

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER
Date: Wednesday 2 October 2013
Time: 6.00 pm

Please direct any enquiries on this Agenda to Kirsty Butcher, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713948 or email kirsty.butcher@wiltshire.gov.uk

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

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Membership:

Cllr Christine Crisp	Cllr Mark Packard
Cllr Bill Douglas	Cllr Sheila Parker
Cllr Mollie Groom	Cllr Toby Sturgis
Cllr Chris Hurst	Cllr Anthony Trotman (Chairman)
Cllr Peter Hutton (Vice-Chair)	Cllr Philip Whalley
Cllr Howard Marshall	

Substitutes:

Cllr Desna Allen	Cllr Howard Greenman
Cllr Glenis Ansell	Cllr Simon Killane
Cllr Chuck Berry	Cllr Jacqui Lay
Cllr Mary Champion	Cllr Nick Watts

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies for absence.

2 **Minutes of the previous Meeting** (*Pages 1 - 18*)

To approve and sign as a correct record the minutes of the meeting held on **11 September 2013** .

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 Chairman.

5 **Public Participation and Councillors' Questions**

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 in person **no later than 5.50pm on the day of the meeting**.

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. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

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 25 September 2013**. 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** (*Pages 19 - 20*)

An appeals update report is attached for information.

7 **Planning Applications** (*Pages 21 - 22*)

To consider and determine planning applications in the attached schedule.

7a **13/00477/FUL and 13/00478/LBC - The Horse and Jockey, Gosditch, Ashton Keynes, Wiltshire, SN6 6NZ** (*Pages 23 - 36*)

7b **12/03809/FUL and 12/03810/LBC: 36 High Street, Sherston, Malmesbury** (*Pages 37 - 42*)

7c **13/01363/FUL: Newlands, Sutton Lane, Sutton Benger, Chippenham, SN15 4RR** (*Pages 43 - 56*)

8 **Urgent Items**

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

Part II

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

None

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NORTHERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING
HELD ON 11 SEPTEMBER 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES,
MONKTON PARK, CHIPPENHAM, SN15 1ER.**

Present:

Cllr Christine Crisp, Cllr Bill Douglas, Cllr Mollie Groom, Cllr Chris Hurst,
Cllr Howard Marshall, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Anthony Trotman (Chairman),
Cllr Nick Watts (Substitute) and Cllr Philip Whalley

Also Present:

Cllr Jane Scott OBE

107 **Apologies**

Apologies were received from Cllr Mark Packard

Cllr Packard was substituted by Cllr Watts.

108 **Minutes of the previous Meeting**

The minutes of the meeting held on 21 August 2013 were presented.

Resolved:

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

109 **Declarations of Interest**

Cllrs Douglas, Hutton and Watts declared an interest in agenda item no. 7b being members of Chippenham Town Council. They declared they would participate in the debate and vote for the item with open minds.

Cllr Whalley declared an interest in agenda item no. 7b being a member of Corsham Town Council. He declared he would participate in the debate and vote for the item with an open mind.

110 **Chairman's Announcements**

There were no Chairman's announcements.

111 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

112 **Planning Appeals**

The Committee noted the contents of the appeals update.

113 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of applications **7b** as listed in the agenda pack.

114 **13/01495/FUL - Land East & West of Hill Hayes Lane, Hullavington, Chippenham, Wiltshire**

Public Participation

Don Queen and Dave Martin spoke in objection to the application.

Michael Armstrong spoke in support of the application.

Cllr Maggie Bawden, Hullavington Parish Council spoke in objection to the application.

The officer introduced the report which recommended that permission be granted subject to conditions. He confirmed that there were no issues with archaeology and that the access track would be permanent for the lifetime of the installation. The Committee's attention was drawn to the proposed landscaping to mitigate the visual impact and the design of the panels, being on spikes, giving it relatively easy reversibility. He noted the work done on the construction traffic route and the conditions around materials and construction.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that although estimates varied it was expected to generate power for approximately 2000 households. Clarification was sought on the cumulative visual impact and it was confirmed that at present there were no further similar applications coming and that each application would be considered on its individual merit. As the site connected straight to the grid there was no issue with upgrading of equipment. Issues around construction route traffic would be reported to enforcement officer and proposed measures included surveys of route and repair of damage which included the decommissioning phase

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

The local member, Cllr Jane Scott explained that whilst supportive of renewable energy, there was concern over both the visual impact of the site to the west and the proposed construction traffic route. She noted the closure of Pig Lane until new year for Network Rail work, and questioned whether Norton Parish Council had been consulted over the proposed route. She also highlighted the proximity of the airfield and queried whether discussions had taken place with the army who flew from there. She drew attention to the stubble in the current field and asked for a condition to seed the field with meadow grass prior to installation. The Committee's attention was also drawn to the ongoing negotiations around a local payment and how their negotiation powers would be affected should the Committee decide to grant the application.

In the debate that followed the need to understand the visual impact by way of a site visit was necessary in order to make a decision. It was confirmed that both the Ministry of Defence and the Civil Aviation Authority had been consulted on the proposal. Concern was raised over the impact on the local payment negotiations and it was suggested that Wiltshire Council should consider a future policy change which would allow the Council to give guidance to parish councils in this area. The establishment of seeded grass in the field was considered critical to allow the land to remain agricultural. Concern was raised over the type of fencing panel used being alien to the site and it was suggested that stock fencing would be more appropriate. The Committee felt it important to consider the Parish Council's views when making a decision.

In order to assess visual impact it was proposed that the application be deferred to enable a site visit to take place.

Resolved

To DEFER the application for Committee members to undertake a site visit to consider the visual aspect and impact and the scale and design of the proposed fencing.

115 **13/01018/FUL - Land Adjacent Focus DIY/A350 West Cepen Way, Methuen Park, Chippenham, Wilts**

Public Participation

Dr Bret S Palmer spoke in objection to the application,
Jonathan Adams spoke in support of the application

The officer introduced the report and drew the Committee's attention to the late observations which detailed the recommendation that permission be delegated to the Area Development Manager to grant subject to the signing of a Section 106 Agreement and subject to conditions. He noted that objections from consultees had been removed after revised plans had been submitted. He explained that the site was located in a prominent and important position being

one of the key gateways into the town. The section 106 agreement would fund the relocation of slow worms and grass snakes, and noted the timing issues around this. The Committee's attention was drawn to the significant design alterations made which reduced the visual impact. The employment and economic benefits arising from the development were highlighted and reference was made to the Council's recently adopted business plan and its priorities in this regard

The Committee then had the opportunity to ask technical questions of officers and it was explained that there was no such thing as precedent in the planning system, and as a consequence the height of the office building would be a material consideration in relation to other proposals in the locality if approved but that all applications must be considered on their own merits taking into account all such material considerations. Corsham and Chippenham Town Councils had not been specifically consulted over the colour scheme revisions including alternate coloured materials as they had not specifically objected on that matter. It was confirmed that the number of parking spaces had been looked at by Highways and considered appropriate for all uses on the site. There had been no concern raised over the impact of reflection from the Sun on drivers approaching from the south and the panels used were non-reflective.

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

As the application affected two divisions, two local members addressed the Committee. Cllr Philip Whalley, local member for Corsham Town welcomed the employment opportunities the proposal would generate and acknowledged the changes made in design to temper the appearance. He explained that the height of the building was unacceptable and should not exceed the height of the adjacent buildings. He also raised concern over the impact of queuing traffic as this was already a common problem. He asked the Committee to refuse the application on the grounds that the design, height and visual mass was unsuitable.

Cllr Peter Hutton, local member for Chippenham Cepen Park and the Derriads addressed the committee and explained he represented the residents affected. He raised concern over whether the design could be classed as 'landmark' and whether it would be a building residents could be proud of, given its location on an important and highly visibly gateway from Chippenham to the South West.

In the debate that followed a motion was moved and seconded to refuse the application on the grounds of scale and impact, quoting policies C4-3, C3-1 and 3, NE14 and NE8 paragraph 6.8.

The Committee's attention was drawn to the need to be precise as to the reasons for refusal and the relevant policy basis given the risk of an appeal with the potential award of costs. Whether the building was a 'landmark' building was considered subjective and the danger of refusal based on a subjective matter

was highlighted. The Committee were reminded of need to give weight to the business plan and other strategies, and in particular the second key action being to stimulate economic growth which all members had supported. Another material consideration was the core strategy being based on jobs and employment before housing. The building was described as distinctive, meaning it could be a landmark and its height was lower than the height previously indicated by a planning inspector as acceptable. Attention was drawn to the fact that buildings would be more visible during the winter months.

The legal officer present advised that planning inspectors on appeal would be unlikely to uphold a refusal of planning permission on the basis of the subjective opinion of the committee.

After consideration the motion to refuse was withdrawn.

A motion to grant in accordance with the officers report with a condition to restrict plant and machinery on the roof of the office building was proposed and seconded.

Cllr Hutton voted against the motion.

Resolved:

To delegate to the Area Development Manager to GRANT planning permission subject to the signing of the Section 106 Agreement.

Subject to the following conditions:

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

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

- 2. No development shall commence on 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.

POLICY-C3

- 3. Development of the B1 Office and A3/A5 Retail Units hereby permitted shall not commence on site until details of the design,**

external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure 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.

POLICY-C3

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

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

POLICY-C3

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

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

POLICY-C3

- 6. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an**

arboricultural consultant providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following: -

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2012
- A schedule of tree works conforming to BS3998.
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access road, bridge and exit road;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

POLICY-C3

7. A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the proposed work and working procedures prior to any demolition, site clearance and any development. Subsequently and until the completion of all site works, site visits should be carried out on a weekly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved

remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

POLICY-C3

8. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- (c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

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

REASON: To enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity.

POLICY-C3

9. No development shall commence on site until a landscape management plan, 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.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

POLICY-C3

10. The A350 access shall be used for the purpose of "Entry Only" and the A4 access shall be used for "Exit Only". No development shall commence on site until details of signs restricting the use of the access as above, have been submitted to and approved in writing by the Local Planning Authority. Those signs shall be erected prior to the development hereby permitted being first brought into use and maintained at all times thereafter.

REASON: In the interests of highway safety.

POLICY C3

11. No part of the development hereby approved shall be first brought into use until the parking areas shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. Those areas shall be maintained and remain available for this use at all times thereafter.

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

POLICY C3

12. The development hereby permitted shall not be first 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.

POLICY C3

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

- (a) The means of access to the site during each stage of construction;**
- (b) the parking of vehicles of site operatives and visitors;**
- (c) loading and unloading of plant and materials;**
- (d) storage of plant and materials used in constructing the development;**
- (e) the erection and maintenance of security hoarding including decorative displays and 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 works; and**
- (i) measures for the protection of the natural environment.**
- (j) hours of construction, including deliveries;**

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.

POLICY-C3

14.All building services plant and machinery shall be so sited and designed in order to achieve a rating Level of -5dB below the lowest measured background noise level, determined at the nearest noise sensitive receptor. Measurements and assessment shall be carried out in accordance with BS4142:1997

REASON: In the interests of amenity.

POLICY C3

15. Any proposals for external lighting at the site shall be subject to a lighting scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The lighting scheme shall comply with Environmental zone E2: Low district brightness areas, rural, small village, or relatively dark urban locations. The scheme should comply with guidance issued by the Institution of Lighting Engineers.

REASON: In the interests of amenity.

POLICY C3

16. Suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from the cooking operations on the premises. Details of the equipment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All equipment shall be installed in accordance with the approved details and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.

REASON: In the interests of amenity.

POLICY C3

17. Prior to the premises being brought into use, a scheme providing for the adequate storage of refuse shall be submitted to and approved by the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details, prior to the commencement of use, and shall be maintained at all times.

REASON: In order to minimise nuisance and safeguard the amenities of the area in which the development is located.

POLICY C3

18. There shall be no raising of existing ground levels on the site.

REASON: In the interests of visual amenity.

POLICY-C3

19. The development hereby permitted shall achieve a BREEAM (Building Research Establishment Environment Assessment Method) rating of 'very good'. The development shall not be first brought into use/occupied until the post-construction stage assessment and subsequent BREEAM Certificate certifying that

`very good' status has been achieved has been issued and a copy of the same submitted to the Local Planning Authority.

REASON: In the interests of the conservation of energy resources.

POLICY-C3

20. The mitigation measures – Translocation of Grass Snakes and Slow Worms - detailed in the approved Ecological Assessment Michael Wood Associates Dated 05/4/2013 shall be carried out in full prior to the first bringing into use and/or in accordance with the approved timetable detailed in the Ecological Assessment.

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

POLICY: National Planning Policy Framework paragraph 118.

21. No development shall commence on site until an ecological management plan, to include measures to enhance on site ecological features and site biodiversity, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details, before the development is first brought into use; or in accordance with the approved timetable detailed in the approved scheme.

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

POLICY: National Planning Policy Framework paragraph 118.

22. The development hereby permitted shall not be commenced until such time as a scheme to mitigate flood risk has been submitted to, and approved in writing by, the local planning authority.

Such a scheme to detail:

- 1. Flood plain compensation calculations on a level for level basis.**
- 2. Details of the bridge soffit level to be set no lower than around 59.1 metres AOD, to include indicative cross and long sections with levels.**

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

23.The development permitted by this planning permission shall only be carried out in accordance with the approved Site Plan Drawing SUB 2.0 Rev L dated 20.08.2013 by COUGAR and the following mitigation measures detailed within the FRA:

- 1.** Provision of 3.6m field access gates to provide access for watercourse maintenance machinery
- 2.** A minimum 5.0m buffer zone from the watercourse to facilitate safe access

24.The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To allow safe access of watercourse maintenance machinery and prevent the increased risk of flooding.

25.No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

26.The scheme shall also include:

- 1.** Details of how the scheme shall be maintained and managed after completion.
- 2.** Details of the culvert connected to the drainage ditch to the south of the A4 Bath Road.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

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

- 1006/6995/1B Topographical Survey 1:500@ (A1)**
- 1006/6995/1B Topographical Survey 1:200@ (A1)**
- SUB 1.0 Location Plan 1:1250 @ (A1)**
- SUB 2.0 Site Plan 1:500 @ (A1) L**
- SUB 3.0 B1/A3/A5 Ground Floor Plan 1:100 @ (A1) E**

SUB 4.0 B1 First Floor Plan 1:100 @ (A1) E
SUB 5.0 B1 Second Floor Plan 1:100 @ (A1) E
SUB 6.0 B1 Third Floor Plan 1:100 @ (A1) E
SUB 7.0 B1 Mezzanine Floor 1:100 @ (A1) E
SUB 8.0 B1/A3/A5 Roof Plan 1:100 @ (A1) E
SUB 9.0 A3-Drive-thru Plan 1:100 @ (A1) E
SUB 10.0 A3-Drive-thru Roof Plan 1:100 @ (A1) E
SUB 11.0 Existing Elevation 1:100 @ (A0) F
SUB 12.0 B1/A3/A5 West Elevation 1:100 @ (A1) F
SUB 13.0 B1/A3/A5 East Elevation 1:100 @ (A1) F
SUB 14.0 B1/A3/A5 North/South Elevation 1:100 @ (A1) F
SUB 15.0 A3 Drive-through Elevations + Sections 1:100 @ (A1) B
SUB 16.0 B1/A3/A5 Cross Section 1:100 @ (A0) E
SUB 17.0 B1/A3/A5 Long Section 1:100 @ (A0) E
SUB 18.0 Site Section 1 1:100 @ (A0) E
SUB 19.0 Site Section 2 1:100 @ (A0) E
SUB 20.0 Site Section 3 1:100 @ (A0) E
SUB 21.0 Visual Impact -1
SUB 22.0 Visual Impact -2
SUB 23.0 CGI – Site view from entrance - 3
SUB 24.0 CGI – Site view from exit - 4
SUB 25.0 3D studies A
Design & Access Statement + Addendum

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

POLICY-C3

28.A condition to restrict plant and machinery on the roof of the B1 office building, the wording of which to be delegated to officers.

INFORMATIVES:

1. 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.
2. 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.

- 3. 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.**
- 4. 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.**
- 5. 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.**
- 6. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent (Flood Defence Consent) of the Environment Agency is required for any proposed works (permanent or temporary) or structures (including any surface water drainage outfall) in, under, over or within 8 metres of the top of the bank of the Pudding Brook, designated a 'main' river. The need for this consent is over and above the need for planning consent. The applicant is advised to contact Daniel Griffin on 01258 483421 to discuss the scope of our controls.**
- 7. There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.**
- 8. There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.**
- 9. Drainage to soakaway from car parking areas for >50 spaces should be passed through an oil interceptor before discharging to ground. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to groundwater.**
- 10. Storage of domestic oil in above ground tanks >3500 litres must be undertaken on site in accordance with the Control of Pollution (oil**

storage) (England) Regulations 2001. Storage of domestic oil in above ground tanks <3500 litres must be undertaken in accordance with Approved Document J of the Building Regulations.

11. 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

116 **13/01191/FUL - Peterborough Arms, Dauntsey Lock, Chippenham, Wiltshire, SN15 4HD**

Public Participation

Ms Kath Hatton and Mr Andrew Chapman spoke in objection to the application. Richard Cosker and Lloyd Stephens spoke in support of the application.

The officer introduced the report which recommended that planning permission be refused. He noted Policy R6 of the adopted North Wiltshire Local Plan 2011 (Existing Local Shops and Services) being the primary policy consideration. The property had been included on the Community Assets Register and regard should be paid to the prospective viability of an alternative community-led arrangement.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that reasonable time frame for an alternative community-led arrangement would be six months.

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

The local member, Cllr Toby Sturgis then spoke in objection to the application.

In the debate that followed the Committee noted the need to support rural inns and pubs and agreed that an alternative community-led arrangement should be explored.

Resolved:

To REFUSE Planning Permission for the following reason:

On balance, the proposed development will result in the detrimental loss of a local service with a realistic prospect of viable community use and therefore conflicts with Policies R6 of the adopted North Wiltshire Local Plan 2011, CP49 of the emerging Wiltshire Core Strategy and Paragraph 28 of the National Planning Policy Framework.

117 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.03 - 8.40 pm)

The Officer who has produced these minutes is Kirsty Butcher, of Democratic Services, direct line 01225 713948, e-mail kirsty.butcher@wiltshire.gov.uk

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

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**Wiltshire Council
Northern Area Planning Committee
2 October 2013**

APPEALS UPDATE

There are No Forthcoming Hearings and Public Inquiries between 19/09/2013 and 30/04/2014

Planning Appeals Received between 03/09/2013 and 19/09/2013

Application No	Location	Parish	Proposal	DEL or COMM	Officer Recommendation	Appeal Type
12/03816/FUL	Land Adjacent to 57C Kington St Michael, Chippenham, Wiltshire, SN14 6JE	Kington St Michael	Detached House and Detached Double Garage.	DEL	Refusal	Written Representations

Planning Appeals Decided between 03/09/2013 and 19/09/2013

Application No	Location	Parish	Proposal	DEL or COMM	Appeal Decision	Officer Recommendation	Appeal Type
12/03740/FUL	Land off Stanier Road, Calne, Wiltshire	Calne	Erection of 34 Dwellings	DEL	Appeal Allowed	Refusal	Informal Hearing
12/00625/FUL	The Paddock, Hook, Swindon, Wiltshire, SN4 8EA	Lydiard Tregoz	Siting of Two Mobile Homes, Two Dayrooms & Hardstanding	DEL	Appeal Dismissed	Refusal	Informal Hearing

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Agenda Item 7

Northern Area Planning Committee

INDEX OF APPLICATIONS ON 02/10/2013

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
01	13/00477/FUL 13/00478/LBC	The Horse and Jockey, Gosditch, Ashton Keynes, Wiltshire, SN6 6NZ	Change of Use of former Public House and associated land and buildings, together with refurbishment and conversion works to form a single private dwelling. Works include the demolition of modern flat-roofed extensions and the construction of a first floor extension; construction of front garden dry-stone wall; removal of commercial fixtures and fittings; and general repairs and re-decoration throughout. Change of Use of Public House and Associated Land and Buildings to Residential, Refurbishment and Conversion Works to Form a Single Private Dwelling. Works include the Demolition of Modern Flat-Roofed Extensions and the Construction of a First Floor Extension; Construction of Front Garden Dry-Stone Wall; Removal of Commercial Fixtures and Fittings; and Repairs and Re-decoration Throughout.	Delegated to Area Development Manager Delegated to Area Development Manager
02	12/03809/FUL 12/03810/LBC	36 High Street, Sherston, Malmesbury, SN16 0LQ	Two Storey Rear Extension & Conversion of Outbuilding Two Storey Rear Extension, & Conversion of Outbuilding, Loftspace & Internal Remodelling	Refusal Refusal
03	13/01363/FUL	Newlands, Sutton Lane, Sutton Benger, Chippenham, SN15 4RR	Erection of 4 Bed Dwelling	Delegated to Area Development Manager

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	2 nd October 2013		
Application Number	N/13/00477/FUL & N/13/00478/LBC		
Site Address	The Horse and Jockey Public House, Gosditch, Ashton Keynes, SN6 6NZ		
Proposal	Change of Use of former Public House and associated land and buildings, together with refurbishment and conversion works to form a single private dwelling. Works include the demolition of modern flat- roofed extensions and the construction of a first floor extension; construction of front garden dry-stone wall; removal of commercial fixtures and fittings; and general repairs and re-		
Applicant	Whitehouse and Pears		
Town/Parish Council	Ashton Keynes		
Electoral Division	Minety	Unitary Member	Councillor Berry
Grid Ref	404215 193817		
Type of application	Planning permission and Listed Building Consent		
Case Officer	Sarah Gostling	01249 706664	sarah.gostling@wiltshire.gov.uk

Reason for the application being considered by Committee

At the Committee meeting on 29th May a decision was deferred in order to request additional information from the applicant on the marketing of the premises and for the Council to seek independent advice on viability.

1. Purpose of Report

To reconsider the above application, in the light of the independent consultant's report on marketing and viability and to recommend that planning permission and listed building consent be delegated to the Area Development Manager to grant, subject to the completion of a Section 106 Agreement and subject to conditions.

In addition to the marketing and viability report further information was received from the Parish Council on 28th May, giving a further, map-based and graphical breakdown of the community survey results.

The applications were previously reported as follows:

Ashton Keynes Parish Council strongly objects to the change of use, which would result in the loss of a valued local facility. The Parish Council take strength in this view from a survey of parishioners, (590 leaflets distributed, 159 responses received) which showed a substantial level of support for this facility. The Parish Council also has a number of issues with regard to viability, interest shown in the pub, intent of the applicants when pub purchased, sustainable economic development in villages and use of planning system to overcome a poor business decision.

Separately from the Parish Council survey fifteen letters in support of the application have been received together with three letters of objection.

2. Main Issues

The main issues in considering the application are:

- Principle of development/policy setting;

- The loss of services and community facilities;
- Impact on designated heritage assets, being: the character and appearance of the Conservation Area and the architectural and historic interest of the listed building;
- Impact upon neighbouring residential properties;
- Access and highways;
- S106 contributions.

3. Site Description

The Horse and Jockey, listed grade II, lies on the south side of Gosditch, some 400m to the west of the village centre, within both the conservation area and the settlement development framework. The principal building sits back from the lane frontage, an open, tarmac car park to the front, bounded to the east by single-storey outbuildings. To the rear and west of the building are generous, grassed garden areas.

The oldest part of the building is the original, 2.5 storey, early 18thC cottage. The rear, 1.5 storey range was added, and then extended, in 19thC. Records suggest that the building was a public house by the late 18thC. The stable range, which dates from this period, was converted to a skittle alley in 20thC and extended to link to the main building. Also during the 20thC flat-roofed extensions were added to the north and south elevations to extend the trading and back of house areas. The ancillary domestic accommodation currently comprises four rooms (3 bedrooms) on the first and second floors.

The public house ceased to trade and was closed by the brewery in October 2011. The internal fittings were removed, following which it was sold on the open market to the applicants.

4. Relevant Planning History		
Application Number	Proposal	Decision
11/03879 PRAP	Change of use of public house to residential dwelling	
12/01280 FUL	Change of use of ground floor of public house to residential	Withdrawn
12/01281 LBC	Internal alterations associated with change of use to residential	Withdrawn

5. Proposal

The proposal comprises the change of use of use of the buildings and grounds to form a single, six bedroom dwelling.

Physically this will entail: the demolition of the two flat-roofed extensions; the removal of any remaining commercial impedimenta both inside and out, including signage, lighting, a large part of the tarmac parking area and various internal fittings eg. wcs; the construction of a first floor extension to the rear to form a bedroom and ensuite; repair and restoration to external walls, including new door and window openings; internal alterations and repairs and construction of a stone boundary wall to the north and west boundaries.

The planning application is accompanied by both a marketing report (which outlines the steps taken to market the property and the response) and a viability report (which considers the prospects for a resumption of a pub business at the premises).

Marketing Report

The property was marketed by two agents, the salient figures being as follows:

Agent 1 – 938 notifications sent, 25 viewings, 3 offers received.

Agent 2 – 768 notifications sent, 127 enquiries received, 5 viewings, 1 offer, now withdrawn.

Viability Report

The viability report concludes that the re-opening and re-establishing of the Horse and Jockey as a pub business has no sound financial basis and would be highly unlikely to be successful. This is based upon:

- The building is in poor condition, closed for business. The costs of re-establishing the business, both repairs/alterations to the building and re-equipping to modern standards, would be substantial, making it financially non-viable.
- There is already a public house in the village and re-opening a second, similar business could threaten the existence of both.
- Within a three mile radius there are 9 other public houses all providing for a different sector of the market. There are no noticeable gaps in which a new business could establish itself. In the face of this substantial competition re-opening would be a very risky undertaking.
- The likely annual running costs are estimated to be in the order of £160,500. In the light of current competition and the past track record of the Horse and Jockey achieving this figure would seem highly improbable.

6. Consultations

Environmental Health Officer – No adverse comments.

County Environment Services - This development would generate a need for a Public Open Space contribution of £1,580. The target site would be Ashton Keynes Recreation Ground.

Highway Officer – No objection, subject to the imposition of conditions to secure: the completion and proper surfacing of the access and parking area and inward opening gates.

Senior Conservation Officer – Initial comments indicated that the proposals were likely to be acceptable in principle, subject to modifications to both the design of the extension and alterations and the specification of works. More detailed comments are contained in the section on the impact of the proposals on heritage assets.

Ashton Keynes Parish Council – The Parish Council object strongly to the proposals, which represent the loss of a valued local facility.

A survey of 590 parishioners was undertaken to gauge local views on: a) the attitude to loss of this pub, b) likelihood of residents using the pub if reopened and c) the potential of the village to support two pubs.

The number of respondents was 159 (27%) of whom:

60% (95) said it would matter to them to some extent if the pub were to close;

55% (87) said they would be likely to use the pub and

50% (79) said they thought the village could support two pubs.

The Parish has a number of observations about specific issues:

- The viability test has to be objective and needs to show that a different owner could not make a success of the business;
- The marketing report shows that there was significant interest in the facility and the council is aware of at least one individual who would be interested in running it as a pub;
- The applicants bought the premises with a view to conversion so little weight can be attached to their attempts to market it, especially when a number of offers were made only to be rejected by the applicants.
- Government policy stresses the need for sustainable economic development in villages. It is important Ashton Keynes maintains a level of economic activity within the village. The loss of employment caused by the change of use is therefore considered unacceptable;
- The facility was a pub when sold and the market price should have reflected its business value. If the applicants paid more on the basis of getting a change of use it is not for a public service to facilitate such speculation.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

Three letters of objection and fifteen letters of support have been received

Summary of key relevant points raised:

In objection

- The Horse and Jockey has always been the most popular of the three village pubs and has flourished for most of the past 33 years.
- Bad management, poor landlords and lack of investment by the pub company have caused the decline.
- The village needs and can support two pubs.
- Pubs are an important part of village life and should be protected at all costs.
- The Horse and Jockey could offer facilities such as parking, outside space, pub games and a different, more traditional approach than the White Hart. So it could garner trade from those for whom the White Hart is not suited.
- The property was obviously bought with the idea of turning a fast buck.

In support

- The structure, building services and kitchen all need substantial and expensive upgrading. It is therefore no surprise that a tenant was not found as the necessary investment is likely to outweigh commercial viability. It is unlikely to have been put up for sale if the pub company could have made a profit.
- Feel that it has been proven over the past ten years that the village cannot sustain two pubs as viable businesses. If the Horse and Jockey were to have a new landlord it would only be a matter of time before both pubs closed.
- The White Hart struggles to survive as it is.
- This potentially attractive building is now an eyesore, having it cared for and restored would be a more attractive outcome for the village environment. There is a precedent in The Plough in Back Street, which is now a fine residential property.
- To protect the historic building use as a private dwelling is the only option.
- The front wall should be only 1.5m, like others on the lane.
- The boundary wall should not be built until the building work is completed so that lorries can turn easily.

8. Planning Considerations

Policy setting

- Policies C3 (general development control criteria), HE1(Development in conservation areas), HE4(Development or alterations affecting listed buildings), H3(Residential development within framework boundaries), R6(Existing local shops and services) and CF3(Provision of open space) of the adopted North Wiltshire Local Plan 2011.
- Core Strategy Submission Draft July 2012 Policies 2(Delivery strategy), 49(Protection of services and community facilities), 52(Green infrastructure), 57(Ensuring high quality design and place shaping), & 58(Ensuring the conservation of the historic environment). The Wiltshire Core Strategy is at an advanced stage, being now in process of Examination. There are currently outstanding objections to a number of policies, including 49, therefore only limited weight can be given to the emerging policies as they stand.

- Structure Plan Alteration 2016 policies HE7 (seeks to safeguard heritage assets and the historic environment) & DP9 (within or adjoining settlements previously developed land should be used in preference to undeveloped)
- National Planning Policy framework, sections: 3 (supporting a prosperous rural economy), 6 (delivering a wide choice of high quality homes), 8 (promoting healthy communities) & 12 (conserving and enhancing the historic environment).

Principle of development

The Horse and Jockey lies within the framework boundary of Ashton Keynes, and residential use is therefore acceptable in terms of the Local Plan policies for residential development and the Core Strategy and NPPF presumption in favour of sustainable development.

The loss of services and community facilities

The proposal would result in the loss of a community facility.

Policy R6 of the Local Plan allows changes of use provided that the business is no longer viable and every reasonable attempt to market the premises has been made and that there are alternative local facilities within walking distance.

The Core Strategy policy 49 states that proposals involving the loss of a community service or facility will only be supported where it can be demonstrated that the site/ building is no longer viable for an alternative community use. Preference will be given to retaining the existing use in the first instance, then for an alternative community use. Where this is not possible, a mixed use, which still retains a substantial portion of the community facility/service, will be supported. Redevelopment for non-community service/ facility use will only be permitted as a last resort and where all other options have been exhausted.

In order for such proposals to be supported, a comprehensive marketing plan will need to be undertaken and the details submitted with any planning application. Only where it can be demonstrated that all preferable options have been exhausted will a change of use to a non-community use be considered. It is acknowledged that pub closure is a national trend, which is likely to continue unless their viability can be improved by encouraging sustainable communities and by taking a hard line on change of use applications. However the latter will not work without the former.

The NPPF requires that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

The community facilities currently available in Ashton Keynes comprise a village shop, hall, primary school, two pubs, one currently trading and a sports field and pavilion, which is available for private functions.

The marketing report has shown that, although the prospect of running a village pub is an attractive one, the particular circumstances of the Horse and Jockey have been sufficiently challenging to put off the vast majority of enquirers. The reasons behind this are suggested in the viability report: the cost of reinstatement, the high level of local competition, the presence of another pub in the village and the uncertainty, given past performance and current competition, that the business could be sustained.

It is therefore considered that a satisfactory case has been made that the business is no longer viable and that re-opening could jeopardise the future of the remaining public house, the White Hart. The White Hart is within walking distance of the Horse and Jockey and, indeed, given its position in the village centre, it is more accessible to the village at large. So there is an alternative facility nearby and the community's ability to meet its day-to-day needs (as required by the NPPF) would not be reduced.

The emerging Core Strategy has more onerous criteria, requiring alternative community uses to be considered prior to change of use to non-community uses. As highlighted above this policy

remains subject to objections and therefore only limited weight can be accorded to it in its present form.

As outlined above Ashton Keynes is considered to have a full range of the type of community facility which could be expected to be supported by a large village. Accordingly it is felt to be unlikely that an alternative community facility could be found to occupy the building and to the extent that would provide for its satisfactory future maintenance.

Impact on designated heritage assets, being: the character and appearance of the Conservation Area and the architectural and historic interest of the listed building

The Local and Structure Plan policies (HE1, HE4 & HE7) seek to ensure that the significance of heritage assets is protected; that the character and appearance of conservation areas is preserved or enhanced and the special architectural or historic interest of listed buildings and their settings are preserved.

Core Strategy policy 58 encapsulates how development should protect, conserve and, where possible, enhance the historic environment. The NPPF requires local authorities, inter alia, to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The optimum viable use will fund future maintenance and cause least harm to the significance of the asset (English Heritage).

Originally constructed as a dwelling the Horse and Jockey has been a public house for a considerable period of time. Originally built in two phases (18thC & 19thC) the most significant period of alteration of the original fabric has been in the latter part of the 20thC. Flat roofed extensions to front and rear, removal of internal, and parts of external, walls at ground level, a pitched roof extension to the east side, internal fittings and a tarmac surfaced car park; all have, to a greater or lesser extent, compromised the significance of this historic building and its setting. In recent time there has been a lack of investment in the fabric of the property which now requires considerable repair and refurbishment.

It is of considerable importance in conserving heritage assets that they are found a viable, long-term use, which can sustain their long-term maintenance. It is apparent that the public house use has ceased to generate sufficient funds to guarantee continuing investment in the building, accordingly, from an historic buildings point of view, the proposal to convert the building to residential would secure its long-term future.

The detailed proposals for the demolition of the flat roofed extensions, reinstatement of external walls, new first floor extension, alterations and repair/refurbishment have been the subject of detailed discussions with a senior conservation officer, and the proposals have been amended. The extension will be clad in stone to the rear elevation and render to the side under a natural slate roof, set below the existing ridge of the rear range. The openings where the flat roofed extensions are removed will be rebuilt in stone, with new windows and doors inserted. The internal plan form remains much as existing except for the removal of the pub toilets to accommodate the kitchen and the insertion of a bedroom and ensuite at the end of the former skittle alley in the stables.

The proposals will achieve significant enhancements of the building, by repairing the fabric and removing modern additions and paraphernalia which have obscured the historic form and detracted from the appearance of the building, its setting and the wider conservation area. The new extension and alterations have been designed to be subservient to the historic ranges of the building, enabling the historic progression to be read. They will enhance the accommodation and facilities whilst preserving the architectural and historic interest of the building.

It is proposed to remove of a large area of tarmac to the front of the property and to erect a natural stone boundary wall to the north and west of the site. There are already a number of stone boundary walls, with and without hedges, along Gosditch and the new walls will reinforce this characteristic and will greatly enhance both the setting of the building and the wider conservation area.

Impact upon neighbouring residential properties

The Horse and Jockey is situated centrally in its plot, in an area which is otherwise entirely residential, at some remove from the neighbouring properties. It is considered that there would be no detriment to the amenities of neighbouring occupiers should the residential use be permitted. Indeed, it could be anticipated that there would be an enhancement of residential amenities due to the reduction in traffic and potential disturbance.

Access and highways

County Highways raise no objection now that the access and parking proposals have been amended to come solely from Gosditch, rather than from the access drive to the residential properties behind. Two highways conditions are proposed.

S106 contributions.

Policy CF3 of the Local Plan requires new housing development to make provisions for open space. Where it is not possible to make that provision directly the Council will accept financial payments to remedy deficiencies in the quality or quantity of that space.

County Environment Services have identified that the development would generate a need for a Public Open Space contribution of £1,580. The target site would be Ashton Keynes Recreation Ground.

9. Conclusion

Officers are satisfied that the business is no longer viable and every reasonable attempt to market the premises has been made. It is accepted that the future of the remaining active pub in the village could be compromised by the re-opening of the Horse and Jockey.

It is considered that a full range of conveniently sited, community facilities would remain available to the residents of Ashton Keynes and that, given the existing level of provision, it is unlikely that an alternative community use could be found to utilise the building on a full-time basis, sufficient to secure its long term maintenance.

The proposal is acceptable in the context of the surrounding area and indeed, would result in significant enhancements to the historic building, its setting and the conservation area, whilst not impacting upon residential amenity.

Sufficient car parking and manoeuvring space is provided within the site and the development would not be detrimental to pedestrian or highway safety.

Independent Marketing and Viability Report

The report considers whether the Horse and Jockey, as a closed public house, could be a viable concern and whether the marketing of the property on the basis of it continuing as a trading public house has been adequately and realistically carried out. A summary is outlined below:

Marketing – The premises were marketed by two agents; Melrose Commercial and Licensed Property and Sidney Phillips. Melrose received one offer, which was withdrawn when details of funding were requested. Sidney Phillips received three offers which were not acceptable; two showed virtually no value to the freeholder and their rejection was therefore reasonable, and the third had insufficient funding and an unrealistic business plan, relying on a high level of wet sales which, it is believed, would not be achievable.

Competition and prospects – Ashton Keynes currently has another public house, the White Hart, in the village centre, in a prominent position. It is open and trading successfully. Although the Horse and Jockey premises are more suited to pub use, having extensive parking and a large garden to the rear, the existence of the White Hart means that it would be difficult for two pubs to thrive in such close proximity in the same village.

The major problem in bringing the Horse and Jockey back into operation is the very considerable expense of repair, updating and re-launching, estimated to be in the order of £100,000. It is unlikely that either a purchaser or a tenant could be found willing to make this investment.

Viability – The bar and restaurant areas are very small and would be unlikely to generate a turnover that would justify the sort of investment required to bring the property back into public house use. The report illustrates this with a calculation based on minimal rental, refurbishment and remuneration costs. Even on this basis these costs would generate a requirement for a turnover of at least £175,000 per annum (60% food, 40% wet sales). Given the limited size of the premises and the presence of serious competition in the village these figures are considered unattainable.

Conclusions –

- It is considered that the White Hart is an adequate alternative facility, within walking distance of the subject premises.
- Melrose Commercial and Licensed Property and Sidney Phillips have between them marketed the property for six months and have been unable to find a tenant.
- Under the prevailing circumstances and given the poor condition of the building, together with the need for a complete refurbishment, to re-open is essentially an unviable proposition.

Report Conclusion

In the light of the independent report on marketing and viability officers confirm that they are satisfied that the business is no longer viable and every reasonable attempt to market the premises has been made. It is accepted that the future of the remaining active pub in the village could be compromised by the re-opening of the Horse and Jockey.

It is considered that a full range of conveniently sited, community facilities would remain available to the residents of Ashton Keynes and that, given the existing level of provision, it is unlikely that an alternative community use could be found to utilise the building on a full-time basis, sufficient to secure its long term maintenance.

The proposal is acceptable in the context of the surrounding area and indeed, would result in significant enhancements to the historic building, its setting and the conservation area, whilst not impacting upon residential amenity.

Sufficient car parking and manoeuvring space is provided within the site and the development would not be detrimental to pedestrian or highway safety

The development is considered to comply with the relevant provisions of the NPPF, the Wiltshire Structure Plan Alteration 2016, policies C3, HE1, HE4, H3, R6 & CF3 of the North Wiltshire Local Plan 2011 and the Wiltshire Core Strategy February 2012.

Recommendation

In respect of 13/00477/FUL

Authority to grant planning permission be DELEGATED to the Area Development Manager, subject to the signing of a Section 106 agreement; and

subject to the following conditions:

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

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

2. No development shall commence on site until sample panels of stonework for the walling to the house and boundaries, not less than 1 metre square, have been constructed on site, inspected and approved in writing by the Local Planning Authority. The panels shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved samples.

REASON: In the interests of the listed building, its setting, visual amenity and the character and appearance of the area.

3. No development shall commence on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of the listed building, its setting, visual amenity and the character and appearance of the area.

4. Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
- (ii) Large scale details of all internal joinery (1:5 elevation, 1:2 section);
- (iii) Full details of proposed rooflights, which shall be set in plane with the roof covering;
- (iv) Large scale details (1:5) of new chimney stack;
- (v) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- (vi) Full details of proposed meter and alarm boxes;
- (vii) Large scale details of proposed eaves and verges (1:5 section);
- (viii) Full details of proposed internal service routes;
- (ix) Full details of rainwater goods which shall be in cast metal;
- (x) Full details of external decoration to render, joinery and metalwork; and
- (xi) Full details and samples of all external materials;
- (xii) Large scale details (1:10) of the boundary wall.

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

REASON: In the interests of preserving the architectural and historic interest of the listed building and its setting.

5. The works shall be carried out in accordance with the approved Outline Specification of Work Rev. 17 April 2013.

REASON: In the interests of preserving the architectural and historic interest of the listed building and its setting.

6. Prior to the first use or occupation of the development hereby permitted all external signage, lighting, aerals and other commercial paraphernalia shall be removed from the buildings and their cutilage.

REASON: In the interests of the listed building, its setting, visual amenity and the character and appearance of the area.

7. 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;

REASON: To ensure a satisfactory landscaped setting for the listed building and the protection of the character and appearance of the conservation area.

8. 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 listed building and the protection of the character and appearance of the conservation area.

9. No part of the development hereby permitted shall be first brought into use/occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The parking and turning area shall be properly consolidated and surfaced (not loose stone or gravel). The areas shall be maintained for those purposes at all times thereafter.

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

10. Any gates shall be erected to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

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

Outline Specification of Work dated 17 April 2013; Location plan and 12.10.14, .15, .16 & .17 all dated 14 February 2013; Site plan 12.10.19B dated 29 April 2013;

12.10.20D, .21D, .22C & .23D all dated 07 May 2013.

REASON: For the avoidance of doubt and in the interests of proper planning, the listed building and its setting.

In respect of 13/00478/LBC

Listed Building Consent be DELEGATED to the Area Development Manager as works include those consequent upon the change of use.

Reason for granting Permission:

The proposed works of rehabilitation and extension, will enhance the essential architectural and historic character of the building and its setting and bring it back into beneficial use, in accordance with S.16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the National Planning Policy Framework.

Subject to the following conditions:

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
- (ii) Large scale details of all internal joinery (1:5 elevation, 1:2 section);
- (iii) Full details of proposed rooflights, which shall be set in plane with the roof covering;
- (iv) Large scale details (1:5) of new chimney stack;
- (v) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- (vi) Full details of proposed meter and alarm boxes;
- (vii) Large scale details of proposed eaves and verges (1:5 section);
- (viii) Full details of proposed internal service routes;
- (ix) Full details of rainwater goods which shall be in cast metal;
- (x) Full details of external decoration to render, joinery and metalwork; and
- (xi) Full details and samples of all external materials;
- (xii) Large scale details (1:10) of the boundary wall.

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

REASON: In the interests of preserving the architectural and historic interest of the listed building and its setting.

3. No works shall commence on site until sample panels of stonework for the walling to the house and boundaries, not less than 1 metre square, have been constructed on site, inspected and approved in writing by the Local Planning Authority. The panels shall then be left in position for comparison whilst the works are carried out. The works shall be carried out in accordance with the approved samples.

REASON: In the interests of the listed building and its setting

4. No works shall commence on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the works are carried out. The works shall be carried out in accordance with the approved sample.

REASON: In the interests of the listed building and its setting.

5. The works the subject of this consent shall be carried out in accordance with the following approved plans:

Outline Specification of Work dated 17 April 2013;
Location plan and 12.10.14, .15, .16 & .17 all dated 14 February 2013;
Site plan 12.10.19B dated 29 April 2013;
12.10.20D, .21D, .22C & .23D all dated 07 May 2013.

REASON: For the avoidance of doubt and in the interests of the listed building and its setting.



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The representation of features as lines is no evidence of a property boundary.



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Public Footpaths AKEY 29 and 14

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	02 October 2013		
Application Number	N/12/03809/FUL & N/12/03810/LBC		
Site Address	36 HIGH STREET, SHERSTON, MALMESBURY, SN16 0LQ		
Proposal	Two Storey Rear Extension & Conversion of Outbuilding		
Applicant	Mr & Mrs Breakspear 36 High Street Sherston Malmesbury Wiltshire SN16 0LQ		
Town/Parish Council	Sherston		
Electoral Division	Sherston	Unitary Member	John Thomson
Grid Ref	385288 185757		
Type of application	Full Application		
Case Officer	Mark Staincliffe	01249 706682	mark.staincliffe@wiltshire.gov.uk

Reason for the application being considered by Committee

To consider the impact of the development on the conservation area and surrounding properties.

1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED.

Sherston Parish Council raised no objection to the application. Two letters of support and one letter of objection were received from neighbouring properties.

2. Report summary

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

- Principle of development
- Impact on the character and appearance of the listed Building and character of the Conservation Area
- Impact on the privacy and amenity of existing neighbours

The application has generated no objection from the Parish Council; 1 letter of objection and 2 letters of support from the public.

3. Site Description

36 High Street is a Grade II Listed Building constructed in the 17th Century with 19 and 20 Century alterations, including an unsympathetic two storey flat roof extension. The property is located

within the Sherston Conservation Area and is in close proximity to other listed buildings, including numbers 32, 34 and 38 High Street.

4. Planning History

No relevant planning History

5. Proposal

Permission is sought for the construction of a large two storey rear extension, loft conversion with single dormer and the conversion of an existing outbuilding to habitable accommodation. It is also proposed to link the converted outbuilding to the principal dwelling by way of a modest single storey rear extension.

The proposal would provide additional ground floor accommodation and an additional bedroom. No alterations are proposed to the existing parking arrangements.

6. Planning Policy

North Wiltshire Local Plan: policies C3, HE1, HE4, NE4 & H8

Central Government Planning Policy: National Planning Policy Framework

7. Consultations

Sherston Parish Council-
No objection

Conservation-

- The extension is of excessive size in relation to the original building. The scale of the existing extension is still subservient to the original cottage, whereas the size of the proposed extension would mean that the extensions would be larger than the original building and would dominate it to an unacceptable degree.
- In addition, as shown, the extension has an unfortunate relationship with the neighbouring listed buildings to the south-west, cutting into the eaves. This would cause quite unjustified damage to that building and, moreover, consent for this is not explicitly sought.
- In order to maintain appropriate proportions I consider that the two-storey element should not extend further than the line of the two-storey rear gable of the adjoining property to the south-west, some 2.2m. The ground floor extension should not intrude upon the wall or gutter of the single storey range of the listed building to the south-west, so needs to be set in somewhat.
- This failure to sustain or enhance the significance of the heritage asset will be contrary to policy as expressed in para.131 of the NPPF. Para. 134 requires that where a proposal will lead to less than substantial harm the harm should be weighed against the public benefit of the proposal. In my view there is no mitigation provided by public benefits in this case, as the building already has a viable use. The proposal is therefore contrary to the provisions of the NPPF and thereby fails to be sustainable.

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

2 households have supported the application and one household has objected to the application.

Summary of key relevant points raised;

- Height and size of extension will result in loss of sunlight and daylight to number 34
- Loss of privacy to number 34

- Noise disturbance during construction
- Highway safety during construction
- Good quality, sympathetic design

9. Planning Considerations

Principle of development

The original plans were amended to overcome concerns raised by officers. These amended plans saw changes to the dormer window, alterations to the converted outbuilding and changes to the link between the outbuilding and rear extension. These changes are considered acceptable, however, the amended plans have not overcome the fundamental objection to the size, mass and bulk of the two storey rear extension.

The site is situated within the village boundary of Sherston wherein the principle of extensions to existing residential properties is acceptable. The proposal is for a residential extension to a Grade II Listed Building which is located within the Cotswolds Area of Outstanding Natural Beauty and Sherston Conservation Area. As such, any extension to this residential property has to be considered against Policies C3 (Development Control Policy), HE1 (Development in Conservation Areas), HE4 (Development, Demolition or Alterations involving Listed Buildings), H8 (Residential Extensions) and NE4 (Areas of Outstanding Natural Beauty) of the adopted North Wiltshire Local Plan 2011 and Sections 6 & 12 of the NPPF. These policies and guidance allow for household extensions in principle.

Impact on the character and appearance of the listed Building and Conservation Area

Although it is accepted that the mid 20th Century extension does not add to the overall value of the building, its flat roof and modest proportions ensures that a clear distinction has been made between it and the much older parts of the building. The construction of a much larger rear extension which extends past the two storey projection constructed at the adjacent property would appear as a continuation of part of the original roof, this addition, if allowed, would blur the distinction between these separate elements and makes the extension more obvious. This needs to be balanced with the effect of providing a pitched and tiled roof which, in the most general of terms, is in keeping with the overall character of the building. However, in this respect, the introduction of such a large two storey rear extension and pitched roof would be an incongruous addition which appears out of place and would dominate this attractive and modest property.

The scale of the existing extension is relatively modest and subservient to the original cottage, whereas the size of the proposed extension would dominate it to an unacceptable degree. It is noted that a pitched roof is an improvement on the existing flat roof, however this must be balanced against the harm caused to the building due to such a large extension.

This failure to preserve or enhance the significance of the heritage asset is contrary to policy as expressed in paragraph 131 of the NPPF, which emphasises the desirability of sustaining and enhancing the significance of the heritage asset. Paragraph 134 requires that where a proposal will lead to harm to a listed building the harm should be weighed against the public benefit of the proposal. It is considered that there is no mitigation provided by public benefits in this case, as the building already has a viable use. The proposal is therefore contrary to the provisions of the NPPF.

Notwithstanding the efforts that have been made in ensuring that the materials of the extension match the older parts of the property, the result is that the modesty of this original property would be lost if permission was granted for this extension. It is considered that the proposed two storey rear extension unacceptably disrupts and dominates this rear elevation and therefore fails to preserve the special interest of the listed building.

It is considered that the existing building makes an important contribution to the character and appearance of the conservation area and this group of listed buildings. Although views of the proposed extension are very limited from outside the site, its importance can be appreciated from

within the site itself. In this respect, the works fail to either preserve or enhance the character or appearance of the conservation area which is a requirement of local and national planning policy.

Furthermore, the proposed two storey rear extension will be built onto the existing party wall with number 38 (also a listed building). If granted permission, the construction of the extension would result in the removal of the existing eaves overhang and guttering of the single storey projection to number 38. The removal of this eaves detailing is considered to be unacceptable as this detailing is a character of these properties. It is also important to note that the remaining eaves overhang to the single storey rear extension would remain and this would further harm the character and appearance of this group of listed buildings. It is also noted that no details of the proposed guttering between the properties has been provided. To deal with this detail by way of condition is unsatisfactory as it is difficult to establish how an acceptable gutter could be installed that would preserve or enhance the character of the Conservation area and listed buildings.

Impact on the privacy and amenity of existing neighbours

As acknowledged above, the proposed two storey rear extension is large. Having taken into consideration the size, design and scale of the proposed extensions and the layout of existing properties within the street scene it is considered that the development will not have an overbearing impact on adjoining properties.

Objections have been raised by number 34 High Street in relation to loss of privacy from the proposed dormer window. It is accepted that there will be an element of overlooking, however, the level of overlooking would be minimal and not significantly worse than the level of overlooking currently experienced from adjoining properties windows. It is considered that a reason for refusal based on privacy concerns would be difficult to sustain at an appeal.

An objection has also been received in relation to noise disturbance during construction of the development. If permission is granted for development there is an expectation that an element of noise disturbance will occur. However, legislation outside of the planning system would adequately control noise on site and the hours that work on site can take place. It would be difficult to sustain a reason for refusal based on noise disturbance.

Highways

The concerns raised by a local resident in relation to highways safety during construction are noted. However, it would be difficult to sustain a reason for refusal on this ground. Furthermore, should planning permission be granted for the development this issue could be adequately controlled by condition.

10. Conclusion

The construction of the large two storey rear extension is not acceptable. The property and many adjoining properties are listed buildings and form an important part of the historic fabric, character and setting of the heritage asset. The construction of the two storey rear extension will have an adverse impact on the character and setting of this listed building and the surrounding conservation area. The existing property makes a substantial, positive contribution to the character and appearance of the conservation area. The proposal is contrary to policies contained within the North Wiltshire Local Plan and the NPPF and refusal of the planning application is recommended.

11. Recommendation

N/12/03809/FUL

Planning Permission be REFUSED for the following reason:

The property is a Grade II listed building. Policy HE4 of the North Wilts Local Plan states that 'Development or alteration affecting a listed building will only be permitted where it preserves or enhances the building, its setting and any features of special architectural or historic interest that it possesses'

The construction of such a large and deep two storey rear extension and adjacent to another listed building would be harmful to the architectural and historic quality of the building, adjacent dwelling and character and appearance of the Conservation Area. The development is therefore contrary to the S.66(1) and S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the National Planning Policy Framework; the provisions of the development plan contained in Policy C3, HE1 & HE4 of the North Wilts Local Plan and Core Policy 57 & 58 of Wiltshire's Pre-Submission Core Strategy.

N/12/03810/LBC

Listed Building Consent be REFUSED for the following reason:

The construction of such a large and deep two storey rear extension and adjacent to another listed building, would be detrimental to the architectural and historic interest of the building and of the adjacent, listed dwelling, thereby causing harm to the heritage assets. The works are therefore contrary to the S.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the National Planning Policy Framework.

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	2 October 2013		
Application Number	N/13/01363/FUL		
Site Address	Newlands Sutton Lane Sutton Benger Chippenham SN15 4RR		
Proposal	Erection of 4 bed dwelling		
Applicant	Mr B Heath & Mrs D Evans		
Town/Parish Council	Sutton Benger		
Electoral Division	Kington	Unitary Member	Howard Greenman
Grid Ref	394962 178637		
Type of application	FULL		
Case Officer	Mandy Fyfe	01249 706638	mandy.fyfe@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been referred to the Northern Area Planning Committee following a call in by the Ward Member on the grounds scale of development, design- bulk, height and general appearance and environmental/highway impact

1. Purpose of report

To consider the above application and to recommend that authority be delegated to the Area Development Manager to GRANT planning permission subject of the signing of S106 Agreement with conditions.

2. Report summary

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

- Impact on the character and appearance of area
- Affect on the privacy and amenity of existing neighbours and potential occupants
- Affect on highway safety
- Affect on prohibited species
- S106 Agreements

The application has generated objections from Parish Council; and 8 letters of objection from the public.

3. Site Description

Newlands is a detached Bradstone bungalow situated to the north of Church View which is a private road leading off Sutton Lane in Sutton Benger. Newlands has a vehicular access onto Church View as well as a long garden that backs onto a track also leading to Sutton Lane to the north. This track which is unmade, very narrow and is not adopted also provides vehicular access to five dwellings which have their rear gardens backing onto this

track. There is also a garage building belonging to No 5 that abuts the access so further restricting its width near the entrance of it onto Sutton Lane. Along the northern boundary of Newlands is a hedge and picket gate which currently forms a rarely used access. The width of the plot is about 20m with a total length of 60m. Of that the rear garden has a depth of about 39m. Within the rear garden is a greenhouse and another shed. Either side of the garden are timber boundary fences. To the east is the garden area of 1 Sutton Lane and to the west is mostly garden of Jasmine Lodge and Conifers which are both Bradstone bungalows that face onto Sutton Lane. Immediately to the west of the unused access is a pre-fabricated garage and area of gravel that also belongs to Jasmine Lodge as does the boundary fence along this party boundary.

The property is not within the Sutton Benger Conservation Area, but is adjacent to it instead as the boundary is the track and some of the rear garden of No 1 Sutton Lane. It would appear from the Council's records that the existing boundary hedge as well as the rest of the rear garden of Newlands is not within this conservation area.

5. Proposal

The proposal is to divide the rear garden into two and erect a detached two storey four-bedroom dwelling and an attached garage in the northern portion. It should be noted that the original plans indicated a three bedroom dwelling, but revised plans have now been submitted that shows four bedrooms instead. The dimensions of the application site are approximately 30m deep by about 20.2m wide. The proposed garden depth for the new dwelling would be 14m, whilst that would remain for Newland would be about 9m deep. A new enlarged vehicular access would be constructed in the northern boundary to allow for vehicle parking in front of the proposed dwelling which would be set back 8.8m back from this boundary.

The proposed dwelling which would be sited centrally in the plot which would have a floor area of 165.2m² with a depth of 6.8m by 11.2m wide. An attached garage of 19.3m² is also proposed to be attached to the west elevation of the dwelling. The eaves height would be 5m and the ridge 8.6m. The proposed design would be traditional in appearance with natural stone to the frontage facing the track with the rest of the elevations in block and render. Originally the plans showed that natural slates were proposed for the roof, but the agent has agreed to use Double Roman Clay tiles instead. UPVc casement windows are proposed too.

An attached garage is proposed that has a floor area of 17m², as this is under the Council's parking standards requirement of 18m², it cannot be considered as a garage for parking purposes. The agent has been asked to enlarge it accordingly. However the scheme shows that much of the front garden area would be down to parking and there would be sufficient space for three cars to park here.

6. Planning Policy

North Wiltshire Local Plan: C3, NE9, NE14, H3, H6, CF3

Central Government Planning Policy: National Planning Policy Framework: Paragraphs 7, 17, 28, 49, 55, 56, 60, 61, 64 and 118.

7. Consultations

Sutton Benger Parish Council: Object to this application on the grounds that the:

- building is large and overpowering which is out of context with the other buildings in the area

- would expect to see a height restriction in order to ensure that the surrounding accommodation most of which are bungalow do not have their privacy or daylight compromised
- slate roof does not fit in with other roofing materials used by surrounding accommodation which is largely reclaimed clay tiles and Bridgewater tiles
- large yew hedge is not shown on plans and concerned that this has not been assessed by Case Officer
- Query the Fire Officer's calculates the S106 contribution to be zero (£76.13 is actually shown on submitted document from Fire Service), however with this new residence planned and looking at the calculations the Parish Council believes the new house should generate some S106 funding. Request that this is looked into.

•
Highways: *Original Comments:* I have visited the site and am happy with the principle of an additional dwelling taking access from the private access track. I am satisfied that the access onto (Newlands) is acceptable for additional movement associated with the dwelling. No objection subject to a condition on sight lines. I would like to see some improvement to the location of proposed access and this can be achieved by cutting back the existing hedgerow. In summary I wish to raise no highway objection subject to a condition.

Revised comments (1): I have taken notice of the fence when I visited the site, but I am satisfied that given the small number of vehicle movements in and out of the road, I am happy that there should be no be any significant detriment to users of the track and house accesses.

Revised comments (2): I would be happy for the condition to be removed given the nature of the private access track as I am not worried if the visibility remains as it is currently is. However, if an improvement can be made to the east that would be worthwhile. The plan shows what can be achieved which is a hedgerow free of obstruction at/above 600mm across the area of land that they own. I would not raise an objection on the visibility to the west given the low traffic movements and speeds of vehicles using the private access track.

Revised comments (3): I realise that to the west, there is no control, but this was not helped by the plans showing a splay on land that he has no control over. It is acknowledged that this is the direction of vehicle movements, but in reality it will only really be the end of two dwellings that will be passing the new access and the speed of the vehicles will mean that there should be adequate time for vehicles to be aware of each other. I am not insistent upon a visibility splay to the west.

Affordable Housing: This application triggers an affordable housing requirement of £26,000 under Policy H6 of the saved and adopted North Wiltshire Local Plan 2011. There are currently 32 households seeking affordable housing (rented and shared ownership in Sutton Benger and the surrounding villages according to the Housing Waiting List statistics.

Public Open Space: A four bedroom dwelling would either have to provide onsite amenity land or as it is less than 10 dwellings it would be appropriate for a contribution to improve local existing amenity land and or play areas. In this case it would be unreasonable to require the developer to provide a local park or Locally Equipped Area for Play (LEAP), so an offsite contribution will be required. This development generates a need for £7,407.42 in offsite Open Space Contribution to be used to upgrade facilities at Chestnut Road Recreation Ground. The contribution would be secured by a S106 Agreement.

Council's Ecologist: At 0.07ha in area, this application is below the threshold that the Council would normally require a protected species survey (other than for applications that affect existing buildings). Most of the records held by the Wiltshire and Swindon Biological Records Centre within a 1km radius of the site are for badgers and bats – neither of which is likely to present a constraint for this site.

It is possible that the site supports slow worms, but given the size of the plot, the numbers will be low. The developer will need to take the necessary precautions when clearing the site to ensure that it does not breach the Wildlife & Countryside Act 1981 (as amended) and it is suggested that an informative is added to bring it to the developer's attention. Likewise the removal of shrubs or trees should be undertaken outside of the bird nesting period or else immediately after a survey by a competent person who has confirmed that no nesting birds are present. This can be covered in an informative.

There are no records for great crested newts within 1km of the site and I am not aware of any ponds that are suitable to support a breeding population of this species within 100m of the application site. I would not therefore require any further assessment to be made for this species especially given the small scale of the works. If such a pond was present, then we would need to require the developer to produce a working method statement to demonstrate how impacts to newts would be avoided because this particular species is protected by the Habitats Regulations 2010.

8. Publicity

The application was advertised by press advert, site notice and neighbour consultation.

9 letters of letters of objection received of which five were for the original plans and four since the first revised plans received.

Summary of key relevant points raised:

- Design & Access Statement includes ..."*from an altered access vehicular access from a dead end road*" when in fact the access to the proposed building will be via an unmade track not a road which already supports four 3No & 4No bedroom dwellings and as such is already very congested.
- Further traffic and especially construction traffic will be cause additional wear and tear on this track and increase the amount of traffic accessing Sutton Lane which is a blind junction increasing the risk of further accidents as there have been various near misses in the past 18 months. Concerned that proposal will cause vehicles to park on track and obstruct other track users.
- Owners of the properties which use this track keep it repaired as it not adopted and keep their vehicles off the track to prevent obstructing it.
- The track will definitely not support heavy contractor's vehicles in the building of this house as even the Council HGV's do not come down the track to collect the rubbish.
- Sutton Lane is used by large articulated vehicles serving the chicken farm and other businesses and also for coaches collecting children from the primary school
- Access shown on the plans to the proposed access is currently a small parking area used for a trailer and is only available as a pedestrian access to the existing property, as the occupier did not have car, could not drive and therefore there is no precedent for a vehicular access
- Could address these problems by using the existing vehicular access for Newlands instead off Church View which is metalled

- The plans state that there no hedges or trees on the property – that is incorrect as there is a mature yew hedge between the track and site which has been used for nesting birds over the years.
- Note that plans show that dwelling would have UPVC joinery for windows. However I could not replace my windows with UPVC why was this?
- Can the village infrastructure support another dwelling as it would be useful to know where the proposed route of water, rainwater and sewage pipes as there are no services along this track – all the services for 1-5 Sutton Lane are along the B4069. Also the Primary School is full
- Question the need for such a large house in area as this is going to ruin the outlook for the surrounding properties as these are mainly bungalows and the development would overlook them.
- Impact on the wildlife: song birds, newts and slow worms live in the vicinity.
- Incorrect that there are no trees on the plot when there are a large hornbeam and 3No conifers including a Pyracantha hedge and a yew tree next to the track. According to the plans, this Pyracantha hedge and yew tree are to be felled to make way for the entrance to the site and replaced by a wall given less privacy to 2 Sutton Lane. Would ask that neither the tree nor hedge be removed?
- Previous boundary dispute over the boundary to the east with neighbour, so that the fence actually belongs to the neighbour not the applicant.
- It is not just the window overlooking Jasmine Lodge's rear garden that would cause over looking, but those of the first floor rear windows that would overlook rear garden of No 1 Sutton Lane as well as the rear garden of Kintyre in Church View and Newlands itself.
- Object to the use of slate for roofing, should match the clay roof tiles of adjoining cottages and whole building should be built of stone as it would have less impact on surrounding area
- Proposal will cause overshadowing over garden of Jasmine Lodge

4 letters objecting on the following grounds after the submission of revised plan on 27 June:

- Query whether the proposal is for a 3 or 4 bed dwelling as plans were not clear
- Note that Wiltshire Wildlife have not done a survey in area since 2010
- Note that highways are requesting that the yew tree in the conservation area be removed to achieve sight lines and also that track is kept clear at all times, but this will result in more parking in Sutton Lane causing a bigger risk to road users due to the blind access onto Sutton Lane.
- The track width needs to be maintained so that the neighbours can gain access to their properties and so new wall needs to be built so that it does not encroach further onto track than current fence
- Yew hedge has been cut down to a fraction of its original size which I assume is a way of removing this issue from the scheme
- Want to know how the Council is going to deal with this vandalism in the conservation area and how this will be re-instated
- Revised plans received 16th September show that side boundary fence would be reduced by half. This fence does not belong to the applicant – it is owned by adjoining neighbour instead.

9. Planning Considerations

Principle of Development

Adopted and saved North Wiltshire Local Plan 2011

Policy C3 requires that all development has to respect the local character and appearance of the area with regard to a number of criteria which in this case would be the design, size, scale, materials, siting and layout. The principle issue of this development is the fact that a two storey dwelling is proposed in a residential area that is surrounded by bungalows to each side and to the south. However to the north there is a range of two storey dwellings which have their vehicular accesses onto the track the subject of this application. It is considered that the presence of the two storey dwellings in close proximity to the north of the application site form part of the setting and character of the site. As such the two storey dwelling is not considered objectionable on the grounds that it is out of character with the locality.

Furthermore, the design being traditional in appearance is more suited to the two storey dwellings than the bungalows and with the use of natural stone for the northern and principal elevation; this would be in keeping with the local character. It should also be noted that the applicant has confirmed that instead of a slate roof, Clay Double Roman tiles are now proposed instead. In terms of siting, the dwelling would be centrally positioned on this plot and set back from the frontage to enable sufficient off road parking to be achieved in addition to the attached garage. With regard to the frontage which has resulted in a number of objections, the agent has now confirmed by the submission of a further revised plan that the existing yew hedge would be retained and extended across this boundary to some 12m in length.

Policy NE9 deals with protected species. The agent has confirmed that there are no ponds or any other features that would encourage the types of wildlife referred to in the neighbour's letters. The Council's Ecologist takes a similar view, but points out that if such a pond was present there would be a need to undertake a Working Method Statement to demonstrate how impacts to great crested newts could be avoided because this species is protected by the Habitats Regulations 2010. Furthermore should permission be granted this would be subject to two informatives setting out the protected species requirements.

Policy NE14 deals with trees, site features and control of new development. It is important to say that the application site is not within the Sutton Benger Conservation Area and therefore formal consent is not required for removal of trees or hedges from the Council. It is noted that reference is made to various shrubs and trees on the site by the neighbours. The agent confirms that other than the hornbeam tree along the western elevation and a section of yew hedge to the northern boundary there are no trees or shrubs of note. The applicants are prepared to retain and plant new hedging to extend the yew hedge right across the northern boundary and details to protect this hedge during the construction of the site will be submitted later.

This part of Sutton Benger is within the settlement framework boundary and therefore the proposal for a new dwelling is compliant with policy H3 of the Local Plan.

Policy H6 is also relevant here as Sutton Benger is considered to be a smaller type of village in the countryside (unlike larger settlements where Policy H5 which deals with affordable housing in urban areas would apply). In villages such as Sutton Benger, the Council will seek to negotiate an element of affordable housing to meet local needs on all housing developments within Framework boundaries. The applicants have been advised that because only one dwelling is being built here, then an off-site contribution of £26,000

will be required as part of the development. The applicants have confirmed that they are prepared to enter into a legal agreement.

Equally under Policy CF3, there is also a requirement to provide an off-site contribution for this proposed four bedroomed dwelling. The amount would be £7,407.52 and would be used to upgrade facilities for Chestnut Road Recreation Ground. Again the applicant has confirmed that they will be paying the required sum via a S106 Agreement.

National Planning Policy Framework 2012

Paragraph 7 states that there are three dimensions to sustainable development that of economic, social and environmental. So that development should contribute to build a strong, responsive and competitive economy by ensuring that the right type of development is available in the right places as well as supporting growth too. There is also a requirement that providing a supply of housing to meet the needs of the present and future generations by creating a high quality built environment and at the same time protecting and enhancing the natural, built and historic environment and helping to improve biodiversity.

Paragraph 17 states that development should always try and achieve high quality design but with a good standard of amenity for all the existing and future occupants of the land and buildings.

Paragraph 28 deals with supporting a prosperous rural economy by supporting sustainable growth and expansion through well designed new buildings.

Paragraph 49 makes reference to the fact that housing application should be considered in the context of the presumption in favour of sustainable development.

Paragraphs 55 to 64 are in Chapter 7 which deals with 'Requiring Good Design'. As indicated above the government considers that good design is a key aspect of sustainable development and new development should contribute positively to making places better for people. The view is taken that with regard to this proposal that the design of dwelling is traditional in mind in that it reflects the cottages to the north and not the bungalows around it.

Equally, there is also a need to seek to promote local distinctiveness. Now that the roofing materials have been changed to that of Clay Double Romans and that natural stone is proposed for the frontage, the view is taken that this will indeed promote the local distinctiveness associated with the nineteenth century cottages to the north especially as window joinery will use casement windows. Furthermore, the applicants have confirmed that the yew hedge along the northern boundary will be retained and planted up to extend to some 12m in length this will retain the rural appearance of the area.

Finally paragraph 118 deals with the aim to conserve and enhance biodiversity. It is clear that the issue of biodiversity has been of concern to one of the objectors who has appears to have seen a wide variety of protected species in her rear garden. However the information from the applicant and following consultations with the Council's Ecologist suggest that the site is too small in area to need a protected species survey to be submitted as part of the application. However, should protected species be found on the site then the applicants would need to be investigate this matter further. Two informatives are recommended by the Council's Ecologist regarding this matter.

Impact on the character and appearance of the area

It is acknowledged that the proposed two storey dwelling would be prominent when viewed from the adjoining bungalows and from Sutton Lane, but in the context of the existing range of nineteenth century two storey cottages immediately to the north of the access track; it would be of similar form albeit with more spacious grounds. The character of this part of the village is not based solely on bungalows or by the three single storey dwellings that exist immediately adjacent to the site, as the Council has over the last few years permitted the housing development of Sharplands further down Sutton Lane just beyond the south side of College Green which are all two storey dwellings. Also as noted above with close proximity to the site there are a range of two storey cottages. Furthermore, there is nothing to prevent the bungalows from being re-developed in the future to two storey dwellings either. It is therefore considered that the scheme is appropriate development for this part of the village and would not result in harm to the character and appearance of the area.

Affect on the privacy and amenity of existing neighbours and potential occupants

Following the submission of revised plans, the secondary bedroom window for bedroom 2 has now been omitted from the scheme. This window would have been less than 21m away from the rear garden of Jasmine Lodge and was considered unneighbourly. However there are other windows to consider in this scheme. There are habitable windows that face the north which would only be some 12m away from the edge of the rear gardens of 1-5 Sutton Lane, but the track is between this boundary and the application boundary. As for the windows on the rear elevation, there would be some overlooking into the rear gardens of No 1 Sutton Lane, Kintyre, Jasmine Lodge and Conifers as well, but the distances vary between 10 to 24m. Whilst the shorter distance is not ideal, it is considered on balance to be acceptable for this development especially as the windows are reasonably small casements.

Affect on highway safety

Concern has been raised by the objectors regarding the use of this unadopted and unmetalled track for this housing development. However the Highway Authority has not recommended refusal for the scheme, nor do they now wish to impose any conditions regarding sight lines as they consider them to be adequate for the number of vehicles, the traffic conditions and traffic generation related to the site and the development proposed. They also acknowledge that the applicants do not control any other land either side of the site or the adjoining fence lines either. The scheme shows that there would be sufficient off-road parking for at least three cars which is the number required for a four bedroom house and in addition the existing yew hedge will be retained and indeed planted up further to extend along 12m of the northern boundary.

Affect on protected species

The neighbour's comments are noted regarding the possible protected species that are in the vicinity, but due to the size of the site being below 1ha, no protected species survey is required as part of this scheme and the Council's Ecologist does not consider that the application site would provide the suitable habitat for these species. Nonetheless two informatives will be imposed with any permission stating that if protected species are found then the applicant will have to take further advice prior to completing the development.

S106 Contributions

The applicant has agreed to enter into a S106 agreement for both the affordable housing contribution of £26,000 and the Public Open Space Contribution of £7,407.42. The monies would have to be made payable on commencement of development.

10. Conclusion

This proposal for a two storey dwelling within the settlement framework of Sutton Benger, but it would be outside of the Conservation Area. It is considered to be acceptable development in that the overall design and scale would be similar to the existing range of cottages that back onto the communal access track and as such would also represent a dwelling that is appropriate for both current and future users in accordance with the Government's requirement to provide high quality sustainable housing development.

11. Recommendation

Authority to grant Planning Permission be DELEGATED to the Area Development Manager subject to the signing of a S106 Agreement and 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:

Revised Dwg No: EVA/801/PL/09/13/001/C Rev C Dated 16th September 2013
Revised Dwg No: EVA/801/PL/09/13/SK1/B Rev B 16th September 2013

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

3. No development shall commence on site until details and samples of the materials to be used for the external walls of both the house and the boundary wall as well as house roofs have been made available on site and the details submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. No development shall commence on site until details of the external stonework, including type, dressing, coursing and bedding of the natural stone, type of pointing and mortar mix, have been submitted to and approved in writing by the Local Planning Authority. The external stonework shall be constructed in accordance with the approved details.

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

5. No development shall commence on site until a sample panel of stonework, not less than 1 metre square, has been constructed on site, inspected and approved in

writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

6. No development shall commence on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

7. No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys and vents have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

8. No development shall commence on site until details of the design and external appearance of the stone boundary wall, any fences and other means of enclosure 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 occupied.

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

9. 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 including that for extending the yew hedge;
- All hard and soft surfacing materials;

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

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

11. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012. Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

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

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

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

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

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

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

12. 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) Measures for the protection of the natural environment.
- h) Hours of construction, including deliveries;
- l) Measures for the protection of the access road during construction.

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: 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.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the east and west elevations above ground floor ceiling level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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.

INFORMATIVES:

1. 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.

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

3. 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.

4. All species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding and planning consent does not override this statutory protection. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. The season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits. In the event of uncertainty you should seek the advice of a suitably qualified and experienced ecologist. Please see Natural England's website for further information on protected species.

5. There is a risk that reptiles could occur on the application site. These species are legally protected from harm and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species being harmed during site clearance works, the developer is advised to clear vegetation affected by the development during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and seek the advice of a suitably qualified and experienced ecologist. Please see Natural England's website.

