed Ground Floor Elevations, Section & Rood Plan & Block Plan, received 24.07.18;
- Drawing no. 02-02-Plot 2 - 3 Bed Detached Rev.B. Title. Proposed Ground Floor & First Floor Plan, Elevations, Section & Roof Plan, Block Plan, received 24.07.18;
- Drawing no. 02-03-Plot 3 - 3 Bed Detached Rev.B. Title. Proposed Ground Floor & First Floor Plan, Elevations, Section & Roof Plan & Block Plan, received 24.07.18;
- Drawing no. 02-04-Plot 4 - 4 Bed Detached Rev.B. Title. Proposed Ground Floor & First Floor Plan, Elevations, Section & Roof Plan & Block Plan, received 24.07.18;
- Drawing no. 02-05-Plot 5 - 4 Bed Detached Rev.B. Title. Proposed Ground Floor & First Floor Plan, Elevations, Section & Roof Plan & Block Plan, received 24.07.18;
- Drawing no. 04-02-Plot 6 & 7 - Semi Detached Rev.A. Title. Proposed Ground Floor & First Floor Plan, Elevations, Section, Roof Plan & Site Plan, received 15.01.19;
- Drawing no. 04-01-Plot 8 – 3 Bed Detached. Title. Proposed Ground Floor & First Floor Plan, Elevations, Section & Roof Plan, received 17.12.18;
  
- Drawing no. 02-08-Plot 2 – Single Bay Garage / Rev A.. Title. Proposed Single Bay Garage, received 17.12.18;
- Drawing no. 02-09-Plot 3 – Single Bay Garage / Rev A.. Title. Proposed Single Bay Garage, received 17.12.18;
- Drawing no. 02-10-Plot4 – Double Bay Garage. Title. Proposed Double Bay Garage, received 24.07.18;
- Drawing no. 02-11-Plot5 – Double Bay Garage. Title. Proposed Double Bay Garage, received 24.07.18;
- Drawing no. 04-06-Plot 8 – Single Bay Garage. Title. Proposed Single Bay Garage, received 17.12.18;
- Drawing. 04-10-Brick Wall Detail. Title. Proposed Brick Wall Detail, received 15.01.19;
  
- Document. Urchfont – Material Schedule – Rev B, received 17.12.18;

- Document. External Facing Materials Schedule Plot 1, received 24.07.18;
- Document. External Facing Materials Schedule Plot 2 + Garage, received 24.07.18;
- Document. External Facing Materials Schedule Plot 3 + Garage, received 24.07.18;
- Document. External Facing Materials Schedule Plot 4 + Garage, received 24.07.18;
- Document. External Facing Materials Schedule Plot 5 + Garage, received 24.07.18;
- Document. External Facing Materials Schedule Plot 6 & 7, received 17.12.18;
- Document. External Facing Materials Schedule Plot 8 + Garage (3 Bed), received 17.12.18;
  
- Document. Construction Traffic Management Plan (Technical Note - 6350/01. Issue no.2) by Cole Easdon Consultants, received 24.07.18.
- Document. Landscape and Visual Appraisal (January 2019) (ref 18.756) by WHLandscape landscape architecture & arboriculture, received 15.01.19;
- Document. Planting and Maintenance Detail (January 2019) (ref 18.756) by WHLandscape landscape architecture & arboriculture, received 15.01.19.

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

**3** No development shall commence within the application site until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

**REASON:** The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

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

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

**NOTE:** In order to satisfy the condition full details of the proposed surface water drainage scheme, as indicatively shown on drawing no.6350/501 within the Drainage Statement (Technical Note - 6350/02. Issue no.2) by Cole Easdon Consultants, will be required.

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

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

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

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

**7** No railings, fences, gates, walls, bollards and other means of enclosure development, other than those shown on the approved plans, 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.

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

**8** 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 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.

**9** 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 dwellings 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.

**NOTE:** The approved soft landscaping is shown on Figure number: 'Fig.5 (18.756) Rev.A' within the Landscape and Visual Appraisal (January 2019) (ref 18.756) by WHLandscape landscape architecture & arboriculture.

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

**REASON:** In the interests of highway safety.

**11** No part of the development shall be occupied until a visibility splay has been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the point on the edge of the carriageway 43m metres to the east, and a 2.4m clear set back to the west to afford visibility of the junction. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

**REASON:** In the interests of highway safety.

**12** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslopes of the development hereby permitted.

**REASON:** In order to protect the design and character of the development and in the interests of residential amenity and privacy.

**13** 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 garages hereby permitted shall not be converted to habitable accommodation.

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

**14** The mitigation and enhancement measures to protect and enhance the habitat of the site as detailed in Section 6 of the approved Habitat & Protected Species Survey (16 July 2018) by Malford Environmental Consulting shall be carried out in full prior to the first bringing into use/ occupation of the development and/or in accordance with the approved timetable detailed in the Ecological Assessment.

**REASON:** To mitigate against the loss of existing biodiversity and nature habitats.

**15** **INFORMATIVE TO APPLICANT:**

The attention of the applicant is drawn to the contents of the consultation response from Wessex Water (dated 16.08.18 / ref KT/SU05NW/ 133) which can be seen on the Council website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

**16** **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](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).

**17** **INFORMATIVE TO APPLICANT:**

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

the (to be confirmed should there be a resolution to grant planning permission)

**18 INFORMATIVE TO APPLICANT:**

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

**19 INFORMATIVE TO APPLICANT:**

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

**20 INFORMATIVE TO APPLICANT:**

The applicant / developer is advised to take every opportunity to provide new, or enhance, footpath facilities between the application site and the centre of the village and / or the B3098 through engagement and negotiation with the Parish Council and local landowners.

10. **18/10309/FUL - Old Manor Farm Yard, Old Manor Farm, Chandlers Lane, Bishops Cannings, SN10 2JZ**

Public Participation

Mr Richard Cosker, RCC Town Planning, spoke in support of the application.

Mr Anthony Heath, Architect, spoke in support of the application.

Mr James Robson, spoke in support of the application.

Senior Conservation/Planning Officer Morgan Jones, introduced a report which recommended that the application for the demolition of agricultural buildings and erection of two detached dwellings and associated works be refused.

Attention was drawn to two late representations, one from Bishops Cannings Parish Council who stated they had no objection to the application and a third party letter of support for the application.

Plans and photographs were shown to the meeting and key details were stated to include the following:

The site was comprised of former agricultural buildings associated with Old Manor Farm. The Old Manor Farmhouse itself, which was Grade II Listed, lies to the south of the site and was within the applicant's ownership. The Farmhouse had been damaged by fire but planning permission and listed consent had been granted for all of the dwelling to be rebuilt. The whole site lies within the Bishops Cannings Conservation Area and the North Wessex Downs Area of Outstanding Natural Beauty.

Key issues for consideration were stated to be the principle of development; design and impact on heritage assets & landscape character; ecological impact; and the impact on highway safety.

The Wiltshire Core Strategy (WCS) and Devizes Area Neighbourhood Plan (DANP) classed Bishops Cannings as a small village. Therefore it did not have a defined 'limits of development'. However, 'infill' was allowed if it met the housing needs of the settlement. Infill was defined as 'the filling of a small gap within the village that it is only large enough for not more than a few dwellings, or generally only one dwelling'. The site was on the periphery of the village and therefore the planning officer felt that it would not represent infill. This was one of the reasons the application was recommended for refusal.

It was stated that the conservation officer felt that the proportions of dwelling 1 were too large. As it was close to the Grade II listed farm house it would compete visually with it, rather than appearing as a subservient ancillary building. It was also stated that the overall scheme would harm the setting of the listed building and the character and appearance of the conservation area. This was another reason that the application was recommended for refusal.

Members of the public then had the opportunity to present their views to the committee as detailed above.

The unitary division member, Cllr Philip Whitehead, spoke in support of the application. Cllr Whitehead felt that this site was central in the village and therefore the new dwellings would represent infill. The current agricultural buildings were ugly and deteriorating in condition, causing a blight on the village. The applicants had stuck to the pre-application advice on the design of the dwellings and therefore felt it was upsetting that the conservation officer had not chosen to support the application. Therefore Cllr Whitehead felt that the application should be supported.

Cllr Stewart Dobson proposed a motion to grant planning permission with conditions, the wording of which would be delegated to officers. This motion went against the officer recommendation. This was seconded by Cllr Paul Oatway.

A debate followed where the following issues were raised.

The buildings had been designed sympathetically and fit the environment. They looked similar to the buildings they were replacing and would improve the appearance of the site. The yard was no longer a working farmyard, small farms were now defunct and needed regenerating. In this case the old and useless would be replaced with new and useful. Some councillors felt that some of the policy needed updating. Whilst they understood that officers had to work within the policy it could be taken to extremes. Some councillors felt that the application proposal comprised infill whilst others felt it was not.

At the conclusion of the debate it was;

**Resolved:**

**That planning permission be granted with conditions (the final wording of the conditions would be delegated to officers).**

**Reason:**

**The application could be classed as infill as defined in the WCS and therefore was acceptable in principle. The new buildings would not have a harmful impact on the setting of the listed building or the character and appearance of the site and conservation area.**

- 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 documents and plans:**
  - Document. Planning Statement (October 2018) by RCC Town Planning;**
  - Document. Preliminary Ecological Assessment & Phase 2 Bat Surveys (July 2018) by Gareth Harris Ecology & Conservation;**
  - Document. Tree Survey, Arboricultural Impact Assessment and Tree Constraints Plan (ref 18.781) by WHLandscape;**
  - Drawing no.3439-01 (Plans & Elevations for New Dwelling 1 [showing Location Plan, Block Plan, & Proposed Site Plan]);**
  - Drawing no.3439-02 (Plans & Elevations for New Dwelling 1);**
  - Drawing no.3439-03 (Plans & Elevations for New Dwelling 2);**
  - Drawing no.3439-04 (Diagram for Yard Access Visibility Splays);**
  - Drawing no.19119-200-01 RevD [showing existing site / topographical plan].**

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

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

**REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development**



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

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

**REASON:** The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable

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

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

6. No railings, fences, gates, walls, bollards and other means of enclosure development, other than those shown on the approved plans, 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.

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

7. 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 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.

8. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and

approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;
- A schedule of tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.
- In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.
- Subsequently and until the completion of all site works, site visits should be carried out on a regular basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

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

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

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

**REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.**

- 10. 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 dwellings 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.**

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

**REASON: In the interests of highway safety.**

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

**Reason: In the interests of highway safety**

**13. 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 roofslopes of the development hereby permitted.**

**REASON: In order to protect the design and character of the development and in the interests of residential amenity and privacy.**

**14. The mitigation and enhancement measures to protect and enhance the habitat of the site as detailed in Section 7 of the approved Preliminary Ecological Assessment & Phase 2 Bat Surveys (July 2018) by Gareth Harris Ecology & Conservation shall be carried out in full prior to the first bringing into use/ occupation of the development and/or in accordance with the approved timetable detailed in the Ecological Assessment.**

**REASON: To mitigate against the loss of existing biodiversity and nature habitats.**

**15. 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.**

**16. 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](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).

11. **18/08304/FUL - Garage site adjacent 22 Saxon Rise, Collingbourne Ducis, SN8 3HQ**

Public Participation

Ms Rachel Steer, RCC Town Planning, spoke in support of the application.

Senior Planning Officer, Morgan Jones, introduced a report which recommended that the application for the demolition of garages and erection of two dwellings and associated works be granted subject to conditions and the completion of a S106 legal agreement to secure off site public open space contributions.

Attention was drawn to updated comments from the Highways Officer. The report had stated that there would be a net loss of a car parking space. However, it was clarified that there would in fact be a net gain of 2 car parking spaces. Therefore, the Highways Officer was happy with the number of parking spaces being provided. It was also noted that parking provision could be withdrawn at any time by the applicant, Aster Group, as it was private land.

Key details were stated to include the following:

The application proposed the demolition of an existing garage block and the redevelopment of the site with a pair of semi-detached dwellings. The site was within the village of Collingbourne Ducis, which was defined as a large village. The site was within the defined 'limits of development' and the design and scale were deemed acceptable. There was limited impact on neighbour amenity. The main issues with the proposal were parking and the loss of green space/recreational land.

There would be a loss of a small amount of grass verge which was deemed public open space. This loss would be recompensed by a financial contribution via a section 106 legal agreement.

Members asked for clarification regarding the parking situation. In response the officer stated that the site currently had 10 open air parking spaces and 6 garages. However, only 3 of the garages were in use, hence the requirement to provide 13 new parking spaces. The 3 garage users had been offered garages in a nearby block. The application provided 12 open air parking spaces, which brought the total of spaces to 15, resulting in the net gain of 2 parking spaces.

Members of the public then had the opportunity to present their views to the committee as detailed above.

The unitary division member, Cllr Ian Blair-Pilling, spoke in objection to the application. Cllr Blair-Pilling had called the application in as he was aware there

was strong feeling within the community currently living in Aster Group homes regarding parking spaces. Therefore he felt that the matter should be aired publically. Although it was noted that the number of parking spaces provided had changed.

Cllr Mark Connolly proposed a motion that the application should be granted with conditions and the completion of a S106 legal agreement to secure off site public open space contributions, as recommended by the Planning Officer. The proposal was seconded by Cllr Paul Oatway, QPM.

A debate followed where the following issues were discussed:

Some members stated that whilst the application met with policy, they were not sure that it met the needs of the community. It was felt that the applicants had not approached the situation well. Members wished that Aster Group had attended the meeting. Aster Group were urged to consider their conduct and adhere to their ethical policies and statements.

At the conclusion of the debate it was;

**Resolved:**

**That planning permission be granted subject to the following conditions and the completion of a S106 legal agreement to secure off site public open space contributions.**

- 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:**

**Application Form & Certificate**

**Ref: Location\_1775 planning.dwg – Location Plan. Received – 30.08.2018**

**Ref: Location Plan. Received - 15.01.2019**

**Ref: P1\_1775 planning A.dwg – Proposed Scheme. Received – 16.10.2018**

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

- 3. No development above slab level shall continue 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:** In the interests of visual amenity and the character and appearance of the area.

4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
  - location and current canopy spread of all existing trees and hedgerows on the land;
  - full details of any to be retained, together with measures for their protection in the course of development;
  - finished levels and contours;
  - means of enclosure;
  - car park layouts;
  - other vehicle and pedestrian access and circulation areas;
  - 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.

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

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

6. No dwelling hereby approved shall be first occupied until the parking spaces together with the turning provision and access thereto, have been provided in accordance with the approved plans.

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

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

7. 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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the eastern elevation of the development hereby permitted.

**REASON:** In the interests of residential amenity and privacy.

8. No development shall commence on site until a scheme for the discharge of foul drainage from the site including details of how it will be implemented to ensure it results in a sealed system, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul drainage system has been constructed in accordance with the approved scheme.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained and that no groundwater enters the foul water drainage system within the site.

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

**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.

11. **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](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy) .

**12. INFORMATIVE TO APPLICANT:**

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

**13. INFORMATIVE TO APPLICANT:**

The applicant's attention is drawn to the comments received from Wessex Water with regard this application in their letter dated 17.09.2018.

**12. 18/09811/FUL - Stables Cottage, Lower Chute, SP11 9DX**

Public Participation

Mr John Pead, spoke in objection to the application

Ms Ann Rudland, spoke in objection to the application.

Ms Annie Griffiths, spoke in objection to the application.

Ms Stella Coulthurst, applicant, spoke in support of the application.

Mr Aaron Smith Agent, spoke in support of the application.

Cllr Jim Haines of Chute Parish Council spoke in objection to the application.

Cllr Sue Stock of Chute Forest Parish Council spoke in objection to the application.

Development Management Team Leader, Karen Guest, introduced a report which recommended that the application for the demolition of Stables Cottage and the erection of two dwellings with access and parking be granted subject to conditions.

Attention was drawn to an error in paragraph 2 of the officer report, which stated that Collingbourne Ducis Parish Council had objected. In fact, it was Chute Parish Council and Chute Forest Parish Council who had objected. It was also noted that at the request of third parties, councillors had been provided with a full copy of the wording of Wiltshire Core Strategy policy CP2 (Delivery Strategy), as this had not been copied out in full in the officer report. In particular, attention was drawn to the section on Outside the Defined Limits of Development and the criteria that sets out when infill development would be acceptable in small villages.

Key details were stated to include the following:

The site was situated in the main built-up parameters of the village of Lower Chute, which was defined as a Small Village by Wiltshire Core Strategy policies CP1, CP2 and CP26. The site was situated within the Chute Cadley/Lower Chute Conservation Area. Whilst there were listed buildings in the vicinity of the site, none were situated immediately adjacent to or on the site. The site was also within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The application proposed the demolition of the existing bungalow on the site and its replacement with two new one-and-a-half storey dwellings.

It was stated that the principle of development was acceptable and would constitute 'infill'. No objections had been raised by the conservation officer. It was stated that the application would not cause significant harm to neighbour amenity or highway safety, and that the ecologist had confirmed that the application would not cause harm to protected species.

Members of the public then had the opportunity to present their views to the committee as detailed above.

The unitary division member, Cllr Blair-Pilling, spoke in objection to the application. Cllr Blair-Pilling stated that he had called the application in due to strength of public opinion against it in the local community. Once again the principle of infill development was the crux of the matter. It seemed that there was a degree of interpretation involved in determining whether a development was infill as defined in WCS CP2 and different people came to different conclusions.

Cllr Mark Connolly proposed a motion that the application be granted with conditions as per the officer recommendation. The motion was seconded by Cllr Paul Oatway, QPM.

A debate followed where the following issues were discussed:

Cllr Oatway, QPM stated that he felt that development near the site was quite dense, rather than sporadic or loose-knit and therefore that the planning officer had been right to determine that the application constituted infill development.

Cllr Dobson felt that Plot 1 was far too near the road and that he could not understand why the footprint of the existing cottage was not used. Therefore he would not be supporting the current motion.

The Chairman stated that the Committee had to look at the application before them and determine the application on planning grounds.

At the conclusion of the debate it was;

**Resolved:**

**That planning permission be granted with 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:

**Application Form & Certificate**

Ref: 170127-01 A – Site & Location Plan. Received – 11.12.2018

Ref: 170127-03 – Design Scheme (Plot 2). Received – 25.10.2018

Ref: 170127-04 A – Street Scene. Received – 11.12.2018

Ref: 170127-05 – Design Scheme (Plot 1). Received – 20.12.2018

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

3. No development above slab level shall continue 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:** In the interests of visual amenity and the character and appearance of the area.

4. No development shall commence on site until full details of all eaves, verges, roof lights, windows (including head, sill and window reveal details), doors, porches, rainwater goods, chimneys, dormers and canopies 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/conservation area.

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

- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;

- 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.

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

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

7. 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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the north eastern or South western elevations of the development hereby permitted.

**REASON:** In the interests of residential amenity and privacy.

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

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

9. The development hereby approved shall be carried out in strict accordance to the recommendations set out in the submitted Lindsay Carrington survey report (updated October 2018).

**REASON: To ensure the protection and mitigate the impact for Protected Species**

- 10. No external lighting shall be installed on Plot 1 that is directed toward the retained garage**

**REASON: To ensure the protection and mitigate the impact for protected species and a known bat roost**

- 11. The development hereby permitted shall not be first occupied until the first five metres of the new access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The accesses shall be maintained as such thereafter.**

**REASON: In the interests of highway safety**

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

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

- 13. The new access hereby approved shall not be first brought into use until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.**

**REASON: In the interests of highway safety.**

**14. 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/communityinfrastucturelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastucturelevy).

**15. INFORMATIVE TO APPLICANT:**

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species Regulations 2010 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk) or visit the Bat Conservation Trust website.

**16. INFORMATIVE TO APPLICANT:**

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

At 5.20pm the Chairman temporarily adjourned the meeting for a comfort break. The meeting reconvened at 5.30pm.

**13. 18/08874/FUL - Hawthorn Farm, The Street, Marden, SN10 3RQ**

Public Participation

Ms Kate Fielden from the Campaign to Protect Rural England, spoke in objection to the application

Mr Richard Cosker from RCC Town Planning, spoke in support of the application.

Ms Sandra Lovell, Architect, spoke in support of the application.

Mr James Purves, Applicant, spoke in support of the application.

Cllr Julia Lloyd-Hughes of Marden Parish Council spoke in support of the application.

The Planning Officer Nick Clark, introduced a report which recommended that the application for the demolition of existing buildings in mixed-use and the construction of a single detached family dwelling be refused.

The officer read the definition of 'infill' to the committee as it was pertinent to the application. The definition stated that infill was 'the filling of a small gap within the village that was only large enough for not more than a few dwellings; generally only one dwelling. The development must also be within the built area of the village.

Key details were stated to include the following:

The site was not within the recognised Limits of Development of the village, was outside of the built area of the village and was not within a small gap. Therefore it could not be considered 'infill'. As such it would be contrary to WCS CP1, CP2 and Core Policy 18 of the Pewsey Community Area Strategy.

Consultation responses were summarised by the officer. There had been 10 letters of support from local residents and the parish council supported the application. The Conservation Officer, the Campaign to Protect Rural England and 5 local residents had objected to the application.

The officer stated that a redevelopment of the site that reflected the agricultural nature of the site and the character of the village may potentially be considered favourably. However, it was felt that the proposal was of excessive size and scale and that the Georgian design would be out of keeping. As such, it did not meet the requirement of WCS CP57 and CP58.

Therefore it was stated that the application was contrary to policy and as such it was recommended for refusal.

Members of the public then had the opportunity to present their views to the committee as detailed above.

The unitary division member, Cllr Paul Oatway, spoke in support of the application. Cllr Oatway thanked members for visiting the site. He stated that Hawthorn Farm was derelict, it would never farm again and the current buildings were an eyesore. The applicants were not developers but were active members of the village community who would live in the proposed dwelling. There was a unique mix of buildings in the vicinity of the site and it was not felt that the application would stand out. In fact the high quality design of the dwelling would meet with CP57.

Cllr Paul Oatway, QPM, proposed a motion to approve planning permission with conditions (against officer recommendation), with the final wording of the conditions delegated to officers. This was seconded by Cllr Stewart Dobson.

A debate followed where the main issues raised were:

If the application was just in a field then it would be unacceptable, however, it was noted that there were other buildings nearby. The issue seemed to be the scale and design of the dwelling, as even officers had stated that something more appropriate could be built there so it was hard to see how WCS CP1 and CP2 could be used to refuse the application. It was felt that as the site was large, a small building would be inappropriate.

It was stated that although officers had made the recommendation in accordance with policy, it was very hard to apply the policy consistently to different villages as they were all different in make-up. Some members stated they were surprised by the variety and number of large complimentary houses close to the site and thought that this application would complement the village.

Other members felt the proposed dwelling was too big and was out of context.

At the conclusion of the debate it was;

**Resolved:**

**That planning permission be granted with conditions (against officer recommendation), with the final wording of the conditions delegated to officers.**

**Reason**

**The application was felt to be 'infill' and as such was not contrary to WCS CP1 and CP2. The application was high quality design and therefore was not contrary to WCS CP57.**

- 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 drawings and documents:**
  - Location Plan (2677-000)**
  - Block Plan (2677-PR001)**
  - Topographic Survey (SU-01)**
  - Detail Floor Plans (SU-01)**
  - Elevations (SU-01)**
    - Ground Floor & First Floor Plans (2677-PR002)**
    - Attic Plan (2677-PR003)**
    - Proposed Front Elevation (North-West) (2677-PR004)**
    - Proposed Side Elevation (South-West) (2677-PR005)**
    - Proposed Back Elevation (South-East) (2677-PR006)**
    - Proposed Side Elevation (North-East) (2677-PR007)**



- Section A-A (2677-PR008)
- Section B-B (2677-PR009)
- Proposed Car Port (2677-PR010)
- Landscape Strategy (18.759)
- Protected Species Survey & Mitigation Strategy (13th September 2018)

#### **REASON**

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

3. The development hereby permitted shall not be carried out other than in full accordance with the requirements (including pre-demolition requirements) of the Mitigation and Enhancement Strategy as set out in the approved Protected Species Survey & Mitigation Strategy.

#### **REASON**

To ensure the protection of bats and birds affected by the development, in the interests of the biodiversity of the area.

4. i) No development of the new dwelling or car port shall commence above ground floor slab level until details of the following have been submitted to and approved in writing by the local planning authority:
  - a) external bricks,
  - b) the timber cladding and finish to be used on the exterior of the car port,
  - c) details of materials and finishes to be used in all soffits, fascias and bargeboards, and
  - d) detailing, materials and finishes to be used on the chimneys;

such details to include for example, written descriptions, product literature and photographic examples, and if requested, samples to be made available for inspection on-site.

- ii) The development shall not be carried out other than in accordance with the so-approved details.

#### **REASON**

In the interests of visual amenity and the setting of the adjoining conservation area and nearby listed buildings.

5. i) The materials, finishes, facing brick bond, mortar and detailing to be used in the development hereby permitted shall not be other than as shown and specified on the approved drawings.
- ii) Rainwater goods shall not be other than of cast metal construction with a painted black finish.

iii) Windows in the main body of the dwelling shall not be other than sash windows of timber construction with a painted finish.

iv) Windows and doors in the rear single storey of the dwelling shall not be other than of timber construction with a painted finish.

**REASON**

In the interests of visual amenity and the setting of the adjoining conservation area and nearby listed buildings.

Prior to first occupation of the development there shall have been submitted to and approved in writing by the local planning authority full details of all boundary treatments including details of any existing fences to be retained and the details of any new front gates.

**REASON**

In the interests of certainty and the rural character of the area and the setting of the Marden Conservation Area and nearby listed buildings.

6. i) All soft landscaping as detailed on the approved drawings shall be carried out in the first planting and seeding season following the first occupation of the building or the substantial completion of the development whichever is the sooner.

ii) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.

iii) Any trees or plants (including those shown to be retained on the approved drawings) 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, or as otherwise agreed in writing by the local planning authority.

iv) All hard landscaping as shown on the approved drawings and boundary treatments and gates as approved under the condition above shall be carried prior to first occupation of the development.

**REASON**

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in the interests of the rural character of the area and setting within the North Wessex Downs AONB.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions

or enlargements of any building forming part of the development hereby permitted.

#### **REASON**

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

8. i) 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.

ii) The so-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 North Wessex Downs AONB and to minimise unnecessary light spillage above and outside the development site.

14. **18/10206/FUL - Harestone House, Church Lane, East Kennett, SN8 4EY**

#### Public Participation

Mr Graham Kitchen, Warden of East Kennett Church, spoke in support of the application.

Mr Howard Waters, Agent, spoke in support of the application.

Cllr Leslie Jenkinson of East Kennett Parish Council spoke in support of the application providing the redevelopment was sensitive.

The Planning Officer Ruaridh O'Donoghue, introduced a report which recommended that the application for the proposed development of four dwellings, and the extension and alterations to the existing property known as Harestone House, with associated change of use of equine yard, removal of modern barn & stables, and the introduction of car parking and WC facilities for church visitors be refused.

Key details were stated to include the following:

East Kennett was a small village and as such was only suitable for 'infill' development. There were no listed buildings on the site however there was a mix of buildings, from modern stable blocks to historic buildings like Harestone House that could be considered to be significant unlisted buildings. The site was currently being unofficially used as a builders storage yard which was unsightly. The site was adjacent to the grade II listed building Christ Church. The site was within the Avebury World Heritage site and the AONB.

The proposal included 4 new dwellings and a large extension to Harestone House. As well as a change of use from an equine yard, the removal of modern stables and the introduction of toilet facilities for the church. All dwellings would utilise the shared access off Church Lane. The courtyard would also provide a parking area for the church, consisting of 10 parking spaces and a small footpath through to the church.

The officer stated that the harms of the scheme included the following. It could not be considered infill development as it was on the edge of the village (not the filling of a small gap) and was more than a few dwellings, and would therefore be contrary to WCS CP1 and CP2. The design was not deemed to meet the high standards required by CP57 of the WCS. It was also felt that the high density urban nature of the development would not preserve or enhance landscape character and therefore conflicted with WCS CP51.

However, it was noted that the scheme did have benefits. These were stated to include the dedicated parking for the church, which would reduce parking problems on Church Lane and the public benefit to the village of the proposed WC's. There was also a benefit to removing the current buildings on the site.

On balance the officer stated that it was not felt that the benefits outweighed the harm and therefore the scheme was recommended for refusal.

Members of the public then had the opportunity to present their views to the committee as detailed above.

The unitary division member, Cllr Jane Davies, spoke in support of the application. Cllr Davies stated that East Kennett was a small, vulnerable village that had no community facilities. The neighbouring church and the majority of the village supported the application. There was very little affordable housing in the village or smaller houses suitable for young families. Although none of the houses were designated as affordable housing, their smaller size would encourage young people into the village. There would be community benefits to having parking and WC's for the Church, which was the only place in the village that could be used as a community facility.

Cllr Richard Gamble proposed a motion to grant planning permission with conditions (against officer recommendation), with the final wording of conditions to be delegated to officers. This motion was seconded by Cllr James Sheppard.

A debate followed where the following issues were discussed.

Some members stated that this could be classed as 'infill' and as such it did comply with WCS CP1 and CP2. Others disagreed and felt that as there were four new properties being provided it could not be constituted as 'infill'.

Some councillors stated that the design was high quality and therefore did meet the requirements of WCS CP57. It would certainly constitute an improvement on

the modern stable blocks currently on the site. It was also a major public benefit to the village.

Most members stated that the public benefit was the issue here, the scheme would be of great benefit to the village. This included the benefit of the only community facility in the village having parking and WC's. Also the smaller size of the dwellings would make them more affordable. It was felt that this benefit outweighed any harm.

Other issues discussed included the scheme of parking shown in the application – concerns were raised that a parking space for one of the dwellings appeared to be directly outside one of the other dwellings bedroom windows. At the request of the committee this was clarified by the architect, who using slides from the earlier presentation explained the parking scheme and showed that this was not in fact the case.

At the conclusion of the debate it was;

**Resolved:**

**That planning permission be granted with conditions (against officer recommendation), with the final wording of conditions to be delegated to officers.**

**Reason:**

**The public benefit to the scheme was considered to outweigh any harm.**

- 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:**

- Application Form**
- Drg No. 17119.01-A - Site Location Plan**
- Drg No. 17119.02-C - Site Block Plan**
- Drg No. 17119.04-A - Site Layout & Sections**
- Drg No. 17119.05 - Plots 1-3: Plans and Elevations**
- Drg No. 17119.06 - Plot 4: Plans and Elevations**
- Drg No. 17119.07 - Harestone House**

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

**Within 3 months of the demolition of the existing buildings to be demolished on site, all of the materials and debris resulting there from shall be removed from the site.**

**REASON: In the interests of the character and appearance of the Conservation Area and the scenic qualities of the North Wessex Downs AONB.**

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

**REASON: To ensure that the development can be adequately drained as it is within a groundwater vulnerability zone.**

**5. No development shall commence on site above ground floor slab 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: In the interests of the character and appearance of the Conservation Area and the scenic qualities of the North Wessex Downs AONB.**

**6. No development shall commence on site above ground floor slab level until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies 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: In the interests of the character and appearance of the Conservation Area and the scenic qualities of the North Wessex Downs AONB.**

**7. All new windows and doors shall be flush fitting timber casements and maintained as such in perpetuity.**

**REASON: In the interests of securing high quality design, the character and appearance of the Conservation Area and the scenic qualities of the North Wessex Downs AONB.**

**8. All soft landscaping comprised in the approved details of landscaping (Fig 5 (18.794) contained within the LVIA) shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development whichever is the sooner; All 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 which is within the North Wessex Downs AONB.

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

**REASON:** In the interests of highway safety.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

**REASON:** In the interests of the character and appearance of the Conservation Area, the scenic qualities of the North Wessex Downs AONB, and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

**REASON:** In the interests of the character and appearance of the Conservation Area, the scenic qualities of the North Wessex Downs AONB.

12. The development hereby approved shall be carried out in strict accordance with the Ecological Assessment carried out by Malford Environmental Consulting dated 26th June 2018.

**REASON:** To mitigate against the loss of existing biodiversity and nature habitats.

**Excluding the demolition works hereby approved, no development shall commence within the area indicated (proposed development site) until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and**

**The approved programme of archaeological work will be carried out in accordance with the approved details.**

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

**14. 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 interest of neighbour amenity and the tranquillity of the North Wessex Downs AONB.**

**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 interest of the environment and neighbour amenity.**

**Prior to the occupation of the second dwelling, the WC, car park and passageway to serve the church shall be constructed in accordance with the approved plans.**

**REASON: In the interest of providing the community facilities set out in the application particulars as this was a material consideration in the decision to grant planning permission.**

**15. Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 6.45 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

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



WILTSHIRE COUNCIL

AGENDA ITEM NO.

EASTERN AREA PLANNING COMMITTEE

28 FEBRUARY 2019

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**WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257**

**THE WILTSHIRE COUNCIL MARLBOROUGH 30 DIVERSION AND DEFINITIVE  
MAP AND STATEMENT MODIFICATION ORDER 2018**

**Purpose of Report**

1. To recommend that the Order be abandoned and withdrawn from consideration by the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA) as the Order no longer meets the legal tests for confirmation.

**Relevance to the Council's Business Plan**

2. Working with the local community to provide a rights of way network which is fit for purpose, making Wiltshire an even better place to live, work and visit.

**Background**

3. Wiltshire Council received an application dated 18 April 2018 from David Burton of Redrow Homes, for an Order to divert public footpath 30 over land at Salisbury Road, Marlborough. The footpath required diverting in conjunction with planning applications 15/02026/OUT and 17/03219/REM. Wiltshire Council's planning officers approved these applications with conditions on 29 July 2016 and 20 September 2017 respectively.
4. The application would have diverted 65 metres of path to a new route with an approximate length of 75 metres. The new route would have been laid to tarmac and hoggin (compressed clay, gravel and sand). A copy of the order route can be seen at **Appendix 2A**.
5. Wiltshire Council conducted an initial consultation on the application which commenced on 3 May 2018 with an end date of 1 June 2018. This initial consultation was sent to Marlborough Town Council, the local Wiltshire Councillor, statutory undertakers, The Ramblers and other user groups. No responses were received.
6. All of the relevant tests were duly considered in the council's Decision Report appended here at **Appendix 1**. Applying the legal test contained within Section 257 of the Town and Country Planning Act 1990 (see **Appendix 1 paragraph 9**), the application met the requirements as planning permission had been granted by Wiltshire Council which made it necessary to divert public footpath MARL30 to enable the permitted development to proceed. An Order was made to divert the path as per the order plan at **Appendix 2A** and for the diversion to be recorded in the definitive map and statement.

7. The Order was duly advertised on site and in the Wiltshire Gazette and Herald and attracted seven objections (one now withdrawn).
8. The Order was considered at a meeting of the Eastern Area Planning Committee held on 1 November 2018 and members resolved to forward the Order to SoSEFRA with a recommendation to confirm the Order without modification.
9. The Order was subsequently forwarded to SoSEFRA for its determination. The applicant (Redrow Homes) was informed that it may take upwards of 30 weeks for The Planning Inspectorate (PINS) on behalf of SoSEFRA to determine the Order in the manner they saw fit, potentially via a hearing or a local inquiry.
10. The applicant contacted officers to inform them they wished to submit an application for a non-material amendment (NMA) for the development site which would allow the footpath to remain on its current alignment and not require a diversion.
11. The application for a NMA was submitted to Wiltshire Council on 30 November 2018 and approved on 14 December 2018 (see **Appendix 3**).
12. The applicant confirmed on 16 January 2019 to officers that they wish to withdraw the Marlborough 30 Diversion Order from consideration as footpath MARL30 is capable of remaining on its current alignment.

### **Main Considerations for the Council**

13. Section 53(2) of the Wildlife and Countryside Act 1981 places a duty upon the Surveying Authority to keep the definitive map and statement of public rights of way under continuous review.
14. The Order was made under Section 53(3)(a) of the Wildlife and Countryside Act 1981 with regard to Section 257(1) of The Town and Country Planning Act 1990:

*Section 53(3)(a) of the Wildlife and Countryside Act 1981*

*“-the coming into operation of any enactment or instrument, or any other event, whereby-*

- (i) a highway shown or required to be shown in the map and statement has been authorised to be stopped up, diverted, widened or extended;”*

*Section 257 of the Town and Country Planning Act 1990*

*(1) Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath, bridleway or restricted byway if they are satisfied that it is necessary to do so in order to enable development to be carried out-*

- (a) In accordance with planning permission granted under Part III, or*
- (b) By a government department.*

15. The diversion is no longer required to accommodate planning permission that has been granted and so would not meet the legal tests described in paragraph 14 above.

## **Overview and Scrutiny Engagement**

16. Overview and Scrutiny Engagement is not required in this case.

## **Safeguarding Considerations**

17. There are no safeguarding considerations associated with the withdrawal of this Order.

## **Public Health Implications**

18. There are no identified public health implications which arise from the withdrawal of this Order.

## **Corporate Procurement Implications**

19. There are no procurement implications associated with this Order. In the event the council does not withdraw the Order from consideration by SoSEFRA there are a number of opportunities for expenditure that may occur and these are covered in paragraph 24 of this report.

## **Environmental and Climate Change Impact of the Proposal**

20. There are no environmental or climate change considerations associated with the withdrawal of this Order.

## **Equalities Impact of the Proposal**

21. There is no impact on equality in consequence of the proposal. The footpath would not be diverted and any works to improve the existing footpath on its current alignment (widening to two metres and laying to hoggin surface (compacted gravel and sand)) are not affected by the withdrawal and abandonment of the diversion Order.

## **Risk Assessment**

22. There are no identified risks which arise from the withdrawal of this Order. The financial and legal risks to the council are outlined in the “Financial Implications” and “Legal Implications” sections below.

## **Financial Implications**

23. The Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 (SI 1993/407) amended by Regulation 3 of the Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996 (SI 1996/1978), permits authorities to recover costs from the applicant in relation to the making of public path orders, including those made under Section 257 of the Town and Country Planning Act 1990. The applicant has agreed in writing to meet the actual costs to the council in processing this Order to this point, though the council’s costs relating to the Order being determined by the Planning Inspectorate on behalf of the SoSEFRA may not be reclaimed from the applicant.

24. If it is resolved that Wiltshire Council should continue to support the Order then the outcome of the Order will be determined by written representations, local hearing or local public inquiry, all of which have a financial implication for the council. If the case is determined by written representations the cost to the council is £200 to £300; however, where a local hearing is held the costs to the council are estimated at £300 to £500 and £1,000 to £3,000 where the case is determined by local public inquiry with legal representation (£300 to £500 without). There is no mechanism by which these costs may be passed to the applicant and any costs must be borne by Wiltshire Council. It is therefore considered appropriate where an Order is made under the council's powers to do so in the landowners' interest that the council does not provide any legal support for the Order at a hearing or inquiry thus minimising the expenditure of public funds.
25. Where the council no longer supports the making of the Order, it may resolve that the Order be withdrawn and there are no further costs to the council. The making of a Public Path Order is a discretionary power for the council rather than a statutory duty; therefore, a made Order may be withdrawn up until the point of confirmation if the council no longer supports it. However, where there is a pre-existing grant of planning permission the council must make very clear its reasons for not proceeding with the Order.

### **Legal Implications**

26. If the council resolves to abandon the Order, there is no right of appeal for the applicant; however, clear reasons for the abandonment or withdrawal must be given as the council's decision may be open to judicial review. This could be more likely where a grant of planning permission has already been made. It is noted the applicant wishes for the Order to be abandoned in this case.
27. If the committee resolves to continue to support the Order it will remain with the SoSEFRA for determination, which may lead to the Order being determined by written representations, local hearing or local public inquiry. The Inspector's decision is open to challenge in the High Court.

### **Options Considered**

28. Members may resolve that:
- (i) Wiltshire Council no longer supports the making of the Order, in which case the Order should be abandoned and withdrawn from consideration by SoSEFRA; or
  - (ii) The committee's current resolution stands, Wiltshire Council continues to support the Order and it should be considered by SoSEFRA for determination.

### **Reason for Proposal**

29. An NMA has been granted by Wiltshire Council and, as a consequence, footpath MARL30 no longer requires a diversion to accommodate development. The legal tests set out in Section 257 of The Town and Country Planning Act would not be met and the Diversion Order would not be capable of confirmation.

30. The developer, who is the applicant, wishes the Order to be withdrawn and not confirmed. Wiltshire Council has no reason to continue to support the Order as the footpath will remain on its current alignment and be improved as part of the development works and actual costs for the making of the Order to this point will be covered by the applicant.

### **Proposal**

31. That “The Wiltshire Council Marlborough 30 Diversion and Definitive Map and Statement Modification Order 2018” be withdrawn from consideration by the Secretary of State for Environment, Food and Rural Affairs and the Order be abandoned.

### **Tracy Carter**

Director – Waste and Environment

Report Author:

### **Craig Harlow**

Acting Rights of Way Officer – Definitive Map

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### **The following unpublished documents have been relied on in the preparation of this Report:**

None

### **Appendices:**

- Appendix 1 - Decision Report
- Appendix 2A - The Wiltshire Council Marlborough 30 Diversion and Definitive Map Order Plan
- Appendix 2B - “The Wiltshire Council Marlborough 30 Diversion and Definitive Map and Statement Modification Order 2018”
- Appendix 3 - NMA application and approval

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# DECISION REPORT

## WILTSHIRE COUNCIL

### Town and Country Planning Act 1990 -

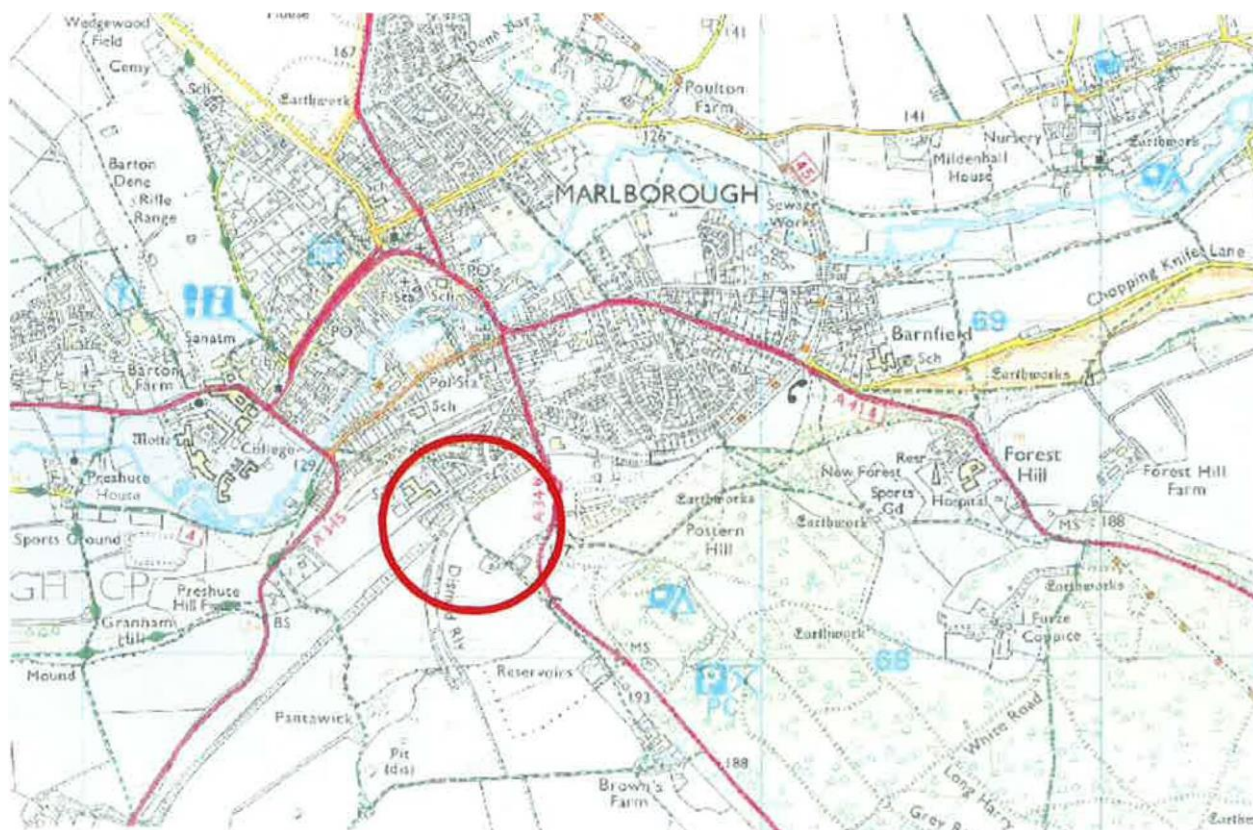
#### Section 257

#### The Proposed Diversion of Footpath No. 30 Marlborough

## 1 Purpose of Report

Consider and comment on an application to divert footpath Marlborough 30. This is in conjunction with planning permission 15/02025/OUT and reserved matters planning permission 17/03219/REM to which relate to an application for construction of 168 new 1,2 3,4 and 5 bedroom dwellings (to include 67 (40%) affordable homes) and associated highways and engineering works, landscaping and open space.

## 2 Location



- 2.1 Definitive footpath MARL30 leads from Marlborough High Street in a south easterly direction leading to the parish boundary with Savernake.

### 3 Background

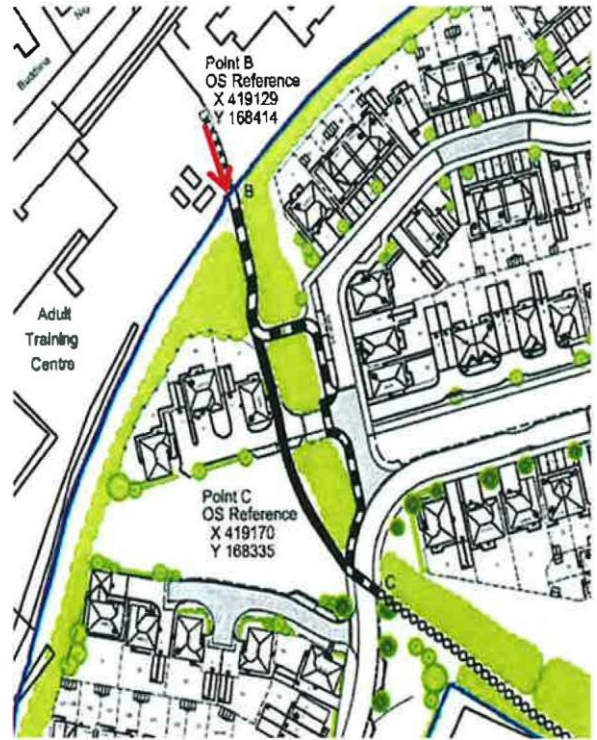
- 3.1 On 30 April 2018 Wiltshire Council acknowledged an application to divert footpath MARL30 to the west of Salisbury Road, Marlborough. The application was made by David Burton of Redrow Homes South West who proposes the diversion of the footpath to allow construction of 168 new 1, 2 3, 4 and 5 bedroom dwellings (to include 67 (40%) affordable homes) and associated highways and engineering works, landscaping and open space under planning permission 15/02025/OUT and reserved matters applications, 17/03219/REM.
- 3.2 Outline permission for application 15/02025/OUT was approved with conditions on 29 July 2016 and the reserved matters application was approved with conditions on 20 September 2017.
- 3.3 A reduced plan at the original scale of 1:2000 of the proposed diversion is attached below. The new proposed route can be seen annotated as a dashed black line and the current route to be diverted as a solid black line.

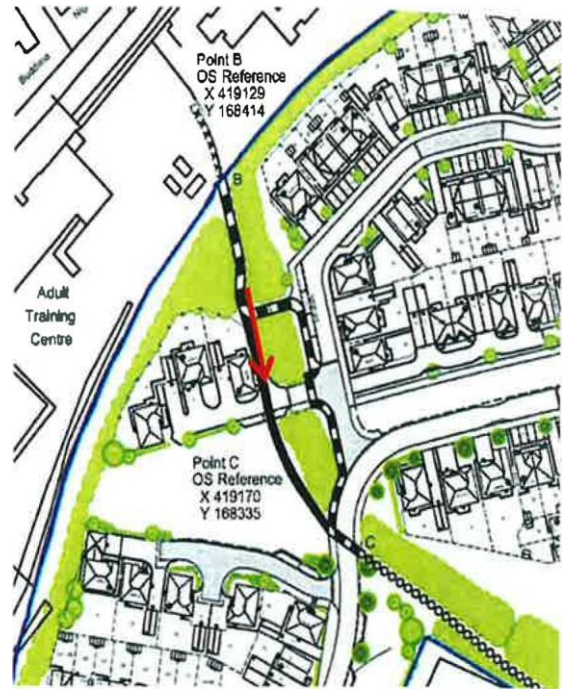


- 3.4 The proposed diversion will divert a 65 metre section of path and create 75 metres of path. The new route will be laid to tarmac and hoggin (a compactable groundcover that is composed of a mixture of clay, gravel, and sand or granite dust that produces a buff-coloured bound surface). The sections of footpath MARL30 that are within the development site, but do not need to be diverted, will also be improved with a surface of hoggin and a width of 2 metres will be provided.



4 Photos





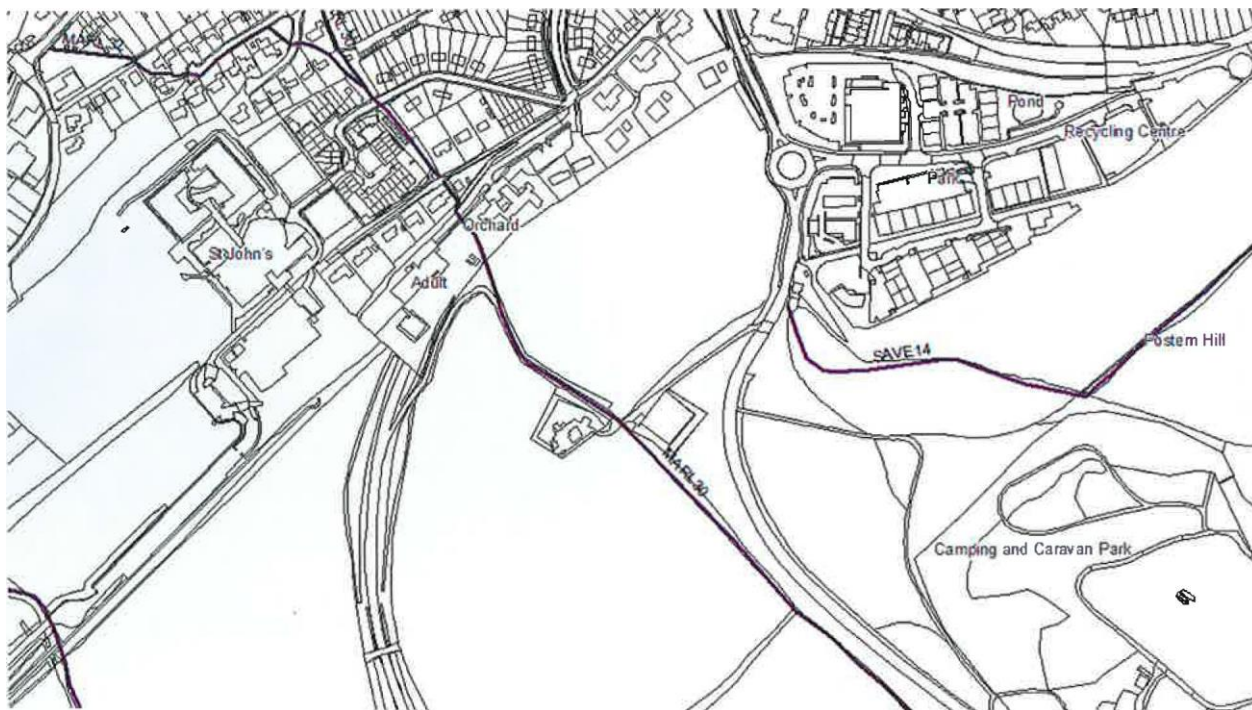
The photographs show the current footpath which has been fenced off from the construction site where the new route will be constructed.

## 5 Current Records

5.1 The definitive statement records the ways as follows:

Marlborough 30	<u>FOOTPATH.</u> From the London - Bristol Trunk Road, A.4, between Nos.38 and 40 High Street, (Figgins Lane), leading south-east across the River by an iron bridge, across George Lane, B.3052, (Isbury Lane) across [upper Church Fields] past the Pumping Station to the Borough boundary at Forest Avenue (Long Harry). Approximate length 1,550 metres.	relevant date 27 August 1991  Part subject to ploughing
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5.2 The working copy of the definitive map records the ways as follows:



## 6 Land Ownership

The land in question is owned by Redrow Homes Limited of Redrow House, St. Davids Park, Ewloe, Deeside, CHS 3RX.

## 7 Consultation

- 7.1 The following letter was sent on 3 May 2018 to interested parties, including Marlborough Town Council, the local Councillor, the local Wiltshire Ramblers' representative, user groups' representatives and statutory undertakers.

**Town and Country Planning Act 1990**  
**- Section 257**

***The Proposed Diversion of Footpath No. 30 Marlborough (part) at Salisbury Road Marlborough***

*Wiltshire Council is in receipt of an application dated 18 April 2018, to divert footpath No. 30 Marlborough (part of).*

*It is proposed to divert the footpath in conjunction with planning consent to construct 168 dwellings on the land west of Salisbury Road, Marlborough. A reserved matters application has been granted with a detailed site layout (ref-1703219/REM) which can be viewed on the Wiltshire Council website.*

*The proposed diversion of the footpath will divert a 65 metre section of the existing footpath to a new route shown on the attached map. The surface of the path will be laid to hoggin and tarmac with a width of 2 metres.*

*If you would like to make any observations or representations regarding the diversion proposal, I would be very grateful if you could forward them to me, in writing, at the above address, or via email not later than 1 June 2018.*

A copy of the proposed diversion map was also sent with the consultation letter.

## 8 Consultation responses

No responses to the consultation were received.

- 9 **The Town and Country Planning Act of 1990** (as amended by Section 12 of the Growth and Infrastructure Act 2013), states in Sections 257 and 259:

**257 Footpaths and bridleways affected by development: orders by other authorities.**

(1) Subject to Section 259, a competent authority may by order authorise the stopping up or diversion of any footpath or bridleway if they are satisfied that it is necessary to do so in order to enable development to be carried out-

- (a) In accordance with planning permission granted under Part III, or
- (b) by a government department.

(1A) Subject to Section 259, a competent authority may by order authorise the stopping up or diversion in England of any footpath, bridleway or restricted byway if they are satisfied that --

- (a) an application for planning permission in respect of development has been made under Part 3, and
  - (b) if the application were granted it would be necessary to authorise the stopping up or diversion in order to enable the development to be carried out.
- (2) An order under this section may, if the competent authority are satisfied that it should do so, provide-
- (a) for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;
  - (b) for authorising or requiring works to be carried out in relation to any footpath or bridleway for whose stopping up or diversion, creation or improvement provision is made by the order;
  - (c) for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath or bridleway;
  - (d) for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.
- (3) An order may be made under this section authorising the stopping up or diversion of a footpath or bridleway which is temporarily stopped up or diverted under any other enactment.
- (4) In this section "competent authority" means-
- (a) in the case of development authorised by a planning permission, the local planning authority who granted the permission or, in the case of a permission granted by the Secretary of State, who would have had power to grant it.
  - (b) in the case of development carried out by a government department, the local planning authority who would have had power to grant planning permission on an application in respect of the development in question if such an application had fallen to be made.
  - (c) in the case of development in respect of which an application for planning permission has been made under Part 3, the local planning authority to whom the application has been made or, in the case of an application made to the Secretary of State under Section 62A, the local planning authority to whom the application would otherwise have been made."

### **259 Confirmation of orders made by other authorities**

- (1) An order made under Section 257 or 258 shall not take effect unless confirmed by the Secretary of State or unless confirmed, as an unopposed order, by the authority who made it.
- (1A) An order under Section 257(1A) may not be confirmed unless the Secretary of State or (as the case may be) the authority is satisfied –
- (a) that planning permission in respect of the development has been granted, and
  - (b) it is necessary to authorise the stopping up or diversion in order to enable the development to be carried out in accordance with the permission.
- (2) The Secretary of State shall not confirm any such order unless satisfied as to every matter as to which the authority making the order are required under Section 257 or, as the case may be, Section 258 to be satisfied.

- (3) The time specified-
  - (a) in an order under Section 257 as the time from which a footpath or bridleway is to be stopped up or diverted; or
  - (b) in an order under Section 258 as the time from which a right of way is to be extinguished shall not be earlier than confirmation of the order.
- (4) Schedule 14 shall have effect with respect to the confirmation of orders under Sections 257 or 258 and the publicity for such orders after they are confirmed.

9.1 Section 257 of the Town and Country Planning Act 1990 requires that before the order may be confirmed either Wiltshire Council (in the case of an order that has not attracted objections) or the Secretary of State must be satisfied that it is necessary to extinguish or divert the footpath in question in order to enable development to be carried out in accordance with planning permission granted.

9.2 Section 12 of the Growth and Infrastructure Act 2013 amends Part 10 of the Town and Country Planning Act 1990 (highways), as follows:

*"12. Stopping up and diversion of public paths*

(1) *Part 10 of the Town and Country Planning Act 1990 (highways) is amended as follows.*

(2) *In Section 257 (footpaths, bridleways and restricted byways affected by other development: orders by other authorities), after subsection (1) insert-*

*"(1A) Subject to Section 259, a competent authority may by order authorise the stopping up or diversion in England of any footpath, bridleway or restricted byway if they are satisfied that-*

*(a) an application for planning permission in respect of development has been made under Part 3, and*

*(b) if the application were granted it would be necessary to authorise the stopping up or diversion in order to enable the development to be carried out."*

(3) *In that section, in subsection (4)-*

(a) *omit the "and" following paragraph (a), and*

(b) *after paragraph (b) insert-*

*"(c) in the case of development in respect of which an application for planning permission has been made under Part 3, the local planning authority to whom the application has been made or, in the case of an application made to the Secretary of State under Section 62A, the local planning authority to whom the application would otherwise have been made."*

(4) *In Section 259 (confirmation of orders made by other authorities), after subsection (1) insert-*

*"(1A) An order under Section 257(1A) may not be confirmed unless the Secretary of State (or the case may be) the authority is satisfied-*

*(a) that planning permission in respect of the development has been granted, and*

*(b) it is necessary to authorise the stopping up or diversion in order to enable the development to be carried out in accordance with the permission."*

(5) *In that section, in subsection (2), for "any such order" substitute "any order under Sections 257(1) or 258".*

9.3 The Council must have regard to The Equality Act 2010. This Act requires (broadly) that in carrying out their functions, public authorities must make reasonable adjustments to ensure that a disabled person is not put at a substantial disadvantage in comparison with a person who is not disabled. The Equality Act goes further than just requiring a public authority does not discriminate against a disabled person. Section 149 imposes a duty, known as the "public sector equality duty", on the public bodies listed in sch. 19 to the Act, to have due regard to three specified matters when exercising their functions.

9.4 These three matters are:

- Eliminating conduct that is prohibited by the Act
- Advancing equality of opportunity between people who have a disability and people who do not; and
- Fostering good relations between people who have a disability and people who do not.

- 9.5 The Equality Act applies to a highway authority's provision of public rights of way services. (DEFRA Guidance *Authorising structures (gaps, gates and stiles) on rights of way* Oct 2010). In this case the application does not introduce any new structures to the right of way and improves the surface of the footpath.
- 9.6 The Council must also have regard to the needs of agriculture, forestry and the conservation of biodiversity.
- 9.7 The Council is also empowered to make a 'combined order' under Section 53(2)A of the Wildlife and Countryside Act 1981. The effect of this means that on the confirmation of the order the definitive map and statement may be changed without the further need to make an order under Section 53(3)(a)(i) of the 1981 Act (also known as a 'legal event order' or an 'unadvertised order').
- 9.8 An order made under Section 257 of the Town and Country Planning Act 1990 will come into effect only after confirmation.
- 10** The Council has also taken into consideration the Wiltshire Council Rights of Way Improvement Plan (ROWIP) 2015-2025.
- 10.1 At page 5, Section 1B.1 of the policy document referring to public path orders it states *"The council has discretionary powers to alter the rights of way network ..... The main procedures are set out within the Town and Country Planning Act 1990 and the Highways Act 1980.* As such, this diversion is being processed under those stated powers.
- 10.2 Page 6 of the policy document at Section 18.2 in relation to *Public Path Order Application and their Prioritisation* states *· diverted/newly created path should meet the Council's minimum standards width: Footpath 2 metres*". This diversion is proposed with a width of 2 metres.
- 10.3 The ROWIP states in regards to use of the countryside access network at page 32 7.3 conclusion 5 *"If older people are to keep active and therefore healthy, they will need a more accessible network as they are more likely to find stiles (and sometimes surfacing and latches) difficult than other people. This highlights the need to replace stiles with gaps or gates"* This proposed diversion offers no new obstructions across the right of way and an improved surface on the section being diverted and the continuation of the footpath.
- 11** Comments on Considerations - Whether it is necessary to divert the routes in question to allow development to be carried out in accordance with the planning permission already given but not substantially completed.
- 11.1 Section 57(1)(a) permits Wiltshire Council to make an order to extinguish or divert a footpath if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III or where application has been made but not yet granted but where it would be necessary to alter the rights of way if it were granted.
- 11.2 The Particulars of Development given in the Planning Application are as follows:  
  
"Up to 175 dwellings (Use Class C3), hotel (C1), new access from Salisbury Road, open space, landscaping, ecological mitigation, drainage works and ancillary works."
- 11.3 Footpath Marlborough 30 leads through the centre of the application area and will be affected by the construction of a dwelling and roads constructed over them as per the planning application. It is



therefore necessary to divert the footpaths in accordance with Section 257 of the Town and Country Planning Act 1990.

- 11.4 It should be considered the effect that the order would have on those whose rights may be affected if the order comes into effect. It is deemed the diversion order would have a minimal impact on any adjoining residents as the properties will be adjacent to the road in any case and any use of the footpath will be minimal in terms of noise or any adverse effect on privacy.

## **12 Other considerations**

### **12.1 Environmental Impact of the Recommendation**

All considerations were undertaken when planning permission was granted by Wiltshire Council for the site, this included environmental concerns.

The nature of the footpath will clearly be majorly altered by the construction of the dwellings and associated infrastructure where the land before construction work began was agricultural fields, although the footpath was enclosed by fencing at least on one side. With outline and reserved matters applications approved the diversion of the right of way in isolation has no identified environmental impact.

### **12.2 Risk Assessment**

As stated previously the nature of the footpaths will be significantly altered by the development. The footpath will have to cross a newly constructed road which is clearly not ideal but a situation which cannot be altered with permission for the road granted and the necessity to cross it for any walker wishing to continue on the right of way.

### **12.3 Legal Considerations and Financial Implications**

The applicant will meet costs related to the application and will meet all costs related to the confirmation of the order excluding any costs associated with sending the Order to the Secretary of State (SoS) for determination. This occurs if objections are received. The SoS may choose to determine the order by written representations (no additional cost to the Council), a local hearing (approximate cost £200-£300) or a public inquiry (approximate cost £2500).

- 12.4 Although the making of public path orders is a power that Wiltshire Council has and is not a duty, where the planning authority and the highway authority are the same authority, a duty is implied. If Wiltshire Council fails to make an order following the granting of planning permission it is liable to application for judicial review from the developer. This has a potential cost to the Council of up to £50,000.

### **12.5 Equality Impact**

The nature of the proposed diverted path will consist of a hoggin surface and a section of tarmac path which will give a level surface to the path. There will be pedestrian crossing points at the road crossing locations on the proposed route to allow safe crossing of the road. These improvements to the surface and safety measures will result in the equality impact of the diversion of the footpath to be negligible.

### **12.6 Safeguarding Considerations**

The proposed diversion has no effect on matters relating to safeguarding.



### **13 Options to Consider**

- i) To make an Order to divert the ways under Section 257 of the Town and Country Planning Act 1990.
- ii) Not to make an Order.

### **14 Reasons for Recommendation**

- 14.1 The existing route needs to be extinguished or diverted to enable the permitted development to proceed. The proposed diversion of the path has been consulted upon and no concerns have been raised. All associated costs of the diversion will be covered by the applicant.
- 14.2 Statutory undertakers affected by the proposal will retain any rights of access they previously had.

### **15 Recommendation**

That Wiltshire Council makes an Order under Section 257 of the Town and Country Planning Act 1990 and Section 53 of the Wildlife and Countryside Act 1981 to divert footpath Marlborough 30 and if after due advertisement no objections or representations are received that the Order be confirmed and after certification of the new route that the definitive map and statement be altered accordingly.

**Craig Harlow**

Rights of Way Officer

12 June 2018

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Development Boundary

MARL30 Route to be Closed  
Distance = 65m

New Footpath  
Page 61  
Distance = 15m

Unaffected Route

Key

A-C

A-B-C



**REDROW**  
HOMES

**Redrow Homes South West**  
Redrow House, West Point, Great Park Road, Bradley Stoke, Bristol BS32 4QG  
Tel: 01454 625000 Fax: 01454 616033 Web: www.redrow.co.uk

Legal Disclaimer TBC  
This layout has been designed after due consideration of our Context & Constraints Plan

STAGelovment  
**Land Off Salisbury Rd**  
Wiltshire Council

Marlborough 30 Diversion and Definitive Map  
and Statement Modification Order 2018

Scale @ A3 - 1:2000

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**PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER**

**THE TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257**

**WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53(A)(2)**

**THE WILTSHIRE COUNCIL MARLBOROUGH 30 DIVERSION AND DEFINITIVE  
MAP AND STATEMENT MODIFICATION ORDER 2018**

This Order is made by Wiltshire Council under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to stop up and divert the footpath to which this order relates in order to enable development to be carried out in accordance with planning permission granted under Part 3 of the Town and Country Planning Act 1990, namely: the construction of 168 dwellings and associated infrastructure work.

This Order is also made under Section 53(A)(2) of the Wildlife and Countryside Act 1981("the 1981 Act") because it appears to the authority that the Marlborough and Ramsbury Rural District Council Area Definitive Map and Statement dated 1952 require modification in consequence of the occurrence of an event specified in Section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this order) of a highway hitherto shown or required to be shown in the map and statement.

**BY THIS ORDER:**

1. The footpath over the land shown by a bold black line on the map contained in this order and described in Part 1 of the Schedule to this order("the Schedule") shall be stopped up or diverted and thereupon the Marlborough and Ramsbury District Council Area Definitive Map and Statement dated 1952 shall be modified as provided below.
2. There shall be created to the reasonable satisfaction of Wiltshire Council an alternative highway for use as a replacement for the said footpaths as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The diversion and stopping up of the footpaths shall have effect on the date on which Wiltshire Council certify that the terms of Article 2 have been complied with and upon the occurrence of that diversion and stopping up the Marlborough and Ramsbury Rural District Council Area Definitive Map dated 1952 as modified under the Wildlife and Countryside Act 1981 shall be modified by deleting from it the paths or ways referred to in paragraph 1 of

this order and the paths or ways referred to in paragraph 2 of this order shall be added to it, and the definitive statement shall be modified as described in part 3 of the schedule.

4. Where immediately before the date on which the footpaths are diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

## **SCHEDULE**

### **PART 1**

#### **Description of site of existing path or way**

That length of footpath, as shown on the attached map by a bold black line, leading from point A, at OS Grid Reference SU 1916-6833, in a broadly north, north westerly direction for approximately 65 metres to point C, at OS Grid Reference SU 1914-6839 .

### **PART 2**

#### **Description of site of alternative highway**

That length of footpath, as shown by bold black dashes on the attached map, leading from point A, at OS Grid Reference SU 1916-6839 in a broadly northerly direction for a length of approximately 60 metres to point B at OS Grid Reference SU 1915-6839 before leading in a westerly direction for approximately 15 metres to point C at OS Grid Reference SU 1914-6839 having a width of 2 metres.

### **PART 3**

#### **Modification of Definitive Statement**

#### **Variation of particulars of path or way**

<u>Parish</u>	<u>Path No.</u>	<u>Modified Statement to read:-</u>	<u>Modified under Section 53(3) as specified</u>
---------------	-----------------	-------------------------------------	--



Marlborough 30

FOOTPATH. From the London - Bristol Trunk Road, A.4, between Nos.38 and 40 High Street, (Figgins Lane), leading south-east across the River by an iron bridge, across George Lane, B.3052, (Isbury Lane) across [upper Church Fields] past the Pumping Station to the Borough boundary at Forest Avenue (Long Harry).  
Approximate length 1550 m.  
Width of 2 metres from SU 1914-6839 to SU 1916- 6833.

relevant date  
27th August 1991  
Part subject  
to ploughing

THE COMMON SEAL OF  
THE WILTSHIRE COUNCIL  
was hereunto affixed this  
18<sup>th</sup> June 2018  
In the presence of:

}  
}  
}  
}

  
EMMA LICCARDI  
**Senior Solicitor**



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14 December 2018

Development Services  
Wiltshire Council

Mr James Bird  
Barton Willmore  
101 Victoria Street  
Bristol  
BS1 6PU

Tel: 0300 456 0114

Email: [developmentmanagement@wiltshire.gov.uk](mailto:developmentmanagement@wiltshire.gov.uk)  
[www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

Dear Mr Bird,

**Approval of non-material change to a planning permission  
Section 96A of The Town & Country Planning Act 1990 (as amended)**

Application No: 15/02026/OUT & 17/03219/REM  
Proposal: Outline application for up to 175 dwellings (Use Class C3), hotel (C1), new access from Salisbury Road, open space, landscaping, ecological mitigation, drainage works and ancillary works  
Site Address: Land West of Salisbury Road, Marlborough, Wiltshire  
On Behalf of: Redrow Homes South West

**Approved non-material change: Retention and upgrading of a small section of the existing Public Right of Way adjacent to plot 67 and north of plot 95.**

Thank you for your application dated 30<sup>th</sup> November 2018 and attached drawing reference '27778-PL-03ac Planning Layout' requesting the Council's approval for a non-material change to the planning permission granted for the development described above.

I can confirm that having had regard to the effect of the proposed change, the Council is satisfied that the amendment is not material and accordingly has APPROVED the request for a non-material change to the planning permission. The amendments will ensure the public right of way continues along its current position without detriment to the character of the development or highway safety.

This letter acts as official confirmation and therefore I suggest you attach it to the Decision Notice already in your possession.

Please note that this decision relates solely to the change and plans described above.

Yours faithfully,

**Mike Wilmott**  
**Head of Development Management**

Officer's Name: Morgan Jones  
Officer's Title: Senior Planning Officer  
Direct Line: 01225 718616  
Email: [Morgan.Jones@wiltshire.gov.uk](mailto:Morgan.Jones@wiltshire.gov.uk)

**Contact us:**

Development Services – North  
Monkton Park Chippenham  
Wiltshire SN15 1ER

Development Services – Central  
County Hall Salisbury Road  
Trowbridge Wiltshire BA14 0RD

Development Services – South  
Bourne Hill Salisbury  
Wiltshire SP1 3UZ

The scaling of this drawing cannot be assured

Revision	Date	By
Y	24.08.18	JR
Z	08.10.18	JR
AA	26.10.18	JR
AB	13.11.18	JR
AC	28.11.18	JR
AD	29.11.18	JR
AE	03.12.18	JR

**Drawing: PL-03**  
**House type**

No's	Sq.ft	Sq.m	Stores	Beds	Total Sq.ft	Total Sq.m	
Ludlow	12	864	91	2	3	11908	1097
Warwick	10	1081	100	2	3	10910	1004
Amberley	9	1137	106	2	3	10233	951
Oxford Lifestyle	7	1318	122	2	3	9226	857
Stratford	6	1218	113	2	4	7326	679
Marlow+	9	1289	120	2	4	11601	1078
Shalfbury	14	1427	133	2	4	19978	1836
Cambridge	10	1382	128	2	4	13620	1264
Canterbury	2	1482	138	2	4	2284	212
Henley	5	1789	164	2	4	8845	822
Richmond	12	2030	189	2	4	24360	2263
Marlborough	7	1936	177	2	5	13342	1240
<b>Private Sub-Total</b>	<b>103</b>					<b>144295</b>	
1 Bed Apartment	9	598	47	2.5	1	4572	425
Leadon OF	1	519	48	2	1	519	48
Leadon OF LTH	2	519	48	2	1	1038	96
Leadon FF	3	564	52	2	1	1692	157
Severn	2	855	79	2	2	1710	159
Severn LTH	4	855	79	2	2	3420	318
Tavy	17	832	77	2	2	14144	1314
Severn 3 LTH	2	885	82	2	3	1970	183
Tavy 3	5	939	87	2	3	4695	438
Dart	6	905	84	2	3	5430	504
<b>Rented Sub-Total</b>	<b>51</b>					<b>39190</b>	
Tavy	11	832	77	2	2	9152	850
Tavy 3	4	939	87	2	3	3756	349
Dart	2	905	84	2	3	1810	168
<b>S/O Sub-Total</b>	<b>17</b>					<b>14718</b>	
<b>Affordable Total</b>	<b>68</b>					<b>53908</b>	
<b>Total Units</b>	<b>171</b>						
<b>TOTAL AREA</b> (Sq.ft/Sq.m)	<b>198203</b>	<b>18414</b>					
<b>GROSS AREA</b> (red line) (Sq.ft/ha)	<b>32.35</b> acres	<b>13.09</b> ha					
<b>NET SITE AREA</b> (Sq.ft/ha)	<b>12.48</b> acres	<b>5.05</b> ha					
<b>COVERAGE</b> (net area) (Sq.ft/acre)	<b>15983</b> sq.ft/acre	<b>3646.24</b> sq.m/ha					
<b>DENSITY</b> (net area) (no./acre)	<b>13.7</b> no./acre	<b>33.9</b> no./ha					

**Affordable Required:**

Total Numbers	171
Affordable	68
Rented	51
S/O	17

- KEY**
- Site Boundary
  - Block paved, Marshalls keylock 120 gauge, Charcoal Grey or similar approved
  - Fence 1.8 Closeboard
  - Fence 1.8 Closeboard
  - 1.8m Brick Screen wall
  - 1.8m Chainlink Fence
  - 1.1m Brick wall
  - Estate railings
  - Knee Rail fence
  - Timber Bollard
  - Plot parking
  - Visitor parking
  - Indicative planting (refer to detailed landscape plans)
  - Plot Numbers
  - Denotes opposite handing
  - Denotes entrance to plots
  - Denotes Sub-station
  - Intermediate/Shared Ownership
  - Affordable Rent

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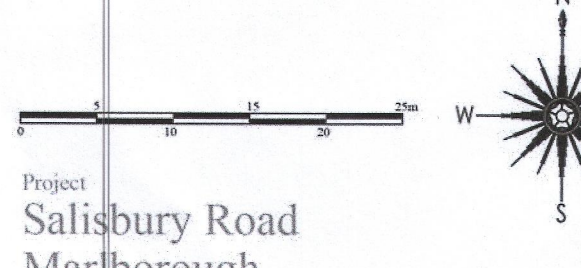
Project: Salisbury Road, Marlborough  
Drawing No: PL-03  
Date: 07.07.17  
Scale: 1:500 @ A0  
Project No: 27778

Drawn by: DG  
Checked by: AC  
Reviewed by: AE

Project: Salisbury Road, Marlborough  
Drawing No: PL-03  
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Project No: 27778

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Project: Salisbury Road, Marlborough  
Drawing No: PL-03  
Date: 07.07.17  
Scale: 1:500 @ A0  
Project No: 27778

Drawn by: DG  
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