

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	14th September 2022
Application Number	PL/2022/00072 & PL/2022/02619
Site Address	Mermaid Inn, Main Road, Christian Malford, Chippenham, Wilts, SN15 4BE
Proposal	Proposed change of use from Café/Wine Bar (sui generis) to a dwelling (Class C3) and associated works
Applicant	Bybrook Developments (Southern) LTD
Parish Council	Christian Malford
Division	Kington
Grid Ref	396186 179185
Type of application	Full Planning Permission & Listed Building Consent
Case Officer	Germaine Asabere

Reason for the application being considered by Committee

The application is called in for Committee determination by the Local Ward Member Cllr Howard Greenman as the development does not support the retention of accessible local and community services and is therefore contrary to relevant local and national policies.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved, Listed building consent be granted.

2. Report Summary

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

- Principle of development
- Loss of community asset
- Impact on the character, appearance, visual amenity of the locality
- Impact on the character and appearance of the host Grade II Listed building
- Impact on the residential amenity
- Access and Parking
- Drainage

Christian Malford Parish Council objects to the development as it does not support the retention of accessible local services and community facilities contrary to relevant development plan policies.

10 representations from members of the public were received; 3 of these were direct objections to the development and the others were neutral comments requesting the developer makes contribution towards the local & community facilities.

3. Site Description

The application site is located within the defined framework boundary for the village of Christian Malford, with a small section to the east of the public house within the property boundary but outside the defined framework boundary. The property lies at the northern end of the village adjacent the principal through road to Royal Wotton Bassett and beyond. The Mermaid Inn is a Grade II Listed Building, formerly a farmhouse to Mermaid Farm; it was believed to have been converted to a public house in the 19th Century.

The structure has been subject to substantial internal alterations over the years to facilitate the public house use and has been subject to previous extension during the 20th century, including reconstructed wings to the rear which were erected following fire damage. There is also clear evidence that there were previous outbuildings (coach house and stable range) to the rear of the site which were destroyed by fire during 1979.

The site is located at the edge of the village; within walking distance of local amenities including the village shop, pub and primary school. Opposite the site is the Mermaid Farm complex; to the southeast beyond the former car park is agricultural land; and to the rear and south west, is a row of houses facing Station Road.

The site currently has a mixed commercial / residential use classification. It does not fall within a conservation area but as noted above, the building is Grade II Listed. The site is located in flood zone 1 – with the lowest risk of flooding. During an Officer site visit in August 2022, it was noted extensive construction works for the erection of approved new dwellings in the grounds of the site were underway.

Historic England's Entry Reference of the Mermaid Inn – 1022470

CHRISTIAN MALFORD MAIN ROAD ST 97 NE (south side) 5/147 The Mermaid Inn II Inn, formerly farmhouse, early C18, painted rubble stone with painted ashlar dressings and hipped stone slate roof with rear stacks. Two storeys and attic. Flush quoins and moulded eaves cornice. Three window front range of 2-light hollow-moulded recessed mullion-and transom windows with small-paned lights. Centre depressed-arched door in C19 ashlar gabled porch with depressed-arched entry and side buttresses. Dripcourse with pendant hoodmoulds to ground floor. C20 matching single storey additions each end. Large southeast rear wing with coped south gable. Low hipped south-west rear wing has west side 2 light each floor, upper window with cast-iron small-paned glazing. Old photographs show a large 2-storey stable range to south-west, now demolished.

4. Planning History

PL/2022/03901 T1 – Yew tree. Remove tree due to very close proximity to the listed building. This will be mitigated by planting a standard 12-14 Silver leaf Lime tree on the site. (Withdrawn 23 May 2022)

PL/2021/11836 Variation of Condition 1 of PL/2021/03926 to allow for amended plans to redesign plots 4-7 and site layout. (Approved 12 May 2022)

PL/2021/03926 Variation of condition 1 of 18/08318/VAR to allow for amended plans to re-design plots 4-7 and site layout. (Approved 13 August 2021).

18/08318/VAR Variation of condition 26 of planning permission N/11/01493/FUL to allow for a re-design to plots 4-7 and the site layout. (Approved 24 February 2019).

N/11/01494/LBC Redevelopment and Refurbishment Incorporating Retention of Part of Existing Use as a Café/Wine Bar (Class A4) with Ancillary Managers Accommodation Above, Change of Use of Remainder of Vacant Public House to 2 Dwellings (Class C3), Demolition of Ancillary Outbuildings and Erection of 4 Dwellings (Class C3) and Associated Works. (Approved 07 April 2015).

N/11/01493/FUL Redevelopment and Refurbishment Incorporating Retention of Part of Existing Use as a Café/Wine Bar (Class A4) with Ancillary Managers Accommodation Above, Change of Use of Remainder of Vacant Public House to 2 Dwellings (Class C3), Demolition of Ancillary Outbuildings and Erection of 4 Dwellings (Class C3) and Associated Works. (Approved – 07 April 2015).

5. The Proposal

The applications seek planning permission and listed building consent (as two separate applications) for change of use of the ground floor of the application premises from café / wine bar (Class Sui Generis) to residential (Class C3) with internal and external works and alterations to the listed building. The proposed change to residential will incorporate the upper floor area of the building which already has permission for residential use (previously as a 5-bedroom ancillary manager's accommodation).

The development would result in the creation of 3no. two bedroom residential units (net gain of 2 residential units when the former manager's accommodation is considered). These units will have kitchen and living areas on the ground floor and bedrooms on the first floor. Minor alterations are proposed to the exterior of the property with the majority of the works being internal structural changes.

The building would be finished partly in stone, bricks and render. The existing stone and pantile roof covering would be retained and all new and retained fenestration details are noted to be of timber construction.

Existing vehicular access from the B4069 (Main Road) to the site and pedestrian footpath as approved under previous planning consents would be retained, with 12 dedicated car parking spaces to be provided for the residents and visitors of the three new proposed dwellings.

6. Planning Policy

National Planning Policy Framework (2021):

Paragraphs 2, 8, 11, 14, 38, 47, 75, 112, 124, 130, 135, 167, 189 – 208.

Wiltshire Council Core Strategy 2015

Core Policy 1: Settlement strategy

Core Policy 2: Delivery strategy

Core Policy 3: Infrastructure requirements

Core Policy 10: Spatial Strategy for the Chippenham Community Area

Core Policy 35: Existing Employment Land

Core Policy 45: Meeting Wiltshire's housing needs

Core Policy 49: Protection of Rural Services and Community Facilities

Core Policy 50: Biodiversity and geodiversity

Core Policy 51: Landscape

Core Policy 57: Ensuring high quality design and place shaping
Core Policy 58: Ensuring the conservation of the historic environment
Core Policy 60: Sustainable transport
Core Policy 61: Transport and new development
Core Policy 62: Development impacts on the transport network
Core Policy 63: Transport strategies

The Wiltshire Housing Site Allocations Plan (WHSAP) adopted 25 February 2020 – Settlement Boundary Review and site allocations

Christian Malford Neighbourhood Plan (Made March 2018).
Section 4.6 – Housing
Section 5.1 – Community and Recreational Facilities
Section 5.4 – Facilities
Section 7.1 – Business
Section 8.2 – The Historic Environment
Section 11.1 – Site Allocation

Supplementary Planning Guidance and Other Relevant Documentation

- Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) – Minimum residential parking standards.
- Local Transport Plan 2011-2026 Cycling Strategy (March 2015) – Appendix 4
- Wiltshire Council Waste Collection Guidance for New Development
- Wiltshire Housing Land Supply Statement April 2019 (published December 2020)

7. Consultations

Wiltshire Council Estates Team –

No objection – the submitted marketing assessment confirms that the consented use as a wine bar is not viable and there is no proceedable interest.

Wiltshire Council Economic Development Team –

No objection

Wessex Water –

No objection

Wiltshire Council's Drainage Team –

Support

Landscape consultant –

No comment

Conservation Officer –

No objection subject to conditions

Wiltshire Council's Highways Officer –

No objection subject to conditions

Christian Malford Parish Council: OBJECTS to the development proposal:

Detailed comments received note that the development does not support the retention and development of accessible local services and community facilities and is therefore contrary to Para 84(d) of the NPPF, Core Policy 35 of the Wiltshire Core Strategy and the Christian Malford NDP S7.1.

8. Publicity

The application was advertised by neighbour letters, press advert and Parish Council notification. This generated 10 letters of representation; 3 of these were objecting the proposed development and the others were neutral comments requesting financial contributions for the upkeep of the Village Hall and other local facilities.

A summary of the representations is set out below, this is not intended to be a comprehensive verbatim recitation of submissions made:

Objections

The proposal is not in the interest of the local community;
The development is a change of use by stealth which is a manipulation of the planning system; and
The development represents a loss of community assets.

9. Planning Considerations

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and 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); the Wiltshire Housing Sites Allocation Plan (WHSAP) (Feb 2020); and the Christian Malford Neighbourhood Plan (CMNP) (Made March 2018).

Core Policies 1 and 2 of the Wiltshire Core Strategy (WCS) alongside the relevant community area policy (in this instance CP10) set out the settlement strategy for Wiltshire and apply as the proposed site falls within the designated Christian Malford settlement boundary which is defined as a large village. Core Policy 10 in particular identifies Christian Malford as a larger village in the Chippenham Community Area as a location where planning permission would normally be granted for infill residential development subject to all other material planning considerations including site specific impacts.

On this basis the proposal for residential development in this location is broadly acceptable in principle subject to the consideration of site specific matters. In this case the consented use of the property as a public house/wine bar and its status as a designated heritage asset are of particular relevance and are addressed further below.

It is however also material to note here that the Council cannot currently demonstrate a framework compliant five year supply of land for housing including necessary buffers and as such the tilted balance is engaged. The consequence is that the policies most relevant for the determination of the application cannot be afforded full weight; and any harm that is identified as arising from the proposals must significantly and demonstrably outweigh the benefits of development if consent is to be refused. In making such assessments case law has established that decision takers can consider the scale of shortfall and measures being taken to address same.

In these respects, several of the most recent appeal decisions have considered the shortfall to be modest but in nearly all instances have still allowed those appeals, granting permission. Particularly those in this Housing Market Area. Two appeal decisions both allowed are noteworthy in this respect given their proximity to the site and location within this community area. Those being:-

APP/Y3940/W/21/3285458 / 20/03487/FUL – Land at Sutton Lane, Sutton Benger, Wiltshire SN15 4RR

APP/Y3940/W/22/3292118 / 20/03876/OUT - Land to the East of Church View, Sutton Benger, SN15 4FD

The overall planning balance is addressed in the conclusion below.

Loss of community asset / facility

Core Policy 49 of the WCS seeks to protect existing services and community facilities and notes that proposals involving the loss of a community service or facility will only be supported where it can be demonstrated that the site/building is no longer economically viable for an alternative community use. The policy also notes that the redevelopment of community facilities for non-community service / facility use will only be permitted as a last resort and where all other options have been exhausted.

In order for such proposals to be supported, a comprehensive marketing plan will need to be undertaken and the details submitted with any planning application. Only where it can be demonstrated that all preferable options have been exhausted will a change of use to a non-community use be considered. This marketing plan will, at the very minimum:

- i. be undertaken for at least six months*
- ii. be as open and as flexible as possible with respect to alternative community use*
- iii. establish appropriate prices, reflecting local market value, for the sale or lease of the site or building, which reflect the current or new community use, condition of the premises and the location of the site*
- iv. demonstrate the marketing has taken into account the hierarchy of preferred uses stated above*
- v. clearly record all the marketing undertaken and details of respondents, in a manner capable of verification*
- vi. provide details of any advertisements including date of publication and periods of advertisement*
- vii. offer the lease of the site without restrictive rent review and tenancy conditions, or other restrictions which would prejudice the reuse as a community facility*
- viii. demonstrate contact with previously interested parties, whose interest may have been discouraged by onerous conditions previously set out.*

In line with Core Policy 49, the application site is identified within the CMNP at Section 5.4 as a community facility and the commercial element of the ground floor part makes it an existing employment site. In relation to the latter, the Wiltshire Core Strategy presents at (paragraph 6.16) the considerable opportunity to encourage economic growth to maintain diversity and choice of sites for employers and allow for local business expansion. The CMNP at paragraph 7.1 also notes that the future economic well being of the village requires consideration of non-residential development. The potential loss of an existing site must therefore be well considered.

Core Policy 35 states that in demonstrating that a site has no long term and strategic requirement to remain in employment use, the ability of the site to meet modern business needs must be considered, as well as its strategic value and contribution to the local and wider economy both currently and in the long term.

An objective assessment must be made of the site's potential contribution to the economy, in line with other sites in the area; it must be shown that the site is no longer viable for its present or any other employment use and that, in addition, it has remained unsold or un-let

for a substantial period of time (at least 6 months), following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account prevailing market conditions.

Against this general support or resistance to the loss of the employment site, regard must be had to the specific constraints and limitations of the commercial use on the site. The applicant considers the café/bar is not a commercially viable enterprise for a number of reasons as explained in an accompanying Design and Access Statement and presented in the submitted 'Marketing Report'. The application site is currently vacant, and it is asserted by the applicant that between 2005 and 2010 the site was leased to a number of individuals/companies. Officers are informed that none of these arrangements worked and the site continued to decline.

It is crucial to acknowledge that some older employment areas may no longer be fit for purpose or that their role has changed; and the commercial element of the Mermaid Inn may well be in this position. Paragraph 5.4 of the CMNP indicates that the site is closed with no scheduled opening date. This is backed by the surveys submitted by the applicant. The supporting letter presented by the applicant which was produced by Smethurst Property Consultants which asserts that:

- They were instructed to market the property from February 2021 with online advertising, local press publications and a 'for sale' sign being displayed at the site property.
- The site was advertised as a commercial unit (Sui Generis classification) as well as for potential reuses as commercial and community uses.
- The site was marketed without a guide price to encourage more public enquiries.
- There were 26 enquiries with only 1 serious expression of interest.
- The current application was received by the Local Planning Authority in December 2021 which means the site was marketed for a period exceeding 6 months without a sale.

In light of the policy position above and to test the robustness of the submitted information; the Marketing Report submitted by the applicant was scrutinized by the Wiltshire Council's Economic Development and Estates & Development Teams. These Teams are the Council's specialist in this field. While the Economic Development Team raised no objection to the submitted information due to the reputation of the marketing consultants, the Estates & Development Team found several shortcomings and weaknesses with the document. These are detailed as the quality of the sales particulars, lack of detailed monthly marketing reports, the failure to offer the property as a leasehold and presentation of alternative uses.

The Team however concluded that although the application fails to satisfy all the requirements of Core Policy 49, this is not in itself an essential prerequisite, since the facility (proposed wine bar) is not in-situ, the loss is only that of a potential community service or facility, and one where viability was always uncertain. Officers are thereby satisfied with the supporting information which was deemed sufficient for the purpose and established that a wine bar/café is unmarketable and unviable.

Officers therefore consider the Marketing Report to be sound based on the responses from the inhouse experts. From an economic point of view the loss of the community facility is regrettable, it is however recognized that the planning considerations need to assess a wider range of issues, including the viability of the existing facility, and in this respect have no information to contradict the viability evidence submitted in this case. In addition, there are alternative facilities within the village in the form of 'The Rising Sun' so the development does not represent a total loss of this particular use in the local community.

The consultation response from the Christian Malford Parish Council, which reflects representations from the local community – that the loss of café/bar should be prevented –

are noted. But against the considered viability position, these do not provide grounds or reasoning to resist the loss of the ground floor commercial use in principle. Other matters raised by commentators including the impact of the development on the heritage significance of the listed building are considered below.

It is also acknowledged that historic planning permissions were granted for the conversion of the upper floor of The Mermaid Inn to ancillary residential, and indeed residential units around the site on the proviso that the ground floor area of the building remains in commercial use. That position now should not be relied upon as restricting the use/occupation of the building in the face of new evidence. Therefore, no objection is raised to the loss of the existing commercial use on the site for the reasons explained above.

Impact on the character, appearance, visual amenity of the locality

WCS Core Policy 57 states that a high standard of design is required in all new developments which must enhance local distinctiveness by relating positively to the existing pattern of development and townscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials and streetscape. Proposals must also take account of the characteristics of the site and local context to deliver appropriate development which relates effectively to the immediate setting and wider character of the area.

External changes proposed to facilitate the change of use development are minor in scale. These include the replacement of doorways with windows and the addition of windows on some elevations. It is also material to consider that development adjacent the former public house has been consented with all relevant conditions, including site landscaping, discharged and that development is now underway and will result in an improvement in the character and appearance of the site which had degraded over time.

Core Policy 58 encourages the sensitive re-use of redundant and underused historic buildings which are consistent with their conservation especially where that building positively contributes to the local character. The existing building although degraded and vacant clearly has a significant impact on the local area, as well as being Grade II listed and of some architectural merit it is also in a visually prominent location in the immediate locality. Its conversion and reuse (where it is demonstrated the commercial use is unviable) is therefore consistent with the objectives of Core Policy 58.

Therefore, the proposal is not considered to have a significantly adverse impact on the character, appearance, visual amenity and openness of this part of the village of Christian Malford and is in accordance with WCS Core Policy 57; alongside the guidance and principles of the NPPF, and the vision and principles of the CMNP.

Impact on the character and appearance of the host Grade II Listed building

The NPPF at Chapter 16 and policies CP57 and CP58 of the WCS give presumption in favour of the preservation and where possible enhancement of heritage assets and applications that directly or indirectly impact such assets require appropriate and proportionate justification. As part of the application, listed building consent is sought as external and internal changes are proposed.

The NPPF advises at paragraph 197 that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that the 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.

Paragraph 199 of the NPPF states “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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.” This, the document further reiterates include the setting of a heritage asset.

In this case, proposed external changes to the listed building and its curtilage are considered limited.

Proposed additions are subservient to the main building, sympathetic in form and proposed use of materials. Other external alterations of the insertion of new doors and windows are minor, and again sympathetically detailed and would not have more than a limited impact on the appearance of the building.

The Heritage Officer also advises that the building’s function as a public free house (given it was previously a farmhouse) is not considered a significant aspect of its special architectural character. The building does not display any historic features that can be considered to define its function either as a pub or as originally designed (as a residential unit) and therefore it is considered that there is no harm to the significance of the listed building as a result of the change of use. Subject to detailed of acoustic separation works and service runs, no objections or concerns were raised.

The NPPF at paragraph 208 states; ‘Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.’

The carving up and introduction of domestic accoutrements to reflect the proposed residential use is again considered to have a minor and limited impact upon the setting of the listed building. Therefore, with all aspect of the proposed development taken together, it is considered that the proposals would not cause harm to the significance of the heritage listed building.

On this basis it is considered that the proposals accord with the relevant policies of the plan and provisions of the framework.

Impact on residential amenity

Paragraph 130 of the NPPF and CP57 of the WCS seek to secure high quality design and a good standard of amenity for current and future land occupants. Given the site location and relationship to neighbouring development, it is not considered that harm to existing residential amenity arises from the proposals. The design and layout of the proposed residential units is considered to secure an acceptable level of residential amenity for future occupants of the proposed dwellings.

In terms of sustainability, the majority of the application site is within the defined limits of development of the village, walking distance of local services/amenities and with opportunities for the use of sustainable modes of travel. The site is considered a suitable location for the number of residential units that would be created. Each unit meets the space requirement of the nationally described space standards; would have a reasonably sized and private amenity area, as well as a suitable arrangement for the storage of refuse bins and cycles.

Therefore, due to the position, location and orientation, the proposal is in accordance with CP57 (vii) of the WCS and para 130 (f) of the NPPF

Impact on highway safety

The Highway Officer has indicated that the parking provision proposed for the conversion is greater than required in the current parking standards with the retention of the remaining parking that was proposed for the café/bar to be available for visitors. No objection is raised in respect of the access arrangements, traffic generation and / or highway safety. Given the above, there is no objection to the proposals in these respects.

A planning condition was suggested by the Highway Officer to address a legal agreement covering the provision of a footpath to the front of the site. Site application records however show that the footpath has been assessed and agreed as part of a previous application process (18/08318/VAR - plan ref MI/001 C) and does not form part of the main considerations of this current development proposal.

On this basis it is considered a condition is not required and that the proposals accord with the relevant policies of the plan and provisions of the framework.

Drainage

The Council's Drainage Team, having considered and assessed all submissions at the site raise no objection and it is therefore considered in drainage terms that the application proposal is acceptable, result in no conflict with the policies of the plan or provisions of the framework and related conditions attached to previous approvals. Similarly, Wessex Water raise no objection.

On this basis the proposals are considered to accord with the relevant policies of the local plan and provision of the framework.

10. Conclusion – The planning balance

To conclude, 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.

In the context of the principle of development, the proposal is located within the larger village of Christain Malford in the Chippenham Community Area and is considered a sustainable location whereby small scale residential infill development is supported in principle. It is also material to note that the plan at policy CP49 makes provision for exceptions to the general strategy of the plan. In this instance where sufficient evidence as to unviability and site marketing is submitted the loss of community services and facilities to an alternate residential use may be acceptable as an exception.

The Council is currently unable to demonstrate a NPPF compliant supply of deliverable land for housing and as such the “tilted balance” is engaged. Full weight cannot be attributed to the policies of the plan most relevant for determination as a consequence. Although it is noted the contribution the proposal will make to the supply of housing is limited, the proposal would, however, make a modest contribution toward meeting the shortfall and addressing a local need. The proposals would result in some limited economic benefit in terms of construction and additional population spend in the locality. The proposal would also secure the long term use and maintenance of a designated heritage asset preventing it's further

deterioration. Sufficient evidence has been submitted to demonstrate that the established and permitted use of the ground floor of the property is unviable.

Whilst the loss of the ground floor commercial use of the Mermaid Inn would have some impact on local economic activity, the viability assessment evidence in the form of a Marketing Report is considered to provide sufficient justification (site specific reasons) to demonstrate that the site as an ongoing/future business enterprise is not viable and attempts to sell has proven futile. This satisfies the requirements of Core Policy 49 which aims to protect community facilities.

In such circumstances, Core Policy 35 encourages the reuse/conversion of existing buildings in general; and as a listed building Paragraph 197 of the Framework identifies the desirability of sustaining and enhancing the significance of a heritage asset, seeking a viable use consistent with its conservation.

The change and conversion of the ground floor part of the listed building from a commercial space to facilitate the creation of additional residential units dwellings is considered a viable use – one that will conserve its heritage significance (as a public benefit) as well as making effective use of previously developed land in a suitably sustainable location. The proposed works would cause no harm to the historic or architectural character or appearance of the listed building.

The application submissions demonstrate that subject to the use of conditions other site specific interests are satisfactorily and appropriately addressed and no significant harm arises such that consent ought to be refused. The applicant has confirmed agreement to all proposed conditions.

As such any conflict with the strategy and exceptions policies of the plan that may be considered to arise is at most limited and does not significantly and demonstrably outweigh the benefits of development. Approval is therefore recommended for both applications.

RECOMMENDATION

For PLANNING PERMISSION (PL/2022/00072)

That Planning Permission be APPROVED with 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 submitted to the Local Planning Authority on the 30 March 2022:

Drg. no. 2244-001 – Site Location Plan
Drg. no. 2244-100 – Existing Site Plan
Drg. no. 2244-120 – Proposed Site Plan
Drg. no. 2244-125 – Proposed Ground & First Floor Plan
Drg. no. 2244-126 – Proposed Second Floor & Roof Plan
Drg. no. 2244-127 – Proposed Elevations
Drg. no. 2244-128 – Proposed Sections

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

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

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

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

REASON: In the interests of residential amenity and privacy.

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), 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

6. 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.

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

REASON: In the interests of highway safety.

8. No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety.

9. Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

10. No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, which shall include the following:
 1. the parking of vehicles of site operatives and visitors;
 2. Number and size of delivery vehicles/ construction vehicles
 3. loading and unloading of plant and materials;
 4. storage of plant and materials used in constructing the development;
 5. wheel washing facilities;
 6. measures to control the emission of dust and dirt during construction;
 7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 8. measures for the protection of the natural environment.
 9. hours of construction, including deliveries;
 10. pre-condition photo survey – any damage related to the development will be put right (to the satisfaction of the LHA) within 6 months of the development completion has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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

INFORMATIVE TO APPLICANT

As the development access road is not intended to be adopted, the developer/applicant will be expected to enter into a S278 Agreement with the Highway Authority before the commencement of the access and footway works hereby approved.

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

The applicant 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.

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.

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.

FOR LISTED BUILDING CONSENT (PL/2022/02619)

That Listed Building Consent be GRANTED with the following conditions:

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

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans submitted to the Local Planning Authority on the 30 March 2022:

Drg. no. 2244-001 – Site Location Plan
Drg. no. 2244-100 – Existing Site Plan
Drg. no. 2244-120 – Proposed Site Plan
Drg. no. 2244-125 – Proposed Ground & First Floor Plan
Drg. no. 2244-126 – Proposed Second Floor & Roof Plan
Drg. no. 2244-127 – Proposed Elevations
Drg. no. 2244-128 – Proposed Sections

3. No works shall commence on site until details of all new or replacement internal joinery, including doors, door linings, architraves, beading, skirtings and staircases (including balusters, newel posts and handrails), have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and Listed Building Consent and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.

4. No works shall commence on site until a full schedule and specification of the internal works has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and Listed Building Consent and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.

Background Documents Used in the Preparation of this Report:

Application plans and documents

N/11/01493/FUL & N/11/01494/LBC Reports and Plans

Wiltshire Core Strategy; Christian Malford Neighbourhood Plan

NPPF (2021)