

AGENDA

Meeting: Northern Area Planning Committee

Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER

Date: Wednesday 21 June 2023

Time: 2:00 pm

Please direct any enquiries on this Agenda to Cameron Osborn of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718224 or email cameron.osborn@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Tony Trotman (Chairman)
Cllr Howard Greenman (Vice-Chairman)
Cllr Chuck Berry
Cllr David Bowler
Cllr Steve Bucknell
Cllr Gavin Grant

Cllr Jacqui Lay
Cllr Dr Brian Mathew
Cllr Nic Puntis
Cllr Martin Smith
Cllr Elizabeth Threlfall

Substitutes:

Cllr Clare Cape
Cllr Ruth Hopkinson
Cllr Peter Hutton
Cllr Bob Jones MBE

Cllr Dr Nick Murry
Cllr Ashley O'Neill
Cllr Tom Rounds

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

Our privacy policy is found [here](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 12*)

To approve as a true and correct record the minutes of the previous meeting held on Wednesday 26 April 2023.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

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

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than

5pm on [change this to the day which is 4 clear working days before the meeting – eg Wednesday before a Wednesday meeting] in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on [change this to the day which is 2 clear working days before the meeting – eg Friday before a Wednesday meeting]. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 13 - 14*)

To receive details of completed and pending appeals and other updates as appropriate.

Planning Applications

To consider and determine the following planning applications.

7 **PL/2022/05273: Land at Marsh Farm, North of Malmesbury Road, Royal Wootton Bassett, SN4 8ER** (*Pages 15 - 72*)

Proposal: erection of Class E food store, car parking, works to create community open space, new access, landscaping and associated works.

8 **PL/2022/08432: Corner House, The Common, Heddington, Calne, Wiltshire, SN11 0NZ** (*Pages 73 - 84*)

Proposal: extension and outbuildings. Change of use of land for residential purposes.

9 **PL/2022/08804: Avondale, Brook End, Luckington, Chippenham, SN14 6PJ** (*Pages 85 - 106*)

Proposal: demolition of existing dwelling and erection of a four-bedroom dwelling with detached double garage.

10 **Urgent Items**

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

Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 26 APRIL 2023 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Howard Greenman (Vice-Chairman), Cllr Chuck Berry, Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Jacqui Lay, Cllr Dr Brian Mathew, Cllr Nic Puntis, Cllr Martin Smith, Cllr Elizabeth Threlfall and Cllr Clare Cape (Substitute)

Also Present:

Cllr Ian Thorn

28 **Apologies**

Apologies for absence were received from Councillor David Bowler, who was substituted by Councillor Clare Cape.

29 **Minutes of the Previous Meeting**

The minutes of the meeting held on 5 April 2023 were presented for consideration.

Resolved:

To approve and sign as a true and correct record the minutes of the meeting held on 5 April 2023.

30 **Declarations of Interest**

There were no declarations of interest.

31 **Chairman's Announcements**

The Chairman noted the fire alarm procedure.

32 **Public Participation**

No questions had been received from councillors or members of the public.

The Chairman explained the protocol for public participation.

33 **Planning Appeals and Updates**

Councillor Gavin Grant moved that the Committee note the contents of the appeals report included within the agenda. It was seconded by Councillor Howard Greenman.

Resolved:

To note the Planning Appeals Update Report.

34 **PL/2022/00728 - Land adjoining Malford Farmhouse, main road, Christian Malford, Chippenham, SN15 4AZ**

Senior Planning Officer Becky Jones presented a report that outlined the proposal for the erection of 5 No. Dwellings (Class C3) comprising three bungalows and a pair of semi-detached dwellings and associated works. The Officer explained that the proposal was recommended for approval subject to conditions and noted that trees and hedges formed the boundary to the site as well as a watercourse on the north boundary. The Officer advised the Committee that one ash tree was proposed to be removed for constructing an additional access point, and that a polytunnel on site was to be retained.

The Committee sought clarity on the dual-access arrangements, the proposal's compliance with the neighbourhood plan concerning the number of permissible properties on the site and the flood risk posed.

The Local Unitary Member, Councillor Howard Greenman, spoke to the application. He noted that Christian Malford crafted their neighbourhood plan about five years ago, and that the site in question was allocated prescriptively on account of the perceived flood risk. He described the contentious nature of the neighbourhood plan allocation, specifically concerning the use of the word "approximately" with regards to the number of dwellings on the site. Councillor Greenman speculated that the reason that no members of the public or Parish Council had come forward to speak to the application was because they were disenfranchised with the planning process, and concluded by saying that he would be voting against the Officer recommendation because he believed that four dwellings should be on the site rather than five.

At the start of the debate, The Chairman moved a motion that planning permission be granted, which was seconded by Councillor Chuck Berry.

Councillor Jacqui Lay voiced her discontent with having two access points, with one on to a busy road. She spoke to the process of formulating a neighbourhood plan and the loopholes that are often found within them. She suggested that she was minded to vote against it on account of it going against the neighbourhood plan, but also suggested she may have to abstain. Councillor Grant voiced sympathy and solidarity for neighbourhood planners and for Councillor Greenman and noted that he considered these dangerous times for planning. He explained that in his mind, the community had been clear that they sought four buildings on the site, not five. He noted that this vote was

a symbolic one that would be reflective of the Committee's stance towards neighbourhood plans.

The Chairman noted that the issue at stake was whether this specific application was acceptable or not, not whether the wording of the neighbourhood plan was adequate.

Councillor Steve Bucknell explained that he understood the temptation to refuse planning permission. However, he noted that should the Committee refuse permission on the basis that five dwellings was more than "approximately four", they would lose at appeal. He explained that he could not see anything in this application that merited refusal, and that because the sequential approach to assessment had already occurred at neighbourhood planning level, the presumption was that the application should be accepted in the absence of any reason for it not to be.

Councillor Nic Puntis asserted his view that local people were the experts on their area and their views needed to be respected. He expressed the view that the proposed site did not appear to be overdeveloped and that more housing available in the village was not necessarily a bad thing for residents looking to move house but remain local. He voiced his concern with land drainage consents, and desired an amendment on the condition regarding it, wishing for the consent to be undertaken prior to commencement rather than occupation.

Councillor Berry described his view that a total of five dwellings was indeed approximate to four and that the proposed site provided a good mixture of housing. He explained that it was more prudent and pragmatic to grant permission rather than refuse it only to lose at appeal.

Senior Team Leader Simon Smith advised that as land drainage consent was outside the control of the Council as the LPA (Local Planning Authority), it would be better to delegate the potential amendment posited by Councillor Puntis back to Planning Officers. Councillor Puntis explained that the common-sense approach was to avoid a situation where the site is developed but a land drainage consent cannot be acquired so the site remains unoccupied.

The Committee discussed the potential amendment and decided that it was better to leave the motion as it was.

Resolved:

That Planning Permission be GRANTED, with authority delegated to the Acting Head of Development Management to grant planning permission subject to appropriate conditions to be prepared by officers.

Public Participation

- Luke Gilliam spoke in objection to the application.
- Linda Gholson spoke in objection to the application.
- David Jode spoke on behalf of Suzie Bedo in objection to the application.
- David Beresford-Smith spoke in support of the application.
- Stan Woods spoke in support of the application.
- Adrian Male spoke in support of the application.
- Councillor Robert MacNaughton spoke on behalf of Calne Town Council.

Senior Planning Officer Ruaridh O'Donoghue presented a report that outlined the proposal for the demolition of the existing Church, The Manse and associated storage buildings and the construction of a church and community centre with 2 No. residential dwellings. Officers recommended that permission be granted subject to conditions. The Planning Officer explained that the site was situated on the edge of Calne and outlined the site plan showing access off Castle Street. He showed the Committee that the site was largely surrounded by housing and flats, with the park and canal to the south. Part of the site was within the Calne Conservation area, but not the church itself. The Planning Officer stated how the church was considered a non-designated heritage asset, before going on to describe the proposed church. The building was to be essentially split in two, with a worship space on one side and a community space and residential flats on the other, with a central lobby dividing them. The Planning Officer further outlined the proposed mixture of materials and contemporary style, with car parking along access way and in front of church building. There were to be 20 spaces in total, with four reserved for the residential flats, one for disabled parking and three for electric vehicles. Explaining the officer recommendation, the Planning Officer outlined how in the view of officers, new residential development was acceptable in principle, the National Planning Policy Framework (NPPF) was supportive of new community facilities, the site was deemed large enough to accommodate the proposed works, it was considered to be high-quality design, with the improved energy efficiency also regarded positively. The Planning Officer further stated that the heritage concerns raised were understood but went on to say that the proposal was not considered contrary to policy, with officers deeming the loss of the heritage asset to be justified in light of the benefit outweighing the harm, especially when the plan for memorials to be relocated inside the new church was factored into consideration. The Planning Officer explained that the site was not subject to significant flood risk, nor would it increase the flood risk to nearby areas. The Planning Officer concluded by making the following points: neither the Council ecologist or archaeologist raised any objections; there was sufficient separation provided to avoid odour or loss of light to nearby buildings; no unacceptable noise or disturbance was anticipated from the proposed site and that the existing site was in fact not subject to the restrictions to be imposed on the proposed one; highways raised no objection subject to conditions pertaining to cycling. On balance, the Planning Officer summarised that there

would be minimal measurable harm, some positive benefits, ergo the granting of planning permission was recommended.

The Committee asked questions of the existing church's status as a non-designated heritage asset. The Planning Officer explained that Historic England deal with listing buildings, and that they surmised the existing church failed to meet criteria due to significant alterations to it over time and to the building's relative commonality, ultimately considering it not to be of national importance. He explained that the NPPF allowed the LPA in some cases to consider a building as a non-designated heritage asset, but that as yet there was no local list despite a desire to compile one. The Planning Officer explained that the feeling of the Conservation Team was that despite not meeting statutory listing requirements, the existing church was entitled to a degree of protection. Councillor Grant asked about parking restrictions on Castle Street around the entrance to the church and the potential impact on burials and memorials. Councillor Bucknell asked about the capabilities of the existing and proposed church and enquired as to whether the existing building could be updated and whether a tasteful refurbishment would aid the church's bid to be listed. The Planning Officer noted that there were deemed to be complex and problematic structural issues with the existing building to the point that it was more viable to replace the building. Councillor Lay asked about whether 16 parking spaces for the church was adequate, to which the Planning Officer explained that there was no requirement to provide parking, and that officers had broadly discounted parking as a material concern due to alternative access possibilities. He also observed that there was less parking and more seating in the existing church than the proposed one. Councillor Cape asked about the sustainability of the proposed building and why it was not carbon neutral. The Planning Officer responded that there was no requirement for proposed buildings to be carbon neutral and stated that the fact the proposed site was more thermally efficient and airtight was deemed a positive in the eyes of officers despite a lack of total carbon neutrality, but confirmed for Councillor Cape that the exact improvements in sustainability were left unquantified. Councillor Berry sought information on the view of the Conservation Officer. The Planning Officer explained that in informal conversations with the Conservation Officer, they had suggested they would object to the application, but ultimately no official objection was submitted.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

In response to Councillor Robert MacNaughton describing the Calne Town Council meeting in which the application in question was discussed, the Chairman declared that he was himself a member of Town Calne Council and was likely present at their meeting regarding the application.

The Local Unitary Member, Councillor Ian Thorn, accepted that the facilities being proposed were superior to the existing ones, but noted a number of key factors that the applicant must prove have been fully addressed. The first of these was parking. Councillor Thorn expressed concerns over the capacity of the proposed parking spaces, especially given the constraints to on-street

parking nearby. The second was the application's neighbourhood impact, which he asserted had been evidenced by the public speakers in attendance. He noted that Castle House, adjacent to the development, was a listed building that warranted protection. Finally, Councillor Thorn spoke to the fabric of the existing building and the potential for preservation. He concluded by saying that he recognised the benefits of the proposed application but wanted to ensure that the aforementioned factors had been wholly considered.

The Chairman asked the Senior Planning Officer to briefly address some of the concerns raised by members of the public. On parking, the Planning Officer referred to the uplift in parking compared to the existing situation, noting that there was unlikely to be a severe impact on the nearby area from cars parked elsewhere due to the nearby car park and the alternative transport routes. He advised that any damage to outside properties during construction would be a private matter and not one for the LPA but stated that the applicant would be expected to provide a construction management statement to ensure accountability. He also clarified that the applicant had no remit to remove any trees that were not owned by the applicant.

At the start of the debate, Councillor Berry moved that the officer recommendation be accepted and planning permission granted. Councillor Lay seconded the motion.

Councillor Berry commented on the difficulties posed by upsetting the balance in the community. Councillor Lay noted a fondness for history and ancient architecture, but posed the question of its future should it not be as a church. She explained that she understood the apprehension of local residents but speculated as to the proposed church's positive future impact. She also advised the public present from Castle House that the Party Wall Act would come into force should the wall between the two sites be damaged during potential construction. She observed that parking was not ideal but was at least an improvement on the existing situation. Turning again to the public present, Councillor Lay sought to reassure them that any food waste would most likely be responsibly disposed of in the proposed café. Councillor Bucknell described the application as incredibly finely balanced, but noted that several concerns were immaterial, including odour disruption, the future of the existing church and car parking, and that the application boiled down to the debate surrounding whether the existing church should be demolished and rebuilt, or preserved and refurbished. He expressed a reluctance to reward the fact that the church was in such a poor state by granting permission to demolish it, and posed the question of why one would knock down a building when one can save it, especially in the case of a heritage asset. As such, Councillor Bucknell explained that his gut feeling was not to support it. Councillor Threlfall asked about hours of use and was informed that at present there were no restrictions in place at all. She noted that while the existing church looked good online, it was in an altogether sorry state when she visited the site in person and said that The Manse was an unattractive building. Accordingly, Councillor Threlfall stated that she fell on the side of favouring the proposal on account of not believing the existing building to be worth saving in its current condition.

Councillor Grant echoed the views of Councillor Bucknell but noted that parking was material and important. Activities outside worship would draw large crowds that the car park would not accommodate. He referred to John Sutherland's advice on the role of church buildings in modern use and the perks of intelligent conversion. He explained that in his view it was clearly the intention of Calne Town Council to designate the existing church, and it was already recognised by the LPA as a non-designated asset, meaning that a compelling reason was needed to demolish it. On balance, he believed that the application should be rejected and that the applicant be asked to consider how to best restore the existing building.

Councillor Greenman referred to the fineness of the building in its heyday, but agreed with Councillor Threlfall that it was not currently fit for purpose, remarking that even if not to the same extent as demolishing it, any attempt to restore and refurbish the existing building would still create significant disruption.

Councillor Berry noted that the policy in planning applications is broadly that "the answer is yes unless there is a compelling reason to say no". The Conservation Officer had no official comment so there was no reason to dispute the officer recommendation. Councillor Berry was keen to encourage neighbourly conduct from the Baptist church, but said it was not in the LPA's gift to enforce that. Planning, he stated, was a legal procedure, not an emotional one, and they must support this application if they were to stand by their duty as a Committee.

The Chairman clarified with Councillor Bucknell that the interior space would be enhanced in the proposed church on account of the Manse being redeveloped and noted that the construction methods employed would need to be closely watched, even if the conservation can only be considered so much as the church itself lies outside of it.

Resolved:

That Planning Permission be GRANTED, with authority delegated to the Acting Head of Development Management to grant planning permission subject to appropriate conditions to be prepared by officers.

36 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2:00 pm - 4:20 pm)

The Officer who has produced these minutes is Cameron Osborn of Democratic Services, direct line 01225 718224, e-mail cameron.osborn@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

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Wiltshire Council
Northern Area Planning Committee
21st June 2023

Planning Appeals Received between 14/04/2023 and 09/06/2023

| Application No | Site Location | Parish | Proposal | DEL or COMM | Appeal Type | Officer Recommend | Appeal Start Date | Overturn at Cttee |
|-----------------------|---|-----------------------|--|--------------------|-------------------------|--------------------------|--------------------------|--------------------------|
| PL/2021/03248 | Bassett Garage, Station Road, Royal Wootton Bassett, Swindon, SN4 7AB | Royal Wootton Bassett | Redevelopment to provide 9 No New Flats | DEL | Written Representations | Refuse | 19/04/2023 | No |
| PL/2021/04499 | Bassett Garage, Station Road, Royal Wootton Bassett, Swindon, SN4 7AB | Royal Wootton Bassett | Redevelopment to provide 9 No New Flats | DEL | Written Representations | Refuse | 19/04/2023 | No |
| PL/2021/06991 | Land adjacent B4040, Minety, North Wiltshire, SN16 9RQ | Minety | Extension of existing Gypsy/Traveller site with 4 no. additional pitches including 4 no. day rooms, 4 no. mobile homes, 4 no. touring caravans, and associated works | DEL | Hearing | Refuse | 12/05/2023 | No |
| PL/2022/01518 | Land north of B4069, Gate Farm, Sutton Benger, SN15 4NW | Sutton Benger | Creation of new agricultural access together with associated ancillary development and ground works. | DEL | Written Representations | Refuse | 02/05/2023 | No |
| PL/2022/05133 | Calne Quarry, Abberd Lane, Abberd, Calne, Wilts, SN11 8TJ | Cherhill | Variation of condition 2 of N/10/03280/WCM - To allow alterations to timeframe for removal of the processing plant and infrastructure that is associated with the current and historic mineral extraction operations | DEL | Written Representations | Refuse | 10/05/2023 | No |
| PL/2022/05823 | Land to the rear of Arms Farm, High Street, Sutton Benger, SN15 4TP | Sutton Benger | Erection of 4 dwellings and associated works (Revised Proposal) | DEL | Written Representations | Refuse | 04/05/2023 | No |
| PL/2022/08391 | Euridge Manor, Euridge, Colerne, Chippenham, SN14 8BJ | Colerne | Relocation and retention of mobile home for occupation by rural worker | DEL | Inquiry | Refuse | 21/04/2023 | No |

Planning Appeals Decided between 14/04/2023 and 09/06/2023

| Application No | Site Location | Parish | Proposal | DEL or COMM | Appeal Type | Officer Recommend | Appeal Decision | Decision Date | Costs Awarded? |
|----------------|---|-------------------------|--|-------------|--------------------|-------------------|----------------------------------|---------------|----------------|
| 20/11655/FUL | Land at Brynards Hill Royal Wootton Bassett | Royal Wootton Bassett | Erection of 61 Dwellings, Access and Open Space | DEL | Inquiry | Refuse | Dismissed | 04/05/2023 | None |
| PL/2021/08660 | 3 The Butts, Lydiard Millicent, Swindon, SN5 3LR | Lydiard Millicent | Proposed Annex over Existing Garage | DEL | Householder Appeal | Refuse | Dismissed | 20/04/2023 | None |
| PL/2022/02369 | 28 High Street, Malmesbury, Wilts, SN16 9AU | Malmesbury | Change of use of ground floor from Class E to part Betting Office (sui generis) and part Class E. | DEL | Written Reps | Refuse | Allowed with Conditions & Varied | 21/04/2023 | None |
| PL/2022/04681 | Land off the B4069 East of Barrow Farm, Langley Burrell, Chippenham | Langley Burrell Without | Residential development (up to 230 dwellings), a local centre (comprising commercial business and service uses (Use Class E), drinking establishment and hot food takeaway (Sui Generis) with a GIA limit of 675 sq m of which no more than 200 sq m (GIA) shall be used for retail (Class E(a)) drinking establishment and hot food takeaway (Sui Generis)), associated works and infrastructure, ancillary facilities, open space, landscaping with vehicular access from the B4069. | DEL | Inquiry | Refuse | Allowed with Conditions | 05/05/2023 | None |



The Planning Inspectorate

Agenda Item 7

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Wiltshire Council
Planning Appeals
Monkton Park Office
Chippenham
Wiltshire
SN5 1ER

Your Ref:
Our Ref: APP/Y3940/W/17/3187915
Further appeal references at foot of letter

28 January 2019

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeals by Leda Properties Limited, Leda Properties Ltd And Lidl GmbH UK
Site Addresses: Land North of Malmesbury Road, Royal Wootton Bassett, SN4 8AY and Land at Marsh Farm, Royal Wootton Bassett, Wiltshire, SN4 8ER

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours faithfully,

Holly Dutton
Holly Dutton

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>

Linked cases: APP/Y3940/W/17/3179795



Appeal Decisions

Inquiry Held on 17 September and 3-6 December 2018

Site visit made on 6 December 2018

by Melvyn Middleton BA(Econ) DipTP Dip Mgmt MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28th January 2019

Appeal A Ref: APP/Y3940/W/17/3187915

Land at Marsh Farm, Royal Wootton Bassett, Wiltshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Leda Properties Ltd against the decision of Wiltshire Council.
 - The application Ref 14/08060/OUT, dated 14 August 2014, was refused by notice dated 26 April 2017.
 - The development proposed was comprehensive mixed development of up to 320 dwellings, a community hub comprising up to 500 square metres of A1/A2/A3/A4/A5/D1 and D2 uses, public open space, landscape work, extension to approved sports 'hub' and access.
-

Appeal B Ref: APP/Y3940/W/17/3179795

Land at Marsh Farm, Royal Wootton Bassett, Wiltshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Leda Properties Ltd and Lidl GMBH UK against the decision of Wiltshire Council.
 - The application Ref 16/06995/FUL, dated 18 July 2016, was refused by notice dated 26 April 2017.
 - The development proposed is a hybrid application for a 2,469 square metres supermarket with access and landscaping (detail), and a Class C2 care home of up to 3,000 square metres (outline).
-

Decisions

1. Appeal A. The appeal is dismissed.
2. Appeal B. The appeal is dismissed.

Procedural Matters

3. As well as on an accompanied site visit on 6 December 2018, I visited the appeal sites and their locality, Royal Wootton Bassett town centre and the surrounding countryside, unaccompanied on 17 and 18 September and 2 December 2018.
4. These two appeals concern development on land to the north of Royal Wootton Bassett, to the rear of properties fronting the west side of Hook Road and between the B4042 Malmesbury Road and the M4 motorway. The proposed development would wrap around the recently constructed Gerard Buxton Sports Ground to the west, apart from along the latter's frontage to Malmesbury Road.

5. Appeal A covers an area of 21.2 ha, Appeal B only 2.8 ha within the south-eastern corner of the larger application site. Appeal B occupies a slightly larger area within the Appeal A site than that of an earlier application at the same location within the area covered by Appeal A. That application had a larger food store and car park but no care home. In early 2017 the application to which Appeal B relates was amended to exclude a reference to the provision of 33 senior living units.
6. The applications for Appeal A and the care home element of Appeal B are in outline with all matters, except the means of access, reserved for subsequent approval. The part of Appeal B that contains the supermarket, its access, car park and associated landscaping has been submitted as a full planning application.
7. The proposals were accompanied by Planning Statements and Design and Access Statements, as well as reports into a variety of other relevant matters. These include an Illustrative Master Plan and an Indicative Site Layout (for the outline application) as well as a number of background reports providing information about the sites in the context of the proposed development. They provide information on the possible site layouts, including the general disposition of buildings across the sites.
8. However, other than in the context of the site accesses and the details of the proposed supermarket and its car park/landscaping areas, they are no more than illustrations of one way in which the buildings, whose scale, appearance and location are reserved matters, could be sited within the site. There are detailed plans and elevations for the element of Appeal B that is a full application and a layout indicating in detail how the care home element of the development could be implemented.
9. The site's access proposals are shown on drawings ref: TA3, TA4, TA6 and AP14A within the Axis Transport Assessment Addendum of July 2016. They involve the construction of conventional road junctions with Malmesbury and Hook Roads and improvements to Malmesbury Road and its junction with Hook Road. The Highway Authority supports this aspect of the proposal and in the absence of fundamental objections I do not discuss this matter any further.
10. Whilst the appeal was being processed, in October 2017, the Appellant submitted a revised Illustrative Master Plan with much more extensive landscaping and less built development, in the northern part of the site close to the M4, than was shown on that submitted with the application. It also indicated that it wished to reduce the proposed maximum number of dwellings permitted from 320 to 219.
11. Consultation on the revised proposals was delayed until the summer of 2018 and representations were received against them. I issued a note about the potential ramifications of these changes on 14 September 2018 (Document 1). At the opening of the Inquiry, on 17 September 2018, the Council and others objected to the consideration of the revised notional proposals because of alleged inadequate consultation among other reasons. After hearing submissions and considering the matter, I concluded that as the application was in outline and for up to 320 dwellings and a lower number was now being proposed with notionally enhanced landscaping, in principle the number of dwellings being considered could be reduced and the notional layout amended.

12. Agreeing with and being concerned about the inadequacy of the consultation, I adjourned the Inquiry on 4 September to enable more comprehensive public consultation to take place. Subsequently, in October 2018, the Appellant decided to submit a further revised Illustrative Master Plan and another Indicative Site Layout, but not dissimilar to those presented to the Inquiry in September. The Council undertook a comprehensive consultation on these further revised proposals before the Inquiry reopened on 4 December 2018. I have had regard to these latest notional plans and the reduction in maximum housing numbers to 219 when considering Appeal A, as well as to the further representations made thereon.
13. Issues concerning conformity with Development Plan (DP) policies, sustainability and impact upon the landscape and local services affect both of the appeals, although the overall natures of the proposals clearly differ. I have therefore dealt with them together where there are common matters, using the same reasoning to justify the decision in each case where appropriate but distinguishing between them where individual site considerations or the nature of the proposals dictate.
14. Although there are distinct elements to both proposals, neither of the main parties considered it appropriate for me to issue split decisions in either case. I have therefore given no further consideration to these outcomes.
15. One of the reasons used to refuse the planning applications referred to the Appellants' failure to meet the identified and necessary supporting services and infrastructure requirements generated by the developments.
16. The Appellants, with regard to both appeals, submitted signed and sealed Deeds made under Section 106 of the Town and Country Planning Act 1990 to the Inquiry. That relating to Appeal A is signed by itself and Wiltshire Council. That relating to Appeal B is signed by itself, Wiltshire Council, LNT Care Developments Ltd and Lidl GMBH UK. The Inquiry was told that the latter two organisations had legal interests in the development of that site for a care home and a supermarket respectively.
17. In the Agreement that relates to Appeal A, the Appellant agrees that if planning permission is granted, it will provide at least 40% of the total number of dwellings, to be constructed as a part of the development, as affordable housing and subject to various restrictions as to their nature and use. Additionally, it would carry out highway, open space and play area works, set up a management company to manage the open space and play area and make financial contributions towards the expansion of a primary school.
18. In the Agreement that relates to Appeal B, the Appellants and other signatories agree, if planning permission is granted, to carry out highway works and to provide and implement a Commercial Waste Management and Collection Plan and a Management Scheme.
19. Where appropriate, I discuss the details of the matters proposed in the Agreements, in the context of my decision, in the body of my reasoning. The Agreements include a clause that says that the covenants and obligations shall not apply or be enforceable if I state in the decision letter that such obligations are unnecessary or otherwise fail to meet the relevant statutory tests. Nevertheless, I am satisfied that the measures, as set out, comply with the provisions of paragraph 204 of the National Planning Policy Framework (NPPF),

are necessary to make the development acceptable in planning terms and meet the statutory requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

20. With regard to appeal A, on the Master Plan Diagram and the Indicative Site Layout, land in the north-western corner of the site is indicated as sports pitches accessed directly through the adjacent sports ground. Whilst the possibility of this land being made available as an extension to the Gerard Buxton Sports Ground was discussed, there is no evidence to confirm that such provision would actually be made and by whom.

Main Issues

21. The site is outside of the settlement boundary and within the open countryside, in circumstances where it is agreed that there is a five year supply of deliverable housing sites within the North and West Wiltshire Housing Market Area (the relevant area). It is also agreed that the most important Development Plan (DP) policies for determining the appeals are not out of date.
22. In such circumstances the presumption in Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the DP unless material considerations indicate otherwise. I therefore consider the main issues to be

Whether the proposals are in accordance with the DP when read as a whole and if not;

Whether the harm to the DP, with particular reference to the self-containment of Royal Wootton Bassett, the loss of open countryside and any harm to the character and appearance of the locality, together with any other harm attributable to the development, is outweighed by the benefits of the proposal.

Reasons

Planning Policy that is relevant to both appeals

23. The DP now consists of *the Wiltshire Core Strategy* (CS), which was adopted in 2015 and the saved policies of the North Wiltshire Local Plan (LP) 2011. The CS makes provision for development within the District until 2026, the LP made provision until 2011. Eleven CS policies are agreed to be relevant to the determination of these appeals and 3 LP policies. All of the LP policies are relevant to both appeals but only six of the CS policies are thus so.
24. The Wiltshire Housing Site Allocations Development Plan Document (DPD) is currently being examined. However there are a significant number of objections to this plan that await resolution and I was consequently not referred to any of its policies.
25. The Royal Wootton Bassett Neighbourhood Plan (NP) was made in 2018. Whilst adjacent to the NP's area, the appeal site is outside of it. Although this NP is clearly a material consideration for both appeals, it is not a part of the DP for the appeal site. That area sits within the Lydiard Tregoze NP area. However this NP has only reached the area designation stage and so its weight is very limited.

26. LP Policies NE14 Trees and NE18 Noise and pollution are policies that require the retention of ecology wherever possible and the absence of harm to public health. Compliance with them and CS Policy 3 Infrastructure requirements is a requirement of all development and compliance does not add weight in favour of a particular proposal. The Council considers the requirements of these policies to have now been met.
27. Core Policy (CP) 51 Landscape seeks to ensure that development protects, conserves and where possible enhances landscape character. It requires any negative impacts to be mitigated through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas, identified in the relevant Landscape Character Assessments. The policy requires nine aspects of landscape character to be conserved and where possible enhanced. These include the locally distinctive pattern and character of natural features and settlements and their landscape settings as well as their separate identity.
28. Both the North Wiltshire (2004) and the Wiltshire (2005) Landscape character Assessments cover the appeal site. Hedgerows are a key characteristic and a positive landscape feature within the area. Their loss is recognised, as is the urbanisation of the area, particularly in proximity to the large settlements. Three of the broad landscape management objectives, repairing, replanting and extending the hedgerow network, limiting further uncontrolled spreading of settlements and maintaining the separation of settlements, stem from these.
29. The character of the site is that of an agricultural landscape with pastoral fields surrounded by hedgerows. It forms a part of the landscape setting of RWB. However this component of the landscape setting has been seriously eroded by development. To the south of the appeal sites, beyond Malmesbury Road and the Framework Boundary is residential development, which is a part of the built up area of RWB.
30. Immediately to the east is the Marsh Farm Hotel and other dwellings and businesses fronting Hook Road. Although there is abundant vegetation within the properties, more so to the Hook Road frontage than that to the appeal site, this development nevertheless has an urban form and a presence and this ribbon development effectively extends the town's built form northwards from the Coped Hall roundabout towards the M4.
31. To the west is the Gerard Buxton Sports Ground, which like the appeal site fronts the B4042 Malmesbury Road. This is a multi-purpose recreational complex with a large communal building at its heart and extensive surfaced car parking, as well as a number of all-weather pitches. Much of the site's boundary and a number of the pitches are enclosed by high weldmesh fencing, some of which are erected on elevated, made-up ground. There is also extensive use of flood-lighting. Consequently, although a sports venue, this complex has a somewhat urban character and along with other development to the south-west of Malmesbury Road, a notable impact on the current character and appearance of the north-western edge of RWB.
32. To the south-west of this recreational complex, across Malmesbury Road, is the relocated RWB Rugby club, with a communal building, high fencing and flood lighting close to the road. Between it and the Framework boundary, which is now the edge of continuous built development within RWB, is another building complex occupied by a day nursery, whilst north-west of the Rugby club and

- again fronting Malmesbury Road there is further sporadic development, including a tennis complex, before the M4 motorway is crossed.
33. As a result, the transition between the town's edge, as currently defined by the Framework Boundary and the open countryside, is now somewhat blurred along Malmesbury Road. The strong edge to RWB along the A and B roads to its north, highlighted as recently as 2004¹ and referred to by the Council, has been destroyed in the intervening years by development permitted by itself through the planning system.
 34. The site is largely contained by the adjacent development and it is not a prominent feature in the wider landscape. The only points at which the site is noticeably visible are from Malmesbury Road, from Hook Road immediately north of the roundabout and at the motorway bridge and its approaches, all close to the site and from the public footpath west of Hook and north of the M4 motorway. Although a greater distance away, being elevated, it facilitates extensive views over the appeal site towards Malmesbury Road and the official edge of RWB.
 35. There is much common ground between the main parties as to the impact the development would have on the local landscape. The Landscape Statement of Common Ground records that the site has a low to medium landscape value. It goes on to agree that the development of the site would cause localised significant landscape effects and that overall they would be moderate adverse. To construct a large housing estate and a number of commercial enterprises on a greenfield site in the countryside could hardly do and be anything else.
 36. Using Guidelines for Landscape and Visual Impact Assessment 3's box 5.1 criteria, the parties conclude and agree that the site is of low to medium landscape value overall. They also agree on what are the most susceptible visual receptors and that overall Appeal A would result in significant landscape effects and Appeal B moderate to moderate/minor effects. I agree with the conclusion in respect of Appeal A and consider that the overall landscape effect of Appeal B could be moderate if appropriate landscaping were to be implemented (see para. 96).
 37. The visual receptors include the views of residents at the Marsh Farm hotel, who would view a housing estate rather than pastoral fields. However these are private views and there is no argument advanced that the development would appear overbearing when viewed from hotel rooms or other living space west of Hook Road. Any potential privacy issues could be overcome by appropriate landscaping at the site's boundary and within the area beyond, which is indicated as a green buffer on the Masterplan.
 38. The views of the site from Hook Road, immediately north of the Coped Hall Roundabout, have a backdrop of the rear of the residential development immediately south of Malmesbury Road and/or the elevated weldmesh fencing on the boundary of the sports ground, depending upon the aspect. The context is consequently already predominantly urban and whilst the view would undoubtedly change from fields to that of a care home, with a supermarket building behind, with appropriate landscaping and building design and location, this need not be harmful to the wider landscape or the experience of travellers along Hook Road.

¹ North Wiltshire Landscape Character Assessment

39. There is a gappy hedge along the northern side of Malmesbury Road that already filters northerly views over the appeal site to the open countryside beyond, particularly in summer. The development would clearly obliterate these views as open fields would be replaced by buildings and car parking for the most part. However, given the surrounding urban context, development here need not be harmful. Nevertheless, CP 57 requires the retention and enhancement of existing important landscaping and natural features.
40. The hedge on the northern side of Malmesbury Road is such a landscape feature. The main access to the site will be located within this road frontage. The carriageway and pavement construction, along with the required visibility splays, will inevitably require the removal of some of the hedge. Whilst this can be replaced to avoid conflict with the access requirements, much of the tree planting shown on the detailed plans accompanying the full application for the supermarket and its car park could not be implemented without impairing future visibility. I return to this later (paras. 97 and 98).
41. Being an outline application, it should be possible to set the buildings on the Appeal A site sufficiently far back to enable an acceptable landscaping scheme to be implemented. As well as a replanted hedge this could include other planting and physical features to appropriately filter the views of the built environment in this part of the site from Malmesbury Road.
42. Beyond Marsh Farm Cottage, Hook Road crosses the M4. This stretch of the Road is elevated and there are commanding views when travelling southwards over the appeal site. The Appellant asserts that the northern edge of the residential development, as now indicated on the proposed Masterplan and Indicative Site Layout diagrams, would be adequately screened by the notionally proposed landscaping. I do not share this optimism. Two areas of woodland planting are suggested, one a belt immediately south of the M4 and the other a block adjacent to the north-eastern corner of the sports ground. The majority of the proposed northern boundary to the housing is shown to be screened by a new/ improved hedgerow with some tree planting within it.
43. Whilst the proposed woodland planting, adjacent to the motorway, would eventually assist in screening the development from walkers using the public footpath west of Hook, it would do nothing to screen the development from the motorway bridge and its approaches. The notional layouts are intended to demonstrate how this site could satisfactorily accommodate 219 dwellings and as currently suggested, residential development would extend for some distance northwards from Marsh Farm Cottage itself, the last building off Hook Road before the motorway.
44. A hedge with some trees is unlikely to adequately screen this urban encroachment into the countryside from the elevated bridge and its approaches. Additionally, once established there is no guarantee that future residents would maintain the hedge to heights and thicknesses that screened the development from this part of Hook Road at all, let alone satisfactorily.
45. The Appellant amended the Appeal A proposal, reducing the maximum number of dwellings permitted from 320 to 219, because of the concerns about the potential impact of the development on the views from the north and the likely impact of the proposal on the perceived separation between Hook and RWB. Both the Indicative Site Layout and the Masterplan diagrams have each gone through numerous iterations and three public consultations with an expressed

purpose of demonstrating that the development could be appropriately screened when viewed from the north. The layout was further amended following the adjournment of the Inquiry.

46. In such circumstances it is difficult to confidently conclude that the Appellant could design a proposal for 219 dwellings that could be satisfactorily accommodated on the site without any long term adverse effects on the perceived separation of Hook and RWB or the visual impact of the proposal on users of the motorway bridge and its approaches.
47. The footpath to the north of the motorway is at a more elevated level than the appeal site and motorway bridge. At the present time there are views of the edge of RWB across the appeal site. The urban edge would be brought much closer to these receptors by the appeal development. Given the distance between the motorway and the suggested edge of the development and the topography, it would be many years and certainly more than the ten to fifteen years suggested by the Appellant, before the development edge was appropriately screened from receptors walking along this footpath, by the suggested planting adjacent to the motorway.
48. The evidence, demonstrated through the indicative drawings, suggests that the Appellant's assertion that the visual benefits arising from the suggested planting in the northern part of the site would be a benefit weighing in favour of granting planning permission for appeal A, even in the long term, are dubious. At best and with a different approach to the landscaping and development in the northern part of the site there would be moderate visual harm for many years.
49. Policy CP51 requires development to protect, conserve and where possible enhance landscape character and not to have a harmful impact upon it. Any negative impacts should be mitigated as far as possible through sensitive design and landscape measures. The Appeal A proposal would restore, enhance and extend the distinctive hedgerows, albeit in an urban rather than a rural environment. However, this proposal has not demonstrated that the separate identity of the settlements, the landscape setting of RWB and the transition between man-made and natural landscapes at the urban fringe are being enhanced through sensitive design, landscape mitigation and enhancement measures. Additionally Mr J Smith, on behalf of the Appellant, accepted in cross examination that there would be moderate character harm despite the suggested mitigation. In their current form the proposals are not in accord with CP 51.
50. In the overall circumstances, I give moderate weight to this harm in as much as it affects Appeal A. I return to the impact of Appeal B on Malmesbury Road and the wider countryside landscape in circumstances where Appeal A is dismissed later in my decision (paras. 100-102).

Appeal A

Additional Planning Policy

51. CP 1 sets out the settlement strategy. It recognises that Market Towns, of which Royal Wootton Bassett (RWB) is one, have the ability to support sustainable patterns of development and the potential for significant development. However, as well as seeking to sustain and enhance their

- services and facilities, the policy also promotes better levels of self-containment and viable sustainable communities.
52. In line with CP 1, CP 2 sets out the delivery strategy for Wiltshire. It seeks the provision of at least 42,000 new homes between 2006 and 2026, of which 24,740 are proposed for the North and West Wiltshire Housing Market Area, in which RWB is situated. The policy requires these dwellings to be delivered in a sustainable way that limits the need for development on greenfield sites. The policy points out that other than in the circumstances as permitted by CP 44, Rural exception sites, residential development will not be permitted outside of the limits of development as defined on the policies map. These are being updated in the Housing Sites DPD. The policy also identifies a number of strategically important sites, with dwelling and/or employment targets. A number are smaller than the appeal site and its proposals. The policy also points out that sites for development, in line with the Area Strategies, are to be identified through neighbourhood planning.
53. CP 19 sets out the Spatial Strategy for the RWB and Cricklade Community area, within which the appeal sites are situated. Approximately 1455 new homes are to be provided, of which about 1070 should be at RWB. Whilst land is identified for employment development at RWB, none is identified for residential development because the target number has already been exceeded by planning permissions and completions.
54. The supporting text points out that the town currently performs a dormitory role for Swindon and seeks to attract employment development to help reduce out-commuting. The policy also requires the development issues listed in paragraph 5.102 to be addressed. These include phasing non-strategic growth throughout the plan period in accordance with CPs 1 and 2 and the delivery of homes in a balanced manner. The need for employment development as well as housing through mixed development is stressed.
55. The Appellant does not effectively address the consequence of the housing element of the proposal on self-containment and the figure advanced by the Council in Mr A Smith's evidence (526) is an estimation of the increased population rather than that element of it which would be economically active and likely to be requiring work.
56. The Council provided supplementary information on self-containment at my request to the Inquiry². This shows the settlement's self-containment³ declining from 30% in 2001 to 27% in 2011. Using the 2011 economic activity rate for RWB, about 380 of the residents of the reduced housing development at the appeal site would require work⁴.
57. This compares to the 100 employment opportunities likely to be provided in the commercial and care home elements of the proposal estimated by the Council and not disputed by the Appellant at the Inquiry. Assuming that all of the economically active population is working, on balance this represents an outflow of about 74%. The outflow⁵ from RWB as a whole in 2001 was about 30% and by 2011 it had declined to about 25%.

² Carolyn Gibson, Supplementary Proof of Evidence

³ Persons resident and working in RWB/Employed residents x100%

⁴ In reality the number could be higher than this if the age structure of the new development is similar to others of its type and it has overall a younger population than is found in more established residential areas

⁵ Employed residents-jobs in RWB/Employed residents x 100%

58. The appeal development as proposed would lead to a disproportionate increase in out-commuting from RWB, which would become less self-contained rather than more so, as advanced by the CS. This would be in breach of the settlement and delivery strategies for the County and the Community Area, running contrary to a key element of the CS's vision for Wiltshire, more self-contained Market towns. It is contrary to CP 1 and CP 19.
59. Although the housing targets in CP 2 and CP 19 are minima they are being met and the Council has demonstrated that it has a five year supply of housing land. CP 2 requires development to be delivered in a sustainable manner. The proposal would not contribute to the further development of RWB in a sustainable manner and is therefore contrary to CP 2. The CS's relevant spatial policies are supported by Section 9 of the NPPF, which requires the planning system to actively manage patterns of growth in a sustainable way, particularly by reducing the need to travel. I therefore give substantial weight to the proposal's conflict with CPs 1, 2 and 19.
60. LP Policy H4 only permits new dwellings in the countryside, outside of the Framework Boundaries as defined on the proposals map, in circumstances where the dwelling is a replacement dwelling or is to meet the essential needs of agriculture, forestry or a rural based enterprise. Appeal A does not meet these criteria but given that the LP expired in 2011 and the review of the Framework boundaries has not yet concluded, full weight cannot be given to this conflict.
61. Furthermore, by protecting the totality of the countryside from development, as opposed to protecting valued landscapes (NPPF paragraph 170), Policy H4 is not fully consistent with the NPPF. Nevertheless, the Framework does recognise the overall intrinsic character and beauty of the countryside and the Cawrey judgement⁶ confirms that the loss of undesignated countryside is capable of being harmful and attracting weight in the planning balance. Additionally, there is nothing in the NPPF to suggest that the use of Framework Boundaries is inappropriate. In my judgement Policy H4 is consequently not out of date and is capable of attracting moderate weight, depending upon the circumstances of the case.
62. The site's extensive northern boundary is open and adjacent to the M4. The motorway is partly at grade but mostly in a shallow cutting adjacent to the appeal site. Despite the quasi urban development, to the east and west, the site itself is open and essentially rural in character, as is the land to the north beyond the motorway and west of the village of Hook. The appeal site is undoubtedly a part of the countryside, the character of which both H4 and the NPPF seek to recognise, protect, and enhance.
63. However, although outside of the Framework Boundary, this is not a designated landscape of any kind and its loss would not seriously impact on the wider countryside landscape. Consequently, its loss should attract less than the moderate weight discussed above in the consideration of Policy H4.
64. Whilst Policy CP 57 requires development to be of a high quality, local context and high quality can be achieved and respected through design. A detailed proposal for this site need not be contrary to Policy CP 57. A detailed scheme could enhance and respond positively to local distinctiveness. It could also

⁶ Cawrey Limited v SoS and Hinckley and Bosworth BC [2016] EWHC 1198

- respect the amenity of surrounding properties and create a sense of place that respected the traditional townscape of RWB.
65. However, the proposal also includes a community hub of up to 500 sq.m containing a mixture of retail, leisure and community uses. According to Mr Hughes' evidence this is meant to sit alongside of the food store. However, the appeal drawings for Appeal B clearly demonstrate that it would not. To reach the food store from the community hub, wherever it was located, pedestrians would have to cross the store's service yard/access and/or its car park. Furthermore the store's entrance would be located at the opposite end of the building to any pedestrian access from the community hub. This would not represent the high standard of design required by CP 57. Nor would it contribute to the achievement of a strong sense of place, also required by this policy. These DP aspirations are clearly supported by paras. 91, 92, 127 and 130 of the NPPF.
66. CP 43 requires 40% of the houses provided on sites of five or more dwellings to be affordable housing. The provision of this has now been secured through one of the Section 106 Agreements. Up to 83 affordable units could be delivered by the development. There is no up-to-date information before the Inquiry on affordable housing need in Wiltshire let alone in RWB and its hinterland. The CS was expected to deliver some 13,000 affordable homes over the plan period. To what extent this is being achieved or is still relevant twelve years into the plan period is open to question.
67. At a national level there is an acute shortage of this type of accommodation and there is no evidence before me to suggest that the situation in Wiltshire is any different. In these circumstances, the contribution that the proposed affordable housing would make, towards meeting the unspecified affordable housing needs, deserves at least significant weight.
68. I have found that the proposal is contrary to the CS's development strategy, in particular CPs 1, 2 and 19, to which I give substantial weight. It is also contrary to CP 51 to which I attach moderate weight and LP Policy H4 to which I attach less than moderate weight. Cumulatively this amounts to serious harm to the DP, against which the significant weight attached to the compliance with CP 43 falls far short of overturning. I conclude that the proposal is contrary to the DP when read as a whole.

Material considerations

69. Furthermore, the RWB NP, which also seeks to improve the town's self-containment, was prevented from allocating further land for residential development, within the Framework Boundary, by the Independent Examiner. He concluded, in the context of the Neighbourhood Area having already met its indicative housing land requirement for the plan period (until 2026), that a site off Maple Drive proposed for 110 dwellings should be deleted because it would "*not contribute to the achievement of sustainable development*".
70. Likewise the appeal proposal, which is twice the size of that removed by the Examiner and although allegedly contributing towards meeting the development needs of RWB, is outside of the limits of development and across a classified road from the rest of the urban area. Because of its imbalance of homes and jobs, it too would not contribute towards the achievement of sustainable development. The proposal would be contrary to the RWB NP.

71. I was referred to an appeal at Shurnhold⁷ in 2016. At paragraph 16 the Inspector was confronted with a similar situation re the indicative housing target at Melksham having recently been met. In determining an appeal for a similar sized housing development to that now before me at RWB, she found that in allowing a further 263 dwellings, the CS provision would be considerably exceeded. To this extent she agreed that allowing the appeal could cause some prejudice to the plan-led process within the Community Area even though overall it would not prejudice the spatial strategy of the adopted CS.
72. I agree with this finding. As at Melksham, the additional dwellings provided by the appeal proposal alone at RWB would result in the delivery of housing more than 20% greater than that envisaged in CP 19 and the RWB NP. Distortions of this magnitude, even when the DP target is a minima and particularly when housing development is clearly not, through related employment generation, meeting other objectives of the plan, can only serve to undermine public confidence in the DP process. In these circumstances I attach significant weight to the proposal's failure to comply with the strategy advanced in the RWB NP.
73. The proposal would provide 136 market houses. The NPPF urges local planning authorities to boost the supply of housing. However, Wiltshire, through its DPs and planning permissions appears to be maintaining a five year supply of housing land within the HMA and has already met its housing targets at RWB. Although there is a national housing crisis, an oversupply in a relatively isolated location such as RWB and without complementary jobs to provide employment for the new residents, would hardly contribute to the resolution of England's housing crisis in a sustainable way. I therefore give the proposal's potential contribution to the supply of market housing no more than minor weight.
74. The Appellant refers to the benefits arising from the retail/commercial development and the care home. However these developments are independent of the housing proposal, being the subject of a separate application and appeal that could be allowed irrespective of the outcome of Appeal A. The jobs that they would provide would not be capable of providing employment for even half of the expected economically active residents of the houses that would be provided. Although CPs 38 and 43 support the retail and care home developments I consequently give these considerations minimal weight in the context of Appeal A.
75. The Council considers RWB to be a sustainable location for development because of its services and facilities. The Appellant adds to this by asserting that the appeal site is in turn situated in a wholly sustainable and accessible position and goes on to claim that this contributes to a conclusion that substantial weight should be given to these benefits of the proposal.
76. However, overall the proposal would result in additional out-commuting to work on a daily basis from RWB and given that the site is about 1km from RWB town centre, walking is unlikely to be the way that most people, residing within the development, would chose to use when visiting it. Guidelines for Providing Journeys on Foot⁸ advises that an acceptable pedestrian journey is 1 km and a desirable distance is 500 m. Manual for Streets⁹ in discussing walking

⁷ Appeal ref: 3132915, Land to the west of A365, Shurnhold, Melksham, Wiltshire

⁸ Institution of Highways and Transportation, 2,000.

⁹ Department for Transport, Department for Communities and Local Government, 2007

neighbourhoods considers that there should be a range of facilities within 800 m. Planning for Walking (PFW)¹⁰ reaches the same conclusion.

77. Nevertheless if the retail proposals were implemented then there would be some facilities within the neighbourhood and a consequent reduction in the need to travel for that purpose. There is also a regular bus service to RWB town centre and to Swindon, a short walk from the site entrance. In this context I give moderate weight to the accessibility benefits of the proposal.
78. The proposal would create construction jobs, which would provide temporary employment and additional expenditure at the town's shops and businesses. Additional local expenditure would also be generated by the new residents. However the evidence suggests that RWB town centre is overtrading and some of the expenditure generated by the development would be spent at the supermarket and other businesses within the appeal site if Appeal B is allowed, as well as in Swindon. In such circumstances I give no more than moderate weight to these benefits.
79. Land in the north-western part of the site, adjacent to the M4 motorway is shown on the Masterplan as sports pitches accessed directly through the Gerard Buxton Sports Association's grounds. To what extent these are to be laid out by the developer and made available for public use, either directly or indirectly through the sports association is far from clear. There are no clauses in the S106 Agreement referring to this. As the land is not suggested for any other use, if the sports association wanted to expand into this area, then it could presumably buy the land at market value and do so irrespective of the outcome of the appeal. In the absence of an agreement to dedicate the land and/or provide sports pitches I give the provision of sports pitches no weight.
80. The additional Council Tax would be used to provide services for the site's residents and attracts no weight.
81. Although some of the above material conditions do weigh in favour of the appeal proposal, the combined weight falls far short of a justification for departing from the presumption in Section 38(6) of the Planning and Compulsory Purchase Act 2004 that applications for planning permission should be determined in accordance with the DP unless material considerations indicate otherwise. I therefore conclude that Appeal A should be dismissed.

Appeal B

82. The care home element of this appeal is in outline, with everything except its access a reserved matter. The retail unit, together with its access and car parking comprise the full application element of this appeal. Although these proposals are locationally separate and have been the subjects of separate planning applications recently, the Appellants indicated at the Inquiry that they did not wish me to consider a split decision.

Care home

83. CP 46 Meeting the needs of Wiltshire's vulnerable older people supports the provision of specialist accommodation to meet the needs of Wiltshire's older people. Such accommodation is to be provided in sustainable locations where

¹⁰ Chartered Institute of Highways and Transportation, 2,000

- there is an identified need and normally within Principal Settlements and Market Towns where there is good access to services and facilities.
84. The proposed care home would provide specialist accommodation for older people and RWB is a Market Town. However the appeal site is outside of the limits of development and within the open countryside. Nevertheless the policy says that in exceptional circumstances the provision of specialist accommodation outside but adjacent to the Market Towns will be considered.
85. The Council, whilst suggesting that there is no identified need for the proposal has not suggested that there are appropriate sites available within RWB's Framework Boundary. It therefore seems to me that in the right circumstances the appeal site could be an appropriate location for a care home.
86. The policy requires a genuine and evidenced need to be justified. Until the Inquiry the only locally based evidence was provided by the Council and that pointed out that a site that had planning permission for a care home within RWB had been given planning permission for residential development because the applicant had demonstrated that there was no demand for a new care home at RWB at this point in time.
87. Apart from referring to the UK's ageing population and corresponding increasing requirements on an on-going basis for care facilities, accompanied by a reference to the underfunding of the public sector in this context, the Appellants were silent, despite concluding that substantial weight should be attached to the benefit of a care home.
88. At the Inquiry I was told that a full planning application for a care home on the Appeal B site was now before the Council. A provider (LNT) had an option to purchase the site and was to be and now is a party to the Section 106 Agreement accompanying this appeal. The Council maintains that an option and a planning obligation do not demonstrate a need for a facility. Whilst this is correct, it seems strange that a detailed planning application is now before the Council, in advance of the determination of this appeal, if LNT do not have serious intentions.
89. Despite evidence from the Council that it has been asking the Appellants, since 2016, to demonstrate that there is a definite operator for the care home, there is no actual confirmation of this or analysis that justifies the need for one at the present time in circumstances that clearly meet criterion viii of CP 46. Although there is a letter of support for Appeal B from Lidl, the likely occupier of the retail unit, there is no complementary letter from LNT or any other potential operator supporting the need for the care home.
90. In such circumstances, whilst I consider the evidence sufficient to justify granting planning permission for a stand-alone scheme, which would not be implemented if there was not a genuine demand for a care home in this location; the evidence does not support the Appellant's contention that substantial weight in favour of allowing both appeals should be given to the fact that a care home is a part of Appeal B.
91. Although about a kilometre away, the facilities in RWB town centre are accessible by a regular bus service from the site. The scale and type of facility is appropriate for a location adjacent to a settlement such as RWB. The policy requires environmental and landscaping considerations not to be compromised.

I discussed the effect of development on this part of the site in paragraphs 38-40. The site already has an urban context, adjacent to a busy roundabout and there is built development on the other corners, as well as to the north along Hook Road and south along Malmesbury Road.

92. This part of Appeal B is in outline and the proposed site layout indicates a large area between the proposed care home and the road/roundabout. There is consequently no reason to doubt that the care home element of appeal B could not be implemented in a way that made a positive contribution to the townscape of this area through sensitive design and landscaping that respected the character and setting of the settlement. I consider this element of the proposal to be in accordance with CP 57.

Supermarket

93. The Appellant undertook a retail impact assessment and a sequential test to assess the proposal's impact on RWB town centre. Following the grant of planning permission to convert a car showroom into a supermarket on a nearby site, the results were reassessed. The parties still agree, in the context of the available retail evidence, that there would not be significant adverse impact on the vitality and viability of RWB town centre if the proposal was implemented. They also agree that there is no sequentially preferable site for a food store within RWB. The proposal therefore meets the requirements of CP 38.
94. CS paragraph 5.102 points out that RWB loses main food shopping trips to neighbouring towns but that there is no quantitative need for additional convenience retail floorspace. However, it does suggest that additional floorspace may be appropriate, to address qualitative need and improve the retention of convenience trade, if a suitable site is identified, pointing out that there is limited capacity for up to 400 sq.m within the town itself. The qualitative shortfall was portrayed as being at the discount end of the market.
95. Since the CS was adopted the Coop has replaced Morrisons within the town centre and I was told at the Inquiry that Aldi are to occupy the former car showroom. Both of these operators compete in the discount convenience market. In such circumstances the need for additional qualitative floorspace may not be as pressing as it formally was. Nevertheless, the reassessment of the retail impact assessment still suggests that the appeal proposal is supported by CP 38 and is acceptable in principle.
96. The Appellant accepted that there would be moderate character harm as a result of the implementation of the proposals despite the suggested mitigation (para. 49). I also considered that there would be a loss of countryside as a result of the introduction of built development and that this should be given moderate weight against the proposal (para 38).
97. Whilst I found harm to the character and appearance of the landscape along Malmesbury Road because of the need to remove the hedgerow, I found in the case of Appeal A that much of this harm could be overcome through mitigation when detailed proposals come forward for the site.
98. That is not the case with regard to the part of Appeal B that is a full application. The position of the building is fixed as is that of the car park unless spaces are to be lost. The building would be as close as 5 metres to the new pavement along Malmesbury Road and parts of the car park about 3 metres.

There is no landscaping proposed on any of the building's elevations and little within the extensive area of car parking. The building is somewhat utilitarian with largely solid walls.

99. No doubt influenced by the sporting and other developments further along Malmesbury Road, when I visited the site in dry conditions, there was pedestrian activity along Malmesbury Road. The construction of a care home and supermarket on the appeal site would be likely to increase the number of potential pedestrian visual receptors.
100. Without further mitigation to filter the views of the building and its car park from Malmesbury Road, for which in its current proposed position there is insufficient space, the building would appear somewhat bland and dominating in the street scene. Additionally, it and the car park would do nothing to create a strong sense of place by drawing on the local context or being complementary to the locality. In its current form the proposed landscaping is not in accord with CP 57 and the proposed mitigation would neither conserve nor enhance the landscape character. It is contrary to CP 51.
101. The proposed car park extends to the site's northern boundary. Without appropriate mitigation, it and the building's service area and north-eastern elevation would be clearly seen from vantage points to the north of the site, as well as from Marsh Farm Hotel and the Gerard Buxton sports complex.
102. Were Appeal A not to be allowed, then there would be no screening of the site whatsoever from the north. This would clearly not protect, conserve or enhance the landscape character. Indeed it would clearly have a further harmful impact on the landscape, contrary to CP 51. Additionally, the proposal would not mitigate the potential harm as far as possible through sensitive design and landscape measures. A further requirement of CP 51.
103. At para. 130 the NPPF says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Whether as a stand-alone development or as a part of a comprehensive scheme that also involved the Appeal A development (see paras. 64 and 65) as well as the care home, the full application has not seized the opportunities to satisfactorily mitigate the harm that this development would have on the agrarian landscape or to create an appropriate sense of place.
104. It is therefore contrary to CPs 51 and 57 to which I attach significant weight. The support provided by CPs 38 and 46 could be used to justify any scheme that satisfied the CS design and landscape policies. Any urgency for further convenience retail facilities within RWB has not been established. On the evidence before me I consider the harm to design and landscape that I have identified outweighs any harm resulting from a delay to the implementation of additional elderly care and retail facilities at RWB.
105. The proposal is contrary to the DP when read as a whole. The other material considerations, to which I have been referred and which I have discussed above, do not outweigh the harm to the DP and indicate that planning permission should be granted. For the reasons discussed above I therefore find that Appeal B should be dismissed.

Other considerations

106. I was also referred to a number of other appeal and High Court decisions that are relevant to one or both appeals. I have had regard to them in formulating my decision. However, apart from the Cawrey judgement and the Shurnhold appeal, referred to above, the respective cases were not so similar to these appeal proposals for them to further influence the outcome of these appeals.

M Middleton

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

| | |
|-------------------------------------|------------------------------------|
| Sasha White of Counsel | Instructed by Carter Jonas |
| He called | |
| Jeremy N Smith BSc, Dip LA, CMLI | SLR |
| Arfon Hughes BSc, MRTPI | Mango Planning and Development Ltd |
| Huw Mellor BA, MRTPI | Carter Jonas |

FOR THE COUNCIL:

| | |
|-----------------------|---|
| Martin Carter | Instructed by Mr I R Gibbons of Wiltshire Council |
| He called | |
| Will Harley BSc, CMLI | WH Landscape Consultancy Ltd |
| Carolyn Gibson BA | Wiltshire Council |
| Alex Smith MA, MRTPI | Geraint John Planning |

INTERESTED PERSONS:

| | |
|---------------------|------------------------|
| Anne Henshaw | Wiltshire CPRE |
| Cllr Mollie Groom | Wiltshire Councillor |
| Cllr SR Walls | Town Councillor |
| Christopher Warrall | Former Town Councillor |
| Dr John Eastgate | Local resident |

DOCUMENTS SUBMITTED TO THE INQUIRY

- 1 Inspector's pre Inquiry note about the Appellant's proposed revisions to the proposal (14-09-18)
- 2 Appellant's opening submissions (18-09-18)
- 3 Appellant's explanation and justification for the revisions to the outline scheme (Appeal A) (18-09-18)
- 4 Correspondance between the Appellant and PINS about revisions to the outline proposal (Appeal) (12-17 & 01-18)
- 5 Council's submissions on the proposed revisions to the outline scheme (Appeal A) (18-09-18)
- 6 Consultation on amended outline proposals and responses (Appeal A) (09-18)
- 7 Appellant's opening submissions (03-12-18)
- 8 Council's opening submissions (03-12-18)
- 9 Statement submitted by Anne Henshaw on behalf of Wiltshire CPRE
- 10 3 statements from Cllr Molly Groom
- 11 Statement from Cllr S R Walls
- 12 Statement from Christopher Warrall
- 13 Statement from Dr John Eastgate
- 14 Statement from Cllr Jacqui Ley
- 15 Statement from Royal Wootton Bassett Town Council
- 16 Letter from Lidl UK (05-12-18)
- 17 Wiltshire Housing Sites Allocations Plan, Topic Paper 1. Settlement Boundary Review Methodology, submitted by the Appellant

- 18 Appeal ref: 3140016 Madley Road, Clehonger, Herefordshire, submitted by the Council
- 19 High Court Nos: CO/6434/2016 & CO/113/2017, R v The Council of the London Borough of Hackney and GHL (Eagle Wharf Road) Ltd
- 20 Queen's Bench Division ref: 1982 43 P. & C.R. 233, Bernard Wheatcroft Ltd v Secretary of State for the Environment
- 21 Closing submissions of the Local Planning Authority
- 22 Closing submissions of the Appellants
- 23 Draft conditions
- 24 Final agreed conditions
- 25 Section 106 Agreement Appeal A
- 26 Section 106 Agreement Appeal B

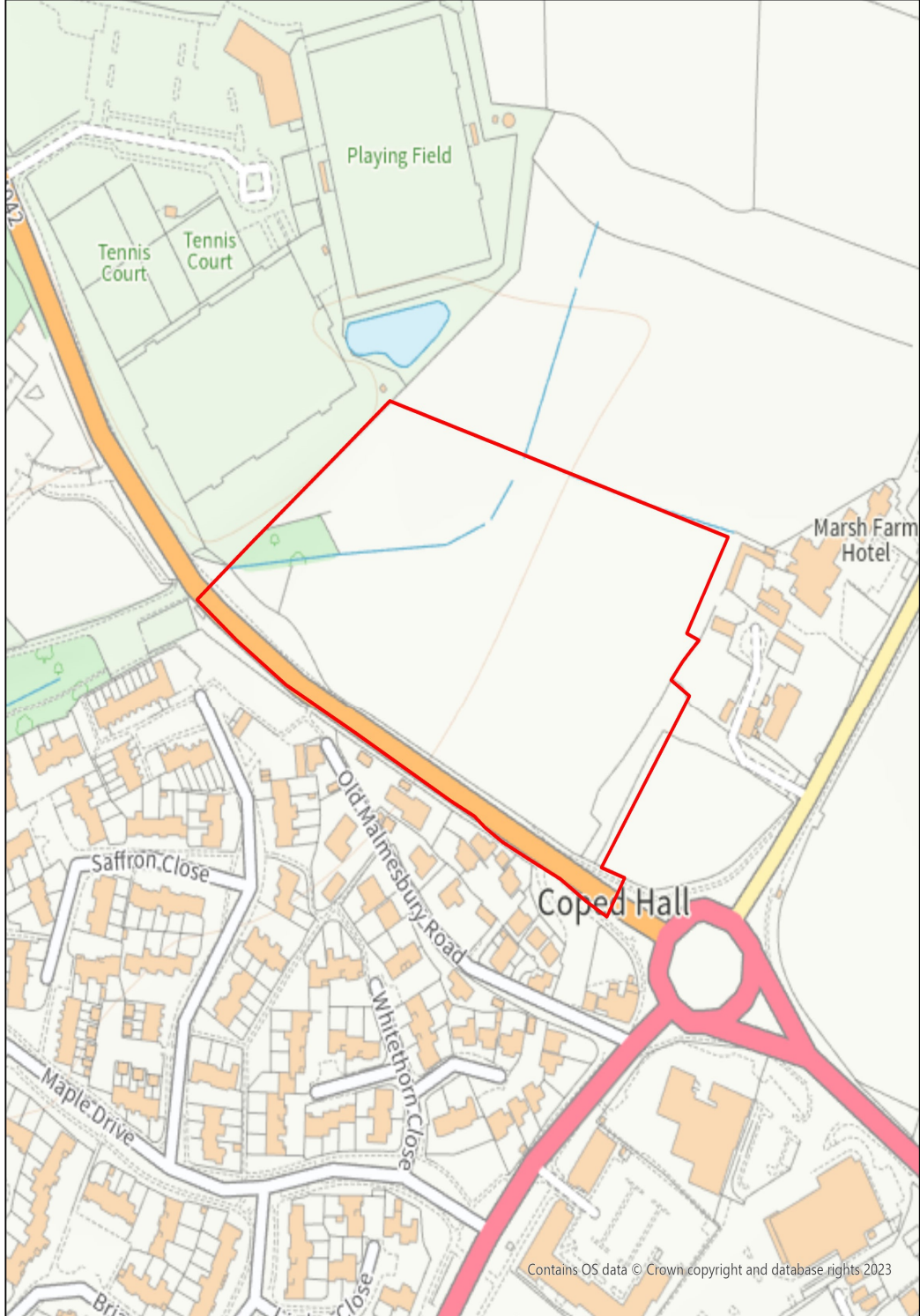
PLANS SUBMITTED TO THE INQUIRY

- A Drawing no: 173684 AP11F, Proposed Masterplan Diagram revision (01-10-18)
- B Drawing no: 173684 AP13J, Indicative Site Layout revision (01-10-18)
- C Viewpoints to be visited on site visit

PHOTOS SUBMITTED TO THE INQUIRY

8 photographs of the surface water outfall sewer south of Malmesbury Road entering Thunder Brook upstream of Jubilee Lake, submitted by Christopher Warrall

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REPORT TO THE AREA PLANNING COMMITTEE

| | |
|----------------------------|---|
| Date of Meeting | 21 st June 2023 |
| Application Number | PL/2022/05273 |
| Site Address | Land at Marsh Farm, North of Malmesbury Road, Royal Wootton Bassett, SN4 8ER |
| Proposal | Erection of Class E food store, car parking, works to create community open space, new access, landscaping and associated works |
| Applicant | Lidl Great Britain Limited |
| Town/Parish Council | Lydiard Tregoze CP, Royal Wootton Bassett CP |
| Electoral Division | Royal Wootton Bassett North, Royal Wootton Bassett East, Councillor Steve Bucknell |
| Grid Ref | 407378E 183751N |
| Type of application | Full planning application |
| Case Officer | Olivia Tresise |

Reason for the application being considered by Committee

The application was called in for determination by Councillor Steve Bucknell in the event of a recommendation to approve to allow Members to debate the following issues of the scheme.

- Scale of development
- Visual impact upon the surrounding area
- Design – bulk, height, general appearance
- Environmental / highway impact

In addition, given that this site is open countryside, as defined in Wiltshire's Core Strategy, Councillor Bucknell is keen for planning committee members to debate how this application complies with Core Policies 1, 2, 51 and 57. It is a greenfield site, outside the parish boundary of Royal Wootton Bassett. Given the location, there is a concern about the impact on highway and the transport system. The Councillor would also like the planning committee to consider Core Policies 60, 61 and 62.

The site is close to a relatively new Aldi store, at the far northern end of the town. Much of the recent development of Royal Wootton Bassett has been to the South and East of the town. This proposal could have an increased impact on the vitality of the town centre whilst not benefitting residents by delivering a more accessible food store

than that which has already been developed (Aldi). The adverse impact on the town centre is not, therefore, offset by satisfying a need for additional retail space.

The proposal offers additional parkland. However, this is a small park, difficult to access and of little merit. The applicants have been encouraged by Councillor Bucknell and others to consult with the community in a meaningful way to discuss what facilities they would like to see on this spare land (one suggestion has been a wheel park, which is very much needed in the town). Unfortunately, the applicants have failed to carry out a meaningful consultation exercise – instead relying on a very biased online survey.

1. Purpose of Report

To consider the development proposal in the context of the development of the plan and national guidance and to consider the recommendation that the application be approved.

2. Report Summary

Royal Wootton Bassett Town Council and Lydiard Tregoz Parish Council both object to the application. 29 letters of objection from members of the public and interested parties have been received and 39 representations of support from members of the public received.

Planning Issues raised for consideration of the proposal are:-

- Principle of Development
- Highway Safety and Parking Provision
- Flood Risk and Drainage
- Landscape
- Ecology
- Heritage Assets Impact
- Archaeology
- Design and Visual
- Environmental matters
- Residential amenity

3. Site Description

The application site lies directly adjacent to and immediately north of the Malmesbury Road/B4042 stretching westward near to the Coped Hall Roundabout, and the site area is approximately 3.54 hectares. The land is presently in agricultural use and generally has gentle contours and a level topography. There is varied landscaping around the site's perimeter, with hedges demarcating the existing field pattern and some mature trees growing near the north-western corner of the site. There is no formal vehicular access to serve the site.

The site is outside of the defined settlement framework boundary for the town of Royal Wootton Bassett and is therefore defined as being within the open countryside. The

application site is not subject to any international (e.g. European), national or regional designations but is within proximity of a Listed Building, Marsh Farm, and a known location of archaeological interest and potential. The site is however not situated within any designated conservation area.

In terms of landscape designation, the proposed development of this site is not considered to undermine or compromise the setting of a nationally protected landscape i.e. The North Wessex Downs Area of Outstanding Natural Beauty (AONB) lies circa 5.5km to the south-east of the site and is separated from it by the urban area of the town. The site lies within the boundary of the 'Great Western Community Forest'. No existing rural 'Public Rights of Way' are located within the site.

The site is an out-of-centre site for the purposes of the relevant retail planning policy, lying over 1,000 metres (0.7 miles) outside Royal Wootton Bassett (RWB) Town Centre. A care home adjoining the site on the eastern boundary has been built. The recently developed Ballards Ash Sport Ground adjoins the site to the west, comprising a number of tennis courts, football, rugby and crickets pitches and club houses.

To the southwest, across the B4042, are residential properties of relatively modern character, whilst to the east, across the A3102. A supermarket, Aldi, opened in December 2019, on the former Land Rover garage site, to the south of the application site.

4. Planning History

The site is subject to a number of planning applications and the following applications are the most relevant to the determination of this application:

13/07291/SCR Screening as to whether an Environmental Impact Assessment is required in respect of Proposed Mixed Use. No EIA is required 20 January 2014

14/08060/OUT Applicant (Leda Properties & Tesco Stores Ltd) Mixed development of up to 320 dwellings, community hub comprising of 500 square metres of A1/A2/A3/A4,A5/D1 & D2, Uses, Public Open Space, Landscaping to approved sports Hub & Access. Refused on 26 April 2017 and Dismissed 06/12/2018.

Refusal reasons:

- 1 The proposals by virtue of scale and location in the open countryside outside of any defined settlement boundary on land not allocated for development are contrary to the Wiltshire Core Strategy (Adopted January 2015) Core Policies CP1, CP2, CP19 and National Planning Policy Framework (NPPF) paragraphs 7, 14, 17.

- 2 The proposals by virtue of scale and location will result in the loss of open countryside resulting in harm to the character and appearance of the locality contrary to Wiltshire Core Strategy (Adopted January 2015) Core Policies CP51 and CP57 (i, ii & iii) and National Planning Policy Framework (NPPF) paragraphs 17 & 109.

- 3 The application fails to meet the identified and necessary supporting services and infrastructure requirements generated by the development, including Affordable Housing, Education, Highways and Open Space Management and is therefore in conflict with Wiltshire Core Strategy (Adopted January 2015) Core Policies CP3, CP43, CP60 & CP61; and National Planning Policy Framework (NPPF) paragraphs 2, 7, 17 & 196.

16/06995/FUL Applicants (Leda Properties Limited and Lidl GmbH UK) Hybrid Application for a 2,469 square metres (GIA) supermarket with access and landscaping (details) and Class C2 care home of up to 3,000 square metres (outline). Refused on 26 April 2017 and Dismissed 06/12/2018.

Refusal reasons:

- 1 The proposals by virtue of their scale and location in an open field beyond the built-up limits of the settlement will result in the loss of open countryside resulting in harm to the character and appearance of the locality, contrary to Wiltshire Core Strategy (Adopted January 2015) Core Policies CP46 (ix), CP51 and CP57 (I, ii & iii) and National Planning Policy Framework (NPPF) paragraphs 17 & 109.
- 2 The application fails to meet the identified and necessary supporting services and infrastructure requirements generated by the development, including Highways and Waste & Recycling Facility provision and is therefore in conflict with Wiltshire Core Strategy (Adopted January 2015) Core Policies CP3, CP60 & CP61; and National Planning Policy Framework (NPPF) paragraphs 2, 7, 17 & 196.

15/00892/FUL Amendment to boundary of sports hub approved under planning application N/08/00025/FUL to include two additional parcels of land. Approved 08 May 2015

17/08871/OHL Consent under Section 37 of the Electricity Act 1989 to install or keep installed an electric line above ground. Increase in height of Pole 8 from 10m to 14 metres. Approved 26/10/2017

18/02955/FUL Class C2 66 bed care home with associated car park and landscaping and upgraded access from Hook Road. Approved with conditions 20 June 2022

19/10436/VAR Variation of condition 2 (Approved plans) for application 18/02955/FUL to alter the design of the build at the rear elevation to include a small extension around the main entrance, and the site layout in external areas is also subject to minor alterations. Approved 11/01/2020

N/08/00025/FUL Development of range of sport facilities, providing football, cricket and tennis pitches, plus associated and ancillary uses including two clubhouses, a warden flat, parking facilities, hardstanding, infrastructure, access and landscaping works. Approved 29 March 2012

5. The Proposal

This application seeks full planning permission for the erection of a Class E food store of 1,895 m² (GIA), car parking, works to create community open space, new access, landscaping and associated works for use by Lidl. The food store operator is within the discount sector and the range of goods sold would extend beyond foodstuffs to include comparison goods albeit as an ancillary part of the offer and available as part of the discount operation, so when sold the goods are no longer available i.e. not a permanent part of the offer.

The application is supported by revised details and following documents:

- Archaeology Letter from Thames Valley Archaeology Services
- Heritage desk based Assessment
- Revised Flood risk Assessment and drainage strategy
- Ecology Appraisal
- Biodiversity Metrix Report
- Tree Constraints Plan
- Tree Schedule
- Landscape and Visual Appraisal
- Travel Plan
- Air Quality Assessment
- Environmental Noise Report
- Waste Minimisation & Waste Management Plan
- Hard materials for public open space
- Interim Statement of Community Involvement

During the course of the application, a Biodiversity Matrix and Revised proposed drawings were submitted to address the landscape and ecology issues. In addition, a letter from Leda Property Limited, the freehold owner for the proposed park land area, confirmed the following elements:

- The proposed park land area will be retained in the freehold ownership of LEDA. LEDA will maintain and manage the park area at its own costs (with an agreed contribution from Lidl). No requirement for the Council to adopt this land or take on management responsibilities or cost.
- The park land has been designed to provide outdoor amenity space to complement the existing park at Jubilee Lake and a route to encourage pedestrians to the Lidl store
- The water features proposed will serve as an attenuation for the food store and the drainage design will ensure that discharge into the existing drainage networks is regulated so as to replicate existing flows to Jubilee Lake
- It is acknowledged that there is interest in providing community facilities, such as skate park at this site. LEDA would be pleased to engage with the Lydiard Tregoze Parish Council to see how this park, once constructed, can adapt to particular community needs.
- The Lidl application includes the provision of an access road that meets the minimum requirement of Lidl to access by service vehicles. The route also has the potential to provide a point of access to the LEDA land to the north should any planning application be progressed in future. For the purposes of the Lidl

application, the access roads provides a grasscrete access into the LEDA land to provide access to LED's retained land for agricultural vehicles.

6. Planning Policy

The proposed development, by virtue of its limited scale, known site constraints and the likely assessed impacts of development individually and cumulatively is not considered to constitute EIA development for the purposes of Town and Country Planning (Environmental Impact Assessment) Regulation 2017.

National Planning Policy Framework (NPPF)

Section 2: Achieving sustainable development

Section 4: Decision making

Section 6: Building a strong, competitive economy

Section 7: Ensuring the vitality of town centres

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG) in particular but not exclusively

Ensuring the vitality of town centres and Construction Requirement

Wiltshire Local Plan: Core Strategy (Adopted January 2015)

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 3: Infrastructure requirements
- Core Policy 19: Spatial Strategy for the Royal Wootton Bassett and Cricklade Community Area.
- Core Policy 38: Retail and Leisure
- Core Policy 50: Biodiversity
- Core Policy 51: Landscape
- Core Policy 52: Green Infrastructure
- Core Policy 55: Air Quality
- 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 65: Movement of Goods
- Core Policy 67: Flood Risk
- Core Policy 68: Water Resources

Saved policies of the North Wiltshire Local Plan 2011

- NE14 Trees, Site Features and Control of new development
- NE18 Noise and pollution

7. Consultations

The applicant team has made a revised proposal to respond to representations made and consultation responses received following consideration of the initial application documentation. Consequently, there have been additional formal consultations undertaken and consultees have received and commented upon the revised proposals. As such the following summary of consultee advice and responses is the position following consideration of all documentation submitted.

7.1 Lydiard Tregoze Parish Council

Comments on the revised scheme:

Lydiard Tregoze Parish Council (LTPC) still objects to application PL/2022/05273 (Amended plans). Our original objections from 30/09/2022 are restated below, but the Parish Council would like to add for consideration that the care home (PL/2022/04098) has now amended its plans (PL/2023/00957) from connecting to the sewer system to installation of a private sewage treatment plant. If approved, this will affect Lidl's sewage plans.

Comments on the original scheme:

1. It goes against Core Policies 51 and 57 - development in open countryside.
2. The 'public open space' is not in ownership of Lidl or a public/community organisation, but is instead still owned by the developers to do with as they please. The Parish Council feel that this is deceptive planning and misleading to the public.
3. The entrance requires a "Left Turn Only" for exiting, as it is on a busy road with children crossing to the right to access the sports ground. Aldi was allowed to build WITHOUT the provision of a 'Left Turn Only' exit and it has created a dangerous intersection, with frequent near misses and hard stops. This is compounded by vehicles turning right out of the Esso just a short distance away. Another development on the other side of the roundabout with right turning vehicles would make the length of road from the Esso to the sports ground treacherous. If the Coped Hall roundabout was deemed inadequate to handle extra traffic from a 'Left Turn Only' out of Aldi, then it is most assuredly inadequate to handle the extra traffic coming from Hook, Royal Wootton Bassett, and surrounding communities to shop at Lidl (or any other development proposed on the site), as there is no pavement or safe crossing for pedestrians.
4. Research by Lidl has indicated that their store would not affect Royal Wootton Bassett town centre shops, specifically mentioning Sainsbury's, but LTPC has recently been informed that the Iceland shop on the High Street has lost business to Aldi and is feared to possibly closed. This shop is important to

the community of Royal Wootton Bassett, especially those who walk. A second discount grocery store would be detrimental to Iceland's business.

The council requests that Wiltshire Planning Authority seriously consider these reasons for objection, and consider the long-term negative effects on traffic, loss of countryside, and loss of High Street business, as opposed to the short-term gain of a third discount grocery store. Should the Planning Authority see fit to approve the application, we ask that the 'Left Turn Only' exit be a Condition for Approval.

7.2 Royal Wootton Bassett Town Council –

Additional comments

The Town Council objects to the application based on the following grounds:

- Contravention of Core Policies 1, 2, 51 and 57 in relation to the proposed location falling outside of the settlement strategy and use of a greenfield site.
- Contravention of Core Policies 60, 61 and 62 in relation to sustainable transport and the impact on Highways.
- Having a second supermarket in an out-of-town centre location threatens the vitality of the High Street. An updated retail survey is required.

Further RESOLVED that should the application be approved by Wiltshire Council then Royal Wootton Bassett Town Council would like to ensure the following conditions are imposed:

- The farm track to the neighbouring field cannot be an access point for further development.
- A Toucan crossing be installed, linking up the existing footpaths and cycle paths in the town enabling residents to walk or cycle to the supermarket, specifically supporting an active travel lane from the end of Saffron Close to the Toucan crossing.
- More electric vehicle charging points be included in the proposals with a minimum of 10.

Initial comments:

The current plans pay insufficient attention to and provide insufficient information on safe access to the site by Active Travel routes and means as set out in National Planning Policy Framework (NPPF), which at paragraph 110 states

'...Within this context, applications for development should:

- a) give priority: firstly, to pedestrian and cycle movements, both within the

scheme and with neighbouring areas, and secondly, so far as is possible, to facilitate access to public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;'

Specifically, there is insufficient linkage to and from the nearby Toucan crossing on the B4042 and walking access to the site and the entrance to the supermarket - this should be made easiest for walkers and cyclists. If pedestrians and cyclists are expected to enter the store using the cut through path to the public footpath, shown to the south of the site adjacent to the lobby, or from the proposed community open space/lake and nature area, how do they safely cross the vehicle entrance road once they have crossed the B4042 at the Toucan crossing, as there are no crossings/raised tables or other infrastructure on this entrance road shown on the plans?

Current guidance for Wiltshire on cyclist provision is set out in Wiltshire Council's Cycling Strategy. This strategy refers to National Guidance including LTN 2/08 and 1/12, other best practice issued by the CIHT and Manual for Streets.

LTN 2/08 at paragraph 9.6.1 advocates the use of raised tables in these kinds of circumstances: Raised entry treatments, where a flat-topped road hump is placed at the entrance to a side road, can make pedestrian crossing movements more convenient. Cyclists also benefit, because motor vehicles entering or leaving the side road do so at reduced speed.

There is no additional provision of infrastructure adjacent to the site which is needed to safely access the site by foot, pushing a buggy or on a cycle in the current plans. Specifically, if people are to be encouraged to use Active Travel modes to get to the new store, they have to get to the Toucan crossing on the B4042. We recommend WC include as a planning condition that a new section of LTN 1/20 compliant Active Travel path is provided by the applicant that links Saffron Close (and also Jubilee Lake) to the crossing. The improvements would enable cyclists to cycle down Saffron Close and smoothly onto a segregated path that leads to the Toucan crossing on B4042. This links to the existing short, shared path to RWB Sports grounds (but not to Rugby ground) and will be directly opposite the proposed Lidl entrance. A segregated path through the site should enable cyclists to directly access safe, secure cycle parking right outside the entrance to the supermarket. It needs to be easier to cycle and walk to Lidl than to drive, therefore the access should reflect this. The path should also branch to link to the entrance to Jubilee Lake (and provide alternative safe access to the Rugby Club via the children's play park, the cafe and the adventure scout huts.)

We also propose that Wiltshire Council include a planning condition for the funding and construction of a Toucan/cycle friendly crossing, on the A3102 linking the Maple Drive/A3102 Marlowe Way section of existing cycle route, nearby in the town. This would enable people living south of the A3102 to safely access the Active travel route to the store, which they cannot do at the moment. This would also have the advantage of slowing traffic entering the town and improving flow for school traffic exiting Maple Drive, and the 55 bus and other traffic exiting Marlowe Way.

There is insufficient detail on the near store entrance covered cycle parking shown on the plan view. More detail should be provided on the cycle parking including how it can accommodate larger/longer load carrying bicycles and this should be allocated more clearly on the plans. The applicant should provide details of how many cycle parking places of various types are part of the application.

There is insufficient detail on the PV installation in respect of how much renewable energy it will provide in relation to the kWh needs of the store. As this store is a new development that will have an anticipated life time of at least 20 years, the planning application should clearly show how it will meet Wiltshire Council's Net-Zero by 2030 strategy. Specifically, the application should show how the store will operate at Net-Zero CO₂e emissions from the point of construction. There does not appear to be a battery or other energy storage included in the application.

There is insufficient detail on water saving and conservation measures in the current application. With a roof area this large, grey water capture and utilisation would provide a particularly beneficial source of water for landscaping, cleaning and other purposes.

The large area of impermeable tarmac for the roads, carpark and the store itself will add to challenges of storm events. We recommend WC considers a planning condition requiring more permeable surfaces to slow down and absorb surface water.

We request more information is provided by the applicant on how biodiversity net gain will be achieved on the site.

7.3 **Spatial Planning Team** - The planning policy position has been covered in detail within the recent appeals. In terms of the Local Plan Review, it is worth noting that the site is being promoted for development. Further information, the representations and maps, are available in the RWB Site Selection Report.

7.4 **Highway Officer** – No objection subject to conditions

7.5 **Ecology** – No objection subject to conditions

7.6 **Public Protection** – No objection subject to conditions

7.7 **Drainage Team** – No objection subject to conditions

- 7.8 **Economic Development** – No objection. This development will lead to an increase in employment opportunities in the local area, and whilst unemployment is currently at historically low levels with the current economic uncertainty any increase in local job vacancies could be beneficial for the local population.
- 7.9 **Urban Designer** – No objection to the revised proposal, subject to condition seeking details and samples of building materials
- 7.10 **Landscape Officer** – No objection subject to conditions
- 7.11 **Archaeology Officer** – No objection
- 7.12 **Conservation Officer** – Not consulted as the site does not fall within 50m of the nearest listed building and would not affect the setting of the heritage asset given distance and existing planting landscaping and structures in the locality between the property and the application.
- 7.13 **Wessex Water** – No objection, and advise the following information:

(i) Existing Services

There are no known Wessex Water assets within the proposed site boundary, however, our records show a private surface water sewer crossing the site and discharging to the watercourse that passes through the site. All apparatus must be accurately located on site and marked on deposited drawings. A map showing all known Wessex Water Assets within the area of the proposed site is attached at the bottom of this response. Additional maps can be obtained from our website Mapping enquiries (wessexwater.co.uk)

(ii) Foul Drainage

Within section 6.2 of the Flood Risk Assessment and Drainage Strategy submitted with the application, the applicant has advised an intention to discharge foul flows to the pumping station constructed on the adjacent care home site, this is in accordance with what Wessex Water were expecting for the site wide foul drainage.

The applicant is advised that no surface water runoff, land drainage or ground water will be accepted into the foul sewer either directly or indirectly.

(iii) Surface Water Drainage

Having reviewed the Drainage Strategy Drawing ref: C160504-PLN-XX-XX-DR-C-224 Rev S2-P04 dated March 20, included as appendix G to the FRA and Drainage strategy and submitted with the application, it is noted that the applicant is proposing to attenuate surface water flows on site and discharge to the existing private surface water sewer that crosses the site. The LLFA will need to approve the discharge rates and

volumes and permission to connect to the private surface water sewer will need to be obtained from the riparian owner.

Please Note: No surface water runoff, land drainage or ground water will be accepted into the foul sewer either directly or indirectly.

- (iv) Water Infrastructure
Wessex Water is not the incumbent supplier in this area.

7.14 Urban Shape Retail Consultants Commissioned by the Council

The advice received is considered in full in the main body of this report under the Principle of Development Section. In summary, the consultant concluded:

- The proposed development has met the provisions of the sequential test as set out in paragraph 87-88 of the NPPF and Policy 38 of the Core Strategy. It is concluded that there are no suitable, sequentially preferable sites.
- On balance, it is concluded that the proposed development would not have a significant adverse impact on the vitality and viability of RWB town centre, or on existing, committed and planned public and private investment.
- The thresholds of 'significant adverse impact' are more marginal than previously assessed and are certainly less convincing than concluded in 2016. Whilst all planning applications must be considered on a case-by-case basis, the evidence at this point in time suggests that any further edge or out-of-centre convenience goods retail development would likely have a significant adverse impact on Royal Wootton Bassett town centre

8. Publicity

The application has been advertised by site notice and neighbour notification letters. As noted above the application has been subject to additional public consultation.

29 no. letters of objection and 39 letters of support were received. The comments are summarised as follows:

Objection:

- Out of town development, outside settlement boundary, harmful to the existing town centre
- Almost to the cost of other jobs in the town
- Lidl only more of the same (provided by Aldi)
- Increase in traffic along Malmesbury Road, traffic congestion
- Risk of accidents increase
- The improvements in cycle and footpaths are inadequate
- Loss of a green field setting a dangerous precedents
- Do not require another supermarket
- Missing information on drawings
- What is the purpose of the strip W of wooded area?

- Contrary to policies
- Public open space is not in the ownership of Lidl or community organisation
- Affect the local trade
- The loss of an open view onto pastoral field
- the care home (PL/2022/04098) has now amended its plans (PL/2023/00957) from connecting to the sewer system to installation of a private sewage treatment plant, and it would affect the application site
- potentially destroy the future of this well-established property and business, Marsh Farm
- Drainage, how it runs to Jubilee Lake
- Damage wildlife and habitats
- Inadequate EV charging points
- How close will the new store be to the existing sports ground
- not addressing the requirements for safe and accessible access for users of the facility eg disabled
- how flooding is to be prevented and conversely how the flow will be maintained in summer.
- Noise nuisance
- Light pollution
- ensure that deliveries do not intrude on the peace of the residents.
- No. 31 bus does not run on Sunday
- What provisions will be made to enable all demographics of the local community to travel to this 'superstore'
- It seems strange to have an ALDI and a LIDL next to each other
- is no requirement for a so called "country park"
- insufficient information on safe access to the site by Active Travel route
- insufficient detail on the near store entrance covered cycle parking
- insufficient detail on the PV installation
- insufficient detail on water saving and conservation measures
- Consideration needs to be given to public transport access for residents who don't drive

Support:

- cheaper shopping, competition and variety
- this store will benefit the town with job opportunities and electric charging points
- new community parkland would be very welcome
- they will be incorporating native species of trees such as Spindle and Wayfaring tree
- increasing population in the surrounding area fully justifies a further supermarket with easy access
- Our high street will not suffer as the independents offer differing services and products.
- More choice will also make Royal Wotton Bassett more attractive for shoppers to stay local rather than driving to Swindon which will benefit local businesses.
- great thing to have Parkland, indoor bakery
- Our Jubilee Park area is overly busy at times and short of parking spaces due to the popular playground and fishing facilities.

- Reduce the carbon footprint of shopper visiting Lidl supermarkets in Swindon.
- bring more business into the town

9. Planning Considerations

- 9.1 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, and the provisions of the NPPF i.e. para 2, 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); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); and The Royal Wootton Bassett Neighbourhood Development Plan (2017-2026) Made April 2018.
- 9.2 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in determining planning applications affecting a Listed Building to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The statutory duty here is reflected in Section 12 of the NPPF and Core Policy CP58 of the WCS. Heritage Asset issues are addressed further below.
- 9.3 The Wiltshire Core Strategy was formally adopted by the Council on 20th January 2015. In accordance with the NPPF it sets out what is sustainable development in the context of Wiltshire. It retains a number of saved policies from the former Districts' Local Plans (e.g. North Wiltshire Local Plan 2011). It forms part of the statutory development plan for Wiltshire.
- 9.4 Royal Wootton Bassett is identified as a Market Town in Core Policy 1, which sets out the settlement strategy for Wiltshire. At Market Towns there is *"potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities"*.

Principle of development

- 9.5 This application proposes a 1,895 sq m gross (GIA) foodstore, which is smaller food store than that previously proposed (2,469 sq m gross GIA) over a single floor with a total net sales area of 1,251 sq m comprising 80% (1,001 sq m) for the sale of convenience (food and drink) goods and 20% (250 sq m) for the sale of comparison goods. The store is designed to face westwards over a 125 space car park (Fig.2.2). Public parkland forms a key component of the application proposals, comprising approximately 2.20 ha of open space centred upon a lake that serves as both amenity and drainage feature. The intention is for the food store and the park to share a vehicular access from the B4042.

- 9.6 National policy in the NPPF and the NPPG alongside Local Policies in the WCS CP 38 seek to direct new large scale retail development (over 200m sq) to existing defined town centres. CP19 makes no provision for a retail store within the town or Community Area. Proposals outside of defined town centres are required to demonstrate a sequential approach to site selection seeking locations within or adjacent defined centres in preference to out of town sites. Where an out-of-town site is proposed, as is the case here, assessment of the impact of the proposal on the vitality and viability of the relevant existing town centre is required. In considering site selection applicants and developers including the retail operators must adopt a flexible approach to operational requirements under national policy.
- 9.7 As noted in the consultation section of this report, the Council commissioned a retail and town planning consultant, Urban Shape, to review and advise in respect of the submitted Planning and Retail Statement. Urban Shape has reviewed the submitted documents, planning history including recent appeal decision of this site, and concluded the following:

‘The submitted Planning and Retail Statement (2022) emphasised the conclusions previously drawn in respect of compliance with the sequential site assessment. The applicant also revisited their assessment for the purposes of this application, noting the smaller proposed food store alongside community parkland, the discount food store has been reduced from 2,469 sq m GIA to 1,895 sq m GIA. The assessment considered two key elements to the sequential test: the need to demonstrate flexibility in scale and format, and the consideration of alternative sites. It focuses on any material change in circumstances since the dismissal appeal and previous GVA advice. We concur with this approach.’

Flexibility and Alternative Sites

- 9.8 With reference to the flexibility and alternative sites, Urban Shape concluded as follows:

‘The previous advice prepared by GVA in 2016 concluded that, of the three sites assessed by the applicants’ Retail Statement, none are considered to offer realistic suitable alternative locations for the proposed supermarket. In the context of the applicants’ updated Planning and Retail Statement 2022, we conclude that there has been no material change in circumstance and the sites remain unsuitable for the proposed development.’

Whilst we have not visited Royal Wootton Bassett as part of our instruction, we have not been made aware of any further alternative sites or suitable vacant units within the town centre. The most up-to-date town centre health check prepared by Mango (2022) notes the low number of vacant units, and also their small floorplates – generally below 100 sq m. This is consistent also with the findings of the WRTCS. Providing the Council are not aware of any newly suitable alternative sites, we

conclude that the proposed development has met the provisions of the sequential test as set out in paragraph 87-88 of the NPPF and Policy 38 of the Core Strategy.'

Retail Impact Assessment (Viability and Vitality)

- 9.9 With respect to retail impact on the existing town centre, Urban Shape concluded that: -

'On balance, the proposed development would not have a significant adverse impact on the vitality and viability of RWB town centre, or on existing, committed and planned public and private investment. Retail impact will predominantly fall on the out-of-centre Aldi food store and destinations further afield; whilst the town centre as a whole is concluded to be healthy and vibrant. In this context, the proposed food store would unlikely deter existing town centres businesses from continuing to invest in their property and businesses. It has also been concluded that there are no planned or committed investments in RWB town centre that would be materially affected by the application proposals. Subject to meeting these requirements and all other relevant policies of the WCS the proposal could be acceptable in principle.'

- 9.10 On the basis of this advice it is not considered that there is an in-principle conflict with national or local policy such that the development proposed (food store) ought to be refused. Furthermore, the site is subject to an appeal for a similar proposal in the past. The Inspector dismissed the appeal on design and landscape issues. It is also a material consideration that the development will result in broader economic benefits in terms of job creation and through construction as well as increased business rate revenue.

Highway safety and parking provision

- 9.11 Representations have been made by residents raising concerns as to the highway issues, parking provision, and related accessibility issues.
- 9.12 It is worth to note that there was no highway objection was raised to the similar food store application under planning reference 16/06995 subject to planning conditions. Since that time there is new and updated guidance on various highway aspects that must be considered – in particular the extensive guidance on cycle accessibility for development proposals in publication LTN1/20.

Sustainability

- 9.13 The proposed development, while being on the edge of the town, is within the preferred maximum walking distance of 2000m of almost all residential development and key facilities in Royal Wootton Bassett. All town facilities are within a reasonable cycling distance including some nearby villages. The development includes adequate cycle parking facilities. In terms of distance, cycling to and from the site will be a reasonable option for residents, staff and customers. Required improvements to cycle infrastructure are discussed further below. There are also reasonable bus services within walking range of

the development. Bus service provision past the development is set out at Table 3.1 of the TA. In addition the frequent X55 service between Swindon and Chippenham is within walking distance of the development. In addition, the submitted Travel Plan is also acceptable.

Traffic movement and Highway Safety

- 9.14 The submitted Transport Assessment (TA) takes a reasonable thorough approach. The store can be expected to generate 66 trips in the weekday AM peak hour, 142 trips in the weekday PM peak hour, and 230 trips in the Saturday peak hour, where a trip is a one-way vehicular movement. The TA considers the development impact on the weekday peak periods as the network flows on Saturday are of course much lower than on the weekday peaks. Officers are satisfied with this approach.
- 9.15 New supermarkets do not generate many new trips on the network as the trips are mostly redistributed trips from existing food stores. This is set out in greater detail in TA sections 6.5 – 6.10 to which the interested reader is referred. The growth year of 2027 has also been considered, with the traffic impact on the following local junctions examined:- Site access, Bincknoll Lane A3102 roundabout, Coped Hall roundabout. All of the above junctions are shown to operate for the growth year with the development in place, not having significant effects on junction capacity. Officers are satisfied with these assessments. Sections 8.4 – 8.9 of the TA provides details of these capacity assessments.

Access

- 9.16 It is noted that representations have been made on the application (particularly the representation from the Royal Wootton Bassett Active Travel Group) that the original plans pay insufficient attention to provide safe access to the site by Active Travel routes including in the area of the access road entrance and across the car park. The Council Highway Officer also raised concerns regarding the detailed design of the visibility splays, the width of the lanes, cycle routes, and bus shelters. To address these issues, a revised plan no. 2022/046/SK01/D was submitted. The Highway Officer has reviewed the submitted details and raised no further objection to the proposal.

Parking provision

- 9.17 The maximum car parking provision for this level of retail food store development is 135 spaces. As 125 parking spaces are proposed, it is considered that proposed provision would be sufficient, and such level of under provision is similar to other recent Lidl and Aldi stores across north Wiltshire. Officers note that no additional provision is provided for non-food store visiting visitors to the adjoining country park area. However, there is parking provision (Jubilee Lake) on the opposite side of the road, and users would be able to use the toucan crossing to cross. The car parking layout and the proposed service vehicle delivery arrangements are satisfactory.

Other highway issues

- 9.18 Concerns are raised to ask for the provision of a new toucan crossing of the A3102 in the Maple Drive area. Given the amount of NMU mode share in this direction that would be generated, Officers consider that the development could not justify this under the CIL Regulation tests.
- 9.19 Regarding the point raised by some objectors that the development should have a left turn exit only forcing right turning drivers to U-turn at the nearby roundabout is not an approach that the Highway Authority would support. The roundabout is some distance away, the extra movements would not assist the roundabout's capacity, it would be a contrived arrangement that would frequently be abused, and the frustrations introduced particularly at quieter times on the network would not assist highway safety. The junction arrangement proposed: a right turning lane, - is a normal junction arrangement for this type of development and there is no reason why it should not work in a reasonable manner.
- 9.20 In summary, subject to the planning conditions suggested by the Highway Officer, there is no highway objection to the proposal.

Flood Risk and Drainage

- 9.21 Concerns are noted regarding the drainage matters. The site is not subject to high risk of flooding. The applicant submitted a revised Flood Risk Assessment and Drainage Strategy version 5 (February 2023) during the course of the application. In addition, the applicant provided additional information to confirm the 20% betterment over greenfield [discharge] rates, providing a swale, an attenuation tank, raingardens at the southern end of the carpark. In addition, calculations were also submitted to confirm the performance of the surface water drainage network, to show the capacity of the downstream network, to demonstrate overland exceedance flows can be safely contained on site, and the proposed drainage design to provide sufficient level of water treatment.
- 9.22 The Council's Drainage Engineer is satisfied with the submitted details and the revised FRA. A planning condition is imposed to seek a Construction Phase Management Plan to clearly demonstrate how surface water will be managed throughout the construction phase in order to prevent an increase in local flood risk / local pollution risk,
- 9.23 It is the applicant to discharge of surface water into the adjacent development's surface water drainage system. In the event that the applicant is unable to implement the submitted drainage scheme, the applicant will need to seek consent from the local planning authority to amend the scheme.

Landscape

- 9.24 During the course of the application, a revised landscape scheme, revised proposed boundary treatment drawing was also submitted, no. AD_114

Revision C, to change the new boundary to 1.2 metres high hit and miss timber fence, a revised landscape management plan was also submitted.

- 9.25 Core Policy 51 of the adopted Core Strategy states that development should protect, conserve and where possible, enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.
- 9.26 As noted above, the site is subject to an appeal in the past. The Inspector objected to the proposal and stated:

'The building would be as close as 5 metres to the new pavement along Malmesbury Road and parts of the car park about 3 metres. There is no landscaping proposed on any of the building's elevations and little within the extensive area of car parking... Without further mitigation to filter the views of the building and its car park from Malmesbury Road, the building would appear somewhat bland and dominating in the street scene. Additionally, it and the car park would do nothing to create a strong sense of place by drawing on the local context or being complementary to the locality. In its current form the proposed landscaping is not in accord with CP 57 and the proposed mitigation would neither conserve nor enhance the landscape character. It is contrary to CP 51. The proposed car park extends to the site's northern boundary. Without appropriate mitigation, it and the building's service area and north-eastern elevation would be clearly seen from vantage points to the north of the site, as well as from Marsh Farm Hotel and the Gerard Buxton sports complex.'

- 9.27 Regarding the original drawings of this application, the Council's Landscape Officer raised concerns about the missing details of the existing field drainage ditches and ponds on the submitted drawings, the size of the proposed woodland and hedgerows plants, the planting schedules, missing details of urban trees pits, the use of slate chippings as a mulch, the inappropriate height of the closed boarded fence.
- 9.28 To address the Inspector's objections and the comments from the Council's Landscape Officer, the applicants submitted revised and additional plans. Officers welcome the new pocket park incorporating Green Blue Infrastructure. With regard to the proposed 2.1m high close boarded fencing along the northern edge of the car park, the applicant submitted a revised boundary treatment plan to reduce to 1.2m high hit and miss timber fence. A revised landscape management plan was also submitted. Subject to condition securing the implementation of the submitted details, there is no landscape objection.

Ecology

- 9.29 Core Policy 50 of the adopted Core Strategy requires development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the life of the development. All development also seeks opportunities to enhance biodiversity.

Ballards Ash Protected Road Verge (PRV)

- 9.30 The Site boundary is adjacent to the Ballards Ash Protected Road Verge and construction works could potentially impact upon it, particularly construction of highways access and landscaping of the public open space. Impacts on the PRV could be avoided by adherence to a CEMP including protective measures. Therefore a planning condition is required to seek a CEMP to be submitted to the council for approval prior to construction commencing could ensure the protection of this verge.

Habitats

- 9.31 The Site is reported have been subject to recent disturbance resulting in areas of bare and disturbed ground. Prior to this and on areas unaffected the Site is reported to have largely comprised common agricultural habitats of limited ecological value. Other features recorded as present include a hedgerows, trees and areas of scrub, along with a dry ditch and former pond and wet area.
- 9.32 Thunder Brook, boundary features and a small ephemeral wetlands / ponds in the west of the Site are of local value, however the Planting Plan for Public Open Space shows larger areas of similar or enhanced habitat would be provided within the public open space which in the long term could provide biodiversity benefits. Therefore a planning condition is imposed to seek a LEMP to ensure these habitats and features are managed for the benefit of biodiversity and predicted net gains in biodiversity are achieved.

Species

- 9.33 The site is reported to provide limited opportunities for the faunal species, reptiles (Slow Worm), roosting bats and common nesting birds. Habitat loss and lighting associated with the proposals are likely to causing some limited disruption to foraging bats using the site, however the habitat creation would help to mitigate this in the long-term. Measures to avoid harm to species provided in Section 6 of the Ecological Appraisal report should be adhered to. The CEMP will need to be prepared in accordance with these measures and submitted to the council for approval prior to construction commencing.

Mitigation and Enhancement

- 9.34 The proposed ecological enhancements detailed in Section 6.2 of the Ecological Appraisal report are welcomed. A BNG calculation has been completed but only results are summarised in the report. The calculation is based on the Site Layout Lidl Plan 3 embedded in Appendix 3499-03/1 of the Ecological Appraisal report and indicates significant net gains in both habitat and hedgerow units would be achieved if the listed habitats and features are provided and managed for biodiversity in accordance with the BNG calculation.

- New native scrub planting/ mixed scrub
- New native woodland planting/ other woodland; broadleaved woodland
- Wildflower grassland creation/ modified grassland
- Wildflower grassland creation/ other neutral grassland
- Wetland features/ ponds
- Retained and proposed native hedgerow
- Bat boxes
- Bird boxes

The Site Layout Lidl Plan 3 embedded in Appendix 3499-03/1 of the Ecological Appraisal drawing broadly accords with the submitted Public Open Space Planting Plan however the following discrepancies between these drawings have been identified:

- Hedge 2 (H2) reported as retained does not appear on the Planting Plan.
- The Natural Plan Area is mapped as modified grassland in the BNG calculation. It is considered unlikely that this habitat will be achieved within the play area.

The submitted calculation confirms significant net gains in biodiversity (6.96 Habitat Units or 94.08% and 3.58 Hedgerow Units or 155.43%) could be achieved.

Site Boundary

9.35 The majority of the submitted documents show/ indicate the public open space is within the Site Boundary/ red line, however the Proposed Site Plan only encompasses the proposed built environment. In this instance, the applicant confirmed that the public open space lies within the red line boundary. Therefore, it would be reasonable to impose a planning condition to secure the layout, including detailed planting and the on-going maintenance of the public open space.

In summary

9.36 Subject conditions securing the above required elements, there is no objection from ecology perspective.

Heritage Asset Impact

9.37 The previous planning application confirmed that the listed building of Marsh Farm is not within 50 m of the designated heritage asset. Also, the site is separated by other development and structures and mature trees and planting. On this basis it is not considered that the proposals which are the subject of this application will have a significant harmful impact to the setting of the Listed Building. Given the lack of potential harm and impact to heritage assets, it is considered that Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act and para 134 of the NPPF are not engaged as no potential impact and therefore harm is identified.

Archaeology

9.38 the Council's Archaeologist is satisfied with the previous geophysical survey and archaeological trial trench evaluation have sufficiently characterised the archaeological potential of the application area and that no further form of archaeological mitigation is needed. As such the development is in accord with the provisions and requirements of the NPPF and CP58 WCS.

Design and Visual Amenity

- 9.38 Policy CP57 requires development to be of a high quality, local context and high quality can be achieved and respected through design. The application site is within the open countryside abutting the B4042 and in a visually prominent location from localised public and private vantage points. The site features fields boundaries including some mature trees growing near the north-western corner of the site. The site is in agricultural use, between the recently built care home to the southeast, and sport complex to the north. An established residential area lies opposite of the site.
- 9.39 The Inspector dismissed the previous appeal due to the issues relating to the design and landscape of the scheme. To address these concerns, the current scheme now includes:
- Increase 15 metre buffer to road
 - New woodland planting to create transition to north
 - More planting in and around car park
 - Timber and natural stone elevations to soften its façade
 - Height reduced by approximately 1 metres to 6.7 metres
 - New large POS feature with path circuit

In addition, the revised landscaping scheme also addressed the original comments raised by the Council's Urban Designer.

- 9.40 Subject to condition seeking details and samples of the building materials, it is considered that the proposal has addressed the previous refusal reasons. As the proposed site layout and building would not be harmful to the character and appearance of the site and the locality, therefore, no objection is raised in this regard.

Environmental matters

- 9.41 The Council's Public Protection Team have reviewed the submitted details, and raised no objection subject to planning conditions securing the following:
- To restrict the construction or demolition work hours
 - To secure the rating level of noise from all fixed plant and machinery.
 - Further information regarding deliveries and car park activity noise.
 - Details of external lighting
 - A scheme of Ultra Low Energy Vehicle infrastructure

Subject to planning conditions seeking the above, there is no objection from environmental matters.

Residential Amenity

- 9.42 Core Policy 57 of the adopted Core Strategy requires a high standard of design for all new developments having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter).
- 9.43 Residents' concerns regarding the potential impact upon the neighbours' amenity are noted. Whilst the site is situated in the open countryside, there is

newly built care home to the south and a residential estate lying opposite B4042. The new building would be approximately 6.7 metres to its height. Given that there is a reasonable separation distance of more than 11 metres away between the closest neighbouring properties (opposite the site) and the site, it is considered that the proposal would not result an unreasonable overbearing or overlooking impact upon the neighbouring properties to be detrimental to the living conditions of the nearby residents. In term of external lighting, noise and disturbance, conditions are imposed to safeguard the amenity of residents. In this instance, no objection is raised in this regard.

Other matters

- 9.44 In terms of the land ownership, the submitted application form confirmed that the applicant has served notices to the land owners, and a Certificate B has been signed, therefore the application can be determined as it submitted.

10. CONCLUSION

- 10.1 The site is not allocated for any form of development and lies outside of the defined limits of development for Royal Wootton Bassett. The site is therefore in the open countryside where the development strategy of the adopted up to date development plan and national guidance is to focus development within and direct it to the most sustainable locations.
- 10.2 Whilst the site is currently in agricultural use situating in the open countryside, the site is already bound by the newly built care home and the Gerard Buxton sports complex. As such, the proposed supermarket at this particular location would likely to be read as an 'in-fill' development.
- 10.3 Furthermore, the site is subject to an appeal and the Inspector's decision is material planning consideration. It should be noted that the Inspector did not object to the retail use at this location, however it is considered the proposal would be contrary to CP51 (Landscape) and CP57 (High Quality Design and Place Shaping).
- 10.4 With this application, the applicant submitted the Planning and Retail Statement to demonstrate that the proposal, albeit its open countryside location and the existence of similar food store in the locality, would not have a significant adverse impact on the vitality and viability of RWB town centre, or on existing, committed and planned public and private investment.
- 10.5 On this basis, it is considered that the proposal would not be contrary with development plan, and it is therefore considered that the proposal can be support subject to the appropriate conditions to safeguard the amenity of the locality.

11 RECOMMENDATION

11.1 That planning permission be granted subject to the following conditions:

Condition 1 (Time limit for implementation)

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.

Condition 2 (Approved plans)

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

Revised Landscape management plan, SLR Ref No: 403.V61442.00001, March 2023, received by the Council on 14 March 2023

Revised Proposed Boundary Treatment plan, 19078 AD_114 Revision C, received by the Council on 10 March 2023

The following documents received by the Council on 27 February 2023:

- Proposed elevations, AD_113 B
- Proposed Lidl Site Access Arrangement on B4042, SK01 Revision D
- Planting plan for Lidl car park LIDL / GA 2
- Planting plan for Public Open Space, LIDL/GA3
- Planting plan for General Arrangement, LIDL/GA1
- Hard and Soft Landscaping Details, LIDL / GA07 and GA08
- Hard materials – Public Open Space, LIDL / GA6
- Hard materials – Car Park, LIDL/GA5
- Hard materials – General Arrangement, LIDL/GA4
- Site Layout Plan LIDL/PLAN3
- Site Block Plan, LIDL/PLAN2
- Detailed Masterplan, LIDL/PLAN4

The following documents received by the Council on 8 July 2022

- Proposed Site Section, 19078/AD119/Rev A
- Site location plan, AD_100 Rev B
- Proposed roof plan, AD_112
- Proposed elevations, AD_113 Rev B
- Proposed building (floor) plan, AD_111 Rev A

REASON: For the avoidance of doubt, in the interests of proper planning, and for the protection, mitigation and enhancement of biodiversity

Condition 3 (Retail use only)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the retail element of the proposed development shall be used solely for purposes within Class E(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use at this particular site is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case and its potential impact upon the town centre.

Condition 4 (No sub-division of the unit)

The retail element of the development shall not at any time be sub-divided into a larger number of units.

REASON: To enable the Local Planning Authority to consider individually or cumulatively planning permission should be granted for additional units and to protect the vitality and viability of the Royal Wootton Bassett town centre.

Condition 5 (Restriction sale of comparison goods)

No more than 20% of the approved net sales area of the retail unit shall be used for the sale of comparison goods.

REASON: To protect the vitality and viability of the Royal Wootton Bassett town centre.

Condition 6 (Removal of Permitted development rights)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 7, Classes A, C, D, E, F, G, H, I, J and K shall take place on the buildings or within the curtilage of any of the buildings hereby granted planning permission.

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

Condition 7 (Construction Method Statement – pre-commencement condition)

Prior to the commencement of the development hereby approved, a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;

- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from construction works;
- h) measures for the protection of the natural environment; and
- i) hours of construction, including deliveries;
- j) demonstrate how surface water will be managed throughout the construction phase to prevent an increase in local flood risk / local pollution risk.

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

REASON: In the interests of highway safety and residential amenity of the neighbouring properties.

Condition 8 (Construction Environment Management Plan - Pre-commencement condition)

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:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as reptiles, nesting birds and roosting bats.
- c) 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.
- d) Pollution prevention measures.
- e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f) 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.

Condition 9 (surface water drainage scheme – pre-commencement condition)

Prior to the commencement of the development hereby approved, a scheme for the discharge of surface water from the site /phase, including SuDS (sustainable drainage systems) and all third-party approvals, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that all elements of the development is undertaken in an acceptable manner, and to ensure that all elements of the development can be adequately drained without increasing flood risk to others.

Condition 10 (works for the disposal of sewerage – pre-commencement condition)

Prior to the commencement of development hereby approved, details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that all elements of the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

Condition 11 (Building materials – pre-commencement condition)

Notwithstanding the details shown on the submitted plans and forms, no development shall commence on site until details of the materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission 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 visual amenity and the character and appearance of the area.

Condition 12 - Landscape and Ecological Management Plan (Pre-commencement condition)

Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets in accordance with the BNG calculation.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

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.

Condition 13 (Ultra Low Energy Vehicles Infrastructure – Pre-commencement condition)

Prior to the commencement of the development hereby approved, a scheme of Ultra Low Energy Vehicle infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and maintained permanently and satisfactorily as such thereafter. In the avoidance of doubt, it is the Council's requirement that the number of commercial Electric Vehicles charging points to be 20%, i.e. 1:5, of the parking spaces.

REASON: Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

Condition 14 (Landscaping Scheme for park land area required)

Notwithstanding the submitted revised proposal, within 6 (six) months following the commencement of the development, a scheme of hard and soft landscaping for the park land area shall be submitted to and approved in writing the local planning authority. The details shall include:

- finished levels and contours;
- means of enclosure;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- number of 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.
- Time of planting
- On-going management of the planting

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.

Condition 15 (Landscape management plan for park land area required)

Notwithstanding the submitted revised proposal, within 6 (six) months following the commencement of the development, a landscape management plan for the park land area, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission 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, to ensure the proper management of the landscaped areas in the interests of visual amenity.

Condition 16 (restrict shopping trolleys leaving the site)

The retail element of the development shall not be first brought into use until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved in writing by the Local Planning Authority; and the approved scheme has been brought into operation. The approved scheme shall thereafter be maintained in operation in accordance with the approved details.

REASON: In the interests of the character, appearance and amenities of the area

Condition 17 (Odour)

Prior to the first use or operation of the in-store bakery within the retail store, a scheme of works for the control and dispersal of atmospheric conditions (in particular emissions from cooking or baking of food) shall have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before any on site cooking or baking takes place and shall be maintained in effective working condition at all times thereafter.

REASON: So as to ensure that the amenity and living conditions of surrounding residential occupiers are not unacceptably affected.

Condition 18 (External Lighting)

Prior to first use or occupation of the development hereby approved, detailed lighting schemes with a validation report shall be submitted to and approved in writing by the Local Planning Authority. Such a validation report shall have been prepared by a suitably qualified member of the institute of lighting professionals (ILP) and shall validate that the lighting scheme as installed conforms to the recommendations for environmental zone E2 or better in the ILP document "Guidance Notes for the Reduction of Obtrusive Light - Guidance Note 01:20. All external lighting at the retail element of the proposal, as validated, shall be implemented in accordance with the agreed details and shall thereafter be permanently retained in that condition.

REASON: To ensure that the amenity and living conditions of surrounding residential occupiers are not unacceptably affected.

Condition 19 (Storage and Refuse)

Prior to the first use or occupation of development hereby approved, details of the intended arrangements for the storage of refuse and recycling, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling storage arrangements shall be implemented prior to the first use of occupation of the development and made available for use for that purpose thereafter.

REASON: In the interests of public health and safety.

Condition 20 (Boundary treatment)

The proposed boundary treatment, drawing no. AD_114 Revision C, shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

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

Condition 21 (Landscaping Implementation)

All soft landscaping comprised in the approved details of landscaping, shown on

- Planting plan for Lidl car park LIDL / GA 2
- Planting plan for General Arrangement, LIDL/GA1
- Hard and Soft Landscaping Details, LIDL / GA07 and GA08

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.

Condition 22 (Landscaping management)

The submitted Landscape Management Plan, SLR Ref. 403.V61442.00001 Version No. 5 dated March 2023 shall be implemented in full and maintained as such thereafter.

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

Condition 23 (highway work)

Prior to first use of the development hereby permitted, the ghost island right turning lane outlined on drawing 2202/046/SK01/D including a pedestrian refuge, any required street lighting and highway drainage alterations to accommodate the right turning lane, an altered bus layby, relocated 2 metre wide footway over part of the site frontage, resurfacing of the entire width of the B4042 over the length of the right turning lane scheme, shall all provided in in accordance with details to be first approved under a Highways Act 1980 Section 278 Agreement.

REASON: In the interests of providing safe and convenient access to the development.

Condition 24 (Widen the pedestrian and cycle way)

Prior to first occupation of the development hereby permitted, a 3 metre wide shared pedestrian and cycle way shall have been provided between the existing toucan crossing, and the development access point, as outlined on drawing 2202/046/SK01/D.

REASON: In the interests of good development accessibility.

Condition 25 (Provision of access road, footways and cycleways)

Prior to the development hereby permitted being first brought into use, the access road, footways and cycleways, including a traffic calmed cycle crossing of the access road, and a marked out cycle route across the development car park, shall all be provided as detailed on drawing 2202/046/SK01/D. The access shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 4.5 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 120 metres to the north-west and 120 metres to the south-east.

REASON: In the interests of safe and convenient access to the development.

Condition 26 (Alteration of the existing toucan crossing)

Prior to the development hereby permitted being first brought into use the existing toucan crossing located to the north-west of the development's access shall have been altered to accommodate the greater carriageway width that is to be provided at that location as outlined on plan number 2202/046/SK01/D, and in accordance with details to be first approved under a Highways Act 1980 Section 278 Agreement.

REASON: In the interests ensuring that the existing toucan crossing continues to operate correctly following the implementation of the ghost island right turning lane.

Condition 27 (Provision of parking and turning areas)

Prior to the development hereby permitted being first brought into use, the vehicle parking and turning areas shall have been provided with the individual parking spaces being demarcated, and the areas shall thereafter be maintained and kept available for the parking and turning of vehicles.

REASON: In the interests of safe and convenient use of the development.

Condition 28 (Provision of cycle parking spaces)

Prior to the development hereby permitted being first brought into use the 6 No. Sheffield type cycle parking spaces shall have been provided, and shall thereafter be maintained and kept available for the parking of cycles.

REASON: In the interests of good cycle accessibility.

Condition 29 (relocation of direction sign)

Prior to the development hereby permitted being first brought into use, the advance direction sign to the north-west of the proposed access, shall have been relocated to a position out of the required visibility splays in accordance with details to be first approved under a Highways Act 1980 Section 278 Agreement.

REASON: In the interests of highway safety.

Condition 30 (Provision of bus shelter)

Within three months of the development hereby permitted being first brought into use, the south-east bound bus layby shall have been provided with a bus shelter including a perch seat, flag sign and timetable case, in accordance with details to be first approved under a Highways Act 1980 Section 278 Agreement.

REASON: In the interests of public transport accessibility.

Condition 31 (Travel Plan)

The food store hereby permitted shall not be brought into use until those parts of the Food store Travel Plan capable of being implemented prior to first use have been implemented. Those parts identified for implementation after first use shall be implemented in accordance with the timetable contained therein, and shall continue to

be implemented as long as any part of the development is occupied. The Travel Plan Co-ordinator shall be appointed and carry out the identified duties to implement the Food store Travel Plan for a period from first use until at least 5 years following first use.

REASON: In the interests of reducing the amount of private staff car movements to and from the development.

Condition 32 (Service yard management scheme)

The retail store development shall not be occupied until a service yard management scheme has been submitted to and approved by the local planning authority. Such a scheme shall include the method of ensuring reversing beepers from delivery/collection vehicles do not disturb surrounding residential occupiers. The development shall be operated in full accordance with the provisions of the agreed service yard management scheme.

REASON: To ensure that the amenity and living conditions of surrounding residents, are not unacceptably affected.

Condition 33 (construction hours)

No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: To ensure high design and place shaping such that appropriate levels of amenity are achievable.

Condition 34 (deliveries hours)

Deliveries shall not be permitted before 07:30 and after 23:00hrs. Waste collections should also take place within these hours and preferably before 22:00.

REASON: In the interests of residential amenity

Condition 35 (opening hours)

There shall be no customers/members of the public on the site outside the hours of (23:00 in the evening) and (07:00 in the morning) from Mondays to Saturdays and between (17:00 in the evening) and (10:00 in the morning) on Sundays and Bank or Public Holidays.

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

Condition 36 (Noise and disturbance)

The rating level of noise from all fixed plant and machinery installed at the development hereby permitted shall not exceed the pre-existing background noise level at any time when measured or calculated at 1 metre from the facade of the nearest noise sensitive properties. Background levels are to be taken as a 15 minute LA90 at the boundary of the nearest residential noise-sensitive receptors. The measurement and assessment shall be undertaken in accordance with BS 4142:2019 or any subsequent version.

REASON: To ensure high design and place shaping such that appropriate levels of amenity are achievable.

Condition 37 (No external storage)

Except within the delivery yard of the retail store, there shall be no external storage of any description unless otherwise agreed in the form of a separate planning permission in that regard.

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

Background Documents Used in the Preparation of this Report:

Appeal Decision

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

| | |
|----------------------------|---|
| Date of Meeting | 21 st June 2023 |
| Application Number | PL/2022/08432 |
| Site Address | Corner House, The Common, Heddington, Calne, Wiltshire, SN11 0NZ |
| Proposal | Extension and outbuildings. Change of use of land for residential purposes. |
| Applicant | Jonathan Llewellyn |
| Town/Parish Council | Heddington |
| Electoral Division | Calne South – Cllr Pearce-Kearney |
| Grid Ref | 53.431359, -5.512302 |
| Type of application | Full Planning |
| Case Officer | Kate Clark |

Reason for the application being considered by Committee

The application has been called into committee at the request of Cllr Pearce-Kearney to consider scale of development, the visual impact upon the surrounding area, relationship to adjoining properties, design - bulk, height, general appearance, environmental/highway impact and car parking.

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 delegate authority to the Head of Development Management to **GRANT** planning permission, subject to conditions.

2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development
- Size, scale and design of the extensions and outbuilding
- Impact on landscape including change of use of land
- Residential amenities of adjoining neighbours
- Highway impact

3. Site Description

The application site comprises a detached two-storey dwellinghouse, with a detached flat store to the side. The property is finished in a rough cast render with clay tiled, asymmetric roof.

The majority of the garden space associated with the dwelling lies to the front of the property with a small strip of private amenity space to the rear. Also within the same ownership is a paddock / field adjoining the site.

The closest residential properties are Hill View, approximately 12m to the north-west of the site, and Wick Corner approximately 25m to the north-east. Those properties which can be seen do vary in their relationship with the road frontage, built form (houses and bungalows, detached and semi-detached), roof profiles (shallow and steep pitched, hipped and gabled, with and without dormer windows and rooflights), facing materials (render, stone and brick), fenestration (materials, colours, horizontal and vertical casement, glazing bars and without bars).

The application site is located in the open countryside and outside of any settlement boundary identified within the development plan. No Public Rights of Way are adjacent or with close proximity of the site. The nearest listed building is Marsh End Farm to the North, but is of sufficient distance from the application site to avoid an impact or harm being caused to its setting.

There are no other heritage, landscape or ecological designations.

4. Planning History

- PL2021/11944 – Extension and outbuildings – Withdrawn
- PL.2021/11943 – Certificate of lawfulness - Refused

5. The Proposal

The proposal comprises the construction of two storey extensions to the side and rear of the property, single storey extensions to the side (incorporating an existing outbuilding), new porch, as well as the erection of single storied detached garage and separate home office/store buildings. The proposed development will see the ridge of the dwelling being raised by approximately 0.6m to allow for a “master bedroom”, together with 3No dormer windows to be constructed on the front elevation with Juliette style balconies shown to the rear.

The depth of the proposed rear extension is approximately 3.5m, spanning the width of the existing property; with the part single, part two storey, side extension having a maximum of 4m in width. To the North side elevation a 6m wide single storey extension is proposed. The detached double garage is shown to the north of the dwellinghouse with a hipped roof to a maximum height of 3.5m. The separate home office/store building is shown to have a flat roof with an approximate height of 2.5m, situated to the south of the dwelling.

Chosen external materials include rendered elevations under an artificial slate roof on the front of the

dwelling, with timber weatherboarding on the rear extension.

To the west of the property, permission is sought to incorporate between a c.9 -15m deep section of the field to the rear into the domestic curtilage of Corner house.

During the life of the application, revised plans were submitted by the applicant. Those plans revised the following elements of the proposal:

- Extent of land to be incorporated into garden
- Size and positioning of garage.

6. Local Planning Policy

Wiltshire Core Strategy Jan 2015:

Core Policy 51- Landscape

Core Policy 57- Ensuring high quality design and place shaping

Core Policies 60, 61 and 62 – Transport and new development

7. Summary of consultation responses

Parish Council – Raises concerns:

In relation to the original submission (23.01.23):

The rear red line boundary of the property encloses what is currently an orchard/arable land and so until such time as this land has received approval for change of use to residential/garden the proposed development may not proceed. The proposed increase of height of the property to create a three storey building will have an over imposing influence on the site in such a prominent position. The ability of cars to access the proposed garage is questioned and the layout drawing showing four cars parked in front of the proposed garage suggests that manoeuvring of cars would have an adverse effect on the adjacent highway.

In relation to the revised plans (31.03.23):

With regards to this amended application; the Parish Council's views are unchanged from those previously stated. It is noted that this amended application still proposes an increase in height of building to incorporate an additional floor.

Council Archaeologist - No objection.

Council Highways Officer – No objection:

I refer to the above householder planning application received on 9th November 2022 for extensions and outbuildings, including a loft conversion. This is a resubmitted application

following the withdrawal of the earlier application submitted under reference PL/2021/11944.

The existing property is a 3-bedroom two-storey building, with a small store building to the north of the dwelling, and some outbuildings at the end of the rear garden to the north-west. The proposal seeks to provide single-storey side and rear extensions in order to provide improved ground floor accommodation and to increase the accommodation at first floor level to provide a fourth bedroom. The loft conversion would also provide for a further bedroom. A new double garage is proposed to accommodate two cars, which would be served off the existing access drive where sufficient room would be also available for further parking and turning facilities to cater for this size of dwelling, and in accordance with the current parking standards.

It is also proposed that a detached office outbuilding would be constructed to the south of the dwelling.

Having regard to the above, I would have no highway objections to the proposed extensions to the main dwelling and revised parking provision. With regard to the proposed office outbuilding, I would have no objections subject to its use being for the personal use of the applicants.

I therefore recommend the following conditions be attached to any permission granted:-

The office outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Corner House.

REASON: In the interests of residential amenity and sustainable development.

8. Publicity

The application was advertised by neighbour letter on the initial plans on 9th November 2022 and following the receipt of revised plans, again on 8th March 2023. In total, 7 letters of objection were received. A summary of the representations is set out below:

- 3 storey dwelling out of keeping with the area
- Loss of agricultural land and extension of domestic curtilage
- Lack of site notice
- Insufficient time to review plans
- Inaccurate plans and erroneous plan labelling
- Size, scale and design of the proposal
- Excessive amount of parking and garaging

9. Planning Considerations

Principle of development

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. 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 principle of domestic extensions, alterations and/or outbuildings within the curtilage of existing dwellings is considered acceptable, providing those proposals are compliant with the requirements of relevant policies within the development plan.

The proposed change of use of land to domestic curtilage/garden is not unacceptable in principle but must be compliant with other policies in the statutory development plan, including those relating to landscape and amenity. The consideration of those, and all other details, are set out in the sections below.

Size, scale and design

The planning system promotes high quality development through good inclusive design and layout and the creation of safe, sustainable mixed communities. Good design should be indivisible from good planning and recognised principles of good design seek to create a high-quality built environment for all types of development. Core Policy 57 of the WCS requires new development to respond positively to existing landscapes in terms of building layout, built form, height, mass, scale, building line and materials in order to effectively integrate the building into its setting.

The existing dwelling is relatively modest in scale and the extensions would add approximately 0.9m to the existing ridge height, a more elaborate roof profile and a consideration increase in its footprint through the rear and side extensions, as well as the two new outbuildings. However, whilst the proposals will see what is a fundamentally simple, detached property being considerably altered and changed in to a large house with a range of extensions and roof additions, those changes are not considered to result in an unacceptable impact. Indeed, the extensions, which still significant, still do display a dropped eaves and ridge, thereby preserving a degree of visual subservience, and the dormer windows being of proportions which are appropriate to the roof. Render is specified presumably with an intent to compliment the rough cast render used for the existing property. The fenestration adopted for the extensions is perhaps a more radical departure from the existing property, but it is not considered to be so divergent that it would somehow be out of keeping with the property.

In respect of the new garage, this has been positioned forward of the front elevation and whilst we would normally seek to minimise the visual impact of outbuildings, in this instance it is of a low profile and does not present a mass that would unbalance the property. Similarly, the detached home office/store is similarly low profile and, whilst sited a little further away, is still close enough to the property to be considered ancillary in appearance and function.

In terms of the proposed extensions and buildings impact on the wider locality, it is noted that the bulk of the additions would be positioned to the rear of the property and, importantly, behind the position of the front elevation in relation to the highway, thereby in large part preserving the openness of the existing front garden area and the property's presentation to the road. Similarly, whilst local and Parish Council concern has been raised about the appropriateness of the raised roof height and dormer windows being created, the change is not considered to be so out of keeping that it would be inappropriate – particularly on a corner plot such as this where an increased height and prominence

would perhaps be unexpected in urban design terms. The new porch and detached garage do break that notional *building-line*, but not to any degree that the character of the locality could be said to be unacceptably affected. The plans show that a section of hedging is to be removed to allow for the garage, but the hedging fronting the public highway junction remains substantively unaffected by the development.

Whilst no three-storey dwellings are located in close proximity of the application site, it is noted that several of the nearby houses have been extended. There is considered to be no overriding or strong prevailing character of the buildings seen in the locality – with built form, roof profiles, facing materials, fenestration all being reasonably mixed. Equally, the application site is located in a conservation area or protected landscape and for the foregoing reasons, there is not considered to be a reason to regard the proposals as being unacceptably out of character.

Ultimately, whilst the scale and extent of the additions and extensions is substantial, the proposed development would not be unacceptably out of keeping and would integrate into the setting of the locality, with appropriate design, built form, massing and external materials. Accordingly, the proposals would accord with CP57 of the Wiltshire Core Strategy.

Landscape and visual impact

Core Policy 51 states that development should protect, conserve and where possible, enhance the landscape character. Section 15 of the NPPF expects decisions to ensure the protection and enhancement of valued landscapes.

The site comprises a detached dwelling with a large garden to the front with limited private amenity space afforded, the rear garden being approximately 2m deep. Due to these specific site details, In these particular circumstances it is considered unreasonable to object to the principle of the change of use of a section of agricultural land. The area of land proposed for the change of use for residential purposes runs across the rear boundary at a depth of 7m to the north and approximately 15 at the southmost point. Whilst there is some ambiguity on the matter it would appear that historically it was grazing land which seem to be supported by aerial photographs.

The land in question will be broadly screened by the dwelling as extended, but it remains likely that views of the site will be possible from public vantage points along the highway. It is considered that the change of use of land, given appropriate boundary treatments could be made to integrate effectively into the existing landscape (it amounting to a simple shift of the existing boundary 9-15m Westward). It is, however, considered reasonable to impose a condition removing permitted development for further outbuildings and domestic paraphernalia given the rural nature of the site and in the interests of visual amenity.

The distance of the application site to the AONB to the East (some 2-3km) does mean that the development is unlikely to be overtly visible in the context of surrounding development.

Representations have suggested that the land, and associated outbuilding, to the rear of the property was used for the grazing of animals up until recently. There is no reason to dispute the history of the land or the outbuilding, but neither does it change the conclusions reached that the change of use of a relativey small part of it to garden land is acceptable in this instance. The land is classified as being grade 3 (good to moderate) and there is no proposal to build on that land, with an ability to use it for

agriculture in the future requiring no further planning permission and, to that extent, the proposal would comply with paragraph 174 to the NPPF..

In summary, the proposed development does not result in an unacceptable level of harm and remains considerate to the surrounding landscape. On this basis it is considered that the proposals comply with Core Policy 51 of the Wiltshire Core Strategy Development Plan and are considered acceptable

Residential amenity

Core Policy 57 states that development should have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants and ensuring that appropriate levels of amenity are achievable within the development itself. Section 12 of the NPPF also states that planning decisions should create places with a high standard of amenity for existing and future users.

The closest property to Corner House is Hill View. Plans indicate that at the closest point the distance will be approximately 18m between the two properties. Plans show 2No Juliette type balconies on the west elevation. In this instance, given the respective orientations of the two properties and the presence of windows in the existing dwelling, there is not considered to be any further unacceptable loss of privacy or overlooking compared with the existing situation. Similarly, whilst there is likely to be a change to the outlook from Hill View (particularly over the extended rear garden area and towards the new garage outbuilding), such a change is not considered to constitute an unacceptable impact on the amenities or living conditions of the occupiers.

Wick Corner and other properties on the opposite side of the highway are further removed and not likely to be unacceptably impacted by the development.

In the context of the nature and layout of the development, it is considered that, in this respect, the proposal is complies with CP57 of the Wiltshire Core Strategy

Highways

Core Policy 61 of the Wiltshire Core Strategy states that development should be capable of being served by safe access to the highway network.

In this particular case, the application proposes no change to the existing point of access or the driveway across common land. The accommodation proposed is to be ancillary to the existing dwelling and the plans show there is space to comfortably accommodate off-street parking for at least three cars (although the potential for four being shown on the plans) as well as the space within the new double garage. Therefore, the quantum of parking space would comply with the standards set out in the car parking strategy to the Wiltshire Local Transport Plan.

Whilst the Parish Council expresses concern about the space available to maneuver cars, the Council's Highway Officer has been consulted on the application and has offered no objection, subject to a condition requiring the garage not to be converted into habitable accommodation. Such a condition is considered reasonable, although in general there is no suggestion any of the new accommodation would be used for any purposes other than ancillary to the existing dwelling.

Accordingly, the proposals would not result in an unacceptable impact on highway safety and the residual cumulative impact on the road network would not be severe and the proposal is considered to meet with the requirements of policies CP60, CP61 and CP62 to the Wiltshire Core Strategy as well as the requirements of section 9 to the NPPF.

Other matters

Concerns have been raised in respect of the lack of a site notice to publicise the application and that insufficient time was given to review the submitted plans. It can be confirmed that the application was advertised in accordance with the Council's Scheme of Community Involvement for householder type applications. Neighbour letters were sent out on 9th November 2022, and following the receipt of revised plans, a further round of letters were sent on 8th March 2023 and in both instances, neighbours were given three weeks to comment on applications as a minimum. As is normally the case, comments received after the closure of the publicity window will be taken into account.

Comments were also received suggesting inaccuracies in the submitted plans. In response, revised plans were submitted correcting those inaccuracies and changing the description of development. Any residual concerns over misleading labelling of the plans (and in particular, the existence and previous use of the vehicular access) is not considered to block an understanding of what is being proposed and an assessment of the likely impacts.

The future intention of the applicant to further develop the agricultural land has been raised within representations. Whilst there may well be an intention by the applicant to propose, or seek planning permission for, further development, the current application must be determined at face value and on its own merits. Any future intention, including any intent or attempt to use of this decision as a, so called, "fall back" to a future proposal cannot be reasonably used as a reason to refuse planning permission.

10 Conclusion

Subject to the imposition of planning conditions, the proposed development is considered to be acceptable in respect of size, scale and design and would not unacceptably impact on the character of the area, wider landscape or on the amenity and living conditions of surrounding neighbours. There is no unacceptable impact on highway safety and the residual cumulative impact on the road network would not be severe.

Therefore, and subject to the imposition of the aforementioned conditions, the proposed development is considered to accord with Core Policies 51, 57, 60, 61 and 62 to the Wiltshire Core Strategy as well as relevant sections of the National Planning Policy Framework.

RECOMMENDATION: That Planning Permission be GRANTED subject to the following conditions:

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

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

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

JLL_104_E0F
JLL_104_E2F
JLL_104_P2F
JLL_104_P1F
JLL_104_E1F
Received 06.03.23

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

3. The office outbuilding and garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Corner House. The garage shall not be converted into habitable accommodation unless otherwise agreed in the form of a separate planning permission in that regard.

REASON: In the interests of residential amenity and sustainable development and so as to ensure sufficient car parking and manoeuvring space is maintained on site.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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

5. No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the development being first occupied

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

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REPORT TO THE (NORTHERN) AREA PLANNING COMMITTEE

| | |
|----------------------------|---|
| Date of Meeting | 21 st June 2023 |
| Application Number | PL/2022/08804 |
| Site Address | Avondale, Brook End, Luckington, Chippenham, SN14 6PJ |
| Proposal | Demolition of existing dwelling and erection of a four-bedroom dwelling with detached double garage |
| Applicant | Mr & Mrs Nicholas and Charlotte Reeves |
| Town/Parish Council | Luckington Parish Council |
| Electoral Division | Sherston – Councillor Martin Smith |
| Grid Ref | 384008 184444 |
| Type of application | Full planning permission |
| Case Officer | Olivia Tresise |

Reason for the application being considered by Committee

The application has been called in by Councillor Martin Smith for the following reasons:

- Scale of development
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Luckington Parish Council are concerned that there appears to be little change from the previous application on this property, which was refused.

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 recommendation that the application be approved.

2. Report Summary

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

- Principle of development
- Impact upon heritage assets, design and visual amenity
- Arboriculture and Landscape
- Residential Amenity
- Highway safety and Parking
- Ecology
- Flood Risk

3. Site Description

The site comprises a 20th Century 3-bed bungalow, which is set back from the road frontage, Brook End, and it has a large reasonable sized garden to the rear. The bungalow is finished stone walls under grey concrete tiles.

The application is located to northeast of the small village of Luckington within a loose knit area of development associated with the settlement. Although the site is situated within the Luckington Conservation Area, the bungalow itself is not a statutorily listed building. A statutory listed building, Elizabethan Cottage, lies approximately 41 metres to the south of application site.

The site is situated within the Cotswolds Area of Outstanding Beauty 'Cotswolds AONB' and it is also located within Flood Zone 2 & 3. Luckington Brook runs along the rear boundary. A few mature trees are growing within the site and also along the rear boundary of the site.

4. Planning History

The site is subject to a number of planning applications in the past, and the following applications are relevant to the determination of this application.

N/04/01478/OUT (Outline) – Proposed demolition of existing dwelling and redevelopment for four dwellings. Refused 05 July 2004

N/05/01889/FUL Demolition of existing bungalow and erection of two dwellings. Refused and subsequently dismissed 05 July 2006

N/09/0008/FUL Replacement two storey dwelling. Approved 13 March 2009

N/09/0009/CAC Demolition of existing dwelling (Conservation Area Consent). Approved 13 March 2009

N/12/00730/FUL Demolition of an existing bungalow and erection of 2 no. dwellings. Refused and subsequently dismissed on 5th July 2006

N/12/00731/CAC Demolition of existing dwelling (Conservation Area Consent). Approved 04 May 2012

18/09673/FUL Demolition of an existing bungalow and the construction of a two-storey detached house and double garage. Approved with conditions 13 February 2019

21/00044/FUL Demolition of an existing bungalow and construction of a three-storey detached house and double garage. Refused 14 December 2021 for the following reason:

The excessive height of the eaves and roof of the proposed dwelling relative to neighbouring buildings would appear incongruous within the street and result

in harm to the character and appearance of the Luckington Conservation Area, contrary to Core Policy 57 and Core Policy 58 of the adopted Wiltshire Core Strategy. For the purposes of national policy, the level of harm would be less than substantial, in the absence of any public benefits to outweigh the harm, the development would also be contrary to the advice of the National Planning Policy Framework.

5. The Proposal

- 5.1 This is a resubmission application seeking full planning permission for the demolition of the existing bungalow and the erection of a detached dwelling and a detached double garage at Avondale, Brook End, Luckington. Previously planning application, 21/00044/FUL, was refused in December 2021, due to its excessive height of the eaves and roof of the proposed dwelling relative to neighbouring buildings. It was considered such height would appear incongruous within the street and result in harm to the character and appearance of the Luckington Conservation Area, and no public benefits were identified to outweigh the harm.
- 5.2 It should be noted that the site is also subject to a few planning applications. Particularly, planning application, 18/09673/FUL, is material planning consideration as planning permission was granted for the demolition of the existing bungalow and the erection of a two-storey dwelling and a double garage. This permission was granted in February 2019 and expired in February 2022. As it has not been implemented during that time, the permission has lapsed.
- 5.3 To address the refusal reason, the applicant submitted the current proposal to reduce the ridge height to match the height which was previously approved. The current proposal also comprises some changes to the fenestration of the new dwelling.

6. Planning Policy

National Planning Policy Framework July 2021

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

National Planning Practice Guidance

Wiltshire Core Strategy Adopted January 2015

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 13: Malmesbury Community Area

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 Development
Core Policy 64: Demand Management
Core Policy 67: Flood Risk

North Wiltshire Local Plan (NWLP)

Saved Policy H4 – Residential Development in the open countryside

North Wiltshire Landscape Character Assessment

Cotwolds Area of Outstanding Natural Beauty Management Plan 2018-2023

Planning (Listed Building and Conservation Areas) Act 1990

S.72(1) - The Council must pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area

Countryside and Rights of Way Act 2000

S.85 - The local planning authority must have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

7. Consultations

Luckington and Alderton Parish Council – objection. There is nothing materially or substantially different from previous applications. It does not address the concerns raised by the previous objection (December 2021): 'Concern was raised over the bigger prospect, including overlooking windows and heightened roof line (which is above neighbouring houses), which were considered out of keeping with nearby dwellings and would negatively impact upon the privacy of neighbours. Concern was also raised over the proposed flood defences, and whether the impact of these on flood risk and river course beyond the plot had been considered.'

Conservation Officer – Objection to its pastiche design, proportions (solid and void), external materials, size and quantity of openings, materials for stone chimney, and internal layout.

Ecology Officer – no objection subject to an informative and condition applied to decision.

Highway Officer – no objection subject to condition securing the new garage will not be converted to habitable accommodation.

Landscape Officer – no comment.

Environment Agency – queried if the finished floor level would meet the level recommended in the Environment Agency' Local Flood Risk Standard Advice

Drainage Engineer – Due to its scale of development, this development does not trigger consultation with the drainage team. Therefore, no comment is made.

8. Publicity

2 no. letters of objection were received, and the local residents' comments are summarised as follows:

- No noticeable change to the excessive height and overbearing character.
- It is misleading to compare the height to Bank Cottage which is built on much higher ground on the opposite side of the road, Bank Cottage itself is much shorter than the proposed 3 storey Avondale building.
- West facing windows overlooking the neighbouring properties.
- No mention about a binding agreement that no 2nd floor windows added facing West
- Does not address to concerns regarding the height and dominance relative to surrounding properties, in contrast to the application for the 2-storey structure approved in 2019.
- It is noted that there are no plans for any windows on the upper levels on the north side of the property that would overlook Brook end house, however a condition is asked to impose for any planning consent.

9. Planning Considerations

Principle of development

- 9.1 The site is situated to the north side of a small hamlet, Luckington, which is defined as 'Small Village' in Malmesbury Community Area in the adopted Core Strategy. The principle of a replacement dwelling and garage at this site has been accepted by the previous planning consent 18/09673/FUL in February 2019. This is a resubmission application following a refusal of the application 21/00044/FUL, therefore, the main consideration of this application is whether or not the proposal would address the refusal reason, as well as if the revised design would result in any other harm, including potential adverse impacts upon the amenity of the neighbouring properties, the landscape character of the Cotswolds AONB. Furthermore, given that the site is subject to high risk of flooding, the proposal needs to be assessed in respect of flood risk.

Impact upon heritage assets, design and visual amenity

- 9.2 The site is within the Luckington Conservation Area. Whilst there is no published Conservation Area Statement, a historic map (1880s-1930s maps) shows both neighbouring properties, Brook End House and Brookside Cottage. These cottages and other properties along east side of Brook End form a strong linear development pattern in the locality. With their traditional character, evident age and use of traditional materials and finishes, these properties make positive contribution to the character and appearance of the conservation area.

- 9.3 Core Policy 58 requires proposals to protect, conserve and where possible enhance the historic environment, while Core Policy 57 requires a high standard of design that is complementary to the locality, with proposals needing to demonstrate, amongst other things, how they enhance local distinctiveness by responding to the value of the natural and historic environment, and how they are sympathetic to and conserve historic buildings.
- 9.4 The National Planning Policy Framework advises that ‘great weight’ should be given to heritage assets’ conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to the significance of a designated heritage assets (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where the harm is ‘less than substantial’ the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.5 As mentioned in the above section of ‘Principle of development’, there is no objection to the demolition of the existing bungalow and the erection of a replacement dwelling at this site. Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the assets should be treated favourably.
- 9.6 It is a resubmission application following the refusal of the previous scheme. The key difference of this scheme is that the ridge height is lowered to match the ridge height of the scheme which was approved in 2019 (18/09673/FUL). Whilst this planning permission has lapsed, the decision is planning material consideration for this current proposal. Other differences are related to the detailed design on the proposed fenestration (see below comparison)
- 9.7 Key similarities and differences of schemes (Appendix A and B)

| 18/09673/FUL (Approved proposal) | 21/00044/FUL (Refused proposal) | PL/2022/08804 (Current proposal) |
|---|--|---|
| The new dwelling largely sits on the existing footprint of the bungalow. No front porch was proposed. | The new dwelling sets slightly forward by approximately 1.26 metre. No front porch was proposed. | The new dwelling sets slightly forward by approximately 1.39 metre, and a front porch is proposed. |
| 2-storey dwelling with a two-storey extension at the rear, a flat roof conservatory to the side south elevation. A double garage is proposed. | 3-storey dwelling incorporating 2 no. dormers on the rear roof plane with a 2-storey extension at the rear. Accommodation is proposed at the second floor, a flat roof conservatory to the side south elevation. A | 3-storey dwelling incorporating 2 no. dormers on the rear roof plane, with a 2-storey extension at the rear. A game room is proposed on the second floor. A mono-pitched conservatory to the side south |

| | | |
|--|---|---|
| | double garage is proposed | elevation. A detached double garage is proposed. |
| Ridge height approx. 8.80 metres on a flat ground level (based on the front elevation) | Ridge height approx. 9.25 metres on a slightly raised ground level (based on the front elevation) | Ridge height approx. 8.80 metres on a flat ground level (based on the front elevation) |
| Nature stone for walls and roof, Ashlar stone lintels, painted timber windows and doors, Black upvc rainwater goods, red clay round chimneys. Grey roofing felt for conservatory. Cedar shingles for garage roof, with waney edge board external wall. | Semi-dressed Cotswold stone on walls, imitation or real stone roof tiles. | Reconstructed stone, stone lintels, Bradstone Conservation roofing slates, plastic rainwater goods, and timber frame garage with slate roof, conservatory will be finished with slate roof. |

- 9.8 The proposal is to amend the design of the replacement dwelling that was approved in 2018 application. Majority of architectural elements of the current scheme would be very similar to the refused proposal. The Council Conservation Officer objects to the proposal and is concerned about the proportions and design of the new dwelling, such as the overlarge fenestration, inappropriate dormers and building materials, the size of openings, and the use of lead flashing on stone chimney, as well as the design of the internal layout.
- 9.9 Whilst the case officer agreed that some improvement could be made to the detailed design, it is considered the proposed dwelling has been designed to a reasonably good standard, in terms of its scale and the 'solid and void' proportion. In addition, the new dwelling (from the front porch to the edge of entrance), would still considerably set back from the road frontage (and the front elevation of the neighbouring properties, Brookend House and Brookside Cottage) by more than 7 metres. The new dwelling would only be visible until approaching closer to the site. Furthermore, the proposed roof form would be similar to the adjacent properties, Brookend House and Brookside Cottage, as such, the new dwelling would be well integrated with other properties in the locality.
- 9.10 In terms of building materials, the case officer agreed with Conservation Officer's comments, the building should be finished with natural building materials. Hence, the proposed materials, i.e. reconstructed tumble face stone, reconstructed stone lintels, Bradstone Conservation roofing slates and plastic rainwater goods, are not acceptable. To address this issue, it would be reasonable and necessary to impose a condition seeking alternative building

materials, in order to safeguard the character and appearance of the Luckington Conservation Area.

- 9.11 The closest listed building is the Grade II listed Elizabethan Cottage, which is located to the south of the application site, in excess of 40 metres away. Due to the reasonable separation distance and the existence of other properties between Elizabethan Cottage and the application site, it is considered that the proposed replacement dwelling would not adversely affect the setting of the listed building.
- 9.12 From heritage perspective, it is considered that the general design, scale and height of the new dwelling would be considered to be acceptable, however, a planning condition is required to seek different building materials. Subject to this condition, it is considered that the proposed dwelling would not result in material harm to the character and appearance of the Luckington Conservation Area and the locality. As such, it is considered that the proposal would address the refusal reason of the previous scheme.

Arboriculture and Landscape

- 9.13 Core Policy 51 of the adopted Core Strategy seeks to protect, conserve and where possible enhance landscape character. In addition, proposals for development within the Areas of Outstanding Natural Beauty (AONBs), proposals shall demonstrate that they have account of the objectives, policies and actions set out in the relevant Management Plans for the area.
- 9.14 Core Policy 57 of the adopted Core Strategy also seeks to retain and enhance existing important landscaping and natural features, and to mitigate against any losses that may occur through the development.
- 9.15 The site is situated in the Cotswolds AONB, which is a special landscape designation. There are a few mature trees in the rear, while some smaller trees and shrubs are growing in the front garden. The submitted Tree Protection Plan and Tree Constraints Plan show that the mature trees at the rear would be protected. The proposed site plan shows 2 no. smaller trees in the front garden and a small section of garden shrubs near the south-western corner of the site would be removed to accommodate the proposed garage. The existing hardstanding area would be extended to provide larger turning area. However, no detailed tree planting or landscaping tree scheme is proposed to mitigate the loss of the existing trees. Whilst the Council's Landscape Officer and Arboricultural Officer have no objection to the proposal, officers are mindful that Core Policy 51 seeks to enhance landscape character where possible. Given that the site is located within a special landscape designation, officers consider that it would be reasonable and necessary to impose a condition seeking and securing a detailed tree planting scheme to mitigate the loss of the existing tree and to enhance the landscape character of the site.

Residential Amenity

- 9.16 Core Policy 57 of the adopted Core Strategy requires proposals having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupiers, and ensuring that appropriate levels of amenity are

achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution.

9.17 At the first instance, residents' concerns relating to the impact upon their amenity are noted. The nearest neighbouring properties to the existing bungalow would be Brook End House (to the north), Brookside Cottage (to the south) and Bank Cottage (to the west).

- (i) Brook End House lies to the north of the site. It is a 2-storey in height with a pitched roof and it sits abut public highway, Brook End. The proposed new dwelling would not project beyond the side elevation of the existing bungalow and the northern part of the new dwelling would have a lower ridgeline, approximately 7.37 metres to its ridge. The two-storey addition at the rear would set further away from the northern boundary. The elevation facing Brook End House would be approximately 3 metres from the boundary of the site. No window is proposed on the first-floor level of the north elevation. Given that a reasonable separation distance would be provided, and no window is proposed on the first-floor side elevation, subject to a condition removing permitted development right to secure no first-floor window on this elevation, it is considered that there would not be any unreasonable overlooking or overbearing impact. Due to its height, the new dwelling would result in a loss of natural light compared the existing bungalow. However, given the separation distance, it is not considered such loss of daylight / sunlight would be detrimental to the amenity of the neighbouring occupiers.
- (ii) Brookside Cottage lies to the south of the site. A small window is proposed on the first-floor south elevation. As it is not a primary / habitable window, the potential overlooking upon Brookside Cottage would not be significant. A planning condition is imposed to ensure that this window would be obscured glazed. A bedroom window is proposed on the first-floor south elevation of the proposed rear two-storey addition. As it would be approximately 18 metres away from the side south boundary, this new window would not result in any significant overlooking impact. In terms of overbearing, the new dwelling would be slightly closer to the boundary by approximately 1 metre. The proposed conservatory would be approximately 1.4 metres closer, while the proposed garage would be adjacent to the neighbour's outbuilding. As the new dwelling would be nearly 9.8 metres away from the shared boundary and it would not be immediately adjacent to the neighbour's principle dwellinghouse, it is considered that the potential overbearing or loss of light upon this cottage would not result in an unreasonable adverse impact to be detrimental to the amenity of the neighbouring occupiers.
- (iii) Bank Cottage lies opposite the application site. Residents raised concerns about the overlooking impact due to the new first floor windows. It is noted that the neighbour's garden is hidden behind the garage and outbuilding fronting the main road. These buildings sit at higher ground levels to the west, and the rear garden is also on this raised ground. Therefore, the new first floor windows of the proposed

dwelling would have a clear line of sight above the roadside buildings, of much of the garden area. The new dwelling would be approximately 22-23 metres away from the neighbour's rear garden, in terms of privacy, the height of views from the new dwelling would be comparable to those previously approved. Also, no rooflight is proposed on the main roof, and the new rooflight on the side addition would be an en-suite window. Therefore, it is considered that the potential overlooking from the new first floor windows and rooflight would not result significant adverse impact to be detrimental to the living conditions of this neighbouring property. Given the separation distance, it is not considered that there would not be material impact on privacy from intervisibility between windows.

- 9.18 In summary, it is considered that the amenity of the neighbouring properties would be safeguarded. In addition, planning conditions are imposed to remove permitted development rights for new rooflights and windows, therefore, the privacy for neighbouring parties would be adequately safeguarded.

Highway Safety and Parking

- 9.19 Core Policy 61 of the adopted Core Strategy requires development proposals to achieve suitable connection to the highway that is safe for all road users, and Core Policy 64 promotes demand management measures to reduce reliance on the car and to encourage the use of sustainable transport alternatives.
- 9.20 The proposal is to demolish the existing 3-bed bungalow and to erect a 4-bed two-storey replacement dwelling with an accommodation in the attic area. Some alterations are proposed to the existing garden walls, and the existing hard-standing area would be extended to create larger turning area. In addition, a detached double garage is also proposed within the site. As the proposal for a replacement dwelling is acceptable in principle, and adequate turning and parking area would be provided, therefore, no highway objections are raised subject to condition to secure that the garage will not be converted to habitable accommodation.

Ecology

- 9.21 Core Policy 58 of the adopted Core Strategy seeks to protect features of nature conservation value as part of the design rationale. All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.
- 9.22 The bungalow appears to be in good condition with very limited opportunities for bats to access any internal roof space in the building, and there are no obvious signs of gaps in which crevice-dwelling bats could roost. In addition, the building does not have vegetation immediately adjacent to it that would provide cover for bats emerging from/entering the building. Therefore, Officers consider that it would be disproportionate to request a bat survey in support of this proposal. However, an informative should be applied to advise the applicant

that the proposed works are within 15m of a watercourse (priority habitat), therefore there is a risk of pollution during construction work. In this instance, a planning condition is imposed to secure protective measures to prevent pollution of the watercourse, which should form part of 'Environment and Construction Management Plan.' Subject to this condition, there is no objection from the ecology perspective.

Flood Risk

- 9.23 The site is situated within Flood Zone 2 and 3 to accord with the Environment Agency's Flood Map. Paragraph 168 of the NPPF however states that applications for some minor development and changes of use should not be subject to the sequential or exception test but should still meet the requirements for site-specific flood risk assessments. In this instance, Environment Agency and the Council's Drainage Team have been consulted on this proposal.
- 9.23 The proposal is for the replacement of a bungalow with a 2-storey dwelling. Environment Agency advised that this is an improvement on the existing flood risk situation, provided the current bungalow is only single storey and the replacement dwelling does not increase the footprint by more 10%. In this instance, based on the submitted drawings, the footprint of the bungalow is approximately 154 square metres, while the replacement dwelling would have approximately 158 square metres, i.e. the new dwelling would increase by approximately 2.6%, therefore, the Local Flood Risk Standing Advice will be applicable which requires flood mitigation to be considered, including raising finished floor levels (FFLs) to at least 600mm above the future 1 in 100-year flood level.
- 9.24 The submitted flood risk assessment (FRA) states there is limited flood level data for this area and makes an assessment of the current 1 in 100 level to be 99.6 metres above Ordnance Datum (mAOD), based on the limited JFLOW flood extents and site topography. The FRA assumes that FFLs cannot be raised above the flood level but that a finished floor level of 99.9 mAOD would provide a 300mm freeboard above the current 1 in 100-year flood level.
- 9.25 Without flood level data it is difficult to determine the future 1 in 100-year flood level, but a suitable method for small scale developments is to consider the 1 in 1000-year flood level instead. Based on the Environment Agency's interpretation of the flood extents for Flood Zone 2, the 1 in 1000-year level is around 100 mAOD. It is recommended that ground floor FFLs are set at (or as close to) a minimum of 100.6 mAOD.
- 9.26 The submitted FRA and the proposed site plan shows different finished floor levels for the ground floor. As stated above, the FRA states a minimum of 99.9 mAOD, whereas the 'Proposed Site Plan' indicates a FFL of 100.15. This is a betterment of the current situation; however, it would not necessarily meet the level recommended in the Environment Agency LFRSA. The EA therefore recommended the applicant to consider raising floor levels as much as possible up to 100.6 mAOD. It is also recommended the applicant to consider a future 1 in 100-year flood level of 100 mAOD when considering the flood depths surrounding the property and the impacts on emergency planning.

- 9.27 In this instance, the applicant has been asked to consider raising the finished floor level to accord with the EA's recommendation. The applicant has considered the suggestion and confirmed that the proposed FFL is 100.15m AOD, which is higher than the previously granted scheme (18/09673/FUL) which had a FFL of 99.9 m AOD. Therefore, the current scheme would be [slightly] better than the previous approved dwelling. If the finished floor level to be raised further to 100.6 m AOD, and that means that the ridge height would not match the previously approved scheme. As such, the applicant decided not to further raise the finished floor level.
- 9.28 The case officer is aware of the ridge height of any new dwelling is one of key elements on this site due to its sensitive location. Although the proposed finished floor level of the replacement dwelling would only be raised to 100.15m AOD, this scheme would improve the flood risk for the existing bungalow (as the FFL of the existing bungalow is 99.86m AOD) and it would also be better than the previous approved proposal. Officers are also mindful that the Environment Agency did not object to the proposal from flood risk perspective, therefore, there are no substantiate reasons to refuse this application from flood risk perspective.
- 9.29 Regarding flood water resistance and resilience measures, details of such measures can be secured by way of planning conditions.
- 9.30 With regard to the potential flood risk causing elsewhere, the footprint of the new dwelling would only be slightly larger than the existing area, subject to condition seeking details of disposal method for surface water and foul sewerage, there would not be any significant adverse impact to warrant a refusal of this application from the drainage perspective.

Other matters

- 9.33 Residents are concerned that the proposal does not mention about the binding agreement that no windows on the second floor added facing West. Whilst no details are provided regarding this agreement, the issues regarding the potential overlooking have been discussed in paragraph 9.17. Any other binding or legal agreement would be a private civil matter between the applicants and the adjacent occupiers.

10 CONCLUSION

- 10.1 This application seeks full planning permission for the demolition of the existing 3-bed bungalow and the erection of a replacement 4-bed dwelling house albeit on a slightly different footprint and design, and of a larger scale. The previous consent, 18/09673/FUL, established that a new dwelling to replace the existing bungalow on this site is acceptable in principle. It is understood that such planning permission has lapsed.
- 10.2 The previous scheme, 21/00044/FUL, was refused due to the excessive height of the eaves and roof of the proposed dwelling relative to neighbouring buildings would appear incongruous within the street and result in harm to the character and appearance of the Luckington Conservation Area. For the purposes of national policy, the level of harm would be less than substantial, however, in

the absence of any public benefits to outweigh the harm, the previous scheme was refused.

- 10.3 Whilst the ridge height of the current scheme was only slightly lowered, the proposed ridge height would match the previously approved scheme, which is also a two-storey dwelling. From the heritage perspective, whilst the new dwelling would be 2-storey (with accommodation in loft area) in height, it would considerably set back from the frontage of the site and the front elevation of the adjacent neighbouring properties. In addition, the existing bungalow is a 20th century building with very little heritage values. By replacing this bungalow with this 2-storey dwelling with good design quality would generally improve the character and appearance of the conservation area providing that traditional nature building materials to be used.
- 10.4 Furthermore, the finished floor plan of the new dwelling would also be raised to improve the current situation from flood risk perspective.
- 10.5 In this instance, it is considered that the proposal has demonstrated that the design and scale of the replacement dwelling has been carefully designed to minimise any harm to the character and appearance of the Luckington Conservation Area. In addition, the proposed dwelling has also been designed to meet challenges of climate changes and flood risk. Therefore, it is considered that the proposal would comply with Core Policy 57 and Core Policy 58 of the adopted Wiltshire Core Strategy, and the provisions of National Planning Policy Framework July 2021.

11. RECOMMENDATION

11.1 It is recommended that planning permission be granted subject to the following conditions:

Condition 1 (Time Limit for Implementation – 3 years)

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

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

Condition 2 (Approved plans)

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

Site Location Plan and Proposed Floor Plans, Drawing No. 261/101

Proposed Elevations, Garage Floor Plan and Elevations, Street Scene, Drawing No. 261/102

Proposed Site Plan, Drawing No. 261/103, received by the Council on 14 November 2022

Existing and Proposed Sections, Drawing No. 261/104 Rev A, received by the Council on 9th May 2023

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

Condition 3 (Removal of demolition materials)

No part of the development shall be occupied until all of the demolition materials and debris resulting from the demolition of the existing dwelling have been removed from the site.

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

Condition 4 (Removal of PD Rights – additions and extensions)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (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.

Condition 5 (Removal of PD Rights – no new windows, dormers or rooflights on roof slopes)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (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 roof slopes of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

Condition 6 (Removal of PD Rights – no new windows)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the north or south elevation above ground floor ceiling level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

Condition 7 (Obscured glazed window)

Before the development hereby permitted is first occupied the window in the first floor south elevation shall be glazed with obscure glass only, and the windows shall be permanently maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

Condition 8 (Removal of PD Rights – restricted use of garage)

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

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

Condition 9 (No fires around the canopy of trees)

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land.

REASON: To ensure the safe retention of existing trees on the site.

Condition 10 (Tree Root Protection Area)

Any excavation required within the Root Protection Area (RPA) of any retained tree shall be carried out by hand and under the supervision of a qualified arboriculturist. Tree roots are normally located in the first 600mm of soil. Roots that are exposed shall be immediately wrapped or covered to prevent desiccation and to protect them from rapid temperature changes. Any wrapping should be removed prior to backfilling, which should take place as soon as possible. Roots smaller than 25mm diameter can be pruned back making a clean cut with a sharp tool. Roots occurring in clumps or over 25mm shall be severed only following consultation with a qualified arboriculturist, as such roots might be essential to the tree's health and stability. Prior to backfilling retained roots should be surrounded with topsoil or uncompacted sharp sand (builders sand should not be used because of its high salt content, which is toxic to tree roots).

REASON: To ensure the safe retention of existing trees on and adjoining the site.

Condition 11 (Details and samples of building materials)

Notwithstanding the submitted elevations, drawing no. 2610/102, no above ground development shall commence on site until the details and samples of the external materials have been submitted to and approved in writing by the Local Planning Authority.

- (i) Details and a sample panel of external natural stonework, including type, dressing coursing and bedding of natural stone, type of pointing and mortal mix;
- (ii) Details of the natural stone roof tiles, and the roof tiles shall be laid to regularly diminishing courses from eaves to ridge to present unbroken coursing in the traditional manner.
- (iii) Details of the external walls and roof of the proposed garage and conservatory
- (iv) Details of the paint or stain to be applied to the windows and doors of the new dwelling and the external timber of the garage,
- (v) Details of materials of the rainwater goods, and
- (vi) Detailed design and materials of the stone chimney

Development shall be carried out in accordance with the approved details. In avoidance of doubt, no reconstructed stone or reconstructed stone lintel or upvc shall be used for the construction of the development hereby approved.

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, in the interests of visual amenity and the character and appearance of the Luckington Conservation Area.

Condition 12 (Conservation rooflights)

The rooflights hereby approved shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roof slope.

REASON: In the interests of preserving the character and appearance of the Conservation Area.

Condition 13 (Details of surface water drainage disposal methods – pre-commencement condition)

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

REASON: This is a pre-commencement condition to ensure that drainage disposal method has been made available prior to the construction of the approved dwelling, and to minimise the flood risk to the locality.

Condition 14 (Details of foul sewage disposal methods)

Notwithstanding the submitted details, no development shall commence on site until details of the works for the disposal of sewerage, including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. In the event that there is no public sewer in the locality, details of alternative disposal methods for foul sewage shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the

approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: This is a pre-commencement condition to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

Condition 15 (Environmental Construction Management Plan – pre-commencement condition)

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

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

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

REASON: This is a pre-commencement condition to ensure that the construction management plan will be in place prior to the demolition works, and 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.

Condition 16 (Flood resistance and resilience measures)

Within 6 months following the construction of the development hereby approved, details of flood resistance and resilience measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in full prior to the first occupation of the approved new dwelling and such measures shall be retained as such thereafter.

REASON: To reduce flood damage and speed recovery and reoccupation following a flood.

Condition 17 (Landscaping scheme)

Within 6 months following the construction of the development hereby approved, a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- specific number of 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: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

Suggested informative:

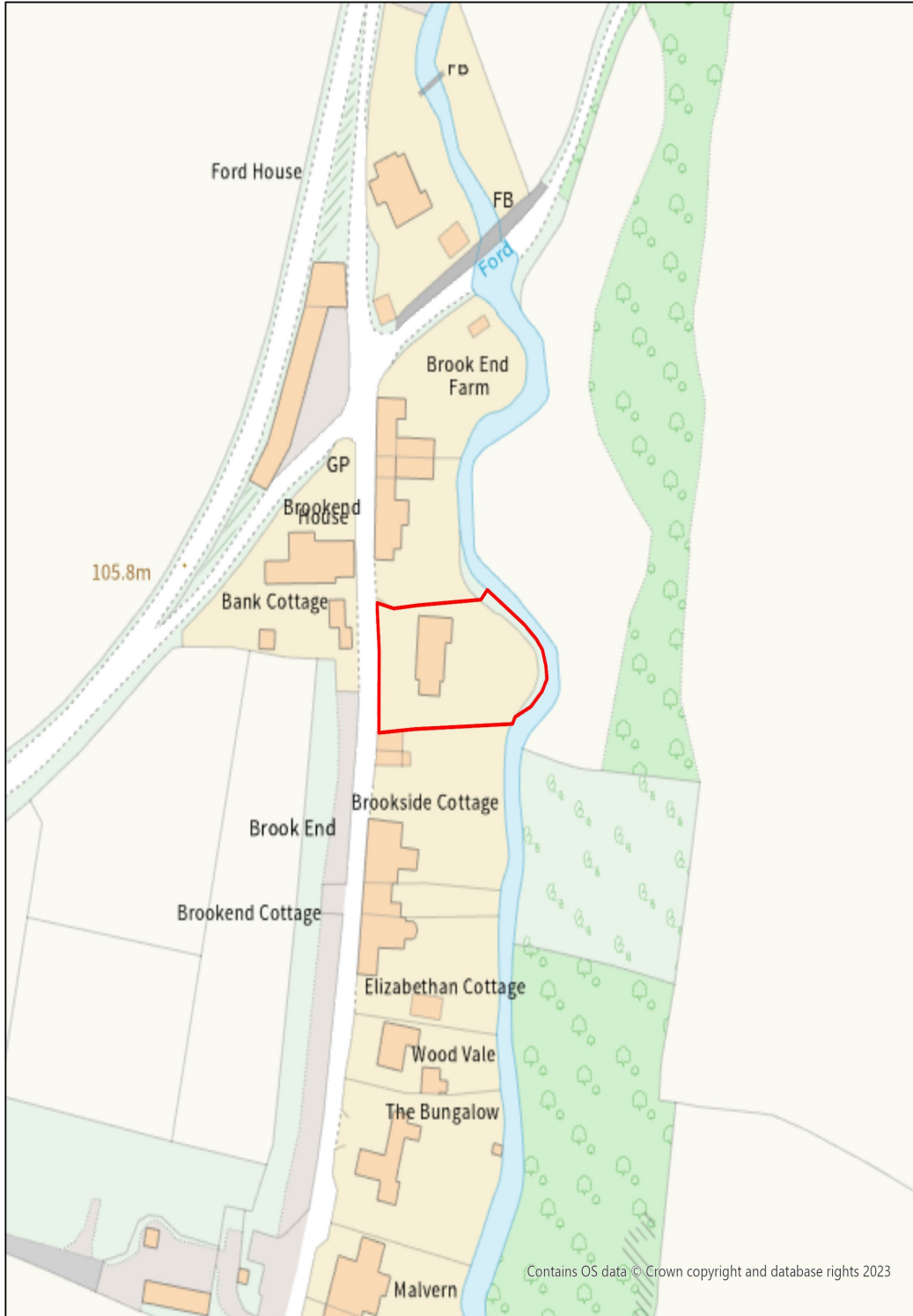
Bat

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. 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.

Appendix

Appendix A – Site Plan Comparison

Appendix B – Elevations Comparison



1:1,250



384015E 184441N m

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Appendix A – Site Plan Comparison

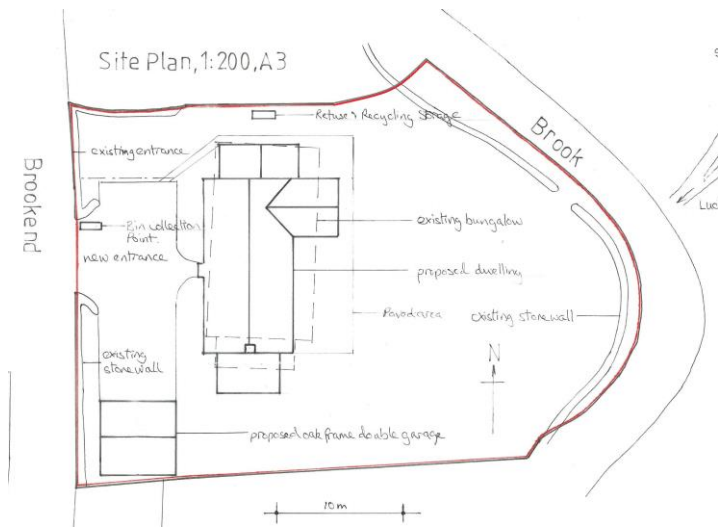


Fig 1 – 2018 Approved Site Plan

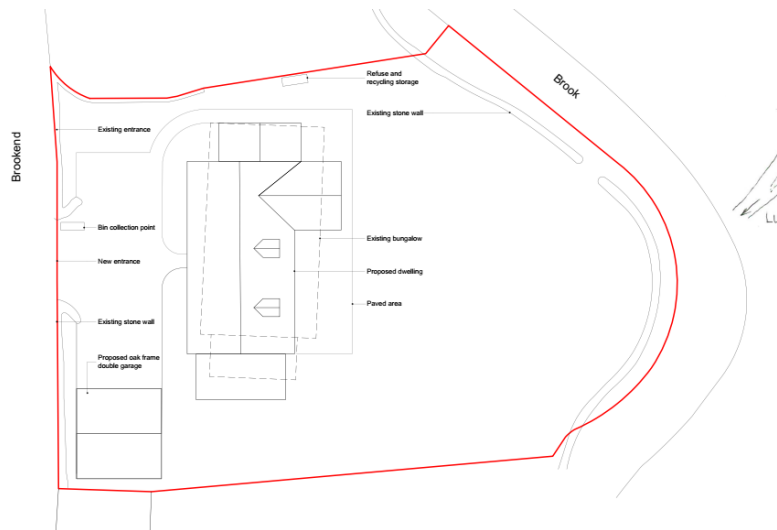


Fig 2 – 2021 Refusal scheme



Fig 3- 2022 Current scheme

Appendix 2 – Elevations comparison



Fig 4 – 2018 Approved Scheme



Fig 5 – 2021 Refused Scheme



Fig 6 – 2022 Current Scheme