

## AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham  
**Date:** Wednesday 18 February 2015  
**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 Tony Trotman (Chairman)	Cllr Mark Packard
Cllr Peter Hutton (Vice Chairman)	Cllr Sheila Parker
Cllr Christine Crisp	Cllr Toby Sturgis
Cllr Mollie Groom	Cllr Nick Watts
Cllr Chris Hurst	Cllr Philip Whalley
Cllr Simon Killane	

### 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 Linda Packard
Cllr Ernie Clark	

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# AGENDA

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 24*)

To confirm and sign as a correct record the minutes of the meeting held on 28 January 2015 .

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chairman.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person **no later than 2:50pm on the day of the meeting.**

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this **agenda no later than 5pm on Wednesday 11 February.** 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 **14/11864/VAR- Westinghouse Recreation Ground,  
Park Avenue, Chippenham, Wiltshire, SN15 0HB-  
APPLICATION WITHDRAWN** (Pages 25 - 34)

**THIS APPLICATION HAS BEEN WITHDRAWN**

6b **14/08305/REM - Marden Farm, Calne, Wiltshire, SN11 0LJ** (Pages 35 - 48)

6c **14/08888/OUT - Land at Arms Farm, High Street, Sutton Benger,  
SN15 4RE** (Pages 49 - 68)

6d **14/10601/FUL- Chelworth Lodge, Cricklade, Swindon, Wiltshire, SN6  
6HP** (Pages 69 - 80)

6e **14/04529/FUL- Home Farm Business Centre, Minety, Malmesbury  
SN16 9PL** (Pages 81 - 100)

6f **14/04555/FUL- Home Farm Business Centre, Minety, Malmesbury  
SN16 9PL** (Pages 101 - 116)

## 7 **Urgent Items**

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

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## **NORTHERN AREA PLANNING COMMITTEE**

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**MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 28 JANUARY 2015 AT COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.**

**Present:**

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice Chairman), Cllr Christine Crisp, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Mark Packard, Cllr Sheila Parker, Cllr Nick Watts, Cllr Philip Whalley and Cllr Chuck Berry (Substitute)

**Also Present:**

Cllr Alan MacRae

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9 **Apologies**

Apologies were received from Cllr Simon Killane and Cllr Toby Sturgis who was substituted by Cllr Chuck Berry.

10 **Minutes of the Previous Meeting**

**Resolved:**

**To confirm as a true and correct record and sign the minutes of the meeting held on 7 January 2015.**

11 **Declarations of Interest**

Cllr Philip Whalley declared himself a member of Corsham Town Council, he would participate in debate and vote with an open mind.

12 **Chairman's Announcements**

The Chairman drew attention to the late observations.

13 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation. A question from a member of the public and a response were available in the agenda supplement.

A supplementary question was submitted in writing and it was confirmed that a written response would be given.

## 14 **Planning Applications**

### 14a **14/10081/FUL Meadowpark School, The Old School, High Street, Cricklade, Swindon, SN6 6DD**

Richard Serjent, Gerdie Schaffer, Nicholas Rose spoke in objection to the application.

Andrew Miles, Mr Averies and Dr Bohdan spoke in support of the application.

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

The officer introduced the report which recommended that planning permission be refused. The location of the proposed development, photographs and a site plan were shown, alongside items in the late observations. The recommended reasons for refusal detailed in the report were explained.

The Committee then had the opportunity to ask technical questions and a typing mistake in the report was corrected.

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

In the debate that followed the Committee agreed the design was not in-keeping with the local area and suffered from inadequate parking and highways issues. The Committee noted with concern the risk of flooding and pedestrian safety the development may cause.

#### **Resolved:**

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

- 1. It has not been demonstrated that adequate provision can be made on site for the parking of vehicles and for the setting down and picking up of pupils which will result in additional on street parking in an area where congestion is already caused by high parking demand. Therefore, the proposed development is considered contrary to Core Policy 60 of the Wiltshire Core Strategy and Policies C3 & T1 of the North Wiltshire Local Plan 2011.**

2. The proposed development would result in an intensification of use of the single lane driveway into the site, which would result in circumstances prejudicial to pedestrian and highway safety from vehicles reserving into and out from the site or waiting in the public highway. Therefore, the proposed development is considered contrary to Core Policy 60 of the Wiltshire Core Strategy and Policies C3 & T1 of the North Wiltshire Local Plan 2011.
3. The proposed development, by reason of the proliferation of the built form into the open areas of the site, size, materials and design, would result in significant harm to the character and appearance of the Cricklade Conservation Area, the setting of the adjacent Listed Buildings. and the open landscape from the River Thames. Therefore, the proposal is contrary to Core Policies 57 & 58 of the Wiltshire Core Strategy, Policies HE1, HE4 & TM4 of the North Wiltshire Local Plan 2011 and paragraphs 17(10), 131, 132, 134 and 137 of the National Planning Policy Framework.

**14b 14/10498/FUL Corsham Police Station, Priory Street, Corsham, SN13 0AY**

David Curry spoke in objection to the application.

Matthew Bollen spoke in support of the application.

The officer introduced the report which recommended that planning permission be granted subject to conditions; errors in the report were corrected. A site layout plan and photographs showing the style of local properties were shown. The officer explained the development would not be subject to Section 106 contributions.

The Committee then had the opportunity to ask technical questions, it was confirmed that residential development was permitted on the site and the number of parking spaces per dwelling was verified.

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

Following statements from the public, the planning officer confirmed the highways officer was satisfied with the proposal and a landscaping scheme would be submitted to the local authority if permission were to be granted.

The local member, Cllr Alan MacRae, spoke in objection to the application and commented the applicant had not sufficiently consulted the public. The Councillor also expressed concern that members of the public were not able to attend the meeting at its current timing.

In the debate that followed some Members noted with concern the number of proposed dwellings, their relation to the natural line of housing and privacy issues caused by overlooking. It was considered whether a Construction Method Statement could be implemented if permission were to be granted.

**Resolved:**

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

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

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

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Site Location Plan – 3802/201 Rev A – Received 5th November 2014  
Proposed Site Plan - 3802/204 Rev G – Received 12th January 2015  
Proposed Streetscene Elevation - 3802/230 Rev D - Received 12<sup>th</sup> January 2015  
Plot 10 Elevations - 3802/229 Rev A – Received 22nd December 2014  
Plot 10 Floor Plans - 3802/228 – Rev A Received 22nd December 2014  
Plots 1 & 2 Elevations - 3802/221 – Received 5th November 2014  
Plots 1 & 2 Floor Plans - 3802/220 - Received 5th November 2014  
Plots 3 & 4 Elevations - 3802/223 - Received 5th November 2014  
Plots 3 & 4 Floor Plans - 3802/222- Received 5th November 2014  
Plots 5 & 6 Elevations - 3802/225- Received 5th November 2014  
Plots 5 & 6 Floor Plans - 3802/224 – Received 5th November 2014  
Plots 7, 8 & 9 Elevations - 3802/227 – Received 5th November 2014  
Plots 7, 8 & 9 Floor Plans - 3802/226 – Received 5th November 2014  
Design and Access Statement – Received 5th November 2014  
Material Schedule - Received 5th November 2014**

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

- 3. No development shall commence on site until details and samples of the materials to be used for the external walls and**



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

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

4. 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, including off-site trees.
  - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
  - finished levels and contours;
  - means of enclosure;
  - car park layouts;
  - other vehicle and pedestrian access and circulation areas;
  - all hard and soft surfacing materials;
  - minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
  - proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables pipelines etc indicating lines, manholes, supports etc);

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

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

**Authority.**

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

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

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

- 7. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.**

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

- 8. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been undertaken and until:**
  - a) The Local Planning Authority has been provided with written confirmation that, in the opinion of the developer, the site is likely to be free from contamination which may pose a risk to people, controlled waters or the environment. Details of how this conclusion was reached shall be included.**
  - b) If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary.**
  - c) In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been**

undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

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

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

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

10. 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 buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

**REASON:** To safeguard the character and appearance of the area and in the interests of highway safety.

11. 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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the side northern elevation of Unit 3 (facing the amenity space of No.2 Kings Avenue) of the development hereby permitted.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Page 24 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.

**13.** 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.

**INFORMATIVES:**

**14.** 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.

**15.** The developer is advised to discuss the contaminated land

issues relevant to the site and what works, if any, are required in order to comply with the relevant conditions attached to this approval. The developer should contact Richard Francis in the Council's Public Protection Team.

16. 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.
17. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
18. The applicant should note that the works hereby approved could involve the removal and disposal of asbestos cement roofing. This should only be removed by a licenced contractor. Asbestos waste is classified as 'special waste' and as such, can only be disposed of at a site licensed by the Environment Agency. Any contractor used must also be licensed to carry 'special waste'.
19. 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.
20. The applicants should aim to achieve Secured by Design (SbD) award status for this development. SbD is an initiative owned by the Association of Chief Police Officers with the aim of providing an acceptable minimum standard of security and crime prevention measures within the built environment. The scheme has a proven history of reducing crime and generally improving the quality of life within communities. The principals and standards involved provide an excellent guide to effective and acceptable measures that can and should be adopted to reduce crime opportunities and otherwise prevent crime and anti-social behaviour. Details can be found on line at [www.securedbydesign.com](http://www.securedbydesign.com).

**14c 14/10004/FUL South View, 14 The Street, Oaksey, Malmesbury, SN16 9TG**

Christopher Page spoke in objection to the application.

King Scott spoke in support of the application on behalf of the applicant.

Cllr Kimbel, Oaksey Parish Council, spoke in objection to the application.

The officer introduced the report which recommended that planning permission be granted subject to conditions, as amended by the late observations. A site plan and floorplans were shown; it was explained the application had the same footprint as a previous application but was single-storey.

The Committee then had the opportunity to ask technical questions during which it was confirmed the ridge height of the proposed development would be slightly higher than that of the old bakery.

Following the statements from members of the public the planning officer confirmed an application had previously been made by the same applicant.

The local member, Cllr Berry, encouraged applicants to consult with neighbours before they submitted applications to the local planning authority.

In the debate that followed Members commented the development would compliment the main building.

**Resolved:**

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

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

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

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Revised Proposal Block Plan – 100/14 – Received 15th December 2014.  
Revised Proposal Elevations – 101/14 – Received 15th December 2014.  
Revised Proposal Elevations – 102/14 – Received 15th December 2014.**

**Site Location Plan – Received 6th November 2014.**

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

3. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs (including a sample wall panel, not less than 1 metre square to be constructed at the site) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as South View, 14 The Street, Oaksey and it shall remain within the same planning unit as the main dwelling.

**REASON:** The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

5. 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 external doors and windows, including colour and finish;
  - ii) Large scale details of proposed eaves and verges (1:5 section);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.

**INFORMATIVES**

6. You are advised that the current scale of the business operate at the site is considered as ancillary to the main residential use of the dwelling. Any increase in intensity of use of the business at the site, including employment of staff, increase in customers to

**the site and use of more floor space of the dwelling for operation may require planning permission for a change of use.**

- 7. 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. 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.**

**14d 14/09422/FUL Land Adjacent to Ashley Lane, Box, Wiltshire, SN13 8AN**

Richard Campbell and Bob Alderman spoke in objection to the application.

Cllr Margaret Carey, Box Parish Council, spoke in objection to the application.

The officer introduced the report which recommended that planning permission be granted subject to conditions, as amended by the late observations. Aerial photographs of the site and floor plans were shown; it was explained that development for outdoor sport and recreation was permitted in the Area of Outstanding Natural Beauty (AONB) and greenbelt area. An amendment to condition 2 suggested in the late observations was explained.

The Committee then had the opportunity to ask technical questions and it was confirmed the shelters onsite would be mobile.

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

Following statements from members of the public, the planning officer confirmed the reasons for the number of horses per hectare and that the planning authority was required to allow 3 months for the removal of a mobile home already on site.

The local member, Cllr Sheila Parker, expressed concern over the entrance of traffic to the site via the narrow lane and the flood risk to grey crested newts.



In the debate that followed the Committee expressed disappointment in the applicant's current management of the site however noted the application had to be considered on its merits.

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

1. There shall be no more than 10 horses kept on site at anyone time, including foals at foot.

**REASON:** To prevent over grazing of the land to the detriment of the landscape quality of the Area of Outstanding Natural Beauty.

2. Within three months of the date of this permission the hard standing, access, mobile home (including any fixtures and ancillary pipe work), horse trailer and any other trailers or buildings not shown as approved on the approved plans shall be removed from the site.

**REASON:** To protect the amenity and landscape quality of the Area of Outstanding Natural Beauty and Green Belt

3. No fences or jumps shall be erected on the site without the prior approval in writing of the Local Planning Authority.

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

4. Within 2 months of the date of this permission details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) have been submitted to and approved in writing by the Local Planning Authority. Before the development is first brought into use, the works for such storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

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

5. The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

**REASON:** In the interests of highway safety and/or to protect the living conditions of nearby residents.

6. There shall be no parking of horse boxes, caravans, trailers or other vehicles during the hours between dusk and dawn on the site.

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

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

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

8. The development hereby permitted shall be carried out in accordance with the following approved plans: Drwgs PL05A; PL03A dated 4th December 2014 and Drwg PL02PL06 dated 6th October 2014.

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

9. No external lighting shall be installed on the site until plans showing the position, luminance and type of light appliance 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 amenity of the Area of Outstanding Natural Beauty and Green Belt.

10. Within 2 months of the date of this permission a scheme for the grassland management of the land hereby granted for the keeping of horses shall be submitted to and approved in writing by the local planning authority. The approved grassland management plan shall be fully implemented and maintained thereafter.

**REASON:** In the interests of the visual amenity of the Area of Outstanding Natural Beauty and Green Belt.

**14e 14/09315/ADV Roundabout East of Priory Mews, Burton Hill, Malmesbury, SN16 9LS**

The officer introduced the report which recommended that advertisement consent be granted subject to conditions. The site and sign specifications were shown. It was explained the signs would be free-standing, non-illuminated sponsorship signs.

The Committee then had the opportunity to ask technical questions and it was confirmed the signs would reach no more than 700mm above the ground.

**Resolved:**

**To GRANT Advertisement Consent subject to the following condition:**

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

**Location plan received on 3 December 2014; and  
Sign Spec received on 26 September 2014.**

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

**14f 14/09316/ADV Whychurch Roundabout, Malmesbury, Wiltshire**

Cllr John Gundry, Malmesbury Town Council, spoke in objection to the application and suggested if consent were to be granted the town council would like the signage to promote local businesses.

The officer introduced the report which recommended that advertisement consent be granted subject to conditions. The site and sign specifications were shown. It was explained the signs would be free-standing, non-illuminated sponsorship signs.

The Committee then had the opportunity to ask technical questions during which it was confirmed the sponsor on the sign was indicative.

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

**Resolved:**

**To GRANT Advertisement Consent subject to the following condition:**

- 1. The development hereby permitted shall be carried out in**

**accordance with the following approved plans:  
Location plan received on 26 September 2014; Block Plan  
received on 26 September 2014; and**

**Sign Spec received on 26 September 2014.**

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

15 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 6.08 pm)

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

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

The following question was submitted in advance of the Northern Area Planning Committee meeting 28 January 2015:

**Please may I have an update on progress of the three planning issues Cricklade Town Council has asked Wiltshire Council to investigate following questions raised in Public Question Time during the Cricklade Town Council Planning Meeting held on 15 December 2014. All issues relate to Education Plus Ltd, The Old School, High Street, Cricklade. Cricklade Town Council subsequently submitted the questions to Wiltshire Council but has not received a response to them at the time of writing.**

- (1) In terms of powers around enforcement will Cricklade Town Council call upon Wiltshire Council to investigate non-compliance of its Condition 2 in respect of planning permission granted to The Old School, High Street, Cricklade application reference N/09/02086/FUL which read:

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

REASON: In the interests of road safety and reducing vehicular traffic to the development POLICY: C3, T2

Whilst a Travel Plan was submitted by Education Plus Ltd ref DCSF No 865/6027 it is unclear whether it was approved, implemented or monitored.

Please see below for a response provided by Wiltshire Council:

**Condition 2 of planning permission 09/02086/FUL required that a Travel Plan be submitted prior to development commencing on site, a Travel Plan was submitted in April 2010 and subsequently approved. The Council does not actively monitor compliance with the Travel Plan although the applicants are required to do so, and where complaints or queries are received the Council will investigate any potential breaches of the requirements of the Travel Plan. Whilst complaints have been received recently (prompted by the consultation carried out in relation to planning application 14/10081/FUL) about the failure to adhere to the Travel Plan these complaints have not been specific, as such the Council has not been made aware which aspects of the plan have been breached. If further information is forthcoming about the nature of the potential breach(es) then this will be investigated.**

- (2) In terms of its powers around enforcement will Cricklade Town Council call upon Wiltshire Council to investigate non-compliance of planning laws by Education Plus Ltd whereby trees have been removed from a conservation area without corresponding permissions being either sought or granted.

The trees in question are detailed in the Tree Report dated 29th April 2010 submitted as part of planning application N/09/02086/FUL. The following trees, deemed healthy in 2010 (Damson T3,T4 and Lilac T6, Damson T7,) no longer exist according to the Arboricultural Impact Assessment by Education Plus Ltd submitted in respect of planning application 14/10081/FUL.

Please see below for a response provided by Wiltshire Council:

**The site is within the Cricklade Conservation Area and therefore all trees (over a certain size) require consent to be lopped, topped or felled. Council officers (including the arboricultural consultant) have reviewed all the applications for works to trees at the site. Consent has been granted for the removal of a number of trees within the site in the past (under references 11/01920/TCA; 12/02179/TCA and 12/01888/DDD) . The Council is satisfied that any protected trees that have been removed were removed with the benefit of the appropriate consent. Some smaller trees have been removed without specific consent as they did not benefit from Conservation Area protection due to their size (generally speaking any tree less than 7.5 centimetres in diameter, measured 1.5 metres above the ground is not protected by Conservation area status).**

- (3) Please can you ask the Planning department at Wiltshire Council why the owners of Meadowpark School did not apply for Listed Building Consent for the erection of their gazebo (Application Ref 14/10081/FUL) Permission was granted despite Conservation Officers recommendations to refuse. Is LBC not required because the gazebo is classed as a temporary structure?

The owners of the Old School haven't applied for Listed Building Consent for their latest application (14/10081/FUL) as they state "the site isn't in the original curtilage of the property". It is however in the original curtilage to neighboring property Knowle Cottage so surely the LBC regulations should still apply - would you mind asking for clarification from Wilts Council about this 'loophole' ?

Please see below for a response provided by Wiltshire Council:

**Planning permission was granted for a gazebo in the grounds of the school under reference 11/01633, the permission is not temporary. Listed Building Consent was not required for the works as it was not attached to any listed structure. Whether the structure is within the curtilage of a listed building is not, in this case, the determining factor. The structure was within the setting of a listed building and within the Conservation Area therefore the impact of the structure upon the historic environment were taken into account when the application was considered.**



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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	18 February 2015
<b>Application Number</b>	14/11864/VAR
<b>Site Address</b>	Westinghouse Recreation Ground Park Avenue Chippenham Wiltshire SN15 0HB
<b>Proposal</b>	Variation of Condition 5 of Original Planning Permission N/11/00134/FUL
<b>Applicant</b>	Mr Andrew Godden
<b>Town/Parish Council</b>	CHIPPENHAM
<b>Ward</b>	CHIPPENHAM CEPEN PARK AND REDLANDS- Cllr Phillips
<b>Grid Ref</b>	390877 173827
<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 Committee by the Local Member, in order to consider the impacts on car parking and highway safety.

#### 1. Purpose of Report

To delegate authority to grant a variation of condition 5 of Original Planning Permission N/11/00134/FUL to the Area Development Manager, subject to the signing of a Section 106 agreement; and subject to planning conditions.

The application has generated objections from Chippenham Town Council and 1 local resident (who represents the Residents' Association).

#### 2. Main Issues

The main issues in considering the application are:

- Principle of changing an original condition.
- Impact on parking.
- Impact on highway safety.

#### 3. Site Description

The proposal relates to the former Westinghouse Sports ground which is surrounded by housing on all 4 sides. The site is currently un used, but the original buildings remain. The site has an extant planning permission for 78 houses and associated works (N/11/00134/FUL).

Access to the site is via Park Avenue off Bristol Road.

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

Planning permission N/11/00134/FUL was granted on 28<sup>th</sup> March 2012 for the redevelopment of Westinghouse Recreation Ground to provide 76 dwellings, associated landscaping and creation of a new vehicular access following demolition of 33 and 35 Park Avenue. The approval was accompanied by a legal agreement concerning the provision of, amongst other things, affordable housing, educational funding and off site sports provision.

#### **5. Proposal**

The proposal is for an amendment to condition 5 of planning approval N/11/00134/FUL which states:

*No dwelling on the development hereby approved shall be occupied until sufficient space for the parking of 153 vehicles together with vehicular access thereto has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.*

The new suggested condition is:

*The off street car parking spaces and the access thereto shown on approved plan 3341/103 RevT shall be provided prior to occupation of associated dwelling(s), unless otherwise agreed in writing by the Local Planning Authority, and thereafter retained for the parking of vehicles or for the purpose of access.*

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

Wiltshire Core Strategy 20126 policy 57 and advice in the National Planning Policy Framework 2012.

#### **7. Consultations**

Chippenham Town Council raise concerns over highway safety and state that due to the potential increase in traffic using Park Lane/Bristol Rd junction, that junction may no longer be for for purpose and may require improvement as a right turning lane with lighting upgrades. The costs should be borne by the developer.

Highways raise no objections and suggest a condition as a replacement similarly worded to that which the applicants propose.

#### **8. Publicity**

The application was advertised by way of site notices.

1 letter has been received requesting that the wrought iron gates to the club are retained within the development.

1 letter of objection has been received raising the following points:

- The junction of Park Avenue and Bristol Road has accidents. The Council's Highway agent has commented to the objector that the junction is no longer sufficient without improvements such as a right turning lane.
- Potential for a link to be made between Redlands and Park Avenue.
- The 3 site notices in Park Avenue were insufficient and 2 have been removed. Direct neighbour consultation should have been undertaken.
- Other issues to do with the legal agreement and provision of sports facilities have also been raised, but these are not relevant to this application.

## 9. Planning Considerations

The original application was for 76 houses on this site together with associated works including parking. Condition 5 on approval N/11/000134/FUL in effect states that no dwelling can be occupied until all the parking has been provided on site. When building out sites of this scale it is almost always done in phasing so that some dwellings are built and occupied before others on site are even started.

This application is not an opportunity to re-visit the scheme as a whole as that permission is still extant and can be implemented once all the pre-commencement conditions are discharged. The issue to make payments to a number of recipients and for the provision of off site sports provision is a matter governed by a legal agreement and does not affect this application.

It is illogical and contrary to the advice now given in the NPPF and previously given in circular 11/95 about reasonableness of conditions, to expect all the parking on site to be provided before a single dwelling can be occupied.

In advising on the original application highways stated the following

"The layout is generally acceptable with all the required pedestrian facilities in place. I have some details issues but these do not affect the layout and are such that can be addressed at the S38 stage if the roads are to be adopted. They primarily relate to the control of visitor parking and may result in some shuffling of parking allocations, although the no. Of spaces for each dwelling would not change" He then requested the following condition:

*No dwelling shall be occupied until the parking space(s) together with access thereto, have been provided in accordance with the approved plans.*

This recommendation took into account that the applicants had already supplied a satisfactory parking layout plan (3341/103 RevT) listed in the approved drawings list. This plan clearly shows the layout of the site and the new vehicular access off Park Avenue; the internal estate road and spurs off it, including cul-de-sacs and parking courtyards. All car parking spaces are clearly identified and numbered on the approved drawing.

It is noted that highways yet again recommend the same condition, which is a model condition and therefore passes all the relevant tests.

There is no highways reason to refuse this application to secure more logical and appropriate wording for a condition to provide suitable and safe on site car parking with this housing scheme.

## **RECOMMENDATION**

To delegate authority to GRANT a variation of condition 5 of Original Planning Permission N/11/00134/FUL to the Area Development Manager, subject to the signing of a Section 106 agreement; and subject to planning conditions.

- 1 The development shall be carried out in full accordance with the details submitted in connection with discharge of conditions 2,4c), 7, 8, 9, 10, 11, 12 and 13 of N/11/00134/FUL.

REASON: To define the permission.

- 2 All soft landscaping comprised in the approved details of landscaping submitted in connection with N/11/00134/FUL, 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.

- 3 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 this permission.

REASON: To protect the trees on site.

- 4 No dwelling shall be occupied until the parking space(s) 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.

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

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

- 6 Notwithstanding that demonstrated on the submitted plan reference number 3341/205-Type E RevA. the first floor bedroom 1 window in the rear elevation of plot 1 E shall not be created and shall instead be substituted with an alternative window inserted in the south east side facing elevation of that property. development shall be carried out in complete accordance with this planning condition unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of construction of plot 01 E.

REASON: In the interests of securing the amenity of existing residents in Park Avenue.

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

Location plan 3341/101 rev.A (date stamped 14th January 2011)

Site plan 3341/103 rev.T (date stamped 29th July 2011)

Adoption and management 3341/110 (date stamped 29th July 2011)

Site survey 3341/102 (date stamped 14th January 2011)

Existing trees plan 3341/105 rev.A (date stamped 14th January 2011)

Existing buildings to be demolished 3341/106 rev.A (date stamped 14th January 2011)

Street elevations sections AA-CC 3341/108 rev.B (date stamped 29th July 2011)

Street elevations sections DD-FF 3341/109 rev.B (date stamped 29th July 2011)

House type A floor plans and elevations 3341/201 rev.B (date stamped 14th January 2011)

House type B floor plans and elevations 3341/202 rev.B (date stamped 14th January 2011)

House type C floor plans and elevations 3341/203 rev.A (date stamped 14th January 2011)

House type D floor plans and elevations 3341/204 rev.A (date stamped 14th January 2011)

House type E floor plans and elevations 3341/205 rev.A (date stamped 14th January 2011)

House type F floor plans and elevations 3341/206 rev.A (date stamped 14th January 2011)

House type G floor plans and elevations 3341/207 rev.B (date stamped 14th January 2011)

House type H floor plans and elevations 3341/208 rev.A (date stamped 14th January 2011)

House type J floor plans and elevations 3341/209 rev.A (date stamped 14th January 2011)

House type K floor plans and elevations 3341/210 rev.A (date stamped 14th January 2011)

House type L floor plans and elevations 3341/211 rev.A (date stamped 14th January 2011)

House type M floor plans and elevations 3341/212 rev.A (date stamped 14th January 2011)

Apartments block 1 floor plans 3341/301 rev.A (date stamped 14th January 2011)

Apartments block 2 floor plans 3341/302 rev.A (date stamped 14th January 2011)

Apartments block 3 (affordable) floor plans 3341/303 rev.C (12th May 2011)

Apartments block 1 elevations 3341/304 rev.A (date stamped 14th January 2011)

Apartments block 2 elevations 3341/305 rev.A (date stamped 14th January 2011)

Apartments block 3 elevations 3341/306 rev.C (date stamped 12th May 2011)

Single garage floor plans and elevations 3341/401 rev.A (date stamped 12th may 2011)

Double garage floor plans and elevations 3341/402 (date stamped 14th January 2011)

Triple garage floor plans and elevations 3341/403 rev.A 12th May 2011)

Cycle store units 33-44 floor plans and elevations 3341/404 rev.A (date stamped 12th May 2011)

Cycle store units 15-26 floor plans and elevations 3341/405 rev.A (date stamped 12th may 2011)

Sheds floor plans and elevations 3341/406 (date stamped 14th January 2011)

Quad garage floor plans and elevations 3341/407 (date stamped 29th July 2011)

Single garage – type 02 floor plans and elevations 3341/408 (date stamped 29th July 2011)

Double garage – type 02 floor plans and elevations 3341/409 (date stamped 29th July 2011)

Landscape principles PHL237-1 rev.C (date stamped 14th July 2011)

Drainage Strategy 10051-C001 rev.D (date stamped 30th August 2011)

Planning Supporting Statement (date stamped 14th January 2011)

Design and Access Statement (date stamped 14th January 2011)

Design and Access Statement addendum (dated August 2011)

Sustainability Statement (date stamped 14th January 2011)

Construction Management Plan (date stamped 14th January 2011)

Site Waste management Plan (date stamped 14th January 2011)

Flood Risk Assessment (date stamped 14th January 2011)

Archaeological Desk-Based Assessment (date stamped 14th January 2011)

Transportation Assessment (date stamped 14th January 2011)

Statement of Community Engagement (date stamped 14th January 2011)

Hydrock Desk Study (date stamped 14th January 2011)

Additional letters and information H

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

- 8 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.



14/11864/VAR  
Westinghouse Recreation Ground  
Park Avenue  
Chippenham  
Wiltshire  
SN14 0HB



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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	18 February 2015
<b>Application Number</b>	14/08305/REM
<b>Site Address</b>	Marden Farm, Calne, Wiltshire, SN11 0LJ
<b>Proposal</b>	Residential Development Comprising of 125 Units with Affordable Housing, Associated Parking, Gardens, Amenity Space and Public Open Space, Community Orchard, Allotments, Ecological Enhancements, Sustainable Drainage
<b>Applicant</b>	Miss Jessica Barnes
<b>Town/Parish Council</b>	CALNE WITHOUT
<b>Ward</b>	CALNE RURAL- Cllr Crisp
<b>Grid Ref</b>	400380 169434
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Chris Marsh

### Reason for the application being considered by Committee

The application has been called in to Committee by the Cllr Crisp, in order to consider the layout and design of the scheme.

#### 1. Purpose of Report

To consider the proposal and recommend that the application is APPROVED, subject to conditions.

#### 2. Report Summary

The relevant points for consideration are as follows:

- Impact of the proposed layout on the character and appearance of the site and local area
- Impact of the individual and collective design character on the site and local area
- Impact of the proposed landscaping on the site and local area
- Sufficiency of ecological measures incorporated into the scheme
- Sufficiency of internal access arrangements, car parking and secondary access control

#### 3. Site Description

The application site comprises 14 hectares of land on the south western edge of the existing urban area of Calne. It is bounded by agricultural land to the south and west, existing residential development to the east and the playing fields of John Bentley School to the north. Currently, access to the site is obtained exclusively via The Rise, a

low-density estate characterised by bungalows with a prevalence of render and concrete tile finishes.

The site includes a group of four existing residential dwellings, currently in the course of demolition, together with open agricultural farmland and associated buildings and hard-standings. Within the site are existing mature hedgerows and trees, which divide it into smaller parcels. The land falls gently away to the north, east, south east and south from the locally higher ground in proximity to the redundant farm buildings, toward Stockley Lane, which at this point accommodates a linear series of houses and a cul-de-sac, which also back on to the site. One of these dwellings is to be demolished to create the principal access to the site. To the west the land rises very gently to a low ridge.

Planning permission was granted in outline on appeal in April 2014, in respect of the erection of up to 125 houses. All matters were reserved, bar the details of the aforementioned new access onto Stockley Lane to the southeast. At the time, the outline application formed part of a hybrid application that also included a full planning application for a 75-bed dementia care home situated on the intervening land between the site of the current application and the new access. In the course of the Inspector's decision, however, these two separate elements became de-coupled and therefore the latter scheme is relevant to this application only insofar as one should have regard for existing and permitted development within the context of the application site.

#### 4. Planning History

N/12/04038/FUL	A Hybrid Application Comprising: A Full Planning Application for a Specialist Dementia Care Facility Comprising of 75 Dementia Care Beds and a 10 Bed Palliative Care Unit with Associated Service Building, Visitor and Staff Parking and Associated Service Access and Landscaping. Outline Proposal for Residential Development Comprising of up to 125 Units with Affordable Housing, Associated Parking, Gardens, Amenity Space and Public Open Space, Community Orchard, Allotments, Ecological Enhancements, Sustainable Drainage and Vehicular Access Off Stockley Lane. All Matters Except for Access Reserved for Future Consideration.
N/88/02949/FUL	EXTENSIONS TO DWELLING
N/96/01923/FUL	EXTENSION TO DWELLING EXTENSION
N/90/00387/FUL	EXTENSION TO DWELLING
N/01/01330/FUL	ERECTION OF 24 DWELLINGS AFTER DEMOLITION OF 3 HOUSES AND 2 FLATS
N/08/01621/FUL	Change of Use and Alterations to Existing Barn to Ancillary Accommodation and Erection of New Outbuilding as Garage and Store
N/08/00850/OUT	Redevelopment of Former Pig Production Unit for Employment Use (Class B1B8)
N/08/00849/FUL	Replacement of Existing Office Building (Retrospective)
N/08/00162/FUL	Tennis Court with Surround Fencing
N/08/02041/OUT	Erection Of Thirteen Dwellings After Demolition Of Existing Semi-

	Detached Bungalows
N/12/00066/SCR	Screening Opinion in Respect of Mixed Use Development Including 150 Houses
14/06757/PREAPP	Erection of 125 Dwellings

## 5. The Proposal

The application relates to those matters reserved at outline stage, specifically layout, design and landscaping but also including matters of internal access, parking, ecological mitigation and public open space/play provision. In total 125 dwellings are to be accommodated within the scheme, corresponding to the maximum figure detailed at the outline stage at which point the principle of residential development of the site was fixed (N/12/04038/FUL refers). As such – as with access details and other off-site highway works agreed previously – this is not a matter for consideration under the current application.

The scheme as a whole is laid out on a generally suburban pattern, interspersed by pockets of landscaping often laid out around retained trees, and is similar in general distribution to the indicative layout agreed at outline stage. The built framework, save for the access way that skirts the northeast site boundary to join Stockley Lane, is contained to the northern portion of the site, with the southernmost units addressing an extended area of public open space. This comprises a formal ‘village green’ with equipped play provision, community orchard and more informal meadow. Within the development proper are a series of allotments backing onto the existing properties at The Rise and occasional pocket parks. A substantial swathe of land is to be retained and planted along the northern and eastern boundaries, following the route of the public footpath, which is to be diverted slightly so as to integrate into the buffer, and rear boundary of the rise. This is to act as an ecological buffer and is to accommodate and physically link water bodies for attenuation and ecological purposes.

The proposed street pattern is of medium density suburban housing, for the most part, with a reasonably continuous degree of soft landscaping interspersed with driveway access and parking provision. The proposed units range from terraces of 2-bedroom units through to substantial 4 and 5-bed detached properties and modest blocks of flats. Based on standardised designs but incorporating features such as additional bay windows at prominent corner plots, the units themselves are to be of the housebuilder’s distinctive design and in architectural terms pick up on traditional features not necessarily confined to the immediate locality. Externally, the principal elevations of the buildings are to be finished in a mixture of brick, reconstituted stone and rough-cast chalk render with a fairly even division of brown concrete roof tiles prevalent in the eastern parts of the development and russet equivalents around the north, south and west fringes. Garages are generally to follow the materials of their host dwelling. Whilst the properties’ private amenity spaces are to be divided from one another by close boarded timber fences, those adjacent to prominent frontages are to employ brick walls instead. On open frontages in key locations, 1.2m high railings are to be used, whilst the southernmost units are to be bounded from the public open space by knee rail fencing to prevent intrusion onto the green space by parking.

## 6. Local Planning Policy

At the meeting of full Council on 20 January 2015, Members voted to adopt the Wiltshire Core Strategy, affording the document ‘*Full Weight*’ in terms of the development plan. In the light of this, the following policies are relevant:

- Core Policy 8 (Spatial Strategy – Calne Community Area)
- Core Policy 43 (Providing affordable homes)
- Core Policy 45 (Meeting Wiltshire’s housing needs)
- Core Policy 50 (Biodiversity and geodiversity)
- Core Policy 51 (Landscape)
- Core Policy 52 (Green infrastructure)
- Core Policy 57 (Ensuring high quality design and place shaping)

At present, there is no neighbourhood plan for the Calne or Calne Without areas at a stage of preparation which is sufficiently advanced as to be afforded significant weight.

The content of the National Planning Policy Framework (NPPF) and Guidance (NPPG) is also relevant to the consideration of the application.

## 7. Summary of consultation responses

Calne Without Parish Council – objections [focusing on the safety of access at Stockley Lane, increase in traffic generated and implications for air quality management]

Calne Town Council – Strong objections [these seem to be largely focused on the principle of development, phasing and adequacy of local infrastructure, however]

Highways – no objection, subject to conditions

Urban Design – no objection, subject to conditions

Ecology – no objection

Landscape – no objection, subject to conditions to agree detailed landscaping scheme

Rights of Way – no objection, subject to agreeing suitable diversions/works to footpaths CALW24 and CAWL75

Archaeology – support

Environmental Health – no objection, subject to resolution of matters reserved by condition to outline permission

Environment Agency – no further comments

Highways Agency – no objections, but defer to local Highways Authority for detailed advice

Wiltshire & Swindon Biological Records Centre – great crested newt recorded nearby

Wiltshire Fire & Rescue – provide advice on use of domestic sprinkler systems

## 8. Publicity

The application was advertised by site notice and neighbour notification. 26 objections and 15 general comments were received.

Summary of key relevant points raised:

- Control of secondary access to The Rise;
- Layout and design of the scheme;
- Adoption and maintenance of allotments and public open space;
- Adequacy of drainage arrangements, particularly along rear boundary of The Rise

The most common themes of objection related either to the principle of development (including the loss of countryside); delivery of the permitted care home; capacity of local infrastructure; and inadequacy of access at Stockley Lane and between Stockley Lane and the A4 London Road, however. These matters do not fall within the scope of this application for approval of reserved matters and therefore cannot be taken into account. It is noted that contributions toward local infrastructure and improvements to the A4/Stockley Lane junction are already subject of a legal agreement, as set out below.

## 9. Planning Considerations

### Impact of the proposed layout on the character and appearance of the site and local area

Perhaps most apparent in the proposed layout is the substantial proportion of open space, as indicated at the outline stage and comprising a more structured area that includes specific play provision; a series of allotments to the immediate rear of The Rise; northern ecological buffer; community orchard and also a more wild swathe of meadow to create a gradual transition into the open countryside to the south and west. Additionally, there are several smaller pockets of green space, often centred on retained trees, all of which will contribute to the legibility and quality of public spaces. Subject to timely delivery and proper management, this is considered to be a significant merit of the scheme and appropriate to the site's context at the fringe of the market town of Calne.

Since original receipt of the application, the scheme has been revised significantly in order to take account of the comments of the Council's Landscape and Urban Design consultees in particular, together with comments in respect of the ecological buffer, access and public rights of way. The outcome is a much-improved layout that addresses the key concerns and in particular the creation of un-engaging spaces and streetscapes at certain points within the scheme. A revised house type that 'turns the corner' on prominent plots, plus the re-siting of detached garages between dwellings and open spaces will ensure the built form engages more readily with its wider context to create a pleasant environment in which to live and move around.

The layout has been adjusted to make for greater pedestrian and vehicular accessibility, the latter including refuse vehicles, occasional farm traffic and, in future, a potential bus route. Many of the larger detached dwellings are accessed from private driveways, which will both reduce the reliance on full-width adopted highway and also soften the transition to open space; this is particularly applicable to the units at the southern edge. The area of extended adopted highway includes granite setts interspersed throughout, which slow traffic and reduce the 'urban' feel of the development. Finer points of hard landscaping and engineering layout – lighting, sewerage, street furniture, etc – are to be secured through conditions.

### Impact of the individual and collective design character on the site and local area

It is considered that the scheme is of a reasonably high quality and makes good use of the opportunities and constraints of the site to deliver a coherent pattern of development interspersed with key focal points and open spaces. Where plots occupy prominent positions, either in terms of longer range views or pedestrian footfall, this has been recognised through the use of additional fenestration and higher quality boundary treatments. The configuration of parking provision is such as to minimise the prominence of hard standing and avoid a street frontage dominated by on-street parking of private vehicles. Some effort is made to design out similar detriment to the public open space through the use of modest but effective boundary treatments. The transition from adopted surfacing to less conspicuous private driveways further enhances the general suburban character of the development as a whole.

Although based on standardised designs, the variety of dwelling types and mixed palette of materials are sufficient to create a suitable range of built form that lends both consistency and navigability to the layout. Although the eastern portion of the site features a higher density of development, the defined terraces of properties will create engaging frontages whereas the pattern of development becomes more piecemeal as one would expect toward the southern and western fringes. Positive steps have been taken since submission of the original application to address plot-specific issues, such that the dwellings as a whole relate well to their surroundings and the public realm. Most significantly, a 'courtyard' style block originally proposed has been broken up to ameliorate what could have been a sterile and unmanaged space close to the centre of the site.

#### Impact of the proposed landscaping on the site and local area

Whilst the relationship of the extensive meadow and community orchard shown on the submitted plans is more pronounced in respect of the surrounding natural/agricultural environment, other elements of landscaping have a substantial impact on the built development itself. Not least, the central 'green' of structured open space is to be addressed by a number of larger dwellings positioned on the southern side of the development, creating a coherence between the two as well as some degree of surveillance. The Council's Landscape Architect is satisfied that the strategic landscape objectives and principles referred to in the outline application and masterplan (based on the recommendations in the submitted LVIA) have been carried through to the detailed reserved matters stage. Whilst some further details may be required – for instance in order to address any potential future conflict between development and existing trees through the use of root barriers – it is considered that these may be dealt with by condition.

The 75-bed care home for which permission remains extant at the land adjoining to the southeast benefits from its own landscaping scheme, which, it is considered, will integrate well with the strategic efforts proposed as part of the housing element here. Whilst no guarantee can be given as to the delivery of the care home, neither can one be given in absolute terms in respect of the housing development, and as the Inspector saw fit to essentially decouple the two, situations of either, neither or both elements coming forward must be accounted for. To this end, it is considered that the open and gently sloping nature of the care home site is such that in remaining undeveloped, this would sit comfortably with the adjacent landscaping currently proposed.

#### Sufficiency of ecological measures incorporated into the scheme

An ecological buffer along the northern site edge forms an integral part of the landscaping to the scheme and further to negotiations between the Council and applicant this now comprises a mixture of planting, wildflower habitats and ponds,



including those required for balancing purposes. With particular regard to the identified great crested newt population resident in the area, it is crucial to secure several smaller aquatic habitats, rather than simply one or two large attenuation basins. It is considered by the County Ecologist that the mixture now proposed is sufficient in this regard.

Such is the fundamental nature of the ecological management of the site, details were reserved by condition at the outline stage. In particular, mitigation measures have been demonstrated in respect of migrating/roosting bats, including the provision of a standalone 'bat house' in the western part of the public open space on site. This and several other key measures proposed in this respect, in the Landscape, Ecological and Arboricultural Management and Monitoring Plan (EAD Ecological Consultants, December 2014) have been reviewed and approved by the County Ecologist.

#### Sufficiency of internal access arrangements, car parking and secondary access control

Following revisions to the layout, with particular attention to turning radii for delivery/refuse vehicles and buses, the internal access road to be offered for adoption is of an acceptable standard. The layout includes a number of traffic calming features including variations to width and surfacing to reduce speeds together with a traffic order limiting maximum speeds to 20mph. In order to account for any situation in the future whereby existing bus routes are redirected through the site, the same S38 agreement through which the speed limit is to be secured should also produce a scheme of waiting restrictions sufficient to enable unobstructed bus access. Further details have also provided suitable reassurance in terms of visibility at junctions, taking into account the limited traffic speeds in the few points where these overlap with third party land. The principal access to the site from Stockley Lane – together with improvements to the A4/Stockley Lane junction – is of course a matter agreed at outline stage and not to be considered here.

Particular attention is paid to the arrangements proposed at the controlled secondary access onto The Rise. As a matter of principle, this entrance is to be used only by farm traffic associated with Rookery Farm, whose right of way is to be maintained across the site, and potentially in future as an extension of the bus route currently using The Rise. It is, however, intended that this route will remain open and inviting to pedestrian and cycle traffic so as to create a permeable and appealing route into the development that is not reliant on sharing the main vehicular access onto Stockley Lane. In practice, this is to be achieved using a removable bollard, physically preventing unauthorised vehicles from using the access. This will be supported by a separate Prohibition of Driving Traffic Order under S38 of the Highways Act, making it illegal for unauthorised vehicles to use this route. This solution is considered to be relatively low-impact in visual terms but clearly more effective in practice than the simple use of signage, which is difficult to enforce.

Upon review, the Council's Highways Officer has confirmed that the parking schedule and arrangements related to the development conforms to the countywide standards, including the provision of allocated visitor parking to an acceptable level. The boundary treatments proposed will limit the intrusion of parked vehicles onto footways, verges and public open space, maintaining the visual amenity and pedestrian/cycle permeability of the development as a whole. The allotment parking, which is to be secured for that purposes only, has been reduced from 15 to 10 parking spaces, partially in order to retain a tree of particularly high quality close to the northeast site access. It is considered that this level of provision is appropriate to the number of allotments and volume of traffic likely to be generated, whilst maintaining the visual amenity of the immediate area.

Further work has been undertaken to enhance existing public rights of way within and around the application site; particularly the route of CAWL75, which is to be re-aligned slightly from its existing route close to the northern site boundary, running a similar route marginally further south so as to run central to the northern ecological buffer. The diverted footpath is to be completed in a hoggin material and is to reinforce its linkage to the controlled access with The Rise (footpath CLAN70) and CAWL20, which follow the western boundary toward the CAWL24 and the John Bentley school and is also to be re-surfaced to match. Necessary details can be secured by condition.

The matter of a right of access associated with the Bowood Estate, has been brought to the Officer's attention, albeit that no information has been presented to prove or disprove its existence. As this concerns a third party's legal rights and is unaffected by any planning decision, no material weight can be attached to this contested issue. It has, however, been brought to the applicant's attention as a matter of courtesy and it is understood that alternative solutions are currently subject of private negotiation between the parties concerned.

### S106 contributions

S106 contributions were agreed at the time of the outline application, the Heads of Terms of which can be summarised as follows:

- 35% on-site affordable housing
- £200k toward improvement of local bus services
- £16,122 toward local cemetery improvements
- £24,278 toward construction of diverted footpath, and
- £2k toward associated footpath diversion order
- £85,983 local leisure contribution
- £33,013 local sports/recreation contribution
- £5k travel plan monitoring contribution
- £10k air quality monitoring contribution

Plus on-site allotment/equipped play/public open space provision. There is also an equation-based contribution toward local education provision.

As these matters have been previously agreed, no further legal agreement is required in relation to the current application.

### Conclusion

The scheme currently proposed is of an acceptable standard, considered sufficient to warrant approval subject to conditions to cover certain detailed elements. Although the concerns raised by both Calne Without Parish Council and Calne Town Council are duly noted, these relate principally back to matters considered, and found to be acceptable, by the Inspector considering hybrid application ref. 12/04038/FUL and cannot be considered in relation to the current application, which relates only to those matters reserved in respect of the outline housing element of the above. Taken with careful regard to the Inspector's previous decision and the limitations of the application itself, it is the Officer's view that the application should be approved.

## 10. RECOMMENDATION

That the application is APPROVED, 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:

ESD0806 - Free Standing Wall Detail  
ESD0900 - Post and Rail Detail  
ESD0906 - Close Board Fence Detail  
ESD0922 - Ball Top Railing Details

Received 29 August 2014

SS001 rev B - Street Scenes  
SS002 rev B - Street Scenes  
APT\_01 rev A - Apartments Plan 01  
APT\_02 rev A - Apartments Plan 02  
APT\_03 rev A - Apartments Elevation  
BR001 - Bat Roost  
Parking Schedule

Received 19 November 2014

House Type Booklet (C) [unless otherwise superseded]  
EF\_LETC\_S.1.0 rev C - Letchworth (Plan)  
EF\_LETC\_S.1.0 rev A - Letchworth V1 (stone)

Received 6 January 2015

SL001 rev M - Site Layout  
EP001 rev D - Enclosures Plan  
MP001 rev E - Materials Plan  
SH001 rev D - Adoption Plan  
AP001 rev D - Storey Heights Plan  
SL002 rev E - Slab Level Plan  
TP001 rev C - Vehicle Tracking Plan  
TF001 rev B - Indicative Surface Finishes Plan  
394-P-04 rev C - Drainage Strategy  
394-P-07 rev C - Bus Vehicle Tracking  
394-P-06 rev A - Visibility (Planning)

Received 21 January 2015

RED19412-11 rev I - Landscape Proposals 11 (1of6)  
RED19412-11 rev I - Landscape Proposals 11 (2of6)  
RED19412-11 rev I - Landscape Proposals 11 (3of6)  
RED19412-11 rev I - Landscape Proposals 11 (4of6)

RED19412-11 rev I - Landscape Proposals 11 (5of6)  
RED19412-11 rev I - Landscape Proposals 11 (6of6)  
RED19412-13 rev F - Landscape Proposals 13 (1of2)  
RED19412-13 rev F - Landscape Proposals 13 (2of2)  
RED19412-14 rev E - Landscape Proposals 14 (1of2)  
RED19412-14 rev E - Landscape Proposals 14 (2of2)  
RED19412-15 rev F - Landscape Proposals 15 (1of6)  
RED19412-15 rev F - Landscape Proposals 15 (2of6)  
RED19412-15 rev F - Landscape Proposals 15 (3of6)  
RED19412-15 rev F - Landscape Proposals 15 (4of6)  
RED19412-15 rev F - Landscape Proposals 15 (5of6)  
RED19412-15 rev F - Landscape Proposals 15 (6of6)  
RED19412-16 rev B - Landscape Proposals 16  
RED19412-spec rev A - Landscape Specification  
BX01 5500 Removable Bollard Specification

Received 30 January 2015

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

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

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

- 4 No dwelling hereby approved shall be first occupied until the allocated parking area shown on the approved plans (titled 'Site Layout' numbered RHSW.5375.02.SL001 revision L and Parking schedule B) 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.

- 5 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 garages hereby permitted shall not be converted to habitable accommodation.

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

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

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

- 7 No development shall commence on site until details of traffic calming features to be

formed on the access road have been submitted to, and approved in writing by, the Local Planning Authority (indicative locations on drawing 'Site Layout' numbered RHSW.5375.02.SL001 revision L). No part of the development shall be occupied or first brought into use until the traffic calming features have been provided in accordance with the approved details. The traffic calming features shall be kept clear of obstruction and available at all times thereafter.

REASON: To enable vehicles to pass/stand clear of the highway in the interests of highway safety.

- 8 No development shall commence on site until details of the footway / (Hogging path) connecting to the bridge to the location of the diverted Public Footpath (CALW 20) have been submitted to, and approved in writing by, the Local Planning Authority. The construction of the footway shall be constructed in accordance with a programme to be agreed with the Local Planning Authority. The footway shall be provided in accordance with the approved details and programme. The footway shall be kept clear of obstructions at all times thereafter.

REASON: To provide pedestrian and cycle access to local facilities.

- 9 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, 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.

- 10 The allotment car parking shall be secured by gates. The gates shall open inwards and away from the highway only. The gates shall be locked at all times and only accessible by authorised members related to the allotment (titled 'Site Layout' numbered RHSW.5375.02.SL001 revision M).

REASON: In the interests of highway safety and to prevent abuse by unauthorised car parking.

- 11 No part of the allotment hereby approved shall be first brought into use until the allotment parking area shown on the approved plans (ten car parking spaces) has been consolidated, surfaced and laid out in accordance with the approved details (titled 'Site Layout' numbered RHSW.5375.02.SL001 revision L). 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.

- 12 No dwelling within the development hereby permitted shall be first occupied until the controlled access onto The Rise has been completed in accordance with drawing ref

ITB4056-SK-004 ('Pedestrian/Cycle/Emergency Only Access from The Rise, Appendix B to Unilateral Undertaking dated 26 February 2014). The removable bollards shall be secured in situ and removed only to allow access by vehicles as authorised under a Prohibition of Driving Traffic Order under S38 of the Highways Act to be agreed by the Local Highway Authority, after which it shall be replaced and secured. This arrangement shall be maintained as such thereafter in perpetuity, unless otherwise warranted by the extension of bus routes through the site and agreed in writing by the Local Planning Authority.

REASON: To ensure the access between the site and The Rise is not used by vehicles to the detriment of residential amenity.

- 13 No development shall commence on site until a scheme of phasing of landscaping has been approved in writing by the Local Planning Authority. The landscaping shall be carried out in the first planting and seeding season following occupation of the buildings or the completion of the development, whichever is the sooner within that particular phase; 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.

REASON: To ensure a satisfactory landscaped setting for the development.

- 14 The mitigation measures detailed in the approved Landscape, Ecological and Arboricultural Management and Monitoring Plan (EAD Ecological Consultants, December 2014) shall be carried out in full prior to the first occupation of the development or in accordance with the approved timetable detailed in the Ecological Assessment.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.  
POLICY: National Planning Policy Framework paragraph 118.

- 15 INFORMATIVE TO APPLICANT:  
As part of the Section 38 Agreement (Highways Act), the council will require the following legal orders:  
- Prohibition of Driving Traffic Order at the emergency access.  
- A scheme of waiting restrictions in order that a bus can negotiate the site without parked vehicles obstructing access.  
- A traffic order for a 20mph Zone.

- 16 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.

- 17 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.

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**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.





## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	18 February 2015
<b>Application Number</b>	14/08888/OUT
<b>Site Address</b>	Land at Arms Farm High Street Sutton Benger Wiltshire SN15 4RE
<b>Proposal</b>	Outline Planning Application for up to 28 Dwellings With Associated Access Work and Public Open Space.
<b>Applicant</b>	C/O Agent
<b>Town/Parish Council</b>	SUTTON BENDER
<b>Ward</b>	KINGTON- Cllr Greenman
<b>Grid Ref</b>	394321 178521
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	

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

The application has been called in by Cllr Greenman for three reasons:

1. concern over the scale and size of the proposed development
2. As it stands there is insufficient infrastructure to accommodate the proposed development
3. The proposal to be inconsistent with current housing density including both the new Faccenda , and the Hazlewood sites.

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

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

### **2. Report Summary**

The planning application has generated in excess of 100 local objections and resulted in formal objection from the local Parish Council. 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
- Access
- Design and Layout

- Prejudice to plan making
- Impact on the setting of the listed building and conservation area
- S106 Contributions

### 3. Site Description

The application site is located to the south west of Sutton Benger, a village and parish within the Chippenham Community area of Northern Wiltshire. The northern boundary is defined by the High Street (B4069), which links the settlement to Chippenham. The eastern boundary is predominately formed of the residential dwellings fronting Gregory Close and Lee Crescent. The western and southern boundaries are formed by field boundaries, which abut open countryside.

On the Northern Boundary, beyond but immediately adjacent to the application site is Arms Farmhouse, a Grade II listed building. There is currently no public access to the Farmhouse, however, it is clearly visible from the High Street. Arms Farm and the access are located within the Conservation Area but the majority of the site lies beyond the designated Conservation Area.

The building and its associated curtilage listed buildings are in a state of disuse which have a detrimental impact on its character and appearance, with many of its architecturally significant features obscured by its overgrown trees, shrubs and ivy.

Attached to the south east corner of the farmhouse's rear wing, and extending south east, is a low range of cow sheds which dates to the early 19th century and is considered to make a positive contribution to its setting through its group value as a component of the farmhouse's former yard complex.

Arms Farmhouse and its associated outbuildings do not form part of the planning application site. However, planning permission and listed building consent was recently granted permission for to conversion of the existing farm house and surrounding buildings into four residential units.

### 4. Planning History

N/03/02183/FUL	EXTENSIONS TO EXISTING DWELLING
N/04/01490/FUL	FIRST FLOOR SIDE EXTENSION; REAR CONSERVATORY AND ALTERATIONS
N/05/01325/COU	Change of Use of Agricultural Land to Garden
N/10/02090/FUL	Alterations to Farmhouse (2 Units); Alteration to Existing Outbuildings to Form Four Residential Units; Change of Use of Land to Domestic Garden; Detached Dwelling; Parking, Landscaping & Associated Works; Alterations to Access.
N/10/02091/LBC	Internal & External Alterations & Demolition to Farmhouse, Internal & External Alterations to Existing Outbuilding in Association with Change of Use to Form Four Residential Units, Demolition of Boundary Walls, Erection of New Walls & Gates & Landscaping.
N/11/02233/FUL	Alterations to Farm House, Alterations to Existing Outbuildings to Form Four Residential Units, Change of Use of Land From Agricultural to Domestic Garden, Erection of Detached Double Garage, Parking, Landscaping & Associated Works, Alteration to Access (Amendment to N/10/02090/FUL)

N/11/02234/LBC Internal & External Alterations & Demolition to Farmhouse, Internal & External Alterations & Demolition to Existing Outbuildings in Association With Change of Use to Form Four Residential Units, Demolition of Boundary Walls, Erection of New Walls & Gates, Plus Landscaping (Amendment to 10/02091/LBC)

## 5. The Proposal

The planning application has been submitted in outline form with all matters reserved except access.

The original documentation and application form submitted with the application sought to achieve outline planning consent for up to 60 new homes within a site comprising 3.01ha of existing farmland to the south of the Arms Farm site. Following discussions with the Case Officer the applicants chose to revise the scheme. The planning application now seeks consent for up to 28 new homes within a 1.38ha site

The revised illustrative layout is broadly based on the northern half of the original scheme with the spatial relationship between proposed homes, listed buildings and the conservation area maintained.

Drainage proposals reflect those in the earlier scheme with a new connection provided offsite, but within the control of the applicants, to the existing field ditch. The open space to the south of the original scheme has been removed from the application as has the creation of the permissive footpath link. In total the planning application will see the provision of 0.31ha of public open space.

## 6. Local Planning Policy

The Core Strategy was considered by Full Council on 20 January 2015 and the document was formally adopted. Accordingly, the Core Strategy should be afforded full weight in the determination of this application. The following Core Strategy policies are considered to be relevant in the determination of the application:

CP1 (Settlement Strategy)  
CP2 (Delivery strategy)  
CP10 (Spatial Strategy for the Chippenham Community Area)  
CP43 (Providing affordable homes)  
CP45 (Meeting Wiltshire's housing needs)  
CP51 (Landscape)  
CP57 (Ensuring high quality design and place shaping).  
CP61 (Transport and Development)

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. Summary of consultation responses

### Archaeology

The potential for buried archaeological remains and the significance of the ridge and furrow earthworks across the site have not been addressed in the application. Should permission be granted an Archaeological condition (WL26) will be required to allow for survey and recording of archaeological remains prior to the commencement of development.

### Housing

Under policy CP2 & CP43 from the Wiltshire Core Strategy, a 40% nil subsidy affordable housing contribution would then be sought in this location which would need to be delivered in line with policy and procedures as detailed in CP43.

### Drainage

Application form states foul drainage will be to main sewer via existing drainage system. As the site is stated as flat with a general fall away from the main sewer in the High Street there may be an issue with obtaining a gravity connection from site to the sewer – i.e. a pumping station is therefore required as stated in the DSR section 5.10

The pumping station will need to be shown on any detailed planning application as it will need to be at least 15m from any dwelling and have above ground control kiosk with compound and turning area – the location of such a pumping station could impact of the current indicated site layout, especially as it would have to be located at the lowest point on site which is likely to mean a need for tanker access through the whole site - (Informative and condition can be added to any permission)

Application form states that storm drainage will be to a sustainable drainage system

If the developer were to propose infiltration techniques then this would need to be confirmed by carrying out on site permeability testing to BRE Digest 365. These results would provide confirmation of the infiltration rate and should be issued to us for review. DSR section 5 indicates need for further site investigation but states that soakaways may not work. Wessex Water have advised that no storm sewers in area and would not support discharge to foul sewers – even if such a discharge was agreed there would need to be a separate pumping station to reach foul system (as above comments on foul proposals)

If the developer proposes to discharge into a nearby ditch/watercourse, then an application for land drainage consent would also be required. Again mentioned as an alternative solution in DSR section 5

Application form also states not in FRZ 2/3 and not within 20m of a water course – examination of location plan included with submission clearly shows ponds to west and east of site with a connecting ditch/water course connecting them together passing through the site – thus application form is incorrect.

This is picked up in the DSR (section 2.3) and FRA which clearly states the existence of this drainage system and that site currently drains to it.

DRS suggests that a new ditch will be formed to collect site piped flows from underground attenuation before discharge to existing ditch

Any alteration of this existing system/provision of new ditches will require land drainage consent approval – will need a condition – FRA states alteration of existing ditches will be required – Wiltshire Council is the Land Drainage Authority relating to land drainage

within/adjacent to site thus as above approvals will be with the council and not the Environment Agency (FRA states needing EA approval)

FRA section 5.8 indicates that there has been a flooding issue in a property rear garden at Lee Crescent and that issue will be addressed as part of any approved development

There is also some historic flooding of the highway in High Street outside of the site entrance – this should be looked at as part of any development proposals and indicated alteration of site entrance – informative.

No in principle objection subject to conditions.

### Ecology

The proposals will have a number of minor potential ecological impacts on hedgerows, bats, great crested newt, reptiles and birds, however these are typical of major Greenfield development and could be reduced through the proposed mitigation measures and compensated for through the landscape scheme, particularly the area of informal open space. I am therefore satisfied that the proposals are in accordance with the relevant local plan policies, NPPF and protected species legislation and have no objection to the application subject to appropriately worded conditions to secure the following measures in accordance with the recommendations of the ecological appraisal:

Reserved matters stage:

- Landscaping to incorporate native planting and wildflower grassland
- SUDS design to incorporate seasonally wet wildflower grassland habitat and open-water habitats
- Provision of bat and bird boxes on trees and in new dwellings
- 

Pre-commencement:

- Construction Method Statement to include Ecological Protection Zones
- Sensitive lighting scheme
- Reptile mitigation strategy
- Long-term ecological management plan

### Spatial Planning

(The comments below are a summary/conclusion. Spatial Planning comments have been incorporated into the policy/principle section of the report).

The Inspector has issued his final report on the Core Strategy and the Council's Cabinet considered the report at its meeting on 16 December and recommended that the Core Strategy be adopted.

The NPPF contains a presumption in favour of sustainable development. The policies and proposals contained in the Wiltshire Core Strategy taken as a whole set out what sustainable development means in Wiltshire in terms of land use planning.

The NPPF requires LPA's to boost significantly the supply of housing and to demonstrate a sufficient supply of housing. The Core Strategy sets out a housing requirement of 42,000. Using this, Wiltshire can demonstrate a 5 year housing land supply. Therefore it is appropriate to consider the proposals using the policies set out in the Core Strategy.

Sutton Benger is identified as a large village in the core strategy. Whilst a proposal of 28 is lower than 60, it remains the case that it is contrary to the Core Strategy and in particular core policies CP1 and CP2 which set out the overarching strategy for Wiltshire. According to CP1 'development at large Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.'

Paragraph 4.15 says:

'At the settlements identified as villages, a limited level of development will be supported in order to help retain the vitality of these communities. At Large Villages settlement boundaries are retained, and development will predominantly take the form of small housing and employment sites within the settlement boundaries. These settlement boundaries will also be reviewed as part of the Housing Site Allocations DPD as set out in the Council's Local Development Scheme, in order to ensure they remain up to date and properly reflect building that has happened since they were first established.

Small housing sites are defined as sites involving less than 10 dwellings (i.e. not a major application). Development outside the settlement boundary will be strictly controlled. Relaxation of the boundaries will only be supported where it has been formally reviewed through a subsequent DPD or a community-led neighbourhood plan, which includes a review of the settlement boundary to identify new developable land to help meet the housing and employment needs of that community. In turn this could bring forward benefits to the local community such as improvements to the economy through the identification of land for employment purposes.'

The site is located outside the settlement boundary for Sutton Benger. The proposal for 28 dwellings exceeds the level of development envisaged for large villages such as Sutton Benger i.e. Small housing sites involving less than 10 dwellings. Whilst the settlement boundaries are being reviewed as part of the Housing Site Allocations DPD it is too early to say whether the boundaries at Sutton Benger will be amended and/or whether this site will be identified as a housing site. It is also the case Sutton Benger community are not currently preparing a neighbourhood plan and therefore there is no evidence available from a community perspective to show what level of development is appropriate and where it should be located in Sutton Benger.

CP2 sets out the exceptional circumstances where development outside the settlement boundaries is allowed i.e. new employment investment, providing affordable housing, allowing new tourist accommodation or supporting diversification of the rural economy. It remains the case that the proposal is not for any of these circumstances.

Therefore as it stands the proposal for 28 dwellings is contrary to the Core Strategy and the principle of development is not acceptable. At this stage, the applicants have not

submitted sufficient evidence which demonstrates the benefits of development in Sutton Benger which could be considered to outweigh the current policy position.

#### Highways

Initial concerns were raised to the proposal for 60 dwellings. It is understood that the applicant and highway officer have agreed amendments. The highway officer comments will be reported as a late item

#### Conservation

Comments will be reported as a late item.

#### Sutton Benger Parish Council

The Parish Council provided a full a thorough critique of the application. A copy of the full response is available on the public file. A summary is set out below:

1. Size and Location of proposed growth:
  - The village has grown by 50% in 5 years with no employment/infrastructure growth
  - The village is providing more housing than other large village in the community area
  - Density is out of character with the existing village
  - Impact on the listed building to the front of the site
  - Loss of amenity to local residents
2. Present infrastructure is not adequate for both foul and surface water.
3. The development would have an adverse impact on Highway Safety.
4. The development is beyond the framework boundary and contrary to policy.
5. Development results in habitat loss
6. Over 30% of the village have objected to the scheme

#### Public Open Space & Leisure Services

Environment Services does not objection to the application based on the following:

1. The Open Space and Play provision accords with Planning Policy CF3
2. The Open Space and Play is secured in perpetuity
3. A contribution towards Play provision in Sutton Benger is secured
4. A contribution towards Sport and Recreation in Sutton Benger is secured

#### Landscape

The applicants LVIA document has been considered and whilst it is agreed that the principle of housing development could be accommodated at this site without generating unacceptable adverse effects to wider landscape character or views and visual amenity, there is an issue with the LVIA findings to its claims and conclusions regarding the current illustrative layout in regard to sustaining site features / landscape elements. It is considered that the proposed layout (which is accepted is illustrative) will protect some hedgerows in the longer term, as a consequence it will not provide an effective or sustainable transition to the rural countryside along the western boundary. This issue

requires further thought in any final scheme layout. To achieve this successfully, whilst maintaining necessary standoffs to retained trees and providing the necessary setting to Listed buildings, may impact on the proposed housing density, orientation of streets and ultimately the final housing numbers that could be successfully accommodated within the site.

The proposal includes the provision of the main access road to serve this new development through the listed farmstead complex which may impact on the setting of heritage assets. The repair and realignment and possible demolition of some of these curtilage farmyard dry stone walls are also likely to be required, so it is recommended that the appropriate built heritage/conservation officer will need to be consulted to advise on acceptability and an appropriate way forward. From a landscape perspective the dry stone walls are important landscape features which contribute to the local character and distinctiveness, and which should be retained and repaired within any final development proposal. These are important features which reinforce place making and local character and which are referenced as important landscape elements and indicators of change within the relevant Landscape Character Areas of the applicable Landscape Character Assessments.

The remainder and majority of the site is currently laid to rough pasture and includes a redundant modern barn at the north western corner which is proposed for demolition within the proposal. The site is bordered to the east by the rear gardens of modern suburban housing, accessed from Gregory Close and Lee Crescent. Open countryside borders the site to the south and west, with a few dispersed properties visible further to the west. There are a few notable mature trees along the western boundary, which are identified to be retained within this outline application. This indicative layout shows these trees are set within public areas. It is considered that they have been allocated an appropriate amount of space to ensure that their future retention could be sustained which is welcomed.

The western boundary of the site is delineated by a poor quality field boundary hedgerow which includes some Hazel and Elm stands further south, but a large section of this boundary appears to consist of little more than a linear belt of scrub bramble, which may be important habitat and corridor for wildlife, but does little to reinforce the character of the countryside, or in the way of providing an effective countryside transition or buffer to the proposed new development. A pond is located adjacent to the north west corner of the site with connecting field ditches. It is assumed that these are outside the control of the developer as they appear to be within, and maintained from, the western adjoining field outside this application boundary.

The current layout suggests this improved western hedge line boundary fronting countryside will form the rear garden boundary to new housing, thereby retaining this hedgerow in perpetuity. In my experience and opinion this hedgerow or scrub will be placed at risk of immediate and ongoing piecemeal removal and replacement with garden fencing by the new residential occupants if included within private garden areas. Therefore the retention of this green corridor and landscape feature within private rear gardens will not represent a sustainable solution, it is suggested that this needs to be significantly reinforced before it can be considered to provide an important green link



and sensitive transition with rural countryside. It is considered that the western boundary in particular needs more consideration to provide a sustainable green edge to development and buffer to countryside. There is less concern with regards to the southern boundary as there is more scope within the current layout to reinforce and sustain the southern boundary hedgerow as this is contained within proposed public open space.

#### Waste Services

A contribution of £121 per dwelling is required to cover waste and recycling provision costs.

#### Public Art

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

#### Tree Officer

More details of an arboricultural method statement and tree protection in particular on the eastern boundary, some of the properties and their garages come very close to trees and groups 14-18.

Plans for the management of the native hedgerows bordering the site will be required, they are one of Wiltshire council's biodiversity action plans and whilst they are currently protected by the hedgerow regulations this protection does not cover hedges in domestic gardens.

Trees T2 and T3 are mature trees with a limited lifespan, more details of future replacements and overall site landscaping to ensure continued tree cover will be required. No objection in principle, subject to planning conditions.

### **8. Publicity**

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

122 objections from local residents were received.

Revised plans have been received reducing the numbers from 60 to 28. This resulted in a further 13 letters of objection. A summary of the key points raised is set out below:

- Recent developments have increased the number of people living in the village
- Listed buildings need to be restored first
- Principle of development and land supply
- New access is not adequate
- Public Consultation poor
- Broadband infrastructure poor
- Additional footpath leads to nowhere
- Impact on the historic environment and archaeology
- Impact on site character and appearance of the area/countryside

- Impact on highway safety
- Danger crossing the road
- Unsustainable development on Greenfield Land
- Don't need more public open space
- Extra traffic problems for the area
- No local facilities
- Housing not needed
- Previous applications refused so should this
- Insufficient space in the local school
- Flooding issues in the field
- Housing density too large
- Adequacy of local services and infrastructure
- Loss of agricultural land
- Drainage problems within the site
- Sewage problems
- No employment in the area
- Water pressure problems
- Impact on ecology and wildlife
- Outside framework boundary and not closely related to existing settlements.
- Development Urban in appearance

#### CPRE

Whilst there may be no site specific objections on sustainability the releasing of this site for housing could result in a significant and demonstrable adverse impact on community cohesion and local benefit. Recent permissions granted on sites within the village will already stretch any form of assimilation. The likelihood of Sutton Benger developing into a commuter feed for Chippenham and areas accessed by the proximity of the M4 is very real. These long term effects run the risk of outweighing the immediate short term benefit of bringing construction work to the site. This deemed economic benefit arises from national policy and fails at the local level.

The overall balance must be to see phased development over the Plan period allowing for the second and third roles of Sustainable Development, the social role and the environmental role, to be achieved in a timely manner.

The settlement boundaries are important in order to ensure encroachment into the countryside is managed and to prevent unrestricted sprawl. In Wiltshire settlement boundaries are intended to provide the predictability and efficiency required by the NPPF para 17, page 5. It appears that the draft settlement boundary review for Sutton Benger suggests no change at this site. We ask for this application to be refused.

All letters of objection are available for inspection in the planning application file

## **9. Planning Considerations**

### Policy and Principle

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning

applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

The starting point for consideration of this application is the policies of the Development Plan. The current development plan is the Wiltshire Core Strategy and the site lies outside the Framework Boundary of Sutton Benger. The whole of the site therefore lies in the open countryside where new housing development is not permitted unless justified in connection with the needs of agriculture and forestry. No such justification exists in this case.

The Core Strategy sets out a housing requirement of 42,000. Using this, Wiltshire can demonstrate a 5 year housing land supply. Therefore it is appropriate to consider the proposals using the policies set out in the Core Strategy.

Sutton Benger is identified as a large village in the core strategy. Whilst a proposal of 28 is lower than 60, it remains the case that it is contrary to the Core Strategy and in particular core policies CP1 and CP2 which set out the overarching strategy for Wiltshire. According to CP1 'development at large Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.'

Paragraph 4.15 says:

'At the settlements identified as villages, a limited level of development will be supported in order to help retain the vitality of these communities. At Large Villages settlement boundaries are retained, and development will predominantly take the form of small housing and employment sites within the settlement boundaries. These settlement boundaries will also be reviewed as part of the Housing Site Allocations DPD as set out in the Council's Local Development Scheme, in order to ensure they remain up to date and properly reflect building that has happened since they were first established.

Development outside the settlement boundary will be strictly controlled. Relaxation of the boundaries will only be supported where it has been formally reviewed through a subsequent DPD or a community-led neighbourhood plan, which includes a review of the settlement boundary to identify new developable land to help meet the housing and employment needs of that community. In turn this could bring forward benefits to the local community such as improvements to the economy through the identification of land for employment purposes.'

The application site is located outside the settlement boundary for Sutton Benger. The proposal for 28 dwellings exceeds the level of development envisaged for large villages such as Sutton Benger i.e. Small housing sites involving less than 10 dwellings. Whilst the settlement boundaries are being reviewed as part of the Housing Site Allocations DPD it is too early to say whether the boundaries at Sutton Benger will be amended and/or whether this site will be identified as a housing site.

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 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 recently adopted can be afforded full weight.

Policy CP2 allows for development outside settlement boundaries where they are permitted by other policies of the plan or where they are brought forward through a neighbourhood plan or Site Allocations DPD. The principle behind policy CP2 is both to contain development within the main built up area of a settlement and protect the countryside. This proposal is contrary to these policies; it is not being brought forward via these alternative plans and does not comply with core policies that allow for an exception to this approach.

Policy CP2 does allow plan led change to the limits of development through a Site Allocation plan or Neighbourhood plan. The purpose of this is to ensure a proper plan-led approach to identify the most sustainable sites that can best support the development required. The Wiltshire Housing Site Allocations Development Plan Document is currently under preparation, and will identify site(s) within the area to meet the identified housing need. In his recent decision on an appeal at Park Road, Malmesbury, the Secretary of State made it clear that the potential output forthcoming from this was *'an important material consideration to be taken into account'* and that the preparation of this *'needs time to go through the proper consultative and statutory processes'*

At present, neither Sutton Benger or the surrounding areas have an adopted or draft neighbourhood plan, although it is understood that there is local intent for this to happen.

Sutton Benger is identified as one of the five Large Villages under the Core Strategy for the Chippenham Community Area. In relation to plan making, the scheme is for up to 28 dwellings on the site. The Council's Core Strategy requires additional dwellings in the Chippenham community area during the plan period. Indeed, Core Policy 10 of the Core Strategy Identifies Sutton Benger as one of the five Large Village within the Community Area. It is in these Large Villages that the majority of 149 residential dwellings, outside of Chippenham, are likely to be delivered. The latest housing land supply statement (July 2014) indicates that approximately 149 additional homes should come forward over the period to 2026 in the rural parts of the community area.

Furthermore, planning application 14/12070/FUL has recently been submitted to the Council seeking permission for the Construction of 13 dwellings within the Framework Boundary of Sutton Benger. However, the application does propose the loss of an allocated employment site. The application has not yet been determined.

The village of Sutton Benger has, in recent times, delivered a large number of residential units and permitting further development prior to the adoption of a site allocation DPD or Neighbourhood plan would be contrary to the Core Strategy.

Settlement Framework Boundaries

The applicant is of the opinion that the settlement framework boundary defined in the North Wilts Local Plan, which is carried through in the newly adopted Wiltshire Core Strategy is out of date as it has not been reviewed since the early 2000s.

It is also argued that since the Core Strategy allocates no sites within the rural areas, and since the Council is committed to undertaking a review of Framework Boundaries in the course of producing a Site Allocation Document for the area, those boundaries must for the present time be regarded as out of date.

The Council disagree, paragraph 215 of the NPPF cannot properly be interpreted as requiring the above until the extent of any necessary changes has been established, the existence of the current Development Limits should be disregarded as “out of date”. To take that approach would effectively be to sanction residential development in the countryside without regard to the quantified need for it.

This is confirmed by the terms of paragraph 49 of the NPPF, which directly addresses the circumstances in which existing Development Plan policies will be overridden by the need to provide sufficient housing. It does this by reference to the quantified housing need for the area, specifying that policies relevant to the supply of housing will be rendered out-of-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. As set out above, the Council can demonstrate a five-year supply and the settlement framework boundaries must therefore be considered up to date. Indeed, the Council proposed and is currently preparing site DPD documents to review these boundaries, in paragraph 37 of the examining inspector’s report he agreed that this was a good approach to adopt. The boundaries can therefore not be considered out of date in the current context.

#### Prejudice to plan making

The question of prematurity has been raised in comments from local residents. Central Government advice in the NPPG on prematurity states:

*Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.*

For the reasons set out above it would be very difficult to sustain a reason for refusal based on prematurity. So far as the Neighbourhood Plan is concerned, this is at a very early stage in its preparation.

#### Five Year Land Supply

The NPPF, at paragraph 47, requires that, to boost the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites

sufficient to provide five years worth of housing against their housing requirements. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Planning permission should then be granted unless any 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole'.

Currently, the Council considers that it does have a five year land supply for the housing market area within which the site sits, a decision endorsed by the Core Strategy Inspector and so this paragraph in the NPPF is not engaged and therefore the development plan policies are considered to be up-to-date.

Notwithstanding the fact that the Council can demonstrate a five year land supply, this should not necessarily be the determining factor of the application and other material considerations should be considered.

#### Setting of the Listed Building

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

- 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 application site does not contain any listed buildings, however Arms Farm is a Grade II listed building. This property falls outside the application site but is within the ownership of the applicant, furthermore, the property has an extant permission for the repair and restoration into 4 residential dwellings. This includes a surfaced access in approximately the same location as the proposal and large areas of parking/hardstanding within the site.

The Council acknowledge that the proposed residential 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 large 'village green' between the barn and the new residential development.

Officers have looked at possible impacts from viewpoints around the site and from vantage points from the public highway. Arms Farm, when viewed from the B4069 is seen in the context of other built development, many of which are modern and not of the

same architectural or historic quality as the listed Farm House. The proposed residential dwellings will largely be set away from the listed building and any adverse impact will be minimal.

The village green and the public open space/landscaping adjacent to the Farm House will maintain the character and views into the farm complex. The development beyond the cartilage of the listed building will result in only limited harm to the setting of the listed building. The application has been submitted in outline form so details such as the size, scale siting, and materials will be secured at outline stage. It is understood that there are slight concerns with the construction of garages in close proximity to the listed building, this could be controlled at reserved matters stage.

In accordance with the NPPF, officers have considered the harm and concluded that it is not sufficient to warrant a refusal as the proposal would lead to less than substantial harm to the significance of the designated heritage assets and the. Had the application been in an allocated housing site it is considered that the removal of the existing steel portal framed agricultural building; construction of housing, provision of affordable housing would constitute a public benefit that would outweigh the minimal harm caused to the listed building.

#### Highway Improvements

The Council's highway officer originally raised objections to the proposed access and traffic calming proposal. The highway officer is now satisfied that an acceptable solution can be found to the access and highway works.

Numerous local residents have raised concerns to the capacity of the existing road and the suitability of the access and traffic calming. These concerns are noted but taking into consideration the existing situation and the number of additional residential units it is considered that a reason for refusal based on these issues would be difficult to justify.

The highway improvements are required to make the scheme acceptable in planning terms and cannot be considered as a public benefit that weighs in favour of the proposal. Without the highway improvements and alterations the application is likely to be prejudicial to highway safety.

#### Economic Benefits

The proposed development, as with any housing development of this nature would have economic benefits. As a project, it would generate investment and economic activity. 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. Paragraphs 18 and 19 of the NPPF gives weight to the need to support economic growth. These matters count in favour of the proposed development. However, any development within the area would result in such benefits and such a benefit should be afforded limited weight in the determination of the application and does not overcome the harm identified above.

#### Market Housing and Affordable Housing

The provision of 28 new dwellings, 40% of which are affordable, would be a benefit to the local area. This specific need for affordable housing is identified within the 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 40% of the units would be provided as affordable rented or intermediate housing, as defined in the relevant national policies. This percentage is the same as that sought in the Core Strategy. The provision of affordable housing would be a benefit.

#### Urban Design & Layout

The applicant has agreed to retain some existing landscape features whilst improving landscaping within and to the edge of the site, 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 appear to show the existing hedgerows being incorporated into some residential gardens and could thereafter be lost. Should planning permission be granted this is a matter that could be resolved at reserved matters stage and should not form a reason for refusal.

The illustrative layout suggests that the level of development proposed could be satisfactorily accommodated in terms of landscape, character and visual impact, residential amenity and place making. Even with slight changes to the residential layout to accommodate space for adequate maintenance for retained and proposed trees and hedgerows, the layout would be spacious and not look out of place in the context of the street.

It is considered that the proposal results in a good indicative layout, furthermore, the proposed open spaces will be largely overlooked by active development frontage which improves levels of surveillance and positively contributes to place making.

#### Ecology

Concerns have been raised by local residents in terms of ecological impact. The Council's ecologist has raised no objection to the proposed development and a reason for refusal based on this would be difficult to justify at appeal.

#### S106 Contributions

No draft s106 agreement was submitted with the application. This is understandable in light of the recommendation being made. However, the lack of a legal agreement must be a reason for refusal so that contributions can be secured if the refusal is appealed and subsequently granted at appeal.

### **10. Conclusion**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning



applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The location of the proposed development is contrary to policies CP1, CP2 and CP10 of the Wiltshire Core Strategy. Furthermore, the Council can demonstrate a 5 year housing land supply, which suggests there is no immediate need to release additional housing now.

It is also important to consider whether there are any material considerations that weigh in favour of the development, which would warrant an exception from the plan. This involves a balancing exercise requiring careful assessment of issues relevant to policy considerations and the weight to be given to other material considerations.

The benefits of the proposal include the delivery of housing, including affordable housing, at a scale of development that is not inappropriate in the context of the local area; and some economic benefits through construction and occupation of the houses. However, the benefits provided by this scheme are no different or better for the locality than any other development proposed on a green field site within the locality. It is recognised that the core strategy anticipates that some growth is likely within the Chippenham Community area, however, there 5 large villages and 9 Small Villages in the Chippenham Community Area and there is a need for approximately 149 more homes in the rural area. In this context the effect of allowing this development for such are large number of dwellings in this location would undermine the Plan making process. The release of additional land for significant residential development outside the settlement framework boundary in advance of any employment development would not support or enhance self containment of Sutton Benger. The failure to enhance self containment will result in out commuting which is contrary to policies CP1 and CP” of the Wiltshire Core Strategy.

Furthermore, it is also a material consideration, given the Government’s support for localism, that the proposal is not supported by the parish council or the majority of local residents.

On balance, there is a principle objection to the proposal, based on the site being outside of the settlement limits and not being delivered through the plan led approach advocated by policy CP2, it is considered on this occasion that the benefits as identified above do not outweigh the concerns on this particular site.

## **RECOMMENDATION**

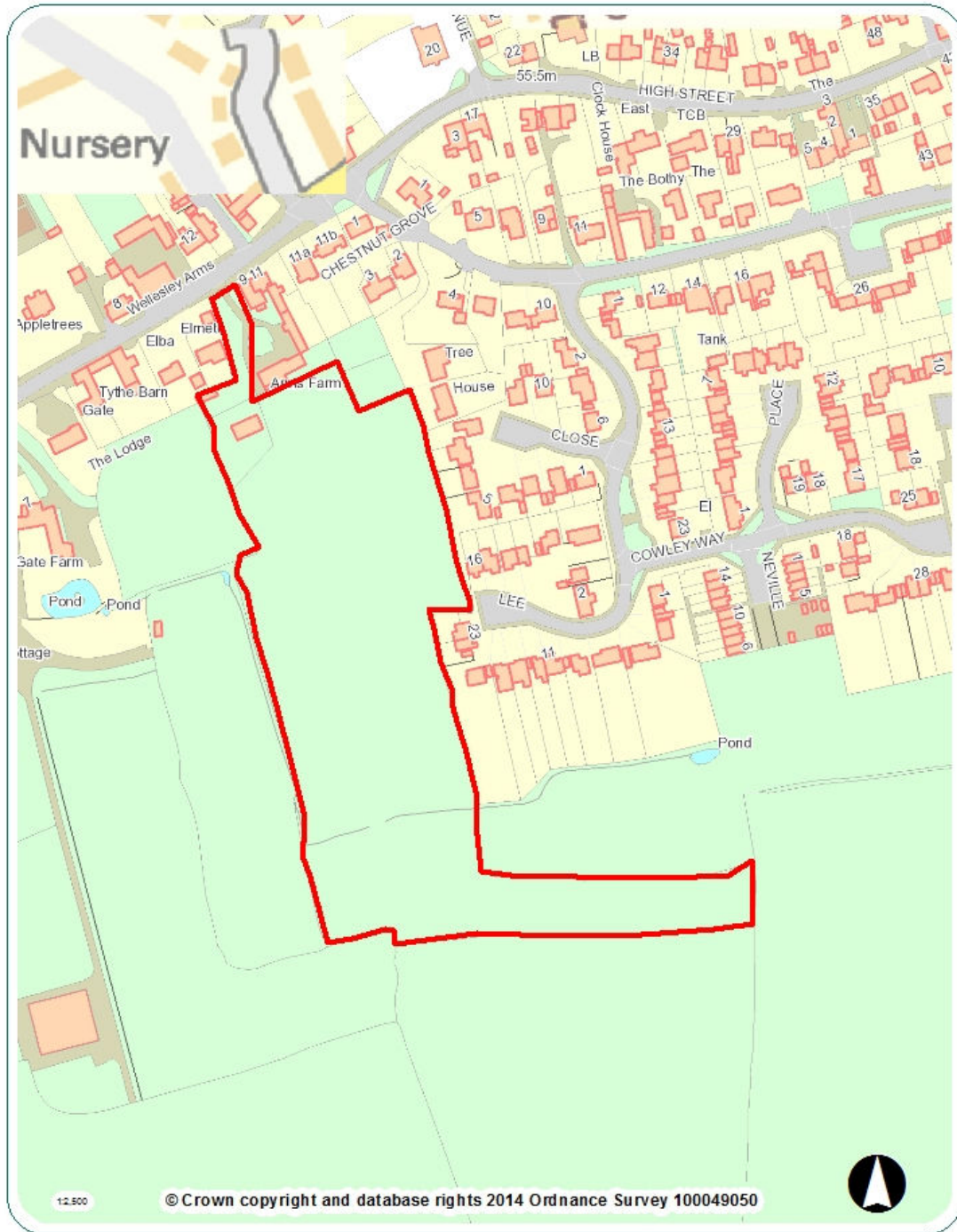
**That planning permission be REFUSED for the reasons set out below:**

- 1 The site is located in the countryside outside of the limits of development of Sutton Benger as defined on the Policies Map and by virtue of its scale and location would conflicts with the sustainable development strategy of the plan as expressed in Core Policies 1, 2 and (community area strategy policy) of the Wiltshire Core Strategy. The proposed residential development does not fall to be determined under any of the 'exception policies' defined at paragraph 4.25 of the plan within Core Policies 10 & 44 of the Core Strategy, or relate to a site allocated in the development plan for

residential use. It would therefore constitute unsustainable development in the countryside.

- 2 In light of the above, the Council has been unable to secure a Section 106 Agreement in respect of financial contributions associated with the proposed development, contrary to Policies CP43 & CP3 of the Wiltshire Core Strategy and policies H4, CF3 & CF2 of the adopted North Wiltshire Local Plan 2011.

14/08888/OUT  
Land at Arms Farm  
High Street  
Sutton Benger  
Wiltshire  
SN15 4RE



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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	18 February 2015
<b>Application Number</b>	14/10601/FUL
<b>Site Address</b>	Chelworth Lodge Cricklade Swindon Wiltshire SN6 6HP
<b>Proposal</b>	Erection of 7 Employment Buildings (B1 & B8 Uses)
<b>Applicant</b>	International Exports UK Ltd
<b>Town/Parish Council</b>	CRICKLADE
<b>Ward</b>	CRICKLADE AND LATTON- Cllr Jones MBE
<b>Grid Ref</b>	407711 192892
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Sam Croft

### Reason for the application being considered by Committee

Applications called in by Councillor Bob Jones because of its conflict with the Wiltshire Core Strategy and National Planning Policy.

#### 1. Purpose of Report

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

#### 2. Report Summary

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

- The principle of development;
- Parking & highways issues;
- Flood risk & drainage;
- Impact to landscaping & trees within the site;
- Ecological impacts; and,
- Public Protection.

Cricklade Town Council objects to the application. No letters of objection were received from the public in respect to the development.

#### 3. Site Description

The site is located outside of the settlement boundary for Cricklade as defined in the Proposal Maps that accompany the Wiltshire Core Strategy. The local area is characterised by industrial ribbon development, already located outside defined settlement boundaries along rural roads. The site is located approximately 500m away from the existing industrial estate at Chelworth.

The site in question was subject to planning permission for 10 residential traveller pitches and associated works (N/10/01657/FUL) which was granted at appeal in 2011. No traveller pitches have been implemented.

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

- N/02/02339/FUL New access road to serve existing industrial premises.
- N/03/00308/FUL New access road to serve existing industrial premises.
- N/04/01071/FUL Formation of entrance and access track to industrial area.
- N/04/02908/ENF `Appeal against enforcement carrying out of engineering operations comprising the excavation of soil, the tipping of hard surfacing materials to provide roadways and hardstanding areas.
- N/04/02138/ENF Appeal against enforcement - earthworks and creation of access.
- N/05/01992/CLE Use of Hardstandings, Tracks and Access for the Storage of Vehicles and Trailers in which Various Materials have been Stored.
- N/08/00621/COU Change of Use of Land to Accommodate Sixteen Gypsy Pitches and Associated Works.
- N/09/00393/FUL Change of Use of Land to Accommodate 16no. Gypsy Pitches and Associated Works.
- N/02/02339/FUL New access road to serve existing industrial premises.
- N/03/00308/FUL New access road to serve existing industrial premises.

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

The application seeks to develop the site to provide 7 individual starter type industrial units. The proposal seeks to allow for a mixed class B1 or B8 operation across the site. Each unit will have an internal floor area of approximately 94m<sup>2</sup>. A quarter of the ground floor is shown with a mezzanine floor. The buildings will have a 5m high roller shutter door for access and deliveries from HGVs. The buildings will also have a separate pedestrian door to the side of this main entrance set in a glazed screen.

The new buildings are proposed to be grouped into a terrace of three units and two semi-detached units and are orientated around the proposed vehicle turning head, off which each unit will have allocated parking spaces. The buildings face into the site and the terrace of three units presents its blank rear elevation to the road past the site. The distance between the rear of the proposed building and the road will be approximately 19m.

It is proposed that the buildings will be constructed from fair faced concrete blockwork at ground level with powder coated corrugated metal sheet cladding above. The roof will be

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<sup>1</sup> APP/Y3940/A/10/2135171

similarly covered, together with a 105 inclusion of regularly spaced translucent sheet to allow in natural light. The cladding is expected to be a dove grey colour; however, the precise finish would be decided by condition if approved.

Access to the new development is to be taken from an existing access point, which is to be modified, and will serve each of the buildings individual from a shared turning head. The turning head has been designed to accommodate large HGV manoeuvring. There is also access from the central turning area to the proposed parking spaces for each unit. These are to be augmented by a communal cycle and/or motorbike store positioned alongside one of the units.

## **6. Local Planning Policy**

National Planning Policy Framework  
Sections 1, 6 and 7

Planning Practice Guidance

Wiltshire Core Strategy (Adopted January 2015)  
CP1 Settlement Strategy  
CP2 Delivery Strategy  
CP3 Infrastructure Requirements  
CP34 Additional employment land  
CP48 Supporting Rural Life  
CP51 Landscape  
CP57 Ensuring High Quality Design and Place Shaping  
CP60 Sustainable transport

## **7. Summary of consultation responses**

Cricklade Town Council – This application relates to an area of land that has already been granted permission at an appeal in 2010 for 16 Gypsy pitches. This permission has never been implemented due to flooding concerns and inadequacy of adjacent culvert. It appears from the associated paperwork that this has been resolved and when work is completed it will reduce the flood risk to neighbouring properties.

The land in question can only be described as poor, largely due to lack of any maintenance or use. Notwithstanding the Gypsy Site permission, and as this has not been implemented, we are in fact considering a development in the open countryside on what was previously agricultural land with yet a further expansion of the Industrial area in 'ribbon type' fashion towards Ashton Keynes.

The proposal is for 7 Employment Buildings of the type now common in the Chelworth area. It uses a very small proportion of the field and will without doubt lead to further applications for further Industrial use. This will also generate more slow moving traffic emerging onto the B4040 at the crossroads.

It has long been a concern of this Council that the whole Chelworth area is expanding in an unplanned and uncontrolled fashion. The application talks of Wiltshire Core Strategy regarding provision of additional employment development. As far as we are aware this area has not been designated for such use, and it is anticipated that the Neighbourhood Plan which is currently in development will be looking to reduce the impact of this area on HGV traffic in the Town, not expanding business use in the vicinity.

The agent considers that the site is sustainable and uses the Gypsy Site permission as an example of sustainability. It is unlikely that a Gypsy Site would generate HGV movements so the comparison is not reasonable. These units are designed specifically for this purpose.

Cricklade Town Council therefore strongly objects to the proposal. However, if permission is granted then a condition should be sought to ensure that remedial work on the culvert is completed before any development takes place to ensure that the flooding problem does not reoccur.

Highways – The site is situated in what is generally open countryside, remote from services and with very poor public transport facilities with no journey to work opportunities. In view of this I consider that an objection on highway sustainability grounds is appropriate.

Landscape – The Landscape Officer set out that the application should be informed by a simple landscape and visual appraisal, prepared in accordance with industry best practice ('Guidelines for Landscape and Visual Impact Assessment -Edition 3 (GLVIA 3)') the scope of which only need be proportionate to the scale of development proposed. I suggest this is necessary in order to ensure the LPA can understand the potential change effects to landscape character and the visual context resulting from further speculative incremental urban development in this area of countryside. The appraisal should consider the issue of cumulative effects of new development with existing development and should also be used to inform the basis for an appropriate landscape and visual mitigation strategy. This would typically include recommendations on layout, design and appearance of buildings (e.g. basic massing, orientation, use of materials and appropriate colour finishes etc.) and prescribe how the proposed detailed landscaping scheme would help to integrate new development into countryside, reduce any identified harmful landscape and visual effects and identify appropriate landscape enhancement opportunities. The landscape officer put forward a holding objection pending further submission of a landscape appraisal is justified for development of this nature in countryside. This was communicated to the applicant but the requested information was not forthcoming.

Ecology – No objection subject to a number of conditions.

Drainage – The proposed development area will not be affected by the expected flooding from fluvial or even overland flows and therefore there are no land drainage concerns.

Spatial Planning – Object on the basis that the proposal is not compliant with the Wiltshire Core Strategy and provisions in the NPPF.

Wiltshire Fire and Rescue – The nature of the proposal gives reason for this Authority to strongly advise the consideration of an appropriate sprinkler system for these premises.

Public Protection – The proposal is to build seven B1 and B8 Employment Buildings on what is essentially a greenfield site. There are dwellings in relatively close proximity which could be disturbed by light and noise which the Council will look to protect them from disturbance during construction and once the units are in use, should permission be granted.

The Environmental Health Officers' concerns about noise are from any external ventilation units and avoiding excessive disturbance for neighbouring properties during construction. Potential noise disturbance from ventilation plant may be dealt with by way of a condition and excessive construction noise disturbance via the hours of construction work. The Environmental Health Officer therefore suggested that a condition be attached to the permission, should it be approved, relating to light, noise and construction hours.



## 8. Publicity

The application was advertised by neighbour letter and site notice and no letters of objection were received from members of the public.

## 9. Planning Considerations

### Principle of development

Under the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006). A number of the NWLP policies continue to be saved to sit alongside the policies of the Core Strategy. These policies will be subject to further review as part of the Core Strategy Partial Review process.

The site in question was subject to planning permission for 10 residential traveller pitches and associated works (N/10/01657/FUL) which was granted at appeal in 2012. No traveller pitches have been implemented.

The site is located approximately 500m away from the existing industrial estate at Chelworth. Chelworth Industrial Estate centres on Braydon Lane and Chelworth Road whereas the proposed development is situated to the north-west, with Malmesbury Road separating the site from Chelworth Industrial Estate. It is therefore not part of the wider Chelworth Industrial area as asserted by the applicant's agents in their covering letter (p. 3). Rather, it is located in open countryside as confirmed in the 2011 appeal decision (paragraph 5). The Wiltshire Core Strategy does not contain an employment allocation for this site.

The site proposed for development also falls outside the adopted settlement boundary for Cricklade as established through Core Policy 1 and Core Policy 2 in the Wiltshire Core Strategy. Core Policy 2 is clear that sustainable development is to come forward within adopted framework boundaries. Exceptions to this can be:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- Specialist accommodation provision (Core Policies 46 and 47)
- Supporting rural life (Core Policy 48)
- Exceptions which may be relevant in this case are linked with Core Policy 34 and 48.

Wiltshire Core Strategy Core Policy 34 supports additional employment land provision over and above the allocations in the plan provided they meet the requirements in the policy. The policy and supporting text are clear that employment sites are to come forward within or adjacent to Principal Settlements, Market Towns and Local Service Centres, and in addition to the employment land allocated by this Core Strategy, where such proposals are considered to be essential to the economic development of Wiltshire. Proposals serving the strategic interests of Wiltshire may also be supported where they meet respective criteria but form an exception to the general approach. The policy itself is clear that proposals coming forward outside Principal Settlements, Market Towns and Local Service Centres will have to

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<sup>2</sup> APP/Y3940/A/10/2135171

meet criteria i-ix. The criteria ensure that a consistent approach to sustainable development is maintained.

The proposal is not considered to meet the policy requirements. It is not within or adjacent to any settlement identified in the plan but located in the open countryside. Nor will it support sustainable farming and food production through allowing development required to adapt to modern agricultural practices and diversification. It is therefore inconsistent with criteria i, ii, and iii. It was therefore requested that the applicant provide evidence that the development is essential to the wider strategic interest of the economic development of Wiltshire.

Information provided by the applicant sought to demonstrate that there is an under supply of smaller employment units and that the application therefore addresses the wider strategic interests of the county's economic needs. The applicant set out that not only will the proposal increase employment opportunities generally, but Cricklade, as the nearest settlement, is understood to be one of those settlements with limited employment opportunities nearby and subject to significant outward commuting. The applicant also specifically points out that the Wiltshire Core Strategy seeks to provide the right environment for business start-ups and that the application proposal specifically concerns such small space opportunities and as previously said could be conditioned to maintain the individual units.

With regard to criteria v of Core Policy 34 and the plan's sustainable development objectives the applicant sets out that the site has been previously established as sustainably located relative to Cricklade, as set out in the Inspectors decision relating to the travellers site, and that the development will reduce pressures for outward commuting. With reference to criteria vii of Core Policy 34 they set out that there is an undersupply of smaller employment units in this area, as well as throughout the plan area. Improving the choice of employment space helps start-up businesses and adds local flexibility, in the most needed sector of the economy.

The applicant, as set out above, seeks to make the point that the Inspector who considered the development of the site as a gypsy site concluded that it is sustainably located with regard to access to Cricklade and therefore the associated logic is that it is similarly accessible as an employment site from Cricklade and the surrounding area. However, this decision was taken on the basis of Circular 1/2006 and does not mean that the site is sustainable for all uses. The site is situated in the open country side, remote from services and with public transport facilities with no journey to work opportunities and therefore cannot be considered to be sustainable. Accordingly, the Council do not consider that the conclusion in the Inspectors report with regard to the traveller's site cannot be considered to apply directly to this application.

Despite the case made by the applicant it is not considered that the development would be essential for strategic importance to the Wiltshire economy and therefore is not an exception to the general approach to employment land provision as set out in Core Policy 34 of the Wiltshire Core Strategy. As none of criteria i-iv is met by the proposal, further consideration against criteria v-ix is not required. This conclusion is supported by the Council's spatial planning team.

It is also worth noting that the area to the west of Cricklade has largely developed in a piecemeal fashion, with industrial ribbon developments alongside existing farming businesses and small residential cottages. Planning permissions and certificates of lawfulness granted for industrial uses in the Chelworth Road/Braydon Lane area, outside the formal allocation, BD1 confirm this. Granting permission for employment use in this location would therefore reinforce this type of development which is considered inappropriate in the open countryside.

In conclusion, the proposal does not meet provisions in Core Policy 34 and supporting text.

Core Policy 48, together with Core Policy 34, seeks to support rural life and sets out certain circumstances under which development in rural areas will be supported. Developments covered by the policy relate to:

- Dwellings required to meet the employment needs of rural areas
- Improving access to services and improving infrastructure
- Conversion and re-use of redundant rural buildings
- Community ownership
- New shops

It is clear that the proposal does not fall into any of the above categories. It is a proposal for new industrial units in the open countryside and therefore not supported by Core Policy 48.

The NPPF is clear in paragraph 28 that in order to support a prosperous rural economy, planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Wiltshire Core Strategy core policies 34 and 48 seek to achieve that. The Core Strategy has been found sound (i.e. consistent with the NPPF, see NPPF paragraph 182) by the independent Inspector who examined the plan, and it therefore adequately sets out the county's plan-led approach to sustainable development in rural areas.

Based on that which is set out above, the proposal is not considered to be compliant with the Wiltshire Core Strategy and provisions in the NPPF.

#### Highways

It is noted that the site was the subject of a previous permission for a Travellers' site and that in connection with that application an Inspector decided that sustainability was not an issue. However that decision was taken on the basis of Circular 1/2006 and does not mean that the site is sustainable for all uses. The site is situated in what is generally open country side, remote from services and with very poor public transport facilities with no journey to work opportunities. The development is considered to be in conflict with Core Policy 60 of the WCS.

#### Landscape

This application is for a new industrial development located outside existing or defined limits of development within a countryside context and will therefore be considered under policy requirements WCS Core Policy 34 'Additional Employment Land'. Core Policy 34 states that development outside of the Principal Settlements will be supported where they:

*'v. meet sustainable development objectives as set out in the policies of this Core Strategy.'*

*'vi. are consistent in scale with their location, do not adversely affect nearby buildings and the surrounding area or detract from residential amenity.'*

No landscape or visual assessment or appraisal was submitted to support this application. Therefore Landscape Officer stated that it is difficult to understand how the development proposal has considered landscape policy requirements. This is a countryside location which is changing in an incremental and piecemeal manner and changing into a distinctly urban/industrial area, outside the 'Development Plan' led system. This local area is changing into an urban sprawling mass of industrial ribbon development located alongside and between existing small farmstead holdings and roadside cottages.

In the Landscape Officer's opinion this application should be informed by a simple landscape and visual appraisal, prepared in accordance with industry best practice ('Guidelines for Landscape and Visual Impact Assessment -Edition 3 (GLVIA 3)') the scope of which only need be proportionate to the scale of development proposed. This is deemed necessary in order to ensure that the LPA can understand the potential change effects to landscape character and the visual context resulting from further speculative incremental urban development in this area of countryside. The appraisal should consider the issue of cumulative effects of new development with existing development and should also be used to inform the basis for an appropriate landscape and visual mitigation strategy. This would typically include recommendations on layout, design and appearance of buildings (e.g. basic massing, orientation, use of materials and appropriate colour finishes etc.) and prescribe how the proposed detailed landscaping scheme would help to integrate new development into countryside, reduce any identified harmful landscape and visual effects and identify appropriate landscape enhancement opportunities. It is considered that a holding objection from the Council's landscape team pending further submission of a landscape appraisal is justified for development of this nature in countryside.

Accordingly, the applicant was asked to provide a landscape appraisal justifying development of this nature in the countryside. The applicant responded by stating that the site has been approved for development as a gypsy site and to all intents and purposes the site in question constitutes previously developed land. Accordingly, while they were happy to provide a more detailed and robust landscape scheme by condition they wished to establish the principle of the proposal first. Whilst it is noted that the site was the subject of a previous permission for a Travellers' site this permission was not implemented and is no longer extant. Accordingly, the site is not considered to be previously developed land.

The specific sustainable development objectives related to landscape and design quality are outlined in the requirements of Wiltshire Core Strategy, 'Core Policy 51: Landscape' & 'Core Policy 57: Ensuring high quality design and place shaping'. Development proposals should deliver high quality design and enhance local landscape character and distinctiveness and also biodiversity wherever clear opportunities exist (NPPF Policies 7 & 11). New buildings and supporting infrastructure should be effectively integrated into their setting through sensitive design and use of appropriate materials and finishes. The design emphasis would therefore appear to be primarily on defining an appropriate mitigation strategy for the sensitive design of buildings with proposed landscaping to provide further integration and screening of the proposed buildings, hard standing and car parks to mitigate the adverse landscape and visual effects to identified receptors within the receiving landscape. The NPPF is clear that proposals which are of a poor quality, or fail to incorporate available opportunities for environmental enhancement should be refused.

#### Drainage

A hydraulic modelling assessment to investigate the capacity of the road culvert on the Thames tributary near Bournelake Farm was recently carried out by Atkins, the conclusions of which are set out in the Chelworth C70 Culvert Technical Note (18th December 2014). The modelling undertaken is described within the note, but in summary it sets out that the real threat of flooding comes from the River Thames and the existing culvert does not have much of an impact on the flooding at all. In 1:100 year event water levels vary up and down from the culvert by 219mm whereas with no culvert the difference is 203mm. Therefore whilst there is a flood risk to the land from the river Thames, there would also be a small improvement by increasing the capacity of the culvert.

The proposed development area does not overlap with the expected flood zone with the and therefore the development will not be effected by the expected flooding from fluvial or even

overland flows. Therefore there are no land drainage concerns raised in respect to the proposal.

### Ecology

An Ecological Appraisal report dated 5th November 2014 by AD Ecology Ltd has been submitted with the application. Section 3.2.2 of this report states “All boundary vegetation and the potential bat roost tree [in the northern boundary hedgerow] will be retained and remain unaffected by the proposed development”. According to the ecological appraisal report, the proposed development will be sited within the agriculturally improved grassland, which has limited ecological value. With regard to protected species, the Ecological Appraisal report identifies a mature Ash tree in the northern boundary hedgerow (adjacent to the road) with good potential for roosting bats that would require further survey if it were to be removed (although the exact location of this tree is not provided); potential for nesting birds; potential for reptiles such as Grass snake and Slow worm (in the tussocky field margins and piles of rubble/aggregates); and concludes that the site is unlikely to support great crested newts. Mitigation recommended in the Ecological Appraisal report includes the protection of trees and hedgerows with a buffer zone, a precautionary approach to site clearance with regard to the potential for reptiles and nesting birds, and the provision of new bat roosting and bird nesting features on the new buildings. It is recommended that should permission be granted that an informative be attached to planning consent with regard to the legal protection afforded to reptiles and bats.

The application site boundary shown on the plan submitted with the application on the planning portal is wholly within the field and does not include the field margins or hedgerows. However, the blue line boundary indicating the applicant’s ownership is drawn around the whole field along the line of the hedgerows. It is therefore recommend that this application is not considered in isolation to the surrounding habitats and that biodiversity enhancements are provided in accordance with paragraph 118 of the National Planning Policy Framework (NPPF). The covering letter submitted with the application states “a buffer zone to the rear of these buildings measuring approximately 19 metres from the road within which new tree planting is proposed to further diffuse the view of the site, together with other planting around the rest of the site”. The Council’s ecologist recommends that tree planting should be sensitively located to retain suitable reptile habitat in the tussocky field margins. The preparation of the site before construction should be carried out in accordance with the mitigation recommendations in the Ecological Appraisal report with regard to the possible presence of reptiles, but the field margins should also be retained and managed appropriately. Tree planting to screen the buildings should be designed to retain open, south-facing areas for basking reptiles. This proposal and the future development of the rest of the field provides an opportunity to enhance the hedgerows through appropriate planting and management, and the field margins through appropriate management. A landscaping scheme and a Landscape and Ecology Management Plan would therefore need to be submitted for approval as conditions of planning consent.

Hedgerows should be planted up with locally characteristic, native trees and shrubs such as those that already occur with the existing hedgerows, including Hawthorn, Blackthorn, Field maple, Wild privet, Dog rose, Elder and Goat willow.

The proposed buildings are not suitable for the incorporation of integral bat boxes or bird nest boxes due to their construction with colour coated metal roofing, metal cladding and “fair faced blockwork” below. There are no suitable places for boxes to be erected externally. However, boxes could be erected in suitable hedgerow trees. These trees should be identified by a professional ecologist and their exact location shown on a plan.

## **10. Conclusion**

The development proposal cannot be supported as it would constitute unsustainable development in the open countryside in the context of the WCS and the NPPF. The proposal is not within or adjacent to any settlement identified in the plan and is located in the open countryside, nor will it support sustainable farming and food production. It is therefore inconsistent with criteria i, ii, and iii of Core Policy 34 of the Wiltshire Core Strategy. In addition, it is not considered that the proposal would be of strategic importance to the Wiltshire economy, and therefore does not qualify as an exception to the general approach to employment land provision under criteria iv of Core Policy 34. In addition the proposal does not fall into any of the circumstances set out in Core Policy 48 under which development in rural areas will be supported.

The proposal would be located remote from residential areas and services, and poorly served by public transport, and is therefore contrary to the key aims of NPPF which seeks to promote sustainable development and reduce growth in the length and number of motorised journeys. There is also an outstanding objection to the proposal in respect to the potential landscape impact of the development.

Based on that which is set out above, the proposal is not considered to be compliant with the Wiltshire Core Strategy and provisions in the NPPF.

## **RECOMMENDATION**

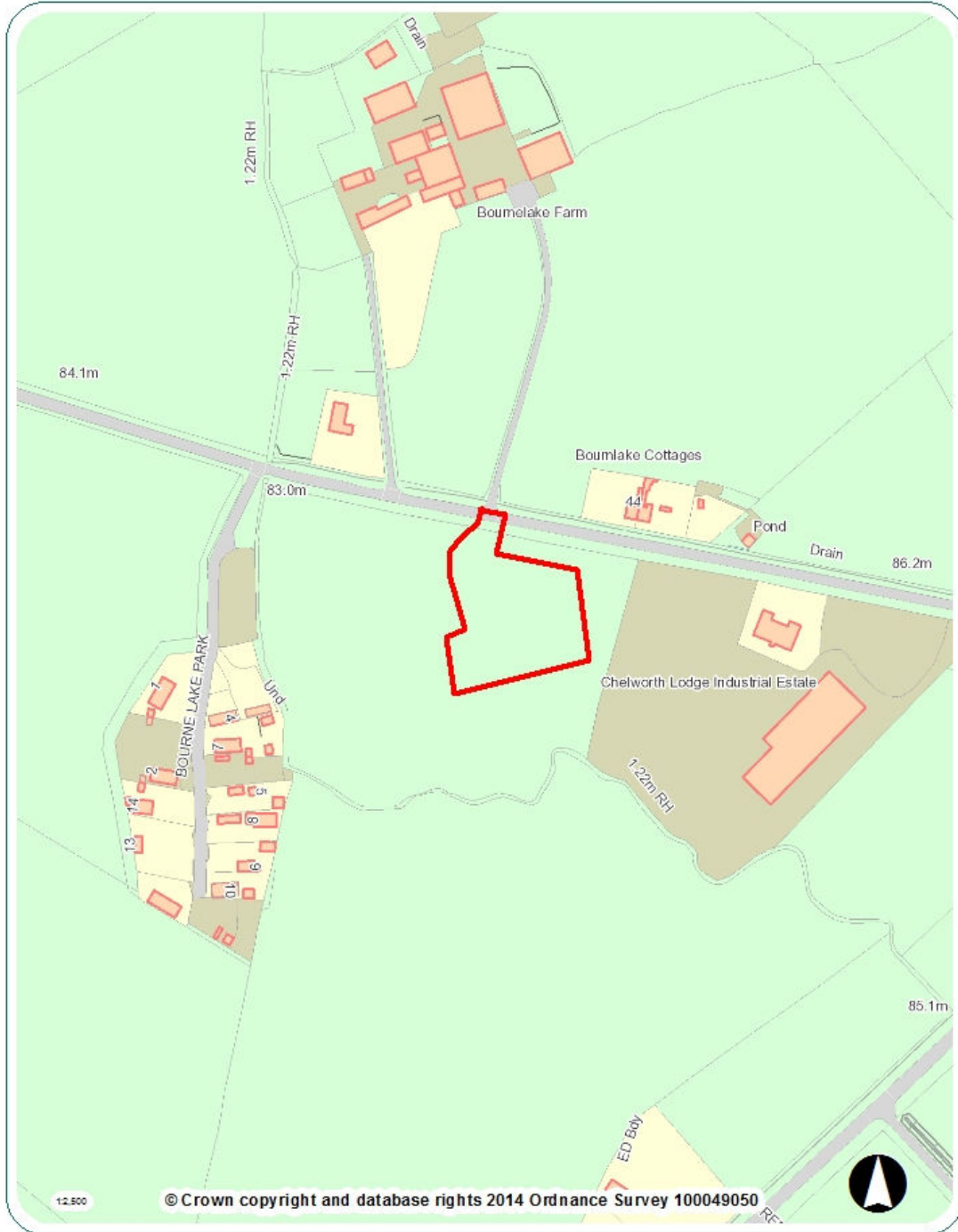
That planning permission be REFUSED for the erection for the following reasons:

1. The proposal is not within or adjacent to any settlement identified in the plan and is located in the open countryside, nor will it support sustainable farming and food production. It is therefore inconsistent with criteria i, ii, and iii of Core Policy 34 of the Wiltshire Core Strategy. In addition, it is not considered that the proposal would be of strategic importance to the Wiltshire economy, and therefore does not qualify as an exception to the general approach to employment land provision under criteria iv of Core Policy 34. The proposal does not meet provisions for additional employment land and is therefore contrary to Core Policy 34 of the Wiltshire Core Strategy.
2. The proposal does not fall into any of the circumstances set out in Core Policy 48 under which development in rural areas will be supported. The proposal is for new industrial units in the open countryside and therefore is contrary to Core Policy 48 of the Wiltshire Core Strategy.
3. The proposal, located remote from residential areas and services, and poorly served by public transport, is contrary to Core Policy 60 of the WCS as well as the key aims of NPPF which seek to promote sustainable development and reduce growth in the length and number of motorised journeys.
4. The character of existing local countryside in this area is permanently changing into a sprawling urban area, which pays little respect to appropriate local distinctiveness in terms of design or character. Further incremental and piecemeal industrial development at this site or at other local green field infill locations along the rural roads in this area will eventually lead to unacceptable cumulative change. Local receptors will experience to varying degrees, changes in views of additional industrial units, a new formal highway access and entrance splay with entrance signage, security fencing, outdoor storage of materials and parked vehicles, additional lighting, noise and moving traffic, which on balance is considered to generate unacceptable change and harm to the character of the countryside. Accordingly, the development

is considered to be in conflict with Core Policy 51 and 57 of the WCS as well as the key aims of NPPF which seek to deliver high quality design and enhance local landscape character and distinctiveness and also biodiversity wherever clear opportunities exist.

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

Application Submission and further revisions and additional information  
National Planning Policy Framework  
Planning Practice Guidance  
Wiltshire Core Strategy (Adopted January 2015)  
North Wiltshire Local Plan  
Chelworth C70 Culvert Technical Note





## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>18<sup>th</sup> February 2015</b>
<b>Application Number</b>	<b>14/04529/FUL</b>
<b>Site Address</b>	<b>Home Farm Business Centre, Minety, Malmesbury SN16 9PL</b>
<b>Proposal</b>	<b>Retrospective Change of Use of the Old Workshop (Building A) as Class B1 Offices with Ancillary Reception, Demonstration/Storage &amp; Welfare Facilities Retrospective Change of Use of Former Stables (Building B) for Class B8 Purposes; Use of Land for Vehicular Parking (Resubmission of 13/07098/FUL)</b>
<b>Applicant</b>	<b>Mr Peter Crocker</b>
<b>Town/Parish Council</b>	<b>Minety</b>
<b>Division</b>	<b>Minety- Cllr Berry</b>
<b>Grid Ref</b>	<b>401401 190843</b>
<b>Type of application</b>	<b>FULL</b>
<b>Case Officer</b>	<b>Lee Burman</b>

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

Councillor Chuck Berry called in the application for Committee determination to assess the impact on adjacent properties and to ensure a transparent process given concerns over the legality of the application.

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

To recommend that permission be GRANTED subject to conditions.

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

Minety Parish Council raise no objection but suggest conditions. 22 Neighbour objections submitted but this includes multiple submissions by several of the relevant neighbours, one of whom has employed planning and highways consultants and legal representatives whom have made several detailed submissions.

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

The site is located in the open countryside to the west of the village of Minety and north east of Malmesbury. The application relates to land and two structures located within a group of former farm buildings and existing farmbuildings, with residential properties including the farmhouse associated with the farmholding located adjacent the application site. The property is known as Home Farm Business Centre from which several different businesses operate in different premises. The application site and adjacent properties are accessed from the C76/Hornbury Hill Via a long single lane access track which features passing places and which also accommodates a Bridleway. A further Bridleway is also located within part of the site. The site is surrounded by relatively level agricultural land including field boundaries with mature hedgerows and trees.

#### 4. Planning History

N/00/02688/COU	Change Of Use Of Building For Mixed B1 (Business) And B8 (Storage & Distribution) Uses	Approved
N/01/02828/COU	Change Of Use Of Building For Mixed B1 (Business) And B8 (Storage & Distribution) Uses (resubmission of 00/2688/COU)	Refused
N/02/00499/COU	Conversion Of Dairy Building To B1 Use (Revised Scheme)	Approved
N/05/00149/FUL	Conversion of Barn to Office Accommodation	Approved
N/07/03181/FUL	Demolition of Single Storey Building and Erection of Single Storey Office Unit	Approved
N/08/00019/COU	Conversion of Outbuilding to Form Self Contained Ancillary Accommodation and Use of Two Bays in Existing Garage for Parking	Approved
N/13/01210/CLE	Certificate of Lawfulness Relating to Use of Old Workshop, Land & Former Stables	Refused
13/07098/FUL	Retrospective Change of Use of The Old Workshop (Building A) as Class B1 Offices with Ancillary Reception, Demonstration/Storage, & Welfare facilities & (Retrospective) Change of Use of Former Stables (Building B) for Class B8 purposes.	Withdrawn
13/07125/FUL	Use of 2 Barns as Covered Vehicular Parking Area & Use of Land Adjacent Former Stables (Building B) as Vehicular Parking (Retrospective)	Withdrawn
14/04555/FUL	Retrospective Use of 2 Barns as Covered Parking Area (Resubmission of 13/07125/FUL)	Also reported on this Committee Agenda for determination.

N/13/01210/CLE was the subject of the issue of a certificate of lawfulness relating to one part of the claimed established uses – that relating to the vehicular parking. This decision was the subject of a successful legal challenge in January 2014 which required that the application be re-determined. The re-determined application was refused.

#### 5. The Proposal

The application is a retrospective application relating to the use of two buildings on site and two small areas of land adjacent to both of these buildings. The uses are as follows:-

Change Of Use Of Former Agricultural Building Known As The Old Workshop Or Building “A” as A B1 Office With Ancillary Reception, Demonstration / Storage & Welfare Facilities;

Change of Use of Former Stables known as Building “B” for B8 Storage and Distribution purposes;

Change of Use of Land for Vehicular Parking.

The application is a re-submission an earlier similar application referenced 13/07098/FUL which was withdrawn following concerns raised by neighbour objectors that the details were inadequate and the application certificates incorrectly completed.

A related retrospective application for the change of use of 2 barns to covered parking areas has been submitted and registered under reference 14/04555/FUL and is reported on this agenda for Committee determination.

## **6. Planning Policy**

National Planning Policy Framework (NPPF) Paragraphs 14, 17, 19, 28, 32, 58, 75 & 111

Planning Practice Guidance (PPG)

Paragraph: 022 Reference ID: 14-022-20140306 Making an Application

ID: 21a Use of planning conditions

Wiltshire Core Strategy 2026 (Adopted 20/1/15) (WCS)

Core Policy 1 Settlement Strategy

Core Policy 13 Spatial Strategy for the Malmesbury Community Area

Core Policy 34 Additional Employment Land

Core Policy 48 Supporting Rural Life

Core Policy 57 Ensuring High Quality Design and Place Shaping

Core Policy 60 Sustainable Transport

Core Policy 61 Transport and Development

Core Policy 62 Development Impacts on the Transport Network

With respect to the above list two matters should be noted that this is not intended to be an exhaustive list of all relevant legislation, policies and guidance. It refers to the key policies informing the recommendation.

## **7. Consultations**

### **Highways**

Highways Officers raise no objection to the proposals subject to the use of conditions. Highways matters are considered in the body of the report but it should be noted that all of the applicant’s and neighbours’ submissions including those from the respective consultant teams regarding highways matters were considered and assessed. The Highways Officer’s comments on the application(s) were reviewed in the light of additional submissions by both applicant and neighbour Transport and Planning Consultants and no objection subject to the use of conditions remained as the advice.

### **Legal**

The Council’s Legal Team were consulted on several occasions following receipt of representations from Neighbours and their consultant team. Legal issues are addressed in the body of the report but in summary Officers have advised that the application(s) can be

reported to Committee and the Council as Local Planning Authority can legally proceed to determination.

### **Rights of Way**

Officers identified some concern regarding the width of the access road and potential conflict with bridleway users with larger goods vehicles. Officers identified that concerns could be overcome by the provision of 2 passing places adequate for a medium goods vehicle, effective management of parking at the relevant units including designated parking spaces marked to ensure no reversing into the right of way and a turning area for large vehicles; acceptable visibility splays at the exit; and prominent signage on the access route saying "Please Give Way to Bridleway Users".

In addition RoW Officers considered the submissions of Highways Consultants representing neighbours and specific suggestion that Bridleway / RoW User Groups should be consulted on the proposals. Officers considered that such consultation was not feasible and unrealistic as it would involve several such groups and would necessitate such consultation on all applications raising issues of shared use of routes. Furthermore the Council as Highways Authority has a statutory responsibility to protect the rights of the public under the Highways Act 1980 including the safety of users. Officers consider that this responsibility is implemented effectively through the RoW Team's input to the determination of planning applications.

### **Minety Parish Council**

No objection raised but conditions regarding vehicular access are recommended, including limiting vehicles to those with 2 axles, restrict delivery vehicle movement to between the hours of 10am – 14.00pm to avoid school hours and commuting periods.

## **8. Publicity**

The application was advertised by site notice, neighbour notification letters, Parish Council Consultation and press notice. As noted above 22 submissions have been made by neighbouring residents but this includes multiple representations by several residents. This in part reflects the fact that the application was restarted after it emerged that the incorrect Certificate had been completed and Wiltshire Council as Highways Authority and owner of the adjacent road which is partly within the red line application boundary had not been notified of the application. However one neighbour objector has appointed a team of consultants and solicitors to represent him and his partner, this team includes planning and transport consultants. The Planning and Highways consultants have made multiple submissions partly responding to multiple submissions by the applicant consultant team with a particular emphasis on Highways Matters and the submissions of the applicant's Highways consultants. Many of the submissions made are very lengthy and raise similar concerns several times and repeat other comments made in other representations or indeed cross refer to the representations of other third parties. Cross reference is made to representations on previous applications also. This position is highlighted in order to identify the difficulty in providing an effective summary of the submissions made. As such the various representations raise the following matters and include objections and general comments in relation to these issues and are summarised as follows but it should be noted that this is a summary and is not intended to be a verbatim recitation of every submission made or indeed a chronological statement:-

- Previous applications at the site have been refused but activities and development have taken place over an extended period in contravention of planning regulations. The current applications are retrospective and the existence and success of the business activities are presented as a justification for the applications. Control over development and activity at the site should be exerted to prevent further breaches.

- The location is inappropriate for the business activity taking place which should relocate to an alternative more appropriate location.
- It is considered that a retail business has been operated or will be operated from the site and this is not reflected in the proposals. Photos of signage dating to 2011 and photos of containers on site submitted as evidence of the intention in this respect.
- Permission for B1 and B8 uses could result in much large vehicles and greater traffic flows in future if the current tenants/business relocates.
- The principal access junction is becoming ever more hazardous and has inadequate visibility splays particularly in poor weather conditions and when adjacent hedges are overgrown.
- The width of the bridleway is inadequate for the type of traffic generated by the proposed B8 use. There will be conflict with Bridleway users and two objectors have identified an accident / incidents (possibly the same incident) involving a vehicle and horse/horserider.
- The bridleway is in a poor state of repair which will worsen with the type and volume of traffic resulting from the proposed use.
- The proposed “informal turning area” incorporates two bridleways (3 and 6) and access to several properties, it is inappropriate for the proposed use and will result in hazardous highways conditions.
- The proposals will result in more noise and light pollution in this rural location. The proposals will result in additional traffic movements resulting in disturbance to residential amenities.
- Concern over land values and ease of access for emergency vehicles to neighbouring properties.
- Buildings A & B have been subject to significant works of rebuilding and alteration prior to use and the submission of the current applications and without consent. Permission should be sought for these works. The use of the buildings was not commenced on the date stated in the application submissions.
- The access to the site is inadequate for the currently permitted level of B1 use and activity. Residents regularly meet a range of vehicles on the access including large lorries and must reverse back onto the main road to allow egress which is hazardous.
- The site is regularly used by large scale vehicles for delivery of goods which block the access and movement within the site for RoW users, neighbours and emergency vehicles.
- A traffic survey commissioned by a neighbour was restricted by damage to the consultants survey equipment. Photos submitted.
- Recommend the production of an independent traffic survey by the Council to test the submissions of the applicant and objectors given disputes over accuracy.

- The proposals will be harmful to the character and appearance of the locality and the residential amenities of neighbouring properties.
- Do not object to B1 use of the Old Workshop but object to linked B8 use. Consider that the proposals should be determined separately. Objections to the B8 use reflect those summarised above. Also the grant of B8 use will set a precedent for further development at the site.
- The applicant will not abide by any conditions imposed given the record of past breaches of planning regulations. There are large shipping containers already on site which have no consent, are used for storage and which are not referenced in the application submissions. Separate representations refer to the Design and Access Statement indicating that the container will be removed but object that no timeframe is given for removal.
- Given the split applications for the employment uses and the parking provision a clear calculation as to requirements is necessary and the full standards should be applied.
- Despite the provision of passing bays two large vehicles are not able to pass one another on the access road. The passing bays as constructed do not accord with and meet the requirements attached to previous grants of permission at the site as set out in related Planning Obligations, conditions and relevant submitted and approved plans. In addition the construction of the passing bays was such that they are now collapsing at the edges reducing further their usability.
- It is unsafe to use the bridleway to place rubbish and waste at the required location and on the appointed times due to the speed and volume of traffic movement on the access/bridleway and within the site.
- On site lighting to allow safe manoeuvring and access for vehicles results in harm to the character and appearance of the locality as the site is open and visible in views from the surrounding area.
- The proposed level of parking provision is inadequate for the proposed employment uses and not in accord with the Council's adopted minimum parking standards. The proposals make no provision for cycle parking and are in conflict with the Council's adopted standards and cycling strategy. The access and parking provision are inadequate for the proposed uses both in terms of existing operators at the site and possible alternative operators falling within the proposed use classes. The submission details do not adequately demonstrate how parking provision will be laid out to ensure that it is usable and that the site can accommodate the required parking spaces. The submitted details do not sufficiently demonstrate adequate space for the servicing of the site and the on-site manoeuvring of large scale vehicles.
- The application details, forms and certificates have not been correctly completed including incorrect and inaccurate submissions. Incorrect certificates have been completed as the applicant does not own all the land included in the red line application boundary. As such the correct notices have not been served on persons with an interest in the land and the applications. This is with particular reference to the access to the site and the passing bays that have been constructed. It is claimed by various parties that the passing bays are located on third party land and the fences delineating the access and the adjoining agricultural land have been relocated

onto land not within the applicant's ownership to facilitate provision of the passing bays. This is a very brief summary of the various submissions as the matter is addressed in further detail under the heading "Legal Considerations" in the body of the report.

- Wiltshire and Swindon Biological Records Centre note that there are records of Great Crested Newts nearby.

A further period of consultation was undertaken following identification of issues with the site notification and issuing of press notices. The further period of consultation expired on 5/2/15 and only 1 further representation has been received. This submission is from the legal team representing neighbouring residents and raises a number of queries as to the comments of the highways officer particularly with respect to the parking provision and layout. The same objector has submitted separate correspondence further disputing the land ownership of the applicant, asserting that the LPA cannot legally proceed to determination and stating that a Legal Challenge will be pursued if the Council as LPA does determine the applications.

## **9. Planning Considerations**

### **Principle of Development**

The proposals are a retrospective application for the B1 and B8 use of a small scale former agricultural building and small scale former stables located within a group of other buildings that formed part of the farmholding and which are now at least also in part consented for employment uses. The proposals also include provision for two small areas of vehicular parking. The farmholding is also part of a small grouping of other residential properties that lie adjacent to the site and are accessed via the same route from Hornbury Hill. Whilst there are no services shops or facilities in this small grouping of properties it is more than an isolated farm, it could be considered as a small hamlet.

The development is located some distance from the nearest village of Minety but is not considered to be so isolated as to be wholly unrelated to any settlement or its hinterland. In this context there are sporadic properties located between the application site and the village of Minety.

The site is the subject of previous permissions for employment uses and it is considered that these consents and the established activities on the site could be termed as farm diversification. The proposals whilst relating to a former agricultural building and former stables do relate to existing structures that are clearly a part of a complex of structures at the site. Whilst not falling with the definition of previously developed land it is considered that these rural buildings could usefully be put to an alternative use.

It is considered that the WCS Policies are broadly supportive of the proposals in principle and given the site history and circumstances there is not considered to be a direct in principle conflict with policies CP34 and in particular CP48.

The previous consents for employment uses at the site and the on-going employment activity in this location are considered to offer a valuable source of alternative rural employment opportunities for the local community in this locality and to be broadly in accord with national and local planning policy which is generally supportive of the creation and provision of such rural employment and rural diversification. This is subject to consideration of the sustainability of the proposed location in economic, environmental and transportation terms.

On balance it is considered that the application site is not so isolated from existing settlements and developments as to be wholly inappropriate in principle for further employment related development of the scale proposed. In this context Highways Officers have raised no objection on the grounds that the location is wholly unsustainable in transport terms and there are extant employment consents and permitted operational employment activities at this site which features a range of developments.

It is not considered that the application site is subject to ecological value and constraints that would restrict the development as proposed. Residential amenities are addressed under separate heading below.

On balance and in consideration of the principle of development it is considered that scope to offer further rural employment opportunities to the local community is a benefit and the location is not so wholly unsustainable as to be inappropriate and unacceptable in principle.

The comments of objectors in respect of the location of shipping containers are noted but the application does not seek consent for these proposals and this is a matter for the Council's Enforcement Team to consider should the containers remain in place and no application be forthcoming.

Objections have been raised that the consent and in particular the consent for the B8 proposal would create some form of precedent for further large scale B8 employment uses at the site, that this would generate very large scale HGV vehicular movements and this would result in significant harm in terms of residential amenity, hazardous highways conditions, conflict with rights of way users and harm the character and visual amenity of the locality.

Whilst any permissions would be a material consideration, as the historical permissions at the site are a material consideration, they do not set a precedent for large scale additional or site re-development for large scale B8 uses. Any such proposals would need to be the subject of an application which would be considered on its merits and in the context of all material considerations relevant at that time.

It is important to note in this context that the B8 use proposals relate to the change of use of small scale stables and a proposal for a new large scale B8 building would raise issues of a significantly different scale and nature. It is considered that there is a difference here between the consideration and appropriateness of a proposal for the re-use of small scale former stable buildings for a B8 use and a proposal for new build development for a large scale modern B8 warehouse or warehouses. It is not considered that consent for the proposed change of use establishes a precedent and in this context it should be noted that there is no provision for precedent in the planning system either through legislation or case law.

Similarly an objector has raised concerns as to the potential intention of the applicant to proceed with retail activity at the site. This does not form part of the proposals and such a land use has not been given consideration. It is considered inappropriate and unreasonable to determinate applications on the basis of speculation as to the future intent of an applicant and land users and as noted above applications must be determined on their own merits and the basis of the submissions made alongside other material considerations and circumstances. In this context it is also inappropriate to refuse conditional consent on the basis of concerns over the past behaviour of an applicant in relation to the implementation and application of conditions.

Objectors have also raised concerns regarding the retrospective nature of the applications. The planning system does not include any provision for refusal by a local planning authority



to register and determine such applications. Whilst the preferred and best practice approach is to seek consent prior to development the planning system does make provision for the submission and determination of retrospective applications. Objections also refer to impact on land values but this is not a material planning consideration.

The provision of the relatively small scale areas of parking proposed in relation to the two structures to provide part of the parking requirement for these structures are considered acceptable in principle.

### **Residential Amenities**

The location and the scale of both the B8 and B1 uses of Buildings A and B are relatively limited and with respect to the B8 use in particular not directly adjacent to neighbouring residential properties. Existing structures and uses and some distance separate the B8 use from the nearest residential properties whilst the B1 use is limited in scale and as an office and showroom is considered to be broadly compatible with the nearby residential properties.

It should be noted however that there is also a reasonable degree of separation distance between building A and the nearest residential property to ensure no overlooking and loss of privacy and no over bearing impact or disturbance through the actual use of the building itself during working hours. This is considered to be the case for both the B8 and B1 uses in respect of the current operator / activity and other potential operators and activities falling within the B1 use class.

Concerns have been raised that works to the structures themselves have taken place in the past and that these are shown as established and not expressly referenced in the current application. It is not considered that the building layout and form as is shown on the proposed plans submitted with the application results in a significant loss of or harm to residential amenity for neighbouring properties.

Given that the works that have taken place were completed several years ago albeit subject to some dispute as to the exact timing they are as a matter of fact in place at present and so it is considered appropriate that the "existing" plans as submitted reflect that fact and show the buildings/structures as they are. It is considered unreasonable and indeed unfeasible to require that accurate detailed plans of how the structures used to be several years ago should be submitted. Given that the uses are considered on balance acceptable in principle and not to raise or result in significant harm to residential amenity by virtue of disturbance or overlooking from the employment activity during hours of operation it is considered and appropriate to deal with the application as submitted.

Separate consideration is given to the impact of transport movements associated with the proposed uses and their impact in terms of disturbance and overbearing impact resulting in loss of residential amenity. In this context consideration is given to both the existing operational activities/existing occupants and alternate operators with the same use classes.

As noted previously this is a rural location outside of and not directly adjacent to any defined settlement or major development. As such there is some expectation of relative peace and quiet when compared to residence within an urban area for example. However, as also noted the site is part of a former farmholding of a significant scale and operation. Such an operation could have been and indeed was subject to some expansion. Modern farmholdings are now often of a significant scale and often involve large scale buildings and activities which can generate noise and odours and other disturbance through extensive vehicular movements.

It should also be noted that there are existing employment activities permitted at the site. In this context it is considered that there could not be a reasonable expectation of no disturbance and no activity at the site from vehicular movement. Some degree of disruption would inevitably occur as a consequence of the current permitted uses and/or the established and potential agricultural use of the site. Indeed it is considered debatable if potential modern agricultural related vehicular movements would not be similar or greater in terms of disturbance and inconvenience for neighbouring residential properties.

On balance and giving consideration to the site circumstances, established permissions and potential “fall back” position of modern agricultural operations it is not considered that the proposed uses would result in such significant additional traffic movements to and from and within the site such that significant harm to neighbouring residential amenities through disturbance and inconvenience such that permission ought to be, and could defensibly be, refused on this basis. This is particularly considered to be the case in the context of the benefits to the local rural economy and rural employment opportunities that arise from the proposed development and the diversification of this farmholding.

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

It is not considered that the proposed uses of the existing structures at the site or indeed the works that were previously undertaken to the structures result in any significant impact on the character and appearance of the locality such that permission ought to be and could be defensibly refused on this basis. The uses and the buildings involved are small in scale and in respect of building B are at least in part screened from the surrounding area by other structures and mature planting.

Both structures and the related parking are viewed in the context of the group of buildings at the site in views from the surrounding locality and indeed from within the site. Concern has been raised as to the visual impact of intermittent lighting at the site and that this is motion sensitive. This is not considered to be atypical and such security lighting is often a feature of many properties, employment and residential, within rural areas. Similarly many modern farmholdings and their related vehicles now include significant lighting and this is often a feature of the modern rural environment. The proposed uses and any related lighting are not considered to be significantly more visually intrusive and it is not considered that the application should or could defensibly be refused on this basis. Again it is necessary to give consideration to and balance such potential impact and harm against the benefits of development, in particular the rural employment opportunities created. The proposals are relatively small scale and the impacts on the character and visual amenity of the locality are commensurate to this, whilst the proposals would create employment and economic benefits albeit of a limited scale but which are generally supported in principle by national and local policy.

### **Highways – Access and Parking**

As noted above there have been extensive submissions by both the applicant team and neighbours. In short the objections can be summarised as set out above and principally assert that:-

- The site access is inadequate in width to accommodate the traffic generated by the proposed development both in terms of volume and nature of vehicles and the current use of the site and adjacent land.
- This results in vehicles reversing onto Hornbury Hill creating a highways hazard and unacceptable disturbance to neighbouring residents.
- The site access has inadequate visibility splays and inadequate access width for the vehicle movements proposed both in volume and nature of vehicle and again results in the creation of a highways hazard on Hornbury Hill.

- There is no scope to address these issues through expansion of the access road or junction as the applicant doesn't own the relevant land.
- The access is a public right of way resulting in hazardous conditions and conflict with vehicles for all rights of way users.
- The passing bays that have been created under previous permissions are inadequate, not in accord with approved details, in a state of collapse and are situated on land not within the ownership of the applicant. They do not address the issues identified above re: safe access to the site and use by all rights of way users and again there is no scope to expand these passing bays as the applicant does not own the necessary land.
- The condition of the access road is poor and inadequate for the volume of traffic proposed under the development.
- Submitted traffic surveys do not accurately assess the level of traffic at the site. The uses that would be allowed should consent be granted would not be restricted to the current occupants and could therefore generate greater volumes of vehicular movements by larger scale vehicles.
- The site is an inappropriate and unsustainable location for the proposed land uses being poorly related to established settlements, services and facilities and offering limited scope for access by a range of modes of transport.
- The submitted application documentation does not adequately demonstrate that the site can accommodate the required level of parking provision (including cycle parking) and for servicing and vehicular manoeuvring within the site. Also that the proposed parking layout is inadequate and unusable in terms of vehicular manoeuvring.

Legal issues in respect of land ownership are addressed further below.

The applicant's position is effectively the opposite of that set out by objectors. It is asserted that the site access is adequate in width and condition for existing and proposed levels of traffic both in volume and nature. The passing bays as built are adequate for the required vehicle movements, existing and proposed, and use of the access by all Rights of Way users and are provided on land within the ownership of the applicant. That the proposals do not result in hazardous highways conditions and that the highways and access conditions including use of the access by local residents and RoW is not an unusual situation and feature of the environment throughout Wiltshire. That the volume of traffic movement is relatively limited and the access is sufficient to accommodate requirements without undue conflict with residents and RoW users or excessive disturbance and inconvenience out of the ordinary and expected position. That the site is adequate to accommodate the necessary vehicle movements including manoeuvring and that adequate provision is made for the requisite level of parking provision. The site has established and implemented consents for employment use and is an appropriate location for such provision but should it be considered necessary conditions restricting the form and nature of vehicular access and occupants of the application structures would be acceptable. Similarly, that the access junction can be expanded if considered necessary.

It should be noted that the Council's Highways Officers have reviewed and assessed all of the submissions made in respect of Highways matters, individually, in the context of one another, in the context of site and locality conditions and established permissions. Officers have reviewed and re-assessed their comments submitted on the applications in the context of further submission by the applicant and objector teams. Consideration has also been given to the use of conditions and the form of the applications.

In short Highways Officers raise no objection to the scheme proposals. Officers do not consider the site to be so isolated and unsustainable in transportation terms that consent

ought to be refused, in this context permitted uses and current activities alongside the scale of development proposed and current site circumstances are taken into consideration.

Similarly officers are satisfied that they have sufficient detail with respect to the application submissions in order to assess the proposals and determine that the site offers sufficient scope for provision of adequate on-site parking (this is in the context of both of the inter related applications). In this context the site circumstances as a rural location are taken into account in that the pressures on parking provision as evidenced within an urban area are of a different order than such rural locations and the fact that parking can be contained within the site.

Furthermore that the form of the applications submitted (two split applications) presents no obstacles to the consideration of the proposals and the adequacy of the parking provided for the site as a whole and in relation to the uses proposed in buildings a & b.

Similarly given the rural location officers do not consider it necessary to insist on detail as to the form and location of cycle parking provision. The site and proposals are also considered adequate and the level of detail sufficient to allow assessment in respect of on-site manoeuvring and it is not considered that the on-site conditions give rise to such hazardous conditions or restrictions on accessibility by neighbouring residents, all Rights of Way users and emergency services sufficient that objection should be raised and permission refused.

Turning to the access and passing bays and the usability and efficacy in relation to the established development at the site, previous permissions and current proposals it is important to note that Highways officers have reviewed and considered all the submissions made with specific reference to the various submissions from Highways consultants acting on behalf of the applicant and neighbour objectors.

Officers have also reviewed the application history and visited the site on several occasions. Highways Officers and the Case Officer consider the available information sufficient to be able to determine the current application proposals and do not consider it necessary to commission independent traffic surveys. It is also important to confirm that the Highways Authority has reviewed records and has found no record of any accident at the site access and junction with Hornbury Hill dating back to the year 2000. That is not to say that there have not been near misses or indeed accidents but the Council holds no records of having received any reports or being made aware of road accidents at the site. In this context it should be noted records are reliant on the system of reporting which is imperfect. As such the absence of accident records is an indicator of road conditions only.

Having undertaken the above review and considered relevant highways matters officers conclude that the application proposals can only be considered small in scale and are set within the context of implemented historic consent for B1 uses at the site and the provision of passing places on the access road broadly in accordance with the requirements of the permission granted under reference 02/0499/COU.

Officers conclude that in purely percentage terms the increase in vehicular traffic movements arising from the proposed development could be considered material but in numerical terms this additional volume of traffic is not considered to be significant or large scale in the context of the permitted use of the site. Officers also note the fallback position of agricultural and equestrian uses of buildings a & b and consider that the additional volume of traffic movements generated by the proposed uses would not be significantly greater than that generated by the fall back position.

Highways officers have concluded that no objection should be raised subject to the use of conditions which are set out at numbers 1 – 4 below.

Rights of Way Officers have similarly reviewed the application submissions, objections and visited the site. Officers similarly raise no objections subject to the use of conditions which are reflected in those proposed by Highways Officers re: signage on the access road.

As noted above various objections have been submitted in respect of the adequacy of the vehicular access and the impact of large scale vehicles servicing the site with deliveries and dispatch of goods. One objector has suggested a condition restricting hours of delivery and the scale of vehicle to access the site. An alternative condition requiring the submission and agreement of a travel plan to manage the site servicing in terms of delivery hours and type of vehicle is proposed below.

## **10. Legal Considerations**

Extensive submissions have been made by solicitors, planning consultants and Highways Consultants representing neighbour objectors in respect of landownership matters and the completion of the correct application certificates. This includes the submission of a pre-application protocol letter indicating an intention to proceed with a legal challenge should the Council as Local Planning Authority proceed to determine the application and the related application 14/04555/FUL. In summary the neighbour objectors assert that:-

- The applicant does not own all of the land within the red line application boundary, that the passing bays as constructed are located (at least in part) on land within the ownership of third parties;
- As a consequence the certificates submitted with the application in respect of land ownership are incorrect and the relevant land owners affected by the applications have not been notified;
- That the requirements of the S106 agreement and related plans attached to permission 02/0499/COU in respect of the provision of passing bays have not been met and consequently the implemented consent is invalid.

Highways consultants acting on behalf of neighbour objectors have reviewed the historic applications at the site and related documentation and suggest that the boundaries as drawn on the application submissions are without the land owned by the applicant as identified on land registry plans, particularly in respect of the passing bays. Various objectors assert that the fences as erected either side of the access have been relocated from historic positions to be located on land not within the ownership of the applicant.

The Applicant's Planning and Highway consultants and Legal representatives have been given the opportunity to review and respond to objector submissions, particularly the legal submissions. The response is that all of the relevant land within the red line application boundary and including the passing bays is within the ownership of the applicant. Further that whilst the fences demarcating boundaries were removed to allow construction of the passing bays these were replaced in the same historic position. In addition the applicant team comment that the land registry plans are insufficiently detailed and scaled to allow an accurate assessment of the position of ownership boundaries on the ground.

In addition at the time of writing these reports the Council has been notified that the Objector's Legal Team have issued a further pre-application protocol letter to the applicant indicating an intention to issue formal legal proceedings of trespass against the applicant. The response of the applicant is awaited.

The Council's Legal Department and Enforcement Team have also reviewed the submissions and considered the representations by objectors that the Council as Local Planning Authority cannot legally proceed to determination.

The Council's Head of Legal Services has provided advice and has advised that there is no legal impediment for the committee to determine the applications. The issues raised relate to a boundary dispute between neighbours that can only be appropriately resolved in a court of competent jurisdiction and that land ownership is not a material planning consideration. As the applicant asserts that all of the relevant land within the red line boundary is within his ownership the appropriate certificates have been completed and notifications issued and therefore the application has been validly accepted. The response to the objector's solicitor on this point setting out the legal position is available should committee members require it

As noted above under the section entitled "Highways – Access and Parking" Highways and Rights of Way officers consider the current access arrangements sufficient to service the proposed development and rights of way users subject to the conditions attached below.

In effect an acceptable level of access is provided to the site for the development permitted and proposed taking into account site circumstances and material considerations such as the Right of Way for example. However the passing bays, as constructed, are located at least in part on land that is the subject of disputed ownership and threatened legal proceedings for Trespass.

We are not aware of filing or serving of Court papers at the time of writing this report. Should proceedings be issued and the argument of trespass be upheld by the Court then the passing bays, as constructed, may be lost if the relevant owner refuses to make the land available to the applicant.

The Council has no confirmed statement from the relevant landowners or their representatives at this point in time as to whether or not provision of the land by agreement would be acceptable. Similarly the Council is not the appropriate authority for determining the land ownership dispute and the determination of a planning application is not the appropriate legal vehicle for resolving a land ownership dispute. This is a civil matter that must be addressed in an appropriate court.

As it stands there is a technically acceptable solution to provide access to the site for the proposed and existing development and this is already in place subject to the conditions below. It is not possible to impose Grampian conditions requiring the provision of the passing bays prior to the commencement of development as the applications are retrospective with the development having already taken place.

It is therefore necessary to apply conditions that require the retention in perpetuity of the passing bays to support the development proposed if it is to be approved. Should a court later determine that some of the as built right of way is trespassing and the relevant land owner refuses to make the land available for provision of the passing bays and asserts their right of possession then the applicant would be in breach of condition and that would become a matter for enforcement.

## **11. Conclusion**

The application is locally contentious and has resulted in very significant levels of detailed objection. There are clearly arguments in favour and against the proposals and the assessment of the proposed development is a balanced one.

It is considered that the proposals are broadly supported in principle in national and local planning policy and that the site is not one that is so isolated and unsustainable that it is wholly inappropriate for the land uses proposed. On balance it is considered that the re-use

of the former farm buildings for employment uses to facilitate a relatively small scale rural employment development in a location that already accommodates employment activity and uses generates sufficient benefits in terms of farm diversification and the creation of local employment opportunities as to outweigh the impacts identified.

In this context it is considered by officers that the impacts are relatively limited given the scale of the proposals and principally relate to inconvenience and disruption to local residents and all of the users of the rights of way in terms of the use of the access and movement through the site. Officers do not identify that the additional traffic resulting from the proposed development will result in a significant worsening of the current position or result in the creation of a highways hazard or harm to Highways and users of the Rights of Way such that consent ought to be refused.

In coming to this conclusion officers take note of the potential fallback position of agricultural and equestrian uses and the resultant traffic generation from such site activity and use. The scale of development is relatively limited and the impacts are commensurate with this scale of development. The benefits are similarly limited in scale but exist nonetheless.

In principle it is considered that the proposed uses are broadly in accord with national and local planning policy. In coming to this conclusion the site is not considered to be so isolated as to be wholly unsustainable such that consent ought to be refused as in conflict with planning policies on the location of employment development and the need for all development to be sustainable.

It is considered by officers that appropriate conditions can be applied to a grant of permission that are readily enforceable and which will address the identified impacts appropriately. In this context it is considered on balance that permission should be granted.

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

**Application documents**  
**Objector submissions**  
**Wiltshire Core Strategy**  
**National Planning Policy Framework**  
**Planning Practice Guidance**

### **RECOMMENDATION**

Planning permission be GRANTED subject to the following conditions:

1. Within two months of the date of the decision notice a full and detailed scheme of signage along the private road requesting motorists to give way to bridleway users shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be constructed in accordance with the approved details, within two months of the date of approval in writing by the Local Planning Authority.

REASON: In the interests of highway safety

2. Within two months of the date of the decision notice full construction details for the widening of the vehicle access of the private road and / Hornbury Hill C76 (as outlined in PFA Technical Note para 2.12) shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be constructed in accordance with the approved details, within two months of the date of approval in writing by the Local Planning Authority.

REASON: In the interests of highway safety

3. Within two months of the date of the decision notice full construction details of a scheme to upgrade the existing wearing course of the access road shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be constructed in accordance with the approved details, within two months of the date of approval in writing by the Local Planning Authority.

REASON: In the interests of highway safety

4. Within two months of the date of the decision notice the parking areas shown on the approved plans (Block Plan 0823/13/06 A dated May 2014 and Existing Parking and Turning Areas, Figure 4) 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.

5. 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), there shall be no additions / extensions / external alterations to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans.

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, or the installation of any outdoor plant/machinery.

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

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

8. The delivery and dispatch of goods to and from the site shall be limited to the hours of 08.00am and 18:00pm on Mondays to Saturdays and not on 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.

9. The use hereby permitted shall only take place between the hours of 08.00am and 18:00pm on Mondays to Saturdays and not on 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.

10. Within two months of the date of permission a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include proposals for managing deliveries to the site both in terms of the type of vehicles to be used which shall not exceed 18 tonnes / 2 axles; and hours and days of deliveries in accord with conditions numbered 8. The Travel plan shall also 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.

11. The passing bays as shown on the approved plans and provided in situ at the date of permission shall be retained in perpetuity herein after.

REASON: In the interest of providing a safe vehicular access to the site and the safety of Rights of Way users and residential amenity.

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

0823/13/04  
0823/13/05/A  
0823/13/06/A  
0823/13/07/A  
PFA Technical Note 1 Fig 4

All dated May 2014

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

INFORMATIVES:-

#### WP6 ALTERATIONS TO APPROVED PLANS

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

#### WP13 PUBLIC SEWERS

2. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a

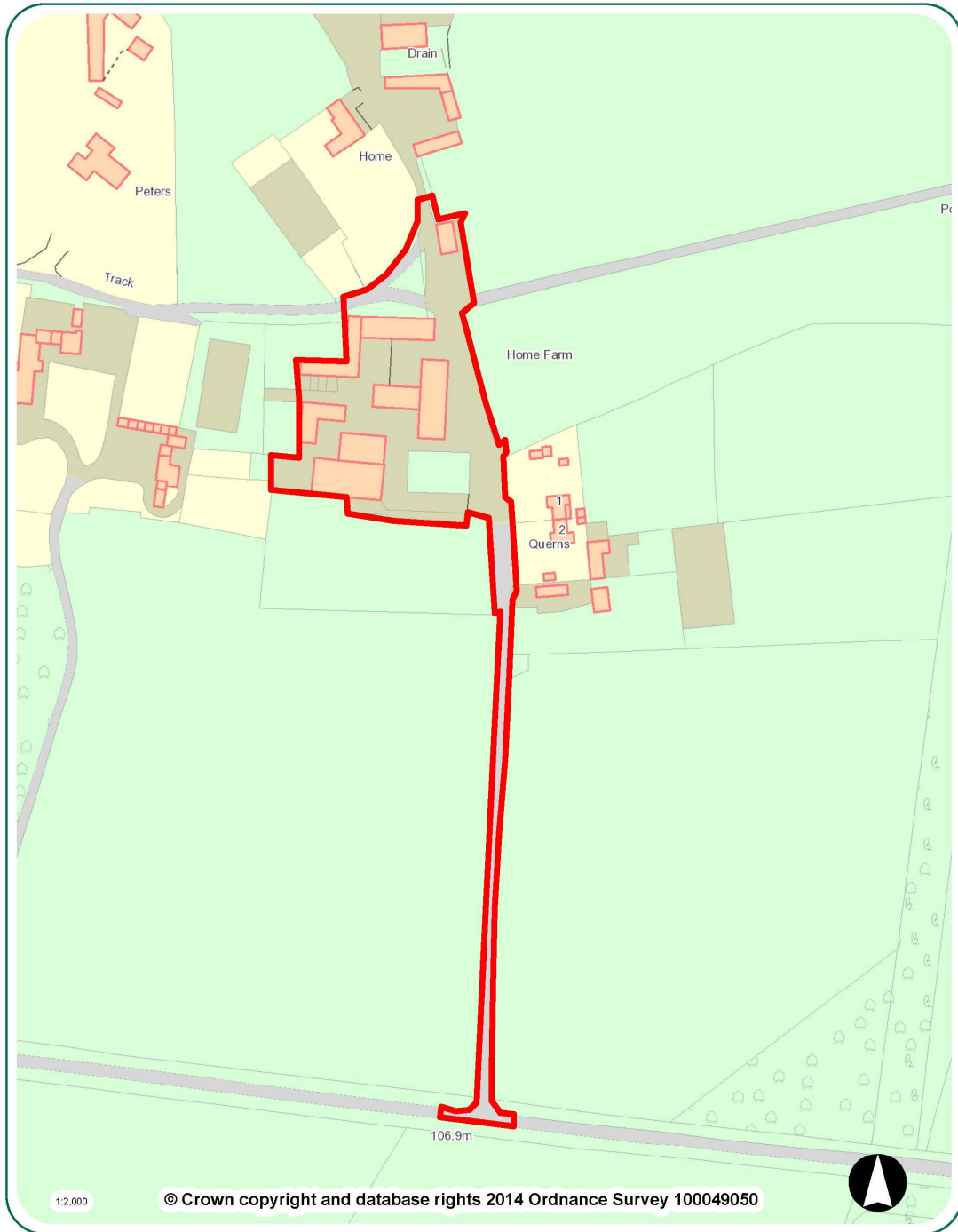
public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

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

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

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

4. The applicant is advised that the Permission granted does not relate to the Shipping Containers located on site at the time of determination and that the matter has been referred to the Council's Enforcement Team for Investigation.



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## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>18<sup>th</sup> February 2015</b>
<b>Application Number</b>	<b>14/04555/FUL</b>
<b>Site Address</b>	<b>Home Farm Business Centre, Minety, Malmesbury SN16 9PL</b>
<b>Proposal</b>	<b>Retrospective Use of 2 Barns as Covered Parking Area (Resubmission of 13/07125/FUL)</b>
<b>Applicant</b>	<b>Mr Peter Crocker</b>
<b>Town/Parish Council</b>	<b>Minety</b>
<b>Division</b>	<b>Minety- Cllr Berry</b>
<b>Grid Ref</b>	<b>401401 190843</b>
<b>Type of application</b>	<b>FULL</b>
<b>Case Officer</b>	<b>Lee Burman</b>

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

Councillor Chuck Berry called in the application for Committee determination to assess the impact on adjacent properties and to ensure a transparent process given concerns over the legality of the application.

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

To recommend that permission be GRANTED.

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

Minety Parish Council raise no objection but suggest conditions. 22 Neighbour objections submitted but this includes multiple submissions by several of the relevant neighbours, one of whom has employed planning and highways consultants and legal representatives whom have made several detailed submissions.

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

The site is located in the open countryside to the west of the village of Minety and north east of Malmesbury. The application relates to two structures located within a group of former farm buildings and existing farmbuildings, with residential properties including the farmhouse associated with the farmholding located adjacent. The property is known as Home Farm Business Centre from which several different businesses operate in different premises. The application site and adjacent properties are accessed from the C76/Hornbury Hill Via a long single lane access track which features passing places and which also accommodates a Bridleway. A further Bridleway is also located within part of the site. The site is surrounded by relatively level agricultural land including featuring field boundaries with mature hedgerows and trees.

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

N/00/02688/COU	Change Of Use Of Building For Mixed B1	Approved
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	(Business) And B8 (Storage & Distribution) Uses	
N/01/02828/COU	Change Of Use Of Building For Mixed B1 (Business) And B8 (Storage & Distribution) Uses (resubmission of 00/2688/COU)	Refused
N/02/00499/COU	Conversion Of Dairy Building To B1 Use (Revised Scheme)	Approved
N/05/00149/FUL	Conversion of Barn to Office Accommodation	Approved
N/07/03181/FUL	Demolition of Single Storey Building and Erection of Single Storey Office Unit	Approved
N/08/00019/COU	Conversion of Outbuilding to Form Self Contained Ancillary Accommodation and Use of Two Bays in Existing Garage for Parking	Approved
N/13/01210/CLE	Certificate of Lawfulness Relating to Use of Old Workshop, Land & Former Stables	Refused
13/07098/FUL	Retrospective Change of Use of The Old Workshop (Building A) as Class B1 Offices with Ancillary Reception, Demonstration/Storage, & Welfare facilities & (Retrospective) Change of Use of Former Stables (Building B) for Class B8 purposes.	Withdrawn
13/07125/FUL	Use of 2 Barns as Covered Vehicular Parking Area & Use of Land Adjacent Former Stables (Building B) as Vehicular Parking (Retrospective)	Withdrawn
14/04555/FUL	Retrospective Use of 2 Barns as Covered Parking Area (Resubmission of 13/07125/FUL)	Also reported on this Committee Agenda for determination.

N/13/01210/CLE was the subject of the issue of a certificate of lawfulness relating to one part of the claimed established uses – that relating to the vehicular parking. This decision was the subject of a successful legal challenge in January 2014 which required that the application be re-determined. The re-determined application was refused.

## 5. The Proposal

The application is a retrospective application relating to the use of two open sided barns as covered parking areas.

The application is a re-submission an earlier similar application referenced 13/07125/FUL which was withdrawn following concerns raised by neighbour objectors that the details were inadequate and the application certificates incorrectly completed.

A related retrospective application for the change of use of a former agricultural building and former stables building for B1 Office and associated uses and for B8 storage and distribution use respectively and two areas of vehicular parking has been submitted and registered under reference 14/04529/FUL. That application is also reported on this agenda for Committee determination.

## **6. Planning Policy**

National Planning Policy Framework (NPPF) Paragraphs 14, 17, 19, 28, 32, 58, 75 & 111

Planning Practice Guidance (PPG)

Paragraph: 022 Reference ID: 14-022-20140306 Making an Application

ID: 21a Use of planning conditions

Wiltshire Core Strategy 2026 (Adopted 20/1/15) (WCS)

Core Policy 1 Settlement Strategy

Core Policy 13 Spatial Strategy for the Malmesbury Community Area

Core Policy 34 Additional Employment Land

Core Policy 48 Supporting Rural Life

Core Policy 57 Ensuring High Quality Design and Place Shaping

Core Policy 60 Sustainable Transport

Core Policy 61 Transport and Development

Core Policy 62 Development Impacts on the Transport Network

With respect to the above list two matters should be noted that this is not intended to be an exhaustive list of all relevant legislation, policies and guidance. It refers to the key policies informing the recommendation.

## **7. Consultations**

### **Highways**

Highways Officers raise no objection to the proposals subject to the use of condition. Highways matters are considered in the body of the report but it should be noted that all of the applicant's and neighbours submissions from their respective consultant teams regarding highways matters were considered and assessed. The Highways Officers comments on the application(s) were reviewed in the light of additional submissions by both applicant and neighbour Transport and Planning Consultants and no objection subject to the use of conditions remained as the advice.

### **Legal**

The Council's Legal Team were consulted on several occasions following receipt of representations from Neighbours and their consultant team. Legal issues are addressed in the body of the report but in summary Officers have advised that the application(s) can be reported to Committee and the Council as Local Planning Authority can legally proceed to determination.

### **Rights of Way**

Officers identified some concern regarding the width of the access road and potential conflict with bridleway users with larger goods vehicles. Officers identified that concerns could be overcome by the provision of 2 passing places adequate for a medium goods vehicle, effective management of parking at the relevant units including designated parking spaces marked to ensure no reversing into the right of way and a turning area for large vehicles; acceptable visibility splays at the exit; prominent signage on the access route saying "Please Give Way to Bridleway Users".

In addition RoW Officers considered the submissions of Highways Consultants representing neighbours and specific suggestion within that representation that Bridleway / RoW User Groups should be consulted on the proposals. Officers considered that such consultation was not feasible and unrealistic as it would involve several such groups and would necessitate such consultation on all applications raising issues of shared use of routes. Furthermore the Council as Highways Authority has a statutory responsibility to protect the rights of the public under the Highways Act 1980 including the safety of users. Officers consider that this responsibility is implemented effectively through the RoW Team's input to the determination of planning applications.

### **Minety Parish Council**

No objection raised but consider the provision of 44 parking spaces excessive and recommend clarification prior to determination.

## **8. Publicity**

The application was advertised by site notice, neighbour notification letters, Parish Council Consultation and press notice. As noted above 22 submissions have been made by neighbouring residents but this includes multiple representations by several residents. This in part reflects the fact that the application was restarted after it emerged that the incorrect Certificate had been completed and Wiltshire Council as Highways Authority and owner of the adjacent road which is partly within the red line application boundary had not been notified of the application. However one neighbour objector has appointed a team of consultants and solicitors to represent him and his partner, this team includes planning and transport consultants and solicitors. The planning and in particular highways consultants have made multiple submissions partly responding to multiple submissions by the applicant consultant team and in particular the applicant's Highways consultants. Many of the submissions made by objectors are very lengthy, some raise similar concerns several times within the same representation and/or repeat other comments made in previous representations and/or cross refer to the representations of other third parties. Cross reference is made to representations on several previous applications also. Furthermore it should also be noted that many respondents and submissions refer to both applications jointly and so the summary set out in this report very closely reflects that of the application 14/04529/FUL.

This position is highlighted in order to identify the difficulty in providing an effective summary of the submissions made. As such the various representations raise the following matters and include objections and general comments in relation to these issues and are summarised as follows but it should be noted that this is a summary and is not intended to be a verbatim recitation of every submission made or indeed a chronological statement:-

- The proposals do not include adequate details and specification as to the layout of the proposed parking spaces to demonstrate that they will be usable and can accommodate the proposed level of parking in terms of vehicle manoeuvring.
- Previous applications at the site have been refused but activities and development have taken place over an extended period in contravention of planning regulations. The current applications are retrospective are the existence and success of the business activities are presented as a justification for the applications. Control over development and activity at the site should be exerted to prevent further breaches.
- The location is inappropriate for the business activity taking place and should relocate to an alternative more appropriate location.



- It is considered that a retail business is being run from the site and this is not reflected in the proposals. Photos of signage dating to 2011 and photos of containers on site submitted as evidence of the intention in this respect.
- Permission for B1 and B8 uses could result in much larger vehicles and greater traffic flows in future if the current tenants/business relocates.
- The principal access junction is becoming ever more hazardous and has inadequate visibility splays particularly in poor weather conditions and when adjacent hedges are overgrown.
- The width of the bridleway is inadequate for the type of traffic generated by the proposed B8 use. There will be conflict with Bridleway users and two objectors have identified an accident incidents (possibly the same incident) involving a vehicle and horse/horserider.
- The bridleway is in a poor state of repair which will worsen with the type and volume of traffic resulting from the proposed use.
- The proposed “informal turning area” incorporates to bridleways (3 and 6) and access to several properties, it is inappropriate for the proposed use and will result in hazardous highways conditions.
- The proposals will result in more noise and light pollution in this rural location. The proposals will result in additional traffic movements resulting in disturbance to residential amenities.
- Concern over land values and ease of access for emergency vehicles to neighbouring properties.
- Buildings A & B have been subject to significant works of rebuilding and alteration prior to use and the submission of the current applications and without consent. Permission should be sought for these works. The use of the buildings was not commenced on the date stated in the application submissions.
- The access to the site is inadequate for the currently permitted level of B1 use and activity. Residents regularly meet a range of vehicles on the access including large lorries and must reverse back onto the main road to allow egress which is hazardous.
- The site is regularly used by large scale vehicles for delivery of goods which block access and movement within the site for RoW users, neighbours and emergency vehicles.
- A traffic survey commissioned by a neighbour was restricted by damage to the consultants survey equipment. Photos submitted.
- Recommend the production of an independent traffic survey by the Council to test the submissions of the applicant and objectors given disputes over accuracy.
- The proposals will be harmful to the character and appearance of the locality and the residential amenities of neighbouring properties.
- Do not object to B1 use of the Old Workshop but object to linked B8 use. Consider that the proposals should be determined separately. Objections to the B8 use reflect

those summarised above. Also the grant of B8 use will set a precedent for further development at the site.

- The applicant will not abide by any conditions imposed given the record of past breaches of planning regulations. There are large shipping containers already on site which have no consent are used for storage and which are not referenced in the application submissions. Separate representations refer to the Design and Access Statement indicating that the container will be removed but object that no timeframe is given for removal.
- Given the split applications for the employment uses and the parking provision a clear calculation as to requirements is necessary and the full standards should be applied.
- Despite the provision of passing bays two large vehicles are not able to pass one another on the access road. The passing bays as constructed do not accord with and meet the requirements attached to previous grants of consent at the site as set out in related Planning Obligations, conditions and relevant submitted and approved plans. In addition the construction of the passing bays was such that they are now collapsing at the edges reducing further their usability.
- It is unsafe to use the bridleway to place rubbish and waste at the required location and on the appointed times due to the speed and volume of traffic movement on the access/bridleway and within the site.
- On site lighting to allow safe manoeuvring and access for vehicles results in harm to the character and appearance of the locality as the site is open and visible in views from the surrounding area.
- The proposed level of parking provision is inadequate for the proposed employment uses and not in accord with the Council's adopted minimum parking standards. The proposals make no provision for cycle parking and are in conflict with the Council's adopted standards and cycling strategy. The access and parking provision are inadequate for the proposed uses both in terms of existing operators at the site and possible alternative operators falling within the proposed use classes. The submission details do not adequately demonstrate how parking provision will be laid out to ensure that it is usable and that the site can accommodate the required parking spaces. The submitted details do not sufficiently demonstrate adequate space for the servicing of the site and the on-site manoeuvring of large scale vehicles.
- The application details, forms and certificates have not been correctly completed including incorrect, inadequate and inaccurate submissions. Incorrect certificates have been completed as the applicant does not own all the land included in the red line application boundary. As such the correct notices have not been served on persons with an interest in the land and the applications. This is with particular reference to the access to the site and the passing bays that have been constructed. It is claimed by various parties that the passing bays are located on third party land and the fences delineating the access and the adjoining agricultural land have been relocated onto land not within the applicant's ownership to facilitate provision of the passing bays. This is a summary of the various submissions as the matter is addressed in further detail under the heading "Legal Considerations" in the body of the report.

- Wiltshire and Swindon Biological Records Centre note that there are records of Great Crested Newts nearby.

A further period of consultation was undertaken following identification of issues with the site notification and issuing of press notices. The further period of consultation expired on 5/2/15 and only 1 further representation has been received. This submission is from the legal team representing neighbouring residents and raises a number of queries as to the comments of the highways officer particularly with respect to the parking provision and layout. The same objector has submitted separate correspondence further disputing the land ownership of the applicant, asserting that the LPA cannot legally proceed to determination and stating that a Legal Challenge will be pursued if the Council as LPA does determine the applications.

## **9. Planning Considerations**

### **Principle of Development**

The proposal is a retrospective application for the use of two former agricultural barns that formed part of the farmholding for covered parking provision to serve the proposed and existing employment uses, which are now at least in part subject of permissions. The consideration of the proposed employment uses at the site is dealt with under separate application elsewhere on this agenda (Council application reference 14/04529/FUL). Subject to the decision in respect of that application there would be a requirement to provide parking on site in support of the proposed and existing site uses. As a matter of principle it is not considered that there is a fundamental in principle objection to the proposed change of use of open sided barns to use for vehicular parking. It is not considered that there is an in principle national or local planning policy based objection to such a proposed re-use of this type of former agricultural building.

Objectors have raised concerns regarding the retrospective nature of the applications. The planning system does not include any provision for refusal to register and determine such applications by a local planning authority. Whilst the preferred and best practice approach is to seek consent prior to development the planning system does make provision for the submission of retrospective applications. Objections also refer to impact on land values but this is not a material planning consideration.

### **Residential Amenities**

The location of the barns that are the subject of this application are not directly adjacent to neighbouring residential properties. Existing structures, uses and some distance separate the proposed vehicular parking use from the nearest residential properties. It is considered that there is also a reasonable degree of separation distance between the structures and the nearest residential properties to ensure no overlooking and loss of privacy and no over bearing impact or disturbance through the actual use of the structures for parking.

Separate consideration is given to the impact of transport movements to and from the site and within the wider site associated with the proposed use and in terms of disturbance and overbearing impact resulting in loss of residential amenity. This is a rural location outside of and not directly adjacent to any defined settlement or major development. As such there is some expectation of relative peace and quiet when compared to residence within an urban area for example.

However, as also noted the site is part of a former farmholding of a significant scale and operation. Such an operation could have been and indeed was subject to some expansion. Modern farmholdings are now often of a very significant scale and often involve large scale buildings and activities which can generate significant noise and odour and other disturbance through extensive vehicular movements. It should also be noted that there are existing employment activities permitted at the site. In this context it is considered that there

could not be a reasonable expectation of no disturbance and no activity at the site from vehicular movement. Some degree of disruption would inevitably occur as a consequence of the current permitted uses and/or the established and potential agricultural use of the site. Indeed it is considered debatable if potential modern agricultural related vehicular movements would not be similar or greater in terms of disturbance and inconvenience for neighbouring residential properties. On balance and giving consideration to the site circumstances, established permissions and potential “fall back” position of modern agricultural operations and equestrian uses it is not considered that the proposed uses would result in such significant additional traffic movements within the site, and to and from the site, such that significant harm to neighbouring residential amenities through disturbance and inconvenience that permission ought to be, and could defensibly be, refused on this basis.

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

It is not considered that the proposed uses of the existing structures at the site result in any significant impact on the character and appearance of the locality such that permission ought to be and could be defensibly refused on this basis. The uses and the buildings involved are partly screened from the surrounding area by other structures and mature planting. Both structures and the related parking are viewed in the context of the group of buildings at the site from the surrounding locality and indeed from within the site. Concern has been raised as to the visual impact of intermittent lighting at the site that is motion sensitive. This is not considered to be atypical and such security lighting is a feature of many properties, employment and residential, within rural areas. Similarly modern farmholdings and their related vehicles now often include significant lighting and this is often a feature of the modern rural environment. The proposed uses and related lighting are not considered to be significantly more visually intrusive and it is not considered that an application should or could defensibly be refused on this basis.

### **Highways – Access and Parking**

As noted above there have been extensive submissions by both the applicant team and neighbours in respect of this application and the related application for the change of use of buildings for employment uses and some limited vehicular parking. The submissions are identified as relating to both applications and so the assessment below is the same as set out in report in respect of application 14/04529/FUL. In short the objections can be summarised as set out above and principally assert that:-

- The site access is inadequate in width to accommodate the traffic generated by the proposed development both in terms of volume and nature of vehicles and the current use of the site and adjacent land.
- This results in vehicles reversing onto Hornbury Hill creating a highways hazard and unacceptable disturbance to neighbouring residents.
- The site access has inadequate visibility splays and inadequate access width for the vehicle movements proposed both in volume and nature of vehicle and again results in the creation of a highways hazard on Hornbury Hill.
- There is no scope to address these issues through expansion of the access road or junction as the applicant doesn't own the relevant land.
- The access is a public right of way resulting in hazardous conditions and conflict with vehicles for all users of the rights of way.
- The passing bays that have been created under previous permissions are inadequate, not in accord with approved details, in a state of collapse and are situated on land not within the ownership of the applicant. They do not address the issues identified above re: safe access to the site and use by all users of the rights of way users and again there is no scope to expand these passing bays as the applicant does not own the necessary land.

- The condition of the access road is poor and inadequate for the volume of traffic proposed under the development.
- Submitted traffic surveys do not accurately assess the level of traffic at the site. The uses that would be allowed should consent be granted would not be restricted to the current occupants and could therefore generate greater volumes of vehicular movements by larger scale vehicles.
- The site is an inappropriate and unsustainable location for the proposed land uses being poorly related to established settlements, services and facilities and offering limited scope for access by a range of modes of transport.
- The submitted application documentation does not adequately demonstrate that the site can accommodate the required level of parking provision (including cycle parking) and for servicing and vehicular manoeuvring within the site. Also that the proposed parking layout is inadequate and unusable in terms of vehicular manoeuvring.

Legal issues in respect of land ownership are addressed further below.

The applicant's position is effectively the opposite of that set out by objectors. It is asserted that the site access is adequate in width and condition for existing and proposed levels of traffic both in volume and nature. The passing bays as built are adequate for the required vehicle movements, existing and proposed, and use of the access by all rights of way users and are provided on land within the ownership of the applicant. That the proposals do not result in hazardous highways conditions and that the highways and access conditions including use of the access by local residents and all rights of way users is not an unusual situation and a feature of the environment throughout Wiltshire. That the volume of traffic movement is relatively limited and the access is sufficient to accommodate requirements without undue conflict with residents and all users of the rights of way users or excessive disturbance and inconvenience out of the ordinary and expected position. That the site is adequate to accommodate the necessary vehicle movements including manoeuvring and that adequate provision is made for the requisite level of parking provision. The site has established and implemented consents for employment use and is an appropriate location for such provision but should it be considered necessary conditions restricting the form and nature of vehicular access and occupants of the application structures would be acceptable. Similarly, that the access junction can be expanded if considered necessary.

It should be noted that the Council's Highways Officers have reviewed and assessed all of the submissions made in respect of Highways matters, individually, in the context of one another, in the context of site and locality conditions and established permissions. Officers have specifically reviewed and re-assessed their comments submitted on the applications in the context of further submission by the applicant and objector teams. Consideration has also been given to the use of conditions and the form of the applications.

Highways Officers have prepared a specific response in relation to this application and the submissions made. In short Highways Officers raise no objection to the scheme proposals. Officers are satisfied that they have sufficient detail with respect to the application submissions in order to assess the proposals and determine that the site offers sufficient scope of provision of adequate on-site parking (this is in the context of both of the inter related applications) in this context the site circumstances as a rural location are taken into account in that the pressures on parking provision as evidenced within an urban area are of a different order than such rural locations and the fact that parking can be contained within the site. Furthermore that the form of the applications submitted (two split applications) presents no obstacles to the consideration of the proposals and the adequacy of the parking provided for the site as a whole and in relation to the uses proposed in buildings a & b. Similarly given the rural location officers do not consider it necessary to insist on detail as to the form and location of cycle parking provision. The site and proposals are also considered

adequate and the level of detail sufficient to allow assessment in respect of on-site manoeuvring and it is not considered that the on-site conditions give rise to such hazardous conditions or restrictions on accessibility by neighbouring residents, all users of the rights of way and emergency services sufficient that objection should be raised and permission refused.

Rights of Way Officers have similarly reviewed the application submissions, objections and visited the site. Officers similarly raise no objections subject to the use of conditions which are reflected in those proposed by Highways Officers re: signage on the access road.

As noted above various objections have been submitted in respect of the adequacy of the vehicular access and the impact of large scale vehicles servicing the site with deliveries and dispatch of goods. One objector has suggested a condition restricting hours of delivery and the scale of vehicle to access the site. An alternative condition requiring the submission and agreement of a travel plan to manage the site servicing in terms of delivery hours and type of vehicle is proposed in respect of the related application 14/04529/FUL.

### **10. Legal Considerations**

Extensive submissions have been made by solicitors, planning consultants and Highways Consultants representing neighbour objectors in respect of landownership matters and the completion of the correct application certificates. This includes the submission of a pre-application protocol letter indicating an intention to proceed with a legal challenge should the Council as Local Planning Authority proceed to determine the application and the related application 14/04555/FUL. In summary the neighbour objectors assert that:-

- The applicant does not own all of the land within the red line application boundary, that the passing bays as constructed are located (at least in part) on land within the ownership of third parties;
- As a consequence the certificates submitted with the application in respect of land ownership are incorrect and the relevant land owners affected by the applications have not been notified;
- That the requirements of the S106 agreement and related plans attached to permission 02/0499/COU in respect of the provision of passing bays have not been met and consequently the implemented consent is invalid.

Highways consultants acting on behalf of neighbour objectors have reviewed the historic applications at the site and related documentation and suggest that the boundaries as drawn on the application submissions are without the land owned by the applicant as identified on land registry plans, particularly in respect of the passing bays. Various objectors assert that the fences as erected either side of the access have been relocated from historic positions to be located on land not within the ownership of the applicant.

The Applicant's Planning and Highway consultants and Legal representatives have been given the opportunity to review and respond to objector submissions, particularly the legal submissions. The response is that all of the relevant land within the red line application boundary and including the passing bays is within the ownership of the applicant. Further that whilst the fences demarcating boundaries were removed to allow construction of the passing bays these were replaced in the same historic position. In addition the applicant team comment that the land registry plans are insufficiently detailed and scaled to allow an accurate assessment of the position of ownership boundaries on the ground.

In addition at the time of writing these reports the Council has been notified that the Objector's Legal Team have issued a further pre-application protocol letter to the applicant indicating an intention to issue formal legal proceedings of trespass against the applicant. The response of the applicant is awaited.

The Council's Legal Department and Enforcement Team have also reviewed the submissions and considered the representations by objectors that the Council as Local Planning Authority cannot legally proceed to determination.

The Council's Head of Legal Services has provided advice and has advised that there is no legal impediment for the committee to determine the applications. The issues raised relate to a boundary dispute between neighbours that can only be appropriately resolved in a court of competent jurisdiction and that land ownership is not a material planning consideration. As the applicant asserts that all of the relevant land within the red line boundary is within his ownership the appropriate certificates have been completed and notifications issued and therefore the application has been validly accepted. The response to the objector's solicitor on this point setting out the legal position is available should committee members require it

As noted above under the section entitled "Highways – Access and Parking" Highways and Rights of Way officers consider the current access arrangements sufficient to service the proposed development and rights of way users subject to the conditions attached below.

In effect an acceptable level of access is provided to the site for the development permitted and proposed taking into account site circumstances and material considerations such as the Right of Way for example. However the passing bays, as constructed, are located at least in part on land that is the subject of disputed ownership and threatened legal proceedings for Trespass.

We are not aware of filing or serving of Court papers at the time of writing this report. Should proceedings be issued and the argument of trespass be upheld by the Court then the passing bays, as constructed, may be lost if the relevant owner refuses to make the land available to the applicant.

The Council has no confirmed statement from the relevant landowners or their representatives at this point in time as to whether or not provision of the land by agreement would be acceptable. Similarly the Council is not the appropriate authority for determining the land ownership dispute and the determination of a planning application is not the appropriate legal vehicle for resolving a land ownership dispute. This is a civil matter that must be addressed in an appropriate court.

As it stands there is a technically acceptable solution to provide access to the site for the proposed and existing development and this is already in place subject to the conditions below. It is not possible to impose Grampian conditions requiring the provision of the passing bays prior to the commencement of development as the applications are retrospective with the development having already taken place.

It is therefore necessary to apply conditions that require the retention in perpetuity of the passing bays to support the development proposed if it is to be approved. Should a court later determine that some of the as built right of way is trespassing and the relevant land owner refuses to make the land available for provision of the passing bays and asserts their right of possession then the applicant would be in breach of condition and that would become a matter for enforcement.

## **11. Conclusion**

The application and related application (14/04529/FUL) are locally contentious and have resulted in significant levels of detailed objection. There are clearly arguments in favour and against the overall proposals and the assessment of the overall proposed development is a balanced one. It is considered that the overall proposals are broadly supported in principle in

national and local planning policy and that the site is not one that is so isolated and unsustainable that it is wholly inappropriate for the land uses proposed. On balance it is considered that the re-use of the former farm structure to provide covered vehicular parking in support of proposed and existing employment uses is acceptable. The overall proposals are of a relatively small scale and relate to development of employment opportunities within a rural area and in a location that already accommodates employment activity. The overall proposals generate sufficient benefits in terms of farm diversification and the creation of local employment opportunities as to outweigh the impacts identified and concerns being raised by neighbour objectors. In this context it is considered by officers that the impacts are relatively limited given the scale of the proposals and principally relate to inconvenience and disruption to local residents and all users of the rights of way in terms of the use of the access and movement through the site. Officers do not identify that the additional traffic movements within the site and to and from the site resulting from the proposed development will result in a significant worsening of the current position or result in the creation of a highways hazard or harm to Highways and all users of the rights of way such that consent ought to be refused. In coming to this conclusion officers take note of the potential fallback position agricultural and equestrian uses and the resultant traffic generation from such site activity and use alongside the rural location of the site. The scale of development is relatively limited and the impacts are commensurate with this scale of development. It is considered by officers that appropriate conditions can be applied to a grant of permission that are readily enforceable and which will address the identified impacts appropriately. The application for vehicular parking within the former open sided barn to support this overall development proposals and existing use of the site is considered to be acceptable and not result in harm in and of itself such that the separate application should be refused. In this context it is considered on balance that permission should be granted.

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

**Application documents**  
**Objector submissions**  
**Wiltshire Core Strategy**  
**National Planning Policy Framework**  
**Planning Practice Guidance**

### **RECOMMENDATION**

That planning permission be GRANTED subject to the following conditions:

1. Within two months of the date of the decision notice the parking areas shown on the approved plans (Block Plan 0823/13/06 A dated May 2014 and Existing Parking and Turning Areas, Figure 4) 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.

2. Within two months of the date of the decision notice full construction details for the widening of the vehicle access of the private road and / Hornbury Hill C76 (as outlined in PFA Technical Note para 2.12) shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be constructed in accordance with the approved details, within two months of the date of approval in writing by the Local Planning Authority.



REASON: In the interests of highway safety

3. Within two months of the date of the decision notice a full and detailed scheme of signage along the private road requesting motorists to give way to bridleway users shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be constructed in accordance with the approved details, within two months of the date of approval in writing by the Local Planning Authority.

REASON: In the interests of highway safety

4. The use hereby permitted shall only take place between the hours of 08.00am and 18:00pm on Mondays to Saturdays and not on 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.

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

0823/13/04

0823/13/05/A

0823/13/06/A

0823/13/07/A

PFA Technical Note 1 Fig 4

All dated May 2014

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

INFORMATIVES:-

#### WP6 ALTERATIONS TO APPROVED PLANS

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

#### WP13 PUBLIC SEWERS

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

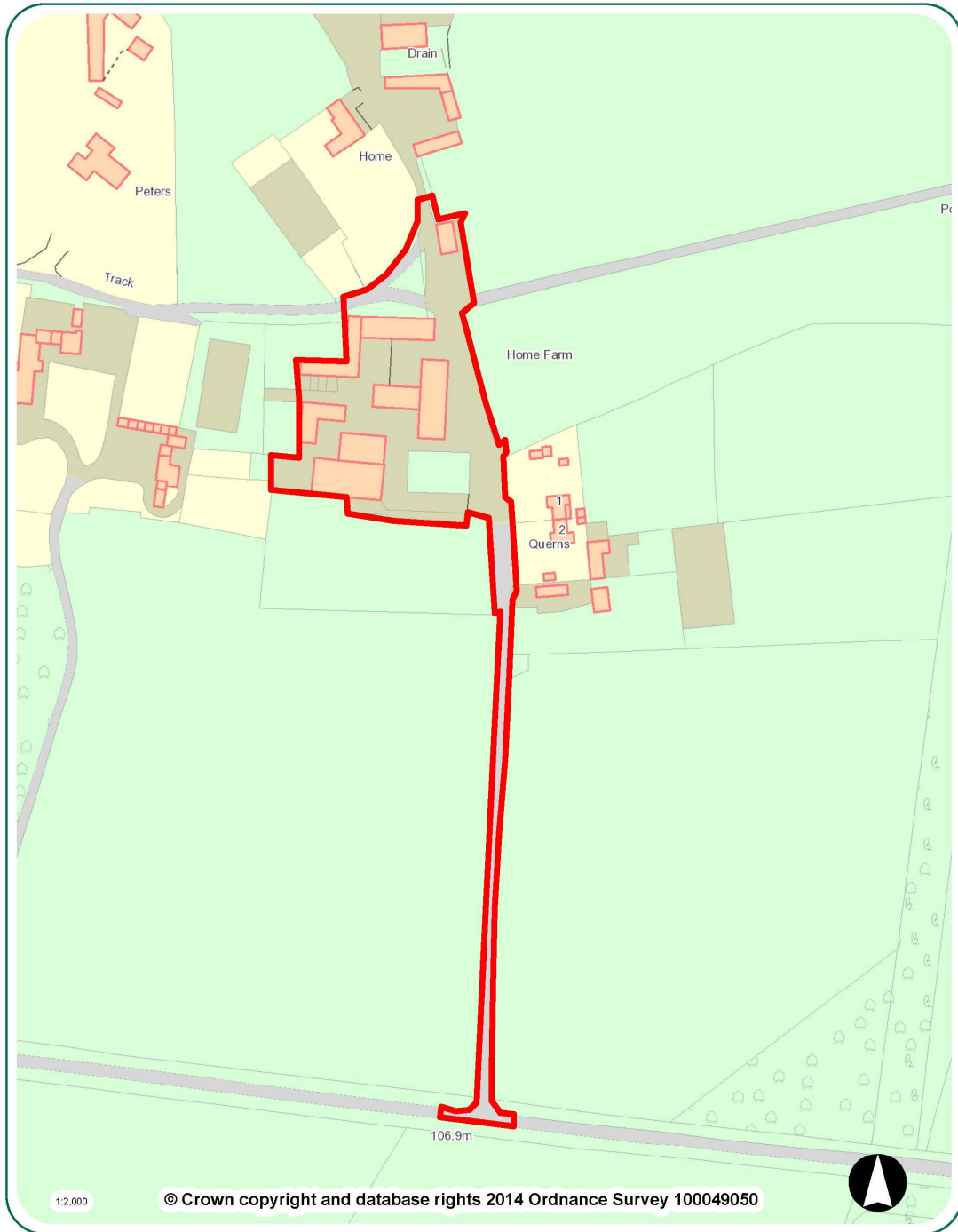
#### WP18 PERMISSION NOT AUTHORISING WORK ON LAND OUTSIDE THE APPLICANT'S CONTROL & PARTY WALL ACT

3. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land

outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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

4. The applicant is advised that the Permission granted does not relate to the Shipping Containers located on site at the time of determination and that the matter has been referred to the Council's Enforcement Team for Investigation.



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