

## AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER  
**Date:** Wednesday 29 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.

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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 - 24*)

To approve and sign as a correct record the minutes of the meeting held on 8 October 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 22 October.** Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

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

## 6 **Planning Applications**

To consider and determine planning applications as detailed below.

- 6a **14/08210/FUL - 19 Garth Close, Chippenham, SN14 6XF** (*Pages 25 - 30*)
- 6b **14/07100/OUT - Hunting Villa Farm, Hunts Mill Road, Royal Wootton Bassett, Swindon, SN4 7FS** (*Pages 31 - 36*)
- 6c **14/04909/FUL - Erin Trade Centre, Bumpers Way, Bumpers Farm, Chippenham, SN14 6NQ** (*Pages 37 - 44*)
- 6d **14/07334/ADV - Waitrose, Malmesbury, Wiltshire, SN16 9FS** (*Pages 45 - 52*)
- 6e **14/04179/OUT - Land at Bradford Road, Corsham, Wiltshire** (*Pages 53 - 70*)
- 6f **14/00153/FUL & 14/02535/LBC - RAF Yatesbury, Jugglers Lane, Yatesbury, Wiltshire, SN11 8YA** (*Pages 71 - 96*)

## 7 **Urgent Items**

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

### **Part II**

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

None

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## **NORTHERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 8 OCTOBER 2014 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.**

#### **Present:**

Cllr Chuck Berry (Substitute), Cllr Mollie Groom, Cllr Chris Hurst, Cllr Peter Hutton (Vice-Chair), Cllr Jacqui Lay (Substitute), Cllr Howard Marshall, Cllr Mark Packard, Cllr Toby Sturgis, Cllr Tony Trotman (Chairman) and Cllr Philip Whalley

#### **Also Present:**

Cllr Alan MacRae and Cllr Dick Tonge

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#### **110 Apologies**

The Chairman began the meeting by welcoming planning officers from the Hammerfest municipality in Norway attending the meeting as part of a study programme.

The change to the status of item 6a on the agenda 14/03084/FUL was explained. Members were advised that, following correspondence from the Secretary of State's office, Wiltshire Council would be unable to issue an approval notice to the applicant if conditions were to be agreed at the meeting. The Committee's decision would be a resolution and would assist the Secretary of State in deciding whether to call-in the application, and the Committee had been recommended to proceed to consider the conditions.

Apologies for absence were received from Cllr Christine Crisp who was substituted by Cllr Jacqui Lay, Cllr Sheila Parker who was substituted by Cllr Chuck Berry, and Cllr Simon Killane and his substitute Cllr Terry Chivers.

#### **111 Minutes of the Previous Meeting**

The Chairman explained an amendment to the minutes of the 17 September 2014 meeting to omit the reference to 'Paragraphs 5 and 27 of the Planning practice guidance for renewable and low carbon energy' and replace this with a reference to 'Paragraph 13 of National Planning Practice Guidance section

'Renewable and low carbon energy", it was explained that the change was not substantive and had already been made in the printed minutes.

Mr Robert Reed spoke against the accuracy of the minutes of the last meeting and, in particular, commented that the reference to Paragraph 13 of the National Planning Practice Guidance section 'Renewable and low carbon energy', did not replicate the previous reference to Paragraph 5 and suggested a new reference was needed to cover this.

The minutes of the meeting held on 17 September were presented to the Committee.

**Resolved:**

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

112 **Declarations of Interest**

Cllr Peter Hutton declared himself Portfolio Holder for Public Protection and confirmed had no dealing with the application number 14/06727/FUL under consideration on item 7b of the agenda. The councillor declared he would participate in debate and vote on the item with an open mind.

113 **Chairman's Announcements**

There were no Chairman's announcements.

114 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

115 **Planning Conditions**

116 **14/03084/FUL- Land East of Manor Farm, Wadswick, Box, Corsham, Wiltshire, SN13 8JB - Draft Conditions**

Mr Charles Todd raised concerns over the procedure which determined the application at the last meeting.

Mrs Pauline Reed and Mrs Anne Henshaw spoke in objection to the planning conditions.

Mr Tim Barton spoke in support of the suggested conditions.

The suggested conditions for the application were noted by the planning officer to be those in the report for consideration by the Committee.

The Committee then had the opportunity to ask technical questions of the officer and it was confirmed that the summary of the previous meeting's resolution on the application was the same as in the printed minutes.

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

Following statements from the public, the planning officer confirmed that he felt condition 11 was suitable to overcome concerns and a condition on lighting had been included to help determine whether lighting would be appropriate to the location. The officer advised that the Landscape and Ecological Management Plan would ensure management of screening and that plans submitted to the Council were public documents.

The Chairman explained the site visit previously undertaken had examined the site thoroughly.

The local member, Cllr Dick Tonge expressed disappointment that there had been no debate on the public's statements in relation to the minutes of the last meeting.

In the debate that followed, members considered the timing of Miscanthus planting, the definition of 'first use' in condition 5 and items considered under the Landscape and Ecological Management Plan. Members suggested that, if conditions were to be approved and planning permission be granted, the applicant should do all he could to relieve the concerns of local residents. It was agreed that 'first use' should reflect the first production of electricity and that the local authority would be informed when this started.

An amendment to a motion to approve the conditions was agreed, it was moved to approve conditions with an amendment to condition 5 to read:

*The Miscanthus 'elephant grass' planting detailed in the approved details shall be planted prior to the first production of electricity 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. And within 6 months of first production of electricity the Local Planning Authority shall be informed in writing.*

**Resolved:**

**To APPROVE the following conditions for the application:**

- 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 production of electricity 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. And within 6 months of first production of electricity the Local Planning Authority shall be informed in writing.**

**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.**

117 **Planning Applications**

118 **14/06226/FUL & 14/06422/LBC Green Barn, Nettleton, Chippenham, Wiltshire, SN14 7NT**

Mr G Cheetham and Mr Hamilton spoke in support of the application.

David Pearce, 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. Aerial photographs of the site were shown, it was confirmed that this was a Grade 2 listed building, the residential curtilage of the site was explained and it was shown there were prominent views onto the site. The history of the application was explained as were the differences to a previous application considered by the Committee, and images simulating the proposed development were projected.

There were no technical questions.

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

Cllr Toby Sturgis spoke on behalf of the local member Cllr Jane Scott, explaining she had called-in the application due to parish council support.

In the debate that followed some members felt the extension was modest and would not detract from the original building, however other members expressed

support for the officer's reasons for refusal and felt the extension would damage the feel of the traditional farmstead.

**Resolved:**

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

**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.**

**To REFUSE listed building consent for the following reason:**

**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.**

119 **14/06727/FUL Units 2 & 3, Abacus House, Newlands Road, Corsham, SN13 0BH**

Mr Fergus Sykes spoke in support of the application.

The officer introduced the report which recommended 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 subject to conditions, as amended by the agenda supplement.

Photographs of the building and plans for extractor flues were shown to the Committee. It was explained that existing retail units would be used and so the building would not be increasing in size. The officer commented that retail activity in the town centre was not expected to be harmed by the development and that activity could benefit by filling a vacant unit. Plans showing car parking near to the units were presented.

There were no technical questions.

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

The local member Cllr Alan MacRae spoke in objection to the application and expressed disappointment at the earlier meeting time of the Committee.

In the debate that followed some members raised concerns that staff and customers may park outside the shop located on a busy junction, and that this could cause pedestrian safety issues. However, it was noted that the change of use would fill a vacant shop and that there was ample car parking nearby. The Committee agreed that problems of littering could be mitigated by adding an informative to the applicant to help minimize litter.

**Resolved:**

**To GRANT planning permission for a 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 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.**

- 4. Any plant shall not exceed a rating level of 40dB during daytime (7am to 11pm) nor a rating level of 30dB at night (11pm to 7am),**

when measured at 1 metre from the nearest residential dwelling's window.

**REASON:** In the interests of the amenities of local residents.

**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.

**INFORMATIVE TO APPLICANT:**

It is recommended that the applicant regularly and routinely each day check and clear external areas of any litter associated with the business operation hereby permitted in the interests of the character and appearance of the locality and good neighbour relations.

120 **14/03343/FUL, Land at Brynards Hill, Royal Wootton Bassett**

Mr Gallagher spoke on the application.

Mr Richard Pope and Mrs Anne Pope spoke in objection to the application.

Mr Brian Dufty spoke in support of the application.

The officer introduced the report which recommended that that authority be delegated to the Area Development Manager to grant planning permission subject to the signing of a Section 106 Agreement and the conditions listed in the report, as amended by the late observations. The constitution of this hybrid application was explained to the Committee.

Photographs of the site, its proposed layout, and the topography of the land were shown. The Committee was informed that consent for developing the land for employment use already existed however, there had been no take-up by developers for this purpose. The officer drew attention to the late items and noted the Environment Agency had withdrawn objections in relation to surface water draining and that parking concerns had also been addressed. The

Committee heard Oxford University had raised an objection as they understood a road bypass, once suggested for this land, would be halted by the development. The officer confirmed there were no documented proposals to create a bypass.

The Committee then had the opportunity to ask technical questions of the officers and it was confirmed that revisions to the proposed layout of housing addressed concerns over the movement of refuse vehicles. It was explained that the Section 106 agreement specified the need for a management company for the country park. It was confirmed that there was no further land in the area designated for employment in the Core Strategy and that 3 hectares of the country park would be lost from this development and the one to the north.

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

The local member, Cllr Chris Hurst, spoke in objection to the application and expressed the need for Wainhomes to address residents' concerns with developments they had already started.

The planning officer confirmed Network Rail had been consulted and that drainage works were being addressed by Wainhomes.

In the debate that followed members expressed concern that country park land may further be encroached upon and questioned whether Wainhomes had been reliable in fulfilling previous commitments. The sustainability of the development was discussed and it was confirmed that the Section 106 heads of terms covered sustainable transport requirements. Members understood there were no confirmed plans for a bypass to be built on the site but considered that this would be a very useful development to alleviate heavy traffic on other roads.

Whilst the Committee did not consider the application could be refused, it was agreed that the applicant should be discouraged from building on the country park in the future and that a suitable landscape management plan should be in place.

An amendment to a motion to move the planning officer's recommendation, was agreed to include an alteration to Condition WC1 Landscaping to incorporate a requirement to submit and agree a Landscape Management Plan with particular regard to the layout and future management and maintenance of the proposed Country Park; and a further informative to recommend to the Applicant that the Country Park should be provided at the earliest opportunity and alongside the residential development hereby permitted.

**Resolved:**

**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.**

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

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

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

**2. 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.

**3. 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).

**4. 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.



**5. 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.

**6. 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.

**7. 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;
- Landscape Management Plan including provisions for the future management and maintenance arrangements for the Country Park.

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

**8. 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.

**9. 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.

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

Pursuant to Condition 7 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.

#### **11.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.

#### **12.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.

**13.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.

**14.** Prior to the first occupation at the site the developer shall provide a scheme of footway / cycleway widening (3m) extending from the Interface Business Park access road onto the southern section Bincknoll Lane towards the 'Swallow Mead' bus stop. Full construction details shall be submitted to and approved in writing by the Local Planning Authority prior to construction taking place. The approved scheme shall be constructed in accordance with the approved details prior to the first occupation at the site and to the satisfaction of the Local Planning Authority.

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

**15.WD20**

No part of the dwelling hereby approved shall be first occupied until the parking provision shown on the approved plans (Layout Plan, WAIN/LW/104/01 E) and car parking matrix (WB Parking Matrix Rev A, attached) has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

**16.WD7** No development shall commence on site until full construction details of the cycleway / footways across the country park have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the cycleway / footways and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

**REASON:** To ensure that the cycleway/ footways are laid out and constructed in a satisfactory manner.

**17.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.

**18.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.

**19.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.

**20.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.

21.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

22.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.

23.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.

24.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

**25. No development approved by this permission shall be commenced until a full operation and maintenance strategy for the surface water drainage scheme has been submitted to and formally approved in writing by the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme.**

**REASON: To ensure that the works provide the necessary mitigation against flooding for the lifetime of the existing and proposed development, in accordance with current planning guidance.**

**26. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.**

**REASON: In the interests of sustainable development and climate change adaptation.**

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

**REASON: To prevent pollution of the water environment**

**28. No Development hereby approved shall commence until a topographic survey and report of the post re-profiling works confirming the additional storage capacity has been submitted to and approved by the Local Planning Authority.**

**REASON: To prevent pollution of the water environment**

**29. 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.**

**30. WH9 ECOLOGICAL ASSESSMENT (IMPLEMENTATION)**

**Prior to the commencement of development the applicant shall submit to the Local Planning Authority a monitoring report**

including a condition survey of all areas identified in the approved Ecological Management Plans for the site (Tyler Grange, 2011, ReportRef:1171\_2010\_02c\_JSA\_RW and 1171\_2010\_03c\_JSA\_RW) and the management operations undertaken to date in accordance with the approved management prescriptions of the EMP. Prior to the commencement of development all areas identified in the approved Ecological Management Plans for the site (Tyler Grange, 2011, Report Ref: 1171\_2010\_02c\_JSA\_RW and 1171\_2010\_03c\_JSA\_RW) shall be managed in accordance with the approved management prescriptions, thereafter all areas identified in the approved Ecological Management Plans for the site (Tyler Grange, 2011, Report Ref: 1171\_2010\_02c\_JSA\_RW and 1171\_2010\_03c\_JSA\_RW) shall be managed in accordance with the approved management prescriptions in perpetuity unless otherwise agreed in writing with the local planning authority. Thereafter all monitoring shall be carried out in accordance with the approved monitoring prescriptions and monitoring reports shall be submitted in writing to the local planning authority.

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

31. 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.

32. 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.

### **33. 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.

#### **34.WM13 APPROVED PLANS**

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

Layout Plan, WAIN/LW/104/01 E  
Reprofiling Works 0162-EWK/001 Rev B  
WB House Types A1 Plots 17 – 21  
WB House Types A1 Plots 22 – 26  
WB House Types A1 Plots 27 – 31  
WB House Types A1 Plots 32 – 37  
WB House Types A1 Plots 38 – 42  
WB House Types A3 Plot 49  
WB House Types A3 Plot 14 – 15  
WB House Types A1 Plots 4 – 8  
WB House Types A1 Plots 10 – 13  
WB House Types A1 Plots 43 – 48  
WB House Types A3 Plots 1  
WB House Types A3 Plots 2 and 52  
WB House Types A3 Plots 3  
WB House Types A3 Plots 9 and 16

**Wain Garages 2014 A3 Plans**  
**WB House Types A Plots 53 – 55**  
**WB House Types A1 Plot 59 – 63**  
**WB House Types A1 Plots 65 – 68**  
**WB House Types A2 Plots 56 – 58**  
**WB House Types A3 Plots 50 – 51**  
**WB House Types A3 Plot 64**  
**WB Parking Matrix REV A**  
**Tracking Layout 0162-ATR-001 REV C**  
**Preliminary Highway Layout 0162-PHL-001-C**  
**WAIN19060-3C**  
**0162/PHL/102 REV A**  
**0162/PHL/101 REV B**  
**0162/PDL/001 REV E**  
**WAIN/LW/104/107 REV C**  
**WAIN/19060 13**  
**WAIN 19060 14**  
**WAIN 19060 15**  
**WAIN 19060 16**  
**0162 XS/001 REV A**

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

**WP1. REFERENCE TO LETTER ATTACHED TO DECISION- INFORMATIVE TO APPLICANT**

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- 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.

**WP13 PUBLIC SEWERS- INFORMATIVE TO APPLICANT**

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

**P18 PERMISSION NOT AUTHORISING WORK ON LAND OUTSIDE THE APPLICANT'S CONTROL & PARTY WALL ACT- INFORMATIVE TO APPLICANT**

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

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

**INFORMATIVE TO APPLICANT:**

The developer should note that as part of the Section 38 Agreement, Highways Act 1980, that a clause related to waiting restrictions will be required. In the event that car parking occurs that causes obstruction to the refuse vehicles and others vehicles the applicant will be required to cover all costs associated with the provision of a scheme of waiting restrictions on the highway. Please note that condition 14 will require a Section 278 Agreement, Highways Act 1980, in order that the works can be carried out.

**INFORMATIVE TO APPLICANT:**

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines.

**INFORMATIVE TO APPLICANT:**

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

**INFORMATIVE TO APPLICANT:**

**Under the terms of the Water Resources Act 1991 and the Land Drainage Bylaws, the prior written Flood Defence Consent of the Environment Agency is required for any proposed permanent or temporary works or structures in, under, over or within 8 metres of the top of the bank of the Hancock's Water, designated a 'main river'. The need for Flood Defence Consent is over and above the need for planning permission. To discuss the scope of our controls and to obtain an application form please contact Daniel Griffin on 01278 483421.**

**INFORMATIVE TO APPLICANT:**

**The Applicant is advised that Wiltshire Council recommends that the Country Park hereby approved should be laid out and provided at the earliest opportunity and to coincide with the construction and completion of the Residential development hereby approved.**

121 **Urgent Items**

There were no urgent items.

(Duration of meeting: 15:00- 18:04)

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)

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

## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	29 October 2014
<b>Application Number</b>	14/08210/FUL
<b>Site Address</b>	19 Garth Close Chippenham SN14 6XF
<b>Proposal</b>	Erection of a two storey rear extension
<b>Applicant</b>	Mr & Mrs Coles
<b>Town/Parish Council</b>	Chippenham
<b>Division</b>	Chippenham Cepen Park and Redlands (Cllr Phillips)
<b>Grid Ref</b>	390856 174945
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Amy Houldsworth

### Reason for the application being considered by Committee

The application has been called in by Cllr Phillips as the development will have a harmful effect on the character and appearance of the area due to its scale and believes that the proposed siting of a bedroom window within either the rear or side elevation will result in overlooking and loss of privacy.

### 1. Purpose of Report

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

### 2. Report Summary

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

- The impact of the development on the character and appearance of the area.
- Residential amenities of neighbouring residents.

The application has generated a letter of no objection from the Parish Council and 3 letters of objection from local residents, however, one of these was later replaced with a letter of support after the submission of an amended plan.

### 3. Site Description

Garth Close is a modern estate comprising of two storey detached residential dwellings. The application site is a corner plot of Barnes Road and Garth Close. Being the corner plot the property boasts a side patio/garden area in addition to the front and rear garden.

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

N/A

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

The application seeks approval for a rear two storey extension which would project 4m from the existing rear wall and will extend approximately 4m in width. The proposal is for a dining area at ground floor level and a bedroom at first floor.

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

##### **NPPF:**

Section 7- Requiring good design

##### **North Wilts Local Plan:**

C3: Development Control Policy

H8: Residential Extensions

##### **Wiltshire Pre Submission Core Strategy:**

Core Policy 57: Ensuring high quality design and place shaping

#### **7. Consultations**

Parish Council- No objections.

#### **8. Publicity**

The application was advertised by site notice and neighbour consultation.

Initially the application generated a total of 3 letters of objection.

Summary of points raised;

- Inappropriate scale
- Overlooking
- Loss of privacy

However, one objector withdrew their objection and supported the application once the rear clear glazed window had been proposed to be relocated. Re-consultation took place for a further 14 days due to the submission of a revised plan. No further representations were received from this re-consultation period.

#### **9. Planning Considerations**

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

Garth Close is a modern estate where space between properties does come at a premium. Number 19 Garth Close benefits from being a corner plot with a greater degree of garden area surrounding the property. Furthermore, the property is positioned at an angle and therefore allows a better degree of spacing between it and its neighbours.

The proposed extension will be located upon the rear elevation of the property. From the streetscene of Barnes Road the extension will not be visible. When stood within the streetscene of Garth Close the side elevation of the extension will be prominent. However, it has been stated that the proposed materials will match the host dwelling which will allow the extension to be a sympathetic addition to the existing dwelling and ensure it sits comfortably within the streetscene. Furthermore, the extension has been designed to sit below the existing ridge height of the property which allows for the extension to be viewed as a subservient addition to number 19.

The position of the proposed extension will not be detrimental in regards to blocking any significant views as at present within the streetscene properties within Torr Close can be seen. It is therefore, considered that the proposed extension will not result in any harm upon the character or appearance of the area.

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

The projection of 4 metres will inevitably bring the property closer to the boundary it shares with number 18 Garth Close, however, due to the angle of number 19 it is considered that the extension would not be overbearing. Concerns were initially raised in relation to the proposed rear first floor clear glazed bedroom window in terms of potential overlooking and loss of privacy due to the proximity the extension would be to boundary with number 18. These concerns were put forward to the applicant/agent who later submitted a revised drawing relocating the bedroom window to the side elevation and inserting a small round feature window within the rear which would be obscure glazed and fixed shut. The revision of removing the clear glazed window from the rear allowed for the residents of number 18 to withdraw their initial objection.

The proposed bedroom window would now look out over Garth Close. However, this raised concerns in regard to potential overlooking upon number 2 Garth Close. This property is located on the other side of the road from number 19 and the distance between the properties is approximately 20 metres. This distance is considered to allow a significant spacing between the proposed extension and the garden of number 2 Garth Close to not result in any harmful overlooking or loss of privacy.

It is considered that the proposed layout will not result in any loss of sunlight, daylight, privacy or detrimental overlooking for local residents. It is considered that the privacy implications arising from the proposed development are no worse than the overlooking already experienced from existing properties within the street scene.

Having taken into consideration the size, design, scale and the location of the proposed extension it is considered that the development will not result in any significant adverse impact to the residential amenities of neighbouring residential properties.

#### **RECOMMENDATION:**

Planning permission should be GRANTED subject to the following conditions:

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

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

2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

3. The window in the rear elevation shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and permanently fixed shut prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: 0049/14/B Received 02/10/2014.

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

INFORMATIVE TO APPLICANT:

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

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

INFORMATIVE TO APPLICANT:

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





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## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	29 October 2014
<b>Application Number</b>	14/07100/OUT
<b>Site Address</b>	Hunting Villa Farm Hunts Mill Road Royal Wootton Bassett Swindon SN4 7FS
<b>Proposal</b>	Dwelling in Association with Equestrian Enterprise (Resubmission of 13/06430/OUT)
<b>Applicant</b>	Mr Nick Hussey
<b>Town/Parish Council</b>	ROYAL WOOTTON BASSETT
<b>Division</b>	WOOTTON BASSETT SOUTH (Cllr C Hurst)
<b>Grid Ref</b>	405397 181659
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Charmian Burkey

### Reason for the application being considered by Committee

The application has been called to Planning Committee by Councillor Hurst in order to consider whether the proposal represents sustainable development and to explore the economic benefits of the application.

#### 1. Purpose of Report

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

#### 2. Report Summary

Wootton Bassett Town council have not (at the time of writing this report) responded.

10 letters of support have been received.

#### 3. Site Description

The site comprises 9 hectares (22 acres) of mainly grassland, which rises gently to the south west with the northern section lying partially within Flood Zone 2. There are some areas of short rotation willow coppice on the holding also.

#### 4. Planning History

N/93/00333/FUL	USE OF LAND TO SITE MOBILE HOME FOR AN AGRICULTURAL WORKER SITING OF MOBILE HOME
N/09/01551/FUL	Change of Use of Land to the Keeping of Horses and Erection of Stable Block
13/06430/OUT	Dwelling in Association with Equestrian Enterprise

#### 5. The Proposal

The proposal is for permission in outline only for a house, with a minimum of four bedrooms, in connection with an equestrian enterprise.

#### 6. Planning Policy

Policies C3, NE15 and H4 of the North Wiltshire Local Plan 2011 and guidance given in the National Planning Policy Framework 2012

#### 7. Consultations

**Wootton Bassett Town Council** has not yet responded (at the time of writing this report).

**The Council's Agricultural Advisor** has provided a report. This states that the applicant's business is keeping and breeding horses. The applicant's mare is in foal again with her most recent foal just having been weaned. The point of sale for the foal will depend on its eventual quality, but the identified intent is to break the foals in their 3<sup>rd</sup> year when it will either be sold or sent into racing. Over the next 6 months the applicant intends to bring 2 more of his own mares onto the holding and 4 other broodmares owned by 3<sup>rd</sup> parties. The applicant is working through a programme of improving the grassland in anticipation of increased levels of livestock.

The applicant plans to expand the business so that up to 10 mares will be foaled annually. Up to 3 of the mares will be the applicants own with the balance being 3<sup>rd</sup> party owned and managed on a contract basis. Foals will be bred and reared either for sale or a career in racing; naturally the progeny's career will depend on physical conformity and its temperament. The express aim of the business is to attract high quality and high value thoroughbred mares.

The applicant proposes to construct a storage barn on an existing piece of hardstanding, but this is not the subject of this or another planning application. Areas of short rotation willow coppicing are also proposed. The biomass produced will be used to heat the proposed dwelling.

The proposal if carried out, will provide full time employment for Mr and Mrs Hussey. The applicants argue that there is an essential need for a presence on the holding at all times for two key reasons: Supervision and security for high value equines and animal welfare including foaling and sickness or injury. Given the information provided by the applicant the proposed form of business and the focus on thoroughbred stock including the expectations of the owners of those thoroughbreds will present an essential requirement for a presence on site at most times.

There is no express reference in the NPPF to an assessment of either an existing or a proposed business which will operate in association with the proposed rural dwelling. It is Mr

Coke's opinion that such an assessment is critical to forming an opinion on the continuation of the "essential Need". In this case the claimed essential need will only continue through the operation of the business. If the business does not operate on a profitable and viable basis then it will fail and the authority would be left with a dwelling but no essential need for its presence.

The applicant has provided a business plan which identifies the projected costs and revenues for the business. The plan covers a 4 year period and shows the business with a loss at year 1 and then increasing profitability for the balance of the plan. The plan shows 2 key areas of income: The boarding fees for mares and foals and then sales income from the sale of 3 foals annually. The key point is that the sales income can vary widely, depending on the quality of the particular foal, although the applicant has taken a reasonably conservative line with sales values.

The plan appears to have been planned on a sound financial basis.

The dwelling is associated with a significant expansion of the existing business and in such circumstances the former Annex A of PPS7 suggested the use of a temporary dwelling for the first 3 years of the business in order to demonstrate implementation of the business plan. PPS7 has been replaced by the NPPF; however, the guidance at Annex A of PPS7 is still widely regarded as helpful in assessing proposals for new rural workers. The 6 appeals that he has participated in for Wiltshire have all made reference to Annex A guidance. The application is in outline only with no indication of size.

**WC Highways** do not object provided the dwelling is tied to a viable equestrian business.

**Archaeology** and **Ecology** officers do not object.

The site lies outside the threshold area for POS contributions.

## **8. Publicity**

10 letters of support have been received including detailed responses from the Thoroughbred Breeders Association, The Brook Stud Bloodstock Ltd and Wessex Equine vets supporting the project and the need for someone to live on site.

## **9. Planning Considerations**

Planning permission was refused for a dwelling under 13/06430/OUT because it was not considered at the time that a dwelling could be justified and it was also considered that without sufficient justification, the development was unsustainable.

The applicant has subsequently produced a business plan for the next 4 years indicating how the business will expand from its current one mare on site (with foal) up to 10 mares and foals. The Council's agricultural consultant has indicated that should the business plan be implemented as set out, then the business should be profitable. However, as it stands, the business is not viable. Whilst the business plan is being implemented there is a need for someone to live on site.

Under the previous guidance contained in PPS7 (Annex A) there was a requirement for an initial period (usually three years) that the accommodation was temporary, to enable the Council to be confident that the business plan would be implemented and the enterprise would get to a stage of profitability. Whilst PPS7 has been replaced by NPPF the guidance contained in Annex A is still regarded as being helpful in assessing similar proposals and has been used in recent planning decisions and appeals in Wiltshire.

The applicant has been approached about amending the application to a temporary dwelling for a 3 year period (to give the Council comfort that the business can achieve profitability and be sustainable). The applicant has refused to amend the application, arguing that he has 4 children and considers such accommodation to be unsatisfactory.

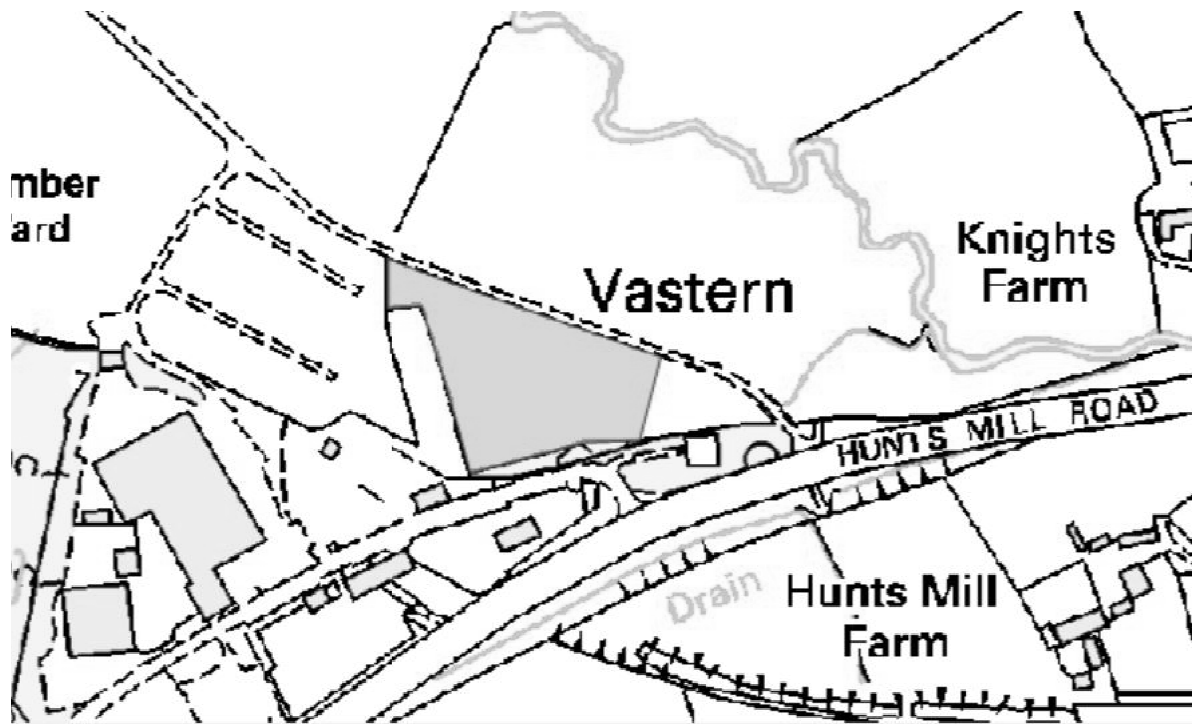
The concern is therefore, that should a permanent dwelling be granted at this stage, the business may not progress to profitability and the Council will have ended up granting a consent for a dwelling in the countryside without sufficient justification; a scenario that this Council, as others, seeks to avoid for the preservation of the countryside for its own sake. Once permission is granted that would be no incentive for the applicant to implement the business plan.

Whilst the advice in PPS7 is now not explicitly set out in the NPPF, it is clear from recent appeal decisions that it is still relied upon and a 3 year temporary dwelling is the appropriate course of action.

**RECOMMENDATION:**

That the application be REFUSED for the following reason:

- 1) The application for a permanent dwelling in the countryside, without sufficient justification and viability, is considered to be contrary to policies C3 and H4 of the North Wiltshire Local Plan 2011 and the guidance in section 6 of the National Planning Policy Framework 2012.
- 2) The application for a permanent dwelling in the countryside, without sufficient justification and viability, is considered to be contrary to policies C3 and H4 of the North Wiltshire Local Plan 2011 and the guidance in section 6 of the National Planning Policy Framework 2012.



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## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	29 October 2014
<b>Application Number</b>	14/04909/FUL
<b>Site Address</b>	Erin Trade Centre Bumpers Way Bumpers Farm Chippenham SN14 6NQ
<b>Proposal</b>	Change Of Use To A Mix Of B1 Business, B2 General Industrial & B8 Storage or Distribution Uses (Part Retrospective)
<b>Applicant</b>	Erin Properties (Swindon) Ltd
<b>Town/Parish Council</b>	CHIPPENHAM
<b>Division</b>	CHIPPENHAM CEPEN PARK AND REDLANDS (Cllr Phillips)
<b>Grid Ref</b>	390205 174074
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mark Staincliffe

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

The application has been called in by Cllr Phillips, in order to consider the scale of the development and its impact on residential amenities of local residents.

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

To GRANT planning permission subject to planning conditions.

### **2. Report Summary**

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

- Principle of development
- Impact on the character and appearance of the area
- Impact on the amenities of local residents

### **3. Site Description**

The site forms part of Bumpers Farm Industrial Estate which is in use for wide range of B class uses including offices, light industry, general industrial, and storage and distribution. The majority of Bumpers Farm consists of large B2/B8 units, some of which have trade counters. The Industrial Estate is well contained, meaning that there is very limited scope for expansion.

In terms of the site specifically, businesses on site include car services, tyre sales and hire car companies. There are also general industrial units. The site is situated in the east of

Bumpers Farm Industrial Estate, and is bound by Bumpers Way to the west, existing industrial units to the north and south, and residential development to the east. The site is accessed from Bumpers Way; the access road serves all of the units. Each business has a parking area in front of the unit.

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

No relevant planning history. The site currently benefits from planning permission for B1 and B8 purposes.

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

Change of use to a mix of B1 Business, B2 General industrial & B8 Storage and distribution.

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

The adopted policies relevant to the application remain those saved under the North Wiltshire District Plan (NWLP) 2011. The relevant policies are as follows:

##### North Wiltshire Local Plan 2011

C1: Sustainability  
C3: Development Control Core Policy  
C4: Business Development  
NE17: Contaminated Land  
T3: Parking  
T4: Cycling, Walking & Public Transport  
BD1: Employment Land

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

Core Policy 1: Settlement strategy  
Core Policy 2: Delivery strategy  
Core Policy 09: Spatial Strategy: Chippenham Community Area  
Core Policy 51: Landscape  
Core Policy 43: Providing affordable homes  
Core Policy 57: Ensuring high quality design and place shaping  
Core Policy 62: Development impacts on the transport network  
Appendix D  
Appendix E  
Appendix G

##### National Planning Policy Framework

Section 1- Building a strong, competitive economy  
Section 7- Requiring good design

#### **7. Consultations**

Public Protection: I have been in discussions with the Acoustician responsible for resolving the council's noise concerns with regards to this proposal.

I believe we are now in a position where we can grant the permission for the site subject to attaching three conditions. These conditions should provide a significant amount of protection to the nearest noise sensitive properties. The conditions are as follows:

1. The rear doors and windows in the easterly facades of units 5 to 13 shall remain closed at all times whilst the units are open for business;
2. During daytime hours of operation (0700-2300) the Rating Level due to activities and/or machinery operated in, on or around each unit shall not exceed 44 dB

3. when measured at a point 3.5m from any dwelling; and  
During night-time hours of operation (2300-0700) the Rating Level due to activities and/or machinery operated in, on or around each unit shall not exceed 35 dB when measured at a point 3.5m from any dwelling

Cllr Phillips: The application should be called in to allow the consideration of the impact on the residential amenities of local residents.

Chippenham Town Council: No objection

## **8. Publicity**

The application was advertised by neighbour letter and site notice.

Local Residents: Thirteen letters of objection have been received. The letters are summarised below.

- Houses were built twenty years prior to the units
- B2 would allow an unacceptable mix with additional noise, smell or other unsociable acts.
- A developer saying that they would not let the use conflict with residents, is not sufficient.
- The units have been used unlawfully in the past for various B2 uses.
- Site is too close to residential units
- The site is already nosey, even without these uses
- The sound report because of its small sample set during a non-typical time should not be seen as very helpful or conclusive in its assessment as seen by an ordinary reasonable person.
- Residents have lived in Longstone Road long before any of the industrial estate was built
- Individual occupants of the locality are in their 70s 80s and 90s, some of the other occupants are normally at home during the day. The amenity of their gardens is an important aspect to their life in these houses.
- because we accept some discomfort occasionally shouldn't mean we have to bear it all the time
- No consideration has been made for the Ground transmitted noise and smell
- An acoustic barrier is erected and dense evergreen foliage planted behind the units
- All fans and others external noise generating units and exhaust systems should be placed at the front of the units
- All windows and fires doors should be shut
- Only part of the site should be granted permission

Green Square: I am concerned that the change of use will result in a potential increase in noise levels which will impact significantly on the enjoyment of the neighbouring homes. Many of these homes are occupied by GreenSquare residents and we have serious concerns about their welfare. Currently there seems to be an informal and workable arrangement whereby users of the units and local residents work collaboratively to ensure noise levels are managed. If there was no restriction in place the residents have little protection. We are also concerned that the noise report that has been commissioned in respect of the noise issue is limited in nature and the scope of the report needs to be closely considered by the planning team to ensure it is robust.

## **9. Planning Considerations**

### Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act states that “*determination must be made in accordance with the plan unless material considerations indicate otherwise*”. This is the starting point from a policy point of view. The North Wiltshire Local Plan forms the local component of the current development plan.

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

The Council’s Core Strategy is at an advanced stage and retains this land for employment use. The Council’s Local Plan and Core strategy are consistent with national planning policies in that it seek to encourage business development and direct this type of development to established industrial estates. However, policies are clear that any new development or use must comply with Policy C3 iii) and ix).

Policy BD2 encourages the retention of existing business unless the use of the site raises unacceptable environmental problems. In this case it is accepted that an element of disturbance will be caused by the proposed use, however, there are existing B1 & B8 uses taking place within the site and numerous B2 uses within this employment area.

### Noise & Amenity

At the request of the Council’s Public Protection Team the application was accompanied by a noise survey, this concludes that the proximity of industrial units to the residential properties shown on the plans is acceptable and will not result in poor living conditions for future occupants.

The Public Protection officer has agreed the content of the noise report and is satisfied that the proposed development will not have an unacceptable impact on the residential amenities of local residents. However, three conditions have been suggested and these have been added to the conditions list below.

It has been concluded that the proposed development does avoid creating a development with unacceptable low levels amenities and that sufficient safeguards are in place to ensure that there is no significant adverse impact on the amenities of local residents.

The proposal does not involve any extensions or additions. It is therefore concluded that the proposed development will have no adverse impact on local residents in terms of loss of sunlight, daylight or privacy.

### Parking and Access

No built development is proposed. As a result the parking and access arrangement arrangements will remain the same. Allowing B2 uses within the site would not alter the parking requirements for the site. For the reasons given above a reason for refusal based on highway safety or parking requirements would be difficult to substantiate at appeal.

## **10. Conclusion**

The proposed change to B2 is considered acceptable. Taking into consideration the existing use, and the proximity of existing residential units it is considered that allowing the change in use class will be acceptable. It is considered that the proposed development will have no significant impact on the amenity of local residents in terms of noise disturbance, smell, loss

of sunlight & daylight. It is also considered that the proposed use will not have an adverse impact on the highway network when considered against the fall back position.

**Recommendation:**

To GRANT planning permission subject to the following conditions:

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

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

- 2 The rear doors and windows in the easterly facades of units 5 to 13 shall, as shown on the submitted plans, shall remain closed at all times whilst the units are open for business;

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 During daytime hours of operation (0700-2300) the Rating Level due to activities and/or machinery operated in, on or around each unit shall not exceed 44 dB when measured at a point 3.5m from any dwelling; and

During night-time hours of operation (2300-0700) the Rating Level due to activities and/or machinery operated in, on or around each unit shall not exceed 35 dB when measured at a point 3.5m from any dwelling.

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.

- 4 The B2 use hereby permitted shall only take place between the hours of 08:30 and 18:00 Monday to Friday and between 08:30 and 17:00 on Saturdays and 10:00 and 16:00 on Sundays. The use shall not take place at any time on 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.

- 5 No panel beating, panel spraying or mechanical car washing operations shall be carried out within units 5-13 as identified on the approved plans or externally.

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.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes within Class(es) B1, B2 & B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without

modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

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

Site Location Plan

Existing Floor Plan

Noise Assessment

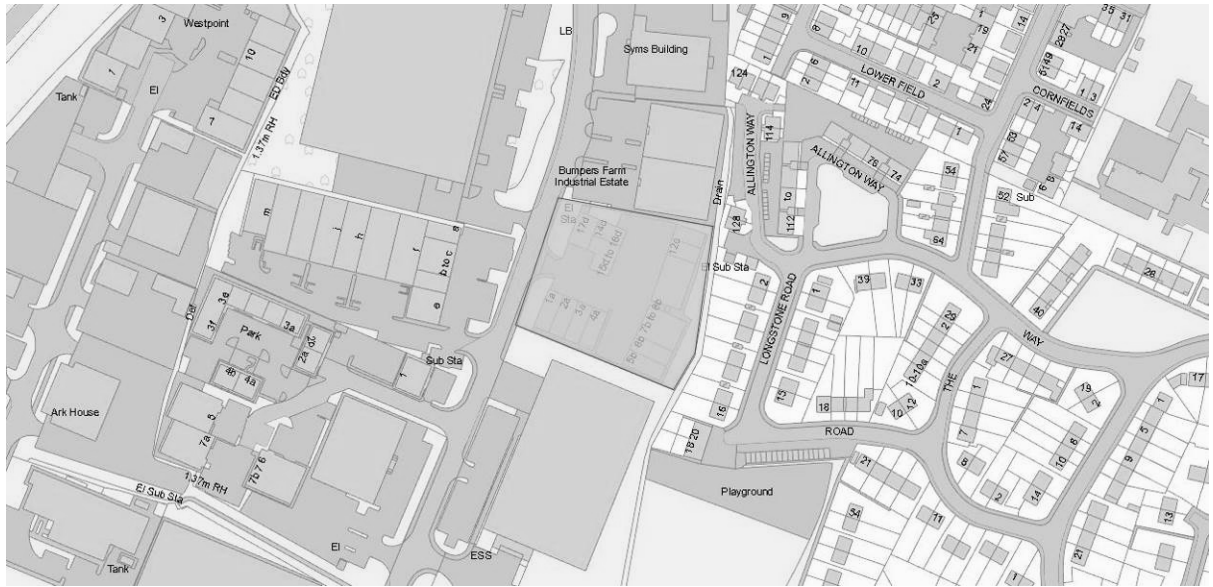
REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE TO APPLICANT:

The applicant is advised that this permission authorises a change of use only and does not authorise any works or alterations that may require planning permission/ internal or external alterations, additions, or works, which may require a separate grant of Listed Building Consent [DELETE as appropriate].

INFORMATIVE TO APPLICANT:

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



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## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	29.10.14
<b>Application Number</b>	14/07334/ADV
<b>Site Address</b>	Waitrose Malmesbury Wiltshire SN16 9FS
<b>Proposal</b>	1no. Internally Illuminated Totem Sign
<b>Applicant</b>	Waitrose
<b>Town/Parish Council</b>	MALMESBURY
<b>Division</b>	MALMESBURY (Cllr Simon Killane)
<b>Grid Ref</b>	393536 186752
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Richard Sewell

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

The application is being presented to Committee at the request of Councillor Simon Killane to consider the impact on the visual amenity of the Conservation Area and highway safety.

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

To consider the impact on visual amenity and highway safety and to recommend that advertisement consent is GRANTED.

### **2. Report Summary**

The main issues when considering this application are:

- Impact of advertisement of the visual amenity, character and appearance of the Conservation Area
- Location of proposed signage impacting on highway safety.

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

### **3. Site Description**

The proposal site is located at the south east corner of Malmesbury to the immediate north of the roundabout at the intersection of the A429, B4042 and High Street. The site is a significant distance away from the historic core of Malmesbury but is within the Conservation Area with the nearest designated heritage asset being the Silk Mills located approx 100m to the north. The proposed sign is situated at the south west corner of the

Waitrose site at the top of a newly landscaped verge where a sloped pedestrian walkway provides access to the car park from the High Street. The elevated position means the advertisement will be clearly visible when approaching the site from the south and east and also from the residential properties to the west of the proposal site. The sign will be bordered to the north, west and east by a sloped bank of mature trees. The nearest dwellings are located approx 60m to the west. The sign will be set back approx 20m from the main road in an area that is predominantly urbanised in appearance with a number of street lights, road signs and metal railings present.

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

14/03235/ADV- 4 Internally Illuminated Signs, 16 Freestanding Panel Signs, 5 Wall Mounted Signs 15 Lamp Post Mounted Signs, 5 Post Mounted Signs And 16 Vinyls PERMITTED

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

The application proposes the erection of 1no. Internally illuminated totem measuring approx 4m high and 1m wide with a stainless steel base. The proposed sign will be green with Waitrose in white lettering.

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

NPPF Section12: Conserving and Enhancing the Historic Environment

Emerging Wiltshire Core Strategy (Submission Draft As proposed to be Amended April 2014)

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring the Conservation of the Historic Environment

Adopted North Wiltshire Local Plan 2011 policies:

C3 Development Control

HE1 Development in Conservation Area

BD9 Signs and Advertisements

Other documents taken into consideration as part of this assessment:

Town and Country Planning (Control of Advertisements) Regulations 2007

Institution of Lighting Professionals: Guidance Notes for the Reduction of Obtrusive Light GN01:2011

#### **7. Consultations**

**Malmesbury Town Council- OBJECTION.** The proposed signage would be insensitive to the historic fabric of the town and Conservation Area, would be domineering and is contrary to the Town & Country Planning Act

**St Paul's Without Residents Association- OBJECTION.** The St Paul Malmesbury Without Parish Council wish to object to this application. Whilst we recognise the company's desire to promote their new store, this has to be balanced against the impact a sign of this height and mass will have on the visual setting of the town from both the town centre and its southerly approach. Further we understand that illuminated signs are not allowed in a conservation area (T&C Control of Advertisements Regs 2007). For these reasons we request that you refuse the application.

**Highways- NO OBJECTION.** Whilst the sign will be prominent from the Priory Roundabout

I do not consider that will cause a distraction to motorists. There is no highway objection to this proposal.

**Conservation- OBJECTION.** Impact upon the Malmesbury Conservation Area and the setting of the historic town. Malmesbury is a unique historic town, the oldest Borough in England, created by charter c. 880AD. It is set in a dramatic location on a ridge between two branches of the Avon. Large areas of the mediaeval and earlier fortifications are still clearly visible and the topography has ensured the retention, around the historic core, of a compact urban form, ringed by the rivers and the open, green land immediately beyond. The supermarket has been constructed on a large tranche of the open green land, within the conservation area, immediately to the south-east of the town. It is positioned at a key entry point to the historic town from the south and east, a highly prominent location, which clearly has a significant impact upon the character and appearance of the conservation area. Considerable trouble was taken in the development of the scheme to minimise the impact on the conservation area and adjacent listed buildings, of both the building and its parking and service areas. This may clearly be seen from features such as the low profile of the building and the bunds to the north. The supermarket is already well signed and is clearly visible from the roundabout and the approaches to the south. It is considered that a tall, illuminated sign such as that proposed would be unduly intrusive and dominant in this sensitive location, and which would cause harm to the character and appearance of the conservation area (ie. the significance of the designated heritage asset).

Where such harm is caused the NPPF requires that this be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case there are no public benefits to the proposal; a very viable use of the site has already been achieved, arguably at some detriment to the conservation area already. There is no justification therefore for the harm which would be caused by this proposal, which would be contrary to paragraphs 17(x), 67, 131, 132, 134, 137 of the NPPF. I strongly recommend refusal.

**Landscape- NO OBJECTION.** A landscape objection to the principle of development of a new supermarket on this Greenfield site within the Malmesbury Conservation Area was submitted as part of the original permission. However following the LPA's decision to grant planning consent for this supermarket, I do not raise any landscape observations or comments in relation to this application for a single illuminated 'Waitrose' totem sign.

**Environmental Health – NO OBJECTION.** The light from the totem is likely to be a nuisance to neighbouring properties. However it is recommended that a condition is placed upon the permission that restricts the times the lights can be used and that they are switched off when the other totems and car park lights are switched off.

## **8. Publicity**

23 letters of Objection received. Issues raised include:

- Additional signage not required to promote the existence of the food store.
- The location of the proposed signage is detrimental to the appearance of this part of the Conservation Area
- The proposed totem sign will detract from the visual quality of the entrance route into the historic town centre
- The elevated position of the signage will increase the visual appearance and prominence of the sign

- The application form is misleading as it states in Section 11 that the sign will not be illuminated.
- A tall, illuminated sign is not in keeping with the character of the surrounding area
- The previous full planting of the bank where the sign is located should be restored
- Pedestrian safety could be affected as the sign reduces visibility from the pedestrian crossing and nearby junction.
- Questions as to why the sign was not included in the previous application for advertisement consent 14/03235/ADV.

All of the above issues have been taken into consideration as part of this assessment

## **9. Planning Considerations**

The proposed internally illuminated totem sign will be coloured green with white lettering measuring 4m high and 1m wide with a stainless steel base. Fundamental to the determination of applications for advertisement consent, is that they may only be controlled with regard to two material considerations, namely “amenity” and “public safety” (sec. 220 of the 1990 Act). There is no lawful category of “other material considerations” in addition to the interests of amenity and public safety that can be taken into consideration when determining applications for advertisement consent under the regulations.

Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest and, in England since the 2007 Regulations came into force, include rural amenity, so that noise generated by an advert can be taken into account. In this instance the proposal site is located within the Malmesbury Conservation Area and so special consideration must be made to any impact on the visual amenity, character and appearance of the nearby Listed Building and also the amenity of nearby residents.

Factors relevant to public safety are stated to include the safety of persons using any highway, whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of any traffic sign or whether the display of the advertisement in question is likely to hinder the operation of any device, such as a camera, used for the purpose of security, surveillance or for measuring the speed of vehicles.

### Impact of advertisement on the visual amenity, character and appearance of the Conservation Area

The adjacent highway, roundabout, road signs and street lights result in this location of the Conservation Area having a significantly urbanised character and appearance. Despite being located in a prominent position clearly visible from the immediate surrounding area, the proposed totem will not be visible from the historic town centre or any nearby Listed Building. It is acknowledged that the permitted supermarket scheme has had some impact on the visual appearance of the locality and approach into the historic town centre, but the proposed sign is not considered to result in any further significant harm. The illuminated totem will not exceed 18-22 Lumens and will be subject to a condition controlling the hours of use so it is not considered to result in any additional light pollution to that of the nearby street lights or adjacent supermarket site. The proposal is also not considered to result in any harm to the amenity of the nearby residents as the low level lighting will not be intrusive to the dwellings to the west. Again this will be subject to hours of operation controls in accordance with the advice of the Council’s Public Protection team. Whilst the comments of the Conservation Officer relating to the impact on the historic setting are

recognised, the urbanised appearance of the immediate vicinity mean that the totem sign will not be out of character with its surroundings, nor is it considered to result in any additional detrimental impact to the character and appearance of this part of the Conservation Area. Critically, it is not agreed that the sign in the proposed location will have a significant impact on the entry point of the historic town or the inter relationship with the historic core of the settlement and wider Conservation Area. The sloped bank and existing trees to the west and north of the site will restrict views of the 4m high sign from both the nearby Listed Building and historic core of the settlement. The landscaped verge directly in front of the sign will mature over time further limiting the impact on the Conservation Area. This location is considered to benefit the public as it demonstrates the location of the store to passing motorists and also clearly indicates the secondary entrance to the site which is the main access point for pedestrians and cyclists. It is not considered that the sign could be located in an alternate position adjacent the store and the adjoining road network that would be less related to the Conservation Area, all locations adjacent the road network and the store will have a similar relationship. It is not considered that there is a direct inter-relationship between the signage proposed and the historic core of the town and Conservation Area such that significant harm to the character and appearance of the Conservation Area is caused. It is noted that the Superstore is designed and laid out to minimise its visual impact, once the adjoining landscaping matures the superstore will not be visually prominent. Similarly the design and layout minimises the extent of signage again aimed at reducing the visual impact of the development. The sign will provide a public benefit in confirming the location of the store for members of the public seeking to access the site. On balance it is considered that the harm caused to the heritage asset of the Conservation Area will not be significant and is minimised by maturing landscaping, positioning, limited scale and controls over the hours of illumination. It is considered that there is a need for and therefore benefit of permitting the development and therefore the proposal is in accord with the NPPF and adopted and emerging plan policies.

#### Location of proposed signage impacting on highway safety.

The proposed advertisement is located in an elevated position approx 10m away from nearest highway boundary and does not obscure or hinder any road signs or cameras. The Highways Officer is satisfied that there will be no detrimental impact on highway or pedestrian safety.

### **10. Conclusion**

It is recognised that the permitted supermarket and existing signage has had an impact on the visual amenity of this part of the Conservation Area and has received a significant amount of local objection. However, it is the Officer's opinion that the proposed illuminated totem will not result in any significant additional harm to the character and appearance of this part of the Conservation Area as the proposal site is in an urbanised setting outside of the historic core of the town centre. It is also considered that the proposal will not impact on highway and pedestrian safety or the residential amenity of nearby residents. As such the proposed signage is considered to be acceptable.

### **RECOMMENDATION**

To GRANT advertisement consent subject to the following conditions:

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Demise Plan received on 29.07.14 and Signage Overview and Totem Details both received on 26.08.14

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

- 3 The advertisement(s) hereby permitted shall not be illuminated before 07:00 or after 23:00 on any day.

REASON: In the interests of amenity.

- 4 The illumination of the sign(s) hereby permitted shall be static and shall not be of a flashing type.

REASON: In the interests of amenity and/or public safety.

- 5 The intensity of the illumination of the advertisements(s) hereby approved shall be no greater than 22 Lumens

REASON: In the interests of amenity and/or public safety.

- 6 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

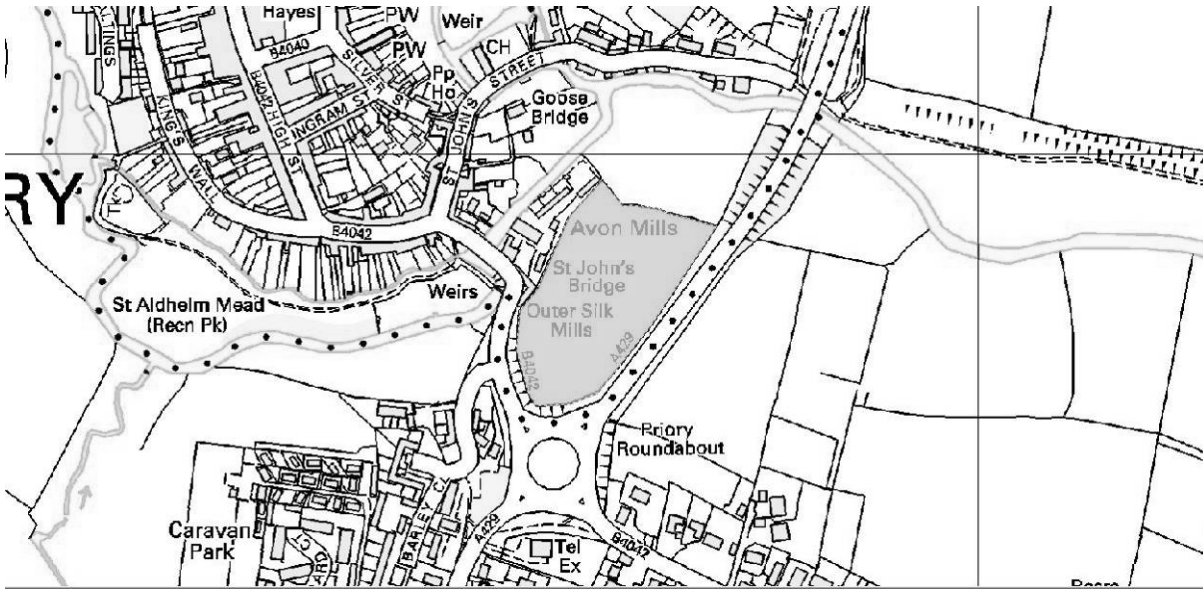
Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASON: To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7      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.

8      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>	29 October 2014
<b>Application Number</b>	14/04179/OUT
<b>Site Address</b>	Land at Bradford Road  Corsham  Wiltshire
<b>Proposal</b>	Development of up to 170 Dwellings, Medical Centre/Community Hall, Public Open Space, Access and Associated Works
<b>Applicant</b>	Redcliffe Homes
<b>Town/Parish Council</b>	CORSHAM
<b>Ward</b>	CORSHAM WITHOUT AND BOX HILL (Cllr Dick Tonge)
<b>Grid Ref</b>	385366 170211
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mark Staincliffe

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

The application has been called in by Cllr Tonge, in order to consider the scale of the development and the many issues raised by local residents.

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

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

### **2. Report Summary**

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

- Principle of development
- Impact on the character and appearance of the area
- Highway safety
- Design and Layout
- S106 Contributions

### **3. Site Description**

The application site is approximately 9.7ha of Greenfield land located at the western edge of Corsham. The site is bounded by Bradford Road to the north and Park Lane to the south and is approximately 1.8km to the west of Corsham High Street and the historic town centre.

The site is currently accessed by vehicles from Park Lane, via an informal entrance at the eastern end of the site. The majority of the site is a gently sloping arable field, sloping toward

the north east, enclosed along the northwest boundary to Bradford Road and in part along the southwest boundary to Park Lane by mature, managed hedgerows and tree lined boundaries. A copse of mature trees is located on the boundary with Park Lane.

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

No relevant planning history

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

The application seeks outline planning for a development of up to 170 dwellings, site for a medical centre and community hall, public open space and associated works. Details of access are submitted with the application with all other matters reserved for later approval.

The submitted indicative layout plan demonstrates the separation of the proposed residential units from the existing highways by way of a landscape buffer. The indicative plan also illustrates two accesses into the site as well as the possible pedestrian access point to allow greater connectivity between Corsham and Rudloe.

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

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

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

##### North Wiltshire Local Plan 2011

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

The Wiltshire Core Strategy is at an advanced stage of preparation and although not adopted represents the most up to date planning policy for the area and should be treated as a material consideration. The latest advice from the core strategy Inspector is that his report on the soundness of the plan will be received by the end of October 2014. The relevant policies are as follows

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

- Core Policy 1: Settlement strategy
- Core Policy 2: Delivery strategy
- Core Policy 11: Spatial Strategy: Corsham Community Area
- Core Policy 51: Landscape
- Core Policy 43: Providing affordable homes

Core Policy 45: Meeting Wiltshire's housing needs  
Core Policy 51: Landscape  
Core Policy 57: Ensuring high quality design and place shaping  
Core Policy 62: Development impacts on the transport network  
Core Policy 67: Flood Risk  
Appendix D  
Appendix E  
Appendix G

#### Wiltshire Housing Site Allocations DPD

Although at an early stage of preparation recent appeal decisions have accepted that the planned preparation of this document which will review existing settlement boundaries and identify additional housing sites to ensure continuity of housing supply over the plan period is a material consideration in decision making.

#### National Planning Policy Framework

Section 6- Delivering a wide choice of high quality homes

Section 7- Requiring good design

### **7. Consultations**

#### Corsham Town Council

The application be refused on the grounds that Corsham Town Council's policy is to retain a green buffer between Corsham itself and the outlying settlements; concerns over the findings of the mining assessment; inappropriate site when other more suitable sites were coming forward; Corsham is already nearing the indicative housing figure allocated to the town in the Core Strategy which covers the period to 2026 and therefore queried the implied need for this proposal; the development was felt to be poorly planned; there was a lack of demonstrated need for the proposed community facilities and they were felt to be inappropriately sited within the scheme.

If Wiltshire Council was minded to approve the application that conditions be imposed that would provide cemetery and allotment land on site.

#### Box Parish Council

Concerns relating to the development's impact on the B3910 and on general infrastructure. Box Parish Council would like a contribution towards infrastructure in Box, particularly the impact on the Box Cemetery.

#### Public Art

In general terms, we would expect for a development of this size to engage an experienced professional public art advisor to join the design team to devise a public art scheme. We would want to work with the design team, assist with the short listing of a public art advisor and approve the final public art scheme. An indicative figure for a public art contribution of a site of this size would be £300 per dwelling.

#### Ecology

Additional survey information required. An additional survey has been submitted and the formal response from officers will be presented to members as a late item.

#### Affordable Housing

This application triggers an affordable housing requirement.

#### Open Space

In accordance with the current Local Plan the proposed development would generate a requirement for public open space, play space, sport and recreation provision and cemetery provision in Box and Corsham is required.

#### Waste Services

A contribution of £20,570 will be required to cover the waste and recycling provision costs

#### Wessex Water

No objection subject to conditions and the following points:

1. There are a number of water mains which border the site, which must be accurately located on site and statutory easements observed. It may be possible to divert some of these pipes which will be subject to application, engineering agreement and at the developer's cost.
2. There must also be no tree planting within 6 metres of these mains. Network modelling will be required to determine a point of connection to the existing public water supply network and any recommended off site reinforcement to provide requisite supply for the site.

#### Drainage

We confirm that a discharge rate of 8.17l/s/ha to the unnamed ordinary watercourse adjacent to Park Lane, which currently receives the sites existing runoff, is acceptable; with the condition that the receiving pipe's route is traced and a capacity assessment is undertaken.

If the developer proposes to discharge into a nearby ditch/watercourse, then an application for land drainage consent (LDC) would also be required to formally grant consent.

#### Rights of Way

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

#### Highways

No objection to the principle of development. However, there are concerns relating to the proposed width of suitability of the footpaths adjacent to the site.

#### Landscape

It is my view that the revised proposal now incorporates an improved and minimum level of new structured landscaping necessary to successfully assimilate new development into the wider landscape. However, it will be critically important that the design principles of new development as illustrated within the submitted outline application are not watered down within any subsequent detailed Reserved Matters applications.

#### Spatial Planning

Object- There are policy objections to the proposal as currently submitted as it fails to comply with existing or emerging policy and does not demonstrate that there are significant material considerations, through either the NPPF or emerging policy, that weigh in favour of the development in order that the fundamental policy objection can be overcome.

The essence of the policy objection is:

- the site represents Greenfield development in a location outside the settlement boundary for Corsham when there is no immediate need for additional housing at the town
- the site will erode the strategic gap between Corsham and Rudloe damaging the role and function of these two separate settlements
- the site does not comply with the community area strategy for Corsham which seeks to prioritise development on previously used land before releasing Greenfield sites
- the site is not being brought forward through a masterplan exercise with the local community

Since the receipt of spatial planning comments two significant appeal decisions have been received at Park Road, Malmesbury and Abberd Lane, Calne. These have a bearing on the 5 year housing land supply position in the county and the weight to be given to adopted policy H4 of the North Wiltshire Local Plan. This is discussed further under planning considerations.

### **8. Publicity**

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

20 letters of objections were received from local residents, some residents have submitted more than one letter. Comments were also received from the MOD & Corsham Civic Society.

Summary of key points raised:

- Enough planning permissions already granted
- Outside settlement framework boundary
- Impact on highway safety due to increased traffic
- Traffic problems
- Remove green wedge between Corsham and Rudloe
- Proposed pedestrian crossing is dangerous
- Impact of development of pedestrian safety
- Corsham does not have sufficient local facilities such as doctors & Schools.
- Adverse impact on local services
- New houses not required in Corsham
- Local people should select the sites
- Will harm the landscape and historic character of the area
- Contrary to local plan and core strategy
- Brownfield land should be built on
- The development will be affected by mines under the site
- Community centre not required

#### Corsham Civic Society

Whilst understanding that new housing is essential, this hard-packed development on a green-field site is again in contrast to Core Strategy statement that the housing needs of this area could be met by building on brown-field sites/ex MOD. It is also contrary to the 'Town Council Corporate Plan 2010' which was to 'ensure that a green open space between Corsham and surrounding villages is retained'. Traffic congestion and access to A4 is inevitable with this development.

## MOD

The MOD operates from land and premises in Peel Circus. Road visibility is already limited for vehicles and pedestrians entering and exiting from Peel Circus and there are concerns that the increase in traffic flows from the proposed scheme would exacerbate the current situation. If the development proceeds improvements to this are necessary.

## **9. Planning Considerations**

### Principle of development

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

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

The development plan for the area includes Policy H4 of the North Wiltshire Local Plan 2011, adopted in June 2006 and subsequently saved by direction of the Secretary of State. This policy prevents development outside defined Framework Boundaries save for countryside purposes. For the purposes of Policy H4, the settlement boundary of Corsham is the Framework Boundary. The application site lies outside this boundary and the development is therefore contrary to Policy H4.

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the subsequent Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight. The Wiltshire Core Strategy (WCS) and the Wiltshire Housing Site Allocations (WHSAs) DPD are also material considerations which can be given weight according to their stage of preparation. The WCS being well advanced can be afforded significant weight.

Amongst other things, the NPPF aims, within the context of a presumption in favour of sustainable development, to boost significantly the supply of housing. It requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. If the local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered as up date.

The recently issued ‘Abberd Lane Appeal Decision’ concluded that Policy H4 is a policy that relates to the supply of housing. The Council’s position at the appeal was that it could demonstrate a five year supply of deliverable housing sites. However, the council conceded that if they could not, then Policy H4 should be considered as out of date. The conclusion of the Abberd Lane inquiry was that the Council should be assessing its housing supply against an Objectively Assessed Need of 44,000<sup>1</sup> homes until such time that the WCS is adopted and a locally derived housing requirement is approved (currently proposed as 42,000 homes)<sup>2</sup> As a consequence the Council was found to not have a 5 year supply of housing. In these circumstances housing applications should be considered in the context of the

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<sup>1</sup> WCS Inspector in his 10<sup>th</sup> Procedural letter of 3 December 2013 indicated that in his view the Objectively Assessed Need for housing in Wiltshire was around 44,000 homes.

<sup>2</sup> This decision was made in accordance with the Court of Appeal’s judgment in the case of Hunston Properties (applied in the case of Gallagher Estates Ltd v. Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin)),

presumption in favour of sustainable development and consideration of the adverse impacts of the development compared to the benefits ie the planning balance. The remainder of this report seeks to set out the planning balance in relation to this application.

### **Site Specific considerations:**

#### Ecology

The site is located approximately 0.6km from Box Mines SSSI / SAC and comprised of large arable fields bounded by hedgerows and dry stone walls. Hartham Park Quarry is situated on the north eastern boundary and a desk study suggests further entrances may be present to the south east. Initial bat surveys carried out in late August – early-October revealed a wide assemblage of bats using the boundary hedgerows including horseshoe species which the SAC is designated for. Relatively high levels of *Myotis* sp. bat activity was also recorded.

The application will require a Habitats Regulations Assessment (HRA) in accordance with Regulation 61 of the Habitats Regulations. The ecology report recognises that further bat survey work is required to carry out this HRA, although the extent of such work is unspecified.

The report also recorded two 5m deep 'drainage holes' in a small woodland copse in the south of the site, although no details are provided; given the concentration of mining activity in this area it is feasible that such structures may in fact be related to underground workings which might support roosting bats.

Some dormouse survey work has been carried out, and although no evidence of this species has been recorded the ecology report acknowledges that this level of survey is insufficient to confirm the absence of this species, with a recommendation for further survey work in 2014.

Additional survey work has been requested and recently submitted to the Council. This information is currently being assessed by the Council's ecologist and the conclusions will be presented as a late item.

#### Affordable Housing

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

#### Mining

Concerns have been raised by local residents in relation to the mining report and the proximity of built development to these mines. The revised mining report that was submitted in April 2014 clearly identifies the locations of mines within the locality. The plan on page 12 illustrates that the mine shafts are outside of the red line for the planning application. The mines are therefore not underneath the area proposed for housing and no objection is raised to the development in this respect.

#### Landscaping & Urban Design

This farmland currently serves to physically separate the settlements of Corsham and Rudloe and was historically protected from development by Policy NE3 Rural Buffer. While this policy is no longer saved, the issue of settlement coalescence remains a planning consideration for development proposed on the remaining land separating Corsham and Rudloe.

At pre-application stage a number of existing landscape features were identified and their retention sought, such as perimeter hedgerows and some wooded areas. These are proposed for retention within the current proposals which will be important to follow through if development is accepted in principle. These existing landscape features will need to be appropriately incorporated within the final development proposal to ensure that their value is retained in terms of supporting public visual amenity and wider landscape character but also to ensure their long term health and viability is sustained for future generations.

The indicative layout has been amended as a result of concerns raised during preapplication and has positively addressed many of the issues highlighted. The revised illustrative layout suggests that the level of development proposed could be satisfactorily accommodated in terms of landscape, character and visual impact, residential amenity, place making and space to accommodate adequate maintenance for retained and proposed trees and hedgerows.

At pre-application stage it was suggested that existing retained landscape features and new structural landscaping elements should remain in the public domain in order to ensure their cohesive future management and control and to reduce the risk of their piecemeal removal or neglect over the longer term by private householders. This can be agreed as part of the agreed final layout.

Appropriate access to maintain hedgerows will also be necessary to incorporate at an early design stage as the layout of streets, orientation of dwellings, provision of active frontage etc. will all have a bearing on this, and ultimately the appropriate number of new dwellings that could be comfortably accommodated at this proposed site. In my opinion there has been a significant improvement within the revised layout and proposed open spaces will be largely overlooked by active development frontage which improves levels of surveillance and positively contributes to place making.

The Landscape Character Assessment for this Character Area, highlights the need to improve the existing urban fringe transitions with countryside around Corsham and Rudloe in order to better contain existing and proposed new development edges and additional harmful urban influences on countryside. It also states that the preference for new development within this character area is on lower lying land, where the landscape and visual effects resulting from urban development can be mitigated for through improving existing field boundaries and planting new areas of woodland.

It is considered that further structured landscaping in the form of new woodland buffers and tree planting would be necessary in order to better integrate proposed development into the wider landscape context and to protect the wider panoramas viewed from elevated countryside vantage points. However, this can be controlled at the reserved matters stage.

Having considered the above it is acknowledged that the loss of countryside would cause some environmental harm, this is a matter that weighs against the proposed development, however, this harm is not considered to be significant enough to warrant a reason for refusal.

#### Highways

The Transport Assessment has considered the effects of the development traffic on local significant junctions for the future growth year of 2019. Objectors have raised concerns that other nearby developments have not had their traffic included in the assessments.

Copenacre site potential traffic has been included. The Hannick homes development of 88 dwellings on Bradford Road has not been included but this is understandable as it was not a committed development at the time of preparing the Transport Assessment (TA). Inclusion of the Hannick traffic would not significantly change the conclusions on the individual junctions.



The potential 200 units at RAF site 2 is not a committed development. The Wadswick Green development is not for free market dwellings and more importantly its traffic generation is not significantly increased compared with the previous lawful use of the site.

The Council's Highway Officer has considered the submitted TA and made the following conclusions:

#### **A4 / B3109**

The junction will have significant capacity issues in 2019, but the development will be a very limited contributor to these issues. Mitigation is suggested requiring the loss of 1 medium tree and 1 small tree from the traffic island to the east. The mitigation would substantially improve the junction operation.

#### **A4 Bath Road / Park Lane mini roundabout**

The analysis shows no significant detriment in the pm peak hour. In the am peak hour there is a forecast queue of 21 vehicles on the A4 west arm in 2019. This can be adequately mitigated to a queue of 9 vehicles by minor alterations to the junction layout.

#### **A4 / B3353 mini roundabout**

The development is shown to lead to an increase in queue lengths in 2019, but minor alterations to the junction layout will mitigate these queues to an acceptable level. B3109 / Bradford Road / Westwells Road double mini roundabout. The analysis shows the junction will operate satisfactorily in 2019 both with and without the development. B3109 Bradford Road / A365 Devizes Road (Five Ways) Traffic signal junction the development will have no significant impact upon the junction.

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

The Highway Officer has raised concerns relating footpath provision outside of the site and the impacts this could have on pedestrian linkages and sustainable development. Amended plans have been submitted to the Council relating to these points and the conclusions will be presented to the committee as late items.

#### Community Facility/Doctor Surgery

The statement of community involvement indicates that there is a lack of suitable facilities such as doctor surgery, dentists, community facility & museum. It is acknowledged that the recently opened 'Corsham Campus' is likely to fill the gap relating to community facilities there would still appear, from the neighbour consultation response, to be a need for the doctors surgery/dentist. The applicants will make the land available for such development through the s106 agreement and they are currently seeking an occupier. The provision of is regarded as a benefit of the scheme.

#### **In Principle Considerations:**

##### Five Year Land Supply

As stated above the recent appeal decision at Abberd Lane, Calne, confirmed that the Council does not have a 5 year supply of housing when tested against an Objectively Assessed Need of 44,000 homes. In these circumstances paragraph 14 of the NPPF provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the

NPPF policies taken as a whole. Essentially is the proposal in a sustainable location and do the planning benefits of the scheme outweighing any adverse impacts.

#### Sustainability of the site

3.5 ha of this 9.7ha site was previously identified as a preferred option for development in the Wiltshire 2026 document published in 2009. The assessment of the site in the 2009 Strategic Sites Background paper, that supported the 2026 document, noted that the site was relatively unconstrained but identified as strategic issues maintaining the strategic gap between Rudloe and Corsham and the importance of hedgerows and trees for foraging bats. The preferred option formed only a small part of the application site on the eastern side.

The extension of the site means that some of the conclusions of the study, including its relation to the existing built up area as quoted in the Planning Statement, need to be carefully assessed. Of particular note is the Strategic Sites paper highlighting the issue of maintaining the strategic gap between the settlements of Rudloe and Corsham. Since entering into pre application discussions and the public consultation exercise the site area has been reduced thus ensuring the reduced gap is retained.

The Council has acknowledged that housing will need to be delivered in and around Corsham - some 330 homes remain to be identified of the indicative requirement of 1220 (April 2014 base. Additional housing has since been permitted that will reduce this residual need further). Previously used land is identified in the SHLAA that could meet this residual need and the Wiltshire Housing Site Allocations DPD will identify the most appropriate location. This WHSA will be guided by the Corsham Community Area strategy and overall strategy in the WCS which encourages re-use of previously used land (CP2 encourages 35% PDL) and an holistic approach to the development in the wider Corsham area given the presence of redundant MOD land (Policy CP11 and paragraph 5.59, CP37 on re-use of MOD land). The availability now of sites in the Corsham area should, however, be a consideration.

The Strategic Sites paper included a number of other options for development that included significant previously developed MoD land holdings. However, these were not assessed further as there was no certainty at the time that they would be surplus to military requirements. Since 2009 there is an indication that some of these sites will become available. One of these sites is to the north of the site at Copenacre which will deliver 100 dwellings with further applications expected on other sites. The intention for these sites to come forward and the government's preference for development on brownfield sites is noted. However, section 6 of the NPPF requires councils to identify a supply of specific, developable sites and these should be in a suitable location for housing development and there should be a reasonable prospect that sites are available and could be viably developed at the point envisaged. The MOD sites identified in the Strategic Sites Paper do not fulfil this requirement; therefore limited weight can be attached to them in considering the suitability of this site.

The Strategic Sites paper also acknowledged that the site is well located to both Rudloe and Corsham and the service that these offer, such as public transport, shops and schools and Doctors. The development is therefore considered to be in a sustainable location and would meet the objectives of the local and national planning policies

#### Other Benefits

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 paragraph 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 case law is relevant in this case as the development plan is out of date and the Council is currently unable to demonstrate an available and deliverable 5 year supply of land for housing against the AON. This position is likely to change once the Core Strategy has been adopted.

As a project, the proposal would generate investment and economic activity, contributing to the national economic recovery of the immediate area. During the construction phase it would create jobs and a demand for local services. After completion, the new residents would bring additional spending power to the local area and benefit from the local public transport that pass between the larger settlements of Bath and Chippenham. Paragraphs 18 and 19 of the NPPF gives significant weight to the need to support economic growth, and Section 143 of the Localism Act 2011 requires that regard is paid to local financial considerations. These matters are similar to those arising in most developments at a market town given the range of services offered but do count in favour of the proposed development.

The provision of up to 170 new dwellings, 30% of which are affordable, would be a significant benefit to the local area. This specific need for affordable housing is identified within the North Wilts Local Plan and Core Strategy, which seeks the inclusion of affordable housing in all residential developments. The proposal seeks to enter into a legal obligation which ensures that 30% of the units would be provided as affordable rented or intermediate housing, as defined in the relevant national policies. Given the shortage of such housing in the area, and the high level of house prices relative to local incomes, this would be a substantial benefit as would the boost to local housing numbers.

#### S106 contributions

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

- 30% affordable housing
- On-site provision of 11,220m<sup>2</sup> of adoptable open space, of which 1020m<sup>2</sup> allocated as specific play provision, to be subject to a commuted fee to cover maintenance if this is to be adopted by the Town Council. Alternatively the public open space to be adopted and maintained by a management company funded by the occupiers of the site, this will also be subject to a commuted fee to cover maintenance.
- Off-site financial contribution of £44,898 to satisfy the Sport and Recreation requirement of Planning Policy C2.
- £8,330 towards a new Cemetery provision in Box & Corsham
- Off-site financial contribution towards primary school places and secondary school places (confirmation of this amount has not yet been received but the sum will be reported as a late item at the committee meeting)
- Vouchers for each household should be at a level of £250 per household with a reduction to £150 per household where one or more residents are eligible for

concessionary travels. The vouchers to cover a mix of public transport use and possible cycle purchase.

- £51,000 commuted to the Council's arts service to manage the art and design process and programme.
- £20,570 commuted sum for the provision Refuse and Recycling bins on site

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

## **10. Conclusion**

As recognised in the discussion above, the Council, at the moment, cannot demonstrate a 5 year supply in the north and west HMA against a objectively assessed need of 44,000 homes and because of this policy H4 of the North Wiltshire Local Plan is considered to be out of date the application should be considered in the context of the presumption in favour of sustainable development. In this consideration the Wiltshire Core Strategy does not have the status of the development plan but is a material consideration.

This means that to determine the application consideration must be given to many factors. Firstly, whether the development is sustainable given the current policy context (NPPF and Development Plan) and, secondly, whether the presumption in favour of development is outweighed by adverse impacts which are significant and demonstrable. This involves a balancing exercise which requires a careful assessment of issues relevant to policy considerations and fact.

The report has highlighted that the adverse impacts of the development include the construction of dwellings within the open countryside. The benefits of the proposal include the fact that the proposal will boost housing supply at a scale of development that is not inappropriate in a market town where a current lack of a five year supply of housing is acknowledged, there would be an additional supply of affordable housing and there would be economic benefits through construction and occupation of the houses, the application will protect the long term future of the remaining green gap between Rudloe and Corsham and it is understood that pedestrian linkages to the primary school will be improved. The scheme includes medical/community facilities although the need for these services is questioned by Corsham Town Council.

The in principle objections to the proposal are considerable given the potential impact of the development on plan making. However, given the weight as a material consideration to be given to boosting the supply of housing when there is not a 5 year supply of housing, the fact that the housing policies in the adopted North Wiltshire Local Plan are out of date and the Wiltshire Core Strategy is still to be adopted and the limited site specific objections to the proposal (highway, ecological, landscape and design issues can be dealt with through conditions) it is considered on this occasion that the adverse impacts do not outweigh the

benefits of scheme. It is therefore considered sustainable development in the context of the NPPF paragraph 49.

## **RECOMMENDATION**

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

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

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

- 2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

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

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

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

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

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

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

5 Prior to the first occupation of any dwelling on site the access to the site and details as shown on drawing number Figure 4.2 and drawing number Figure 4.1 shall have been provided.

REASON: In the interest of highway safety

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

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

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

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

7 Prior to the first occupation of any dwelling on site the works and improvements listed below shall, in accordance with details which shall first have been submitted to and approved by the local planning authority, be completed in accordance with these approved plans:

- Widening and resurfacing of the footway between the site access and the Toghill Crescent.
- Tree removal at the A4 / B3109 junction.
- Highway improvements at the A4 / B3353 mini roundabout.
- Highway improvements at the A4 Bath Road / Park Lane mini roundabout.
- Street lighting improvements over the Park Lane frontage of the site.
- Street lighting of Bradford Road over the site frontage and as far as Toghill Crescent.
- Minor footway alterations at Toghill Crescent.
- A half width layby and bus shelter on the Bradford Road frontage of the site, towards the north-eastern part of the site.

REASON: In the interest of highway safety, to mitigate the impact of the development on the highway network and to ensure that the development is sustainable.

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

REASON: To prevent any increased risk of surface water flooding.

9 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a

remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To protect controlled waters from pollution.

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

REASON: To prevent pollution of the water environment

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

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

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

REASON: For the avoidance and in the interest of proper planning.

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

- 13 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 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, unless an alternative timetable is agreed in the approved details.

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

- 14 No more than 170 dwellings shall be developed on the application site edged red on the submitted Site Plan.

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

- 15 The layout of the proposed development hereby permitted shall be broadly in accordance with plan number 3657-sk01 Site Layout.

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

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

3657-202 Location Plan (BBA)  
12731500-001 Site Survey (Brunel Surveys Ltd)  
3657-sk01 Site Layout (illustrative) (BBA)  
FMW1191- Figure 4.1 Proposed Access onto Bradford Road (FMW)  
FMW1191- Figure 4.2 Proposed Access onto Park Lane (FMW)  
Design and Access Statement (BBA) dated April 2014  
Planning Statement (GL Hearn) (ref 1303\_J029947D2 PS v4)  
Transport Assessment (FMW) (ref FMW 1191) including revised appendices submitted on 22/04/2014  
FRA and Drainage Strategy (FMW) (ref FMW1196 issue20140416)  
Landscape and Visual Impact Assessment (NPA) (ref 10679 April 2014)  
Ecology Appraisal (Engain) (ref eg13546)  
Statement regarding Badgers (Engain) (ref eg13556)  
Mining Report (SLR) (ref 422.01918.0008 Rev 1 April 2014)  
Waste Minimisation Assessment (SLR) (ref 407.01918.00009 rev 2)  
Consultation Statement (GL Hearn) (ref 1404\_J029947D3)

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.

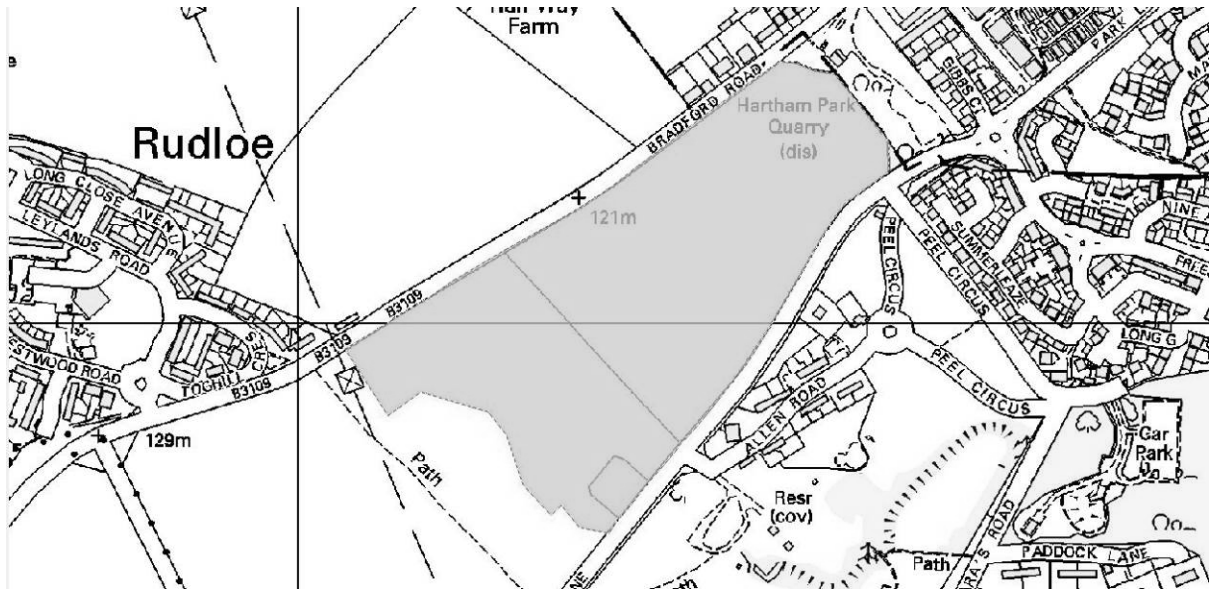
**INFORMATIVE TO APPLICANT:**

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.

**INFORMATIVE TO APPLICANT:**

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





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## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	29 October 2014
<b>Application Number</b>	14/00153/FUL & 14/02535/LBC
<b>Site Address</b>	RAF Yatesbury Jugglers Lane Yatesbury Wiltshire SN11 8YA
<b>Proposal</b>	Restoration & Conversion of Former RAF Base & Residential Development Consisting of 46 Dwellings
<b>Applicant</b>	Mr Jamal Khanfer
<b>Town/Parish Council</b>	CHERHILL
<b>Division</b>	CALNE SOUTH AND CHERHILL (Cllr Hill)
<b>Grid Ref</b>	405288 171404
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mark Staincliffe

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

The application has been called in by Cllr Hill, in order to consider issues such as scale of development, visual impact upon the surrounding area, relationship to adjoining properties, design/general appearance, highway impact & car parking.

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

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

To DELEGATE authority to grant listed building consent to the Area Development Manager, subject to conditions and the signing of a Section 106 agreement.

### **2. Report Summary**

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

- Principle of development
- Impact on the character and appearance of the area
- Highway implications including sustainability
- Access
- Design and Layout
- S106 Contributions & Viability

- Impact on the Listed Buildings

### 3. Site Description

The site is a former RAF base and began as a Royal Flying Corps airfield in the First World War, was abandoned before being refurbished as a civilian flying school in 1935-6 and then taken over by the RAF before the outbreak of the Second World War. It remained in RAF hands until 1965, used mainly for training rather than for flying. Since being sold by the MOD the site has remained largely unused and unoccupied.

There have been many buildings of different periods on site and approximately 40 buildings remain on site. Three hangars on the site were given Grade II\* listing in 1989, and at the same time, most of the airfield was designated a Conservation Area. Another building within the site, Officers' Mess & Offices, was also listed but Grade II status. Since the previous application was granted planning permission at appeal two of these hangars have been demolished and removed from site.

It is important to note that when considering the previous application at appeal, the planning inspector acknowledged that the site not only had national significance but also international significance.

### 4. Planning History

N/04/03635/CAC	DEMOLITION OF BUILDINGS IN ASSOCIATION WITH PROPOSED CHANGE OF USE/RESTORATION AND RESIDENTIAL DEVELOPMENT
N/04/03634/LBC	Change of Use and Alterations to Existing Buildings to Provide Forty One Residential Units and Nine Live/Work Units
N/04/03636/FUL	Change of Use of Existing Buildings to Provide Forty One Residential Units and Nine Live/Work Units and the Erection of Twelve New Dwellings
N/06/00367/COU	Change of Use of Existing Building To Provide 41 Residential Units & 9 Live/Work Units
N/06/02567/CAC	Demolition Of Porta Cabins And Single Storey Lean To
N/06/02566/COU	Change Of Use Of Building And Adjoining Land To Create 29 Live/Work Units, Communal Work Space, Play Space, Parking, Village Shop, Landscaping And Associated Works
N/08/01199/COU	Alterations to Building 04, 05, 37 & 38 to Reduce the Number of Residential Units by Ten & to Limit the Internal Alterations Necessary to these Buildings
N/08/01251/LBC	Internal and External Alterations Associated with Residential Conversion of Buildings 4, 5 37 and 38

N/10/00214/CAC	Demolition of Portacabins and Single Storey Lean To (Renewal 06/2567/CAC)
N/11/03229/CAC	Demolition of Derelict Hangar 3
N/11/03230/LBC	Demolition of Derelict Hangar 3
14/02535/LBC	Restoration & Conversion of Former RAF Base & Residential Development Consisting of 46 Dwellings

A previous application relating to this proposed scheme was granted at appeal and a viability assessment has now been submitted in connection with the new application. The previous appeal was as a result of a call-in by the Secretary of State. North Wiltshire District Council and English heritage supported the scheme.

### 5. The Proposal

The application seeks planning permission and listed building consent for the erection of five new detached dwellings. The applicant considers these five dwellings to be enabling development and the construction of them will finance the restoration and re-use of hangar 02, a Grade II\* listed building. Revenue generated from the sale of the dwellings will also be used to offset the significant costs of restoring and converting the remaining Listed and curtilage listed buildings within the site.

The application also proposes the following:

- Conversion of the 'Teaching Block' into 7 dwellings
- Conversion of the 'Officer's Mess/Flight Offices' into 8 dwellings
- Conversion of the 'Officer's Accommodation Block', with minor extension into 6 dwellings
- Conversion of the 'NCO Accommodation Block' into 5 dwellings
- Conversion of the 'Squash Courts' into 2 dwellings
- Conversion of the 'Sick Bay' into 1 dwelling
- Conversion of the 'Rest Hut' into 1 dwelling
- Conversion of the 'Lecture Hall' into site manager's office
- Conversion of the 'Power House' into 2 dwellings
- Conversion and extension of the 'Garage' into 4 dwellings
- Conversion and extension of the 'Workshop' into 3 dwellings
- Conversion and extension of the 'Fire Engine Garage' into 2 dwellings

The proposed development also includes a comprehensive landscape scheme including the reintroduction of the hanger apron and public open space.

The restored hangar will be a mixed use building consisting of community use, shop, and B1 office used. It will be a flexible space with the ability to alter and change the room size & configuration to meet the needs of the local community and businesses.

## **6. Planning Policy**

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

C1 (Sustainability Core Policy)  
C2 (Community Infrastructure Core Policy)  
C3 (Development Control Core Policy)  
H4 (Residential Development in the Open Countryside)  
NE15 (The Landscape Character of the Countryside)  
HE1 (Development in Conservation Areas)  
HE4 (Development, Demolition or Alterations to Listed Buildings)  
HE7 (Enabling Development- Historic Environment)

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

CP1 (Settlement Strategy)  
CP2 (Delivery strategy)  
CP8 (Spatial strategy: Calne Community Area)  
CP43 (Providing affordable homes)  
CP45 (Meeting Wiltshire's housing needs)  
CP48 (Supporting Rural Life)  
CP57 (Ensuring high quality design and place shaping)  
CP58 (Ensuring the conservation of the historic environment)

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

## **7. Consultations**

### Rights of Way

Juggler's Lane runs just outside the site, along the north side of it. This is part of the National Cycle Network and will also be a key link for residents to reach Cherhill on foot/cycle.

Two comments on this link:

1. Only 1 link is proposed out of the site onto the lane. To make access more convenient for residents there should also be a second link at the eastern end of the site, I'd suggest one should be provided along the east side of the allotments

2. The nearest primary school to the site is located in Cherhill. The distance to the school is under 3 miles which means children won't qualify for free transport. Currently the only other option is along the A4. Jugglers Lane will therefore be a vital link to the school. The bottom of Jugglers Lane sometimes suffers minor drainage issues. This is not a significant concern for the current usage of the path (generally leisure). However, the introduction of residents here will require a higher standard of link to the local facilities. We therefore require a contribution of £3000 to improve the drainage on Jugglers Lane to encourage sustainable access to nearby facilities

#### Archaeology

I am minded to advise on the need for an archaeological condition to be attached to any grant of consent. The condition should cover the survey and recording of any archaeological, military or built heritage features with the red line area (including the pill box), as well as a watching brief on any ground works associated new the development. The standard archaeological condition can be used to cover these elements.

#### Housing

Policy H6 Affordable Housing in Rural Locations is relevant to this proposal. Policy H6 states the Council will seek to negotiate an element of affordable housing to meet local needs on **all housing developments**, within the Framework boundaries of the villages not the subject of Policy H5. The Council will negotiate about 50% of the dwellings to be affordable subject to local needs and site characteristics.

Additional comments- I confirm that our affordable housing requirement is 30%, to be provided as an on-site contribution, unless there are exceptional circumstances that do not make this possible. I note that a previous application relating to this proposed scheme was granted at appeal and I also note that a viability assessment has now been submitted in connection with the new application. As an off-site financial contribution is only acceptable in exceptional circumstances it will be more appropriate to wait until the outcome of this viability assessment before discussing any possible off-site financial contribution. As it stands currently, and until the viability assessment outcome is known our affordable housing requirement is a 30% on-site provision.

#### Conservation

I support this proposal but would like to find a way to condition the pod area/layout and materials used. A s106 agreement is also required to ensure that the historically important buildings are

#### Drainage

No objection

#### Ecology

I'm satisfied that although the development will impact upon a number of protected species, I consider that such impacts could be satisfactorily mitigated through the use of appropriately worded planning conditions to secure the following:

- Implementation of the ecological mitigation measures set out in the submitted 'Protected Species Survey and Impact and Mitigation Report (Sedgehill, 2013)'
- Submission, approval and implementation of a sensitive lighting scheme to limit light spill
- Any landscape management plan for the site to be submitted and approved by the LPA should demonstrate that nature conservation and protected species have been taken into consideration.

Subject to these conditions, the application could be granted in accordance with Circular 06/2005.

#### Highways

I am satisfied that the proposals will not have an unacceptable affect on the local highway network. There has previously been a requirement for improvement to the Jugglers Lane/C139 junction and a suitable scheme was previously agreed. I consider that this requirement should remain and can be covered by a suitable condition.

#### Cherhill Parish Council

Cherhill Parish Council are in support of the principle of developing this site, are keen to see no further loss of the Historical Heritage that still remains and support the use of a brownfield site for residential development. We must, however, take account of major concerns identified by the residents of Yatesbury who attended the meeting. We therefore object to the application as it stands

#### Public Open Space

The POS requirement for this dwelling mix is 2355m<sup>2</sup> of which 195m<sup>2</sup> should be play provision. I note from the landscape proposals that onsite provision is proposed. The developer needs to confirm the quantum and form of the onsite POS provision.

#### Education

Based on 46 open market units, all at above one bed size and with no affordable housing, the need for 14 primary and 10 secondary places is generated. There is some existing capacity but 1 or 2 places at the current capital cost multiplier of £16,768 each will be required.

#### Wessex Water

No objection. Should planning permission be granted the following planning condition is required:

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

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

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

#### English Heritage

Whilst this application by no means offers the ideal solution for the site through this residential conversion, it does, we believe, offer a future that should secure the long-term maintenance of the remaining designated heritage assets, in particular, Hangar 02. Crucially, this solution does not involve as much new development on the site as the previous scheme and provides a more viable use of the surviving Grade II\* listed Hangar.

After many years of decline, disuse and problematic planning applications, we hope that this application marks a turning point in the fate of RAF Yatesbury and that it can look forward to a brighter future. We recommend that the future of the one remaining hangar should be assured at the outset of any works that may be agreed and that robust mitigation measures are put in place to limit visual impact and light pollution.



## 8. Publicity

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

9 objections 7 letters of support and an objection was also received from CPRE.

Summary of key points raised:

- Principle of development and land supply
- Impact on site character and appearance
- Impact on highway safety and safety of horses
- Impact on ecology and wildlife
- Impact on listed building
- Light pollution
- Design of Parking
- Unsustainable development
- Site is an eyesore. Redevelopment required
- Development will help regenerate the community
- Wonderful site and great opportunity
- Opportunity to save this site from ruin
- Need to respect the character of the dwellings
- Will assist in improving internet speed

### RAF Yatesbury Association

Support

### CPRE (summary of comments)

The physical reality is now very different. One hangar (046) in practical terms no longer exists, one hangar (03) is on the point of total collapse and hangar (02) is a new structure built to match the previous model which collapsed years ago. It is stated that hangar 03 has been granted demolition consent and hangar 02 will need assessing before determining whether it merits listing as Grade 2\*.

The majority of the smaller building are in a state of severe deterioration, the two listed services blocks stabilised but also substantially deteriorated. In sum, the site has lost its former integrity and is greatly diminished in terms of historical merit.

The site lies within the North Wessex Downs Area of Outstanding Natural Beauty. This designation brings with it special policies and implicit understanding of what is considered appropriate development in open countryside in the 21<sup>st</sup> century.

We do not see how a housing site, facing the long ranging northern views from the National Trust land at Oldbury Castle, comprising all the features accompanying residential areas such as street lighting, parked cars and constant vehicle movement could give a sense of local character or identity (rural) nor contribute to environmental benefits. The present buildings have been absorbed into the countryside as their exteriors faded and are now in

keeping with the surrounding landscape. If wider social and cultural benefit is to be drawn from the site then the most appropriate use would be an open air, and/or, roofed museum of aviation history.

It is stated by the applicant that enabling development principles should apply. We do not agree.

Under a previous application (04/03636/FUL&04/03634/LBC) enabling development had been agreed on the basis of saving the site and all the listed buildings as a whole. In order to restore all 3 listed hangars, and the 2 listed service blocks, a degree of enabling development was deemed necessary.

The outcome of that application was that 1 hangar was rebuilt using some original material. The present application should be determined on its own merits and in no way influenced by a financial shortfall suffered under a previous application.

There are no proposals for a community hall, a sports or leisure area, a small shop, a cafe or even an open recreational ground. There are no Live-Work units or area designated for small workshops.

Unsustainable location. Object to any Highway measures which introduced urbanisation of the junction or the lanes by means of hard engineering and signage. The large number of new traffic movements generated by the site would have to conform to measures which are compatible to a rural area.

#### North Wessex Downs AONB

Object

### **9. Planning Considerations**

#### Principle of development

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

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

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

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

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

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

As a matter of fact, the application site is not ‘adjacent’ or ‘well related’ to the physical limits of the nearest settlement boundary and not in a location which would minimise the need to travel. The development does not therefore conform with the NPPF, local plans or Core Strategy in terms of sustainable development.

#### Sustainability

There are few facilities in the locality to serve the site, other than the small local shop, and community facility proposed by this scheme. This would help improve community cohesion but it is considered likely that the site will be fairly heavily dependent on the car for most journeys. Nonetheless, the site lies on a Sustrans National Cycle Route which gives a safe and convenient access for cyclists and pedestrians to local villages and to Calne. There is a very limited, on demand, local bus service, more development here would make it more likely that the service remains and improves.

Though there are factors that would indicate a certain compliance with the NPPF, Core Strategy and Local plan, it must be concluded that on balance the proposal is not a form of sustainable development. This factor must weigh against the proposal.

#### Housing Land Supply

The recent appeal decision at Abberd Lane, Calne confirmed that the housing requirement in the adopted Local Plan is not up to date. Recent case law (Gallagher Estates Ltd v Solihull MBC [2014]) has clarified that where there is no Local Plan, which is effectively the case here in respect of housing supply, then the housing requirement for a local planning authority for the purposes of paragraph 47 of the NPPF is the full Objectively Assessed Need. The issue of the weight which can be attributed to emerging CS Policy C2, against which the Council considers it can demonstrate a five year housing land supply, does not arise. In these circumstances paragraph 14 of the NPPF provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies taken as a whole.

The Council’s inability to demonstrate a five year land supply and the fact that the proposal will provide much need housing must way in favour of the proposed development.

#### Economic Benefits

The proposed development would have economic benefits. As a project, it would generate a significant amount of investment and economic activity, contributing to the national economic recovery of the immediate area. During the construction phase it would create jobs and a demand for local services. After completion, the new residents would bring additional

spending power to the local area including the new shop and community facility. Paragraphs 18 and 19 of the NPPF gives significant weight to the need to support economic growth, and Section 143 of the Localism Act 2011 requires that regard is paid to local financial considerations. These matters count in favour of the proposed development.

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

It is acknowledged that the proposed development is in the open countryside and beyond the settlement framework boundary of this village. That would be the case with any development on this brownfield site. Loss of the countryside to development does not necessarily amount to significant harm. In this case, the site is developed and the buildings remain in a semi derelict state, it is relatively well contained in landscape terms and any refurbishment will be a distinct improvement on the existing situation. Permission has also been granted for a development of far greater scale than the proposal currently under consideration.

Although the site is in open countryside there is a special justification for new dwellings. The new houses would be contained within the boundary of the site and close to existing buildings. The siting and location of these buildings will conserve the natural beauty of the surrounding AONB landscape. The restoration of the semi derelict buildings would enhance the quality of the landscape and setting of the listed buildings. The proposal would therefore safeguard the architectural and historic interest of the area and improve the visual amenity of the area. These factors must weigh in favour of the proposed development.

#### Traffic and Highway Safety

The highway officer has confirmed that the existing access is safe and no objection is raised to the proposed access. An initial objection was raised in relation to lack of parking within the site. The applicant has clarified the level of parking within the site. This meets the councils requirements, for the avoidance of doubt a condition will be added to any permission requiring the parking layout and allocation to individual dwellings and uses.

#### Public Consultation

At the time of writing, and as explained above, there is no adopted or emerging neighbourhood plan or site allocations development plan document (DPD) in respect of the Calne Housing areas. In lieu of such a document, it is reasonable to consider the representations of local residents, and to ascribe to these due consideration, however, public feeling to a development should not be the determining factor in the determination of this application. Although not proactively identified through a neighbourhood strategy, the provision of community benefits is a material consideration in this instance.

It is also noted that a limited amount of community engagement has taken place independent of the Council. These response and discussions have resulted in the provision of allotments, public open space within the site, a local shop and a community centre.

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

#### Previously Developed Land

As set out earlier in the report- The site has previously benefited from a planning permission to redevelop the site for housing. It has an extensive history relating to military use. The site

is classed as previously developed land. Preference is given to the use of previously developed land and this is acknowledged by Paragraph 2.2 of the Core Strategy and in national guidance contained within the NPPF and NPPG. Preference should be give to land such as this for the provision of dwellings providing it conforms to other planning policies.

It is considered that bringing forward this land would not prejudice the Councils position in relation to other sites that are located outside of the Framework Boundaries of other settlements within Wiltshire. Each application should be considered on their own merits. The fact that this is previously developed land and will relieve pressure on the development of green field sites is a factor that must weigh in favour of the proposed development.

#### Ecology

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

#### Design and layout

Whilst layout is principally dictated by the existing buildings on site it is still important to ensure that the layout is high quality with good levels of residential amenity. The density of development clearly lends itself to a well-landscaped scheme and the approach to open space is particularly pleasing, enhancing the environment of future occupants and serving as a buffer between the residential units and the surrounding countryside.

Details relating to the means of enclosure and the location of some residential gardens needs to be confirmed, however, this can be secured and adequately addressed by way of condition. Parking provision within the site is also acceptable, however, details such as the hard landscaping for these areas will have to be controlled by way of condition. The layout allows natural surveillance to take place, but not in such a way as to undermine the residential amenities of future occupants.

No objection has been raised by English Heritage in relation to the design of the additional residential units and the conversions. Whilst the design of some buildings is dictated by the existing structure, others have resulted in a very sympathetic works which are considered to preserve the character and appearance of the existing buildings and setting of the listed buildings.

The new dwellings are different to the previously approved properties, however, they are considered to be a significant improvement. They have been designed so as to ensure that they are not visually prominent and sit comfortably within this sensitive location.

#### Enabling Development

The principle of enabling development on this site was established in the determination of the previous planning application. The circumstances are different as fewer new dwellings are now proposed, fewer hangers are being restored and the development was considered against different national planning policies.

The new policy context is the NPPF, at Paragraph 140 it states:

*Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.*

The above clearly sets out the tests to be applied for allowing enabling development. In considering the enabling development for this scheme a balanced approach must be taken and the development considered against the NPPF and policy guidance by English Heritage on Enabling Development whereby *“the public benefit of securing the future of a significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies”*.

It is acknowledged that allowing new dwellings within the open countryside and extensions to converted buildings is not in strict accordance with the Council's planning policies. However, officers of the Council and English Heritage are in agreement that the financial information indicates that the preservation of this internationally significant heritage asset cannot take place without the new development. This complies with the NPPF and justifies the departure from Policy. The development is therefore in accordance with Paragraph 140 of the local plan.

#### Impact on Listed and Curtilage Listed Buildings

When determining planning applications the NPPF requires local planning authorities to take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

It is important to note that the site originally had 3 Grade II\* listed aircraft hangers, two of which have fallen down and will not be retained. These two hangers, which the previous planning inspector acknowledged were of not only national but international significance, have been lost forever. Delay or lack of action in making a positive decision could result the loss of this final hanger.

The subdivision of Hangar 02, whilst quite intensive, respects the principal significance of the spatial qualities of the interior and involves very little external alteration. The use of pods to provide contained spaces for a number of different uses including a commercial office should have the potential to generate an income for its future upkeep and a better solution than that allowed by the previous permission. Although some of the uses could result in a poor income return, as suggested by the financial viability statement, the conditions suggested would give sufficient flexibility to allow various income generating uses to take place within the building.

The planning conditions below require more details on how this scheme will work and English Heritage are happy with this approach. In addition, it provides reassurance that any alterations internally, and particularly fire regulations, will be properly investigated.

English Heritage, in their original comments to the Council acknowledged that the new dwellings would bring a residential character to this part of the site, however, the impact of the new development will be minimised by the proposed intervening landscaping and the fact that numerous original listed buildings and cartilage listed buildings will remain and be restored.

Officers and English Heritage have looked at this impact from viewpoints around the airfield, as well as close up and consider that if a high-quality landscaping scheme can be provided then the (any?) limited harm will be minimised and will be outweighed by the benefit of bringing the whole site back into use. It is concluded that the proposed development will lead to less than substantial harm to the significance of the designated heritage assets. In accordance with the NPPF officers have considered this harm and consider the public benefits of the proposal, including securing a long term use for the listed buildings and the large heritage asset far outweighs any harm.

Finally, given the extent of repairs identified and the enabling development proposed, a legal agreement will be required if consent is granted. This will require further works to the hangar to be undertaken and require the conversion of the building to ensure that the proposed uses and long term preservation of the building is achieved. As set out below, the scheme for Hangar 02 will carry a requirement for a schedule of repairs to be agreed in advance and undertaken in association with the conversion works.

The retention of restoration of this internationally significant heritage asset must weigh in favour of the scheme.

#### Viability

The applicant is of the opinion that the scheme is unviable given the level of contributions requested by the Council, the significant costs in restoring the buildings, even with enabling development and has submitted a viability assessment. This seeks to demonstrate that the application is unviable and no financial contributions are required. This has not yet been fully assessed by the Council. However, should the Council conclude that the scheme is viable the applicant has agreed to provide the requested amounts or part thereof. The report's conclusion is likely to be provided to members as a late item.

It is important to note that the previously approved permission was not subject to any financial contributions due to viability concerns. It is therefore unsurprising that the applicant has continued with this approach.

Government guidance states that the deliverability of the development may be compromised by the scale of planning obligations and other costs; if this is the case a viability assessment may be necessary. A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken. The NPPF states that in making decisions, Council's will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations. Flexibility in securing financial contributions is acceptable in principle and should not result in a default refusal

#### Other Uses

At the previous Inquiry the CPRE and Wiltshire Historic Buildings Trust argued that there were other ways of preserving these buildings. This included the site being used as a museum the Wiltshire Historic Buildings Trust taking on the project. No other viable use for

the buildings or alternative way of preserving them has been advanced since the last appeal. This is a material consideration in the determination of the application.

#### S106 contributions

At the present time, given the complicated nature of the scheme, the precise wording for the heads of terms in relation to the phasing of the development has not been agreed. However, it is necessary to ensure that the hanger is restored and developed as a matter of urgency and any 106 agreement will ensure that the new housing is phased to coincide with the restoration/redevelopment of the Hanger.

As set out above, the applicant is of the opinion that the scheme is unviable and has submitted a viability assessment. This seeks to provide no financial contributions. This has not yet been fully assessed by the Council. However, should the Council conclude that the scheme is viable the applicant has agreed to the following requested contributions:

- 30% affordable housing
- Provision of a of 2136m<sup>2</sup> of public open space, to be adopted and maintained by a management company funded by the occupiers of the site
- Allotment Provision
- Off-site financial contribution towards primary school places and secondary school places at primary level- £33,536
- £3000 to improve the drainage on Jugglers Lane
- £1500 per dwelling for sustainable transport measures

Should the application be considered unviable the applicant has agreed the following heads of terms:

- Provision of a minimum of 2136m<sup>2</sup> of public open space, to be adopted and maintained by a management company funded by the occupiers of the site
- On site allotment provision to be adopted and maintained by a management company funded by the occupiers of the site

#### **10. Conclusion**

The proposed development is located within the open countryside and the North Wessex Downs AONB. Whilst near the Village of Yatesbury it is not a sustainable location for housing. This factor must count against the proposal.

On the other hand the site contains a unique collection of historic military aviation buildings. Previously three Grade II\* listed buildings were on site, sadly two of these have now fallen down. The conversion of the existing buildings on site would not generate sufficient profit to



restore the remaining hangar, enabling development is therefore required. Much of the special interest of the buildings lies in their group value. It is therefore vital that any development includes the repair of all the buildings and not just the one that will generate profit for the applicant.

The construction of the new dwellings on site would, in strict policy terms, be contrary to the NPPF. However, this is deemed necessary to fund the restoration of the hangar and is legitimate enabling development. This development will not have an adverse impact on the setting of these listed buildings. Prior to the issuing of permission a s106 agreement will be signed to ensure that the hanger is restored and converted.

Whilst the site is in an AONB, it is part of a conservation area set up to preserve and enhance the airfield site. The proposal would succeed in achieving this goal. It is considered that the objections on grounds of conflict with sustainable development and transport policies are far outweighed by the overriding public benefit of the repair of these significant group of listed buildings. For the reasons set out above there is a clear and compelling case in favour of the development. Failure to support this application could result in the permanent loss of a piece of the Nations significant and proud military history.

## **RECOMMENDATION**

14/00153/FUL- To DELEGATE authority to grant planning permission to the Area Development Manager, subject to the signing of a Section 106 agreement and the conditions set out below:

The heads of terms for the s106 agreement will be dependent on the outcome of the viability assessment. Irrespective of the above a s106 agreement will be required to control the restoration works to the hangar and the phasing of the enabling development.

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

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

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

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

- 3 No development shall commence on site until details of the following matters have been submitted to, and approved in writing by, the local planning authority:

Walls, fences gates and other means of enclosure  
ground surfacing materials  
finished floor levels of all buildings  
finished levels across the site  
any external chimneys, vents or other ventilation equipment  
Refuse/recycling provision on the site  
Cycle parking facilities

Development shall be carried out in accordance with the approved details prior to the development being occupied / brought into use

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

- 4 No works shall commence on site until details of all new or replacement rainwater goods (which shall be of metal construction and finished in black) and their means of fixing to the building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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

- 5 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include
- a) location and current canopy spread of all existing trees and hedgerows on the land;
  - b) full details of any to be retained, together with measures for their protection in the course of development;
  - c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities
  - d) car park layouts;
  - e) other vehicle and pedestrian access and circulation areas;
  - f) all hard and soft surfacing materials;
  - g) external lighting to all areas including lumination 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)",

h) Signage

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

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

- 6 No development shall commence on site until a scheme to deal with any contamination of the site has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an investigation and assessment to identify the extent of any contamination, the measures to be taken to avoid risk to the public, buildings and the environment when the site is developed, and a programme for implementation. No parts of the development shall be occupied until the measures approved in the scheme have been implemented and a completion report has been submitted to the local planning authority.

REASON: To avoid harm to the health and well being of future occupiers and to ensure that the site is free from contamination.

- 7 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.

- 8 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 date of first occupation of the last unit]

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

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

- 10 No development shall commence on site until provision has been made for open space, allotment and amenity areas in accordance with a plan to be submitted to and approved in writing by the local planning authority.

REASON: To ensure a satisfactory provision of open space and community space throughout the development in the interests of the amenity of future residents.

- 11 The development hereby permitted shall not be first brought into use/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.

- 12 No dwelling shall be occupied until the parking spaces together with the access thereto, have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1 shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

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

- 14 The Hanger, as shown on the approved plans shall be used for the following purposes and for no other purpose (including any other purpose within the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

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

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

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

(i) Large scale details of all internal and external works to the hangar including vertical

and horizontal cross-sections through the building to openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;

- (ii) Large scale details of all internal joinery (1:5 elevation, 1:2 section);
- (iii) Full details of proposed rooflights, which shall be set in plane with the roof covering;
- (iv) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- (v) Full details of proposed meter and alarm boxes;
- (vi) Large scale details of proposed eaves and verges (1:5 section);
- (vii) Full details of proposed internal service routes;
- (viii) A full schedule and specification of repairs including:
  - (ix) a structural engineer's report setting out the nature of, and suggested remedial work to, structural defects
  - (x) proposed timber and damp proof treatment
  - (xi) proposed method of cleaning/paint removal from historic fabric
  - (xii) a full schedule of internal finishes to walls, ceilings and floors
  - (xiii) Full details of external decoration to render, joinery and metalwork; and
  - (xiv) Full details and samples of external materials.

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

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

- 17 No development shall commence within the site until:
- a) The survey and recording of any archaeological, military or built heritage features within the red line area (including the pill box), has been submitted approved in writing by the local planning Authority; and
  - b) A watching brief on any ground works associated new the development.

REASON: To enable the recording of any matters of archaeological interest.

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

1219/37/02\_92  
1219/37/02\_93  
1219/38/02\_101  
1219/39/02\_110  
1219/40/02\_121  
1219/41/02\_131  
1219/NH/02\_140  
1219/NH/02\_141  
1219/DT/02\_150  
1219/DT/02\_152  
1219/DT/02\_153  
1219/DT/02\_154  
1219/DT/02\_155  
1219/DT/02\_156  
1219/DT/02\_157  
1219/DT/02\_158  
1219/ 02\_001  
1219/ 02\_002 Revision A  
1219/NH/ 02\_141  
1219/04/ 02\_013  
1219/04/ 02\_014  
1219/05/ 02\_022  
1219/05/ 02\_023  
1219/05/ 02\_024  
1219/07/ 02\_030  
1219/21/ 02\_051  
1219/23/ 02\_071  
1219/27/ 02\_081

Landscape Strategy

Arboricultural Impact Assessment

Design & Access Statement

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

- 19 The site shall be used for [INSERT] and for no other purpose (including any other purpose in Class [INSERT] of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the hangar shall be used solely for purposes within Classes A1, A2, A3, B1(a), B1(b), D1 & D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

14/02535/LBC- To DELEGATE authority to grant listed building consent to the Area Development Manager, subject to the signing of a Section 106 agreement and the conditions set out below:

The heads of terms for the s106 agreement will be dependent on the outcome of the viability assessment. Irrespective of the above a s106 agreement will be required to control the restoration works to the hangar and the phasing of the enabling development.

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

REASON: To comply with the provisions of Section 18 of the Planning (Listed



Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No works shall commence on site until a full schedule and specification of the proposed hangar repair and reinstatement works, including a schedule of surviving fittings to be repaired/reinstated and finishes to walls, ceilings and floors. The schedule is to be supported large scale drawings to show proposed alterations to all features. Works shall be carried out in accordance with the approved details.

Reason: To ensure the preservation of the Grade II\* Listed Building.

- 3 No works shall commence on site until a full schedule and specification of the proposed hangar conversion works has been submitted to and approved in writing by the local planning authority. The schedule is to be supported by large scale drawings to show proposed alterations to all features including means of fixing, flues and internal services. Works shall be carried out in accordance with the approved details.

Reason: To ensure the preservation of the Grade II\* Listed Building.

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

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

- 5 No works shall commence on site until details of all new external window and door joinery and/or metal framed glazing have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

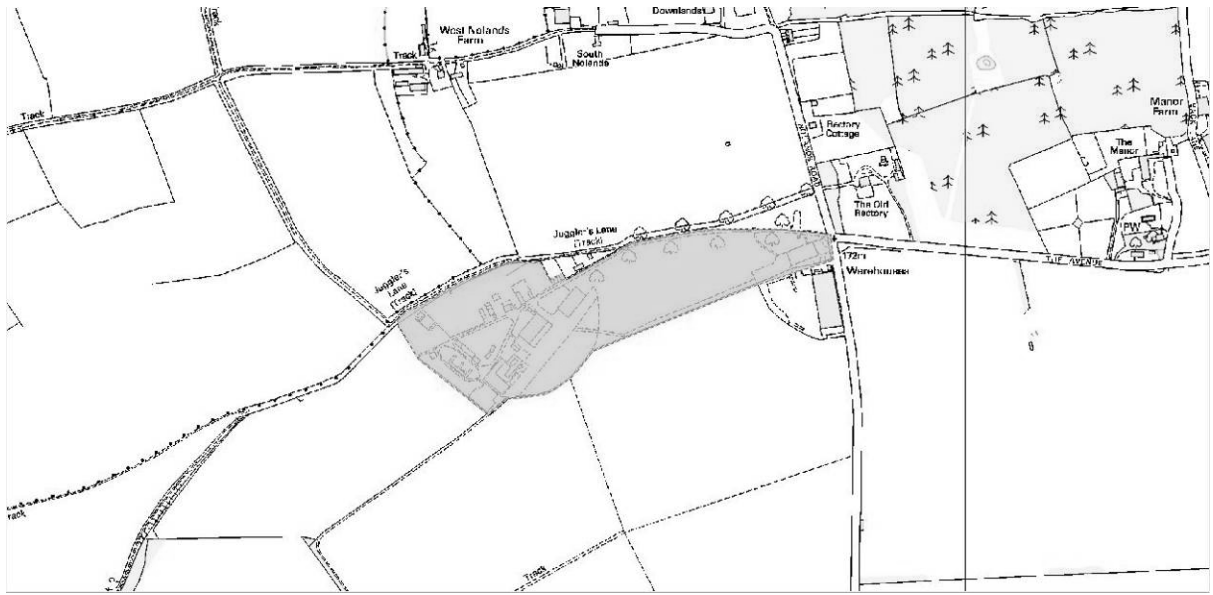
REASON: In the interests of preserving the character and appearance of the listed building and its setting.

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

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

- 7 No development shall commence of site until full details of proposed flues, means of providing ventilation, meter, alarm and letter boxes, internal services have been submitted to and approved in writing by the local planning authority.

REASON: In the interest of protecting the historic fabric of the listed buildings.



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