

AGENDA

Meeting: Northern Area Planning Committee

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

Date: Wednesday 18 December 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 Ashley O'Neill

Cllr Nic Puntis

Cllr Martin Smith

Cllr Elizabeth Threlfall

Substitutes

Cllr Ruth Hopkinson

Cllr Peter Hutton

Cllr Dr Nick Murry

Cllr Tom Rounds

Cllr Stuart Wheeler

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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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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 - 14*)

To approve and sign as a true and correct record the minutes of the previous meeting held on 20 November 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 11 December 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 13 December 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 15 - 16*)

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/2022/05783: Land to West of Care Home (Former Divisional Police Headquarters), Wood Lane, Chippenham, SN15 3HS** (*Pages 17 - 64*)

Development of 17 No. dwellinghouses (Use Class C3), including 7 no. affordable units, associated works, and demolition of the existing car park structure.

8 **20/11236/OUT: Land to the South West of The Street, Latton, Swindon, SN6 6EH** (*Pages 65 - 178*)

Outline application (with all matters reserved) for a village recreation hall, all weather tennis court, parking, access and erection of six houses (Resubmission of 19/08877/OUT).

9 **PL/2023/07797: Land Off Park Road, Malmesbury, Wilts** (*Pages 179 - 194*)

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.

- 10 **PL/2023/06212: Land North of Queen Street, Braydon, Malmesbury, SN16 9RL** (*Pages 195 - 202*)

Formation of field track (part retrospective).

- 11 **Urgent Items**

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

Part II

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

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Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 20 NOVEMBER 2024 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

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 Martin Smith, Cllr Elizabeth Threlfall and Cllr Ashley O'Neill

Also Present:

Cllr Nick Dye

75 **Apologies**

Apologies were received from Cllr Nic Puntis.

76 **Minutes of the Previous Meeting**

On the proposal of the Chairman, seconded by Cllr Martin Smith, it was:

Resolved

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

77 **Declarations of Interest**

There were no declarations of interest.

78 **Chairman's Announcements**

There were no Chairman's announcements.

The Vice-Chairman arrived at 14:05.

79 **Public Participation**

The Committee noted the rules on public participation.

80 **Planning Appeals and Updates**

The Committee noted that application PL/2022/04524, land east of Ravensroost Road, Ravenshurst Farm, Minety, Malmesbury, SN16 9RJ had gone to appeal.

Cllr Jacqui Lay reported that application PL/2021/06918, for the erection of 61 dwellings at Widham Farm, Purton had been approved at appeal.

On the proposal of Cllr Elizabeth Threlfall, seconded by Cllr Clare Cape, it was:

Resolved

To note the appeal report for the period between 6 September and 8 November 2024.

81 **PL/2024/06709: Land North of Chelworth Road, Cricklade Industrial Estate, Cricklade, SN6 6HE**

Public Participation

- Mr Dale Evans spoke in support of the application
- Cllr Mark Clarke, from Cricklade Town Council, spoke in objection to the application

The Conservation and Planning Officer, James Repper, introduced a report which recommended that the application for the retention of hardstanding as a car park, be approved subject to the conditions outlined in the report. Key details were stated to include the principle of development, environmental and highway impacts.

Attention was drawn to the location of the site outside of the Chelworth commercial area defined in Cricklade Neighbourhood Plan. However, the officer noted that, whilst the proposed development was in conflict with Policy B5 of the Neighbourhood Plan, it was not expected to generate any additional traffic to the site and would be used primarily for staff parking. The existing hard standing would be linked to the industrial estate by the creation of a new permeable footpath. The officer explained that the proposals would reduce the landscape impact of the existing hardstanding and help to preserve biodiversity. The additional parking would also have a positive impact on highway safety within the Chelworth commercial area which needed to be factored into the planning balance.

Members of the Committee then had the opportunity to ask technical questions of officers.

Details were sought about the reason for the scale of the development. It was explained that the hardstanding had been installed by a tenant and that the landowner had said that they had not given their permission for the works. The site was planned to be used primarily for staff parking and could also provide overflow parking for customers.

It was noted that the hardstanding had been used as a location to sell cars but was currently vacant.

In response to a query about whether it would be possible to add a condition that a gate be added to restrict usage by heavy goods vehicles (HGVs), the officer confirmed that it would. He also highlighted that the prohibition of overnight parking and HGVs were also stipulated in the conditions attached to the report.

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

The Unitary Division Member, Cllr Nick Dye then spoke in opposition to the application.

In order to begin debate, it was proposed by Cllr Steve Bucknell, seconded by Cllr Ashley O'Neill, that the application be approved for the reasons outlined in the report.

A debate followed where the size and retrospective nature of the application were discussed. In response to queries it was stated that Cricklade Neighbourhood Plan could be accorded full weight in the planning balance.

Other issues raised included the highway impacts and potential for use by HGVs. To address concerns about these issues, Cllr Elizabeth Threlfall proposed an amendment that a lockable, height restricted, gate be installed at the site entrance. The proposed amendment was accepted as a friendly amendment by the proposer and seconder of the original motion, Cllrs Bucknell and O'Neill.

Following a vote, the motion to approve the application was lost. A motion to refuse the application was then moved by Cllr Gavin Grant and seconded by Cllr Clare Cape.

Some members of the Committee questioned whether the proposed development was larger than that required for staff parking, but officers advised the Committee against including size as a reason for refusal.

At the conclusion of the discussion on the proposal, it was then:

Resolved

That planning permission for the retention of hardstanding as car parking be REFUSED.

Reason

The proposed change of use of agricultural land outside the defined boundary of Chelworth Industrial Estate represents development in the open countryside without sufficient justification. This is contrary to the development strategy, the aims and objectives of the Cricklade Neighbourhood Plan, and the principles of sustainable development. As

such, the proposal fails to comply with Policy B5 of the Cricklade Neighbourhood Plan.

82 **PL/2023/07797: Land Off Park Road, Malmesbury, Wilts**

Public Participation

- Mrs Kim Power had a statement read out in objection to the application
- Mr Tom Cole spoke in support of the application

The Conservation and Planning Officer, James Repper, introduced a report which recommended that the reserved matters application for 40 dwellings with associated parking, amenity space, public open space, hard and soft landscaping plus associated works, be approved. Key details were stated to include the scale, design and residential amenity of the proposed development.

The Committee were reminded that outline permission for up to 50 dwellings on the site had been approved by the Inspector, so the principle of development had already been established. There had been no objection from Wiltshire Council's urban design, ecology or landscaping teams. The Conservation and Planning Officer also highlighted that the development would contain 42.5 percent affordable housing, which was agreed as part of the outline permission.

Members of the Committee then had the opportunity to ask technical questions to officers.

In response to a question about the relationship between the subject site and a neighbouring site to the east, which had been granted permission for the erection of 23 dwellings, it was explained that there would be no direct connection between the two sites and that the hedgerow between the two would be maintained.

Details were sought about the emergency access arrangements for the site in the event of a flood. Officers explained that a compacted track through the field to the west of the site, which was also owned by the applicant, would provide vehicular access for the emergency services. The emergency access was not part of the reserved matters application but would be stipulated as part of a discharge of conditions application PL2023/08583 attached to the outline permission. It would not be necessary to add a condition stipulating that the emergency access track was constructed prior to the completion of any dwellings as this matter would be covered as part of Condition 12 of the outline application. A gate with a coded lock would prevent vehicular access along the track by residents and other members of the public.

When questioned further about objections relating to drainage at the site, it was explained that there were no objections from the Lead Local Flood Authority to the application before the Committee. It was confirmed that the applicant had made available the documents relating to both the reserved matters and outline permissions, so that all of the relevant documents relating to drainage were in the public domain. It was noted that discharge of condition applications were not

published until they had been approved and that no request from the public, to access drainage documents for the reserved matters application, had been received.

In response to a query about whether the proposed development could share its emergency access with the approved development to the east of the site, it was noted that both sites were not in the same ownership when the original applications were submitted. The emergency access arrangements had been stipulated by the Inspector at the appeal.

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

As she was unable to attend in person, a statement in objection to the application, written by Mrs Kim Powers, was read out on her behalf by Cllr Gavin Grant.

The Unitary Division Member, Cllr Grant, then spoke in objection to the application. He highlighted comments from the Environment Agency that stated that the primary access to the proposed development via Park Road was known to flood to potentially unsafe depths. He noted that the Environment Agency's advice to the Local Planning Authority was that it sought comments from the emergency services about the emergency access arrangements.

In response to the points made by the public and the Unitary Division Member, it was highlighted that there would be safe pedestrian and cycling exits to the site. It was explained that, in respect of emergency planning, officers had relied on recommendations from the Environment Agency, who had not objected to the application. The emergency services had been invited to comment on the application, although no comments had been received other than the statement by Dorset and Wiltshire Fire and Rescue in the report.

It was explained that it would not be possible for the Committee to defer the application to receive comments from the emergency services, who had already had opportunity to comment if they wished. Furthermore, it would always be requirement to ensure that the access track was available to emergency services and that the only reason this could ever change was if a better access arrangement was put in place.

It was emphasised that the drainage and access arrangements were not part of the reserved matters application, so it would not be possible to refuse the application for those reasons.

In order to bring debate it was proposed by the Chairman, seconded by Cllr Elizabeth Threlfall, that the reserved matters application be approved subject to the conditions outlined in the report.

A debate followed where number of members raised their deep concerns about the flood risks to the site and voiced their strong dissatisfaction with the Inspector's decision to grant outline planning permission.

Comments made emphasised concern about how disabled residents would be able to exit the site in their vehicles, during a flood, if the emergency access was only to be used by the blue light services. Concerns were also raised about the number of properties on the site and that the land was not allocated for development in the Malmesbury Neighbourhood Plan.

In response to concerns about the density of the development, officers advised that, as outline permission had already been granted for up to 50 dwellings on the site, there were no grounds to refuse the reserved matters application for 40 dwellings when there were no objections raised by Wiltshire Council's design team.

It was reiterated that the drainage and emergency access arrangements had already been agreed and were not part of the reserved matters application, so could not form the basis of any refusal.

In response to questions about whether, given the strength of feeling of the Committee about the flood risk, it would be possible to add to the motion that a complaint be submitted to the Inspector, it was stated that the way to make a complaint would be for individual members to do so online. Given that outline permission had been granted, the council would be at significant risk of incurring costs if the reserved matters application was refused on drainage and access grounds, as this would not be able to be defended by officers.

It was queried whether it would be possible to challenge the Inspector's decision after the six-week judicial review period had expired on the principle of the Wednesbury Unreasonableness, that the decision was so outrageous in its defiance of logic or accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it. The Development Management Team Leader, Adrian Walker, clarified that there was no possibility of challenge beyond the six-week period in this instance. He emphasised that the Committee needed to make a decision on the matters within the reserved matters application, such as the appearance, landscaping, layout, and scale of the proposed development. The principle of development had already been established and permitted, so could not be revisited by the Committee.

In response to a query about whether Core Policy 57 (Ensuring High Quality Design and Place Shaping) of the Wiltshire Core Strategy would provide reasons for refusal, the view of officers was that it would not.

The Committee were also advised that any refusal required sound planning reasons and legal grounds to do so.

Following debate, a vote on the motion to approve the reserved matters application was lost.

Cllr Grant, seconded by the Vice-Chairman, then proposed that the application be deferred pending legal advice regarding the Committee's involvement in the discharge of conditions relating to access and flooding.

Officers advised that there was a possibility that the applicant would be able to appeal for non-determination.

At the conclusion of the discussion on the proposal, it was then:

Resolved

That the reserved matters application for 40 dwellings with associated parking, amenity space, public open space, hard and soft landscaping plus associated works be DEFERRED.

Reason

So that the Committee could receive legal guidance from officers as to its role in relation to the discharge of conditions relating to access and flooding.

83 Urgent Items

There were no urgent items.

(Duration of meeting: 2.00 - 4.30 pm)

The Officer who has produced these minutes is Democratic Services of Democratic Services, direct line , e-mail committee@wiltshire.gov.uk

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Wiltshire Council
Northern Area Planning Committee
18th December 2024

Planning Appeals Received between 08/11/2024 and 06/12/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2023/02043	Agriculture House, The Common, Langley Burrell, Chippenham, SN15 4LQ	Langley Burrell Without	Conversion of existing offices to residential use	DEL	Written Representations	Refuse	26/11/2024	No

Planning Appeals Decided between 08/11/2024 and 06/12/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2021/06918	Widham Farm, Purton, Wiltshire	Purton	Erection of 61 dwellings, access and open space following the demolition of two dwellings and Outline permission for 0.72ha of employment land for Use Class E	DEL	Inquiry	Refuse	Allowed with Conditions	20/11/2024	None
PL/2022/04524	Land east of Ravensroost Road, Ravenshurst Farm, Minety, Malmesbury, SN16 9RJ	Minety	Installation of a Battery Energy Storage Facility, substation, underground cabling, access, landscaping, biodiversity enhancements and ancillary infrastructure & equipment to include acoustic fence, security fence & gates	NAPC	Written Reps	Approve with Conditions	Allowed with Conditions	18/11/2024	None
PL/2022/05359	Orchard Paddock, Main Road, Christian Malford, SN15 4BA	Christian Malford	Erection of replacement dwelling and garage	DEL	Written Reps	Refuse	Dismissed	06/12/2024	Wiltshire Council applied for Costs - APPROVED
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/2023/06033	Land at West Street, Great Somerford, Chippenham, SN15 5EH	Great Somerford	Permission in principal for development of up to 2 no dwellings	DEL	Written Reps	Refuse	Allowed	19/11/2024	None
PL/2023/09361	Field Farm House, Eastcourt, Malmesbury, Wilts, SN16 9HP	Crudwell	Removal of Section 106 Agreement in relation to N/05/03043/COU	DEL	Written Reps	Refuse	Allowed	05/12/2024	None

PL/2023/09367	Orchard Lodge, The Pippin, Calne, SN11 8RN	Calne	Change of Use of Commercial Unit 4 (Use Class E) to Residential Accommodation (Use Class C3)	NAPC	Written Reps	Refuse	Allowed with Conditions	18/11/2024	None
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Agenda Item 7

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	18 December 2024
Application Number	PL/2022/05783
Site Address	Land to West of Care Home (Former Divisional Police Headquarters), Wood Lane, Chippenham, SN15 3HS
Proposal	Development of 17 No. dwellinghouses (Use Class C3), including 7 no. affordable units, associated works, and demolition of the existing car park structure
Applicant	Woodsome Estates Limited
Town/Parish Council	Chippenham Town Council
Electoral Division	Chippenham Hardens & Central ED
Grid Ref	392113 172940
Type of application	Full planning application
Case Officer	Olivia Tresise

Reason for the application being considered by Committee

Councillor Liz Alstrom considers that there are material differences between the original consented scheme for 8 dwellings and the current scheme of 17 dwellings. In addition, the proposed loss of so many trees, which would have an adverse effect on the landscape of the site in Chippenham, therefore the application has been called-in to the North Area Planning Committee for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Design - bulk, height, general appearance
- Environmental / highway impact
- Car parking (use)

1. Purpose of Report

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

2. Report Summary

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

- Principle of development
- Heritage Assets
- Design, Visual Amenity
- Residential Amenity
- Highway and parking provision
- Arboriculture and Landscape
- Ecology
- Flood Risk and Drainage
- Environmental Protection
- Climate Change and Water Efficiency

3. Site Description

The application relates to a parcel of land to the west of Care Home (former Police Station) on Wood Lane in Chippenham. The site is within the settlement boundary of Chippenham. It slopes significantly from the northeast to the southwest. It is bounded by residential development to the north (Fuller Close) and the south (The Paddocks), with carpark to the west and Flowers Manor Care Home to the northeast. It is currently overgrown and disused, comprising of some hardstanding and a two-storey car park.

4. Planning History

The site has been subject to a number of applications, the following applications are particularly relevant to the determination of this application:

18/07381/FUL	Demolition of Former Police Station and Westmead School and the Erection of a 66 no. Bed Care Home for the Elderly. Approved with conditions, 20 th September 2019
18/11019/FUL	Development of eight houses on the land to the rear of the former police station, Wood Lane, including the demolition of the existing car park structure. Approved with conditions 19 th December 2019. It is noted that a letter with photographs dated 3 rd January 2023 to confirm that the development permitted under this planning permission was commenced on 15 th December 2022. Condition 3, 10, 11, 12, and 21 are pre-commencement conditions.
PL/2022/07997	Discharge of Conditions 03: Archaeology & Condition 11: CEMP on 18/11019/FUL (Particulars of Development: Development of eight houses on the land to the rear of the former police station, Wood Lane, including the demolition of the existing car park structure). Condition 11 is discharged.
PL/2022/08934	Discharge of Condition 12 (Contamination Investigation and Remediation Measures) and Condition 21 (Arboricultural Method Statement) on 18/11019/FUL (Particulars of Development: Development of eight houses on the land to the rear of the former police station, Wood Lane, including the demolition of the existing

car park structure.) Condition 12(i) and 12(ii) are discharged, Condition 21 is discharged.

PL/2022/09324 Discharge of Condition 10 on 18/11019/FUL (Particulars of Development: Development of eight houses on the land to the rear of the former police station, Wood Lane, including the demolition of the existing car park structure.) Condition 10 is partially discharged.

N/09/02212/TCA Fell 12 no. Conifer trees. Approved 21st January 2010

N/87/02474/DP3 Deemed application Reg. 4 Construction of two storey extension to police headquarters and extension to existing car park area. Approved 27th November 1987

5. The Proposal

This application seeks planning permission for the development of 17 no. dwelling houses (Use Class C3), including 7 no. of them are affordable housing units, associated works, and the demolition of the existing car park structure on land to west of care home (Former Divisional Police Headquarters), Wood Lane, Chippenham.

Since the submission of the original proposal, an amended proposal and additional information were submitted to address concerns received. One of the main changes to the original proposal is to change from 17 no. affordable housing units to 17 no. dwelling houses with affordable housing units. The latest scheme has been subject to consultation. In addition to the drawings, the following documents were submitted with the proposal:

- Planning Statement
- Design and Access Statement
- Affordable Housing Statement
- Transport Statement
- Heritage Statement
- Drainage Statement
- Geotechnical Phase – Geotechnical and Contaminated Land Report
- Archaeological Evaluation
- Tree Survey, Arboricultural Impact Assessment, and Tree Constraints Plan
- Ecological Appraisal
- Biodiversity Net Gain Assessment
- Bat Emergence and Reptile Surveys dated December 2022
- Landscape and Visual Appraisal
- Construction Environmental Management Plan
- Site Waste Management Plan

6. Planning Policy

National Planning Policy Framework (December 2023)

Section 2 Achieving Sustainable Development

Section 4	Decision-making
Section 5	Delivering a sufficient supply of homes
Section 9	Promoting Sustainable Transport
Section 12	Achieving well designed places
Section 14	Meeting the challenge of climate change, flooding and coastal change
Section 15	Conserving and enhancing the natural environment

Planning Policy Practice Guidance

Wiltshire Core Strategy (WCS) (2015)

Core Policy 1	Settlement Strategy
Core Policy 2	Delivery Strategy
Core Policy 3	Infrastructure Requirements
Core Policy 9	Chippenham Central Areas of Opportunity
Core Policy 10	Chippenham Community Area
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 68	Flood Risk

North Wiltshire Local Plan 2011

Saved Policy NE14 Trees, site features and the control of new development
 Saved Policy NE18 Noise and pollution

Housing Land Supply Statement – Published June 2024 (Base date: April 2023)

Waste storage and collection: guidance for developers Supplementary Planning Document

Chippenham Conservation Area Statement Dec 2004
 Chippenham Conservation Area Appraisal Nove 2007 (Revised)
 Chippenham Conservation Area Management Plan Adopted 27 April 2010 as Supplementary Planning Guidance

7. Consultation Responses

Environment Agency: No objection subject to conditions and informatives in relation to the contaminated land, water efficiency and climate change.

Contaminated Land - Based on the relatively low levels of contamination and the ground conditions reported in the Phase II Geotechnical and Contaminated Land Report (Integrale Limited, April 2014) submitted in support of the application we consider the proposed development poses a relatively low risk to controlled waters. Due to the nature of the site investigation, there does however remain the potential for previously unidentified contamination to exist that could be mobilised during development and cause pollution of the nearby secondary A aquifer and/or the River Avon. The Agency request the inclusion

of a condition in any permission granted to help manage the risks from previously unidentified contamination.

Water Efficiency and Climate Change - The incorporation of water efficiency measures into this scheme will:

- contribute to climate change resilience by minimising the impacts of drought (cumulatively)
- reduce abstraction pressure on water resources and riverine ecosystems
- benefit future residents by reducing water bills.

A condition is suggested to secure the above and such condition has been supported in principle by the Planning Inspectorate, to seek a scheme for water efficiency.

Chippenham Town Council:

Latest proposal - The Town Council considers that the amended plan to reduce the proposal from 100% affordable housing to the standard 40% affordable housing now tips the planning balance strongly in favour of a refusal given the adverse impacts the proposed development would have on trees, biodiversity, design, living conditions, and active travel, primarily as a result of the cramped and contrived site layout which does not make the most efficient or effective use of land, as detailed in the Town Council's comments of 21 June 2024.

Earlier proposal - There is no objection in principle to residential development on this brownfield site, given the previous consent for such in 2019. There have been changes to the NPPF in the interim period, as well as climate and ecological emergencies declared by the Town Council and others. There are also material differences between the consented scheme for 8 dwellings and the current scheme for 17 dwellings, which are summarised below:

Affordable Housing - The scheme proposes 100% affordable housing and this should be given substantial weight in the planning balance.

Trees - The belt of mainly Category B trees on the southern boundary of the site, abutting The Paddocks, could be retained. The proposed loss of these trees seems unnecessary, especially given that the previous scheme showed them to be retained. These trees currently provide screening of the application site and are in apparent good health. Given that this tree belt comprises around 11 category B trees and there are only 79 trees recorded on the site, the majority of which are category C and U, the unnecessary loss of these trees is reasonable grounds to object in itself. Additional trees could be retained by reducing the number of units and/or reconfiguring the site layout.

It is agreed that as individuals the trees in the woodland area are of limited quality (the majority are short-lived/over mature specimens such as goat willow or ash which is likely to succumb to ash dieback in the near future). However, the individual amenity of the trees is not the main concern here, rather the potential loss of habitat, or at the very least a carbon sink. Furthermore, the loss of this relatively large area of trees would certainly affect the landscape amenity of the area, regardless of individual quality.

Landscape - The loss of so many trees on the site, and the woodland in particular, would have an adverse impact on the landscape and visual impact

of the area, and the setting of Chippenham Conservation Area, particularly in views from the Paddocks and in long distance views across Westmead Playing Fields where the woodland provides a suitably landscaped edge to the countryside/river valley. The proposed planting of only 10 new trees (as shown on the landscape strategy plan) is not considered sufficient to mitigate for the loss. If it is not possible to replace existing trees with new trees on a 1:1 ratio on the site, a financial contribution should be made to offset the loss of existing trees by offsite tree planting in close proximity.

Ecology - Given the loss of the woodland, identified as being of ecological importance in the Ecological Survey, and the fact that no Biodiversity Assessment/Metric has been submitted, it cannot be demonstrated that there would be a biodiversity net gain as a result of the proposed development, which is required in order to comply with the NPPF and CP50 of the Wiltshire Core Strategy.

Design & Living Conditions - The design does not represent the high-quality design that is befitting of the site's location in Chippenham Conservation Area for the following reasons:

- The architecture of the proposed development appears confused. It is neither traditional, like the adjoining Flowers Yard development, nor of a high quality contemporary architectural style. It would have a utilitarian appearance, with UPVC windows, odd window sizes/placement, and a single material (reconstituted stone) being used throughout, with no detailing.
- The use of FOGs (flat over garages), and areas of leftover green space which would neither be private gardens nor publicly accessible amenity space, gives rise to concerns over the proposed site layout and potential overdevelopment. The Town Council is not convinced that the use of FOGs and two storey dwellings is the right approach for this site in order to achieve high density, and that three storey dwellings throughout may achieve a better site layout which then leaves room for retained trees/soft landscaping and greater private amenity space on the site.
- The large expanse of hardstanding for parking in combination with dead frontage at ground floor of the FOGs (garage doors/no ground floor windows) would make this section of the street scene appear distinctly bleak and harsh.
- Timber close boarded fencing to Plot 6, adjacent to the highway, would not present a suitable form of boundary treatment to the public realm.
- There would be no external amenity areas (gardens or balconies) for the occupiers of the FOGs
- There would be no integrated solar panels on the dwellings.

Parking - The provision of two parking spaces per household is considered to be unnecessary given the sustainable location of the proposed development within a few minutes' walk/cycle of the town centre. The concerns over the quantum and location of cycle parking, made by Chippenham Cycle Network Development Group, are shared.

In summary, the lack of 5yr housing land supply in Wiltshire means that the 'tilted balance' is engaged in accordance with Paragraph 11d of the NPPF, whereby relevant

policies for the supply of housing should not be considered 'up to date'. The test is then whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. It is considered that the adverse impacts on trees, biodiversity, design, living conditions, and active travel conflict with CP 50, 51, 52, 57, 58, 60, 61, and 64 of the Wiltshire Core Strategy, the National Design Guide and the NPPF, and would significantly and demonstrably outweigh the benefits of any affordable housing provision as it currently stands.

Archaeology Officer: No objection subject to condition seeking a written programme of archaeological investigation and the implementation of the subsequent approved programme.

The application area lies is located within an area archaeological significance in relation to the possible Saxon and Medieval development of Chippenham. The Archaeology Officer notes that the report on a 2014 archaeological trial trench evaluation, undertaken to support a different application, has been submitted as part of this application. However, the western, undeveloped part of the site was not subject to trial trenching. Therefore, an archaeological trial trench evaluation needs to be undertaken on the part of the site yet to be subject to trial trenching. The total length of trenching should be equal to approximately 4% of the area yet to be evaluated with a 1% contingency for further trenching should this be required. This trial trenching to be secured via a condition to be attached to any planning permission that may be issued.

Urban Design Officer:

Revised proposal: Point 4 (below) of the previous response appears to have been addressed. It is also noted that revisions were made to other, such as car parking, refuse storage / collection, and landscape, and these specifically matters for other specialist consultees [to comment].

Objection to the original proposal for the following reasons.

- 1) The proposed car parking arrangement would present a poor level of amenity for residents: Parking bays for houses 9, 10 and 11 are not placed across the front of their dwelling but across the front of adjoining dwellings 7, 8/9 and 10 respectively and whereas houses 7 and 8 have their parking spaces at a significant distance away under and in front of the Flats over garage. It would also be awkward for residents of houses 9, 10 and 11 to access from their front doors their car bays having to squeeze down side of / between and across the face of neighbour's cars in their bays and similarly for general access to these houses from the street would be poor without access width clear of these. The cycle storage siting for plots 7 to 10 would also require cycles to be taken down the steep slope of their rear garden and rear accessway.

The Case Officer feedback to applicant on the pre application submission in 2021 identified that 'a public footpath (CHIP23) runs to the west of the site. The scheme would benefit from a link from the site onto the footpath. A connection to the PROW (CHIP23) could be achieved to the southeastern corner of plot number 4 on the plan and this would establish pedestrian connectivity to the open space and the skate park and climbing centre'.

- 2) The proposed refuse storage arrangement would present a poor level of amenity for residents:
- Bin storage points for plots 5 to 17 are not shown or identified on the Landscape Strategy Plan, only the distanced communal collection points.
 - For flat over garage plot 5 and 6 (Dwelling Type A) and houses plots 12 to 17 (Dwelling Type D) this would appear to possibly be within the storage room shown within the rear of their garage. These would be cramped for the number of bins required as would access to reach and extract these down the side of a car (and cycles) and through the standard garage door width opening and this as an up and over door, would collectively be awkward and inconvenient. This would encourage and lead to bins being more easily left in the open on the front of the plot to the visual detriment of the street scene and potential obstruction to access.
 - For houses plots 7 to 10 it would appear the individual house refuse bins would possibly be accommodated within their rear garden alongside their rear gate but the Urban Design Officer notes from the Section drawings (Proposed Site Section AA) the considerable slope down the rear gardens in order to reach these and further significant gradient down the rear accessway to draw these to the communal bin store which would make this awkward. It would be extremely poor if these distanced bin stores (shown around 30 metres from furthest plot) were intended as the only bin storage for each house rather than just bin collection points only and residents had to carry their bagged waste frequently to these along the street and communal rear accessway and over a considerable distance from their house, and where the Wiltshire Council Waste Services SPD on domestic refuse for houses indicates wheeled bin storage required within each plot.
- 3) The Landscape Strategy Plan appears inadequate in the context and setting of the site: There appears to be a paucity of trees retained or proposed planting along the open space strip inside the southern boundary to help moderate the massing of the development as a backdrop to The Paddocks residential street and there is no planting shown to indicate the western boundary to help integrate the massing of built form on the slope viewed from the open space and recreation ground. It is not apparent what boundary treatment is to the site perimeter i.e., retained, enhanced or new. For robustness and lasting appearance, the timber fence shown to the side rear garden boundary of plot 11 facing the road would be inadequate and should also be a Rc stone masonry wall as for the wall shown to side rear garden boundary of plot 7.
- 4) The proposed use of RC stone for the facades of all dwellings reflecting the characteristic local stone, an intrinsic feature of the town, and for both front, side and rear facades also is appropriate particularly as rear elevations would also be clearly visible on the sloping site from the public realm. This should be a specified buff stone colour to reflect the local stone and not a 'grey' stone. The proposed reconstituted fibre cement grey slates to the roofs similarly appropriate and would reflect the quality of materials on the adjacent Flowers Yard development.

However expressed RC stone cills and heads to openings are absent on the proposed Elevations for each house Type. This would be visually poor and not match the quality of appearance set in the Conservation Area. This would not be inconsistent with the 'modern' appearance of the window proportions and fenestration. This would be visually odd where stone coursing is shown carrying directly across the head of each opening and RC stone cills and heads should be incorporated to rear and side elevations also as these would be seen in the public realm on the sloping site. Urban Design Officer notes that the Proposed Site Layout is a similar configuration to the Pre application layout of 2021 but with the number of dwellings reduced from 19 to 17 with houses in place of the flat block that was included. The Officers concerns that the pointes stated above would indicate that the proposed layout is still cramped and compromising amenity.

Highway Officer: Raised concerns to the original proposal but have no objection to the revised proposal subject to conditions. Comments to the revised proposal are as follows:

The proposal site has an existing permission for the development of housing, but this latest proposal is for an increase in the quantum of dwellings provided to 17. The Officer would not raise a highway objection on principle, however there are some issues that need addressing.

The amended plans show an improved surface water runoff scheme. The gullies and connectors indicated as highway storm gully would be acceptable and form part of an adoptable layout should the scheme be offered as such. Provided the rest of the runoff collection is covered under S104 agreement then the Officer would have no further objection to highway drainage matters.

The proposal provides a quantum of parking to meet minimum standards, however the arrangement of parking means that frontage parking to plots 9, 10 and 11 are not directly in front of the dwellings with plots 9 and 10 having no frontage parking but an inconvenient arrangement with rear parking on a down slope. This may lead to parking on the highway as occupiers of the dwellings as they move in will seek desired areas for parking for their own convenience. This may lead to displaced parking on the highway and a negative unintended consequence of an overcrowded development.

While the transport plan indicates that each unit will have a dedicated EV charge point, the parking arrangement will produce its own challenges to this aim. Plots 3 and 4 have parking allocated to the side where an arrangement for each to have a dedicated EV charging station may be difficult to provide.

Plots 1 and 2 have a contrived allocated parking arrangement shown, where parking is allocated some distance from the dwellings. This is likely to encourage parking on the highway to the front of the dwellings and lead to obstruction issues especially for service vehicles.

The Officer would therefore recommend that should the development be offered for adoption a TRO would be required to install parking restrictions to protect the turning head from being parked on.

If the proposal is offered for adoption under a S38 agreement, then it would be preferable for waste collection on street. With a turning head in the scheme then a

waste vehicle would be able to manoeuvre through the development turning within the turning head, provided this could be demonstrated to the satisfaction of Highways.

There is a potential and desire for pedestrian connectivity to be achieved with the ROW CHIP23 which would provide a useful pedestrian link to the public open space and to The Arc skate park and climbing facility, that has now been indicated within the indicative site plan.

A CEMP detailing access arrangements to the site and management of HGV movements through Flowers Yard is needed. A temporary traffic regulation order (TTRO) to provide for adequate access to Fuller Close and if necessary, along Flowers Yard to protect parked cars.

Highway Officer would not wish to raise a highway objection subject to the conditions suggested in this report being applied to any permission.

Drainage Engineer: Raised concerns to the original proposal but support to the revised proposal subject to conditions as additional information have been provided.

The latest proposal does not change how surface water to be managed on the development, and therefore the Drainage Team maintains that the current drainage response from 6th June 2023 still applicable.

The following supporting documents have been reviewed:

- Drainage pre-app response (ENQ/2021/04382)
- Design and Access Statement - Dated 10 June 2022
- Planning Statement - Dated 19 August 2022
- Drainage Statement - Dated 17 May 2022
- Drainage Layout - June 2022
- Construction Environmental Management Plan - June 2022
- Impermeable Area Plan - June 2022
- Geotechnical & Contamination Plan
- Bin Store Plans & Elevations
- Drainage Layout P3 – May 2023
- Applicant's Drainage Consultant Response to comments – May 2023
- Wessex Water Consultation Response

The drainage team have reviewed the additional justifications and evidence provided by the applicant. The proposed development site was previously granted planning permission under 18/11019/FUL, however from a surface-water management perspective this was both for a smaller development (in terms of proposed dwellings). The Wiltshire SFRA, and EA mapping indicates that this site is at low risk of fluvial, pluvial, and groundwater flooding, as explained by the applicant. The applicant has provided revised hydraulic calculations (based on EA 2022 Climate Change Guidance), which have demonstrated that there is a viable drainage strategy for the site, which mitigates against increased flood risk as a result of climate change and urban creep. It is agreed that the applicant should seek to provide additional rainwater planters and waterbutts should be provided as part of detailed design in order to increase the level of source control and resilience in the future. It should be noted that bioretention systems could be designed with a connection into a piped drainage system, and subject to complying with Wessex Water's guidance: [sudsguide.pdf](#)

(wessexwater.co.uk) could be adopted by Wessex Water. Conditions are suggested in this report to seek detailed drainage details.

Ecology Officer: Raised concerns to the original proposal due to the lack of information, but have no objection to the revised proposal subject to conditions as additional documents have been submitted.

The following supporting documents have been reviewed:

- Bat Emergence & Reptile Surveys, Ref: EDA790a2022, Dated December 2022 by Hea Ecology Biodiversity Net Gain Assessment, Ref.: HEA790b2022, Dated 26/12/2024 by Hea Ecology Biodiversity Metric version 4.0 Date: 11/02/2024, Version: V3 by Hea Ecology
- Biodiversity Net Gain (BNG): Site Condition forms. Reference: HEA790c2022 (update 2023 & 2024) by Hea Ecology
- Proposed Landscape Strategy Plan, No: 0031, Rev: D, Dated 29/02/2024

Ecological Impact Assessment (EclA) is required. A European Protected Species (EPS) bat Mitigation Licence will need to be obtained from Natural England for the lawful construction of the proposed development.

Since the previous Ecology consultation responses, additional documents have also been submitted to this application:

- Bat Emergence & Reptile Surveys, Ref: HEA790a2022, Date: December 2022 by Hea Ecology
- Drawing: Proposed Landscape Strategy Plan, WLCP-O3S-XX-XX-GA-A-0031-S4-P10, Rev: P10, Date: 25.08.2023 by RHaR

The Bat Emergence & Reptile Surveys report confirmed the site hosts:

- Breeding population of slow-worms (20-25 individuals)
- Common pipistrelle and soprano pipistrelle Day roosts (1-2 individuals) in Building B
- Lesser horseshoe day roost (1-2 individuals) in Buildings A and B
- At least nine species of foraging/commuting bats: common & soprano pipistrelles, Leisler's,
- noctule, lesser Horseshoe, long-eared and Myotis species Natterer's, Daubenton's and
- Whiskered/Brandt's. In addition, serotine were recently historically recorded in this area.

In addition, The Ecological Appraisal by Aspect Ecology confirmed the site hosts:

- Breeding birds of Local importance
- Terrestrial mammals
- Badger

Mobile species such as badger have been confirmed on site, and it is considered likely for the site hosts suitable habitat for badger setts. Therefore, the conditioned CEMP (if this application is approved) should include the suitable pre-construction surveys and other measures to ensure badgers and the other relevant protected species/habitats are suitably protected. The CEMP itself should be informed by details of walkover ecology surveys carried out no more than 12 months prior to submission of the plans.

Reptiles: A Reptile Mitigation Strategy will need to be secured by condition if this application is approved. Reasoning supported by evidence will be required on why the receptor site is suitable to receive the population of reptiles from the site and how it can be protected and enhanced to support these species. The translocation methodology will need to be detailed in the conditioned Construction Environment Management Plan (CEMP).

Furthermore, the detailed specification of the 5m x 5m x 2.8m bat mitigation roost structure should be conditioned if this application is approved Biodiversity Net Gain.

The recently submitted documents suitability address the information request. It should be noted that the above comments are reliant on the accuracy and completeness of the submitted reports (EcIA and BNG metric calculation), and the Council do not take any responsibility for incorrect data or interpretation made by the authors.

Arboricultural Officer: No objection.

The Arboricultural Officer noted the content of the Tree Survey, Arboricultural Impact Assessment & Tree Constraint Plan prepared by WH Landscape dated June 2022. Eighty-one trees have been surveyed on or adjacent to the site. The species consist of Sycamore, Ash, Goat Willow, Alder and Lime. There are three 'A' category trees on site T78, T79 and T80 all Lime trees, these trees are shown as being retained.

Fourteen trees have been categorised as 'B'. A number of these trees have been highlighted for removal due to their close proximity to the existing car park which is to be demolished and a raised concrete drain which is located on the south-west corner of the car park. Removal of these structures will destabilize the ground and damage the rooting areas of these trees therefore making these trees unable to be retained. Removal of these trees will also leave the remaining trees open to wind blown due to their similar height structure and form. Six trees are categorised as 'C' which should not be considered a constraint on site.

Due to poor structural condition and limited life expectancy, 58 trees have been given a 'U' category and should be removed. These trees consist of Ash which are clearly in decline due to Ash Dieback, Goat Willow as they are in form structural form and Elm which have a limited life expectancy due to Dutch Elm Disease. T31 Ash which is located on adjacent land which should be considered for removal due to its condition. As this is an off-site tree, it is noted that the northern part of the RPA of this tree will have a slight encroachment due to proposed parking spaces.

Mitigated planting is proposed for the loss of trees on site, but due to the proposed restricted environment, it will not be possible to replant on a 1:1 basis. Therefore, consideration should be given to plant suitable trees that will be able to reach maturity without being under threat from being removed or damaged.

Landscape Officer

Latest proposal – A landscape holding objection is advised to be necessary until such time as the applicant demonstrates that the proposed tree planting locations within the development layout do not conflict with buried surface water drainage tanks and sewerage pipes / easements (with tree planting restrictions) and mature tree canopies will not conflict with any proposed highway lighting column locations.

Original proposal - There appears to be a clear conflict between the proposed surface water attenuation tanks and proposed tree planting locations on revised/additionally submitted plans. The Officer also notes that some tree planting locations appear to be proposed within existing sewage easements (which would normally preclude new tree planting). It appears that proposed street lighting column locations are not shown on any submitted drawings. This may present a further potential constraint to achieve the delivery of street trees in their currently proposed locations. Following the applicant's resolution of this conflict of their own design and layout making, Standard Model Wiltshire Planning Conditions WC1 & WC2 will be required to be attached to any Decision Notice granting Planning Consent requiring the submission of a detailed hard and soft landscaping scheme along with requirements for its successful establishment and maintenance. Any S.106 agreement should clearly incorporate management responsibility and arrangements for landscaping areas in perpetuity etc.

Public Protection Team –

Latest proposal – No objection subject to conditions relating to construction noise and vibration, and contaminated land.

Construction noise and vibration - The construction management plan submitted by Woodsome Estates dated June 2022 shall be implemented and adhered to throughout the whole construction period.

Contaminated Land - The Integrale Limited Phase 2 report dated 2014 submitted as part of this planning application says that " It will be necessary to complete further checks testing once full access is available". As such, it is required a condition, suggested at the end of this report, to ensure the extent of any further contamination has been identified and a remediation strategy has been confirmed.

Police Liaison Officer – Comments are provided to the original scheme.

There are several alleyways created between plots giving access to the rear of the properties. Ungated alleyways are well known to increase crime in the immediate area and should be avoided. The alleyways between 2 and 3, and 13 and 14, and at the rear of 5 and 6, 16 and 17 must have a lockable gate at the top of the alleyway at the building line, to remove hiding places for offenders and provide safety and security for the occupiers and their property. Parking, when not on plot, should be visible to the associated home and allow occupants some ability to monitor their vehicles. To do this, they need to be in the immediate vicinity of the home. The parking for plots 1 and 2 is too far from the associated home and should be rethought. It is difficult to understand the rationale for the parking plots 7 – 11. There is the ability to have the parking for plots 7 and 8 to be outside the front of their own home, leaving the garage parking for plots 9, 10 and 11 to be linked to their garden giving access without the need for an alleyway, making the users safer and more secure. I would suggest that the access gate to plot 12 should be at the rear of the house where the building finishes to prevent the occupier having to walk the length of the garden to gain access.

Education Team

Latest proposal – No changes to the number or mix of proposed housing units. However, in the intervening time period, the Council have updated the school forecast and the case previously made for a developer S106 contribution towards expanding secondary school places is no longer valid. Latest figures indicate that there will be sufficient places available in the area at both levels to accommodate the demand arising from the development. As a result, the previous case for a funding contribution towards 3 new secondary school places is hereby withdrawn. Additionally, no case was made for early years contribution.

Original proposal – Assessment of 17 units – all are affordable housing (AH) and above one bed size. Exclusion/Discounts applied: Standard 3-% AH discount applied to all 17 units = a reduction by 5 units.

Number of properties qualifying for assessment is 12.

School places needed by DVLPT: PRIMARY = 4; SECONDARY = 3

Early Year	No requirement is needed as the provision in the area is sufficient to accommodate the demand generated by the proposal
Primary School Contribution Requirements	No requirement is needed as the town schools can accommodate the pupil product of this development within the existing capacities and forecast, without the need of expansion.
Secondary School Contribution Requirements	3 places x £22,940 = £68,820

Housing Enabling Team

Latest proposal – It is noted the latest proposal is to deliver the site as mixed residential scheme of 17 units and therefore the following Affordable Housing policies will need to be applied:

Core Policy 43 of the Wiltshire Core Strategy, as currently amended by the National Planning Policy Framework, sets out a requirement for 40% on-site affordable housing provision: on all sites of 10 or more dwellings; or on sites of between 5 - 9 dwellings if the development site is 0.5ha or greater, within the 40% Affordable Housing Zone. The Affordable Housing should be secured, at nil subsidy, in a S106 Agreement. There would now be a policy requirement to provide 7 affordable units within the proposed scheme of 17 dwellings. We note that 7 affordable units are shown on the revised plan to the following mix:

Affordable Rented (4 units):

- 2 x 2 bed 4 person houses (Plots 12 and 13)
- 2 x 3 bed 5 person houses (Plots 3 and 4)

Shared Ownership (2 units):

- 2 x 2 bed 4 person houses (Plots 14 and 15)

First Homes (1 unit):
1 x 2 bed 4 person house (Plot 16)

The Housing Enabling Officer can confirm that the above mix is in line with current demonstrable need and that the units will be built to, at least, 85% of the Nationally Described Space Standard (NDSS) relevant to the dwelling type and minimum person criteria and are, therefore, the identified plots are acceptable.

Earlier proposal - It is noted that there is a current planning permission linked to this site (0.428 ha) for 8 large residential units - which because of the site area and number of units regarding that particular planning application – did not include an Affordable Housing contribution (the policy triggers did not apply).

This full planning application proposes a 100% Affordable Housing scheme for 17 units. There has been no direct contact from the Applicant/Agent with the Housing Enabling Team regarding the option of a 100% Affordable Housing grant funded scheme. The Enabling Officers are aware, however, that some Registered Providers had been contacted directly by the Applicant/Agent earlier this year - but it was understood those discussions are not progressing based on the current layout being proposed. The Council's approved Registered Providers do normally seek the Housing Enabling Team's views – especially about proposed 100% Affordable Housing grant funded schemes to ensure the grant funding input would be supported and that the proposals meet the policy criteria as well as current delivery approaches and procedures.

Policy Requirements -A 100% Affordable Housing scheme would still need to meet the Council's Affordable Housing adopted policies, procedures, current approaches, as well as the grant funding criteria which the Register Providers will need to meet. Core Policy 45: The Wiltshire Core Strategy states that housing size and type will be expected to reflect that of the demonstrable need for the community within which a site is located. The mix now suggested is 2 and 3 beds only – for this community area and if a grant funded scheme - we would expect a wider range of bed sizes.

In order for a 100% Affordable Housing scheme of 17 units the mix, based on current demonstrable need and current approaches, the required mix would be: 60% Affordable Rented (could be Social Rent if grant funded) and 40% Shared Ownership to the following bed size/person criteria mix:

Affordable Rent (60%) = 10 units

4 x 1 bed 2 person flats/in house-style/maisonettes*
3 x 2 bed 4 person houses
2 x 3 bed 5 person houses
1x 4 bed 6 person house

Shared Ownership (40%) = 7 units

4 x 2 bed 4 person houses
3 x 3 bed 5 person houses

Core Policy 46 also requires the proposal to demonstrate need for at least 10% of the affordable homes (2 units would be sought based on current need and scheme proposals) to be built to meet the adapted needs of older people or those with disabilities (built to meet Building Regulations M4(2) Category 2: Accessible and

adaptable dwellings standards). These units should be provided as * 2 x Ground Floor rented 1 bed maisonettes built to the required standards and provided with a level access shower in order to be wheelchair accessible.

Minimum Size and Design Standards - All affordable homes would need to be built to, at least, meet minimum size standards of the Homes & Communities Agency's published guidance relevant to the dwelling type (or any subsequent design guidance which may supersede it), as well as to meet required minimum person eligibility criteria. To ensure that the Affordable Housing units are eligible for inclusion in Homes England's Affordable Housing programme, Officers would advise that all affordable homes are built to meet at least 85% of the Nationally Described Space Standard (NDSS) relevant to the dwelling type and minimum person criteria.

Parking Requirements - Flats over garages/commercial or retail units/courtyard entrances are considered unsuitable for affordable units. The affordable homes do not require garages (Officers do not accept integral garages/carports etc., for the affordable homes) but they do require sufficient parking bays as per current policy guidance:

- 1 x parking bay for each 1 bed affordable home;
- 2 x parking bays to be provided for each 2 or 3 bed affordable home,
- 3 parking bays for each 4 bed affordable home.

Parking bays should be provided in curtilage (i.e.: to the side or immediately in front of their relevant plot) and shared parking courts should be avoided for the affordable houses.

Transfer to Registered Provider - If supported as a 100% AH scheme, the completed affordable dwellings will be required to be transferred to a Registered Provider, approved by the Council, or to the Council, on a with subsidy basis. As this planning application is not being put forward by an approved Registered Provider (i.e.: they would not be party to the Agreement until they had purchased the site from the Applicant) restrictions would need to be made in the SI06 Agreement to ensure the scheme could only be delivered on this basis. The Local Authority would have nomination rights to the affordable dwellings and these would also be secured via the SI06 Agreement.

In summary, there is current demonstrable need for Affordable Housing in this Community Area but the proposed original scheme is not in line with current policy approaches and procedures – especially now a 100% Affordable Housing scheme is being proposed which would only be for rented or shared ownership tenures. The proposed house types (FOGs and 3 storey houses with integral garages) would not be accepted in our Affordable Housing mixes and the suggested parking layout for these homes would need to be amended to in curtilage parking bays.

Public Open Space

Using the dwelling mix provided it is calculated the requirement for the 17 dwellings to be 900m² of open space and 78m² of play. Regarding the bramble scrub, the officer advised that as this is classed as biodiversity, it cannot be considered as open space. Open space is defined as a place where that can be used to people can walk or

children play ball. Hence why the bramble scrub cannot be included as natural open space.

In this instance, as the proposal would not be able to provide the required 900 square metres of public open space, there is a shortfall of the provision of public open space. The shortfall to be met as an **offsite contribution of £14,994.10** and Monkton Park is identified as a possible area for this off-site contribution or other facilities in the vicinity of the development.

In addition, with regard to **play equipment** there does not appear to be anything included on the plans, therefore **an offsite contribution of £11,232** would be sought to cover this too.

The development also generates a requirement for 588m² of **sports pitches** which equates to an **off-site contribution of £5,880.00** and I have contacted the Council's Leisure Strategy Infrastructure Officer to provide details of the target site for this contribution.

Summary table:

Required contribution	Amount
Off-site public open space	£14,994.10
Play equipment	£11,232.00
Sport pitches	£5,880.00
Total	£32,106.10

Any on-site Equipped Play would need to be provided as per the Wiltshire Council Play Specification. All on-site POS and Equipped Play needs to be secured and managed in perpetuity. Wiltshire Council will not adopt the on-site POS or Equipped Play.

Waste Management - Support subject to conditions

Provision of containers for waste and recycling: The on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. The following s106 contribution is required for the provision of this essential infrastructure to make the application acceptable in terms of the policies listed below:

Property type category	Contribution per house/per category	Quantity	Total
Individual house	£101	4	£404.00
Bin store for block of 1-5 flats per flat	£101	7	£707.00
Bin store for block of 6-10 flats	£815	1	£815.00
Bin store for block of 15-18 flats			£ 0
		Total	£ 1,926.00

Vehicle access - Vehicle tracking is required to demonstrate that refuse collection vehicles (RCVs) can move through the development and turn at the ends of roads, especially taking account of cars parked in allocated spaces and at the roadside. Adequate turning room should be provided to take account of the restrictions on carry distances for residents set out in Part H of Building Regulations (25m), the limitations on carry distances for waste collection crews, where the vehicle should be able to stop within 10m of a collection point (see section 4.4 of the attached guidance) and due to the requirement to minimise reversing to meet the requirements of BS 5906:2005. Tracking on plans at reserved matters stage should demonstrate the sufficiency of vehicle access.

Concern if parking is exceeded outside the visitor parking bay the collection vehicle may not be able to manoeuvre causing obstruction of the road. This in turn could affect future waste collections. The addition of no parking or double yellow lines could mitigate this.

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 Waste storage and collection: guidance for developers Supplementary Planning Document

Collection points - Each dwelling should have a collection point that is on level hardstanding off any roadway or footway at the curtilage of the property, as further described in section 5.2 of the waste SPD. Plans should identify these areas for each dwelling and demonstrate that they do not impact on space available on driveways and that soft landscaping won't prevent or encumber the collection crew when emptying bins.

Storage points - In accordance with the guidance in section 5.4 of the Waste SPD, plans at reserved matters stage should demonstrate that each property has suitable storage space that takes account of the guidance. Showing containers to scale in situ will help to demonstrate compliance.

Routes between storage and collection points - As noted in the 'Vehicle access' section above, residents should not have to carry their waste containers more than 25m from the storage point to the collection point. Plans should demonstrate that this is achievable for each dwelling, preferably with a supplementary table listing the carry distances per dwelling, for ease of reference. Section 5.3 of the waste SPD provides further details on matters to consider when designating these routes.

The collection service for flats – If final designs include communal bin stores for flats, the detailed guidance in section 5.6 of the attachment should be followed. Particular attention should be paid to the location and accessibility of bin stores, as the RCV should be able to park within 10 metres of the store without obstructions and with dropped kerbs in place to enable the bins to be safely manoeuvred to the rear of the RCV. We have experienced problems where poor location, insufficient storage space or doorways of inadequate width mean that services can't be delivered, which impacts on the quality of life of residents as waste accumulates. Final designs should demonstrate how these problems are mitigated.

Concern about the entrance to the Bin Store with regards the ability for the collection crew to successfully retrieve the Bins from the store. The reposition of the parking bays could allow the ease of the access and egress from the bin store.

As set out above the conditions need to be addressed the following items:

- Turning head possible parking
- Bin Store access

Wessex Water: Advice is provided.

Existing Services - There is a 525mm diameter public foul sewer crossing the site, north to south at the Western side. In accordance with Wessex Water Policy, there must be no buildings within a minimum of 4m either side of the public foul sewer and no tree planting within a minimum of 6m. This includes no surface water attenuation features and associated earthworks in the easement strip, changes in ground levels resulting in additional loading or excavation can lead to instability in the pipe. The public foul sewer must not run through enclosed private rear gardens, it must be within an 8m (4m either side) open access easement strip or roads. Wessex Water require unrestricted access to maintain and repair our apparatus.

The applicant has indicated the location of the existing public foul sewer on the Proposed Site Plan drawing reference 0030 Rev P11 dated 10/06/22 and submitted in support of the applicant which includes the required easement: however, they are advised to undertake their own site survey to confirm the accuracy of assumed foul sewer location and ensure that the required easements are maintained. Further to this, the applicant will need to agree protection arrangements for the existing 300mm public foul sewer which crosses the site (easement details as given above). Any damage to our apparatus by third parties will result in a compensation claim. All apparatus must be accurately located on site and marked on deposited drawings.

Foul Drainage - Wessex Water will accommodate domestic type foul flows in the public foul sewer with connections made on a size for size basis, Developers fund the cost of connecting to the nearest 'size for size' sewer and Wessex Water will manage the sewer network to accommodate foul flows from granted development. We fund this through our infrastructure charging arrangements. Capacity is available to accommodate the proposed foul drainage from the 17 dwellings. The point of connection to the 525mm diameter existing public foul sewer that crosses through the site is acceptable in principle, however, the point of connection to the public network is by application and agreement with Wessex Water and subject to satisfactory engineering proposals constructed to current adoptable standards. The developer should contact the local development team of Wessex Water to agree proposals for the Section 104 adoption and submit details for technical review prior to construction.

Surface Water Drainage - The applicant has proposed to capture, store and attenuate surface water drainage from the proposed development on site via on site pipe and tank system with a discharge proposed to the existing public surface water sewer network located on The Paddocks at a controlled discharge rate of 1.5 l/s. Capacity is available to accommodate the proposed 1.5 l/s, it should be noted that this is the maximum discharge rate. Wessex Water will accept for all storm events up to an including the 1 in 100 year event plus climate change. As stated above, the point of connection to the public network is by application and agreement with Wessex Water

and subject to satisfactory engineering proposals constructed to current adoptable standards.

Water Infrastructure Wessex Water will provide a point of connection for new water mains to be laid into the development site, either through a Section 41 agreement or a self-lay arrangement. The most appropriate point of connection for the proposed development is from the 90mm diameter public supply main located on Fuller Close to the North of site. Developers may connect to our water network on a size for size basis at their cost and Wessex Water will undertake any network reinforcement that may be required to accommodate granted development, this is funded through our infrastructure charging arrangements. Upon grant of planning Wessex Water will undertake a modelling exercise to determine the impact on our network and manage any necessary improvements.

The applicant should note that on site private storage and pump systems will be required for buildings greater than 2 storeys high. No guarantee can be given on a specific pressure or to maintaining that pressure. Normally it will be no less than 10m head of water. (1 bar pressure at 9 litres a minute) on the property boundary

North Wiltshire Swifts:

North Wiltshire Swifts has reviewed this planning application as it is believed that all new developments should provide habitat opportunities for those species such as swifts who prefer, or can adapt to, the built environment.

Chippenham Cycle Network Development Group:

A. Off-site Cycle Access should be improved:

We agree with the Highways Development Control officer's request that a public path to link to the Arc Climbing Centre and Riverside Cycleway should be provided. However, this must be built as both a cycling and a walking link. Providing solely a pedestrian path is likely to result in people cycling on it in any case, which will result in a poor experience for all users.

Solution: Provide LTN 1/20-compliant cycling and walking links from the development to Westmead Lane, either south of plot 4, or north of plot 1, if workable. This needs to include surfacing of the offsite path to link to those around the climbing centre, to provide a route that is usable in all weathers.

B. Poorly located residential Cycle Parking:

The Proposed Landscape Strategy Plan shows the location of the proposed cycle parking. For some units, this is in garages, while for the others, it is in 'secure covered' parking in the gardens. The Transport Statement rightly notes that the site's town-centre location means a wide variety of amenities are within easy cycling distance. It is therefore essential that residents are able to do this, which requires sufficient and easily accessible cycle parking in each dwelling.

Cycle parking in rear gardens is not acceptable:

Many of the dwellings have cycle parking in the rear garden. This means cycles are likely to be difficult to get out, as residents will need to manoeuvre them along tight alleyways with sharp turns in them. Some types of cycle may not fit down these alleyways or round the sharp corners at all (e.g. a trike or a cycle with a trailer). As a result, this type of cycle parking is very unlikely to be used, or will result in the cycles in the storage rarely being used, because people will see it as 'too much hassle to get the cycles out'.

In practice, garages cannot be used for both cycle and car parking:

We note that the garages are intended to count towards the site's car parking provision. We assume these will be standard-size garages, or around 6m long by 3m wide. We also note from the Landscape Plan that such a garage is intended to provide parking spaces for two bicycles.

A typical SUV, such as the popular Nissan Qashqai, measures 1.835m wide, without mirrors. These will add another ~0.2m to both sides. Additional width is required on either side: at the very minimum, 0.4m on one side only to get in and out of the driver's door, plus 0.1m on the other, assuming the car is parked extremely close to the wall on the passenger side. This means the absolute minimum space required to park an SUV in these garages and get in and out of it is:

- 0.1m passenger-side buffer
- 0.2m passenger-side mirror
- 1.835m vehicle
- 0.4m driver's-side access width
- Total = 2.535m.

This leaves 0.465m (46.5cm), for cycle storage alongside the car.

Most cycles have handlebars that are at least 0.4m wide, which will leave virtually negligible space between the cycle and car, making access to both the car and the cycle extremely difficult. It will also be impossible to retrieve a cycle stored to the rear of the garage without first removing either the car or the cycle stored in front of it.

Cargo cycles, or trikes, which are becoming increasingly popular, are significantly wider – the popular Babboe Carve-e, for example, is 0.85m wide. The Cycle Design Vehicle, specified in LTN 1/20, is 1.2m wide and 2.8m long. There is therefore not sufficient space to reasonably store cycles alongside a commonly owned car in these proposed garages, and still be able to access both comfortably.

Insufficient cycle parking spaces in three-bedroom dwellings:

In addition to the above issue with the garages not being suitable for cycle parking, the 'secure cycle store' in the gardens shows two cycles. For three-bedroom properties, this falls short of both Wiltshire's current residential cycle parking standard, and LTN 1/20 table 11-1.

Solution:

Provide cycle parking for each dwelling that:

- Is easy to access from the public highway (no sharp turns, no raised kerbs, no narrow access points);

- Meets the minimum number of spaces set out on page 66 of the Wiltshire Cycling Strategy or table 11-1 in LTN 1/20;
- Is large enough to accommodate the cycle design vehicle, specified in LTN 1/20 section 5.4.1, which will mean non-standard cycles, such as trikes and cargo cycles can use it.

Rights of Way

The proposed path between this development and the Westmead Public Open Space, would query the line of the proposed path as it exits the development, it looks from the plan that the path is going to go on to land owned by number 45 the paddocks? Officer suggests this path will need to be shown exiting the site on the Western boundary rather than the southern boundary. Given the urban nature of the site this link path will need to form part of the Section 38 adoption. Has the developer received permission from the owner of the Public open space to make this connection?

Conservation

The case officer has discussed the application with the Conservation Officer who raised no objection.

8. Publicity

3 letters of objection were received, and the residents raise the following concerns:

- I have seen slow worms on multiple occasions in the corner next to my garden over the last 2 years.
- Provision has been made for bats but this development is a loss of habitat for other endangered species such as hedgehogs and owls
- Are there any plans to use the dead end at the end of Fuller Close to access this new development, whilst it is both under construction and also when it is complete? I have a potential objection to this if this is the case as on road parking on Fuller Close and all of Flowers Yard in general is bad enough as it is since most of us have more than one vehicle and only one allocated parking space. Many people working/visiting the town centre use this area as it is free to park here which makes it a nightmare for the residents a lot of the time - the last thing we need is construction traffic (vans etc.) using this road as an access point to the site or the residents of these new houses also using it to park their vehicles. The dead end at the bottom of Fuller Close was already fenced off for 'construction traffic' a while ago which makes me think it will be used once again should this planning application be approved.

9. Planning Considerations

Principle of development

9.1 The site is positioned within the settlement boundary of Chippenham which is identified as a Principal Settlement by Core Policy 1 of the Wiltshire Core Strategy. Core Policy 1 states that principal settlements are the primary focus for development and that they will provide significant levels of homes. Core Policy 2 sets out a presumption in favour of sustainable development within the principle settlements such as Chippenham. As the site is located within the settlement boundary of Chippenham, the principle of the proposal is acceptable subject to compliance with the other policies contained within the development plan.

Heritage Assets

- 9.2 The site is located within the Chippenham Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 16 and 66) as well as giving special attention to preserving or enhancing the character or appearance of the conservation area (s.72).
- 9.3 The NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 205-208 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset. Core Policy 57 requires, amongst other things, that new development must be sympathetic to and conserve historic buildings. Core Policy 58 requires that developments should protect, conserve and where possible enhance the historic environment.
- 9.4 The Conservation Area Appraisal (2007) – Character Area 16: Flowers Yard identified that this area of Chippenham has an industrial past, and that the industrial uses occurring in the area have declined over time. It explains that the area has a run-down feel, and an isolated, cut-off atmosphere. In April 2010, a Chippenham Conservation Area Management Plan was adopted as supplementary planning guidance. Since the publication of these documents, the area has changed quite considerably given residential development in Flowers Yard and Fullers Close have been since completed and a care home was also built to replace the former police station. As already indicated in the previously approved scheme (in 2018), the value of this section of the conservation area is considered to arise primarily from its historic (illustrative) and evidential value. By virtue of its designation, the conservation area is significant in heritage terms, however it is clear that there are significant opportunities for enhancement in this area.
- 9.5 Whilst the current proposal would introduce a higher density residential scheme compared to the previously approved proposal (8 no. detached dwellings), the current proposal would still enhance the character and appearance of the conservation area as it would bring a derelict and unused brownfield site back into use. The site is surrounded by 3 / 4 storey dwellings to the north and a group of bungalows to the south, and a 3-storey care home building to the northeast. Given its urban context, a residential development like this would not result in any material harm to the character or appearance of the conservation area and it would not be read in the context of any listed building. It is therefore considered that the proposal would comply with CP57 and CP58 and the provisions of the NPPF.
- 9.6 With regard to the archaeological interest, the application site lies is located within an area of archaeological significance in relation to the possible Saxon and Medieval development of Chippenham. It is noted that the report on 2014

archaeological trial trench evaluation, undertaken to support a different application has been submitted as part of this proposal. However, the western undeveloped part of the site has not been subject to trial trenching. Therefore, an archaeological trial trench evaluation to be undertaken on the part to the site yet to be subject to trial trenching. The total length of trenching should be equal to approximately 4% of the area yet to be evaluated with 1% contingency for further trenching should this be required. Subject to a condition securing this trial trenching there is no objection in this regard.

Design, Visual Amenity

- 9.7 Core Policy 57 of the adopted Wiltshire Core Strategy seeks a high standard of design in all new developments. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. The proposal is to demolish the existing car parking structure and its replacement with 17 dwellings comprising a mix of three storey dwellings, two-storey dwellings and flats over garages. Concerns over the design, materials of the proposed development are noted.
- 9.8 Firstly, no objection is raised to the demolition of the existing car park structure as it has no historic or architectural merit to this building.
- 9.9 Both the original and revised proposal have been consulted with the Council's Urban Design Officer. With regard to the original proposal a number of issues were raised, in terms of the car parking arrangement, pedestrian connectivity to the adjacent facilities, refuse storage arrangements, and trees planting.
- 9.10 As already mentioned in the previously approved schemes, the built form surrounding the site is diverse in terms of scale, design and materials used. To the west is a mixed of three / four storey residential properties in Fuller Close while, there is a group of bungalows with some elevated dwellings to the east, The Paddock. To the north is a three-storey care home while there is a public open space to the south.



View from Fuller Close looking into the site



View from Flowers Yard looking into the site



View of The Paddock looking into the site



Care Home on Wood Lane

- 9.11 In terms of density of the proposal, the site area is approximately 0.45 hectares for the proposed 17 dwellings, i.e. approximately 37.8 dwellings per hectares. While the proposal would not be a low-density development as to the previous approved scheme, the proposed density would not be out of keeping with the urban character of this particular location given the proximity of the adjacent properties.
- 9.12 In terms of the layout, some amendments have been made, including a potential footpath link is shown to the side of plot 4, car parking spaces for some

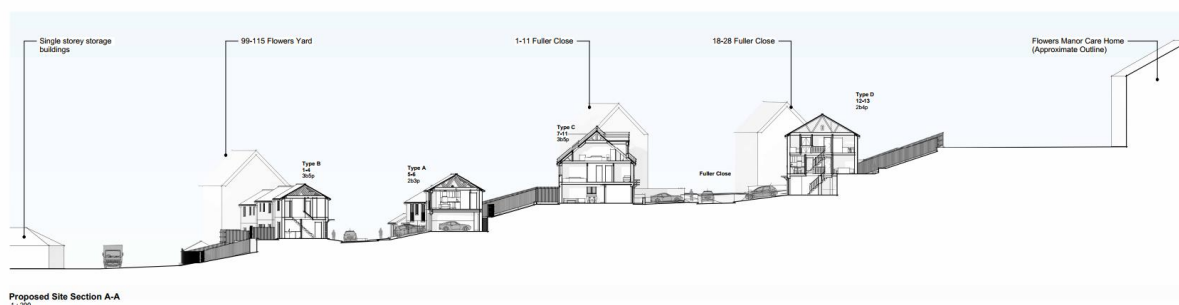
units, e.g. plot 2, plot 7 and 8, are allocated closer to its plot, additional planting are proposed along the western boundary and the northern boundary of the site. (Tree planting are shown within each plot, the area adjacent to the proposed bat mitigation roost, and the proposed open space area). In terms of materials, Officers consider that the proposed use of reconstituted stones for the facades of all dwellings are acceptable, but this should be a specified buff stone colour to reflect the local stone and not a 'grey' stone. The use of proposed reconstituted fibre cement grey slates to the roofs is also appropriate and would reflect the quality of the materials on the adjacent Flowers Yard development. A planning condition is suggested to seek details of these materials. In terms of detailed design, expressed reconstituted stone cills and heads to openings have been added to the proposed elevations of the proposed dwellings.

- 9.13 In this instance, whilst the proposed layout may present high-density development, it is considered, on balance, that the proposal, in terms of its design and scale, would not be out of keeping with the urban character of this area, and therefore your case officer has no objection to the proposal subject to conditions.

Residential Amenity

- 9.14 Core Policy 57(vii) of the adopted Core Strategy seeks to ensure that appropriate levels of amenity are achieved within the development itself, having regard to the compatibility of adjoining buildings and uses, the impacts on the amenities of existing and future occupiers.

- 9.15 In terms of privacy, there are four rows of dwellings within the application site and most of these dwellings would have reasonable separation distance. The shortest distance would be between plot 6 (flat above garage) and plot 11. Whilst such distance would not normally be encouraged, however, in this instance, there is no habitable or primary window on the rear (east) elevation on plot 6 and the topography of the plot would also allow the plot 11 having a reasonable outlook.



- 9.16 Plot 1 would sit approximately 4.2 metres away from the side elevation of Flowers Yard. In this instance, the relationship between these plots and neighbouring properties are acceptable.

- 9.17 As described above, the application site is surrounded by group of residential properties. However, given the landscape buffer along the northern and southern boundary, the degree of inter-visibility between the new dwellings and the existing residential properties would be limited. Plot 1-4 and Plot 12-17 also have a reasonable sized private garden at the rear abutting the landscape garden and public open space respectively.

Amenity during the construction

- 9.18 During construction period, it is likely that there would be some disturbance in terms of vibration and pollution, a planning condition is therefore imposed to ensure the construction management plan to be implemented and adhered to throughout the whole construction period.
- 9.19 In summary, subject to conditions, the residential amenity of neighbouring properties would be safeguarded.

Highway and parking provision

- 9.20 Core Policy 61 of the adopted Core Strategy requires new development to be located and designed to reduce the need to travel particularly by private and to encourage the use of sustainable transport alternatives. In addition, the proposal is capable of being served by safe access to the highway network.
- 9.21 The proposal site has an existing permission for the residential development of eight units, and this latest proposal is for an increase in the quantum of dwellings provided to 17 units. Concerns regarding highway and parking matters received during the public consultation period are noted.

Site location

- 9.22 In terms of the location of the site, the proposed residential development is situated within the proximity of town centre (approximately 6 mins walk distance from High Street, 3 mins walking distance from Uller close to the public open space to the southwest of the site), as such, it is a sustainable location in terms of travel perspective. The Highway Officer also identified that there is a potential and desire for pedestrian connectivity to be achieved with the ROW CHIP23 which would provide a useful pedestrian link to the public open space and to The Arc skate park and climbing facility. The applicant has considered a pedestrian link adjacent plot 1, however, due to the topography of the site and the area is reserved for bat roosting, this option has been discarded. Instead, a potential pedestrian link is proposed from the site to the nearby public open space to the side of plot 4. The Highway Officer has reviewed this proposed link and no objection. The Officer advised that this link should be adopted under S38 agreement and details of the connection will be considered under S38 Agreement.

Parking provision

9.23 The proposal provides an adequate level of parking to meet minimum standards, and some amendments were made to the parking arrangement so that majority of the plots would now have parking spaces to the front to the side, while plots 9 and 10 would have parking space at the rear on a down slope. This may lead to displaced parking on the highway and a negative unintended consequence of an overcrowded development. Plots 1 and 2 have a contrived allocated parking arrangement shown, where parking is allocated some distance from the dwellings. This has the potential to encourage parking on the highway to the front of the dwellings and lead to obstruction issues especially for service vehicles. The applicant has explored options to reconfigure the parking arrangement for these plots, however, due to the 4-metres easement of the sewer, it would be difficult to accommodate the proposed parking closer to these plots. In this instance, the Highway Officer recommend that should the development be offered for adoption, a TRO would be required to install parking restrictions to protect the turning head from being parked on.

EV charging point

9.24 While the transport plan indicates that each unit will have a dedicated EV charging point, the parking arrangement will produce its own challenges to this aim. Plots 3 and 4 have parking allocated to the side where an arrangement for each to have a dedicated EV charging station may be difficult to provide. Nevertheless, an EV charging point will need to be provided under Building Regulations.

Waste collection

9.25 If the proposal is offered for adoption under a S38 agreement, then it would be preferable for waste collection on street. With a turning head in the scheme then a waste vehicle would be able to manoeuvre through the development turning within the turning head, provided this could be demonstrated to the satisfaction of Highways.

Surface water runoff

9.26 The amended plans showing an improved surface water runoff scheme. The gullies and connectors indicated as highway storm gully would be acceptable and form part of an adoptable layout should the scheme be offered as such. As the rest of the runoff collection would be covered under S104 agreement, there is no further objection to highway drainage matters.

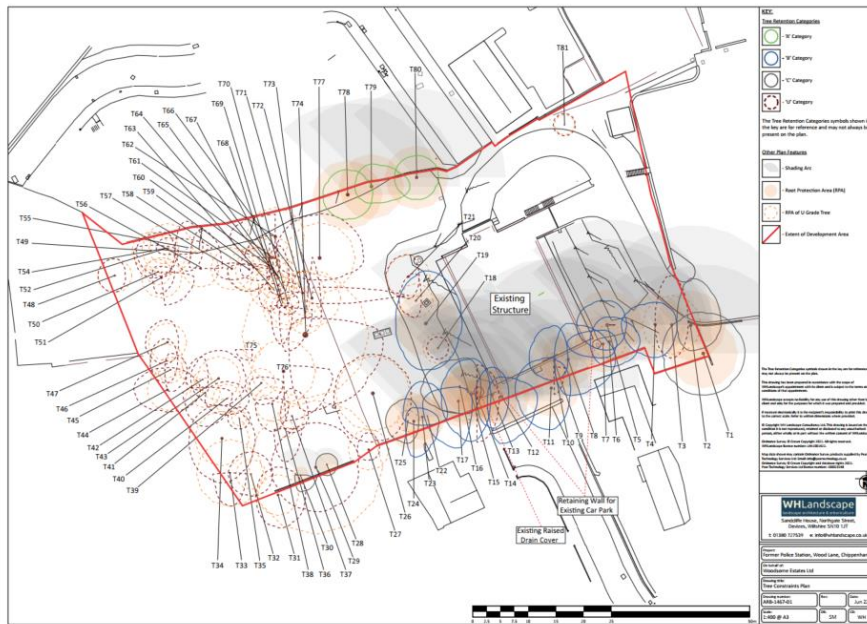
9.27 A construction environmental management plan detailing access arrangements to the site and management of HGV movements through Flowers Yard is also needed. A temporary traffic regulation order (TTRO) to provide for adequate access to Fuller Close and if necessary, along Flowers Yard to protect parked cars.

9.28 In summary, whilst the Highway Officer identified some issues of the scheme, no substantiate reasons are raised to warrant a refusal on highway safety

ground. As such, subject to conditions, there is no highway objection to the proposal.

Arboricultural and Landscape

9.29 Core Policy 51 of the adopted Core Strategy seeks to protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. To support this application, a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan were submitted, and they set out the categories of these trees and a range of protection measures for the retained trees. Concerns relating to the loss of existing trees and impacts upon the landscape character are also noted.



Tree survey shows the trees categories



All 'A category trees' are retained.



Tree planting in the proposed landscape strategy

- 9.30 The Arboricultural Officer has reviewed the submitted details and noted the reasons of removal of some trees on site. 81 trees have been surveyed on or adjacent to the site. The species consist of Sycamore, Ash, Goat Willow, Alder and Lime.
- 9.31 There are three 'A' category trees on site T78, T79 and T80 all Lime trees, these trees are shown as being retained.
- 9.32 Fourteen trees have been categorised as 'B'. A number of these trees have been highlighted for removal due to their close proximity to the existing car park which is to be demolished and a raised concrete drain which is located on the south-west corner of the car park. Removal of these structures will destabilize the ground and damage the rooting areas of these trees therefore making these trees unable to be retained. Removal of these trees will also leave the

remaining trees open to wind blown due to their similar height structure and form.

- 9.33 Six trees are categorised as 'C' which should not be considered a constraint on site. Due to poor structural condition and limited life expectancy, 58 trees have been given a 'U' category and should be removed. These trees consist of Ash which are clearly in decline due to Ash Dieback, Goat Willow as they are in form structural form and Elm which have a limited life expectancy due to Dutch Elm Disease. T31 Ash which is located on adjacent land which should be considered for removal due to its condition. As this is an off-site tree, it is noted that the northern part of the RPA of this tree will have a slight encroachment due to proposed parking spaces.
- 9.34 In terms of tree planting, the Landscape Officer has also reviewed the proposal and raised concerns about the potential conflict with layout may conflict with buried surface water drainage tanks and sewerage pipes / easement, and mature tree canopy conflict with any proposed highway lighting column locations, as such, some trees may not be able to be planted within the area. Having said that, officers noted that due to the proposed restricted environment, it would not be possible to replant on a 1:1 basis. Therefore, consideration should be given to plant suitable trees that will be able to reach maturity without being under threat from being removed or damaged. In this instance, given landscape buffer areas are proposed, good quality trees can be planted within these areas to strengthen the landscape character of the site. As such, in this instance, there is no objection to the proposal subject to a condition seeking a detailed landscaping with tree planting scheme to ensure that suitable trees that will be able to reach maturity to be planted within the site.

Ecology

- 9.35 Core Policy 50 of the adopted Core Strategy requires development proposals to demonstrate how they protect features of nature conservation and geological value as part of the design rationale and encourages development to seek opportunities to enhance biodiversity. Concerns regarding the loss of natural habitats are noted.
- 9.36 During the course of the application the applicant provided additional ecology information and reports, including Bat Emergence & Reptile Survey, Landscape Strategy Plan, updated Ecological Appraisal including Badger in order to address the concerns raised. The Council's Ecologist has reviewed the submitted details and was satisfied with the findings and recommendations of these reports and raised no further objection to the proposal. Subject to conditions to secure / seek the following details:
- the implementation of the Landscape Strategy Plan,
 - no external lighting (unless details have been approved),
 - bat roost detailed design
 - reptile mitigation strategy
 - construction environment management plan (CEMP)
 - landscape and ecology management plan (LEMP)

and informatives relating to Badger, Birds and the nesting seasons and bats, there is no ecology objection to the proposal, and the proposal is therefore considered to comply with Core Policy 50 of the adopted Core Strategy.

Flood Risk, Drainage and Water Efficiency

- 9.37 Core Policy 67 of the adopted Core Strategy requires all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground unless or environmental conditions make these measures unsuitable. Drainage Statement is so submitted with this application. Environment Agency and the Council's Drainage Engineer have been consulted with this application.
- 9.38 The proposed development site was previously granted planning permission under 18/11019/FUL however from a surface-water management perspective this was both for a small development (in terms of proposed dwellings). It is noted that the Wiltshire SFRA, and EP mapping indicates that this site is at low risk of fluvial, pluvial and ground water flooding as explained by the applicant. In addition, the applicant has also provided revised hydraulic calculations (based on EA 2022 Climate Change Guidance), which have demonstrated that there is a viable drainage strategy for the site, which mitigates against increased flood risk as a result of climate change and urban creep. Furthermore, it has been agreed that the applicant should seek to provide additional rainwater planters and water butts should be provided as part of detailed design in order to increase the level of source control and resilience in the future. It should be noted that bioretention systems could be designed with a connection into a piped drainage system, and subject to complying with Wessex Water's guidance [sudsguide.pdf](#) (wessexwater.co.uk) could be adopted by Wessex Water.
- 9.39 Furthermore, Environment Agency also suggested a condition to be imposed in order to incorporate of water efficiency measures into this scheme will:
- contribute to climate change resilience by minimising the impacts of drought (cumulatively)
 - reduce abstraction pressure on water resources and riverine ecosystems
 - benefit future residents by reducing water bills.
- 9.40 In this instance, there is no objection in these regards subject to conditions suggested in the recommendation session.

Environmental Protection

- 9.41 Core Policy 56 of the adopted Core Strategy requires development proposals which are likely to be on or adjacent to land which may have been subject to contamination will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination on public health, environmental quality, the built environment and amenity. Policy 57 (vii) seek to ensure appropriate levels of amenity are achievable within the development itself, including vibration and pollution. In this case both Environment Agency and the Council's Public Protection Team have reviewed and commented on the proposal.

- 9.42 Based on the relatively low levels of contamination and the ground conditions reported in the Phase II Geotechnical and Contaminated Land Report (Integrale Limited, April 2014) submitted in support of the application Environment Agency consider the proposed development poses a relatively low risk to controlled waters, while the Council's Public Protection Officer also noted that the report indicated that it will be necessary to complete further checks testing once full access is available. In this instance, a pre-commencement condition is required to identify the extent of any further contamination and to confirm a remediation strategy. Subject to condition, there is no objection in this regard.

Planning Balance

- 9.43 Section 38(6) of the 2004 Act requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.44 Due to its location being within the settlement boundary of Chippenham which is identified as a Principal Settlement by Core Policy 1 of the adopted Core Strategy, as such, the location of the proposed residential development is acceptable in principle. However, a standard planning balance is still required considering whether there are any material considerations in this case.

Public Benefits

- 9.45 The NPPG identified that public benefits can be anything that deliver economic, social or environmental progress and be of a nature or scale to benefit the public at large.
- 9.46 It is noted that the Council currently cannot demonstrate the required housing land supply. This proposal provides an opportunity for Council to improve the current HLS position. The proposed scheme would make a material contribution to supply of a total of 17 no dwellings and 7 of them will be affordable housing units.
- 9.47 In addition, it is the opinion of the Planning Officer, when considering the merits of the application site, that the site is in a sustainable location. The site sits to the close proximity to the Chippenham town centre, public open space, community facilities, e.g. leisure centres, and there are primary and secondary schools nearby. Also, part of the scheme is to redevelop the existing previously developed land.
- 9.48 In terms of the planning obligations sought, 7 no. affordable housing units and on-site public open space would be secured, and financial contribution would be secured towards off-site POS provision, play equipment and sport pitches, and waste management to mitigate the impacts upon the area.
- 9.49 Furthermore, there would also be some economic benefits through the direct creation of construction (temporary) works. The development would also enable greater economic spending in the area through additional population growth close to nearby retails, services and facilities. The development would also generate a financial contribution through CIL receipts which again, whilst

forming mitigation for the development could potentially result in benefits to the wider community through increased investing on infrastructure.

9.50 When considered together these benefits are considered to hold significant weight in favour of the proposal.

9.51 Overall, having considered carefully the weight attached to public benefits, it is the officers judgement that in this particular case, it is considered that the public benefits of the additional market and affordable housing in a sustainable location, the economic benefits result from the proposed development and the planning obligations agreed particularly in relation to public open space would outweigh the harms that have been identified.

10. CONCLUSION

10.1 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.

10.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

RECOMMENDATION

That: (1) planning permission be granted subject to conditions set out below and the applicant firstly voluntarily entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- a) On site Public Open Space and Off-site financial contribution towards Public Open Space, Sport Facilities and Play Equipment
- b) Affordable Housing of a total of 7 no. units to be provided on site at nil public subsidy.
- c) Waste management contribution
- d) Monitoring fee - 1% of the total financial contribution contained within the agreement

Planning conditions:

1 Time Limit for Implementation

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. **Approved plans**

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

- Landscape Strategy Plan, No: 0031, Rev: D, Date: 29/02/2024 received by the Council on 5 March 2024
- Indicative Affordable Tenure Plan, No. 9003 rev P03, and
- Proposed Site Plan, No. 0030 rev: P01, received by the Council on 14 October 2024
- House Type A1 (FoG) Plans & Elevations, rev A
- House Type A2 (FoG) Plans & Elevations, rev A
- House Type B – Plans and Elevations, rev A
- House Type C Plans & Elevations, rev A
- House Type D Plans & Elevations, rev A, received by the Council on 11 January 2024

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

3. **Archaeological investigations (pre-commencement condition)**

No development shall commence within the area indicated by this application PL/2022/05783 until:

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

The work is to be carried out following the standards and guidelines for archaeological field evaluation as set out by the Chartered Institute for Archaeologists (CIfA). For the avoidance of doubt, the archaeological field evaluation forms the first stage of possible further archaeological mitigation. Further archaeological investigation may be required either prior to or during construction or both. This will be dependent on the results of the archaeological evaluation undertaken prior to construction. Analysis and reporting

commensurate with the significance of the archaeological results of further mitigation may also be required.

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

4. **Drainage details (pre-commencement condition)**

Prior to the commencement of the development hereby approved, detailed drainage design shall be submitted to and approved in writing by the Local Planning Authority. The detailed drainage design shall include the following items:

Surface Water Hierarchy

i. Infiltration testing in accordance with BRE Digest 365 in order to demonstrate that disposal of surface water via infiltration will not be feasible, and therefore that the proposed drainage strategy complies with the surface water disposal hierarchy

Detailed Drainage Calculations

ii. The following detailed drainage calculations shall be provided:

a. 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.

b. 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.

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

Hydraulic Models should set the MADD factor / additional storage volume factor to 0m³ / ha in order to prevent an overestimation of storage capacity in the proposed drainage network.

As a result of the discharge to the surface water sewer, the applicant shall also confirm the above hydraulic parameters are met when considering a surcharged outfall

Source Controls

iii. The applicant shall seek to provide additional source control features through the detailed drainage design in order to help improve the climate resilience of the proposed development.

Overland Exceedance Flows

iv. Drawings which demonstrate how overland exceedance flows, in excess of the 1 in 100yr + cc rainfall event will be safely managed on site and will not increase flood risk to people or property.

Attenuation Drawings

- v. Cross and long-sections of proposed attenuation features

Water Quality

- vi. Calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment to prevent pollution of the receiving watercourse. It is suggested this assessment is undertaken using the Simple Index Method detailed within the CIRIA SuDS Manual.

Ownership and Maintenance

- vii. Details of how the proposed and existing drainage features on the site will be maintained and managed after completion with confirmation from the relevant authority that they will adopt any systems that are being offered for adoption.

5. Landscaping scheme

Notwithstanding the submitted Landscape Strategy Plan, within three months follow the demolition of the existing car parking structure or the commencement of development thereby approved, whichever sooner, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- landscape management plan for a period of ten years, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has

been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

- specific number of trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

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 ten 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. **Implementation of Landscape Strategy Plan**

The development will be carried out in strict accordance with the Proposed Landscape Strategy Plan, No: 0031, Rev: D, Date: 29/02/2024. The installation of the biodiversity mitigation and enhancement measures will be supervised by a professional ecologist and will continue to be available for wildlife for the lifetime of the development.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

7. **Lighting**

No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will avoid impacting biodiversity mitigation enhancement features.

The plans shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: In the interests of conserving biodiversity.

8. Bat roost detailed design (pre-commencement condition)

Prior to the commencement of development hereby approved, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, the detailed design of the proposed 5m x5m x2.8m bat mitigation roost structure as shown in drawing Proposed Landscape Strategy Plan, No: 0031, Rev: D, Date: 29/02/2024 shall be submitted to the local planning authority for approval in writing.

Development shall be carried out in strict accordance with the approved design. The installation of the bat mitigation roost shall be completed prior to the first occupation and shall be supervised by a professional ecologist and will continue to be available for wildlife for the lifetime of the development.

REASON: To ensure the proposed bat roost compensation strategy is appropriately designed.

9. Reptile Mitigation Strategy (pre-commencement condition)

Prior to the commencement of development hereby approved, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Reptile Management Strategy shall be submitted to the local planning authority for approval in writing.

The plan shall include the details of how the site and the reptile receptor site will be managed prior to / during and post-construction of the proposed development. The methodology of the reptile translocation shall be included in the strategy along with how the site to be protected during the operational phase of the development and confirmation of who is responsible for each task.

REASON: In the interests of protected species and conserving biodiversity

10. Construction Environment Management Plan (CEMP) (pre-commencement condition)

Prior to the commencement of development hereby approved, 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, bats, badgers and reptiles.

- c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for, bats and reptiles; this should comprise the preconstruction/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.

11 Landscape and Ecology Management Plan (LEMP) (pre-commencement condition)

Prior to the commencement of the construction of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall encompass the on-site mitigation areas and shall include:

- a) Long term objectives and targets in accordance with:
 - i. Biodiversity Net Gain Assessment, Ref: HEA790b2022, Date: 29/12/2024 by hea Ecology
 - ii. Biodiversity Metric version 4.0, Date: 11/02/2024, Version: V3 by hea Ecology
- b) Monitoring, management and maintenance responsibilities and schedules for each ecological feature within the development for a period of no less than 30 years from the commencement of the scheme as identified in: Proposed Landscape Strategy Plan, No: 0031, Rev: D, Date: 29/02/2024
- c) The mechanism for monitoring success of the management prescriptions with reference to the appropriate Biodiversity Metric target Condition Assessment Sheet(s).
- d) A procedure for review and necessary adaptive management in order to attain targets.

- e) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

12. **Contamination (pre-commencement condition)**

No development shall commence on site until an investigation of the history and current condition of all areas of the site, including those areas previously identified in the Integrale Limited Phase 2 report as being inaccessible, to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present in previously inaccessible areas as referenced in the Integrale Limited phase 2 report or if evidence of contamination is found, a more detailed site investigation and risk assessment must be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: Core policy 56, To reduce the risks associated with land contamination

13 **Water Efficiency (pre-commencement condition)**

Prior to the commencement of the development hereby approved, until a scheme for water efficiency shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

For the avoidance of doubt, the development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

REASON: In the interests of sustainable development and climate change adaptation

14 Construction Management Statement – Site Operation (pre-commencement condition)

Notwithstanding the submitted construction management plan, no development shall commence on site (including any works of demolition), until a detailed Construction Management Statement, together with a site plan, 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. details of Banksman employment to manage deliveries;
- 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;
- j. measures to control construction noise and vibration

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

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

15 Highway work details (pre-commencement condition)

Notwithstanding the submitted drawings drawing No. 0032 rev P01 (Proposed Turning Head), no development shall commence on site until details of the estate roads including turning heads and access to bin store, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads including turning heads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking for each plots with demarcation and visitors car park spaces, and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details. Development shall be maintained as such thereafter.

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

16 Temporary Traffic Regulation Order (pre-commencement condition)

Prior to the demolition of any existing structures within the site, a Temporary Traffic Regulation Order to amend the waiting restrictions on Fuller Close shall have been prepared and implemented to allow for access during the construction phase.

Reason: In the interests of achieving access development from the public highway.

17 Access, Footways and Crossings

No part of the development hereby permitted shall be occupied until the access, footways and crossing points 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.

18 Parking provision

Prior to first occupation of the development hereby permitted, the vehicle parking and turning areas shall have been provided with the individual parking spaces being demarcated, and the areas shall thereafter be maintained and kept available for the parking and turning of vehicles.

REASON: In the interests of safe and convenient use of the development.

19 Cycle parking provision

Prior to first occupation of the development hereby permitted, the cycle parking spaces shall have been provided, and shall thereafter be maintained and kept available for the parking of cycles.

REASON: In the interests of safe and convenient use of the development

20 No Burning of fire

There shall be no burning of fires on site at any time.

REASON: To protect the local amenity from any adverse effects of dust, smoke and odour.

21 Building materials sample

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

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

22 Removal of debris and demolition materials

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

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

23 Permitted Development Right Removed – extensions and addition

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

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

24 Permitted Development Right Removed – means of enclosure

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

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

25 Permitted Development Right Removed – garages, sheds, outbuildings

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

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

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COMMITTEE REPORT

Application Number	20/11236/OUT
Site Address	Land to the south west of The Street, Latton, Swindon, SN6 6EH
Proposal	Outline application (with all matters reserved) for a village recreation hall, all weather tennis court, parking, access and erection of six houses (Resubmission of 19/08877/OUT)
Applicant	Latton Parish Council/ Latton Parish Community Trust/ Oram Settlement Trust
Town/Parish Council	Latton Parish Council
Electoral Division	Cricklade and Latton
Grid Ref	409070 195512
Type of application	Outline Planning
Case Officer	Adrian Walker

1. Background

The application was called-in by the Division Member Councillor Jones because it was recommended for refusal when there was considered to be of community benefit.

The application was heard at Northern Area Planning Committee on the 2 February 2022.

At the conclusion of the debate, it was,

Resolved:

To delegate authority to the Head of Development Management to grant outline planning permission subject to:

- i. The completion of an archaeological field evaluation;
- ii. The submission of a Viability appraisal and costs assessment for the development including village hall replacement and proposed financial contribution;
- iii. The completion of a s.106 agreement within six months of the date of this resolution. In the event that the applicant makes clear that they will not complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the reason set out below. This alternate provision to be subject to consideration of any other factors outside the control of the applicant and the Council that may result in unavoidable delay. If such circumstances are assessed by officers to arise then to allow for

completion of the agreement after the 6-month period under delegated authority: -

The proposal does not provide for the delivery of the necessary and proposed infrastructure (e.g., village hall, tennis court and maintenance and management) required to mitigate the direct impacts of the development and thereby fails to comply with CP3, Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the National Planning Policy Framework. to secure provision of the village hall, car park and tennis court in advance of the six houses; and

iv. **Appropriate conditions prepared by officers.**

Such conditions would include, but not be limited to the following:

- **Approval of the reserved matters (i.e., access, layout, scale, appearance and landscaping);**
- **Detailed design and maintenance of surface and foul water drainage systems**
- **Prevention of works within 5m of the strategic water main;**
- **Details of the tennis court enclosure;**
- **Details of noise attenuation measures;**
- **Any additional archaeological work;**
- **An ecological enhancement scheme; and**
- **A lighting strategy.**

Full minutes of the meeting can be found at appendix A.

Since the previous committee meeting the applicant has submitted the following information;

- Archaeological Evaluation Report May 2022 (Appendix B)
- Viability Assessment June 2022 (Appendix C)

The Council's Archaeologist has reviewed the Archaeological Evaluation Report and raised no objection subject to condition.

Work has also been undertaken to draft a S106 agreement. In September 2024 Officers were informed that the £100,000 contribution to be included in the s106 agreement towards the construction of the village hall was no longer available due to the rise of construction costs.

Latton Parish Community Trust continues to be supportive of the proposals and confident that the Village Hall can be delivered;

Despite the £100k donation being taken off the table, we are confident in obtaining funding, it just may take us a while longer. We haven't meaningfully applied for funding or grants to date as we were waiting for the Outline Planning to be granted (including the S106). This would then give us some currency to request funding against a more detailed plan.

Other measures we may consider raising funds could include, community shares in the facility or a membership subscription model.

Further information can be found in Latton Parish Community Trust Update November 2024 (Appendix D).

RECOMMENDATION

To grant outline planning permission subject to the S106 (draft outline Appendix E) and the conditions found in Appendix F; or

Refusal of planning permission for the reasons 1-4 set out in the original Officer report (Appendix G).

1. The site lies outside the defined limits of development as set out in the development plan and the proposal is not development that would be considered an exception to the spatial strategy allowing permission to be granted outside a settlement boundary. The proposal does not constitute infill development as set out in paragraph 4.34 of the Wiltshire Core Strategy (2015). The proposal is therefore contrary to Core Policies 1, 2 and 19 of the Wiltshire Core Strategy (2015) and saved Policy H4 of the North Wiltshire Local Plan 2011, as well as the principles set out in the NPPF which confirm that the planning system should play an active role in guiding development to sustainable locations (paragraphs 7, 8 & 9) and that planning should be genuinely plan-led (paragraph 15).
2. The location of the proposed development would result in the loss of part of an existing pastoral field through urbanisation which currently provides separating green space between loose knit village areas. The proposed development would result in an incongruous form of development in this village edge setting within Latton resulting in harm to the character, appearance and visual amenity of the locality. The proposed development would therefore be contrary to Core Policy 57 (iii & vii) and Core Policy 51 (ii) of the Wiltshire Core Strategy (2015), as well as paragraph 174(b) of the NPPF.
3. Latton, a small village in terms of the Wiltshire Core Strategy, is an unsustainable location for the development proposed. The lack of local facilities, employment sites and the distance to nursery, primary, and secondary schools would lead to an increased reliance on journeys by private motor car. Consequently, the proposal does not meet the aims of the NPPF and the Wiltshire Core Strategy which seek to reduce growth in the number of motorised car journeys. The development would be contrary to Core Policies 1, 2, 19, 60 & 61 of the Wiltshire Core Strategy (2015) and paragraphs 104, 105, 110 and 112 of the NPPF.
4. The proposed development would harm the setting of the designated heritage assets, the village cross, Elm Farm and Street Farmhouse, Grade II listed, as well as the Scheduled settlement west of Latton and village cross. The harm to the setting of the designated heritage assets would arise through the reduced intervisibility, urbanisation of the surroundings and erosion of the historic open space resulting in harm to the setting of the designated heritage assets, albeit less than substantial harm. The benefits of the proposal have been fully considered, in accordance with the requirements of paragraph 202 of the NPPF, but are not considered to clearly and demonstrably outweigh the harm identified. Such benefits could be delivered by other means with less harm to the designated heritage assets. The proposed development would be contrary to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 199, 200 & 202 of the NPPF, Core Policy 57 (i & iv) and Core Policy 58 of the Wiltshire Core Strategy (2015).

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Land at Park Road, Malmesbury

ADVICE

Introduction

1. I am asked to advise in relation to an application for approval of reserved matters pursuant to planning permission granted by the Planning Inspectorate under reference APP/Y3940/W/21/3286853. I am familiar with the site as I acted on behalf of the Appellant in relation to the appeal. The site is known as Land off Park Road, Malmesbury (“the Site”).
2. Planning permission was granted at the Site for the erection of up to 50 residential units and associated development. The permission is an outline planning permission but with detailed approval in relation to access.
3. The planning permission contained a number of conditions. Conditions of particular relevance are set out as follows:
 - “1. Details of the appearance, layout and scale (hereafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved”.
 - ...
 12. No development hereby permitted shall commence on site until an Flooding Emergency Access and Egress Management Plan (the Management Plan), taking account of guidance in the Planning Practice Guidance on how to ensure safe access and egress to and from the development and including details of any gates or similar between the development and the access egress point on Park Lane and the arrangements for their access by the emergency services, has been submitted to, and approved in writing by, the local planning authority. The

access and egress provisions from the approved management Plan shall be implemented prior to the first occupation of any dwelling on the site and emergency access and egress shall be maintained in accordance with the approved Management Plan.”

4. I am asked to advise as to the scope of the reserved matters application. I am instructed that an application has been made for approval of all of the reserved matters. Separately, an application has also been made to discharge condition 12. I understand that the determination of the reserved matters application has been deferred by the local planning authority due to matters relating to the discharge of condition 12.

The Reserved Matters

5. The scope of reserved matters is set out in article 2 of the Town and Country Planning (Development Management Procedure)(England)(Order) 2015, as follows:
 - ‘Access’ – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
 - ‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
 - ‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
 - ‘Layout’ – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

- ‘Scale’ – the height, width and length of each building proposed within the development in relation to its surroundings.
6. In the present case, as set out in condition 1 of the planning permission, the reserved matters are appearance, landscaping, layout and scale. The access details for the site access have already been approved.

Discharge of Conditions

7. The discharge of condition 12 is separate from the approval of reserved matters. It is well-recognised that applications for reserved matters have a specific statutory basis which is distinct from applications to discharge conditions (s92 TCPA 1990 and R (Murray) v Hampshire CC [2003] EWCA Civ 760, and article 6 of the Development Management Procedure Order).

Advice

8. For the purposes of the Town and Country Planning Act 1990 the outline planning permission is the grant of planning permission for the development permitted. It establishes the principle of development. In this case permission has been granted subject to conditions for the erection of up to 50 dwellings and the associated development. The scope of any subsequent approvals is determined specifically by the terms of the particular condition imposed.
9. The reserved matters application is defined in its scope by the definition of reserved matters (as set out above). It is subject to specific statutory status, and its own timescales with statutory consequences. An application is made under Article 6 of the Development Management Procedure Order.
10. In my opinion, there is no valid basis on which the reserved matters should be deferred or refused by reference to condition 12. If the reserved matters details are acceptable in terms of appearance, landscaping, layout and scale then they should be approved without delay given the timescales contained within the planning permission.

11. A clear demonstration of the separation of these processes is that if the reserved matters application was appealed, either for refusal or for non-determination, then matters relating to the emergency access management plan would not be before the Inspector for consideration. The application for approval of reserved matters is legally separate and distinct from the application for discharge of condition 12.
12. If there are concerns in relation to the application to discharge condition 12 this may justify seeking further details in relation to the discharge of that condition. The development pursuant to the reserved matters cannot commence in any event unless and until condition 12 is discharged.
13. However, the scope of the discharge of condition 12 is limited by the terms of the condition itself. It relates specifically to provision and management of an emergency access to address concerns as to flood risk (as referred to in paragraph 60 of the decision letter). I further understand that the statutory technical consultees raise no objection to the reserved matters application or the application to discharge condition 12. Condition 12 is not concerned with the layout of the development, which is a matter to be determined under the reserved matters approval. For example, if the internal emergency access was blocked by housing, that would give rise to an objection to the layout – not to the discharge of condition 12. The main site access is also separate, having been approved through the appeal decision.
14. Condition 12 is a negatively worded pre-commencement condition. It has the effect that no development may commence on site until the Management Plan has been submitted and approved.
15. Condition 1 is also a pre-commencement condition, but with a different time period imposed through conditions 2 and 3 which ensure that reserved matters applications are made within one year from the date of the permission.
16. It follows that in my opinion any concern of the Council relating to the Flooding Emergency Access and Management Plan should not delay or affect the determination of the reserved matters application.

17. If I can be of any further assistance those instructing me should not hesitate to contact me in Chambers.

Landmark Chambers,

GUY WILLIAMS KC

180 Fleet Street,

London EC4A 2HG

6th December 2024

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Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 2 FEBRUARY 2022 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Howard Greenman (Vice-Chairman), Cllr Chuck Berry, Cllr David Bowler, Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Dr Brian Mathew, Cllr Nic Puntis, Cllr Martin Smith, Cllr Elizabeth Threlfall and Cllr Peter Hutton (Substitute)

Also Present:

Cllr Allison Bucknell
Cllr Bob Jones MBE

1 **Apologies**

Apologies for absence were received from Councillor Jacqui Lay, who had arranged for Councillor Peter Hutton to attend the meeting in her absence.

2 **Minutes of the Previous Meeting**

The minutes of the meeting held on 13 October 2021 were presented for consideration, and it was;

Resolved:

To approve and sign as a true and correct record of the minutes of the meeting held on 13 October 2021.

3 **Declarations of Interest**

Councillor Steve Bucknell declared an interest in Item 7g, being the applicant and would therefore leave the room for this item.

4 **Chairman's Announcements**

The Chairman made those in attendance aware of the Covid regulations that were in place for the meeting.

5 **Public Participation**

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

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

6 **Planning Appeals and Updates**

Councillor Gavin Grant moved that the Committee note the contents of the appeals report included within the agenda. It was seconded by Councillor Martin Smith.

Resolved:

To note the Planning Appeals Update Report for 2 February 2021.

7 **Planning Applications**

The Committee considered and determined the following planning applications:

8 **PL/2021/05305 - Former Calne Youth Centre, Priestley Grove, Calne, SN11 8EF**

Senior Planning Officer, Charmian Eyre-Walker, presented a report which outlined the demolition of the former youth centre (D1 Use) and redevelopment to form nine 2- & 3-bedroom dwellings (C3 Use) and associated works.

Details were provided of the site and issues raised by the proposals, including the principle of the application, loss of the facility, highways matters, drainage, archaeology, design, impact on residential amenity, loss of playing field, impact on heritage assets as well as other matters raised.

Attention was also drawn to the late items agenda supplement, which detailed an additional condition to be attached to the Officer's recommendation.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified by the Officer that the semi-detached properties with linked garages would have permitted development rights. It was also clarified that provision of replacement facilities was not part of the application, however there are other facilities for youth clubs in Calne, such as Beversbrook. Additionally, the Officer noted that funds could not be put aside to assist in the provision of a replacement facility as this would be subject to a Section 106 agreement. Further technical questions were clarified by the Officer, including that the attenuation pond within the application had been designed by engineers and that there was not a plan for the inclusion of solar panels.

Members of the public then had the opportunity to present their views to the Committee, however there was no registered speakers.

The Local Unitary Member, Councillor Ian Thorn provided his apologies of his absence.

At the start of the debate a motion to move and accept the officer's recommendation, including the additional and revised conditions, was moved by Councillor Peter Hutton and seconded by Councillor Gavin Grant. Following which, it was,

Resolved:

To approve the application in accordance with the officer recommendation and additional and revise conditions as set out in late items and recommended during the meeting as follows: -

1. The development hereby permitted shall be carried out in accordance with the following Approved plans:0001;RevA;100;120RevD;121RevD;125;26;127;128;129;140;141;145;150RevA received 17th September 2021.

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

2. 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.

3. 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), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

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

4. No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, has been submitted to and agreed in writing by the Local Planning Authority. The Statement 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**

- e) facilities for public viewing, where appropriate;
- f) wheel washing facilities;
- g) measures to control the emission of dust and dirt during construction;
- h) a scheme for recycling/disposing of waste resulting from demolition and construction
- i) works; and
- j) measures for the protection of the natural environment.
- k) hours of construction, including deliveries;
- l) pre-condition photo survey has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved
- m) construction method statement without the prior written permission of the Local Planning
- n) Authority.

The construction phase of the development shall be carried out in complete accordance with the agreed Statement.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase. The developer/applicant will be expected to enter into a S38 Agreement with the Highway Authority before commencement of works hereby approved.

5. The development shall be carried out in accordance with the Updated Hydraulic Model & Drainage – Acl610-20053 / 5th November 2021 and the Surface Water Drainage Strategy contained within it.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

6. No development shall commence within the area indicated by application PL/2021/05305 until:

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

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

7. The development shall be carried out as specified in the approved Pre-development Arboricultural Report on Trees prepared by Sharples Tree Services dated 19th January 2021 and shall be supervised by an arboricultural consultant.

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

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

- a) location and current canopy spread of all existing trees and hedgerows on the land;**
- b) full details of any to be retained, together with measures for their protection in the course of development;**
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
- d) finished levels and contours;**
- e) means of enclosure;**
- f) all hard and soft surfacing materials;**

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

9. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the 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.

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

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

11. Prior to the commencement of the development hereby permitted details of the number and location of swift bricks within the walls of the houses shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To enhance the biodiversity on site.

12. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

13. Prior to the commencement of the development hereby permitted, details of the method of management of open spaces within the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and managed in accordance with the approved details in perpetuity.

REASON: To secure residential amenity.

14. Prior to the first occupation of plot 9, the first-floor side window shall be fitted with a top hung, obscure glazed window that shall also be fitted with a restrictive opening mechanism that prevents opening greater than 45 degrees. The window shall remain as such throughout the life of the development.

REASON: In the interests of residential amenity.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the 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.

The development hereby permitted shall be carried out in full accordance with the recommendations set out in Section 8 of the Ecology Report by Ethos Environmental Planning dated May 2021

REASON: In the interest of protection of Protected Species on site and biodiversity.

INFORMATIVES TO APPLICANT:-

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

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

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

Please note that Council offices do not have the facility to receive material samples.

Please deliver material samples to site and inform the Planning Officer where they are to be found.

In relation to condition 06, the archaeological evaluation should be carried out by qualified archaeologists following the standards and guidelines for such work as set out by the chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by the applicant.

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

9 **PL/2021/04439 - 38 Stone Lane, Lydiard Millicent, SN5 3LD**

Public Participation

Bob Nicholls in objection of the application.

Peter Birch in objection of the application.

Councillor Derek Harden spoke on behalf of Lydiard Millicent Parish Council.

Development Management Team Leader, Lee Burman, presented a report which outlined the part retrospective change of use of section of agricultural land to residential.

Details were provided of the site and issues raised by the proposals, including the principle of development, impact on the landscape & character and appearance of the area, impact on residential amenities and other matters. Reference was made to an omission within the report, which should have referred to consent in the planning history, which approved alternations to the garage for part use of residential purposes.

Members of the Committee had the opportunity to ask technical questions regarding the application, however no questions were asked.

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

The Local Unitary Member, Councillor Steve Bucknell then spoke regarding the application. Councillor Steve Bucknell stated that a current Bing aerial map would show a clear encroachment onto the field before the depicted red area within the block plan. With aerial views having shown that the applicant had set up football goalposts as well as parking a vehicle on the field. Councillor Bucknell also noted that before it was previously removed, the hedge line was the parish boundary between Lydiard Millicent and Purton. Therefore Councillor Bucknell argued that this was contrary to CP1.

Councillor Bucknell also cited that the development would breach CP51 (i) (ii)(ii) (v) (vii) on the grounds that there had been evidence of the disregard of neighbouring amenity with the removal of the hedgerow, the erection of goal posts and the parked vehicle. In particular, Councillor Bucknell noted that CP51 seeks that developments protect, conserve and enhance landscapes through sensitive developments; whilst also referencing the separate identity of settlements, in relation to the removed hedgerow. Furthermore in relation to the hedgerow, Councillor Bucknell, drew upon CP57 (i) (ii) (iii) (vi) (vii), stating that the parish boundaries create a strong sense of place as well as contributing to the character of Wiltshire.

At the start of the debate a motion to move and reject the officer's recommendation was moved by Councillor Steve Bucknell and seconded by Councillor Gavin Grant. On grounds that the development undertaken and proposed for the change of use of land is out of character with the immediate

locality and the existing features and characteristics of the settlement and adjoining areas. The proposals would not maintain, reflect and respond positively to the existing landscape character and were thereby in conflict with Wiltshire Core Strategy (Jan 2015) Core Policies CP51 (i) (ii)(ii) (v) (vii) & CP57 (i) (ii) (iii) (vi) (vii).

During the debate the issues were raised such as the permitted development rights of the land in question and the nature of the size of the land in question; however it was advised by the enforcement team that permitted development rights do not apply. The paraphernalia currently on the land was also referenced in discussion. Further reference was made to the CPs referenced by Councillor Bucknell, in particular the transition to man-made and natural settlement. Additionally, it was referenced that though in the report, harm caused was listed as minimal, the Committee shouldn't be content to allow breaches and if the amendment was to be successful it would be a matter of enforcing the CP principles.

At the conclusion of the debate, it was,

Resolved:

That contrary to the Officer recommendation the application be refused for the following reason:

The development undertaken and proposed for the change of use of land is out of character with the immediate locality and the existing features and characteristics of the settlement and adjoining areas. The proposals would not maintain, reflect and respond positively to the existing landscape character and are thereby in conflict with Wiltshire Core Strategy (Jan 2015) Core Policies CP51 (i) (ii)(ii) (v) (vii) & CP57 (i) (ii) (iii) (vi) (vii).

10 **PL/2021/05198 - Key View, Stoke Common Lane, Purton Stoke, SN5 4JG**

Public Participation

Denise Simpkins, on behalf of Mrs Stare and Mr Bellamy, spoke in objection of the application.

Sandra Brimacombe spoke in objection of the application.

Simon Littlewood spoke in support of the application.

Development Management Team Leader, Lee Burman, presented a report which outlined an extension to side and rear with link building to garage and conversion of garage.

Details were provided of the site and issues raised by the proposals, including the principle of development; impact on the character and appearance of nearby listed buildings; impact on the character, appearance, visual amenity of the locality; impact on the residential amenity and impact on highway safety. It was also noted that the application had changed to have small and obscure overlooking windows.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on what the percentage of development increase would be compared to the current property, to which it was clarified by the Officer that such assessments no longer formed a policy basis.

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

The Local Unitary Member, Councillor Jacqui Lay provided her apologies of her absence and was therefore represented by Councillor Allison Bucknell, who had been covering Councillor Lay's case work. Councillor Allison Bucknell stated that having driven past the site it appeared to be a large infill site with little space either side, therefore making it constrained. Councillor Bucknell stated that though the proposals would be advantageous for the applicant, this would be at the expense of neighbours, through a loss outlook and the extension potentially having an overbearing impact. Furthermore, there would be an additional loss of amenity to a neighbour, with a proposed glass side that would be overlooking. Councillor Bucknell further added that if permitted, the application would potentially cause a loss of parking whilst also causing more vehicle movements with cars being forced onto the road. In summary, Councillor Bucknell stated that this would be overdevelopment to the property, which would contradict CP57 (vii), causing an existing amenity impact.

At the start of the debate a motion to move and accept the officer's recommendation was moved by Councillor Tony Trotman and seconded by Councillor Peter Hutton, however when later voted upon the motion fell due to the number of votes against.

Consequently, a motion to reject the officer's recommendation was moved by Councillor Gavin Grant and seconded by Councillor Steve Bucknell. The reason being that following debate and receipt of representations at the meeting, members considered that the proposal constituted an overdevelopment of a constrained site that would not achieve high quality design by virtue of its bulk, mass and positioning. The proposals thereby result in harm to the character appearance and visual amenity of the locality and existing neighbouring residential amenities being both overbearing and resulting in loss of privacy. The proposals were thereby in conflict Wiltshire Core Strategy (Jan 2015) Core Policy CP57 (iii) & (vii).

During the debate the issues included the potential parking issues that might be caused if the application was permitted; though it was acknowledged that the Highways report showed no objection. A potential parking issues was identified in that one of the necessary spaces would be outside double doors which would open, therefore causing the space to be out of use. It was also argued that parking issues could potentially be enforced if evidenced. The location of neighbouring properties was referenced, with it being argued that all of the properties were in line and therefore would not cause the garage to look out of

character; additionally the neighbouring buildings could potentially obscure the view of the connection to the garage.

Further issues that were debated were whether the extension would reflect positively on CP57 (iii), in providing a positive response to the townscape and landscape. It was also argued that if accepted, the built form would take up more of the site than space left to remain; with the property itself already being significant within its area. Furthermore, due to the size of the property, it was questioned whether conditions would be enough to resolve concerns, especially with contradictions to Core Policies involved. Comparisons were also made between the application and with properties 13 & 14, with suggestions made that due to the large size of the plot neighbours could be made to feel oppressed. Additionally, it was suggested that if the application was to be accepted, the property would eventually exist to be double its original size.

At the conclusion of the debate, it was,

Resolved:

That contrary to the Officer recommendation the application be refused for the following reason:

The proposal constitutes an overdevelopment of a constrained site that does not achieve high quality design by virtue of its bulk, mass and positioning. The proposals thereby result in harm to the character appearance and visual amenity of the locality and existing neighboring residential amenities being both overbearing and resulting in loss of privacy. The proposals are thereby in conflict Wiltshire Core Strategy (Jan 2015) Core Policy CP57 (iii) & (vii).

11 PL/2021/08970 - 135 High Street, Royal Wootton Bassett, SN4 7BH

Public Participation

Stacey Hartrey spoke in support of the application.

Development Management Team Leader, Lee Burman, presented a report which outlined the change of use from a Bank (Use Class E) to a Hot Food Takeaway (Sui Generis) Together with External Alterations.

Details were provided of the site and issues raised by the proposals, including the principle of development, impact on heritage assets and the character of the area, impact on neighbour amenity, parking and highways, waste and recycling.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified that it was not a care home behind the application, but rather an age-related accommodation in the form of flats. The Officer clarified that the trading hours if approved would be comparable to other takeaway establishments on the High Street and that regarding the taxi rank immediately outside, if other vehicles were to park here, they would face parking enforcement controls.

Further technical questions were clarified by the Officer that extraction facilities would be practically possible to put into place, having been considered and addressed within the Public Protection assessment within the report. The Public Protection assessment also addressed concerns about potential noise implications caused by the application.

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

The Local Unitary Member, Councillor Mary Champion provided her apologies of her absence and was therefore represented by Councillor Allison Bucknell. Councillor Bucknell stated that though the majority of her concerns for the application had been addressed within the report, there was concern about deliveries including large articulated lorries potentially blocking the High Street and therefore causing congestion. Councillor Bucknell also additionally noted that there had been no reference to delivery vehicles, the hours of operation that they would follow and also where they would park whilst conducting business.

At the start of the debate a motion to move and accept the officer's recommendation was moved by Councillor Tony Trotman and seconded by Councillor Gavin Grant.

During the debate the issues included that parking should not be reason for concern, as it was suggested within the report that there was adequate parking opposite and collecting a takeaway would only take minimal time and that though this was a main arterial road, patience would be required from road users. Congratulations were offered to the town of Royal Wootton Bassett for seeking to convert an empty bank to have a useful purpose, also offering further benefit that there would potentially be minimal litter due to food being delivered or taken away. The potential benefits to the town, such as increased footfall and employment were referenced.

It was also acknowledged that though there would potentially be noise, a noise impact assessment had been completed, with the Officer's report having done all that it could to mitigate concerns. Additionally, it was stated that noise and odour shouldn't be overstated with there currently being a pub next door. Potential concerns regarding deliveries were raised, such as potential road blockages and environmental concerns, however such points could potentially be negated by the operator, if they were to find a suitable optimal time for deliveries to take place.

At the conclusion of the debate, it was,

Resolved:

That planning permission be GRANTED subject to the following conditions:

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

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

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

12477-AEW-PJ004106-XX-DR-0005, 12477-AEW-PJ004106-XX-DR-0006, 12477-AEW-PJ004106-ZZ-DR-0003, 12477-AEW-PJ004106-XX-DR-0004, 12477-AEW-PJ004106-ZZ-DR-PRELIM-0001

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

3. The Local Planning Authority approves the information detailed in RSK Acoustics Plant Noise Assessment 206/0418/R1 and this must be adhered to. The mitigation measures in section 5.3 of the report must be implemented prior to use of premises and permanently maintained for lifetime of the development.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

4. The use of the development hereby permitted shall only take place between the hours of 11:00 in the morning and 23:00 in the evening Mondays to Sundays.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable. The proposed opening hours of 11am to 11pm have been used throughout this assessment, deviation from these hours would render the assessment unreliable, thus these hours must be adopted (with exemption of cold room condenser, which requires 27/7 operation).

5. The Odour Specification Details document prepared by Purified Air are approved by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

6. The external flue shall be finished in a matt black colour and maintained as such thereafter.

REASON: In the interests of preserving the character and appearance of the conservation area and its setting.

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

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

8. Deliveries to the development site shall only take place between the hours of 10:00hrs to 20:00hrs.

REASON: In the interests of the amenities of the area and to minimise conflict with highway movements.

9. The site shall be used for a hot food takeaway (sui generis use) and for no other purpose (including any other purpose in Class (Sui generis] of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

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

INFORMATIVES

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

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

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

13. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging

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

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

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

12 20/11236/OUT - Land to the south west of The Street, Latton, SN6 6EH

Note: The meeting adjourned for a break at 5.05pm and then resumed at 5.12pm.

Public Participation

Andrew Miles spoke in support of the application.

David Pembridge spoke in support of the application.

Councillor Kevin Johnson spoke on behalf of Latton Parish Council.

Development Management Team Leader, Lee Burman, presented a report which outlined an application (with all matters reserved) for a village recreation hall, all weather tennis court, parking, access and erection of six houses (Resubmission of 19/08877/OUT).

Details were provided of the site and issues raised by the proposals, including the principle of development, heritage assets, character and appearance, flood risk and drainage, transport and access, ecology, archaeology and community facilities.

Attention was also drawn to the late items agenda supplement, which provided a revised plan showing a reduced red line boundary area.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified that it was not recommended by the Officer that the application should be deferred, with the applicant already having had an opportunity to provide a detailed archaeological assessment. When queried about why the archaeological assessment had not been forthcoming, it was suggested that this could have been related to finances. It was also clarified that the Parish of Latton has provided a local plan and that the small village does not feature a settlement boundary.

Further technical questions included who the existing provision was owned by, to which it was clarified that this was the Diocese of Bristol. It was additionally noted that regarding the surroundings, the area consisted of a mixed age of buildings, including a number that were listed. It was also clarified that it would not be possible to set a condition regarding the archaeology assessment.

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

The Local Unitary Member, Councillor Bob Jones MBE then spoke regarding the application. Councillor Jones provided the Committee with a slide show, providing an overview of the Parish of Latton as well as of the character and appearance of the village and its location. The overview also included reference to two listed buildings and a listed cross, which though the report identified as potentially being harmed within the report, this would be less than substantial. Councillor Jones also cited some of the benefits to accepting the application, such as providing 6 properties as well as an outstanding financial contribution to the local community; further adding that the current village hall had declined and would need £150,000 of funding to restore.

Councillor Jones noted that if granted, the application would in regard to planning balance, provide benefits to local residents, such as physical wellbeing through the tennis courts as well as being a development in the centre of the village. A potential reason to approve the application was cited as being the lack of a 5-year housing land supply.

At the start of the debate a motion to reject the officer's recommendation was moved by Councillor Dr Brian Mathew and seconded by Councillor Gavin Grant. The reason being that tilted balance had been engaged by a lack of 5-year housing land supply, a lack of an up-to-date housing needs assessment as well as the potential benefits of the application outweighing the harm. An amendment was accepted by both Councillor Gavin Grant and Councillor Dr Brian Mathew to delegate authority to the Head of Development Management to grant outline planning permission subject to conditions.

During the debate the issues included that a key concern regarding the application was the archaeological dig and whether it would be possible to make a decision without the detailed assessment. The potential of including a condition to fulfil the offer made by the developer to undertake the archaeological dig was discussed; it was however noted that this wouldn't need to be conditioned but rather set as a potential resolution to prompt completion

prior to determination and issue of the outline decision. Additionally, the balance of the potential benefits and harms of the application were discussed, with the support for the application from local residents and Member acknowledged.

Other issues included that the Parish Council of Latton was praised for its active work in attempting to bring forward a community asset such as the application in question. It was recognised that this was potentially a rare opportunity for Latton, that might not be repeated. The potential of conditioning the 6 properties to restrict use until the opening of the village hall was considered, as well as that in person the sensory experience of the site would be different, with a lot of noise from the nearby A419. The importance of neighbourhood plans was mentioned, with the need for local plans to be kept in tact in order to develop areas how residents wanted them to be.

Dorcas Ephraim the Council's Senior Planning Solicitor clarified that the some of the benefits to accepting the application, such as the proposed outstanding financial contribution to the local community did not meet one of the tests for planning obligations- fairly and reasonably related in scale and kind to the development and so contrary to paragraph 57 of National Planning Policy Framework, 2021, and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

During debate it was clarified that further submissions could be made prior to determination to address such matters.

At the conclusion of the debate, it was,

Resolved:

To delegate authority to the Head of Development Management to grant outline planning permission subject to:

- (i) The completion of an archaeological field evaluation;**
- (ii) The submission of a Viability appraisal and costs assessment for the development including village hall replacement and proposed financial contribution;**
- (ii) The completion of a s.106 agreement within six months of the date of this resolution. In the event that the applicant makes clear that they will not complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the reason set out below. This alternate provision to be subject to consideration of any other factors outside the control of the applicant and the Council that may result in unavoidable delay. If such circumstances are assessed by officers to arise then to allow for completion of the agreement after the 6-month period under delegated authority: -**

The proposal does not provide for the delivery of the necessary and proposed infrastructure (e.g., village hall, tennis court and maintenance and management) required to mitigate the direct impacts

of the development and thereby fails to comply with CP3, Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the National Planning Policy Framework. to secure provision of the village hall, car park and tennis court in advance of the six houses; and

(iii) Appropriate conditions prepared by officers.

Such conditions would include, but not be limited to the following:

- Approval of the reserved matters (i.e., access, layout, scale, appearance and landscaping);
- Detailed design and maintenance of surface and foul water drainage systems;
- Prevention of works within 5m of the strategic water main;
- Details of the tennis court enclosure;
- Details of noise attenuation measures;
- Any additional archaeological work;
- An ecological enhancement scheme; and
- A lighting strategy.

13 **PL/2021/10696 - Land Adjacent to Sherston C of E Primary School, Sherston, Malmesbury, SN16 0NJ**

Public Participation

Michael Rees spoke in objection of the application.

Cllr Martin Smith, representing Mrs Robinson, spoke in objection of the application.

Cllr Martin Smith, representing Councillor Tanya Burgess, spoke on behalf of Sherston Parish Council.

Development Management Team Leader, Lee Burman, presented a report which outlined a planning application for Proposed erection of a GP Surgery (Class E(e)), car park and associated works (Outline application relating to access).

Details were provided of the site and issues raised by the proposals, including the principle of development; design issues; impact on the immediate area including the Cotswolds Area of Outstanding Natural Beauty (AONB); impact on heritage; impact on biodiversity; impact on highway and access considerations.

The Planning Officer drew attention to the late item agenda supplement, in which two letters of representation had been submitted by Sherston Parish Council and Sherston Primary School Governors. The letters were in objection to the application due to the indicative site layout proposing a surface water attenuation basis, the land in which would potentially be required if the school was to expand. The Planning Officer noted that the application was in outline and other drainage solutions and facilities could be pursued that wouldn't impinge on potential school expansion; though the Council's Education Department had confirmed that there was no current or projected requirement for expansion of the school.

Members of the Committee had the opportunity to ask technical questions regarding the application, however no questions were asked.

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

The Local Unitary Member, Councillor Martin Smith then spoke regarding the application. Councillor Smith stated that the proposal was a key part of the Sherston Neighbourhood plan, which had been worked on since 2012 by residents and that the plan had the support of 93% of local residents. Councillor Smith noted that the Parish Council and School were supportive of the plan in principle but had sought clarity on the provision of land available for future school expansion if required. Following the latest response, Director of Assets & Commercial Development, Simon Hendey had arranged for a revised layout for the drainage basin.

At the start of the debate a motion to move and accept the officer's recommendation was moved by Councillor Peter Hutton and seconded by Councillor Martin Smith with an informative added encouraging consultation with the school governors and parish council in respect of drainage proposals and solutions.

During the debate the issues included that though there was a pre-school diagonally opposite to the land (Pumpkins Pre-school), it would be positive to approve the application with questions surrounding the lease. It was also stressed that though the Education Department assess data on birth-rates, Sherston previously had to build a new school due to a population increase, which could happen in the future again.

At the conclusion of the debate, it was,

Resolved:

That planning permission be GRANTED subject to the following conditions:

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

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

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

(a) The scale of the development;

- (b) The layout of the development;**
- (c) The external appearance of the development;**
- (d) The landscaping (non-strategic) of the site.**

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

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

3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted and reserved matters details shall be in accordance with the parameters illustrated in the following approved plans and documents: Planning, Heritage, Design & Access Statement 2849 PHDA REV A Received 06.01.2022 Drainage Strategy & Supporting Information 21-027-003 REV A & Acl619-21027- TN Received 23.12.2021

**Ecological Assessment Received 22.12.2021
Biodiversity Net Gain Report Received 13.12.2021
Transport Statement Received 15.11.2021
Location Plan 2849 001,
Existing Site Plans 2849 100, 2849 101, 2849 102,
Revised Proposed Site Plan 2840 111 REV A & 2849 112 REV A
Proposed Street Scenes 2849 115
Proposed Elevations 2849 115 & 2849 116**

All Received 06.12.2021

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

5. No part of the development hereby approved shall be first occupied until the car and cycle parking provision has been suitably provided and laid out in accordance with the approved details (Proposed Site Plan, 2849-111 and 112 – Received 06.12.2021). Car parking spaces shall be properly consolidated and surfaced and shall be maintained and remain available for this use at all times thereafter. The car and cycle parking spaces shall not be used other than for the parking of vehicles or cycles or for the purpose of access.

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

6. No development shall commence on site until full technical details of the new site junction with Sopworth Lane have been submitted to and approved in writing by the Local Planning Authority. The new junction and visibility splays shall be provided in accordance with the approved details (Proposed Site Plan, 2849-111 and 112 - both Received 06.12.2021 and Access Arrangements and Proposed off site highway works, SK01 A Nov 2021) prior to first occupation (or timetable agreed with Local Planning Authority) and maintained thereafter. No part of the development shall be first occupied, until the visibility splays shown on the plans (2.4m x 43m) have been provided with no obstruction to visibility at or above a height of 0.6m above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

7. No part of the development hereby permitted shall be commenced until full technical details of the footway works and carriageway widening scheme for Sopworth Lane as detailed on Access Arrangements and Proposed off site highway works, SK01 A - Nov 2021 and Proposed Site Plan, 2849-111 and 112 both Received 06.12.2021 have been submitted to and approved by the Council. Unless otherwise agreed the development shall not be first occupied until the Sopworth Lane footway scheme have been completed in accordance with the details shown on the approved plans. This shall include streetlighting, drainage and full surfacing of wearing course, the surface wearing course of Sopworth Lane will need to be re-surfaced for whole widths adjacent to the new footways. The footway/ kerbing from the junction of Sopworth Lane/ Knockdown shall be extended from the junction north to connect with the uncontrolled crossing outside Sherston Primary school. No part of the development shall be first brought into use until the highway improvements have been completed in accordance with the approved details (unless otherwise agreed by the Local Planning Authority).

REASON: To help encourage walking to and from the site and in the interests of highway safety.

8. Prior to the development hereby permitted first being brought into use a Traffic Regulation Order (TRO) to amend the speed limit on Sopworth Lane shall have been prepared, consulted upon, and advertised, with a report recommending whether to proceed with the Order prepared for consideration by the Cabinet Member for Highways (Proposed TRO SK02 Rev A (Nov 21). If the Cabinet Member for Highways approves the Order the amendments shall be implemented.

REASON: In the interests of highway safety.

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

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

10. No part of the development shall be brought into use until full details of the visibility splays for the access to the approved GP Surgery access/egress have been submitted to the Local Planning Authority, approved and have been provided in accordance with those approved details. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- measures for the protection of the natural environment
- hours of deliveries
- pre-condition photo survey
- vehicle Routing Plan
- traffic Management Plan (including signage drawing(s))
- number (daily / weekly) and size of delivery vehicles to ensure appropriately size vehicles are being used for the highway network.
- number of staff vehicle movements.

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

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

12. No external lighting, including security 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 have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals. In addition, lux plots will demonstrate that light levels within 3m of the site boundary will be no more than 0.2 lux. The approved lighting shall be installed and 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, to minimise unnecessary light spillage above and outside the development site and to ensure lighting does not impact wildlife habitat.

13. 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 supervision by an Ecological Clerk of Works who will keep a written log of dates of site visits, advice provided, impacts observed, and mitigation/remediation achieved and provide this to the Local Planning Authority on request. Methods statements will cover the following:

- a) removal of hedgerows**
- b) location of protective fencing**
- c) minimising risks to protected species**
- d) erection of bat and bird boxes on the surgery building (including details of number, type and location)**

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.

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

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.

The Landscaping scheme will accord with the Proposed Site Plan (2849-112- Rev A) the Landscaping Scheme will demonstrate that the development will achieve an overall net gain for biodiversity through the submission of a completed Natural England Biodiversity Metric (version 3.0 or subsequent version) spreadsheet (unlocked) based on the post construction landscape scheme, and a current survey of pre-construction habitats based on the UK Habitat Classification.

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

15. 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.

16. No development shall commence within the application area until:

a) A written programme of archaeological investigation to include a strip, map and ample excavation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

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

REASON: Core policy 57, Ensuring high quality design and place shaping such that appropriate levels of amenity are achievable.

18. In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed by a written verification report that confirms what works that have been undertaken to render the development suitable for use.

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

INFORMATIVES

20. S278/ S38 - The developer/applicant will be required to enter into a S278 to cover the footway scheme /S38 Agreement for site with the Highway Authority before commencement of works hereby approved.

TRO - You are advised that a Traffic Regulation Order (TRO) is required for condition 8. You must submit a plan to a scale of an indicative scheme for a TRO, along with timescales for commencement and completion of

the development. Please be aware that the statutory TRO process is not straightforward; involving the public advertisement of the proposal(s) and the resolution of any objections. You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process. We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Transport Development Management Team at highwaysdevelopment@wiltshire.gov.uk N.B. The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

Advance Payment Code - Please note that the road layout of the site will be subject to the Advanced Payment Code, relating to the Highways Act 1980. A bond will be required by the Highway Authority to cover highway works and will only be released subject to a suitable management company/other being secured for the site by the Developer.

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

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

24. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

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

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

28. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

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

The Council's Northern Area Planning Committee recommends that the applicant undertakes consultation with the Parish Council and Sherston Primary School Governors regarding approval of details and layout for the required surface water drainage provisions.

14 **PL/2021/05648 - 144 High Street, Royal Wootton Bassett, Swindon, SN4 7AB**

Note: Councillor Steve Bucknell left the room at 6.45pm.

Public Participation

Steve Tubb spoke in objection of the application.

Bill Pier spoke in support of the application.

Development Management Team Leader, Lee Burman, presented a report which outlined the proposed Change of Use to Auction Rooms together with

alterations to front elevation and first floor extension to provide Gallery, rooftop terrace and café bistro.

Details were provided of the site and issues raised by the proposals, including the principle of development; impact to heritage assets, residential amenity, highways impact, parking and access.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified that a condition had not been imposed within the Officer's recommendation in relation to external music amplification as at the time of application there was no detail of what activities might take place on the outside terrace. The Officer however noted that strict conditions had been included within the recommendation in order to negate any potential harm that might be caused by the rooftop terrace. Clarification was provided that the empty pub shown within the Officer's presentation was not within the redline boundary and that this building had been vacant for an extended period of time.

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

The Local Unitary Member, Councillor David Bowler then spoke regarding the application. Councillor Bowler stated that if approved the new frontage façade would be an improvement to the High Street, further adding the vibrancy of the town centre, as well as offering employment and increasing footfall. Regarding any concerns surrounding the Officer's report and recommendation, Councillor Bowler stated that though CP57 and CP58 were cited within the report, Highways and Public Protection did not raise any issues, therefore Councillor Bowler believed that if there was to be a degree of harm it would be to a lower scale. Additionally, if there were any issues regarding parking shortfall, this would be difficult to argue with the previous use of the property having been a supermarket and with additional parking at Borough Fields, a 5-minute walk away.

At the start of the debate a motion to move and accept the officer's recommendation was moved by Councillor Peter Hutton and seconded by Councillor David Bowler .

Prior to the debate, Senior Solicitor Dorcas Ephraim, mentioned that though on page 138 of the agenda pack there was within an objection of an intention to submit a legal injunction on the applicant that this should not deter the Committee from making a decision as this was a civil matter between the applicant and resident.

During the debate the issues included that there are other local examples of such businesses successfully managing with a limited parking provision, such as Bingham Hall in Cirencester. Additionally, it was noted that there was a typo within Condition 14 of the Officer's recommendation, with the omission of the word "No".

At the conclusion of the debate, it was,

Resolved:

That planning permission be APPROVED subject to the following conditions:

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.

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

**Location Plan P-0026-100b
Existing Elevations P-0026-103A
Existing Site Plan P-0026-101A
Existing Floor Plans P-0026-102A
Design and Access Statement
All Received 28.05.2021
Proposed Elevations 0026-115 REV C
Proposed Floor Plans 0026-111 REV B
Proposed Site Plan 0026-110 REV B
All Received 27.10.2021**

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

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) wheel washing facilities;**
- e) measures to control the emission of dust and dirt during construction;**
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- g) hours of construction, including deliveries;**

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

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

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

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

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the approved plans, Design and Access Statement and application form.

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

The use of the roof top terrace hereby permitted shall not be first brought into use until full details of the proposed privacy screening to the rear roof top terrace have been submitted to the Local Planning Authority, approved in writing and erected in accordance with the approved details. The erected screening shall be retained in situ as approved as long as the use of the roof top terrace continues.

REASON: In the interests of visual amenity and the character and appearance of the area and ensuring high design and place shaping such that appropriate levels of amenity are achievable.

The site shall be used for an Auction House including ancillary spaces (sui generis use) and Bistro/Café E (b) for no other purpose (including any other purpose in Class (Sui generis) or (E) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

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

No part of the development hereby permitted shall be brought into use until the access, turning area and parking spaces have been completed in

accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

No part of the development shall be brought into use until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details 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.

No development shall commence on site until a scheme of works for the control and dispersal of atmospheric emissions, in particular odours, and including full details of required ventilation and extraction mechanical plant has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

REASON: Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

Notes: In discharging this condition the applicant should ensure that the ventilation system discharges vertically at a height of at least 1m above the height of any nearby sensitive buildings or uses and not less than 1m above the eaves. In discharging this condition the applicant should consult EMAQ ref "Control of odour and noise from commercial kitchen exhaust systems" (Gibson, 2018)

Prior to commencement an assessment of the acoustic impact arising from the operation of mechanical ventilation shall be undertaken in accordance with BS 4142: 2019. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to demonstrate the rated level of noise shall be: -5dB below background and is protective of local amenity.

Background levels are to be taken as a 15-minute LA90 at the boundary of the nearest residential noise-sensitive receptors.

The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

Notes: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a thorough background noise survey and noise assessment in accordance with:

BS4142:2019 (or any subsequent version) and demonstrate that the rated noise level is at least 5dB below the background noise level.

The Roof Terrace use hereby permitted shall only take place between the hours of 08:00 and 18:00 in the evening from Mondays to Fridays and between 09:00 and 17:00 in the evening on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.

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

There shall be no customers/members of the public on the Auction Rooms and inside spaces (excluding the café/bistro) outside the hours of 08:00 - 20:00 Monday - Saturday and 10:00 - 18:00 Sunday and Bank Holiday. With respect to the café/bistro no customers/members of the public will be on site outside of the hours 08:00 – 23:00 Monday to Saturday and 10:00 – 22:00 Sundays and Bank Holidays.

REASON: Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

No deliveries shall be made to or collections made from the development hereby approved except between the hours of: 08:00... and ..19:00... Monday to Saturday.

REASON: Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

INFORMATIVES

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

the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website.

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

WP6 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

WP13 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

WP18 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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

15 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00pm – 7.20 pm)

The Officer who has produced these minutes is Ben Fielding of Democratic Services, direct line , e-mail benjamin.fielding@wiltshire.gov.uk

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

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**LAND SOUTHWEST OF THE STREET,
LATTON,
WILTSHIRE.**

NGR: 409053.195509

Accession Code: DZSWS:22-2022

ARCHAEOLOGICAL EVALUATION

May 2022
Report No. 1490



**LAND SOUTHWEST OF THE STREET,
LATTON,
WILTSHIRE.**

NGR: 409053.195509

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ARCHAEOLOGICAL EVALUATION



May 2022
Report No. 1490

Quality Assurance

This document has been compiled and authorised in accordance with AMS's Quality Procedures (ISO 9001: 2015)

Author: A. Hood BSc MCIfA

Date: 20th May 2022

Approved: R. King BA MCIfA

QA Checked: T. Michaels BSc MCIfA

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SUMMARY

Between 11th and 13th April 2022 Foundations Archaeology undertook an archaeological evaluation on land southwest of The Street, Latton, Wiltshire (NGR: 409053.195509). The project was commissioned by Andrew Miles of LPC (Trull) Ltd.

The works comprised the excavation of five trenches within the area of a proposed development, which had previously been subject to a geophysical survey.

The geophysical survey and evaluation have indicated that the southern part of the site contains ditches and postholes, which may be related to Anglo-Saxon activity; although, due to a general paucity of finds, an earlier, or later date for some or all of the revealed features could not be ruled out. The ditches appeared to form part of a co-axial field or enclosure system, to which the postholes may have been related, although this remained uncertain.

The northern part of the site was devoid of archaeological features and was therefore of lower archaeological potential.

GLOSSARY OF ARCHAEOLOGICAL TERMS AND ABBREVIATIONS

Archaeology

For the purpose of this project, archaeology is taken to mean the study of past human societies through their material remains from prehistoric times to the modern era. No rigid upper date limit has been set, but AD 1900 is used as a general cut-off point.

CBM

Ceramic Building Material.

Medieval

The period between AD 1066 and AD 1500.

Natural

In archaeological terms, this refers to the undisturbed natural geology of a site.

NGR

National Grid Reference from the Ordnance Survey Grid.

OD

Ordnance datum; used to express a given height above sea-level. (AOD Above Ordnance Datum).

OS

Ordnance Survey.

Post-medieval

The period between AD 1500 and AD 1900.

Prehistoric

The period prior to the Roman invasion of AD 43, traditionally sub-divided into; *Palaeolithic* – c. 500,000 BC to c. 12,000 BC; *Mesolithic* – c. 12,000 BC to c. 4,500 BC; *Neolithic* – c. 4,500 BC to c. 2,000 BC; *Bronze Age* – c. 2,000 BC to c. 800 BC; *Iron Age* – c. 800 BC to AD 43.

Roman

The period traditionally dated AD 43 until AD 410.

Saxon

The period between AD 410 and AD 1066.

1 INTRODUCTION

- 1.1 This report presents the findings of an archaeological evaluation undertaken by Foundations Archaeology between 11th and 13th April 2022 on land southwest of The Street, Latton, Wiltshire (NGR: 409053.195509). The project was commissioned by Andrew Miles of LPC (Trull) Ltd.
- 1.2 The evaluation was conducted in accordance with an approved Written Scheme of Investigation (WSI), prepared by Foundations Archaeology (2022) and the Chartered Institute for Archaeologists (CIfA) *Standards and Guidance for Archaeological Evaluation* (2014).
- 1.3 The CIfA code of conduct was adhered to throughout.

2 PROJECT BACKGROUND

- 2.1 There is currently an application (**No.19/08877/OUT**) for a new development, which consists of a village hall, six houses and a tennis court.
- 2.2 The site currently comprises part of a field given over to pasture, which is located to the southwest of The Street, to the north of the A419, with housing to the southeast and northwest. The topography within and around the site is generally flat, at around 82m aOD. The underlying geology is recorded as *Oxford Clay Formation* – mudstone, overlain by *Northmoor Sand and Gravel Member* - sand and gravel (BGS Online Viewer).
- 2.3 A Heritage Impact Assessment has been prepared for this site by Foundations Heritage (2019), which is summarised below:
 - 2.3.1 Prehistoric activity within the study area predominately relates to extensive surveys undertaken in advance of the Latton Bypass and gravel extraction. Evidence includes Neolithic pits (MWI75468) and finds (MWI9428), a late Neolithic/Early Bronze Age enclosure (MWI75206), Bronze Age activity in the form of a round barrow (MWI9491), ring ditch (MWI76312) and gully (MWI76313), ditches (MWI75470) and enclosures (MWI75469). Two further round barrows are known from near Field Barn (MWI9474 and MWI9476). The greatest concentration of prehistoric activity, however, relates to the Iron Age. This includes settlements (MWI75471, MWI75207, MWI75472 and MWI76314), enclosures (MWI9431, MWI75208, MWI75209 (Iron Age-Roman with later burials) and MWI76316), pits (MWI75473, MWI75477 and MWI76315), ditches (MWI75474 and MWI75476) and a gully (MWI75475). There are also two Prehistoric records that cannot be assigned a specific period in the form of a posthole (MWI9432) and a ditch (MWI9467).
 - 2.3.2 Roman activity in the general area is very well represented. Latton is located virtually equidistant, between the small town of *Durocornovium* at Wanborough in Swindon and the civitas capital of *Corinium Dubunorum* at Cirencester. The village lies on the east side of the major Roman Road of

Ermin Street (MWI9434), with the site located immediately adjacent to the west side of the road. Extensive Roman settlement remains are known from the parish, with two Scheduled Monuments within the study area dating to this period, both in the form of a Roman settlement, which may or may not have been in contemporary use. The Weavers Bridge settlement ('Settlement West of Latton' MWI9449, UID 1004689) is located approximately 95m to the northwest of the site, while the Field Barn settlement is located approximately 220m to the southeast of the site ('Settlement SE of Latton' MWI 9437, UID 1004690). There are numerous individual HER records relating to the scheduled areas; these are not individually discussed in this report. There are a small number of other HER entries relating to this period outside of the scheduled areas in the form of a number of pits northeast of Court Farm on the edge of the scheduled area and partially beneath the A419 (MWI9438) and further pits found northwest of Latton Lock (MWI8318), which have also been destroyed by the A419. A series of rectilinear earthworks to the west of the Field Barn scheduled area and now predominantly destroyed by the A419, may also date to this period (MWI9468).

- 2.3.3 The West Saxons advanced from the south coast in the 5th century AD and brought the area around Swindon under their control after the Battle of Beranburgh, reportedly at Barbury Castle in AD556. Saxon settlement may be anticipated within the general vicinity from around this time, but limited activity is known from the study area in the form of Saxon pits (MWI75480 and MWI9457) both located approximately 300m to the west and a Saxon building (MWI75479) approximately 1km to the northwest; both of which have been destroyed by gravel quarrying. It should be noted, however, that early Saxon settlement would have taken the form of family groups or small hamlets, prior to the nucleation of villages and may not be easy to identify.
- 2.3.4 There was an estate at Latton prior to 1066, at which time the estate was amalgamated with Eisey (Eysey). Domesday Book of 1086 mentions Latton as 'Latone'; the name deriving from 'farm where herbs are grown' in the hands of Reinbald the Priest. During the 13th - 14th century the village probably lay as two separate parts with the church, demesne farm and vicarage house forming one core and perhaps as many as 25-30 farmsteads and tenements beside Ermin Street, with the two parts linked by Gosditch. The HER defines the historic core of the Medieval village of Latton (MWI9458) focussed around the Grade I listed Medieval church of St. John The Baptist (MWI33838, UID 1284123) and Church Farm. The Victoria County Histories (VCH) considers it likely that there would also have been settlement throughout the period along Ermin Street, but aerial photographic and LiDAR evidence suggests that the site area was in agricultural use during this period.
- 2.3.5 The area was probably in agricultural use during the early part of the Post-medieval period, although late 18th century mapping shows buildings within the southern half of the site. The HER records no clear evidence for 15th - 17th century activity, beyond a limestone building to the west of The Street, which was excavated during the construction of the bypass, with its earliest phase of activity dating from 13th to 14th century (MWI9466), it was in use until the 16th

century and the site reused again later. A quarry pit (MWI75798) at 35 Upcott in the main historic core was identified as being Post-medieval and a number of undated pits/quarry pits (MWI9498) within the gardens of Nos 38-39 Upcott may be contemporary (no HER number). Further Post-medieval pits (MWI9470) are known from approximately 95m to the west of the site. The Thames and Severn Canal (MWI31335) also passed to the southwest of the site within the study area and there are several HER entries relating to this feature (MWI76164, MWI76165, and MWI9468; the latter also including 18th - 19th century property boundaries).

- 2.4 A magnetometer survey was carried out by Archaeological Surveys in 2022. The survey identified a number of positive linear and rectilinear anomalies in the eastern and southern parts of the site which are parallel with and orthogonal to The Street, which follows the course of the Ermin Way Roman road. Although they appear to relate to cut features, it is not clear if they relate to Post-medieval boundaries or if they relate to Medieval or possibly Roman features. Within the central part of the site, outside of the area outlined for development, are a number of positive linear, discrete and amorphous anomalies that form a ring or arc of features. A number of negative linear and rectilinear anomalies are situated to the north, but they lack a coherent morphology. Strongly magnetic discrete anomalies appear to relate to Modern bonfires and a water pipe crosses the site partly truncating the earlier features.
- 2.5 The site therefore contained the potential for significant archaeological features and deposits dating from the Prehistoric period onwards.

3 AIMS

- 3.1 The aims of the archaeological evaluation were to gather high quality data from the direct observation of archaeological deposits in order to provide sufficient information to establish the nature, extent, preservation and potential of any surviving archaeological remains; as well as to make recommendations for management of the resource, including further archaeological works if necessary. In turn, this would allow reasonable planning/mitigation decisions to be taken regarding the archaeological provision for the areas affected by the development.
- 3.2 These aims were achieved through pursuit of the following specific objectives:
- i) to define and identify the nature of archaeological deposits on site, and date these where possible;
 - ii) to attempt to characterize the nature of the archaeological sequence and recover as much information as possible about the spatial patterning of features present on the site;
 - iii) where possible to recover a well dated stratigraphic sequence and recover coherent artefact, ecofact and environmental samples;

- iv) to provide sufficient information on the archaeological potential of the site to enable that archaeological implications of the proposed development to be assessed;
- v) to inform formulation of a strategy to avoid or mitigate impacts of the proposed development on surviving archaeological remains.

4 METHODOLOGY

- 4.1 The evaluation consisted of five trenches, as shown in Figure 2. The trenches were located in order to test the results of the previous geophysical survey, as well as to provide a representative sample of the development area.
- 4.2 Non-significant overburden was removed, under constant archaeological supervision, to the top of archaeological remains, or the underlying natural deposits, whichever was encountered first. This was achieved through use of a 360° mechanical excavator, equipped with a toothless grading bucket. Features and spoil tips were visually scanned for finds, whilst spoil heaps were subject to metal detector survey.
- 4.3 Where potential archaeological features were present, these were subject to appropriate levels of investigation. All excavation and recording work was undertaken in accordance with the approved WSI and the Foundations Archaeology Technical Manual 3: Excavation Manual.

5 RESULTS

- 5.1 A full description of all contexts identified during the course of the fieldwork is presented in Appendix 1, whilst a report on the recovered ceramics is given in Appendix 2 and a list of miscellaneous finds is presented in Appendix 3. A summary of the results of the evaluation is given below.
- 5.2 The natural substrates, which consisted of variable bright beige gravel and bright brown orange clay silt, were present at an average depth of 0.45m below the Modern ground level. In Trenches 1 to 4 these were sealed by subsoil (102/202/302/402), 0.30m average thickness, which was subsequently overlain by topsoil (101/201/301/401), 0.22m average thickness. The subsoil was absent in Trench 5 and, as such, the natural gravel was directly overlain by topsoil (501), 0.22m average thickness.
- 5.3 A single Modern feature [405] was present at the east end of Trench 4, other than this, there was no evidence for significant or extensive Modern disturbance within the evaluated area and, as such, preservation conditions were assessed as moderate to good.

- 5.4 **Trenches 1 to 3** were devoid of archaeological features. A small assemblage of Post-medieval and Modern pottery, along with a fragment of glass, was recovered from the topsoil (101) in Trench 1, whilst a sherd of Post-medieval pottery was present as unstratified material in Trench 2. The metal detecting survey recovered a lump of clinker or industrial waste from Trench 1 spoil heap, as well as a Victorian or Modern metal clothes button from Trench 2 spoil heap.
- 5.5 **Trench 4** contained two ditches and a Modern feature.
- 5.5.1 Feature [403] consisted of a northeast – southwest aligned ditch, which was cut into the top of the natural and was sealed by subsoil (402). It contained soil fill (404), which yielded a single sherd of Early to Middle Anglo-Saxon pottery, as well as four fragments of animal bone and a very small lump of undiagnostic burnt material.
- 5.5.2 Feature [407] consisted of a northeast – southwest aligned ditch, which was cut into the top of the natural and was sealed by subsoil (402). It contained soil fills (408) and (409), which were devoid of finds.
- 5.5.3 Feature [405] was partially revealed at the southeast end of the trench. It was cut through the subsoil and contained a clinker-rich fill, which was associated with Modern detritus.
- 5.6 **Trench 5** contained two ditches and two postholes.
- 5.6.1 Feature [502] comprised a northwest – southeast aligned ditch, which was cut into the natural and was directly overlain by topsoil (501). It contained fills (503) and (504), from which was recovered a single crumb of Early to Middle Anglo-Saxon pottery, from fill (504) and two fragments of animal bone, from fill (503).
- 5.6.2 Features [505] and [508] consisted of two near identical probable postholes, which were cut into the natural and were directly sealed by topsoil (501). Both postholes contained a loose gravel basal fill (506/9), overlain by a brown soil fill (507/10). Feature [505] was devoid of finds, however, posthole [508] yielded a fragment of animal bone, from fill (509), as well as a sherd of Early to Middle Anglo-Saxon pottery, from fill (510).
- 5.6.3 Feature [511] comprised a northeast – southwest aligned ditch, which was cut into the natural and was directly overlain by topsoil (501). It contained fill (513), from which was recovered a small fragment of burnt animal bone.
- 5.7 There was a generally good correlation between the results of the geophysical survey and the evaluation. Positive linear anomalies of archaeological potential (Figure 2; red features) were confirmed within Trenches 4 and 5. However, possible ditch-like linear anomalies (orange features) were generally not present within the evaluation trenches, apart from a correlation with ditch [407] at the northwest end of Trench 4.

6 DISCUSSION

- 6.1 The evaluation has indicated that the north part of the site, in the areas of Trenches 1 to 3, has a generally low archaeological potential.
- 6.2 A total of four ditches [403], [407], [502] and [511], which were present within Trenches 4 and 5, appeared to represent parts of a possible co-axial field or enclosure system, which was set out on alignments that were orthogonal to the Roman road to the northeast. Two postholes [505] and [508], present within Trench 5, were situated on an alignment perpendicular to an adjacent ditch [511].
- 6.2.1 The features in Trenches 4 and 5 were generally poorly dated, however, a small amount of Early to Middle Anglo-Saxon pottery was recovered from ditches [403] and [502] and posthole [508]. It was also notable that ditches [403] and [407] were sealed beneath the subsoil (402) in Trench 4, which suggested that they were likely to be of some antiquity.
- 6.2.2 The geophysical survey and evaluation have therefore indicated the presence of archaeological features in the southern part of the site, around the areas of Trenches 4 and 5. At present, these are poorly dated, although a small amount of recovered pottery may indicate that at least some of the features may date to the Early to Middle Anglo-Saxon period. Although there was no evidence for any particular focus of activity within the site, the presence of ditches and postholes, along with a small number of finds including pottery and animal bone, some of which was burnt, may indicate settlement activity in the vicinity.

7 CONCLUSION

- 7.1 The geophysical survey and evaluation have indicated that the southern part of the site contains ditches and postholes, which may be related to Anglo-Saxon activity; although, due to a general paucity of finds, an earlier, or later date for some or all of the revealed features could not be ruled out. The ditches appeared to form part of a co-axial field or enclosure system, to which the postholes may have been related, although this remained uncertain. The northern part of the site was devoid of archaeological features and was therefore of lower archaeological potential.
- 7.2 The archive is currently held at the offices of Foundations Archaeology, but will be deposited with Wiltshire Museum, under Accession Code DZSWS:22-2022. A digital report/archive will also be submitted to OASIS/ADS. A short note will be submitted for publication in the relevant local archaeological journal.

8 BIBLIOGRAPHY

Archaeological Surveys. 2022. *Land Southwest of The Street, Latton, Wiltshire: Archaeological Geophysical (Magnetometer) Survey*. Unpublished report no. J912.

Chartered Institute for Archaeologists. 2014. *Standard and Guidance for Archaeological Evaluation*. CIfA. Reading.

Foundations Archaeology. 2022. *Land Southwest of The Street, Latton, Wiltshire: Written Scheme of Investigation for an Archaeological Evaluation*. Unpublished.

Foundations Heritage. 2019. *Land Southwest of The Street, Latton, Wiltshire: Heritage Impact Assessment*. Unpublished report no. 1329.

9 ACKNOWLEDGEMENTS

Foundations Archaeology would like to thank Neil Adam and Tim Havard of Wiltshire Council, along with Andrew Miles of LPC (Trull) Ltd. for their help during the course of the project.

APPENDIX 1: Stratigraphic Data

CXT	L(m)	W(m)	D(m)	DESCRIPTION	CUTS/LATER THAN	CUT BY/EARLIER THAN
				TRENCH 1: 24m long by 1.5m wide. Natural = bright brown orange clay silt, which contained occasional patches of bright beige gravel. Present at average 81.32m aOD.		
101	n/a	n/a	0.22	Topsoil: dark grey brown sand silt.	102	n/a
102	n/a	n/a	0.37	Subsoil: brown clay silt sand.	natural	101
				<i>No archaeological features were present within the trench.</i>		
				TRENCH 2: 24m long by 1.5m wide. Natural = variable bright beige gravel and bright brown orange clay silt. Present at average 81.50m aOD.		
201	n/a	n/a	0.18	Topsoil: dark grey brown sand silt.	202	n/a
202	n/a	n/a	0.36	Subsoil: brown clay silt sand.	natural	201
				<i>No archaeological features were present within the trench.</i>		
				TRENCH 3: 29m long by 1.5m wide. Natural = variable bright beige gravel and bright brown orange clay silt. Present at average 81.39m aOD.		
301	n/a	n/a	0.20	Topsoil: dark grey brown sand silt.	302	n/a
302	n/a	n/a	0.33	Subsoil: brown clay silt sand.	natural	301
				<i>No archaeological features were present within the trench.</i>		
				TRENCH 4: 24m long by 1.5m wide. Natural = variable bright beige gravel and bright brown orange clay silt. Present at average 81.13m aOD.		
401	n/a	n/a	0.27	Topsoil: dark grey brown sand silt.	402	n/a
402	n/a	n/a	0.35	Subsoil: brown clay silt sand.	natural	401
[403]	1.50	2.23	0.53	Northeast – southwest aligned ditch with a rounded to undulating profile. Contained 404.	natural	404
404	1.50	2.23	0.53	Fill of [403]: orange brown sand clay, which contained frequent gravel.	[403]	402
[405]	1.65	0.70	0.45	Cut feature with a steep to vertical profile. Partly revealed within the evaluation trench. Contained 406. Modern feature, which was cut through subsoil 402 into the top of the natural substrates. Partially recorded in plan only.	402	406
406	1.65	0.70	0.45	Fill of [405]: black clinker, which contained Modern metal and glass.	[405]	401
[407]	1.85	1.56	0.38	Northeast – southwest aligned ditch with a rounded profile. Contained 408 and 409.	natural	408
408	?	0.68	0.11	Fill of [407]: light grey brown silt gravel.	[407]	409
409	1.85	1.56	0.38	Fill of [407]: orange brown silt sand.	408	402

CXT	L(m)	W(m)	D(m)	DESCRIPTION	CUTS/LATER THAN	CUT BY/EARLIER THAN
				TRENCH 5: 25m long by 1.5m wide. Natural = bright beige gravel with occasional patches of bright brown orange clay silt. Present at average 81.67m aOD.		
501	n/a	n/a	0.22	Topsoil: dark grey brown sand silt.	natural	n/a
[502]	4.0	2.03	0.87	Northwest – southeast aligned ditch with a steep sloping to rounded profile. Contained 503 and 504.	natural	503
503	?	1.12	0.31	Fill of [502]: grey brown sand gravel, which contained rare charcoal flecks.	[502]	504
504	4.0	2.03	0.56	Fill of [502]: brown clay sand.	503	501
[505]	0.55	0.48	0.32	Sub-circular probable posthole with near vertical sides and a rounded base. Contained 506 and 507. Similar / related to [508].	natural	506
506	?	0.47	0.20	Fill of [505]: grey loose gravel.	[505]	507
507	0.55	0.48	0.12	Fill of [505]: brown clay sand.	506	501
[508]	0.56	0.50	0.30	Sub-circular probable posthole with near vertical sides and a rounded base. Contained 509 and 510. Similar / related to [505].	natural	509
509	?	0.54	0.18	Fill of [508]: grey loose gravel.	[508]	510
510	0.55	0.48	0.13	Fill of [505]: brown clay sand.	509	501
[511]	4.50	2.13	0.78	Northeast – southwest aligned ditch with a steep sloping to rounded profile. Contained 513.	natural	513
512				Void – natural gravel.		
513	4.50	2.13	0.78	Fill of [511]: red brown clay sand silt, which contained frequent gravel.	[511]	501

APPENDIX 2: The Ceramics

By Paul Blinkhorn

The pottery assemblage comprised eight sherds with a total weight of 303g. It was all Early/Middle Anglo-Saxon or Post-medieval. The following fabric types were noted:

- E/MSAX:** Early/Middle Anglo-Saxon Hand-built Ware, 5th – 9th century. 3 sherds, 17g.
PMR: Glazed Red Earthenware, 16th – 19th century (Brears 1969). 4 sherds, 234g.
MOD: Misc. Modern Wares, 19th century+. 1 sherd, 52g.

The pottery occurrence by number and weight of sherds per context by fabric type is shown in Table 1. Each date should be regarded as a *terminus post quem*. The range of fabric types is fairly typical of sites in the region.

The sherd of E/MSAX from context (510) is a rim from a small jar with an upright rim-form typical of the tradition. The fabric is sandy, with moderate organic voids up to 5mm and rare quartz and flint up to 0.5mm. The fragment from context (504) is in a sandy fabric, whilst that from (404) is in an organic-tempered fabric, with moderate to dense oolitic limestone temper. The fabrics are very typical of the pottery of the period in the region (eg. Seager Smith 1997, 68). The sherds are all undecorated and so cannot be closely dated other than to within the broad Early/Middle Anglo-Saxon period (5th – 9th century).

The PMR is fragments of jars and bowls, which is fairly typical of the tradition. The sherd of Modern pottery from context (101) is from a stoneware drain-pipe.

The assemblage is in reasonably good condition and appears reliably stratified, albeit as the product of secondary deposition.

Table 1: Pottery occurrence by number and weight (in g) of sherds per context by fabric type.

Cntxt	E/MSAX		PMR		MOD		Date
	No	Wt	No	Wt	No	Wt	
Tr2 U/S			1	47			U/S
101			3	187	1	52	MOD
404	1	7					E/MSAX
504	1	1					E/MSAX
510	1	9					E/MSAX
Total	3	17	4	234	1	52	

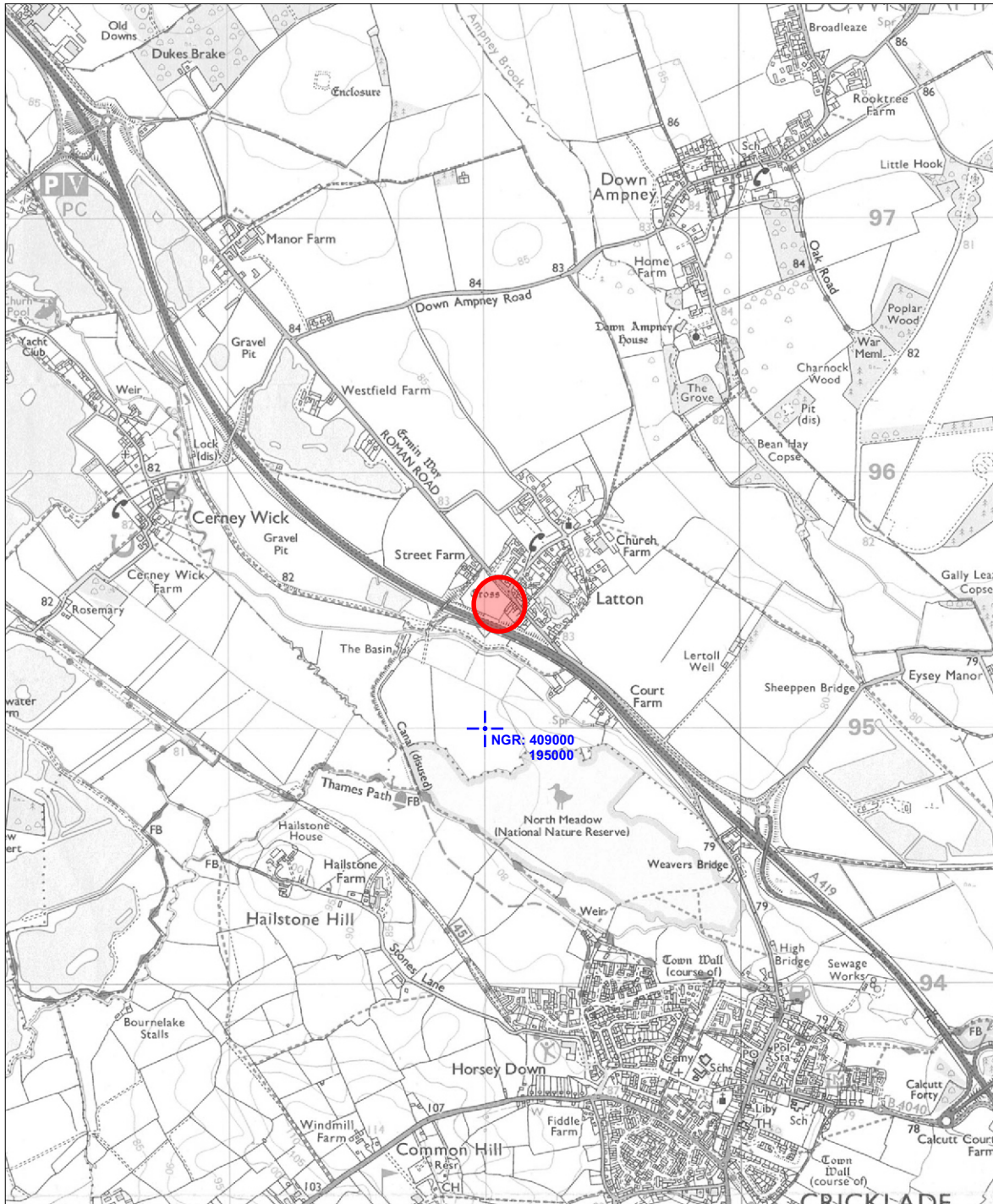
Bibliography

Brears, P C D, 1969, *The English Country Pottery. Its History and Techniques*. London. David and Charles.

Seager Smith, R, 1997, 'Saxon Pottery' in CA Butterworth and R Seager Smith, Excavations at The Hermitage, Old Town, Swindon, *Wiltshire Archaeological and Natural History Magazine* **90**, 68.

APPENDIX 3: Miscellaneous Finds List

CXT	DESCRIPTION
101	1 x fragment of semi opaque glass. 8g.
Tr1 spoil heap	1 x lump of clinker or industrial waste. 7g. Metal detecting survey find.
Tr2 spoil heap	1 x metal perforated clothes button - Victorian / Modern. <1g. Metal detecting survey find.
404	4 x animal bone fragments. 10g.
404	1 x lump of burnt material, possible industrial waste. Uncertain. <1g.
Tr4 u/s	2 x animal bone fragments. 3g.
503	2 x animal bone fragments. 75g.
509	1 x animal bone fragment. 6g.
513	1 x animal bone fragment (burnt). 2g.



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Site Code: TSL22

Accession Code: DZSWS:22-2022

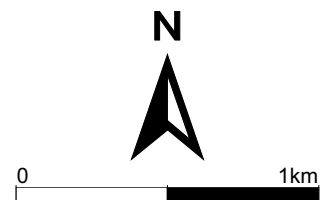
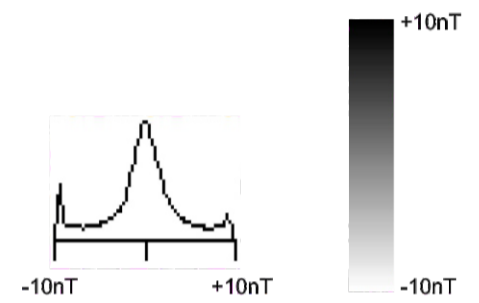
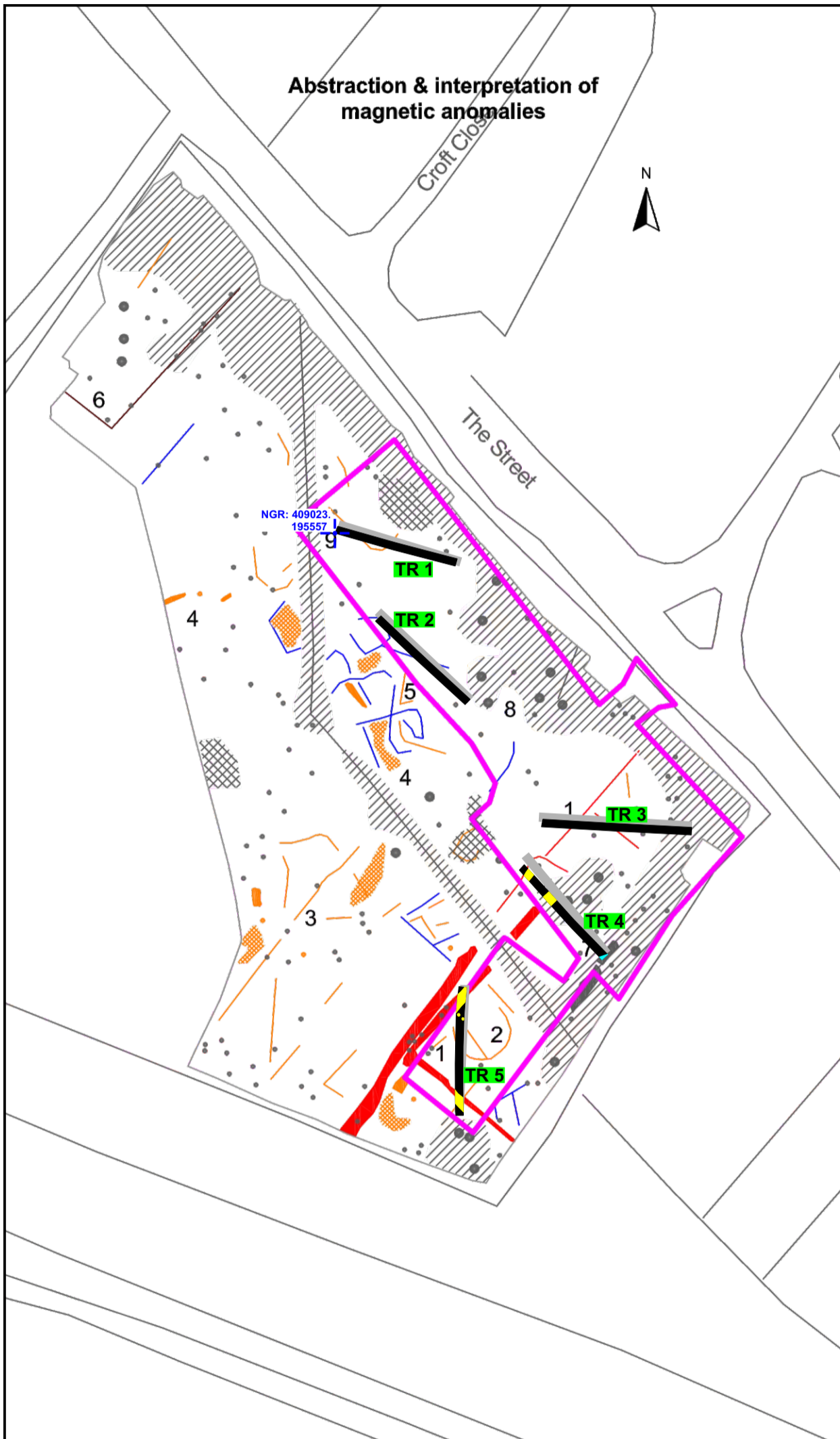


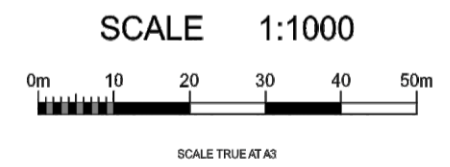
FIGURE 1: Site Location

Geophysical Survey
Land south west of The Street
Latton
Wiltshire

Greyscale plot of magnetometer data & abstraction & interpretation of magnetic anomalies with development boundary



- Positive linear anomaly - cut feature of archaeological potential
- Positive linear anomaly - possible ditch-like feature
- Positive linear anomaly - former boundary
- Negative linear anomaly - material of low magnetic susceptibility
- Discrete positive response - possible pit-like feature
- ⊗ Positive anomaly - magnetically enhanced material
- ⊗ Magnetic debris - spread of magnetically thermoremanent/ferrous material
- /// Magnetic disturbance from ferrous material
- Strong multiple dipolar linear anomaly - pipeline / cable / service
- Strong dipolar anomaly - ferrous object

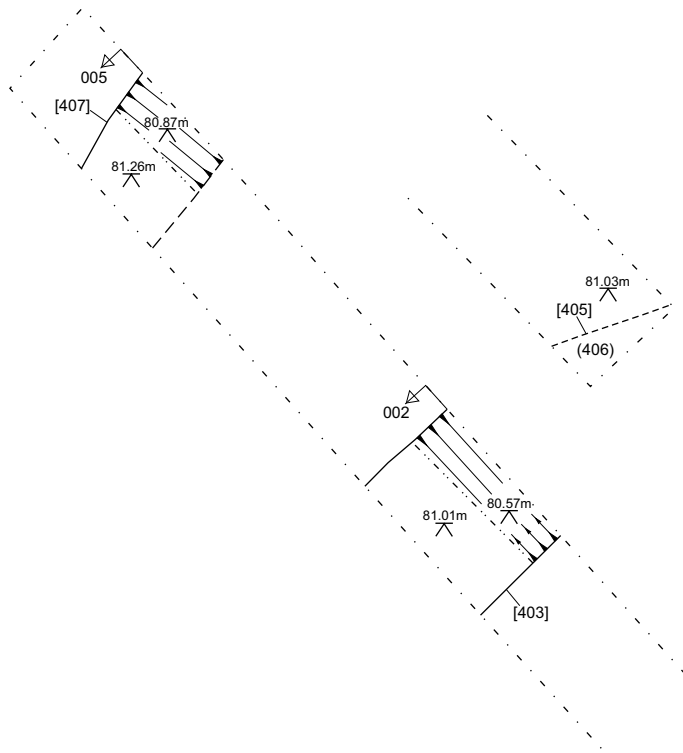


DRAWN BY **KTD** CHECKED BY **DJS** **FIG 06**

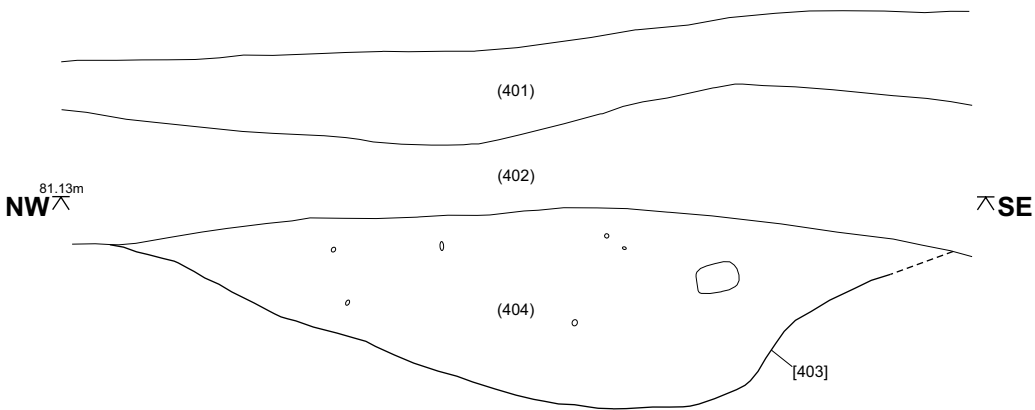
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Ordnance Survey Licence 100015722
Site Code: TSL22
Accession Code: DZSWS:22-2022

- = PROPOSED TRENCH
- TR 1 — = TRENCH AS DUG
- = FEATURE
- = MODERN FEATURE

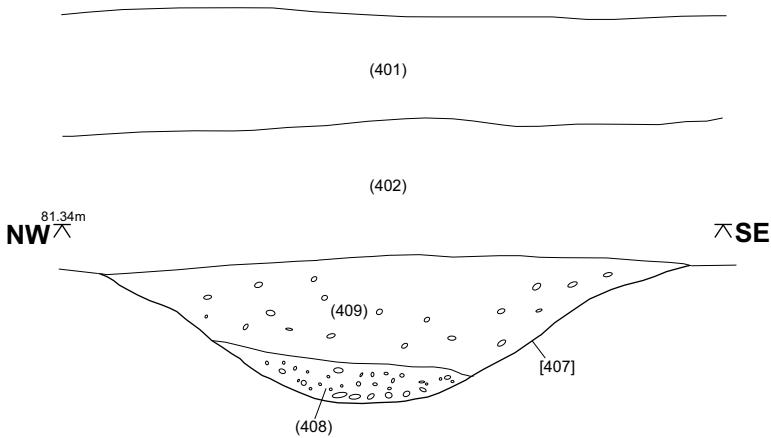
FIGURE 2: Site Plan



SEC 002: SOUTHWEST FACING SECTION [403]



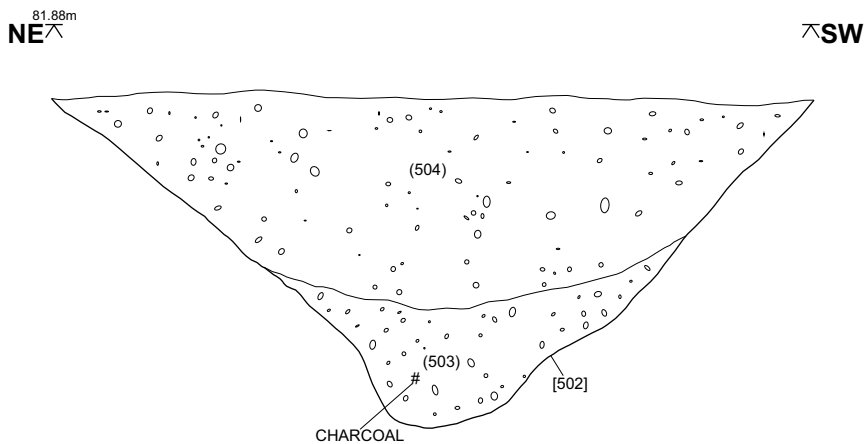
SEC 005: SOUTHWEST FACING SECTION [407]



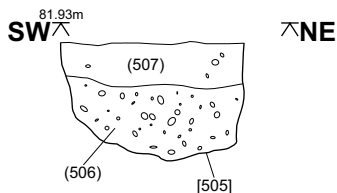
<p>Site Code: TSL22 Accession Code: DZSWS:22-2022</p>	
<p>N</p>	
<p>0m 4m</p> <p>Plan</p>	
<p>0m 1m</p> <p>Section</p>	
<p>FIGURE 3: Trench 4 Plans and Sections</p>	



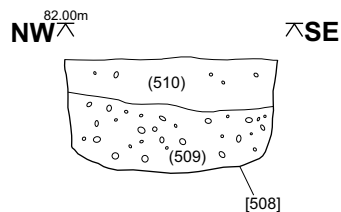
SEC 001: NORTHWEST FACING SECTION [502]



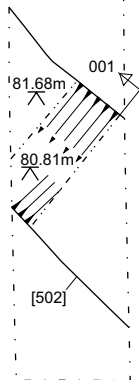
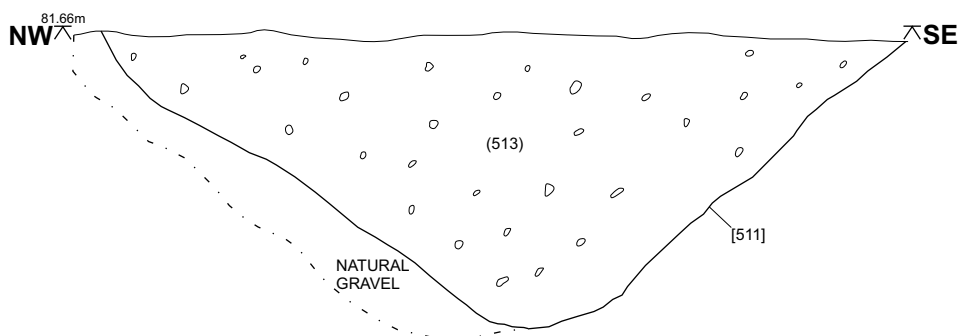
SEC 003: SOUTHEAST FACING SECTION [505]



SEC 004: SOUTHWEST FACING SECTION [508]



SEC 006: SOUTHWEST FACING SECTION [511]



Site Code: TSL22
Accession Code: DZSWS:22-2022

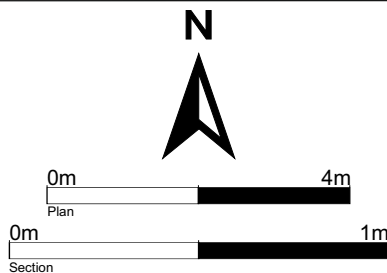


FIGURE 4: Trench 5 Plan and Sections



P1: TRENCH 1 LOOKING SOUTHEAST



P2: TRENCH 2 LOOKING NORTHWEST



P3: TRENCH 3 LOOKING WEST



P4: TRENCH 4 LOOKING NORTHWEST



P5: FEATURE [403], SEC 002



P6: FEATURE [405], PARTIAL RECORD ONLY



P7: FEATURE [407], SEC 005



P8: TRENCH 5 LOOKING NORTH



P9: FEATURE [502], SEC 001



P10: TRENCH 5 NORTH LOOKING NORTHEAST



P11: FEATURE [505], SEC 003



P12: FEATURE [508], SEC 004



P13: FEATURE [511], SEC 006



TOWN AND
COUNTRY
PLANNING
DEVELOPMENT
CONSULTANTS



LAND TO THE SOUTHWEST OF THE STREET, LATTON, SN6 6EH

PLANNING APPLICATION REFERENCE 20/11236/OUT

VIABILITY ASSESSMENT

Prepared by

**Andrew Miles DipTP MRTPI
Director
LPC (Trull) Ltd**

Our Reference: ADM.LPC4561

June 2022

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1.0 INTRODUCTION

1.1 At its meeting on 2nd February 2022, the North Area Planning Committee, Wiltshire Council resolved to grant outline planning permission for a village recreation hall, all weather tennis court and erection of six houses. This was delegated to the Head of Development Management to grant permission subject to:

- (i) The completion of an archaeological field evaluation, which has now been undertaken and the content was subsequently approved by the County Archaeologist.
- (ii) The submission of a viability appraisal and costs assessment for the development including village hall replacement and proposed financial contribution, and
- (iii) The completion of a S106 Agreement to ensure that part of the application site is transferred to the local community and that a financial sum will be paid towards the cost of the construction of the village recreation hall.

1.2 This paper is submitted concerning the second requirement, the viability appraisal. It should be noted at the outset that since this proposal was the subject of the first application, in September 2019, the costs for the construction of the village hall have increased by 70%, due to global issues that have arisen since then.

2.0 THE VILLAGE RECREATION HALL

2.1 In order to build the hall, prices have been sought for the construction costs. However, without a detailed drawing of the proposed structure, which will require the benefit of planning permission, it has been assumed that a building measuring 23m long x 13m wide will be acceptable, this to be suitable for multi-functional recreational use, as sought by the local community. This would be a steel framed, wide spanned building that would be suitable for a variety of indoor recreational purposes and the indicative costs for the construction of the

building is circa £280,000. This does not include internal decoration and fitting out, which will be undertaken by the local community in order to reduce costs.

- 2.2 The tennis court/outdoor recreation area has not yet been priced as that part of the proposal will take place in the future but the land will be donated for that purpose and the grassed area could be utilised in the short term.

3.0 THE HOUSING PROPOSAL

- 3.1 The drawing submitted with the outline application showed the erection of six houses with the illustrative elevations anticipating the type of dwellings that would be appropriate in this location. These show accommodation in the roof space to maximise the use of the built form, adopting a similar approach to that of Croft Close, on the opposite side of The Street.

- 3.2 As with the hall, the appearance, design and layout of the dwellings have yet to be approved and so this assessment is based on the type of accommodation submitted in support of the outline application. It showed 2 detached houses and 4 semi-detached with 5 dwellings having gross internal floor areas of approximately 130m² with one of the detached houses have a larger floor area of some 150m². The total gross internal floor area (GIFA) for the houses for the purposes of this assessment will be 800m².

4.0 THE SALE OF HOUSES IN LATTON

- 4.1 Investigations have taken place of the most recent properties for sale in Latton on the Rightmove website. These revealed just two houses for sale in May 2022, a 4-bedroom house with a GIFA of 216m² for sale at £895,000 and a 2-bedroom end of terrace on The Street with a GIFA of 95.3m² for sale at £395,000. These properties differ significantly in size and location but their selling prices equated to £4,144 per m² and £4,145 per m² respectively. This is, therefore, the most up-to-date valuation for property sales within Latton.

5.0 ESTIMATE OF SITE AND HOUSE PRICES

- 5.1 Based on the most recent sales price per m² of gross floor area, the selling price of the houses at the application site should be in the region of 800 x £4,145 which equals £3.31 million.
- 5.2 Working backwards from the sale price are the construction costs, including infrastructure, and the developer's profit. The current build costs are difficult to estimate as much depends upon the quality of finish but it is likely to be in the range of £1,700 - £2,500 per m². Taking a figure of £2,000 per m² would result in a build cost for the six houses and infrastructure of £1.6 million. With the officer's Committee report suggesting that builders would be looking to make 15-20% profit, this would make the build cost and profit of between £1.84 million to £1.92 million. If the profit was higher at 25%, this would be £2.0 million.
- 5.3 Based upon the above calculation and with a developer's profit of 25%, the land cost would be £1.30 million, which equates to an average of just under £217,000 per plot. In my opinion, this is an unrealistic figure for this particular location where there is the potential for noise from traffic along the A419 and The Street, as well as being in close proximity to the proposed hall. Furthermore, the gardens, whilst adequate for the proposed dwelling are not of the size found in other locations within the village. Accordingly, it is necessary to re-visit the selling price of comparable properties to see if this is accurate.
- 5.4 Looking at house prices in Croft Close, a 4-bedroom detached house with double garage sold for £507,500 in October 2020 and another similar sized property sold for £475,000 in August 2019. Whilst Rightmove says that house prices in Latton had an overall average price of £554,000 in the last year and that prices have risen 9% on the previous year, it is unlikely that the proposed houses would sell for as much as comparable houses in Croft Close. Instead, I would suggest that the semi-detached houses would probably sell for about £450,000 each and the detached houses for £500,000 and £550,000, if they all

had garaging. This would result in an overall sales figure of £2.85 million but the build costs would increase due to the cost of building the garages, by approximately £150,000. Accordingly, the build costs for the houses and garages would total £1.75 million. Builder's profit would be £350,000 at 20% or £437,500 at 25%, making a total build cost in the region of £2.1- 2.2 million. Deducting these figures from the sales price would result in a land price of £662,500 - £700,000.

5.5 Another option for the current owners of the housing land would be to sell the plots, as a serviced site, to individual landowners in order for them to erect self-build dwellings. This would, of course, mean that the developers profit element would not be within the calculation. The build cost would be slightly higher, depending upon the finish sought by the individual landowners but an additional £150,000 would be generated from the sale of the land, based on the average price for each plot being circa £140,000.

6.0 ARE THE CONTRIBUTIONS FAIRLY AND REASONABLY RELATED IN SCALE AND KIND TO THE DEVELOPMENT?

6.1 The land for the village recreation hall and the outdoor recreational area to its south will be gifted to the Latton Parish Community Trust upon it achieving charity status, the application for which is currently being prepared. At the same time, a donation will be made to the Trust, as a registered charity, for the sum of £100,00 to pump prime the construction of the hall. This financial sum will represent an advanced contribution from the sale of the land for housing with the owners being reimbursed at a later date when the land for housing is sold.

6.2 To ascertain whether this contribution is fair and reasonable, a comparison can be drawn with the Community Infrastructure Levy that the proposal would generate. Based on the CIL rate which is indexed linked, the cost per m² for CIL would be £108.54, based upon a notice received by this practice within the last week. For the 800m² of development proposed, this would equate to £86,832. If double garages

were added for each property, the total amount payable would be just over £110,000 or if double garages were proposed for the detached houses and single garages for the semis, the CIL payment would be about £100,000. Accordingly, the proposed financial contribution towards a village recreation hall for the local community is considered to be fair and reasonable.

- 6.3 In addition, the owners will also provide the land and fund the construction of the access road and drainage infrastructure. It is not possible to state at this time the sale price of the housing land as the owner's priority over the period of 3 years since this project was first mooted was to ensure that there would be benefit to the local community. Latton Parish Council and the Community Trust that is being formed to administer the land and the proposed building consider that the donation of the land and the financial sum is acceptable and the North Area Planning Committee were also aware of the package when making the resolution to grant permission.
- 6.4 I trust that you will agree that this assessment shows that the contribution is viable reasonable and fair and that the land will be donated and the financial sum paid as soon after the signing of the Agreement and the issuing of the planning permission as is possible, upon the Trust gaining charity status.

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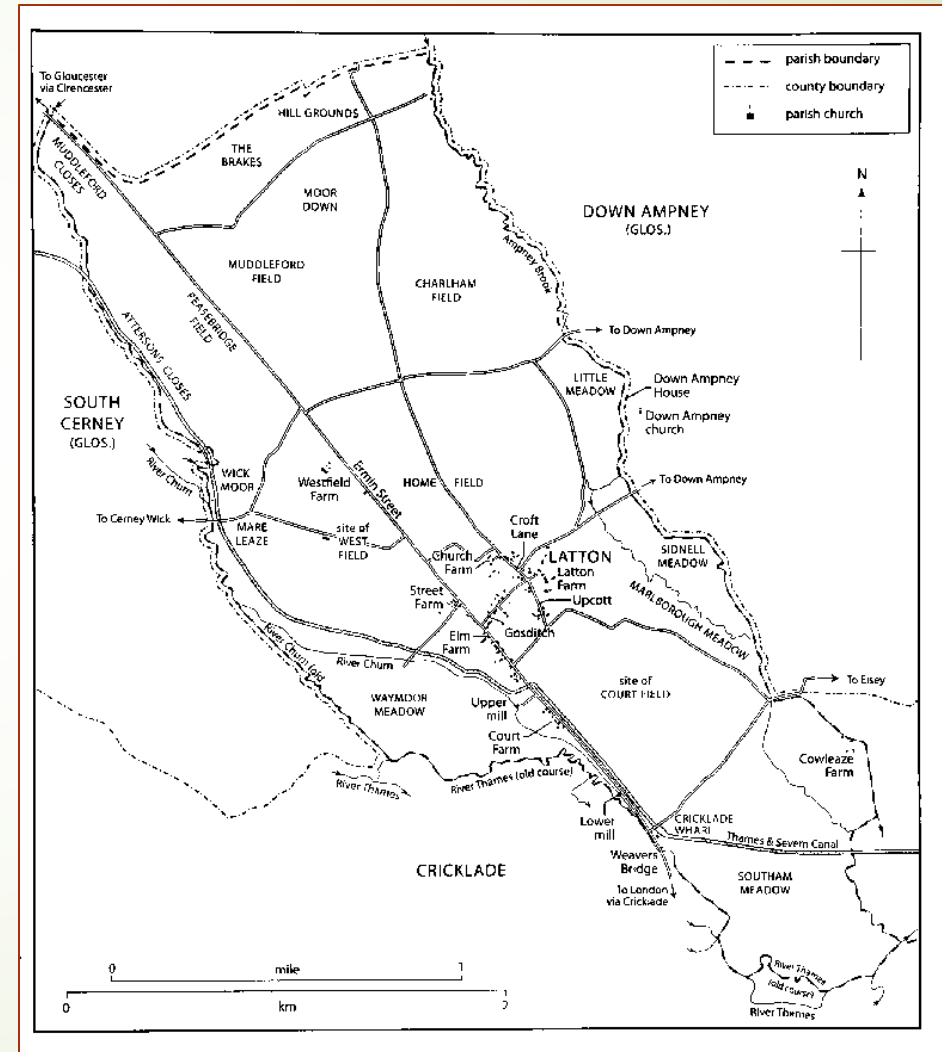
LATTON PARISH COMMUNITY TRUST



Update

Contents

- [Overview](#)
- [Plan / Phasing](#)
- [Structure / Cadence](#)
- [Charitable Trust](#)
- [Community Engagement](#)
- [Purpose / Uses](#)
- [Design](#)
- [Funding / Grants](#)
- [Run, Grow, Give](#)
- [Recent Work](#)
- [So Now What](#)
- [Appendices](#)



Overview

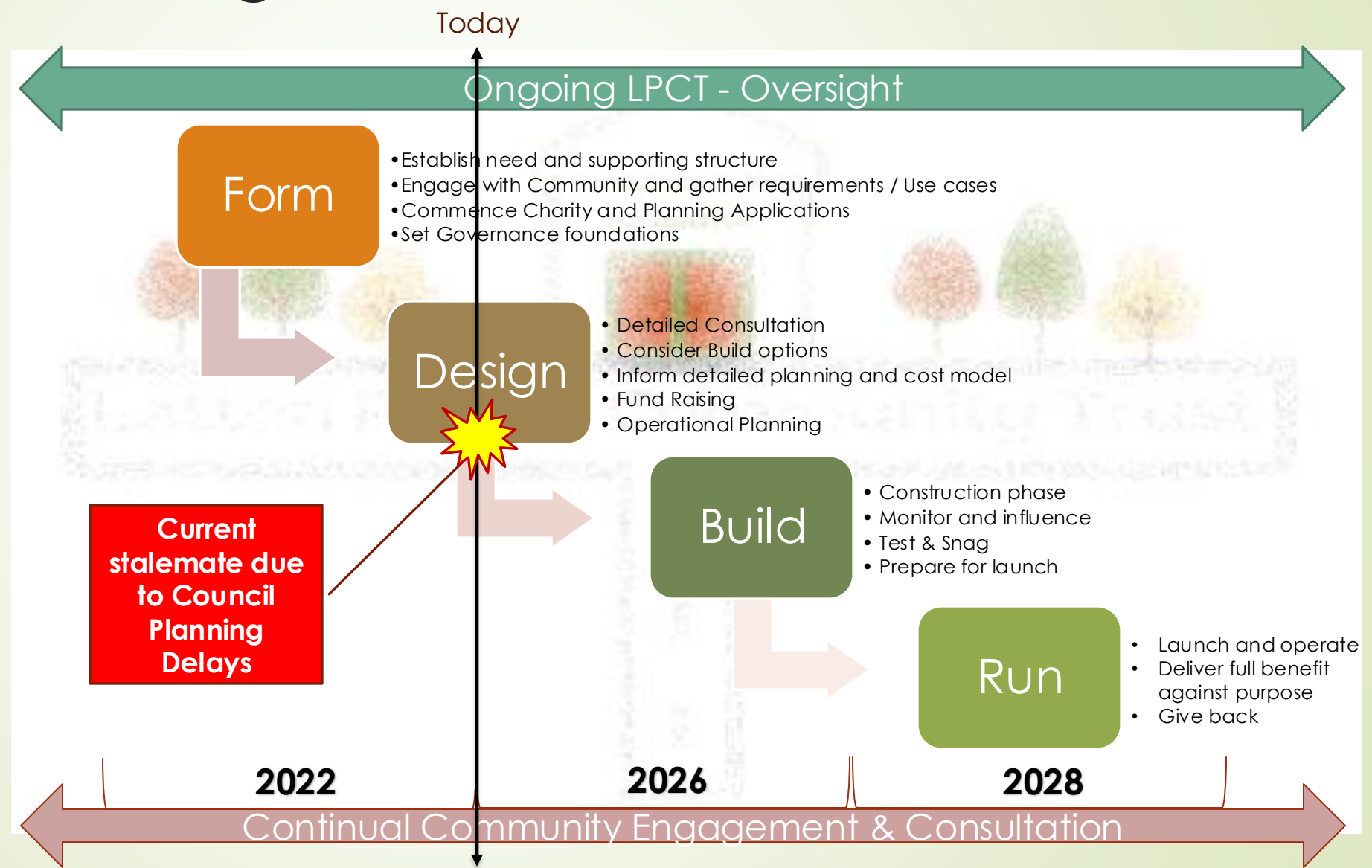


- ▶ Latton is a village and civil parish in Wiltshire, England, 1.5 miles (2.4 km) north of Cricklade, on the county border with Gloucestershire. The village is bypassed by the A419 road from Swindon to Cirencester. The parish of Latton includes the hamlet of Eysey and Water Eaton. It has a population of c.469 electors registered, resident in around 238 properties and is increasing with c.12 new homes in the last 2-years and a further 6 in planning. If we were to account for all age groups, we are likely to be serving c.700 residents and growing.
- ▶ Over the last 12-years there have been numerous studies completed to determine the needs and shape the future of the Parish. This has been supported by an active and Community led Parish council. These studies have highlighted the need for a Community Hub, run by and for the Community.
- ▶ The recent Pandemic and current increase in the cost of living has put this need into the spotlight, energising demand from Parish residents for inclusive activities, events and interest in support of good causes. This has driven the need to create a Charitable Trust to enable strong foundations and a purposeful vehicle to deliver tangible benefits to the community and surrounding area.
- ▶ Concurrently, land has been offered as a donation to the Parish to put towards a New Village Hall, permission for which has reached conditional outline planning stage (see [Appendix 1](#)). A previous attempt to progress this opportunity stalled due to the Covid-19 pandemic.
- ▶ This document represents the efforts to combine and continue intent to form a Latton Parish Charitable Trust (LPCT) to exploit opportunities for community development, social cohesion and support.
- ▶ The progress of the Outline Planning application seems to have stalled with the the Wiltshire Council Planning Department, despite our understanding that conditions have or are being met by the applicant.

Plan / Phasing

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A top-level plan dependant on achieving Charitable Status, New Village Hall – facilitating the needs of the community and becoming a vehicle for community cohesion



Committee Structure / cadence



We already have a vibrant Community with many dedicated Volunteers doing amazing things (examples pictured). The governance and structure of the Trust Committee aims to augment, support and sustain these efforts and the needs of the parish now and into the future

➤ 3 trustees (minimum):

- Ben Stevens (Chair)
- Emma Fletcher (Sec)
- Barry Branigan
- David Pembridge
- Andy Lawrence

• Members:

- Barry Branigan (Treasurer)
- James Trudgian (Communications)
- Andy Lawrence (Design)
- David Pembridge (Planning)
- Marietta Crockford (Fund Raising)
- Brian Paxton (Community Research)



- Meeting cadence every month
- Quorum and Governance laid out in the [Constitution](#)
- Representation from the Latton Parish Council (Chairman)
- Regular updates to residents
- In setting up this Committee advice and guidance has been sought from numerous official sources available on request





Charitable Trust

► Objects / Purpose:

To advance such charitable purposes (according to the law of England and Wales) as the trustees see fit from time to time in particular but not limited to advancing citizenship or community development.

To further or benefit the residents of Latton Parish and the neighbourhood, without distinction of sex, sexual orientation, race or of political, religious or other opinions by associating together the said residents and the local authorities, voluntary and other organisations in a common effort to advance education and to provide facilities in the interests of social welfare for recreation and leisure time occupation with the objective of improving the conditions of life for the residents.

In furtherance of these objects but not otherwise, the trustees shall have power:

To establish or secure the establishment of a village hall or community centre and to maintain or manage or co-operate with any statutory authority in the maintenance and management of such a centre for activities promoted by the charity in furtherance of the above objects.

In the process of delivering on these objects the Trust may need to own land, control substantial funds or enter into contracts. Therefore, the body will be run as a **Charitable Incorporated Organisation (CIO) and given its Community focus, adopt the 'association' model as it will have a wider membership, including voting members other than the charity trustees.**

The energy of willing volunteers has formed a cohesive committee and its collective effort, continued momentum and the opportunities being presented will not be fully exploited until we achieve charitable status

- Trustee declaration ([link](#))
- Constitution ([link](#))
- Application ([link](#))

Community Engagement

- Latton has a vibrant community, and continual consultation is needed to ensure we cater for the Parish and remain open minded to its needs.
- An ongoing and effective way of communicating with the local community has already been established and will continue to evolve to ensure the Trust meets the ever-changing and diverse wishes of the community.
- This has and will continue to include:
 - [Latton Community FaceBook Group](#)
 - [Latton Parish Council Website](#)
 - Cricklade & Latton Chronical
 - Other local press (Swindon Advertiser)
 - Flyers to residents ([example](#))
 - Local events:
 - Open Evenings
 - Latton Café and other Events, etc.
 - Community surveys



Purpose / Uses

Improving the conditions of life for residents...



8

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Sports / Leisure:

- Keep fit / Pilates classes
- Badminton / Paddle Tennis / Table Tennis
- Skittle Alley
- Pensioners morning exercise
- Youth soft football

Clubs / Interest Groups

- Lunch club
- Dance / Music club
- Book exchange
- Bridge Club
- Cooking club
- Flower arranging
- Art / Crafts

Environment:

- Recycling
- Local Canal Trust
- Archaeological Interest Groups
- Electric Car Charging?

Charity / Good Causes

- Fund raising events
- Charity Events
- Trust / Charity meetings
- Food / Clothes Bank Collection
- Community Capacity projects

Leisure Time Occupation



Education

Recreation

Meetings, Lectures and Classes

Welfare:

- Mental Health training
- Mother & Baby / Children clubs
- Treatment Room (Outreach)
- Drop-in Clinics (Dr, Physio, Vets?)

Local Economy:

- Point of sale for local producers (garden plants, veg, eggs, etc.)
- Mobile Take away
- Pop Up - Village Shop / post office
- Business / Networking hub (Wi-Fi)
- Parish Council

Social Cohesion / Inclusion:

- Quizzes / parties, coffee mornings, cake sales, pub evenings
- Disabled social afternoon exercise / activities
- Multi-faith groups / activities
- Latton Café and Committees
- Cinema / Race nights

'Something for everyone'

Representative ideas from Parish residents gathered through local engagement...

Design

Dual Use

Regular
Foot-fall



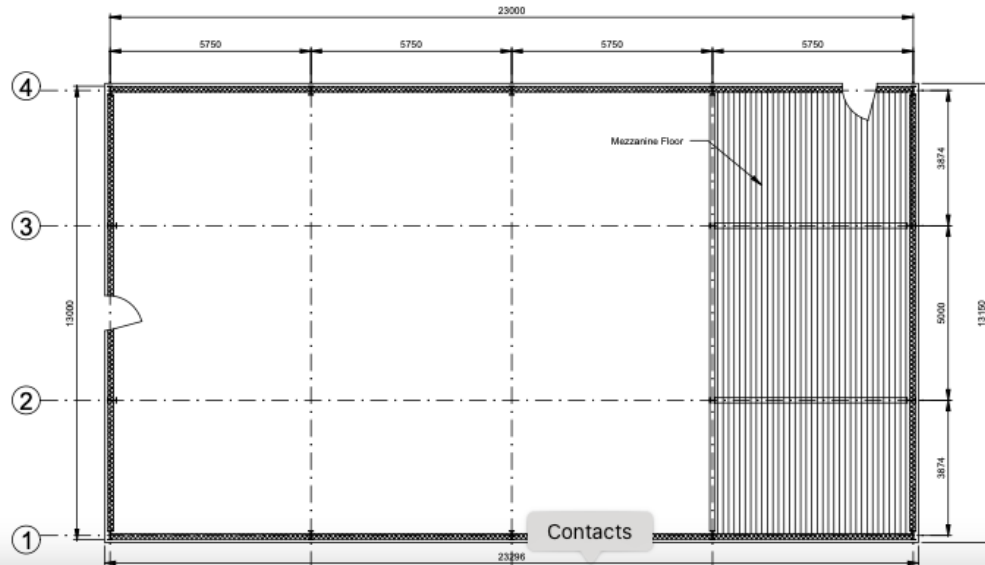
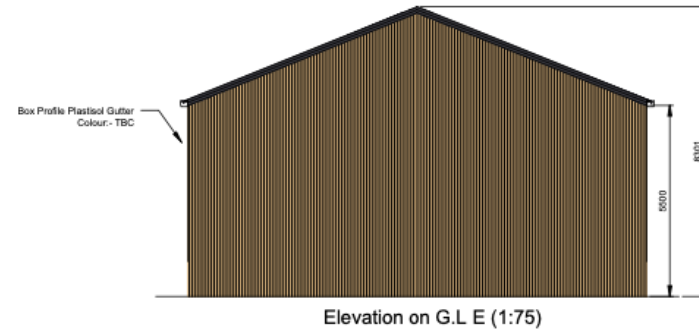
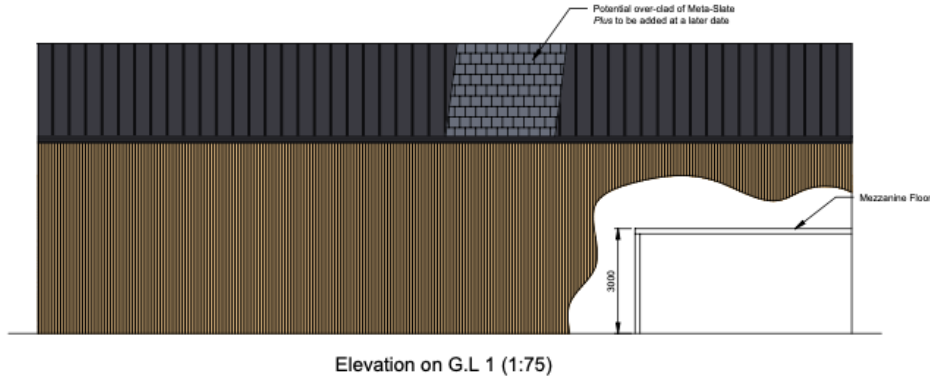
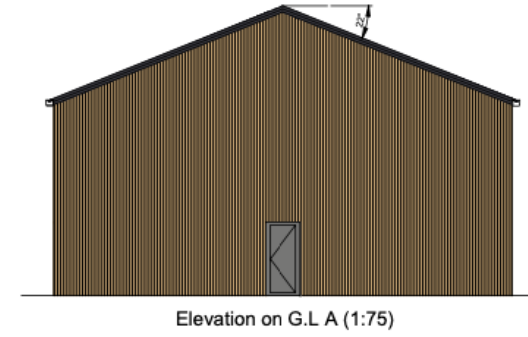
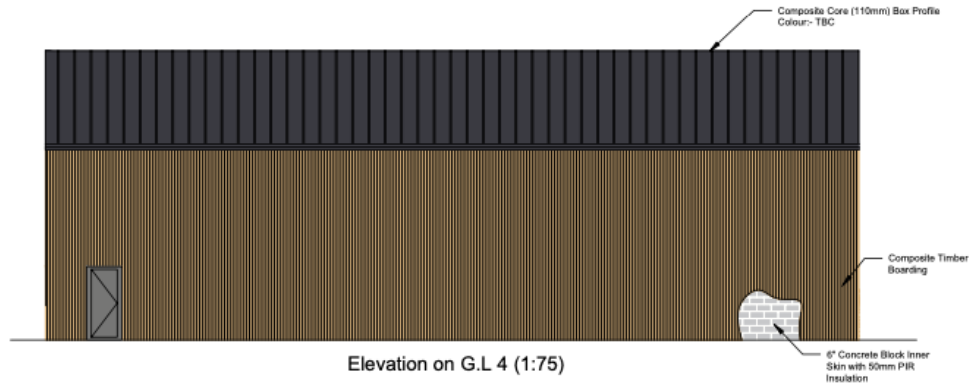
- ▶ From a design perspective numerous visits have been conducted to similar facilities to review:
 - ▶ How they look and are designed
 - ▶ What activities they support
 - ▶ How successful they are and how they are run
- ▶ We are also reviewing examples of modern structures that are representative of the potential construction methods and materials
- ▶ Clearly, we will need to strike a balance between the aspirations of the community and what is realistically sustainable and affordable
- ▶ Our Plans will also need to be phased to secure some funding so the function of the facility may have to iterate or evolve
- ▶ Safety, security, sustainability and supportability will also be key factors driving this

Shop

Creche

Cafe

HQ!



For illustrative purposes only



**For
illustrative
purposes
only**

Funding / grants



Our research has suggested numerous of sources of funding. All will be approached to support the Trust on a one-off donation or ongoing grant basis:

- Crowdfunding
- Community First
- Latton Parish Council / CIL
- Arnold Clark
- Solve community fund
- Mid Counties Co-operative Grants
- National lottery community fund
- Hills Landfill Trust
- Crapper and Sons Landfill Trust
- National Emergencies Trust Local Action fund
- Central Southern England Fund
- 113 Events (and other local event organisers)
- Community ownership fund
- Platinum Jubilee Fund
- Garfield Western foundation
- FCC Community Action Fund
- Small Grants Scheme – foylefoundation.org.uk
- Waylands
- Cullimore
- Tarmac
- Amazon Smile
- Local Community Groups
- Other Local Businesses / Employers
- Our own Fundraising Events

- *List is not exhaustive*
- *Funding / requests will be phased to align with spend profile*
- *Any donation will be tracked and recorded enabling full audit*
- *This also allows us donor contact and transparency should circumstance change*

Run, Grow, Give



- Aspects of how the facility will be run, develop and give back to the community will continue to mature through the early stages of the facility planning / constructions. Outline arrangements include:

- Opening Hours:** The facility will be made available daily from 8:00am to 10:30pm. Requests can be made outside of these parameters by exception and will be considered by the trust on their own merit (i.e. Polling Station / Emergency shelter, etc.)
- Access:** The facility will only be opened as required / on demand via a network of responsible key holders through a central booking process and with organisational oversight. Physical or Policy Restrictions maybe put in place to Kitchen or storage facilities, depending on each situation. This would be quite normal to safeguard property, hygiene standards, for Health & Safety reasons and general protection of users. Hall access arrangements will include the need for hand over and acknowledgement of related policies by the user, including what to do in the event of an emergency
- Who benefits / Prioritisation:** The Facility is run as a charitable cause, so there will always be consideration to those less fortunate to enable some sort of support and/or access. It is the intention to make the community centre available for all and therefore the price will be determined accordingly to ensure equality of access. For this reason, the principle of 'Charity first' will be applied where there are booking contentions.
- Private Parties / Commercial use:** policies will be developed to ensure that these events are controlled and, in the parameters, and spirit of both the Trust Governance and community guidelines / wishes. For example; the 'sale' of alcohol is forbidden within the parish due to local by-laws/conditions.
- Hire Rates:** It is anticipated that a nominal rate to cover costs will be charged to community users with a commercial rate being charged for commercial hirers. They are not set in stone, subject to regular review and situation dependent.

Proposed Hire Rates	Charity / Non-Profit	Private	Commercial
1 Hour Hire	£15	£20	£30
Half Day AM/PM/Evening Hire	£45	£60	£90
Full Day Hire	£75	£95	£160



Appendices

14

1. The Facility

1. The Facility

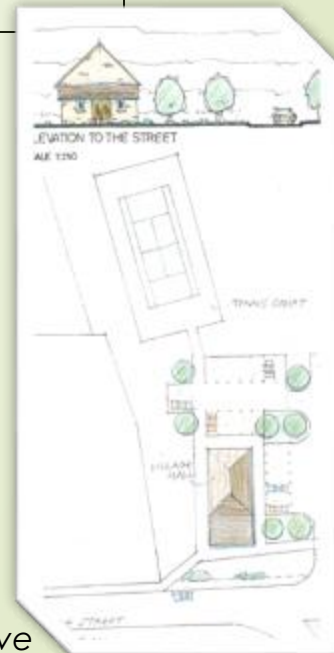


Existing Facilities:

- There are no existing and suitable facilities owned by and for the sole benefit of the village
- An existing building being used as a village hall was once the village school and is owned by The church. It is a listed building and in a significant state of dilapidation, does not meet the increasing needs of a growing parish.
- The building is not suitable for many of the uses the village have put forward and, in any case, would need complex and costly renovation to bring to safe and modern standards, estimated to be of greater cost than a new build
- The village buying the facility from the Church is not an affordable option and any proceeds from the sale would in any case go to the church for the wider diocese.
- Access to other facilities requires travel outside of the Parish / County including the need to navigate the busy A419 dual-carriageway.

New Village Hall Plans:

- Over recent years a local landowner has applied for permission to build a modest housing development of 6-houses. ([20/11236/OUT](#))
- As part of this scheme the developer is donating ¼ Acre of land to the Village to build a new Village Hall. This is by way of bequeathed from the land-owner who is in poor health, making some of this initial activity both situation and time sensitive
- The Plans have now received conditional Outline Planning consent and the LPCT has been working closely with all stakeholders to progress this opportunity for the Parish
- Research is continuing to determine the best design to meet the needs of the community whilst remaining economically viable, sympathetic to the environment and meeting legislative requirements.
- By-products from the new facility are also likely to include traffic calming measures enhancing the safety of Villagers and visitors



Picture is purely illustrative

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DATED

2024

between

WILTSHIRE COUNCIL

and

BERESFORD ORAM

MICHAEL WILLIAM GIBBONS

WILLIAM HOPKINS

**Deed under Section 106 of the Town and Country Planning Act 1990
and all other enabling powers
relating to Land on the south west side of The Street Latton Swindon**

Wiltshire Council

The logo for Wiltshire Council, featuring the text "Wiltshire Council" in a green, sans-serif font, with a green wavy line underneath.

**Solicitor to the Council
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire BA14 8JN
Ref: Iken 145625**

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THIS DEED is dated

2024

- (1) **WILTSHIRE COUNCIL** of County Hall Bythesea Road Trowbridge Wiltshire BA14 8JN
(**Council**).
- (2) (**Owner**).

BACKGROUND

- (A) The Owner is the freehold owner of the Land registered at the Land Registry under title number WT189238 shown for the purposes of identification only edged blue on the Plan
- (B) The Council is the local planning authority for the purposes of the Act, the highway authority, the education authority and the housing authority for the area in which the Land is situated
- (C) The Owner has submitted the Planning Application to the Council and the parties have agreed to enter into this Deed in order to secure the planning obligations contained in this Deed without which the Planning Permission would not be granted

NOW THIS DEED WITNESSES AS FOLLOWS:

1. Definitions

The definitions and rules of interpretation in this clause apply in this deed:

“the Act”

The Town and Country Planning Act 1990 as amended

“CIL Regulations”

means the Community Infrastructure Levy Regulations 2010 (as amended)

“Commencement of Development”

the date on which any material operation as defined in section 56(4) of the Act forming part of the Development begins to be carried out with the exception of investigation of ground conditions and remedial work archaeological work demolition and erection of hoardings and

in the context of a Residential Unit or Residential Units the material building operation or development in accordance with Section 56 of the Act shall refer to that Residential Unit or Residential Units and Commence and Commenced shall be construed accordingly

“Contribution” each financial contribution payable under this Deed

“Council’s Nominee” Means the Latton Parish Community Trust registered charity number 1200388 of Poppy Cottage, 39 Upcott, Latton SN6 6DS

“Development” any development permitted by the Planning Permission

“Director” the Corporate Director, Growth, Investment and Place or his appointed representative for the time being of the Council

“Highway Works” means all works required as a result of the Development to construct the access road, utility service, drainage infrastructure for the village recreation hall, tennis courts and car park and which details will be provided at Reserved Matters Application

"Interest" interest at the rate of 4% above the base lending rate of the HSBC Bank Plc from time to time

“Land” the land on the south west side of the Street Latton Swindon shown edged blue on the Plan

“Land Compensation Act”

in relation to clause 16 means the Land Clauses Consolidation Act 1845 the Land Compensation Act 1961 the Compulsory Purchase Act 1965 the Land Compensation Act 1973 and the Planning and Compensation Act 1991 and includes the Human Rights Act 1998 and any variation or enactment of the Land Compensation Acts on a date on or after the date of execution of this Deed which confers a right of compensation for the compulsory acquisition of land and/or the diminution in value of land as a result of the carrying out of or the use of public works

“Monitoring Fee”

means the sum of one thousand and nine hundred pounds (£1,900.00) as a contribution towards the Council's costs of monitoring the implementation of this Deed

“Occupation” and “Occupied”

occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction and “Occupy” shall be construed accordingly

“Plan”

the plan or drawing attached to this Deed and referenced Site Location Plan (Revised) which plan is for the purposes of identification only

“Planning Application”

the planning application for outline (with all matters reserved) planning permission for village recreation hall, all

weather tennis court, parking, access and erection of six houses registered by the Council on 16th January 2021 and allocated reference number 20/11236/OUT

“Planning Permission” the planning permission for the Development that may be granted pursuant to the Planning Application

“Reserved Matters Application” means any reserved matters application submitted for the Development pursuant to the Planning Permission

“Residential Unit” Means all residential units forming part of the Development

“Section 73 Permission” means a planning permission granted by the Council pursuant to an application made under section 73 of the 1990 Act to vary the Planning Permission

“Transfer Period” means within 6 months from the Commencement of Development

“Village Recreation Hall Land” means the land edged red on the Plan

“Village Recreation Hall Transfer” means the transfer of the Village Recreation Hall Land to the Council’s Nominee in accordance with Schedule 4 using the transfer in substantially the same form as indicated at Annex B

“Working Day(s)” days on which clearing banks in the City of London are open to the public and for the avoidance of doubt such days shall not include any Saturday or Sunday New

Year's Day Good Friday Easter Monday
May Day Christmas Day and Boxing Day

2. Construction of this Deed

- 2.1. Words importing the masculine include the feminine and neuter gender and vice versa
- 2.2. Words importing the singular include the plural and vice versa
- 2.3. Words importing persons include companies corporations and vice versa and all such words shall be construed interchangeable in that manner
- 2.4. Wherever there is more than one person named as a party and where more than one party undertakes an obligation (including by becoming a successor in title) all their obligations can be enforced against all of them jointly and against each individually
- 2.5. Insofar as different parts of or interests in the Land are owned by different persons each person Covenants with the Council and with one another to co-operate insofar as they are able to ensure that the Covenants herein on behalf of "the Owner" are fulfilled as expeditiously as possible
- 2.6. The headings throughout this Deed are for convenience only and shall not be taken into account in the construction and interpretation of this Deed
- 2.7. Any reference to a clause paragraph schedule or plan is to one in to or attached to this Deed and any reference to this Deed includes any schedule, plan, annexure or other attachment to this Deed
- 2.8. In the absence of contrary provision any reference to a Council document to be completed which is annexed or referred to in this Deed shall be the Council document which is current and in force at the date of its completion
- 2.9. In the absence of contrary provision any reference to a statute or statutory instrument includes any statute or statutory instrument amending consolidating or replacing them respectively from time to time and for the time being in force and reference to a statute includes any statutory instrument direction or specification made or issued under the statute or deriving validity from it

2.10. References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and successors to any statutory functions of the Council

2.11. Covenants to do or not to do an action shall include respectively a covenant to permit or not to permit that action to be done

3. Statutory provisions

3.1. This Deed is made pursuant to the following:

Section 106 of the Act

Section 111 of the Local Government Act 1972

Section 93 Local Government Act 2003

Section 1 Localism Act 2011

and all other enabling powers

and has been entered into by the Council pursuant to those powers

3.2. The covenants restrictions and requirements created by this Deed are planning obligations for the purposes of Section 106 of the Act to the intent that it shall bind the parties and their respective successors in title to each and every part of the Land and are enforceable by the Council as local planning authority

3.3. It is acknowledged that the obligations contained in this Deed are:

3.3.1. necessary to make the Development acceptable in planning terms;

3.3.2. directly related to the Development; and

3.3.3. fairly and reasonably related in scale and kind to the Development

in accordance with the requirements of Regulation 122 of the CIL Regulations

4. Commencement

4.1. This Deed takes effect on the grant of the Planning Permission

4.2. The Owner shall notify the Council of the Commencement of Development and the Owner agrees that no time shall run to the detriment of the Council if and so long as the Owner has failed to serve notice

4.3. If the Owner has not provided the information referred to in clause 4.2 above within 20 Working Days of its becoming available the Council shall have the right to obtain this information by other reasonable means and to charge the Owner its costs in obtaining this information subject to a maximum of one thousand pounds (£1,000) per time **PROVIDED THAT** the information is in fact obtained as aforesaid and reasonable evidence of this is provided by the Council to the Owner

5. The Owner's Covenants

The Owner will observe and perform the obligations set out in this Deed and in Schedule 1 Schedule 2 Schedule 4

6. The Council's Covenants

The Council covenants with the Owner as set out in Schedule 3

7. General

The parties agree that:

7.1. Nothing in this Deed constitutes an obligation to grant planning permission or any other approval consent or permission required from the Council in the exercise of any other statutory function and nothing in this Deed constitutes and such approval, consent or permission.

7.2. In the event the Council grants a subsequent Section 73 Permission or if a Section 73 Permission is granted following an appeal under Section 78 of the 1990 Act, any such Section 73 Permission shall be deemed to be granted subject to the covenants and provisions of this Deed and to apply in equal terms to it save that where the Council in its determination of the application for a Section 73 Permission requires consequential amendments to this Deed to reflect the impact of the application for a Section 73 Permission in such circumstances a separate deed pursuant to section 106 of the 1990 Act will be required to secure relevant planning obligations relating to the Section 73 Permission

7.3. This Deed does not and is not intended to confer a benefit on a third party within the meaning of the Contracts (Rights of Third Parties) Act 1999 (other than any replacement body of the Council)

- 7.4. No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Land or that part of the Land in relation to which such breach occurs but without prejudice to liability for any subsisting breach arising prior to parting with such interest
- 7.5. Insofar as any clause or clauses or any part thereof of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed
- 7.6. If before Commencement of Development the Planning Permission:
- a) expires within the meaning of Sections 91 92 or 93 of the Act; or
 - b) is revoked, quashed or modified without the consent of the Developer;
- this Deed shall cease to have effect
- 7.7. The Owner shall pay to the Council:
- 7.7.1. its proper and reasonable legal costs incurred in negotiating preparing and entering into this Deed upon completion of this Deed and in relation to any transaction arising therefrom upon completion of the same
 - 7.7.2. the Monitoring Fee prior to Commencement of Development
- 7.8. The Owner shall pay to the Council its proper and reasonable legal costs incurred in respect of the transfer or other disposal of any land or facility as required by this Deed.
- 7.9. This Deed shall be registerable as a local land charge by the Council
- 7.10. If required by the Council the Owner shall secure registration of this Deed in the Charges Register of the Registered Title to the Land at the Land Registry
- 7.11. Where the agreement approval consent or expression of satisfaction is required by the Owner from the Council under the terms of this Deed such agreement approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement consent approval or expression of satisfaction shall be given in writing on behalf of the Council by the Engineer or Director as appropriate

- 7.12. Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed
- 7.13. Nothing contained or implied in this Deed shall prejudice affect fetter or restrict the rights powers duties and obligations of the Council in the exercise of its functions as Local Planning Authority or any other statutory function rights duties powers and obligations under all public and private statutes byelaws and regulations
- 7.14. This Deed is governed by and interpreted in accordance with the law of England and Wales and the parties submit to the non-exclusive jurisdiction of the Courts of England and Wales.

8. Notices

Any notice or other communication given or made under this Deed shall be in writing and (unless otherwise herein provided) shall be deemed to be sufficiently served if sent by pre-paid first class post or other next working day delivery service to the address of the party specified in this Deed or to such other address (in substitution thereof) as may be notified in writing by that party from time to time for this purpose and in the case of the Council shall be addressed to the Head of Legal Services and quote reference Iken 145625 and copied to the Section 106 and Community Infrastructure Levy Officer

9. Waiver

No waiver (whether expressed or implied) by the Council of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default

10. Change in Ownership

The Owner agrees with the Council to give the Council immediate written notice of any change in ownership of any of its interests in the Land occurring before all the obligations under this Deed have been discharged. Such notice to give details of the transferee's name and registered office (if a company or usual address if not) together with the area of the Land or unit of occupation transferred by reference to a plan

PROVIDED THAT this clause shall not apply to the disposal of an individual Residential Unit

11. Interest

If any payment due under this Deed is paid late Interest will be payable from the date payment is due to the date of actual payment compounded annually.

12. VAT

- 12.1. All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable in respect thereof
- 12.2. If at any time VAT becomes chargeable in respect of any supply made in accordance with the terms of this Deed then to the extent that VAT had not previously been charged in respect of that supply the person making the supply shall have the right to issue a VAT invoice to the person to whom the supply was made and the VAT shall be paid accordingly

13. Indemnity

- 13.1. The Owner hereby undertakes and agrees with the Council that in the event of any claim or claims being made against the Council for any one or more of the following payments:

- a) Compensation (including any claim arising under the Land Compensation Acts)
- b) Damages
- c) Costs
- d) Charges
- e) any other payment

such claim arising in connection with or incidental to or in consequence of any failure on the part of the Owner to comply with its obligations under this Deed the Owner will hold the Council fully indemnified from and against each and every said claim

- 13.2. The Owner shall not be liable under this clause to indemnify the Council in respect of any claim only insofar as and to the extent that the said claim is found to have resulted from the negligent act or omission of the Council or its servants or agents save that for the purpose of this clause the Owner or persons acting on behalf of the Owner shall not be regarded as servants or agents of the Council

14. The provision of this Deed shall not bind any statutory undertakers in respect of land held for their operational purposes and as a consequence of the release given in this clause this Deed may be modified varied or released without the consent or approval of any such person without them being a party to any document or deed required to effect such modification variation or release but such document or deed shall take effect as if they had been a party to such document or deed.

15. Delivery

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

SCHEDULE 1 - Village Recreation Hall Transfer – COUNCIL'S NOMINEE

The Owner covenants to:-

- 1 transfer, in accordance with the Village Hall Transfer, the Village Recreation Hall Land to the Council's Nominee within the Transfer Period
- 2 ensure that prior to the transfer of the Village Recreation Hall Land to the Council's Nominee in accordance with the Village Recreation Hall Transfer the infrastructure for water, electricity, telephone and drainage are provided at the locations on the boundaries of the Village Recreation Hall Land
- 3 ensure that the Village Recreation Hall Land is generally level, free from contamination, of low flood risk and unencumbered so as to be suitable for and to allow its use for a Village Recreation Hall
- 4 to transfer the Village Recreation Hall Land to the Council's Nominee for consideration not in excess of one pound (£1.00)
- 5 provide to the Council's Nominee a statutory declaration in respect of the ownership of the unregistered land shown shaded orange on the Plan and to use reasonable endeavours to promptly deal with any Land Registry requisitions relating to the registration of the Village Recreation Hall Land to the Council's Nominee

SCHEDULE 2 – Contributions

DRAFT

SCHEDULE 3 - Covenants by the Council

Repayment of Contributions

The Council covenants with the Owner:

1. to pay to the Council's Nominee the Village Hall Contribution in accordance with this Deed

DRAFT

DRAFT

Executed as a deed by affixing The
common seal of WILTSHIRE COUNCIL
in the presence of:

Authorised signatory

Signed as a deed by **BERESFORD
ORAM** in the presence of:

.....

SIGNATURE OF OWNER

.....
SIGNATURE OF WITNESS:
NAME OF WITNESS:
ADDRESS OF WITNESS:
OCCUPATION OF WITNESS:

Signed as a deed by **MICHAEL
WILLIAM GIBBONS** in the
presence of:

.....

SIGNATURE OF OWNER

.....
SIGNATURE OF WITNESS:
NAME OF WITNESS:
ADDRESS OF WITNESS:
OCCUPATION OF WITNESS:

Signed as a deed by **WILLIAM
HOPKINS** in the presence of:

.....

SIGNATURE OF OWNER

.....
SIGNATURE OF WITNESS:
NAME OF WITNESS:
ADDRESS OF WITNESS:
OCCUPATION OF WITNESS:

Appendix F – Suggested Conditions

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

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

2. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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

- The scale of the development;
- The layout of the development;
- The external appearance of the development;
- The landscaping of the site;
- The means of access to the site.

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

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

4. The dwellings hereby approved shall not exceed two storeys in height.

REASON: In the interests of amenity having regard to the characteristics of the site and surrounding development.

5. No development on the dwellings hereby approved shall commence until the access road, utility service, drainage infrastructure for the village recreation hall, tennis courts and car park has been completed.

REASON: To enable the delivery of the community infrastructure.

6. The dwellings hereby approved shall not proceed beyond slab/finished floor level until the exact details of all external materials and finishes have been submitted to and approved in writing by the Local Planning Authority. As a minimum, the submitted

details shall include the manufacturer/supplier and material name and a photographic sample of the material/finish. The development shall be completed and maintained in accordance with the approved details.

REASON: To ensure the development does not cause harm to character of the area in accordance with the aims of Core Policies 51 and 57 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

7. The dwellings hereby approved shall not be occupied or brought into use until a scheme of site planting has been implemented in accordance with details that shall first be submitted to and approved in writing by the local planning authority.

As a minimum, the details shall include the locations, sizes, species, planting specifications, maintenance details (to ensure the trees/shrubs establish). If, within a period of 10 years, the trees/shrubs are removed or become damaged or diseased they shall be replaced in the next planting season with the same species. If a variation in species is required due to disease, agreement must be sought in writing from the Local Planning Authority before the replacement is planted.

REASON: To secure vegetative screening within the development site and to ensure development provides net gains to the biodiversity value of the site in accordance with the aims of Core Policies 50, 51 and 57 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

8. The dwelling hereby approved shall not be occupied or brought into use until secure cycle storage sheds for a minimum of two bicycles per dwelling have been installed/constructed in full in accordance with details that shall first be submitted to and approved in writing by the local planning authority. Thereafter, the cycle storage areas shall be kept available for their intended use, in association with the respective dwellings.

REASON: To promote the use of sustainable modes of transport in accordance with the aims of Core Policies 61 and 64 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

9. The dwellings hereby approved shall not be occupied or brought into use until boundary enclosures have been installed in accordance with details that shall first be submitted to and approved in writing by the local planning authority. As a minimum, the details shall include locations, heights and materials/external finishes of all existing boundary enclosures to be retained or replaced and all new boundary enclosures to be constructed/installed. The development shall be completed and maintained in accordance with the approved details thereafter.

REASON: To ensure the development does not cause harm to character of the street scene and to preserve privacy to neighbouring domestic properties in accordance with the aims of Core Policies 51 and 57 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

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

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

- 11.** No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interests of preserving the residential amenities of nearby occupiers in accordance with the aims of Core Policy 57 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework

- 12.** No development shall commence within the area indicated by application 20/11236/OUT until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

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

- 13.** No removal of trees or shrubs shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) A landscape scheme showing planting comprising species of value to wildlife and the creation of corridors for the movement of wildlife around the developed site as well as to and from existing green corridors off site.

(ii) Details of proposed measures that will be taken to avoid harm to wildlife, including timing of works to avoid nesting birds, and pre-commencement checks for protected species including reptiles and amphibians.

(iii) Details of the provision of bat roosting features and nesting opportunities for birds, including but not exclusive to swifts, including a plan showing the location(s) and type(s) of feature(s).

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development.

REASON: To ensure adequate protection, mitigation and compensation for protected species and to provide a biodiversity enhancement, in accordance with paragraph 118 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

14. Prior to first use or occupation of the buildings a lighting design strategy should be submitted to and approved in writing by the local planning authority. It should show the locations and specifications of external lighting and demonstrate that artificial light spill onto features of importance to bats, including new habitat, has been avoided. All external lighting should then be installed in accordance with the strategy.

REASON: Many species active at night (bats, badgers, otters) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

15. No development shall commence, except ground investigations and remediation, until a detailed foul and surface drainage design and maintenance schedule has been submitted to and approved in writing by the local planning authority (in consultation with Highways England). The detailed design shall include infiltration testing and soakaway design in accordance with [Wiltshire Council's Surface Water Soakaway Guidance](#) to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others. to protect the integrity of the highways drainage asset and in the interest of the safe and efficient operation of the A419 trunk road.

16. Prior to the tennis court hereby permitted being brought into use, suitable netting or fencing shall be erected around the perimeter of the court and shall be maintained as such for the duration of use.

REASON: in the interest of the safe and efficient operation of the A419 trunk road.

17. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the

approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

REASON: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

- 18.** No development shall commence until a noise strategy has been submitted to and approved by the Local Planning Authority in consultation with (in consultation with Highways England). The strategy shall include appropriate assessment of noise impacts from both the A419 and the proposed village hall and tennis courts and that any mitigation measures identified as necessary are provided by the developer and located wholly within the development site.

REASON: To protect the amenity of residents from noise.

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REPORT FOR AREA PLANNING COMMITTEES

Date of Meeting	18 th December 2024
Application Number	PL/2023/07797
Site Address	Land Off Park Road, Malmesbury, Wilts
Proposal	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
Applicant	Lagan Homes and White Lion Land (Malmesbury) Limited
Town/Parish Council	Malmesbury Town Council
Ward	Malmesbury
Latitude and Longitude	53.386624, - 5.190328
Type of application	Reserved Matters
Case Officer	James Repper

Addendum

The planning application was originally heard by the Northern Area planning committee on Wednesday the 20th November 2024.

The application was deferred as the committee requested a legal opinion as to whether the committee could be involved in the determination of the discharge of condition application relating to Condition 12 of the outline application 19/05898/OUT. At the time of going to print the legal opinion from Wiltshire Council's legal department is outstanding, however, the response is deemed to be imminent. The Discharge of Conditions application is still to be determined and further technical negotiations are taking place between the applicants and the council's Highways department. During the meeting, the committee raised no concerns relating to the reserved matters at hand, as such the original report is appended with no alterations to the recommendation or the suggested conditions. Once the response is received from Wiltshire Council's own legal department it shall be added as a further addendum.

A legal response has been provided at this stage from Guy Williams KC of Landmark Chambers which has been included at Appendix A.

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 13th September 2023
Documents & Plans Ref:
Documents Issue Register REF: 62445-MCB-XX-XX-IE-X-0002 Received 6th November 2024
Landscaping 7 Ecology Register REF: edp7403 Received 6th 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.

REPORT FOR NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	20 th November 2024
Application Number	PL/2023/07797
Site Address	Land Off Park Road, Malmesbury, Wilts
Proposal	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
Applicant	Lagan Homes and White Lion Land (Malmesbury) Limited
Town/Parish Council	Malmesbury Town Council
Ward	Malmesbury
Latitude and Longitude	53.386624, - 5.190328
Type of application	Reserved Matters
Case Officer	James Repper

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.

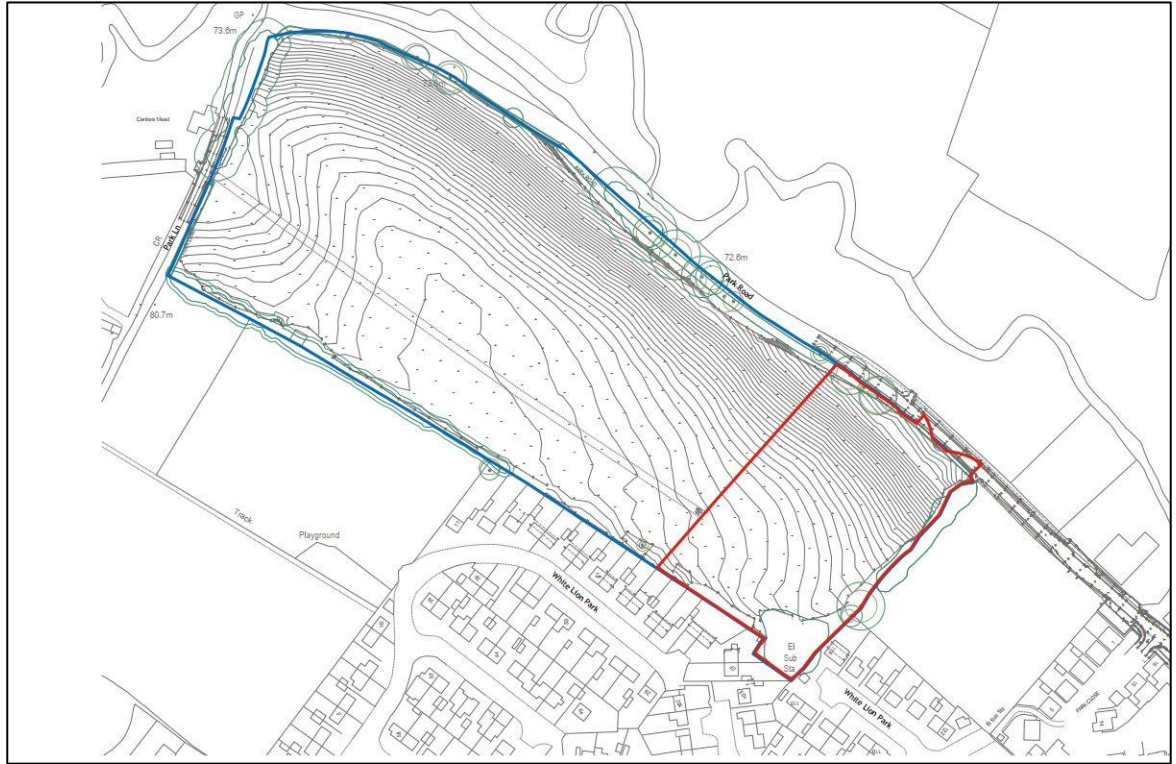


Figure 1 Site Location Plan

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 option (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 2505m² 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.
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- 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
- Higways 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 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:
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Documents & Plans Ref:
Documents Issue Register REF: 62445-MCB-XX-XX-IE-X-0002 Received 6th November 2024
Landscaping 7 Ecology Register REF: edp7403 Received 6th 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.

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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.

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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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REPORT FOR NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	18 th December 2024
Application Number	PL/2023/06212
Site Address	Land north of Queen Street, Braydon, Malmesbury, SN16 9RL
Proposal	Formation of field track (part retrospective)
Applicant	Mr Gottfried Holland
Town/Parish Council	Purton Parish Council
Electoral Division	Brinkworth
Type of application	Full planning permission
Case Officer	Peter Korankye-Gyabong

REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE

The application is before the Planning Committee at the request of the Local Division Member for the following reason(s)

- Scale
- Relationship to adjoining properties
- Design
- Environmental/highways impact

1. PURPOSE OF REPORT

1.1 The purpose of this report is to assess the merits of the proposed development against the policies of the development plan and other material considerations. Having considered these, the report recommends that planning permission be APPROVED subject to planning conditions.

2. MAIN ISSUES

2.1 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
- Ecology
- Highways Safety & Impact on the Road Network

3. SITE DESCRIPTION

3.1 The site comprises open fields in agricultural use located in remote rural area within the village of Braydon to the immediately north of Queen Street. The site forms part of the former Holland Handling scrapyards site.

3.2 The site and its environs are typical of rural agricultural land with soft field boundaries formed of native hedgerows and a variety of native trees along with the commercial scrap yard.

3.3 The surrounding fields are mostly flat and are in Flood Zone 1. A public footpath (ref PURT133) runs along the site's eastern boundary. The site falls outside of any settlement boundary as defined within the WCS.

4. RELEVANT PLANNING HISTORY

N/06/03008/S73A - Completion of underground engineering operations to construct upgraded site drainage facilities (Retrospective). Approve with Conditions.

N/11/04158/FUL - Reinstatement and Improvements of Existing Access. Approve with Conditions.

5. PROPOSAL

5.1 This application seeks planning permission for a field track with access from the lane to the north of Queen Street leading down to the fields above the former scrap yard.

5.2 The fields are in agricultural use and the proposed use of the track is to gain access to these fields for tractors and other agricultural vehicles.

6. CONSULTATIONS

Highways Engineer: The track will run over the right of way PURT133 and rights of way should be consulted.

Rights of Way: The southern most section of the proposed track crosses public footpath PURT133. No objection subject to the approval of works by the Countryside Access Officer and subject to informative not to undertake works to disturb the surface of public footpath without prior consultation with the Rights of way Countryside Access Officer.

Ecology: No objection subject to conditions for development to be carried out in strict accordance with the Ecological Mitigation and Enhancement Strategy dated June 2024, submitted.

Wiltshire Wildlife Trust: Raise objection in relation to the follow:

- The application fails to consider the track runs along the boundary of their Nature Reserve Avis Meadows, a priority habitat lowland meadow and a County Wildlife Site
- There is no space to plant trees or a hedge between track and boundary
- A drain has been constructed from the track into the meadow without their consent
- Runoff from track drains directly into Avis Meadows
- Runoffs have detrimental impact on hydrology and nutrient levels of the meadow
- The affects the buffer zone of Ravensroost SSSI

- They will be used for lorries and larger machinery on a frequent and intensive basis than asserted.

Purton Parish Council: “No objection.”

Charlton Parish Council: Raise no objection stating that “MJ Church could not use the track for access without a change of use planning application (which the PC is confident would never be approved since the C67 is clearly far too small a lane to take the sort of traffic which would be involved).

7. REPRESENTATIONS

The application was publicised by letters.

Ten representations have been received in relation to the following:

- The current access is sufficient so there is no need for new track
- The road the track exits onto has been identified as unsuitable for heavier traffic
- The proximity to Ravensroost Wood SSSI has not been considered
- Increase in vehicular activity may impact on the surrounding nature reserves
- The land drain that empties on adjacent land could change hydrology of hay meadow and County Wildlife Site
- Increase in traffic poses a danger to walkers, cyclist, vehicles and horse riders
- Downgrading of the area have a detrimental effect on property value
- Distribution of hardcore by noisy equipment would disturb wildlife and ecosystem.

8. PLANNING POLICY

National Planning Policy Framework (NPPF) 2019

Paragraph 11 -	Presumption in favour of sustainable development
Paragraph 127 -	Function and form of development
Paragraph 170 -	Conserving and enhancing the natural environment.

Wiltshire Core Strategy adopted 2015 (WCS)

Core Policy 1 -	Settlement Strategy
Core Policy 2 -	Delivery Strategy
Core Policy 13 -	Malmesbury Community Area
Core Policy 50 -	Biodiversity and Geodiversity
Core Policy 51 -	Landscaping
Core Policy 57 -	Ensuring High Quality Design and Place Shaping
Core Policy 58 -	Historic Environment
Core Policy 60 -	Sustainable Transport

9. PLANNING CONSIDERATIONS

Assessment

9.1 Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning

applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle

9.2 Planning permission for the provision of facilities for agricultural uses have been granted on the site and as such the principle of providing supporting structures for agricultural uses are well established within this part of the countryside. As such, the development is acceptable subject to a conditions and compliance with other policies of the Wiltshire Core Strategy.

Impact on the Character and appearance and amenity of neighbours

9.3 Core Policy 51 states Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

9.4 The north boundary close to the road, the east and west boundaries and the track respectively consists of established hedging and vegetation which would provide a good level of screening. The track is considered compatible with the rural character of the area and not considered harmful to the locality.

9.5 Core Policy 57 requires that development should ensure the impact on the amenities of existing occupants is acceptable and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF (paragraph 127f) states that planning decisions should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'

9.6 Due to the limited scale of the development and its siting, away from residential neighbours, it is considered the proposal would not impact on neighbour amenity and as such would comply with Core Policy 51 and Policy 57.

Ecology

9.7 Biodiversity Net Gain (BNG) is an approach to development seeking to ensure that habitats for wildlife are left in a measurably better state than they were before the development. As of 12 February 2024, BNG is mandatory in England under the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This means developers must deliver a BNG of 10% to ensure development will result in more or better-quality natural habitat than there was before development.

9.9 The applicant has not submitted Biodiversity Net Gain assessment because the proposal submitted before BNG became mandatory.

9.9 It is noted from the public representations that concern is raised in relation to impact on landscape and wildlife. The Council's Ecology Officer has reviewed the application together with the submitted Ecological Mitigation and Enhancement Strategy and note the site is adjacent to Avis Meadows Wiltshire Wildlife Trust Reserve and is located within Holland Handling Meadows County Wildlife Site, known for its unimproved neutral meadows.

9.10 The Ecology Officer states that it is reasonable to allow necessary access to tend to livestock and although the hedgerow would not have direct mitigation for any impacts to the grassland, it could provide connectivity in the wider landscape and offer habitat suitable to

support birds and invertebrates and provide a buffer between the track and Wildlife Trust Reserve which would be beneficial.

9.11 The Council's Ecology Officer further notes that the loss of grassland is considered to be insignificant due to the proposals measures to allow the area to revegetate and opines that the impact on the County Wildlife Site would be de-minimus whilst the impacts on the Wildlife Trust Reserve are not expected.

9.12 The updated ecological assessment submitted covers the site and proposes measures to ensure habitat protection. The Council's Ecology Officer states the measures are satisfactory and recommend planning condition to ensure the development would be carried out in strict accordance with the submitted ecological mitigation and enhancement strategy submitted, which would be applied if permission is granted. It is considered therefore, that the proposal adequately addresses the concerns raised by the interested parties and therefore complies with Core Policy 50.

Highways Safety & Impact on the Road Network

9.13 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Core Policy 62 of the WCS states that developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

9.14 It is noted in the representations received from neighbours that concerns are also raised in relation to traffic generation, highway safety because of increase in traffic which would pose a danger to walkers, cyclist, vehicles and horse riders. Wiltshire Council Highways were consulted to provide comments on the proposal. The Highways Officer has no objection, but recommended rights of way should be consulted was done. The Rights Of Way have not raise objection either but recommend information to be away of not encroaching the footpath which would be applied. It is considered that the proposal would comply with the provisions of Core Policies 62 and 64 of the WCS and Paragraph 111 of the NPPF.

10. CONCLUSION

10.1 The proposed track would neither have negative impact on neighbour amenity, in terms of light received, overshadowing or loss of privacy nor have adverse impact on the visual amenity of the locality. It would neither have any significant adverse impact on ecology, nature reserve, nor on highway safety. The proposal is therefore considered unacceptable in the context of its surroundings and is compliant to the general criteria set out in the policies of the local development plan and that of the revised NPPF (2023).

RECOMMENDATION

That the application be GRANTED planning permission subject to the following conditions

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

LPC 5661 EX 01 - Site Location Plan. Received on 24 July 2023.

LPC 5661 EX 02. Site Plan. Received on 24 July 2023.

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

2. The development will be carried out in strict accordance with the guidance and recommendation of the following documents:

- Ecological Mitigation and Enhancement Strategy. June 2024. LPC

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

3. All soft landscaping comprised in the approved planting plan 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 for the protection, mitigation and enhancement of biodiversity.

4. The field track hereby permitted shall not be used for any other purposes other than agriculture.

REASON: In the interests of highway safety.

INFORMATIVES (2)

The applicant should note that no works should be undertaken to disturb the surface of public footpath PURT133 without prior consultation with the Rights of way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO. It is an offence under section 131A of the Highways Act 1980 to disturb the surface of a public right of way without lawful authority to do so. The Highway Authority have the power to take enforcement action as necessary.

The applicant should note that it is a criminal offence to obstruct a public right of way under section 137 of the highways Act 1980 and therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way PURT133 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.



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