DELEGATED REPORT

Application Reference:	PL/2023/11106
Application Type:	Planning Permission

Site Address:	Ivy Farm, West Yatton, Yatton Keynell, Chippenham, Wiltshire, SN14 7EW
Proposal:	Formation of new vehicle access drive for Ivy Farm from the A420 and associated landscape works
Recommendation:	Planning Permission be GRANTED subject to Conditions

PROPOSAL

Planning permission is sought for the erection of a new private access driveway and point of access linking the property of Ivy Farm directly to the A420. The proposed driveway is shown to run initially east away from the property and equestrian buildings for some 160m before dog-legging south for a similar distance to meet the A420 some 150m east of the junction where the existing rural road joins the A420.

The access point for the driveway at the A420 will be formed of tarmac apron and new timber gates set back from the frontage. Annotation on the submitted 'Proposed New Access Road Layout' plan confirm that the driveway will be finished as 'exposed aggregate concrete' and will have HB2 kerb edging along its entire length. The creation of the access point onto the A420 will require the removal of existing roadside trees and vegetation.

The application is supported by the following information:

- Design and Access / Planning Statement
- Preliminary Ecological Appraisal
- Surface Water Drainage Report
- Construction Phase Plan
- Landscape & Visual Impact Assessment
- Transport Statement
- Arboricultural Impact Assessment

SITE DESCRIPTION

Ivy Farm is currently accessed from the A420 via 'Yatton Keynell Road' (referenced in some media as 'Upper Castle Coombe Road') which runs due north from the A420, past Ivy Farm where it forks at a triangulated junction north-east towards Yatton Keynell (continuing as Yatton Keynell Road), and north-west towards Upper Castle Combe (continuing as Upper Castle Coombe Road).

The alignment of the proposed new access drive runs across agricultural / padock land to the south-east of the dwelling and is shown aligned to run along a field boundary line around existing paddock fields; the site itself is generally level.

The application site is located within the Cotswolds National Landscape (formerly Area of Outstanding Natural Beauty, AONB) and the property of Ivy Farm ('Ivy Farmhouse') itself is listed (Grade II), and the barn located to the immediate east of the dwelling (by some 10m) is also listed in its own right (Grade II). A Public Right of Way (PRoW YKEY18) runs away from the A420 in a north-easterly direction some 50m to the east of where the new access onto the A420 is proposed.

POLICIES

Wiltshire Core Strategy (WCS, Adopted January 2015)

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 10: Spatial Strategy: Chippenham Community Area
- Core Policy 48: Supporting rural life
- 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
- Core Policy 58: Ensuring the conservation of the historic environment
- Core Policy 60: Sustainable Transport
- Core Policy 61: Transport and Development
- Core Policy 62: Development Impacts on the Transport network
- Core Policy 67: Flood Risk

North Wiltshire Local Plan 2011 (NWLP2011, Saved Policies)

- NE14: Trees, site features and control of new development

National Planning Policy Framework (NPPF, July 2021)

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

In addition, the following is relevant as supplementary planning guidance / documents: National Planning Practice Guidance (PPG).

ISSUES

The main issues in the consideration of this application are:

- The principle of the development
- Highways
- Landscape impact
- Arboricultural impacts
- Heritage impact
- Ecology
- Drainage

PLANNING HISTORY

The site (including the wider site and property) has been subject to the following applications previously:

- **PL/2023/04919:** Formation of new vehicle access drive for Ivy Farm from the A420 and associated landscape works - Refused – 05/09/2023
- **17/10615/VAR:** Variation of condition 2 of planning permission 17/01182/FUL to allow for amendments to the roofing material– Approved with Conditions – 13/12/2017
- **17/01182/FUL:** Part change of use from agricultural to equestrian and works associated with Reorganisation of Equestrian and Agricultural uses within the Eastern Portion of Ivy Farm (including relocation of 6 stable boxes, reconstruction of western barn and small stables, and creation of machine accessible hay store and tack room) – Approved with Conditions – 06/04/2017
- **N/11/02146/LBC:** Internal & External Alterations, Garden Wall, Patio & Steps & external Boiler – Approved with Conditions – 20/01/2012
- **N/11/02142/S73:** Garden Wall, Steps & External Boiler – Approved with Conditions – 20/01/2012
- **N/06/01042/LBC:** Erection of Two-Storey Side & Single Rear Extensions, Internal & External Alterations & Alterations to Garage/Store To Form Utility & Office – Approved with Conditions – 06/06/2006
- **N/06/00985/COU:** Erection of Two Storey Side & Single Storey Rear Extensions, Change of Use of Garage/Stable/Store Building to Utility Room & Ancillary Office – Approved with Conditions – 06/06/2006
- **N/05/00932/LBC:** Internal Alterations to Ground Floor, 1st Floor & Loft, New Windows (North Elevation) – Approved with Conditions – 06/07/2005

This application is a re-submission of planning application PL/2023/04919, which was refused for the following reasons:

1. *"The principle of introducing a new private access driveway onto a Class A road within an Area of Outstanding Natural Beauty, in a locality where there are only very limited accesses onto this highway, runs contrary to the aims and objectives of Core Policy 2: Delivery Strategy and Core Policy 48: Supporting Rural Life of the Wiltshire Core Strategy.*

2. *The application would introduce light pollution, noise and motion to a site located within the Cotswold Area of Outstanding Natural Beauty (AONB). Core Policy 51: Landscape*

specifically references the need to protect against such intrusion and as such the proposed new private access onto the A420 would directly conflict with the aims and objectives of Core Policy 51. In addition, the application proposal would conflict with Saved Policy NE14 of the North Wiltshire Local Plan 2011 which sets a presumption against applications which would result in the loss of important trees and / or hedgerows.

3. *Insufficient information has been provided regarding drainage of the site, in particular whether the 'dry pond' and is a 'soakaway', the lack of provision of a construction management plan regarding mitigation of groundwater pollution, and details regarding the ownership and on-going maintenance of the proposed drainage system, including SuDS features. As such, the application fails to comply with Core Policy 67 of the Wiltshire Core Strategy."*

CONSULTATIONS

Yatton Keynell Parish Council (YKPC) – Support, stating:

"The revised access arrangement will enable Ivy Farm to operate as an agricultural/equestrian unit removing the need for agricultural, equestrian and supply vehicles to use the restrictive access that currently exists. Minuted 5th February 2024."

Highways Officer – No objection, stating:

"Ivy Farm is currently accessed from the classified C164 a narrow single-track road to West Yatton from the A420. The proposal seeks to establish a new access to the equestrian portion of Ivy Farm directly taking access from the A420 Bristol Rd.

There were sympathetic comments from highways in the pre application consultation and the subsequent applications following the initial consultation. The applicant has taken these on board in providing the plans for the access arrangements.

The access will result in a betterment to the vehicular access arrangements to Ivy Farm as the C164 is of a restricted width and gradient and damage to the road surface could be attributed to grounding of long based vehicles of the sort that regularly access the proposal site.

The access from the A420 will be at grade with the highway to avoid grounding and provided that drainage is installed in order to prevent private surface water from entering the highway the LHA will not raise an objection.

The visibility can be contained within the public highway and forward visibility for large vehicles that may have to wait to turn right into the access is shown to be acceptable.

No highway objection. Please add the following informatives.

Informative: The applicant(s) is advised that all relevant drainage consents are required prior to commencement.

Informative: The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will 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. Please contact the LHA on highwaysdevelopment@wiltshire.gov.uk"

Conservation Officer – No objection, stating:

"As the proposal will retain the historic access for domestic use.

The development does not lie within our consultation remit and in view of the need to be selective in what can be given consideration by this team we have not examined this proposal in detail and do not intend to comment from a conservation viewpoint. This should not, however, be construed in any way as implying approval or endorsement of the proposal. If assessment indicates that detailed conservation input is required please re-consult us."

Ecology Officer – No objection, stating:

"Thank you for consulting Ecology, I have reviewed the application and supporting documents against OS Maps and aerial photography of the site and surrounding area, together with GIS layers of statutory and non-statutory sites and existing records of protected species.

The following submitted documentation was reviewed to inform this response:

- *Preliminary Ecological Appraisal Report. December 2023. Stark Ecology;*
- *Proposed New Access Road Layout 111A.03.B. December 2023. Paul Halford Architecture.*

The site lies within a lesser horseshoe core bat roost buffer zone and provides suitable habitat to support the species, with mature hedgerows and grazed pasture. Although no evidence of protected species were identified on site at the time of the survey, it is noted that a number of mature trees will require removal as part of the proposal. A number of enhancements have been proposed to include additional woodland planting, precautionary working methods and the addition of dormouse boxes on site within the retained hedgerows. It is likely that the boundary features are used by both foraging and commuting bats and nesting birds. It is therefore important to ensure these features are retained as dark corridors and a lighting plan will therefore be required. This could be secured through a condition.

Bath and Bradford on Avon Bat SAC
The site is located within a lesser horseshoe bat core roost buffer zone for the Bath and Bradford on Avon Bat SAC. A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This concluded that given the scale and nature of the development, there is no mechanism for adverse effect/any temporary construction impacts and operational impacts would be de-minimus. The HRA has concluded that the application is not likely to have significant impacts on the SAC and Appropriate Assessment is not required.

BNG

This application was submitted prior to Biodiversity Net Gain (BNG) becoming mandatory. Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and for major applications the expectation is that development will deliver biodiversity gains. The NPPF also encourages applications to deliver measurable net gains (para 180 d).

Details of no net loss have been provided within the ecology report and access road layout plan to include additional woodland planting and the provision of dormouse boxes. Additional details of these proposals will be required, however, this could be secured through a condition.

CONDITIONS:

1. The development will be carried out in strict accordance with the following documents:

- *Preliminary Ecological Appraisal Report. December 2023. Stark Ecology;*
- *Proposed New Access Road Layout 111A.03.B. December 2023. Paul Halford Architecture.*

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

2. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- *identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.*
- *Working method statements for protected/priority species, such as nesting birds and reptiles.*
- *Mitigation strategies already agreed with the local planning authority prior to determination, such as for, dormice or bats; this should comprise the preconstruction/construction related elements of strategies only.*
- *Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.*
- *Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).*
- *Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.*

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

3. Prior to the start of construction, a Wildlife Protection and Enhancement Scheme will be submitted to and approved in writing by the local planning authority. The detail shall include;

- *Composition of the native planting mix for the woodland planting;*
- *Schedule of planting- to be no later than the first planting season post completion of works;*
- *The proposed location, number and design of dormouse boxes to be erected;*
- *Details of the protection measures to be implemented for the new planting;*
- *Management measures to be implemented to ensure long term retention of the woodland planting, to include replacement where necessary.*

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

4. No external light fixture or fitting will be installed within the application site unless details of the lighting proposals have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals
REASON: In the interests of conserving biodiversity

INFORMATIVES:
Bats
There is a low risk that bats may occur at the development site. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

Nesting Birds
All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

Reptiles
There is a residual risk that reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear

vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk)"

Drainage – No objection, stating the following:

"Within the previous drainage response (submitted 26th July 2023) four conditions were left requesting information relating to the infiltration potential of the site: a plot showing overland exceedance routes, confirmation of the status of the 'dry pond', a construction management plan and a maintenance plan for the proposed drainage features. The drainage team is satisfied the revised submission provides sufficient evidence that the proposed site has the capacity to discharge surface water via infiltration, as well as providing details to discharge all other conditions."

Arboricultural Officer – Comments as follows:

"I've taken a look at the information provided and the proposal intends to remove seven trees, two of which are Ash trees which are suffering from Ash Dieback which should be removed in any event. There are three 'B' category trees and two 'C' category trees. The two 'C' category trees should not be considered as a constraint for this proposal. My issue is with the remaining three 'B' category trees. As these trees are situated on highway land it may be worth seeking their comments on their removal.

The ideal situation for trees would be if the access could be moved to the west so it would retain these trees. However, I do note the visibility splay already in place for the existing junction leading to West Yatton.

Unfortunately, I am not in a position to protect these trees due to these trees falling under the ownership of the Council.

For this reason, I have no further comments to make."

Landscape Officer – No objection, subject to Conditions, stating:

"The proposed site lies within the 'Cotswolds National Landscape' designation (formerly Cotswolds AONB). Wiltshire Council acting as a relevant authority acting in its capacity as Local Planning Authority (LPA) has a duty of regard to ensure new development 'conserves and enhances' natural beauty within this designated landscape. In this instance I do not consider the location, scale and nature of the proposed development to have much potential to harmfully change the scenic quality or beauty of the Cotswolds National Landscape or detract from its special qualities or enjoyment.

The planning application is accompanied by a landscape and visual impact assessment, prepared by Nicholas Pearson Associates (Doc. ref: 113740001 -Dec 2023). I have read this report and confirm that I don't raise any particular issues of concern or disagreement with its scope, methodology, or with the selected landscape and visual receptors included within the assessment.

I don't identify any particular points of omission or disagreement with its assessment of resulting landscape effects or visual effects as considered within the 'Landscape Effects Table', Para 6.10 and as summarised at Para's. 6.11 & 8.5 and the 'Visual Effects Table', Para.7.10 and as summarised Para. 7.11 and 8.6 in the LVIA.

Landscape effects

The planning proposal comprises a low-level development to form a new private vehicle access/driveway accessed directly off the busy A420 Bristol Road. The development will require the removal of some existing roadside trees to create an accessible gap through an existing wooded roadside tall hedge / tree belt to gain access into this associated farm holding land.

The development proposal will permanently change part of an existing agricultural field from pasture to a new private farmstead access road surface along its northern and eastern edges. The design of the development proposal has considered its context appropriately in terms of supporting landscape character through seeking to minimise urbanising effects from unnecessary upstand road kerbs etc. and the inclusion of additional tree planting which would help diversify tree species and age structure of retained trees the proposal would also include some biodiversity enhancement in the form of a new open water drainage ditch /pond feature.

Visual effects

I would generally concur with the description of the visual context of the site as summarised, para. 4.12 in the submitted LVIA … "Overall the visual context comprises the gently undulating, and well vegetated, enclosed agricultural landscape between Yatton Keynell and Biddestone. This context includes various elements of settlement and overhead powerlines/ line of pylons. Views of the Site are generally limited by the effects of intervening vegetation, with clear views only available of the belt of vegetation alongside the A420 main road at the southern edge of the Site, and local views from a public footpath" (ref. YKEY18).

Receptors (people travelling along the A420) would experience a single, short glimpsed transient view of the new vehicle entrance opening through the retained belt of roadside/field edge trees from both directions of travel. Longer approach views along this road towards the new development would be screened by the retained roadside trees/hedge line, which would be further screened by additional tree planting on land within the applicant's control which would reduce these limited very localised effects further over time.

Apart from A420 vehicle users and users of a short section of public footpath YKEY18 close to the A420, which passes through the eastern corner of the field, which is subdivided further by paddock enclosure fencing, the development proposal is unlikely to be perceivable from other footpaths/bridleways or narrow rural roads, comprising the wider local rural public rights of way network. Occasional views of the new development might be glimpsed through a field gate opening/s, but I do not consider any public receptors using the rural public rights of way network within the locality would experience any harmful visual change effects.

Conclusion

I don't offer any landscape or visual reasons to support a recommendation for objecting to this development proposal, subject to use of conditions.

If the LPA is minded to grant planning consent for this application, then I highlight that Wiltshire's Model Planning Conditions WC1 and WC2 would be necessary to include on the decision notice, in order to secure a detailed enforceable scheme of landscaping for final LPA approval, and the subsequent implementation and maintenance of any finally approved scheme of landscaping to an agreed timeframe."

REPRESENTATIONS

None received.

ASSESSMENT

The principle of the development

The site does not fall within any settlement boundary and is thus within the countryside in terms of planning policy, where there is a general policy of restraint. Whilst Core Policy 2 relates primarily to new housing and employment development, it does confirm that outside the defined limits of development, *"Other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limited of development…"* Paragraph 4.25 refers to specific instances ('exception policies') where development in the countryside may be acceptable, the most applicable of which is 'Supporting rural life' (Core Policy 48).

Core Policy 48 makes clear that 'Protecting the countryside and maintaining its local distinctiveness' is one of the key objectives. At paragraph 6.69 the supporting text confirms that new roads may be necessary in the countryside, but these are generally acceptable only on the basis that they would improve accessibility between places and as such provide a public benefit to the rural area, and only where these are environmentally acceptable.

The Applicant has confirmed that the horses stabled at Ivy Farm are for personal use only and there is no equestrian activity of a business or commercial nature. Indeed, this scale of use is consistent with Condition 5 on planning permission for the equestrian use (17/01182/FUL) which restricts use of the equestrian activity in this manner, stating:

"The development hereby permitted shall be used solely for the private enjoyment of the residents of Ivy Far, West Yatton and not for any commercial purposes whatsoever.
REASON: To ensure the development is only used for private and domestic purposes for those residents living at the site."

As such, it is clear that the proposed driveway – the stated need for which has been confirmed by the Applicant as being derived solely from the equestrian vehicles – is limited to a personal need. The Planning Statement sets out a number of public benefits arising from the proposal. Whilst many of the impacts such as damage to the carriageway and stone-walls have arisen as a direct result of the large equestrian vehicle(s) accessing the site (which has been a relatively recent phenomenon), it is accepted that the removal of larger vehicles from this stretch of carriageway will result in general amenity benefits for users of the lane.

Overall, the acceptability in principle of the application proposal is not clear cut and definitive and the acceptability of the application proposal therefore largely rests on consideration of the impacts and benefits arising.

Highway impact

It is accepted that the approaches to Ivy Farm are somewhat constrained. However, these constraints have not prevented farm and other vehicles accessing the site historically, and indeed this would appear to be the on-going situation. Whilst the carriageway along Upper Castle Coombe Road between the access to the site and the A420 is narrow, this 270m stretch of carriageway is predominantly straight with good visibility and a couple of places to pass along its length.

Whilst the issue of levels at the junction is acknowledged, that junction has clearly been designed to accommodate larger vehicles (up to the maximum 7.5tn), as evidenced by the long slip lanes on the left turn in and left turn out; indeed, the latter runs a considerable distance up towards the proposed new access point.

Regarding access to the site itself, the gate piers are a relatively standard width and appear to be able to accommodate vehicles currently. That notwithstanding, there may be scope to alter the alignment of the piers and stone walling if necessary, pending any heritage considerations.

The above issues regarding the need and appropriateness of the proposal notwithstanding, the response of 'no objection' from the Highways Officer is noted – along with the consideration given to the previous comments from the Highways Officer – and highways impact per se would not constitute a defensible reason for refusal of the application.

Landscape impact

The site lies within the Cotswolds National Landscape (formerly Area of Outstanding Natural Beauty, AONB) and within such areas there is a statutory duty on local authorities to conserve or enhance the natural beauty of such designated areas. In this context, Core Policy 51: Landscape is clear that, in the first instance, harm to landscape character should be avoided. Limb (vii) of this policy specifically references the need to consider: *"Tranquillity and the need to protect against intrusion from light pollution, noise, and motion."* The new private access onto the A420 would directly conflict with the aims and objectives of this limb of Core Policy 51.

In terms of landscape, the site falls within Landscape Character Area (LCA) 14A 'Biddestone Lowland Farmland', of Landscape Character Type (LCT) 14 'Cornbrash Pastoral Lowlands', as defined by the Cotswolds AONB Landscape Strategy and Guidelines. The latter is described as: *"The area is crossed by the A420, together with a network of minor roads. Despite the impact of these principal routes, the area retains a quiet, rural settled character with occasional nucleated villages."*

And in terms of sensitivity, the Character Area Appraisal states: *"The quiet, rural and sparsely settled landscapes of the Cornbrash Pastoral Lowlands are highly sensitive to change particularly predominantly agricultural areas not currently associated with any form of development.*

The Landscape Officer has been consulted on this revised application and confirms that the design of the proposed access drive is acceptable, and that the visual impact would be confined to localised effects, in part through the additional planting proposed (which can be appropriately secured by way of Condition). Their view is that there would be no harmful visual change effects experienced from the public rights of way network. On this basis the Landscape Officer has confirmed no objection, subject to appropriate conditions.

Arboricultural impacts

Saved Policy NE14 'Trees site features and control of new development' of the NWLP2011 states that:

> *"Permission will not be granted for proposals that would result, or be likely to result, in the loss of trees, hedges, lakes/ponds or other important landscape or ecological features that could be successfully and appropriately incorporated into the design of a development."*

The Arboricultural Officer has expressed some concern regarding the loss of 3no. category 'B' trees; however, their comments note that these are rooted on land within Council ownership and as such it is not possible for these to be formally protected. Their comments explain that in terms of arboricultural impact it would be preferable to move the access point to the west in order to retain these category 'B' trees.

The proposals contain compensatory tree planting around the created access point for the new driveway and along the frontage of the A420 between this proposed new access point and the existing access along Yatton Keynell Road. Whilst there remains a clear impact in terms of the loss of the category 'B' trees along the roadside frontage, the loss of these is mitigated and compensated for with new tree planting along the stretch of road frontage around the proposed new access and between this proposed access and the existing access of the A420; this mitigation and enhancement planting can be appropriately secured by way of Condition.

Heritage impact

Ivy Farm itself is listed (Grade II) as is the barn located to the immediate east of the dwelling (Grade II). The proposed access drive is set away from these designated heritage assets – some 95m to the east. In response to the previous application the Conservation Officer confirmed that the proposal would not adversely impact the setting of those designated assets and also previously supported the retention of the historic access for domestic use; this can be secured by way of Condition.

The application proposal results in no harm to the designated heritage assets and does not result in any particular heritage benefits (hence the lack of any comment on this revised application proposal by the Conservation Officer). As such, the application proposal is considered overall to result in a neutral impact in terms of heritage and will not conflict with Core Policy 58 (WCS) or Section 16 of the NPPF.

Ecology

The application is supported by a Preliminary Ecological Appraisal and on the basis of this the Council's ecologist has confirmed no objection to the application subject to appropriate Conditions and

Informatives. Accordingly, the application is not considered to give rise to any specific conflict with Core Policy 51 (WCS) or Section 15 of the NPPF.

Drainage

The application is supported with a Surface Water Drainage Report which sets out how surface water will be managed within the site to ensure no external run-off. In response to the previously refused application the Drainage Officer raised several points which required clarification and / or further information. In response to this revised application the Drainage has now confirmed that the submitted details are satisfactory and any further details could be appropriately secured by way of condition. As such, there is no conflict arising with Core Policy 67 (WCS) and Section 14 of the NPPF.

CONCLUSION

The Applicant has confirmed that, in compliance with the previous planning permission for equestrian use at the site (17/01182/FUL), the horses stabled at Ivy Farm are for personal use only and there is no equestrian activity of a business or commercial nature. As such, it is clear that the proposed access drive – the stated need for which is derived solely to accommodate a larger style of equestrian vehicle – is limited to a personal need. The Planning Statement sets out a number of public benefits arising from the proposal. Whilst many of the impacts such as damage to the carriageway and stone-walls have arisen as a direct result of the large equestrian vehicle(s) accessing the site (which has been a relatively recent phenomenon), it is accepted that the removal of larger vehicles from this stretch of carriageway will result in general amenity benefits for users of the lane. Overall, the acceptability in principle of the application proposal is not clear cut and definitive and the acceptability of the application proposal therefore largely rests on consideration of the impacts and benefits arising.

The site is located within the Cotswold National Landscape (formerly Area of Outstanding Natural Beauty). Although being within an area which is referenced in the Cotswold AONB Landscape Strategy and Guidelines document as being one which is 'highly sensitive' to change, the Landscape Officer has been consulted on this revised application and has raised no objection in terms of Core Policy 51 and Section 15 of the NPPF.

Whilst the Arboricutural Officer has expressed some concern regarding the loss of mature (Category B) trees at the point of access off the A420; however, the loss of these is compensated for with new planting along the frontage of the A420 which can be secured by way of Condition. The Ecology Officer has confirmed acceptability subject to Conditions and the Conservation Officer's response confirms there would be a neutral impact on the designated heritage assets, subject to the retention of the historic access for domestic use.

With the impacts being mitigated, the lack of any Landscape Officer objection, and also weighing the local support for the application proposal, the application is, on balance, recommended for approval subject to appropriate conditions.

RECOMMENDATION: That Planning Permission be GRANTED, subject to the following Conditions:

1. The works for which Planning Permission 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 91 of the Town and Country Planning Act 1990, 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 and documents:

   111A.01.A: Location Plan
   111A.03.B: Proposed New Access Road Layout
   (all received 21/12/2023 unless otherwise specified)

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

3. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
   - location and current canopy spread of all existing trees and hedgerows on the land;
   - full details of any to be retained, together with measures for their protection in the course of development;
   - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
   - finished levels and contours;
   - all hard and soft surfacing materials;
   - proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
   - a minimum of 11no. trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

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

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

agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

5. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
   - identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
   - Working method statements for protected/priority species, such as nesting birds and reptiles.
   - Mitigation strategies already agreed with the local planning authority prior to determination, such as for, dormice or bats; this should comprise the preconstruction/construction related elements of strategies only.
   - Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
   - Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
   - Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

   The Plan will also demonstrate appropriate mitigation of groundwater pollution and flood risks during construction of the new drive (as per the approved Surface Water Drainage Report).

   Development shall be carried out in strict accordance with the approved CEMP.

   REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

6. Prior to the start of construction, a Wildlife Protection and Enhancement Scheme will be submitted to and approved in writing by the local planning authority. The detail shall include;
   - Composition of the native planting mix for the woodland planting;
   - Schedule of planting- to be no later than the first planting season post completion of works;
   - The proposed location, number and design of dormouse boxes to be erected;
   - Details of the protection measures to be implemented for the new planting;
   - Management measures to be implemented to ensure long term retention of the woodland planting, to include replacement where necessary.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

7. The access gates hereby approved shall not be installed until details of their design, external appearance and finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use. Any such gates shall open inwards only, in perpetuity.

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

8. Works relating to the construction of the access road hereby approved shall not commence until details of the exposed aggregate concrete material have been submitted to and approved in writing by the Local Planning Authority.

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

9. No external light fixture or fitting will be installed within the application site unless details of the lighting proposals have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

   The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 “Bats and artificial lighting at night”, issued by the Bat Conservation Trust and Institution of Lighting Professionals

   REASON: In the interests of conserving biodiversity

10. The access drive hereby approved, including the point of access onto the A420, shall be used only by equestrian, agricultural and commercial vehicles for the purposes of accessing the Ivy Farm site; it shall not be used by domestic vehicles to access the residential buildings at Ivy Farm.

    Reason: To ensure the historic integrity of Ivy Farm is maintained in terms of its historic domestic use, layout and access.

11. The development will be carried out in strict accordance with the following documents:
    - Preliminary Ecological Appraisal Report. December 2023. Stark Ecology;
    - Proposed New Access Road Layout 111A.03.B. December 2023. Paul Halford Architecture.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

12. The development shall be carried out in strict accordance with the approved Surface Water Drainage Report prepared by BTA Structural Design (dated 19th December 2023). The details as approved shall be implemented prior to first use of the development and thereafter be permanently retained.

    Reason: To ensure appropriate drainage for the site.

13. The development shall be carried out in strict accordance with the approved Arboricultural Impact Assessment and Tree Protection Plan prepared by Bosky Trees (dated 15th December 2023).

    Reason: To ensure retained trees are appropriately protected and the development results in an appropriate visual appearance and character.

14. The development shall be carried out in strict accordance with the approved Transport Statement and incorporated drawings prepared by Badingham Limited (dated 15th December 2023).

    Reason: To ensure an appropriate detailed design and geometry of the access road.

INFORMATIVES:

There is a low risk that bats may occur at the development site. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

There is a residual risk that reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise

the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk)

The applicant(s) is advised that all relevant drainage consents are required prior to commencement.

The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will 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. Please contact the LHA on highwaysdevelopment@wiltshire.gov.uk

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.

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.