

AGENDA

Meeting: Western Area Planning Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Wednesday 4 September 2024

Time: 3.00 pm

Please direct any enquiries on this Agenda to Ellen Ghey of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718259 or email ellen.ghey@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 Christopher Newbury (Chairman)
Cllr Bill Parks (Vice-Chairman)
Cllr Trevor Carbin
Cllr Ernie Clark
Cllr Andrew Davis
Cllr Stewart Palmen

Cllr Horace Prickett
Cllr Pip Ridout
Cllr Jonathon Seed
Cllr David Vigar
Cllr Suzanne Wickham

Substitutes

Cllr Matthew Dean
Cllr Jon Hubbard
Cllr Tony Jackson
Cllr Mel Jacob
Cllr George Jeans

Cllr Gordon King
Cllr Mike Sankey
Cllr Graham Wright
Cllr Tamara Reay
Cllr Bridget Wayman

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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](#).

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AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 22*)

To approve and sign as a correct record the minutes of the meeting held on 7 August 2024.

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 and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the

meetings.

Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 28 August 2024** 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 **Friday 30 August 2024**. 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 23 - 30*)

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/2023/10641: Emmaus School, School Lane, Staverton, Trowbridge, BA14 6NZ** (*Pages 31 - 56*)

Demolition of existing modular classroom and rear extension to main school building to accommodate the erection of two storey building on existing playground with erection of single storey rear extension and associated landscaping.

8 **PL/2023/08046: Land at Pathfinder Way, Bowerhill, Melksham** (*Pages 57 - 82*)

Reserved matters application pursuant to Outline Planning Permission 16/01123/OUT relating to the appearance, landscaping, layout and scale of the Proposed Primary School (including Nursery and SEN provision).

9 **Urgent Items**

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

Part II

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

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Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 7 AUGUST 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Stewart Palmen, Cllr Horace Prickett, Cllr Jonathon Seed, Cllr David Vigar and Cllr Mike Sankey (Substitute)

49 **Apologies**

Apologies for absence were received from:

- Councillor Suzanne Wickham, who was substituted by Councillor Mike Sankey

50 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 3 July 2024 were considered. Following which, it was:

Resolved:

The Committee approved and signed the minutes of the previous meeting held on 3 July 2024 as a true and correct record.

51 **Declarations of Interest**

There were no declarations of interest.

52 **Chairman's Announcements**

There were no specific Chairman's announcements.

53 **Public Participation**

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

There were no questions or statements submitted by Councillors or members of the public.

54 **Planning Appeals and Updates**

The Chairman invited Gen Collins, Principal Planning Officer, to update the Committee on the pending and determined appeals as per the appeals report included within the Agenda Pack.

The three determined appeals were detailed, with Members being informed of the successful defence of all three. Particular reference was made to application PL/2022/07850 pertaining to proposed highway access from the A36, drive, hardstanding, and erection of a double garage in which it was found that the erection of the double garage was considered as appropriate development in the green belt, but the engineering works associated with the proposed driveway was not by virtue of its visibility from public areas and additional volume.

Mr Francis Morland then presented a statement to the Committee under public participation where the appeal decision for application PL/2023/06416 was highlighted alongside the impacts to Wiltshire regarding the 30 July 2024 announcement in which the new Labour Government published a draft revised National Planning Policy Framework (NPPF) which would be available for consultation until 24 September 2024.

In response, officers acknowledged the potential far-reaching consequences across the planning industry if the consultation paper were to be passed, however it was emphasised that as it was only at the consultation stage, the Council's position had not changed, and the Housing Land Supply was in line with the current adopted NPPF. Furthermore, it was officers' understanding that the Government were aiming to publish a revised NPPF by the end of 2024, at which point the implications to Wiltshire could be assessed and a statement would be published on the Council website alongside a detailed briefing note for Members.

Following which, it was:

Resolved:

The Committee noted the appeals report for the period 21 June 2024 to 26 July 2024.

55 **PL/2021/09909: Ashton Street Centre, Ashton Street, Trowbridge, BA14 7ET**

Gen Collins, Principal Planning Officer, presented a report which recommended that the Committee delegated authority to the Head of Development Management to grant planning permission for the redevelopment of a former day care centre (Class F. 1) comprising of the erection of 48 no. dwellings and associated access and landscaping works, subject to conditions and informatives, following the completion of a Section 106 agreement to secure the matters set out in the report.

The background to the application was detailed, including the previous referral to the Committee on 28 September 2022. In recognition that the S106 agreement was still outstanding, and no decision had been issued, the application had been brought back for fresh consideration by Members in light of the revised National Planning Policy Framework (NPPF) in December 2023 and related revised Planning Practice Guidance in February 2024. Attention was drawn to an error in the report under Section 2 which stated that the application had previously been considered by the Strategic Planning Committee instead of the Western Area Planning Committee. Furthermore, it was clarified that the applicant was Stone Circle Development Company Ltd, an independent entity, with Wiltshire Council being a stakeholder. Stephen James, Senior Planning Solicitor for the Council, advised that there was no conflict of interest in that regard and as such, the application could and should be decided by the Western Area Planning Committee.

The key material considerations as a result of the revised NPPF were identified including the principle of development and the weight to be afforded to Core Policies 1 and 2 of the Wiltshire Core Strategy, the current Housing Land Supply position, and consequences for the 'planning balance'.

There being no technical questions or comments from Members of the Committee, no named public speakers, and no comments from the Local Unitary Member, a motion to delegate authority to the Head of Development Management to grant planning permission, subject to the signing of a S106 agreement, in line with officer recommendations was moved by Councillor Stewart Palmen and was seconded by Councillor Ernie Clark.

Following a vote on the motion, it was:

Resolved:

The Committee delegated authority to the Head of Development Management to GRANT planning permission subject to the conditions and informatives listed below following the completion of a s106 agreement to secure the matters also set out below:

S106 Heads of Terms

Affordable Housing: Core Policy 43 'Providing Affordable Housing' of the WCS requires 30% affordable housing in this location (i.e. 14 affordable homes). The Council's Housing Enabling team indicated that a tenure split of 60% affordable rented homes (8 homes) and 40% shared ownership homes (6 homes) will be required.

Public Open Space: Policy CP3 of the WCS and Saved policy LP4 'Providing Recreation facilities in New Developments' of the former West Wiltshire Local Plan requires developments to provide recreational open space. The POS team indicated that a development of 48 dwellings generates a requirement for 1359m² of casual open space, 56.64m² of play space and 1132m² for sports.

Open Space Management: The required on-site POS provisions, along with the future management and maintenance of the Public Open Space, Surface Water Drainage scheme infrastructure, and structural landscaping and ecology buffer zones, as shown on LEMP.

Highways: Policy CP3 Green Travel Plan including £300 of travel vouchers) bus stop improvements (£12,000), the provision of a new footpath and TRO's (£6,000)

Recycling and Waste Facilities: The Council's Waste & Environment Service team indicated that the on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. This contribution is directly related to the development as the cost is £91 per dwelling. The contribution based on the provision of 48 dwellings would be £4,368.

Education Infrastructure: Policy CP3 and Saved policy S1 'Education' of the former West Wiltshire Local Plan outlines that where a proposal for residential development gives rise to the need for additional education provision, a planning obligation will be sought to meet that need. The scale of the obligation to be sought will relate to the scale of need arising from the proposed development. In this case the education requirements are:

- Early years places = £105,132
- Primary school places = £225,096
- Secondary school places = £206,460

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 Plans list ref 21054 received on 12.09.22 as well as the following documents:

- FRA and Drainage Strategy: received 28 June 2022
- Arboricultural Method Statement
- Waste Minimisation Statement
- Proposed Access Arrangement Plan: Drg. SK01_RevA
- Swept Path Analysis large 4 Axle Refuse Plan 1of2 Drg.SK03_RevA
- Swept Path Analysis large 4 Axle Refuse Plan 2of2 Drg.SK03_RevA
- Travel Plan Report RevA

- Ecological Assessment
- Construction Environmental Management Plan
- Landscape and Ecological Management Plan
- Ground Investigation Report
- Biodiversity Net-Gain Assessment

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

3. The development will be carried out in strict accordance with the following:
 - Ecological Assessment (Ethos Environmental Planning, September 2021)
 - Landscape and Ecology Management Plan (Ethos Environmental Planning, October 2021)
 - Biodiversity Net Gain Assessment (Ethos Environmental Planning, September 2021)
 - Construction Environmental Management Plan (Ethos Environmental Planning, September 2021)

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

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

REASON: To avoid illumination of habitat used by bats.

5. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (ii) to (iii) below have been fully complied with, (step (i) having already been carried out.) If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination (including asbestos) on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written

report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

A survey of the extent, nature and scale of contamination on site;

The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;

If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;

An assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works.

The verification report should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance

REASON: To ensure the amenities and safety of future occupants of the development.

6. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: To ensure the amenities and safety of future occupants of the development.

7. No construction work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday

8. No development works shall commence until a Construction Method Statement has been submitted to and approved in writing by the LPA. The CMS shall include the following:

- The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:
 - The movement of construction vehicles;
 - The cutting or other processing of building materials on site;
 - Wheel washing and vehicle wash down facilities;
 - The transportation and storage of waste and building materials;
 - The recycling of waste materials (if any);

- The loading and unloading of equipment and materials;
- The location and use of generators and temporary site accommodation;
- Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts.
- There shall be no burning undertaken on site at any time. The demolition and construction phases of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: To safeguard the amenities of the area.

9. The development shall be undertaken in accordance with the details set out in the approved submitted drainage strategy prepared by Adama Consulting dated November 2021.

REASON: To ensure the approved development is adequately drained and to avoid flood risk.

10. The development shall be undertaken in accordance with the details set out in the approved drainage strategy prepared by Adama Consulting dated November 2021.

REASON: To ensure the approved development is adequately drained and to avoid flood risk.

11. The development shall be undertaken in accordance with the details set out in the approved Construction Environment Management Plan.

REASON: To ensure the amenities and safety of future occupants of the development.

12. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use and no dwelling hereby permitted shall be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details.

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

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

REASON: In the interests of highway safety

14. No dwelling on the development hereby approved shall be occupied until enough space for the parking vehicles, together with a vehicular access thereto, has been provided in accordance with the approved plans. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.

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

15. No dwelling on the development hereby approved shall be occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

16. No unit shall be occupied until those parts of the Travel Plan capable of being implemented prior to occupation have been implemented. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented if any part of the development is occupied.

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

17. No unit shall be occupied until full details of the proposed new footpath and staggered barrier connecting to Lark Down as shown on approved site has been approved and implemented.

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

18. The development will be carried out in strict accordance with the following: Ecological Assessment (Ethos Environmental Planning,

September 2021) Landscape and Ecology Management Plan (Ethos Environmental Planning, October 2021) Biodiversity Net Gain Assessment (Ethos Environmental Planning, September 2021) Construction Environmental Management Plan (Ethos Environmental Planning, September 2021)

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

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

REASON: To avoid illumination of habitat used by bats.

20. The development hereby approved shall not commence above ground slab level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the LPA , the details of which shall include:

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

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

21. 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.

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

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

23. No development shall commence within the area indicated by application PL/2021/09909 until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

The evaluation is to be carried out by qualified archaeologists following the standards and guidelines for such work as set out by the Chartered Institute for Archaeologists (CIfA).

REASON: To enable the recording of any matters of archaeological interest. Costs of this work are to be borne by the applicant.

24. The development hereby approved shall be undertaken in strict accordance with the details as submitted and approved within the tree survey prepared by Sharples Tree Services dated November 2021.

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

25. The development shall not be occupied until details of at least 24 swift/bird boxes/bricks have been submitted to and approved in writing by the LPA and installed to be retained for the lifetime of the development.

REASON: IN the interests of ensuring biodiversity at the site.

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

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

Planning Informatives

- 1. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website: www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy**
- 2. INFORMATIVE: The developer/applicant will be expected to enter into a S278/S38 Agreement with the Highway Authority before commencement of works hereby approved.**
- 3. INFORMATIVE: The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to**

commencing works. Please see Natural England's website for further information on protected species.

4. Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site.
5. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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

56 **PL/2023/04128: The Old Vicarage and Staverton House, 51a New Terrace, Staverton, BA14 6NX**

Public Participation

- Mr Eric Anderson, local resident, spoke in objection to the application.
- Ms Claire Sweeney, together with the applicant, spoke in support of the application.
- Ms Melissa Magee, together with the applicant, spoke in support of the application.
- Mr Ashley Jones, applicant, spoke in support of the application.

David Cox, Senior Planning Officer, presented a report which recommended that the Committee refused the application for the demolition of the existing care home with replacement building providing 9 bedrooms on the lower ground floor, 9 bedrooms on the ground floor, and 14 bedrooms on the first floor, all with auxiliary space which together with the existing home would provide 52 bedrooms total and associated works. It was confirmed that this was the resubmission of application PL/2021/10237.

The background to the application was detailed, including the previous referral to the Committee on 18 January 2023 which resulted in a refusal against officer recommendations, and subsequent dismissed appeal. Furthermore, it was clarified that when considering the site's planning history, the subsequent amendments to the proposal, and in the context of the applicant's assertion that the long-term viability of the care home would be threatened in the event of the proposal not securing planning permission, officers had been directed by the Corporate Director for Place to bring the application back to the Committee for determination.

Key material considerations were identified including the principle of development; the scale and design of the proposal and its impact on street

scene; impacts on neighbouring amenity; impacts on non-designated heritage assets; and drainage, ecological, and highway impacts.

Members of the Committee then had the opportunity to ask technical questions to the officer. Clarity was sought on how the recent proposed reforms to the National Planning Policy Framework (NPPF) could impact any Planning Inspector's decisions at future appeals, specifically in the context of the Housing Land Supply if Members were minded to refuse the application in line with officer recommendations, and when considering the previous dismissed appeal. Officers reiterated that the reforms were proposals only with little to no weight to be attached and that the proposed changes would be available for public consultation until 24 September 2024. However, if the proposed alterations to the Housing Land Supply were to be confirmed, the position in terms of planning balance would not have materially changed from the context in which the previous appeal decision was decided as the perceived harm to No. 6 Littlebrook outweighed the weight given to Wiltshire Council's Housing Land Supply position, thus leading to minimal ramifications.

The named public speakers as detailed above then had the opportunity to present their views to the Committee.

Councillor Trevor Carbin, as the Local Unitary Member, then spoke to the application and thanked officers for their hard work and effort on the current proposal and previous iterations.

A debate then followed where Members acknowledged the concerns raised by neighbouring residents and the impact that the alterations to the footprint and massing of the proposal would have on these residents. However, the mitigations submitted by the applicants were noted alongside the ageing population of Wiltshire, the importance of planning for the care of the elderly within their local communities, and the need for care home places.

Members further discussed the previous dismissed appeal and the Inspector's judgement that the substantive and demonstrable harm to the amenity of the residents at No. 6 Littlebrook outweighed the benefits of the scheme despite the residents of No. 6 Littlebrook raising no objections.

At the conclusion of the debate, Councillor Trevor Carbin moved to refuse the application in line with officer recommendations which was seconded by Councillor Jonathon Seed. Following a vote on the motion, it was:

Resolved:

The Committee REFUSED the application for the following grounds:

The proposed development by virtue of its 3-storey structure and resultant size, massing and proximity to the boundary with No 6 Littlebrook would have an unacceptable overbearing effect upon the outlook from the modest external amenity space to the side of the aforesaid neighbouring property.

Furthermore, the use of clear glazing in bedrooms 49 and 50 due to their elevated position in close proximity to the boundary with No 6 Littlebrook would cause direct overlooking of their amenity spaces causing harm to their privacy.

The proposal is therefore in conflict with adopted Wiltshire Core Strategy Core Policy 57 and NPPF paragraphs 131 and 135.

57 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.15 pm)

The Officer who has produced these minutes is Ellen Ghey of Democratic Services, direct line 01225 718259, e-mail ellen.ghey@wiltshire.gov.uk

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

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**Wiltshire Council
Western Area Committee
4th September 2024**

Planning Appeals Received between 26/07/2024 and 23/08/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2024/03359	Tynings Barn, Church Lane, Wingfield, BA14 9LW	Wingfield	Prior Approval Class Q – Change of use and building operations to an agricultural building to form a single dwelling	DEL	Written Representations	Refuse	15/08/2024	No

Planning Appeals Decided between 26/07/2024 and 23/08/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2023/10654	Land adjacent to A350, West Ashton Road, Yarnbrook, Trowbridge, BA14 6AF	North Bradley	Outline consent for the consent of 4No. dwellings with all matters reserved apart from access.	DEL	Written Reps	Refuse	Dismissed	08/08/2024	Appellant and Wiltshire Council applied for Costs - Refused

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Appeal Decision

Site visit made on 10 July 2024

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2024

Appeal Ref: APP/Y3940/W/24/3342139

Land adjacent to A350, West Ashton Rd, Yarnbrook, Trowbridge, BA14 6AF

- 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 Homes Nuvo Limited against the decision of Wiltshire Council.
 - The application Reference is PL/2023/10654.
 - The development proposed is outline consent for 4No. dwellings with all matters reserved apart from access.
-

Decision

1. The appeal is dismissed.

Costs

2. Applications for costs has been made by the Appellant against the Council and vice versa. These applications are the subject of separate decisions.

Procedural Matter

3. The appeal relates to an outline application. All matters other than access are reserved. I shall consider the submitted plans accordingly.

Main Issues

4. The main issues are a) whether the proposal would be acceptable in principle in this location and b) the effect of the scheme on highway safety and convenience.

Reasons

Principle of location

5. The appeal site comprises a well-defined field of former agricultural land extending to around 0.18 hectares. It fronts the north west side of the A350 and has a scatter of dwellings within proximity. I note that the address of the site is Yarnbrook, the closest village centre, albeit this area of land and the nearby homes lie within West Ashton Parish. The proposal is as described above.
6. The Wiltshire Core Strategy (CS) includes Core Policy CP2 – The Delivery Strategy - which is pertinent to this appeal scheme and seeks to provide for the most sustainable pattern of development within Wiltshire. An extract from the policy states:

At the Small Villages development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

i) Respects the existing character and form of the settlement

ii) Does not elongate the village or impose development in sensitive landscape areas

iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.

7. Text at CS paragraph 4.34 explains:

For the purposes of Core Policy 2, infill is defined as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling. Exceptions to this approach will only be considered through the neighbourhood plan process or DPDs

8. For my part I would not class the site as being within the built-up area of Yarnbrook (or West Ashton village). I appreciate that the Council has concluded that the homes close-by to the site would be classed as within Yarnbrook (particularly when dealing with application reference 19/03240/OUT) but I see no reason why it would necessarily follow that this field would also be classed as within a built-up entity. It would seem to me that the built-up form would logically be defined as 'skewing' away from the A350 at this locality; in other words, Yarnbrook heads off northwards 'behind' the appeal site. On this basis the site would not class as even being suitably tested for infill status.
9. One can debate a suitable size for infill and I do note cases put forward by the Appellant. However, and contrary to the above paragraph, even if one deemed the site as being *within* Yarnbrook rather than a detached field alongside the A350 to my mind the former agricultural land would not represent a *small gap* within the village. It is simply neither small nor a gap.
10. Lastly, even if one did define it as infill, I would assess that it failed CS CP2 criteria i) and iii) because it would by reason of character and form not respect the generally linear village and would be appreciable consolidation at the loose-knit end of the settlement.
11. Given the above I must conclude that the appeal proposal would conflict with CS Policy CP2.
12. Furthermore, this rural development proposal, without any over-riding justification or merit, would also run contrary to CS Policies CP57, 60 and 61 which taken together, and amongst other matters, in their own way seek to secure sustainable development.
13. Finally, on the question of principle, one would consider CS CP62. This underlines that new development should not be accessed directly from the National Primary Route Network (NPRN) outside built-up areas, unless an over-riding need can be demonstrated. I note the Appellant's argument that an old (now overgrown) field entrance exists but this would be very different from a

significant access to 4 new dwellings being created at a point further along the frontage. I conclude that the scheme would fail to accord with CS CP62.

Highway safety and convenience

14. I touch on CS CP62 above. The reasoning for the strict control over new development to the NPRN is to assist with traffic flow and reduce risk. Having observed the vehicular flows, speeds and make-up on this section of the A350, along with its alignment, lack of adequate footways, lighting or crossings, and having also personally gained access to the road from three existing nearby points, I would deem that new development served as planned would undoubtedly hinder traffic flow and significantly increase risk. Whatever the details of the entrance design, I would say that this is not a suitable location for new housing to emerge onto the NPRN. The scheme would also fail to suitably provide for any meaningful pedestrian or cycle arrangements.
15. In all the circumstances I conclude that the proposal would thus conflict with CS CP62 and those policies which I cite in paragraph 12 above.

Other matters

16. I recognise that the scheme would assist the supply of housing land. However, the contribution from the proposal would be modest and I am of the view that this appeal scheme by reason of its location and nature would not reasonably be termed sustainable development.
17. The Council and third parties raised concerns over the service of 'notice' for land not under the Appellant's control. The Council also raised issues over habitat protection, possible archaeological harm, and immediate and wider flood risk. However, given my findings on the two main issues including principle I need not explore these matters further; outcomes in any direction would not be sufficient to give rise to a change in my position that this scheme should not be allowed to progress.
18. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issues identified above.
19. I confirm that policies in the National Planning Policy Framework have been considered; the Council's policies which I cite mirror relevant objectives within that document.

Overall conclusion

20. For the reasons given above I conclude that the proposed development would not be acceptable in principle in this location and that the scheme would have unacceptable effects on highway safety and convenience. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR



Costs Decision

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2024

A. Costs application in relation to Appeal Ref: APP/Y3940/W/24/3342139 Land adjacent to A350, West Ashton Rd, Yarnbrook, Trowbridge, BA14 6AF

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Homes Nuvo Limited for an award of costs against the decision of Wiltshire Council.
 - The appeal was made against the refusal of an application, Ref PL/2023/10654, which sought outline planning permission for 4No. dwellings with all matters reserved apart from access.
-

B. Costs application in relation to Appeal Ref: APP/Y3940/W/24/3342139 Land adjacent to A350, West Ashton Rd, Yarnbrook, Trowbridge, BA14 6AF

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Wiltshire Council for an award of costs against the decision of Homes Nuvo Limited to appeal.
 - The appeal was made against the refusal of an application, Ref PL/2023/10654, which sought outline planning permission for 4No. dwellings with all matters reserved apart from access.
-

Decisions

1. Application A for award of costs is refused.
2. Application B for award of costs is refused.

Procedural Matter

3. I use two headings above as in this instance the two principal parties, the Appellant and the Council, have made a cost application against each other.

Reasons

4. Planning Practice Guidance (guidance) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may be either procedural or substantive.
5. The Appellant considers that there has been unreasonable behaviour by the Council. The Appellant argues that the Council acted unreasonably by not following guidelines on accepting additional information. This information could have resulted in positive changes, reducing the reasons for refusal. The Appellant feels prejudiced in that additional information cannot be submitted at appeal stage. The Appellant feels that potentially unnecessary costs have been

incurred. For example, Biodiversity Net Gain work has and will lead to costs and the Appellant generally considers there has been significant financial disadvantage due to the Council's unfair and unreasonable behaviour during the lifetime of the application.

6. The Council rebuts the Appellant's case and makes a counter claim for costs. It indicates that at an early stage in the planning process the applicant was advised that there were procedural concerns with the application pertaining to the extent of the red line and land ownership and the associated required certificates and formal notices. The Appellant did revise matters and a second round of full consultation was issued; this led to further concerns by neighbours over red-line accuracy. The Council suggested further revision or withdrawal. The Appellant did not agree the landownership claims and that continues. Furthermore, the Council claims it advised the Appellant in good time that the scheme was unacceptable in principle and in any event would need ecological, flood risk and archaeological work. The Council advised that refusal would be forthcoming and withdrawal was offered or additional details could be submitted at own risk given the perceived procedural irregularity and that the principle of development was considered unacceptable.
7. The Council says that the Appellant declined to withdraw the application or submit further details, wished the Council to progress, and indicated more information would be provided at appeal stage albeit at the last minute a request for an extension of time was made to allow more information to be forthcoming. The Council felt it should progress with determination and argues it was the Appellant's actions which caused the appeal. Indeed, an appeal was clearly the predicated aim of the Appellant. Such an appeal in the Council's eyes was time and resource wasting for all as, not least with an incomplete application bundle, there would appear to be no way a favourable appeal outcome could be forthcoming. This is compounded by what is seen as a baseless claim for costs against the Council
8. The general principle embodied within the guidance is that the parties involved should normally meet their own expenses. I have carefully considered the matter of a full or, indeed, a partial, award of costs for either party.
9. From the Appellant's perspective, I recognise that an appeal process can be time and fee consuming and that professional assistance comes at a cost. It is clearly regrettable when an applicant feels that the processing of a planning application could have been dealt with better. However, I am not persuaded that actions of the Council during that period directly lead to the appeal. It would seem to me that the Council took a reasonable, and communicative, approach to the handling of the planning application and the decision was in a fair timescale and had an appropriate degree of logic and professionalism. The Appellant could have provided more information within the application bundle or as follow-up but did not and post decision then reasonably exercised the fair rights to appeal and to make an application for costs.
10. Looking at the Council's perspective I can see that it would not choose to spend time and effort handling an appeal that it felt had no chance of success. However, I would say that the appeal was understandable and not frivolous and it was not inconceivable that an Inspector could reach a different decision from the Council. The Appellant put forward a comprehensive and reasonably

argued case with suitable material that was well worth careful review by the Inspectorate. The Appellant was entitled to appeal and the normal consequent procedure is for the Council to present its case, as it did. Similarly, the Appellant chose to make a claim for costs and I would not read that as a completely irrational stance. Again, the Council, reasonably, chose to respond to that case and in this instance went further by deciding to make a counter-application for costs.

11. From the above two paragraphs I trust it can be gauged that it would not be appropriate to award full or partial costs to either principal party. I would conclude that there was no unreasonable behaviour by either the Council or the Appellant. In my opinion, neither side took a stance which was unsubstantiated and neither party took actions during the planning assessment process or via the subsequent appeal which would be deemed as being irrational.
12. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the planning guidance, has not been demonstrated in the cases of the applications for costs A or B.

D Cramond

INSPECTOR

REPORT FOR THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	4 September 2024
Application Number	PL/2023/10641
Site Address	Emmaus School, School Lane, Staverton, Trowbridge, BA14 6NZ
Proposal	Demolition of existing modular classroom and rear extension to main school building to accommodate the erection of two storey building on existing playground with erection of single storey rear extension and associated landscaping
Applicant	Emmaus School
Town / Parish Council	Staverton Parish Council
Electoral Division	Staverton - Cllr Trevor Carbin
Grid Ref	51.34308, -2.20780
Type of Application	Full Planning
Case Officer	Russell Brown

Reason for the application being considered by Committee

This application has been called in by Cllr Trevor Carbin should officers be minded to support the application for the proposed development citing the following concerns:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance

1. Purpose of Report

This report considers the relevant planning considerations, including the consultation responses and considers local and national planning policy and guidance. The report identifies the various planning constraints and opportunities and considers whether this represents a sustainable form of development having regard to the social, environmental and economic dimensions of the scheme.

2. Report Summary

The key issues for consideration are:

- Principle of development;
- Design and landscape implications;
- Residential amenity;
- Ecology;
- Drainage; and
- Highways safety issues

3. Site Description

The application site as illustrated below is within the limits of development for Trowbridge,

but within the Bradford on Avon Community Area as defined within the Wiltshire Core Strategy (WCS) (CP7 and para 5.35).

Fig. 1: Site Plan and wider context plan



The site adjoins a children’s nursery which is found to the immediate southwest with residential development to the east and further southwards the CoE Primary School is located as evidenced in the above insert. Staverton is identified within Core Policy of the WCS 7 as a “small village”, and although Staverton is part of the Bradford on Avon Community Area, this site is geographically more related to Trowbridge and its community area and indeed forms part of the settlement development limits for Trowbridge as illustrated below:

Fig. 2: Plan showing settlement boundary



The site lies within the Grey Zone of the Trowbridge Bat Mitigation Strategy (TBMS) and falls within the 4km buffer area of Bath & Bradford on Avon Bats Special Area of Conservation (SAC).

The site currently contains a Bath stone built Victorian era school building which is not listed but is considered to be a non-designated heritage asset given its age, vernacular design and use of traditional materials. The school sits centrally within an elongated site. To the south of the building lies the playground and to the north there is a mobile temporary classroom and further northwards, there is a small car park for the school.

Fig. 3: Aerial view



4. Relevant Planning History

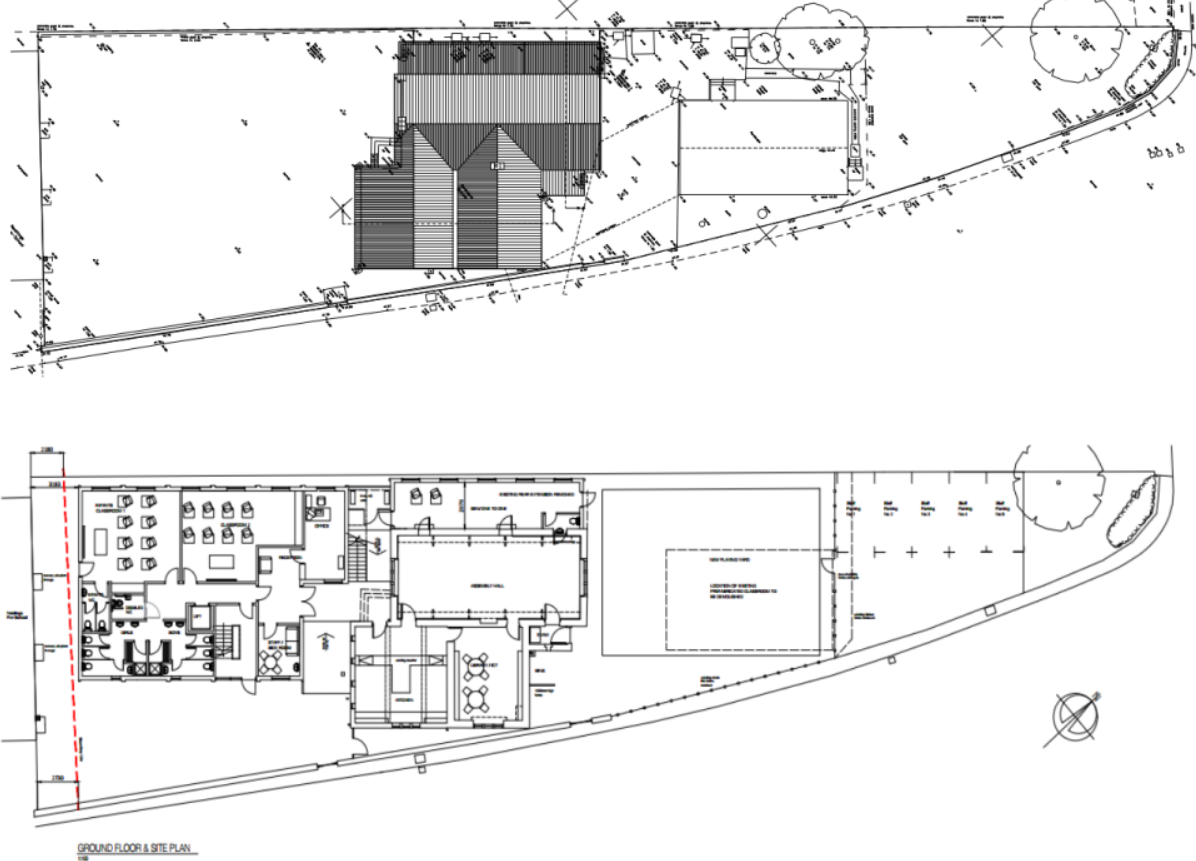
W/06/01108/FUL – Demolition of existing side room to main building and separate mobile classroom, 2 new extensions to sides of existing school building and conversion of part of existing roof space to provide additional classrooms, sanitary facilities and new reception/entrance area – **Approved**

W/10/00272/FUL – Removal of existing mobile classroom and demolition of existing single storey extension, to allow replacement single storey rear extension, and two storey side extension – **Approved**

5. The Proposal

The proposal seeks to create a two-storey extension on the existing playground to the south, with a single storey extension to the western rear of the existing school building. The existing mobile classroom to the north of the school would be demolished and that and the contiguous land as illustrated in the proposed site plan below, would become the new playground.

Fig. 4: Existing and Proposed Site Plans



The proposed extension would be a flat roofed modern design with a mixture of metal and timber cladding.

The applicant asserts that the proposed new extensions are not being planned in order to raise pupil numbers, but rather to improve the overall school accommodation and facilities for the existing pupils and staff.

Fig. 5: Proposed southeast elevation (facing the highway and neighbouring properties)

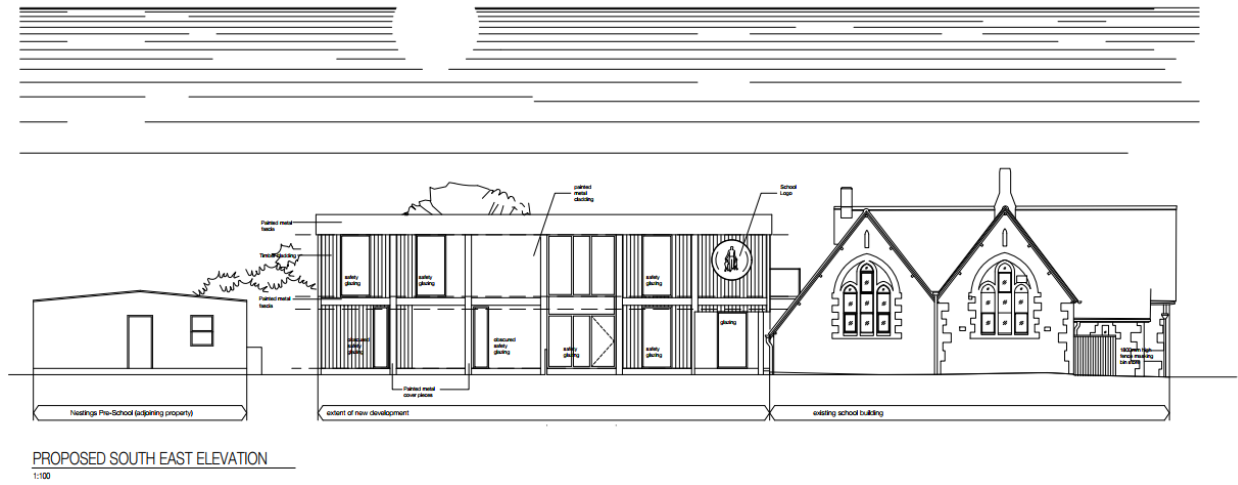
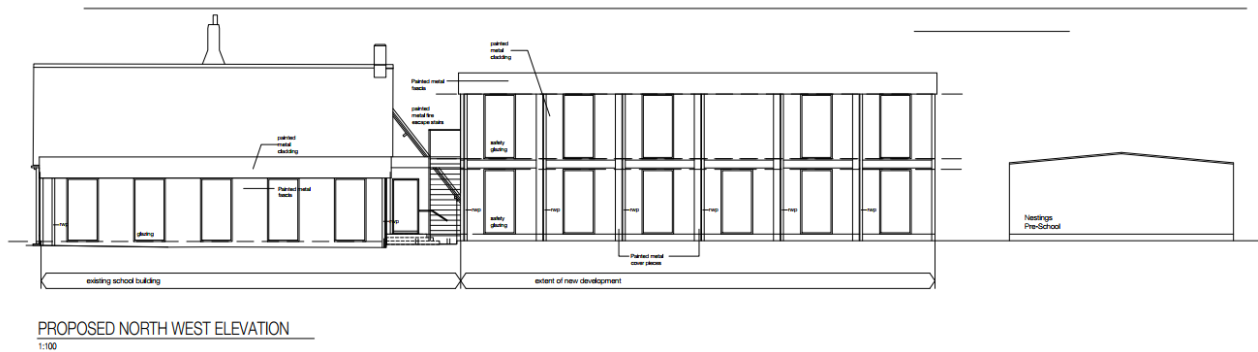
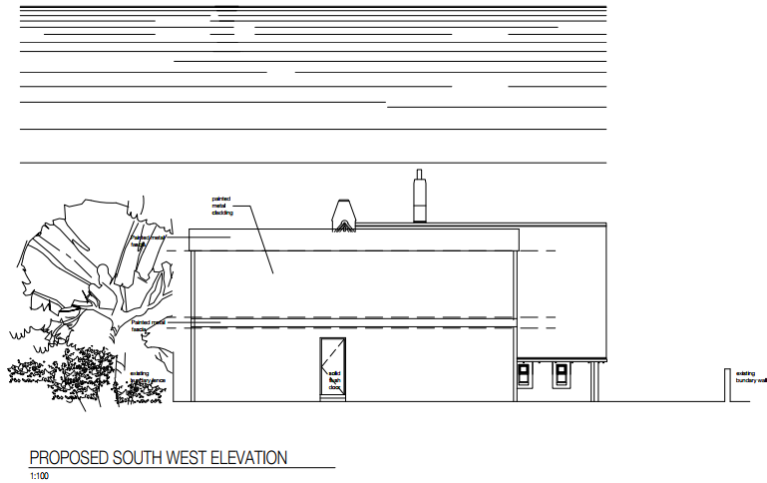
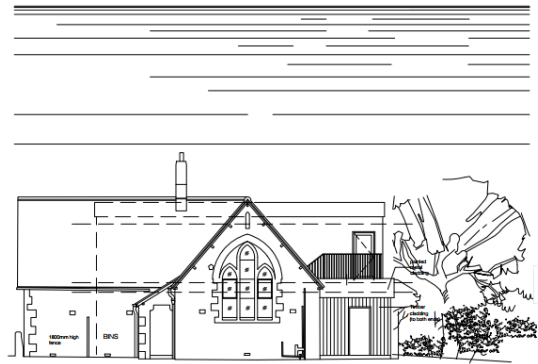


Fig. 6: Remaining Elevations





PROPOSED NORTH EAST ELEVATION (1)
1:100



PROPOSED NORTH EAST ELEVATION (2)
1:100

The application has been revised following a dispute raised about the location of the boundary between the school site and the adjoining nursery school to the southwest. As a consequence, the proposed extension was moved further into the school site to avoid any land ownership conflict with the nursery.

6. Planning Policy

National Planning Policy Framework (The Framework) – Dec 2023 iteration

Wiltshire Core Strategy (WCS) 2015 - Relevant policies include: Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 3: Infrastructure Requirements; Core Policy 7: Spatial Strategy Bradford on Avon Community Area; Core Policy 29: Spatial Strategy: Trowbridge Community Area; Core Policy 41: Sustainable Construction and Low Carbon Energy; Core Policy Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; Core Policy 57: Ensuring High Quality Design and Place Shaping; Core Policy 60: Sustainable Transport; Core Policy 61: Transport and New Development; Core Policy 62: Development Impacts on the Transport Network; Core Policy 64: Demand Management; Core Policy 67: Flood Risk

West Wiltshire District Local Plan (1st Alteration) - saved policies U1a Foul Water Disposal and C3: Special Landscape Area

Other Material Considerations

Planning Practice Guidance (PPG)

Wiltshire's Local Transport Plan 2011- 2026

Wiltshire's Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD)

Wiltshire's Community Infrastructure Levy - Charging Schedule (Charging Schedule)

Wiltshire's Community Infrastructure Levy - Regulation 123 List (123 List)

In terms of Neighbourhood Planning, Staverton does not have a made Neighbourhood Plan.

7. Summary of Consultation Responses

Staverton Parish Council: No objections, however, the Parish Council feels that there could be an impact on neighbours and any concerns they may have need to be considered when reaching a decision.

Wiltshire Council Highways Authority: No objections, but notes the proposed removal of two new car parking spaces. The local objections have been reviewed which relate to traffic and parking issues. The removal of the two new parking spaces and the creation of a new access will alleviate some of these objections. In highway terms, this proposal would not generate a significant amount of extra traffic or car parking demand. On this basis, the removal of the two new parking spaces from the scheme is acceptable.

Wiltshire Council Ecologist: No objection subject to conditions.

Wiltshire Council Drainage Authority: Objects due to lack of a drainage strategy.

Sport England: Confirmed that the application proposal does not fall within the statutory consultation remit, but provided the following guidance:

If the proposal involves the loss of any sports facility, then full consideration should be given to whether the proposal meets Par. 103 of National Planning Policy Framework (NPPF) is in accordance with local policies to protect social infrastructure and meets any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional housing, then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help

ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

8. Publicity

The application was publicised by individually posted notification letters sent to neighbouring/properties within close proximity of the site and erection of site notices. As a result of this publicity, 36 representations have been received, some from duplicate addresses. 32 of the representations raise objections to the scheme, and four are supportive. The representations have been summarised as follows:

In support of the development third parties raised the following aspects–

- The Education Needs Statement shows why the improved facilities are necessary
- The design is well thought out, attractive and modern
- Any disruption would be minimal due to modular design
- The current building presents many logistical problems, being too small
- The provision of the new building would greatly improve learning conditions for both pupils and staff, and enable the school to continue its valuable work into the future with modern facilities
- The proposed new building would not interfere in any substantial way with the Nestlings pre-school
- No parking concerns
- The removal of the proposed new entrance is welcome **[Case Officer's Note: The original proposed scheme included a new access; this access was removed in the revised proposal now before the Council]**

Those objecting to the development raised the following concerns –

- Conflict with the nursery site
- Would restrict light to nursery
- Concern about construction noise, dust and disturbance
- Boundary issues with the nursery, including access for maintenance issues
- It will result in the loss of a view from dwellings
- Concern about overlooking
- Inappropriate design
- No green space for the children and reduced play space
- Increased risk of air pollution
- Concern over parking issues

- Would be overdevelopment
- Needs to be determined under the most up-to-date NPPF
- Concern over position of AC units facing the nursery
- Overlooking to nursery
- Not enough local engagement from school
- Concern over cladding
- Pupil numbers have increased

9. Assessment

9.1 Principle of Development

Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

This is a proposal to extend an existing privately run education establishment, and for the avoidance of any doubt when tested against WCS CP3, there is no specific differentiation between state and privately provided education. The provision of additional education facilities that require planning permission should be in accordance with the development plan strategy as set out at CP1, CP2 and CP3, and is supported in principle.

The application site is within the limits of development for Trowbridge, but within the Bradford on Avon Community Area, and as illustrated earlier in this report, the site is located in close proximity to a state funded village school and physically adjoins a privately run pre-school nursery. Staverton village is identified within CP7 as a “small village” within the Bradford on Avon community area. However, this site is geographically more related to Trowbridge and its community area and is within the limits of development for Trowbridge.

Furthermore, it is material to consider that this is an established operation and use, and the proposal to extend and improve the current school accommodation is supported by the WCS in principle, and it is a matter of detailed consideration as to whether planning approval should or should not be granted based on the site specific and material planning considerations.

The application is supported by an Educational Needs Statement which sets out the following reasons behind the proposed new accommodation plans

- that the school has seven teaching groups, but only three classrooms
- there is no staff toilet or a disabled toilet
- there is no disabled access
- there is no first aid room
- there are no showers and poor changing facilities

In addition to remedying the above, the proposed school extension would provide space for music lessons, an IT suite, a kitchen, a staff room, space for small groupwork and 1:1/SEN provision as well as a library.

Having visited the site and noted the plan aspiration for the school, officers recognise there is a genuine and evidenced based need for the additional accommodation and facilities, which the present building envelope cannot provide.

Officers are also mindful of the grant of planning permission for an alternative modern extension in 2015 which equated to a similar sized extension albeit on the north side of the building as illustrated below:

Fig. 7: The 2015 planning approval – southwest elevation



Under the current application, the school proposes a two-storey extension to the south side of the existing school building, but in terms of scale and size would be comparable to the previous approval.

9.2 Design and Impact on the Surroundings/Wider Landscape

Adopted WCS Core Policy 51 states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures.

Adopted WCS Core Policy 57 requires a high standard of design in all new development and states that development should respond positively to the existing townscape and landscape in terms of building layout, built form, height, mass, scale, building line, plot size, design, materials and streetscape.

Although not listed, the main school building is historic, and its essential form has a pleasant design and architectural treatment – which under this application would essentially remain

intact. Officers have treated the main school building (excluding the mobile classroom) as a non-designated heritage asset, and careful consideration has been given to the proposed removal of the modern rear extension at the school – which is considered acceptable on the basis that it has limited, if any architectural value.

Fig. 8: Photograph of existing unsympathetic addition to be removed.



The host school building is quite modest in scale, although it had the appearance and character that is typical of many village schools dating from the mid to late 19th century – which appears to be supported by reviewing historic mapping records that are available to officers. When it was built, it was quite isolated from other forms of development save for the railway tracks. The original countryside setting has been eroded through the passage of time and especially so with 20th century residential development which has left the site now forming part of the Trowbridge/Staverton settlement-built development edge.

As noted earlier in this report, the site has been the subject of a number of extension proposals and there remains a temporary mobile classroom structure – which was never planned to be a permanent solution, and this application would see that structure being removed from the site, and in terms of future proofing the school to have a permanent solution, officers fully support the principle of providing a functional permanent extension to serve the school needs and to dispense with temporary classroom solutions, which by their very nature and form have limitations.

From a visual inspection, the mobile classroom structure detracts from the appearance of the building and its replacement with a permanent solution is supported by officers. This also includes the many other ad-hoc outbuildings that have accumulated over the years.

Fig. 9: Images of the existing mobile classroom and other outbuildings – proposed to be removed

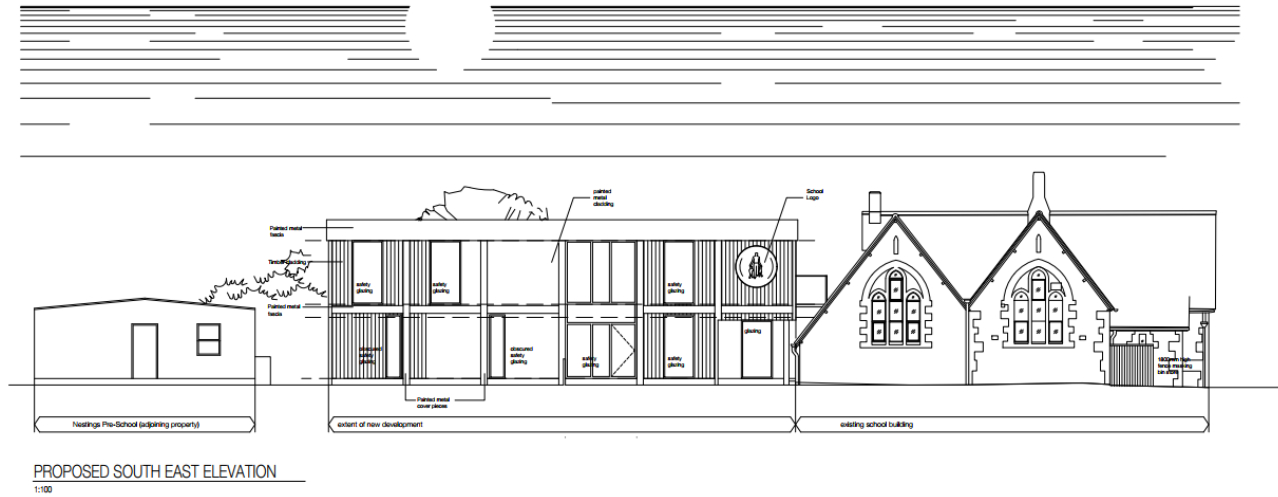




The proposed extension would be unapologetically contemporary and would constitute as a significant addition to the host building, in much the same manner as the previously consented 2015 application would be. It is clearly necessary to complete a fresh assessment on the current proposals which would comprise 2-storey flat roof structure utilising contemporary wall cladding materials. This would result in a marked juxtaposition between the old and the new, creating a clear architectural statement avoiding any attempt to mimic Victorian form of architecture and being a modern installation to meet modern schooling

needs. The roof height of the proposal would remain below the ridge of the existing building, and the front building line of the new section would be behind that of the historic building. These factors would lead to a visual relationship where the historic building would remain the dominant focus.

Fig. 10: Proposed street scene elevation



Whilst the extension would be seen from the public domain, officers are satisfied that it would not harm the immediate surroundings or wider landscape character due to the position between the existing school and the adjacent nursery building.

This is an edge of settlement site that is not within any special landscape designation, and officers are satisfied with the landscape buffer provided by the railway tracks located to immediate north of the settlement limits, the proposal would not have a significant impact on the wider landscape character of countryside when viewed from the north. It is also worth noting there are no PRowS near the site with the nearest being STAV1 bridleway over 350m to the north – which itself has no intervisibility with the site.

Fig. 11: Aerial view of the site and edge of settlement context

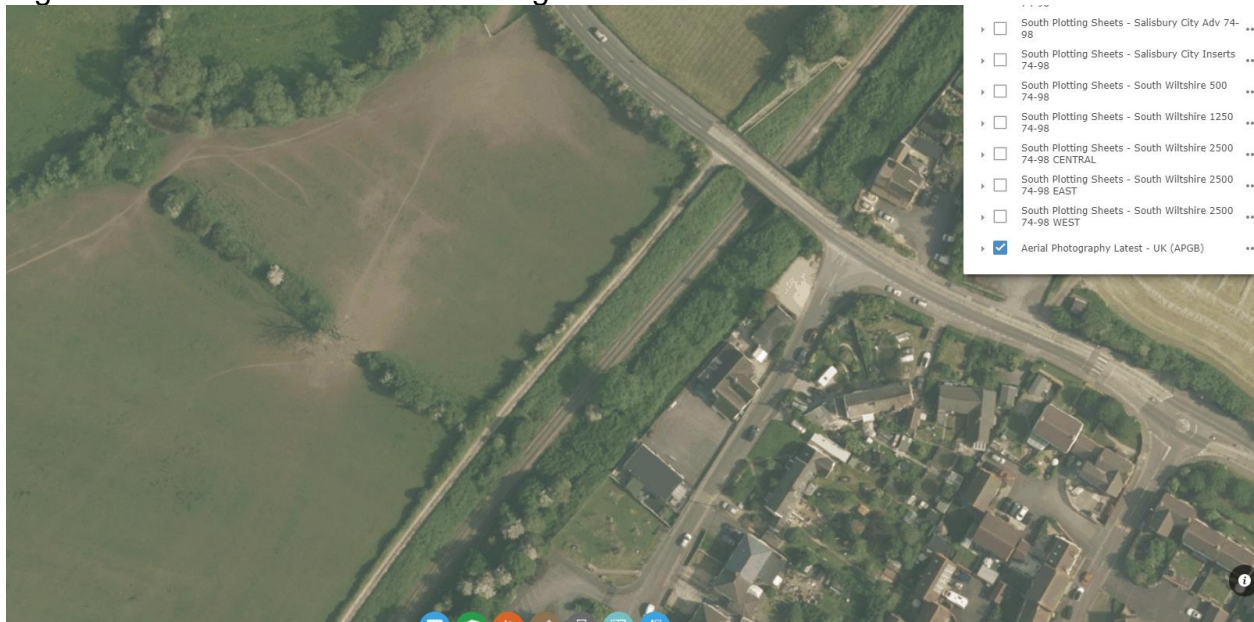


Fig. 12: Position of nearest PROW



The extension, being located towards the rear of the site, set behind the front building line of the existing school, and the height being lower than the existing school would mean it remains subservient to the existing school building. The design would create a complementary juxtaposition and the wider rural landscape to the north would not be harmed.

9.3 Impact on the Amenities of Neighbouring Residents

Adopted WCS Core Policy 57 requires a high standard of design in all new development that is required to have regard to the compatibility of adjoining buildings and uses and the impact on the amenities of existing occupants including the consideration of noise, odour and light pollution.

Officers fully recognise that the proposed development would have some impacts to local/nearby residents in terms of noise and general disturbances during the construction phase of the development. However, officers are satisfied that subject to the submission of an appropriate Construction Management Plan prior to commencement of demolition works, the Council would have control over the working practices, working hours and can secure any necessary mitigation measures to limit the impact of the construction works on local residents.

The proposed new building would be approximately 23 metres from the front elevations of the closest neighbouring residential dwellings and there would be an acceptable separation distance between the windows of the respective buildings.

Officers are furthermore satisfied that with the proposed height of the extension being lower than the main host building, there would be no substantive overbearing detriment to the immediate neighbours.

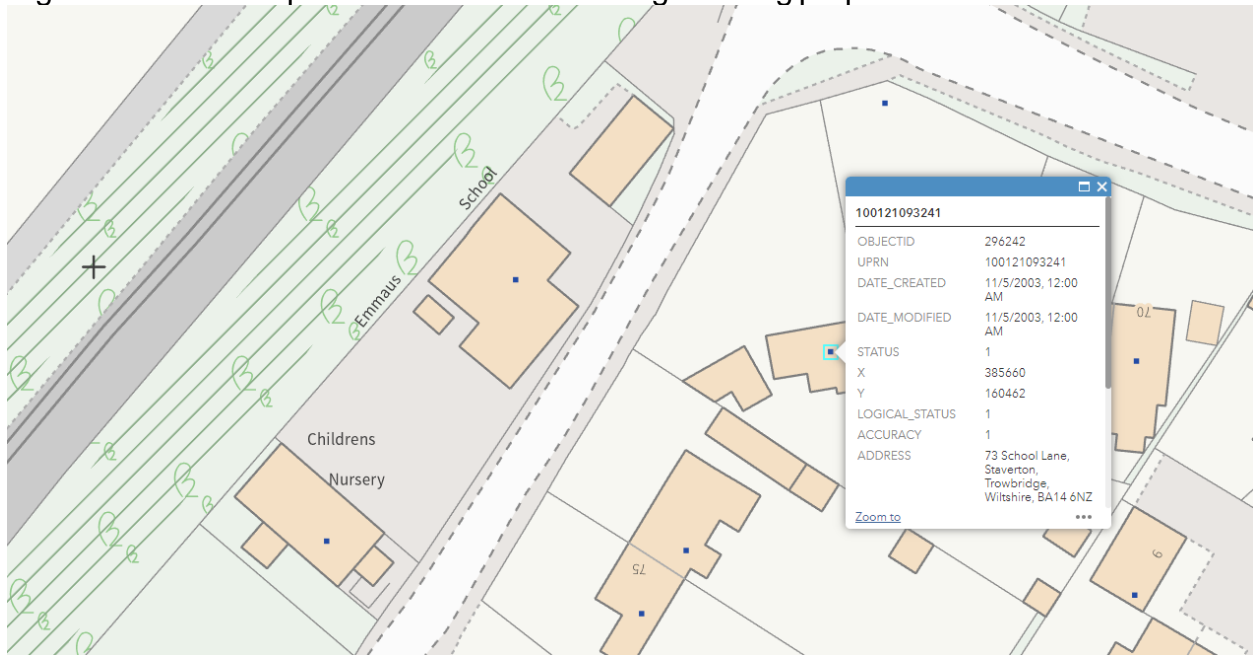
From the proposed floor plans, the windows facing the neighbouring dwellings would be made up of toilets (that would be obscurely glazed), a stair well, a ground floor staff room; and a classroom and the science room at first floor.

Officers have carefully reviewed the relationships of these windows with the nearby houses and have reached the conclusion that given the separation distances and the hours these windows would be used, they would not result in a demonstrable loss of amenity to those houses, in recognition that the school does not operate on a regular basis into weekday evenings or the weekend. Indeed, the applicant has confirmed in writing that there are no plans to use the school in the evenings or weekends apart from a maximum of twice a year for school drama performances.

Consequently, the impact to neighbouring properties would be minimal.

It should also be appreciated that with the proposed extension being sited on the existing playground, there would be a removal of the associated noise from children playing at this location, and the consequential relocation of the playground would utilise land that could be used for that purpose at any time without requiring any consent from the Council. Officers have concluded that the houses most affected by the proposed building would experience most impact through the construction phase, but once built and used, the impact would be acceptable and there would be no substantive grounds for refusal.

Fig. 13: Relationship between school and neighbouring properties



As shown above, the dwellinghouse at No73 School Lane would be located closest to where the new playground would be provided and is orientated at an oblique angle to the main road and does not have a parallel front elevation with the area shown to be used as the new playground, unlike the present situation with No's 74 & 75 School Lane – which face directly across the present playground. It is also worthy of note that No.73 is set back between 14 and 27m from the highway which has led officers to conclude that the impacts to No.73 would not be harmful.

Some of the neighbouring comments have raised the issue of the loss of a view within the representations which cannot be given any weight, since there is no right to a view under the planning regime.

Officers have also looked at the proposed development's relationship with the adjoining nursery. Through the submission of revised plans, all the originally proposed southwest facing windows have been removed, just leaving a solid (not glazed) access door. There would therefore be no overlooking risk to the nursery. In all other respects, the proposal would not harm the use of the nursery.

Due to the separation distances, the position and relationship of windows to nearby housing and the nursery, the development would have no adverse impact on the amenity of neighbouring residents in terms of overlooking/ loss of privacy or overbearing impacts.

9.4 Ecology Issues

Adopted WCS Core Policy 50 requires all development proposals to demonstrate how they protect features of nature conservation and geological value as part of the design rationale,

with the expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term.

Furthermore, the policy specifies that all development should seek opportunities to enhance biodiversity.

The application site is located within a consultation zone for bats associated with the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and within the grey zone of the TBMS therefore has the potential to result in an impact on ecology.

The ecological survey submitted with the application found that the habitat within the site is of negligible importance for conservation, although the railway line that runs along the northwestern boundary does contribute to primary connectivity within the wider landscape area for a range of wildlife species including all bats, other small mammals and nesting birds. The ecology report makes a series of recommendations for precautionary measures to be implemented as part of the development to ensure that protected species are not adversely impacted by any on-site works.

The report also sets out measures which could be incorporated into the development to provide an enhancement for biodiversity on the site, including:

- 2 x vivara pro sparrow terraces
- 1 x Beaumaris bat box
- The use of native or wildlife attracting species in any landscaping

The incorporation of these measures would be in accordance with Core Policy 50 which encourages development to seek opportunities to enhance biodiversity. A condition on this has been recommended to secure biodiversity enhancements.

The development is small in scale and nature on a brown field site, whereby the site and its immediate environs is already subject to ambient artificial lighting. Furthermore, the use of the site is not going to change, and with the understanding that the buildings and site would generally only be used during school operational hours, an increase in artificial lighting is not expected or indeed, proposed.

The application site is located with the 'grey hatched' recreational zone of the TBMS. This is an area within a zone of influence within which new residential development is likely to result in increased recreational use of the woodland bat sites. As this site or proposal is not a residential development there would be no TBMS conflict or developer contribution necessity.

Subject to the above mitigation measures being conditioned, there are no objections raised by the Councils ecologist.

9.5 Drainage Matters

It fully noted that the Council's Drainage team have objected to the consultation, based on the fact that no drainage strategy has been submitted. A site-specific flood risk assessment

(FRA) was however submitted which confirmed that the application site is located within flood zone 1 – the lowest probability of fluvial flood risk and in a location with no known surface water flooding issues. This area of Wiltshire is recorded as having “no risk” of ground water flooding on the relevant mapping.

In addition, the site is raised substantially above the network rail infrastructure to the northwest which makes ground water flooding unlikely at the site.

Therefore, it is considered appropriate to impose relevant drainage conditions to secure the necessary drainage details as was the case in 2015 when the Council granted a previous (similar) permission. The drainage team objection would not be sustained on any appeal when tested against the NPPF and WCS.

9.6 Highway/ Access/ Parking

Adopted WCS Core Policy 61 seeks to ensure that all new development is capable of being served by a safe access to the highway network. Core Policy 64 sets out to manage the demand for parking and sets residential parking standards based on minimum parking standards.

Paragraph 115 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application site is served from an unclassified highway off of a B-classified road that runs from the northern area of Trowbridge through Staverton onto links with Bradford on Avon, Bath and Melksham.

The access road is a dead-end route that serves a number of dwellings, the application site, a private nursery site and a state primary school. It is quite typical at peak times of day for congestion to occur in the locality of schools, and to a lesser degree nurseries, which can manage the drop off and pick up of children more flexibly. It is acknowledged though that the highway at this point will be subject to congestion during the morning and afternoon peak times, Monday to Friday.

Anecdotally it has been set out that the staff, parents and residents make use of the highway for parking, taking advantage of the lack of any restrictions in the area. There can be no issue with legal parking and reasonable behaviour should be assumed within the consideration of any planning application. It is also acknowledged, without any substantive information to the contrary, that there is a high demand for on-street parking within the vicinity of the site at morning and afternoon peak times, Monday to Friday.

The application states clearly that the proposals to extend the accommodation seek to make improvements rather than increase the pupil numbers at this private education establishment. The floorplans generally support this statement showing improvements to the ancillary facilities and creating dedicated areas for activities as opposed to shared ones. The proposal also involves the loss of a single storey temporary classroom.

The site is subject to a licence that controls the pupil numbers, and the applicant says there is no intention to accommodate additional pupils.

There are no objections to the scheme from the Council's highway team and the proposal, as revised, accords with the NPPF and paragraphs 114 and 115, and local plan policies.

9.7 Other Issues raised from publicity

The issue of loss of light to the nursery is not considered to be a material issue. The nursery is to the southwest of the school site. The nursery windows in question relate to the northeast elevation of the nursery. There are five high level windows and one standard size window. There would be no direct sunlight into those windows due to their orientation.

Fig. 14: Northeast elevation of nursery



The nursery has windows on the other side of their building to serve the interior. It must also be noted that at the site visit, these northeast windows were observed to be partially or substantially covered from the inside, with equipment and pictures. This is also visible in the above site photo. The proposed extension to the northeast would not lead to a loss of light to those windows such that a demonstrable loss of amenity would occur.

The boundary issue with the nursery site has been resolved, alongside the proposed extension being relocated away from the boundary.

There is currently no green space on site for the children, and this application will not change that. The school has arrangements with local playing field provision in order that the students can access green space for games and PE. Sport England confirmed that this scheme falls below their statutory remit, and it is argued that the existing provision of off-site playing field arrangements are satisfactory and that the proposed playground offers a suitable replacement of the existing.

Regarding the position of the school's AC units, revised plans have resulted in these being moved from the elevation facing the nursery to a dedicated area at the rear of the school, facing the railway line well away from the nursery.

A condition requiring a Construction Management Plan would allow the control of amenity during the construction phase to limit impact on the local area and neighbouring amenity.

10 Conclusion (The Planning Balance)

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal seeks to create a two-storey extension on the playground to the south, with a single storey extension to the rear of the existing school building. The existing mobile classroom would be demolished. The area currently occupied by the mobile classroom would become the playground.

Officers are satisfied that the proposed development would not harm neighbouring residential properties or the amenities thereof and that the design and scale is suitable. Sufficient off-road parking can be provided, and the development would not harm highway safety. Subject to conditions, a drainage strategy would ensure that all the drainage matters are fully addressed. Officers are also satisfied that the proposed development would have no adverse impact on local biodiversity, protected species, or protected habitats.

RECOMMENDATION: APPROVE subject to 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:

Drawing No. 1421L-01A received on 5 December 2023

Drawing No. 23-06-02E received on 28 March 2024

Drawing Nos. 23-06-01I, 23-06-03F, 23-06-04F received on 12 July 2024

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

3 No development shall commence on site, 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) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) hours of construction, including deliveries; and
- g) timing of works in relation to Staverton CofE Primary School and Emmaus School term dates;

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: 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 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.

4 No development shall progress above slab level until details of the number, design and locations of features for wildlife and new planting for biodiversity shall be submitted to the local authority for approval. These details should be clearly shown on an enforceable plan (e.g., site plan/technical elevations drawing). The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity.

5 No development shall progress above slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: 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

6 No development shall progress above slab level until a drainage strategy, including a scheme for the discharge of surface water from the site and incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

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 that the development can be adequately drained.

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

- Preliminary Ecological Appraisal Including a Protected Species Assessment at: Emmaus School Staverton, Wiltshire. November 2023. Skilled Ecology Consultancy Ltd.

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

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

REASON: To avoid illumination of habitat used by bats.

9 The school shall be limited to a maximum of 75 students at any one time.

REASON: In the interests of highway safety, amenity of the area and drainage.

Informatives:

Nesting Birds

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

Protected Species General

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

Network Rail

Network Rail have various structures in this location e.g. retaining walls, bridges which will need to be considered and mitigated through Network Rail's asset protection process, contact to be made at AssetProtectionWestern@networkrail.co.uk. No works are to be conducted until permission for works has been granted.

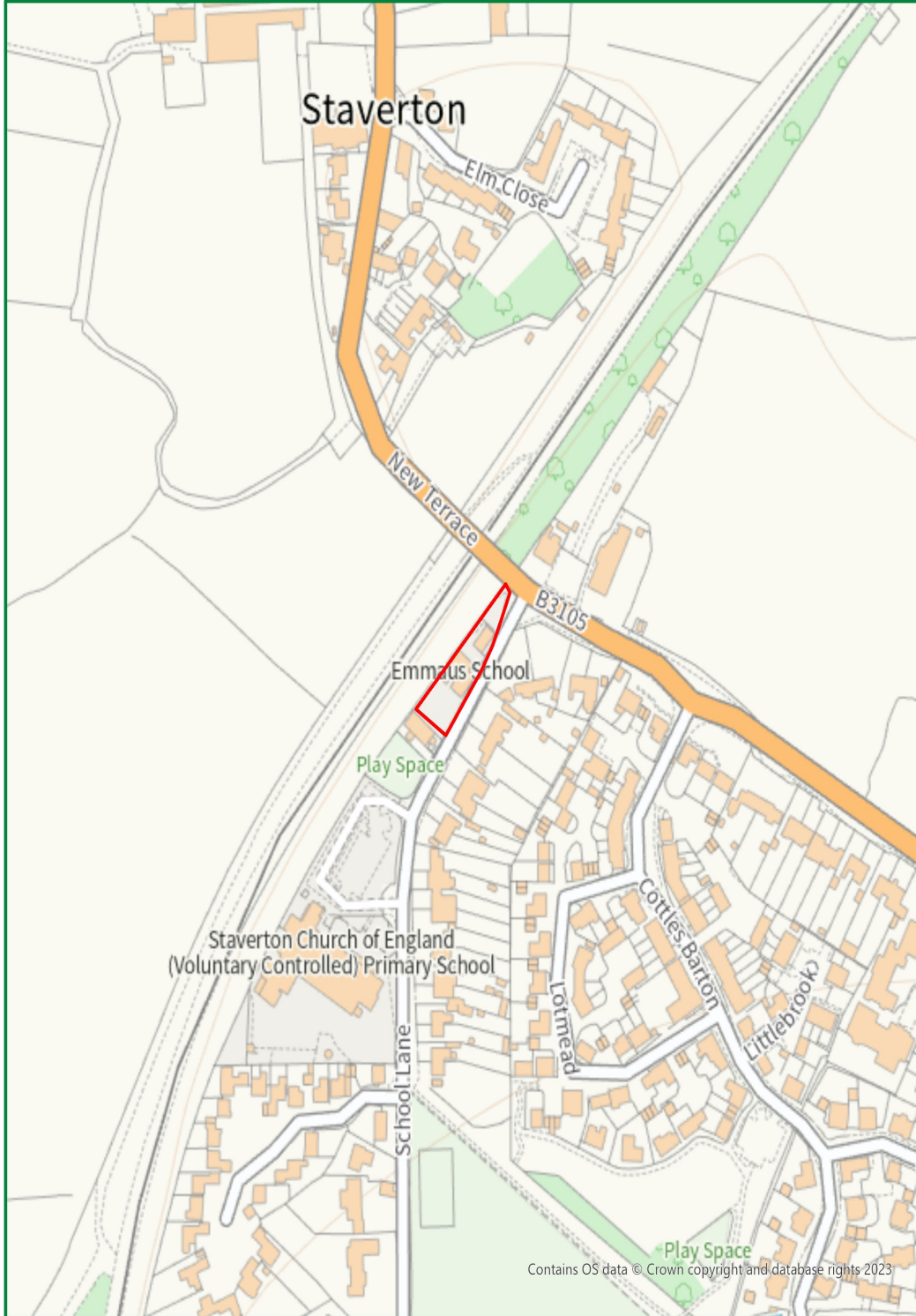
Sustainable Construction

The applicant is encouraged to consider sustainable construction and employ the following energy hierarchy:

- i. Reduce energy consumption through energy efficiency measures;
- ii. Use renewable or low-carbon energy from a local/district source; and
- iii. Use building-integrated renewable or low-carbon technologies.

Wiltshire Council

PL/2023/10641
Emmaus School, School Lane,
Staverton, Trowbridge, BA14 6NZ



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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	4 September 2024
Application Number	PL/2023/08046
Site Address	Land at Pathfinder Way, Bowerhill, Melksham,
Proposal	Reserved matters application pursuant to Outline Planning Permission 16/01123/OUT relating to the appearance, landscaping, layout and scale of the Proposed Primary School (including Nursery and SEN provision)
Applicant	Wiltshire Council
Town/Parish Council	MELKSHAM WITHOUT PARISH COUNCIL
Electoral Division	Bowerhill – Cllr Nick Holder
Grid Ref	391159 162662
Type of application	Reserved Matters
Case Officer	Gen Collins

Reason for the application being considered by Committee

The Councils adopted Scheme of Delegation requires this application to be reported to the elected members of the area planning committee because the applicant is Wiltshire Council and two third party objections have been raised about parking issues and the loss of privacy/overlooking of a private garden.

1. Purpose of Report

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

2. Report Summary

The key issues for consideration are:

- The principle of development
- Design/Visual Appearance
- Heritage Impact
- Impact on the residential amenity
- Highways/parking issues
- Ecology
- Drainage
- S106/CIL
- Other Matters

Melksham Without Parish Council initially raised objection to the application (as did the local ward member Cllr Holder) on highway safety and requested a second pedestrian access be provided.

Following a detailed and lengthy engagement with the Councils Highway officers, the application was amended to include a second pedestrian access. This revision as subject to a re-consultation which resulted in the parish council and Cllr Holder confirming they no longer wished to object, although the parish council did request that the pedestrian route would be supervised at the start and end of the school day. Two local residents have raised an objection.

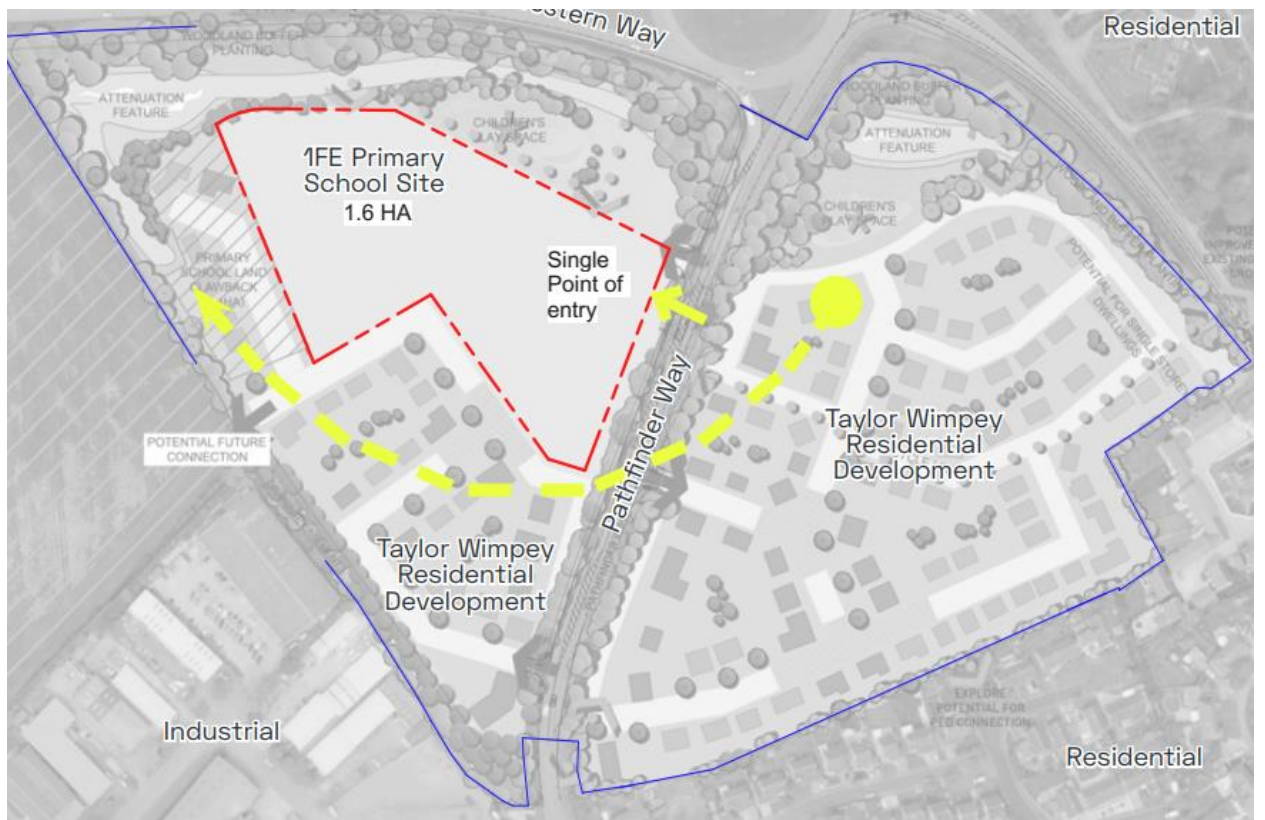
3. Site Description & Planning Context



The application site, illustrated above, extends to about 1.6ha and forms part of an approved outline application for residential development (comprising up to 235 dwellings) which included the provision of a new primary school that was identified as a s106 safeguarding and land transfer developer obligation to support the future delivery of a new primary school to be forward by the Council.

The site is located outside the limits of development of Melksham on a corner plot south of Western Way (the A365) at the roundabout where it meets Pathfinder Way. There are no heritage assets on site and there are no specific ecological or landscape designations.

The site is located in flood zone 1 with no risk of ground water flooding although there is slight risk of surface water flooding to the northwest of the site – by an existing attenuation basin where the playing pitches are proposed.



Planning Background

Application 16/01123/OUT (to which the above insert plan refers) was reported to the strategic planning committee in September 2016 at a time when the Council was unable to demonstrate a 5-year housing land supply (when tested against the NPPF iteration that applied in 2016).

The officer recommendation to approve was endorsed by the elected members and a copy of the Sept 2016 agenda item is appended to this report.

The application was not formally approved until the s106 legal agreement was completed on 23 March 2017. Subsequent to this, two reserved matters application submissions have been made in respect of the aforesaid development, and they are:

- 17/06285/REM for detailed site access – which was approved in October 2017; and
- 18/04477/REM for the erection of 213 Dwellings and Associated Works – which was approved in October 2018.

As part of the outline permission, there was an identified need for a 1 form entry (FE) Primary School and Early Years provision. As a result, an area of land totaling 1.6ha was set aside for this – which is illustrated within the reproduced inserts included on the previous page and below.



Fig. 1: Illustrative masterplan associated with the outline consent

The approved illustrative masterplan associated with the outline consent (plan drawing M.0347_08 Rev K as shown above) identified a hatched area with a light green base colour, for the future provision of a 1FE school, and in addition, a red hatched 0.4ha area of land was also identified for future safeguarding purposes should the school site need to expand.

By comparing the red lined site parameters of this REM application, it is clear that the Council seeks to make use of all the 1.6ha safeguarded site for the new primary and some of the 0.4ha additional land in the upper northwest corner of the overall site – as illustrated below.



The 2017 Reserved Matters application relating to vehicular access, established the access for the entire outline application site including the school site from the main road within the development – Pathfinder Way. A standard bell mouth access on the northeastern boundary of the school site was approved – with the insert below illustrating what already benefits from detailed consent and has been constructed.

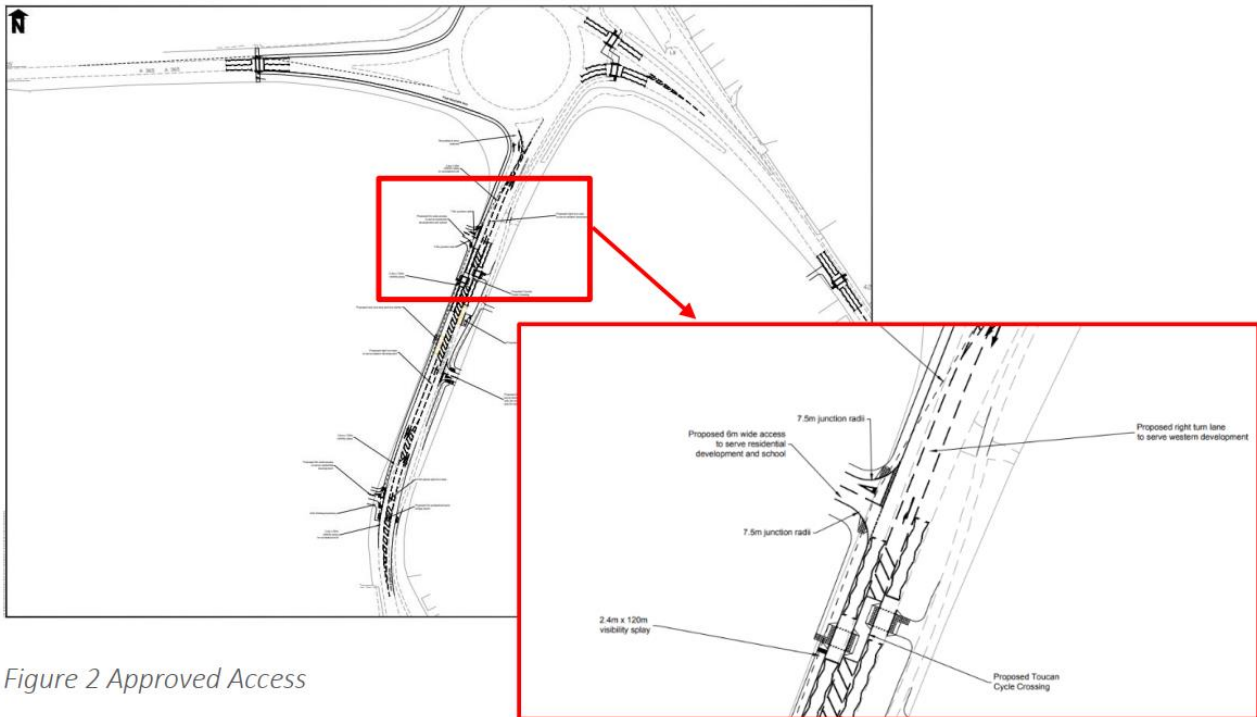


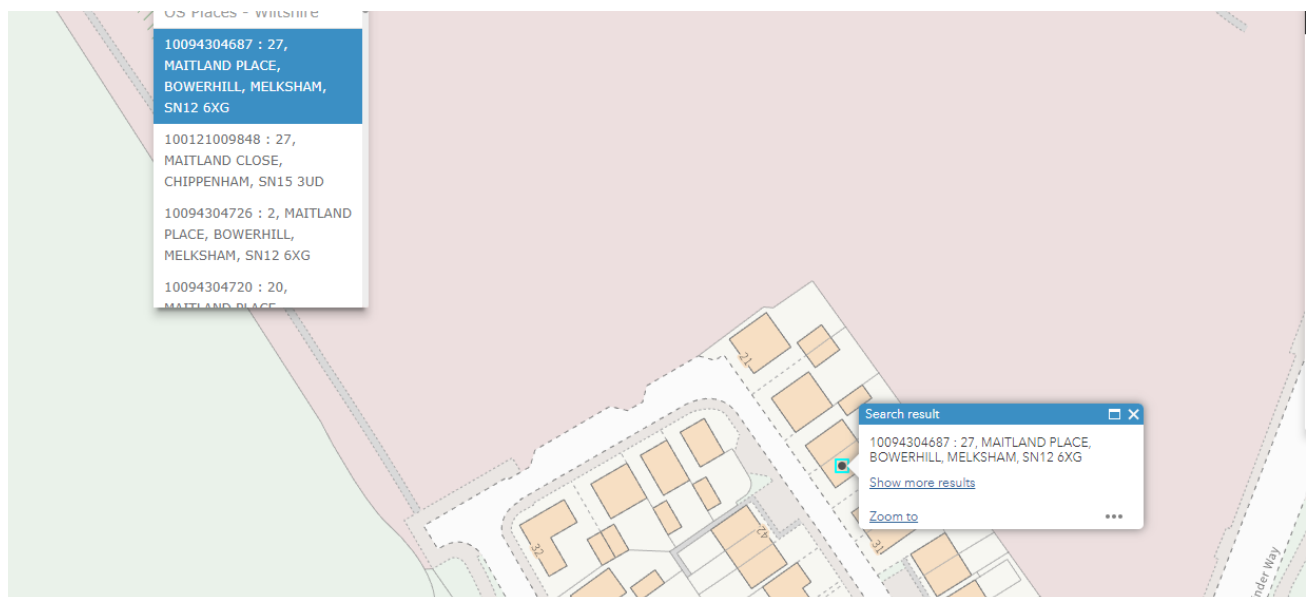
Figure 2 Approved Access

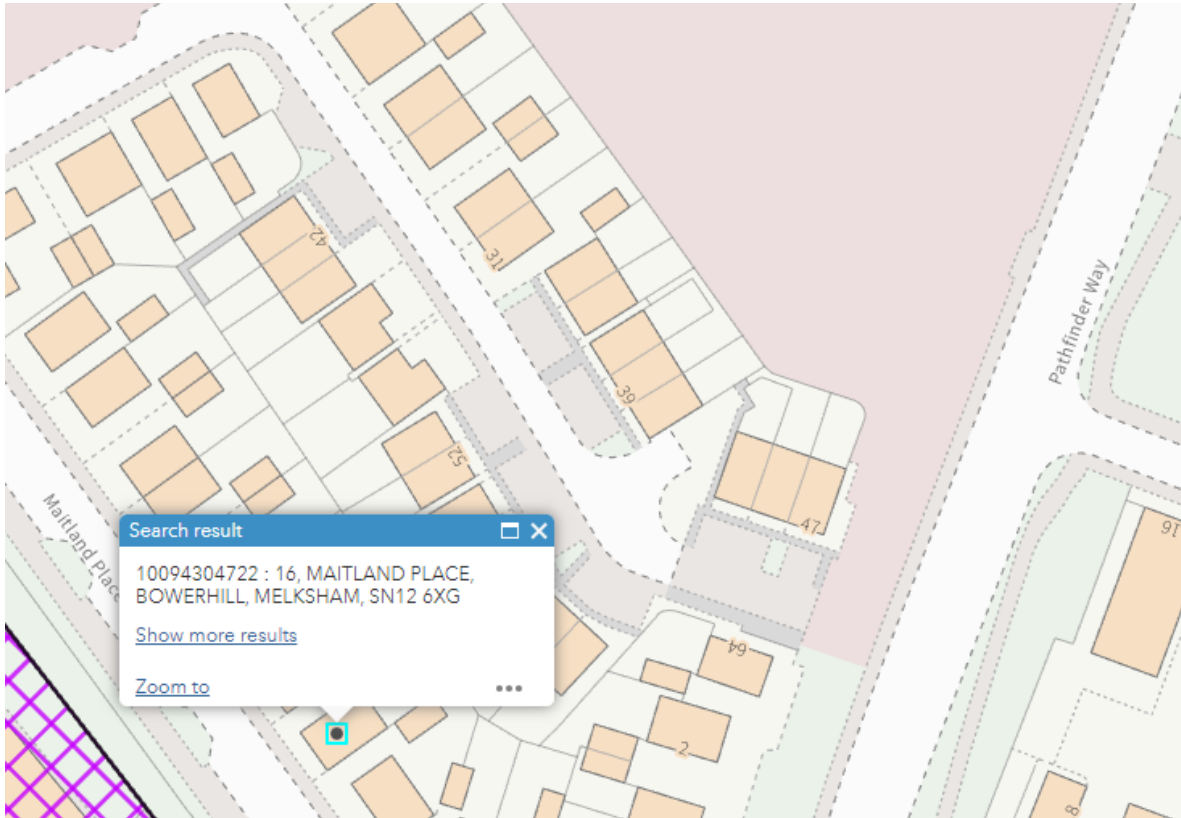
Fig. 2: Approved (and now implemented) access arrangements

The 2018 Reserved Matters application relating to the housing phase, established the layout of the housing on the site including the land to the immediate south of the designated school site (extracted below). This shows residential dwellings backing onto the school site along its southern boundary. The dwellings have been constructed, and it is from two of these dwellings (No.16 and 27 Maitland Place), whereby local residents have raised concerns relating to parking issues at drop off/pick up times and through loss of privacy and overlooking...



Fig. 3: Approved (and now built out and occupied) residential development permitted under 2018 REM application





4. Planning History

16/01123/OUT - Residential development of up to 235 dwellings, primary school with early years nursery and open space provision. Endorsed by SPC in Sept 2016 and approved March 2017

17/06285/REM - Reserved Matters Application Pursuant of Planning Permission 16/01123/OUT in relation to Access. Approved October 2017

18/04477/REM - Reserved Matters Application Pursuant to 16/01123/OUT and 17/06285/REM (Access). Erection of 213 Dwellings and Associated Works. Approved October 2018.

5. The Proposal

This application seeks approval of reserved matters pursuant to Outline Planning Permission 16/01123/OUT relating to the appearance, landscaping, layout and scale of the Proposed Primary School (including a Nursery and SEN provision).

The Proposed Development is for a 1FE (210 places) primary school to include 20 SEN places and a 20-place nursery facility, along with associated car parking, drop-off areas, cycle parking, playing fields and associated works including:

- 1931m² gross internal area (2,329m² GEA)
- Multi use sports hall
- Kitchen & Servery
- Plant Room and incoming services and infrastructure (suitable for a 2FE school)
- Multi Use Games Area
- Soft and Hard Play areas (suitable for a 2FE school)
- 34 Car Parking space (including disabled and EV charging spaces)

- 58 Cycle parking spaces
- 36 Scooter spaces

The main vehicular access is provided by the existing implemented access approved under the 2017 REM application with an additional secondary pedestrian access proposed from the main access to the school to meet the hoggin path leading northwards through public open space which has had to be accommodated and secured through a separate legal agreement with Taylor Wimpey Homes.

6. Planning Policy

National Context:

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

Local Context:

Wiltshire Core Strategy (WCS) adopted 2015

Core Policy 1 - Settlement Strategy;

Core Policy 2 - Delivery Strategy;

Core Policy 3 - Infrastructure Requirements;

Core Policy 15 - Spatial Strategy - Melksham Community Area;

Core Policy 50 - Biodiversity and Geodiversity;

Core Policy 51 - Landscape;

Core Policy 52 - Green Infrastructure;

Core Policy 57 - Ensuring High Quality Design and Place Shaping;

Core Policy 58 - Historic Environment

Core Policy 60 - Sustainable transport;

Core Policy 61 - Transport and Development;

Core Policy 62 - Development Impacts on the Transport Network;

Core Policy 64 - Demand Management;

Core Policy 67 - Flood Risk

The 'made' Joint Melksham Neighbourhood Plan 2020 – 2026

Wiltshire's adopted Design Guide

West Wiltshire District Plan 1st Alteration 2004 'saved policies', with particular regard to: U1a Foul Water Disposal; I2 Arts; and I3 Access for Everyone

Wiltshire Local Transport Plan 2011-2026, adopted 2015 - including the Car Parking Strategy and Cycling Strategy, adopted 2015

Wiltshire Council's Waste Core Strategy, adopted July 2009

Wiltshire Council's Waste Storage and Collection: Guidance for Developers Supplementary Planning Document, January 2017

West Wiltshire Landscape Character Assessment, March 2007

7. Summary of consultation responses

Melksham Town Council: No objection but agreed with Melksham Without Parish Council comments

Melksham Without Parish Council: Originally raised concerns with the application in terms of highway safety and requested a left turn only junction, a secondary pedestrian access and a safe walking route to school from Semington Road (noting that MWPC have applied for traffic waiting restrictions on Pathfinder Way). The PC have also requested cladding to be graduated to blend in with adjacent green buffer and a condition requiring anti seagull / bird measures. The PC were disappointed at the lack of solar storage batteries and raised a concern about how to accommodate any extension in the plans.

Both concerns about future extension and cladding were fully resolved in the revised plans with redesigned layout and new materials and a different colour palette proposed.

Following amendments to the scheme and detailed officer discussions with highways and Cllr Nick Holder, a revised scheme was submitted showing a secondary pedestrian access. This was supported by MWPC with the only remaining request relating to securing suitable child supervision at the access at the start and end of the school day.

WC Assistant County Archaeologist: No objection subject to condition

WC Ecology: No objection subject to conditions.

WC Education: Supportive

WC Urban Design: No objection subject to conditions of appropriate materials

Wiltshire Council Highways Officer: No objection subject to conditions requiring parking spaces, cycle and scooter spaces to be provided, TRO's to be provided and pedestrian access with signage to be secured prior to occupation.

WC Drainage: No objection subject to conditions.

WC Public Protection: No objection

WC Landscape: No comment

Wessex Water: No objection

Salisbury and Wilton Swift: No objection subject to an appropriate number of swift boxes being installed.

Dorset & Wiltshire Fire Services: No objection

Climate Team: Supportive. The climate team support this proposal which takes an ambitious approach in the journey to net zero and addressing the causes of climate change. The proposal has been submitted with a BREEAM Pre-Assessment. This indicates that the outline planning requirement to meet BREEAM "Very Good" standard will most likely be met and is clearly in scope as the project moves forward to more detailed design work. Whilst this is below the "Excellent" expectations now applicable, the scheme will still take a positive approach to environmental quality generally and comply with the expectations set out when the outline planning approval was granted. Given that this is a reserved matters application, it is important to be recognisant of the site history....The scheme's reserved matters details appear to be on track for compliance with the outline planning stage conditions (which were based on CP41 requirements).

Where this scheme shows ambition is in the operational carbon impacts. The project is applying LETI standards to the design work, which is arguably the most universally accepted standard at the time of writing. This is well summarised in the application submission including the Part L compliance report (that on balance satisfies the CP41 need for a Sustainable Energy Strategy).

The scheme has been designed to meet operational net zero during the course of a year. The approach is correct seeking to have a fabric first approach and then meeting the resultant minimised energy demand through low carbon and renewable energy technologies. In this case this includes high levels of insulation, energy efficient products, mechanical ventilation heat recovery, air source heat pumps and solar PV. This is an electrified building not utilising the gas grid (the burning of gas results in greenhouse gas emissions). The scheme also includes an allowance/estimate for unregulated energy use which is good.

A consequence of this operational net zero is that the building will have a significant roof mounted solar PV array. The scheme shows full roof coverage on the elevational plans, although it is understood from discussions that it is likely only 75% of this will be required/realised. In any event, such a large array sends a positive visual message about addressing climate change and energy security.

In terms of climate change adaptation, the scheme includes nature-based solutions to help address issues such as drainage and overheating. The scheme will connect to the previously planned drainage ponds to the north and trees are proposed within the site to provide cooling to the large area of hard standing for parking/access and the building itself.

The operational net zero credentials of this scheme are positive and principally on this basis the climate team support the proposals. The wider sustainability positives are secured by the BREAM "Very Good" requirements established at outline and that must be enforced as a minimum to comply with policy.

8. Publicity

The application was publicised by the display of a site notice and individually posted out notification letters sent to neighbouring/properties within close proximity of the site.

Following the public notification, two representations have been received raising concerns about highway safety/ parking issues and loss of privacy/overlooking of garden.

In full the two representations said the following:

"I was lied to when I was sold this house. I was told when I came to view (as were other neighbours too) that the school would be in the left corner, NOT overlooking our 'private' gardens. We were also told it would be 1 story. Myself and other neighbours have made preparations for hot tubs in our garden. Preparations that have already cost money. Having children overlook our garden whilst we are swanning round in the 'privacy' of our own land is far from wrong and a 2 [storey] building obstruct the nice view completely goes against what I agreed to when buying this property. I moved to the countryside with the view of a better quality of life and having the school placed right next to the houses completely goes against that. The trees could interfere with the pipes that have been lay down for drainage as roots spread quickly. I could consider the school if it were in the original location which was the terms that I agreed to when purchasing this house. I hope you take my notes serious as there are many factors that would overturn my life in a negative way. Attached is a document that shows where I was told the school would be and it would only be the playing field by the houses".

And

"The only issue I foresee is the obvious parking issues during drop off and pick up times. What assurances can the residents have that this matter has or will be addressed. There [have] been many recent incidents of serious issues surrounding streets getting overrun by parents dropping off and picking up children".

9. Planning Considerations

The principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved in the WCS form the relevant development plan for the area.

Outline consent ref: 16/01123/OUT establishes the principle of developing a 1FE school on the Site and the means of access to the school site have already been submitted and approved under RM ref. 17/06286/REM.

The main considerations in this application relate to scale, layout, external appearance and Landscaping as required under Condition 2 of the Outline Application ref. 16/01123/OUT.

Layout, scale and design/visual impact on the character of the area

Core Policy 57 requires *'a high standard of design in all new developments. of particular relevance is paragraph (iii) which requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting'*.

The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 states Planning ... decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Core Policy 51 of the adopted Wiltshire Core Strategy states *"great weight will be afforded to conserving and enhancing landscapes and scenic beauty"*.

Layout

The site fronts Pathfinder Way and will be accessed via the bell mouth that was installed as part of the wider outline consent. The school building will be set back from the road frontage, separated from Pathfinder Way by the parking and drop off area. The main school entrance is located in line with the pedestrian route that runs through the car park to allow those arriving on foot to take the most direct route to the entrance through the Site. A pedestrian route is also proposed to run around the outer edge of the car park to join up with the hogging path.

The ground floor of the school provides nursery and reception facilities on the principal elevation with external play space provided to the front of the building. The external play space to the front of the building will be screened by landscaping to allow privacy for pupils. In the northeastern corner of the building the hall sits adjacent to the kitchen and servery, space is also provided for the storage of chairs and tables as well as sports equipment within the hall area.

To the west of the school building external play space is provided. Immediately west of the school building a hard informal play space is located which opens out onto the soft informal play area. A MUGA and associated external store is provided adjacent to the northern boundary with two formal playing pitches provided in the western corner of the site.

Design/Scale/Appearance

The proposed building reflects the established scale of existing development in the immediate locality whilst incorporating a more civic nature to the building. It is two storeys, with lower 1.5 and single storey elements. The external appearance of the school incorporates a mix of materials and colour palette.



As there is no school or trust assigned to operate the school there is more flexibility with the chosen colours. At the lower floor brick is proposed with timber or a timber-style cladding is proposed to the upper floors. The roof cladding will be a grey metal profiled sheet. The hall is proposed to be clad in a mixed colour palette comprising 5 colours including greens, blues and yellow. These colours are to be re-used across the site above windows to tie the colours in across the site. All window, door and rainwater goods are proposed to be a dark grey RAL colour 7011.

The overall design, scale and layout of the building are considered appropriate in principle for the use and locality and some additional elevational detail has improved the aesthetic quality of the building and it integrates well into the streetscene. The application has the support of the Urban Design officer.

The pedestrian route has been aligned with the main entrance doors and the approach to landscaping is considered acceptable and supported by the landscape officer.

The proposal includes an air source heat pump and low carbon technologies. The Building Regulations officer is content that the proposed design broadly meets all building regulations requirements. A condition of the outline consent requires BREEAM Very Good to be met on site. The BREEAM Pre-Assessment Report indicates a score of 63.35% which demonstrates Very Good Compliance. Accordingly, the proposed development meets requirements in CP41 and CP57 of the WCS as well as provisions of the NPPF.

Landscape

The detailed landscaping scheme will be agreed through the discharge of condition 11 on the outline, however, the D&AS and proposed site layout includes an indication of the key areas for landscaping and some detail on proposed planting on the site.

The current proposals identify trees to be provided within the car park area with additional planting to the front of the principal elevation of the school. These areas are designed to break up the large area of parking in front of the building. Landscaped areas are provided along the eastern elevation of the school which will act as screening for the external play spaces for the nursery and reception pupils.

Along the southern boundary where the site abuts the existing residential properties a landscaping buffer is proposed to assist in softening the relationship between the school building and these dwellings.

The landscape officer has raised no objection to the scheme and the proposed development is considered acceptable in this regard. Whilst condition 11 on the outline requires a landscape plan to be submitted as part of the outline the applicant has submitted a Landscape strategy plan in order to ensure that an appropriate landscaping scheme is secured for the proposed school and a condition requiring this landscape strategy plan to be complied with is recommended.

Heritage Impacts

The NPPF outlines government policy for planning. It sets out three overarching objectives for the planning system in the interests of achieving sustainable development – an economic objective of building a strong economy; a social objective of fostering well-designed, beautiful and safe places and an environmental objective of protecting and enhancing our natural, built and historic environment.

Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' sets out policies concerning heritage and sustainable development and requires a balanced approach to decision making with harm weighed against the public benefits resulting from proposals.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance."

Archaeology

This site was included in an archaeological evaluation 2014 and then later targeted excavations of later prehistoric, Roman and medieval activity in 2018. This work has been completed and reported on to the satisfaction of Wiltshire Council Archaeology Service (WCAS). The LPA are satisfied that no further works are required in this regard and raise no objection.

Built Form

There are no built or designated heritage assets on site or in proximity to this proposal. Accordingly, the proposed development meets requirements of CP58 of the WCS and the provisions of the NPPF.

Impact on Neighbour Amenity

Core Policy 57 of The WCS states that applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through 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 (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

The proposal is located closer to the front of the site and adjacent amenities than originally indicated on the original masterplan accompanying the outline application. This is to ensure that sufficient outdoor play space can be incorporated with outdoor play space meeting the required play standards guidance. This has necessarily meant that the school is closer to the residential development than originally envisaged.

Notwithstanding this it is considered that the school is located a sufficient distance away from the majority of neighbouring occupiers so as not to be overbearing and fenestration has been designed in such a way that will remove overlooking and any loss of privacy arising. The closest occupiers are located on Maitland Place to the southwest of the site. The elevation plans indicate that one large floor to ceiling window would be installed on the southwest facing elevation and that this will be obscurely glazed to prevent any overlooking. A condition is recommended to secure this.

It is noted that a concern has been raised by a local resident stating that their rear garden on Maitland Place would be overlooked by the school, compromising their privacy and resulting in harm to their residential amenity and that the school should be set further away.

Whilst there are no obscurely glazed windows proposed on the rear elevation of the school, the majority of the windows on this elevation are narrow and the line of sight would prevent overlooking. There is a floor to ceiling window on the end of the rear facing elevation which is not indicated as being obscurely glazed on the plans and it is recommended that a condition is secured requiring this end window on the rear facing elevation at first floor level to be obscurely glazed to ensure that no loss of privacy occurs and no perception of overlooking is felt to neighbouring occupiers using their gardens during school hours.

Following discussions with officers, the plant building, bin store and ASHP has been relocated away from neighbouring properties and public protection raise no issue in relation to noise, disturbance or odour.

Given the proximity of the site to residential properties it is considered prudent to require a Construction Management Plan to be submitted prior to development in the event of the grant permission to ensure residential amenity and highway safety is sufficiently protected during the construction period.

Accordingly, the proposed development subject to conditions requiring the obscure glazing to be installed prior to occupation, is considered not to result in a significant detrimental impact on the existing levels of amenity currently afforded to neighbouring occupiers and meets requirements of CP57 of the WCS and the NPPF in this regard.

Highways including road safety/Parking

Paragraph 114 (b) of the NPPF requires that in assessing... specific applications for development, it should be ensured that...safe and suitable access to the site can be achieved for all users.

Paragraph 115 of the NPPF states that '***development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe***'.

Paragraph 116 (c) of the NPPF also states that ...applications for development should create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles.... and respond to local character and design standards.

CP57 (ix) of the WCS requires new development to ensure "that the public realm including new roads and other rights of way are designed to create places of character which are legible, safe and accessible..." and CP57 (xiv) requires development to meet "the requirements of CP61 (Transport and New Development)".

CP61(ii) of the Wiltshire Core Strategy requires new development to be "capable of being served by safe access to the highway network" and within the supporting text for CP61, the Council recognises that it is critically important for good planning and safe highway interests for new development to benefit from a suitable connection to the highway "that is safe for all road users".

CP64 requires sufficient parking to be provided in new development in line with residential

parking standards and requires a reduction in reliance on the use of the private car where possible.

The 2017 Reserved Matter application relating to Access established the access for the school site from the main road within the development – Pathfinder Way. This was a standard bell-mouth access on the northeastern corner of the school site. The access arrangements have now been constructed.

A Transport Statement has been submitted with the Reserved Matters application.

The current presented scheme is for a one form entry (1FE) and an application for a 2FE expansion may come forward in the future but this application is solely to assess a 1FE not a future 2FE expansion.

The site is located on land which has already been identified for the purpose of providing an educational facility and has outline planning consent (ref: 16/01123/OUT). The outline consent for the school forms part of the wider development served from Pathfinder Way including a residential development of 235 dwellings, the residential development is largely complete and fully occupied. The scheme approved at outline included a number of infrastructure improvements, as detailed below, which are covered by a S278 legal agreement and have mostly been completed.

These highway improvements were identified to support both the residential and school uses, to encourage sustainable travel choices, improve accessibility and provide safer routes particularly for vulnerable users of the highway.

The walking and cycling connectivity of the proposed 1FE school has already been addressed and the mitigation measures are already in place. No additional physical measures will be required on the surrounding highway network, at this stage.

Detailed discussions were undertaken regarding no waiting restrictions to be applied, a secondary pedestrian access was required and a left turn only junction should be included. It was concluded that the no wait restrictions are already planned and paid for and these will be going into effect shortly although a condition requiring no occupation of the school until these are completed on Pathfinder Way by the school is recommended. The left turn only junction was discussed however it was considered that this could create more problems and undermine road safety of traffic coming the other way and it was agreed that this would not be required or supported in this location. There is a light-controlled crossing just south of the school entrance which will be adequate to achieve crossing of Pathfinder Way.

Revised plans showing a new secondary access for pedestrians joining the main entrance and the hogging path to the north in the public open space adjacent to the site has been submitted. This has a section of footpath going behind the existing gas governor which joins the pedestrian circulation space leading to the school entrance away from the car park, to ensure pedestrian safety at this entrance and main access could be achieved.

A lot of time was taken liaising with Council officers, highway officers and local community members to ensure that this was the best possible solution to ensure a safety and accessibility for pedestrians accessing the school. A condition is recommended to ensure that this pedestrian

access and clear signage associated with its use are installed prior to first occupation of the school and maintained as such throughout the lifetime of the development.

It has also been confirmed that a staff member would supervise this access at the start and end of each day, although this cannot be secured directly through planning conditions, it would form part of the schools adopted safeguarding protocols.

Condition 26 on 16/01123/OUT requires the submission of a School Travel Plan, so no further Travel Plan condition is required on this REM application.

Car Parking

The car parking has been calculated in line with the Car Parking Strategy for Education Centres as contained within the Wiltshire Local Transport Plan 2011-2026. The parking allocation has been calculated based on 230 pupils plus a 30 place early years nursery and approximately 24 of staff. An assessment has been provided based on other similar schools to obtain an average pupil to staff ratio, which is then used to calculate car parking, this methodology is accepted.

Cycle Parking

Cycle parking to be provided in accordance with the Wiltshire Local Transport Plan Cycling Strategy (in particularly Appendix 4). On the basis of the forecasted staff figures and the pupil numbers, the proposed cycle parking/scooter provision is considered appropriate, and details of the bike storage is acceptable.

The proposed cycle parking provision, and car parking provision of 34 spaces is adequate and in line with standards. A drop off point for parents is shown on the Proposed Site Plan and is considered essential and should be secured through condition and should remain as such.

Conditions are recommended to secure these parking spaces prior to use and to ensure their retention throughout the lifetime of the development.

Accordingly subject to the conditions set out above being secured, the highways officers are content that there would be no unacceptable impact on highway or pedestrian safety and the development as proposed is acceptable and meets the requirements of policies CP60, CP61 and CP64 and CP57 of the WCS and paragraphs 114 and 116 of the NPPF.

Drainage Matters

Policy CP67 of the WCS requires that all new development will include measures to reduce the rate of rainwater runoff and improve rainwater infiltration to soil and ground (sustainable urban drainage). Paragraph 159 of the NPPF states that Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

The Wiltshire Council Strategic Flood Risk Assessment, SFRA Data Explorer, has indicated that the site is located within Flood Zone1. No historic flooding incidents related to the site have been identified. Some parts of the site (to the north) is at slight risk of surface water flooding (1 in 30 and 1 in 100). The site is in an area at low risk of groundwater flooding.

A site-specific Flood Risk Assessment (FRA) has been submitted with this application demonstrates that the site is not adversely affected by flood risk from different sources. Access and egress to the school site will be provided by Pathfinder Way, located along the eastern boundary of the site. The road is predominantly at low risk of flooding from surface water flooding, with a small area of medium risk, based on the EA's Flood Risk from Surface Water Mapping. The potential surface water overland flow along the access and egress road is generally <0.15m, with some isolated areas at <0.3m during low-risk events.

The site has been demonstrated to be at low risk of flooding from all sources, and therefore outside of a functioning floodplain. As such, the proposed development is not considered to increase flooding within the catchment through a loss of floodplain storage, and accordingly no further mitigation measures are required in this respect. A drainage strategy has been submitted with the application and is considered acceptable.

A condition requiring the drainage strategy to be implemented in accordance with the approved details is recommended. Subject to this condition the proposed development would meet requirements of policy CP67 of the WCS.

Ecology

The application site is a reserved matters application related to an outline planning permission for a much larger area (east, south and north of this application area). Habitats within the site have been cleared in recent months/years and during the habitat survey (2023) comprised mainly ruderal vegetation. Prior to clearance, habitats (as described in the Ecological Assessment for the outline) within this application site area comprised mainly arable. Attenuation basins are present in adjacent habitats (north and east) originally forming part of the masterplan in 2017 and created as part of the Reserved Matters app 18/04477/REM.

The nearest known great crested newt pond is just over 250m west of the application site. The Ecological Assessment submitted for this REM application, states that habitats including the attenuation basins are not suitable for great crested newts; the attenuation basin to the east of the application site was dry at the time of the survey (August 2023) and the smaller area to the west of the application site was holding some water at the time of the survey. There appears to be an attenuation basin to the north, and this has also been considered.

Notwithstanding this, officers agree that due to a lot of disturbance in the area, it is unlikely that great crested newts would be using the habitats. The revised Ecological Report provides sufficient detail to clarify that great crested newts are unlikely to be present. It is therefore recommended that, a watching brief can be present to oversee any further habitat clearance.

While this is a school site and not residential there are opportunities to incorporate integrated bird and bat features, and the Ecological Report submitted states that this will be undertaken. This is recommended to be secured via condition in the event of a grant of permission.

During the preapp it was stated that as the outline application was approved in 2017, subsequent reserved matters applications would not be required to fulfil mandatory Biodiversity Net Gain (BNG) if submitted after November 2023 and a Biodiversity Metric calculation would therefore not be required to for an application with regards to this site. This REM application was registered in September and mandatory BNG was not in place.

However, in accordance with WCS CP50, the applicant has demonstrated no net loss of biodiversity through the use of Natural England's Biodiversity Metric. Officers therefore raise no objection subject to conditions requiring a precautionary methodology and safeguarding operations pursuant to GCN as part of any Construction Management Plan and a condition requiring details of integral bat and bird boxes to be installed prior to the school being brought into use.

10. Conclusion

The principle of development for a primary school on the site is well-established and the layout, appearance, scale design and landscaping are considered acceptable. The proposed development would also include SEN and nursery spaces which add weight in favour of the scheme given the local need for these services.

The proposed development would also provide an improvement to the location visually in terms of improved landscaping and demonstrates an efficient and effective use of land.

It would provide construction jobs and be an asset to the local community. No harm has been identified in terms of amenity, highway safety, drainage or biodiversity, indeed if anything the drainage and biodiversity of the site will result in a betterment of the current situation. Accordingly, it is recommended that planning permission be granted subject to conditions.

11. RECOMMENDATION:

That the Committee delegates authority to the Head of Development Management to grant planning permission subject to the conditions and informatives listed below -

Conditions: (16)

- 1 The development hereby permitted shall begin no later than two years from the date of the last suspensive planning condition being discharged pursuant to this reserved matters approval or three years from the date of this permission.

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

- 2 The development hereby permitted shall be carried out in accordance with following plans and documents:

Location Plan – drawing ref. MKS-AWW-XX-XX-D-A-0010-P03

Existing Site Plan - drawing ref. MKS-AWW-XX-XX-D-A-0011-P05

Proposed Site Plan - drawing ref. MKS-AWW-XX-XX-D-A-0100-P03

Proposed Elevations - drawing ref. MKS-AWW-XX-XX-D-A-0300-P03

Proposed Site Elevations - drawing ref. MKS-AWW-XX-XX-D-A-0305-P02

Proposed Ground Floor Plan – drawing ref. MKS-AWW-XX-00-D-A-0200-P03

Proposed Ground Floor Context Plan – drawing ref. MKS-AWW-XX-XX-D-A-0101-P05

Proposed First Floor Plan – drawing ref. MKS-AWW-XX-01-D-A-0201-P03

Proposed Roof Plan – drawing ref. MKS-AWW-XX-XX-D-A-0202-P02

Proposed Lighting Plan – drawing ref. MKS-HYD-XX-XX-D-E-0851 Rev: P01

Landscape Plan and Schedule (Sheet 1 of 2) ref: MKS-AWW-XX-XX-D-A-0380-P0

Landscape Plan and Schedule (Sheet 2 of 2) ref: MKS-AWW-XX-XX-D-A-0381-P03

Enclosure Details - Bin Store ref: MKS-AWW-XX-XX-D-A-0388-P02
External Canopy Details ref: MKS-AWW-XX-XX-D-A-0385-P02
Cycle Parking Details ref: KS-AWW-XX-XX-D-A-0386-P03
Enclosure Details - Air Source Heat Pump ref: MKS-AWW-XX-XX-D-A-0387-P03
Drainage Report ref: MKS-HYD-XX-XX-T-C-9000
Transport Statement ref: FS0614-HYD-XX-XX-DR-D-5001-P01-S4
Travel Plan ref: FS0614-HYD-XX-XX-DR-D-6001-P01-S4
Desk Study and Ground Investigation Report prepared by Hydrock;
Ecological Report prepared by Wessex Ecological Consultancy;
Flood Risk Assessment ref: 27203-HYD-XX-XX-WET-RP-0001 P02 prepared by Hydrock;
Drainage Strategy MKS-HYD-XX-XX-D-C-9000 P01 & MKS-HYD-XX-XX-D-C-9001 P01
prepared by Hydrock;
Noise Impact Assessment prepared by Hydrock
Energy Statement prepared by Hydrock
BREEAM Pre-Assessment prepared by Hydrock

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

- 3 No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the LPA. The CMS shall include the following:

The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- The movement of construction vehicles;
- The parking of vehicles and storage of materials
- The cutting or other processing of building materials on site;
- Wheel washing and vehicle wash down facilities;
- The transportation and storage of waste and building materials;
- The recycling of waste materials (if any);
- The loading and unloading of equipment and materials;
- The location and use of generators and temporary site accommodation;
- There shall be no burning undertaken on site at any time.
- No construction work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday

The development shall be undertaken in accordance with the details set out in the approved Construction Management Statement.

REASON: To ensure the amenities and safety of future occupants and highway safety of the development

- 4 No development shall commence, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Precautionary Methodology of Working for Great Crested Newts shall be submitted to the local planning authority for approval in writing and shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase.

Development shall be carried out in strict accordance with the approved Precautionary Methodology of Working for Great Crested Newts.

REASON: To ensure adequate protection and mitigation for Great Crested Newts 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.

- 5 No development shall commence above ground slab level until a plan showing the details for siting, positioning and installation of integral nesting features for bats and birds has been submitted to, and approved in writing by, the local planning authority.

The integral nesting features should identify:

- a) the bird/bat species likely to benefit from the proposed integral nest feature;
- b) the type of integral nest feature to be installed;
- c) the specific buildings on the development into which features are to be installed, shown on appropriate scale drawings;
- d) the location on each building where features are to be installed.

The integral nest box plan should be implemented in accordance with the approved details and all boxes shall be retained (or replaced as necessary) for the lifetime of the development.

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

- 6 No development shall commence on site above slab level until details of the materials to be used for the external walls, cladding and roofs, windows and doors have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details

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

- 7 No part of the development hereby permitted shall be first brought into use until the 'No Waiting At Any Time' road markings (double yellow lines) have been installed along the entire length and on both sides of Pathfinder Way.

REASON: To discourage on-street parking in the vicinity of the school access in the interests of pedestrian and highway safety

- 8 No part of the development hereby permitted shall be first brought into use until the car parking spaces shown on the approved drawing ref: Proposed Site Plan 0100 Rev P05, have been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

- 9 No part of the development hereby permitted shall be first brought into use until the cycle and scooter parking as shown on the approved drawing ref: Cycle Parking Details 0386 Rev P03, has been provided in the locations shown and in accordance with the approved details. This provision shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made within the site for the parking of cycles and scooters in the interests of sustainable travel.

- 10 No part of the development hereby permitted shall be first brought into use until the pedestrian access gate and path have been provided on the northern site boundary (to the west of the Gas Governor) to connect with the path on the site perimeter and as shown on the approved drawing ref: Proposed Site Plan 0100 Rev P05. The access and gate shall be retained and maintained for the lifetime of the development and made available for use at school drop off and pick up times.

REASON: To encourage sustainable travel choices and in the interests of highways safety

- 11 No part of the development hereby permitted shall be first brought into use until, a small sign shall be provided near to the school main entrance gate, to direct pedestrians arriving along the footway adjacent Pathfinder Way from the north to the pedestrian access gate (located to the west of the Gas Governor). The sign shall be retained for the lifetime of the access use.

REASON: In the interests of pedestrian safety

- 12 No part of the development hereby permitted shall be first brought into use until the window in the southwest facing elevation at first floor level and the last window on the western side of the rear facing elevation at first floor level have been glazed with obscure glass to an obscurity level of no less than level 3 and thereafter, the windows shall be permanently maintained with obscure glazing in perpetuity

REASON: In the interests of residential amenity and privacy.

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

REASON: To avoid illumination of habitat used by bats.

- 14 The development shall be undertaken in accordance with the details set out in the approved submitted drainage strategy ref: MKS-HYD-XX-XX-D-C-9000 P01 & MKS-HYD-XX-XX-D-C-9001 P01 prepared by Hydrock.

REASON: To ensure the approved development is adequately drained and to avoid flood risk.

- 15 The development hereby approved shall be undertaken in accordance with the approved landscape strategy.

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

- 16 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.

Informatives

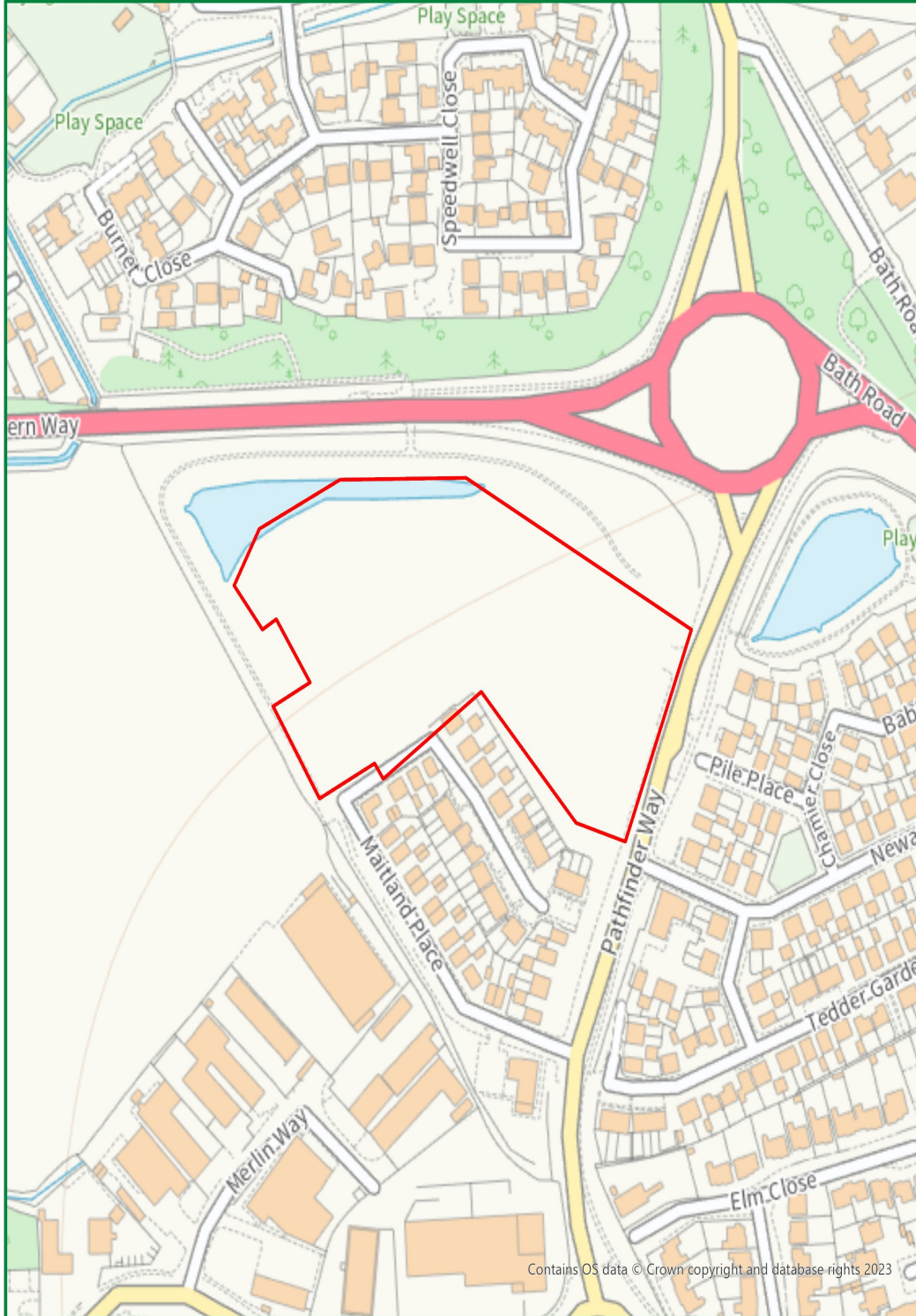
1. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

2. Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site.

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

4. Wiltshire Council as Highway Authority is proposing to install 'No Waiting At Any Time' markings on Pathfinder Way. The applicant must liaise with the Highway Authority to ensure the timescales for the necessary TRO correspond with the school delivery programme to meet Condition 7

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