

AGENDA

Meeting: Northern Area Planning Committee
Place: Town Hall - Chippenham Town Council, The Town Hall, High Street, Chippenham, SN15 3ER
Date: Wednesday 8 January 2014
Time: **6.00 pm**

Please direct any enquiries on this Agenda to Eleanor Slack, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718255 or email eleanor.slack@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

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 Simon Killane	

Substitutes:

Cllr Desna Allen	Cllr Dennis Drewett
Cllr Glenis Ansell	Cllr Howard Greenman
Cllr Chuck Berry	Cllr Jacqui Lay
Cllr Mary Champion	Cllr Howard Marshall
Cllr Terry Chivers	Cllr Nick Watts
Cllr Ernie Clark	

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 - 30*)

To approve and sign as a correct record the minutes of the meeting held on **4 December 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 31 December 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 applications**

To consider and determine planning applications as determined below.

	Application no	Site Location	Development	Recommendation
7a	N/11/02763/FUL	Moredon Bridge, Purton Road, Wiltshire	50 Dwellings, Access, Associated Works and Landscaping	In the absence of a S106 agreement to secure the provision of necessary ecological mitigation the Committee resolve that its position would have been to refuse planning permission.
7b	13/01551/FUL	Beaters Retreat, Watergates, Colerne, Chippenham, Wilts, SN14 8DR	Detached domestic garage	Planning permission be REFUSED
7c	N/13/01868/FUL	52 Corn Gastons Malmesbury Wiltshire SN16 0LY	Erection of Two Dwellings With Parking Spaces Per Unit (Resubmission of 12/03895/FUL)	Planning permission be DELEGATED to ADM to grant subject to the signing of a section 106 agreement and conditions.

7d	13/03489/FUL	Goldenley Care Home, Forest Lane, Chippenham. SN15 3QU	Extension to Provide Additional Bedrooms and Communal Areas	Planning permission be DELEGATED to be granted subject to no adverse comments being received and subject to conditions
7e	13/3728/FUL and 13/04105/LBC	Green Barn, Nettleton, Wiltshire SN14 7NT	Single Storey Extension & Associated Alterations (Resubmission of 13/01392/FUL)	Planning permission be REFUSED

6a **N/11/02763/FUL - Moredon Bridge, Purton Road, Wiltshire** *(Pages 31 - 60)*

6b **13/01551/FUL - Beaters Retreat, Watergates, Colerne, Chippenham, Wilts, SN14 8DR.** *(Pages 61 - 64)*

6c **13/01868/FUL - 52 Corn Gastons, Malmesbury, Wiltshire, SN16 0LY** *(Pages 65 - 72)*

6d **13/03489/FUL - Goldenley Care Home, Forest Lane, Chippenham, SN15 3QU.** *(Pages 73 - 80)*

6e **13/3728/FUL and 13/04105/LBC - Green Barn, Nettleton, Wiltshire SN14 7NT** *(Pages 81 - 86)*

7 **Urgent Items**

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

Part II

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

None

NORTHERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING
HELD ON 4 DECEMBER 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES,
MONKTON PARK, CHIPPENHAM, SN15 1ER.**

Present:

Cllr Chris Caswill, Cllr Howard Greenman and Cllr Dick Tonge, Cllr Chuck Berry (Substitute), Cllr Bill Douglas, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Peter Hutton (Vice-Chair), Cllr Simon Killane, Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Anthony Trotman (Chairman) and Cllr Philip Whalley

Also Present:

Cllr Chris Caswill, Cllr Dick Tonge

1 Apologies

Apologies were received from Cllr Christine Crisp.

Cllr Christine Crisp was substituted by Cllr Chuck Berry.

2 Minutes of the previous Meeting

The minutes of the meeting held on 13 November were presented.

Resolved:

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

3 Declarations of Interest

There were no declarations of interest.

4 Chairman's Announcements

There were no Chairman's announcements.

5 Public Participation and Councillors' Questions

The Committee noted the rules on public participation.

6 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and available on the website with the agenda pack, in respect of applications **13/02453/FUL**, **13/04030/FUL**, **N/13/2191/FUL**, **13/01776/OUT** and **13/01856/CAC** as listed in the agenda pack.

7 **13/02453/FUL - Woodman's Cottage, Bowden Hill, Lacock, SN15 2PW**

Public Participation

David Pierce and Tony Gill spoke in support of application.

The officer introduced the report which recommended that planning permission be refused.

He explained that a previous planning application to extend the rear of the property had been refused, and was dismissed on appeal. Attention was drawn to the late observations which detailed the comments of the Inspector in his decision to dismiss the previous application, and in particular the views and issues that the Inspector considered to be relevant in relation to that proposal. Although the proposal before the Committee was for a smaller extension than the previously refused application, its scale and massing did not overcome the previous reasons for refusal and subsequent appeal dismissal.

The Committee then had the chance to ask technical questions of officers and it was confirmed that as the property had already been extended the potential was there to lose the integrity of the original cottage. Removing the conservatory could benefit the character however its loss did not justify the scale of the extension.

Members of the public then addressed the committee as detailed above.

The local member, Cllr Tonge addressed the committee and highlighted the lack of objection from the National Trust, Parish Council and local community. He noted extensions to other properties in the local area being out of character, the remote location of the property and its ability to blend into the countryside.

In the debate that followed Committee members discussed their support for the application. They noted the benefit of removing the conservatory and replacing it with an extension, and felt as there were no objections the local community

and Parish Council interests had been looked after. It would promote the enjoyment of the building.

Resolved:

To DELEGATE to the Area Development Manager to grant permission subject to conditions on materials, design and those necessary for the conservation area, the wording of which to be drafted by officers

REASON:

When assessed in conjunction with the already extended property, the additional massing is considered appropriate. It is considered appropriate within the setting of Bowden Hill Conservation Area. It therefore complies with the aims of policies C3, HE1 and H8 of the North Wiltshire Local Plan 2011 and Section 7 of the National Planning Policy Framework 2012.

8 13/01065/FUL - Sheldon Business park, Sheldon Corner, Chippenham, SN14 0SQ

Public Participation

Angus Boyd and Cllr Paul Reynolds spoke in objection to the application.

Ben Pierce spoke in support of the application.

The officer introduced the report which recommended that planning permission be granted subject to conditions.

She explained that the application was for a B2, heavy industrial unit. A previous planning application to expand the site into the adjacent grassy area was rejected as it was deemed to be an encroachment on the countryside, however the landscaping in the proposal was all contained within the existing site. The proposed building was similar design to the converted agricultural units currently on the site. Units previously identified as B1 or B2 use had been found to be under B8 occupation and an application to change the use on these had been granted. The site had 77 parking spaces overall which was considered an over provision after the reclassification of buildings. This is now reduced to 69 to allow for better turning space.

There were no technical questions asked.

Members of the public then addressed the Committee as detailed above.

The Local Member, Cllr Greenman spoke in objection to the application, noting it's rural location, significant access concerns and availability of alternative facilities nearby.

In the debate that followed the Committee noted that it was unfair to ask the applicant to address historic issues around highways safety. It was acknowledged that whilst the site management strategy would detail allocation of areas for commercial vehicles, delineated parking spaces, good practice and condition delivery hours it was not possible to govern roadway. The provision of employment in the area was noted.

Resolved:

Planning permission be GRANTED subject to the following conditions:

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

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

2. The new commercial building shall not be brought into use until all of the car parking spaces as identified on plan LDC.1620.A.002C have been painted and laid out across the site. The applicant shall write to the Local Planning Authority to arrange a site meeting to demonstrate that the parking spaces have been provided in accordance with the plan in order to discharge the condition.

REASON: In the interests of Highway Safety.

3. The Business Park shall operate under the submitted Site Management Strategy Document at all times unless authorised by the Local Planning Authority.

REASON: In the interests of Highways Safety.

4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the adjacent building (Unit 14).

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

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

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

6. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times nor any time on Sundays or Bank Holidays except in an emergency:

0800 to 1800 Mondays to Saturdays inclusive.

REASON: In the interests of neighbouring amenity

7. The level of noise emitted from the site shall not exceed 45 dBA_{Leq} 1hr at any time, as measured by the boundaries of the site.

REASON: In the interests of neighbouring amenity

8. The unit permitted shall only be used for Class B2 Business Use. Notwithstanding the provisions of 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 change of use shall take place without the prior grant of express planning permission.

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

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

REASON: In the interests of amenity

10. There shall be no external storage for the new building as this would interfere with the designated parking areas and bin storage as set out in the Site Management Document.

REASON: In the interests of visual amenity and highway safety

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

Site Location Plan - Received 4 April 2013

Proposed Building Plan - Received 4 April 2013

Topographical Survey - Received 4 April 2013

Revised Site Plan 002D - Received 19 November 2013

Site Management Strategy Document - Received 8 October 2013

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

9 13/04030/FUL - St Mary's School, Curzon Street, Calne, SN11 0DF

Public Participation

David Smith, Gillian Rupp, Martin Fine and Cllr Heather Canfer (Calne Town Council) spoke in objection to the application.

The officer introduced the application which recommended that planning permission be granted subject to conditions.

She explained that planning permission for the construction of a sports hall, swimming pool and squash courts had been granted in 1998. The proposal before the Committee was a revision to the existing permission although it was slightly smaller in size. It amended the design and detail to reduce the impact on the listed building and wall and made improvements to the materials and

finish previously agreed. The proposal included the relocation of 20 existing parking spaces to another location with an additional space.

The Committee then had the chance to ask technical questions and it was confirmed that the listed cottage next to the site was owned by the school. The Committee noted that if they refused the application, the school could build a sports hall of a larger size under the 1998 permission. It was confirmed that the access to the school would not change and that the existing swimming pool and proposed sports hall would be used principally by the school.

The public then addressed the Committee as detailed above.

The local member, Cllr Trotman addressed the Committee and spoke in objection to the application.

In the debate that followed the Committee noted the additional and amended conditions seen on the late observations. The need to be mindful of funerals in the cemetery and use of materials with a higher acoustic value was discussed. The need to use shutters/blinds at night was agreed.

Resolved:

To GRANT planning permission subject to the following conditions:

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

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

- 2) No development shall commence on 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.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 2770D, 2771B, 2003B, 2040A, 2044A, 2041A, 2040A, 2043A, 2201D, 2043A, 2102F, 2001C, 2200G, 2204B dated 20th August 2013, 2103A dated 30th**

October 2013; 2100 Issue L, 2101 Issue M, 2102 Issue G, 2300 Issue L dated 3rd December 2013

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

- 4) No part of the development hereby approved shall be first occupied until the parking area for shown on the approved plans for all 102 spaces has been consolidated, surfaced, de-lineated and laid out in accordance with the approved details (Highways - Proposed Car Parking Layout, Project 118, Ref 2770, issue D). This area shall be maintained and remain available for this use at all times thereafter.**

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

- 5) The sports hall hereby permitted shall not be occupied at any time other than for purposes ancillary to St Mary's School or wider public under the format of St Mary's Sports Club.**

REASON: In the interests of highway safety

- 6) No development shall commence on site until a School Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results. The School Travel Plan shall also demonstrate that the sixth form students shall remain car free.**

REASON: In the interests of road safety and reducing vehicular traffic to the development

- 7) Prior to the commencement of the development hereby permitted, details of a construction method statement shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved methodology.**

REASON: To protect the listed wall and the amenity of the area in general.

- 8) Prior to the first use of the development hereby permitted the high level windows in the south west elevation, facing the cemetery,**

shall be fitted with blinds which shall be closed at all times when dark outside. The blinds shall remain permanently in place unless otherwise approved in writing by the local planning authority.

REASON: In the interests of residential amenity.

- 9) Any external plant shall be so sited and designed as to meet a rating level (BS4142:1997) of 35dB at any boundary adjacent to residential properties.

REASON: In the interests of residential amenity.

- 10) Prior to the commencement of the development hereby permitted, details of the external lighting scheme shall be submitted to and approved in writing by the local planning authority. Any lighting scheme for the development shall be fully compliant with Zone E2 (Rural) criteria and shall be permanently maintained unless otherwise approved in writing by the local planning authority.

REASON: In the interests of residential amenity.

- 11) Any rooms which can involve amplified music/headsets for dance/fitness sessions shall be fully air conditioned so that all windows can be kept closed at all times

REASON: To prevent noise escape.

INFORMATIVE: The Construction Method Statement conditioned by condition 7 should include, amongst other things, details of the levels, construction in relation to the listed wall, acoustic performance of the materials used and details of how the applicant will deal with construction noise at the time of funerals taking place in conjunction with the funeral operator.

- 10 **13/02191/FUL - Spittleborough Farm, Swindon Road, Lydiard Tregoze, Royal Wootton Bassett SN4 8ET**

Public participation

Kate Covill and Peter Gantlett spoke in support of the application

Cllr Peter Willis (Lydiard Tregoze Parish Council) spoke in objection to the application.

The officer introduced the application which recommended that planning permission be granted subject to conditions.

He explained that proposed site was agricultural land beside the M4. Under the proposal, solar panels would be grouped in lines and will be 2.5 meters high. The panels would not cover the pipeline running through the site, and two areas of archaeological interest would be left clear. Footpaths running through the site would not be diverted as part of the scheme. The site has good access to the national grid due to close power lines. The proposal included a condition that following 25 years, or cessation of use, the site would be returned to agricultural land. He noted that Highways Agency raised no objection to the development which would include planting on the boundary to screen the M4.

The officer drew attention to the late observations which stated that condition 12 in the original proposal was no longer required.

The Committee then had the opportunity to ask technical questions and it was confirmed that the Highways Department were satisfied with how the panels would be fixed and Sustrans opinion had been sought

Members of the public then addressed the committee as detailed above.

The local member, Cllr Groom then addressed the Committee, explaining that the reasons for call-in had been mitigated where possible.

In the debate that followed, the Committee noted their support for and the need to encourage green energy sources.

Resolved:

To GRANT planning permission subject to conditions:

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

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

- 2) The Local Planning Authority shall be notified in writing within one month of the event that the solar array hereby approved has started to feed electricity to the Grid. The installation hereby approved shall be permanently removed from the site and the surface reinstated within 25 years and six months of the date of notification and the local planning authority shall be notified in writing of that removal within one month of the event.**

REASON: In the interests of amenity and the finite operation of this type of development.

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

Drawing Nos:

SH-P-001 Rev 00 1:25000 Location Plan
SH-P-002 Rev 00 1:5000 Existing site
SH-P-002 Rev 01 1:2500 Existing site
SH-P-003 Rev 00 1:5000 Proposed site plan
SH-P-004 Rev 00 1:5000 Existing topography
SH-P-007 Rev 00 1:1000 Long section North to South
OR-001 Rev 10 1:50 Solar Mounting & modules twin pile
OR-002 Rev 10 1:50 Perimeter security deer fencing
OR-003 Rev 10 1:100 Combined DNO & EPC Switchgear Housing
OR-004 Rev 10 1:50 Typical site fence & maintenance details
OR-005 Rev 10 Site welfare & storage/office facilities
OR-006 Rev 10 1:25 Site security and MET monitoring
OR-007 Rev 10 1:100 Inverter housing (Type: Central)
OR-008 Rev 10 1:50 Site storage
3001 Rev A Conceptual Suds Layout 1 of 2
3002 Rev A Conceptual Suds Layout 2 of 2

Documents:

Planning Statement
The Proposal
Design & Access Statement
Landscape & Visual Impact Assessment
Heritage Desk-Based Assessment
Notes/Plan for Glint & Glare Analysis
Extended Phase 1 Habitat Survey
Great Crested Newt Survey Report
Statement of Community Involvement
Access Appraisal
Agricultural Assessment
All above dated 11th July 2013

Revised and additional information:

2No colour photos of the site as viewed from and near the M4
31st July 2013
Revised SH-P-004 Rev 02 1:1500 Existing Topography
24th September 2013
Revised SH-P-005 Rev 02 1:1000 Topographic Survey Sections
24th September 2013
Additional Noise Report

27th September 2013

Revised Flood Risk Assessment incorporating sustainable drainage system

11th October 2013

Additional Ecological and Land Management Plan

23rd October 2013

Amended Construction Management Plan

24th October 2013

Additional ITB9046-SK-004 Construction Access Visibility

24th October 2013

Additional ITB9046-SK-005 Temporary construction access low loader visibility

24th October 2013

Additional SH-P-111 Rev 00 Access Compound & Visibility

29th October 2013

Additional Proposed Connection Arrangement

29th October 2013

Additional copy of letter from Scottish & Southern Energy agreeing to Point of Connection for proposed solar park including 1:10000 drawing of connection

29th October 2013

Revised Landscape Strategy

13th November 2013

Revised SH-P-003 Rev 12 1:2500 Proposed site plan

18th November 2013

**Additional Dwg No: OR-101 Rev 00 Cross Section through Access roads
Dated 27th November 2013**

Additional Dwg No: SH-P-202 Rev 00 Proposed temporary protection of archaeology

Dated 28th November 2013

Additional Tree Report Dated 27th November 2013

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

- 4) Within six months of the commencement on site, a scheme for the Decommissioning and Restoration of the development shall have been submitted to and approved by the Local Planning Authority, the details of which shall include how the land will be restored back to fully agricultural use upon the development no longer being in operation or upon the expiry date of 25 years and six months of from the date of this planning permission whichever is sooner. The Decommissioning and Restoration scheme of this development shall be carried out in accordance with the scheme so agreed.**

REASON: To ensure upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition.

- 5) The proposal shall be carried out in accordance with the 'Construction Traffic Management Plan' Dated October 2013 (attached). If there are any departures from the plan, departures will need to be agreed in writing by the LPA prior to actions or works being carried out on site. Deliveries or vehicular movements with HGVs are prohibited before 10am and after 3.30pm (i.e. HGV deliveries only between 10am-3.30pm). This is to avoid the peak hour traffic conditions on the A3102 in this location. The construction traffic access route shall be via roundabout west of the site on A3102 and shall result in left turn in only movements.

REASON: In the interests of Highway safety.

- 6) No development shall commence on site until full construction details of both access points for both the construction phase (in accordance with drawing 'Construction Access Visibility ITB9046-SK-004 dated 18.10.13) and operation phase has been submitted and approved in writing by the LPA. The access points shall be properly consolidated and surfaced (not loose stone or gravel) for a minimum of the first 10m. A scheme for discharge of surface water from both sites (including surface water from access) and piping of the ditches shall be provided. The development shall not be first commenced until the access has been constructed in accordance with the approved details. The access shall be maintained as such thereafter.

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

- 7) No part of the development shall commence until the parking area (temporary construction compound), passing bay, turning area and wheel washing facilities, shown on the Access, Compound and Visibility SH-P-111 dated 10.10.13 and Proposed Site Plan SH-P-003 11 (dated 30.10.13) have been constructed and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

- 8) No development shall commence on site until visibility splays have been provided at both access points and have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 215 metres either side of the entrance from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1m above the level of the adjacent carriageway. (In accordance with drawing 'Construction Access Visibility ITB9046-SK-004 dated 18.10.13)

REASON: In the interests of highway safety.

- 9) A condition survey of the highway network relating to the access routes to the site shall be carried prior to the commencement of the works, the survey shall be carried out by the applicant in conjunction with the highway authority, in compliance with Section 59 of the Highways Act, to ensure that as a result of the proposal the existing condition of the highway network is maintained. If as a result of the construction phase damage to the highway network has been identified, within 3 months of the identification the damage, the works shall be remedied.

REASON: In the interests of maintaining the existing condition of the highway network.

- 10) No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site.

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

- 11) There shall be no external lighting (outside the construction phase) of any kind erected on the site unless otherwise agreed in writing in the form of a separate planning permission in that regard.

REASON: In the interests of visual amenity in the open countryside.

- 12) Prior to commencement of the development an Ecological Monitoring and Management Plan shall be submitted to and approved in Prior to the commencement of the development, a

Construction Environmental Management writing by the Local Planning Authority. The plans shall include the following elements:

- **Maintain the root protection area around the existing and proposed trees to be planted in accordance with the Landscape Strategy received 13.11.2013.**
- **Fill in hedgerows 'gappy' hedgerows with native species and maintain a buffer zone of 5m around hedgerows**
- **Establishment of the native tree planting as shown on submitted Landscape Strategy**
- **Create at least one replacement pond within the site to create a new wetland habitat**
- **Maintain a minimum of a 5m buffer for all watercourses and maintain management to prevent encroachment and maintain/enlarge open sections. Avoid damage to water vole populations/burrows/habitats by preventing screening vegetation on the southern or both banks of the watercourses.**
- **Sow appropriate and species rich seed mixes for over-wintering birds**
- **Submit pre-commencement habitat manipulation details so as to prevent damage reptile populations and loss of supporting habitats**
- **Features to be installed for the benefits of protected/BAP fauna**

The development shall be carried out in accordance with the agreed Construction Environmental Management Plan and all elements of the approved plan shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect and enhance the biodiversity across the site.

- 13) Prior to the commencement of the development an Ecological Monitoring and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following elements:**

- **Management of existing and proposed trees**
- **Management of hedgerows at a height no less than 3m high**
- **Management of retained/restored/created grassland**
- **Features to be installed for the benefits of protected/BAP fauna**
- **Ecological Monitoring to inform future management at the site.**

The development shall be carried out in accordance with the agreed Construction Environmental Management Plan and all elements of the

approved plan shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect and enhance the biodiversity across the site.

- 14) All soft landscaping compromised in the approved details and strategy of the Landscape Strategy and Mitigation Proposals received on 13.11.2013 shall be carried out in the first planting and seeding season following the completion of the development whichever is 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 landscaping shall be carried out in accordance with the approved details prior to the completion of the solar park 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.

- 15) 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 existing and proposed trees 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;**

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.

- 16) No development approved by this permission shall be commenced until a detailed surface water run-off limitation scheme, together with supporting calculations has been submitted to and approved in writing by the local planning authority . The submitted details shall clarify the intended future ownership and maintenance of all drainage works serving the site. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.

REASON: To prevent any increased risk of surface water flooding associated with the installation of the solar farm development.

CONDITION NOTE: *It is recommended that the developer investigates and specifies appropriate Sustainable Drainage Systems (SuDs) for surface water management on the site, in order to prevent the possibility of the rate of run-off exceeding the existing greenfield rate and to reduce any pollution risks associated with potential soil erosion during/immediately after construction. These techniques involve controlling any sources of increased surface water and include:*

- a) Interception and reuse; b) Porous paving/surfaces; c) Infiltration techniques; d) Detention/attenuation and e) Wetlands.*

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) The applicant should note that there may be badger setts in the vicinity of the site, and as a consequence compliance with certain requirements and provisions of the Badgers Act 1991 may be necessary. If this is the case the applicant is advised to contact Natural England who is responsible for issuing licences relating to development on the site of badger setts.
- 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 roosting 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) 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.

11 **13/01776/OUT - Langley Park, Chippenham, SN15 1GE**

Public participation

Jo Davis spoke in support of the application.

Tim Woodward spoke in objection to the application.

The officer introduced the proposal, drawing attention to the recommendation in the late observations which recommended that permission be delegated to the

Area Development manager to grant subject to a section 106 agreement and conditions

He corrected an error in the report, confirming that 115 dwellings were proposed. He highlighted that zoning will be used to control the type of buildings to be constructed in each area.

The Committee then had the opportunity to ask technical questions and it was confirmed that a condition would protect the zones proposed, and any changes to them would have to be approved by the Committee. Attention was drawn to an error in condition 35 of the report, and it was clarified that the supermarket could sell 20 per cent comparison goods. Conditions would control parking in the supermarket car park and ensure access from Langley Park to the train station.

Concern over traffic flow problems, which would be partially alleviated by the new link road and the installation of traffic signals at the Little George Roundabout. The Retail Impact Assessment indicated that the development would have no adverse impact on Chippenham town centre.

Queries over the heads of terms for the Section 106 agreement confirmed that as there was no impact on the town centre there was no justification for a contribution in that area. Had it been possible to get more money for education it would have been asked for. The 30% affordable housing was in line with the current local plan policy and to ask for any increase would weigh on the viability of the proposal. The Committee noted the need to show the funding required by the Chippenham Transport Strategy within the Section 106 proposal. Although the parking was not owned by Wiltshire Council the applicants were happy for a condition which would allow its use by town centre visitors.

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

The local member, Cllr Caswill addressed the Committee. He urged the Committee to defer the application. He noted that the development was crucial for Chippenham, and supported the demolition of the majority of the existing buildings. Social housing was a vital issue, and he praised the extensive public consultation. He highlighted the need to ring-fence funding for the pedestrian lift at the railway station. He noted concerns regarding the impact of the development on the town centre, additional traffic and highways issues, the lack of open space, the effect on near-by housing and the loss of the White House.

In the debate that followed the benefits of the development to the community were noted. The proposal included a significant contribution to public openspace; and many of the highways issues were pre-existing and would not be resolved by the applicant.

Resolved:

In respect of 13/01776/OUT:

To DELEGATE to the Area Development Manager to grant planning permission subject to the signing of a Section 106 agreement which should be approved by the Head of Sustainable Transport and the Head of New Housing; and

To DELEGATE to the Area Development Manager to alter, remove and add additional planning conditions prior to the issuing of the decision notice

The heads of terms for the planning obligation under section 106 of the Town and Country Planning Act 1990 are as follows:

Affordable Housing

30% on site affordable housing (70:30 social rented/shared equity provision)

Highways Contributions

£1.4m offsite highways work including junction improvements to Little George roundabout and a new junction at Pew Hill or works to be undertaken by the applicant /developer under section 278 agreement

£100,000 financial contribution to Wiltshire Council to deliver a DDA compliant lift on the northern side of the existing public foot/cycle bridge across the railway. Financial provision offered for a five year period and refundable to the applicant/developer if the works are not carried out in this time.

£100,000 financial contribution to improvements to Old Road to encourage foot and cycle connectivity into the town centre or works to be undertaken by the applicant/developer under a Section 278 agreement

Delivery of a new vehicle access through the application site to the boundary of the northern station car park to reduce traffic movements along Old Road. The details and final alignment of this route will be the subject of a future reserved matters application.

Secure a possible future landing point on the northern side of the railway within the application site for a new foot/cycle link across the railway line. The desired route is subject to external funding being identified and secured to deliver any foot/cycle bridge. The exact location of the landing point will be the subject of a future reserved matters application.

Public Transport

£200,000 financial contribution to subsidise a new public transport route through the development site for a 3-4 year period.

Provision of bus stops along proposed internal link road.

Public Open Space

£250,000 financial contribution to off-site public open space improvements (£50,000 allocated to Built Leisure Facilities (Halls, Bowls, Artificial Turf etc) and £200,000 allocated to off-site open space and play facilities

Education

£310,000 financial contribution to education to be split between secondary and primary education

And subject to the following conditions:

- 1) Application for approval of the reserved matters specified in Condition 3 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of three years from the date of this permission.**
- 2) The development hereby permitted must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.**
- 3) Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority for each plot before any part of the development of that plot is commenced and shall be implemented as approved:**
 - (a) Layout,**
 - (b) Scale,**
 - (c) Appearance**
 - (d) Access**
 - (e) Landscaping**
- 4) The development hereby permitted shall not be carried out except in broad accordance with the details shown on the submitted plans and documents, as detailed below:**

Parameter Plan: Landscape – SK28-23 C
Parameter Plan: Movement – SK28-22- D
Parameter Plan Building Height – SK28 -21- D
Parameter Plan Land Use – SK28-20 –D
Master Plan- SK28-3 REV F
Highway Plans- IMA 12 066 015 Rev F
IMA 12 066 028
IMA 12 066 029
Technical Documents-
Planning Statement

**Design & Access Statement
Transport Assessment
Environment Statement
Drainage Statement**

- 5) No development shall commence on any plot of the development until full details of the colour, finish and texture of all new materials to be used on all external surfaces, for all buildings within that phase, together with samples of the facing materials and roof treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.**
- 6) No development shall take place on any phase of the development until details of the construction of all walls, fences and other means of enclosure for that phase of development has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and complete prior to the first occupation of the unit.**
- 7) The landscaping scheme for each plot of development, as required by condition 3 shall include:**
 - a) indications of all existing trees and hedgerows on the phase of development;**
 - b) details of any trees to be retained, together with measures for their protection in the course of development;**
 - c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;**
 - d) finished levels and contours;**
 - e) means of enclosure;**
 - f) car park layouts;**
 - g) other vehicle and pedestrian access and circulation areas;**
 - h) hard surfacing materials;**
 - i) minor artefacts and structures (e.g. furniture, bin and cycle stores and other storage units, signs, lighting etc;**
 - j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);**
 - k) details for the intended treatment of all boundaries of the phase of development**

The above details shall be provided prior to the first occupation of any part of the plot to which the above details relate.

- 8) Any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be**

replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted;

- 9) The development shall comply with the following requirements:
- i. the hotel shall not exceed 3530 sq ms.
 - ii. the buildings to be used for B1 & B2 use shall not exceed 3901 sq ms.
 - iii. the buildings to be used for D2 use shall not exceed 2787 sq ms.
 - iv. The building to be used for food retail purposes shall not exceed 3530 sqms net sales area
 - v. The buildings used for A1 shall not exceed ?? sqms
 - vi. Max number of residential units shall not exceed 115 units.
- 10) Prior to the first occupation of any building within the site, details and locations of the proposed signage for the footpaths and cycleways within the site directing people to the Town Centre and Railway Station shall be provided to and approved in writing by the Council. These signs shall be installed in accordance with the approved details and within 6 months of the first occupation of any building on site.
- 11) Prior to the removal of the building on Hathaway Retail Park shown for demolition on plan SK28-3 REV F full details of the colour, finish and texture of all new materials to be used on all external surfaces, together with samples of the facing materials and roof treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
- 12) The retail store shall not be occupied until the building on Hathaway retail park shown for demolition has been demolished, all resulting materials and waste removed from the site and the new access provided.
- 13) Prior to the occupation of the food retail unit the new access into the existing northern surface level railway car park shown on Parameters Plan- Movement (SK28-22D) shall have been provided. The access shall thereafter be retained and made available for use by the general public.
- 14) No retained tree as shown on the Tree Survey plan within the Supplementary Arboricultural Report received by the Local Planning Authority on 2 August 2011 shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval

of the Local Planning Authority. All tree works shall be carried out in accordance with BS5837:2005 (Recommendations for Tree Work) and should be carried out before the commencement of any works.

- 15) No development, shall commence unless and until a combined ecological and landscaping management scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme must include all aspects of environmental enhancements and landscaping and details of species to be planted, timing of works, programme of implementation and future management with monitoring if deemed necessary by the Local Planning Authority. The agreed scheme shall be implemented in the first planting season following the first occupation of the development and shall be thereafter retained.
- 16) No development shall take place until a scheme of highways improvement in accordance with Drawing Numbers IMA 12 066 015 Rev F, IMA 12 066 028 & IMA 12 066 029 including the approval of necessary departures from standard, has been fully implemented and is constructed and open to traffic.
- 17) No building in each plot shall be first occupied until access, loading areas, car and cycle parking serving it have been provided in accordance with the approved plans for that plot and shall be thereafter retained.
- 18) The development hereby permitted in each plot shall not be first occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented.
- 19) No development shall take place on any plot of the development, until a Construction Method Statement for that plot 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 Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel cleaning facilities;
 - vi. measures to control the emission of dust and dirt during construction;

- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. measures to control noise during construction;
- ix. a signage strategy for construction traffic.

20) No building hereby permitted shall be occupied until foul and surface water drainage works have been implemented for that building in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

21) No external construction works or related deliveries shall take place outside 0700 to 1800 hours on Mondays to Fridays or 0700 to 1300 hours on Saturdays not at any time on Sundays or Bank and National Holidays except in an emergency.

22) Development shall not commence on any plot approved under condition 3 of this permission until that plot has been subject to a detailed scheme for investigation and recording of contamination of the land and risks to the development, its future uses and surrounding environment. A detailed written report on the findings including proposals and a programme for the remediation of any contaminated areas and protective measures to be incorporated into the buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for the disposal of surface water during remediation. The remediation works shall be carried out and a validation report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved proposals and programme. If during the course of the development further evidence of any type relating to other contamination is revealed, work at the location will cease until such contamination is

investigated and remediation measures, approved in writing by the Local Planning Authority have been implemented.

23) Prior to the first occupation of any building on site, other than site clearance and demolition, full details of all site access arrangements shall have been completed in accordance with details, which shall have been submitted to, and approved in writing by the Local Planning Authority beforehand.

24) No artificial lighting shall be installed unless full and precise details of the lighting scheme have been submitted to and approved in writing by the Local Planning Authority. This shall include:

- i. A statement setting out why a lighting scheme is required, and the frequency and length of use in terms of hours of illumination throughout the year.**
- ii. A site survey showing the area to be lit relative to the surrounding area, the existing landscape features and proposed landscaping features to mitigate the impacts of the proposed lighting.**
- iii. Details of the make and catalogue number of any luminaires/floodlights.**
- iv. Size, type and number of lamps fitted within any luminaire or floodlight.**
- v. The mounting height of the luminaires/floodlights specified.**
- vi. The location and orientation of the luminaires/floodlights.**
- vii. A technical report prepared by either a qualified lighting engineer or the lighting company setting out the type of lights, performance, height and spacing of lighting columns. The light levels to be achieved over the intended area, at the site boundary and for 25 metres outside it.**
- viii. The lighting shall be constructed and installed in full accordance with the approved details and shall thereafter be maintained in full accordance with the approved details.**

25) No development of the food retail unit shall take place until full details of all proposed fixed plant installed on the building and/or site (and including all mitigation measures screening) has been submitted to and agreed in writing by the Local Planning Authority. Such details shall include confirmation that the plant will not exceed -5dB below the lowest background noise level and that noise rating not exceed 37dB when measured at the nearest residential properties. Development shall be carried out in complete accordance with such details so agreed and shall remain in that condition thereafter.

- 26) Prior to the first use or occupation of the food retail unit development hereby permitted details of the method of managing public access to the whole site outside the hours of opening of the superstore, shall be submitted to and approved in writing, by the local planning authority. The approved management plan shall be implemented prior to the first use of the development hereby permitted and permanently maintained thereafter.**
- 27) No development shall commence on the food retail until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use until the approved scheme has been brought into operation. The approved scheme shall be maintained in operation in accordance with the approved details.**
- 28) No development shall take place on the food retail unit until details of secure covered cycle parking for both customers and staff (together with associated changing and shower facilities for staff) have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.**
- 29) Prior to the first occupation of the food retail unit the highway works, bus stop facilities and on-site pedestrian and cycle routes, including the link to the northern surface level railway station car park, shall be complete and in accordance with those general details shown on plan number SK28-3 REV F and full details of such highways works, which shall have first be submitted to and approved in writing by the local planning authority.**
- 30) The food retail store shall not be opened for trade until the site access road and its associated footways, have been provided in accordance with the approved plan number IMA 12 066 015 Rev F.**
- 31) The food retail store shall not be opened for trade until the car park circulatory aisles, the car parking spaces, the disabled spaces and the parent and child spaces have been provided, surfaced and marked out in accordance with the a parking plan that shall be submitted to and approved in writing by the Local Planning Authority. These vehicle parking spaces shall thereafter be retained at all times for their designated users.**
- 32) The food retail store shall not be opened for trade until the store service road and its associated service yard have been provided in accordance with details to be submitted to and approved in writing with the Local Planning Authority.**

- 33) Unless otherwise agreed in writing, at no time shall the service yard of the food retail unit be used for outside storage or any other purpose other than the parking and manoeuvring of delivery lorries.
- 34) Unless otherwise agreed in the form of a separate planning permission in that regard, at no time shall the food retail unit hereby permitted be subdivided into a larger number of units.
- 35) The gross internal floor space of the food retail store hereby permitted shall not exceed 8800 square metres. The net retail sales area (defined by the National Retail Planning Forum, and reproduced in Appendix A of the PPS4 Practice Guide 2009) to be used for the sale of convenience goods at the food retail store shall not exceed 3530 square metres. There shall be no sale of comparison goods.
- 36) The unit hereby approved shall be used for food retail purposes only and for no other purpose of the schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order (without modification).
- 37) The non food retail development forming plot 'Non Food Retail' as identified on plan number SK28-20 REV D shall not be subdivided so as to result in any retail units less than 929sqm
- 38) The non food retail development forming plot 'Non Food Retail' as identified on plan number SK28-20 REV D shall not be used other than for the sale of DIY/hardware items; garden products and plants; furniture; carpets and other floor coverings; electrical and gas goods; pets and pet products; camping equipment and goods that are ancillary and related to the main goods sold, provided that the ancillary goods comprise no more than 10% of the net sales floorspace of the individual unit and for no other purpose (including any other purpose in Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order without modification), unless the local planning authority gives written consent to any variation.
- 39) The introduction of mezzanine floors shall not be permitted without the prior written approval of the local planning authority.
- 40) The non food retail development forming plot 'Non Food Retail' as identified on plan number SK28-20 REV D, to which this planning permission relates, shall not be implemented if any part of the

development for which planning permission was granted pursuant to planning application reference no *N/10/04067/OUT* is begun.

- 41) The residential development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.
- 42) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows or dormer windows, other than those expressly authorised by the reserved matters application, shall be constructed within the roofs of the dwellings hereby approved.
- 43) Prior to the occupation of any dwellings on the site, access for pedestrian and cycle users between the site and Tugela Road and Hawthorn Road shall be provided in accordance with details which shall first have been submitted to and approved by the local planning authority. The details for Hawthorn Road shall include for the provision of a vehicle turning facility at the end of the existing road, and shall show measures to restrict movement of motorised vehicles to or from the development site. The works shall be undertaken in accordance with the approved details.
- 44) The detailed design of the permitted foodstore shall make provision to accommodate a landing platform for a bridge for non motorised users crossing between the site and the south side of the railway. The design shall identify the route which potential future users of the bridge may use as a right of way between the prospectively maintainable highway and the bridge.

In respect of 13/01856/CAC:

To DELEGATE to the Area Development Manager to grant Conservation Area Consent subject to the completion of a Section 106 agreement.

12 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 9.40 pm)

The Officer who has produced these minutes is Eleanor Slack, of Democratic Services, direct line 01225 718255, e-mail eleanor.slack@wiltshire.gov.uk

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

REPORT TO THE NORTHERN AREA HUB PLANNING COMMITTEE

Date of Meeting	8 th January 2014
Application Number	N/11/02763/FUL
Site Address	Land at Moredon Bridge Purton Road Wiltshire
Proposal	50 Dwellings, Access, Associated Works and Landscaping
Applicant	Wainhomes (SW) Holdings Ltd.
Town/Parish Council	PURTON
Grid Ref	412100 186862
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

The application was previously reported to Committee on the 24th April 2013 where it was resolved to delegate authority to the Area Development Manager to grant consent subject to the signing of a section 106 agreement and conditions. The applicant has subsequently submitted an appeal against non determination and an Inquiry is scheduled to sit during March 2014. It is therefore necessary to formally establish the Council's position in respect of the applicant's submitted appeal.

1. Purpose of Report

To recommend that in the absence of a S106 agreement to secure the provision of necessary ecological mitigation the Committee resolve that it's position would have been to refuse planning permission due to the harm to and loss of important ecological habitat (Calcareous Grassland) contrary to NPPF section 11 and specifically but not exclusively paras 14 17 & 118; NWLP policies C3, NE7, NE11; Core Policy 50 Wiltshire Core Strategy Proposed Modifications (Sept 2013).

2. Report Summary

The report to Committee 24/4/2013 is attached at Appendix 1 with the minutes of the meeting attached at Appendix 2. There has been no further public consultation or representations received since the previous Committee meeting.

3. Site Description

The site is bounded by the consented residential development (ref. 09/02020/REM) accessed off of Purton Rd (B4553) and the B4534 to the northwest, the dismantled Midland and South Western Junction Railway to the northeast, the River Ray to the southeast and the Swindon and Stroud railway line to the southwest. The overall site

measures 13.5 ha. However, the application area covers approximately 1.7 ha and is delineated by hedgerows and trees on its East and South East boundary.

4. Planning History

4. Relevant Planning History		
06/00250/OUT	Residential Development	Refused
08/00403/OUT	200 Dwellings, Public Open Space and Landscaping	Allowed
09/02020/REM	200 Dwellings & Associated Works	Permitted
10/03149/REM	Reserved Matters – Landscaping	Permitted

This application was reported to the North Area Planning Committee Meeting 24/4/13 and it was resolved:

That planning permission be DELEGATED to the Area Development Manager subject to the recommended conditions and the signing of a Section 106 agreement to cover the matters identified in the report.

The Council has subsequently entered into a process of liaison with the applicant in respect of drafting of the S106 agreement. This reached an advanced stage where all matters excepting ecological mitigation were addressed. The applicant resolved to submit an appeal against non determination in September 2013 as the agreement had not been completed. The applicant has submitted a duplicate application alongside their appeal and this is registered under application number 13/04912/FUL. These matters are discussed further below.

5. The Proposal

The application seeks permission for 50 dwellings of which 6 are a re-plan from a previous Reserved Matters approval. The scheme comprises the following mix:

36 market dwellings – mostly two storeys comprising 2 and 3 bedroom with some 4 bed dwelling. There is a slight discrepancy between the plan information in that the revised site layout plan refers to 5 units as 4 bed 2.5 storey dwellings whilst the house type booklet shows these to be 3 storey units. It is considered that this is a referencing/description discrepancy as the house type drawings have consistently shown the height and scale of the proposed dwellings.

The proposed affordable units comprise 10 units to rent and 4 intermediate units most of which are 2 bed with one 1 bed apartment, a 2 bed apartment and two 3 bed houses.

6. Planning Policy

The full policy position is addressed under the previous report to Committee 24/3/13 attached at appendix 1. Since that date the Public Examination of the Core Strategy has taken place including the submission of position statements and topic papers. The process has resulted in the consultation and submission of minor proposed modifications (September 2013) to the examination Inspector. The WCS Public Examination Inspector has subsequently written to the Council (02 December 2013). The position is discussed further below.

Policies that are specifically relevant to the matter now under consideration are:

NPPF section 11 and paras 14 17 & 118;
North Wiltshire Local Plan 2016 policies C3, NE7, NE10, NE11;

7. Consultations

As per previous report to Committee copied at Appendix 1. As referenced above no further consultations undertaken since that meeting.

8. Publicity

As per previous report to Committee copied at Appendix 1. As referenced above no further consultations were undertaken since the NAPC meeting.

9. Planning Considerations

Principle

Whilst there have been several significant events since the last report to Committee including the Wiltshire Core Strategy Public Examination; various appeal decisions; and receipt of a letter from the Wiltshire Core Strategy Public Examination Inspector the position has largely not changed since the last report to Committee. The Council has made submissions to the Wiltshire Core Strategy Public Examination regarding this locality, this specific site and indeed the Ridgeway Farm site in close proximity. In summary the Council acknowledges the position that the Moredon Bridge site, being situated adjoining the administrative boundary with Swindon, is considered in the context of Swindon Borough Council's housing land requirement. The locality has previously been the subject of detailed investigations and proposals through the development plan process, including at Regional level, and this final phase of development is seen in that context. However, the submissions to the Wiltshire Core Strategy Public Examination identify that a new phase of planning for housing and new strategies for the distribution of housing to meet identified requirements in both the Wiltshire and Swindon areas are well advanced. Further that the previous regional approach no longer informs the assessment of requirements and strategies for distribution of housing and therefore provides no basis for forward planning for housing in the locality. As such Officers do not consider that the position regarding the principle of development of the 50 dwellings proposed as phase 2 has changed substantively since the last report to Committee and that there is no sound basis for refusing the current application on these grounds. Beyond this and once the Wiltshire Core Strategy proceeds to adoption a new phase of planning will be adopted. The letter published by the Wiltshire Core Strategy Public Examination Inspector specifically comments on the Housing Land requirement in Wiltshire indicating that this should be of a higher quantum and invites comment from the Council, particularly as to distribution. At the time of writing this report the Council is in the process of considering the Inspector's correspondence and preparing its response. However, it is not considered that the position with regard to the Moredon Bridge site will change substantively as a consequence.

This position is wholly dependent on there being no site specific objections to the development proposed. This was the position adopted during consideration of the application at the previous Northern Area Planning Committee on 24th April 2013. As was identified within the previous report to Committee the proposed development is located on an area of Calcareous Grassland that is a protected ecological asset and habitat. This is discussed in greater detail below but as a matter of adopted policy principle (national and local) as referenced in section 6 above development that results in the loss of, or significant harm to, interests of nature conservation importance, including Biodiversity Action Plan habitats and species, should not be permitted without appropriate mitigation.

The applicant previously stated that mitigation and appropriate compensatory habitat provision would be made to replace the habitat destroyed by their development proposals. This was supported by the submission of an ecological management Plan setting out proposals in this regard. On that basis the Council resolved to allow development subject to the signing of a section 106 agreement to deliver the mitigation works. As will be set out in detail below this S106 agreement has not been signed and there is no detailed and deliverable mitigation scheme available to compensate for the harm caused by the proposed development at this point in time. In the absence of such mitigation development should be refused. The Applicant has submitted an appeal against non determination and so the Council cannot formally determine the application. However, in the absence of appropriate and deliverable ecological mitigation, if the Council had been in a position to determine the application, the recommendation would have been that the application be refused. In order that the Council's position can be clearly communicated to the Inspector appointed to hear the appeal this report has been prepared to define what the Council's position would be given these circumstances.

Ecological Impact and Mitigation

Within the previous report to Committee it was identified that the Council's Ecologist had objected to the scheme proposals as follows:--

"Whilst pleased to see that the development itself has been redesigned to provide a buffer strip alongside the Moredon Copse CWS, until the drainage scheme for the site is revised it is still considered that the development would result in unacceptable damage to this woodland. The submitted management plan provides no reassurance that the ecological value of the identified compensation site would actually increase in the long-term (indeed it could well decrease), or any evidence of what would actually be achieved through intervention; this therefore clearly fails to demonstrate that the necessary proportionate compensation for 2ha of calcareous grassland could be achieved. Indeed several of the proposals for that site could impact upon European protected species, and it is not clear that the Council could legally approve such measures. The site is also being promoted for future development which casts considerable doubt upon the delivery of long-term ecological compensation on this site and its suitability for such a purpose.

For the above reasons it is considered that the proposed approach to compensation is entirely inappropriate and the application therefore still fails to meet the requirements of local policy NE7 due to unacceptable impacts upon Bradley's Meadow and Moredon Copse CWSs. Therefore objection is maintained to the application on these grounds and it is recommended that it be refused."

Subsequent to this objection it was identified that:-

...the applicant had employed ecological consultants to investigate and present options for acceptable and appropriate off site compensatory mitigation. Discussions have taken place regarding proposals with the Council's Ecologist and a scheme for off-site enhancement of Marlborough Downs Nature Improvement Area to create replacement calcareous grassland on a publicly accessible site close to Swindon has been proposed by the applicant, including funding provision and long term maintenance. The Council's Ecologist has reviewed and assessed the proposed mitigation scheme and considers them acceptable and appropriate as compensatory mitigation for the loss of the Nature Conservation Site and the original ecological scheme mitigation in line with guidance issued by the Department for Environment Food and Rural Affairs. Subject to appropriate conditions the above described objection is overcome and is withdrawn by the Council's Ecologist.

Consequently the report set out the following position:-

As identified above the Council's Ecologists formally objected to the scheme proposals due to their impact on sites of identified nature conservation importance protected under policy NE7 of the NWLP 2011 and the lack of any satisfactory proposals to mitigate and / or compensate for this loss. It is also important to note in this context that the application site incorporates land which was itself proposed to be enhanced in terms of its ecological value to compensate and mitigate for the loss of land within the first phase of the development. The applicant acknowledges that the previously agreed works of enhancement have not taken place as yet. In addition it was identified that the proposed drainage scheme for the site would result in the loss of protected woodland through harm to root protection zones by the laying of pipelines. Also that insufficient survey information was provided in respect of protected species to be able to fully assess impacts and to define to the required legal standard that harm to protected species or their habitats would not be significant and could be readily and effectively mitigated.

Since the Council's Ecological objections to the scheme proposals were identified the applicant has sought to address these through revisions to the scheme layout to incorporate buffer zones adjacent the woodland; revisions to the layout of the drainage scheme to ensure protection of the tree root zones whilst ensuring adequate drainage flows and capacity; and provision of additional survey information and mitigation measures in respect of protected species at the site and their habitats. In addition proposals have been submitted through an Environmental Management Plan and related supporting documentation to ensure onsite ecological management of grassland, woodland the River Ray, and offsite enhancement and management of the land in the vicinity. The applicant has identified long-term land owner commitment to the offsite scheme (to be secured through a legal agreement with the Council); third party commitment to implementation and on-going management (to be delivered by the Marlborough Downs Nature Improvement Area project); and provision of funding for the management and maintenance of the site to be covered in the Section 106 agreement. Following review of the initial drafts additional supporting information and detail was requested and has been provided. The Council's Ecologist considers that the proposals represent adequate and commensurate mitigation and compensation for the loss of habitat over the long-term, provided that the Council is satisfied that the need for the proposal outweighs the need to safeguard the nature conservation value of the site (NE7).

As previously noted submissions by the applicant, including confirmation statements and submission of an Ecological Management Plan, indicated that deliverable and commensurate mitigation proposals were in place. This position led officers to recommend approval of the application subject to the signing of a section 106 agreement and the Committee resolved to approve that recommendation. Since that date the Council and applicant have been in liaison with respect to the preparation of the S106 Agreement and advancement of the proposals for ecological mitigation.

The submitted Ecological Management Plan proposed off site mitigation through works to enhance a site at Cow Hill Bank, Strouds Hill located to the South of Swindon, North of the village of Chisledon and west of the A346 to create replacement Calcareous Grassland. The Ecological Management Plan also included reference to a fall back site should the Cow Hill Bank site not be available and this is located in close proximity to the preferred site. It was proposed by both parties that the mitigation works and ongoing management would be undertaken by the Marlborough Downs Nature Improvement Area Team (MDNIA). The MDNIA are active in the locality managing such ecological habitats and have expertise in this matter.

As discussions progressed and drafts of the relevant documents were submitted by the applicant it became apparent that detailed analysis of the preferred site including soil conditions had not been completed and that the relevant landowner of the site was not a party to the on-going S106 agreement discussions. Soil testing was undertaken and it was identified that the land was too acidic to create the required Calcareous Grassland. The applicant subsequently submitted a revised Ecological Management Plan proposing

measures which they considered would create the requisite soil conditions for the creation of the Calcareous Grassland, in particular a process of liming of the land. This would take place over an extended period. The Council's Ecologist was concerned as to both the likelihood of successfully creating the necessary soil conditions and the scale and extent of the works involved. Given these concerns Officers assessed that the selected site could not be considered as readily deliverable for ecological mitigation and recommended that alternative proposals and sites were investigated including the fall back option. The applicant disputed this position and considered that the Cow Hill Bank site presented an acceptable and deliverable option and proceeded with this proposal through the submission a revised draft S106 agreement and EMP. These documents again did not include the landowner as a full partner in agreement. Subsequently the MDNIA Team have commented that the relevant landowner has withdrawn active support for the proposals on his land. The previous fall back site and other potential sites in the locality have been taken forward as part of other proposals and schemes and are no longer available for mitigation works associated with the Moredon Bridge Phase 2 application proposals. As this situation has developed the applicant has become frustrated with the process and considers that the Council has been obstructive and indeed should have advanced mitigation proposals themselves in order to support the development. The applicant has offered funding to allow this process to take place. Officers consider that it is the developer's role and function to identify deliverable mitigation proposals that are necessary to facilitate its development proposals. Similarly the MDNIA Team has also identified that they have no resource availability to identify alternate mitigation options on behalf of the applicant. That is not to say that there are no potential locations that are suitable for appropriate mitigation in the locality merely than none of the parties involved has identified a solution to the matter, in particular that the developer/applicant has not identified deliverable proposals. Instead of advancing such investigations and bringing forward deliverable proposals the applicant decided to submit an appeal against non determination.

At this point in time there are no detailed proposals from the applicant for mitigation although the applicant has stated in correspondence and a recent meeting (04/12/13) that they are continuing with investigations. However, the Planning Inspectorate has issued an appeal timetable that includes an Inquiry into this matter in March 2014. It is therefore necessary to report this matter to Committee now and it is not possible to await further submissions from the Applicant before doing so. In this regard the applicant has had over a year to bring forward necessary mitigation proposals and has known of this requirement since submission of the application having developed phase 1 residential properties at this site which raised these very issues during consideration of those proposals.

S106

As noted above the application was reported to the NAPC previously where it was resolved to delegate authority to the Area Development Manager to grant permission subject to the signing of a Section 106 agreement and conditions. The matters to be addressed in that agreement are set out in the report attached at Appendix 1 alongside the delivery of the ecological mitigation measures as referenced above. Subsequently the applicant submitted a draft Section 106 agreement to meet all the identified matters fully except in relation to ecological mitigation. This remains the case at the time of writing albeit the Council has yet to receive proofs of evidence and related documents including draft S106 agreement in respect of the submitted appeal. In addition as noted the applicant has indicated that they continue to investigate options and as such further submissions may yet be forthcoming.

Duplication Application 13/04912/FUL

This report relates specifically to the subject of the submitted appeal which is application N/11/02763/FUL. It is however important to note that a duplicate application has been submitted to the Council alongside the submitted appeal against non-determination. Should the applicant be able to bring forward an appropriate and deliverable scheme of mitigation that can be secured through an appropriate S106 agreement then it is conceivable that a consent could be issued for this duplicate application and the appeal could therefore be withdrawn. Given the very short and imminent appeal timetable that has been issued, which reflects that sought by the applicant, Officers are not optimistic that this is realistically achievable. Certainly the Council is not in a position to rely on such an eventuality and therefore it is necessary to report to Committee to establish the Council's position in advance of the appeal in the absence of any deliverable and confirmed ecological mitigation proposals.

10. Conclusion

At the time of writing there is no detailed, commensurate and deliverable scheme of ecological mitigation proposed or agreed for the development and loss of the Calcareous Grassland at the site. Had the Council been in a position to determine the application in these circumstances the officer recommendation would be for refusal. There are no other objections to the scheme proposals that can justifiably be defended.

RECOMMENDATION

That had the Council been in a position to determine the application it would have been refused for the following reason:-

The proposed development results in the loss of a significant protected ecological habitat which is a designated County Wildlife Site and Biodiversity Action Plan listed habitat. The proposals include no provision for commensurate, deliverable mitigation for the loss of and harm to protected ecological habitat (Calcareous Grassland). The proposals are contrary to the NPPF section 11 and paragraphs 14, 17 & 118; NWLP policies C3, NE7, NE10, NE11; and Core Policy 50 Wiltshire Core Strategy Proposed Modifications (Sept 2013).

Appendices:

1. Report to 24th April 2013 North Area Planning Committee

2. Minutes of the North Area Planning Committee 24th April 2014

Background Documents Used in the Preparation of this Report:

Application Documents

Draft Section 106 Agreement dated 03/09/2013

Draft Ecological Management Plan dated 14/08/2013

APPENDIX 1 Report to North Area Planning Committee 24th April 2013

REPORT TO THE NORTH AREA PLANNING COMMITTEE

Report No.

Date of Meeting	24 April 2013		
Application Number	N/11/02763/FUL		
Site Address	Land at Moredon Bridge, Purton Road, Wiltshire		
Proposal	50 Dwellings, Access, Associated Works and Landscaping		
Applicant	Wainhomes (SW) Holdings Ltd		
Town/Parish Council	Purton Parish Council		
Electoral Division	Purton	Unitary Member	Councillor Jacqui Lay
Grid Ref	412100 186862		
Type of application	Full		
Case Officer	Lee Burman	01249 70668	Lee.burman@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Lay called the application to Committee to consider the scale of development; visual impact on the surrounding area; relationship to adjoining properties; and design character.

1. Purpose of report

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

2. Report summary

The application was not determined within the 13 week period in an attempt to try and resolve ecological issues on the site and subsequent to that to await the outcome of the Secretary of State's decision in respect of Ridgeway Farm. This extended timeframe was agreed between the parties. Subsequently a further extension of the determination date was agreed to address ecological objections.

For consistency the main issues are broadly the same as those for Ridgeway Farm and are as follows:

- Status of the development plan
- Principle of development
- West of Swindon background
- Housing need and 5 year land supply
- Prematurity
- Development form including affordable housing
- Impact on the highway network
- Sustainability of the site and development proposals
- Provision of open space and green infrastructure
- Affect on ecology, nature conservation and biodiversity
- Affect on the character and appearance of the area
- Affect on drainage and flood risk
- Impact on residential amenity (existing and proposed residents)
- Other Material Considerations
- Section 106 requirements

The application has generated objections from Purton Parish Council; and 71 letters of objection from the public. One letter of Support has been received. A total of 85 representations have been submitted in respect of the application.

3. Site Description

The site is bounded by the consented residential development (ref. 09/02020/REM) accessed off of Purton Rd (84553) and the 84534 to the northwest, the dismantled Midland and South Western Junction Railway to the northeast, the River Ray to the southeast and the Swindon and Stroud railway line to the southwest. The overall site measures 13.5 ha. However, the application area covers approximately 1.7 ha and is delineated by hedgerows and trees on its East and South East boundary.

4. Relevant Planning History		
06/00250/OUT	Residential Development	Refused
08/00403/OUT	200 Dwellings, Public Open Space and Landscaping	Allowed
09/02020/REM	200 Dwellings & Associated Works	Permitted
10/03149/REM	Reserved Matters – Landscaping	Permitted

5. The Proposal

The scheme seeks permission for 50 dwellings of which 6 are a re-plan from a previous Reserved Matters approval. The scheme comprises the following mix:

36 market dwellings – mostly two storey comprising 2 and 3 bedroom with some 4 bed dwelling. 5 units are 4 bed 2.5 storey.

The proposed affordable units comprise 10 units to rent and 4 intermediate units most of which are 2 bed with one 1 bed and a 3 bed house.

Materials are predominantly brick with some render and reconstituted stone, roof materials are concrete tiles. All materials are to match the existing approved development together with window styles and features. A condition is required to identify specific materials to be used.

The application has been submitted with the following documentation and plans:

Archaeological Report
 Constraints Report
 Design and Access Statement
 Drainage Layout (Revised)
 Flood Risk Assessment and Drainage Strategy
 Ecological Assessment
 Environmental Noise Assessment
 Footpath Diversion
 Geo-Environmental & Geo-Technical Report
 Landscape & Visual Appraisal
 Landscape Specification
 LAP Proposals
 Planning Obligation Heads of Terms
 Statement of Community Involvement
 Transport Statement
 Waste Management Plan
 Site Location Plan
 Topographical Survey
 Highway Layout
 Footpath Diversion
 Revised Landscape Proposals WAIN17762-10 Sheets 1 to 3
 House Type Planning Drawings – 1552 (1 – 27 various revisions)
 Revised Site Layout 14/3/12
 Revised Street Elevations 1552/103 REV B

6. Planning Policy

Below is a summary list of the most relevant adopted guidance and policy documents in the considerations of this proposal:

- National Planning Policy Framework (NPPF)
- Circular 05/2005 Planning Obligations
- Circular 06/2005 Biodiversity and Geological Conservation
- Conservation of Habitats and Species Regulations 2010
- Wildlife and Countryside Act 1981
- RPG10 Regional Planning Guidance for the South West

- Wiltshire and Swindon Structure Plan 2016 principally Policies DP2, DP3, DP4, DP10B and DP13
- North Wiltshire Local Plan 2011 Policies C1 Sustainability; C2 Community Infrastructure; C3 Development Control Policy; NE7 Nature Conservation Sites of Local Importance; NE9 Protection of Species; NE10 Managing Nature Conservation Features; NE11 Conserving Biodiversity; NE13 The Great Western Community Forest; NE14 Trees and the Control of New Development; NE15 The Landscape Character of the Countryside; NE17 Contaminated Land; NE18 Noise and Pollution; HE8 Archaeological Evaluation; T1 Minimising the Need to Travel; T2 Transport Assessment and Travel Plans; T4 Cycling, Walking and Public Transport; H4 Residential Development in the Open Countryside; H5 Affordable Housing in Urban Areas and Policy CF3.
- North Wiltshire Open Space Study 2004
- Affordable Housing SPD 2008

The following documents are emerging and the weight to be attached to each document is for the decision maker:

- Ministerial Statement "Planning for Growth" March 2011
- Wiltshire Core Strategy Submission Draft document July 2012 Policies 1, 2, 3 and 19.
- Swindon Borough Council Core Strategy – Revised Proposed Submission Draft June 2011 – principally Policy NC5.

7. Consultations

Purton Parish Council – refer to their historical objections to the site on the following grounds:

- The creation of an isolated community away from any established neighbourhoods notwithstanding previous Inspector did not agree;
- Ecological impact on Calcareous Grassland and Bradley Meadow, the latter was afforded protection via condition by the Inspector and the applicants have ignored this;
- The location of the play area in the flood zone which floods and should therefore be relocated to cope with this additional development;
- No junction management has been implemented contrary to approved plans;
- Highways impact.

However, notwithstanding the above the Parish Council considers that as the development has changed the area irrevocably and therefore does not object to modest development subject to caveats:

- An independent study confirming Bradley Meadow cannot be restored;
- Relocation of the play area;
- Implementation of traffic lights; and

Swindon Borough Council – Submitted two separate letters covering general planning policy and development control matters in one letter and transport matters in the second. The comments are extensive and detailed and are available for viewing on the File and the Council's website. In summary Swindon BC objects to the proposed development on the following grounds:

- The application and supporting information including the Design & Access Statement and Transport Statement are unclear and inadequate to the extent that the proposals cannot be formally and fully assessed with regard to impacts.
- The objections raised in respect of the Phase1 Appeal remain valid in the view of Swindon BC
- The site should not be considered in the context of the housing land supply for the Swindon Area being within Wiltshire. As such the position with regard to 5 year supply of land for housing in Swindon is irrelevant and in any event does not override the harm to the delivery of the development strategy for Swindon which focuses on delivery of housing at the Tadpole Farm site and the emerging development strategy in Wiltshire.
- The Government has resolved to abolish Regional Spatial Strategies. There is no specific site allocation of the land for development in emerging development plan documents.
- The site is of identified nature conservation importance.
- The site is subject to flood risk and development of plots close to the flood plain boundary is inappropriate.

- The proposed layout and design is not considered acceptable for a range of reasons details in the consultation response including inadequate levels of residential amenity for future occupants; poor relationship of properties to one another and the communal areas and street – blank facades; inadequate parking provision etc.
- Inadequate and inappropriate public open space provision including the provision of LAPs which Swindon BC does not accept.
- The proposals do not take account of Swindon Transport Policies and objectives.
- The proposals do not provide for or take opportunities to enhance links to the pedestrian and cycle network in the locality.
- Several key amenities are beyond recommended walking distances resulting in a car dominated development.
- The transport statement has not considered changed circumstances since the original application.
- The submitted assessment of the site access shows each arm is over capacity in each scenario. This will likely have an impact on highways safety. Swindon BC are concerned that the site access does not provide enough capacity to serve the development. Confirmation of Emergency Services support for the layout is required.
- Confirmation is required as to whether the submitted FRA covers the 50 dwellings, if a not a new FRA is required. Confirmation as to the capacity of the Drainage Strategy to accommodate the additional development is required.

Despite the above position regarding lack of detail and clarity in the proposals and supporting documentation and inability to assess impacts, Swindon BC was able to provide a detailed and quantified assessment of the financial contributions required to support service and infrastructure enhancements and provision to serve the needs of the development proposed. This matter is addressed under the S.106 section below.

Spatial Plans – The initial response from the Spatial Plans Team centred on the contention that a 5 year supply of land for housing could be readily identified in accordance with the then adopted and emerging national policy guidance contained in PPS3 and the draft NPPF. It was noted that the site fell outside any defined settlement framework boundary and was therefore in the open countryside with policy H4 of the NWLP relevant. Officers identified that the development plan including Wiltshire and Swindon Structure Plan (Policy DP4) identified a requirement for housing provision in the locality of the application site which had not been met and the site had been found to be broadly sustainable through the Phase 1 appeal process. In this context officers noted the Ecological objections to the proposals (referenced below). However, given the open countryside location and the assessed ability to demonstrate a 5 year supply of land for housing officers considered that the site was not required for residential development and was in an inappropriate location contrary to adopted development plan policy. Further that the release of the site was premature to the emerging Wiltshire Core Strategy and Neighbourhood Plan process. Objection was therefore raised and refusal recommended.

Since those initial representations were made the Secretary of State for Communities has issued his decision in relation to the Ridgeway Farm appeal. The Inspector, while noting the presumption that development should be plan-led and have the support of the local community, in concluding her findings made the following points:

- In line with Structure Plan Policy DP10B “...it has already been accepted in the DP that some housing sites will be exceptions to countryside policy H4. RPG10 and WSSP supported residential development on Greenfield land to the west of Swindon and although the housing figures that justify it are outdated, they were due to be increased rather than decreased following the EIP into the dRSS”. (paragraph 403)
- The Inspector noted that “the Ridgeway Farm proposal would only provide about 3.8% of the total housing numbers envisaged as urban extensions to Swindon in the dSCS and a proportionally smaller percentage (1.9%) of the dRSS figures” (paragraph 357). In referring to this, the Inspector concludes: “The Appeal proposal is not such a significant percentage of the housing figures proposed in the dCSs that it would prejudice the ability of the local community to set a spatial vision for the area and prematurity is not a reason to refuse the scheme” (paragraph 404).

The proposals within this current application relate to land already permitted on appeal at Moredon Bridge for 200 dwellings. In total 900 dwellings have now been permitted in ‘locations’ west of Swindon that Inspectors have found to be sustainable. Spatial Plans Officers therefore consider that given the findings of the Ridgeway Farm Inspector and Secretary of State and the lack of 5 year land supply at Swindon, together with

the Policy requirement for 1,000 dwellings in saved Policy DP10B of the Wiltshire and Swindon Structure Plan 2016, there is not an objection to this application on housing land supply grounds.

Notwithstanding this, Officers note that in order for the proposals to constitute sustainable development in accordance with the NPPF it will be important to ensure that there are no site specific reasons as outlined in the previous response to this application.

Affordable Housing – confirms that 30% affordable housing is required and the proposal appears to conform to SPD requirements.

Wiltshire Highways – no objections subject to conditions. See section on Highways Matters below for further details.

Tree Officer – following receipt of amended root barrier plans no objections are proposed.

Principal Ecologist – detailed comments are contained on the file and website (see email dated 4 April 2012) and these comments from the ecological considerations of the report below. The Officer recommended the following:

“Whilst pleased to see that the development itself has been redesigned to provide a buffer strip alongside the Moredon Copse CWS, until the drainage scheme for the site is revised it is still considered that the development would result in unacceptable damage to this woodland. The submitted management plan provides no reassurance that the ecological value of the identified compensation site would actually increase in the long-term (indeed it could well decrease), or any evidence of what would actually be achieved through intervention; this therefore clearly fails to demonstrate that the necessary proportionate compensation for 2ha of calcareous grassland could be achieved. Indeed several of the proposals for that site could impact upon European protected species, and it is not clear that the Council could legally approve such measures. The site is also being promoted for future development which casts considerable doubt upon the delivery of long-term ecological compensation on this site and its suitability for such a purpose.

For the above reasons it is considered that the proposed approach to compensation is entirely inappropriate and the application therefore still fails to meet the requirements of local policy NE7 due to unacceptable impacts upon Bradley’s Meadow and Moredon Copse CWSs. Therefore objection is maintained to the application on these grounds and it is recommended that it be refused.”

Subsequently the applicant has employed ecological consultants to investigate and present options for acceptable and appropriate off site compensatory mitigation. Discussions have taken place regarding proposals with the Council’s Ecologist and a scheme for off-site enhancement of Marlborough Downs Nature Improvement Area to create replacement calcareous grassland on a publicly accessible site close to Swindon has been proposed by the applicant, including funding provision and long term maintenance. The Council’s Ecologist has reviewed and assessed the proposed mitigation scheme and considers them acceptable and appropriate as compensatory mitigation for the loss of the Nature Conservation Site and the original ecological scheme mitigation in line with guidance issued by the Department for Environment Food and Rural Affairs. Subject to appropriate conditions the above described objection is overcome and is withdrawn by the Council’s Ecologist.

Education – Officers identify that the requirement for primary and secondary school place provision can be accommodated within existing facilities based on proposed enhancements to school provision in the locality and existing and projected school place availability. As such no requirement for contributions is identified.

Public Open Space – No objection subject to satisfactory provision for future maintenance and management not to be undertaken by the Council.

Archaeological Officer – Raised no objections to the scheme proposals.

Environmental Health Officer – Raised no objection to the scheme proposals

Drainage Engineers – No objections based on the submitted details.

Senior Waste Officer – Identifies a requirement for financial contributions toward the provision of Waste Bins to serve the residential properties. This is addressed further in relation to S.106 matters below.

Defence Estates – the MOD has no safeguarding objections.

Environment Agency – no objections subject to conditions but defer any comments regarding ecology to the Council.

Highways Agency – consider the proposed development would have an incremental impact on Junction 16 and thus a Travel Plan is required.

Wessex Water – have confirmed a water supply can be provided to the site and will be agreed at the detailed design stage. Assumptions have been made about surface water

8. Publicity

The application was advertised by site notice and neighbour consultation.

71 letters of letters of objection received

Summary of key relevant points raised:

16 representations raised objection in respect of the principle of development considering that there was no need and that the location was unsustainable;

17 representations raised objection in respect of the harmful ecological impact of the proposed development;

26 representations raised objection in respect of the lack of infrastructure and inadequate provision to serve the needs of the proposed development;

51 representations raised objection in respect of the impact of the proposals on the highway network;

9 representations raised objection in respect of the noise disturbance created by the nearby rail line

16 representations raised objection in respect of the impact of the proposals on flooding and the risk of flooding of the proposed dwellings.

Comments were also raised in respect of loss of views and open aspect, lack of demand for housing and impact on house values.

9. Planning Considerations

As identified above for consistency the key headings and planning considerations are identified as the same for the consideration of the Ridgeway Farm proposals. The assessment and main considerations under each of these headings is set out below albeit the situation has fundamentally changed following the publication of the Secretary of States decision in respect of the Ridgeway Farm Appeal.

Status of the Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material considerations indicate otherwise.

The development plan that relates to this development is as follows:

- Regional Planning Guidance for the South West (RPG10);
- Wiltshire and Swindon Structure Plan 2016 (adopted April 2006) – policies saved therein;
- North Wiltshire Local Plan 2011 (adopted June 2006) (and the saved policies therein; and
- Wiltshire and Swindon Waste Core Strategy (adopted July 2009).

With regard to the status of the development plan the above documents are adopted and incorporate saved policies however it has been accepted through various appeals dating back to 2011 that RPG10 and the housing requirement specified in the North Wiltshire Local Plan based on RPG10 are out of date. In addition the Government has stated (28/3/13) that all Regional Spatial Strategies – RPG10 will be abolished by order at the restart of the Parliamentary session after Easter 2013. Therefore whilst part of the adopted

development plan at the point of submission, during determination and still at present the abolition of the document is imminent and therefore no weight should be attached. Furthermore the 12 month period after the publication of the NPPF which Adopted Local Plan policies according with the NPPF still carry full weight as material considerations elapsed as of 27th March 2013. However, paragraph 215 of the NPPF makes it clear that where adopted Local Plan policies generally accord with the NPPF weight will still be attached to them even after the expiry of the 12th month period albeit this weight will be commensurately reduced. In this context it is essential to note that the Council has submitted its draft Core Strategy for examination which is due to take place in May – July 2013.

Principle of Development

The site lies outside of any currently defined settlement and is therefore by definition within the open countryside and a location where new residential development (other than specific limited categories) is not supported in principle. Saved policy H4 of the North Wiltshire Local Plan 2011 is relevant in this regard and identifies that only residential development for agricultural or forestry purposes or with respect to replacement dwellings will be permitted in locations outside defined settlement boundaries. The proposed development is therefore in direct conflict with this saved policy and therefore the adopted development plan. The emerging Wiltshire Core Strategy does not propose any alteration to the definition of settlement boundaries in this locality. The policy is considered to generally accord with the policies and strategy of the NPPF. It is therefore necessary to consider what if any material considerations would support a departure from this policy imperative and this is addressed in detail below.

West of Swindon Background

WSSP 2016 Policy DP10B requires a joint study to be undertaken by the local planning authorities to identify the most sustainable location(s), adjacent to Swindon for an urban extension or extensions west of Swindon for 1,000 dwellings. The outcome of the study was to be identified within the authorities' Local Development Documents or in a joint Local Development Document. (Paragraph 4.87).

In response to Policy DP10B North Wiltshire District Council in partnership with Swindon Borough Council commenced the production of the West of Swindon Joint Study (Spring 2006). However the progress of this specific study was halted in order to respond to the increased housing requirements contained within the draft Regional Spatial Strategy (RSS), published June 2006. As a result this study was incorporated into the wider Swindon Small Scale Urban Extension Study (SSUES) 2008 which formed a technical evidence document supporting both the emerging Swindon and Wiltshire Core Strategy Development Plan Documents.

The Swindon Small Scale Urban Extension Study (SSUES) – Jan 2008

The SSUES was an analysis of potential locations for development to meet the housing requirements identified through the draft RSS (June 2006). Referring to the western edge of Swindon this required housing provision to be made for 2,000 dwellings within the Borough and a further 1,000 dwellings adjacent to Swindon but within the former North Wiltshire District.

In order to facilitate a more detailed assessment of the study area, the urban fringe of Swindon was broken down into cells. Each cell was tested for a variety of potential options comprising 200, 500, 1,000 and 2,000 dwellings. This was for the sole purpose of testing growth and not for specifying site specific capacity.

- a) The SSUES concluded that in order to meet the requirements of the draft RSS (June 2006) the following development scenario is recommended.

Location	Number of Dwellings
Swindon Borough (2,000 dwellings)	
Tadpole Farm	1,500
Kingsdown	500
North Wiltshire District (1,000 dwellings)	
Ridgeway Farm / Moredon Bridge	1,000
Total	3,000

- b) Tadpole Farm is situated within the identified area of search for Policy DP10B (Cells G and H of the Swindon PUA Study). The SSUES concluded that “Tadpole Farm emerged as the most sustainable location in the study area to accommodate development and should therefore be the priority site.” (Paragraph 4.6).
- c) The study also identified land at Ridgeway Farm and Moredon Bridge as the location suitable to meet the RSS requirement for 1,000 dwellings in North Wiltshire adjacent to Swindon. Commenting on the development area at Ridgeway Farm and Moredon Bridge the SSSUES concluded that this area is:

“.... very accessible to existing services and facilities and provided the development is contained to the east of Purton Road, could be accommodated without a significant contribution to coalescence between Swindon and any of the surrounding villages or strategic landscape impact.”

- d) In terms of the environmental considerations (this relates to both the natural and built environment), Cell D of the SSSUES (within which Ridgeway Farm falls within) does not perform as well as Cell G (Tadpole Farm), this is largely the result of concerns surrounding the impact on the strategic landscape to accommodate growth above 1,000 dwellings on land south of the railway. However the SSSUES recognised that:

“The fields to the south of Cell D [the location of this proposal] would provide the opportunity to integrate with the existing urban area without impacting too heavily upon local strategic landscape. There would also be capacity south of the railway line to accommodate a development scenario above 500 dwellings, provided that an element of strategic planting was provided to reduce the impact from the north. It should be acknowledged here that the local landscape impact of development here would be severe. There is not capacity to accommodate the full development scenario of 1,000 dwellings without extending beyond the typography that contains the site around Purton Road.” (Paragraph 3.29).

- e) The SSUES therefore recognised the potential negative impact of Cell D on the strategic landscape and also the potential to cause coalescence for large scale development i.e. 1,000 dwellings with outlying settlements but acknowledged that:

“There would appear significant capacity subject to mitigation to provide a minimum of 500 dwellings at this location. The capacity of the site is more likely to be around 700-800 dwellings.” (Paragraph 3.37)

- f) Finally the SSUES recognised that:

“Further detailed work needs to be undertaken to identify the exact scale of development that could be accommodated considering environmental constraints and it may be the site can only deliver around 800 dwellings. The majority of development would need to be concentrated to the south west of the railway line with only a small proportion of development land located on high ground at either side of Purton Road to the north and east of the railway.” (Paragraph 4.5, Page 60)

- g) In summary, the SSUES acknowledged that land at Tadpole Farm represented the most sustainable development option to deliver the housing requirements identified through the draft RSS (June 2006). An assessment of the SSUES findings also demonstrates that the Ridgeway Farm site is a suitable location for development to meet the additional requirements of the emerging RSS.

The West of Swindon Study Update – Feb 2009

- a) The West of Swindon Study Update, built on the SSUES, focused on the specific requirement identified through the Proposed Changes version of the RSS (July 2008) to assess development options for 3,000 dwellings to the west of Swindon within the former North Wiltshire District. This Study Update concluded that a combination of sites (Moredon Bridge, Ridgeway Farm and The Pry) represented the best option for development to meet this need.
- b) In respect of the application site, the Study Update concluded that “Development on land at Ridgeway farm and Moredon Bridge would read as a logical urban extension to Swindon and could be brought forward in the short-term which would provide an early phase of development”. (Paragraph 6.12)

- c) This document was subject to public consultation between February and April 2009, the findings of this consultation were subsequently used to inform the Wiltshire 2026 consultation document.

Wiltshire 2026: Planning For Wiltshire's Future, October 2009

- a) The Wiltshire 2026: Planning for Wiltshire (A consultation document to inform the Wiltshire Core Strategy) document was subject to public consultation between 30 October 2009 and 31 December 2009. As part of the supporting evidence a 'West of Swindon Background Paper' was produced that outlined the background to the various studies undertaken to identify suitable and sustainable development options at the west of Swindon in accordance with the Proposed Modification version of the draft RSS.
- b) This document carried forward the best option for development at the west of Swindon identified through the West of Swindon Study Update; a combination of the sites of Ridgeway Farm, Moredon Bridge and land at Pry Farm. It should be noted here that development options at the Pry reflected the higher housing numbers identified through the Proposed Modifications version of the RSS which required an additional 2,000 homes to be provided for at the west of Swindon, increasing the total requirement to 3,000 dwellings.

Housing Need and 5 year land supply

As identified above it is the Council's view that the most up to date identification of need is obtained via the respective emerging Core Strategies for Wiltshire and Swindon.

Regardless of the figures contained within the soon to be revoked Structure Plan (1,000 dwellings) or the most up to date figures contained within the Swindon Borough Core Strategy, the NPPF (paragraph 47) requires a 5 year supply of housing land. The NPPF identifies that a presumption in favour of sustainable development is the golden thread running throughout the NPPF. At paragraph 49 the NPPF specifies that applications for housing development should be considered in the context of the presumption in favour of sustainable development.

In terms of assessing supply, it is understood that 350 dwellings would be completed on Tadpole Farm by 2015/2016 (end of Structure Plan period). Together with the Moredon Bridge commitment of 200 dwellings, this means that in terms of the out of date Structure Plan requirement at West of Swindon, just over half of that requirement in Policy 10B could be delivered by 2016. However, this would leave a shortfall of at least 450 dwellings, which the permission granted at Ridgeway Farm site would deliver.

The assessed position indicated that having regard to the completions achieved at Swindon (within the Borough) to March 2011 a 2.6 to 2.9 years deliverable supply of housing land could be demonstrated compared to the Wiltshire and Swindon Structure Plan 2016 requirement, which is in conformity with RPG10, the adopted Regional Spatial Strategy for the South West. The difference in figures depends on whether the requirement in Policy DP10B is included or not. This compares to 2.5 years when assessed against the figures within the Proposed Modifications to the Regional Spatial Strategy for the South West (2008).

This position previously assessed and pursued by the Council and Swindon Borough Council in respect of Ridgeway Farm has been superseded by the decision of the Secretary of State in respect of the Ridgeway Farm appeal. This is also the case in respect of several other key events and decisions as discussed below under "Other Material Considerations".

Prematurity

Based on the evidence outlined above in this report in respect of the diminishing, if not diminished weight that can be attached to the Structure Plan and the policies contained therein as well the draft RSS, any decision to approve this proposal could be considered premature to the emerging Core Strategies of both Councils, both of which are to be the subject of examinations later this year with adoptions expected during 2013/2014. A decision along these lines would be consistent with the *Cala Homes (South) Limited v Secretary of State for Communities and Local Government [2010]* and *R (on the application of Cala Homes (South) Limited) v Secretary of State for Communities and Local Government and another [2011]* decision. However once again this position has been significantly altered and undermined by the decision of the Secretary of State in respect of the Ridgeway Farm Appeal and in respect of several other key events and decisions as discussed below under "Other Material Considerations".

Development form including affordable housing

It is considered that the development form reflects that of the Phase 1 200 dwellings already permitted and now under construction. The affordable housing provision in terms of quantum and layout is considered to be in general accord with the Council's adopted Supplementary Planning Guidance in respect of Affordable Housing provision. The Council's Housing Officers raise no objection to the scheme proposals. The Council's Urban Design Officer and other consultees including Swindon Borough Council have reviewed the scheme proposals and raise a number of queries and suggestions as to revisions in respect of layout. The Applicant has confirmed a willingness to amend the site layout to address these concerns. The matters raised are not considered to result in such a poor quality of layout or inadequate levels of amenity and design as to warrant refusal in any event, particularly given the approved and partially implemented scheme in respect of Phase 1.

Impact on the highway network

The Council's Highways Engineers have raised no objections in principle particularly in light of the Phase 1 Permission and the recent Decision of the Secretary of State in respect of Ridgeway Farm. This is discussed in further detail below. The Council's Highways Engineers consider that contributions to enhanced pedestrian movement and legibility in the locality particularly at the principle site junction. S.106 requirements in this regard are discussed further below.

Highways Officers at Swindon Borough Council have submitted representations in respect of the proposals as set out in the consultations section above. In particular Officers of SBC consider that the Transport Assessment submitted with the application is insufficient to allow detailed assessment of the impact of the proposals. Concerns are however raised in respect of the capacity of the proposed access to accommodate the development proposed. Similarly Purton PC has submitted representations that approved works have not been implemented and traffic signalisation is required.

Wiltshire Council's Highways Engineers were asked to review the scheme proposals and application submission details in the light of these representations. Officers confirmed that no objection is raised to the scheme proposals. Officers do not consider the submitted documentation to be inadequate or deficient. The impact of the scheme proposals for 50 dwellings on the local Highways network in the light of the recent approval at Ridgeway Farm are not considered to be significant. In addition officers consider that all highway works required as part of the original development have been completed. There have never been any proposals to provide traffic signals at the site access as overall traffic delays would be increased. Officers acknowledge that turning right out of the site may be difficult at times but the alternative exists of a left turn out and a 'U' turn at the nearby Meadway roundabout. In this context and given the scale of development proposed the identified requirements of SBC officers and the Parish Council are not supported or considered to be necessary, reasonable and justifiable.

Whilst much of the impact of the scheme proposals in terms of transport and highways based traffic movements will be expressed on the road network in the Swindon Borough Council area Wiltshire Council is the Local Planning and Highways Authority for the application and in this context it is entirely appropriate and reasonable for the advice of Wiltshire Highways Officers to be followed.

The Highways Agency raised no objection to the scheme proposals but considers that the scheme requires preparation of a Travel Plan. The submitted Transport Statement commits to submission of a Travel plan should consent be forthcoming based on the provision and requirements of the Travel Plan agreed for Phase 1.

Sustainability of the site and development proposals

The general site location has been found to be broadly sustainable and appropriate for residential development in previous studies and assessments (referred to above). Similarly the recent appeals decisions at Moredon Bridge Phase 1 and Ridgeway Farm consider the location to be broadly sustainable. It is considered that the scheme can be supported by sufficient S.106 requirements to meet the needs arising from the development. Ecological matters are addressed below as are other site specific considerations. On these grounds there is no in principle objection to the scheme proposals.

Provision of open space and green infrastructure

The Council's Environmental Services Team have reviewed the scheme proposals and no objection is raised. In conjunction with the scale of provision as a part of Phase 1 of the development and the proposed

phase II layout the needs of the proposed development can be met on site. Officers consider that the proposed layout is not in a form that the Council would prefer to adopt and maintain itself but is acceptable in terms of distribution and accessibility. As such there is no in principle objection but Officers have identified a requirement for the spaces to be maintained in perpetuity and for proposals to be incorporated within the S.106 to address this matter. This is addressed further below.

Affect on ecology, nature conservation and biodiversity

As identified above the Council's Ecologists formally objected to the scheme proposals due to their impact on sites of identified nature conservation importance protected under policy NE7 of the NWLP 2011 and the lack of any satisfactory proposals to mitigate and / or compensate for this loss. It is also important to note in this context that the application site incorporates land which was itself proposed to be enhanced in terms of its ecological value to compensate and mitigate for the loss of land within the first phase of the development. The applicant acknowledges that the previously agreed works of enhancement have not taken place as yet. In addition it was identified that the proposed drainage scheme for the site would result in the loss of protected woodland through harm to root protection zones by the laying of pipelines. Also that insufficient survey information was provided in respect of protected species to be able to fully assess impacts and to define to the required legal standard that harm to protected species or their habitats would not be significant and could be readily and effectively mitigated.

Since the Council's Ecological objections to the scheme proposals were identified the applicant has sought to address these through revisions to the scheme layout to incorporate buffer zones adjacent the woodland; revisions to the layout of the drainage scheme to ensure protection of the tree root zones whilst ensuring adequate drainage flows and capacity; and provision of additional survey information and mitigation measures in respect of protected species at the site and their habitats. In addition proposals have been submitted through an Environmental Management Plan and related supporting documentation to ensure onsite ecological management of grassland, woodland the River Ray, and offsite enhancement and management of the land in the vicinity. The applicant has identified long-term land owner commitment to the offsite scheme (to be secured through a legal agreement with the Council); third party commitment to implementation and on-going management (to be delivered by the Marlborough Downs Nature Improvement Area project); and provision of funding for the management and maintenance of the site to be covered in the Section 106 agreement. Following review of the initial drafts additional supporting information and detail was requested and has been provided. The Council's Ecologist considers that the proposals represent adequate and commensurate mitigation and compensation for the loss of habitat over the long-term, provided that the Council is satisfied that the need for the proposal outweighs the need to safeguard the nature conservation value of the site (NE7).

The Environment Agency raised no objection to the scheme proposals. Natural England noted the location of the proposed development affecting a County Wildlife Site and advised that the council take particular care in the determination of the application. Given the limited scale of the development proposed no further comments were made and no formal objection was raised.

Affect on the character and appearance of the area

The proposal relates to open land of at least partial nature conservation importance featuring some elements of mature vegetation and a water course. The development of the land would undoubtedly result in a change to the visual appearance and character of this locality and this would be visible from transport links and neighbouring development. The site is however not overly prominent on the broader locality and is now seen and read in the context of the first phase of development permitted adjacent to the site. The existing woodland will be retained and this contributes to minimising the visual impact of the proposals. The Council's Landscape Officer has raised no objection to the scheme proposals. It is not considered that the visual impact is so significantly harmful to the character and appearance of the locality such that planning permission ought to be refused on these grounds. This is particularly considered to be the case in the context of the other material considerations discussed below.

Affect on drainage and flood risk

The applicant has submitted proposals for the construction of piped drainage for the development and these details have been assessed by the Council's drainage engineers. Whilst Officers are concerned regarding drainage in the locality, particularly given events during 2012, the detailed proposals, evidence and assessment submitted with regard to surface water drainage all demonstrate that the scheme can be adequately drained and no objection is raised in this regard.

Impact on residential amenity (existing and proposed residents)

Concerns have been raised by various parties regarding the initial proposed site layout, particularly in the context of the relationship between some of the properties on the site and privacy and the adequacy of the proposed layout of private amenity space for future occupants of the properties themselves. The applicant subsequently submitted a revised site layout plan and it has considered that the issues and concerns raised in consultation comments and officers review of the proposals have been largely addressed. Again it is not considered that the amenities of future residents of the development are so significantly compromised and sub standard as to warrant and justify refusal of the application. Given the location and positioning of the proposed dwelling in relation to neighbouring properties and the degree of separation between the development site and existing dwellings it is not considered that there will be any significant harm to existing residential amenities.

Other Material Considerations

Since the application was submitted there has been a significant change in material circumstances pertinent to the assessment and consideration of the development proposal. These are summarised as follows:

- a) The Secretary of State for Communities' decision in respect of the Ridgeway Farm appeal was issued on the 26 November 2012
- b) Two appeal decisions in respect of residential development proposals at Calne were issued by the Planning Inspectorate in September 2012
- c) An Appeal Decision in Respect of residential Development at Widham Farm, Purton was issued in September 2012 by the Planning Inspectorate. This decision has subsequently been challenged through the Courts of Justice and the decision has been quashed March 2013.
- d) Royal Wootton Bassett Town Council and Cricklade Town Council have both withdrawn from the neighbourhood Plan process for the Royal Wootton Bassett and Cricklade Community Area and resolved to prepare Neighbourhood Plans for their individual localities.
- e) An appeal decision in respect of a residential development proposal at Filands, Malmesbury was issued in error by the Planning Inspectorate and has subsequently been withdrawn to allow the Secretary of State to determine the appeal March 2013.

a) Ridgeway Farm Appeal Decision

The Ridgeway Farm Appeal decision is a particularly pertinent material planning consideration in respect of the determination of the current application for Phase II Moredon Bridge given the close proximity of the sites to one another and the material planning considerations relevant to both applications in the context of the nature of the development proposed. In particular the relevant development plan policies, 5 year supply of land for housing and housing land requirements; and prematurity to emerging development plans are all matters of principle relevant to both sites. These have been tested and thoroughly examined through an appeal process and full public inquiry with the final decision recovered by the Secretary of State for his determination. As such any decision in respect of Moredon Bridge Phase II must reflect and take into account the Ridgeway Farm decision unless there are clear and unequivocal reasons to justify a different approach. This is not considered to be the case and as such the Council's Spatial Plans team have removed their principle policy based objections to the scheme proposals. In this context it considered that a great many of the objections to and comments in respect of the scheme proposals including those of Swindon Borough Council are superseded by this decision.

Of particular relevance is the finding of the Inspector and subsequently the Secretary of State that the proposed scale of development at Ridgeway Farm was not so significant and substantive that :-

"The Appeal proposal is not such a significant percentage of the housing figures proposed in the dCSs that it would prejudice the ability of the local community to set a spatial vision for the area and prematurity is not a reason to refuse the scheme" (paragraph 404).

This of course related to a proposed level of development of some 750 dwellings with supporting infrastructure including a primary school, extra care facility, community buildings, roads and open spaces. In this context it is considered that the 50 dwellings proposed at Moredon Bridge cannot be considered significant or prejudicial to the communities' ability to set and define a spatial strategy for the locality. It is also important to note that the Secretary of State and Inspector found that neither Wiltshire Council or Swindon Borough Council had a confirmed 5 year supply of land for housing as required by the NPPF (Para 10 of the SoS's decision letter). Consequently the SoS goes on to state that the NPPF gives strong support for the grant of planning permission for housing schemes on sites in such circumstances as that of the Ridgeway

Farm site. Given this finding it is considered that there is a strong likelihood that any appeal against a decision to refuse planning permission on Development Plan and housing land supply grounds would be allowed by an Inspector.

b) On the 18th September 2012 the Planning Inspectorate issued two decisions in respect of two separate appeal sites within the town of Calne. Both appeals were allowed with the Inspector finds at paragraph 19 of the decisions that the Council cannot demonstrate a deliverable 5 year supply of land for housing and that the provision of the Development Plan in that regard are out of date.

Of particular relevance is the Inspector's finding that there is significant doubt over the delivery of identified strategic sites in the emerging Wiltshire Core Strategy and that these should be discounted from the supply of land for housing as a consequence.

Whilst the sites fall within a different housing market area forming the basis for assessing housing requirements and provision from that of the application site the decisions are of relevance in respect of the findings as to the status of the development plan and the Council's general approach to assessing the supply of land for housing in terms of including provision from Strategic Sites.

c) On 5th October 2012 the Planning Inspectorate issued a decision in respect of an appeal against the refusal of planning permission by the Council for residential development on land at Widham Farm, Purton. The appeal was dismissed in the instance with many of the issues again similar to those at Ridgeway Farm and the two sites in Calne. In this instance the inspector found that the Council could demonstrate a deliverable supply of land for housing for a 5 year period. Further the Inspector found that there was sufficient evidence to demonstrate that housing would be delivered from the identified Strategic Sites in the Emerging Wiltshire Core Strategy such that they could be counted toward the supply of land for housing.

This decision was subsequently subject to legal challenge through the Courts of Justice by the appellant and a third party with an interest in the land. The third party in that case is also the applicant for the development at Moredon Bridge the subject of this application. The decision in respect of this legal challenge was issued on the 25th March 2013 and this quashed the appeal decision by the Inspector. The grounds for this being that the Inspector had not considered the Appeal decisions in respect of the two proposals at Calne (referred to above) and had not given detailed reasons for not considering these decisions which were assessed as material considerations. The appeal must now be heard again at a further public inquiry.

Once again the appeal site at Purton falls just outside the Housing Market area relevant to the current application at Moredon Bridge. It is however of material relevance in respect of the assessment of the Council's approach to assessing the 5 year supply of land for housing in respect of Strategy Sites in the eWCS and in respect of the materiality and relevance of the Calne appeal decisions.

d) At the time the application was submitted and representations submitted from interested parties work was underway on a Neighbourhood Plan for the locality as part of the Front Runner programme. It was anticipated that by the time the appeal would be heard that substantive progress could be demonstrated with the Plan. Since then Royal Wootton Bassett Town Council and Cricklade Town Council have both separately withdrawn from the Front Runner programme and the Royal Wootton Bassett and Cricklade Community Area Neighbourhood Planning process. Both Town Councils are now progressing their own separate Neighbourhood Plans, although it is understood that this is at an early stage.

This is of relevance in respect of the soundness of any reason for refusal based on grounds of prematurity to the Core Strategy and Neighbourhood Plan process.

e) On the 18th March 2013 the Planning Inspectorate issued a decision in respect of an appeal against the Council's refusal of an application for residential development on land at Filands, Malmesbury. The decision allowed the appeal but had been issued in error and has since been withdrawn to allow the Secretary of State to determine the application. As such there is no formal decision in respect of the appeal at this point in time. However many interested parties have had sight of the proposed decision of the Inspector hearing that appeal. Whilst not legally material in respect of the current application and therefore of very little weight it would be perverse of the Council not to acknowledge the existence of the recommended decision of the Inspector and their findings in that regard.

Whilst the sites fall within a different housing market area forming the basis for assessing housing requirements and provision from that of the application site the decisions are of relevance in respect of the findings as to the status of the development plan and the Council's general approach to assessing the supply of land for housing in terms of including provision from Strategic Sites.

Summary

There are several key appeal decisions and other material considerations that have arisen since the application was submitted that are of direct relevance to the determination of the current development proposal. These decisions indicate clearly that various Inspectors and the Secretary of State do not consider that a deliverable 5 year supply of land for housing can be clearly demonstrated by the Council as is required by the NPPF. The deliverability of housing from strategic sites identified in the eWCS within the next 5 years is clearly disputed and decisions in that regard are not wholly consistent, which is not wholly surprising as this assessment requires Inspectors to consider evidence and form a view as the likelihood of development. This is a balancing exercise which leaves some scope for differing weight to be attached and conclusions reached. It is however critical to note that in respect of the Ridgeway Farm decision which is the most directly relevant to the current development proposals both the Inspector and the Secretary of State found that a 5 year land supply could not be demonstrated by either Wiltshire Council or Swindon Borough Council. All decisions have found the adopted development plan to be out of date in respect of housing requirements, with varying weight attached to the eWCS and the draft SWRSS. In these circumstances it is not considered that the current proposals could reasonably and justifiably be refused on the grounds of oversupply of housing or in principle conflict with the emerging development strategy for the locality. Particularly given the support in the NPPF for the grant of planning permission in circumstances where the development plan is out of date and a deliverable 5 year supply of land for housing cannot be demonstrated.

Given the findings of the Secretary of State in respect of the scale of development at Ridgeway Farm not prejudicing the local communities ability to set the development strategy for the locality and given the withdrawal of key parties from the Neighbourhood Plan process it is not considered that the proposals could reasonably and justifiably be refused on grounds of prematurity.

Given these circumstances it is considered that any decision to refuse the current application on these grounds is highly unlikely to be supported at appeal by an Inspector. Indeed should the Council resolve to refuse the application on these grounds in the light of the Ridgeway Farm decision it is considered that this would be considered unreasonable to the extent that the Council would be at risk of a costs award.

Section 106 requirements

The Council in liaison with Swindon Borough Council has identified the broad requirements that arising as a consequence of the development proposed in terms of the service infrastructure needs of future residents of the development and the works required to mitigate and offset the impacts of proposed development. Officers are in on-going discussions as to the exact nature of the measures necessary to address requirements and mitigate impacts and consequently the exact level of financial contributions necessary.

The broad areas/heads of terms are considered to include:

- Ecological site provision, enhancement and maintenance
- Affordable Housing
- Formal Open Space provision and informal Open Space & equipped Playspace maintenance
- Highway works including Pedestrian Crossing facility provision
- Built Leisure Facilities
- Libraries
- Wiltshire Fire and Rescue Service
- Waste and Recycling Collection
- Travel Plan

Whilst no formal S.106 agreement is yet in place nor signed, the heads of terms (matters to be addressed as listed above, are agreed with the developer and it is considered that the detailed covenants, terms and conditions and exact levels of financial contributions can be finalised through on-going negotiation. It is not considered that there is any basis or concern as to key requirements not being adequately addressed and therefore no justifiable and defensible reason for refusal on this basis.

It should however be noted that Swindon Borough Council in their initial representations identified a broader range of contribution requirements than those listed above. In particular contributions to the enhancement of the public realm in the centre of Swindon were identified as a requirement. It is the view of the case officer that such a contribution could not reasonably be justified as directly related to the development proposed or

necessary for the development to proceed on the basis of Wiltshire Council adopted policies and so this matter was not pursued with the applicant. In addition contributions to Community Forest provision and Public Arts at facilities and locations within Swindon were initially identified as requirements. However, during recent negotiations on the phase 1 replacement S.106 agreement which have taken place since the initial representations were submitted Swindon Officers resolved not to pursue these types of contributions. On this basis it is not considered reasonable or justifiable to seek the contributions in relation to phase II on the basis of representations made during 2011 and so these were also not pursued with the applicant.

10. Conclusion

The policy position and material circumstances relevant to the consideration of this application are and have been in a state of flux and constant change. However the importance of the Ridgeway Farm appeal decision by the Secretary of State is fundamental given the close locational relationship, nature and scale of developments proposed and the relevant policy and Development Plan considerations. Given the findings of the decision it is not considered that a refusal of planning permission on the grounds of conflict with the Development Plan, provision of a 5 year supply of land for housing or prematurity to emerging development plan documents would be defensible and supported by any Inspector at an appeal.

The applicant has adequately addressed the Council concerns regarding the ecological impact if the proposed development through on and off-site mitigation and compensatory provision. Similarly it is considered that the needs of the future occupants of the development and other impacts can be readily addressed and mitigated through provisions in a Section 106 agreement and the applicant has stated a willingness to enter into such an agreement based on the identified heads of terms.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The Council has determined the application in accordance with the Development Plan and all material considerations. In respect of this site relevant material considerations, particularly including the Ridgeway Farm appeal decision by the Secretary of State for Communities, indicate that a departure from adopted development plan policy in particular NWLP 2011 Policy H4 is necessary and appropriate. Similarly with respect to emerging policies contained in the draft Wiltshire Core Strategy. The NPPF paragraphs 14 & 47-55 indicate strong support for the release of land in for residential development in the identified circumstances. The scheme proposals include adequate compensatory mitigation in respect of the identified Nature Conservation value and importance of the site. The proposed development does not result in harm to the character and appearance of the locality such that consent should be refused. The proposals provide for an adequate level of amenity for future occupants of the dwellings and would not result in harm to existing residential amenities. The proposals include adequate provision to meet the needs of future occupants and mitigate the impacts of the development.

Subject to the following conditions:

- (1) WA1 FULL PLANNING PERMISSION -COMMENCEMENT 3 YEARS

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) WB1 SUBSEQUENT APPROVAL OF MATERIALS FOR WALLS & ROOFS

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) Wc1 APPROVAL OF LANDSCAPING BEFORE COMMENCEMENT

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

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

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

POLICY-[C3]

(4) WC2 LANDSCAPING TO BE CARRIED OUT & MAINTAINED

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) WC6 PROTECTION OF RETAINED TREES

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;

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.

POLICY-[C3]

(6) WD8

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

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

POLICY {C3}

(7) WD12

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

REASON: In the interests of highway safety.

POLICY {C3}

(8) WE3 NO ADDITIONS/EXTENSIONS OR EXTERNAL ALTERATIONS

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

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

POLICY {C3}

(9) WE15 USE OF GARAGE

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.

POLICY-[C3]

(10) WG3 DISPOSAL OF SEWERAGE-SUBMITTED & IMPLEMENTED

No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing

by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

POLICY-[C3]

(11) WG4 DISPOSAL OF SEWERAGE -IMPLEMENTED

The development hereby permitted shall not be occupied until the approved [sewage disposal] [drainage] works proposed have been completed in accordance with the submitted and approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

POLICY-[C3]

(12) WH2A CONTAMINATION INVESTIGATION - SUBMIT AND IMPLEMENT

No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

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

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

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

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

POLICY-[C3]

(13) WH6 FLOOD RISK ASSESSMENT (IMPLEMENTATION)

The mitigation measures detailed in the approved Flood Risk Assessment (FRA) dated 12/9/12 shall be carried out in full prior to the first occupation of the development and/or in accordance with the approved timetable detailed in the FRA.

REASON: In the interests of flood prevention.

POLICY: National Planning Policy Frameworks paragraphs 100-103.

(14) WM4 CONSTRUCTION METHOD STATEMENT

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

- a) the parking of vehicles of site operatives and visitors;

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

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

REASON: 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]

(15) WH8

Management and maintenance of all habitats shall be carried out in strict accordance with the management prescriptions set out in the approved Ecological Management Plan (Waterman, April 2013, Document ref: EED13466_R_1_4_4_LM), unless otherwise agreed in writing with the Local Planning Authority. Upon commencement of development, annual monitoring reports shall be submitted to the Local Planning Authority, as required by the Ecological Management Plan, annually for a period of at least five years.

Reason: To protect and enhance the nature conservation interests at the site

Policy NE7

(16) WH8

Prior to commencement of development, detailed proposals for the restoration of the River Ray (as approved by the Environment Agency) shall be submitted to and approved by the Local Planning Authority. The Detailed River Restoration Proposals shall be in accordance with the principles of the approved preliminary concept, as shown on Drawing Ref CPM2658a/20 (Figure 5 of the approved Ecological Management Plan), and shall include timescales for carrying out and completing the works. All restoration works shall be carried out in strict accordance with the approved Detailed River Restoration Proposals, and shall be completed within the approved timescales unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect and enhance the nature conservation interest of the River Ray

Policy NE7

(17) WM13 APPROVED PLANS

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

Archaeological Report 12/9/11
 Arboricultural survey & Constraints Report 12/8/11
 Design and Access Statement 12/8/11
 Drainage Layout (Revised) 9/2/13
 Flood Risk Assessment and Drainage Strategy 12/9/11
 Ecological Assessment 12/9/11
 Ecological Management Plan including plan Ref CPM2658a/20 4/4/13
 Environmental Noise Assessment 12/9/11
 Geo-Environmental & Geo-Technical Report 12/9/11
 Landscape & Visual Appraisal 12/9/11
 Landscape Specification 12/8/11
 Statement of Community Involvement 25/8/11

Transport Statement 12/9/11
Waste Audit and Management Strategy 12/9/11
Site Location Plan 12/8/11
Topographical Survey 12/9/11
Highway Layout 9/4/13
Car Parking Schedule 14/3/12
Footpath Diversion 9/4/13
Revised Landscape Proposals WAIN17762-10 Sheets 1 to 3 15/3/12
House Type Planning Drawings – 1552 (1 – 27 various revisions – full list to follow) 18/10/11
Revised Site Layout 14/3/11
Revised Street Elevations 1552/103 REV B 18/10/11

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

POLICY-[C3]

APPENDIX 2 Minutes of the North Area Planning Committee Meeting 24th April 2013

43d 11/02763/FUL - Land at Moredon Bridge

Public Participation

Mr Peter Crawford spoke in support of the application. Cllr Jeffrey Greenaway spoke in objection to the application.

The Area Team Leader explained that comments by email had been received from Haydon Wick Parish Council since the report had been written. His recommendation had been amended to delegate authority to grant planning permission to the Area Development Manager subject to the recommended conditions and the signing of a Section 106 agreement to cover the matters identified in the report. It was noted this was the second phase of a development which had earlier been agreed on appeal. The application had been influenced by changed circumstances and in particular the Secretary of State's decision with respect to Ridgeway Farm. The Spatial Plans team now had no in principle objection to the application with regards to ecological concerns. The Committee then had the opportunity to ask technical questions of the officer. A flood risk assessment had been completed and found the scheme's mitigation sites would be suitable. In relation to drainage, drainage engineers would be aware of the Ridgeway Farm development and its implications, however assessment could only be made on the basis of what was already there.

Members of the public then had the opportunity to address the Committee with their views, as stated above. The local councillor, Cllr Jacqui Lay, then spoke in objection to the application. During the debate concerns were raised regarding flood risks.

Resolved: For Application 11/02763/FUL

That planning permission be DELEGATED to the Area Development Manager subject to the recommended conditions and the signing of a Section 106 agreement to cover the matters identified in the report. Subject to the conditions



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	8 th January 2014		
Application Number	13/01551/FUL		
Site Address	Beaters Retreat, Watergates, Colerne, Chippenham, Wilts, SN14 8DR.		
Proposal	Detached domestic garage		
Applicant	Mr P Jobbins		
Town/Parish Council	Colerne		
Electoral Division	Box and Colerne	Unitary Member	Cllr Sheila Parker
Grid Ref	382292 171060		
Type of application	FUL & LBC		
Case Officer	Mrs Emma Pickard	01249 706637	emma.pickard@wiltshire.gov.uk

Reason for the application being considered by Committee

The application is being presented to committee at the request of Councillor Sheila Parker to consider the visual impact upon the surrounding area and the design, bulk, height and general appearance of the proposal.

1. Purpose of Report

To consider the above applications and to recommend that planning permission is REFUSED.

2. Main Issues

The main issues in considering the application are:

- The size, scale and siting of the proposed building and impact on the openness of the Green Belt, the natural beauty of the Area of Outstanding Natural Beauty and the character and appearance of the Conservation Area.

3. Site Description

Beaters retreat lies just off Watergates on the south-east edge of Colerne. The dwelling is in an elevated position overlooking the Box valley. The dwelling lies within the Green Belt, Area of Outstanding Natural Beauty and Conservation Area.

Prior to the construction of the dwelling, the site contained various structures and the foundations of a bungalow which was granted permission in 1961. The permission for the bungalow was deemed to have been implemented and there followed applications for a larger dwelling on the site. The first application (in 2007) was refused and the subsequent appeal dismissed because the dwelling would have had a greater impact on the landscape than the extant permission.

In 2009, an application for a smaller dwelling was approved with reliance on the 'very special circumstances' of the case as the site was outside of the settlement framework boundary of Colerne. The dwelling itself, now constructed, sits part way down the site and is accessed at first floor level via a walkway from a large parking/turning area. Permission was required for the substantial engineering works to create the parking/turning area which involved the erection of a retaining wall and construction of a hardcore surface. The parking area that was constructed, however, differed from that which was permitted and extends significantly further to into the site. Retrospective permission has not been sought for the additional works.

In 2001, a certificate of lawful use was granted on the site for 'continued use of land for the stationing of residential caravan.' The certificate is still in place and the caravan remains on the site (directly to the north east of the dwelling) although is currently in a poor state of repair.

4. Relevant Planning History		
Application Number	Proposal	Decision
01/00866/CLE	Continued Use of Land for the Stationing of Residential Caravan	Permission
07/01725/FUL	Proposed New Single Detached Two Storey Dwelling to Replace Existing Caravan and Bungalow Foundations	Refused
09/00687/FUL	Erection of a Dwelling (Revision Application to 1961 Permission 2995A)	Permission
12/00837/FUL	Detached domestic garage	Refused

5. Proposal

This application proposes a detached outbuilding to the northern upper part of the site, providing two garages and a garden store. The footprint of the building will be approximately 53 square metres (measuring 8.4m x 6.3m). The building will step down the hill with the store constructed approximately 1m higher than the garage entrance and will have a mono-pitch sloping roof to a maximum height of 2.5m – 3-5m.

The outbuilding would be constructed using plinth walls and horizontal timber cladding and the roof will be proprietary lead appearance single ply membrane cladding to match the dwelling.

6. Consultations

Parish Council – 'The application removes an eyesore and makes a vast improvement to the environment and it also takes cars off the road.'

Highways – 'I note the highway comments on the previous application and agree that manoeuvring into the garage could be a little awkward, but it is achievable. However, it is on site and not detrimental to highway users. Therefore, I do not wish to raise a highway objection.'

7. Publicity

4 letters of support have been received and are summarised as;

- The garages are discretely shaded from view of local properties;
- Materials to be used are reasonable;
- Applicant requires secure storage;
- Proposal is considerate to the location;
- The site was previously occupied by various dilapidated sheds which have now been demolished; and
- Garage will conclude the incremental restoration of the site.

8. Planning Considerations

Historically, the scale of building on this site has been carefully controlled to minimise the impact on the openness of the Green Belt and the special landscape character of the area. The outbuildings previously on this site were removed some time ago and have already been considered as part of the justification for the erection of the dwelling. The existing dwelling has

been designed to sit into the contours of the site and the impact of the building is limited. The footprint of this building is approximately 12.5m x 7.3m.

The unauthorised changes to the parking/turning area are significant and facilitate access to the proposed garage which would not have been possible had the works been completed as permitted. The applicants were invited to regularise the extension of the parking and turning area but declined to do so.

Green Belt policy NE1 provides for the limited extension of existing dwellings only. The National Planning Policy Framework details that development in the Green Belt that is *not* inappropriate as; 'extension of a building provided that it does not result in disproportionate additions over and above the size of the original building'.

Having regard to Green Belt policy and the size and scale of the proposed building in relation to the dwelling which has previously been justified on the site, it is considered that the proposal would not comply with this criterion and would therefore, be harmful to the openness of the green belt and natural beauty of the area.

It was suggested to the applicants that consideration be given to removing the certificate of lawfulness on the site and therefore the existing caravan, to order to justify the addition of an appropriately designed outbuilding. Whilst there is no mechanism for revoking a CLUED it would be possible to have a s106 requiring the caravan to be removed before development commences.

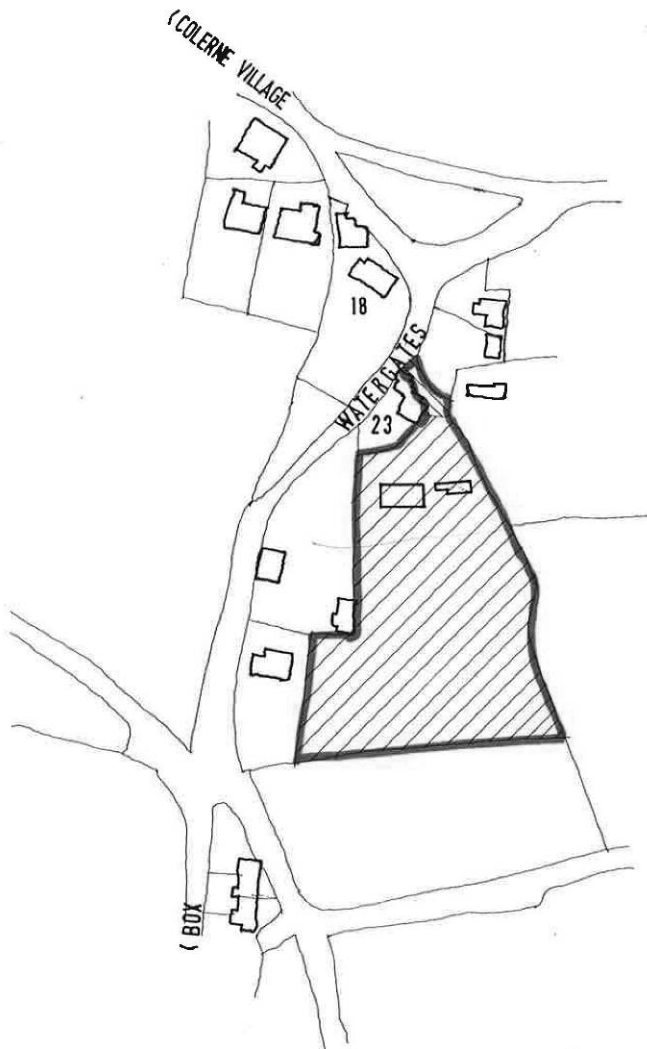
9. Conclusion

In consideration of the historic use and planning history on this site, the proposed outbuilding would be disproportionately large and would be contrary to policy.

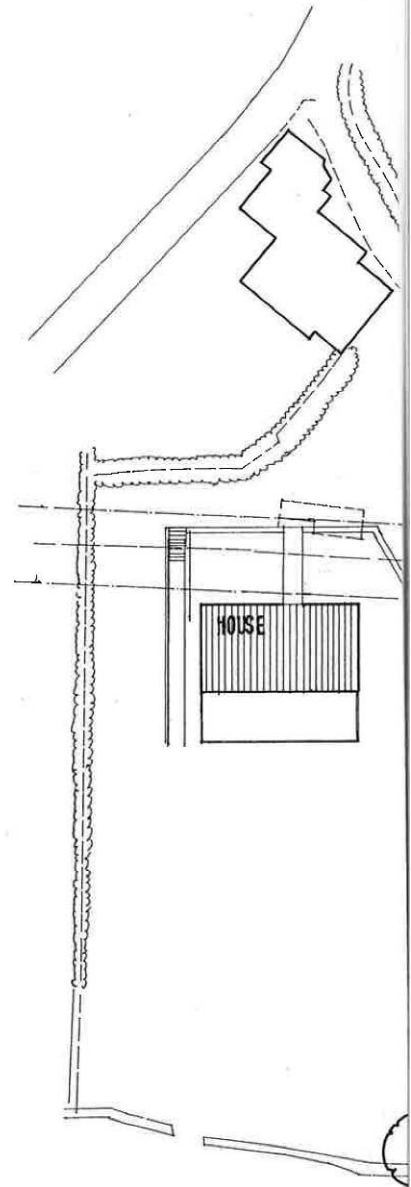
10. Recommendation

The application for planning permission is REFUSED for the following reason:

Due to the size, scale and location of the proposed outbuilding it would be a disproportionate addition to the existing dwelling which would be harmful to the openness of the green belt and would not conserve the natural beauty of the landscape. The proposed development would be contrary to policies C3, H8, NE1 and NE4 of the North Wiltshire Local Plan 2011 and section 9 of the National Planning Policy Framework 2012.



SITE PLAN 1/1250



EXISTING BLOCK PL

MR + MRS
BEATER'S RETREAT. WATER
site + blo

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	8 th January 2014
Application Number	N/13/01868/FUL
Site Address	52 Corn Gastons Malmesbury Wiltshire SN16 0LY
Proposal	Erection of Two Dwellings With Parking Spaces Per Unit (Resubmission of 12/03895/FUL)
Applicant	English Rose Homes Ltd.
Town/Parish Council	MALMESBURY
Grid Ref	392540 187590
Type of application	Full
Case Officer	Christine Moorfield

Reason for the application being considered by Committee

This has been called to committee by Councillor Killane to consider scale of development; visual impact upon the surrounding area; relationship to adjoining properties; design – bulk, height, general appearance and environmental/highway impact.

1. Purpose of Report

To consider the above application and to recommend that planning permission be DELEGATED to the Area Development Manager to grant subject to the signing of a Section 106 agreement and subject to conditions

2. Report Summary

In summary the main issues in respect of this development are as follows:

- Access and parking
- Design
- Impact on amenity of adjacent residents occupiers.

3. Site Description

The proposed site is located to the rear of number 52 Corn Gastons. The site previously formed the end section of the rear garden belonging to the property. The site is located within a predominantly residential area. The area is characterised by two storey semi detached and terraced houses built in the 1950s

Access to the site is via a shared access to the school which is located immediately to the

south east. The site has been cleared and there is close board fencing around it. There is a large conifer hedge along the south eastern boundary.

To the south east of the site is a school and the access route is used by pupils going to and from the school.

4. Planning History

There has been a lot of planning history on the site. Of most relevance is an outline planning permission approved in 2005 N05/00898OUT, this was for residential development and of particular note is the condition which required any development on the site to be single storey. It was also conditioned that any residential development would require two car parking spaces.

In 2007 application number 07/1315 sought permission for a block of four no. flats with 4 car parking spaces. This application was refused for the following reasons:

1. The proposal by reason of its siting, height, bulk and orientation will have a detrimental impact on neighbouring uses contrary to policies C3 and H3 of the North Wiltshire Local Plan 2011.
2. Adequate provision cannot be made on site for the parking of vehicles. The proposed development would be likely to encourage the parking of vehicles on the public highway which would interrupt the free flow of traffic and prejudice the safety of road users at this point contrary to Policy C3 of the North Wiltshire Local Plan.

The applicant lodged an appeal and this was dismissed. The main issues considered by the inspector which lead to his decision were that the building was sited too close to the boundary (4m) and given its mass and bulk it would have an overbearing impact on the adjacent property. The first floor lounge windows would result in a loss of privacy to neighbours not just no. 50 but no. 48 as well. The proximity to the school was also unacceptable as the new development would impact on the school.

Since this decision the necessary car parking standards have changed. However in terms of local plans the relevant policies are still those contained within the Local Plan 2011.

5. The Proposal

This proposal is for 2 x two storey, three bedroom, and semi detached dwellings. Four car parking spaces have been provided for use in association with the dwellings.

6. Planning Policy

Local Plan Policies C3, CF3 and H3
National Planning Policy Framework 2012.

7. Consultations

Malmesbury Residents Association strongly oppose the development for the following reasons:

1. The application does not conform with Policy C3(vii) of the Local Plan 2011 which requires new development to have a satisfactory means of access, turning, car parking and not have a detrimental impact upon highway or pedestrian safety.

2. The proposal is also in conflict with Policy C3 (iii) of the Local Plan 2011 which requires new developments to avoid creating an unacceptable loss of privacy and amenity to adjacent dwellings.
3. Thirdly we believe the proposal is in conflict with the progression of the Wiltshire Core Strategy and Malmesbury Neighbourhood Plan which does not identify this site as one on which future development should be delivered.

Drainage Engineer

We have no objections in terms of flooding. However, there appears to be little information about proposed drainage; apart from a Wessex Water sewer plan. If the proposed site plans to discharge to WW sewer then we like to see copy of agreement. If not then we will require SuDS scheme to be considered, accompanied then b BRE 365 percolation tests and soak away calculations.

Environment Agency - No objection

Ecology - No objection, an advice in respect of any protected wildlife considered acceptable.

Public Open Space

It would be unreasonable to require the developer to provide a local park or LEAP and therefore an offsite contribution will be required. This development generates a need for £11,640 in offsite Open Space Contribution to be used to upgrade facilities at Newton Grove.

Education

Malmesbury at primary level in particular, is currently the councils top pressure point for demand/supply of school places in the county, and as an exception to general policy (which is allowed for in the policy itself), all developments coming forward in this area which will generate a need for additional school places.

2 units generate a need for an additional 0.62 of a primary place (which is rounded up to 1 place), and for 0.44 of a secondary place, (which we round down to nil as it's below 0.5 of a place).

So our requirement here is for funding towards the provision of one primary place at the current cost multiplier of £12,713 per place. This figure will be valid as long as the relevant S106 is signed before the end of the 2012/13 financial year, after which it will be subject to review and updating.

This assessment is specific to the site location, number and mix of housing units described in the application form, and any changes to those will necessitate a new assessment.

Highways

The amended plans have addressed previous concerns relating to the parking and turning on site. The remaining issue is the conflict between pedestrians and vehicles on the access track. Objections have been received in respect of this; however a material consideration is the permission that has been previously granted for a single dwelling which would have used the same access.

It is likely that the track will be used in the main by the occupiers of the dwellings with casual visitors and deliveries finding it more convenient to park on Corn Gastons. The Highway Engineer is satisfied that the track is of adequate width for vehicles and pedestrians to pass each other. Residents of the dwellings will also be aware of the times of high pedestrian usage.

In view of the above the possible conflict between vehicles and pedestrians is

not, on its own, sufficient ground for a highway refusal and thus there is no objection subject to conditions in respect of the parking being provided and with a consolidated surface and laid out in accordance with the approved details. This area shall be maintained and remain.

8. Publicity

The application has been advertised in accordance with the council's consultation and neighbour notification protocol.

8 letters from neighbours have been received, the main reasons for objection

- Access and turning facilities unacceptable and dangerous.
- Conflict between children and vehicles as there is nowhere for a child to pass a car safely i.e. there is no footpath and no room for a footpath or any safe areas.
- Inadequate parking.
- Impact on wildlife and of note slow worms
- Large development cramped on site not in character with the area.
- The overdevelopment of this site could set a precedent for many other developments of this type in the area using people's gardens.
- Design not in keeping with area.
- Loss of privacy for neighbours' houses and school.
- During the construction period the local roads will have additional usage from heavy traffic resulting in considerable safety concerns for road and footpath users.
- Car parking spaces small.

9. Planning Considerations

The applicant has endeavoured to address the main issues in respect of this site and the concerns raised by the Planning Inspector. Subject to further discussions with the applicant and agent the scheme has been amended. The mass has been reduced further than that of the initial scheme submitted and as a result the height and length of the built mass is substantially smaller than that of the previously refused scheme. The proposed dwellings have a maximum height of 7.0m and the rear elevation has been modelled so that the first floor bedroom windows which are 6m from the boundary are roof lights and so do not result in direct overlooking of the adjacent gardens. The single storey rear element of the properties is only 4m from the boundary but this is not considered to have a detrimental impact on the adjacent residential properties and their occupier's amenity.

The Highway Engineer is satisfied that the parking and access arrangements are reasonable and acceptable given the fact that a single unit has been approved on the site.

The design of the units has been considered and care taken to minimise the impact that this built form will have on the adjacent neighbours. The Inspector in his decision raised certain matters, in particular the overlooking from first floor lounge windows of the gardens belonging to both number 48 and 50 Corn Gaston. In this respect the built form has been moved back a further 2m from the boundary and the first floor windows are now bedroom windows and further amendments have changed these windows to roof lights. It is not considered therefore that loss of privacy to adjacent neighbour's properties would be a justifiable reason for refusal.

With regard to the school to the south there are no windows on this boundary other than those serving a bathroom and therefore it is not considered that this relationship between the new development and the school is unacceptable. At present there is a substantial hedge on this boundary which screens the development well but it is recognised this hedge could be removed.

The inspector considered the mass and bulk of the previous building to have a detriment impact on the amenity of neighbours. It is now considered that the mass and bulk has been reduced to such an extent that it is unlikely to have a detrimental impact on the neighbouring properties and therefore, refusal of this application on this basis is not considered justifiable. The previous single storey unit permission and the comments of the Inspector identified that a lower built form may be acceptable. The scheme as now submitted is relatively low and therefore is considered to be in line with these previous permissions/comments.

The applicant has agreed in principle to the payment of a Public Open Space and Education contributions.

10. Conclusion

The proposal is considered acceptable in terms of its mass and bulk the level of parking and access provided and complies with policies CF3, CF3, C3 and H3 of the Local Plan 2011 and the NPPF 2012. It is recommended that determination of the application be delegated to officers and following the signing of a section 106 in respect of Public Open Space and Education contributions permission be granted.

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Plan list to be confirmed.

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 and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. Prior to the commencement of development details of the drainage of the site must be submitted and approved by the local planning authority. If the water will discharge to Wessex Water sewer then the applicant must submit a copy of the agreement to the council. If not then a SuDS scheme will need to be submitted to and approved by the local planning authority, these details to be accompanied by BRE 365 percolation tests and soak away calculations.

REASON: In the interest of ensuring the site is adequately drained.

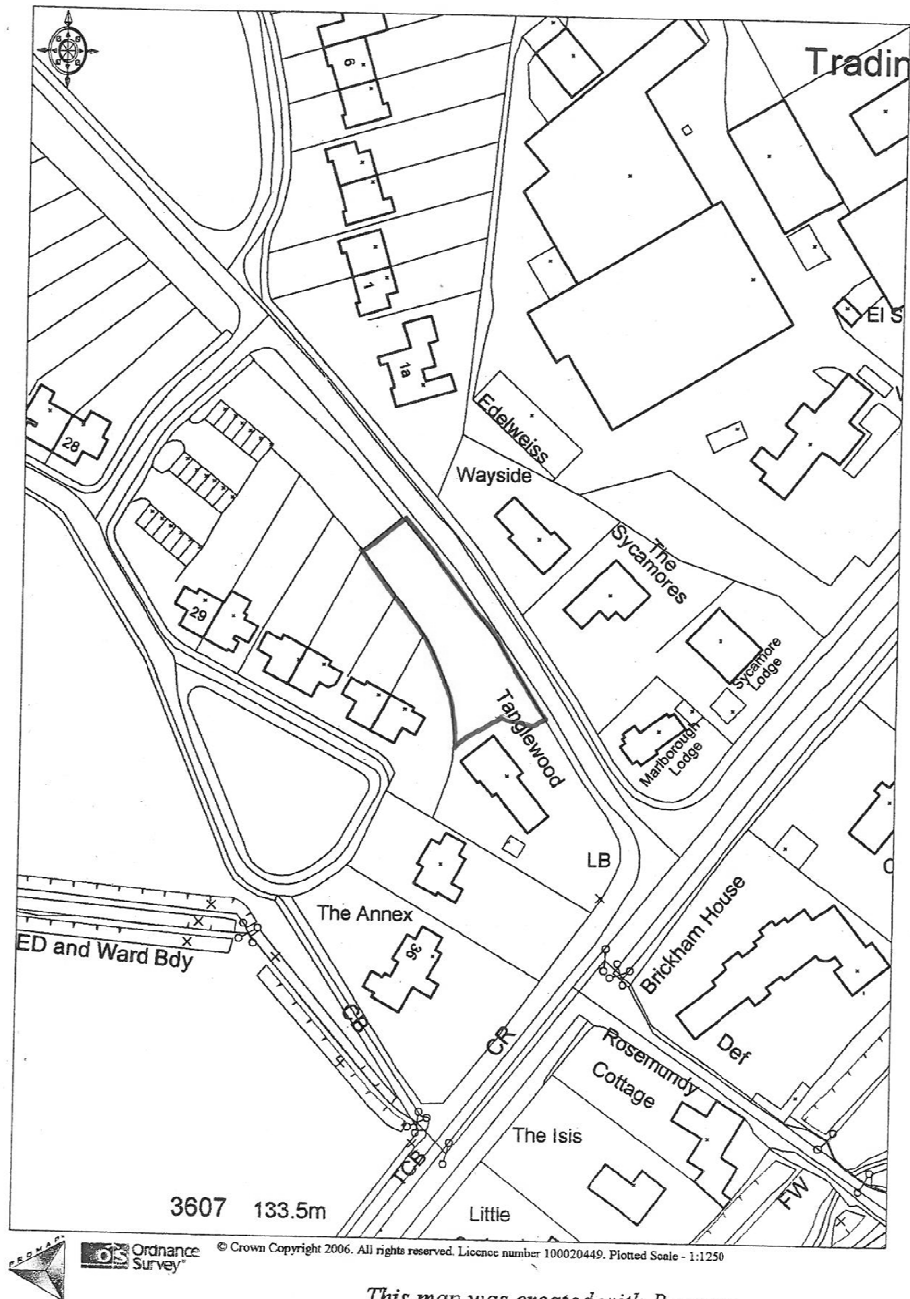
5. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The surface treatment of the parking areas to be a consolidated surface. The areas shall be maintained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

REASON: In the interests of highway safety.

6. 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), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

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

Tanglewood, Roundway Park



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	8 th January 2014		
Application Number	13/03489/FUL		
Site Address	Goldenley Care Home, Forest Lane, Chippenham. SN15 3QU		
Proposal	Extension to Provide Additional Bedrooms and Communal Areas		
Applicant	Mr Sats Ahluwalia		
Town/Parish Council	Chippenham		
Electoral Division	Chippenham Pewsham	Unitary Member	Cllr Mark Packard
Grid Ref	393012 172112		
Type of application	FUL		
Case Officer	Mrs Christine Moorfield	01249 706686	christine.moorfield@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Packard has requested that this application be considered and determined by the Committee to allow consideration of the following matters: scale of development; visual impact upon the surrounding area; relationship to adjoining properties; design – bulk, height, general appearance; environmental/highway impact; and car parking

1. Purpose of Report

This report recommends that planning permission be DELEGATED to the Area Development Manager to be granted subject to no adverse comments being received in relation to archaeology and the pipeline and subject to conditions.

2. Report Summary

This report considers the following main issues in respect of this development:

- Access and parking
- Design
- Impact on amenity of the locality and adjacent residents.

3. Site Description

The site is located at the end of Forest Lane which is a no-through-road to traffic. The footpath continues from Forest Lane through to Lodge Road.

At present the existing building on the site is a nursing home it is an extended two storey building. The building which has had numerous extensions over the years is in need of refurbishment.

The surrounding area is predominantly residential. However to the south of the site on the opposite side of Lodge Road are some commercial properties shops and a pub with car parking.

Adjacent to the eastern and north eastern boundaries there are residential properties which are located relatively close to the boundaries. There are trees on the northern boundary which are predominantly located within the garden of the adjacent property.

4. Planning History

Planning permission was granted in 2010 (10/01559) for extensive extensions to the building. This application was permitted subject to conditions. Of particular concern at the time were the impact of windows on the amenity of the adjacent properties, traffic and parking, the design of the building and trees adjacent to the boundary.

The proposal included a two storey extensions to the building on both sides, north and south.

5. The Proposal

This application scheme is for extensions to both sides of the existing nursing home. The extensions are two storeys with additional accommodation being provided within the roof space. The scheme will accommodate 44 residents.

The front area which is a green space at present is to be redesigned to create additional parking spaces and a garden area. The road is a public highway although it is located within the site as owned by the applicant.

Given the concerns raised in relation to the 2010 scheme the applicant has decided to keep the extension on the northern side of the building virtually unchanged.

6. Planning Policy

North Wiltshire Local Plan Policy C3
National Planning Policy Framework 2012.

7. Consultations

Chippenham Town Council- No objection although some concerns in respect of noise and traffic.

WC Highways- The highway engineer has reiterated previous comments made in 2010. No objection is raised subject to conditions in respect of surfaces and drainage. In addition concerns have been expressed over the number of car parking spaces.

WC Rights of Way-Proposal seems to conflict with footpath number 17. This needs to be drawn to the attention of the applicant.

WC Ecology- No objection

WC Urban Design- The proposal should have some landscaping to improve its appearance. Existing trees should be protected. The building is in poor state of repair.

Pipeline- comments awaited

WC Archaeology-comments awaited.

8. Publicity

The application has been advertised and neighbours consulted in accordance with the council's consultation protocol.

72 letters have been received from neighbouring residential properties raising the following issues:

- Loss of privacy
- Loss of light
- Increased traffic/highway safety/parking
- Loss of trees details not clear/ecology

- Pipeline
- Archaeology
- Red line incorrect
- Consultation
- Loss of residential amenity noise light pollution

9. Planning Considerations

In principle the extension of this home to provide more specific care for people with dementia is considered acceptable. The application proposes a larger mass of building on the site than the building that is there at present. In 2008 permission was granted for substantial extensions to this building. Whilst this previous permission has now lapsed the policy framework for the development remains the same and so this previous permission is a material consideration when determining this application.

Design and Impact on adjacent residents and the locality

The design of the building has been the subject of lengthy negotiations with officers as was the previous scheme which was approved. It is considered important that the building has an acceptable street frontage as it is located adjacent to Lodge Road which is one of the main roads through this large predominantly residential area located on the south east side of Chippenham.

The south elevation as originally submitted was too large and was not considered to be of a high enough quality in terms of its design for this prominent location. The previously approved scheme had been designed to present a reasonable street frontage which had been achieved by the use of a feature element and identified gable end.

The roof line height accepted in 2008 was a maximum of 8m this took the ridgeline along the length of the building almost up to the full height of the existing gables that exist on the building. On further inspection it appears the previous plans were inaccurate and the ridge line should have been of a height comparable with the gable which is 8m. The largest increase in mass is the two storey element adjacent to Lodge Road where at present there is a single storey building. This is a large increase in the existing mass of building but given its position adjacent to Lodge Road this is considered to be acceptable.

The scheme indicates that the maximum height is the same height as the existing ridgeline of the two storey element of the existing building. However due to a slight fall in the land, the building will be seen to be taller although the ridgeline still ties in with that on the main building. The element of building adjacent to Lodge Road will be approximately 8.7m. Following discussions with officers the height of this element of the building has been kept in line with the existing maximum roof line, i.e. the maximum height of the existing building. The frontage adjacent to Lodge Road has been redesigned which has greatly improved its appearance and therefore this element of the scheme in terms of impact on the street scene is seen to be a positive one.

The extension on the southern end of the site has an amended footprint to that approved. This has resulted in development being stepped very close to the boundary (Lodge Road). The neighbour nearest to this boundary has raised issues. However at this point the extension primarily looks along Lodge Road and over the end of the adjacent garden. There are already first floor windows on this elevation which are closer to the neighbours and therefore it is not considered that the proposed two first floor windows would result in an unacceptable level of overlooking particularly given the existing situation.

The extensions are located on the south west side of the closest adjacent residential properties so there will be some impact on the amount of light at present enjoyed by the occupiers of these dwellings. However, the building at present sits 4m from the boundary and the proposed overall height does not exceed that of the existing building and so it is not

considered that this relationship is unacceptable. It is accepted that there will be a larger mass of building and its impact is judged against the impact that the approved scheme would have. On balance therefore the alterations are considered not to be of such a scale as to warrant refusal.

The positioning of windows has been kept in line with those shown on the approved scheme to ensure that there is no major change in the approved situation in terms of overlooking of adjacent properties. There are existing windows on the Eastern elevation which look out over the adjacent properties to the east but the new windows are positioned in a setback location so the existing built form will prohibit any further overlooking. The window on the north elevation at first floor level is a bathroom window and is shown as being glazed with obscure glass. In principle the use of the rooms has remained the same as those previously approved.

The windows on the eastern elevation have been kept virtually the same as those approved in 2010. The only amendment being that the roof space is to be used to provide additional room and therefore there are two high-level roof lights proposed. Given the height of these roof lights it is not considered that these result in an unacceptable loss of privacy for adjacent residents. A roof light is also proposed on the northern roof slope and again given the height of the roof light and the distance to the adjacent property this is not considered to result in a loss of privacy to adjacent residents.

Concerns have been expressed in relation to the first floor lounge area and possible overlooking. This room is located within the southern elevation. There are two first floor windows and these are positioned a minimum of 5m from the boundary with the adjacent property but due to the position of the boundary the immediate view from these windows is along lodge road. There is an oblique view into the neighbours garden and property but given the existing windows on the east elevation of this property and the fact that these windows are the main look out across the road loss of privacy is not considered an issue that would justify refusal of this proposal.

Highways and parking

The scheme as now submitted includes 15 spaces a reduction to those originally shown and they are located adjacent to the access road. There have been discussions in respect of the layout of the parking area but these appear to have been resolved and subject to conditions highways have raised no objection to this proposal. The highway engineer would expect to see 1 car parking space per 4 residents and 1 space per two staff. The applicant has confirmed that the parking will be reduced to 15 number spaces in line with the highway engineer's requirements. It has also been confirmed that in their experience this level of parking will be easily adequate. Residents have expressed concerns in respect of this matter and in particular the number of vehicles and possible safety issues. The provision of too many spaces could result in a conflict between pedestrians and road users. The provision of an inadequate number of spaces could result in overflow parking in the adjacent street. As stated the applicants experience is that this level of parking will be acceptable given the 44 residents and the 7 members of staff. This level of parking has been agreed with the highway engineer. It is not considered therefore that there will be an unacceptable impact on traffic safety and or parking in the area as a result of this scheme. The applicant has offered to provide traffic calming measures and or signs to help with this matter if it is seen to be appropriate. This is something that can be discussed with the Highway Engineer when the means of providing the access and parking is progressed an informative to this effect is required.

Other matters

Concerns have been raised in respect of noise disturbance from the kitchens and staff as well as residents. The proposed kitchen door is located on the eastern elevation of the building. However, the previous scheme included a kitchen door but it was located on the side elevation. The applicant has submitted details in respect of the operating and

management of the site. In this respect it is considered acceptable to condition the permission in order to control the operations of the kitchen.

With regard to the likely disturbance to neighbours this marginal relocation of the kitchen door is not something that can be sited as a justifiable reason for refusal. Whilst there may have been instances of disturbance from residents it is accepted that reasonable management of the premises as stipulated by the applicant can minimize the likelihood of these instances occurring.

There is no additional lighting proposed in relation to this development. Concerns have been raised that lighting will be required in the interests of highway safety. The number of proposed car parking spaces has been reduced so the number of spaces is not considered to create a traffic hazard.

Other residents have raised concerns that any additional lighting would cause light pollution.

Comments from the council's archaeologist are awaited but this was not an issue previously raised.

It is considered appropriate for an informative to be added to any permission that advises the applicant that they cannot block a public right of way.

The original 'red line' site plan submitted followed the red line submitted in respect of the previous application. Following receipt of comments from a neighbour the applicant has submitted an amended red edged plan to indicate the extent of land in the applicant's ownership. There is no reason for officers to consider this amended plan to be incorrect.

Arboricultural information was submitted with the previous application and the footprint of the building adjacent to the northern boundary remains the same and therefore, it is not considered that there will be an unacceptable impact on these trees which are located on this boundary. The trees are primarily within the garden of the adjacent property and their wellbeing needs to be ensured. It will be possible to condition any consent to ensure that this happens.

The previous approval had a condition attached which required landscaping to be carried out. The scheme as now submitted has a plan indicating landscaping around the site to provide a pleasant outlook and useable space for residents of the home as necessary. This scheme is considered acceptable and its implementation will require a condition.

Concerns in respect of the layout of the building have been raised. The building includes lifts to the second floor. The size and configuration of the rooms is not something that would be stipulated or controlled by the planning officers.

One resident has questioned that more people should have been consulted. A comment has also been received in relation to the organising of a public meeting but this was not something that the council were involved with. The development was advertised and neighbours consulted in line with the council's policy for notification.

10. Conclusion

This is an acceptable form of development in terms of the increased use of the site the mass bulk and design of the scheme and its impact on the amenity of the adjacent neighbours. The scheme complies with Policy C3 of the North Wiltshire Local Plan 2011.

RECOMMENDATION that planning permission be DELEGATED to the Area Development Manager to grant subject to no adverse comments being received in relation to archaeology or the pipeline; 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 part of the development hereby approved shall be occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

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

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

- 4 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.

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

- (a) accurate indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) hard surfacing materials;

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

- 6 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and

species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

- 7 Prior to the commencement of development the necessary stopping up process of public highway as necessary will need to be completed.

Reason: To safeguard the interests of the applicant and highway authority.

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

Design and access statement 001, 003, 006, 005, 004, 002, 007, landscape 01

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

- 9 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 (2005): 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.

INFORMATIVES

1. The applicant is advised that there will be the need for some of the existing highway to be stopped up and rights returned to the owner. It appears that some car parking spaces will be contained within Public Highway although the majority of this parking already takes place. The applicant is advised that there are two possible courses of action.
 - I. The stopping up of the highway can be carried out under Section 247 of the Town and Country Planning Act prior to development commencing. However, prior to starting formal procedure, an agreed area of highway to be stopped up should be agreed with the highway authority and would I suggest that formal enquires are made to the relevant statutory undertakers to check location of any infrastructure. If there are any utilities in the area, it is possible an easement could be agreed.
 - II. The second option will be via a Legal Agreement (Highways Act - 116) between the highway authority and the developer. All highway authority costs will need to be covered by the Developer. Please note that the stopping up of Public Highway will need to be advertised and there is a possibility objections could be received that could result in the stopping up being unfeasible.

Page 80

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	8 th January 2014		
Application Number	13/3728/FUL and 13/04105/LBC		
Site Address	Green Barn, Nettleton, Wiltshire SN14 7NT		
Proposal	Single Storey Extension & Associated Alterations (Resubmission of 13/01392/FUL)		
Applicant	Mr & Mrs G Cheetham		
Town/Parish Council	Nettleton		
Electoral Division	ByBrook	Unitary Member	Cllr Jane Scott
Grid Ref	381712 178557		
Type of application	FUL & LBC		
Case Officer	Mrs Emma Pickard	01249 706 637	emma.pickard@wiltshire.gov.uk

Reason for the application being considered by Committee

The application is being presented to committee at the request of Councillor Jane Scott who has called the application to committee because the Parish Council now supports the proposal.

1. Purpose of Report

To consider the above applications and to recommend that planning permission is REFUSED.

2. Main Issues

The main issues in considering the application are:

- The impact on the setting and special architectural and historical interest of the Green Barn having regard to policies C3 and HE4 of the North Wiltshire Local Plan 2011, and the National Planning Policy Framework 2012; and
- Whether the proposal would ensure the conservation or enhancement of the natural beauty of the Area out Outstanding Natural Beauty.

3. Site Description

Green Barn is a grade II listed building (listed in its own right) and dates back to 1847. It is an attractive rubble stone building with slate roof and an array of dove openings in the south gable. There are cart entrances to the east and west elevations.

Consent was granted for the conversion of the barn to residential in 2000. Great care was taken during the original conversion to ensure that the intrinsic quality and character of the building was retained.

To the rear of Green Barn is a smaller curtilage listed barn which provides three garages (although one bay is used as domestic storage) and attic space which is described as an 'annexe room'. This building was originally permitted as a conversion although the building was subsequently rebuilt (to similar dimensions and appearance) due to the poor condition of the original structure. This building is distinctly separate from Green Barn (approx. 12 metres apart). The barns were outbuildings to Green Farm (grade II listed building) which lies to the south of the site.

Green Barn is located in the countryside (and AONB) and lies within a fairly flat landscape setting. It is the northern most of the buildings within the group of former farm buildings and is particularly prominent when approaching from the north.

4. Relevant Planning History		
Application Number	Proposal	Decision
13/01392/FUL & 13/01393/LBC	Proposed Single Storey Extension and Associated Alterations	Withdrawn

5. Proposal

This application proposes to add a substantial extension linking Green Barn to the garage building. The extension will be attached to the north side of the listed building with a glazed flat roofed section approximately 4.8m x 4.8m (with lead or sedum roof roof light) and will attach to a larger 11.5m x 5.4m extension with a pitched roof to a ridge height of 5.1m. This will then attach to the existing outbuilding via a small lean-to structure to the south of the extension and will link, on the north side, to the garages via a mono-pitch extension to the rear. A 17.5 metre long section of the existing northern boundary wall will be removed and the new extension will then form the northern boundary of the site at this point.

In order to maintain daylight to the snug on the ground floor an additional window is proposed in the north gable elevation below an original high level window. Within the hallway an additional doorway would be created to provide access to the extension.

The extension will be constructed using natural stone and either slate or clay double roman tiles, and hardwood joinery.

6. Consultations

Nettleton Parish Council supports the proposal and considers that;

- '1. The scale and form of the proposed extension respects the character and appearance of the Green Barn.
2. The existing dwelling and curtilage form part of an established residential area within this part of Nettleton wherein development involving both extensions to listed buildings and the erection of new dwellings has taken place leading to a significant improvement to the overall appearance of the area.
3. The creation of a link between the main dwelling and an existing outbuilding is an appropriate and well designed improvement to this dwelling. The Parish Council would propose that a condition be imposed or Section 106 Agreement completed to ensure that the existing dwelling, outbuilding and the proposed extension be maintained as a single dwelling unit'

The Council's Conservation Section recommend refusal and their full comments are incorporated in the planning considerations below.

7. Publicity

Four letters of support have been received and as summarised as;

- Extension would be in keeping with the existing converted barn;
- Would be sympathetic to the immediate and surrounding buildings and village aesthetic;
- Increased living space would enhance the living space for the family; and
- Will have little if no impact on the other properties and surrounding area.

8. Planning Considerations

Green Barn is a distinctive building within a collection of individual buildings forming a loose grouping to the north and north-west of Green Farmhouse. As well as being of high quality in its

own right the barn makes an important contribution to the wider group and to the setting of the listed Green Farmhouse. It is important to note that the farm buildings in this group have stood historically, as individual buildings.

Section 12 of The National Planning Policy Framework (para. 126) states that, in setting out a positive strategy for conservation and enjoyment of the historic environment, local authorities should take into account the desirability of sustaining and enhancing the significance of the heritage asset. In paragraph 132, the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Policy HE4 of the North Wiltshire 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 it possesses.

The architectural and historic significance of Green Barn due to its distinctive character and appearance as an individual farm building of considerable presence, forming a significant part of a wider group. Joining the building with a substantial extension to a three bay garage would take no heed to the buildings position and would not preserve, and nor would it enhance, the setting of this building.

Furthermore, the extension would obscure the symmetry of the east face of the barn and would add a large structure alien to the building which would not preserve or enhance the form and character of the barn.

The application indicates that a wall existed in 1886 along the line of the south elevation of the proposed extension. This is no longer present but there is a wall to the north boundary of the site which was permitted in 2000 and defines the curtilage of the dwelling. It is considered that, the pre-existence of a wall previously does not justify the erection of a substantial extension.

The barn is an important building. While it is recognised that the needs of the applicant are such that they require additional accommodation, the proposed extension does not represent a sensitive addition to the listed building. Under paragraph 134 of the NPPF, even if the harm was considered to be less than substantial, there are no public benefits to this proposal as the viable use of the building has already been established with its use as a dwelling. There are no mitigating circumstances which could be set against the harm caused.

Whilst the above harm is identified, it is considered that the extension would not be sufficiently injurious to the open rural character of the area and as such, the natural beauty of the Area of Outstanding Natural Beauty would be conserved.

9. Conclusion

The proposal would cause significant harm to the historic and architectural character and appearance of Green Barn and is recommended for refusal.

10. Recommendation

Planning Permission is REFUSED for the following reason:

1. The size, position and detail of the extension will have an adverse impact upon the listed building and its setting. It would be over-dominant in relation to Green Barn and would fail to preserve both the significance of the listed building and the character and significance of its setting. This would be contrary to Section 12 of the NPPF 2012 and policies C3 and HE4 of the North Wiltshire Local Plan 2011.

Listed Building Consent is REFUSED for the following reason:

1. The size, position and detail of the extension will have an adverse impact upon the listed building and its setting. It would be over-dominant in relation to Green Barn and would fail

to preserve both the significance of the listed building and the character and significance of its setting. This would be contrary to S.16(2) and S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the NPPF 2012.

Green Barn, Nettleton, Chippenham, Wiltshire. SN14 7NT



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