

# AGENDA

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**Meeting:** Northern Area Planning Committee

**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER

**Date:** Wednesday 20 November 2024

**Time:** 2.00 pm

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## Membership

Cllr Chuck Berry (Chairman)

Cllr Howard Greenman (Vice-Chairman)

Cllr David Bowler

Cllr Steve Bucknell

Cllr Clare Cape

Cllr Gavin Grant

Cllr Jacqui Lay

Cllr Nic Puntis

Cllr Martin Smith

Cllr Elizabeth Threlfall

Cllr Ashley O'Neill

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## Substitutes

Cllr Stuart Wheeler

Cllr Ruth Hopkinson

Cllr Peter Hutton

Cllr Dr Nick Murry

Cllr Tom Rounds

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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](#).

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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 7 - 20*)

To approve and sign as a true and correct record the minutes of the previous meeting held on 18 September 2024.

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 **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to 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 and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the

meetings.

### Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 13 November 2024** in order to be guaranteed of a written response. In order to receive a verbal response, questions must be submitted no later than 5pm on **Friday 15 November 2024**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

#### 6 **Planning Appeals and Updates** *(Pages 21 - 24)*

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

### **Planning Applications**

To consider and determine the following planning applications:

#### 7 **PL/2024/06709: Land North of Chelworth Road, Cricklade Industrial Estate, Cricklade, SN6 6HE** *(Pages 25 - 38)*

Retention of hardstanding as car parking, link pedestrian access to adjacent commercial site, landscaping, and biodiversity net gain.

#### 8 **PL/2023/07797: Land Off Park Road, Malmesbury, Wilts** *(Pages 39 - 54)*

Reserved Matters Application pursuant of Outline Permission 19/05898/OUT (Outline application for up to 50 residential units, internal road, parking, open space and associated works, with all matters reserved other than access) relating to Appearance, Landscaping, Layout and Scale.

#### 9 **Urgent Items**

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

## Northern Area Planning Committee

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### **MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 18 SEPTEMBER 2024 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.**

#### **Present:**

Cllr Chuck Berry (Chairman), Cllr Steve Bucknell, Cllr Clare Cape, Cllr Gavin Grant, Cllr Jacqui Lay, Cllr Nic Puntis, Cllr Mike Sankey, Cllr Martin Smith, Cllr Elizabeth Threlfall and Cllr Ruth Hopkinson (Substitute)

#### **Also Present:**

Cllr Peter Hutton

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In the absence of the Chairman Cllr Chuck Berry, who was unable to chair until Agenda item 6 (number 71 as per the minutes), and in the absence of Vice-Chair Cllr Howard Greenman, who had given apologies, it was:

#### **Resolved**

**To elect Cllr Nic Puntis as Chairman for this meeting of the Northern Area Planning Committee, and only until Cllr Chuck Berry was able to sit as Chair.**

#### **66 Apologies**

Apologies were received from:

Cllr Howard Greenman  
Cllr David Bowler (Substituted by Cllr Ruth Hopkinson)

#### **67 Minutes of the Previous Meeting**

The minutes of the last meeting of the Committee held on 21 August 2024 were considered for approval by the committee.

#### **Resolved**

**To approve the minutes of the previous meeting held on 21 August 2024 as a true and correct record.**

#### **68 Declarations of Interest**

There were no declarations of interest.

#### **69 Chairman's Announcements**

There were no Chairman's announcements.

70 **Public Participation**

The Committee noted the rules on public participation.

71 **Planning Appeals and Updates**

**Councillor Chuck Berry in the Chair.**

The Chairman invited Adrian Walker, Development Management Team Leader, to update the Committee on the pending and determined appeals as per the appeals report included within the Agenda Pack.

Following which, it was:

**Resolved:**

**The Committee noted the appeals report for the period 9 August to 6 September 2024.**

**For Councillors to receive an update on land supply and windfall housing statistics.**

72 **PL/2023/05471: Land South West of Park Road, Malmesbury, Wiltshire**

**Public Participation**

Mr James Durant spoke in support of the application.

Officers from the Development Management Area Team introduced the report which recommended that the Committee approve planning permission, subject to conditions, for a Reserved Matters Application of all reserved matters comprising of the erection of 23 dwellings together with associated infrastructure and landscaping following Outline Planning Permission ref 20/08341/OUT.

The main issues which were considered material in the determination of the application were:

- Principle of development
- Scale, design, impacts on the character and the appearance of the area
- Residential amenity/living conditions

Members of the Committee then had the opportunity to ask technical questions to the officer. The following was clarified:

That the road next to the proposed site was a public road and was included on the map to show access to the highway.

As the application was deferred, Councillors agreed not to repeat all the information discussed previously, and welcomed the additional information and clarification provided by Officers and the Applicant.

During debate, a motion to approve subject to conditions was proposed by Cllr Gavin Grant and seconded by Cllr Ruth Hopkinson, following which it was:

**Resolved**

**To Approve the application subject to the following conditions:**

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

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

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

**Application Form & Certificate Received 5th July 2023**

**As per the plans schedule, received on 2nd July 2024 Plans Ref:**

**Drawing Number Drawing Description**

**897 – 100 Rev A Site Layout**

**897 - 150 Site Location Plan**

**897 – 101 Rev B Boundary Treatments Plan**

**897 – 102 Rev A Wall Materials Plan**

**897 – 103 Rev B Roof Materials Plan**

**897 – 104 Rev A Tenure Plan**

**897 – 105 Rev A Ownership Plan**

**897 – 107 Rev A PV Panel and Air Source Heat Pump Locations Plan**

**897 – 005 Plots 6 7 8 and 9 - Affordable 1 and 2 Bed - Floorplans**

**897 – 006 Plots 6 7 8 and 9 - Affordable 1 and 2 Bed - Elevations**

**897 – 007 Plots 13 and 14 - Affordable 3 Bed - Floorplans**

**897 - 008 Plots 13 and 14 - Affordable 3 Bed - Elevations**

**897 – 009 Plots 10 11 and 12 - Affordable 2 Bed - Floorplans**

**897 - 010 Plots 10 11 and 12 - Affordable 2 Bed - Elevations**

**897 – 011 Plot 15 - Type B - Floorplans**

**897 – 012 Plot 15 - Type B - Elevations**

**897 – 013 Plots 16 and 22 - Type D - Floorplans**

**897 – 014 Plots 16 and 22 - Type D - Elevations**

**897 – 015 Plot 1 - Type D Bay - Floorplans**

**897 – 016 Plot 1 - Type D Bay - Elevations**

**897 – 017 Plots 20 and 21 - Type K and KV1 - Floorplans**

**897 – 018 Plots 20 and 21 - Type K and KV1 - Elevations**

**897 – 019 Plots 2 3 4 and 5 - Type OM 3 bed - Floorplans**

**897 – 020 Plots 2 3 4 and 5 - Type OM 3 bed - Elevations**

**897 – 021 Plot 18 - Type BV1 - Floorplans**

**897 – 022 Plot 18 - Type BV1 - Elevations**

**897 – 023 Plot 19 - Type BV1 - Floorplans**

897 – 024 Plot 19 - Type BV1 - Elevations  
897 – 025 Plot 17 and 23 - Type DV1 - Floorplans  
897 – 026 Plot 17 and 23 - Type DV1 - Elevations  
897 – 050 Single Garage Floorplan and Elevations  
897 – 051 Double Garage Floorplan and Elevations  
897 – 250 Site Section  
897 Material Finishes Schedule  
23\_271\_101\_B Soft Landscaping Plan

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

**3. 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.

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

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

**5. Prior to development above slab level a final Sustainable Energy Strategy, explaining the low carbon approach of the scheme taken in the technical design stages shall be submitted to and approved in writing by the Local Planning Authority. This shall include but not necessarily be limited to consideration of operational energy/carbon, embodied carbon, climate change adaptation and sustainable transport. The development shall be carried out in accordance with the agreed details.**

**REASON:** To ensure that the objectives of sustainable development set out in



policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

6. No development above slab level shall occur until final details of the air source heat pumps and roof-mounted solar PV has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.

**REASON:** In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41 and CP57 of the Wiltshire Core Strategy.

7. No development above slab level shall occur until final details of the electric vehicle charge points has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location and manufacturer's details. The development shall be carried out in accordance with the approved details.

**REASON:** In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy. - No development above slab level shall occur until final details of the cycle parking has been submitted to and approved in writing by the local planning authority. Details shall include location and building elevations. The development shall be carried out in accordance with the approved details. **REASON:** To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

8. The dwellings shall be constructed to meet, as a minimum, the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

**REASON:** The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently in accordance with the National Planning Policy Framework.

73 **PL/2022/06908: Phase 6, Land at Hunters Moon, Chippenham**

Public Participation

Mrs Janet Morgan spoke in objection of the application.

Mr Mike Gover, Mr Max Thurgood and Mr Nick Paterson-Neild spoke in support of the application.

Officers from the Development Management Area Team introduced the report

which recommended that the Committee approve planning permission, subject to conditions, for the erection of 56 dwellings, associated parking, public open space, landscaping access, drainage works and associated infrastructure.

The main issues which were considered material in the determination of the application were:

- Relationship to adjoining properties
- Environmental / highway impact

Members of the Committee then had the opportunity to ask technical questions to the officer, where the following was clarified:

- That originally, the land for the proposed application was designated as hybrid for mostly commercial and partly residential use and was now residential and should the application be approved, the housing would form part of the Council's land supply pipeline and would be included in figures when the development begins.
- That the S106 did provide for community assets including early years, but that the area was considered sustainable regarding major amenities.
- Regarding Section 7.7 of the officers' report, that the underlined paragraph was included to avoid erasing comments made even if they were subsequently deemed incorrect.

### Debate

During debate, Councillors considered local resident's submissions on the application. Councillors discussed potential flooding and drainage problems, including delegating these considerations to officers. Councillors raised potential issues with the enforcement of the proposed conditions should it be necessary.

During debate, a motion to approve subject to conditions was proposed by Cllr Chuck Berry and seconded by Cllr Sankey, following which it was:

### **Resolved**

**That information relating to drainage be published and communicated to Councillors**

**That the application be approved subject to the first completion of a S106 agreement requiring the following –**

- **Affordable housing – 40% Affordable housing 'AH' units on site including 22 AHs with tenure split of 14 no. Affordable Rent and 8 no. Shared**

**Ownership with the submitted mix of AH.**

- **Education – financial contributions towards local education provision.  
Early Years: £122,654.00.**
- **Highways – £7,200 financial contribution towards the original Transport Assessment / the provision and implementation of a Travel Plan. This amount would be indexed up from 2017 to 2023.**
- **Waste Collection Facilities - £5,656**
- **Public Open Space - LAP will be 100 sqm and the off-site contribution of £33,120 to cover the shortfall. In addition, a requirement for 2,616m<sup>2</sup> of sports pitches which equates to an off-site contribution of £26,160.**
- **A monitoring fee for the S106**

**And subject to the following planning conditions:**

#### **1. Time Limit**

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

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

#### **2. List of Approved Plans and Documents**

**The development hereby permitted shall be carried out in accordance with the list of approved plans and documents set out at Annex A to this decision notice.**

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

#### **3. Noise Mitigation Measures**

**Prior to the first occupation of the development hereby approved, the following noise mitigation measures shall be implemented in accordance with the 'summary of mitigation measures' plan (ref RA00761 - Fig 1 - v2). These shall include:**

Noise mitigation measures shall be implemented in accordance with the 'summary of mitigation measures' plan (ref RA00761 - Fig 1 - v2). These shall include:

- A 2.5 metre high acoustic fence along part of the A350 boundary prior to occupation of plots 43-49
- A 2.5 metre high acoustic fence along part of the Easton Lane boundary prior to occupation of plots 1-7 and 36-40
- A 2 metre high recon stone along the north-western boundary of plot 32 prior to occupation of such plot
- Mechanical ventilation (Zehnder ComfoAir 185 WM wholehouse ventilation system, or equal and approved) prior to occupation of plots 7, 9-10 and 30-36)
- Plot 40 will be finished with glazing with performance of 26dB Rw+Ctr required

Prior to the first occupation of the relevant each dwellings hereby approved, a written report confirming the technical specification and site schematics of the proposed mechanical ventilation system to protect future occupiers from A350 road traffic noise at Plots: 39,44,50,51,54,57,59, and to protect future occupiers from potential commercial/industrial noise at Plots: 7, 11, 12, 32, 33, 34, 35, 36, 37 and 40, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to future occupation and maintained for the lifetime of the development.

**REASON:** To protect the amenity of future residents, in accordance with Core Policy 57.

#### **4. Arboricultural Works**

No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until tree protection measures have been put in place in full accordance with the details set out in the 'Arboricultural Impact Assessment' (the Assessment) by Treework Environmental Practice dated 22th March 2024.

The protective fencing shall be erected in accordance with the approved details in the Assessment. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s specified in the Assessment shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved Assessment, plans and particulars. Any agreed topping or lopping shall be carried out in

accordance British Standard 3998: 2010 “Tree Work – Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved Assessment, plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

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

#### **5. Implementation of Landscaping Scheme**

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. Construction Method Statement**

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;

- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- e) wheel washing facilities;**
- f) measures to control the emission of dust and dirt during construction;**
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- h) measures for the protection of the natural environment.**
- i) hours of construction, including deliveries;**

**has been submitted to, and approved in writing by, the Local Planning Authority.**

**The approved Statement shall be complied with in full throughout the construction period.**

**The development shall not be carried out otherwise than in accordance with the approved construction method statement.**

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

## **7. Construction Environment Management Plan**

**Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:**

- a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.**
- b. Working method statements for protected/priority species, such as nesting birds and reptiles.**
- c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats;**

**this should comprise the pre-construction/construction related elements of strategies only.**

**d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.**

**e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).**

**f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.**

**Development shall be carried out in strict accordance with the approved CEMP.**

**REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.**

#### **8. Details of secure covered cycle parking**

**No development shall commence on site until details of secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.**

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

#### **9. Construction of roads, footpaths, turning and parking spaces**

**The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway. For the avoidance of doubt, the surface of the site access onto Haystack Avenue shall be finished with block paving to define the areas of Haystack Avenue and into the side road. The proposed footpath links to Haystack Avenue and the eastern side of the site and any unadopted visitors parking spaces shall be maintained by a management company and maintained as such thereafter.**

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

## **10. Completion of access, turning area and parking spaces**

**No individual dwelling hereby permitted shall be first occupied until the access, turning area and parking spaces serving that dwelling 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. Details of highway works adjacent to plot 54**

**Prior to the commencement of plot 54, a revised swept path analysis in the vicinity of plot 54 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the plot 54.**

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

## **12. Drainage details**

**Prior to the commencement of proposed development hereby approved, following drainage details shall be submitted to and approved in writing by the Local Planning Authority:**

**(i) calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment to prevent pollution of the receiving watercourse.**

**(ii) a construction management plan which demonstrates how pollution to groundwater and local watercourses will be mitigated, and how flood risk to people and property will be mitigated.**

**(iii) Clear arrangements for the ownership and ongoing maintenance of the proposed drainage system (including SuDS features).**

**(iv) Calculations and drawings for the drainage system design showing conveyance routes are designed to convey without flooding the critical 1 in 30 year + climate change rainfall event.**

**(v) Calculations and drawings for the drainage system design showing attenuation features are designed to attenuate without flooding the critical 1 in 100 year rainfall event + climate change.**

**(vi) Calculations include an allowance for increased surface water runoff, as a result of urban creep, in accordance with LASOO guidance.**

**(vii) Hydraulic Models set the MADD factor / additional storage volume factor to 0m<sup>3</sup> / ha in order to prevent an overestimation of storage capacity in the proposed drainage network.**



**(viii) As a result of the discharge to the surface water sewer, the applicant shall confirm the above hydraulic parameters are met when considering a surcharged outfall.**

**(ix) provide additional blue-green SuDS features in accordance with national and local development requirements. It is expected this shall predominantly include additional filter strips around the site**

**(x) Notwithstanding the submitted a flood routing plan entitled “Phase 6 Flood Exceedance”, the applicant shall provide a plan displaying detailed overland exceedance routes, including individual plots, to demonstrate flood risk to people and property is mitigated across the extent of the Phase 6 area, not just along highways**

**REASON: To ensure satisfactory drainage of the site.**

### **13. No external lighting**

**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 Institution of Lighting Professionals in their publication “The Reduction of Obtrusive Light” Guidance Note 01/21 (reference GN01/21), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.**

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

### **14. Waste Management**

**No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. No individual unit within the development shall not be first occupied. until the approved refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.**

**REASON: In the interests of public health and safety.**

### **15. Permitted Development Rights Removed (Means of Enclosure)**

**Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order**

revoking or reenacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed forward of any wall of the dwelling(s) (including a rear or side wall) which fronts onto a highway, carriageway or footpath.

**REASON:** In the interests of visual amenity.

**16. Permitted Development Rights removed (No garage conversion into habitable accommodation)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

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

**17. Detailed elevation of plot 14 and 15**

Notwithstanding submitted drawing, BSP670-1.PL-01 Oagstone Brick, the first-floor window on the side north elevation of plot 14 and 15 shall be obscure glazed to level 3 with restricted opening, and it shall be retained as such thereafter.

**REASON:** To safeguard the amenity of the neighbouring properties.

74 **Urgent Items**

There were no urgent items.

(Duration of meeting: 14.00 – 16.30pm)

The Officer who has produced these minutes is Max Hirst of Democratic Services, e-mail [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)

Press enquiries to Communications, direct line 01225 713114 or email [communications@wiltshire.gov.uk](mailto:communications@wiltshire.gov.uk)

**Wiltshire Council**  
**Northern Area Planning Committee**  
**20<sup>th</sup> November 2024**

Planning Appeals Received between 06/09/2024 and 08/11/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2022/00093	Land at Pavenhill, Purton, Swindon, SN5 4DA	Purton	Demolition of 1 existing dwelling and erection of 25 market and affordable dwellings, with associated access works, car parking, public open space and landscaping.	DEL	Written Representations	Refuse	28/10/2024	No
PL/2022/00395	Land at South Pavenhill Farm, Pavenhill, Purton, Wilts, SN5 4DQ	Purton	Outline application for the erection of up to 60 dwellings (including affordable homes), point of connection of access road from Pavenhill and shared footpath/cycleway and emergency access from Ringsbury Close, open space, sustainable drainage system and associated landscaping and infrastructure with all other matters (relating to appearance, landscaping, scale and layout) reserved.	DEL	Hearing	Refuse	04/11/2024	No
PL/2022/01313	Land Adjoining The Mermaid Inn, Main Road, Christian Malford, Chippenham, SN15 4BE	Christian Malford	Erection of two dwellings and associated works.	DEL	Written Representations	Refuse	08/10/2024	No
PL/2022/02452	Land at Stones Farm, West Mill Lane, Cricklade, SN6 6JL	Cricklade	Outline application for the erection of up to 140 dwellings, a habitat support area and associated landscaping and works. Access not reserved.	DEL	Hearing	Refuse	19/09/2024	No
PL/2022/07893	Land off Spitfire Road, Calne	Calne Without	Residential development for up to 100 dwellings, associated works including infrastructure, ancillary facilities, open space and landscaping. Construction of a new vehicular access off Spitfire Road and demolition of existing structures	DEL	Inquiry	Refuse	26/09/2024	No
PL/2023/06204	Land Off The High Street, Sutton Benger, SN15 4SP	Sutton Benger	Outline planning application for the erection of up to 60 dwellings, including affordable housing with public open space, structural planting and landscaping, land for the provision of allotments and sustainable drainage system (SuDS) with vehicular access point. All matters reserved except for means of access.	DEL	Hearing	Refuse	18/09/2024	No
PL/2023/10421	Land South of Abberd Lane, and east of Spitfire Road, Calne	Calne Without	Development of a new Local Centre comprising a Class E(f) day nursery and Class E(a) convenience store, with associated parking, access and landscaping.	DEL	Inquiry	Refuse	26/09/2024	No

PL/2023/10502	Land West of Stonewold House, Alderton Lane, Grittleton, Wiltshire, SN14 6AN	Grittleton	Erection of two dwellingshouses.	DEL	Written Representations	Refuse	28/10/2024	No
PL/2024/01888	13, Malmesbury Road, Leigh, Swindon, SN6 6RH	Leigh	Variation of Condition 5 of application 20/05927/FUL	DEL	Written Representations	Refuse	15/10/2024	No
PL/2024/01979	Land Opposite Nos 6 and 7 Silver Street, Gastard, SN13 9PY	Corsham	Erection of 4 residential dwellings, access, footpath extension, landscaping and associated works.	DEL	Written Representations	Refuse	31/10/2024	No
PL/2024/02038	48 Park Lane, Chippenham, SN15 1LN	Chippenham	Installation of 5 solar panels on the South (Park Lane Road facing) side of the property	DEL	Written Representations	Refuse	04/10/2024	No
PL/2024/03159	49 Round Barrow Close, Colerne, Chippenham, SN14 8EF	Colerne	Proposed erection of a single storey rear extension following the demolition of existing conservatory, formation of 1no. dormer window to the existing loft conversion, and the conversion of existing garage to habitable space.	DEL	Householder Appeal	Refuse	25/09/2024	No
PL/2024/03961	Lanyon, Thingley, Corsham, SN13 9QL	Corsham	Erection of two storey ancillary outbuilding to provide machinery store, garaging and a first-floor home office (retrospective) and proposed landscaping scheme.	DEL	Written Representations	Refuse	22/10/2024	No
PL/2024/04175	The Old Byre, Sevington, Grittleton, Chippenham, SN14 7LD	Grittleton	Garden	DEL	Written Representations	Refuse	21/10/2024	No

Planning Appeals Decided between 06/09/2024 and 08/11/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2022/02824	Land at Somerford Farm, Brinkworth, SN15 5AU	Brinkworth	Proposed Development is for a battery storage facility and ancillary development.	NAPC	Hearing	Approve with Conditions	Allowed with Conditions	17/10/2024	None
PL/2022/05322	The Stone Barn, Noble Street, Sherston, Malmesbury, Wilts, SN16 0NA	Sherston	Use of premises for Class E (Commercial, Business & Service) use and installation of mezzanine floor (Resubmission of PL/2021/07778)	DEL	Written Reps	Refuse	Appeal Part Allowed	07/10/2024	Appellant applied for Costs - <b>REFUSED</b>
PL/2022/06787	South Wing, Whetham House, Whetham, SN11 0PT	Calne Without	Removal of decayed, structurally inadequate roof structure and replacement with traditional oak roof structure	DEL	Hearing	Refuse	Allowed with Conditions	08/10/2024	None
PL/2023/00424	Land at Washpool, Swindon, SN5 3PN	Lydiard Millicent	Demolition of various outbuildings and erection of a 3-bedroom detached dwelling and associated works (Revised resubmission)	NAPC	Written Reps	Approve with Conditions	Dismissed	13/09/2024	Appellant applied for Costs - <b>REFUSED</b>
PL/2023/03523	Land south of White House Cottage, Callow Hill, Brinkworth, Chippenham, Wilts, SN15 5DZ	Brinkworth	Erection of 2 detached dwellings with associated car parking, vehicular access, tree works and landscaping.	DEL	Written Reps	Refuse	Dismissed	08/11/2024	None
PL/2023/03637	Land parcel off the A429, located (north) of Waitrose, Malmesbury, SN16 9NZ	Malmesbury/ St. Paul Malmesbury Without	Erection of a building for mixed agricultural uses including the storage of machinery and periodic housing of livestock.	DEL	Written Reps	Refuse	Dismissed	07/11/2024	None
PL/2023/04815	Land at Kington Lane, Stanton St Quintin, Chippenham, Wiltshire, SN14 6DF	Stanton St. Quintin	The construction of 12 dwellings, including 5 affordable housing units, and associated infrastructure.	DEL	Written Reps	Refuse	Dismissed	30/10/2024	None
PL/2023/05301	The Bungalow, Milbourne, Malmesbury, SN16 9JA	St. Paul Malmesbury Without CP	Extension to the west side of the existing property and associated works.	DEL	Householder Appeal	Refuse	Dismissed	18/09/2024	None
PL/2023/08462	The Long Barn, Lower Stanton St Quintin, Chippenham, SN14 6DB	Stanton St. Quintin	Subdivision of existing dwelling to 4no. separate dwellinghouses with associated works to provide associated curtilages and parking. Erection of Car Port.	DEL	Written Reps	Refuse	Dismissed	06/09/2024	None
PL/2023/08747	40 Marlborough Road, Royal Wootton Bassett, Swindon, SN4 7SA	Royal Wootton Bassett	Proposed Annex for the enjoyment of friends and family.	DEL	Written Reps	Refuse	Dismissed	14/10/2024	None

PL/2023/08748	40 Marlborough Road, Royal Wootton Bassett, Swindon, SN4 7SA	Royal Wootton Bassett	Remove garage and erect a dwelling.	DEL	Written Reps	Refuse	Dismissed	14/10/2024	None
PL/2024/01572	Waterhay Barn, Leigh	Leigh	Replace barn with new build dwelling	DEL	Written Reps	Refuse	Dismissed	30/10/2024	None
PL/2024/03159	49 Round Barrow Close, Colerne, Chippenham, SN14 8EF	Colerne	Proposed erection of a single storey rear extension following the demolition of existing conservatory, formation of 1no. dormer window to the existing loft conversion, and the conversion of existing garage to habitable space.	DEL	Householder Appeal	Refuse	Appeal Withdrawn	01/10/2024	None

## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	20 <sup>th</sup> November 2024
<b>Application Number</b>	<b>PL/2024/06709</b>
<b>Site Address</b>	<b>Land north of Chelworth Road, Cricklade Industrial Estate, Cricklade, SN6 6HE</b>
<b>Proposal</b>	<b>Retention of hardstanding as car parking, link pedestrian access to adjacent commercial site, landscaping and biodiversity net gain</b>
<b>Applicant</b>	<b>Big Van World</b>
<b>Town/Parish Council</b>	<b>Cricklade Town Council</b>
<b>Ward</b>	Cricklade & Latton ED
<b>Type of application</b>	<b>Full Planning Permission</b>
<b>Case Officer</b>	James Repper

### Reason for the application being considered by Committee

Councillor NickDye has called the application to committee for the following reasons:

- Relationship to adjoining Properties
- Car parking use
- Environmental impacts
- Highway impacts

### 1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission should be APPROVED subject to conditions.

### 2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

- Principle of development
- Scale, design, impact to character and appearance of the area
- Residential amenity/living conditions

The application has generated an objection from Cricklade Town Council and 5 letters of representation.

### 3. Site Description

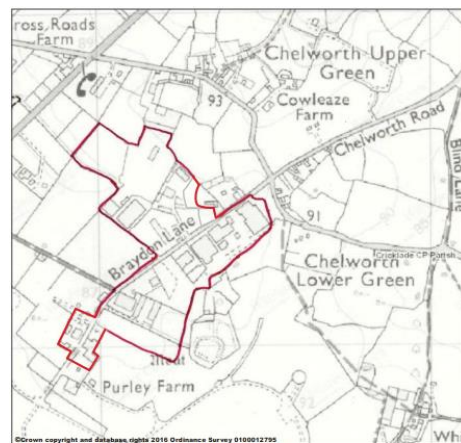
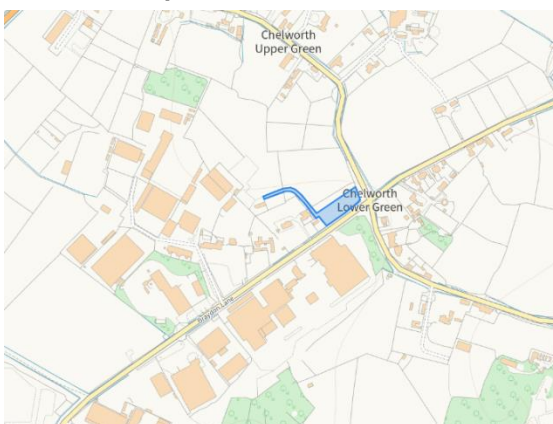


Figure 14: Boundary of Chelworth Commercial Area (red line)

The application site relates to a piece of land located in the countryside outside of the Chelworth Industrial Estate Boundary, as defined by the Cricklade Neighbourhood Plan (CNP) and outside any settlement boundaries, as defined by Wiltshire Core Strategy (WCS) core policies 1 (Settlement Strategy), 2 (Delivery Strategy) and 19 (Spatial Strategy for the Cricklade & Royal Wootton Bassett Community Area). The site is located on the northern side of Bradon Lane in the crook of the crossroads of Braydon Lane and the Class C road leading to Upper Chelworth. The site is associated with Pear Tree Farm and has historically been an agricultural field. A previous tenant converted the area to macadamized stone by a tenant without planning permission.



Figure 1 July 2024



Figure 2 April 2022

**4. Planning History**

None Relevant to the application.

**5. The Proposal**

This is a full planning application including a change of land use.

**6. Local Planning Policy**

**National Planning Policy Framework (NPPF)**  
**National Planning Practice Guidance (NPPG)**

**Cricklade Neighbourhood Plan 2026 (CNP), Made March 2018**

**Wiltshire Core Strategy:**

- Core Policy 1 – Settlement Strategy
- Core Policy 2 – Delivery Strategy
- Core Policy 19 – Spatial Strategy: Royal Wootton Bassett and Cricklade Community Area
- Core Policy 35 – Existing Employment Sites
- Core Policy 50 – Biodiversity and Geodiversity
- Core Policy 51 – Landscape
- Core Policy 57 – Ensuring high quality design and place-shaping
- Core Policy 58 – Ensuring the conservation of the historic environment
- Core Policy 60 – Sustainable transport
- Core Policy 61 – Transport and New Development
- Core Policy 62 – Development impacts on the transport network
- Core Policy 67 – Flood Risk

**7. Summary of Consultation Responses**

**Cricklade Town Council: Object**

- Cricklade Town Council’s Planning, Conservation and Transport Committee comments from the meeting held on 27th August 2024 on Planning App PL/2024/06709

This site is the first plot on the right when entering Braydon Lane from the crossroads. It is approximately 0.6 acre. It appears from the application form that the land is not owned by the applicant, however residents have since informed CTC that they believe this to be incorrect. They state that Pear Tree Farm is owned by Mr Michael Austen as is Big Van



World. They say this is confirmed by the title deeds held at the Land Registry, which show the Pear Tree Farm boundary incorporating the piece of land in question.

It became apparent that the site was cleared and hardstanding laid by a previous tenant and Wiltshire Council Enforcement Department became involved. That tenant was removed last year. The current application is therefore a retrospective one to retain the hardstanding and use it as a staff and customer parking area for Big Van World and it would link by means of a new permeable footpath.

Most of the traffic to or from the site accesses the A419 by travelling right through the middle of Cricklade on roads not suited for that purpose causing noise, vibration, damage to buildings and roads, and intimidation to pedestrians on narrow pavements.

The Cricklade Neighbourhood Plan 2026 (made 2018) includes a policy B5 for Chelworth Commercial Area which seeks to prevent further expansion of the site outside a clearly defined boundary. The application site is outside that boundary.

The aim of the Neighbourhood Plan is to support non-HGV intensive commercial development within the defined boundary but to try to control the impact of HGV's on the town of Cricklade by objecting to any commercial development outside the defined boundary and any use within the boundary that would generate additional HGV traffic.

Cricklade Town Council have embarked on the process of reviewing the Neighbourhood Plan and a recent public consultation carried out in May-July 2024 (results not yet published) indicate that the resolve of residents has hardened against the volume of HGV's travelling through the town.

Members unanimously voted to OBJECT on the grounds of non-compliance with Cricklade Neighbourhood Plan 2026 and how this would be a detriment to the visual impact for the neighbours of the area as the entrance is a rural green entrance.

**Drainage:** Support subject to conditions

- It should be noted that our comments below are reliant on the accuracy and completeness of the submitted documents, and we do not take any responsibility for incorrect data or interpretation made by the authors.

It is noted that the applicant has not submitted a drainage strategy.

**Conditions:**

The drainage team has the following conditions which need to be addressed by the applicant:

- No development shall take place until surface water drainage works have been implemented in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details that have been submitted to and approved in writing by the Local Planning Authority.

In order to discharge the above drainage condition the following additional information must be provided:

- A detailed plan showing the existing drainage features on the site and how the proposed drainage strategy will be implemented.
- Evidence demonstrating how the surface water disposal hierarchy has been applied and how all other options have been exhausted. The hierarchy is set out below:
  - o Surface water runoff is collected for use.
  - o Discharge into the ground via infiltration.
  - o Discharge to a watercourse or other surface water body.
  - o Discharge to surface water sewer or other drainage system, discharging to a watercourse or other surface water body.
  - o Discharge to a combined sewer.

- The applicant shall submit a plan of the overland exceedance routes for flows in excess of the 1 in 100 years plus climate change (45%) rainfall event, that minimise the risk to people and property.

**Informatives:**

- Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

**Highways: No Objection**

- No objection to the retention for parking in order to allow for employee parking and occasional overflow parking.  
This is not to be utilised as permanent parking for HGVs on site.

**8. Publicity**

This application was advertised through the use of a site notice and letters of consultation.

5 letters of representation were received from the residents of 4 local dwellings 3 in objection and raising concerns. The full comments can be seen on the Wiltshire Council's planning website, a summary of the points raised follows:

- Erosion of the rural buffer
- HGV Parking
- Increased Traffic and Consequent Risk
- Hours of Operation
- Outside Chelworth Industrial Estate Boundary
- Contrary To Cricklade Neighbourhood Plan
- Risk of Watercourse Contamination
- Historical Monument Site not being Preserved

**9. Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Section 70(2) of the Town and Country Planning Act 1990 provides that:

In dealing with an application for planning permission, the authority shall have regard to:

- the provisions of the development plan, so far as material to the application,
- a post-examination draft neighbourhood development plan, so far as material to the application,
- any local finance considerations, so far as material to the application, and
- any other material considerations.

For the purpose of determining this application, the development plan comprises the Wiltshire Core Strategy Adopted January 2015 (WCS), the Saved Policies of the North Wiltshire Local Plan 2011 (NWLP) and the Cricklade Neighbourhood Plan 2026 (CNP).

**9.1 Principle:**

Core Policy 1 of the WCS sets out the settlement strategy for the County. It identifies a hierarchy of settlements to which development will be directed with the aim of achieving sustainable development. Core Policy 2 provides a more detailed delivery strategy for the provision of employment land and housing. It states that, within the limits of development as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. It

continues that, other than in specified circumstances (including additional employment land (Core Policy 34)) development will not be permitted outside the limits of development as, defined on the policies map.

Core Policy 19 identifies the settlements in the Royal Wootton Bassett and Cricklade Community Area and the category in which they appear in the hierarchy. Cricklade is categorised as a 'Local Service Centre'. The application site lies outside the settlement framework for Cricklade as defined on the policies map.

Core Policy 34 states that, outside the principal settlements, market towns and local service centres, developments will be supported that "...are for new and existing rural-based businesses within or adjacent to Large and Small Villages" where, among other matters, they "b. are consistent in scale with their location, do not adversely affect nearby buildings and the surrounding area or detract from residential amenity" and "e. are supported by adequate infrastructure". The application site is not within or adjacent to a Large or Small Village. Nor is it listed as a Principal Employment Area within Core Policy 35 and Core Policy 19.

The CNP does not allocate the site for development, but it does define the extent of the Chelworth Commercial Area in Figure 14. Policy B5 of the CNP states that, in this Area, proposals to extend the uses into the surrounding countryside will not be supported. It continues that proposals for the conversion or change of use of existing buildings within the defined Commercial Area to other commercial uses will be supported where the resulting new uses would have a reduced visual impact on the rural environment and would generate a lower level of commercial and/or HGV traffic.

The red-line site boundary as detailed on the location plan supplied with the application is located outside of the defined boundary of Chelworth Industrial Estate but is located within the estate signage and has commercial buildings, located within the defined estate, on the opposite side of Bradon Lane. There is, however, conflict with policy B5 of the Cricklade Neighbourhood Plan.

The explanatory text in the CNP states that "The Commercial Area is located in an inherently unsustainable location" (4.3.10). While the text is a material consideration that may assist with interpreting the policy, it is not itself policy. It also states the Chelworth Commercial Area is near a locally important Wildlife Site and within the designated Great Western Community Forest area. Development of existing commercial undertakings within the Commercial Area should pay due regard to this and other environmental protection policies in the Core Strategy, particularly CP50 and CP52.

Significant weight should be applied to policy, however, conflicts with policy can be outweighed should there be sufficient benefits. These benefits could include reduced landscape impact, the more efficient use of land and the preservation of biodiversity.

The policies are clearly created to preserve the rural buffer and to prevent landscape harm whilst also seeking to maintain or reduce highway impacts via increased movements, especially those of heavy goods vehicles.

It is, therefore, that whilst there is conflict with policy B5 of the Cricklade Neighbourhood Plan this conflict could be outweighed by benefits which shall be considered in the remainder of this report.

## **9.2 Landscape Impacts:**

Policy B5 clearly looks to preserve the rural landscape of the immediate and surrounding area of the Chelworth Ind Est. As the application is retrospective the assessment of landscape impact is easily conducted. The site is immediately adjacent to Bradon Lane with Gate 1 a few meters further along on the southern side of the road. The Crossroads is the demarcation where Chelworth Road becomes Bradon Lane, at its entrance there are highway signs on both sides of the lane noting Chelworth Industrial Estate. To the southern side of the road, there is limited verdant screening and obvious wooden "stock fencing" clearly showing the existing industrial estate, to the north of the lane, where the application site lies, there is a mature and large verdant

hedge concealing the site from views and a grass buffer separating this hedge from road running north to south.



It is considered that with the appropriate use of conditions, the proposed site could be maintained, to all intents and purposes, as having a neutral impact on the landscape and street scene. The existing hedge is detailed to be retained and the access is the pre-existing field access. Overall it is considered that given the low level of “development” contained within the application, the impact upon the rural landscape is minor and will have no tangible effect on the street scene.

### 9.3 Highways

Many of the policies in effect in the area and concerns raised in relation to the application and the industrial estate, in general, relate to increased commercial traffic and the consequent impacts on local villages especially the impact of HGV's on the minor country road network. In this case, the proposed parking area will be for the use of employees of current and well-established businesses located within the estate and formalise a pedestrian route to said businesses away from the highway network. As these businesses already exist, employing circa 60 staff, the site would not increase traffic levels within the wider area as that traffic already exists. What also exists within the industrial estate, as with many other similar estates, are parking conflicts with limited spaces available for the multiple businesses and the associated deliveries, couriers and customers. With limited parking areas available, staff often resort to parking on the estate roads and Bradon Lane itself. This on-road parking clogs the road network, is considered to be visually intrusive and also offers a level of danger to pedestrians as they attempt to negotiate the estate on the way to their destinations from their roadside parked vehicles. It is, therefore, considered that removing the staff parking of these employees from the highway can only improve the highway network, improve visual amenities and increase pedestrian safety.

Concerns have been raised regarding HGV's using the site and consequently increased HGV traffic through the local area. The site is not proposed to offer HGV parking and this can easily be controlled via condition as can the hours of operation restricting overnight parking of any sort. It is therefore considered that these concerns can be allayed via condition and that the proposals are of significant benefits to the industrial estate employees, customers and residents of the wider community travelling through the area.

### 9.4 Ecology:

Wiltshire Core Strategy requires that developments show no net loss in habitat and biodiversity, these policies have effectively been superseded by the introduction of Biodiversity Net Gain (BNG) which requires most developments to provide a minimum of 10% net gain. The application has been supported by ecology reports showing that the works carried out to the site by the previous tenant had caused little loss in ecological terms but that measures proposed as part of this application will then lead to a 59% net gain in habitat units and a near 17% gain in hedgerows,

these increases clearly go beyond the minimum required by national policy and are given a high level of weight when considering their effect on enhancing the rural location of the site.

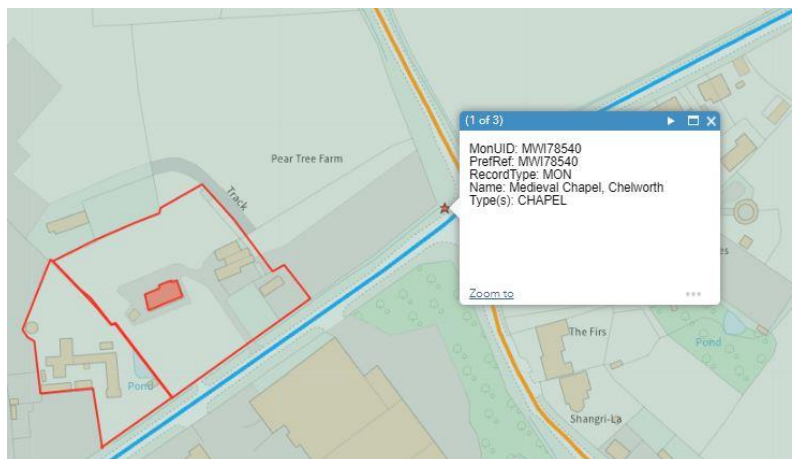
#### 9.5 Drainage:

The area of hard standing created by the previous tenant is permeable and as such is considered to have no tangible effects on the drainage of the site compared to the previous field arrangement, as such there is no objection to the proposals from the council's drainage officers subject to the imposition of relevant conditions.

#### 9.6 Heritage:

One of the responses from the public consultation identified the site as a designated historic monument relating to a medieval chapel that was mentioned as ruined in a grant of 1361. The council's conservation officer was consulted in relation to this information and concluded that the site is not a scheduled monument, the nearest one being circa 450m south of the site Ref 1013353 "Moated site and surrounding earthworks – 100 m south of Chelworth Farm".

The mediaeval chapel does have an archaeological place marker on mapping services but this is located outside of the site next to the road and given that the scaping works to an arable field have already been completed and no further ground penetration works are proposed, an archaeological watching brief is possible or required.



#### 10. Conclusion:

Overall it is considered that whilst there is a conflict with policy B5 of the Cricklade Neighbourhood plan, the aims and objectives of that policy are to preserve the rural environment and landscape character of the area whilst protecting the local area from increased vehicle movements, especially those of larger commercial vehicles. Due to the location of the application site beyond the double "entrance" signs of the industrial estate, the enclosed and concealed nature of the site, the very limited development involved in the proposals, the increase to biodiversity, the lack of increased movements to and from the estate and the improvements to highway safety it is concluded that despite the site being outside the boundary of the industrial estate there would be no harm to the landscape, no expansion of activity, an improvement to the highway network and the ecology of the area, all things considered to be the aims and objectives at the heart of policy B5. Therefore, it is recommended that the application be approved subject to conditions.

#### RECOMMENDATION:

Approve subject to the following conditions and informatives.

#### Conditions:

1. No development shall continue on-site until surface water drainage works have been implemented in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details that have been submitted to and approved in writing by the Local Planning Authority.

In order to discharge the above drainage condition the following additional information must be provided:

- A detailed plan showing the existing drainage features on the site and how the proposed drainage strategy will be implemented.
- Evidence demonstrating how the surface water disposal hierarchy has been applied and how all other options have been exhausted. The hierarchy is set out below:
  - o Surface water runoff is collected for use.
  - o Discharge into the ground via infiltration.
  - o Discharge to a watercourse or other surface water body.
  - o Discharge to surface water sewer or other drainage system, discharging to a watercourse or other surface water body.
  - o Discharge to a combined sewer.
  
- The applicant shall submit a plan of the overland exceedance routes for flows in excess of the 1 in 100 years plus climate change (45%) rainfall event, that minimise the risk to people and property.

REASON: To ensure the site is properly drained and prevent flooding of the site and the surrounding area

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

Application Form & Certificate Received 17<sup>th</sup> July 2024  
Plans & Documents Ref:  
Existing 7 Proposed Block and Location Plan Received 17<sup>th</sup> July 2024  
BNG Assessment, Ellendale Environmental Received 17<sup>th</sup> July 2024  
Planning Statement Received 17<sup>th</sup> July 2024  
Preliminary Ecological Assessment, Ellendale Environmental Received 17<sup>th</sup> July 2024

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

3. At no point shall the parking area hereby approved be used by vehicles outside of classes A or B as defined by the Driver and Vehicle Licensing Agency.

REASON: In the interests of preserving the visual amenities and maintaining the existing hedgerows.

4. The carpark hereby permitted shall not be used for the parking of any vehicles between the hours of 22:00hrs and 06:00hrs.

REASON: The site is not permitted to be an overnight rest stop and is not considered to have sufficient facilities or be located within a sustainable location for said use.

5. 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, 2021)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed. (<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021>)

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to prevent harm to foraging wildlife.

6. No Development shall continue on site until a Biodiversity Gain Plan has been prepared in accordance with the Biodiversity Net Gain Assessment conducted by Ellendale Environmental on the 11<sup>th</sup> of July and approved in writing by the Local Planning Authority.

REASON: To secure Biodiversity Net Gain in accordance with the supplied assessments.

7. The development hereby approved shall not continue until a [Habitat Management and Monitoring Plan (the HMMP)], prepared in accordance with the approved Biodiversity Gain Plan and including:
- a non-technical summary;
  - the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
  - the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
  - the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
  - the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

has been submitted to, and approved in writing by, the local planning authority.

REASON: To secure the long-term biodiversity net gains proposed within the application.

8. 2.3 Notice in writing shall be given to the Council when the:
- [HMMP] has been implemented; and
  - habitat creation and enhancement works as set out in the [HMMP] have been completed.

REASON: To record the date upon which the 30-year maintenance requirement commenced.

#### **Informatives:**

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wiltshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- (i) the application for planning permission was made before 2 April 2024;
- (ii) planning permission is granted which has effect before 2 April 2024; or
- (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

4.2. Development below the de minimis threshold, meaning development which:

- (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

#### Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

#### The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.



Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

2. Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

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**REPORT OUTLINE FOR AREA PLANNING COMMITTEES**

**Report No.**

<b>Date of Meeting</b>	<b>20<sup>th</sup> November 2024</b>
<b>Application Number</b>	<b>PL/2023/07797</b>
<b>Site Address</b>	<b>Land Off Park Road, Malmesbury, Wilts</b>
<b>Proposal</b>	<b>Reserved Matters Application pursuant of Outline Permission 19/05898/OUT (Outline application for up to 50 residential units, internal road, parking, open space and associated works, with all matters reserved other than access) relating to Appearance, Landscaping, Layout and Scale</b>
<b>Applicant</b>	<b>Lagan Homes and White Lion Land (Malmesbury) Limited</b>
<b>Town/Parish Council</b>	<b>Malmesbury Town Council</b>
<b>Ward</b>	<b>Malmesbury</b>
<b>Latitude and Longitude</b>	<b>53.386624, - 5.190328</b>
<b>Type of application</b>	<b>Reserved Matters</b>
<b>Case Officer</b>	<b>James Repper</b>

**Reason for the application being considered by Committee**

Councillor Grant has called the application to committee for the following reasons:

- Environmental Impacts
- Highway Impacts

**1. Purpose of Report**

To consider the above application and the recommendation of the Area Development Manager that planning permission should be APPROVED subject to conditions.

**2. Report Summary**

The main issues which are considered to be material in the determination of this application are listed below:

- Principle of development
- Scale, design, impacts on the character and the appearance of the area
- Residential amenity/living conditions

The revised application has generated an Objection from Malmesbury Town Council and 31 letters of representation from members of the public.

**3. Site Description**

The application site, as outlined in red, consists of an area of land totalling 1.2 hectares in area, drawn around part of an existing open field located close to the rear boundaries of properties 21 -26 White Lion Park. The application site includes the hedge boundaries located to the southwest boundary and boundary with Park Road.

The site outlined in red forms part of an open grassed, closely mown field. The application site includes the current field boundaries to the southwest and southeast of the site. The application site includes the hedge boundary and ditches that run along the southern side of Park Road and two preserved trees (subject of TPO N/12/00001/IND) that are also contained within the north east boundary of the existing field. The remaining TPO trees and woodland subject of that order are not contained within the red site boundary but are within the applicant's ownership boundary.

The site slopes up from Park Road fairly steeply towards White Lion Park. The site is located in the Avon River Valley with the boundary to the Cotswold AONB located to the western side of Park Lane. Park Road, including land within the red site boundary forming the proposed access to the site, is low lying and close to the river valley and is located in Flood Risk Zones 2

and 3 and part of the application site is also an area at risk of both groundwater and surface water flooding.

The proposed development site lies in countryside outside the town's settlement boundary and is not identified as a housing site within the 'Wiltshire Housing Sites Allocation Plan' (February 2020) or the Malmesbury Neighbourhood Plan (Made 2015) or allocated for any form of development in the adopted development plan.

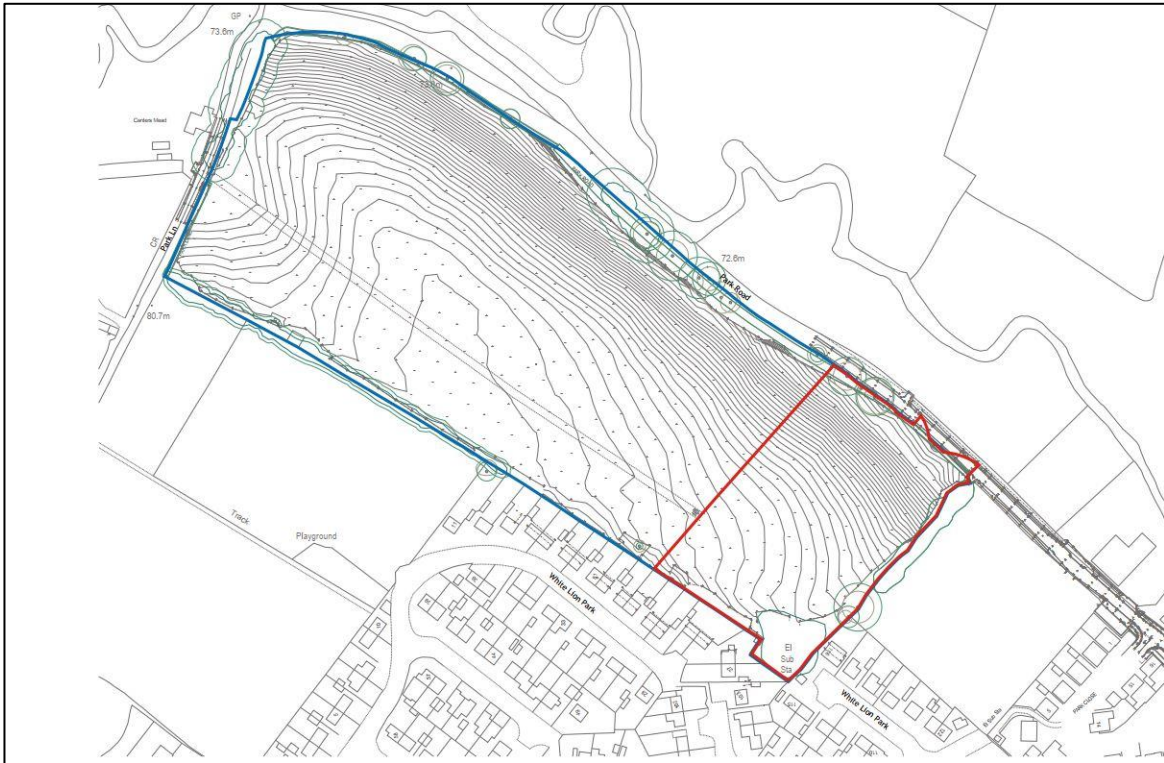


Figure 1 Site Location Plan

#### 4. Planning History

Application Ref	Proposal	Decision
19/05898/OUT	Outline application for up to 50 residential units, internal road, parking, open space and associated works, with all matters reserved other than access.	Approved via Appeal September 2022
PL/2023/08583	Approval of details reserved by a condition	Under Consultation
20/08341/OUT	Neighbouring Site to East - Outline Planning Application (with all matters except access reserved) for up to 26 Dwellings, Public Open Spaces, Landscaping and Associated Engineering Works.	Approved via Appeal September 2022
PL/2023/05471	Neighbouring Site to East - Approval of all reserved matters comprising of the erection of 23 dwellings together with associated infrastructure and landscaping following Outline Planning Permission ref 20/08341/OUT	Approved September 2024

**5. The Proposal**

This is a Reserved Matters Application seeking consent for all those matters not approved as part of the outline application or subsequent Discharge of Condition Applications, Namely, layout, design, detail and landscaping.

**6. Local Planning Policy**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
National Design Guidance (Planning practice guidance for beautiful, enduring and successful places) 2021

**North Wiltshire Local Plan 2011 saved policies:**

H4 – Residential Development in the Open Countryside  
NE14: Trees, Site Features and the control of new development.  
CF3: Provision of Open Space  
NE18: Noise and Pollution

**Wiltshire Core Strategy:**

Core Policy 1- Settlement Strategy  
Core Policy 2 - Delivery Strategy  
Core Policy 3 – Infrastructure Strategy  
Core Policy 13 - Malmesbury Community Area  
Core Policy 43 – Providing Affordable Homes  
Core Policy 50 - Biodiversity and Geodiversity  
Core Policy 51- Landscape.  
Core Policy 52 - Green Infrastructure.  
Core Policy 57 - Ensuring High Quality Design and Place Shaping  
Core Policy 60 – Sustainable Transport  
Core Policy 61 – Transport and New Development  
Core Policy 64 – Demand Management

**Supplementary Planning Guidance:**

Wiltshire Design Guide (Shaping the Future – My Place, Your Place, Our Place) 2024  
Wiltshire Local Transport Plan – Car Parking Strategy  
Malmesbury Neighbourhood Plan (February 2015)

**7. Summary of Consultation Responses**

All publishable comments from members of the public and consultees are available to view via the Wiltshire Council's planning website, below are summaries of those responses.

**Malmesbury Town Council: Object**

- At the Malmesbury Town Council planning and environment committee meeting on 13th August 2024, the following comment was resolved:-

As with previous comments (WC-23-10-283704/WC-24-03-296341/WC-24-07-305341) Malmesbury Town Council's Planning and Environment Committee is minded to object to this application in the strongest possible terms. The application remains Called-In.

MTC has made well-documented representations with regards to the clear risk of flooding. (We draw to attention the commentary provided by the Environment Agency on the 26th of March where they reference the fact Park Road is subject to flooding of unsafe depth and velocity.)

Measures suggested including rainwater storage are still, in our opinion (sic), shortsighted, given the network of streams, ditches available to release said rainwater, all of which have to service similar discharges from an ever-growing town.

Overall, the fact that this development sits outside of the made neighbourhood plan is of paramount importance to this council and to the people of Malmesbury.

**Spatial Planning – No Comment**

**Highways Department – No Objection**

- I refer to the further revised plans received on 22nd July and 7th August 2024 in respect of the above reserved matters planning application.

**Site Layout**

The site layout has been further amended in line with the previous highway consultation response, with the visitor parking bays within the turning head being defined with a flush upturned HB2 kerb which should ensure that parking only takes place within these bays, and the entrance to the emergency access route is kept free of obstruction.

A footway has been reinstated to adjoin the carriageway fronting Plots 19-27, with a separate footpath serving as access to the property frontages, providing an acceptable highway layout.

**Parking**

The car parking arrangements for all plots are now considered acceptable, and the provision for cycle parking is also acceptable.

**Emergency link**

The Highways Response Note dated 22nd July 2024 refers to the indicative gated access to the emergency access route on the site layout plan and advises that the gate keypads to control its use are likely to have master locks that can only be unlocked by the management company or emergency services. These details are to be provided prior to the occupation of the site, as stated in condition 12.

The treatment of the connection of the emergency access with the public highway of Park Lane is suggested to be of a permeable hardstanding between the carriageway of Park Lane and a gate on the emergency access route. These details have been provided in the Highways Response Note dated 24th May 2024 on drawing no. LHMALMESBURY.1/30 indicating a gate set back 9m from the Park Lane carriageway edge and 2m by 70m visibility splays from the access.

Having regard to the above, I am happy that the highway layout for the site is now acceptable. The means of control of the emergency access route requires further clarification, but is covered by condition 12, and is considered as part of the discharge of conditions application, PL/2023/08583.

The development will be the subject of a Section 38 Agreement with the Highway Authority to secure the appropriate construction and adoption as public highway. The full engineering details of which have been submitted for technical approval, although currently not approved. I, therefore, recommend that no highway objection is raised to this reserved matters application.

**Public Protection -**

**Urban Design – No Objection**

- The revised Materials layout with added annotation to identify the retaining wall in RC stone and pantile roofs in clay has satisfactorily addressed my objection outstanding.

**Archaeology – No Objection**



### **Drainage – No Objection**

- Documents Reviewed:

- Update with EA LLFA Response - Discharge of Condition 12

- Construction Phase Plan

In November 2023 the LLFA requested addition information to discharge Condition 10 as follows:

- The topo suggests flow from the non-developed side would indicate runoff towards the site not as indicated in Figure 4.3. The applicant is required to provide a more detailed surface runoff analysis to confirm that this is not the case. This has been satisfactorily addressed in Sections 4.28 to 4.30

- The applicant is required to supply a construction phasing plan. This has been provided and is acceptable.

The LLFA has no further objections to this application.

### **Landscape – No Objection**

- Following on from my last landscape consultation response, 02/09/2024, I note the inclusion of revised plans and documents subsequently uploaded onto the council's planning system, namely those uploaded 01/10/2024 (onwards) including revised;

- Site layout.
- Illustrative street scenes- AA, BB, CC.
- External materials Plan.
- GA Residential plots.
- Planting Plan Residential Plots.
- Planting Plan (POS areas).
- Flooding emergency access and egress MP.
- Tree protection Plan.
- Landscape & Ecological Management Plan.

Following further review of the content of these revised submissions, I consider that; The previously submitted street scene drawings, now more accurately illustrate the revised development proposal.

Location and specification of street trees are further clarified to provide an enforceable landscaping scheme.

The extent of necessary hedgerow removals at site access points are defined and included within the Tree Protection Plan. (Please ensure that the 'Tree Protection Plan' is included as an approved particular of development as part of the approved RM landscaping).

Further clarification of materials to be used for retaining walls (Re-con Stone) are included on the revised materials plan.

In light of the above I remove my previously advised landscape holding objection, and offer no further landscape reasons to object to the latest development proposal.

### **Public Open Space – Comment**

- I have calculated the Public Open Space requirement for the 42 dwellings as per the formula set out in the S106 agreement, the requirement is 2505m<sup>2</sup> and I am satisfied that this has been met with the proposals shown within the blue line ownership boundary and that this is in accordance with the S106.

The S106 agreement also sets out a formula for calculating the off-site play space contribution; this will be £35,856.00 plus indexation payable prior to commencement of the development.

**Police Liaison Officer – No Comment**

**Housing Enabling Team – Comment**

- The affordable dwellings will be required to be transferred to a Registered Provider, approved by the Council, or to the Council, on a nil subsidy basis. It is strongly recommended that the applicant contacts Registered Providers and Wiltshire Council's Residential Development Team as soon as possible in order to discuss the best option for the affordable dwellings including an indication of transfer prices that can be expected. A list of Registered Providers who work in partnership with Wiltshire Council, and contact details for Wiltshire Council's Residential Development Team, can be provided on request.

**Environment Agency – No Objection Subject to Condition**

- Thank you for consulting the Environment Agency on the above application. Please note that we have written our response in conjunction with our response to the Discharge of Conditions application we were also consulted on (PL/2023/08583). The same documentation submitted as part of the discharge of conditions has been submitted as part of this reserved matters application.

We have reviewed the submitted updated report - Mayer Brown document Discharge of Condition 10,11 &12 (reference LHMALMESBURY.10-DOC, version 7, dated February 2024) which was also submitted as part of the Discharge of Conditions application.

Environment Agency position

We have no objection to this application providing it is carried out in accordance with the submitted document above and the appendices submitted.

Advice to LPA

We recommend that you consult your Emergency Planners and the Emergency Services regarding the information submitted. As the primary access on Park Road is known to flood to potentially unsafe depths and velocities, it is noted that the applicant is proposing an alternative access through the field outside of the redline boundary to the west of the site.

We can accept that this route is above the design flood level and the Discharge of Condition flooding document indicates that it will be reinforced and controlled by residents with a coded access. Whilst emergency planning is outside of our statutory remit, we recommend that the Emergency Planners and Emergency Services comment on whether the proposed surfacing and manner to restrict the use of the access (coded lock) is a sustainable option for access/egress for the lifetime of the development (100 years).

**Waste (Refuse & Management) – No Objection Subject to Conditions**

- Waste Management support with application as long as the attached conditions are adhered to.
- Conditions
- Land indemnity as set out SPD
- Parking at turning head as raised under Vehicle access.
- Informative: The council requires an indemnity in order to operate on any roads that are not adopted, including during any period where the council needs to deliver waste collection services prior to adoption. The required arrangements are set out in section 5.8 of the attached guidance with a sample indemnity provided in Appendix C

**Wessex Water DC – No Comment**

**Education – No Comment**

- As the education requirements for this development are secured by an S106 dated 21/07/22 against the outline application, we have no comments to make regarding the amended plans /additional information for this REM.

**Public Protection – No Comment**

**Ecology – No Objection**

**Arboricultural Officer – No Objection**

- Following submission of the Revised Arboricultural Method Statement prepared by EDP dated February 2024, I have no further comments to make.

**Climate Team – No Objection Subject to Conditions**

- No substantive comment, but disappointed to note loss of the feature tree to the south of plots now labelled 9 and 10.
- Prior to first occupation of any unit the cycle parking for that property shall be provided and made available to use as set out in the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023. REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57, and CP60 of the Wiltshire Core Strategy are achieved.
- Prior to first occupation of any unit the electric vehicle charge point for that property shall be provided and made available to use as set out in the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023 and the EV Charging Points drawing reference MALMW-MCB-ZZ-ZZ-DR-A-0237 D5-P4 dated 22.07.2024. REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57, and CP60 of the Wiltshire Core Strategy are achieved.
- Prior to first occupation of the development the measures set out at table 6 of the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023 shall be provided in order to achieve the carbon emission savings set out in table 2 and table 7 of the statement. REASON: To ensure that the objectives of sustainable development set out in policies CP41 and CP57 of the Wiltshire Core Strategy are achieved.

- Notwithstanding the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023, the dwellings shall be constructed to meet as a minimum the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach. REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently in accordance with the National Planning Policy Framework.
- No development above slab level shall occur until final details of the low-carbon and renewable energy technologies (such as air source heat pumps and roof-mounted solar PV) has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details. REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41, CP55 and CP57 of the Wiltshire Core Strategy.

#### **Dorset & Wiltshire Fire & Rescue Service – Comment**

- In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements. The Authority raises the profile of these future requirements through this early opportunity and requests the comments made under B5 of Approved Document B, The Building Regulations 2010 be made available to the applicant/planning agent as appropriate.

#### **8. Publicity**

This application was advertised through the use of a site notice and letters of consultation.

31 letters of representation were received in response to the public consultation, 24 in Objection, 7 in comment form and 0 in support. The full comments can be viewed via the Wiltshire Council Planning Website, a summary of the points raised is as follows;

- Flooding
- Dangerous Access
- Wildlife Harm
- Lack of Employment
- Outside Neighbourhood Plan
- Insufficient School Places
- Insufficient Medical Provision
- Loss of Privacy
- Disruption
- Highways Impacts
- Insufficient Green Space
- Poorly Design Attenuation Basin
- Danger to TPO'd Trees
- Integral bird bricks should be universal rather than species-specific

#### **9. Planning Considerations**

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

At the current time, the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire

Local Plan (NWLP) 2011 (adopted June 2006); the Wiltshire Housing Site Allocations Plan (WHSAP) (adopted February 2020) and the Malmesbury Neighbourhood Plan (adopted February 2015)

**9.1 Principle:**

This application is for reserved matters, the principle of development having been established with the grant of outline permission. There is accordingly no question as to the principle of development and the consideration of this proposal is confined to the details provided. Access was not a reserved matter at outline phase and this matter is also considered settled in planning terms as is drainage and flooding, this application is concerned with the remaining matters: appearance, landscaping, layout and scale.

**9.2 The Proposal:**

The proposal has undergone substantial revision over the course of the application. The most significant of these were followed by full re-consultations, with neighbours and commentators notified of additional plans. The outline permission was granted at appeal subject to a range of conditions. It will not be necessary to replicate these and this application sits alongside a separate application made to discharge pre-commencement conditions. Planning practice guidance sets out that any conditions to be attached at reserved matters stage following a grant of outline planning permission can only be those that directly relate to the reserved matters.

The final proposal before the committee is as follows; 40 Dwellings with associated parking, amenity space, public open space, hard and soft landscaping plus associated works.

**9.3 Appearance, Landscaping & Layout:**

Core Policy 57 states that new development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

Good design helps to provide a sense of place, creates or reinforces local distinctiveness, and promotes community cohesiveness and social wellbeing; The layout and design of new developments must also be based on a thorough understanding of the site itself and its wider context, and seek to maximise the benefits of the site's characteristics. This will require careful consideration of the site layout. No two sites share the same landscapes, contours, relationship with surrounding buildings, street patterns and features. The proximity of poor quality or indistinct development is not a justification for standard or poor design solutions. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality; A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings.

The application has undergone five rounds of consultation and redesigned with the Council's Urban Design team which has resolved concerns over materials, overbearing design and the rigidity of the site. The parking arrangements, verges and separation of public and private land have also undergone multiple areas of revision via negotiation with the team. These revisions have been accepted and the Urban Design team's objection has been withdrawn from the application.



Figure 2 Current Application Site Plan



Figure 3 Indicative Site Plan Application 19/0589/OUT





Figure 4 Illustrative Street Scenes

Overall, it is considered that in view of the collaborative work between the applicants and the Urban Design team, the proposals before the committee are of an acceptable scale, massing, height and design to provide 40 dwellings with their associated parking and amenities in line with local and national policies. Given that the outline permission was for an indicative 50 dwellings the proposals presented within this revised application offer improved density and facilities to future occupants.

#### 9.4 Housing Mix:

The proposed development is for a total of 40 dwellings of which 10 will be affordable housing, 7 will be shared ownership and the remaining 23 will be open-market housing. This represents a 42.5% affordable housing mix which is considered to be acceptable by the housing enablement team. After initial errors were made in the labelling of plans, the errors were corrected and design points had already been taken on board. The make-up of the affordable housing and mixtures was part of the original outline permission and secured via the original S106. It should also be noted that the applicants have engaged with the requests of the Housing Enablement Team throughout the application process and made multiple revisions until the team were happy with the offering.

#### 9.5 Residential Amenity:

WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and ensuring that appropriate levels of amenity are achievable within the development itself. The NPPF includes that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens and this, therefore, needs to be carefully considered accordingly.

The development is located to the Northeast of White Lion Park and to the north-northwest of the new development of 23 houses. This location is therefore considered to have no overshadowing effects on either of those estates. Comments have been raised in regard to loss of privacy to dwellings located within White Lion Park where dwellings gardens will back onto their own. It is however considered that there is a buffer of amenity spaces backing onto each other and those properties in White Lion Park are part of a linear form development where there is already a degree of overlooking between properties. The proposed dwellings are not considered to add any significant increase in overlook and, therefore, are considered to be acceptable in terms of protecting existing levels of residential amenities.

As per the negotiations between the applicants and the Urban Design team, the amenities provided to the new residents are considered to be acceptable.

**9.6 Highways:**

The site access was considered at the outline stage and does not form part of the reserved matters application.

General highway provision across the site has been subject to the tensions inherent between securing a liveable and permeable place while facilitating vehicular movement and also meeting the Council's parking standards as set out in the Local Transport Plan. The proposed site layout meets the relevant standards in this regard.

**9.7 Drainage:**

The drainage of the site was considered during the outline phase of the application with conditions requiring the provisions to be discharged. The details for those discharge of conditions were also provided within this application and the comments from the drainage team show on a point by point basis that all 19 requirements of condition 10 as well as the requirements for conditions 12 and 13 have been adequately addressed. The provision of that information within this application was informative in nature and is not part of the decision process for the reserved matters application, however, it is clear that the information provided is compatible with the reserved matters detail for which approval is sought.

**9.8 Other Matters**

Multiple comments have been received from members of the public and the town council relating to matters beyond the scope of this reserved matters application such as the flooding of the access, ecology and protected species, vehicle access to the site during the construction phase, hours of operation etc. These matters were either determined by the inspector directly when granting the outline planning permission or secured by conditions requiring discharging with the specialist officers from the specific departments. For clarity, the Reserved Matters application only concerns appearance, landscaping, layout and scale, other matters are not relevant to this application.

**10. Conclusion:**

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

The recommendation to grant permission has been taken having regard to the policies and proposals in the Wiltshire Core Strategy (Adopted January 2015), the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006) and the Malmesbury Neighbourhood Plan (February 2015), and to all the relevant material considerations set out in the report.

**RECOMMENDATION:**

Approve subject to the following conditions.

1. The development hereby permitted shall be begun before the expiration of one year 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 Received 13<sup>th</sup> September 2023

Documents & Plans Ref:

Documents Issue Register REF: 62445-MCB-XX-XX-IE-X-0002 Received 6<sup>th</sup> November 2024

Landscaping 7 Ecology Register REF: edp7403 Received 6<sup>th</sup> November 2024

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

3. 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.

4. Prior to first occupation of any unit the cycle parking for that property shall be provided and made available to use as set out in the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023.

REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57, and CP60 of the Wiltshire Core Strategy are achieved.

5. Prior to first occupation of any unit the electric vehicle charge point for that property shall be provided and made available to use as set out in the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023 and the EV Charging Points drawing reference MALMW-MCB-ZZ-ZZ-DR-A-0237 D5-P4 dated 22.07.2024.

REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57, and CP60 of the Wiltshire Core Strategy are achieved.

6. Prior to first occupation of the development the measures set out at table 6 of the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023 shall be provided in order to achieve the carbon emission savings set out in table 2 and table 7 of the statement.

REASON: To ensure that the objectives of sustainable development set out in policies CP41 and CP57 of the Wiltshire Core Strategy are achieved.

7. Notwithstanding the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023, the dwellings shall be constructed to meet as a minimum the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently in accordance with the National Planning Policy Framework.

8. No development above slab level shall occur until final details of the low-carbon and renewable energy technologies (such as air source heat pumps and roof-mounted solar PV) has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41, CP55 and CP57 of the Wiltshire Core Strategy.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the

Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.



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