

## AGENDA

---

**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER  
**Date:** Wednesday 27 August 2014  
**Time:** 6.00 pm

---

Please direct any enquiries on this Agenda to Libby Beale, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718214 or email [elizabeth.beale@wiltshire.gov.uk](mailto:elizabeth.beale@wiltshire.gov.uk)

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

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

---

### Membership:

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

---

### Substitutes:

Cllr Desna Allen	Cllr Bill Douglas
Cllr 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	

---

# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

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

To approve and sign as a correct record the minutes of the meeting held on **16 July 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 Chair.

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 Tuesday 19 August**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior

to the meeting and made available at the meeting and on the Council's website.

## 6 **Planning Applications**

To consider and determine planning applications as detailed below.

- 6a **14/04177/OUT - Land at Former Blounts Court Nursery, Studley Lane, Studley, Wiltshire, SN11 9NQ** (*Pages 19 - 32*)
- 6b **14/05594/VAR - 2a Silver Street, Malmesbury, Wiltshire, SN16 9BU** (*Pages 33 - 38*)
- 6c **14/05686/OUT - Land to the South of Potley Lane, Corsham** (*Pages 39 - 50*)

## 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

This page is intentionally left blank

## **NORTHERN AREA PLANNING COMMITTEE**

---

**DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING  
HELD ON 16 JULY 2014 AT COUNCIL CHAMBER - COUNCIL OFFICES,  
MONKTON PARK, CHIPPENHAM, SN15 1ER.**

**Present:**

Cllr Christine Crisp, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Peter Hutton (Vice-Chair),  
Cllr Simon Killane, Cllr Jacqui Lay (Substitute), Cllr Howard Marshall, Cllr Mark Packard,  
Cllr Sheila Parker, Cllr Tony Trotman (Chairman) and Cllr Philip Whalley

**Also Present:**

Cllr Howard Greenman, Cllr Nina Phillips and Cllr Dick Tonge

---

**77 Apologies**

Apologies were received from Cllr Sturgis.

Cllr Sturgis was substituted by Cllr Lay.

**78 Minutes of the previous Meeting**

The minutes of the meeting held on 25 June 2014 were presented.

**Resolved:**

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

**79 Declarations of Interest**

There were no declarations of interest.

**80 Chairman's Announcements**

There were no Chairman's announcements.

**81 Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

In light of the public in attendance at the meeting the Committee agreed to move agenda 6b to be heard first.

## 82 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and published in Agenda Supplement 1, in respect of applications **6a**, **6b** and **6c** as listed in the agenda pack.

## 83 **14/03084/FUL - Land East of Manor Farm, Wadswick, Box, Corsham, Wiltshire, SN13 8JB**

### **Public participation**

Mr Charles Todd, Mr James Adams and Mrs Pauline Reed spoke in objection to the application.

Ms Amanda Stobbs and Mr Tim Barton spoke in support of the application.

Cllr Pauline Lyons, Box Parish Council, spoke in objection to the application/  
Cllr Peter Anstey, Corsham Town Council, spoke in objection to the application.

The officer introduced the report which recommended permission be refused. He drew attention to the late observations circulated at the meeting which detailed a change to his recommendation, to deferral, as proposed changes substantially altered the submitted application. He took the committee through the substantive report before them which included details of fencing, CCTV and panel equipments. He drew attention to the bridleway and footpath on the site and the inclusion of an education area.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that panels would be sited to maximise efficiency. Screening methods would reduce reflection for traffic from the east. The application included details of proposed drainage which dealt with the natural flow of run off, and the proposed elephant grass screening had attenuation properties. The elephant grass would be cropped in parallel ten metre bands to ensure partial screening at all times, and being a rapidly growing crop it was anticipated to be at full height in ample time. The application did not include integral lighting for CCTV.

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

The local member, Cllr Dick Tonge then spoke in objection to the application, noting that the reasons for refusal given by the officer would not be overcome by deferring the item. The siting had not changed, neither had its setting in

terms of both immediate visual amenity and of the wider landscape as well as the setting and enjoyment of the Cotswolds ANOB

In the debate that followed the Committee noted the importance of acting in a reasonable manner and the high risks of not deferring. A request for a site visit was noted.

**Resolved:**

**The Committee deferred consideration of the application to a later committee meeting to allow for revised information to be taken into account.**

**84 13/01296/FUL - Land Adjacent to Sedgewick House, Old Hardenhuish Road, Chippenham, Wiltshire, SN14 6HH**

**Public participation**

Mr John Tucker, Mrs Karen Tucker and Mr Matthew Stephen spoke in objection to the application.

Mr Alex Jaggard spoke in support of the application.

Cllr Andy Phillips, Chippenham Town Council, spoke in objection to the application.

The officer introduced the report which recommended to delegate to the Area Development Manager to grant permission subject to the signing of a Section 106 agreement and conditions. He noted that no construction would take place in root protection zones and the design was not out of keeping as there was no strong local style.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that the brook was not within the application site. The application had stated there was rights of access to the site however this was a civil matter. No objections had been received on highways or drainage grounds. Two tree preservation orders existed on the site, and a construction method statement added.

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

The local member, Cllr Nina Phillips then spoke in objection to the application.

In the debate that followed the Committee highlighted the need for construction traffic to access the site through Sedgewick House.

**Resolved:**

**The Committee delegated to the Area Development Manager to GRANT planning permission, subject the signing of a Section 106 agreement and subject to the following conditions:**

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

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

- 2. No development shall commence on site until 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.**

**13. The mitigation measures in paragraphs 5.4 and 5.6 of the approved Ecological Assessment prepared by BSG Ecology and received 8th 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;
- h) measures for the protection of the natural environment;
- i) hours of construction, including deliveries; and
- j) construction traffic may only access the site from Old Hardenhuish Lane via the entrance to Sedgwick House;

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.

17. Notwithstanding the submitted plans planning permission is not granted by this decision for the erection of gates at the proposed entrance to the site at Bythebrook.

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

#### **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.**

**85 14/03183/FUL - Blackberry Pond, Chelworth Road, Cricklade, SN6 6HD**

### **Public participation**

Cllr John Coole, Cricklade Town Council spoke in objection to the application.

The officer introduced the report which recommended to delegate to the Area Development Manager to grant permission subject to the signing of a Section 106 agreement and conditions. Ongoing enforcement matters were to be set aside, and they were satisfied there was agricultural activity on the site and the application was appropriate.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that a condition could be added to remove the existing building and debris cleared from the site before work commenced. There was no need to condition it as an agricultural building as any work not detailed within the application would need further planning permission. Access to the site had been considered as part of the permission previously granted for the stables and the additional building would not increase traffic movement. It was not possible to use this application to enforce on other outstanding matters.

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

The local member was not in attendance.

In the debate that followed the Committee highlighted the need to add a condition to remove the existing building and debris cleared from site before work commenced.

**Resolved:**

**The Committee granted planning permission 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 19th March 2014**

### **WA12 - Demolition**

**No construction works shall commence on site until the existing building identified to be removed on the approved plans has 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.**

### **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.**

86 **14/04152/FUL - 26 High Street, Sutton Benger, Chippenham, Wiltshire, SN15 4RF**

### **Public participation**

Mr Ian Rea spoke in support of the application.

The officer introduced the report which recommended that planning permission be refused. He explained that that as the post office function had moved +the application was to split and create 2 units, meaning there would be three dwellings on a site previously occupied by one. The previous reason for refusal had gone, however it was considered that the saturation and intensity was beyond the acceptable threshold of acceptable amenity space.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that the height increase had been granted in a previous permission.

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

The local member, Cllr Greenman then spoke in support of the application.

A motion to delegate to the Area Development Manager to grant planning permission subject to the signing of a Section 106 Agreement and conditions was seconded.

In the debate that followed the Committee discussed the layout and whether it was detrimental to the residential amenity of existing, future and neighbouring occupiers and character and appearance of the conservation area.

**RESOLVED:**

**The Committee delegated to the Area Development Manager to grant planning permission, subject to completion of a S106 agreement in respect of off-site public open space contributions and the following conditions:**

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

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

- 2. 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.**

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

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

4. 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 those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouses hereby permitted or within their curtilage.

**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.

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

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

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

**A1/12/10/04 rev B - Proposed Ground Floor Plan/Proposed Rafter Plan/Proposed Elevations**

**A1/12/10/05 rev A - Proposed Section A-A/Proposed Section B-B**

**A1/12/10/06 rev A - Proposed Site Plan/Proposed Boundary Wall Section**

**A1/12/10/07 rev A - Proposed Site Elevations**

**A1/12/10/08 - Proposed Ground Floor Plan/Proposed Second Floor Plan/Proposed Elevations**

**A1/12/10/09 - Proposed Section A-A/Proposed Section B-B**

**Received 25 April 2014**

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

**INFORMATIVE TO APPLICANT:**

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

**INFORMATIVE TO APPLICANT:**

- 2. 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].**

**INFORMATIVE TO APPLICANT:**

- 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**

87 **14/05122/FUL - The Kingfisher, Hungerdown Lane, Chippenham, Wiltshire SN14 0JL**

**Public participation**

Mr Nick Charlton and Mr Lloyd Stephens spoke in support of the application.

The officer introduced the report which recommended that permission be delegated to the Area Development Manager to grant subject to the signing of a Section 106 agreement and conditions. He noted that this was a resubmission of a previous application which addressed privacy concerns and the relationship with Hungerdown Lane. Parking for the pub had also been reconfigured and met the required standards.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that a disabled bay had been allocated closest to the pub entrance. Although the car park bays were not presently painted, there would be marked bays up to the required standard.

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

The local member, Cllr Hutton then addressed the Committee, highlighted that the engagement with the community had not happened and that he did not support an application for three residential units.

A motion to refuse planning permission on the grounds of overdevelopment of the site, its scale, mass, design and density failing to accord with Policy C3(i) of the adopted North Wiltshire Plan 2011 was moved but was not seconded and therefore fell.

In the debate that followed the Committee highlighted the need to have clear signage in the pub car park restricting its use to patrons and to add an informative encouraging public engagement.

**Resolved:**

**The Committee delegated authority to the Area Development Manager to grant planning permission 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**
  - e) Signage details, including size, design and location clearly stating 'parking for patrons only'**

**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.**

**INFORMATIVE TO APPLICANT:**

**Prior to the commencement of development on site the owner should lease with local residents and set out how disruption, during the construction and development phase, will be kept to a minimum.**

**Cllr Hutton asked for his vote against delegating to the Area Development Manager to grant planning permission subject to the signing of a Section 106 Agreement and conditions to be recorded.**

**88 Urgent Items**

**There were no urgent items.**

(Duration of meeting: 6.05 - 8.50 pm)

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

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

## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	27th August 2014
<b>Application Number</b>	14/04177/OUT
<b>Site Address</b>	Land at Former Blounts Court Nursery  Studley Lane  Studley  Wiltshire  SN11 9NQ
<b>Proposal</b>	Erection Of 28 Dwellings, Including Access, Car Parking & Landscaping.
<b>Applicant</b>	Mr Julian Sayers
<b>Town/Parish Council</b>	CALNE WITHOUT
<b>Division</b>	CALNE RURAL
<b>Grid Ref</b>	396450 170996
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mark Staincliffe

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

The application has been called in by Cllr Crisp, in order to consider the issues identified by local residents and consultation respondents.

### **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
- Impact on the adjacent employment site
- Highway safety
- Access
- Design and Layout
- Prematurity
- S106 Contributions

### 3. Site Description

The application site is located to the south of Studley and the north of Derry Hill in Wiltshire. The site lies adjacent to the A4, with Chippenham approximately 5 km to the west and Calne approximately 4km to the east. To the north of the site lies Vastern Saw Mill and the residential settlement of Derry Hill to the South.

The site benefits from an extant permission for approximately 1.4 hectares of land as a commercial garden centre, which was granted permission in 2004 and has been lawfully implemented.

The extant planning permission comprises of:

- 18,000 sq ft commercial buildings
- 4,000 sq ft covered external display areas
- Outdoor display and sales area
- 125 space customer car park

### 4. Planning History

N/00/02147/CLE	CERTIFICATE OF LAWFULNESS (EXISTING USE) FOR USE OF PART OF NURSERY GARDEN AS A GARDEN CENTRE (SUI GENERIS)
N/00/02903/CLE	USE OF PART OF NURSERY AS A GARDEN CENTRE (SUI-GENERIS)
N/02/00849/FUL	ERECTION OF REPLACEMENT BUILDINGS, CAR PARKING, LANDSCAPING AND HIGHWAY ALTERATIONS
N/03/00403/FUL	REFURBISHMENT OF EXISTING GARDEN CENTRE INCLUDING ERECTION OF REPLACEMENT BUILDINGS, REVISED CAR PARKING ARRANGEMENTS, LANDSCAPING AND HIGHWAY IMPROVEMENTS
N/03/03374/FUL	REFURBISHMENT OF EXISTING GARDEN CENTRE INCLUDING ERECTION OF REPLACEMENT BUILDINGS, REVISED CAR PARKING ARRANGEMENTS, LANDSCAPING AND HIGHWAY IMPROVEMENTS
N/07/00529/TN3	Erection of 11.7m High Monopole Supporting Three Antennas and Erection of Equipment Cabinets
N/08/00822/FUL	Erection of replacement buildings (Alteration / Revision to permission 03/03374/FUL)

### 5. The Proposal

The application seeks permission for the erection of up to 28 Dwellings including access, car parking and landscaping in lieu of the approved garden centre. The planning application has been submitted in outline form with all matters reserved except access.

The submitted indicative layout plan demonstrates the separation of the proposed residential units and saw mill by way of a landscape and open space buffer, such that the commercial element and its car park is accessed from an alternative access and to allow the existing employment site to operate without disturbance to the proposed dwellings.

The indicative layout shows a medium-density layout of housing consisting mainly of detached and semi detached properties, each with associated parking areas and outside amenity space, lending a generally suburban character. Toward the centre of the site is a central square and to the North is a large area of public open space.

## **6. Planning Policy**

The adopted policies relevant to the application remain those saved under the North Wiltshire District Plan (NWLP) 2011. As the site lies outside of the development framework boundary, the relevant policies are as follows:

C1 (Sustainability Core Policy)  
C2 (Community Infrastructure Core Policy)  
C3 (Development Control Core Policy)  
H4 (Residential Development in the Open Countryside)  
NE15 (The Landscape Character of the Countryside)

Policy CF3 of the NWLP is also relevant in relation to the provision of on and off-site public open space.

Turning to the emerging Core Strategy, which due to its advanced status will be a material consideration in the determination of the application, the following policies are relevant:

CP1 (Settlement Strategy)  
CP2 (Delivery strategy)  
CP8 (Spatial strategy: Calne Community Area)  
CP43 (Providing affordable homes)  
CP45 (Meeting Wiltshire's housing needs)  
CP57 (Ensuring high quality design and place shaping)

Regard should also be paid to the content of the National Planning Policy Framework, and the overarching objectives of Paragraph 14, which sets out the presumption in favour of sustainable development.

## **7. Consultations**

### Archaeology

Nothing at all of archaeological interest, which is unusual. No further work required in relation to this development proposal.

### Housing

As the sites will generally be small in size the affordable housing should be provided on site in clusters of no more than 5 dwellings, to contribute towards mixed and inclusive communities.

There are currently 410 households seeking an affordable home in Calne, requiring 1,2,3,4 bed houses for rent and shared ownership. With a further 17 households seeking an affordable home in Calne Without Parish. The scheme should provide 80% affordable rent and 20% new build homebuy. With a mix of 1,2,3,4 bed houses, rather than the proposed 3 and 4 bed houses. The homes are to be built to Homes and Community Agency scheme Development Standards and transferred to a registered provider or the council at nil public subsidy.

### Drainage

If the developer proposes infiltration techniques, then this would need to be confirmed by carrying out on site permeability testing to BRE Digest 365. These results would provide

confirmation of the infiltration rate and should be issued to us for review. Wessex Water would advise on the location and capacity of their existing foul and surface water systems in the area for appropriate connection. If the developer proposes to discharge into a nearby ditch/watercourse, then an application for land drainage consent would also be required.

#### Ecology

No objection.

#### Spatial Planning

Policy H4 of the NWLP is consistent with the NPPF. The policy approach to settlement boundaries remains relevant and is carried forward in Core Policy 2 of the Wiltshire Core Strategy, now in its final stages of preparation and at an advanced stage having been through Examination in Public. The proposed development site is outside of the settlement framework boundary of Derry Hill/Studley, the development does not comply with core policies that allow for exception sites outside of the settlement framework boundary and the site is not being brought forward through a neighbourhood plan or the Wiltshire Housing Sites Allocations DPD. The Council can demonstrate that there is a five year supply of deliverable housing land for the North and West Housing Market Area as demonstrated in the February 2014 Housing Land Supply Statement and therefore policies within the development plan are considered to be up-to-date. Spatial planning would therefore have a policy objection to this development.

#### Highways

I have insufficient grounds to recommend the application be refused on highway or transport grounds, and therefore recommend that permission subject to conditions.

#### Calne Without Parish Council

Object- If officers are minded to recommend the application for approval and if the noise levels in the report are achievable on site; suitable planning conditions should be imposed.

#### Public Protection

The noise report states that they can suppress the sawmills noise so as to achieve a Rating Level of 35dB(BS4142:1997) at 1m from the nearest noise sensitive properties. This is 5dB below the lowest measured background noise level of 40dB.

Whilst this will require major mitigation measures at source, if this can be achieved, I could raise no objection on noise grounds. The mitigation measures outlined in the report, should be clearly prescribed in any agreement and the target level should be validated by measurement after the remedial works have been completed. Whilst I have not heard the siren, I would recommend that their advice on the siren should also be adhered to.

#### Public Open Space

The POS requirement for this dwelling mix is 2136m<sup>2</sup> of which 216m<sup>2</sup> should be play provision. The provision will be provided on site and should be provided through the s106 agreement.

#### Leisure Services

For this development, working on 2.3 people per dwelling the Calculator recommends the following contribution based on 28 dwellings with 30% affordable:

Pools	£7,477
Halls	£8,558
Indoor Bowls	£999
Artificial Turf Pitch	£1,089
Total	£18,123

It is proposed that the contribution is used on the following projects:

- Upgrading of the Pool and Sports Hall Seating
- Upgrading of the multi-purpose hall and artificial turf facilities to take the pressure off the main sports hall.

#### Government Pipeline and Storage System

No objection

#### Landscape

Landscape holding objection until such time as the visual effects of any necessary noise attenuation structures or features are clearly established and found to be acceptable.

### **8. Publicity**

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

64 objections and a petition containing 38 signatures were received from local residents an objection was also received from CPRE.

Summary of key points raised:

- Principle of development and land supply
- Impact on site character and appearance
- Impact on highway safety
- Speed limit on A4
- Adequacy of local services and infrastructure
- Loss of agricultural land
- Impact on ecology and wildlife
- Noise disturbance from saw mill
- Long term future of saw mill
- Safety concerns relating to oil pipeline running through site

### **9. Planning Considerations**

#### Principle of development

Having regard to policy H4 of the adopted North Wiltshire Local Plan 2011 (Residential Development in the Open Countryside), the housing element of the proposal is not supported by current planning policy. The adopted policy excepts only wholly affordable housing schemes and agricultural/forestry dwellings from the presumption that residential development is kept within the settlement framework boundary.

In principle, major residential development outside the framework/settlement boundary as defined in the emerging Core Strategy should likewise be permitted only on an exceptional basis, either as a wholly affordable housing scheme or as identified through a neighbourhood plan or site allocations Development Plan Document (DPD).

At present, neither Calne or the surrounding areas have an adopted or draft neighbourhood plan, although it is understood that there is local intent to commence preparation. Likewise, a suitable DPD may be prepared in future but is too distant to inform reliably at the present time. In the immediacy, therefore, it is necessary to take a reasonable view on the individual

merits of the scheme in lieu of a neighbourhood plan or DPD, in order to address housing need in the near future.

Core Policy 2, the key housing delivery strategy of the emerging Wiltshire Core Strategy, states as follows:

*“Within the limits of development, as defined within the proposals maps, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.*

*Development outside of the limits of development will only be permitted where it has been identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. This development must be adjacent or well related to the limits of development.”*

As a matter of fact, Studley & Derry Hill are identified as the sole Large Village under the emerging Core Strategy for the Calne Area. It would be difficult to argue that the application site is not ‘adjacent’ or ‘well related’ to the physical limits of this settlement, the settlement boundary of which is to be retained under the emerging policy framework. The site is also in close proximity to the immediate facilities of the settlement.

Due to the reasons set out above the development could be considered to be premature. However central Government advice in the NPPG on prematurity states:

*arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.*

The scheme is for up to 28 dwellings on the site. The Council’s Core Strategy accepts that additional dwellings are required in the Calne community area during the plan period. Indeed, Core Policy 8 of the Core Strategy Identifies Studley/Derry Hill as the sole Large Village within the Calne Community Area where majority of the Housing, outside of Calne, is envisaged. The housing numbers to be identified for this area are currently set at a minimum of 40 dwellings, however, the amendments proposed to the Core Strategy are likely to see this minimum figure increase.

The development is modest and represents a very small component of the overall requirement for the Calne Community area. The effect of allowing this development would not be so significant as to undermine the Plan making process; or that this is central to the emerging Plan. So far as the Neighbourhood Plan is concerned, this is at a very early stage in its preparation. The advice contained within the NPPG is very clear that applications should not be refused on ‘prematurity grounds’ if the following circumstances exist:

*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.*

For the reasons set out above it would be very difficult to sustain a reason for refusal based on prematurity.

As set out above, the Council can demonstrate a five year land supply and this fact is currently being advanced at numerous appeals. Irrespective of whether the council can demonstrate a five-year housing land supply figure is met or not, the NPPF does not suggest that this has to be regarded as a ceiling or upper limit on permissions.

As set out earlier in the report- this is previously developed land with an extant permission for a nursery, there is an acute need for affordable housing, the scheme will provide highway improvements (many of which were requested through the consultation exercise), public open space and a potential increase in the supply of housing which could result in greater competition in the local market and price benefits for the community. Also, at least for a limited period, the scheme would offer employment in the local construction industry. These benefits have to be weighed in the balance against the perceived adverse impacts.

The provision of 28 new dwellings, 30% of which are affordable, would be a significant benefit to the local area. This specific need for affordable housing is identified within the North Wilts Local Plan and Core Strategy, which seeks the inclusion of affordable housing in all residential developments. The proposal seeks to enter into a legal obligation which ensures that 30% of the units would be provided as affordable rented or intermediate housing, as defined in the relevant national policies. Given the shortage of such housing in the area, and the high level of house prices relative to local incomes, this would be a substantial benefit.

The proposed development would also have economic benefits. As a project, it would generate a significant amount of investment and economic activity, contributing to the national economic recovery of the immediate area. During the construction phase it would create jobs and a demand for local services. After completion, the new residents would bring additional spending power to the local area and benefit from the regular bus services that pass between the larger settlements of Calne and Chippenham. Paragraphs 18 and 19 of the NPPF gives significant weight to the need to support economic growth, and Section 143 of the Localism Act 2011 requires that regard is paid to local financial considerations. These matters count in favour of the proposed development.

The scheme is unlikely to have a prominent environmental role and is likely to take the pressure off development of larger Greenfield sites within the locality. In conclusion, the adverse impacts of the proposed development do not significantly and demonstrably outweigh the benefits of the scheme and is therefore supported by principles set out in the NPPF.

It is considered that the benefits of the scheme would demonstrably outweigh the harm. It is accepted that the Council can demonstrate a 5 year housing land supply figure. However, meeting this figure should represent a halt to a further permissions is not supported by the NPPF and therefore does not represent harm, having regard to the objectives of NPPF. The development, on balance is considered to be acceptable and in accordance with local and national planning policies.

#### Landscape

The site lies within Landscape Character Area 12 – Bowood and Bowden Parkland an elevated rolling hill landscape of parkland, woodland and enclosed pasture higher than surrounding areas within the former North Wiltshire District. This landscape character area has a significant impact on the landscape character areas surrounding it, rising above valleys and providing a backdrop to much of the area to the north.

The proposed development site itself is largely visually contained. Short, medium and longer distance views are screened from the north by an established perimeter tree belt and by the

large Vastern Sawmill buildings, to the west by young and mature trees planted on the adjacent land with established woodland further west. The sites southern boundary is currently open to close views from the A4 road, which sits slightly elevated above the site, while some glimpse views are likely to be achieved to varying degrees from some upper floor windows of the new housing opposite (Chapel Street) through gaps in an existing line of Horse Chestnuts over the A4.

Even without the benefit of an accompanying Landscape Assessment it is considered that the greatest permanent visual change effects will be localised and restricted to residential receptors opposite the proposed site entrance, transient views from the A4 road and for local users of Studley Lane accessing Studley Village and exiting Derry Hill at the A4 Junction. Proposed development at this site is unlikely to result in any wide reaching landscape or visual effects which would generate significant harm to the wider countryside character or views, Furthermore, taking into consideration the extant permission the proposal is considered to have a neutral impact.

There is concern in relation to the proposed acoustic fencing. The new sound mitigation measures have reduced the need for such a large and obtrusive screen and can be dealt with during the reserved matters application.

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

It is acknowledged that the proposed development would extend into open countryside and beyond the settlement framework boundary of this large village. That would be the case with any development on the edge of a settlement and was the case when planning permission was granted for the Nursery. Loss of the countryside to development does not necessarily amount to significant harm. In this case, the site does not lie within any current or even historic area of protected landscape. It is relatively well contained in landscape terms, seen in the backdrop of other residential and commercial development and is an alternative to an extant permission for a nursery. The proposed development would not materially harm the character or amenity of the countryside around this settlement and would not impinge on long or short distance views. It could also argued that the housing would have less visual impact than the consented nursery.

#### Traffic and highway safety

There are few facilities in Derry Hill to serve the site, other than a small local shop, post office, the primary school, local pubs, a community hall and limited local employment. Despite the above facilities it is considered likely that the site will be fairly heavily dependent on the car for most journeys.

In terms of sustainability, there is a reasonably frequent bus service serving Calne to the east and Chippenham to the west, which provides a choice of mode for travel to the closest two service centres. The proposal is on a brownfield site traditionally providing low levels of employment, but attracting potentially higher numbers of trips than would be generated by the housing site. There is, therefore, a degree of off-setting of trips generated by housing compared with trips attracted by the nursery. It is considered that the issue of transport sustainability is not sufficient to provide a defensible reason for refusal.

The A4 is a principal county route carrying of the order of 7-8000 vehicles per day, with traffic speeds at or around the national speed limit. This road acts as a partial barrier between Derry Hill and Studley because of the locally perceived dangers associated with crossing the road.

The severance of the site from Derry Hill is a matter that can be partially addressed through the provision of a controlled crossing, or, to a lesser extent, by an uncontrolled crossing. The

applicant has indicated a willingness to consider provision of either, this is considered to be a significant benefit to allowing the scheme and ways in favour of it.

The advantage of a controlled crossing is that it would provide a significant degree of certainty for pedestrians crossing the road in a safer environment; there could be knock-on advantages for traffic emerging from the side roads when A4 traffic is stopped; in reality however, demand at any crossing is likely to be relatively low, and be unlikely to have a material benefit for side road traffic. Nevertheless, if permission is granted the provision of this would form part of the permission.

The proposed site access is at about 45m from the crossroads junction; this is undesirably close, but, with the low traffic levels on Studley Lane, unlikely to cause safety issues. The scheme also proposes the widening of Studley Lane in the vicinity of the junction with the A4, this has been agreed to at the request of the Highway Officer, together with footway and footpath links. These improvements facilitate accessibility of the site and are another factor that weighs in favour of the development.

A new parking area for the saw mill is proposed, however the detail shown on the submitted layout drawing is not acceptable as a detailed drawing for consent, but there is adequate land control to provide an acceptable arrangement. Further details, by way of condition, will be required to ensure that the parking of vehicles on the verge of Studley Lane does not take place as this could pose a safety risk for users of the proposed site access.

#### Noise & Impact on Local Employment

A Noise Level Survey in accordance with BS4142:1997 has been submitted to the Council. This survey demonstrates that, through mitigation, a rating level of 35dB is an achievable design target for the boundary of the residential site. It is important to note that this will not be achieved by having brick wall facades on the elevation facing the sawmill and thereby resulting in a development of a poor visual appearance.

This survey demonstrates that should permission be granted there would be no adverse impact on the residential amenities of future occupants. The survey also demonstrates that, providing the mitigation measures are completed and maintained correctly, both residential use and the saw mill could operate in harmony with each other. It is concluded that granted permission would not prejudice future employment at the saw mill or be harmful to the residential amenities of future occupants.

#### Public Consultation

At the time of writing, and as explained above, there is no adopted or emerging neighbourhood plan or site allocations development plan document (DPD) in respect of the Calne Housing areas. In lieu of such a document, it is reasonable to consider otherwise the representations of Locals respectively, and to ascribe to these a degree of weight in directing new development. Although not proactively identified through a neighbourhood strategy, the provision of community benefits is a material consideration in this instance.

It is also noted that the scheme has come forward through a robust process of community engagement, including public events, in order to identify and, where possible, address concerns. This has manifested itself in revisions to the indicative masterplan, including to landscaping and access, as well as proposed off-site measures including a proposed pedestrian crossing, road widening reduction in the number of residential units. This information is included in the statement of community involvement.

In summary, whilst it is acknowledged that the site has not been brought forward strictly in accordance with the provisions of the emerging Wiltshire Core Strategy, it is considered that the planning merits of the scheme, physical conditions of the site, level of affordable housing provision, contribution to meeting an identified need for housing and local reception, use of brown field land over a green field site– tip the balance of considerations in favour of the development.

#### Previously Developed Land

As set out earlier in the report- The site benefits from an extant permission for development of a nursery and the application site is classed as previously developed land. Preference is given to the use of previously developed land and this is acknowledged by Paragraph 2.2 of the Core Strategy and in national guidance contained within the NPPF and NPPG. Preference should be give to land such as this for the provision of dwellings providing it conforms to other planning policies.

It is considered that bringing forward this land would not prejudice the Councils position in relation to other sites that are located outside of the Framework Boundaries of other settlements within Wiltshire. Each application should be considered on their own merits, and taking into consideration the fact that this is previously developed land and the other benefits set out above way in favour of it.

#### Ecology

The information relating to ecology has been reviewed and the Council's ecologist is satisfied that the ecological interest of the site are relatively limited and the potential impacts are not considered to be contrary to policy or likely to breach relevant legislation. Therefore no objection in relation to ecology has been raised and no further survey work or conditions are required.

#### Design and layout

Whilst layout remains at the outline stage, the density of development clearly lends itself to a well-landscaped scheme The approach to open space is particularly pleasing, enhancing the environment of future occupants and serving as a buffer between the residential units and saw mill to the North of the site.

Indicative parking provision has been arranged so as to sit away from prominent frontages, contributing to a more engaging street scene. It is likely that a variation in surfacing will also serve to 'soften' the appearance of the development, as well as offering opportunities for shared surfaces and further SUDS benefits through the use of porous materials.

#### S106 contributions

At the present time, given the outline nature of the scheme, the following Heads of Terms have been agreed in respect of the proposal:

- 30% affordable housing
- On-site provision of 2136m<sup>2</sup> of adoptable open space, of which 216m<sup>2</sup> allocated as specific play provision, to be subject to a commuted fee to cover maintenance;

- Off-site financial contribution of £18,123 toward the upgrading of the Pool and Sports Hall Seating and upgrading of the multi-purpose hall and artificial turf facilities to take the pressure off the main sports hall.
- Off-site financial contribution towards primary school places and secondary school places (confirmation of this amount has not yet been received but the sum will be reported as a late item at the committee meeting)

The above contributions have been agreed in principle, and comply with the relevant CIL regulations. Due to the restriction of the regulations, it has been decided not to pursue contributions in respect of public art and fire infrastructure. However it is anticipated that the objectives of the former can still be pursued through high-quality design at the reserved matters stage.

## 10. Conclusion

The proposed development is sustainable and, on the balance of factors, acceptable in principle, supporting the long-term objectives of the local area. With proper mitigation, the proposal will not result in significant harm to the natural or built environment or otherwise adversely affect highway safety or residential amenity. The proposal is therefore compliant in policy terms with the emerging Wiltshire Core Strategy and the National Planning Policy Framework.

## RECOMMENDATION

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.

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

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

- 2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
  - (a) The scale of the development;
  - (b) The layout of the development;
  - (c) The external appearance of the development;
  - (d) The landscaping of the site;

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

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

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

- 4 No more than 28 dwellings shall be developed on the application site edged red on the submitted Site Plan.

Reason: For the avoidance and in the interest of proper planning

- 5 An Urban Design and Landscape Framework Plan for the development of the site hereby permitted shall be submitted to the local planning authority no later than the first submission for approval of any of the reserved matters and shall be approved in writing by the local planning authority. The Urban Design and Landscape Framework Plan shall be broadly in accordance with the submitted Master Plan (Plan Number H.0360\_01F) and shall include details of:

- a. The location, orientation and heights of buildings;
- b. The format of the public realm, including all routes and spaces and the location of children's play areas;
- c. The location of open spaces available to the public, including their function and means of maintenance access.
- d. Tree and hedgerow protection plan
- e. Landscaping details including planting plans, species and density of planting
- f. Hard and soft landscaping details
- g. Materials to be used in the construction of the dwellings

Development shall be carried out in accordance with the approved Urban Design and Landscape Framework Plan.

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

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

- 7 Prior to the commencement of the development Studley Lane shall be widened and improved in accordance with details which shall first have been submitted to and approved by the local planning authority. The details of the widening shall include the provision of a footway of minimum width 2 metres on the development side of the widened lane, and the provision of a bellmouth junction to the site, which shall include visibility splays for the access, and improvements, by way of forming a footway crossing, to the access retained for car parking for the adjacent sawmills site.

Reason: In the interests of highway safety

- 8 Prior to the occupation of any dwelling on the site, a controlled pedestrian crossing and a 2metre wide footway shall have been provided on the A4 in accordance with details which shall first have been submitted to and agreed by the local planning authority.

Reason: In the interests of highway safety and to address the severance of the site for pedestrians

- 9 No dwelling built on the site shall be occupied until it has have been provided with car parking spaces in accordance with the minimum standards as required by the Wiltshire LTP 2011-2026 Car Parking Strategy. Any garage counted as a parking space shall have an internal dimension of at least 3m by 6m per space

Reason: To ensure adequate parking space is provided on site clear of the highway.

- 10 Before any application for approval of reserved matters is submitted to the Council, the noise mitigation measures set out in 'Emtec Noise Level Survey and Noise Control Measures'- Issue 18 July 2014 shall have been implemented in full. Once the works are complete and before any application for approval of reserved matters is submitted to the Council a Noise Level Survey in accordance with BS4142:1997 shall have been submitted to and approved in writing by the Local planning authority demonstrating that the noise levels from the sawmill have been suppressed so as to achieve a Rating Level of 35dB(BS4142:1997) at 1m from the nearest noise sensitive properties. This noise mitigation shall thereafter be permanently retained.

**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.

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.



## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	27 <sup>th</sup> August 2014
<b>Application Number</b>	14/05594/VAR
<b>Site Address</b>	2a Silver Street Malmesbury Wiltshire SN16 9BU
<b>Proposal</b>	Removal of Condition 4 of Planning Permission 00/01929/COU
<b>Applicant</b>	Richard Pogorzelski
<b>Town/Parish Council</b>	MALMESBURY
<b>Division</b>	MALMESBURY
<b>Grid Ref</b>	393423 187107
<b>Type of application</b>	Variation of Condition
<b>Case Officer</b>	Richard Sewell

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

The application is being presented to Committee at the request of Councillor Simon Killane to consider the impact on highway safety, parking and residential amenity of the neighbouring properties.

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

To consider the above application and to recommend that planning permission be granted to remove Condition 4 of 00/01929/COU in order to allow the sale of take away food from the premises.

### **2. Report Summary**

The main issues when considering this application are :

- Site location
- Impact of take away on nearby parking arrangements and highway safety
- Potential disturbance and impact on residential amenity

Malmesbury Town Council and St Paul's Without Residents Association object to the proposal.

### **3. Site Description**

The site lies within the Secondary Town Frontage Area as defined in the Adopted North Wiltshire Plan 2011 Map 8A. The proposal site is a cafe/restaurant serving hot and cold meals between the permitted hours of 08:00 and 23:30 hrs on the ground floor and 10:00

and 22:00 on the first floor. The existing building is a two storey terraced property located in the Conservation Area at the north end of Silver Street with residential properties to either side. Silver Street is a one way street that is accessed from the south end with the north end of the street forming a junction with Cross Hayes Lane which is also a one way system. Diagonally opposite the site to the north west is the Cross Hayes Car Park. Parking in the immediate area is controlled by double yellow lines on both sides of Silver Street and on Cross Hayes Lane with Cross Hayes Car Park being pay and display but with free parking available in the evening time.

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

88/2295/FUL- Change of Use of Ground Floor to Tea Room PERMITTED

92/1234/S73- Modification of Permission No. 2 on Permission 88/2295/FUL to Extend Opening Hours from 08:00 to 23:30 hours PERMITTED

00/01929/COU- Change of Use of First Floor to Class A3 (food and drink) PERMITTED

04/00393/S73A- Vary Condition No. 3 of 00/01929/COU to Allow Use of First Floor to 23:30 hours REFUSED

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

The application proposes the removal of condition No. 4 of 00/1929/COU to allow the sale of take away meals from the premises.

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

NPPF Section 2: Ensuring the Vitality of Town Centres

Adopted North Wiltshire Local Plan 2011 policies:

C3 Development Control

R2 Town Centre Secondary Frontage Areas

R5 Local Shops and Services

HE1 Development in Conservation Area

#### **7. Consultations**

**Malmesbury Town Council- OBJECTION.** No planning or commercial reasons have been provided for the Conditions removal and because the proposed change would have a detrimental impact on neighbouring residential properties in terms of litter, noise, traffic safety and illegal parking

**St Paul's Without Residents Association- OBJECTION.** The Association, in support of numerous local residents, is strongly opposed to this application. The applicant seeks the removal of Condition 4 of the 2000 approval yet fails to provide any information or evidence to suggest what factors have changed since the valid neighbour amenity and highway issue safeguards were required. Silver Street is primarily a very narrow residential street with waiting restrictions on either side. If this application is granted then there will inevitably be unlawful customer parking in the vicinity of the site that will cause obstruction to other traffic. This site is situated at the narrowest point of Silver Street. Moreover, the evidence from take-away premises in general is that they generate an increase in litter and noise which is not appropriate in a residential area. Whilst the Association has a policy of encouraging commercial activity in the town, this particular proposal has too many negative aspects to gain our support. We urge you to refuse the application in order to ensure the existing Condition 4 remains in force.

**Highways- NO OBJECTION.** There is a public car park approximately 20 metres from the premises. At the times that people are most likely to use this facility is in the evening in which case parking in this car park is free after 6pm. There is a Traffic Regulation Order

outside the premises in the form of double yellow lines which can and should be enforced. In addition, the road is so narrow that any vehicle parked would cause an obstruction to the free flow of the carriageway which is also enforceable. The premises are located within the vicinity of a one-way system in Silver Street, St Dennis' Lane and Cross Lane. Vehicles approaching from the north, which is where a large percentage of the town's residential development is located, would follow the one-way system and use the Cross Hayes car park. In order to park outside the premises vehicles would need to detour down the High Street through Ingram Street to Silver Street, which is to little advantage. The above mentioned parking restriction should apply to any delivery service run from the property.

**Environmental Health – NO OBJECTION.** Do not feel that the removal of this condition will give rise to the loss of amenity in the surrounding area.

## **8. Publicity**

9 letters of Objection received. Issues with proposal include:

- Illegal parking and impact on highway safety
- Increase in litter, noise, smell and anti social behaviour
- Impact on residential amenity of nearby properties
- Suitability of location for take away premises

## **9. Planning Considerations**

### Location of existing cafe

The proposal site is located with the Malmesbury Town Centre Secondary Frontage Area which is allocated for commercial uses where A1, A3 and A5 food premises are actively encouraged to ensure the vitality and activity within the town centre for both residents and visitors. The site has a history of mixed A3 and A1 uses and the proposed take away function will remain ancillary to the primary function as A3 use. There are two existing take away premises within a 100m walk of the proposal site. The accompanying statement states that only 20-25% of the business comes from take away sales and so it is considered that the premises will remain primarily an A3 cafe/restaurant. The original condition preventing take away sales attached to 00/01929/COU was applied as a preventative measure to test the impact the change of use of the first floor to A3 would have on the dwellings either side of the proposal site. Since then it has become clear that the COU has had no significant detrimental impact on residential amenity or highway safety and therefore it is considered appropriate to further vary this condition to allow the cafe to serve take away meals. The NPPF strongly favours sustainable development and looks to increase commercial activity and employment, especially in rural towns. Policies R2 and R5 also look to encourage commercial activities within designated town centres. Despite there being a number of residential properties in close proximity to the proposal site, it is within a designated town centre area and so the take away function is considered an appropriate use and to comply with the relevant local and national policies.

### Impact on parking and highway safety

The Highways Engineer has raised no objection to the proposal as it is considered that there will be no significant impact to highway safety or the amenity of nearby residents. The proposal site is in a sustainable location where the site can be easily accessed by foot. Double yellow lines are situated directly in front of the site and there is adequate off street parking available at the adjacent Cross Hayes car park that is free in the evening time. The majority of customers will be sitting down to eat meals and so will be required to park their vehicles at a suitable location or walk to the premises. As take away sales only

make up 20-25% of the business, the potential for illegally parked vehicles is not considered a significant enough factor to prohibit the variation of condition as illegal parking is subject to other legislation and control should it take place.

#### Residential amenity

The Environmental Health Officer has also raised no objections to the proposal and has commented that the removal of the condition will not give rise to the loss of amenity to the surrounding residents. There is already an adequate ventilation system in place and so any additional take away sales will not further increase the risk of smell and air pollution. The objector's views that a take away service will create additional noise, litter and anti social behaviour cannot be considered to be material planning considerations as this is making a judgement on the character and potential behaviour of customers and such matters are the subject of other legislation and controls. The comments of the Inspector's Report of 04/00393/S73A are in relation to extended opening hours of the first floor to 23:30. The Inspector commented that the extended opening hours of the first floor would be harmful to the living conditions of adjoining residents. As this proposal does not seek to extend the existing opening hours it is considered that these comments do not apply to this proposal and so have not been taken into consideration as part of this assessment.

#### **10. Conclusion**

The proposal complies with all of the relevant local and national policies and has the support of the Highways and Public Protection consultees. Despite being located within close proximity to a number of residential dwellings, the proposal site is located within the town centre where commercial uses, including the sale of food for consumption on and off the premises, are considered acceptable. The Highways Engineer has confirmed that there is adequate off street parking available adjacent to the site and that all of the necessary preventions are in place to restrict illegal parking. As the sale of take away food will remain ancillary to the main A3 use of the premises as a cafe/restaurant, it is considered the proposal will not result in any significant detrimental impact to highway safety or residential amenity in terms of noise and air pollution. Taking all of the above into account it is considered that there is no sound planning justification to refuse the proposal and so it is recommended that planning permission be granted.

#### **RECOMMENDATION**

That planning permission be granted subject to the following conditions:

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

#### REASON:

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

- 2) The development hereby permitted shall be carried out in accordance with the documents (including plans) incorporated into this decision, and subsequently approved pursuant to this decision (if applicable), unless otherwise approved by the local planning authority in the form of a new application

REASON:

To ensure that the development is implemented in accordance with this decision in the interests of public amenity

- 3) The ground floor of 2A Silver Street shall not be open to customers before 08:00 hours nor after 23:30 hours and the first floor before 10:00 hours nor after 22:00 on any day for the use hereby permitted unless otherwise agreed the Local Planning Authority in the form of a new application

REASON:

In the interests of the amenity of the area.

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.

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.

**Background Documents Used in the Preparation of this Report: Application Documentation**



## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	27 August 2014
<b>Application Number</b>	14/05686/OUT
<b>Site Address</b>	Land to the South of Potley Lane  Corsham
<b>Proposal</b>	Outline planning application for the development of up to 64 no. residential dwellings together with associated access, parking, public open space and landscaping.
<b>Applicant</b>	De Vernon Trustees
<b>Town/Parish Council</b>	CORSHAM
<b>Division</b>	CORSHAM TOWN
<b>Grid Ref</b>	386622 169628
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mark Staincliffe

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

The application has been called in by Cllr Whalley, in order to consider the scale of the development and its impact on the local highway network.

### **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
- Highway safety
- Design and Layout
- S106 Contributions

### **3. Site Description**

The application site is located at the southern edge of Corsham, Wiltshire. The town lies on the south western edge of the Cotswolds located just off the A4. The site is located approximately 1.3km (0.8 miles) south of Corsham High Street and the historic town centre. The site lies to the south of Potley Lane, on the south western edge of Corsham, and comprises part of a pastoral field. The Leafield Industrial Estate lies to the west of the site and pasture and arable fields bound the site to the south and east. The Potley housing

estate lies to the north, north of which lies the Great Western Railway linking the West Country to London.

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

No relevant planning history

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

The application seeks permission for the erection of up to 64 dwellings including access, car parking and landscaping. The planning application has been submitted in outline form with all matters reserved except access.

The submitted indicative layout plan demonstrates the separation of the proposed residential units and existing industrial estate by way of a landscape buffer. The indicative plan also illustrates an alternative access for emergency use and a possible pedestrian crossing point.

The indicative layout shows a medium-density layout of housing consisting of a 2 and 2.5 storey dwellings, each with associated parking areas and outside amenity space, lending a generally suburban character. Toward the southern part of the site is a large area of public open space.

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

The adopted policies relevant to the application remain those saved under the North Wiltshire District Plan (NWLP) 2011. As the site lies outside of the development framework boundary, the relevant policies are as follows:

##### North Wiltshire Local Plan 2011

- C1: Sustainability
- C2: Community Infrastructure
- C3: Development Control Core Policy
- C4: Business Development
- NE15: The Landscape Character of the Countryside
- NE17: Contaminated Land
- T3: Parking
- T4: Cycling, Walking & Public Transport
- H3: Residential Development in the Open Countryside
- H5: Affordable Housing in Urban Areas
- BD1: Employment Land
- CF1: Local Community and education facilities
- CF2: Leisure Facilities and Open Space 65
- CF3: Provision of Open Space

##### Wiltshire Pre Submission Core Strategy (WCS)

- Core Policy 1: Settlement strategy
  - Core Policy 2: Delivery strategy
  - Core Policy 11: Spatial Strategy: Corsham Community Area
  - Core Policy 51: Landscape
  - Core Policy 43: Providing affordable homes
  - Core Policy 45: Meeting Wiltshire's housing needs
  - Core Policy 51: Landscape
  - Core Policy 57: Ensuring high quality design and place shaping
  - Core Policy 62: Development impacts on the transport network
  - Core Policy 67: Flood Risk
- Appendix D

Appendix E  
Appendix G

National Planning Policy Framework

Section 6- Delivering a wide choice of high quality homes

Section 7- Requiring good design

**7. Consultations**

Corsham Town Council

No objection

Ecology

No objection

Affordable Housing

This application triggers an affordable housing requirement.

Wessex Water

No objection subject to conditions

Drainage

The application states that the developer proposes to discharge into a nearby ditch/watercourse. An application for land drainage consent would be required

Environment Agency

No objection subject to conditions

Public Protection

Whilst the noise report concludes that there was no significant impact from the industrial estate, I do have concerns about the potential for these industrial units to create adverse impacts in the form of noise, dust, odour etc.

You may therefore wish to consider a buffer zone to ensure that residential receptors are not immediately adjacent to B2 uses.

Public Art

For a site of this size and nature, we would expect the applicant to contribute to art and design in to this site. This would be in line with North Wiltshire Local Plan Policy C2 and its reference to Art in the Community and Core Policies 3 and 57 of the emerging Wiltshire Core Strategy.

In the event of planning permission being awarded an indicative figure for a public art contribution of a site of this size would be £300 per dwelling. For 64 dwellings this would be £19,200 commuted to the Council's arts service to manage the art and design process and programme.

Rights of Way

The legal record of rights of way, the definitive map, shows footpath CORM56 is a straight line through the site. The developer has shown a kink in the footpath – this is not correct and there is a risk that the legal line of the footpath may be obstructed by either a building or planting. We would therefore object to the proposal until this issue is resolved. Once resolved there would be no objection subject to planning conditions.

### Highways

In principle, no highway objection to the proposal. However, there are minor issues with regard to detail. It is considered that footway facilities across the site frontage are required in order to promote accessibility and walking and cycling. A 2m wide footway should be provided across both parcels of land that connect with the highway (main entrance and emergency access).

It is noted that the carriageway is being widened in order to provide a pedestrian refuge, this leaves the carriageway edge poorly aligned and abrupt. This could result in vehicles being poorly positioned on the carriageway, producing an inconvenient driving alignment, that could also lead to highway safety risks. I consider that it is essential that the alignment of the carriageway is smoothed out.

### Landscape

No objection

## **8. Publicity**

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

8 objections and a petition containing 38 signatures were received from local residents an objection was also received from CPRE.

Summary of key points raised:

- Impact on highway safety due to increased traffic
- Transport assessment flawed
- Loss of privacy to existing properties from new access
- Proposed pedestrian crossing is dangerous
- Impact of development of pedestrian safety
- No benefits to the town
- Adverse impact on ecology and wildlife
- Adverse impact on local services
- Loss of green space
- New houses not required in Corsham

## **9. Planning Considerations**

### Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act states that "*determination must be made in accordance with the plan unless material considerations indicate otherwise*".

This is the starting point from a policy point of view. The North Wiltshire Local Plan forms the local component of the current development plan.

The site is located within the Corsham framework boundary, wherein residential development is acceptable in principle. However, the site is allocated within the North Wilts Local Plan for employment generating development (Policy DB1).

The Council's Core Strategy is at an advanced stage and has recommended, at Appendix D, that the land East of Leafield Industrial Estate be unallocated for employment use as there is no need for the allocation and therefore the allocation is not to be saved upon the adoption

of the Core Strategy. The Corsham Community Area Insert Map confirms that the site remains within the Corsham settlement boundary but with no designated use.

At paragraph 222 of the NPPF it states that 'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Taking into consideration the above information and considering this against paragraph 216 of the NPPF it is considered that site for residential development is acceptable in principle.

#### Noise

The site is located adjacent to an established industrial estate consisting of B1, B2 and B8 uses. The application has been accompanied by a noise survey, this concludes that the proximity of industrial units to the residential properties shown on the indicative master plan is acceptable and will not result in poor living conditions for future occupants. The application is in outline form with all matters reserved except access, therefore the layout is not finalised. However, the indicative master plan demonstrates that an acceptable layout can be provided without resulting in harmful living conditions for future occupants of the properties.

#### Ecology

The site is comprised of a large field of improved grassland of limited ecological value. Several ponds are present in the vicinity of the site, however it has been confirmed that these do not support breeding great crested newt. The boundary features are used by commuting / foraging bats including lesser horseshoe, with the western boundary being of particular importance. This hedgerow will be retained and buffered from development by a 6-11m wide green corridor to be planted with native shrubs and trees; this green corridor is not shown on the illustrative masterplan although it is appreciated that the current application is outline and detailed drawings including a landscape scheme will be submitted with the reserved matters applications. The western boundary is also unlikely to be illuminated by street lighting as it is some distance from the internal access road. Several trees have potential to support roosting bats however it is understood that these have all been retained within the scheme. Landscaping and a SUDS feature will also help to enhance the ecological value of the southern boundary. The scheme will have limited ecological impacts and have no objection in relation to ecology.

#### Affordable Housing

Policy H5 states the Council will seek to negotiate an element of affordable housing to meet local needs on all housing developments of either 15 or more dwellings or 0.5 hectare or more in size, within the framework boundaries of Calne, Chippenham, Corsham, Cricklade, Malmesbury, Purton and Wootton Bassett. The Council will negotiate 30% of the dwellings to be affordable subject to local needs and site characteristics. There are currently 364 households seeking an affordable home in Corsham.

The mix of affordable housing should reflect the housing needs of Corsham, therefore the following percentages of 1,2,3,4 bed houses will be required:

- 1 bed house – 20%
- 2 bed house – 35%
- 3 bed house – 30%
- 4 bed house – 15%

With a mix of 80% rent and 20% new build homebuy, with no more than 2.5% rent on the unsold equity. The affordable units will be secured via as106 legal agreement and transferred to a registered provider at nil public subsidy. The applicant has agreed to the above terms.

### Rights of Way

Concerns have been raised in relation to the location of the footpath and possible diversion of it. The application has been submitted in outline form, should permission be granted any reserved matters application would ensure that the footpath is diverted using the official procedure or the layout altered to accommodate the development and footpath in its original position.

### Urban Design

The layout of the plots, siting of the dwellings/storey heights and public open space shown on the layout plan appears in principle to convey an appropriate design approach. There are some minor alterations to certain parts of the scheme required to achieve a high quality development. However, the application has been submitted in outline form with matters such as this to be decided at a later date. The indicative layout clearly demonstrates that the number of dwellings proposed can be adequately accommodated on the site without detriment to character and appearance of the area. The concepts behind the lay out are considered to accord with local and national planning policies.

The approach to open space is particularly pleasing, enhancing the environment of future occupants and serving as a buffer between the residential units, industrial units and open countryside to the South of the site.

Indicative parking provision has been arranged so as to sit away from prominent frontages, contributing to a more engaging street scene. It is likely that a variation in surfacing will also serve to 'soften' the appearance of the development.

### Landscaping

The site occupies the south eastern slope of a small hidden rolling valley landform and is well contained in visual terms.

Potley Lane rises along a local rolling ridge line with the highest development site levels adjacent. A public footpath CORM 56 runs along the lowest edge of the sites eastern boundary, which links with CORM 57, just outside the identified site boundary further south east, providing a footpath link to Neston along the edge of existing agricultural fields. The illustrative Master Plan shows the line of the footpath as slightly altered (this will remain unaltered at reserved matters stage) and the route incorporated within a reasonably well overlooked (by active building and street frontage) landscape buffer strip with countryside at the eastern edge of the site which is an important design principle.

The principle of retaining existing important trees (largely Oaks) and hedgerows within areas of public open space/ landscape areas is illustrated on the Master Plan, this principle is welcomed and important to embrace for any development at this site. The large trees have been incorporated into public areas wherever possible, rather than within or adjacent to small back gardens or close to new building. The principles set out in the illustrative master plan are considered to be acceptable.

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

It is acknowledged that the proposed development would extend into open countryside. However, the site is within the settlement framework boundary and has been allocated for development (B1, B2 & B8 uses). Any development on this land would have an impact on the setting and appearance of this settlement. Taking into consideration the likely visual appearance of industrial units it is considered that housing would assimilate better in the landscape. The proposed development would not materially harm the character or amenity

of the countryside around this settlement and would not impinge on long or short distance views.

### Highways

No objection has been raised to the principle of the development and no upgrade or improvements to the signals at Potley Bridge are required. However, the details of the improvements to Potley Lane and the access to the site are not adequate. The highway officer has requested the following alterations:

'Vehicle Access' parcel of land adjacent to highway

- Smoothed out carriageway alignment, (this could involve slightly relocating the vehicle access southwards)
- Two metre wide footway across whole parcel

'Emergency Access' parcel of land adjacent to highway

- Details of two metre footway across the emergency access
- Details of the emergency access

These additional plans and details have been agreed by the applicant and discussions are ongoing between the highway officer and the applicant. These amended plans will overcome the concerns raised by the highway officer and the plans presented at committee as late items. Subject to the receipt of these plans and a condition requiring these alterations prior to the first occupation of any dwelling on site the development is considered to be acceptable.

### S106 contributions

At the present time, given the outline nature of the scheme, the following Heads of Terms have been agreed in respect of the proposal:

- 30% affordable housing
- On-site provision of 4224m<sup>2</sup> of adoptable open space, of which 384m<sup>2</sup> allocated as specific play provision, to be subject to a commuted fee to cover maintenance;
- Off-site financial contribution of £16,902 to satisfy the Sport and Recreation requirement of Planning Policy C2.
- £3,332 towards a new Cemetery in Corsham
- Off-site financial contribution towards primary school places and secondary school places (confirmation of this amount has not yet been received but the sum will be reported as a late item at the committee meeting)
- Sustainable transport contribution towards walking and cycling improvements. £1,500 per unit.
- £19,200 commuted to the Council's arts service to manage the art and design process and programme.

The above contributions have been agreed in principle, and comply with the relevant CIL regulations. Due to the restriction of the regulations, it has been decided not to pursue contributions in respect of public art and fire infrastructure. However it is anticipated that the objectives of the former can still be pursued through high-quality design at the reserved matters stage.

## **10. Conclusion**

The proposed development is sustainable and, acceptable in principle, supporting the long-term objectives of the local area. With proper mitigation, the proposal will not result in significant harm to the natural or built environment or otherwise adversely affect highway safety or residential amenity. The proposal is therefore compliant in policy terms with the emerging Wiltshire Core Strategy and the National Planning Policy Framework.

## **RECOMMENDATION**

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

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

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

- 2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
  - (a) The scale of the development;
  - (b) The layout of the development;
  - (c) The external appearance of the development;
  - (d) The landscaping of the site;

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

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

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

- 4 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.

- 5 The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker

a drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing

the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property

- 6 No development approved by this permission shall be commenced until a detailed surface water management scheme, together with supporting calculations, has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance for all drainage works serving the site. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.

REASON To prevent any increased risk of surface water flooding.

- 7 Any swales or other surface water storage elements shall not be sited within Flood Zones 3 or 2 or any other area prone to flooding. There shall be no landscaping or other works within Flood Zones 3 or 2. There shall be no landscaping or other works on land below 85.0mAOD as shown on the Site Topography drawing (Figure 3) within the FRA.

REASON To prevent any increased risk of flooding. The precautionary figure of 85.0mAOD is given as the submitted FRA does not include any estimate of the present day or future (i.e. including climate change) 1 in 100 year flood level.

- 8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as

approved.

Reasons To protect controlled waters from pollution.

- 9 No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON To prevent pollution of the water environment

- 10 An Urban Design and Landscape Framework Plan for the development of the site hereby permitted shall be submitted to the local planning authority no later than the first submission for approval of any of the reserved matters and shall be approved in writing by the local planning authority. The Urban Design and Landscape Framework Plan shall include details of:

- a) The location, orientation and heights of buildings;
- b) The format of the public realm, including all routes and spaces and the location of children's play areas;
- c) The location of open spaces available to the public, including their function and means of maintenance access.
- d) Tree and hedgerow protection plan
- e) Landscaping details including planting plans, species and density of planting
- f) Hard and soft landscaping details
- g) Materials to be used in the construction of the dwellings
- h) Plan for the upgrade of footpath CORM56 and link to the internal road network at the southern end of the site

Development shall be carried out in accordance with the approved Urban Design and Landscape Framework Plan.

Reason: For the avoidance and in the interest of proper planning

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

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

INFORMATIVE TO APPLICANT:

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site.

INFORMATIVE TO APPLICANT:

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

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.

