

## AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER  
**Date:** Wednesday 8 October 2014  
**Time:** 3.00 pm

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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)

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### 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	

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### 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	

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# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 1 - 10*)

To approve and sign as a correct record the minutes of the meeting held on 17 September 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 2.50pm on the day of the meeting.**

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

#### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this **agenda no later than 5pm on Wednesday 1 October 2014.** Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

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

## 6 **Planning Conditions**

To consider draft conditions recommended by officers for the following application:

6a **14/03084/FUL- Land East of Manor Farm, Wadswick, Box, Corsham, Wiltshire, SN13 8JB - Draft Conditions** (*Pages 11 - 14*)

## 7 **Planning Applications**

To consider and determine planning applications as detailed below.

7a **14/06226/FUL & 14/06422/LBC Green Barn, Nettleton, Chippenham, Wiltshire, SN14 7NT** (*Pages 15 - 20*)

7b **14/06727/FUL Units 2 & 3, Abacus House, Newlands Road, Corsham, SN13 0BH** (*Pages 21 - 28*)

7c **14/03343/FUL, Land at Brynards Hill, Royal Wootton Bassett** (*Pages 29 - 54*)

## 8 **Urgent Items**

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

### **Part II**

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

None

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## **NORTHERN AREA PLANNING COMMITTEE**

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**DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING  
HELD ON 17 SEPTEMBER 2014 AT COUNCIL CHAMBER - COUNCIL OFFICES,  
MONKTON PARK, CHIPPENHAM, SN15 1ER.**

**Present:**

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

**Also Present:**

Cllr Dick Tonge

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99 **Apologies**

Apologies were received from Cllr Christine Crisp and Cllr Mollie Groom

100 **Minutes of the Previous Meeting**

The minutes of the meeting held on 27 August 2014 were presented.

**Resolved:**

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

101 **Declarations of Interest**

There were no declarations of interest.

102 **Chairman's Announcements**

It was explained that due to access problems into the building a move to afternoon meetings was necessitated and the Chairman requested feedback on this time change.

It was noted that the next meeting on 8 October 2014 would start at 3pm.

103 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

104 **Planning Applications**

105 **14/03084/FUL Land East of Manor Farm, Wadswick, Box, Corsham, Wiltshire, SN13 8JB**

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

Mr Graham Webb, Mr Tim Barton and Mr James Walker 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 that planning permission be refused. A site plan was shown, highlighting its differences from a previous submission by the applicant by way of scaling back the solar panels and a difference in visual screening. Details of the permissive rights of way, trees, walls, CCTV fence treatment, substations and the maximum height of solar panels on the proposed site were explained. Photographs of the site and its boundaries were presented. The officer commented that this was a finely balanced decision and that members had undertaken a site visit.

The Committee then had the opportunity to ask technical questions of the officer and it was confirmed that energy created from the solar park would be delivered to the local community. The location of a permissible bridleway in relation to the boundary line was discussed.

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

The local member, Cllr Dick Tonge, spoke in objection to the application.

In the debate that followed it was noted that the merits of the application were finely balanced since the Council supports renewable energy provision but must consider negative impacts of the application. Concerns were raised over the location of the site near an Area of Outstanding Natural Beauty (AONB) and its aesthetic implications. The amendments made by the applicant to improve the aesthetic impact of the site were acknowledged and it was suggested that they mitigated negatives of the development. The need to embrace renewable energy sources was supported by the Committee.

**Resolved:**

**To GRANT planning permission for the following reason:**

**The proposed development, by reason of its siting, appearance and local perception, will conserve the character and appearance of the site and its setting and by extension will not compromise the enjoyment of the Cotswolds AONB or local built heritage, such that any harm associated with the proposal is outweighed by its benefits and support in principle.**

**The proposal therefore conforms with Policies C3, NE4, NE15, NE16 and BD7 of the adopted North Wiltshire Local Plan 2011, and the objectives of Paragraphs 98, 109, 115, 134 and 135 of the National Planning Policy Framework and Paragraph 13 of National Planning Practice Guidance section 'Renewable and low carbon energy'.**

**And to DEFER to the next meeting of the Committee the subsequent consideration and approval of conditions to be recommended by Officers.**

106 **14/04012/FUL Royal Arthur Park Westwells Corsham Wiltshire SN13 9SF**

The officer presented the report which recommended that planning permission be granted, subject to conditions. A site plan showing the proposed access track and greenbelt land was presented alongside photographs of the existing access track, tree belt and illustrative images of the proposed track. A slide highlighting public rights of way was also presented. It was explained that the new access road would be designed for residents of the care home, flats and their visitors to use as opposed to access via the existing route through an industrial area. The officer drew attention to the agenda supplement which detailed a new condition to be considered should planning permission be granted.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that there had not been an application for lighting along the track. The planning officer explained that, to make the track as less intrusive as possible, the road surface would be gravel which would only withstand light use of the road. Concerns were raised over the enforceability of the additional condition to limit the use of the track.

The local member, Cllr Dick Tonge expressed concern over the extent of use of the proposed access road, suggesting that, unless there was enforcement with regard to use of the road, this could cause problems in the future and impact local residents.

In the debate that followed attention was brought to recommendations in the emerging Core Strategy and to support the viability of this commercial development on brownfield site. Members considered the potential number of vehicles to use the access road and methods to limit high usage.

**Resolved:**

**To GRANT planning permission subject to the following conditions:**

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

**REASON:** To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out strictly in accordance with the following approved plans and documents subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority. Plans:

- Location plan
- Site Plan
- Illustrative View 1
- Illustrative View 2
- Illustrative View 3
- Proposed Road revised plan 14.1558 L(0)04 (received 20/06/14)
- Traffic Impact of New Road (prepared by Hydrok reference C14653)(dated 08/08/14)
- Design and Access Statement

All date stamped 14/04/14, unless otherwise stated.

**REASON:** To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

3. No development shall take place on site until details of the proposed construction specification for the access road shall be submitted to, and approved in writing, by the local planning authority. The access road shall be constructed in complete accordance with those details approved.

**REASON:** In the interests of highway safety and accessibility as well as ensuring the development is of a form that is appropriate to the rural landscape.

4. No development shall take place on site on site until details of signs to be erected at each end of the proposed access track restricting its use to cars and light vehicles only shall be submitted to, and approved in writing, by the local planning authority. The signs shall



be erected prior to the first use of the proposed access and maintained at all times thereafter.

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

5. No development shall take place on site until full and complete details of the passing places to be created shall have been submitted to and agreed in writing by the Local Planning Authority. Details shall include the number, positioning as well as their dimensions and construction. Development shall be carried out in complete accordance with the details so agreed.

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

6. Notwithstanding the submitted plans, no development shall take place until full and complete details of the intended treatment and precise routing of the access track in relation to the Public Right of Way, which also crosses the site, have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the details so agreed.

**REASON:** So as to ensure the access track does not impede or in any way unacceptable interfere with the Public Right of Way.

7. Prior to their first installation, full and complete details of the gate and kissing gate to Roundwood cottage as well as metal estate style fencing to be installed (as suggested on the submitted plan reference 14.1558 L(0)04). The approved scheme shall be carried out in complete accordance with the detail so agreed.

**REASON:** In the interests of amenity and to ensure a form of development that is appropriate to the landscape.

8. Prior to its construction, full and complete details of the natural stone walls to be erected at Roundwood Cottage and at the entrance (including proposed bin store) shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in complete accordance with those details so agreed.

**REASON:** In the interests of amenity and to ensure a form of development that is appropriate to the landscape.

9. No form of lighting shall be installed on the site or in associated with the new access track or entrance unless otherwise agreed in writing in the form of a separate planning permission in that regard.

**REASON: In the interests of amenity as well as impact on the landscape and nature conservation.**

**10. As set out within the submitted Hydrock Traffic Impact statement and Design and Access Statement, the new access and track hereby granted planning permission shall only be used only by residents of and visitors to the Royal Arthur Park retirement community as well as traffic associated with the existing Roundwood Cottage. All delivery and staff vehicles associated with the Royal Arthur Park retirement community shall continue to make use of the existing access from Westwells Road.**

**In accordance with this condition and, prior to the laying of the new access track, a detailed scheme to control the use of the new track shall have been submitted to and agreed in writing by the Local Planning Authority. Such a scheme shall include some form of controlled access gate/barrier type arrangement so as to confine its use to residents and visitors only. In particular, the scheme shall also prohibit the use of the Royal Arthur Park site as a short-cut route between the Westwells Road and Bradford Road entrances. The access track and gate/barrier shall be installed, used and operated in complete accordance with the detailed scheme so agreed.**

**REASON: For the avoidance of doubt and so as to ensure the new access track remains limited in use and activity and thereby commensurate to its rural setting.**

107 **14/06724/FUL And 14/06854/LBC - The Stable Barn, Westfield Farm, Nettleton, Chippenham SN14 7PA**

Mr David Pearce spoke in support of the application.

Cllr David Kerr, Nettleton Parish Council, spoke in support of the application.

The officer introduced the report which recommended that planning permission and Listed Building Consent be refused. Attention was brought to late observations available in the agenda supplement and that this was a resubmission of a previous application with some minor alterations. A site plan, floor plan, illustrative drawings and details of the proposed elevations were shown. The officer expressed concerns over the impact of the application on the setting of the traditional farmstead and suggested new buildings would undermine the maintenance of a traditional heritage setting. The presentation concluded with the suggestion that the benefit of less noise from the M4 as a consequence of the building would be limited.

No technical questions were asked.

Members of the public then addressed the Committee as detailed above

Cllr Toby Sturgis spoke on behalf of the local member, Cllr Jane Scott OBE. It was stated that Cllr Scott was not aware of the history of the site when it was called in and Cllr Sturgis suggested the proposed building would remove the perception of the M4 from the garden.

In the debate that followed members stressed the importance of development to be in keeping with the traditional farmstead setting, citing the garage as unacceptable in size and appearance to the extent that it would be detrimental to the setting of the traditional farmstead.

**Resolved:**

**To REFUSE planning permission for the following reason:**

**The proposed garage & store, by reason of its overall height, bulk and scale, would result in a prominent and overbearing development in visual terms, which would have an adverse impact on the character and setting of the nearby curtilage listed building and heritage asset that it forms part of, open countryside and Area of Outstanding Natural Beauty. This is contrary to Policies C3, NE4, HE4, H8 & NE15 of the North Wilts Local Plan, CP57 & CP58 of the Emerging WCS Submission Draft and the NPPF.**

**The new access to the garage, by virtue of scale, design, form and positioning would result in inappropriate and harmful alterations that do not preserve or enhance a curtilage Listed Building and heritage asset and is contrary to Policy C3, H8 & HE4 of the North Wiltshire Local Plan 2011, CP57 & CP58 of the Emerging WCS Submission Draft and the NPPF**

**To REFUSE Listed Building Consent for the following reason:**

**It is considered that the siting and design of the proposed garage and its access and associated hard standing would have an adverse visual impact on the setting and character of curtilage listed building and heritage asset, and therefore the application conflicts with North Wiltshire Local Plan Policy HE4, CP57 & CP58 of the Emerging WCS Submission Draft, Paragraphs 131 and 132 of the National Planning Policy Framework, and S.16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.**

108 **14/07264/FUL- 1 Chubb Close, Malmesbury, Wiltshire, SN16 9JW**

Mrs Susan Sills and Mr Nick Sills spoke in support of the application.

Cllr Roger Budgen, Malmesbury Town Council, spoke in support of the application.

The officer introduced the report which recommended that planning permission be refused. Illustrative drawings were used to convey the proposed garage extension. The officer suggested that this was a visually prominent site at the entrance to the close, the site itself was small and the proposed garage very large thus out of character with Chubb Close, prominent and harmful in this location. It was noted that Silver Birch trees on the site would be removed, subject to being replaced.

No technical questions were asked.

Members of the public then addressed the Committee as detailed above

The local member, Cllr Simon Killane spoke in support of the application.

Cllr Chris Hurst declared a non-pecuniary interest as a family member lived in Chubb Close and abstained from the vote.

In the debate that followed the Committee considered the location of the site at the entrance to Chubb Close and the size of the extension in relation to the host building.

**Resolved:**

**To REFUSE planning permission for the following reasons:**

**The proposed development would overwhelm the host dwelling appearing dominant over, rather than subservient to the host building. The scale, bulk and massing of the proposal would appear as an incongruous and harmful addition which would be exceptionally prominent in the locality and harmful to the residential character and appearance of the area. The proposal is considered to be contrary to Policies C3 and H8 of the North Wiltshire Local Plan and does not comply with paragraphs, 17, 55 and 56 of the National Planning Policy Framework and policy CP57 of the emerging Wiltshire Core Strategy (Submission Draft as proposed to be amended April 2014).**

109 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.35 pm)

The Officer who has produced these minutes is Libby Beale, of Democratic Services,  
direct line 01225 718214, e-mail [elizabeth.beale@wiltshire.gov.uk](mailto:elizabeth.beale@wiltshire.gov.uk)

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## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	8 October 2014
<b>Application Number</b>	14/03084/FUL
<b>Site Address</b>	Land East of Manor Farm, Wadswick, Box, Corsham, Wiltshire, SN13 8JB
<b>Proposal</b>	Construction of 6.3MW Solar PV Park with Transformer Housings, Security Fencing & Cameras, Landscaping & Other Associated Works (Resubmission of 13/04055/FUL)
<b>Case Officer</b>	Chris Marsh

### Purpose of Report

At the meeting of 17 September, the Northern Area Planning Committee considered the above application, and it was RESOLVED:

**To GRANT planning permission for the following reason:**

*The proposed development, by reason of its siting, appearance and local perception, will conserve the character and appearance of the site and its setting and by extension will not compromise the enjoyment of the Cotswolds AONB or local built heritage, such that any harm associated with the proposal is outweighed by its benefits and support in principle.*

*The proposal therefore conforms with Policies C3, NE4, NE15, NE16 and BD7 of the adopted North Wiltshire Local Plan 2011, and the objectives of Paragraphs 98, 109, 115, 134 and 135 of the National Planning Policy Framework and Paragraph 13 of National Planning Practice Guidance section 'Renewable and low carbon energy'.*

**And to DEFER to the next meeting of the Committee the subsequent consideration and approval of conditions to be recommended by Officers.**

To this end, the following conditions are now recommended to the Committee:

- 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 full details of the materials to be used for the external walls and roofs of buildings 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 details of a suitable scheme of refurbishment and maintenance of the southern boundary wall between the site and Wadswick Lane and the maintenance of the central dividing wall between the two fields subject of the application has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the development hereby permitted and maintained throughout in accordance with a suitable timescale, as agreed through that scheme.

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

- 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 use of the facility or 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 Miscanthus 'elephant grass' planting detailed in the approved details shall be planted prior to the first use of the development hereby permitted. The Miscanthus shall be left to grow to a height of at least 2.5m, after which a band at least 10m thick shall be maintained at all times across the full span of the indicated strip at a height of at least 2.5m, until such time as the apparatus is removed from the site and the land restored to its previous condition. If for any reason during the operational life of the development the Miscanthus should die, be removed or become seriously damaged or diseased, it shall be replaced in the next planting season with a similar species.

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

- 6 Access to the site during construction, servicing and decommissioning of the development hereby approved shall be only via the existing entrance to the Manor Farm complex from Bradford Road, unless otherwise agreed in writing in advance by the Planning Authority, This access shall be maintained for this purpose between the date of commencement and the date on which the land is restored to its former condition after decommissioning. No construction, servicing or decommissioning traffic shall access the site from Wadswick Lane.

REASON: In the interests of highway safety.



- 7 The development hereby permitted shall not be first brought into use until the proposed field gates, stiles, permissive bridleway and permissive footpath have been provided in full, in accordance with the approved details. These elements shall be maintained free of obstruction and in serviceable condition thereafter, until such time as the facility is decommissioned and the land restored to its former condition.

REASON: In the interests of the amenities of the area.

- 8 No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site between the times of substantial completion of development and commencement of decommissioning, unless otherwise agreed in writing in advance by the Planning Authority.

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

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

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

- 10 Prior to commencement of development, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

This plan shall include the following elements:

- Protection of existing trees and shrubs
- Establishment of hedgerows, trees and shrubs to be planted
- Establishment / restoration of grassland habitats
- Long-term management of all hedgerows and restored / created grassland
- Features to be installed for the benefits of protected / BAP fauna
- Ecological monitoring to inform future management at the site

The development shall be carried out in accordance with the agreed Landscape and Ecological Management Plan and the site managed in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect and enhance biodiversity at the site

- 11 Within six months of the date 25 years after first use of the development or the date on which the facility permanently ceases to be operational, whichever is the sooner,

all apparatus, buildings, hard standing and fencing shall be permanently removed from the site and the land restored to its former condition.

REASON: In the interests of preserving the long-term character and appearance of the site and its setting.

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

BH120283W-001 – Solarpanel Detail  
BH120283W-004 – LV Transformer Station  
BH120283W-005 - DNO Substation/Private Switchgear  
BH120283W-006 – CCTV Pole  
BH120283W-007 – Protective Deer Fence

Received 17 March 2014

B.0283\_15-B – Site Location and Land Ownership Plan  
B.0283\_05-N – Block Plan – Site Layout  
B.0283\_20-C – Planting Proposals  
B.0283\_24-A – Gates and Stiles

Received 28 July 2014

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

**Recommendation:** To approve the recommended conditions.

## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	08 October 2014
<b>Application Number</b>	14/06226/FUL & 14/06422/LBC
<b>Site Address</b>	Green Barn, Nettleton, Chippenham, Wiltshire, SN14 7NT
<b>Proposal</b>	Single Storey Extension & Associated Alterations. Resubmission Of 14/02938/FUL and 14/03163/LBC
<b>Applicant</b>	Mr & Mrs G Cheetham
<b>Town/Parish Council</b>	NETTLETON
<b>Division</b>	BY BROOK- Cllr Jane Scott OBE
<b>Grid Ref</b>	381712 178557
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Chris Marsh

### Reason for the application being considered by Committee

The applications have been called into Committee by the Local Member, in order to consider the impact of the proposals on the character and setting of the listed building.

#### 1. Purpose of Report

To consider the above application and to recommend that planning permission and listed building consent are REFUSED.

#### 2. Main Issues

The main issues in considering the application are:

- Principle of development
- Impact on the character and appearance of the listed building
- Impact on the character and appearance of the area
- Impact on the privacy and amenity of existing neighbours and potential occupants

#### 3. Site Description

The application relates to the property known as Green Barn, a substantial converted barn located on the western edge of the loose pattern of development that forms the village of Nettleton. The building is Grade II-listed and to date has remained in general a faithful representation of its agricultural past, with its porch and cart opening retained through full-height glazing, arrow slit windows and partial full-height internal scale.

The external materials are predominantly of rubble stone, stone roof tiles and timber doors, as is typical of this area. To the southwest of the building is a substantial gravel driveway shared by the neighbouring properties, Green Farm and 'The Tynings', leading to further parking/turning space and a substantial detached garage to the rear. The outbuilding is finished in traditional materials and is, again, substantial; comprising three garage bays and ancillary space above.

A modest but useable garden laid to grass occupies the intervening space between the two buildings, also extending behind the garage and featuring a patio adjacent to the property, and is

bounded to the North by a high-quality traditional stone wall, which has a small opening to allow access on foot to the land adjacent. Although upon visiting the site this land had been mown to a domestic level and enclosed by a post-and-rail fence, this does not form part of the residential curtilage.

The site is located within the open countryside and the Cotswolds Area of Outstanding Natural Beauty. In early 2014, planning permission and listed building consent were refused by Committee in respect of a substantial rear extension to the dwelling, linking to the garage building along the northern site boundary (13/03728/FUL & 13/4105/LBC refer). Subsequent full planning and listed building consent applications in respect of a scheme absolutely identical to that proposed at this time were refused under delegated powers (14/02938/FUL & 14/03163/LBC refer).

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
14/02938/FUL	Single Storey Extension and Associated Alterations (Resubmission of 13/01392/FUL)	Refused
14/03163/LBC	Single Storey Extension and Associated Alterations (Resubmission of 13/01393/LBC)	Refused
13/03728/FUL	Single Storey Extension & Associated Alterations (Resubmission of 13/01392/FUL)	Refused
13/04105/LBC	Single Storey Extension & Associated Alterations (Resubmission of 13/01393/LBC)	Refused
13/01392/FUL	Proposed Single-Storey Extension & Associated Alterations	Withdrawn
13/01393/LBC	Proposed Single-Storey Extension & Associated Alterations	Withdrawn
07/02302/S73A	Alteration to Previous Approval 04.01621.FUL. To Include External Staircase with Gable Access to Roof Space (Retrospective)	Approve
07/02301/LBC	Alteration to Previous Approval 04.01942.LBC. To Include External Staircase with Gable Access to Roof Space (Retrospective)	Approve
04/01621/FUL	CONVERSION OF COW BYRE TO PROVIDE DOUBLE GARAGE AND STORE; ALTERATIONS TO SITE ACCESS	Approve
04/01942/LBC	ALTERATIONS ASSOCIATED WITH CONVERSION TO GARAGE/STORE INCLUDING ALTERATIONS TO ROOF HEIGHT AND PITCH	Approve
03/03193/LBDC	DETAILS PURSUANT TO CONDITION 2 (1-11) OF 03.00464.LBC	Approve
03/00465/COU	AMENDMENT TO 00.00103.FUL - CONVERSION OF BARN TO DWELLING, WORKS TO OUTBUILDING A - REMOVAL OF MODERN FARM BUILDINGS	Approve
03/00464/LBC	AMENDMENT TO 00.00104.LBC - CONVERSION OF BARN TO DWELLING, INTERNAL/EXTERNAL ALTERATIONS	Approve
00/00103/FUL	CONVERSION OF BARN TO DWELLING & GARAGE AND ERECTION OF NEW DWELLING & ALTERATION TO ACCESS	Approve
00/00104/LBC	CONVERSION OF BARN TO DWELLING & GARAGE, INCORPORATING INTERNAL & EXTERNAL ALTERATIONS AND DEMOLITION OF OUTBUILDING	Approve

## **5. Proposal**

An identical resubmission of a scheme already refused in the last few months, planning permission and listed building consent are again sought in respect of the same reduced scheme, most apparently differing from its predecessor in the omission of any kind of direct physical link to the garage outbuilding.

The proposed extension is to be attached to the northeast corner of the dwelling as before, using a modest flat-roofed 'link' element to connect the rear porch to a substantial new family room. The former is to measure 3.6 x 5.2m in footprint, so as to form something akin to a large porch or anteroom, whilst the new family room is to extend a further 8.8m East, toward the outbuilding. Due to its width of 5.2m, this element is to require the removal of the corresponding section of stone wall, which its northern edge is to replace altogether.

Access to the adjacent field is to be relocated to a gateway alongside the annex building, which is shown as gaining two rooflights on its northern plane and a new window to serve a 'utility' at ground floor level. Full-height glazing is to run the length of both of the main sides of the linear extension, with a glazed sliding door opening from the 'link' section onto the patio.

The main section is to feature a pitched roof finished in natural slate, lending a scale of 4.4m to ridge and 2.2m to eaves, incorporating two rooflights per side, a large steel flue and with a fixed light at each end immediately below the apex.

Additionally, it is proposed to insert a timber casement window, complete with stone surround, into the North elevation at ground floor level, presumably to mitigate the light lost due to the new extension.

Furthermore, it is proposed to add onto the southern elevation of the rear porch a further partially-glazed lean-to porch, extending around 1.2m and inset from the East build line, to provide a modest entrance lobby. Its materials are to match the finishes already in evidence at the adjoining barn.

## 6. Consultations

Nettleton Parish Council – support, for the following reasons:

*“a) The scale, form and design of the proposed extension maintains the character of this listed building and its setting in relation to adjacent listed building comprising the former farmstead known as Green Farm.*

*b) Green Barn, together with the original farmhouse, as now extended, and new dwellings erected in and adjacent to the farmstead has changed both the appearance and character of Green Farm from 'agriculture' to 'residential' and the current proposal secures an appropriate and justified improvement to that current residential use without harm to neighbouring buildings and the countryside beyond.”*

Conservation Officer – objects, citing much the same reasons as upheld in refusing the previous applications

## 7. Publicity

The application was advertised by site notice and neighbour consultation.

Six letters of support received

Summary of key relevant points raised:

- Aesthetic impact either undetectable or beneficial

Other comments have suggested the scheme will enable the family to expand or live more comfortably. However none appear to suggest that the building is uninhabitable in its current state, nor would it reasonably seem to be. Likewise, the circumstances of the occupiers are not claimed or believed to be so unique as to warrant exceptional treatment.

As such, little material weight can be ascribed to this additional point and the proposal should be considered on its own merits.

## **8. Planning Considerations**

### Principle of development

As a matter of principle, sympathetic extensions and alterations to listed buildings that serve to conserve or enhance their character are supported by planning policy. One is mindful, however, of the previous planning history of this site, which includes refusals of both a similar scheme and one that is entirely identical to that now proposed. It is considered that there has been no material change in circumstances that should warrant any variation to the approach taken in considering the proposal, nor has any such change been indicated. The Officer's conclusions are therefore as before, as it would be reasonably expected that the Council should be consistent in its approach. It is considered that the proposal as a whole is unacceptable for much the same reasons as on the previous two occasions, as discussed below.

### Impact on the character and appearance of the listed building

Whilst the 'in principle' objection to the physical connection between the listed building and demonstrably modern outbuilding has been addressed, the proposed extension remains an overly large and entirely unsympathetic addition to what is otherwise a respectfully-converted building. Such is the residual size of the extension, particularly in terms of its occupation of the northern site boundary, that the effect of visual coalescence with the existing outbuilding is similarly apparent to a significant degree when viewed from the highway to the northwest.

This approach also requires the removal of a substantial section of high-quality stone wall that currently defines the historic boundary of the farmyard. Together with the proposed additional ground floor window, the prevalence of full-height glazing to the northern elevation of the family room fundamentally alters the orientation of the building from a strong East-West axis provided by the historic porches to an altogether more domestic feel that will also intrude into the agricultural land to the immediate north. For unknown reasons, this land has been included in the red line plan, but to the knowledge of the Council does not form part of the residential curtilage.

Although the design intent of the 'link' element is acknowledged, this attempt to keep some degree of separation between barn and family room merely result in the inclusion of a substantial space – around 19m<sup>2</sup> - that will become primarily an inefficient thoroughfare. Moreover, therefore, this will exacerbate the disproportionate bulk of which the new additions are to comprise. From all elevational viewpoints, the extensions along the northern yard boundary will appear unduly large and fundamentally at odds with the simple aesthetic of the listed barn, which currently represents a high-quality conversion.

Turning to the additional porch, this is considered to be wholly inappropriate and will greatly compromise the comprehension of the simplistic form of the original barn. It is clearly domestic in scale and, despite its functional value, will be harmful to the character and appearance of the listed building by reason of its alien scale.

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

The extended site, situated within the Cotswolds AONB, currently maintains many of the characteristics of its former use despite its gradual conversion to residential units, and still maintains its legibility as an historic working farmyard. The conversion of the cattle byre to the East, as well as a recent permission to convert the nearby store to the north of the dwelling known as Green Farm itself, serve to conserve the historic layout despite changes to the character of the buildings themselves. Even the paddock to the north of Green Barn, which appears to be used in conjunction with the dwelling, maintains a character through its size, shape and post-and-rail fencing that is not atypical of its historic setting. The stone boundary wall is of course an important feature in this respect.

With this in mind, it is difficult to see how the proposed extensions and alterations would not compromise the remaining coherence of the site as an historic farm complex; their immediate impact on the heritage asset and its curtilage translating clearly into a wider impression for those viewing the site from public viewpoints. This loss of character, it is considered, impacts negatively on the character of the immediate local area, and rather sells short the public value of the existing building.

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

Due to the orientation of the extensions and alterations toward open agricultural land to the North, and relative enclosure of the property's garden area, it is not considered that the proposals are likely to have any significant impact on residential amenity by way of overlooking, overshadowing or overbearing.

It should, however, be brought to the attention of Members that the substantial footprint of the extension would severely compromise the amount of useable outside amenity space available for domestic use, all but sterilising the current area of lawn that extends eastwards and behind the detached garage. This, it is considered, would be detrimental to the enjoyment of the property itself, particularly if occupied by a family with young children requiring a suitable, safe outside area in which to play, and out of keeping with the type of plot usually found in the locality.

#### Conclusions

As set out above, it is considered that the proposals fail to conserve or enhance the character, appearance or setting of the listed building, and will adversely affect its wider context. It is not considered that the extensions or alterations provide any wider benefit, or that the existing accommodation is constrained to the point of being uninhabitable for a modern family. Moreover, the scheme represents a critically disproportionate increase in bulk and massing that will materially harm the character and appearance of the listed building and its setting. As such, the proposal is unacceptable in planning and listed building terms.

### **9. Recommendation**

Planning Permission be REFUSED for the following reason:

- 1 The proposed development, by reason of its siting, scale, massing, design and materials, will adversely affect the character and appearance of the listed building and its setting. The proposal is therefore contrary to Policies C3, HE4 and H8 of the adopted North Wiltshire Local Plan and Section 12 of the National Planning Policy Framework.

Listed Building be REFUSED for the following reason:

- 1 The proposed works, by reason of their siting, scale, massing, design and materials, fail to conserve or enhance the listed building or its setting, and are not otherwise justified by any wider benefit. The proposal is therefore contrary to Paragraphs 16(2) and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the National Planning Policy Framework.

**Appendices: None**

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

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



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Mathewson Waters Architects (01488 73131) [www.mw-architects.co.uk](http://www.mw-architects.co.uk)



## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	08 October 2014
<b>Application Number</b>	14/06727/FUL
<b>Site Address</b>	Units 2 & 3 Abacus House Newlands Road Corsham SN13 0BH
<b>Proposal</b>	Change of Use from A1 (Retail) & A2 (Financial & Professional Services) to A5 (Hot Food Takeaway); Installation of Extraction/Ventilation Equipment & Replacement Shopfront.
<b>Applicant</b>	Third State Pizza Company Ltd T/A Dominos
<b>Town/Parish Council</b>	CORSHAM
<b>Division</b>	CORSHAM TOWN- Cllr Philip Whalley
<b>Grid Ref</b>	387044 170338
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Victoria Hodgson

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

The application is being presented to Committee at the request of Councillor Alan McArae to consider the grounds of scale of the development, visual impact upon the surrounding area and relationship to adjoining properties as well as the overabundance of fast food outlets in small area in centre of town.

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

To consider the above application and to recommend that planning permission be GRANTED to change the use of Units 2 and 3 Abacus House from A1 (Retail) and A2 (Financial & Professional Services) to A5 (Hot Food Takeaway) including the installation of a replacement shop front and installation of extraction/ventilation equipment.

### **2. Report Summary**

The main issues when considering this application are:

- Principle of the development (in this instance change of use)
- Design and visual impact
- Highway issues
- Impact upon neighbour amenity
- Impact on Conservation Area

Corsham Town Council supports the proposal, however objection comments have been received from Corsham Civic Society and local residents.

### **3. Site Description**

The site relates to the ground floor of two existing modern retail units located and close to the junction of Pickwick Road and Newlands Road on the edge of Corsham town centre. The upper floors are used as offices. The site is within the Conservation Area and within the Town Centre Secondary Frontage Area as defined in the Adopted North Wiltshire Plan 2011. There are two further units either side of the application site and there is a club and church to the rear and car park and other retail/service units on the opposite side of the road to the southeast. The nearest residential properties are located to the northwest approximately 70 metres away and on the opposite side approximately 30 metres to the southwest. The buildings currently have A1 Retail use and A2 Financial & Professional Services use.

### **4. Planning History**

N/99/02990/COU	CHANGE OF USE TO CLASS A2 (FINANCIAL AND PROFESSIONAL OFFICES) USE AS A CREDIT BROKER
N/94/02194/FUL	CHANGE OF USE FROM RETAIL TO ESTATE AGENTS OFFICE USE AS ESTATE AGENTS OFFICE
N/92/01335/S73	CHANGE OF USE FROM RETAIL SHOPTO ESTATE AGENTS OFFICE (A2) USE AS ESTATE AGENTS OFFICE
N/89/00643/FUL	CHANGE OF USE TO GROUND FLOOR ONLY FROM RETAIL A1 TO FINANCIAL SERVICES A2
N/04/00222/ADV	DISPLAY OF SIGNBOARD
N/04/01378/ADV	DISPLAY OF SIGNBOARD

### **5. The Proposal**

The planning application proposes the change of use of the ground floor of both units into a single unit operating an A5 use, Hot Food Takeaway with associated extraction/ventilation equipment and replacement shop front. The proposed takeaway would be occupied by Domino's Pizza and would employ approximately 35 part time staff. According to the application form the new premises would open between 11:00 and 23:00 Monday to Saturday and between 11:00 and 23:00 on Sundays and Bank Holidays.

Internally the units would be altered to facilitate the new use with customer area to the front of the store and oven area behind the counter. There would also be a cold store, store room, office and WC's. Externally the existing shop front would be replaced with a new timber framed shop front which would include panes of laminated safety glass. The position of the door to unit 2 would be repositioned to the side and used as the customer entrance/exit.

The extraction duct would run from the oven hood and through the rear elevation wall. It would run upwards and terminate approximately 1.3 metres above the rear elevation eaves. There would be two wall mounted compressors located at the rear elevation of the store, one of which would be used to maintain the temperature of the cold store whilst the other would be used for the air conditioning of the remainder of the unit.

Waste would be stored to the rear of the building and moved to the highway on collection days. Collection of waste would be organised by a private arrangement.

## 6. Planning Policy

- National Planning Policy Framework (NPPF) – Section 2: Ensuring the Vitality of Town Centres
- Adopted North Wiltshire Local Plan 2011 Policies:  
C3 Development Control  
HE1 Development in Conservation Area  
R2 Town Centre Secondary Frontage Areas
- Wiltshire Core Strategy:  
Corsham Area Strategy  
Core Policy 35: Existing employment sites  
Core Policy 36: Economic regeneration  
Core Policy 57: Ensuring high quality design and place shaping  
Core Policy 58: Ensuring the conservation of the historic environment

## 7. Consultations

- **Corsham Town Council – No objection**
- **Wiltshire Council Highways – No objection.** As there is a large car park for potential customers to the Take Away they recommend that no highway objection is raised against this application.
- **Wiltshire Council Public Protection (North) – Awaiting further comments**  
Matters considered Noise, Odour. The proposal is to change the use from Retail, Financial and Professional services to Hot Food Takeaway. The units are in a mixed area with some retail and some residential. The concern is that there is the potential for nuisance from odour (cooking processes) or noise (extraction, air conditioning, refrigeration and customers leaving the takeaway late at night.) I note that some specifications have been provided for the proposed ventilation system and more detailed information on the Cold Room and Air conditioning units. As a result the public protection officer has requested further information regarding the noise specification for the extraction flu at 1 metre, 3 metres and 5 metres and the distance to the nearest receptor in order to assess whether there would be any adverse impact.

The agent/applicant submitted the required information on 23<sup>rd</sup> September 2014. At the time of writing this report further comments from the public protection officer have not yet been received. These will be presented to the committee as a late item.

## 8. Publicity

- **Corsham Civic Society – Objection.** Corsham does not need yet another unhealthy food outlet. The position by the zebra crossing is unsuitable in any case.
- A total of five representations have been received as a result of the public consultation process. Two of the five comments are from residents of the same household. One of the representations comments that as their property neighbours the application site they should have been consulted. The following comments are raised,
  - The town does not need another takeaway establishment, especially pizza takeaway as there are already three pizza outlets in the town. A fourth outlet would be 'overkill'.
  - There are at least 8 takeaway food establishments in the town and these don't bring people into the town centre to support all other traders.
  - The Council will benefit initially from extra income, but will it do Corsham itself any favours having a pizza delivery service in this location? It certainly won't help the Martingate and High Street traders.

- The existing three pizza outlets are struggling to make a profit. There loss as a result of Dominos would result in more empty shops in the town centre. Recently three town centre shops have closed. Corsham is no longer a destination of choice for shoppers.
- Domino's will kill off a lot of hard working family businesses in the town.
- The brash fascia of Dominos would be completely out of character.
- If the planning office have any desire at all to keep Corsham as the quaint, historic town it still partially is, this application will not be considered.
- Parking issues. There are existing ongoing problems with illegal parking in the vicinity of the site. More illegal parking will increase the danger to pedestrians and other road users. In addition to this vehicles race down Pickwick Road, turn left into Newlands Road and are sometimes unable to stop at the crossing. The position of this site is far too dangerous for this type of business.

## 9. Planning Considerations

### Principle of Development (Change of Use)

The site relates to two existing commercial units located on the edge of the town centre within the secondary retail frontage. As such policy R2 of the North Wiltshire Local Plan (2011) applies in this instance. This policy states that,

*'Proposals for shops, financial and professional services, food premises, leisure facilities and night clubs (Use Class A, D1 and D2) will be permitted within the defined town centre secondary frontage areas of...Corsham...subject to all the following criteria:*

- i) They do not individually or cumulatively undermine the vitality or viability of the town centre.*
- ii) The proposal is consistent with the scale and function of the town centre.*
- iii) Consideration is given to ensuring that proposals do not eliminate separate access arrangements to the upper floors, which could be used for residential, community or employment uses.'*

Hot food takeaways have a role to play in the range of services provided for local communities but as a result of the nature of this type of development and the potential impacts, in terms of activity, noise and cooking smells etc., town centre locations are generally considered to be the most appropriate place for such a use. Hot food takeaways are, therefore, commonly found in town centre locations alongside retail and non-retail uses.

Corsham town centre includes a number of food establishments ranging from cafes, restaurants, hot food takeaways, sandwich shops, and public houses. The most recent survey conducted as part of the assessment for this planning application showed that there are a total of five existing premises which operate as hot food takeaways. Four of these are within 145 metre of the application site, a Chinese takeaway being the closest at approximately 20 metres from the site. The other three (a fish and chip shop, kebab/burger/pizza takeaway and a pizza takeaway) form a small concentration close to the junction of High Street and Pickwick Road, the close being approximately 112 metres from the application site.

Although the proposed change of use would increase the number of hot food takeaways within the town to six the town would still continue to have a good mix of uses if permission is granted for this proposal. In addition to this the application site is located on the outskirts of the town centre and over 110 metres from the small concentration of hot food takeaways located close to the junction of High Street and Pickwick Road and therefore would not result

in adding to this concentration. A hot food takeaway at this location would add to the variety of uses and support the vitality and viability of the town as a local centre, thus the principle of a hot food takeaway is considered to be acceptable at this location. The intended hours of operation between 11:00 and 23:00 seven days a week are considered reasonable and appropriate.

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. Officers consider that the proposal consistent with the scale and function of the town centre and would not, either individually or cumulatively undermine the vitality or viability of the town centre, rather that it would benefit the town to some degree by way of making good use of a vacant edge of town centre unit. In addition to this the proposal also has the potential to add to the mix of uses in the Secondary Retail Frontage, whilst not harming what would remain the predominantly A1 function of the Town Centre. Officers consider therefore that the proposal complies with policy.

### **Design and visual impact**

In terms of physical alterations to the building and the impact on the character of the Conservation Area, the proposal involves alterations to both the front and the rear of the building. The proposed works to the front of the building are relatively minor and would alter the existing modern shop front to a small degree.

### **Highway issues**

This a site which is located on the edge of the town centre where there is ample on and off street parking provision. Directly to the rear of the building is a good sized car park to the rear of the building. It is therefore considered that there is sufficient parking provision to meet the needs of staff and potential customers to the proposed hot takeaway establishment. The Highways Authority raises no objection to the proposal. Issues raised with regard to illegal parking are noted. However, enforcing highway law is a matter for the police.

### **Impact upon Neighbour Amenity**

The physical alterations to the building are fairly minor and would not result in loss of amenity to other properties in terms of overlooking, loss of light and shading.

At the time of writing this report officers are awaiting further clarification from the public protection officer with regard to the potential impact of the proposal on neighbour amenity.

### **Impact on Conservation Area**

The application proposes the change of use of an existing modern retail building located within the Conservation Area. There would be minimal alterations to the external appearance of the building as most of the works would be internal; however a new shop front is proposed. With regard to the new design, officers consider that the proposals are in keeping with the general character of openings and proportions of elevations as they are similar to the original. The fenestration and modern character of the row would not alter significantly as a result of the new shop front.

In addition, it is noted that there are limited rear elevation views of the property from public places within the Conservation Area which would ensure that the new extraction/ventilation equipment would not have a significant impact on the historic environment.

For these reasons it is considered that the proposed development would not have detrimental impact on the area and thereby preserve the historic character of the Conservation Area.

### **Other matters**

The objection comments relating to the number of hot food takeaways in Corsham are noted; however competition is not a material planning consideration.

Objectors have raised concerns regarding signage; to clarify; this application does not include any signage or adverts. Any proposed advertisements would be subject to the terms of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

### **10. Conclusion**

The proposals are considered to be in accordance with the relevant development plan policies and guidance as stated above and as there are no material considerations which would override the presumption in favour of the development plan, the application is recommended for approval subject to conditions.

### **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 There shall be no customers/members of the public on the site outside the hours of 23:00 in the evening and 11:00 in the morning from Mondays to Fridays and between 23:00 in the evening and 11:00 in the morning on Saturdays, Sundays and Bank or Public Holidays.

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

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

DB111-EX-01; DB111-EX-02; DB111-GA-03; DB111-EI-04; and DB111-LP08, received and date stamped by the LPA on the 17 July 2014; and 'Planning Design and Access Statement'; and 'Supporting Annex B Document for Proposed Ventilation System', received and date stamped by the LPA on the 10 July 2014.

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

#### **INFORMATIVE TO APPLICANT:**

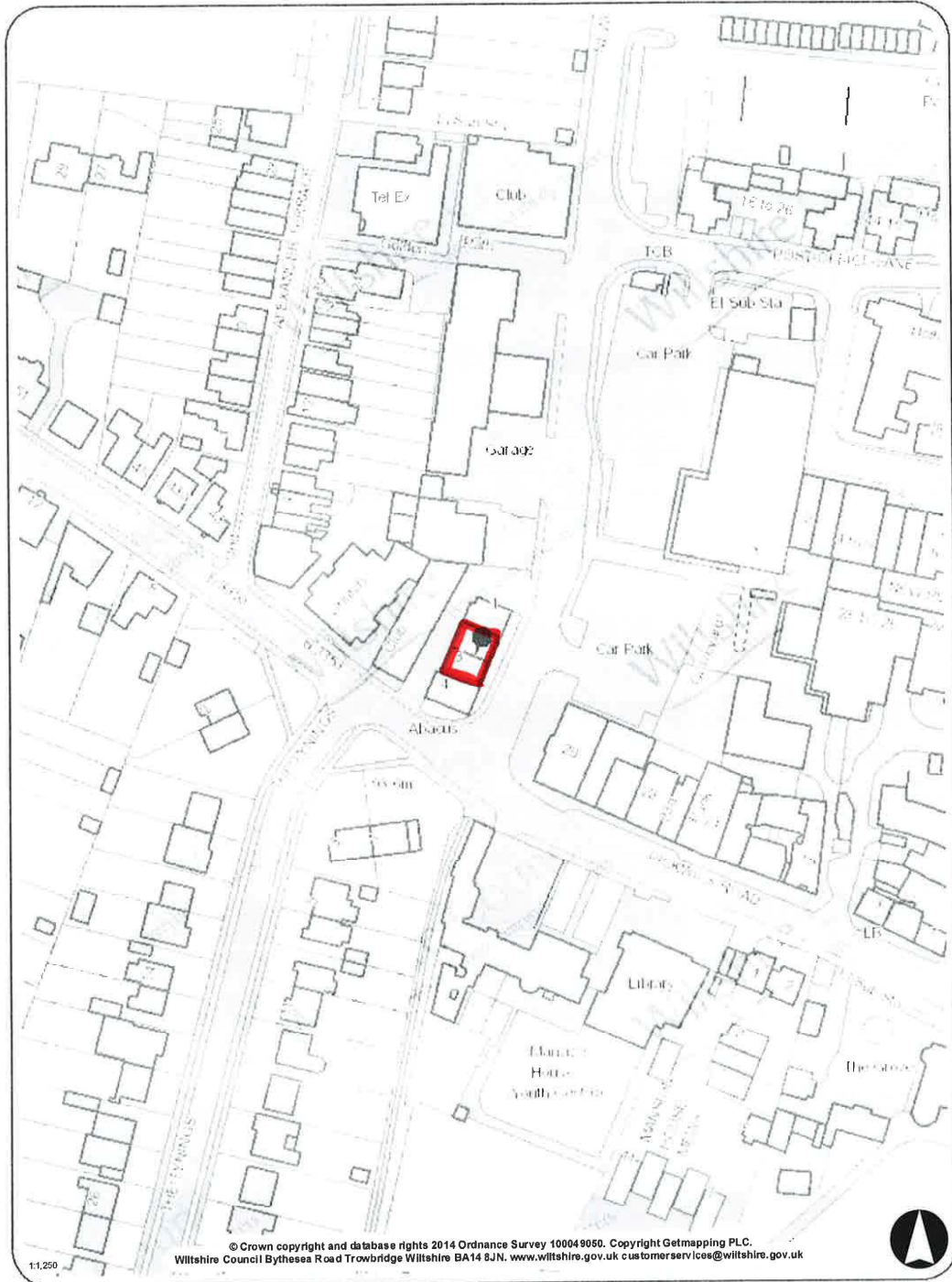
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

#### **INFORMATIVE TO APPLICANT:**

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.





## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	8 <sup>th</sup> October 2014
<b>Application Number</b>	14/03343/FUL
<b>Site Address</b>	Land at Brynards Hill Royal Wootton Bassett
<b>Proposal</b>	Hybrid Planning Application comprising: Full Planning Application for 68 no. Residential dwellings with associated roads, footways, parking, landscaping, landscaping, drainage and open space, along with Outline Planning Application (with all matters reserved) for 1 ha of land for a 39 bed care home (Use C2) and 22 no. Age restricted dwellings (use C3) and Country Park.
<b>Applicant</b>	Wainhomes (South West) Holdings Limited
<b>Town/Parish Council</b>	ROYAL WOOTTON BASSETT TOWN COUNCIL
<b>Division</b>	ROYAL WOOTTON BASSETT SOUTH – Cllr Chris Hurst
<b>Grid Ref</b>	408096 181869
<b>Type of application</b>	Hybrid Full and Outline Planning
<b>Case Officer</b>	Lee Burman

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

Councillor Hurst called the application to Committee to consider the scale of development proposed and the environmental and highway impact of the development.

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

To recommend that authority be DELEGATED to the Area Development Manager to grant planning permission subject to the signing of a Section Agreement and the conditions listed below.

#### **2. Report Summary**

13 Representations of objection from Local Residents. Royal Wootton Bassett Town Council raises objection to the proposals.

#### **3. Site Description**

The site is located immediately to the south of the Interface Business Park off Bicknoll Lane and to the south of Brynards Hill and the ongoing residential development at this location. The site is accessed from the extension to the ring road that leads into the Interface Business Park. Situated to the north of the railway. The site is open agricultural land of largely level ground with some changes in levels and higher ground to the north and sloping in

a south easterly direction. The site features some matures hedgerows including mature trees.

#### 4. Planning History

N/93/00582/FUL	Construction of 2-arch culvert to allow excess canal water to pass under footpath/towpath 2-arch culvert	Approved
N/01/00147/TN2	Replacement of existing telecommunication mast and equipment with 15m telecommunication mast, antenna & equipment cabin	Withdrawn
N/02/00084/OUT	Outline application for residential development (4.2 hectares) and industrial development (6.3 hectares) including details of means of access	Withdrawn
N/02/00083/OUT	Outline application for residential development (2.16 hectares) and industrial development (2.1hectares) including details of means of access	Withdrawn
N/02/00843/OUT	Outline application for office, industrial and warehousing development (b1, b2 & b8) with detailed means of access	Refused
N/03/00268/FUL	Proposed motorcycle shed (revision to 02.01817.ful)	Approved
N/03/03395/TN3	Replacement 17.5m monopole, including dishes and ground equipment	Withdrawn
N/04/01334/OUT	Extension of existing interface business park (use classes b1, b2 and b8)	Withdrawn
N/04/02443/ADV	Freestanding static signs in 'a' formation	Approved
N/04/02955/TN3	Installation of six antennas, two transmission dishes together with ground based equipment to existing telecommunications mast	Permitted Development
N/04/02772/OUT	Extension of existing interface business park (use classes b1, b2 & b8) (revised site area)	Refused
N/04/02916/COU	Change of use from b2 (general industrial) to b1(business), b2 (general industrial) and b8 (storage and distribution) use	Approved
N/04/03418/FUL	Erection of new perimeter security fence	Approved
N/06/00748/OUT	Mixed use development for up to 70 dwellings, 5.01 ha extension to interface business park, access, landscaping & associated works	Withdrawn
N/06/00747/COU	Change of use to country park	Withdrawn
N/09/00870/FUL	Change of use to a country park	Appeal Allowed

N/09/00871/OUT	Mixed use development for up to 100 dwellings and 4.9 hectare extension of interface business park, access, landscaping and associated works - outline	Appeal Allowed
N/10/02165/FUL	Extension to interface distributor road	Approved
N/10/02399/REM	Erection of 100 dwellings and associated works	Approved
N/10/03055/FUL	Residential development of 50 dwelling houses and associated works.	Appeal Allowed
N/10/04598/S73A	Removal of condition 5 of n/10/02165/ful - submission of full operation & maintenance strategy	Withdrawn
N/11/04162/FUL	Phase 3 - erection of 43 dwellings with associated roads, sewers, landscaping, parking, garages and associated works.	Refused
N/12/01772/FUL	Proposed substitution of plots 54, 61, 65, 66, 69, 76, 77, 87, 88, 120 & 143 (variation of n/10/02399/rem and n/10/03055/ful).	Approved
N/12/04026/FUL	Erection of 43 residential dwellings with associated roads, sewers, landscaping, parking, garages & associated works (resubmission of n/11/04162/ful)	Approved

## 5. The Proposal

This is a hybrid Planning Application comprising: Full Planning Application for 68 no. Residential dwellings with associated roads, footways, parking, landscaping, landscaping, drainage and open space, along with Outline Planning Application (with all matters reserved) for 1 ha of land for a 39 bed care home (Use C2) and 22 no. Age restricted dwellings (use C3) and Country Park. The proposal in part relates to land that already benefits from consent for employment related uses in the B1 B2 and B8 use classes – the extension of the Interface Business Park. In addition a small part of the site relates to land that benefits from consent for the provision of a Country Park, whilst the current application effectively seeks to amend that site area reducing the proposed site area of the country park by approximately 3 hectares from that originally proposed under application N/09/00870/OUT. Similarly the proposals seek to relocate and reconfigure the recently granted consent for the Country Park car park.

## 6. Planning Policy

National Planning Policy Framework

Paragraphs 14, 17, 22, 32, 34, 47, 49, 50, 58, 60, 61, 70, 100, 103, 109, 118 and 123

Planning Practice Guidance

North Wiltshire Local Plan 2011

C2 Community Infrastructure

C3 Development Control Policy

NE9 Protection of Species

NE10 Managing Nature Conservation Features

NE11 Conserving Biodiversity

NE14 Trees and the Control of New Development

NE15 Landscape Character of the Countryside

NE18 Noise and Pollution

T1 Minimising the need to Travel

T2 Transport Assessment and Travel Plans

T3 Parking

T4 Cycling Walking and Public Transport

H4 Residential Development in the Open Countryside

H5 Affordable Housing In Urban Areas

BD2 Safeguarding Existing Business Uses

CF2 Leisure Facilities and Open Space

CF3 Provision of Open Space

Emerging Wiltshire Core Strategy (Submission Draft as proposed to be amended) April 2014

CP1 Settlement Strategy

CP2 Delivery Strategy

CP3 Infrastructure Requirements

CP19 Spatial Strategy: Royal Wootton Bassett and Cricklade Community Area

CP35 Existing Employment Sites

CP41 Sustainable Construction and Low Carbon Energy

CP43 Providing Affordable Homes

CP45 Meeting Wiltshire's Housing Needs

CP46 Meeting the Needs of Wiltshire's Vulnerable and Older people

CP50 Biodiversity and Geodiversity

CP51 Landscape

CP52 Green Infrastructure

CP57 Ensuring High Quality Design and Place Shaping

CP60: Sustainable transport

CP61: Transport and development

CP62: Development impacts on the transport network

CP67: Flood risk

## **7. Consultations**

**Spatial Plans** No objection subject to the Economic Development Team consideration of the loss of employment land and Landscape Officers' consideration of visual impact on the character and appearance of the area. Planning policy considerations and comments of the Spatial Plans Team detailed further in the body of the report.

**Economic Development** Following the submissions of details confirming the extended period of marketing without producing interest and the availability of properties within the existing business park no objection raised.

**Estates Department** Following submission of details and evidence confirming marketing of the site Officers agree that the site has been effectively marketed at appropriate valuation and there is no interest expressed. No objection.

### **Landscape Officers**

Considering the site history of granting planning permission and the Planning Inspectorate assessment of proposals at this locality and the subsequent extant consent for employment uses at the site no objection is raised.

### **New Housing Team**

In respect of the Elderly Persons Home Officers sought clarification as to the intended care group, residential or nursing care, whether or not people with dementia would be included, evidence of the need, potential operator and proposals for safety of residents. The proposal is in Outline with all matters reserved at this stage in order to ensure some flexibility as to provision. The age restricted dwellings will be limited to 55+ age group and the care home

would be for retirement age +. Following these further submissions from the applicant Officers raised no objection and provided the Co0uncil's Older People's Strategy which identifies needs in the locality to inform future development of the proposals.

In respect of Affordable Housing Officers identify that proposals include 40% provision which is in accord with the eWCS. Tenure Mix should be 80% rent with 20% New Build Home but. It is further identified that a proportion (not specified) of the elderly persons accommodation should also be affordable housing which was not specified in the submissions proposals. It is considered that this matter can be addressed through the preparation of the S106 Agreement.

**Highways Officers** Initial objection raised due to lack of detail and inadequate parking provision. Following receipt of revised plans further concerns raised as to the adequacy and layout of the parking provision and further amendments were sought. Further information requirements were also identified in respect of refuse vehicle tracking for the proposed road layout and confirmation of details for the layout of cycling and walking routes and their future maintenance. At the time of writing the applicant has confirmed in writing an intention to submit further revised plans and additional information to address these requirements in advance of the Committee meeting. This matter will be reported as a late item.

### **Ecology**

Given the extant consent applicable to this site no objection in principle subject to "Grampian" condition to require implementation of the agreed Ecological Management Plan (EMP) for earlier phases of development which in part relate to the Country Park site and which do not appear to have been implemented to date as was required by the EMP.

### **Archaeology**

No objection.

### **Public Protection**

Environmental Health Officers identified a requirement for Noise and Lighting Assessments to consider the impact of industrial noise and floodlighting operations at the business park. The applicant has prepared and submitted Assessments and the Officers consider that the impacts and arrangements will be acceptable subject to agreement of design details of the Elderly Persons Home at Reserved Matters application stage. Wessex Water recommended consultation with Environmental Health Officers in respect of potential alteration to consultation zones re: odour pollution related to sewage treatment works. Officers identified that there had been no complaints received in this respect for this locality and consequently officers consider there is no reason to believe that the works would cause an adverse odour impact for future residents. No objections raised.

### **Urban Design**

Officers identified significant concerns in respect of the initial application submissions including poor linkages to the existing urban area of the town and its services and facilities; poor legibility in the housing layout; extensive use of cul de sacs not providing access through to the open space and the town beyond; inadequate parking provision; and inconsistent use of materials resulting in a confused design character. Following the

submission of revised plans officers considered that these concerns were partially addressed but with further minor amendments' would be fully addressed. It was recommended that one of the access routes across the Country Park should be cycleway standard; Open plan frontage to plots adjacent the country park; further opening up of the hedgerow to link through the site to the country park (no objection to this from Landscape Officer and Ecologist); Additional use of stone facing to dwelling elevations on the principle access route; additional parking provision for several plots. At the time of writing the applicant has committed in writing to providing further revised plans to address the final outstanding minor design amendment alongside the amendments required to address Highways Officer's comments. The applicant has committed to providing these revised details in advance of the Committee meeting and the position will be formally confirmed in late items and observations.

### **Drainage Engineers**

In initial representations Officers identified concerns in respect of the foul drainage system capacity and recommended consultation with Wessex Water. Further concerns were also identified as to albescence of some detail as to the proposed foul drainage proposals. In addition Officers identified that the surface water drainage strategy and Flood Risk Assessment proposed drainage to the Woodshaw Flood Storage Area which is an Environment Agency Facility and recommended consultation with the Agency. Subject to responses received and the use of conditions to secure provision of detailed proposals for surface water and foul drainage in advance of the commencement of development. No objections raised.

### **Wessex Water**

Identified that their apparatus in form of pipelines exist on site albeit no definitively plotted on available plans. As such diversions or alterations to the layout may be required once detailed investigations and proposals for foul drainage are completed. Wessex Water also identified that in respect of the proposed foul discharge to the Wootton Bassett Sewage Treatment Works that further appraisal will be required to consider the impact of the proposed development upon the existing syphons and pumping station. The developer will be expected to contribute towards the cost of study and any resulting capacity improvements. In respect of surface water drainage proposals to the Woodshaw Storage Area that earlier phases of development at Brynards Hill were required to provide reprofiling works to increase storage capacity and that these works have not been implemented. As such the additional works are still required. Given this position Wessex Water raise no objection subject to conditions requiring the provision of details for foul and surface water drainage in advance of development.

### **Environment Agency**

No in principle objection however the Environment Agency has surveyed the Woodshaw Storage Facility and identified that the agreed improvement works tied to previous planning permissions as Brynards Hill have not been implemented. Under planning applications 09/00871 and 10/03055, and the ensuing Operation and Maintenance (O&M) Strategy (Issue 6 April 2011) there was a requirement to undertake excavation/re-profiling works to enlarge the FSA in order to facilitate the proposed unattenuated runoff from these

developments. The submitted FRA and drainage strategy proposes further discharge to this facility on the basis that there is sufficient capacity following implementation of these works. As the works have not been implemented there is insufficient capacity and a holding objection is issued until additional information regarding the implementation of the agreed works and subsequent water storage capacity is submitted and/or the agreed works are implemented. The applicant has subsequently written to the Environment Agency to confirm that the works have not been implemented but implementation will take place prior to the commencement of development. The applicant has proposed the use of "Grampian" condition to this effect and will provide formal recording of the operations to confirm implementation. At the time of writing the Environment Agency's response is awaited and will be reported as an additional item.

### **Environmental Services**

Raise no objection but identify a requirement for financial contributions of £25,358 toward built leisure facility provision (Indoor Swimming Pool enhancements); and clarification as to the long term management and maintenance of the Country Park. An estimate of the commuted sum likely to be required for the Country Park based on available information has been provided of £277,463 covering a 20 year period.

### **Education**

Officers have identified a requirement for primary and secondary school place provision that cannot be met from existing facilities based on current and projected school rolls. Primary School £234,752 and Secondary School £248,092. Subject to provision no objection is raised.

Officers have also identified a requirement for financial contributions to early years provision but at this stage the justification does not appear to assess existing available capacity or to provide an explanation as to why provision for ages groups 2, 3 & 4 has risen from 20% of children to 40%. In addition the statutory requirement to make provision is conditional to where reasonably practicable. The Council itself does not provide facilities and seeks provision from the private sector. There is no express support within adopted and emerging policies for early years education provision. As such it is considered that there is currently no sound and justifiable requirement for financial contributions that could be defended if challenged through an appeal. The case officer has not sought to secure these contributions with the applicant via a Section 106 agreement.

### **Public Art**

Officers queried whether or not consideration had been given to public art provision in consultation with the applicant. This matter has not been raised as a financial contribution requirement as it is considered that the hybrid nature of the application requiring the submission of further details and the proposals for the provision of a country Park offer ample opportunity for the development to incorporate features as part of the proposals. In addition the Council has yet to adopt policies supporting formal contribution requirement to public art.

### **Wiltshire Fire & Rescue**



Raised no objection to the proposals but sought financial contributions toward the cost of fire hydrants. The Council's adopted policies do not provide a sound and defensible basis for such a requirement. Recommendations for consultation with the service in respect of provision for sprinkler systems, water supplies for fire fighting, access for emergency vehicles and Fire safety legislation are included. This can be addressed through the use of informatives.

### **Right of Way Team**

Officers identify that the site is affected by public rights of way and diversion orders will be required and consultation with the team in this respect is recommended. This can be addressed through the use of informatives.

### **Royal Wootton Bassett Town Council**

Strongly objects to the proposal on the grounds of conflict with NWLP policy C3 criteria i ii vi & x; the site is within a flood risk zone and conflicts with NWLP policy NE21; the site is a principle employment area as defined by CP35 eWCS; the site is wholly unsuitable for the proposed use by remote form services and facilities and not served by public transport; the topography of the site is not conducive to elderly persons; and harm to the landscape setting. The Town Council also query if a separate change of use permission would be required. In this latter respect officers note that the Hybrid Outline and Full Planning Application would address this matter and no separate application for Change of Use would be necessary.

### **Local Residents**

13 letters of representation were received raising objections and concerns as follows:-

- conflict with NWLP policy C3 criteria i ii vi & x;
- the site is within a flood risk zone and conflicts with NWLP policy NE21;
- the site is a principle employment area as defined by CP35 eWCS;
- the site is wholly unsuitable for the proposed use by remote form services and facilities and not served by public transport;
- the topography of the site is not conducive to elderly persons; and harm to the landscape setting
- provision of employment on this site was part of the justification for earlier phases of residential development, the requirement for employment land remains;
- Conditions requiring completion of landscape and provision of the country park scheme in advance of completion of the housing are required;
- Inadequate infrastructure in the town
- Traffic congestion at peak times on local roads leading to J16 of the M4;
- Greater effort to secure the employment provision is required;
- Inadequate medical services in the locality
- Loss of well use Right of way (footpath WBAS10);
- The area for the country park is being gradually eroded for piecemeal residential development;
- Local schools and doctors surgeries are at capacity;
- The location is very damp and unsuitable for the elderly;
- Inadequate marketing of the employment land;
- Planning Application was inadequately advertised;
- The proposed country park area is of ecological value which would be lost;

- Country Park will provide a location for anti social behaviour;
- Further housing without employment provision promotes put commuting to Swindon;
- All the proposed housing should be affordable;
- Noise pollution to future residents from the adjacent rail line;
- Inadequate shopping facilities and parking provision.

## **8. Publicity**

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

## **9. Planning Considerations**

### **Principle of Development**

The proposed site for development is located outside of the existing defined settlement framework boundary for Royal Wootton Bassett and within the open countryside. The site is not one that is allocated within the adopted North Wiltshire Local Plan (NWLP) or the emerging Wiltshire Core Strategy (eWCS) or any other development plan document for the proposed development. The proposed development of residential dwellings, age restricted residential dwellings, elderly persons care home and associated development is not development that would be supported under the adopted NWLP policies in that it is not for the purposes of agriculture or forestry. The proposed country park situated in close proximity to the settlement boundary and benefiting from a previous planning permission would be acceptable in principle.

In addition the Council considers that it can demonstrate a 5 years supply of available and deliverable sites for housing plus a 5% contingency in accord with the requirements of the NPPF. It is noted that in recent appeal decision Inspector's have identified that the Council has less than 5 years supply but this was based on draft Housing Land Supply Assessment and followed the significant alteration to the housing land requirement that emerged out of the eWCS Examination Inspector's 10<sup>th</sup> Procedural letter following the examination of the submission draft document. The Council has undertaken a full and comprehensive Housing Land Supply Assessment with a base date of April 2014. This incorporates the revised housing requirement, latest information from developers as to housing trajectories for sites with permission, and monitoring data as to sites under construction. On this basis the Council has identified a 5.85 years supply of land for housing. Even taking into account conclusions of Inspectors' in recent appeal decisions as to assumptions on delivery from sites with permission and from Strategic Allocations on a worst case scenario basis the Council maintains that there is a 5.43 years supply of land for housing. The eWCS identifies a requirement for the Royal Wootton Bassett of 1070 homes. The latest Housing Land Supply assessment identifies that at April 2014 Royal Wootton Bassett has a residual housing target of 162 dwellings over and above the sites delivered or committed at the town since 2006.

There are, however, a range of other material considerations to take into account in any assessment of the principle of development as proposed in this location. Firstly the area of the site proposed for residential and care home development already benefits from an extant planning permission for development. Whilst this consent is for employment related

purposes the site has permission for built development. The issue regarding loss of this employment land is addressed further below. Given this extant permission, implementation of previous related permissions nearby and the proposed approach of the Site Allocations Development Plan Document that is under preparation it is anticipated that the settlement framework boundary of Royal Wootton Bassett will be amended in this specific locality to include the land within the defined area of the town very shortly. As such the site would become a location where the development proposal would be acceptable in principle subject to site-specific considerations.

Secondly, there have been recent Court of Appeal judgements of relevance to the consideration of housing proposals in the absence of an adopted up to date development plan and which advance interpretation of the NPPF. One decision of particular relevance (Dartford Borough Council V Secretary of State and Skillcrown Homes Limited) has identified that in the context of para 14 of the NPPF the assessment of housing proposals must be undertaken holistically and that the decision maker must undertake an assessment of whether or not the positive attributes of the development outweigh the negative. This is particularly the case if the development plan is out of date and regardless of the Local Planning Authority being able to demonstrate an available and deliverable 5 year supply of land for housing. As will be seen through the assessment set out under the headings below it is not considered that there are significant site specific objections to the proposed development that are not capable of effective mitigation. As already noted the site is highly likely to be one which will be brought within the defined framework boundary of the town given the extant consents on site. As such it is not considered that this site can be identified as in fundamental conflict with the strategy for the Town as set in CP19 of the eWCS. The Council's Spatial Plans Team have confirmed that there is no in principle objection given this situation. The harm that would arise relates to the loss of the employment land (addressed further below); the pollution and additional congestion from additional traffic movements; and the likely out commuting of a significant proportion of the future population for employment, shopping and leisure purposes. It must also be identified that there are benefits arising from the proposed development including the provision of housing to meet local community needs, including for elderly persons, the economic benefits arising both from construction and the local expenditure of the additional population, the provision of the Country Park facility, and the employment benefits arising from the elderly persons home. On balance given that there is not an adopted plan in place and many relevant policies are consequently out of date it is not considered that the harm identified is so significant in this instance as to outweigh the benefits of development such that consent ought to be refused in principle.

This position is further reinforced by the likely timeframes for the preparation of relevant development plan documents including the Site Allocations Development Plan Document and the Neighbourhood Plan for the Royal Wootton Bassett locality. These documents are at the early stages of preparation and it could not be successfully argued that this development is of such a scale and location that it prejudices the local community's ability to determine of the scale and distribution of development through these DPDs and is therefore premature to preparation of these DPS.

The provision of residential accommodation to meet the needs of elderly and vulnerable persons accords with the Council's Elderly Persons Accommodation Strategy which identifies a requirement for provision in the Royal Wootton Bassett locality. It is also to

accord with the eWCS policy CP46 which permits proposals for extra care housing and elderly persons homes in sustainable locations within and adjacent established settlements, where there is an identified need.

### **Loss of Employment Land**

Both the adopted NWLP and the emerging WCS contain policies that seek to retain existing employment land subject to certain criteria. This includes existing commitments in the form of extant permissions in relation to Policy BD2. Policy BD2 of the NWLP 2011 identifies three exceptions criteria including exploring the retention of the site/commitment fully without success including marketing of the property for at least 1 year at an appropriate market rate and where the site is no longer required to meet economic needs. The emerging WCS CP35 seeks to retain land and buildings used or last used for B1 B2 B8 employment uses. The committed employment site is part of the pool of sites referred to in Core Policy 2. CP35 policy contains criteria which provide exemptions to this including where there is valid evidence that the site has no long term and strategic requirement to remain in employment use. The criteria goes on to state that it must be shown that the site is no longer viable for its present or any other employment use and that, in addition, it has remained unsold or un-let for a substantial period of time (at least 6 months), following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account prevailing market conditions. Both policies allow for alternate uses where these would also provide employment opportunities.

The applicant has submitted evidence that the property has been fully marketed in trade publications and using other industry approaches, at a reasonable valuation (£150,000 per acre), for a period in excess of 4 years. This exercise has not generated any significant and proceedable interest in development and use of the site for employment purposes. In addition the applicant's agents have identified that there are existing sites within the Interface Business park that have also remained un-let for substantive periods.

The Council's Economic Development Team and Estates Department have assessed the submissions. Additional information and evidence in support of the submitted statements was requested from and provided by the applicant. In addition the Economic Development Team requested that Public Protection Officers assess the proposals in the context of the potential for noise disturbance from the existing business park operation to future residents. The concern being that future noise complaints may be received which could compromise the future operation of employment uses at the business park. This matter is addressed further below. Following the additional submission neither team raises objection to the proposed development and the loss of this employment commitment considering that the evidence demonstrates that there is limited demand for employment land in this location. This reflects the proximity to Swindon and the substantive release of land for employment uses in and around this urban area i.e. Wichelstowe.

Finally it should also be noted that the proposals will provide local employment opportunities through the development and provision of the care home. The applicant submits that the care would provide a significant level of local employment. Whilst not in the order of that which could potentially have come forward from B1 Office development of the site it is still a material consideration and particularly in the context of no employer interest in developing the site for B1 B2 or B8 uses. Furthermore, at paragraph 22 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 it is considered that the development is acceptable in principle.

### **Impact on Highways Network and Parking Provision**

The site is well served in road access terms by the extension to the distributor road serving the existing business park which can be accessed from the east without drawing traffic through the town itself. It should also be noted that the site has consent for employment related uses which will generate a significant level of transport movements in themselves. The proposals include pedestrian and cycle links through to the recent and ongoing residential development to the north west and the town beyond, these will pass through the country park and lead to the informal open space serving the new residential development to the NW. Whilst the site is located on the edge of the settlement and somewhat separated by the built form of the business park the proposed and existing pedestrian links through to the town are considered to provide a reasonable level of accessibility. Certainly it is not considered that the site is so remote and wholly separate from the existing settlement and town centre that it would be wholly unsustainable and such that consent ought to be refused on these grounds.

Highways Officers have reviewed the initial and revised plan submissions and identified a series of queries in respect of the level of parking provision to serve the new residential, properties; and in terms of the road layout for the residential development in terms of the scale of junctions and provision of adequate visibility splays. At the time of writing the applicant has committed to addressing all of these matters comprehensively in further revised site layout plans and supporting statements. The applicant has committed to further submissions in this respect in advance of the Committee and officers will report on the situation through late observations. It is considered that the concerns raised by Highways Officers are readily capable of being addressed and the Applicant has provided written confirmation of intention to do so in advance of the Committee and on this basis the case officer does not consider that there is a sound basis for refusal of the application. It should also be noted that the requirement to prepare and complete a planning obligation will provide sufficient time to fully resolve any outstanding minor matters in respect of the detailed layout of the residential element of the site.

### **Design Character**

The Council's Urban Design Team have reviewed the application submissions and revised plans and provided detailed input on both iterations. The applicant has responded to the initial comments and provided revised scheme proposals. This relates to the full application scheme proposals for the market residential element of the scheme. No details are available in respect of the care home, age restricted properties and country park at this stage.

The Urban Design Team identified concerns in respect of the character and continuity of characterisation of properties throughout the scheme particularly in terms of the use of materials, orientation of properties, arrangement of public and private spaces and vehicular and pedestrian linkages through the site and connectivity through to the Country park and the services and facilities located within the town centre. Further comments following

revisions centred on detailed arrangements with respect to parking provision, legibility through the site and the use of materials and treatment of principle route facades of the proposed dwellings. At the time of writing the applicant has committed in writing to providing further revised plans to address the final outstanding minor design amendment alongside the amendments required to address Highways Officer's comments. The applicant has committed to providing these revised details in advance of the Committee meeting and the position will be formally confirmed in late items and observations. It is however considered that the outstanding matters are minor in nature and can be readily addressed. In this context the requirement to prepare and complete Planning Obligation will provide sufficient timeframe to address such minor details.

As regards the elderly persons care home, age restricted dwellings and country park all matters are reserved including design, scale, layout and appearance. The plans include an indicative layout for these elements such that the relationship with the proposed market housing can be considered and this arrangement and relationship is assessed to be appropriate and acceptable.

### **Residential Amenity**

With respect to the layout arrangement of proposed dwellings in relation to one another and the proposed care home and age restricted properties it is considered that the residential amenities of future occupants will be acceptable and would not be in conflict with adopted and emerging policies such that planning permission ought to be refused. Given significant distance between the development site and the nearest existing properties it is not considered that the proposals would have any impact on existing residential amenities.

As noted above the Economic Development team identified concerns in respect of the potential for noise disturbance to future residents of the residential dwellings and care home property. Consultation with the Public Protection Team was undertaken and the need for noise and lighting impact assessments was identified. The applicant prepared and submitted both and Environmental Health Officers confirmed that the assessments demonstrated no significant potential for harm to the proposed residential properties and care home. On this basis it is considered that the proposals would neither result in significant levels of noise disturbance complaint in respect of the adjacent employment development, or that the residential amenity of the proposed residential properties and care home would be compromised and harmed such that a substandard level of amenity would result.

### **Impact on the Character and Appearance of the Locality**

It must be recognized that the site benefits from an extant permission for significant, large scale employment related development and in this context the proposals would not have any greater visual impact on the local landscape character or visual amenity of the locality. In many respects the development of residential dwellings and the care home alongside the Country park would be more in accord with the existing character and appearance of the town that that which is approved. In this respect and given the findings of previous appeal decisions in respect of earlier phases of development at Brynards Hill and the Inspectors' conclusions on landscape matters it is not considered that a sound and defensible reason for refusal exists in respect of visual impact on the character and appearance of the locality.

## Drainage

Wessex Water, the Environment Agency and the Council's Drainage Engineers have all been consulted on these proposals. Both Wessex Water and the Council's drainage engineers raise no objection to the proposals subject to the use of "Grampian" conditions requiring the submission and approval of full details in respect of foul drainage services and surface water drainage. In addition both identify the need for assessment of capacity in the foul sewer network which must be assessed at the expense of the developer. The output of such assessment will inform the detailed proposals for foul drainage provision.

At the time of preparation of this report the Environment Agency has raised no objection in principle to the proposed development but has issued a holding objection in respect of the submitted surface water drainage strategy. The strategy proposes to discharge unattenuated surface water from the proposed development site into the Hancock's Water Flood Storage Area (FSA).

The impounding structure to the FSA is owned and maintained by the Environment Agency. It has recently been subject to an inspection by a Reservoirs Engineer whose report states that the structure is currently in a poor condition. The FSA currently does not hold enough water to come under the Reservoir Act, but it will fall under the act if the proposed changes to the Flood and Water Management Act come into force. The Environment Agency has some concerns that further discharge of water above the existing discharge from the completed element of the wider scheme may increase risk to the structure, if the compensatory works discussed below have not been adequately undertaken. Under planning applications 09/00871 and 10/03055, and the ensuing Operation and Maintenance (O&M) Strategy (Issue 6 April 2011) there was a requirement to undertake excavation/re-profiling works to enlarge the FSA in order to facilitate the proposed unattenuated runoff from these developments.

The FRA submitted under the current planning application states that this excavation work has been carried out. However, during a recent site visit by Environment Agency officers to inspect the impounding structure these works were not evident. The general state of the FSA indicated that it may not have been maintained to an appropriate standard in accordance with the agreed O&M Strategy (April 2011). Therefore, prior to accepting any further drainage under this application the Environment Agency requires the applicant to demonstrate that there is no increased flood risk by submitting:

- Evidence that the previous permitted re-profiling of the FSA has been undertaken in accordance with the approved plans under planning permissions 09/00871/OUT and 10/03055/FUL. This should be confirmed by the provision of before and after survey evidence.
- Confirmation of the capacity of the FSA; capacity available to receive the discharge; anticipated water level; and the volumes of surface water currently discharging to the FSA.
- We also require evidence that the O&M Strategy is being appropriately implemented, we would have no objection to the proposed surface water discharge into the FSA subject to the planning conditions and comments below.

Providing that the appropriate information can be submitted the Environment Agency has stated that it would be able to withdraw their holding objection and offer a conditional

response.

The applicant has submitted information and proposals to the Environment Agency in response to the above identified requirements for agreement. This identifies that the improvement works identified above have not been implemented to date but that the applicant proposes use of a Grampian condition to restrict implementation of development until all necessary works have been completed. At the time of writing the Environment Agency's response is awaited and will be reported as a late item. Subject to the Environment Agency's response it is considered that in principle the holding objection could be overcome by use of such a condition. In addition the timeframe for preparation of the required Section 106 agreement would offer scope for the commencement of these works well in advance of development. This has been put to the applicant and they have confirmed in writing their intention to proceed with the agreed works immediately. On this basis it is not considered that there is a sound and defensible objection on the basis of inadequate provision for surface water drainage that could not readily be overcome.

### **Planning Obligation**

Requirements in respect of Affordable Housing provision at 40% as required under the emerging WCS; Education provision (primary & secondary school places); built leisure facilities; and cycle and pedestrian facility provision and maintenance have all been identified. In addition the Council has identified a requirement for the future maintenance of the Country Park and provided an estimate of commuted sums in this respect. The applicant has submitted Heads of Terms for a Planning Obligation which addresses all these matters and makes provision for a private management company to manage and maintain the Country Park. As such it is considered that these requirements are addressed by the applicant and there is no basis for refusal in this respect.

## **10. Conclusion**

Given the current position in respect of the WCS, site allocations DPD, Neighbourhood Plan; the extant consent for employment development on the site and recent appeal decision and High Court Judgements in respect of residential development it is considered that there is no sound basis to identify in principle objections to this development proposal. It is accepted that the applicant has effectively marketed the site for the approved use and that there is no evidence of proceedable interest in the site for employment development. Similarly that there is evidence that existing employment provision is not being taken up. On this basis it is considered that the site is not required for employment use in the foreseeable future. It is also considered that in terms of the balance between the harm and benefits arising from development that the proposals represent a marginal benefit and that a refusal of permission would not be defensible in principle. In this respect concerns over drainage, noise and lighting pollution, highways impact, parking provision and design and layout of the development can readily be overcome through further scheme revisions, information provision and use of conditions such that permission can safely be granted.

## **RECOMMENDATION**



To DELEGATE authority to the Area Development Manager to grant planning permission subject to the signing of a Section 106 agreement and the following conditions:-

**WA1 FULL PLANNING PERMISSION -COMMENCEMENT 3 YEARS**

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

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

**WA2 OUTLINE PLANNING PERMISSION -COMMENCEMENT**

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.

**WA3 APPROVAL OF CERTAIN RESERVED MATTERS**

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;
- (e) The means of access to the site.

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

**WA4 RESERVED MATTERS TO BE SUBMITTED**

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.

**WB1 SUBSEQUENT APPROVAL OF MATERIALS FOR WALLS & ROOFS**

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

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

#### **WB17 DETAILS OF MEANS OF ENCLOSURE**

No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

#### **WC1 APPROVAL OF LANDSCAPING BEFORE COMMENCEMENT**

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

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- tree(s), of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

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

## **WC2 LANDSCAPING TO BE CARRIED OUT & MAINTAINED**

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

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

## **WC6 PROTECTION OF RETAINED TREES**

No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837:

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

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

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

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

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

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the

expiration of five years from the first occupation or the completion of the development, whichever is the later].

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

#### **WC8 SUBMISSION OF LANDSCAPE MANAGEMENT PLAN**

No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

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

#### **WD1 CONSOLIDATED ACCESS**

The residential dwellings hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

#### **WD7 APPROVAL OF LAYOUT BEFORE COMMENCEMENT-OUTLINE**

No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details.

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

#### **WD8 ROADS/FOOTPATHS ETC TO BASE COURSE BEFORE OCCUPATION**

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.

## **WD26 TRAVEL PLAN**

No development shall commence on site until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

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

## **WE3 NO ADDITIONS/EXTENSIONS OR EXTERNAL ALTERATIONS**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

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

## **WE6 NO GARAGES / OUTBUILDINGS**

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 garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

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

## **WE15 USE OF GARAGE**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority, including any diversions of existing public sewers crossing the site under agreement with Wessex Water. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

No works shall commence on site until full evaluation of the existing public and S104 drainage systems have been checked for capacity to serve the site and where reinforcement/mitigation works are required these need to be completed before first occupation.

REASON: to ensure no increase in downstream property flooding due to this development.

No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details and enlargement of the Woodshaw storage area pond, has been submitted to and approved in writing by the Local Planning Authority, including any diversions of existing public sewers crossing the site under agreement with Wessex Water. 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

Prior to the commencement of works on site the excavation and re-profiling works to the Woodshaw Flood Storage Area approved within the Operation and Maintenance (O&M) Strategy (Issue 6 April 2011) under planning application references N/09/00871/OUT and N/10/03055/FUL shall have been completed in full and a condition survey report shall be submitted to the Local Planning Authority. The Woodshaw Flood Storage Area shall be maintained in accordance with the approved O&M Strategy and any subsequently approved surface water drainage details thereafter.

REASON: To ensure that the development can be adequately drained

#### **WG4 DISPOSAL OF SEWERAGE -IMPLEMENTED**

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

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

#### **WH9 ECOLOGICAL ASSESSMENT (IMPLEMENTATION)**

Prior to the commencement of works on site the mitigation measures detailed in the approved Ecological Management Plans in relation to planning application references N/09/00871/OUT & N/10/03055/FUL dated 28/2/2011, shall be carried out in full. Monitoring reports will be submitted in accord with the approved Ecological Management Plans.

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

Each unit of the residential home hereby permitted shall be occupied only by:

- persons of state pensionable age; or
- persons living as part of a single household with such a person or persons; or

- persons who were living as part of a single household with such a person or persons who have since died.

REASON: The units of the residential home/sheltered accommodation have been designed for occupation by persons who satisfy the above criteria and are unsuitable for family housing.

Each unit of the age restricted dwellings hereby permitted shall be occupied only by:

- persons of age 55 years +; or
- persons living as part of a single household with such a person or persons; or
- persons who were living as part of a single household with such a person or persons who have since died.

REASON: The units of the residential home/sheltered accommodation have been designed for occupation by persons who satisfy the above criteria and are unsuitable for family housing.

#### **WM4 CONSTRUCTION METHOD STATEMENT**

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

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

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

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

#### **WM13 APPROVED PLANS**

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

To be confirmed as a late Item

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

#### **WP1 REFERENCE TO LETTER ATTACHED TO DECISION**

The attention of the applicant is drawn to the contents of the attached letter from Wiltshire Fire & Rescue Service Dated 16/4/2014 and Wessex Water Dated 22/08/2014.

#### **WP6 ALTERATIONS TO APPROVED PLANS**

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

#### **WP13 PUBLIC SEWERS**

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. Any alterations to the approved plans, brought about by the need to secure easements for Wessex Water Facilities must first be agreed in writing with the Local Planning Authority before commencement of work.

#### **WP18 PERMISSION NOT AUTHORISING WORK ON LAND OUTSIDE THE APPLICANT'S CONTROL & PARTY WALL ACT**

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.

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

Application Submission and further revisions and additional information  
National Planning Policy Framework  
Planning Practice Guidance  
Emerging Wiltshire Core Strategy (Submission Draft As proposed to be amended) April 2014  
North Wiltshire Local Plan





11 Gower Street, Wilton, Edinburgh, Wm  
 WAINHOMES  
 10 GARDEN ROAD, NEW HOLLAND, 14  
 NEWCASTLE, NSW 2305  
 151-157 STURTON ROAD, NEWCASTLE  
 NSW 2305  
 151-157 STURTON ROAD, NEWCASTLE  
 NSW 2305  
 WAIN/LW/04/110

11 Gower Street, Wilton, Edinburgh, Wm  
 PROPOSED RETIREMENT CARE HOME  
 & RESIDENTIAL DEVELOPMENT OFF  
 ROYAL WOODTON BASSETT  
 LOCATION PLAN  
 PLANNING DRAWING  
 DATE: 02/03/11 SCALE: 1:500

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