

## AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER  
**Date:** Wednesday 16 July 2014  
**Time:** 6.00 pm

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

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### Membership:

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

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### Substitutes:

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

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# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies for absence.

2 **Minutes of the previous Meeting** (*Pages 1 - 14*)

To approve and sign as a correct record the minutes of the meeting held on **25 June 2014**.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chairman.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

#### Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person **no later than 5.50pm on the day of the meeting**.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

#### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this **agenda no later than 5pm on Wednesday 9 July 2014**. 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.

6a **13/01296/FUL - Land Adjacent to Sedgewick House, Old Hardenhuish Road, Chippenham, Wiltshire, SN14 6HH**  
*(Pages 15 - 32)*

6b **14/03084/FUL - Land East of Manor Farm, Wadswick, Box, Corsham, Wiltshire, SN13 8JB**  
*(Pages 33 - 46)*

**Please note this item is likely to be deferred in light of revised information.**

6c **14/03183/FUL - Blackberry Pond, Chelworth Road, Cricklade, SN6 6HD** *(Pages 47 - 54)*

6d **14/04152/FUL - 26 High Street, Sutton Benger, Chippenham, Wiltshire, SN15 4RF** *(Pages 55 - 62)*

6e **14/05122/FUL - The Kingfisher, Hungerdown Lane, Chippenham, Wiltshire SN14 0JL** *(Pages 63 - 72)*

## 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

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## **NORTHERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 25 JUNE 2014 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.**

#### **Present:**

Cllr Glenis Ansell (Substitute), Cllr Chuck Berry (Substitute), Cllr Christine Crisp, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Peter Hutton (Vice-Chair), Cllr Simon Killane, Cllr Toby Sturgis, Cllr Anthony Trotman (Chairman), Cllr Nick Watts (Substitute) and Cllr Philip Whalley

#### **Also Present:**

Cllr Howard Greenman

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#### **67 Apologies**

Apologies were received from Councillors Mark Packard, Howard Marshall and Sheila Parker.

Councillor Parker was substituted by Councillor Chuck Berry.  
Councillor Marshall was substituted by Councillor Glenis Ansell.  
Councillor Packard was substituted by Councillor Nick Watts.

#### **68 Minutes of the Previous Meeting**

The minutes of the meeting held on 4 June 2014 were presented for consideration and it was,

#### **Resolved:**

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

#### **69 Declarations of Interest**

Councillor Peter Hutton declared a non-pecuniary interest in application 13/05214/FUL: Malmesbury Tennis Club, due to the contribution of the council's Public Protection Team (Environmental Health), given his position as Portfolio Holder for Public Protection, but declared he had no involvement in this specific application in any way, and therefore participated and voted on the item.

#### **70 Chairman's Announcements**

There were no announcements.

71 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

72 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting, provided in an agenda supplement.

73 **13/05214/FUL - Malmesbury Tennis Club, Tetbury Hill Gardens, Tetbury Hill, Malmesbury, SN16 9JP**

Public Participation

Mr Miles Edmeston, Chairman of Malmesbury Tennis Club, spoke in support of the application.

Mr Chris Miles spoke in support of the application.

Mrs Jo Kitching spoke in support of the application.

The Area Team Leader presented their report which recommended the application be approved. The key issues were stated to include the access and impact on highways, residential amenity and local ecology. Attention was drawn to the late observations and the proposed alteration of some conditions, as well as noting that the applicant's had stated that a temporary permission would not enable them to secure the grant funding being sought from the Lawn Tennis Association.

Members then had the opportunity to ask technical questions of the officer. Details were sought on the timing controls for the operation of the floodlighting, noise concerns and the enforcement of a traffic management scheme.

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

The Local Member, Councillor Simon Killane, then spoke in support of the application provided the work to mitigate the concerns of residents was achieved.

A debate followed, where the community benefit of expanding the Tennis Club was raised, but that this would increase traffic to the site and that the proposed Travel Plan needed to be sufficient and should be reviewed in the future to ensure this.

At the conclusion of debate, it was,

**Resolved:**

**That authority be delegated to the Area Development Manager to grant Planning Permission subject to agreement of an amendment to the Travel Plan to incorporate provisions for review at appropriate intervals to be agreed with the applicant and subject to the following conditions:**

- 1 The development of the tennis courts and mini court 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 practice wall hereby approved shall be discontinued and the land restored to its former condition on or before a date 12 months from when first brought into use in accordance with a scheme of work, including a timetable for restoration, first submitted to and approved in writing by the Local Planning Authority.

**REASON:** The use may be potentially detrimental to the amenities of neighbouring occupiers in terms of noise and light pollution, but there is insufficient evidence to enable the authority to be sure of its effect.

- 3 The floodlights hereby approved shall not be illuminated outside the hours of 09:00 to 21:30 on any day and shall be controlled on a timer.

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

- 4 During the construction phase no machinery shall be operated, no process shall be carried out and no delivery shall be taken or dispatched from the site outside of the following hours; Monday to Friday 07:30 to 18:00, Saturday 08:00 to 13:00, nor anytime on Sundays or public holidays.

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

- 5 All development shall be carried out in accordance with the recommendations set out in Section 4 of the submitted Ecological Appraisal (Clarke Webb Ecology Limited, 8th November 2012), unless otherwise agreed in writing with the Local Planning Authority.

**REASON:** To safeguard protected species during the construction phase of development.

- 6 No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;

- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2012
- A schedule of tree works conforming to BS3998.
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure this should also include details of the floodlighting;
- A full specification for the construction of any no-dig specification and extent of the areas to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.

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

- 7
- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
  - b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
  - c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2012): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.



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

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

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

- 3684/05 - Site location plan, date stamped 22nd October 2013
- Tree Constraints Plan, May 2014
- 3684/51 Rev C - Existing and proposed site layouts & existing photographs, received 2nd April 2014
- Malmesbury Tennis Club Travel Plan, received 3rd June 2014

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

**INFORMATIVE:**

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

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

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

**74** **14/03544/FUL - Land At Hazelwood Farm, Seagry Road, Sutton Benger, Wiltshire**

**Public Participation**

Mrs Kathy Smedley spoke objection to the application.

Mr David Wynne-Davies spoke in objection to the application.

Mr Bruce Groves spoke in objection to the application.

Cllr Glenda Woodville, Sutton Benger Parish Council, spoke in objection to the application.

The Senior Planning Officer presented their report which recommended the application be delegated for approval subject to the signing of a s.106 legal

agreement. Key issues were stated to include the principle of development, impact upon drainage, ecology, highway safety, character and appearance of the area, and s.106 contributions. It was noted there was extant permission to demolish the farm building currently on the site and redevelop for residential purposes. Attention was also drawn to the late observations and some proposed amended conditions.

Members of the Committee then had the opportunity to ask technical questions of the officer. In response to queries it was stated the accesses into the site had been designed to accommodate waste collection services. It was also confirmed that although the adjacent development site was now being undertaken by the same developers, each was still subject to their own legal agreements. Further detail was sought on flooding in the area and it was confirmed that the ponds that had previously been included as part of the application had been for ecological mitigation, not flood mitigation, and that this was now considered unnecessary with the increased public open space alongside the river in the north of the site.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Councillor Howard Greenman, then spoke in objection to the application due to the unsuitability of the site due to flooding and drainage concerns, and requested further negotiations towards the extent of and targeting of s.106 contributions, particular with regards play equipment.

A debate followed, where the design and density of the site was assessed, along with the measures taken to mitigate flood risk on the site. On and off site s.106 contributions were debated, along with parking provision and amount of affordable housing.

At the conclusion of debate, it was,

**Resolved:**

**That subject to the completion of a S106 legal agreement to secure contributions in respect of on-site affordable housing and public open space, and off-site contributions in respect of primary and secondary education provision, drainage improvements, leisure provision and play equipment, to delegate to the Area Development Manager 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 all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

**REASON:** In the interests of the character and appearance of the area and neighbouring amenities.

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

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

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

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

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

- 6) No part of the development hereby permitted shall be first brought into use until the access (road width at entrance to site 5.5m width), and layout have been completed in accordance with details shown on the approved drawing RHSW.5320.02.SA001 'Site Access Arrangements'. The areas shall be maintained for those purposes at all times thereafter.

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

- 7) No part of the development hereby permitted shall be first brought into use and parking spaces have been completed in accordance with the details shown on the approved plans and Parking Schedule submitted 10 June 2014). The areas shall be maintained for those purposes at all times thereafter.

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

- 8) No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility as detailed on drawing RHSW.5320.02.SA001 'Site Access Arrangements'. The visibility splays shall be maintained free of obstruction at all times thereafter.

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

- 9) The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, 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. In line with drawing RHSW.5320.02.SA001 'Site Access Arrangements'

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

- 10)The dwelling known as Plot 74 of the development hereby permitted shall not 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.

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

- (i) Full details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls / walls, service routes, surface water outfall, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture, including timetable for provision of such works unless an alternative timetable is agreed in the approved details;**
- (ii) Full details of the improvements to Public Footpath 8;**
- (iii) Submission of a Landscape and Ecological Management Plan, to include details of pre and post-construction measures together with monitoring details; and**
- (iv) Full details and samples of all external materials.**

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

**REASON: In the interests of the character, appearance, amenity and highway safety of the area.**

**12) Notwithstanding references to the introduction of ponds, the ecological mitigation measures detailed in the approved Ecological Assessment [EAD Ecological Consultants, December 2012] shall be carried out in full prior to the first occupation of the development and in accordance with the approved timetable detailed in the Ecological Assessment.**

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

**POLICY: National Planning Policy Framework paragraph 118.**

**13) The necessary parts of the East stone boundary wall shall be carefully dismantled and stored in a dry and secure place for re-use wherever possible in the works to construct the replacement East stone boundary wall. The materials shall not be disposed of or otherwise taken off-site without the prior written approval of the Local Planning Authority.**

**REASON: In the interests of preserving the character and appearance of the Conservation Area and its setting.**

**14) Finished floor levels shall be set no lower than 55.305 metres above Ordnance Datum in accordance with the Flood Risk Assessment (Hydrock, dated March 2014, Ref: R/C14161/002).**

**REASON: To reduce the risk of flooding to the proposed development and**

future occupants.

**15)No development shall commence until a surface water drainage scheme for the site incorporating sustainable drainage details, in accordance with the Flood Risk Assessment (Hydrock, dated March 2014, Ref: R/C14161/002), has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.**

**REASON: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.**

**16)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.**

**17)No materials, including spoil arising from excavation works, shall be deposited (either permanently or temporarily) within Flood Zone 3 as delineated by the red line separating the development area and the informal public open space area shown on the 'Planning Layout' drawing in Appendix B, and the 'EA Flood Zone Mapping' in Figure 1 on page 4, of the Flood Risk Assessment (Hydrock, dated March 2014, Ref: R/C14161/002).**

**REASON: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.**

**18)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 shall 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.

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

- (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 washing 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 for the protection of the natural environment;**
- (ix) hours of construction, including deliveries; and**
- (x) demolition works and disposal of demolition materials**

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.

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

RHSW.5320.02.SH001 rev A - Storey Height Plan  
RHSW.5320.02.SL001 rev A - Slab Levels  
RHSW.5320.02.SS001 rev A - Site Section A-A  
RHSW.5320.02.SS002 rev A - Street Scenes

Received 2 April 2014

House Type Booklet (Proposed Floor Plans and Elevations)

Received 3 April 2014

RHSW.5320.02.AP001 rev B - Adoption Plan  
RHSW.5320.02.BM001 rev C - Boundary Material Plan  
RHSW.5320.02.DM001 rev B - Dwelling Material Plan  
RHSW.5320.02.LP001 rev B - Location Plan  
RHSW.5320.02.PL001 rev D - Planning Layout  
RHSW.5320.02.SA001 - Site Access Arrangements  
SB.LS.07 rev B - Proposed Planting Plots 64 to 84 and Associated Open Space

Received 10 June 2014

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

**21)INFORMATIVE TO APPLICANT:**

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

**22)INFORMATIVE TO APPLICANT:**

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

**23)INFORMATIVE TO APPLICANT:**

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.

**24)INFORMATIVE TO APPLICANT:**

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

**25)INFORMATIVE TO APPLICANT:**

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent (Flood Defence Consent) of the Environment Agency is required for any proposed works (permanent or temporary) or structures (including any surface water drainage outfall) in, under, over or within 8 metres of the top of the bank of the Sutton Benger Brook, designated a 'main' river. The need for this consent is over and above the need for planning consent. The applicant is advised to contact Daniel Griffin on 01258 483421 to discuss the scope of our controls.

**26)INFORMATIVE TO APPLICANT:**

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 105 litres per person per day.

75 **14/03953/FUL - Flistridge Farm, Upper Minety, Malmesbury, Wiltshire, SN16 9PY**

Public Participation

Mr Hans Kuropatwa, applicant, spoke in support of the application.

Mrs Charlotte Watkins, town planner, spoke in support of the application.

Cllr Charles Cook, Minety Parish Council, spoke in support of the application.

The Area Team Leader presented their report which recommended the application be refused. Key issues were stated to include the impact of the proposal on the open countryside. It was stated that officers considered the proposed ancillary accommodation being tantamount to a new dwelling due to its separation from the main dwelling. Reference was made to late observations relating to the matters considered in the determination of the application.

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

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

The Local Member, Councillor Chuck Berry, then spoke in support of the application, stating that a restriction against the ancillary dwelling being separately sold could be imposed.

A debate followed, where the scale and amenity of the proposed ancillary accommodation was discussed, along with its significant distance from the main dwelling and location next to the existing stable doors.

At the conclusion of debate, it was,

**Resolved:**

**That the application be refused for the following reason:**

**The proposed location of the ancillary accommodation separate to the main dwelling house known as Flisteridge Farm is considered to be inappropriate for the purpose of providing ancillary accommodation for elderly relatives and does not achieve an adequate level of residential amenity for future occupants. By way of its design, scale and location the proposed extension is considered tantamount to a new dwelling in the open countryside remote from local services, facilities and transport services and is therefore unsustainable. Due to these reasons the development is contrary to policies NE15, C3 and H8 of the adopted North Wiltshire Local Plan 2011.**

76 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.30 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 71504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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

## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	16 <sup>th</sup> July 2014
<b>Application Number</b>	N/13/01296/FUL
<b>Site Address</b>	Land Adjacent to Sedgewick House Old Hardenhuish Road Chippenham Wiltshire SN14 6HH
<b>Proposal</b>	Erection of 2 Detached Dwellings
<b>Applicant</b>	Mr Robert Stacey
<b>Town/Parish Council</b>	CHIPPENHAM
<b>Ward</b>	CHIPPENHAM CEPEN PARK AND REDLANDS
<b>Grid Ref</b>	390569 174390
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mandy Fyfe

### Reason for the application being considered by Committee

This application has been called into Committee by Cllr Nina Phillips for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Impact on amenities and privacy to dwellings in Bythebrook
- Design – bulk, height, general appearance, layout
- Environmental/highway impact
- Car Parking (use) and noise issues
- Drainage issues
- Access
- Impact on wildlife

### 1.Purpose of Report

To consider the above application and to recommend that subject to all parties entering into a legal agreement under S106 of The Act, then the decision be delegated to the Area Development Manager to GRANT planning permission, subject to conditions

Chippenham Town Council have objected due to the poor access and notifying the Council that this application has been called in by the Local member. There have been 20 letters of objection.

## **2. Report Summary**

The main issues in considering the application are:

- Principle of development Policies C3, H3 of the adopted North Wiltshire Local Plan 2011
- Impact on the character and appearance of the area
- Affect on the privacy and amenity of existing neighbours and potential occupants
- Impact upon Flood Plain
- Affect on highway safety
- S106 contributions

## **3. Site Description**

The application site consists of a large slightly sloped land to the west of the secluded rear garden behind Sedgewick House which is surrounded by mature trees and hedgerows and has an area of 0.2ha. There are a number of immature shrubs spaced out in the centre of the garden. Sedgewick is a modern detached house set back from Old Hardenhuish Road via a driveway and includes a garage to the side. Alongside the eastern side of both the application site and the side of Sedgewick are a number of trees protected by Tree Preservation Orders and a 'main river' known as Hardenhuish Brook which runs along the entire eastern boundary getting very close to the boundary fence in places.

To the west of the application site is the estate of Bythebrook which includes a tarmaced driveway leading down to No 10 and 11. Beyond this is a close boarded fence that runs along the western boundary of the application site and forms the boundary with No 12 Bythebrook to the east of the driveway. No 11 has its side garden facing onto the application site and No 12 has its rear garden facing onto the application site. It should also be noted that this estate is on higher ground than the application site which is some 1.35m lower than the tarmac driveway. It would appear from historical maps that this raised ground level forming the western boundary of the applicant's garden is original suggesting that the ground to the east was originally purely floodplain.

## **4. Planning History**

80/00314/OL Erection of detached dwelling with integral garage (Permit)

81/01338/D Erection of detached dwelling with integral garage (Permit)

87/02935/F Erection of garage extension (Permit)

89/02456/F Extension to form swimming pool wing (Permit)

94/02196/TPO Tree felling and surgery – 4No standard Oaks and 1 No

standard ash to be planted to replace the felled trees(Permit)

03/00483/FUL Extension to garage (Permit)

## **5. The Proposal**

The proposal is to construct 2 No chalet style dwellings with dormer windows to the first floor. Detached garages are proposed for each unit. The dwelling would be constructed to a Level 4 Sustainable Design Code with measures to enhance aspects such as water and energy use, materials, waste disposal, ecological features etc. The layout provides for a vehicular access to be created between No 11 and 12 Bythebrook to form an enclosed turning area leading off to drives and the garages to the north and south. Due to the changes in levels between the higher land of the housing estate compared to Sedgewick's garden, it is proposed to increase the ground levels nearest the western end of the site.

The scheme shows that the eastern side of the proposed dwellings would be supported on a 0.75m high stilt arrangement using a 'pin piling' technique with voids underneath to allow for any flood water displacement in accordance with the submitted Flood Risk Assessment. There would also be a 0.75m high retaining wall between the eastern corners of the proposed dwelling which would support the inert material referred to above on which the turning area would stand.

The footprints of the plots are different, so that Plot 1 would have a footprint of 121m<sup>2</sup> and with the first floor accommodation of 83m<sup>2</sup> would give a overall floor area of 204m<sup>2</sup>. It would have an eaves height of between 2.5m and 3.2m depending on the slope which is higher to the west than the east and a ridge height of between 7.15m and 7.65m. The accommodation proposed would provide a porch leading towards a large hallway with a study, dining room, breakfast room, kitchen, wet room and utility room. Beyond the hallway would be a large living room of some 24m<sup>2</sup> internal measurements. At first floor there would be 3 No bedrooms with individual ensuites plus a family bathroom with a gallery landing. The garage would have a floor area of 42m<sup>2</sup> and eaves of 2.5m and a ridge of 5.9m respectively and be sited to the north of the house.

Plot 2 on the other hand would only have a floor area of 153m<sup>2</sup> comprising of a footprint of 84.2m<sup>2</sup> and a first floor of 68.9m<sup>2</sup>. It would have an eaves height of between 2.45m to 5.3m and a ridge of between 6.35m and 7.9m to the projecting gable. The accommodation would provide a central doorway between the kitchen and dining room. Off the hallway would also be a utility, wet room and living room. At first floor would be three bedrooms and a family bathroom. The garage would be sited to the south of the house and have a floor area of 33m<sup>2</sup>. It would have an eaves height of 2.45m and a ridge of 5.5m

## **6. Planning Policy**

National Planning Policy Framework (NPPF)

Para.14 - 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.'

Para.53 - 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'

Para.100 - 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.'

North Wiltshire Local Plan Policies (2011):

C3 - Development Control Policy

NE10 - Managing Nature Conservation Features

NE11 -Conserving Biodiversity

NE14 - Trees, Site Features and the Control of New Development

H3 - Residential Development within Framework Boundaries

CF3 - Provision of Open Space

## 7. Consultations

**Chippenham Town Council:** Recommend refusal due to poor access. It should be noted that the Ward Councillor has called in this application.

**Highways Team:** I note that there have been local objections raised on the grounds of highways and access. I do not consider that this proposal will create significant highway issues that would warrant a highway refusal in this location. I recommend no highway objection be raised subject to conditions.

**Public Open Space Team:** This site would either have to provide onsite amenity land or as it generates an Open Space requirement of less than 0.2H, it would be more appropriate for a contribution to improve local existing amenity land and/or play. 2 X 3 bed dwellings generate a need for 0.0132Ha of Open Space which equates to an Off Site Contribution of £11,640 to be used to the upgrade of facilities at Stainers Way Chippenham.

**Archaeology:** No issues relating to archaeological remains in this area

**Ecology:** The site is a small orchard forming part of a residential garden of Sedgewick. This area would not meet the criteria of a "Traditional Orchard" BAP habitat type to which policies NE10 and NE11 would be relevant. The adjacent watercourse 'Hardenhuish Brook' and associated riparian woodland habitats would qualify as BAP habitats NE10, NE11 and NE14 are relevant requiring their protection and possibly enhancement. It is important that the riparian corridor be protected from physical damaged e.g. bankside vegetation, pollution e.g. construction run-off, disturbance of wildlife and damage to protected species habitats e.g. water vole burrows. The extent of the proposed root protection areas will help to provide a buffer between construction activities and the brook, while the retention of the adjoining hedgerow and fence will also help to reduce the disturbance during the construction phase. While the development would impact onto the urban wildlife corridor, the impacts are considered to be of insufficient magnitude to trigger or uphold a reason for refusal. I therefore have no objection on ecological grounds.

**Trees and landscape: (Original comments):** Insufficient information has been submitted to make a detailed response so that it would appear that at least part of each slab level for each plot would be inside the root protection area as indicated on the submitted drawings and that taken with the raising of the ground levels would result in potential root compaction

and damage to the canopy the majority of the trees along this bank in the long term. Request that revised plans are submitted with a new tree survey and a cross section through the site to clarify where the ground will be raised with regard to the root protection areas as this is not clear on submitted drawings.

*Additional comments – 1:* It is noted that the two dwellings would be constructed on pile due to the change in levels. I have no objection to the pile construction but care should be taken to avoid damaging any root plates of trees on site. Where piling is to be installed near trees, the smallest practical pile diameter should be used, as this reduces the possibility of striking major tree roots and reduces the size of the rig required to sink the piles. The pile type should be selected bearing in mind the need to protect the soil and adjacent tree roots from the potentially toxic effects of uncured concrete e.g. a sleeved bore pile or screw pile. In addition not all the trees on the site have been plotted and we will need a plan showing the position of all the protective fencing too.

*Additional comments – 2:* Plans are still unclear and there is an objection from a neighbour about the removal of 38m of hedgerow including both walnut trees all the way from the proposed entrance to the far western boundary

*Additional comments – 3:* The property benefits from two separate Tree Preservation Orders; one was made in 1973 and the second one in 1989. As a result there is a need to submit a new full tree survey showing the full root protection areas of the protected trees.

**Council's Land Drainage Engineer:** (*Original comments*): It is clear that the site is plumb in the centre of the flood risk area generated by the Hardenhuish Brook. Building in this area will be tricky in that any proposed property will require a finished floor level well above the flood risk level that will be supplied by the Environment Agency. The Hardenhuish Brook is classed as a 'Main River' and the EA will no doubt require some form of flood compensation works to offset the loss of the floodplain caused by the proposed dwelling construction.

*Additional comments -1:* the proposed dwellings will be built in an area reserved for floodwaters, which means that for any building here, a volume earmarked for flooding will be unavailable and hence in any given future flood, the water level will be marginally higher. The most common way to maintain the status quo is to dig a hole in the flood plain with an equal volume to that which is being used by the proposed construction so that the flood risk remains unchanged and if the finished floor level of the proposed dwellings is above the flood level, this prevents flooding of their properties too.

*Additional comments – 2:* Putting the buildings on pile would make the development a degree better than if the building was just raised above the 1:100 year flood event level. The inert fill material will have a volume just like a soakaway filled with a stone material. Normally in these cases there is a requirement to have a 30% flood void ratio, so if the fill material occupies 1m<sup>3</sup>; 30% or 0.3 cubic metres would be available for flood water and 70% will not be available. So if your fill material occupies 10m<sup>3</sup>, some 7 cubic metres will need compensation measures.

*Additional comments – 3:* I have no further comments to make because the proposed flood compensation works are not required here as the flood waters will use the garage and space below the proposed floor levels, so there is no objection to the proposed application on drainage grounds.

**Environment Agency** (*Original comments*): We are satisfied that the hydraulic model undertaken is fit for purpose and the proposed finished floor levels (68.25mAOD) are set at an acceptable elevation. The modelled 100 and 1000 year floor outlines in the FRA report should be representative from the information submitted. We can take no responsibility for incorrect data or interpretation made by the authors. Accordingly we have no objection in principle to the application subject to a conditions and informatives.

**Wessex Water** (*Original comments*): Public sewers are shown on record plans within the land identified for the proposed development. It appears that the development proposals will affect existing public sewers as building over a public sewer will not be permitted (without agreement) from Wessex Water under Building Regulations.

No building will be permitted within the statutory easement width of 3m from the pipeline without agreement.

Where development proposals affect a public water main or sewer, it may be possible to divert by agreement with Wessex Water and diverting a water main/public sewer will be subject to satisfactory engineering proposals and a legal agreement under S185 of the Water Industry Act 1991.

*Additional comments – 1:* Wessex Water will require the applicant to submit a formal application and detailed drawings to consider further with a view to entering into a legal agreement. The issues are:

- a) The diversion may not be possible due to the potential differences in levels between the two foul systems;
- b) The foul sewers are between 1 and 2m deep and the storm sewer by the water course is shown only to be at 0.5m deep and at 225mm diameter have minimal cover.
- c) The diversion as shown would not be acceptable as the angle of the sewer from the rear to the manhole at front is tighter than 90 degrees thus is actually directing flow across the main line which could lead to blockages
- d) We have received no prior notification of the filling works and these are of major concern to Wessex Water with regards to protection of the existing sewers through the site and therefore we will need details as we will require protection and replacement in a more robust material than currently exists.

These arrangements should be agreed in principle prior to a formal application to satisfy any planning requirements.

Wessex water have had further discussions with the agent and have confirmed that a practical and acceptable solution has been found to protect the sewer asset at the site.

## **8. Publicity**

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

23 letters of letters of objection (including several from the same occupiers ) and 1 of support received

Summary of key relevant points raised:



- Access width is shown on plans as being 3.45m wide, when there is only 2.6m in reality as the deeds to neighbour's property show the boundary to fall to south east of pavement edge and therefore the extra 0.85m is on neighbours land, so the access route is too narrow for scheme. Bythebrook has clearly defined footways which would have to be removed for access to the proposed construction. The width of the footway is 1.89m at the narrowest point. The width of the highway is wider but the access to the proposed construction is no way wide enough compared to the highway let alone 2No footpaths. Consider that it would sheer folly to run an access point from existing road without widening the area and adding footways given the close proximity of the boundaries either side and to allow a large lorry to access and turn around within the site so as to exit in a forward gear
- Proposed 'access road' is not a road, but a shared drive for No 10 & No 11 who both own this drive and each have a legal right of way over the portion owned by the other. We have not given the applicant access to this portion of the drive to access the site. Consider that the highway authority have not taken this into account in their consultation response as neighbour does maintain this land as it owned by them too and no permission will be given for access here
- Consider that it is not fair that a house in a cul-de-sac now has prospect of a driveway outside.
- Concern about the slope of the drive which tends to get icy in winter towards the proposed scheme and foliage to one side that would reduce visibility resulting in hazard for both pedestrians and vehicles.
- This corner of the cul-de-sac is used for turning of lorries as it is the only suitable turning point such as refuse lorries
- Use of gates within the site will mean that lorries etc will be forced to reverse up narrow driveway
- Certificate of ownership signed on 7<sup>th</sup> May 2013 is incomplete as part of the land belongs to No 10 and no notice has been served.
- Lack of Parking for the private housing will cause additional hazard to proposed entrance.
- Lack of neighbour notification for Nos 7, 8, 9 and 21 Bythebrook
- Increase in traffic movements in estate
- Loss of wildlife habitat if trees or hedge backing onto site is removed as part of the scheme and would request that legally binding covenant be imposed retaining the hedgerow behind Nos 12 -14 at a level between 2.7m to 3.6m high
- Submitted plans do not include extensions that have been added onto adjoining neighbours properties and so the garden room in No 12 would be affected by loss of light
- Loss of privacy and nuisance as the garden of No 12 has been levelled and is 1m higher than the adjoining development, so the 2m fence is now only 1m high. The scheme will mean that driveway would need to be sloped to the original level, otherwise there is concerns over visibility into property resulting in loss of privacy and car lights causing a nuisance.
- Great concern about the size of trucks to be used to deliver the aggregate to raise the ground levels would not be acceptable past our driveway
- Wessex Water have two easements across neighbours properties which cannot be built on without permission and these strips of land extend under development site, but it does not appear that applicant has gained permission to build over them
- Increase amount of traffic exiting onto Bristol Road
- The Policy Framework sets out a list of criteria which deal with sustainability in including an obligation to take account of all material facts when making a decision as sustainability does not over ride all other relevant factors.
- In Paragraph 53 of the Framework, it states that policies should be provided to resist inappropriate development of residential gardens

- Design of dwellings would not integrate with existing estate houses in terms of design or materials and makes no effort to establish a sense of place that already exists in the Bybrook estate. Effectively this is just an 'add-on' at the end of a shared drive with gates and walls to separate them from the open plan estate, so request that this element is removed from the scheme.
- Due to the overall size of the chalet dwellings, there will be an overbearing issue and because the land is lower the dwellings should be lower too, to eliminate any overlooking to the houses and gardens of Bythebrook.
- Footprint of Plot 1 appears twice the size of the adjacent properties in Bythebrook, so how can the scheme enhance the surroundings in terms of design and materials used, so this should be reduced
- Lack of space for the storage of bins is due to the existing layout the bins for No 12 have to be sited in front of No 10, therefore this scheme would make the situation worse increasing the number of bins as well as restricting visibility.
- Applicants have not discussed the proposals with neighbours as required by the Framework under Paragraph 66.
- Very concerned about the proposed rumble strip as this will result in noise disturbance to adjoining properties.
- Request that electric gates are removed as not in keeping with area and will cause noise disturbance
- Request that the gravel is replaced with tarmac to match that of Bythebrook and to reduce noise disturbance
- Suggest that access is gained via Old Hardenhuish Lane instead of through Bythebrook as there appears to be sufficient land and this would increase the privacy and security for the new dwellings
- Development will cause noise and light pollution to surrounding estate and wildlife
- Construction work would result in chaos to estate

1 letter of support on the following grounds:

- No 11 have a covenant on their deeds which allows for a right of way at all times for purposes over the Accessway which serves any other part of the estate or any land adjoining the estate.
- No 11 consider that their neighbour's calculations are incorrect and that there is a width of 2.93m to 3.2m of access owned by them and thus legally permitted to grant access for the site.
- When residential development was first considered in 1991, highways took the view that a maximum of 40 dwellings at Bythebrook, so a further two dwellings would be acceptable and the development would also retain the cul-de-sac too.

## **9. Planning Considerations**

### **Principle**

The proposed dwellings would be Code Level 4 in terms of Design Sustainability and located within the framework boundary of the settlement with reasonable access to public transport. Hence the proposals are sustainable within the terms of the National Planning Policy Framework. In addition, although gardens are no longer viewed as 'brownfield land' in policy terms, it is considered that there are no overriding site specific objections to the development for the reasons set out below. Whilst the proposed development would be the first near the brook in this area, there are no policies in the Local Plan to retain urban green areas and in any case the site is a private garden and not public open space. Accordingly, it is considered therefore that there is no objection in principle.

## **Design**

The design of the proposed houses is certainly different from the existing estate. However it is considered on balance to be acceptable, and being in a location that is not overly prominent it would not adversely affect the character of the wider area. It is considered that the design is on balance satisfactory subject to the imposition of suitable conditions including relating to the external finishes. A condition can be imposed seeking details of the electric gates proposed.

## **Impact on Neighbours**

It is not considered that the windows of the proposed dwellings would cause problems in terms of privacy or overlooking to existing properties.

Concerns have been raised regarding potential disturbance to No.12 caused by the proposed access. There would be very little extra traffic in the vicinity of the existing dwellings and there are other similarly located private lanes nearby. The rumble strip has since been omitted from the scheme and gravel now replaced by brick paviours.

With regard to overbearing impact, whilst the windows of the rear single storey extension of 12 Bythebrook would be approximately 12 metres from the side of the proposed house on Plot 2, the proposed slab level would be approximately one metre lower than No.12, and the proposed dwellings would be only one and half storey high. It is considered therefore that on balance there would not be an overbearing impact and or unacceptable loss of light. As a further precaution a condition can be attached requiring the existing hedge to be retained at a minimum height of 3 metres in order to preserve the visual amenity and privacy of the rear gardens.

It is accepted that construction traffic and works have the potential to cause temporary disruption and disturbance to residents and therefore it is proposed to attach a planning condition requiring the submission and approval of a Construction Management Plan which in particular specifies that all construction traffic access and exit the site only via the entrance to Sedgewick House and that limits are placed on working hours.

Regarding refuse bins, the plans show that they would be stored within the site out of view of existing residents and only placed outside the site on collection days. An area from which collection would be undertaken can be agreed by attaching a planning condition. This arrangement would be no different from other properties within the area.

## **Impact on Surrounding Area**

It is considered that the application site is well screened and with suitable conditions to protect and retain existing trees and hedgerows, the proposed development would have limited visual impact on the surrounding area.

## **Highways issues**

The Highway Officer has raised no objection to the application subject to imposing conditions. Account has been taken therefore of the impact on highway and pedestrian safety and congestion within the adjoining estate. It should be noted that there are other private lanes providing access to houses nearby on the estate. Construction traffic can be limited to gaining access only via the entrance to Sedgewick by means of attaching a planning condition.

A proposed rumble strip has been omitted from the scheme and gravel has been replaced by brick paviours

### **Impact on Trees**

The scheme has been negotiated that there would be no development within the defined root protection areas of the retained trees. In any event, all footings would be pin piled with a ring beam above which would allow for root expansion and avoid compression issues. The hedgerow between Plot 1 and 11 Bythebrook, including the Walnut trees, would be transferred into the ownership of 11 Bythebrook and is not part of the application site. Regarding the trees along the bank of the brook, 7 are protected by Tree Preservation Order 134. Any works proposed to the protected trees would be subject to a separate consent.

Nevertheless, it is considered that by attaching conditions requiring tree protection for the retained trees during the construction process and additional planting and landscaping subsequently there would no long term impact on the visual character of the area.

### **Ecology**

The Council's Ecologist has raised no objection in principle to the proposed development, and whilst the application site is within a wildlife corridor next to the Hardenhuish Brook, it is considered that adequate mitigation for any impact on local wildlife can be achieved by attaching suitable conditions to the permission.

### **Flood Risk and drainage issues**

The Environment Agency raised no objection provided construction is undertaken in accordance with the submitted Flood Risk Assessment and the prescribed finished floor levels. The Agency states that the application site is within a Flood Zone 3a) area where this more vulnerable form of development should only be permitted if the Exceptions Test is passed. It is considered that the proposed development passes the Exception Test because it provides wider sustainability benefits such as convenient access to shops and public services without reliance on car journeys being located close to public transport and within a main settlement. In addition, it is considered that there no need for a Sequential Test because the applicant is a private householder not a major residential developer and so would not have reasonable access to alternative development sites, against which the flood risks of this site could be compared.

The Council's Drainage Officer has commented that the amount of flood compensation is acceptable because of the proposed voids under the houses. It is considered therefore that there is no objection on flood risk or drainage grounds subject to attaching a condition requiring the prior approval of the proposed surface water and foul sewage drains.

Wessex water have also confirmed that they have accepted a proposal from the applicants which would provide suitable protection over the sewer in the vicinity. The applicants will need to formalise this through a separate agreement with Wessex water (outside the planning process)

### **Section 106 agreement**

The applicants have indicated that they are content to enter into a legal agreement to secure the off site contribution of £11,640 to be used to the upgrade of facilities at Stainers Way, Chippenham.

## **Rights of access and covenants**

The question of access rights over land not in the applicant's ownership and other covenants are civil matters and not a planning consideration. The residents objecting on this issue are clearly fully aware of the proposed development and the applicant has made counter claims regarding his rights of access, it is not within the Council's remit to adjudicate in these matters. Should Planning permission be granted it does not override any ownership, private rights or covenants. An informative may be added regarding third party rights over land.

## **10. Conclusion**

It is considered that the proposed design, impact on the neighbours, the impact on the wider area, the proposed access and parking arrangements, and ecology and flood risk issues would be satisfactory with appropriate conditions attached to the permission. Accordingly, the application complies with Local Plan Policies C3, H3, NE10, NE11, NE14 and CF3. The applicant has agreed in principle to prepare a unilateral undertaking to pay the required planning gain contribution.

## **RECOMMENDATION**

Subject to all parties entering into a legal agreement under S106 of The Act, then the decision be delegated to the Area Development Manager 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. 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) 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) means of enclosure;
- (f) hard surfacing materials;

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

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

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

5.
  - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
  - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
  - (c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area

fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

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

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

6. The existing hedge between Nos 12 and 14 Bythebrook and the application site shall not be removed and shall be retained at a height of at least 3:00 metres. Should any section of the hedge be removed or die it shall be replaced with appropriate planting during the next planting season.

REASON: To preserve the visual amenity and privacy of the development.

7. Prior to the commencement of development details of any proposed retaining walls to be built on the site shall be submitted to and approved in writing by the local planning authority and implemented and maintained strictly in accordance with the approved plans.

Reason: To safeguard the visual amenity of the area and in the interests of highways safety.

8. 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 safeguard the amenities and character of the area and in the interest of highway safety.

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

REASON: In the interests of highway safety.

10. 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 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.

11. The development hereby permitted shall be carried out in accordance with the approved Flood Risk assessment dated September 2012 by PBA and the following mitigation measures detailed in the FRA:

1. Finished floor levels are set no lower than 68.25 above Ordnance Datum (AOD)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

12. No development shall commence on site until details of the works for the disposal of sewerage 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.



The mitigation measures in paragraphs 5.4 and 5.6 of the approved Ecological Assessment prepared by BSG Ecology and received 8<sup>th</sup> May 2013 shall be carried out in full prior to the first occupation of the development and/or in accordance with the timetable detailed in the Ecological assessment.

Reason: To mitigate against the loss of existing biodiversity and natural habitats.

14. No development shall be undertaken within 8 metres of the bank of the Hardenhuish brook which would restrict access for the purposes of maintenance by the water authority.

Reason: To safeguard access for maintenance of the watercourse.

15. 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 adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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

16. Prior to the occupation of the development the proposed dwellings an area from which refuse bins can be collected shall be agreed in writing by the local planning authority.

Reason; In the interests of public and visual amenity.

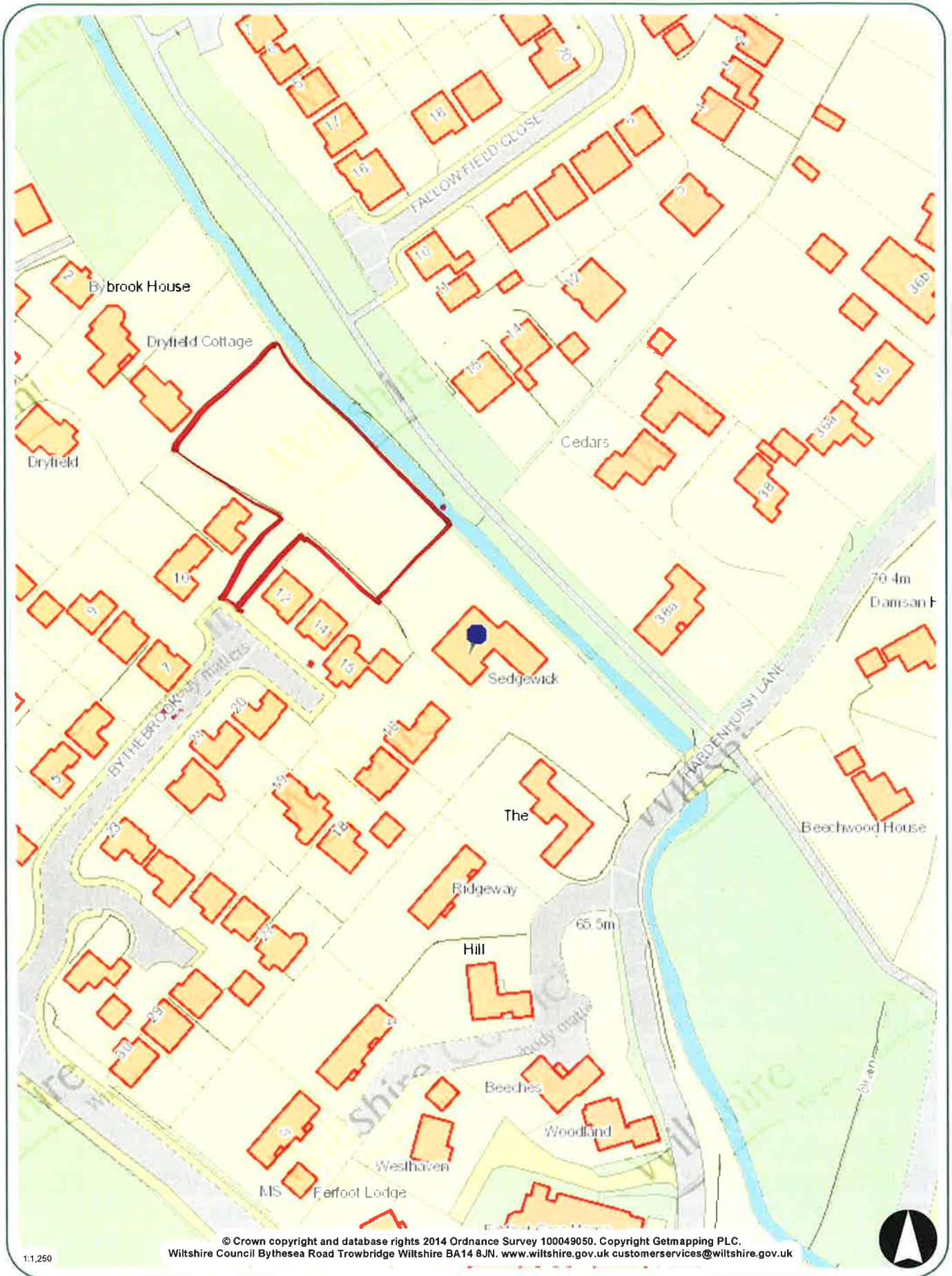
#### Informatives

1. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.
2. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.
3. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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.

#### **Appendices:**

#### **Background Documents Used in the Preparation of this Report:**



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Wiltshire Council Bythesea Road Trowbridge Wiltshire BA14 8JN. www.wiltshire.gov.uk customerservices@wiltshire.gov.uk

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## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	16 July 2014
<b>Application Number</b>	14/03084/FUL
<b>Site Address</b>	Land East of Manor Farm, Wadswick, Box, Corsham, Wiltshire, SN13 8JB
<b>Proposal</b>	Construction of 6.3MW Solar PV Park with Transformer Housings, Security Fencing & Cameras, Landscaping & Other Associated Works (Resubmission of 13/04055/FUL)
<b>Applicant</b>	RB & T Barton
<b>Town/Parish Council</b>	BOX
<b>Ward</b>	BOX AND COLERNE
<b>Grid Ref</b>	384505 167922
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Chris Marsh

### Reason for the application being considered by Committee

The application was originally called in to Committee by Cllr Tonge should the Officer recommendation be for approval, in order to consider the scale of development and its visual impact upon the surrounding area. In light of the substantial volume of public representations received both in support of and objection to the proposal the Officer has recommended that in the interests of transparency the application is considered by Committee in any case. This approach has been agreed with the local Member.

### 1. Purpose of Report

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

Corsham Town Council and Box Parish Council have objected to the application, as set out later in this report. The application has also attracted comments from CPRE, Corsham Civic Society and on behalf of the Neston Park Estate. 64 letters of objection and 33 letters of support have been received from local residents and those further afield. A petition in support of the proposal with 110 signatories has also been received.

### 2. Report Summary

The main issues in considering the application are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on the setting of the Cotswolds AONB
- Impact on highway safety
- Impact on agricultural land

- Impact on site ecology and biodiversity

### 3. Site Description

The proposal relates to an area of agricultural land situated to the East of Manor Farm, itself situated a short distance to the East of the B3109 Bradford Road, South of Corsham. The land amounts to a little over 14ha in total and is currently put to mixed arable use on a seasonal basis. The land is divided by a traditional rubble stone wall into two separate fields, across which an overhead electrical cable bisects the site. The smaller of the two fields is arranged over an L-plan a short distance to the East of the main farm complex, which is accessed directly from the Bradford Road. Mature trees and hedgerow provide substantial screening from this part of the site, with two small separate areas of paddock/pasture excluded from the development site at its western end. The larger field is situated to the East and, continuing from the smaller field, extends alongside Wadswick Lane some 450-500m up to the point at which the highway turns North toward Neston. A public footpath briefly runs directly adjacent to this end of the site, diverting from the line of the boundary on its northern side. The boundary to Wadswick Lane along the site's southern edge is characterised by its mixture of rough, self-germinated vegetation including ivy, bramble and old man's beard, which has become established around the historic dry stone walls typical of the area.

The site lies some 600m East of the closest point within the Cotswolds Area of Outstanding Natural Beauty, with the adjacent Wadswick Lane forming part of a wider network that extends into the designated landscape area. The land is also identified as of the Cotswolds Limestone Lowland landscape type 16 (Within Landscape Character Area 16A Malmesbury-Corsham Limestone Lowlands, as identified in the Wiltshire Landscape Character Assessment, 2005), which is noted for characteristics such as dry stone walls and the panoramic view evident at the site. The Neston Conservation Area lies approximately 700m to the northeast of the site at its closest point, and the various designated heritage assets of Hazelbury Manor and Neston Park are situated roughly equidistant from the site, within around 1km from its northwest and southeast ends respectively.

### 4. Planning History

13/04055/FUL	Construction of 9.6MW Solar PV Park with Transformer Housings, Security Fencing & Cameras, Landscaping & Other Associated Works
N/10/00261/CLE	Certificate of Lawfulness for Airstrip and Aircraft Hangar
N/12/03528/SCR	Screening Opinion - As to Whether EIA is needed for a Solar Park

### 5. The Proposal

The application is a resubmission of a larger scheme (reference 13/04055/FUL) which was refused under delegated powers in December 2013 and now comprises the installation of 6.3MW of ground-mounted solar photovoltaic arrays, together with associated inverter and control buildings, fencing, CCTV and landscaping. As with the earlier scheme and typical of a development of this type, the panels are to be laid out in continuous 'strings' on an East-West axis, with a clear void of around 2.4m between rows, in order to maximise solar gain. This equates to a front-to-front spacing of 6.4m and is likely to be close to the maximum density achievable in practical terms for a site of this relatively flat relief. The linear 'strings' are to be served by occasional 8m maintenance strips at regular intervals, as well as by the existing North-South dry stone wall that bisects the site and is to be retained.

Site access for the construction phase is to be provided via the existing shop/farm complex to the northwest of the site, and this is to be retained throughout the project's lifespan for

maintenance purposes, as will the existing field entrance at the southwest corner of the smaller field. As this currently operates in tandem with the similar field access directly opposite for the movement of agricultural machinery across the landholding, sufficient space is to be retained toward the western end to facilitate a 7m-wide unmade route to the farm complex. In practice, this does not in itself represent any change to the current status quo.

Overall, the vast majority of the site continues to be occupied by the solar panels, of which there are to be around 34,000, down from the previous 40,000, and which are to be laid out in a similar pattern. Despite its being pulled back from the boundary wall, the southern limit of solar arrays nonetheless remains loosely parallel to the southern edges of the fields, following the winding route of the adjacent part of Wadswick Lane. From this boundary, a varying strip sufficient to accommodate a permissive right of way is abutted by a 20m-wide planted strip of *Miscanthus*, 'elephant grass', which is to be used to screen the development. Deer-proof fencing is to be used to secure the apparatus and is to be sited directly behind this planted buffer, as well as extending around the full perimeter. Within the thickened buffer at the eastern end of the site, the scheme includes a modest educational area linked to the adjacent footpath and with clear views of the panels. Drainage swales are to be introduced around the underutilised periphery of the fields, taking account of the relief of the site, which drops by some 10m from northwest to southeast.

The solar photovoltaic apparatus itself is to be of a fixed design repeated throughout the site. Each modular rack of panels is to measure 31.82m x 3.979m in surface area and 2.3m in height, based on an angle of 20°. The rack is to be mounted on metal supports arranged front and back at intervals and driven directly 1.2-1.5m into the earth below. The lower, front supports are to provide a ground clearance of 630mm at the lowest point of the panel racking, enabling the continued use of the site for the grazing of sheep, which is proposed during the lifespan of the development. In addition, the apparatus requires the installation of 6no. transformer enclosures, together with a master DNOC station situated at the northwest corner of the site.

The solar photovoltaic apparatus itself is to be of a fixed design repeated throughout the site. Each modular rack of panels is to measure 31.82m x 3.979m in surface area and 2.3m in height, based on an angle of 20°. The rack is to be mounted on a metal frame, which is in turn supported by steel supports arranged front and back at intervals and driven directly 1.2-1.5m into the earth below. The lower, front supports are to provide a ground clearance of 630mm at the lowest point of the panel frame, enabling the continued use of the site for the grazing of sheep, which is proposed during the operational lifespan of the development.

The current scheme makes provision for a new permissive right of way and bridleway across the site itself, the former loosely following site perimeter and linking to the established public right of way to the northwest, the latter running the length of the southern site boundary. The retained agricultural access at the southwest corner is to provide access to pedestrians and horse riders via a widened hunting gate, with a similar facility at the far eastern corner with Wadswick Lane. An additional stile is to be introduced at the southern boundary, creating a new opening directly opposite the point at which the Old Drivers Way footpath reaches Wadswick Lane.

The site is to be secured using deer proof fencing running between the apparatus and behind the new *Miscanthus* strip, as well as within the established planted boundaries of the north and east perimeter. This is to be of traditional post-and-wire construction using 100mm square wire netting strung between 100mm dia. round treated timber posts, which are to be 1.9m in height once driven 0.9m directly into the ground at maximum intervals of 5m. As an additional security measure, CCTV cameras are to be installed on 3.0m-high metal columns on a line-of-sight basis along the fence boundary. Whilst the exact colour and finish is yet to

be agreed, these are fairly typical in design to their utilitarian function. It is confirmed in the submission that no additional lighting is to be introduced to the site as part of the proposals.

## 6. Planning Policy

The following planning policies are relevant:

Policy C1 of the adopted North Wiltshire Local Plan 2011 (Sustainability Core Policy)

Policy C3 of the adopted NWLP 2011 (Development Control Core Policy)

Policy NE4 of the adopted NWLP 2011 (Areas of Outstanding Natural Beauty)

Policy NE15 of the adopted NWLP 2011 (The Landscape Character of the Countryside)

Policy NE16 of the adopted NWLP 2011 (Renewable Energy)

Policy BD7 of the adopted NWLP 2011 (Farm Diversification)

Sections 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are also relevant.

The DCLG Planning Practice Guidance for Renewable and Low Carbon Energy, published July 2013.

The strategy set out in the Wiltshire Landscape Character Assessment (LCA) 2005 is also of some relevance, as are Core Policies 42 and 51 of the emerging Wiltshire Core Strategy.

## 7. Consultations

Box Parish Council – *‘Objections. Despite the changes made to the previous submission it did not alter the views of the Parish Council in that by reason of its siting, scale, amount and appearance the proposed development will be detrimental to the character and appearance of the site and its setting in the wider landscape and the AONB. The proposal conflicts with policies C3, NE4, NE15, NE16 and BD17 [sic] of the adopted NW Local Plan 2011 and paragraphs 98, 109, 115 and 131 of the National Planning Policy Framework.’*

Corsham Town Council – *‘Resolved: that the application be refused. Although the Council was supportive of renewable energy it was felt that this site was inappropriate as the size and scale of the proposal would have a detrimental impact on the area and the setting of the Cotswolds AONB; would constitute urbanisation of the countryside; be of no benefit to the community; the application was contrary to Core Policy C3, policies NE4, NE15, NE16 and BD7 of the North Wiltshire Local Plan 2011; contrary to paragraphs 98, 109, 115 and 131 of the National Planning Policy Framework and would adversely impact the recreational amenity for local people.’*

Landscape Architect – objections as detailed letter in this report

Highways Officer – no objection, subject to conditions

County Ecologist – no objection, noting that the reconfiguration of the scheme is likely to neutralise some potential benefits and potentially decrease hedgerow quality

County Archaeologist – no objection

Environment Agency – no objection, subject to informatives



Ministry of Defence – no objections

The Council's Agricultural Consultant has previously advised that the proposal will not compromise the commercial agricultural operations at Manor Farm and that limited continued agricultural use is facilitated in tandem with the development.

The standing advice of the Civil Aviation Authority remains that ground-mounted solar photovoltaic installations are not a matter of concern to aviation safety.

The Wiltshire & Swindon Biological Records Centre has noted the recording of Great Crested Newt species within c.25m of the site in 1999-2000.

## **8. Publicity**

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

64 letters of objection received, including representations on behalf of CPRE, Corsham Civic Society and the Neston Park Estate, in which the following relevant points were raised (number of citations shown in brackets):

- Impact on the character and appearance of the site and its setting (60 comments)
- Impact on the setting and character of the nearby AONB (22)
- Cumulative impact with nearby major developments (12)
- Impact on highway safety (5)
- Loss of agricultural land (18)
- Impact on site ecology (21)
- Lack of local benefit (16)

Other issues raised legitimately include the impact on the setting of the Neston and Box Conservation Areas and the use of the existing nearby airstrip.

Concerns have been raised in respect of the impact of the development on private views and, consequently, the value of property. As neither is a material planning consideration, it is necessary to detach these issues from legitimate considerations such as the impact of the development on public viewpoints and the setting of the AONB.

Other immaterial points raised include the efficiency of the apparatus, projected developer profit, anticipated disruption caused by construction traffic and the risk of setting a precedent. These should of course be disregarded for the purposes of reaching a legally sound judgement.

33 letters of support and one general comment have also been received from members of the public, raising the following points.

- Appearance of the development has been adequately mitigated (27 comments)
- Development will not adversely affect the AONB (2)
- Footpath/bridleway will improve highway safety (12)
- Sustainable future use for agricultural land (17)
- Local ecological benefits (9)
- Local benefits of permissive right of way, educational area and power generated (20)

Underlying most letters of support was an accepted need for renewable energy.

Additionally, a petition of 110 signatories has been submitted in support of the application, although this document itself does not contain any specific planning grounds for their representations.

## **9. Planning Considerations**

### Principle of development

As referenced at the time of the previous application, as a matter of principle new renewable energy projects are supported by local and national planning policy, with a strategic commitment to decentralising energy production and meeting climate change objectives. Policy NE16 of the adopted Local Plan (Renewable Energy) states that projects such as this will be supported unless they would cause demonstrable harm to a designated historic area or natural landscape. Standalone renewable energy schemes are also supported in principle by core policy C1 of the Local Plan (Sustainability Core Policy).

Paragraph 98 of the National Planning Policy Framework makes clear that applicants need not demonstrate a need for renewable energy schemes as justification and the local planning authorities should approve all such applications where the adverse impacts have been adequately mitigated. This remains the substantive planning policy position and is not outweighed by recent ministerial comments, including the Energy Minister's letter of 22 April 2014, advising that previously-developed land should be the focus of new solar PV energy schemes, although these are of course of relevance. The application therefore falls to be considered on the basis of whether the site-specific impacts of the development are so harmful as to outweigh the presumption in favour of a renewable energy facility at this scale, notwithstanding its reduced capacity for electrical generation in comparison to the previous scheme.

The information submitted in respect of site selection is considered entirely adequate and robust insofar it relates to the applicant's entire landholding. Around half of this falls within the Cotswolds AONB and little of the remainder is in such close proximity to a suitable grid connection, such that the selected site meets the initial requirements in terms of elementary barriers to such energy schemes. The fact that end users have been identified in the immediate locality is laudable and should be accorded some material weight, as well as demonstrating some local benefit in terms of energy production. The individual merits of the proposal are considered hereafter.

### Impact on the character and appearance of the area

The most pronounced visual impacts of the development on public viewpoints will be experienced at Wadswick Lane itself, as well as the public footpath that runs to the North and East of the site, linking to Bradford Road further north. Drawing upon the comments of the Council's Landscape Architect, it is considered that the proposed type and scale of development in the open countryside represents a dramatic departure from the established local countryside character and will have a substantial impact on recreational amenity for local people accessing countryside from nearby settlements. The Officer has again identified the capacity of the development to have an urbanising effect on the existing rural character of Wadswick Lane, and considers the submitted Landscape and Visual Impact Assessment (LVIA) to be inadequate in this respect. Whilst not considered necessarily 'industrial' in character, it is agreed that the proposal represents a degree of urbanisation of the area, particularly in relation to the proliferation of fence boundaries and CCTV apparatus, the immediate visual impact of which will be severe irrespective of the degree of screening offered by the elephant grass.

It is considered that aside from its being uncharacteristic of the historic appearance of the area the use of *Miscanthus* as a means of screening the development represents, in theory,

a reasonably effective and innovative solution. It is, of course, a recognised fallback position that the field area could be used to cultivate *Miscanthus* as a fuel crop – and indeed parts of the holding are already given to this purpose in conjunction with the biomass facility at Manor Farm – without the need for planning permission. Rather than reducing the impact of the solar arrays and associated equipment, however, the proximity of the proposed 20m planted strip to the highway will cause further harm to the site's setting by enclosing the lane somewhat. This runs contrary to the open characteristics of the landscape and will be even more pronounced for users of the new permissive routes within the site. In conjunction with the accompanying fencing and apparatus, together with the slight increase between highway and site levels, the planting will part-obliterate the existing vista along the narrow lane. Despite the proposed refurbishment of parts of the stone boundary wall, this arrangement will negate any such improvements by diluting the definition offered by this historic feature.

It is considered that these impacts are contrary to the guidance contained in the relevant part of the Wiltshire LCA, which emphasises amongst other points that locally distinctive features such as dry stone walls should be reinforced where possible. In fact, little enhancement of these boundaries is proposed beyond the standards of the Higher Level Stewardship scheme of which the applicant is a member, and the proposal in fact seeks in part to remove sections of the wall for access. Although deer proof fencing is preferred to the more 'industrial' weldmesh type, the sense of enclosure created by a more substantial boundary treatment in this location will have a detrimental impact on the character and enjoyment of the area. It is also worthy of note that a full *Miscanthus* screen could not be established in a single growing season, such that the soonest this may be effective is from its second year onwards.

Moreover, a critical factor in the local amenity impact of the current proposal is the way in which Wadswick Lane is used. In his decision to refuse planning permission in respect of a 24MW solar park at land adjacent to Ellough Airfield the Secretary of State identified the amenity enjoyed by horse riders specifically as a relevant concern as to the development's immediate visual impact. In this instance, it is considered that the popularity of Wadswick Lane as a route for recreational walking, running, cycling and horse riding is an important consideration in respect of the sensitivity of the site. Contrary to the assertions contained in the submitted LVIA, these users are considered to be immediate and sensitive receptors to the appearance of the site, and their experience of the site should be treated differently to, for instance, fleeting views from moving vehicles passing such a development. It is considered that the visual impacts of the development are unacceptable on this basis and, cannot be mitigated sufficiently to satisfy the requirements of Paragraph 98 of the NPPF.

In the above respects, the proposal conflicts with the provisions of Policies C3, NE15 and BD7(iii) of the adopted North Wiltshire Local Plan and Core Policy 51 of the emerging Wiltshire Core Strategy as regards the appropriateness of the development to its local context.

The Planning Practice Guidance for Renewable and Low Carbon Energy, published in July 2013 requires planning authorities to examine the cumulative impacts of renewable energy developments, as infrastructure may encourage a clustering effect. In this instance, there is no comparable scheme either existing or proposed that would either be seen readily in context or otherwise experienced – for instance on a well-established walking route – collectively with the proposed development. Regard has been paid to the prospect of any adverse cumulative impacts with recent housing, business and defence schemes in the locality, although these have few parallels with the current proposal and due to their disparate nature and relative lack of inter-visibility. In any case, it is not considered that recent developments in these areas have any significant bearing on the proposal in question, however.

### Impact on the setting of the Cotswolds AONB

Due to its lying outside of the Cotswolds AONB, the site does not benefit from the same automatic protection afforded to similarly open countryside within this designation. Nonetheless, the proximity of the AONB's easternmost extent is a significant consideration and issues such as inter-visibility and general context and character are critical, and as such the proposal falls to be considered against Policy NE4 of the Local Plan. The site lies approximately 600m from the edge of the AONB, areas of which are clearly perceived from the site and public vantage points surrounding it, particularly those to the South and East of the site. This vista, with the development in the foreground and a designated natural landscape forming the backdrop, will have a notable impact on the setting of the AONB from the limited sections of public highway and footpaths in the immediacy of the site. In this regard, however, the sensitivity of receptors is closely linked to the visual impacts of development in the context of the recreational use and enjoyment of Wadswick Lane in general.

Notwithstanding the above, the extent of vantage points overlooking the site from within the AONB is limited, owing in part to the proliferation of mature woodland and planting covering much of the higher topography. However, it is considered that the proposal has the capacity to adversely affect the active enjoyment of the AONB itself, as its effects are likely to be acute in relation to the activities associated with the designated landscape. Wadswick Lane is known as a popular walking, running, cycling and horse riding route and part of the network of lanes extending well into the AONB, and therefore the site will frequently be experienced by receptors in that context. As such, it can be rationally anticipated that the development will impact adversely on the public's enjoyment of the AONB, due to its functional and physical linkage with the recreational use typical of that designation. The volume of public representation identifying recreational use as a locally-specific reason for objecting on amenity grounds is further evidence of this.

### Impact on highway safety

The previous submission initially drew criticism in respect of the potential of a substantial proposed native hedgerow at the southern boundary to obstruct critical views along Wadswick Lane. Since this has been omitted, however, visibility along the winding highway has been protected to an adequate extent to enable safe movement by the setting back of the proposed security fencing and *Miscanthus* planting buffer. It is therefore considered that the proposals do not compromise the safety of Wadswick Lane, either to motorists or the many other frequent road users.

Overall, the proposed reinforcement of the local footpath/bridleway network is welcomed and undoubtedly a worthwhile exercise in this location, where recreational movement is readily apparent. It is reasonable to conclude that this is a matter of pure enhancement to pedestrian and horse rider safety, brought about as an opportunity by the scheme, rather than direct mitigation for any adverse impacts of the development itself.

Although it must be emphasised that the footpath feature is permissive in nature, rather than an adopted right of way, its availability throughout the lifespan of the solar installation could be secured by condition. One is mindful, however, of the potential for that route becoming established 'as of right' by its continuous use for 20 years or more, and to secure the safe and economical use of the land for agriculture further ahead it may be necessary to allow for very occasional scheduled closures. Notwithstanding the benefits of the permissive route in respect of highway safety, it would not be desirable to see its formalisation compromise the

future economic use of the land for agricultural purposes. Likewise, it should not therefore be assumed that the landowner could provide this benefit whether or not the application was successfully implemented, as this is not considered to be the case.

#### Impact on agricultural land

The issue of the loss of agricultural land required to accommodate the proposed development has been examined in relation to the previous application. As this consideration remains fundamentally unchanged in terms of the land affected and policy framework, this is reproduced below.

The site comprises predominantly Grade 3 quality land, although the information held centrally does not differentiate between Grades 3a and 3b – the former being of ‘good’ quality, the latter ‘moderate’ – although it is probable that the site comprises land somewhere between the two on the basis of the types of crop in rotation. The best and most versatile land is recognised as falling within Grades 1, 2 and 3a and accordingly entitled to a greater level of protection from development under Policy NE15 of the adopted Local Plan. Paragraph 112 of the NPPF further emphasises that the ‘*economic and other benefits*’ of the best and most versatile agricultural land should be taken into account. In this instance, it is recognised that other material considerations, such as the temporary/reversible nature of the development, capacity to support some limited ongoing agricultural use and any other fallback position, require that a balanced judgement is reached in this regard.

It is recognised by the Council’s Agricultural Consultant that the proposed development will not compromise the overall operation of Manor Farm as a commercial agricultural enterprise, and it is noted that diversification of this business has already occurred through the retail unit, biomass facility and fuel crop grown at the farm. As such, there is no detrimental economic impact of the development that conflicts with Paragraph 112 of the NPPF or the relevant part i) of Policy BD7 of the adopted Local Plan. Although the development will inevitably impair the use of the land for arable crops to a significant extent, the solar PV apparatus is to be arranged in such a way that the land may continue to be grazed by sheep and thus maintaining some, albeit limited, agricultural productivity. Even with a lower density of panels, larger livestock cannot be supported due to the structural sensitivity of the apparatus. It is proposed that the land is returned to its former agricultural condition after a period of 25 years and possible to secure an earlier return if the facility should cease to be operational prior to this time, and therefore the long-term quality of the land is to be maintained. Furthermore, and as previously noted, the use of the land to grow non-food crops as biofuel is a realistic fallback position due to the existing operations on the farm, and thus a material consideration. For these reasons, it is considered on balance that the temporary loss of Grade 3 land, even assuming a 3a classification, does not in itself present an insurmountable obstruction to the proposed development, with the long-term productive capacity of the land protected pursuant to the aims of Local Plan Policy NE15.

#### Impact on site ecology and biodiversity

Consistent with the site’s most recent use as good to moderate quality rotation-cropped arable land, it is understood that the site supports a number of transient species found in this area, including deer, hares, birds of prey and farmland birds, despite its relatively limited innate ecological value. The existing arable field margins have some capacity to provide foraging and cover for a range of farmland birds and there is a strong possibility that these would be disrupted and/or lost in the course of development, although other potentially suitable areas will remain available for such use.

Owing to the type and arrangement of the proposed apparatus, it is not considered that the means of construction, solar PV arrays themselves or the associated equipment pose any

substantial threat to species. Under the current proposals, it is likely that small-scale habitats can be redistributed throughout the less intensively developed parts of the site. The County Ecologist has noted, however, that the ecological enhancement achievable by introducing wildflower habitats to site fringes is rather diminished in this instance; the wildflower grassland originally proposed has been removed almost entirely and the proposed area of *Miscanthus* enlarged substantially. Although *Miscanthus* can support some bird species, from an ecological perspective its use is not supported in the current context where native wildflower grassland would be the preferred option, and so the ecological gains that may otherwise weigh in favour of the development are limited.

Concerns are also raised in respect of the siting of proposed deer fencing adjacent to the northern hedgerow, as it does not appear that sufficient space has been left to facilitate long-term maintenance of this boundary feature by tractor-mounted machinery – typically a buffer of around 5m with wider areas for turning corners. Should this restricted space prevent proper management of the hedgerow, it is likely that this will become detrimentally overgrown and will make the proposed permissive path along this boundary inaccessible. It is likely, however, that this consideration can only be overcome by the realignment of the fencing and potentially also the substation at the northeast site corner and moreover indicates the sheer intensity of development proposed.

There are no known protected species permanently or frequently resident at the site, although the County Ecologist has advised that precautionary measures should be taken to further limit risks to great crested newt, reptile and breeding bird species, should the development proceed. To this end, it is recommended that any permission should require subsequent agreement of an appropriate Landscape and Ecological Management Plan (LEMP), containing the necessary details of sensitive working methods, landscaping and habitat management.

#### Other issues

Detailed representations have been received in respect of the impacts of the proposed development on the settings of the Box and Neston Conservation Areas, as well as the listed Neston Park (Grade II\*), Hazelbury Manor (Grade I) and gardens (Grade II), together with their various related buildings and structures (all Grade II). As previously discussed, the visual impacts of the development will be severe but contained to the more immediate environs of the site. The applicant's application of a zone of theoretical visibility (ZTV) based on unobstructed views to and from the site confirms that changes to the landscape will be barely perceptible in this context. As the applicant concludes that no designated heritage assets will be affected by the proposal, there is no policy requirement to give an account of their significance.

In line with the consultation advice of English Heritage, regard has been given to the Conservation Officer's previous comments, based on an extensive knowledge of the area and the designated and undesignated heritage assets therein. As the submission concludes that the development will have little impact on designated heritage assets, no meaningful assessment of their significance is provided, and this is consistent with paragraph 128 of the NPPF. The impact of the development on the designated heritage assets of Neston Park, Hazelbury Manor and gardens and the Neston Conservation Area is likely to be relatively contained by the limited significance of the site in their immediate approach. The extent of harm to any of these is likely to be the distant detection of the solar apparatus, most likely by its capacity for glint, from Neston Park and this is likely to be most pronounced in winter when the sun is lowest and the deciduous screening at the boundary of the estate most sparse.

Moreover, however, the short distance between the site and the Bradford Road contains a number of Grade II-listed properties and one Grade I-listed medieval church, all of which make an important contribution to the character and appeal of the immediate area. Likewise, the non-designated but nonetheless historic field boundaries and stone walls reinforce this overriding character, as described in the Wiltshire Landscape Character Assessment. For these reasons, these elements are considered inseparable from the overall character of the Wadswick Lane and surrounding public network, which is a fundamental reason for its recreational enjoyment by both local people and those from further afield. It is the view of the Conservation Officer that this amounts to material, although less than substantial, harm to the setting of designated and non-designated heritage assets integral to the character of the area.

The above calls into question whether the wider public benefits of the proposal are sufficient to outweigh the degree of harm to heritage assets, consistent with Paragraphs 134 and 135 of the NPPF.

The issue of aviation safety has been raised in relation to the airstrip situated immediately adjacent to the northern site boundary. The standing advice of the Civil Aviation Authority is that ground-mounted solar PV installations are likely to have little to no impact on incoming or outgoing aircraft, owing to the temporal and typically brief capacity for reflective glare from the panel arrays. In any case, both elements remain in the immediacy within the control of the applicant, and thus it can be assumed that this would remain a self-regulating exercise.

## **10. Conclusion**

In summary, it is considered that on the balance of factors, there remain outstanding impacts of development amounting to substantial harm that outweighs the inherent benefits of the development. Although the scheme represents a notable improvement upon its predecessor, the alterations to the size and layout of the scheme do not adequately address the severity of impacts on local character and appearance or provide sufficient visual mitigation, principally due to the overall intensity of development. Although efforts to provide a new permissive right of way, educational facility, ecological measures and conservation of the established boundary walls are all acknowledged to be of inherent value to the area, the extent to which these are directly related to the impacts of the development is questionable and therefore their collective inclusion can only be afforded limited weight. For the above reasons, it is considered that overall the proposal remains unacceptable in planning terms on the same grounds as the application previously determined.

## **RECOMMENDATION**

That planning permission is REFUSED, for the following reason:

- 1 The proposed development, by reason of its siting, scale, amount and appearance, will detrimentally alter the character and appearance of the site and its setting in terms of both immediate visual amenity and of the wider landscape, as well as the setting and enjoyment of the Cotswolds AONB and local built heritage.

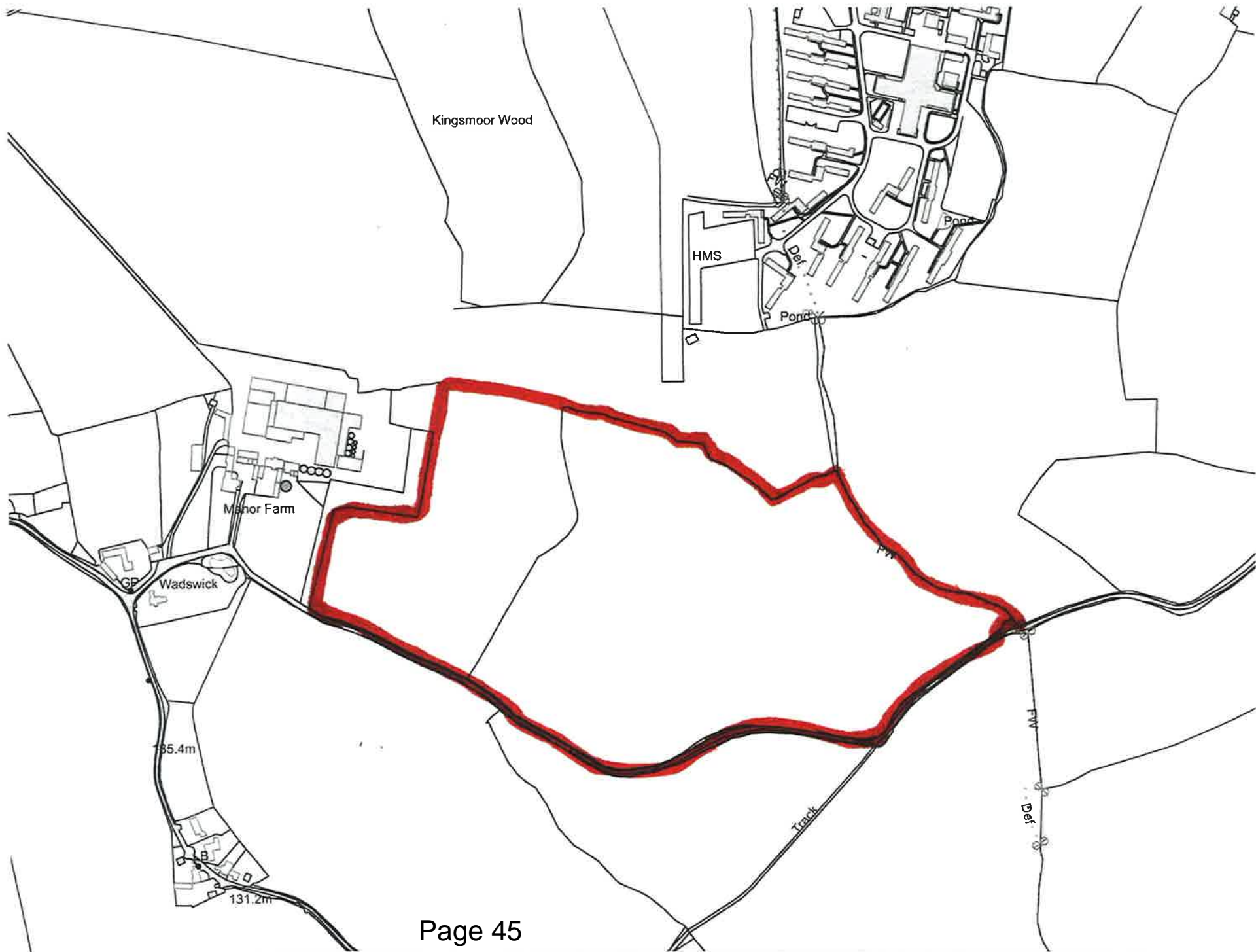
The proposal therefore conflicts with Policies C3, NE4, NE15, NE16 and BD7 of the adopted North Wiltshire Local Plan 2011 and the objectives of Paragraphs 98, 109, 115, 134 and 135 of the National Planning Policy Framework.

**Appendices: None**

**Background Documents Used in the Preparation of this Report: None**

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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>16<sup>th</sup> July 2014</b>		
<b>Application Number</b>	<b>14/03183/FUL</b>		
<b>Site Address</b>	<b>Blackberry Pond, Chelworth Road, Cricklade, SN6 6HD</b>		
<b>Proposal</b>	<b>Replacement of existing agricultural building with portal frame agricultural building with solar panels on roof</b>		
<b>Applicant</b>	<b>Mrs Julia Moisejevs</b>		
<b>Town/Parish Council</b>	<b>Cricklade</b>		
<b>Electoral Division</b>	<b>Cricklade</b>	<b>Unitary Member</b>	<b>Cllr Bob Jones</b>
<b>Grid Ref</b>			
<b>Type of application</b>	<b>FULL</b>		
<b>Case Officer</b>	<b>Lydia Lewis</b>	<b>01249 706643</b>	<b>Lydia.lewis@wiltshire.gov.uk</b>

### Reason for the application being considered by Committee

Councillor Jones has submitted a request for the planning application to be considered by the committee to consider the previous planning refusals and outstanding enforcement notices on this site.

### 1. Report Summary

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

### 2. Main Issues

The main issues in the consideration of this application are the impact of the proposal on the: principle of development; design and appearance; and residential amenity.

The application has generated objection from Cricklade Town Council and 2 letters of objection.

### 3. Site Description

The site is situated outside of the defined Settlement Framework Boundary within open countryside and is located behind a high hedge with screen gates and fencing separating it from the highway set in a flat rural area to the south of Cricklade with some sporadic houses, including 3 dwellings within approximately 70 metres.

The applicant's freehold extends to approximately 1.4 hectares at the application site. In addition to the land at the application site the applicant advises she has use of 2 hectares owned by her father, together with a further 2 hectares at Down Ampney and 4.5 hectares at Ashton Keynes, both of which are held on annual licence, with no long terms security of tenure.

There is currently a caravan, septic tank and a metal container on site and a hard surfaced area that do not benefit from planning permission and are not included as part of this planning application. An enforcement notice was issued on 10<sup>th</sup> April 2012 in relation to these, this was subject to an appeal that was dismissed and the enforcement notice upheld. Granting consent for the proposed development would not undermine the current enforcement notice.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
13/01854/FUL	Retention of agricultural building, hardstanding, boundary timber fencing, storage container and septic tank (retrospective)  <i>'Although certain aspects of the application are justified on agricultural grounds, it is still considered that the cumulative visual impact of the proposed and existing buildings / structures etc. would be to create a cluttered appearance detrimental to the rural landscape, particularly because they are not purpose-built, of a high standard of construction or respect the local character and distinctiveness of the area. Having regard therefore to the Wiltshire Landscape Assessment, it is considered that the proposed development is contrary to Saved Policies C3 and NE15 of the North Wiltshire Local Plan (2011), and Paragraphs 56, 58 and 109 of the National Planning Policy Framework (2012).</i>	Refused for the following reason:
10/04305/FUL	Agricultural building for feed, bedding and tractor storage  <i>'The proposed development is reliant upon the use of almost entirely third party land, over which the applicant has not demonstrated long term control. A permanent building is required only on the basis of the continued availability of land over which the applicant has no long term control. In the absence of this, the building is not warranted for agricultural purposes and as such as a permanent feature in the landscape would be detrimental to the character and appearance of the landscape as a matter of principle. Accordingly, the proposal is considered to be contrary to Policies C3 and NE15 of the adopted North Wiltshire Local Plan 2011.'</i>	Refused for the following reason:
06/03175/COU	Erection of 4 stable blocks, change of use to equestrian, change position of vehicular access	Permitted.

## **5. Proposal**

The applicant seeks consent for the erection of an agricultural building with solar panels on the roof. The building would measure approximately 9 metres wide, 5.9 metres deep, 3.5 metres to eaves level with an overall height of 4.3 metres. The building would comprise a steel portal frame divided into 3 bays. Externally the building would have a profile sheet roof and would be open fronted along the north east elevation; the remaining elevations would be constructed of spaced timber boarding to the upper elevation and concrete block to the lower elevations. Solar panels are proposed on the south west elevation. It is proposed that the existing metal container on the site be re-located within the proposed new building.

## **6. Planning Policy**

C3 – Development Control Policy  
 NE15 – The Landscape Character of the Countryside  
 NE16 – Renewable Energy  
 NE18 – Noise and Pollution

## 7. Consultations

Cricklade Town Council – Object to this application. It is the Town Council's understanding that enforcement action has been started following an unsuccessful appeal. According to the letter accompanying the application some of the items have been removed but others including the caravan have not, pending the outcome of this application. The application also suggests the caravan which was not permitted previously can now be retained without further permission as 'ancillary use of the agricultural land'. The application appears to be very similar to the previous applications. The replacement building is to replace an unsatisfactory building that also has no permission which has apparently suffered wind damage in recent storms. It is to be in the same position as the existing unpermitted building, but appears from the plans to be larger. There is no doubt that the site is currently unsightly and appears very poorly maintained. It is difficult to see beyond the poor perimeter fencing but it certainly does not fit into what, in this part of Chelworth, is more residential than industrial or agricultural. In a previous application Cricklade Town Council objected due to the lack of a valid business case. According to the paperwork a case has been made, but the applicant admits that in manpower terms less than one person (the applicant) will be engaged in the activity. This does not therefore seem to offer any wider economic benefit.

Agricultural Consultant – Comments contained within the main body of the report but in summary the proposed building will be warranted by the full implementation of the proposed expansion of the goat enterprise.

Environmental Health – No objections.

## 8. Publicity

The application was advertised by site notice and neighbour consultation.

2 letters of objection have been received in response to the application publicity. The concerns raised are summarised as follows:

- Despite an enforcement notice being issued, the site has still not been cleared;
- The application is clearly an attempt to avoid complying with an enforcement notice to remove the caravan, hardstanding, septic tank, shipping container etc;
- The applicant should be forced to make the site planning compliant before any further planning applications are accepted;
- Intensive rearing of goats close to residential properties creates both noise and smell issues;
- The stated area required for keeping the number of goats suggested is not within RSPCA guidelines;
- The solar panels are unnecessary, you do not need electricity during daylight hours for animals and the roof of the proposed building is not in the right direction for solar panels; and
- The application has been refused in the past.

## 9. Planning Considerations

### Principle of Development

The applicant currently has seven nanny goats and two billies, together with, two pedigree Dexter cows, two Dexter heifers and a bullock and a small quantity of laying hens. The livestock are all bred. Kids from the goats are sold either privately or at Cirencester market. The cows are served by AI and progeny are sold as yearlings either privately or at market.

The applicant plans to increase the number of goats to 50 breeding nannies, which are proposed as Boer goats, to be sold for meat. The goats will be kept at the freehold land and will be fed from

hay and supplementary rations. Goats do not have a particular requirement to forage and can be kept on small areas of land.

The proposal is for the new building to be used to accommodate the goats and partly to accommodate hay and straw for the goats. The accommodation will be used in conjunction with that available in the existing stable block.

The available space is shown in the table below:

<b>Building</b>	<b>Size (metres)</b>	<b>Floor area (m<sup>2</sup>)</b>	<b>Proposed use</b>
Stable block	18 x 3.6	64.8	Goats
Proposed building	11 x 5	55 (41.8 net)	Goats & hay
Metal container	2.2 x 6	13.2 (within the proposed building)	Machinery
<b>Total for livestock / hay (net)</b>		<b>106.6</b>	

The space requirements for the goats and hay are set out below:

<b>Livestock / Fodder</b>	<b>No</b>	<b>m<sup>2</sup> / head</b>	<b>Total</b>
Nanny plus kid	50	1.5	75
Hay	7 tonnes	7m <sup>3</sup> / tonne	49m <sup>3</sup> or 20m <sup>2</sup> at 2.4 high
<b>Total</b>			<b>95m<sup>2</sup></b>

Allowing for the space in the existing stable block, the goats will require 10m<sup>2</sup> of accommodation in the proposed building. The remainder would thus be used to accommodate hay and the container. It is thus the opinion of the Council's Agricultural Consultant that the expanded farming practice will present a requirement for the building in terms of the amount of space that it will provide.

The Council's Agricultural Consultant further advises that the building is an open fronted portal framed shed, providing readily accessible covered accommodation. The design and elevations are compatible with use as a livestock building. Whilst hay can be accommodated outdoors under tarpaulin that means storage leads to high levels of waste and deterioration.

In consideration of the above and the advice of the Council's Agricultural Consultant, the principle of development is acceptable. A condition restricting the use of the building to agricultural is recommended.

### Design and Appearance

Policy NE15 of the Local Plan states that buildings in the open countryside, away from existing settlements or from areas allocated for development, shall be strictly controlled. All development in rural areas shall contribute to sustainability, be well designed, in keeping and in scale with its location, and sensitive to the areas landscape character and local distinctiveness.

The previous application (ref: 13/01854/FUL) sought retrospective consent for the retention of agricultural building, hardstanding, boundary timber fencing, storage container and septic tank. This application was refused on the basis of the cumulative visual impact of the proposed and existing buildings resulting in a cluttered appearance detrimental to the rural landscape.

The current application seeks consent for the replacement of the existing agricultural building with portal frame agricultural building. The existing metal container would be placed inside the proposed building. An informative is recommended reminding the applicant that the existing caravan, septic tank, metal storage container and area of surfacing do not benefit from planning permission and are subject to an enforcement notice.

The proposed building is justified on agricultural grounds and its design is compatible with its proposed use as a livestock building. In design terms it is akin to similar buildings that you might

expect to find in a rural setting such as this and furthermore the largely open nature of the proposed building would reduce its visual impact.

Accordingly and on balance, the proposed development is considered to be in keeping with the character and appearance of countryside at this location compliant with policies C3 and NE15 of the adopted North Wiltshire Local Plan 2011.

### Residential Amenity

Policy NE18 of the Local Plan states that development will only be permitted where it would not generate, or itself be subject to, harm upon health or cause pollution to the environment by the emission of excessive noise, light intrusion, smoke, fumes, other forms of air pollution, heat, radiation, effluent or vibration.

The Council's Environmental Health team have reviewed the proposals and have considered that there would not be an undue nuisance to residents in the area. A condition is recommended requiring details of the siting of the manure heap and waste disposal methods to be agreed in writing by the Local Planning Authority.

## **10. Recommendation**

Planning Permission be GRANTED subject to the following conditions:

### WA1 – Full Planning Permission

The building hereby permitted shall be used for the purposes of Agriculture as defined in Section 336 of the Town and Country Planning Act 1990.

REASON: To define the permission.

### WM6 – Disposal of waste / manure

No development shall commence on site until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) have been submitted to and approved in writing by the Local Planning Authority. Before the development is first brought into use, the works for such storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

### WM9 – No portable structures

No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning Authority.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

When the solar panels hereby permitted cease to be operational for a continuous period of 12 months (or such period as may otherwise be agreed in writing by the local planning authority), all the components relating to the solar panels shall be removed from the building.

REASON: In the interest of visual amenity and the character and appearance of the area in accordance with policies C3, NE15 and NE16 of the North Wiltshire Local Plan 2011.

WM13 – Approved plans

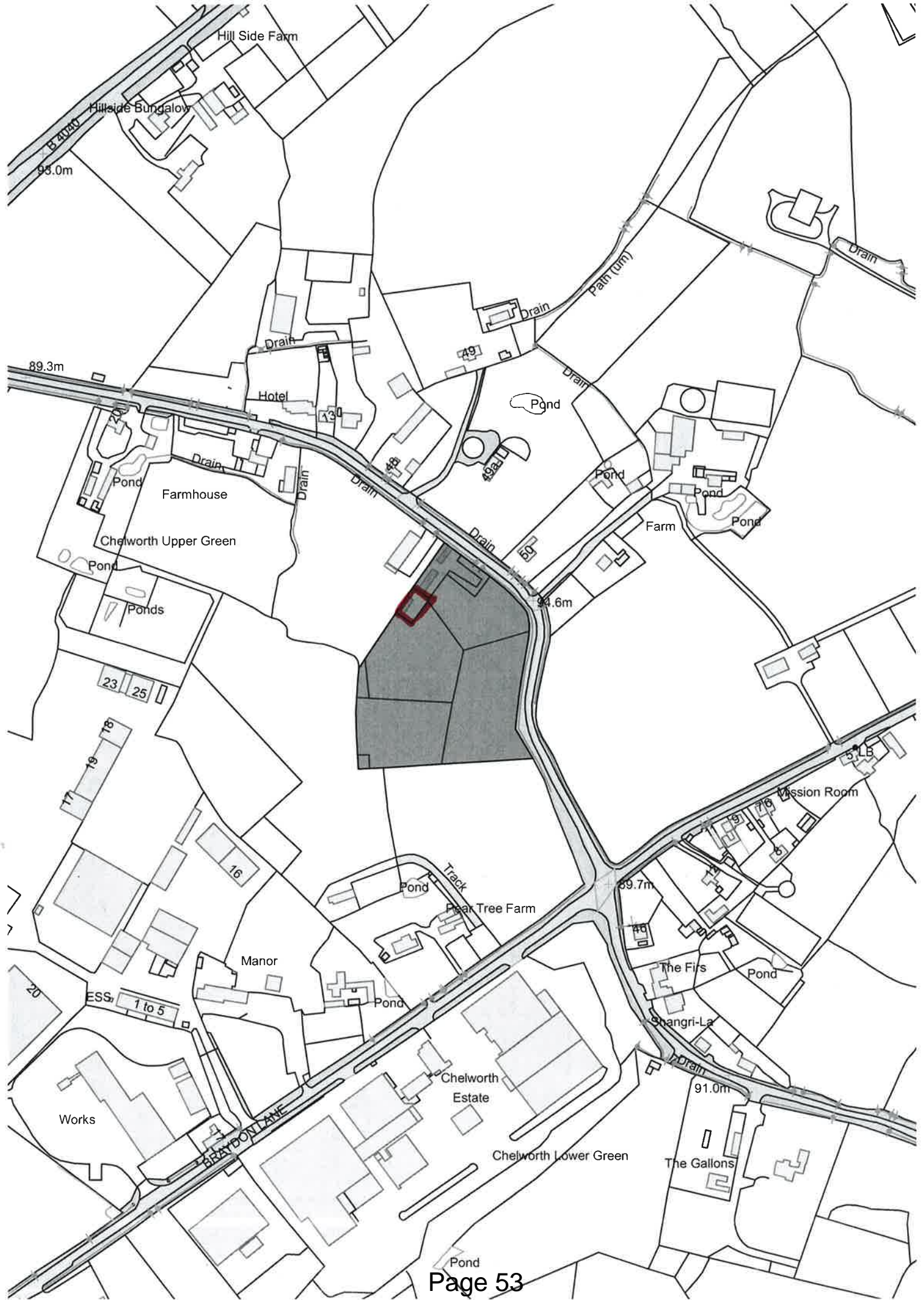
- JM30 – Plans and elevations
- JM20 – Layout plan
- JM10 – Site plan

All date stamped 19<sup>th</sup> March 2014

INFORMATIVES

There is currently a caravan, septic tank and a metal container on site and a hard surfaced area. The applicant is reminded that these do not benefit from planning permission and are not included as part of this planning application. An enforcement notice has been issued in relation to these.





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## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	16 July 2014
<b>Application Number</b>	14/04152/FUL
<b>Site Address</b>	26 High Street, Sutton Benger, Chippenham, Wiltshire, SN15 4RF
<b>Proposal</b>	Amendments to 12/04032/FUL To Subdivide into 2 Dwellings & New Access (Resubmission of 13/00835/FUL)
<b>Applicant</b>	Mr P Smith
<b>Town/Parish Council</b>	SUTTON BENDER
<b>Ward</b>	KINGTON
<b>Grid Ref</b>	394461 178691
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Chris Marsh

### Reason for the application being considered by Committee

The application has been called in by Cllr Greenman, in order to consider the impacts of the development on residential amenity.

#### 1. Purpose of Report

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

Sutton Benger Parish Council supports the proposals, subject to conditions. No public representations have been received in respect of the application.

#### 2. Report Summary

The main issues in considering the application are:

- Principle of development under Policies C3, HE1 and H3 of the NWLP 2011
- Impact on the character and appearance of the area and Conservation Area
- Impact on the privacy and amenity of existing neighbours and future occupants
- Impact on highway safety
- S106 contributions

#### 3. Site Description

The proposal relates to no.26 High Street; at present a modestly-proportioned detached bungalow situated on the main route through the village of Sutton Benger. Until relatively recently, part of the floor space was given over to the village post office, and the stone boundary wall to the highway still features a traditional post box. With the retirement of the local postmaster, the post office has now relocated to one of the two local pubs, and has become well established in a short time. The building is situated within a generous plot

benefiting from vehicular access, parking and turning courtesy of a private lane to the West, whilst the area to the front of the dwelling is occupied by a planted garden bounded by stone walls. The bungalow is finished externally in painted roughcast render under a hipped concrete tile roof with timber-framed fenestration. It is generally starting to show its age and requires some degree of work to maintain.

Work has recently commenced to implement an extant planning permission (10/02190/FUL refers) relating to the erection of a detached one-and-a-half-storey dwelling in the backland area behind no.26 and granted on 19 May 2011. However, it appears that work has commenced in breach of Condition 2 (parts a, b and c) of that permission, requiring protection of trees and full details of tree protection measures prior to any machinery being brought onto the site. Due to the subsequent expiry of the application, and the fact that tree protection goes to the heart of the decision, it is considered that the permission has lapsed and the works are unlawful. S106 contributions have not been paid, but are only required prior to occupation, rather than commencement. A further planning permission (12/04032/FUL refers) relates to the substantial extension of the building, adding a second storey, extending outward and updating external finishes to create a substantial detached dwelling in place of the existing bungalow, whilst retaining the distinct and substantial post office element.

#### **4. Planning History**

- |                |   |
|----------------|---|
| N/04/00049/FUL | TWO NEW DETACHED DWELLINGS  |
| N/10/02190/FUL | Proposed New Dwelling   |
| N/12/00984/CAC | Demolition of Existing Garage & Shed  |
| N/12/01821/LBC | To re-point the front and side elevation of the property: Clean existing stonework; Remove white paint from around the front door, above the front door and on the crest on the front elevation; Repair mullion on the first floor window (front right looking at the house); Re-point front and side elevations using lime mortar; Replace concrete lintel over door to side elevation with an oak one; Replace side door and side uPVC window |
| N/12/04032/FUL | Proposed Front Extension, Raise Roof, Alter Windows & Change External Wall Material to Render   |
| N/13/00835/FUL | Amendments to Planning Permission 12/04032/FUL to Subdivide into Two Dwellings and New Access   |

#### **5. The Proposal**

Planning permission is sought in respect of slight alterations to the permitted scheme of extensions to form two residential units – one 3-bed and one 2-bed – within the building. Following the implementation of the permitted extensions, the buildings are to be of modest two-storey scale, with dual projecting gables on the street-facing South elevation and a single-storey element to the rear. Internally, the larger, western, unit is to comprise a large kitchen/diner and separate living space and study/‘snug’ at ground floor level, together with utility, WC, lobby and hallway leading up to three bedrooms, one with ensuite, and bathroom above. Following some minor blocking-up of internal linkages in the approved scheme, the second unit is to comprise a smaller kitchen/diner, study, sitting room and lobby with WC, with two bedrooms and a bathroom at first floor level. A separate covered entrance is to be created on the East elevation to serve this unit, representing the most significant variation to the exterior. The building is to be finished in natural stone to its front wings and wood float render elsewhere, under a reclaimed clay tile roof, as per the previous permission. In order

to provide adequate access and parking for the smaller unit, a 5m-wide section of the southern stone wall is to be removed and a large area of block paving installed to provide parking for two vehicles, plus turning space. A new stone wall is to be taken back diagonally from close to the existing pedestrian gate to demarcate the boundary of the two plots. Parking for the larger unit is to be provided between the West elevation and existing access track, partially enclosed by soft landscaping.

## **6. Planning Policy**

The following planning policies are relevant:

Policy C3 of the adopted NWLP 2011 (Development Control Core Policy)  
Policy HE1 of the adopted NWLP 2011 (Development in Conservation Areas)  
Policy H3 of the adopted NWLP 2011 (Residential Development within Framework Boundaries)  
Policy H6 of the adopted NWLP 2011 (Affordable Housing in Rural Areas)  
Policy T3 of the adopted NWLP 2011 (Parking)  
Policy CF3 of the adopted NWLP 2011 (Provision of Open Space)

Sections 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are also relevant.

## **7. Consultations**

Sutton Benger Parish Council: Support, subject to conditions –  
*“Access to the dwellings must not compromise the safety of pedestrians waiting at the Bus Stop or impede access of the buses into the lay-by. Consideration to be given to the removal/re-siting of the Post Box”*

Highways: No objection, subject to conditions

Wiltshire Fire & Rescue has recommended that contributions totalling £76.00 are sought in respect of the provision of local fire infrastructure.

## **8. Publicity**

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

No public representations were received.

## **9. Planning Considerations**

### Principle of development

It is noted that planning permission for a near-identical scheme was refused in 2013 (13/00835/FUL refers), with the single reason given being that the village post office remained within the building and as such the proposal would result in the loss of a community facility. With the successful relocation of that function into the nearby Bell Inn, it is acknowledged that that reason should logically fall away now the future of that facility is secured in the immediacy at least. The principle of new residential development in this location remains sound under Policy H3 of the Local Plan, subject to resolution of other site-specific considerations as relevant.

### Impact on the character and appearance of the area and Conservation Area

Whilst it is understood to be the applicant's intention to implement the permission in relation to the backland plot, notwithstanding the above concerns as to the legitimacy of this, it is considered that the creation of an additional dwelling within the extended fabric of the original dwelling represents a clear overdevelopment of the site. This will result in substantial harm to both the character of the village and to the residential amenities of future occupiers of both units, and of the dwelling to the rear. No objection is raised in principle to the creation of a pair of semi-detached dwellings on the original site of no.26 in full; the consented design and potential layout with linear gardens to the rear being largely in keeping with the well-established built pattern on this side of the High Street. However, this prospect is entirely negated by the introduction of the backland development, which constrains the development to an unacceptable extent.

It is noted that the site lies squarely within the Sutton Benger Conservation Area, where local character should be granted a particular significance in decision-making. Policy HE1 makes explicit reference to the importance of plot distribution and boundary treatments amongst the elements that should be conserved and reinforced wherever possible. The layout of the current proposal fails to recognise these considerations and, through the removal of a substantial section of traditional stone walling and introduction of a visually-dominant parking area, would severely detract from the character and appearance of the Conservation Area. Whilst it is acknowledged that this length of wall along the High Street is regularly disrupted, and that the diagonal stone wall may mitigate some of this loss, most other plots have a significant degree of soft landscaping that provides a distinct 'village' aesthetic altogether lacking from the current proposal.

Although it is noted that the permission granted in respect of the substantial extension of the existing bungalow took significant account of the intention, at the time, to retain the post office and may therefore have allowed a greater volume increase than a conventional householder extension, it is considered that the design is acceptable. At present, the bungalow contributes little to its setting and its scale and form is alien to the prevailing character of the High Street or Conservation Area. The proposed materials are generally of a high quality and its scale is reminiscent of the pairs of semi-detached dwellings that pervade the natural route past the unit. The design proportions sit comfortably together and in their wider context, contributing more effectively to the established character of the street. The addition of the East entrance door on the submitted scheme neither enhances nor harms the overall design quality.

### Impact on the privacy and amenity of existing neighbours and future occupants

Turning to the matter of residential amenity, however, once the substantial areas of parking/turning are eliminated, the effective useable amenity space to both units is of an entirely inadequate standard, both in absolute terms and particularly in relativity to the standards expected throughout the locality. The outlooks to the front of the eastern unit and side of the western unit will both be dominated by car parking, with a paucity of useable outside space contrary to what would reasonably be expected of family housing in the locality. The residential amenity of the backland dwelling would also be adversely affected, with the enjoyment of the limited outside space of two units compressed into a small area close to the boundary of the unit's own, rather limited, garden. This arrangement is considered to be contrived and substandard, contrary to the planning principles set out at Policy C3 of the Local Plan.

### Impact on highway safety

The Council's Highways Officer has agreed the proposed access, parking and turning arrangements, which in the case of the eastern unit make use of an existing access and turning provision also intended to serve the backland unit. This part has in effect already been approved under the 2012 permission, which otherwise retained the land to the front of the building, including pedestrian access, in its present condition. The proposed new access onto the High Street is assisted by the immediate proximity of the bus stop, which provides something of a ready-made visibility splay such that the further reduction of the boundary wall is not required. Notwithstanding other concerns raised in respect of the overall visual effect of the parking/turning area, this does provide adequate space for parking and on-site turning in line with countywide standards and Policy T3.

### S106 contributions

Pursuant to Policy H6 of the adopted Local Plan, it has been confirmed that the scheme attracts a contribution toward local affordable housing of £26,000, in respect of the single additional unit to be created. It is considered that an off-site contribution toward the provision of local public open space should be taken on the basis of the smaller unit to be created, as this is to be accommodated in the part of the extended building previously due to form the non-residential, post office, element. This off-site contribution equates to a sum of £4,200 in accordance with the Public Open Spaces Study and Policy CF3 of the adopted Local Plan. In the current absence of such a legal agreement, a holding objection is raised in this respect. Upon resolution of other matters, it is considered probable that this should subsequently fall away, however.

### Conclusions

It is considered that, cumulatively with the backland plot, the proposal represents an overdevelopment of the site and would be detrimental to the critical matters of residential amenity and the character and appearance of the Conservation Area. Although it is believed that the backland unit may not now be lawfully completed, it cannot be guaranteed that this view would be shared by an Inspector at appeal. As such, at the present time the proposal remains unacceptable in planning terms.

## **RECOMMENDATION**

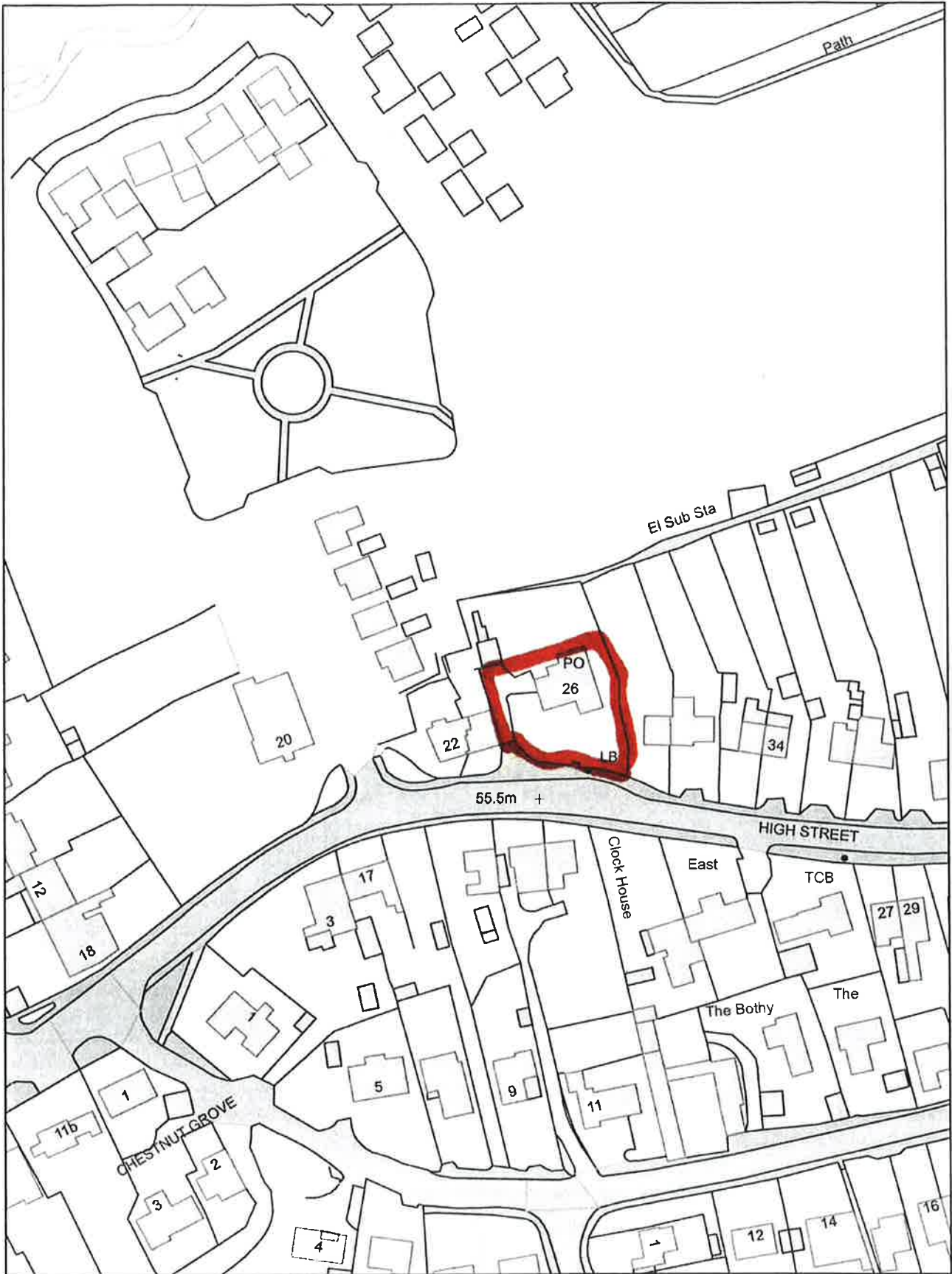
That planning permission is REFUSED, for the following reasons:

1. The proposed development, by reason of its amount, siting and layout, would be detrimental to the residential amenity of existing, future and neighbouring occupiers. The proposal therefore conflicts with Policy C3 of the adopted North Wiltshire Local Plan 2011 and Section 7 of the National Planning Policy Framework.
2. The proposed development, by reason of its amount, layout, design and materials, would be detrimental to the character and appearance of the Conservation Area. The proposal therefore conflicts with Policy HE1 of the adopted North Wiltshire Local Plan 2011 and Section 12 of the National Planning Policy Framework.
3. In the absence of a suitable Section 106 legal agreement, the proposal fails to make adequate provision for off-site contributions to local affordable housing and public open space. The proposal therefore conflicts with Policies H6 and CF3 of the adopted North Wiltshire Local Plan 2011.

**Appendices:**

**Background Documents Used in the Preparation of this Report: None**





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## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	16 July 2014
<b>Application Number</b>	14/05122/FUL
<b>Site Address</b>	The Kingfisher Hungerdown Lane Chippenham Wiltshire SN14 0JL
<b>Proposal</b>	Erection of 3 Residential Dwellings (Resubmission of 13/02605/FUL)
<b>Applicant</b>	Wadworth & Co Ltd
<b>Town/Parish Council</b>	CHIPPENHAM
<b>Ward</b>	CHIPPENHAM CEPEN PARK AND DERRIADS
<b>Grid Ref</b>	390486 173764
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mark Staincliffe

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

To consider the impact of the development on the character and appearance of the area and the impact of the development on parking within the immediate area.

### **1. Purpose of Report**

To delegate authority to grant planning permission to the Area Development Manager, subject to the signing of a Section 106 agreement; and subject to planning conditions.

### **2. Report Summary**

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

- Principle of development
- Impact on the character and appearance of the area and immediate street scene
- Impact on the privacy and amenity of existing neighbours
- Highway safety & onsite/offsite parking provision

The application has generated an objection from Chippenham Town Council and 1 letter of objection from local residents.

### **3. Site Description**

The application site relates to part of The Kingfisher Public House car park which is located within a predominantly residential area of Chippenham. The pub is a two storey building constructed mainly of brick, the application does not propose any alterations to this building. The site sits within a prominent location elevated above Hungerdown Lane and also fronts onto Barons Mead. This neighbourhood of Chippenham is characterised by semi detached and terraced properties constructed in the 1960s and 70's.

#### **4. Planning History**

13/02605/FUL          Erection of 3 x 3 Bed 3 Storey Detached Dwellings with Associated Parking and Reorganisation of Parking Spaces in Pub Car Park (Refused)

#### **5. The Proposal**

The application seeks planning permission for the construction of three x three bed dwellings. Each dwelling will have a private rear garden, small, open front garden and two off street parking spaces which will be accessed off Barons Mead. As the proposed dwellings are to be constructed on land currently used for customer parking the scheme also seeks permission to reconfigure the existing public house car park. The proposal will see the reduction of patron parking from approximately 24 to 20 spaces.

#### **6. Planning Policy**

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

Central Government Planning Policy: National Planning Policy Framework & Planning Practice Guidance

#### **7. Consultations**

Chippenham Town Council- Recommend refusal. The proposed site is at a raised level from Hungerdown Lane and the proposed development would have a detrimental effect on the street scene which should be preserved. There would be over development of the site due to density and massing and would have an impact on the existing local community by removing car parking spaces for the licensed premises.

Highways- The parking arrangement has been changed from the previous application (which raised no highway objection).

I am willing to accept vehicles reversing at this location and note that for the proposed dwellings the parking has been changed to tandem parking (rather than end on) which is beneficial.

Amended plans have been submitted overcoming my previous concerns relating to visibility. I offer no highway objection.

Public Open Space- This development generates a need for £17,460 in offsite Open Space Contribution to be used to upgrade facilities at Little Battens Recreation Ground.

Wiltshire Fire and Rescue- Consideration should be given to the National Guidance Document on the Provision of Water for Fire Fighting and specific advice of this Authority on the location of fire hydrants.

#### **8. Publicity**

The application was advertised by site notice and neighbour consultation.

The original planning application generated a total of 16 letters of objection, the revised planning application has generated 1 letter of objection.

Summary of points raised;

- Design is out of keeping with the area
- Loss of privacy into the rear gardens of adjoining properties
- The development will cause extreme disruption and noise
- Decrease in parking spaces within the pub
- Displacement of parking onto residential street
- Restricted access for larger vehicles such as rubbish trucks & ambulances
- There are better locations around Chippenham for housing

## **9. Planning Considerations**

### Principle of development

The site is situated within the urban area of Chippenham wherein the principle of the redevelopment of previously developed land for residential accommodation is acceptable.

The proposal is for the construction of three x three bed attached dwellings within a section of the existing pub car park. As such, any new residential development must be considered against Policies C3 (Development Control Policy), and H3 (Residential Development Within Framework Boundaries) of the adopted North Wiltshire Local Plan 2011 and Sections 1, 6 & 7 of the NPPF. These policies and guidance allow for residential development in principle.

### Previously refused application

The planning application under consideration is a resubmission of a previously refused application. The planning application proposed the construction of three dwellings and was refused at committee for the following reasons:

*Policy C3(i) of the North Wiltshire Local Plan 2011 states that new development should respect the local character and distinctiveness of the area. It is considered that the proposed development, by reason of its siting, scale, mass, design, and density would represent an overdevelopment of the site, to the detriment of the character and appearance of the local area. Furthermore, the design of the proposed development and its relationship with Hungerdown Lane is out of keeping with the character and appearance of the street scene to the detriment of the area. As such the proposal fails to accord with Policy C3 (i) of the adopted North Wiltshire Local Plan 2011 and section 7 of the NPPF.*

The revised application still seeks permission for three dwellings and alterations to parking for the existing public house.

### Impact on the character and appearance of the property and street scene

The immediate area consists of a mix of detached, semi detached and terraced housing from the 60's and 70's. The predominant housing type appears to be two-storey terraced and semi detached housing. All units within the immediate area directly front the road behind open front gardens with or without off-street parking provision. At the request of members the orientation of the development has been altered and dwellings now front Hungerdown Lane.

The design of the new houses is considered to be appropriate. The proposed dwellings are of simple proportions with a rectangular footprint and a traditional roof form but have sufficient detailing to add interest to their design. In particular the lintel and sill details and the rotation of unit 3 90 degrees are considered to complement the overall design. It is

considered that the design and appearance of the properties creates an attractive frontage that relates well with the street scene. As such, the proposed design is considered to meet the requirements of Policy C3 of the North Wilts Local Plan and the NPPF.

Furthermore, The NPPF indicates that good design is fundamental to using land efficiently. It notes that Councils should facilitate good design by identifying the distinctive features that define the character of a particular area and careful attention to design is particularly important where a site is being intensified.

The proposal has adopted a two storey, terraced form that is not out of keeping with the immediate area. When viewed from Hungerdown lane and Barons Mead the dwellings appear to be a similar height to the properties within the immediate street. It is accepted that bungalows are located towards the southern edge of the site, it is considered that the proposed two storey dwellings are sympathetic to the setting of these properties and in no way detrimental to the character of the area.

Overall, the proposal is considered to complement the existing 'traditional' character of the area. The proposed units are of an acceptable design to the surrounding context and it would be difficult to justify and substantiate a refusal on architectural grounds. However, the proposal contains limited information relating to the proposed hard and soft landscaping scheme and materials to be used in the development; including bricks and tiles. It is therefore necessary to require these details by way of condition.

Ensuring that proper plants are selected and planted in their optimal growing location, outdoor living spaces are functional and aesthetically pleasing, and appropriate materials are used for buildings, driveways etc is essential to any high quality development. It is therefore deemed reasonable and necessary to condition these details to be submitted and approved prior to the commencement of development.

#### Garden Size

The gardens of the proposed dwellings are smaller than the gardens of existing properties within the street scene. When considering the size of gardens required for new properties, local and national policies indicate that a range of garden sizes should be provided to cater for different needs and interests. Furthermore, it is important to note that local and national planning policies do not stipulate minimum standards for outdoor amenity space.

Bearing in mind the size of the proposed dwellings it is considered that the outdoor space provided satisfies the above. The amenity space provided would allow for some outdoor amenity space, sitting out, bin storage and the hanging out of washing. However, to ensure that adequate amenity space is retained it is deemed necessary to remove permitted development rights for rear extensions. This will allow the Council to control any future extensions and ensure that adequate amenity space is retained.

#### Density

As set out above- The properties are located within an established residential area. The density of development within the immediate area is about 35 dwellings per hectare and the proposed scheme, when taken in isolation will be approximately 61 dwellings per hectare. It would appear that the density of the proposed development is far greater than the existing character. However, the development must be considered in the context of the area.

Including the proposed development in the cumulative density of the area will result in no significant change to its overall density. Furthermore, the density of numbers 22-24 Lords Mead is 58 dwellings per ha and the density of 18-20 Lords Mead is 65 dwellings per ha. Taking into consideration the varying densities within the street scene it is considered that the proposed density is acceptable and not detrimental to the character of the area.

#### Impact on the privacy and amenity of existing neighbours

Neighbours and members of the development control committee raised concerns relating to loss of sunlight, daylight, privacy and its overbearing nature. As a result of concerns raised at committee the property no longer fronts Barons Mead and now fronts Hungerdown Lane. It is considered that the proposed layout will not result in any loss of sunlight, daylight, privacy or perceived overlooking for local residents. It is considered that the privacy implications arising from the proposed development are no worse than the overlooking already experienced from existing properties within the street scene.

Having taken into consideration the size, design, scale and the location of the proposed dwellings in relation to existing residential properties within the street scene it is considered that the development will not result in any significant loss of sunlight or daylight to properties.

The previous planning application generated objections in relation to noise disturbance during construction of the development. If permission is granted for development there must be an expectation that an element of noise disturbance will occur. However, legislation outside of the planning system would adequately control noise and working hours within the site. It would be difficult to sustain a reason for refusal based on noise disturbance.

#### Highways and Parking

The concerns raised by local residents in relation to the proposed parking arrangements at the pub are noted. However, planning applications must be determined in accordance with both local and national planning policies. 'Wiltshire Local Transport Plan 2011- 2026 Car Parking Strategy' sets out the Council's approach to parking provision.

Assessing the proposed parking provision against the local transport plan concludes that the public house would require a maximum of 30 parking spaces. It is accepted that there is a slight reduction in the level of parking on site and this may lead to an increase in on street parking at peak times. However, with the site being in close proximity to an established housing estate and public transport links the level of parking is considered acceptable.

At the request of the highways officer, parking and landscaping within the site has been altered to ensure that cars exiting and entering the public house and residential properties can do so safely. These alterations result in the Public house having a total of 21 parking spaces. No objection to the proposed parking is raised as the proposal meets the Council's parking standards.

### **10. Conclusion**

The site is situated within the urban area of Chippenham wherein the principle of the redevelopment of previously developed land for residential accommodation is acceptable.

The proposal is considered to accord with Policies C3 (Development Control Policy), and H3 (Residential Development Within Framework Boundaries) of the adopted North Wiltshire Local Plan 2011 and Sections 1, 6 & 7 of the NPPF. These policies and guidance allow for residential development in principle.

The development will have no significant adverse impact on the amenity of the area or amenity of local residents. It is therefore concluded that the application should be granted permission in accordance with the recommendation below.

### **RECOMMENDATION**

Authority to grant planning permission be DELEGATED to the Area Development Manager, subject to the signing of a Section 106 agreement with the following heads of terms:

- £17,460 in offsite Open Space Contribution to be used to upgrade facilities at Little Battens Recreation Ground

and subject to the following conditions:

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

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

- 2 No development shall commence on site until 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 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) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- b) finished levels and contours;
- c) all hard and soft surfacing materials, including refuse and other storage units.
- d) means of enclosure

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

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

- 5 No part of the development hereby permitted shall be first brought into use/occupied until the access, 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.

- 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 to, or extensions or enlargements of any building forming part of the development hereby permitted.

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

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslopes of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

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

Drg No: 1011 Revision E  
Drg No: 3010 Revision C  
Drg No: 3011 Revision B  
Drg No: 5010 Revision B  
Drg No: 5011 Revision B  
Drg No: 5012 Revision B

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

**INFORMATIVE TO APPLICANT:**

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

depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

**INFORMATIVE TO APPLICANT:**

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

**INFORMATIVE TO APPLICANT:**

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



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