

# AGENDA

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**Meeting:** Strategic Planning Committee

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

**Date:** Wednesday 20 March 2019

**Time:** 10.30 am

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Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

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

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## Membership:

Cllr Fleur de Rhé-Philippe (Chairman)	Cllr David Jenkins
Cllr Derek Brown OBE (Vice-Chairman)	Cllr Christopher Newbury
Cllr Ernie Clark	Cllr James Sheppard
Cllr Andrew Davis	Cllr Tony Trotman
Cllr Stewart Dobson	Cllr Fred Westmoreland
Cllr Sarah Gibson	

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## Substitutes:

Cllr Ian Blair-Pilling	Cllr Chris Hurst
Cllr Clare Cape	Cllr Nick Murry
Cllr Christopher Devine	Cllr Stewart Palmen
Cllr David Halik	Cllr Stuart Wheeler
Cllr Russell Hawker	Cllr Graham Wright
Cllr Ruth Hopkinson	

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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](#).

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

# 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 5 - 18*)

To approve and sign as a correct record the minutes of the meeting held on Wednesday, 23 January 2019. (Copy attached)

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

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 by phone, email or in person no later than 10.20am on the day of the meeting.

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

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

Questions

To receive any questions from members of the public or members of the Council

received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 13 March 2019** 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 15 March 2019**. 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      **18/10267/FUL: Sadlers Mead Car Park, Sadlers Mead, Chippenham, SN15 3QP - Construction of new HQ Office Building and erection of multi-storey and surface car park to provide replacement and additional public car parking. Relocation of existing vehicle entrance from Sadlers Mead and associated groundworks, access improvements and landscaping. (Pages 19 - 50)**

A report by the Case Officer is attached.

- 7      **18/08571/FUL: Land West of Bushton Road, Hilmarton, Calne, SN11 8TA - Change of use of land to use as a residential caravan site for one gypsy family with 5 caravans, including no more than one static caravan/mobile home, together with laying of hardstanding, improvement of access and, erection of ancillary amenity building. (Pages 51 - 64)**

A report by the Case Officer is attached.

8      **Date of Next Meeting**

To note that the next meeting is due to be held on Wednesday 24 April 2019, starting at 10.30am at County Hall, Trowbridge.

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

**None**

## STRATEGIC PLANNING COMMITTEE

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**MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 23 JANUARY 2019 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

**Present:**

Cllr Fleur de Rhé-Philippe (Chairman), Cllr Derek Brown OBE (Vice-Chairman), Cllr Ernie Clark, Cllr Andrew Davis, Cllr Sarah Gibson, Cllr Christopher Newbury, Cllr James Sheppard, Cllr Tony Trotman, Cllr Fred Westmoreland, Cllr David Halik (Substitute) and Cllr Ruth Hopkinson (Substitute)

**Also Present:**

Cllr Gordon King, Cllr Trevor Carbin, Cllr Brian Mathew, Cllr Toby Sturgis and Cllr Robert Yuill.

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1 **Apologies**

Apologies for absence were received from Cllr Stewart Dobson who was substituted by Cllr David Halik and Cllr David Jenkins who was substituted by Cllr Ruth Hopkinson.

2 **Minutes of the Previous Meeting**

**Resolved:**

**To confirm and sign the minutes of the previous meeting held on 5 December 2018.**

3 **Declarations of Interest**

Cllr Andrew Davis declared a non-pecuniary interest in that he was a member of Warminster Town Council but had not taken part in the debates when the two Northacre applications were considered.

4 **Chairman's Announcements**

There were no Chairman's announcements made at the meeting.

5 **Public Participation**

There were no questions or statements submitted.

## 6 **Planning Appeals and Updates**

An update on planning appeals and decisions was received.

**Resolved:**

**To note the contents of the update.**

## 7 **18/09473/WCM - Revision of the layout and design of Advanced Thermal Treatment Facility permitted under consent 14/12003/WCM at Northacre Renewable Energy, Stephenson Road, Northacre Industrial Estate, Westbury**

The Case Officer informed the Committee that the Secretary of State had received a request to 'call-in' this planning application at Northacre Industrial Estate, Westbury. The Secretary of State would be unable to commence his consideration of this request until such time as this Council had reached its decision on the planning application. Should this Committee be minded to approve the application then the Secretary of State could begin his consideration and decide whether or not to call in the application for his own determination.

The Committee received a presentation from the Case Officer which set out the issues in respect of the application. The presentation referred to late representations from interested parties; these were circulated to the Committee. The Case Officer commented on the late representations as follows:

Regarding the email from Schlomo Downen, United Kingdom Without Incineration Network (UKWIN) – this was critical of the Committee report, stating that, firstly, the proposal should be treated as a D10 ('Disposal') operation at the bottom of the Waste Hierarchy unless and until it could be demonstrated it would meet and maintain R1 ('Recovery') status through the achievement of the relevant threshold; and secondly, the fact that that it was a gasification plant or that it would treat non-municipal solid waste feedstock did not provide an exemption from this.

In response, the Case Officer stated that the Waste Hierarchy was clearly set out in various planning policy documents including DEFRA's 'Guidance on applying the Waste Hierarchy' and this Council's own Development Plan. These documents did not rely on R1 calculation to confirm that gasification was a recovery operation. The presence or absence of R1 status was not a barrier to planning. In actuality, the D and R codings were 'just' a means of establishing efficiency, as applied by the Environment Agency in a different regulatory capacity.

To confirm this, in a High Court case relating to a site in Derbyshire a third party argued that a Planning Inspector was wrong to conclude that a proposal without R1 status was not the same as 'disposal' to landfill. The judge did not accept the argument – he said ....

'I am left in no doubt that the inspector did what he was required to do, which was to apply the waste hierarchy in a practical way by asking whether the proposal would achieve the best overall environmental outcome, and that he was fully entitled to conclude that the proposal would result in waste being treated higher up the waste hierarchy than disposal to landfill'.

The Case Officer confirmed that this was exactly what his report was doing, and he drew attention to the following sections of his report:-

'Policy WCS5 of the Wiltshire and Swindon Waste Core Strategy provides an order of preference, or hierarchy, for waste disposal in the interests of sustainability. The purpose of the hierarchy is to bring to the fore the preference for 'elimination' over other forms of waste management; the hierarchy is not intended to bar all other forms of waste management. Presently energy from waste remains a relevant 'recovery' form of waste management which, in the hierarchy, is preferable to landfill and land-raise (which are 'disposal');

And.

'The Waste Management Plan for England identifies 'gasification' as an 'other recovery' operation, alongside anaerobic digestion, incineration with energy recovery and pyrolysis which produce energy (fuel, heat and power). Similarly, the adopted Wiltshire and Swindon Waste Core Strategy identifies EfW (thermal treatment) as recovery. The Waste Core Strategy does not require energy from waste proposals to achieve a specific energy efficiency threshold (such as R1 status) in order to be classified as recovery operations'.

Regarding Mr Downen's second point about non-municipal solid waste feedstock, the Case Officer stated that the waste framework Directive [EU regs] did not in any event specify a minimum level of energy efficiency for recovery facilities primarily dedicated to the processing of non-municipal solid waste, such as this proposal.

Thus all of the planning policy and guidance sources referred to, and also the case law referred to, pointed to energy recovery, and specifically here gasification, being 'recovery' and so sitting higher in the Waste Hierarchy than 'disposal'.

Regarding the email from Mr Tim Hill, Technical Director, UKWIN, this was also critical of the report and the Environmental Statement that accompanied the planning application, stating that they offered no information regarding the net effect of the proposal on climate changing emissions.

This was not agreed as the Environment Statement did refer to climate change, and the matter was addressed in the report. Notably, the Environment Statement confirmed in qualitative terms that –

- The development would emit carbon dioxide as an inevitable consequence of the thermal treatment process; and
- The development would also result in NOx and other emissions.

But, critically these would comply with all relevant air quality objectives, and would be the subject of an Environmental Permit in any event.

On other climate change considerations, the Environment Statement stated that there would be no increase in energy demand as this would be drawn from the energy produced in the form of heat and electricity, and there would be no increased water demand. As for emissions associated with transport, these would reduce in view of the fewer movements compared with the current situation.

Based on this, the Environment Statement was able to conclude that the proposal would not have a significant effect on climate change, and accordingly no further examination of this EIA matter was required. This applied to the proposal in both isolation and in combination with other developments. This was all set out in the report.

Regarding the email from Cllr Brian Mathew – this referred to new and different processes for recycling plastics which were now evolving. In response to this, the ‘stock’ position was that the Committee had a particular proposal before it which obviously must be considered. As demonstrated in the report, the proposal complied with Development Plan policy in any event. It followed that other ways to manage waste now or in the future could not amount to a reason for refusing planning permission for this particular proposal.

To effectively seal this, the continuing relevance of what was proposed was evident from a very recent Central Government publication entitled ‘Our Waste, Our Resources: A Strategy for England’, dated December 2018. One of the report headlines stated, ‘Growth in energy from waste and alternative residual waste treatment infrastructure will divert further waste from landfill’. So, the publication demonstrated how the Government had seen, and now saw, the Waste Hierarchy effectively evolving with time, and ‘recovery’ including gasification, continuing to be part of that evolution.

Added to this, the evolving technology Cllr Mathew referred to related only to plastics, whereas the proposed input to this ATT covered a wide range of different industrial and commercial waste products, and mainly those left over after recyclables were removed.

Regarding the other late correspondence from Claire King, Sophy Williams, Harriet James, Bradford-on-Avon Town Council and Warminster Town Council, these raised matters including impact of traffic, climate change, alternative recycling solutions, impact on Westbury in general, and other matters. These were either already covered, were about to be covered or were covered in the report.

The purpose of the report was to consider the proposed development and the recommendation that planning permission is granted subject to conditions.

Members then had the opportunity to ask technical questions during which Members noted that the application related to the disposal of commercial and



industrial waste and enquired where this waste would be arriving from. The Case Officer explained that the waste would be generated from businesses in Wiltshire which was currently disposed of further afield. However, he confirmed that in accordance with the Wiltshire Core Strategy it would not be possible to impose a condition restricting the source of the waste.

In answer to a question, the Case Officer stressed that the Committee could only consider the planning aspects of the proposal and that issues regarding health and safety and emissions were matters for consideration by the Environment Agency when issuing an environmental permit.

Representatives from the Environment Agency and Public Health England were in attendance to answer any questions regarding environmental, safety and public health issues. The representative from the Environment Agency confirmed that the Agency was responsible for environmental matters and the issuing of a permit to carry out the operation was necessary before the operation on site could commence. Once applications had been received, they would be advertised thus giving members of the public an opportunity to make representations which would be fully taken into account before a permit was issued.

In answer to an enquiry about air quality especially on Road A350, the Council's Public Protection Officer stated that a system of air quality monitoring regularly took place.

Members then heard statements from members of the public as follows, expressing their views regarding the planning application:-

- Mr David Davis, a local resident, spoke in opposition to the proposal.
- Mr Stephen Eades, representing Wiltshire Friends of the Earth, spoke in opposition to the proposal.
- Ms Margaret Cavanna, representing Westbury Gasification Action Group, spoke in opposition to the proposal.
- Mr Michael Hill, representing Hills Group, spoke in favour of the proposal.
- Mr Phin Eddy, representing Fichtner Consulting Engineers, spoke in favour of the proposal.
- Mr Ed Dodd, representing Hills Waste Solutions, spoke in favour of the proposal.
  
- Cllr Mike Sutton, Deputy Mayor, Westbury Town Council, spoke in opposition to the proposal.
- Cllr Mrs Lee, representing North Bradley Parish Council, spoke against the proposal.
- Cllr John Eaton, representing Southwick Parish Council, spoke against the proposal.

The Chairman stated that Cllr Russell Hawker, the local Member, had informed her that he was unable to attend this meeting but that he had not received any objections or concerns regarding this application from any of his constituents.

Cllr Gordon King, an adjoining Member, expressed his opposition to the proposal, stating that Westbury community, considered that the proposed development was too large for this visually sensitive area. He also expressed concern on the likely impact that additional traffic would have on the surrounding road network and the impact on the local environment.

Thereupon, the Chairman proposed the recommendation as set out in the Case Officer's report and this was seconded by Cllr Tony Trotman.

Cllr Christopher Newbury expressed some concern that the origin of the waste to be transported to the proposed plant was not specified and proposed that Conditions 5 & 6 as set out in the report be amended to state that only waste from Wiltshire be accepted. This amended Motion was seconded by Cllr Sarah Gibson and on being put to the vote was lost.

It was pointed out that the current application was effectively a revision to planning permission 14/12003/WCM which was also for an ATT facility which was granted on 23 September 2015. This permission had not yet been implemented but remained extant. Works to commence 14/12003/WCM, which were common to both it and the current planning application, were programmed to commence at end 2018/early 2019. It was stressed that the fact that there was an extant planning permission for an ATT facility at this site was a significant material consideration to be taken into account in determining the new application.

Thereupon the Motion as proposed by the Chairman and seconded by Cllr Tony Trotman was put to the vote and on a recorded vote as proposed by Cllr Ernie Clark and supported By Cllr Sarah Gibson and Cllr Ruth Hopkinson,

**Resolved:**

**Subject to the Secretary of State not calling this application in for his determination, to grant planning permission, subject to the following conditions:-**

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
18616-G-03 (Location Plan) dated 10/18  
040\_A05 REV D (Site Plan) dated 01/09/18  
040\_A07 REV E 1 to 4 (Site Elevations) dated 01/09/18  
040\_A08 REV D (Floor Plan) dated 01/09/18  
040\_A09 REV D (Site Section Levels) dated 01/08/18**

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

- 3 Notwithstanding the details set out in the application particulars, no development shall commence on site until details of the colours for the building's external cladding 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:** These details are 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.

- 4 The un-loading, storage and re-loading of waste materials shall take place inside the buildings hereby approved only, and shall not take place at, on or over any other parts of the application site.

**REASON:** To comply with the terms of the planning application and its justification, and to ensure the amenities of the wider environment are safeguarded.

- 5 The total tonnage of waste material delivered to the site shall not exceed 118,500 tonnes in any twelve month period.

**REASON:** To ensure that the development substantially accords with the terms of the Transport Assessment and Environmental Statement which accompany the planning application, and their conclusions that this scale of operation would not cause harm to matters of acknowledged importance.

- 6 A record of the quantity (in tonnes) of waste materials delivered to the site and all the waste-derived products despatched from the site shall be maintained by the operator of the site and made available to the local planning authority upon request. All records shall be kept for at least 36 months.

**REASON:** In order that the local planning authority can monitor the approved development.

- 7 Heavy Goods Vehicle (HGV) deliveries to and removals from the site of waste materials shall be limited to the following times:

Monday to Friday: 07:00 to 22:00

Saturdays: 07:00 to 17:00

There shall be no deliveries or removals on Sundays or Bank Holidays.

**REASON:** To safeguard the amenities of the wider area.

- 8 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding

season following the first operation of the facility 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.

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

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

- 10 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

**REASON:** In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 11 There shall be no surface water discharge connection to the foul water network.

**REASON:** To safeguard the integrity of the foul water network and prevent flooding.

- 12 No development hereby approved shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting during construction. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including

complaint management, public consultation and liaison

- Arrangements for liaison with the Council's Public Protection Team
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:  
08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- Construction deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Construction traffic routes.

**REASON:** In the interests of the amenities of surrounding occupiers during the construction of the development.

- 13 No part of the development shall be brought into use until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

The Travel Plan shall include provision for car sharing and for ultra low energy vehicle infrastructure (electric vehicle charging points).

**REASON:** In the interests of air quality and reducing vehicular traffic to the development.

- 14 Prior to first operation of any plant, noise mitigation measures for the plant shall be installed in accordance with the specifications set out in the 'Noise and Vibration' chapter (chapter 6) of the Environmental Statement dated 11 October 2018 accompanying the planning application. The mitigation shall be retained and maintained thereafter.

Within 3 months of any plant having become first operational a noise assessment shall be carried out by an independent consultant to confirm compliance with the noise predictions set

out in the Environmental Statement. The outcomes of the noise assessment shall be provided in writing to the local planning authority for agreement in writing no later than 1 month after the initial 3 month period. In the event that the noise assessment finds that the noise predictions have been exceeded then details of additional mitigation measures shall be provided as part of the noise assessment together with a timeframe for installation. The additional mitigation shall then be installed in accordance with the agreed noise assessment and retained and maintained thereafter.  
**REASON:** To protect local amenity from the adverse effects of noise.

- 15 Prior to the development hereby approved becoming first operational an odour management plan (for the management of odours, should they arise) and a pest management plan (for the management of flies, vermin, etc., should they arise) shall be submitted to the local planning authority for approval in writing. Thereafter, the approved plans shall be implemented as approved, if/as necessary.

**REASON:** To safeguard amenity.

- 16 The development hereby permitted shall be carried out strictly in accordance with the Mitigation Measures for biodiversity set out in the 'Biodiversity' chapter (chapter 8) of the Environmental Statement dated 11 October 2018 accompanying the planning application.

**REASON:** To safeguard wildlife.

- 17 **INFORMATIVE:** This activity will require a bespoke installation environmental permit issued by the Environment Agency (EA). As part of the environmental permitting process, the EA assess all applications to ensure that they meet the requirements of the Environmental Permitting Regulations. During assessment, the design of the plant is reviewed, as well as how it will be operated, the emissions it will generate (to air, water and land) and whether emissions will have an adverse impact on people living nearby and the natural environment. The EA do this by consulting partner organisations, such as Natural England (experts on impacts on wildlife) and Public Health England (experts on human health impacts). Emissions limits and techniques used to protect the environment and human health are set by the EU Industrial Emissions Directive (IED). In order to achieve the limits set by the IED the operator will need to show that they will use Best Available Techniques (BAT). The EA cannot set environmental permit conditions that go beyond what is specified by the IED and BAT.

(Cllrs Fleur de Rhe-Philipe, Derek Brown, David Halik, Christopher Newbury, James Sheppard, Tony Trotman and Fred Westmoreland voted for the Motion.

Cllrs Ernie Clark, Andrew Davis, Sarah Gibson and Ruth Hopkinson voted against the Motion.)

8 **18/09550/FUL - Landscaping and screening bund at Land at Brook Farm / adj Northacre Renewable Energy, Stephenson Road, Northacre Industrial Park, Westbury**

The Committee received a presentation by the Case Officer which set out the issues in respect of the application. The purpose of the report was to consider the proposed development and the recommendation that planning permission is granted subject to conditions.

Members then had the opportunity to ask technical questions after which they heard statements from members of the public as follows:-

- Ms Harriet James, a local resident spoke in opposition to the proposal.
- Mr Ed Dodd, representing Hills Waste Solutions, spoke in support of the proposal.

On the proposal of the Chairman, which was seconded by Cllr David Halik,

**Resolved:**

**To grant planning permission, subject to the following conditions:-**

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

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

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

- **No. 18616-500-03A (Location Plan) dated 10/2018**
- **No. NOR-LP02 Rev A (Screen Mound Plan) dated 09/2018**
- **'Technical Report - Screen Mound' by Floodline Consulting dated 05/10/2018**

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

- 3 **With the exception of its final surfacing with top soil, the bund hereby approved shall be constructed from existing inert soils**

and sub-soils derived from the adjacent Northacre Renewable Energy site only. No other materials shall be used in the construction of the bund, including non-existing materials that may be imported to and/or stored at the Northacre Renewable Energy site.

**REASON:** To accord with the terms of the proposal and to minimise construction traffic generation in the interests of amenity.

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

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

- 5 No development hereby approved shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting during construction. The plan should include, but not be limited to:
  - Procedures for maintaining good public relations including complaint management, public consultation and liaison
  - Arrangements for liaison with the Council's Public Protection Team
  - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:  
08 00 Hours and 18 00 Hours on Mondays to Fridays and  
08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
  - Construction deliveries to and removal of plant,



equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Construction traffic routes.

**REASON:** In the interests of the amenities of surrounding occupiers during the construction of the development.

9 **Date of Next Meeting**

**Resolved:**

To note that the next meeting of this Committee was due to be held on Wednesday 20 February 2019 at County Hall, Trowbridge, starting at 10.30am.

10 **Urgent Items**

There were no items of urgent business.

(Duration of meeting: 10.30 am - 1.00 pm)

The Officer who has produced these minutes is Roger Bishton of Democratic Services, direct line 01225 713035, e-mail [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

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

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## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	20 <sup>th</sup> March 2019
<b>Application Number</b>	18/10267/FUL
<b>Site Address</b>	Sadlers Mead Car Park, Sadlers Mead, Chippenham, SN15 3QP
<b>Proposal</b>	Construction of new HQ Office Building and erection of multi-storey and surface car park to provide replacement and additional public car parking. Relocation of existing vehicle entrance from Sadlers Mead and associated groundworks, access improvements and landscaping.
<b>Applicant</b>	Wiltshire Council, Good Energy, Henry Boot Developments Ltd.
<b>Town Council</b>	Chippenham Town Council
<b>Electoral Division</b>	Chippenham Monkton – Councillor Nick Murry
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Simon Smith

### Reason for the application being considered by Committee

These proposals have been referred to the Strategic Planning Committee because they have been submitted, in part, by Wiltshire Council and objections have been received raising material planning considerations. In the interests of transparency, where objections raising material considerations are received on applications submitted by the Council, they are brought before a committee for determination. The Corporate Director of Growth, Investment and Place considers that the application raises issues that should be considered by the Strategic Planning Committee.

### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposals against the policies of the development plan and other material considerations and to consider the recommendation that planning permission should be **APPROVED** subject to the imposition of planning conditions and a legal agreement under s106 of The Planning Acts.

### 2. Report Summary

The key issues in considering the applications are as follows:

- Principle of the development.
- Traffic and highway capacity
- Parking
- Access
- Security
- Impact on character and appearance of the area.
- Impact on Conservation Area
- Impact on neighbour amenity

Chippenham Town Council object to the proposal.

29 letters of support and 71 letters of objection have been received. These include multiple letters from some individual households as well as representations from Chippenham Chamber of Commerce (support) and Chippenham Civic Society (object).

### 3. The Proposal

The application seeks planning permission for the construction of a new 4 storey B1 office building (2950 sqm Gross Internal Floorspace - c250 desk spaces) with associated car and cycle parking; and a new 5 floor multi-storey public car park to provide to 243 car parking spaces, 6 motorcycle and 22 bicycle parking spaces together with associated access and landscaping.

The bifurcated nature of the proposal shown thus:



Although not part of the formal application, for contextual purposes, reference is made within the submission to the draft Chippenham Central Area Masterplan and the position of the application site within it. The intention to prepare a Chippenham Central Area Masterplan is referenced within the Wiltshire Core Strategy (paragraph 5.53) where it confirms that the Council will work with developers to secure investment to regenerate Chippenham town centre in accordance with the principles set out in Policy CP9. The application site comprises phase 2 of the wider development proposal.

In 2017, Wiltshire Council consulted upon a high level masterplan for the area surrounding Chippenham Railway Station.

That masterplan proposes:

- Establish a new built form and context around the station to define public spaces and routes to the town centre.
- Enhance the public realm and connectivity to the town centre through a comprehensive landscaping scheme.
- Address the historic setting of the station building and its role as an arrival point in Chippenham.
- Provide rationalised station car parking to meet demand for car parking.
- Provide a mix of uses including flexible commercial and retail space that is well connected to the surrounding area by public transport.

#### **4. Site Description**

The site is currently in use as a car park. It comprises a relatively level area of land adjacent to Cocklebury Road and then slopes downhill towards the Olympiad Leisure Centre and Monkton Park. The site lies opposite the railway line, to the east of the railway station.

The application site sits at the junction of Sadlers Mead and Cocklebury Road, Chippenham. The entire site is contained within the Chippenham Conservation area and is part of the Secondary Retail Frontage Area. To the north of the site is Chippenham Railway Station. The station building and an associated former stone office building to the south of the station are Grade II Listed Buildings.

To the north-east of the site, the early C20th red brick former school building and modern college building have recently been granted planning permission for demolition and replacement with a substantial care home development (17/05828/FUL refers). To the immediate South of the application site is the Olympiad Leisure Centre, with Monkton Park and the River Avon beyond. The nearest existing residential development is to be found south east at Sadlers Mead.

The existing car park is a hardsurfaced area predominantly bounded by stone walling and a limited number of trees and planting. The site is irregular in shape but can be broadly divided into two parcels. The northern parcel is roughly rectangular and is to be the location of the new office development. The southern parcel is triangular and proposed to be the site of the new multi-storey car park. The application site is generally topographically flat.

The existing car park provides a total of 165 surface level car parking spaces, including 8 disabled parking spaces, 3 coach parking spaces and 2 longer car parking spaces. Existing cycle parking spaces and parking for motorcycles is provided within the southern part of the site, closest to the Olympiad and Monkton Park buildings. The existing car park operates on a 24-hour basis, with pay and display machines placed at various points around the site. It is understood that a large number of car park users also hold annual parking permits.

#### **5. Planning History**

None of relevance on the site itself.

To the immediate opposite side of Sadlers Mead is the redundant portion of the Wiltshire College site. As noted above, under application reference 17/05828/FUL, planning permission exists for the erection of 140 unit extra care facility, together with retail elements at ground floor on this site.

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

Wiltshire Core Strategy Jan 2015:

Core Policy 1 - Settlement Strategy

Core Policy 2 - Delivery Strategy

Core Policy 9 – Chippenham Central Areas of Opportunity

Core Policy 10 – Spatial Strategy: Chippenham Community Area

Core Policy 34 - Additional Employment Land

Core Policy 41 – Sustainable Construction and low-carbon energy

Core Policy 57 - Ensuring high quality design and place shaping

Core Policy 58 - Ensuring the Conservation of the Historic Environment  
Core Policy 61 - Transport and Development  
Core Policy 62 - Development impacts on the transport network  
Core Policy 63 - Transport Strategies  
Core Policy 64 - Demand Management

Saved Policies of the North Wiltshire Local Plan:

NE18 - Noise and Pollution  
T5 - Safeguarding  
R2 - Town Centre Secondary Retail Frontage

Wiltshire Local Transport Plan 2011 – 2016 (LTP3)  
Wiltshire Local Transport Plan 2011 – 2016: Powered Two-Wheeler Strategy  
Wiltshire Local Transport Plan 2011 – 2016: Cycling Strategy

Nationally, the National Planning Policy Framework (NPPF) sets out government policies for securing sustainable development.

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

Chippenham Town Council – Objection. Commentary repeated in full below:

*“The Town Council objects to this planning application. These are the key issues it considers pertinent in the assessment of this application:*

### *Traffic and Parking*

*Core Policy 61 of the Wiltshire Core Strategy seeks for new development to be designed to reduce the need to travel and encourage the use of sustainable transport alternatives. Core Policy 64 sets out that demand management measures will be promoted where appropriate to reduce reliance on the car.*

*The submitted Transport Assessment states that there is an “identified shortage of public car parking in Chippenham”. However, no specific data or evidence has been submitted as to the quantum of this identified shortage in Town/Railway Station car parks, or why an additional 90 public car park spaces are required on the application site. The applicant needs to provide this evidence as part of their planning submission.*

*It is clear that the additional numbers of rail commuters could be catered for by expanded car parking along Cocklebury Road and on the north side of the Railway Station (as proposed in future phases of the Station Hub masterplan), whilst a new multi-storey car park in the Town Centre, at Bath Road for example, would be sited where it is really needed to serve Town Centre users. The Transport Assessment confirms that “the proposed car park wouldn’t experience 100% utilization”. Therefore with multi-storey car parks being proposed closer to the Station in future phases of the Station Hub masterplan; a policy emphasis on encouraging sustainable modes of transport that do not rely on the car; and a site which is in reality unlikely to be frequented by Town Centre users given its distance from the Centre; it is difficult to justify the need for additional public car parking in this particular location.*

*The Transport Assessment should be revised to demonstrate that suitable visibility can be achieved for existing vehicles and right turners into the development, and the baseline traffic model of the Cocklebury Road/Sadlers Mead junction should be corrected and validated against existing queues to give a more accurate picture of the development impact. With 130 additional car park spaces being proposed in total, the increase in traffic generated as a result*

*of the proposed development and cumulative impact when combined with other approved/proposed developments in the vicinity (e.g. extra care facility opposite/Rawlings Green), would be material.*

### *Design and Heritage*

*The NPPF and Core Policy 57 require a high standard of design in all new developments. The NPPF and Core Policy 58 require development to protect, conserve and where possible enhance the historic environment. It specifically notes that development should conserve the special character or appearance of conservation areas.*

*The siting, scale, mass and appearance of the proposed office building is appropriate and well considered, and would be in keeping with existing development along Cocklebury Road. It would enhance this site visually when compared to the existing situation, and it would conserve the character and appearance of Chippenham Conservation Area.*

*On the contrary, the siting, scale, mass and appearance of the proposed multi-storey car park, which would front on to Sadlers Mead, would not typically reflect the residential character and appearance of this road, which mainly comprises of bungalows. At 4-5 storeys in height, and sited immediately at back of pavement at its eastern end, it would appear particularly incongruous and dominant in the street scene.*

*If the additional 90 public car park spaces referred to earlier were removed, this would equate to a reduction in height of the proposed multi-storey car park of two storeys. A resulting 2-3 storey car park would sit more comfortably within its surrounding context and would have less impact on the significance of the Conservation Area.*

*The Chippenham Conservation Area Character Appraisal refers to positive views and vistas from the south east end of the open section of Monkton Park looking North West to St. Paul's Church – although it does acknowledge the intrusion of the Olympiad and other modern buildings in this view. The addition of the proposed multi-storey car park in this view would erode the open, semi-rural character views of this part of the Conservation Area, appearing particularly prominent on the horizon in winter months when it would be illuminated for much of the time and tree screening would be limited. The submitted Heritage Appraisal does not assess whether the proposed development would diminish views of the Grade II Listed St Paul's Church from the south east end of the Park, something which the Town Council considers to be a positive contributor to the significance of the Conservation Area. The Town Council considers that any harm would be 'less than substantial' and would have to be weighed against any public benefits.*

*The Chippenham Conservation Area Management Plan SPG specifically refers to the existing Sadlers Mead car park site as an 'enhancement site'. Enhancements include "preparing and implementing an enhancement scheme to provide a proper welcoming entrance to the park from Sadlers Mead car park..." and it sets out further specific enhancement works that should be sought.*

*The proposed multi-storey car park does nothing to enhance this 'enhancement site'. It represents a missed opportunity to improve linkages and pedestrian accessibility between residents to the north/east and the Town/Monkton Park, with pedestrians having to walk across that surface level part of the car park, with no clear pedestrian routes. In addition, the pedestrian route to the Olympiad from the north would actually be made less legible as a result of the proposed development, with visitors having to walk through the ground level of the multi-storey car park to access the front entrance of the Olympiad, the building being hidden behind*

*the car park. Development of this site represents real opportunities for enhancement and improved pedestrian linkages, but fails to do so as proposed.*

*Five semi-mature trees are proposed to be planted to help screen views of the multi-storey car park from Monkton Park. However, these trees are not included within the red line boundary and do not form part of an associated legal agreement, so this mitigation should be afforded little weight in consideration of the application.*

#### *Air Quality*

*Given Chippenham experiences pressures on air quality, an Air Quality Assessment (AQA) should be submitted to demonstrate how the proposed development would impact upon local air quality.*

#### *Drainage*

*No Sustainable Drainage Assessment has been submitted. Therefore it is not possible to assess the drainage implications of the proposed development.*

#### *Other Material Considerations*

*The proposed office element would generate positive economic benefits for the Town, in terms of retaining a key employer and allowing them to expand their business. There appears to be no reason as to why this element of the scheme, which is supported by the Town Council, cannot be separated from the proposed multi-storey car park element. The two elements are not inter-dependent, and the rationale for submitting as a single planning application is flawed.*

#### *Conclusion*

*Whilst acknowledging that there would be visual and economic benefits associated with the proposed office element, the Town Council considers that this would not outweigh the lack of evidenced need for additional public car parking spaces on this site, the increased traffic generated as a result of the proposal, the lack of information about the air quality impacts of the proposed development, the lack of any drainage proposals, and the negative aspects associated with the design of the proposed multi-storey car park. The design shortcomings of the proposed multi-storey car park would be its siting, scale, massing and appearance, and the detrimental impact this would have on the visual amenity of the area; and to a lesser extent the significance of the Conservation Area; together with the poor pedestrian linkages through the site and failure to enhance this site. This would not represent sustainable development and the Town Council objects to the proposal on the grounds that it would be contrary to CP 51, 55, 57, 58, 60, 61, 62, 63, 64 and 68 of the Wiltshire Core Strategy, the NPPF, the Chippenham Conservation Area Management Plan SPG, and the Air Quality SPD.”*

Wiltshire Council Conservation Officer - No objection. See main “Planning Considerations” section for detailed analysis.

Wiltshire Council Archaeologist – No objection subject to conditions.

Wiltshire Council Drainage – Objection based on a speculation as to how Wessex Water might regard the proposal (NOTE: In the context of an urban location where mains drainage is available, it is not considered reasonable or necessary to require further drainage details to be agreed prior to determination of this planning application. Separate agreement will need to be sought by the



applicant with with Wessex Water as to the capacity of their infrastructure and any contributions which may be necessary. The imposition of planning conditions in this regard is the appropriate response).

Wessex Water – No objections raised. The commentary notes that a 150mm sewer crosses. Separate agreement with Wessex Water will need to be reached to divert that pipe and connection. Surface water and supply connections should also be agreed. NOTE: Although subject to a separate consenting regime, there appears no reason to doubt that such agreement cannot be reached with Wessex Water and a utility diversion options plan has been included within the submission package.

Environment Agency – No objection subject to conditions.

Wiltshire Council – Economic Development team – Support. Full commentary repeated below:

*“From an Economic Regeneration perspective, the plan by Good Energy and Henry Boot Developments Ltd to invest in the construction of a new Head Quarters office building, car parking facilities and associated groundworks, access improvements and landscaping at Sadlers Mead Car Park, Chippenham, SN15 3QP is welcome.*

*The development will help create and safeguard up to 300 jobs, deliver a modern, sustainable and energy efficient building for one of Chippenham’s principal employers and add to the number of car parking spaces available for the town. This development will enhance Chippenham’s reputation as a good place to do business and help with the regeneration of the railway station and surrounding area. It will provide a boost to the economy of Chippenham, helping many other local businesses in the town centre and the wider town.*

*These plans contribute to, or are aligned with, a number of policies and strategies supporting economic growth in the area, including for example the Swindon and Wiltshire Strategic Economic Plan which includes a strategic objective that is focussed on supporting business development.”*

Wiltshire Council Public Rights of Way Officer – No objections. There is a public footpath (CHIP59) running through part of the surface car park. However, the line of the path is clear from obstruction. If a temporary closure order is required during construction, it will need to be applied for as far in advance as possible.

Wiltshire Police – Designing Out Crime Officer – Concerns raised in respect of original plans.

*I have been looking at the plans as I do have concerns about the pedestrian access, the potential for rough sleepers in the open ground floor area and the possibility for general ASB. I have been trying to think of alternatives to the given layout to alleviate the issues, or mitigate if they remain.*

*I did have some discussion with the architects pre application and raised the issue of the PROW. They believe that lighting and the fact that the patrons of the Olympiad will be using it until 10pm will be sufficient surveillance, and that there is little that can be done as the car park is to be open 24/7. I understand what they are saying, but don’t believe that will be sufficient. I have suggested that they seek to achieve the Park Mark standard, and I have given them the link to all the information they would need to achieve that ([https://www.britishparking.co.uk/write/Documents/safer%20parking/SPS\\_New\\_Build\\_Guidelines\\_2016.pdf](https://www.britishparking.co.uk/write/Documents/safer%20parking/SPS_New_Build_Guidelines_2016.pdf)) - if possible I would like Park Mark accreditation to be conditioned as this will necessitate ongoing maintenance and upkeep, which often fall off after the first couple of years. I would like physical monitoring, but think it is unlikely that the cost would be met, so monitored CCTV would be a good alternative, with plenty of signage. I did suggest this to the architect but*

*they replied it would be unlikely for the car park. However, having the footpath through the parking is likely to cause significantly higher car crime to the vehicles parked alongside the PROW than those parked elsewhere, so I would like the footpath to be alongside the car park and not through it, preferably with some boundary demarcation – knee high would be fine – at both the north west and north east boundaries. This should push those using the footpath outside the car park and away from the vehicles. I would ask for the same wood treatment as the rest of the car park but understand from the architect that the open aspect of the car park is a feature that cannot be compromised.....? I would ask for CCTV to cover this footpath if nowhere else, and for some additional lighting at each end of the car park; currently there are three along the north west boundary but nothing at either end. This would create a dark pool, especially at the south west side. I would like to see some Lux plans if there are any.*

*I cannot clearly determine where the pay stations are to be placed, as there is no legend identifying them that I could see. If, as I suspect, they are considering placing them by the lift in the small lobby there, that would not be considered a safe place for them to be. They should be at either end of the main parking area, in full view of all users and easily covered by CCTV (if provided). Having them in the small lobby around the lifts gives offenders good opportunity to trap customers, and also provides immediate escape routes. The architects did not have a final decision on the type of pay stations, although it will be pay and display. They indicated that they would contact me for my advice when this was being finalised, as well as asking for my input in regards to lighting. Both these items would be covered by Park Mark accreditation.*

*My understanding from the architect is that the office area, including the car park will be secured and allow only authorised persons through into the building or car park. I have no concerns with the office building as a whole because of this.*

Wiltshire Council Urban Design Officer – No objection.

Wiltshire Council Landscape Officer – No objection subject to conditions.

Wiltshire Council Highways – No objection subject to conditions and contributions. See Planning Considerations section for detailed analysis and conclusions.

## **8. Publicity**

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

71 letters of objection have been received, inclusive of multiple letters from individual households and comments from the Chippenham Civic Society. In summary they raise the following relevant planning issues:

- Will encourage more traffic to use Station Hill which is already congested.
- Limited capacity of Station Hill/New Road junction.
- Traffic modelling is submitted is flawed.
- Already too much new development using Station Hill as access road – particularly Rawlings Green.
- Majority of employees of company that is to occupy new office block live elsewhere and commute to Chippenham – mostly by car.
- Offices would be better located elsewhere in town.
- Will increase air pollution.
- No need for additional parking in this location – too far from rail station.
- Multi-storey car-park is an eye-sore and impact upon views from Monkton Park.

- Impact upon Conservation Area.
- Impact from overshadowing and overlooking upon consented residential development at the Wiltshire College site.
- Insufficient parking provision.
- Will cause light pollution.
- Will attract anti-social behaviour.
- Two separate applications should have been submitted for each element.

29 letters of support have been received, including letters from the Chippenham Chamber of Commerce and Chippenham Business Improvement District. In summary, they raise the following relevant planning issues:

- Development will assist with the retention of important and large employer in town.
- Enhancement of Sadlers Mead car park will cater for commuters as well as town centre shoppers and visitors.
- New car parking will promote and provide secure parking for more sustainable forms of transport.
- Design is impressive and will be a landmark building within Chippenham when viewed from rail line.
- Additional parking will free up parking pressure elsewhere in town.
- Will benefit local economy.

## 9. Planning Considerations

### 9.1 Principle of Development

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

In this case, the Wiltshire Core Strategy (WCS), including those policies of the North Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the Chippenham Area.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which must be afforded substantial weight.

The application site is located entirely within the defined limits of development for Chippenham, which is regarded as a Principal Settlement by the *Settlement Strategy* set out in CP1 of the WCS. The site is also entirely within the town's secondary retail frontage, as defined by saved Policy R2 of the North Wiltshire Local Plan 2011. The site falls squarely into the definition of Previously Developed Land (NPPF, Annexe 2).

The proposed B1(a) (office) element of the proposal attracts consideration against Policy CP34 (relating to additional employment development) of the Wiltshire Core Strategy.

The principle of the development being proposed is established as being acceptable on sites covered by the above policies; such locations in *principal settlements* being identified within the plan as being suitable for development subject to general development management considerations. In particular, there is no need for an impact assessment to be carried out in respect of the employment proposals, since the site is within the town centre and represents a compatible use class (as defined within Annexe 2 to the NPPF).

Somewhat reinforcing the *de facto* location of the site within the town centre, this site is also identified by Core Policy 9 (Chippenham Central Area of Opportunity) as a location where development is not just anticipated, but expected. WCS Paragraph 5.54 sets out the key principles to be addressed in developing Chippenham Central Area. All proposals for development in this area should establish

appropriate high quality public realm and pedestrian and cycle routes to create a lively visual and social environment focused on linking all parts of the town with its centre. The site forms part of one of the Character Areas identified in the Chippenham Central Area Masterplan (Civic and Academic).

In general, and subject to detailed and site specific assessment against development control criteria, the proposals would make use of existing previously developed land in a town centre location where new development of this type is acceptable. There is no automatic unacceptability to the proposal because it has been submitted as a single application covering two, ostensibly separate, developments.

#### *Sustainable transport features*

In addition to incorporating enhanced parking for non-car (and therefore more sustainable forms of transport) such as cycles and powered two wheelers, the proposed development also incorporates many features which can rightly be regarded as enhancing the credibility of the proposal in respect of sustainability in general and more specifically sections 9 and 14 of the NPPF as well as CP41 of the WCS. Those features range from some 12 electric vehicle charging points within the MSCP (with the infrastructure to increase to 60%) to the use of solar PV panels on top of the office roof. Such features weigh in favour of granting planning permission when it comes to making a balance decision.

It should be noted that paragraph 11 to the NPPF confirms that decisions should apply a presumption in favour of granting planning permission for sustainable development, although sustainability has a wider definition than simply transport related aspects of a proposal.

#### 9.2 Traffic and highway capacity

The application has been submitted with a Transport Assessment (TA), which includes trip data, together with a Green Travel Plan for the new office element. The TA considers the traffic likely to be associated with both elements of the proposal:

- Trips for the MSCP are based on surveys of trips from the existing Sadlers Mead car park, which the Council's Highway Engineer considers the most accurate way of estimating trips (ie. a car park at the same location with a similar charging structure and time limits to that being proposed) and will therefore be more accurate than other methods such as the TRICS database involving other towns with different characteristics across the country. The trips assumed 91% occupancy of car park which is high for am and pm peak periods, especially for the pm peak (ie worst case).
- The office trip calculation is set out at 7.3 of the TA and is considered by the Council Highway Engineer to be a robust assessment. In contrast to the MSCP element, the data used for the office element deliberately does not make use of any derived specifically from Good Energy's current activity or way of working - this is because the existing Good Energy office has limited parking and, in any event, the planning system cannot control a specific occupancy (ie. whilst Good Energy is a co-applicant, in the event of planning permission being granted, it could not in fact be reasonably tied to Good Energy as the only potential future occupier). For these reasons, the Council's Highway Engineer considers it most appropriate for the TA to make use of generic data. The data calculated in the TA is again a worst case with greater number of car trips than parking spaces available for them.

There have been concerns expressed about the veracity of the data used within the TAs, but for the above reasons, there is considered to be no doubt that the submission presents an accurate and acceptable modelling of how the development will affect traffic flows.

The TA allows consideration of expected traffic impacts from the development taking place (and accounting for all committed development – including the 200 dwellings at Rawlings Green expected to be accessed via Station Hill/Cocklebury Road until such time as a road link across the railway to the North is available) at the following junctions, which have been modelled for a base and future year (2026):

- Sadlers Mead / Cocklebury Road

- Station Road / New Road

Using the submitted information, the Council's Highway Engineer concludes that without mitigation the development will be detrimental to the junction at Station Hill / New Road with an indicated increase in the PM queue from around 47 vehicles at present to 151 vehicles in 2026, with the development in place. While the Highway Engineer notes that queue assessment cannot be accurately projected, it is clear that the junction will be detrimentally affected. There is no evidenced reason to disagree with the comments of the Council's Highway Engineer and it is further concluded that the proposed development should deliver the required mitigation at a level appropriate, fairly and reasonably necessary to make the development acceptable in planning terms (as set out by paragraph 56 to the NPPF). That mitigation is discussed below.

### 9.3 Highway and pedestrian improvements

#### *Station Hill/New Road signalisation*

There is an existing and planned signalisation scheme for the Station Hill/New Road junction outlined in the Chippenham Transport Strategy. That scheme would reduce expected queues on Station Hill to 14 am and 19 pm, (not taking into account Rawlings Green traffic) and is expected to cost c.£400,000. The Rowden Park strategic housing site to the South of Chippenham, is already committed to making a £198,000 index linked contribution towards the funding of that planned signalisation scheme.

As identified above, it would be appropriate for the proposed development to make a further, proportionate financial contribution to assist in delivering the signalisation scheme. Deducting the Rowden Park contribution of and disaggregating the proportion of expected traffic to be generated by the proposed development from that associated with the 200 dwellings at Rawlings Green renders a proportionate contribution of c. £125,000. This contribution can be secured by a legal agreement under s106 of The Town and Country Planning Act 1990 (as amended).

The timing of the junction improvements in relation to the proposed development has been expressly considered by the Council Highway Engineer. In their view, and in the context of the degree of detriment to the junction identified, it would be excessively onerous to require the proposed development to provide the entire signalisation scheme or to provide it in advance of the first use of either element of the proposal. The Highway Engineer acknowledges the possibility of the junction improvements taking place after the opening of the office or new MSCP and a corresponding interim increase in delays. There is no evidenced reason to take a divergent view from that of the Council Highway Engineer in this case.

#### *Pedestrian crossing of Cocklebury Road and Monkton Park path*

Initial consideration was given to the provision of a new pedestrian crossing at the frontage of the site, across Cocklebury Road. However, following further consideration of the necessary loss of existing on-street parking provision and lack of direct access through to the rail station, it was considered by the Council's Highway Engineer and Transport Planners to be unnecessary. Indeed, the existing Zebra crossing at Cocklebury Road to the north (towards Wiltshire College) is considered best positioned to meet existing pedestrian desire lines.

Notwithstanding the above, there is a recognition that the use of the paths crossing Monkton Park are already well used by pedestrian and cycle traffic and likely to be increasingly used in the event of development taking place. For this reason, the Council's Transport Planner has confirmed that an indexed linked financial contribution should be sought for upgrading the existing Monkton Park path, which links the existing shared use path east of the site to a shared pedestrian/cycle Sustrans path NCN403 running alongside the river. That contribution is expected to be in the region of c.£70,000. This contribution can be secured by a legal agreement under s106 of The Town and Country Planning Act 1990 (as amended).

### 9.4 Parking

The proposal will necessitate development taking place on an existing public car park. A comparison between the existing and proposed situation can be summarised thus:

	<b>Car parking</b>	<b>Coach</b>	<b>Motorcycle</b>	<b>Cycle parking</b>	<b>Disabled</b>	<b>EV charging</b>
<b>Existing spaces</b>	155	3	-	14	8	2
<b>MSCP</b>	230	3	6	22	13	12 – inc. 2 disabled spaces and infrastructure is proposed to facilitate EV charging to 60% of parking spaces in the future
<b>Office</b>	38	-	0	40	2	TBC
<b>Total proposed</b>	268	3	6	62	15	12+
<b>Difference</b>	+113	0	+5	+48	+7	+10 and infrastructure for more

The proposed MSCP element of the development provides for more car parking, motorcycle and cycle parking than the current surface level car park. The quality of the proposed parking is also improved upon, with the introduction of EV charging points and both motorcycle and cycle parking now being under cover, thereby addressing the recommendations within the Council's 2011-2026 LTP Powered Two Wheeler and Cycling Strategies respectively.

The proposed office building of around 2950 sq m floor space generates a parking provision requirement under the parking standards set out in the Wiltshire Local Transport Plan 2011 – 2016 of 98 spaces. However, whilst the proposed plans only demonstrate 40 spaces, the Council's parking standards are expressed as a "maximum" and the application site is located in a highly sustainable location, very close to a rail and bus services nodal point, with frequent services. For these reasons and in light of the submitted Framework Green Travel Plan, the Council's Transport Engineer and Planner is satisfied that the under provision of parking spaces for the office element would not be unacceptable or result in cars being displaced elsewhere. The implementation of a Green Travel Plan can be adequately controlled via the imposition of a planning condition on any permission granted.

#### *Displacement of parking capacity during construction*

Construction of the development would result in at least some of the existing car park being unavailable for use. In such circumstance, the timing of the opening of the new MSCP becomes critical so as to avoid a disorderly displacement of parked cars elsewhere, potentially causing problems for the town centre or residents. Accordingly, the application has been submitted complete with a Car Parking Displacement Strategy (annexe 1 to the planning statement).

The strategy identifies alternative destination car parks and approximate number of users which is considered to be reasonable and acceptable to the Council's Highway Engineer. The Strategy requires the development and refinement into a deliverable package of measures which is considered to be a matter that can be compelled by the imposition of a carefully worded condition upon any grant of planning permission.

## 9.5 Access into the site

### *Office element*

The office element of the proposal seeks a single point of vehicular access via Sadlers Mead. That point of access is a little distance north of the existing car park access. Two points of pedestrian access are shown on the submitted plan, one each from Cocklebury Road and Sadlers Mead respectively and thereby retaining a degree of permeability to the street the development would ostensibly relate to. Where possible, the existing stone boundary wall is retained as is the existing footway.

In response to initial concerns expressed by the Council's Highway Engineer, several relatively minor issues were addressed via amended plans:

- The car park gate is set back within the site to allow for a vehicle waiting to operate the gate and not block the footway.
- The vehicle exit has been widened to allow for greater visibility of pedestrians for vehicles exiting the car park.
- The footway along Sadlers Mead is extended in front of the office entrance to encourage pedestrian priority across this entrance.

Subject to the imposition of planning conditions, the Council's Highway Engineer raises no objections to the office element of the proposal and there is no evidenced reason to disagree with those conclusions.

### *MSCP element*

The MSCP element will make use of the existing Southern-most point of vehicular access into the car park. Pedestrian permeability is retained through the ground floor of the car park connecting to the existing footpaths leading to the Council's Monkton Park offices and the Olympiad leisure centre. An existing public footpath runs through the site and is to be diverted through the ground floor of the car park itself. The Council's PROW Officer raises no objections to the proposal.

The existing coach parking access arrangements have been retained at the South Eastern corner of the site.

In response to initial concerns expressed by the Council's Highway Engineer in respect of the available space for the manoeuvring of coaches at the south east corner of the site as well as manoeuvring space for certain car spaces amended plans were submitted and are regarded as satisfactorily dealing with this aspect.

## 9.5 Security

Perhaps understandably, several local representations have been received which refer to the potential for anti-social behaviour being attracted to the MSCP development which is intended to be available for use 24hr/7 days per week but without an operator/security presence. With this in mind, the application has been supported by a specific "Assessment of Security Measures" statement; setting out what measures would be put in place so as to ensure the MSCP will be as safe as possible for all users. The main features being:

- Whilst not intending to subscribe to the widely recognised "Park Mark" scheme (a police crime prevention initiative which allows parking facilities to be assessed against specific criteria and incorporate features to reduce crime and the fear of crime), it is intended to make use of the advice it provides so as to inform design. (Note: Park Mark accreditation has recently been removed from all Wiltshire Council operated car parks and park and ride sites due to the ongoing subscription costs).

- Boundary walls and planting have been retained and proposed to define the perimeter of the site. It is kept low so as to enable passive surveillance.
- All lighting is to comply with appropriate standards and be vandal proof and dimmable.
- The lighting on the ground floor as well as within the vertical circulation zones to be programmed as always on. Where lighting is not always on, such as on the upper floors, it will be dimmed to 10% and activate up to 100% upon movement, remaining at 100% for 15 minutes.
- The car park will be operated and maintained by Wiltshire Council and will be included as part of the maintenance budget. The car park is designed to require as little maintenance as possible through a robust design and layout and by using a concrete frame, robust fixtures and fittings and hardy planting and landscaping e.g. LED lighting has been specified throughout the car park as a more reliable type of lighting. This reduces dark areas whilst waiting for replacement luminaires.
- The entire car park will operate on a circulatory system with no contra-flow lanes. The entrance and exit does not require vehicles to cross the wrong side of the road and is controlled through ANPR.
- Motorcycle bays are provided with ground anchors and cycle stands with “Sheffield” hoops with both areas being visible by CCTV system.
- Pedestrians passing through the car park to Monkton Park offices or Olympiad will be routed along clearly marked routes within the body of the car park and segregated from vehicles by barriers at the payment machines.
- Recorded CCTV is to be provided at all pay stations and stair cases together with associated signage.

The Police Designing Out Crime Officer has commented upon the application, raising the issues that would be typically associated with any modern 24hr MSCP where operator/security presence is no longer the norm (ie. such as the potential for rough-sleepers, anti-social behaviour and the immediacy of action in the absence of an operator presence). Whilst they naturally remain concerned about the potential for crime, they were consulted by the applicants prior to submission and their comments incorporated into the design as far as possible.

In their comments, the Police Designing Out Crime Officer does make specific reference to the presence of the public footpath through the ground floor parking area likely to cause significantly higher car crime to the vehicles parked immediately alongside than those parked elsewhere. They go on to express a preference for the pedestrians to be routed outside of the car park, rather than through it as well as a closed elevational treatment to the car park itself. In this particular case and whilst acknowledging the valid points made by the Police, the used of lighting, CCTV and signage is considered sufficient to overcome any excessive concern over and above that which would be associated with any car park. Equally, the “open” elevational treatment of the MSCP is deliberate architectural device employed to ameliorate a dominating visual impact when viewed from Monkton Park, which could otherwise derive from a substantial structure on this location. Its use of a visually permeable elevation treatment weighed against a perhaps increased level of opportunistic crime is a trade-off considered worth accepting.

#### 9.6 Impact on character and appearance of the area.

##### *Design, scale and appearance*

The office element makes use of a mix of brick, glazed elevations and aluminium cladding design. It adopts a dominant and visually heavier section set back from the Cocklebury Road frontage, together with a projecting glazed lower section. Both elements comprise a flat roof and 4 floors, albeit the brick section incorporating a taller parapet. To the top of the parapet, the brick section extends to some 16m in height, the glazed section some 15m. The roof mounted plant and elevator tower atop the brick section gains the building some overall height, although being set back from the edge it is not expected to be perceived from ground level. Car and cycle parking is provided on site including an undercroft.

The MSCP has 5 floors, the top floor being open to the air. Although structurally reinforced concrete, the external finish of the MSCP makes use of a vertical timber cladding, together with brick for the



stair towers. The use of timber cladding is deliberate and seeks to break up the mass of the building and provide a degree of visual permeability. The cladding is designed in 3 distinct horizontal bands (reflecting the 3 upper floors) to further disrupt a perception of mass. Reflecting the slight raise in topography south – north, the MSCP raises from some 14m to 15m in height to the top of the timber cladding; a little taller to the top of the stair towers, approximately 17m and 18m to the west and east stair tower respectively. Amended plans have been submitted in respect of the MSCP, following the receipt of further advice from Building Control and Fire and Rescue experts employed by the applicant. This has resulted in greater manoeuvring and fire mustering space at the expense of a number of car/motorcycle/cycle spaces

Section 12 to the NPPF regards the creation of high quality buildings and places as being fundamental to what the planning process should achieve and that planning permission should be refused for development of poor design. Core Policy 57 'Ensuring high quality design and place shaping' of the Wiltshire Core Strategy requires a high standard of design in all new development, setting out a range of criteria by which to assess it.

The application site is entirely contextualised by its urban setting. Substantial multi storied commercial buildings exist to the north and west and planning permission has been granted for retirement accommodation on the vacant element of the Wiltshire College site on the opposite side of Sadlers Mead, which takes the form of a 4/5 storey, single monolithic block. The Monkton Park residential estate comprising the reduction in the scale of built form commences with the properties fronting Sadlers Mead at the south east boundary of the site. The applicant has sensibly chosen to separate the multi-storey car park from the residential properties (via a retention of the existing ground level bus park and drop-off area) thereby mitigating any abruptness to the change in building scale. Potential impacts upon residential amenity are considered separately within this report.

In the comments (and following input into the evolution of the proposals), the Council's Urban Design Officer has specifically considered the design of the proposed development and its likely cumulative effect upon the character and appearance of the locality. In particular and with reference to CP57, the following observations have been submitted:

In terms of Core Policy 57(i): It would relate positively to the existing pattern of development:

- Sited within a collection of similarly large buildings closing the rather wide visual gap on Cocklebury Road between the Telephone Exchange and the existing former college buildings/planning approved replacement 140 unit extra Care facility and with the Leisure Centre to the south.
- By not extending well forward into the arm of the existing car park (ie. towards existing residential properties at Sadlers Mead) so that there is an appreciable distancing and change from the character of the neighbouring housing area and parkland.
- In terms of Core Policy 57ii it would respect the existing mid height stone wall along both road boundaries and the existing large mature tree which are important characteristic features of Westmead Lane and this end of Cocklebury Lane.

In terms of Core Policy 57(iii) to integrate the development into its setting:

- The proposed buildings would be of a general scale mass and height consistent with the neighbouring approved extra care development and from the parkland forming the general skyline with this development and the neighbouring higher element of the Telephone Exchange.
- The proposed buildings would have set back building lines from the two streets similar to the two immediately neighbouring buildings on Westmead Lane enabling the retention of the stone boundary wall to both streets and as an intrinsic facing material in the town for this wall to be extended across the road frontage of the proposed car park building.

- The built form appropriately incorporating the existing large mature tree as a feature within the pedestrian entrance forecourt to the Office building and overlooked by the glazed Office element.
- The substantially glazed façade shown for the office building and closely spaced apart pattern of timber fins facing the car park superstructure would be individually distinctive and animated frontages enlivening the street scene.
- The proposed timber facing and pattern of the cladding to the car park superstructure (as opposed to a starkly geometric pattern and utilitarian appearance of mid height solid panels and open voids between at each floor level often used for such car parks) is considered to be a visibly sympathetic design approach for the appearance of these facades in the street scene, and in the landscape setting (in accordance with Core Policy 57 iv) towards visibly softening the building with the backdrop of the existing trees from the parkland.

There is considered to be no reason to diverge from the conclusions reached by the Council's own Urban Design Officer. Indeed, individually and cumulatively, the general design approach and overall mass and scale adopted by the two elements is considered to be acceptable and appropriate to its urban location. The design and appearance of the proposed development is considered to meet the requirements of CP9, CP57 and section 12 of the NPPF.

#### *Landscape and visual effects*

Concerns have understandably been raised in respect of the potential effects of the proposal upon more distance views across Monkton Park, to the immediate south and east of the application site. The application site is topographically elevated above the Park, thereby potentially increasing the prominence of a proposal which, after all, seeks to introduce two large buildings where none currently exist. The application has been submitted complete with a detailed Design and Access Statement which expressly considers this issue.

In considering the potential effects of development and the information contained within submitted documents, the Council's Landscape Officer correctly identifies that the development would introduce built form into a gap between a number of existing large buildings (namely the Telephone Exchange Building/Olympiad Leisure Centre and the recently approved large care home building). In this context, the Council's Landscape Officer concludes that the location and scale of proposed development would not in fact present unacceptable impacts upon the landscape over and above the existing visual baseline situation. While the new development will be visible from certain areas and partially visible from others, these visual changes will be perceived within the context of similar built form which with new buildings viewed against, adjacent to, or in front of, other similar sized buildings in the locality.

In the opinion of the Council's Landscape Officer, potential views of the new development experienced from the Park are likely to be limited to close range views. The majority of public areas within the park are likely to be largely screened during summer months and filtered during the winter months by the existing trees within the park viewed from the east and along the eastern footpath axial approaches, and by the existing Council Offices at Monkton Park and Olympiad building from the west, and along the western footpath axial approaches. From closer viewing points the public using the Park and using footpaths within the park are likely to experience some views from the south east of the upper parts of the car park building. Short range framed partial views are also likely of the upper parts of the car park building from the south between The Olympiad and the existing small woodland. These views will be of the upper south facing elevation of the multi-storey car park building viewed over and above the Multiple Use Games Area (MUGA) and through filtering vegetation provided by existing park trees. The application has been submitted complete with a proposal for some additional off-site planting in Monkton Park itself, so as to enhance the filtering of views (which can be compelled and adequately controlled through the use of planning conditions). Ultimately, localised partial views are not considered to represent harmful visual change effects in this context.

Turning their attention to the presentation of development to Cocklebury Road, the Landscape Officer notes that this is perhaps where the greatest visual change will be experienced (from Cocklebury Road itself and the western end of Sadlers Mead). These receptors will experience a notable change in the view, resulting from the obvious introduction of the two new buildings. However, these receptors

will experience short range, short duration, transient views of the changed street scene. The new buildings will be grouped and associated with other existing large buildings (existing and with planning consent). The addition of these two buildings in this location and urban context will represent a notable change to the existing adjacent street scene (considered in section above) but would not predicate a harmful effect to the wider landscape character.

The Council's Landscape Officer raises no objection to the proposals and whilst the concerns raised within some of the representations received are understood, they raise no evidenced matter that would outweigh these conclusions. Subject to the imposition of a planning condition so as to ensure the implementation of incidental landscaping across the site, the proposal is considered to comply with the provisions of policy CP51 and CP57 of the WCS.

Following the submission of revised plans, the Landscape Officer did confirm a repeat site visit to ensure all potential effects were assessed. The amendments were relatively minor and did not alter their previous comments.

### 9.7 Impact on Conservation Area

The site lies within the Chippenham Conservation Area. The railway station and an associated former office building to the south of the station are listed buildings. To the north-east of the site, the early C20th red brick former school building and modern college building have recently been granted approval for demolition, to be replaced by a substantial care home development. This area of the town was largely undeveloped until the advent of the railway. Roads were laid out to provide access but the area remained sparsely occupied until the early C20th when the area began to be occupied for industrial development associated with the railway. From the 1920-70s the site was occupied by a substantial dairy processing plant.

Axiomatically a matter intrinsic to the consideration of the impact of the proposals upon the character and appearance of the locality, Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 nonetheless requires specific regard to be paid to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

Core Policy 58 requires that designated heritage assets and their settings will be conserved. It is also required that distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner.

The NPPF sets out the Government's high-level policies concerning heritage and sustainable development. The Framework makes it clear that a key dimension of sustainable development is protecting and enhancing the historic environment and that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Section 16 'Conserving and enhancing the historic environment' is particularly relevant. Paragraph 189 requires applicants to describe the significance of any heritage assets affected including any contribution made by their setting. Paragraph 196 requires a balanced approach to decision making with any harm which would be caused to designated assets being weighed against the potential public benefits which might be achieved.

The National Planning Practice Guidance provides more detailed advice with regard to development within the setting of designated heritage assets as does the Historic England Good Practice in Planning Advice Note 3: The Setting of Heritage Assets (updated 2017).

The application is accompanied by a Heritage Assessment. The Council's Conservation Officer generally agrees with the findings of the submitted assessment which includes details of the heritage assets affected by the development and the impact that the proposals will have on the contribution made by the site to their settings. The assessment meets the requirements of paragraph 189 of the NPPF for applicants to understand the nature of the surrounding historic environment.

In their commentary, the Council's Conservation Officer notes that the proposal will develop a gap in the streetscape left by the loss of the dairy; the new buildings being of no greater scale or bulk than adjacent existing or approved buildings and will be seen in the context of other modern development. The impact on the setting of the listed railway station and its former office will be largely neutral and they will remain entirely legible within the townscape with no diminution of the ability to appreciate them for their architectural design and materials which were intended to create high quality 'gateway' to the town via the railway.

In the comments, they go on to suggest that, in their view, the relatively modern roadside walls make some contribution to the appearance and character of the conservation area in providing enclosure to the road and reinforcing the use of local materials and construction. As the walls will be largely retained, along with the mature trees to the north corner of the site, this contribution will be maintained.

From the station car park, long views across the site towards the green edge of Monkton Park and the spire of St Andrew's Church will be curtailed – however, the views are fortuitous rather than designed and for much of the C20th century the gap was filled by the former dairy building. Whilst they contribute in a small way to the legibility of the landscape they make a limited contribution to the significance or interest of the conservation area or to the significance of the church itself. Similarly, the site is visible at the rim of Monkton Park from the open lower land inside the Park. However views in this general direction are dominated by the Council Offices and Olympiad Leisure Centre and, whilst there are occasional glimpses of the truncated spire of St Paul's above development to the north, these are seen very much within the context of existing large buildings and the development will have a limited additional visual impact.

It is noted that the Conservation Area Management Plan makes a series of recommendations for enhancement entrance to the park from the south end of the existing car park. The current proposals do not preclude future implementation of the majority of these proposals but, equally, do not assist in the achievement of these aspirations i.e. they are neutral in this respect.

In taking account of the requirements of the NPPF and the 1990 Act, the Council's Conservation Officer concludes that the site does not contribute to the significance of this area of this part of the conservation area and its development via the current proposals will have a largely neutral impact upon it and the setting of nearby listed buildings. As a result the proposals meet with the requirements of current legislation and policy CP58 and the NPPF in respect of the historic environment. The Conservation Officer raises no objection to the proposal and, subject to the imposition of appropriate planning conditions, there is no reason to diverge from those conclusions reached.

#### 9.8 Impact on neighbour amenity

##### *Existing residential properties at Sadlers Mead*

With the exception of the south eastern tip of the car park, the application site is physically separated from existing residential development – rather, it is contextualised by the currently extant Wiltshire College and other commercial buildings/activity (notably The Olympiad leisure centre and the telephone exchange building).

No.2 Sadlers Mead directly adjoins the existing Sadlers Mead car park, separated by a common boundary consisting of a substantial wall/fence and mature landscaping. At present the nearest part of the existing car park is laid out and used for car parking spaces (hard up against that common boundary) and for the manoeuvring and parking of coaches (mainly in connection with the leisure centre). The proposal seeks no changes to that current arrangement with the surface level parking and manoeuvring space retained; the new MSCP element being set some 36m distant from the common boundary at the closest point. All existing boundaries, including the stone wall fronting Sadlers Mead itself, are to be retained and this is expected to mitigate against potential intrusion from car headlights manoeuvring on the upper floors. Luminaire specifications and light spillage charts/information have also been submitted so as to demonstrate that new lighting will not result in excessive spillage.

More generalised concerns have been raised within some representations about the noise and disturbance likely to be associated with the proposed development. These might be separated in to two basic concerns: anti-social behaviour and increased levels of activity. In respect of the former, security measures have been proposed which are considered to sufficiently protect against crime and anti-social behaviour in the context of a 24 hour police presence at the Monkton Park offices; the matter being considered under a separate section to this report. In respect of the latter, whilst the number of spaces will increase and it is therefore reasonable to expect the intensity of use would also rise in the future, the substantive nature and type of activity (and, indeed, planning land use) will not alter as a result of development taking place. For this reason and in the context of an urban location where high levels of activity are reasonably to be expected in any event, the proposal is considered to be acceptable.

In the above context, whilst it is undeniable that the nearest residential properties to the application site will experience a change to their outlook (from a surface level car park to a 5 floor MSCP), it remains simply a change to their outlook. Provided a proposal does not also result in an unacceptable direct impact upon the living conditions of existing residents, it is not the role of the planning system to protect private views.

As assessed, the proposed development will not result in any significant adverse impact upon the amenities of adjoining properties in terms of loss of sunlight, daylight, disturbance or loss of privacy. The proposal is therefore not considered to conflict with Core Policy 57 in this respect.

#### *Care accommodation proposed under 17/05828/FUL*

Immediately opposite the site planning permission has been granted for 140 extra care units. Development has not been commenced but the permission will remain extant until June 2021. The plans approved for this development take the form of 5 storey 'fingers' projecting from a central core towards the Sadlers Mead frontage, with intervening parking court and amenity space. At all floors, those 'fingers' present living room and bedroom windows and balconies towards the office element of the proposed development. There is no question that the future residents of the extra care development will have clear views of the proposed office and MSCP development and the applicant for the extra care development (known as C2DP) has indeed objected on the grounds of overshadowing and impacts upon amenity.

The application has been submitted complete with cross-sections so as to demonstrate the relationship between the future extra development and the office development. Proportionately similar (particularly in in height), the distance between the two buildings across the highway (ie. Sadlers Mead) would be some 16.5m at its closest point, increasing to approximately 35m distant (the bulk of the office being positioned at a point furthest away from the Sadlers Mead boundary). The MSCP element being even further removed from the Sadlers Mead frontage and the extra care development. In the context of an intervening highway and busy thoroughfare in an urban location (where non-residential activity is already prevalent), this relationship is considered to be reasonable and to not constitute an unacceptable imposition upon the reasonably expected amenities of those future residents. Whilst windows are proposed to the office development which will look directly at the extra care development, detrimental levels of overlooking are likely to be similarly mitigated by distance and office hours rendering a significantly reduced presence, when privacy with residential properties perhaps being more reasonably expected. South west facing, certain apartments will anticipate a degree of sunshine (albeit all of those apartments nonetheless have windows facing other directions), but due to the substantial distance between the buildings, it is not considered that the office will block sunlight to a degree that would conflict with policy CP57 of the WCS.

Contrary to the assertion of the representatives of C2DP, there is no reason to doubt the veracity or accuracy of the submitted information. Further, there is no sunlight/daylight test or technical policy standard set out within national policy or the WCS and the submission has allowed for a reasoned judgement to be reached in respect of the potential impacts likely to be experienced by future residents at the extra care facility as assessed against policy CP57 of the WCS. Whether the extra care development takes place or not (as is raised as a question/threat by the owner/developer) is of no significant consequence to the town or to achieving the Council's objectives for housing since a 5 year supply of housing land can be demonstrated and there is no mechanism within 17/05828/FUL which will ensure any of it will be secured for local housing need for the elderly.

## 10. Conclusion

In the context of its siting within Chippenham town centre, the proposal is considered to be a suitable redevelopment of the Sadlers Mead car park site for B1 office and new multi-storey car park would comply with the provisions of CP9 and CP34 of the Wiltshire Core Strategy as well as Saved Policy R2 of the North Wiltshire Local Plan 2011.

Subject to the imposition of appropriate planning conditions, the proposal will not have an unacceptable adverse impact upon the amenities of surrounding existing and future residential occupiers and is considered to provide for an appropriate vehicular and pedestrian access to the site as well as car parking spaces. The proposal is considered to accord with the provisions of Policies CP57, CP61, CP62, CP63 and CP64 of the Wiltshire Core Strategy as well as the principles set out within the NPPF.

The proposal will have a neutral impact on the historic built environment and will therefore not result in harm to the character and appearance of the conservation area, thereby complying with the requirements of current legislation and policy CP58 and the NPPF in respect of the historic environment.

It has been identified that the without appropriate mitigation the proposal will cause detriment to the Station Hill/New Road junction and therefore it should deliver the required mitigation at a level appropriate, fairly and reasonably related to make the development acceptable in planning terms. It is also concluded that the proposal should upgrade the Sustrans path NCN403 to shared cycle/pedestrian status. Both should take the form of a financial contribution and can be secured through s106 of The Town and Country Planning Act 1990 (as amended).

### RECOMMENDATION:

**That Planning permission should be APPROVED subject to the prior completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) to deliver the following infrastructure:**

- An indexed linked financial contribution of £125,000 towards the signalisation of New Road/Station Hill junction.
- An index linked financial contribution of £70,000 for upgrading the existing Monkton Park path, linking the existing shared use path east of the site to NCN 403 to a shared pedestrian/cycle path.

### And the imposition of the following conditions:

#### Limits of permission

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.

#### Construction phase

2. No development shall commence on site, until a Construction Method Plan, which shall include the following:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;

- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works
- h) measures for the protection of the natural environment (including measures to avoid impacts upon nesting birds, as recommended within the submitted Ecological Appraisal)
- i) hours of construction, including deliveries;

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

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

#### Highways and parking

3. Prior to first occupation of the office development, the existing Sadlers Mead northern vehicular access shall be permanently closed with the existing lowered roadside kerbs replaced by full height kerbs, and the footway resurfaced to suit the revised levels.

REASON: In the interests of highway safety.

4. No part of each of the respective elements of the development hereby permitted shall be first brought into use/occupied until the accesses, all turning areas and parking spaces for that respective element have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

#### Parking

5. The Multi-Storey Car-Park (MSCP) shall be brought into full public usage no later than 6 months of the date of the office development being first occupied. The MSCP shall be made available for continuous use thereafter.

REASON: So as to ensure that both elements of the development take place and that a suitable quantum of parking space at the site is not rendered unavailable.

6. In complete accordance with the outline strategy annexed to the submitted Planning Statement, no development shall take place until a detailed Car Park Displacement Strategy has been submitted to and agreed in writing by the Local Planning Authority. Such a detailed strategy shall include evidenced agreements with alternative car park providers to accept displaced vehicles for the relevant time period. The development and, in particular the construction phase, shall be carried out in complete accordance with the approved strategy.

REASON: In the interests of ensuring that construction of the development will not result in the disorganised disgorging of parking cars on the locality to the detriment of highway safety and traffic flow.

7. Each element of the development hereby permitted shall not be first brought into use, until all bicycle and motorcycle parking facilities shown on the approved plans and Security Measures assessment (SDLS-AHR-CP-XX-RP-A-A3-002) in relation to that element have been provided in full and made available for use thereafter. The bicycle and motorcycle parking facilities shall thereafter be retained for use for the parking of such in accordance with the approved details at all times.

REASON: To ensure that satisfactory facilities for the parking of motorcycles and bicycles are provided and to encourage travel by means other than the private car and to remain available for the parking of such thereafter.

#### Travel Plan

8. No development of the office building shall commence above ground floor slab level until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

#### Landscaping

9. All on site soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development; 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.

10. Prior to the first use of the Multi-Storey Car-Park hereby approved, details of mature planting to be planted off-site within Monkton Park shall have been submitted and approved in writing by the local planning authority. Details shall include planting species, location, size and an implementation programme for the planting. The planting shall be undertaken in complete accordance with the approved details prior within the first planting season following the first use of the Multi-Storey Car-Park. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory landscaped setting for the development, particularly views of the MSCP from Monkton Park.

#### Drainage

11. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. Neither element of the development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.



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

12. The office 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. The office development shall not 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.

#### Contaminated land

13. Prior to the commencement of each phase of development approved by this planning permission a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
  - a) A preliminary risk assessment which has identified:
    - all previous uses;
    - potential contaminants associated with those uses;
    - a conceptual model of the site indicating sources, pathways and receptors; and
    - potentially unacceptable risks arising from contamination at the site.
  - b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect controlled waters, comprising but not necessarily limited to the underlying aquifer units and nearby surface water features. To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework.

14. Prior to each phase of development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To protect controlled waters, comprising but not necessarily limited to the underlying aquifer units and nearby surface water features. To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework.

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To protect controlled waters, comprising but not necessarily limited to the underlying aquifer units and nearby surface water features. To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework.

16. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: To protect controlled waters, comprising but not necessarily limited to the underlying aquifer units and nearby surface water features. To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework.

17. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To protect controlled waters, comprising but not necessarily limited to the underlying aquifer units and nearby surface water features. To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework.

#### Noise

18. Prior to the commencement of building works of the office above ground floor level, full details of any internal and external plant equipment and trunking, including building services plant, ventilation and filtration equipment and commercial kitchen exhaust ducting / ventilation, shall have been submitted to and approved in writing by the Local Planning Authority. All flues, ducting and other equipment shall be installed in accordance with the approved details prior to the first use of the offices and shall thereafter be maintained in accordance with the manufacturer's instructions.

REASON: So as to protect the amenity and living conditions of existing and future residents from unacceptable levels of noise from new plant.

19. Prior to the commencement of building works of the office above ground floor level, an assessment of the acoustic impact arising from the operation of all internally and externally located plant shall have been undertaken in accordance with BS 4142: 2014 by a suitably qualified person. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to ensure the rating level of noise emitted from the proposed plant shall be less than background. The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: So as to protect the amenity and living conditions of existing and future residents from unacceptable levels of noise from new plant.

### Archaeology

20. No works shall commence on site until a watching brief for each element of the development has been arranged to be maintained during the course of the development. The watching brief shall be carried out in accordance with a written specification which shall have been first agreed in writing by the Local Planning Authority, by a professional archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority.

REASON: To safeguard the identification and recording of features of historic and/or archaeological interest associated with the fabric of the building.

### Security

21. Prior to the first use of the MSCP hereby permitted, all security and safety measures set out within the Sadlers Mead MSCP - Assessment for Security Measures document (reference: SDLS-AHR-CP-XX-RP-A-A3-002) shall have been implemented and made ready for operation. Those measures shall be operated, maintained and retained in that condition thereafter unless otherwise agreed in the form of a separate planning permission in that regard.

REASON: In the interests of securing a form of development that provides for the safest practicable environment for users and surrounding residents whilst simultaneously reducing the potential for anti-social behaviour.

### Permitted Development rights

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order) 2015 (or any Order revoking or re-enacting or amending this Orders with or without modification, the office development shall be used solely for purposes within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification) unless planning permission has been specifically granted following receipt of a planning application by the local planning authority.

REASON: The proposed use is acceptable but, in the context of an urban environment where factors relating to traffic movements, car parking and amenity would need to be carefully considered, the Local Planning Authority wish to reserve the right to insist upon the submission of a planning application.

### Approved plans and documents

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

SDLS-AHR-SS-ZZ-DR-A-90-051 P03 Existing Site Plan  
SDLS-AHR-SS-ZZ-DR-A-90-052 P06 Proposed Site Plan  
SDLS-AHR-SS-ZZ-DR-A-90-053 P01 Site Location Plan

SDLS-AHR-B1-00-DR-A-20-051 P03 Office - Ground Floor Plan  
SDLS-AHR-B1-01-DR-A-20-051 P03 Office - First Floor Plan  
SDLS-AHR-B1-02-DR-A-20-051 P03 Office - Second Floor Plan Planning  
SDLS-AHR-B1-03-DR-A-20-051 P03 Office - Third Floor Plan  
SDLS-AHR-B1-04-DR-A-20-051 P03 Office - Roof Plan  
SDLS-AHR-B1-ZZ-DR-A-20-151 P04 Office Elevations - Sheet 1  
SDLS-AHR-B1-ZZ-DR-A-20-152 P04 Office Elevations - Sheet 2

SDLS-AHR-B1-ZZ-DR-A-20-153 P04 Office Elevations - Sheet 3  
SDLS-AHR-B1-ZZ-DR-A-20-251 P03 Office Section - Sheet 1

SDLS-AHR-CP-00-DR-A-20-051 P08 Car Park - Ground Floor Plan  
SDLS-AHR-CP-01-DR-A-20-051 P07 Car Park - First Floor Plan  
SDLS-AHR-CP-02-DR-A-20-051 P07 Car Park - Second Floor Plan  
SDLS-AHR-CP-03-DR-A-20-051 P07 Car Park - Third Floor Plan  
SDLS-AHR-CP-04-DR-A-20-051 P07 Car Park - Fourth Floor Plan  
SDLS-AHR-CP-05-DR-A-20-051 P06 Car Park - Roof Plan  
SDLS-AHR-CP-ZZ-DR-A-20-151 P08 Car Park Elevations - Sheet 1  
SDLS-AHR-CP-ZZ-DR-A-20-152 P08 Car Park Elevations - Sheet 2  
SDLS-AHR-CP-ZZ-DR-A-20-251 P07 Car Park Section - Sheet 1

SDLS-AHR-SS-ZZ-DR-A-20-151 P06 Site Elevations - Sheet 1  
SDLS-AHR-SS-ZZ-DR-A-20-152 P07 Site Elevations - Sheet 2  
SDLS-AHR-SS-ZZ-DR-A-20-251 P07 Site Section - Sheet 1

70043049\_LA\_HW\_001\_P06 Landscape Hardworks  
70043049\_LA\_SW\_001\_P07 Landscape Softworks  
70043049\_LA\_GA\_001\_P06 Landscape General Arrangement  
70043049\_LA\_DE\_001\_P06 Boundary Treatment Plan  
70043049\_LA\_TP\_001\_P03 Vegetation Retention and Removal  
70043049\_LA\_GA\_002\_P06 Rendered Masterplan

Design and Access Statement SDLS-AHR-XX-XX-RP-A-A3-001 (dated 28/01/19)  
Planning statement (including Car Parking Displacement Strategy)(WYG, dated October 2018)  
Transport Statement (WSP, dated October 2018)  
Letter from God Energy regarding Travel Plan (dated 22/01/19)  
Workplace Travel Plan (WSP, dated October 2018)  
Sadlers Mead MSCP - Assessment for Security Measures SDLS-AHR-CP-XX-RP-A-A3-002  
Detailed Arboricultural Report (WSP – dated August 2018)  
Arboricultural Constraints Report (WSP, dated March 2018)  
Tree Constraints Plan 3090-TCP-EV-001 Rev.P01  
Heritage Assessment (Cotswold Archaeology, dated October 2018)  
Proposed Utilities Diversion Plan 3049-UT-002 rev.P04  
Energy Strategy (WSP, dated July 2018)  
External Lighting Layout Site Plan 1203PDC-MET-ZZ-00-DR-E-70\_80-0001 S2 P02  
Luminaire Specification (Relux, dated 17/08/18)  
External lighting Lux plot (Relux, dated 17/08/18)  
Preliminary Geo-Environmental and Geotechnical Risk Assessment (WSP, dated February 2018)  
Preliminary Ecological Appraisal (WSP, dated February 2018)

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

Informatives:

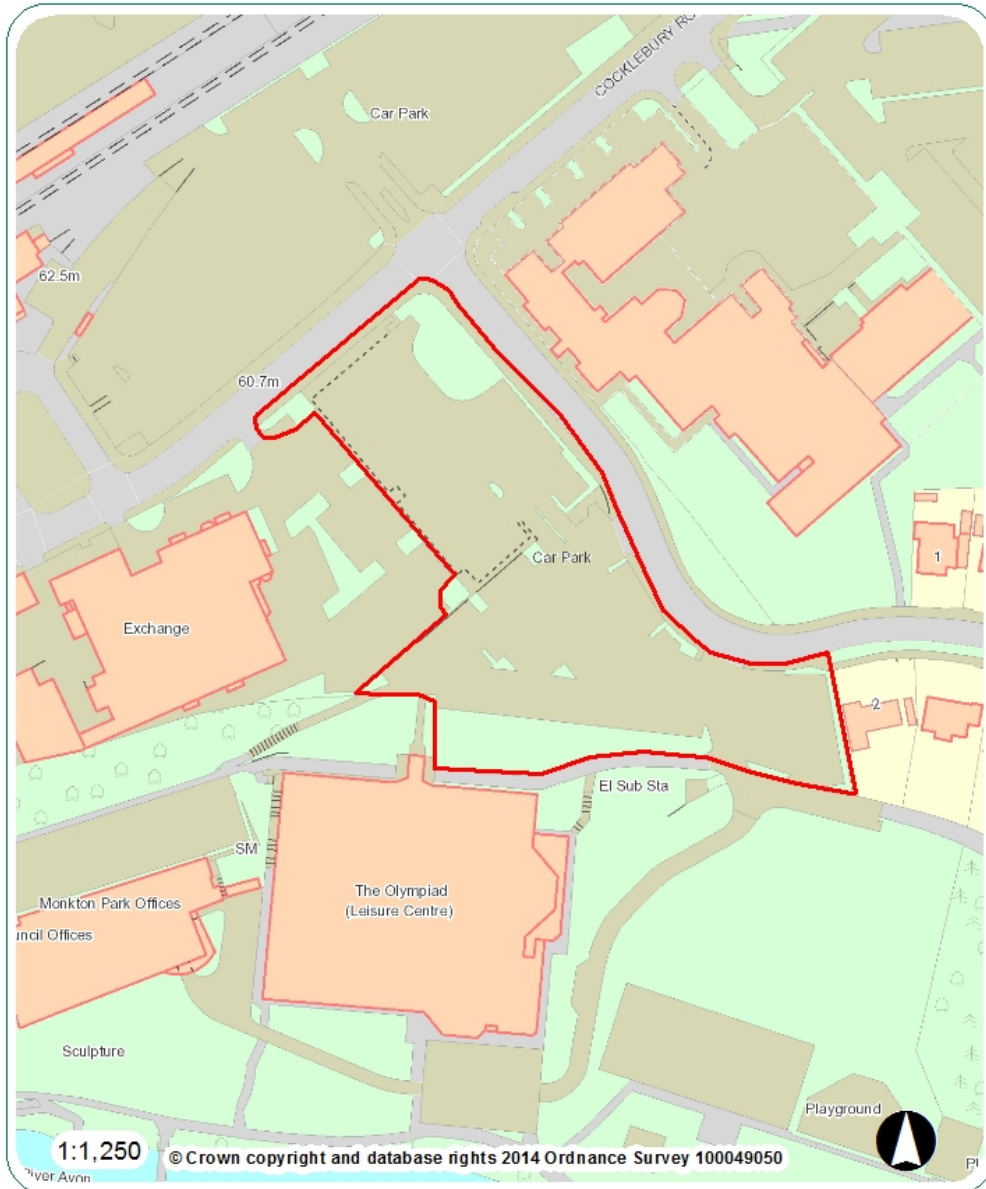
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [TO BE INSERTED].

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

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. You are advised to contact the Council's Public Rights of Way Officer.

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## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	20 March 2019
<b>Application Number</b>	18/08571/FUL
<b>Site Address</b>	Land West of Bushton Road, Hilmarton, Calne, SN11 8TA
<b>Proposal</b>	Change of use of land to use as a residential caravan site for one gypsy family with 5 caravans, including no more than one static caravan/mobile home, together with laying of hardstanding, improvement of access and, erection of ancillary amenity building.
<b>Applicant</b>	Mr John Johnson
<b>Town/Parish Council</b>	Hilmarton
<b>Electoral Division</b>	Hilmarton – Cllr C. Crisp
<b>Grid Ref</b>	407576-180199
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Paul Galpin

### Reason for the application being considered by Committee

The reason that this application is brought before the Strategic Committee and not the Area committee is that the Inspector, when reporting on the Wiltshire Core Strategy, expressed concern about whether the Council's approach towards gypsies and travellers was consistent with national policy. National policy requires Council's to plan positively for traveller sites. In its response to the Inspector's concerns, the Council has committed to considering planning applications for new traveller sites as a strategic issue rather than a local issue. This proposal would increase the number of pitches available for travellers and is therefore before the Strategic Committee.

The application was called to committee as there are concerns, relating to visual impact on surrounding area and environmental / highway impact.

### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposals against the policies of the development plan and other material considerations and to consider the recommendation that planning permission should be **GRANTED** subject to conditions.

### 2. Report Summary

The key issues in considering the applications are as follows:

- Principle of the development.
- Impact on character and appearance of the area.
- Sustainability
- Highway Safety

Hilmarton Parish Council object to the proposed development. Four letters of objection have been received.

### **3. The Proposal**

The proposal is for the change of use of land to use of land as a residential caravan site for one gypsy family, including no more than one static caravan, an amenity building and touring caravans. The proposal is partially retrospective, with some aspects of the development having already been carried out, most notably: installation of hard-core surfaces and the erection of close boarded fences inside the site boundaries. A static mobile caravan was in place during the Officer's site visit. There are other items associated with this use and works now at the site.

### **4. Site Description**

The application site sits adjacent to Bushton Road and has long been separated from adjacent fields. It may have been used informally as a nursery (horticulture) in the past, but more recently has been largely overgrown and enclosed by hedges. A vehicle access to the site has been created by removing part of the roadside hedge. The boundaries of the site are defined by hedgerows and mature trees, with the western boundary marked by timber feather edged fencing. The site is in the countryside outside the limits of any defined settlement.

Bushton Road is a rural lane (wide enough for two cars to pass) with grass verges which provides a link in the highway network between Bushton and Hilmarton.

### **5. Planning History**

N/90/01899/SEC - Change of use from agricultural to horticultural use – Did not require planning permission.

A Temporary Stop Notice (TSS) was served on the site in September 2018 when the unauthorised works were brought to the Council's attention. This would have expired in early October, so to protect the Council's position, an Enforcement Notice was served in October, requiring the use to cease. This has currently been appealed. If planning permission is granted, the Enforcement Notice is effectively terminated and the terms of the planning permission will govern the use of the site.

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

Wiltshire Core Strategy (WCS) Jan 2015:

Core Policy 1- Settlement Strategy

Core Policy 2- Delivery Strategy

Core Policy 47- Meeting the Needs of Gypsies and Travellers

Core Policy 50- Biodiversity and Geodiversity

Core Policy 51- Landscape

Core Policy 57- Ensuring high quality design and place shaping

Core Policy 61- Transport and Development

Core Policy 62 - Development impacts on the transport network

Core Policy 64 - Demand Management

Appendix D, E and G.

Saved Policies of the North Wiltshire Local Plan:

NE18- Noise and Pollution

H4 – Residential Development in the Open Countryside

National Planning Policy Framework 2019 (NPPF)

Planning Policy for Traveller Sites (PPTS)

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

Hilmarton Parish Council: 24/09/18: Objection. Comments repeated verbatim below:

*Hilmarton Parish Council strongly object to the above planning application.*

*“Firstly the application should be registered as a retrospective application as the majority of work had been carried out before an application was even submitted.*

*Secondly this is another example of unlawful development in this area and unless the Planning and Enforcement Teams act promptly to stop this kind of development a precedent will be set and more unlawful developments like these are likely to occur.*

*There are policies in place in the Wiltshire Development plan written in order to protect the living conditions of nearby residents and/or the rural character of the area. This development simply does not comply with these policies.*

*We would urge Wiltshire Council to pursue the blatant lack of respect for planning law that has been demonstrated regarding this application and the blatant disregard of the Temporary Stop Notice issued to this site after work had begun. Wiltshire Council should refuse this application in order to protect our rural countryside.*

*Hilmarton Parish Council strongly supports the written submissions by Mr Keith Roberts, together with many other objectors who feel too intimidated to provide their personal details.”*

Wiltshire Council Highways - No objection. The location of the access is not considered to be of detriment to the existing highway as it is directly next to an existing field access previously used by the Garden Nursery.

The site is located such that required visibility splays would be within the highway boundary. The existing hedgerow may infringe on this and is required to be maintained in order to achieve a suitable splay. Turning space on site should be such that any vehicle accessing the site can enter and leave through the access in a forward gear.

Wiltshire Council Landscape Officer: The site is not contained within a protected landscape and is reasonably well contained by the retained perimeter hedgerows, and riparian vegetation lining the perimeter ditch/watercourse and by some larger field side hedgerow trees to the west. This provides some existing and mature landscape structure for the new development to attach itself with from the wider landscape. The opportunity for the public to view the proposed new development is likely to be limited and restricted to short range views from Bushton Road, where road users will experience a slight change in the view of new entrance gates and fenced entrance splays, views of the upper parts of new development over the perimeter hedgerows and views of the new roadside fence through the roadside hedgerow (during winter months). Other visual effects will include a new source of light spill into countryside at night. There is a dense public right of way network within the local area, but footpath and bridleway users are unlikely to experience particularly adverse effects arising from this development due to the screening and filtering of new development by existing mature perimeter site vegetation. The proposal is

considered likely to result in adverse localised landscape and visual effects which are judged to be permanent and minor in nature.

Wiltshire Council Public Protection: - No objection:

Wiltshire Council Drainage: - No objection, subject to conditions.

Wiltshire Council Spatial Planning: – The Core Strategy pitch requirements for the North and West Housing Market Area for 2016-21 have been met entirely through permissions; and also the pitch requirement in the 2014-19 GTAA period. PPTS states that criteria based policies should guide proposals where there is no overall need but proposals nevertheless come forward.

County Archaeologist: – No comment.

Arboricultural Officer: No objection, – As the area is not located within a Conservation Area and the trees are not protected by a TPO, the Council would have no powers to take action against this clearing of the site.

## **8. Publicity**

The application was advertised by neighbour letter, press notice (18/09/18) and site notice. Four letters of objection were received, in summary raising the following issues:

- Rural / isolated Countryside location
- Distance to services/ public transport issues
- Retrospective / site not vacant / planning enforcement issues
- Outside development framework / Not policy compliant
- Large gates/ lighting/ hard-core / out of character / unsightly
- Tree / vegetation / removal /
- Pedestrian safety issues
- Ecology issues
- Drainage issues
- Adjacent to floodplain / Why Environment agency not consulted
- Site does not have electricity / generators.
- No evidence that applicant are gypsies
- Issues with vacant / nursery previous use
- Cumulative development issues in area / precedent
- Site overdeveloped

## **9. Planning Considerations**

### 9.1 Principle of Development

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the area.

The National Planning Policy Framework (NPPF, 2019), Planning Practice Guidance (PPG) and Planning Policy for Traveller Sites (PPTS, 2015) are material considerations which can be accorded substantial weight.

The Council has decided not to continue work on a separate Gypsy and Traveller Development Plan Document. Instead, the work being undertaken as part of the Wiltshire Local Plan review is to incorporate the work previously proposed as part of the Gypsy and Traveller DPD. The Wiltshire Local Plan Review process will take forward the outcomes of the consultation on the scope of the Gypsy and Traveller DPD and evidence prepared. The purpose of the review will include the assessment of the future levels of need for new Gypsy and Traveller accommodation.

As is noted within the comments of the Council's Spatial Planning team, the Core Strategy pitch requirements for the North and West Housing Market Area for 2016-21 have been met entirely through permissions. However, Policy 47 of the WCS sets no upper limit for pitches; instead requiring individual planning applications for such to be assessed against criteria.

### 9.2 Status of the Applicant

The applicant's Agent has confirmed in writing that the applicant and their family satisfy the definition of a gypsy or traveller as set out in Annex 1 the PPTS. The Council has no other evidence to contradict the statement as presented and members of the public, in their representations support the agent's statement that the applicant satisfies the definition of a gypsy or traveller. In the event of permission being granted, it would be relevant and reasonable to impose a planning condition restricting occupancy for such persons in perpetuity.

### 9.3 Assessment of need for pitches

Representations have been received suggesting that there is no need for additional Gypsy and Traveller accommodation in Wiltshire.

The WCS explains that "*provision should be made to help meet the accommodation needs of all of Wiltshire's communities, including the Gypsy and Traveller community and travelling showpeople, who normally reside in or travel through the county*". The National Planning Policy Framework (2019) and 'Planning Policy for Travellers Sites' (2015) include the general principle of aligning planning policy on traveller sites. Core Policy 47 reflects this approach as it identifies a requirement for new pitches for the period until 2021.

The Planning Policy for Traveller Sites (PPTS) Policy H requires LPAs to assess applications for travellers against set national criteria. Criteria b) of paragraph 24 of this policy requires Local Planning authorities to assess the availability (or lack) of alternative accommodation for applicants. PPTS (2015) also provides in paragraph 10 that authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets. However the Core Strategy Inspector advised that the WCS numbers should be treated as a minimum in the absence of a DPD.

The Council's latest position for the North and West Housing Market Area (HMA) is that for the period December 2016- December 2021, an additional 22 pitches are required. This is set out in Core Strategy Core Policy 47 (CP47). The Council's monitoring data shows that as of September 2018, this need has been met. As referenced in section 8.1 above, CP47 sets no upper limit for new Gypsy and Traveller pitches.

National planning policy enshrined in Planning Policy for Traveller Sites (PPTS) at paragraph 11 is clear that where there is no identified need, proposals should be assessed against locational

criteria where sites come forward nevertheless. These criteria are set out in policy CP47 of the Wiltshire Core Strategy and this is considered in the sections below.

#### 9.4 Wiltshire Core Strategy Policy 47

This states that Proposals for new Gypsy and Traveller pitches or Travelling Showpeople plots/yards will only be granted where there is no conflict with other planning policies and where no barrier to development exists. New development should be situated in sustainable locations, with preference generally given to previously developed land or a vacant or derelict site in need of renewal. Where proposals satisfy the general criteria i-ix applications will be considered favourably:

- i. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable*
- ii. The site is served by a safe and convenient vehicular and pedestrian access.*
- iii. The site can be properly serviced and is supplied with essential services*
- iv. The site is large enough to provide adequate vehicle parking*
- v. It is located in or near to existing settlements within reasonable distance of a range of local services and community facilities.*
- vi. The site will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties*
- vii. The site offers adequate levels of privacy*
- viii. The development is of an appropriate scale with regards to the character of its surroundings*
- ix. The site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology*

The specific criteria are considered in detail below:

##### *Drainage & Stability (i)*

Concerns have been raised by local residents in relation to foul and surface water disposal. The site is located entirely within Flood Zone 1, where flooding is regarded (and defined) as being a low probability. There has been no objection from the council land drainage engineer and, whilst the concerns of local residents are acknowledged, there is considered to be no evidenced reason why the proposal would conflict with criterion (i).

Although referenced as being via septic tank and soakaway respectively, the exact specification of the intended means of foul water and surface water drainage have not been provided within the application but, in the context of a low probability of flooding and non-objection by the Council's Drainage Engineer, it is considered reasonable to leave such details to be agreed via the imposition of a suitably worded planning condition.

##### *Access and Highways (ii & iv)*

The access to the site is via single carriageway country lane (C-class road). Additional vehicle movements generated by this application would not result in any adverse impact on highway safety. Consequently no highway objection has been raised by the Council's Highway Engineer.

Criterion (iv) requires that the site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas. The Highway Officer has confirmed the site provides sufficient space and facility for onsite vehicle parking and manoeuvring for residential purposes.



Paragraph 109 in the NPPF (2019) 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. There is no evidence that the proposal would cause such an adverse impact.

### Essential Services (iii)

The applicant has confirmed that the site is serviced by mains water and would be connected to a mains electricity supply. A mobile phone could be used for both telephone and internet connection. A foul sewage treatment unit (septic tank) and soakaway would be provided for surfaced water and will be conditioned. The site can therefore be properly serviced and supplied with essential services. The proposal is therefore considered to be in accordance with criteria (iii).

### Sustainability (v)

It is important to note CP 47 does not require new Gypsy and Traveller development to be located within the limits of development, but to be located in or near to existing settlements within reasonable distance of a range of local services and community facilities.

The site is located in open countryside in planning terms. Hilmarton is classified as a Small Village in the WCS, it is approximately 1.5 km away and has a primary school. It further provides basic facilities such as church, village hall and pub. The site is located approximately 2.2km from the nearest bus stop, which is the A3102 Hilmarton Highway Turn. This is a strategic bus route (service 55), providing regular services to Swindon and Calne. However, there is no pavement for the link to Hilmarton and there is no streetlighting.

Lyneham is located approximately 5.9km (6 mins drive - AA), this is classified as a Large Village in the WCS with a more extensive range of services and facilities in comparison to Hilmarton. Calne is located approximately 7.6 km (9mins drive - AA) to the south-west and is classified as a Market Town and provides an extensive range of key facilities in addition including surgeries and secondary school.

The principle of siting Gypsy and Traveller developments outside the defined limits of development is accepted and well established with the PPTS. Policy C, paragraph 14 of the PPTS makes it clear that traveller sites in the countryside may be permissible subject to their scale and ensuring that they do not dominate the nearest settled community. In this case, the site does not dominate due to the small scale of the proposal.

Considering all factors relating to the sites location and accessibility, it is concluded that the application site can be said to be within a reasonable distance of a range of local services and community facilities, thereby complying with policy CP 47.

### Impact on the character and appearance of the locality (vi & viii)

The site is self-contained, with established boundary planting and mature trees providing screening around the perimeter of the site, together with the hedgerow on the Bushton Road frontage. This is considered to provide some site screening and mitigation of the visual impact of development.

The Council's Landscape Officer concludes that the development has a localized minor adverse impact. This assessment is considered to be accurate, as the structures associated with the use are only visible from close at hand, and mainly at the site access and when traveling south along the road.

In view of the minor and localized impact identified by the Council's Landscape Officer, and the lack of any landscape policy designation, it is not considered that the visual impacts are of significant harm to the local area and that the proposal does not conflict either with the criteria in CP47 nor policies CP51 or CP57 of the Wiltshire Core Strategy.

#### Impact on Residential Amenities (vii)

The site of the proposed development is isolated from other residential properties, such that there is no adverse impact on the reasonable amenities of any nearby dwellings.

#### River Quality, Biodiversity or Archaeology (ix)

The site is not located within an archaeologically sensitive area and no concerns are raised in relation to the development in relation to this matter.

The site is not designated for any ecological, habitat or nature conservation purposes. Whilst it is evident that some trees and vegetation have been cleared at the site none of the trees were protected. Any additional planting required can be secured through a planning condition.

#### 9.5 Other matters

Some local residents have raised concerns as the submission is partly retrospective. They are of the view that permission should be refused for this reason. The concerns expressed by local residents are noted, however, it is not an offence to carry out development without first obtaining planning permission. This is confirmed within the Town and Country Planning Act. Section 73A of the Act specifically provides that a grant of planning permission may relate to development carried out before the date of the application.

### **10. Conclusion**

In the absence of any policies in the development plan allocating sites for gypsy and traveller use, the Council has to consider any applications against the criteria set out in CP47.

The proposal has been assessed against these criteria and found to be in accordance with the criteria set out. The site is not in any protected landscape or ecological area and any visual impact is limited by the existing perimeter hedgerows and vegetation. The site is unusually self-contained and limited in size but is adequate for a single family. There are no highway objections and whilst the site is in the countryside, it is not remote from existing settlements.

The proposal is therefore considered to be in accordance with both local and national Planning policies in relation to the provision of gypsy and traveller sites.

#### **RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
Site Layout Plan (1:500), Received 7 September 2018.  
Location Plan, Land West of Bushton Road, Received 7 September 2018.  
Plans of Amenity Building, Front Elevation (1:50), Received 7 September 2018.  
Plans of Amenity Building, Rear Elevation (1:50), Received 7 September 2018.

Plans of Amenity Building, Side Elevation (window) (1:50), Received 7 September 2018.

Plans of Amenity Building, Side Elevation (1:50), Received 7 September 2018.

Plans of Amenity Building, Proposed Day Room (1:50), Received 7 September 2018.

Design and Access Statement, Received 7 September 2018.

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

- 2 Before development commences above ground floor slab level of the day room, details of the proposed materials to be used for the external walls and roof of the building shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the use of appropriate materials in the interests of protecting the appearance of the area.

- 3 The site shall not be occupied by persons other than gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites, August 2015.

REASON: Planning permission has only been granted on the basis of the site meeting the criteria set out in WCS policy CP47 for gypsy and traveller sites.

- 4 Occupation and use of the day room, static mobile home and touring caravans hereby permitted for this single pitch shall be limited solely to close family members of the occupants of this pitch. Close family members defined as dependents, sons, daughters and grandchildren.

REASON: The site is only suitable in size for a single pitch.

- 5 There shall be no more than one static mobile home and one amenity building on the application site in accordance with the Site Layout Plan (1:500), received 7 September 2018.

REASON: In the interests of visual amenity and the amenity of occupants of the site.

- 6 No more than one (1) commercial vehicle shall be kept on the site for use by the occupiers of the individual pitch hereby permitted, and such vehicle shall not exceed 3.5 tonnes in weight and no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of amenity, highway safety and the character of the countryside.

- 7 The use hereby permitted shall cease and any caravans shall be removed from the site within 56 days of the date of failure to meet any one of the requirements set out in i) – iv) below:

i) Within 2 months of the date of this decision the following details relating to the construction of the development hereby permitted shall have been submitted for the written approval of the Local Planning Authority:

a. full and complete details of the intended scheme for the disposal of sewerage from the site;

b. full and complete details of the intended scheme for the discharge of surface water from the site;

c. details of a proposed landscaping scheme for the site, including areas where extant planting is to be retained and where new planting is proposed.

ii) Within two months of the date of this decision, to provide the access and turning facilities in accordance with the submitted site layout plan, (including the surfacing of the proposed access as shown on the site layout plan)

(iii) If within 5 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iiiv) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

The development shall be carried out in accordance with the details to be approved in accordance with the requirements of this condition.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 8 All new planting required as part of the landscaping scheme shall be carried out by 31<sup>st</sup> December 2019. 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, including extant planting shown on the proposed landscaping scheme to be retained, which within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

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



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