

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham, SN15 1ER
Date: Wednesday 4 September 2019
Time: 3.00 pm

Please direct any enquiries on this Agenda to Craig Player, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713191 or email craig.player@wiltshire.gov.uk

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Membership:

Cllr Tony Trotman (Chairman)	Cllr Mollie Groom
Cllr Peter Hutton (Vice-Chairman)	Cllr Chris Hurst
Cllr Chuck Berry	Cllr Toby Sturgis
Cllr Christine Crisp	Cllr Brian Mathew
Cllr Gavin Grant	Cllr Ashley O'Neill
Cllr Howard Greenman	

Substitutes:

Cllr Ben Anderson	Cllr Jacqui Lay
Cllr Bill Douglas	Cllr Melody Thompson
Cllr Ruth Hopkinson	Cllr Nick Murry
Cllr Bob Jones MBE	Cllr Philip Whalley

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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 7 - 16*)

To approve and sign as a correct record the minutes of the meeting held on 07 August 2019.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 2.50pm 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 28 August 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 30 August 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 **Planning Appeals and Updates** *(Pages 17 - 18)*

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

7 **Planning Applications**

To consider and determine the following planning applications:

7a **19/02713/LBC - Merchant House, Royal Wotton Bassett** *(Pages 19 - 30)*

7b **19/05387/FUL - Lower Odd Farm, Crudwell** *(Pages 31 - 46)*

7c **19/03152/OUT - Peacock Grove, Corsham** *(Pages 47 - 70)*

7d **18/08362/DP3 - Lea & Garsdon Primary School, Malmesbury**
(Pages 71 - 92)

8 **Urgent Items**

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

Part II

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

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 7 AUGUST 2019 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice-Chairman), Cllr Chuck Berry, Cllr Christine Crisp, Cllr Gavin Grant, Cllr Howard Greenman, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Toby Sturgis, Cllr Brian Mathew and Cllr Philip Whalley (Substitute)

51 **Apologies**

Apologies were received from Cllr Ashley O'Neill.

Cllr Ashley O'Neill was substituted by Cllr Philip Whalley.

52 **Minutes of the Previous Meeting**

The minutes of the meeting held on 10 July 2019 were presented.

Resolved:

To approve as a true and correct record and sign the minutes.

53 **Declarations of Interest**

Cllr Peter Hutton declared an interest in agenda item no. 7a (Chairman of Local Youth Network which has had regular updates on proposal). He declared he would participate in the debate and vote for each item with an open mind.

Cllr Christine Crisp also declared an interest in agenda item no. 7a (former representative of Chippenham Borough Lands Charity). She declared she would participate in the debate and vote for each item with an open mind.

54 **Chairman's Announcements**

There were no Chairman's announcements.

55 **Public Participation**

The Committee noted the rules on public participation.

56 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

57 **Planning Applications**

The Committee considered the following application:

58 **18.11596.FUL - Land adjoining Wessex Water, Westmead Lane, Chippenham, SN15 3HZ**

Public participation

Zoe Alderman, local resident, spoke in support to the application.

Isaac Deberker, local resident, spoke in support to the application.

Jim Cook, on behalf of the applicant, spoke in support to the application.

Robert Elkins, the agent, spoke in support to the application.

The Planning Officer, Charmian Eyre-Walker, introduced a report which recommended granting planning permission, subject to conditions, for a climbing centre and skate park with associated landscaping and the development of the Westmead recreation ground and open space.

Key issues highlighted included: principle of development; impact on flooding/flood storage capacity; drainage; impact on Chippenham Conservation Area; access and parking/impact on highways; design and impact on visual residential amenity; ecology; noise and lighting.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: the maintenance of the community engagement of the applicant; sustainable construction techniques; the design of the railings and fencing and external lighting concerns.

The Planning Officer addressed some of the questions raised by the Committee.

Members of the public then had the opportunity to address the Committee, as detailed above.

Cllr Peter Hutton, on behalf of the Division Member, spoke regarding the application with the main points focusing on the length of the application process; community engagement with the project and its value as a community asset.

At the start of the debate a proposal was moved by Cllr Peter Hutton, seconded by Cllr Gavin Grant, to grant planning permission as detailed in the report and subject to additional conditions regarding external lighting, community

engagement, the impact of flood water compensation on the adjacent trees and of visual amenity, sustainable construction techniques and the character and appearance of the area as detailed below.

During the debate the main points raised were: sustainable construction techniques; external lighting concerns; the impact on flooding/flood storage capacity and the design of all railings, fences, gates, walls, bollards and other means of enclosure.

Resolved

That planning permission is approved 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. No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 3. All soft landscaping comprised in the approved details of landscaping (shown on plan dwg. no. 493/PL/18 rev: A) 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.

- 4. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:**

Plans:

**Site location plan
237 - P401 Proposed Site Plan.pdf
237 - S501 Civil Detail.pdf
237-P702 Visual.pdf
237-P701 Visual.pdf
Bike shelter plans
Bins store plans
Example BBQ plans
Proposed Elevations 1 493/PL/13
Proposed Elevations 2 493/PL/14
Proposed sectional elevations 493/PL/15
Proposed activity zone site plan
Ground Floor Plan 493/PL/8
1st Floor Plan 493/PL/9**

all submitted 30/11/2018

**Site in Context Plan 493/PL/35 received 23/07/2019
Landscaping Plan 493/PA/18A received 19/02/19**

Reports :

Acoustic -

**Updated report - 30/05/19 Ref - 7412 Westmead Climb and Skate Park
RevD.pdf
Further comments received 13/02/19 and 18/06/19**

Transport -

**Updated statement and travel plan submitted 17/06/19 - Ref - Wmd Hub
TS v3-3A**

Drainage -

**FRA - 08/02/19 - Ref 657-RO1-2 Westmead
Sustainable drainage - 06/02/19 -657-D03-B Sustainable Drainage
Strategy-A1.pdf
Comments to Richard Williams - 22/02/19
Updated Sequential Test - 20/02/19
Update Exception test issued 13/03/2019 - 657-R02-1 Westmead Hub
Phase 1 Exception Test[1].pdf**

Soil Investigation - (PART 1 - 5) - 30/11/19

Site Waste Audit - 30/11/19

Urban design -

Landscape and visual impact assessment - 30/11/18

Statement of Community Involvement - 30/11/18

Design and Access Rev B - 20/02/19

Arb Statement - 18/01/19

Archaeological - 30/11/18

Westmead Playing Fields Assessment PART 1&2.pdf

J765 Westmead Playing Fields mag survey report.pdf

J765 Westmead Playing Fields geophysics WSI.pdf

Archeological statement - Mike Stone.pdf

Ecology - 30/11/18

**EEL120R171222SP Westmead Hub Extended Phase 1 Survey Report
CIC v1.0.pdf**

EEL120 - Areas to avoid for bats.pdf

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

- 5. The use of the outdoor climbing wall and skate park hereby permitted shall only take place between the hours of 08:00 time in the morning and 20:00 in the evening on any day.**

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

- 6. No development shall commence on site until:**

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is

undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

7. The development shall be carried out in complete accordance with the Arboricultural Method Statement and Tree Protection Plan received on 18th January 2019. Any changes necessary as a result of addressing the requirements of condition 10 shall have been submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of the development hereby granted planning permission.

REASON: To protect the trees on site, including those trees adjacent to the proposed area of flood water compensation.

8. No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored, and no machinery shall be stored, within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

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

9. Prior to the commencement of the development hereby permitted, details of the biodiversity enhancement as set out in Section 5 of the ecology report, together with details of management of the river corridor, shall be submitted to and approved in writing by, the Local Planning Authority. The enhancements and management shall be carried out as set out in the approved documents.

REASON: To protect and enhance the biodiversity of the area.

10. No development shall commence on site until a detailed scheme for the flood risk amelioration and defences, as proposed in the FRA, has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include full and complete details of the proposed area of flood water compensation and its relationship with the surrounding trees. The development shall be carried out in complete accordance with the details so agreed prior to the first use of any part of the permitted facility.

REASON: To ensure that the development can be adequately defended against flood risk and, in particular, so as to ensure the area of flood water compensation is of a suitable design, appearance and does not adversely impact upon the adjacent trees in this sensitive part of the Conservation Area.

11. Prior to the construction of any element of the outdoor play/recreation areas, notwithstanding the approved plans, details of them shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the permitted plans.

REASON: To define the permission.

12. Prior to the first use of the Climbing facility or cafe hereby permitted, details of a robust flood evacuation procedure together with situations where it would be deployed and means of temporary closure of the facility, shall be submitted to and approved in writing by, the Local Planning Authority.

REASON: To protect users of the facility.

13. Noise from skate park activity (LAeq 60min) Shall not exceed the prevailing Background level (LA90) as measured at the boundary of the nearest sensitive dwelling.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

14. 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 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, 2011)", 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

15. No development shall commence on site above ground floor slab level until full and complete details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into first use.

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

16. No development shall commence on site above ground floor slab level until details of intended measures for sustainable construction techniques as well as water and energy efficiency measures to be incorporated into the development have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the details and measures so agreed.

REASON: In the interests of securing sustainable construction techniques and measures for water efficiency within the development.

17. The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;**
- ii. A description of management responsibilities;**
- iii. A description of the construction programme;**
- iv. Site working hours and a named person for residents to contact;**
- v. Detailed Site logistics arrangements;**
- vi. Details regarding parking, deliveries, and storage;**
- vii. Details regarding dust mitigation;**
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and**
- ix. Communication procedures with the LPA and local community regarding key construction issues - newsletters, fliers etc.**
- x. measures to protect the river corridor and protected species protection measures including In relation to nesting birds, during the clearance and construction phases.**

There shall be no burning undertaken on site at any time.

REASON: To protect the local amenity from any adverse effects of noise, dust, smoke and odour.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and

the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the 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.

INFORMATIVE TO APPLICANT:

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

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

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

Due to the facilities and activities being brought to the town by the development, it is requested that the developer and/or operator engage with the Chippenham Town Council so as to ensure the development presents and maintains the greatest potential enhancement to the town and its community whilst minimising the potential for unsociable behaviour to occur at the site.

59 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.00 pm)

The Officer who has produced these minutes is Craig Player of Democratic Services, direct line 01225 713191, e-mail craig.player@wiltshire.gov.uk

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

**Wiltshire Council
Northern Area Planning Committee
4th September 2019**

Planning Appeals Received between 26/07/2019 and 23/08/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
18/09251/FUL	Hangar 88, Hullavington Chippenham, Wiltshire SN14 6GU	ST PAUL MALMESBURY WITHOUT	Retention of static food van.	DEL	Written Representations	REFUSE	31/07/2019	No
18/10261/FUL	Ravenscourt, Crudwell Wiltshire, SN16 9ER	CRUDWELL	Alterations to parking hardstanding	DEL	Written Representations	REFUSE	29/07/2019	No
19/00733/FUL	36 High Street Royal Wootton Bassett SN4 7AF	ROYAL WOOTTON BASSETT	Removal of the red secure panel and full surround, the reinstatement of clear glazing and retention of the ATM with a small non illuminated bespoke surround.	DEL	Written Representations	REFUSE	31/07/2019	No
19/00831/LBC	36 High Street Royal Wootton Bassett SN4 7AF	ROYAL WOOTTON BASSETT	Removal of the red secure panel and full surround, the reinstatement of clear glazing and retention of the ATM with a small non illuminated bespoke surround.	DEL	Written Representations	REFUSE	31/07/2019	No
19/04127/PNCOU	Barn A Ballickacre Farm Cricklade, Wiltshire SN6 6HZ	CRICKLADE	Prior Approval of Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), and for Associated Operational Development	DEL	Written Representations	REFUSE	31/07/2019	No

Planning Appeals Decided between 26/07/2019 and 23/08/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
18/10650/FUL	Land At St Johns Street, Malmesbury SN16 9BW	MALMESBURY	Conversion of existing allotments into parking and associated works including the erection of external lighting.	DEL	Written Reps	REFUSE	Dismissed	01/08/2019	None

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	04 September 2019
Application Number	19/02713/LBC
Site Address	Merchant House 34 High Street Royal Wootton Bassett SN4 7AF
Proposal	Replacement of UPVC windows, replacement of damaged lintels and rebuilding of front wall above windows
Applicant	Mr Johnathan Bourne on behalf of Royal Wotton Bassett Town Council
Town/Parish Council	ROYAL WOOTTON BASSETT
Electoral Division	Wootton Bassett South– Cllr Hurst
Grid Ref	406728 182586
Type of application	Listed Building Consent
Case Officer	Caroline Ridgwell

1. Reason for the application being considered by Committee

The application has been called to committee at the request of Cllr Hurst so the committee can consider the design details.

2. Purpose of Report

The purpose of the report is to assess the details of the works against national policies in the Planning Act, NPPF, BS7913 and other material considerations and to consider the recommendation that listed building consent should be **REFUSED**.

3. Main Issues

0 representations of objections from neighbours were received and 0 representations of support. Royal Wootton Bassett Town Council Planning committee has no objections to the proposals.

The key issues in considering the application are as follows:

- Principle of the works.
- Impact on significance of the heritage asset.
- Impact on the setting of the heritage assets

4. Site Description

Merchant House, 34 High Street, Royal Wootton Bassett is a grade II listed building in the middle of the town, dating from the early C19. It was first listed on 17 January 1955 and described as "*House, now shop. Early C19. Stone slate roof, Welsh slate rear pitch. Stone*

gable and rear wing 2 storey. Symmetrical facade, recent ground floor shop windows and central door. Brick quoins. Flat brick arches over timber windows to first floor. Brick dentilled eaves.” And forms a group with numbers 35 and 36 High Street. The ground floor on the high street accommodates two shops, the first floor is flats and the rear wings are offices. The building has had some unfortunate modern interventions, including uPVC windows on the first floor of the front elevation, misaligned and inadequate grey uPVC rainwater goods and a failing felt and bitumen flat roof to name but a few. The building has now been purchased by the town council who are keen to enhance this designated heritage asset and ensure the long-term future of the building.

The house is centrally located within Royal Wootton Bassett town, is adjacent to and in close proximity to several listed buildings. The site is within a Conservation Area.

5. Planning History

N/87/02358/LBC	ALTERATIONS TO LISTED BUILDING(INSTALL SHOP WINDOWS ON THE WEST WALL) - APPROVED
N/93/00233/ADC	NON-ILLUMINATED DIRECTION SIGN DIRECTIONAL SIGN – REFUSED
N/95/01946/LBC	SINGLE STOREY REAR EXTENSION/ NEW WINDOWS & DOORS TO SIDE ELEVATION/BUILD UP INTERNAL OPENING/GENERAL REFURBISHMENT & REPAIRS & REMOVE STAIRCASE EXTENSION/WINDOWS AND DOORS – APPROVED
N/95/01945/FUL	REAR EXTENSION AND NEW WINDOWSAND DOORS TO SIDE ELEVATION EXTENSION/WINDOWS AND DOORS – APPROVED
N/98/01883/LBC	INTERNAL & EXTERNAL ALTERATIONS INTERNAL/EXTERNAL ALTERATIONS - PERMISSION
N/98/01882/FUL	CHANGE OF USE (UNIT 3 GROUND FLOOR TO A2 ESTATE AGENT) AND TWO FIRST FLOOR ROOMS TO OFFICE PLUS EXTERNAL ALTERATIONS USE AS OFFICES/ESTATE AGENTS - PERMISSION
N/99/01423/LBC	AMENDMENT TO N/98/1883/LB SHOPFRONTS RELATING TO UNIT 3 - PERMISSION
N/99/00846/LBDC	SUBMISSION OF DETAILS RELATING TO CONDITIONS 2(a)(1)(2) & (3) RELATING N.98.1883.LB DETAILS OF NATURAL STONE AND BRICK/SHOP WINDOWS/DOORS AND FRAMES - PERMISSION
N/99/01725/LBDC	SUBMISSION OF DETAILS PURSUANT TO CONDITION 2(A)1 OF N/98/1883/LB - DETAILS OF ADVERTISEMENT – PERMISSION
16/06854/LBC	Repairs to the existing building including decorations, replacing UPVC windows, replacing damaged slates, replacing damaged lintels. - APPROVED

17/00989/LBC	Take down and rebuild front parapet wall to level of first floor window lintols, and provide additional support to main roof structure in order to improve structural integrity - APPROVED
18/05985/LBC	Repairs to the existing building including replacing a rotten timber window and repairs to the rear gable wall at first floor level. - APPROVED

6. The Proposal

The application seeks listed building consent for replacement of the two uPVC windows at first floor level on the front elevation with timber framed casement windows, replacing the timber lintols over the first floor windows, as well as taking down and rebuilding the brick arch and wall above the first floor windows.

7. Local Planning Policy

Section 16(2) of the Planning (Listed Building & Conservation Area) Act 1990

NPPF (National Planning Policy Framework)

Section 16 - Conserving and enhancing the historic environment (paras 189, 192, 193, 194, 196 and 200)

BS 7913:

British Standards Guide to the conservation of Historic Buildings

Historic England Planning advice note 2

Managing Significance in Decision Taking in the Historic Environment – Historic Environment Good Practice Advice in Planning:2:

Wiltshire Core Strategy:

Core Policy 57 (i) and (iv) – Ensuring high quality design and place shaping

Core Policy 58 – Ensuring the Conservation of the Historic Environment

Royal Wootton Bassett Neighbourhood Plan:

P7-Design

8. Summary of consultation responses

Royal Wotton Bassett Town Council- No objection.

0 letters of objection have been received.

0 letters of support have been received.

9. Publicity

The application was advertised by a site notice and press advert. No comments were received.

10. Listed Building Considerations

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core

Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); and the Royal Wootton Bassett Neighbourhood Plan (made April 2018).

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Principle of the works

One of the principal ethics of conservation is to only carry out work if it is completely necessary, to choose the simplest and least intrusive option, repair rather than replace, and to ensure as far as possible that the work is reversible. This is in order to retain as much as possible of the historic fabric in-situ and not harm its significance. In the vast majority of cases this is possible but may be more complicated than removing the original fabric and replacing it.

In 2016 consent was granted under application 16/06854/BC for works to include replacement of the uPVC double glazed windows with timber framed flush casement windows, replacement of some Velux rooflights with conservation rooflights, repointing of chimneys, brick and stonework, replacing cement verges with lime mortar, replacing flashings, replacing the felt/bitumen flat roof with grp and replacement of the paving in the small rear courtyard. In addition, the drainage in the rear courtyard will be altered in order to reduce the frequency of flooding. There is also a suggestion to alter the threshold of the door from the pedestrian side passage into rear section of the building. Rather than adjusting the threshold, this is going to be achieved by adding a drainage channel in front of the doors.

The use of GRP for flat roofs is not usually accepted on heritage assets. However, the size of this roof would result in a requirement to rebuild the structure in order to create falls for lead to be laid correctly. In this particular circumstance the manmade membrane will be accepted. The grey uPVC rainwater goods will be replaced with cast metal, not black uPVC as written on the drawings.

Further investigation was carried out following the listed building consent being granted and prior to any works commencing. It showed that there was a structural weakness with the main roof and that structural reinforcement is required to prevent further damage. Also, that the degree by which the brick wall has been displaced above the first floor window is too far to resolve in any less intrusive way than taking down the brickwork to lintol level and rebuilding in its correct position. Consent was granted in May 2017 (17/00989/LBC) for this work over and above that permitted under 16/06854/LBC.

Once work commenced on site, it emerged that the lintols over the first floor front windows were to be replaced and a catnic lintol added. This work had not been agreed in advance of the works commencing, the method and materials were not considered good conservation practice and the structural calculations seemed to be trying to achieve new build standards. After lengthy debates, the works ceased, the unauthorised uPVC windows were reinstalled and the new timber framed windows that had already been made were stored elsewhere.

This application is for replacement of the two unauthorised uPVC windows with single glazed timber framed casement window on the first floor of the front elevation (already approved in the previous applications), taking down and rebuilding the brickwork above the two first floor windows so that they are returned to sit flush with the rest of the brick elevation (already approved in previous applications), insertion of a concrete lintol above the existing timber

lintol on each of the first floor windows on the front elevation, and addition of a steel catnic lintol 'L' lintol to reinforce the brick arch to the windows. This lintol would be visible externally on the underside of the brick arch/window reveal. The proposals for the lintol are an amendment to the originally submitted scheme which suggested removal of the existing timber lintol to be replaced with either a timber or a pre-stressed concrete lintol with catnic lintol.

The previous consent was for taking down the brickwork between the parapet wall and the top of the first floor windows on the front elevation, to be rebuilt in line with the rest of the front elevation brickwork, to remove the uPVC windows currently fitted in two first floor openings on the front elevation and replace them with single glazed timber framed small pane casement windows, to replace an internal lintol on the rear elevation of the building, and works to stabilise the roof structure.

Windows -

Replacement of the unauthorised uPVC windows with timber framed single glazed windows has already been approved and is acceptable.

Brickwork -

Taking down and rebuilding the dislodged brickwork above the two first floor windows has already been approved and is acceptable. From site inspection this work appears to have already been carried out in 2018. An email from the builder confirm that the brickwork was reinstated to secure the building as a temporary replacement using the mortar mix agreed on site because the windows were not replaced. The sample panel was approved and the obvious misalignment of the brickwork, particularly above the left hand window, has now been removed, although the joints are not as fine as the completed result will be. Unfortunately, repeating the work with these old bricks increases the chances of losing historic material, as the more these bricks are manipulated, the greater the chance of breakage. Due to the risks of losing more historic fabric, this would not generally be considered acceptable so soon after this work was carried out previously. However, the tightness of the joints has not been achieved in the temporary fix so very reluctantly, repeating the dismantling and rebuilding work will be accepted.

Lintols -

The structural works to the lintols are not supported. The proposals and calculations were reviewed by a CARE registered structural engineer for the LPA and the advice given was that the solution was not in accordance with good conservation practice and the degree of structural reinforcement proposed was excessive for a heritage asset. The current lintols have not failed and the load on the lintol is not likely to exceed its current weight unless there is heavy snowfall (which is unlikely nowadays). An alternative solution has been suggested and that would be to insert a stainless steel angle over the top of the existing timber lintol which would be hidden from view, as well as possibly adding bed-joint reinforcement in the brickwork above. This work would be less obtrusive and less harmful to the significance of this heritage asset. The options were looked at by a senior building control officer who confirmed that this less obtrusive solution would be accepted by Building Control. The solution was put forward to the agents but rejected. It was also suggested that the agent seeks an opinion from a CARE registered structural engineer but that was also rejected.

In addition to the intrusive engineering works, the brickwork has already been taken down and rebuilt. These are historic bricks and are quite soft. To take the sections of walling down again increases the possibility of damage to the bricks and loss of historic material. As mentioned above, this will be accepted reluctantly, as the rebuilding work does not match the tight joints of the historic mortar beds that remain undisturbed. Nevertheless, this work will need to be carried out with extreme care in order not to lose more historic bricks.

Impact on Heritage Assets

There are two issues here:

1. Whether the addition of any form of structural reinforcement is necessary to beef up the lintols over the two first floor window openings on the front elevation;
2. If reinforcement is necessary, what form should it take.

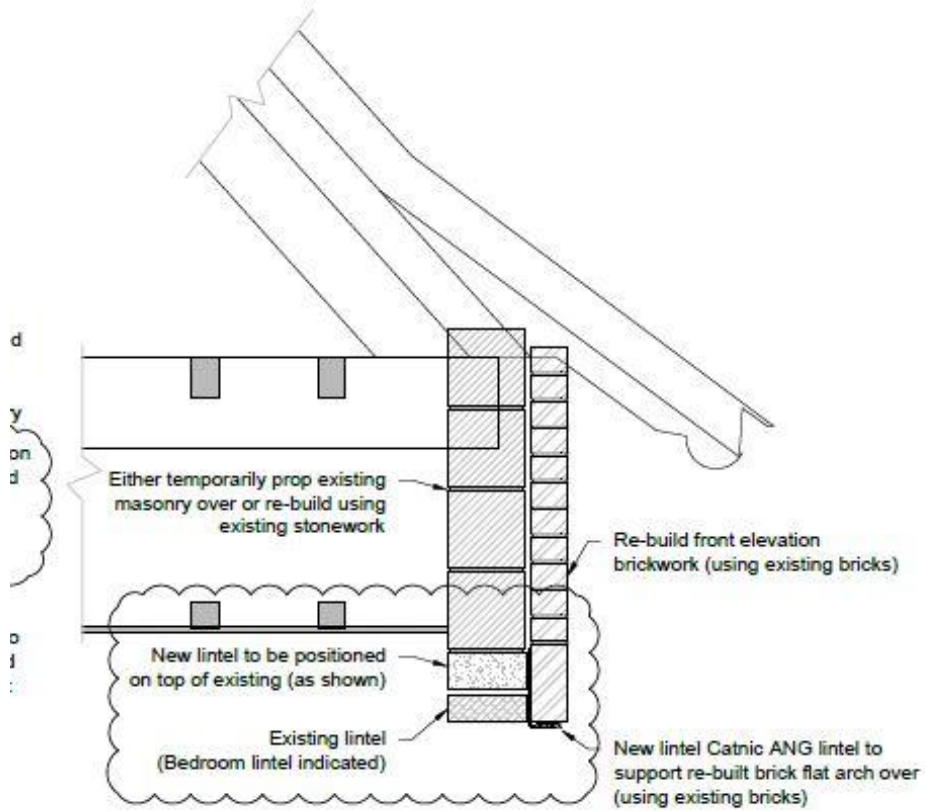
1. Is strengthening necessary?

The approach by the applicants appears to be to add reinforcement as a preventative measure. A problem with the roof truss in the attic above had been discovered and consent granted for structural works to that under 17/00989/LBC. That failure resulted in lateral movement, pushing the gable wall out but may also have put pressure on the walls below (front walls). The submitted heritage statement says that "*The principle of the replacement of the failed timber lintels has previously been accepted as it formed an integral part of application reference 16/06854/LBC*". It was not in fact discussed as part of the 2016 application. Furthermore, the statement goes on to say that "*...the existing lintels exceed their allowable bending stress and that the inner timber lintels should be replaced, with either timber or pre-stressed concrete. The proposals seek to comply with these recommendations to ensure the structural stability of the building.*" The submitted report from the structural engineer (ref 4158-R02) states in point 2.4 "*The existing timber lintels supporting the inner skin masonry and roof structure over the existing window openings do not comply with British Standards by calculation.*" There are differing arguments being put forward as to whether the lintols over the first floor front elevation windows have actually failed, are on the point of failure, or may fail if additional weight is added because they do not tie in with guidance for British Standards.

The proposals appear to go beyond what is necessary, thereby harming the significance of the heritage assets through unnecessary intrusive works, the addition of new materials and non-traditional details in the form of catnic lintols. Looking at historic buildings and trying to achieve structural standards found in new buildings leads to harmful works that are not necessary.

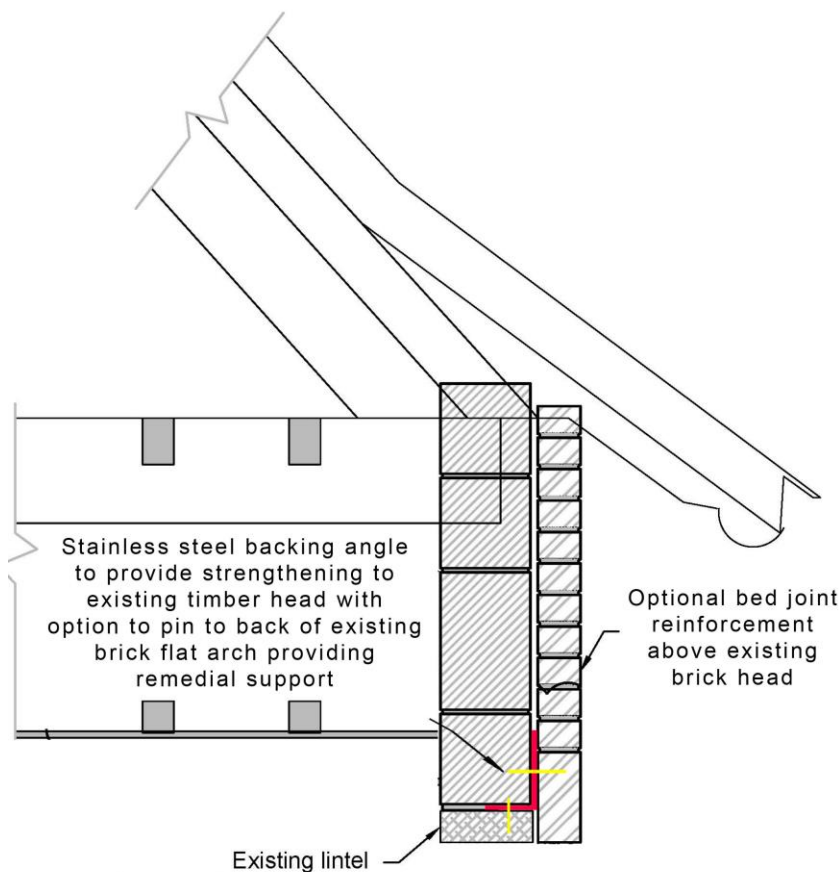
2. If some strengthening is required, what form should it take?

Should it be agreed that the lintols do require strengthening in some way, there is a less intrusive and more subtle method than the one proposed. An alternative solution has been put forward which adheres to the conservation approach that the least intrusive solution is most acceptable for a heritage asset. The more conservative solution would be to strengthen the lintols so that they are adequate to carry the required loading. The applicants proposals appear to be based on requirements for a new building and would be far more intrusive. A catnic lintol is not a traditional detail, it is found on new buildings.



1-1 Section 1-1
Scale: 1:20

SDS strengthening proposals 22.05.19



Merchants House, Wooton Bassett

Option for strengthening to existing first floor window head



Mann Williams Alternative Less intrusive and not externally visible solution

Setting of heritage assets

Replacement of the current uPVC windows in the two first floor openings on the front elevation with timber framed, small pane single glazed casement windows has already been approved and will enhance the conservation area setting of the heritage assets. The works to improve the alignment and pointing of the brickwork above the first floor windows on the front elevation will have a small impact on the heritage assets and their setting but this may be negated if historic bricks are lost when the wall is dismantled again. The works to the internal lintol will have a negligible impact on the setting of the heritage assets. It is considered that the matters debated in this application will have very little impact on the setting of the heritage assets.

11. Conclusion (The Planning Balance)

The proposed works to the lintol over the two first floor windows on the front elevation would harm the special historic interest of the heritage assets due to the intrusive nature of the works and introduction of unsympathetic details and materials. The degree of strengthening is excessive and will create two areas of overly rigid masonry that will not move with the rest of the building. Furthermore, removing the recently rebuilt sections of brickwork above the two first floor windows will result in unnecessarily disturbing historic material that has only recently been rebuilt. The proposed works would be contrary to Section 16(2) of the Planning (Listed Building and Conservation Area) Act 1990, the NPPF section 16, the BS7913 and Historic England's Planning Advice Note 2 (Managing significance in Decision-Taking in the Historic Environment. On a local level, Wiltshire Core Strategy (Jan 2015)

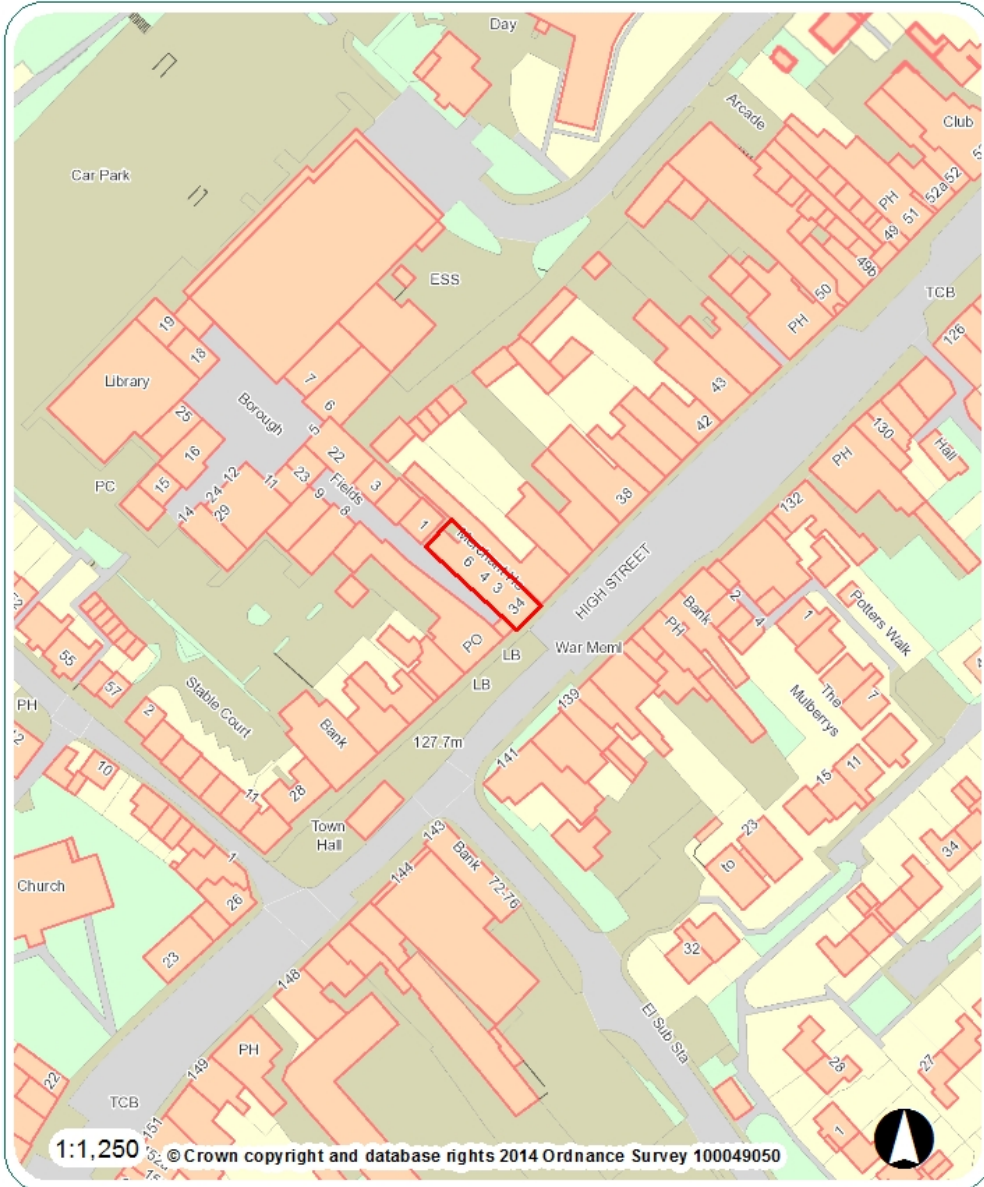
CP57 (i), (iv) & CP58 (Ensuring the Conservation of the Historic Environment), and Policy 7 of the Royal Wootton Bassett Neighbourhood Plan (Made April 2018) due to the introduction of a non-historic detail in the form of the catnic lintol.

RECOMMENDATION

Listed Building Consent should be REFUSED for the reason set out below:

- 1 The proposed works to the lintol over the two first floor windows on the front elevation would harm the special historic interest and significance of the heritage assets due to the intrusive nature of the works and introduction of unsympathetic details and materials. The degree of strengthening is excessive and will create two areas of overly rigid masonry that will not move with the rest of the building. Furthermore, removing the recently rebuilt sections of brickwork above the two first floor windows will result in unnecessarily disturbing historic material that has only recently been rebuilt. The proposed works would be contrary to Section 16(2) of the Planning (Listed Building and Conservation Area) Act 1990 and NPPF section 16 paras 189, 192, 193, 194, 196 and 200, and the BS7913, as well as Wiltshire Core Strategy (Jan 2015) CP57 (i), (iv) & CP58 and Policy 7 of the Royal Wootton Bassett Neighbourhood Plan.

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	4 th September 2019
Application Number	19/05387/FUL
Site Address	Land between Lower Odd Farm and Unit 10 Kemble Business Park Culkerton Road Crudwell Wiltshire SN16 9SH
Proposal	Development of a new tractor and agricultural machinery dealership, workshop and associated car parking together with 82 car parking spaces for those working at the existing industrial estate.
Applicant	Mr Ben Tallis
Town/Parish Council	CRUDWELL
Electoral Division	Councillor Chuck Berry
Grid Ref	396389 195246
Type of application	Full Planning
Case Officer	Catherine Blow

Reason for the application being considered by Committee

1. Purpose of Report

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

The application has been called into Committee by Councillor Berry as the application is recommended for refusal when there are considered to be benefits to the proposal, including parking provision for the adjacent site and promotion of economic activity. This call in has been supported by Crudwell Parish Council.

2. Report Summary

The application received 0 representations of neighbour objection; 0 representations of public support; and Crudwell Parish Council support the proposals.

Issues to be addressed:

- Principle of the development.

- Scale, design, impact upon the character and appearance of the area
- Impacts upon the amenity of the area
- Access and parking/Impact on highways
- Ecology
- Noise
- Lighting
- Drainage

3. Site Description

The site is located to the West of the junction of Culkerton Road and the A429. It is located within Lower Odd Farm, a cattle farm to the East of a complex of agricultural buildings and adjacent to Kemble Business Park to the East. Kemble Air field is located to the North. The remaining land surrounding the application is characterised by undulating agricultural fields. The site is currently used for agricultural purposes including cattle grazing associated within the existing lawful use of land.

The site is located in the open countryside outside any settlement boundary and has no land allocation within the Wiltshire Core Strategy.

4. Planning History

16/09122/PREAPP	Tallis Amos Group Farming Machinery Sales and Aftersales Service
18/10385/FUL	Development of a new tractor and agricultural machinery dealership, workshop and associated carparking together with 87 car parking spaces for those working at the existing industrial estate. - Refused

5. The Proposal

The proposed development would consist of the provision of a new tractor and agricultural machinery dealership including the provision of a new commercial building totalling 990 sq m in gross internal floor area. The proposal also includes provision of parking to serve the adjacent commercial unit at 10 Kemble Business Park.

The proposal seeks to provide a new TAG dealership and maintenance workshop to enable relocation of the business from Bibury. This would measure 49 metres in length and 18 metres in width clad in metal sheeting to roof and walls. The ridge would be 7.6 metres in height. This would provide offices, a trade counter and showroom, parts warehouse and workshops. The building would be centrally located within the site with vehicle circulation surrounding it. The external areas of the site include landscaping, attenuation pond as well as areas of grasscrete, gravel and display area. Security fencing and hedging would also be erected to provide security. The normal operating hours would be 07.00 – 18.00 Monday to Friday 07.00 – 13.00 with no operation on Sundays or Bank Holidays.

The proposal also seeks planning permission for an extended car park to be used as overflow parking associated with unit 10 at Kemble Industrial Estate totalling 82 spaces with access to those spaces provided by the existing access for Kemble Business Park.

This is a revised submission subsequent to the refusal of planning permission for a similar proposed under reference 19/10385/FUL. The reasons for refusal are as follows:

- 1 The proposed development in the location identified would conflict with the development strategy of the development plan as defined by policies CP1, CP2 and CP13 of the Wiltshire Core Strategy (Jan 2015) and thereby conflict with paragraphs 2, 12 and 47 of the NPPF (Feb 2019). In addition, based on the information provided, the proposed development would not comply with the requirements of Core Policy 34. Based on the information provided, there are no material reasons making the development proposal so unique to justify a departure from the development plan. The conflict with these policies results in harm arising from the urbanisation of this rural site in the open countryside, in a remote, unsustainable location, which would result in significant harm to the character and appearance of the area and would fail to provide a sustainable location where a variety of modes of transport are available for staff and visitors, contrary to Core Policy 61.
- 2 The proposed development would result in harm to the character, appearance and visual amenity of the locality through the urbanisation of the landscape contrary to Wiltshire Core Strategy Policies CP51 and CP57 (i, iii, & vi);. and NPPF para 170(b)
- 3 There is a lack of information in relation to noise associated with the proposed use, particularly the external areas of the site to enable full assessment of the impacts upon the amenity of nearby residents or the nearby agricultural and commercial users. In the absence of this information, it cannot be established whether the proposed use would protect the amenity of nearby users and occupiers in accordance with Core Policy 57 of the Wiltshire Core Strategy.

The main changes to the scheme since that formal decision are:

- Amendment to the site area shape and size. The site area is 0.98Ha whereas the previous site area was 1.03Ha. The current application site is narrower but deeper than the previous site;
- The gross internal floor area of the proposal has increased by approximately 150 square metres with the provision of a mezzanine floor provided. The external dimensions of the proposed building remain identical to the previous submission;
- The building has been re-orientated with the ridge running north-south rather than east west and a retaining wall is also shown within the application site;
- The block plan contains addition contextual information regarding landscaping and attenuation pond close to the southern boundary, provision of smaller areas of vehicle display and demonstration areas rather than just the land to the north;
- The access to the parking spaces associated with the adjacent unit have been separated from the proposed development access.

6. Local Planning Policy
Wiltshire Core Strategy

Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 13: Spatial Strategy: Malmesbury Community Area
Core Policy 34: Additional employment Land
Core Policy 35: Existing employment sites
Core Policy 38: Retail and leisure
Core Policy 51: Landscape
Core Policy 57: Ensuring high quality design and place shaping
Core Policy 60: Sustainable transport
Core Policy 61: Transport and New Development

North Wiltshire Local Plan (2011)
NE18 – Noise and Pollution

NPPF February 2019

The relevant paragraphs are considered to be:

Paragraphs: 2, 8, 11, 12, 38, 46, 47, 80- 88, 108, 109, 110, 127, 170

7. Summary of consultation responses

Crudwell Parish Council:

The Parish Council support the proposal due to the beneficial parking provision, which should be implemented at the earliest convenience. The response also sought to ensure the application was considered at Committee if Officers were minded to refuse the application.

Economic Development:

The response supports the proposed development due to the economic benefits of the proposal including the provision of parking to improve the road conditions. The response cites the uniqueness of the business which is linked to the rural community they serve. The response also cites the potential shortfalls of providing this kind of business within existing towns and business parks due to the size and scale of the agricultural machinery involved.

Highways:

The response raises the issue that the site is located outside the settlement boundary although it is noted that there is employment land to the north and east of the application site and the close proximity to the A429 there is no objection to the principle of the proposed development. The response considers the provision of the additional parking to be a benefit to the public highway to reduce on-street parking in vicinity. There

should be adequate visibility splays provided at the site entrance. The parking provision for the employees is acceptable, subject to the provision of covered cycle storage for 4 cycles and it should be demonstrated visitor parking is also sufficient and this should be indicated on the plans provided. The response includes recommended conditions should the development be approved.

Ecology:

The response provides no comment.

Drainage:

The response seeks additional information in relation to drainage for both foul and surface water drainage for the proposed development.

Environmental Health:

The response recommends that conditions are applied to provide electrical vehicle charging points and a noise assessment to ensure noise is limited to an acceptable level.

8. Publicity:

The application has been advertised by both neighbour letter and site notice. No representations have been received.

9. Planning Considerations

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.

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

Principle of the development

Paragraph 12 of the NPPF confirms that the 'NPPF does not change the statutory status of the development plan as the starting point for decision making' and proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The proposals are therefore to be considered in the context of the National Planning Policy Framework (NPPF) which sets out Central Government's planning policies, and the adopted Wiltshire Core Strategy (WCS).

At the heart of the NPPF is a presumption in favour of sustainable development and the Adopted Wiltshire Core Strategy seeks to build resilient communities and support rural communities but this must not be at the expense of sustainable development principles. The Settlement and Delivery Strategies of the Core Strategy are designed to ensure new development fulfils the fundamental principles of sustainability. This means focusing growth around settlements with a range of facilities, where local housing, service and employment needs can be met in a sustainable manner. A hierarchy has been identified based on the size and function of settlements, which is the basis for setting out how the Spatial Strategy will deliver the levels of growth.

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries.

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Core Policy 13 sets out the spatial vision for this community area. As set out in the supporting text to that policy, due to the rural location of Malmesbury, it is not realistic to plan for significant growth here. The strategy seeks to support its role as a tourist location and local retail centre. Paragraph 5.7.3 seeks to diversify the employment base with a flexible approach to edge of town sites. The Principal Employment Areas, Malmesbury Business Park, Dyson site, and Land north of Tetbury Hill will be supported in accordance with Core Strategy 35. In addition, the policy sets out 5 Hectares of additional employment land at Land North of Tetbury Hill and Land at Garden Centre, Malmesbury (which has resolution to grant planning permission for a retail food store and additional business units on this site – reference 18/06980/FUL).

The site is not contained within or in close proximity to the areas identified within Core Policy 13. The site is also not in an existing allocated employment site nor does it seek to redevelop a site last used for business purposes. It is located adjacent to an existing employment site (although that is not allocated within the Core Strategy Proposals Map as a principal employment use), but Policy 34 does not permit the expansion of existing sites that are not located within or adjacent to existing settlements and the proposal is not considered to be essential to the wider strategic economic interests of Wiltshire (for example, essential expansion of an existing business, large local employer, etc)

The site is in a location poorly related to services and facilities, a significant distance from the nearest large town within the Wiltshire administrative boundary, which is Malmesbury, to the south west. There are several villages in the wider area, including Crudwell, which is classified as a large village in the Core Strategy. However, this site is a significant distance from all settlements within Wiltshire. There are settlements to the North, within Gloucester, the nearest being Kemble, which is only a small town. The site

is therefore in the open countryside, poorly related to existing services and facilities in an unsustainable location.

The proposed use is akin to a vehicle dealership, with elements of sales, vehicle display, vehicle repair and office use. Due to the scale of the proposal the development is not considered to be a small scale rural development for the purposes of paragraph 88 of the NPPF 2019 which deal with main town centre uses including retail. The proposed use is considered to be a sui-generis use with elements of retail as well as employment uses (use classes B1 and B2). Paragraph 84 of the NPPF recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations not well served by public transport. However, in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunity to make the location more sustainable.

The applicant purports to the need for a rural location due to the size of vehicles sold/repaired as well as their customer base being focussed towards farmers and other rural users who require the vehicles and equipment sold. There is reference with the submission to a large proportion of their staff being mobile engineers indicating that repairs and servicing take place on site rather than with the application site. It should be noted that, according to their website, the TAG group sells both farming equipment as well as smaller equipment for residential gardens and commercial users requiring grounds maintenance equipment, which is not necessarily limited to the farming community. Therefore, the proposal should be assessed against both Core Policy 34 and 38.

Core Policy 34 seeks to allow additional employment land in the locality subject to the criteria contained therein. This policy states that development that provides additional employment land outside large settlements would be supported if it is adjacent to larger settlements and retain or expand an existing business, support sustainable farming through allowing development required to adapt to modern practices and diversification or are for new and existing rural based businesses within or adjacent to large and small villages or are considered to be essential to the wider strategic economic interests of the borough. This policy would accord with paragraph 83 and 84 of the NPPF 19 which also provides advice in relation to supporting a prosperous rural economy.

The policy aims to support rural life through promotion and support of modern agricultural practices and diversification of the rural economy. The information submitted with the application suggests the tractor dealership would assist in promoting modernisation of farming practices with provision of new machinery. However, the business is not land based and although it would supply rural customers there is no requirement for such a remote location and in any event it should be within or adjacent to existing settlements rather than in open countryside. The proposed development could feasibly be accommodated on multiple existing employment sites in the locality. The applicant is Tallis Amos Group does not only supply the farming community but also commercial customers who require equipment to maintain land, such as golf course, playing fields as well as residential customers with larger grounds. There is a mixture of retail, vehicle repair and vehicle display that would operate from the site. The

information details the requirements for the business include the need for a building large enough to repair large farm equipment an outdoor demonstration/display area. The applicant states that a non-town centre location is also required due to the need to transport large vehicles on low loaders. However, these requirements could be fulfilled on an edge of centre, or existing employment site or previously developed site, which would be less harmful to the character and appearance of the open countryside. The applicant states that an access within the town centre would result disruption to road users due to large machinery having to navigate the town centre and so use of the highway should be minimised. However, the site is accessed via a narrow access which is the main access into Culkaton which would be affected by large vehicles associated with the site. The large vehicles would also use a main route through the Borough (A429) a busy route north and south, which would have an effect on road users. It is not clear from the information submitted how this location would minimise road use.

The proposed development would conflict with the development strategy of the development plan. The proposal, due to its remote location would not accord with the Core Policies CP1, CP2 or CP13 and would have a harmful and urbanising effect on this rural site to the detriment of the rural character of the area. There have been no material changes to the local or national policy since the determination of the previous application. The revisions to the scheme subsequent to the refusal would not reduce this harm to an acceptable level.

In an attempt to justify the proposal the applicant has provided additional information in relation to the search for sites to relocate the business from Bibury. The franchiser requires a site within a 10 km radius of Cirencester and consists of a triangle area between Cirencester, Swindon and Malmesbury, which is dominated by open rural land with limited developed land. The search has focussed on Cirencester for 3 years. The search has been collated to summarise a three year search based on recollection of the applicant as well as a scope for sites more recently. The search has included the following efforts:

- Assessment of 18 sites within the preferred geographical area, the majority of which are outside Wiltshire Council's administrative boundary, mainly in Cirencester
- Search of potential sites within or adjacent to Ashton Keynes including The Old Brickworks Industrial Estate (fully occupied), Farmyard at Rixon Gate (planning consent granted for residential development), Wheatleys Farm yard (residential development in progress), Three Bridges Depot (existing coach depot use) and Oaksey settlements
- Search of farmyards and previously developed sites outside the borough boundary in Kemble and Stroud and within Cotswold District, as well as Kemble Dairy (discounted due to the narrow access), Lower Odd Farm buildings (in current agricultural use) Coop Dairy in Latton (permission granted for storage of portable buildings and rally school) Westfield Farm (discounted due to the nearby designated heritage assets)
- Search of Kemble Business Park – one unit found to be available consisting of a new building of 20,000 sq m discounted due to size) no other premises known to be available.

- Local commercial agents have been used to assist in the search for premises at Alder King and Whitmarsh Lockhart and Carver Knowles and Carter Jonas

The search does not show the applicant has been particularly flexible in the land use needs/requirements for their business. It should be noted that the site selected for this planning application requires provision of all of the facilities required to operate their business on the application site. However, in contrast, sites above include discounted sites that have buildings that are too small without the consideration of the provision of a new building within an adequate site. There is reference in the submission to existing agricultural sites in current use or with planning permission for alternative uses but no indication that those site owners have been approached to consider siting of the tractor dealership as an alternative. It should also be noted that their existing dealerships do not appear to include the significant area of display land as proposed in this application. The assessment only provides a cursory assessment of the sites available in a small catchment without detail in relation to the essential and non-essential requirements.

The search does not include other sites within the vicinity of the A429 corridor and although there is reference to two local commercial agents there is no information from those agents as to the extent or criteria of that site search over the period the applicant has been searching for a site or indeed the output of their investigations. In addition, the search of Kemble Enterprise Park is limited to consideration of the currently marketed new unit consented by the Council recently. However, there is no information within the submission in relation to the occupancy or vacancies of other units in this Park, including the unit vacated as a result of the recently permitted scheme. The information provided includes a letter from the occupier and operator of the adjacent unit at Kemble Business Park who are in support of the provision of additional parking to support the existing employees at the business park. The owner of the business park does not detail the availability of units in the adjacent site. The letter from the occupier of the adjacent Unit 10 states that leases for this unit are due to expire this year and they have commenced a search for more suitable premises to meet the demands of their current business that has seen the closure of their London Office and transferal of staff to Kemble. This letter indicates that the business needs of the adjacent occupiers have changed and the warehousing provision on the site is not ideal as well as the lack of parking provision. Although the parking provided for the adjacent unit may be beneficial, it appears that the warehousing provision is also a reason for future relocation, indicating there could be potential vacancy of that unit in the near future.

The development strategy for Wiltshire is to permit employment uses close to existing settlements and this site would not comply with that strategy. The intention of Policy 34 does seek to support rural enterprise and farm diversification but not contrary to the aims and objectives as set out within the spatial vision within the Wiltshire Core Strategy. It is not the intention of Core Policy 34 to permit development of green fields in remote locations and specifically seeks to follow a sequential approach. It is not considered, based on the information provided, that the business needs are so unique to justify the release of a remote rural site for employment purposes.

In addition to the search for sites, the applicant cites two planning permissions. The first relates to a site in Gloucester but this related to retention of an industrial building and erection of a dealership associated with a planning consent that permitted a cattle market. The circumstances are materially different. The second relates to a site in Crowmarsh Gifford in Oxfordshire has no detailed justification for its approval so it is difficult to consider that permission in the context of the current proposal. The applicant also includes a copy of a planning consent for a site in Tilshead for the erection of new detached workshop and vehicle storage building on the existing R Hunt depot site. However, that case related to an existing employment site not a green field. This was an established employment site so is not directly comparable to this case.

The applicant also seeks to justify the proposal on the basis of its location adjacent to Kemble Business Park. However, that site has evolved as result of the reuse of a previously developed site. Policy 34 does not allow for the expansion of such sites, with the Core Strategy directing and the economic development towards existing settlements. It should be noted that the proposal does not involve the expansion of an existing business currently occupying the adjacent or nearby site, nor would it result in additional local employment as the information submitted states that the site and its 40 staff who travel from Swindon and Bristol would be retained. It is noted that the applicant seeks a rural site to be close to its farming customer base and to allow for larger vehicles to access the site. It is accepted that the applicant has scoped sites within and close to existing settlements at Oaksey and Ashton Keynes and sites outside Wiltshire. However, there is no information regarding other sites within or adjacent to other large and small villages. In addition no thorough investigation has been undertaken of land and buildings within existing Kemble Enterprise Business Park to the North. There are large areas of undeveloped land within the Enterprise Park that could be used for this development proposal but there is no information as to whether this has been investigated other than a short paragraph stating there is no 'evident' opportunity here. The expansion of the existing employment site in the manner proposed would not accord with the requirements of Core Policy 34.

The information provided by the applicant has been fully considered but the circumstances provided do not warrant a departure from the development plan in this instance. The conflict with these policies results in harm arising from the urbanisation of this rural site in the open countryside, in a remote, unsustainable location, which would result in significant harm to the character and appearance of the area and would fail to provide a sustainable location where a variety of modes of transport are available for staff and visitors.

Scale, design, impact upon the character and appearance of the area

The previous application was refused due to the harm to the character, appearance and visual amenity of the area through the urbanisation of the landscape contrary to Core Policies 51 and 57 as well as paragraph 170(b) of the NPPF.

The proposed development has been revised since the refusal of planning permission under reference 18/10385/FUL. These changes include a minor reduction in site area, minor changes to the site shape, re-orientation of the building to mimic the adjacent unit,

provision of additional landscaping details. However, there has been no material reduction in the site area or building size and scale. The external dimensions of the building remain identical to the previous scheme.

The proposed development would result in the urbanisation of an existing rural agricultural field. The proposal would involve a large metal clad building, hardsurfacing for parking and circulation space, fencing, lighting and outdoor display area. All of these features would have an urbanising effect on the site to the detriment of the character, appearance and visual amenity of the area, contrary to Core Policies 51 and 57, which seeks to conserve and enhance the locally distinctive character of settlements and landscape setting and transition between manmade and natural features.

The proposal would include some softening of the built form. However, the arbitrary site outline with the retention of an awkwardly shaped field to the west would introduce an alien man made hedging feature that is not necessarily characteristic of the rural landscape. Although there is a belt of screening adjacent to the frontage as part of this sits in front of a display area it is unlikely that landscaping would be allowed to grow to screen, what is essentially a shop window. In addition, there is only a narrow strip for hedging along a large proportion of the western boundary, due to the close proximity of the proposed gravel hardstanding to the west of the building. The narrow strip of hedging is unlikely to provide adequate screening from the open rural land from the west. In addition there is limited landscaping located to the northern boundary of the site. The purported benefit of the landscaping scheme is limited and is not considered to reduce the harm to the character and appearance of the area to an acceptable level.

The applicant argues that the proposals appearance would be akin to the existing buildings within Kemble Business Park and the adjacent agricultural buildings. However, the adjacent commercial site is contained fully within previously developed land so in principle is an acceptable land use with buildings grouped closely together, whereas the proposal would result in a significant increase in site area with the building located remote from that complex of buildings. The adjacent rural buildings are also an acceptable land use and although of a similar scale are clad in different materials and are not set in a significant area of hardstanding, nor are they surrounding by the significant level of parking and circulation space as proposed in the application. The proposal would result in the development of a rural agricultural field that is unacceptable in principle and due to the constituent elements of the proposed development would have an unacceptable impact upon the visual amenity, character and appearance of the open countryside contrary to Policies CP51 and CP57.

There is limited information in relation to lighting which could result in harm to the visual amenity of the area and this matter could be controlled by suitably worded conditions should permission be granted.

Access and parking/Impact on highways

The proposal would result in an additional access from the Culkerton Road and 27 staff and 7 visitor parking spaces to serve the new tractor dealership. The proposal also

includes 82 parking spaces with direct access from the site to the East as well as pedestrian access.

The additional parking for the adjacent unit is presented as a benefit of the proposed development. However, although there is some parking within the highway in the vicinity of the site it is not clear why the employee parking cannot be provided within the existing business park, which has some extensive hardstanding within it. The need for additional parking further highlights the reliance upon the private car to access the site in this remote location. There are other methods to manage parking demand, including car sharing, private bus services to transport staff from nearby transport hubs and flexible working methods using technology to reduce the need to travel to office locations. It is also known that a current site at Cotswold Airfield to the north is used for parking for those staff who are then transported to the site by bus. It is also considered that alternative controls should be considered to reduce the need to travel to the site by private car prior to the provision of a large car park in an open field, which would essentially encourage private car use. There is no information contained within the application as to how this car parking could be secured for the purported use in perpetuity. In any event the desire of the adjacent occupier to provide additional parking that could be provided within existing built form can only be given limited weight in the assessment of the application.

The response from the highways team raises concern regarding suitability of the site in principle due to its location poorly related to services and facilities. The location would also be contrary to the aims of Core Policy 61 which seeks to locate development where it reduces the need to travel. The location poorly related to services and facilities and lack of alternative means of travel to the private car is highlighted by the desire of the adjacent unit to be provided with significant additional parking to prevent private motor vehicles being parked within the highway. Although the parking provision would reduce parking within the highway improving highway safety, the benefit of that parking and the need for the additional parking further demonstrates the inappropriate location for the proposed development and in any event it is considered that there is land available within the existing business parking that could feasibly serve this function and provide this benefit without the need for additional development within what is open countryside.

In addition to the principle, the Officer has provided comment regarding the parking provision and safety of the proposed access. These are considered to be acceptable and would not cause harm to highway safety, subject to conditions.

In a previous application concern was raised by nearby residents regarding the use of narrow access roads through Culkerton by both users and larger vehicles associated with the use. The rat-running through nearby villages is not a matter that could be controlled by the Local Planning Authority but if the development was considered to be acceptable in principle a travel plan could assist in reducing the need to travel by staff at the site. This is considered to be an acceptable mitigation measure to reduce vehicles other than delivery vehicles using nearby roads.

Ecology

The existing site is an agricultural field with limited ecological value. There are no objections to the proposal from the Council's Ecologist. The potential for light spillage that could affect ecological value could also be controlled by suitably worded conditions.

Noise

The previous application was refused due to the lack of information provided in relation to noise associated with external areas of the site. The proposed hours of use of the site are considered acceptable. The noise report has been submitted and this demonstrates that a tractor running at high revs would generate a noise level at source of 63.2 dBA. The report states that this noise level would reduce to 25 dBA at the wall of Unit 10, with other sensitive receptors located further from the site boundary. There is no information regarding plant, which would likely produce less noise than a revving tractor. The response from the Environmental Health seeks to control noise by condition.

Drainage

The application is not accompanied by any details regarding surface or foul water drainage. However, although the site is in a ground water vulnerability zone, where ground water in this area could be high there is no records held by the Council that indicate that the application site is susceptible to either surface or ground water flooding. Therefore, any consent granted could include conditions that would control these detailed matters.

10. Conclusion (The Planning Balance)

The site is not allocated for any form of development and lies outside of the defined limits of development for Malmesbury. The site is therefore in the open countryside where the development strategy of the adopted up to date development plan and national guidance is to restrict development not least of all to recognise the intrinsic character and beauty of the open countryside and to focus development within and direct it to the most sustainable locations. The principle of the proposed development would not accord with the spatial vision for Wiltshire which aims to concentrate new development within or adjacent to existing settlements in accordance with Core Policies 1, 2 and 13.

The proposed development would also not comply with the requirements of Core Policy 34 as it is not located adjacent to existing settlement, would not directly support sustainable farming or farm diversification or essential to the wider strategic interest of economic development of Wiltshire. The information provided by the applicant has been fully considered but based on the information provided including the purported benefits set out by the applicant, the proposed development needs are not so unique as to justify a departure from the development plan and it is not considered that a robust assessment of potentially more sustainable alternative locations has been provided. It would result in the urbanisation of this rural site in the open countryside, in a remote, unsustainable location, which would result in significant harm to the character and

appearance of the site and would fail to provide a sustainable location where a variety of modes of transport are available for staff and visitors, contrary to Core Policy 61.

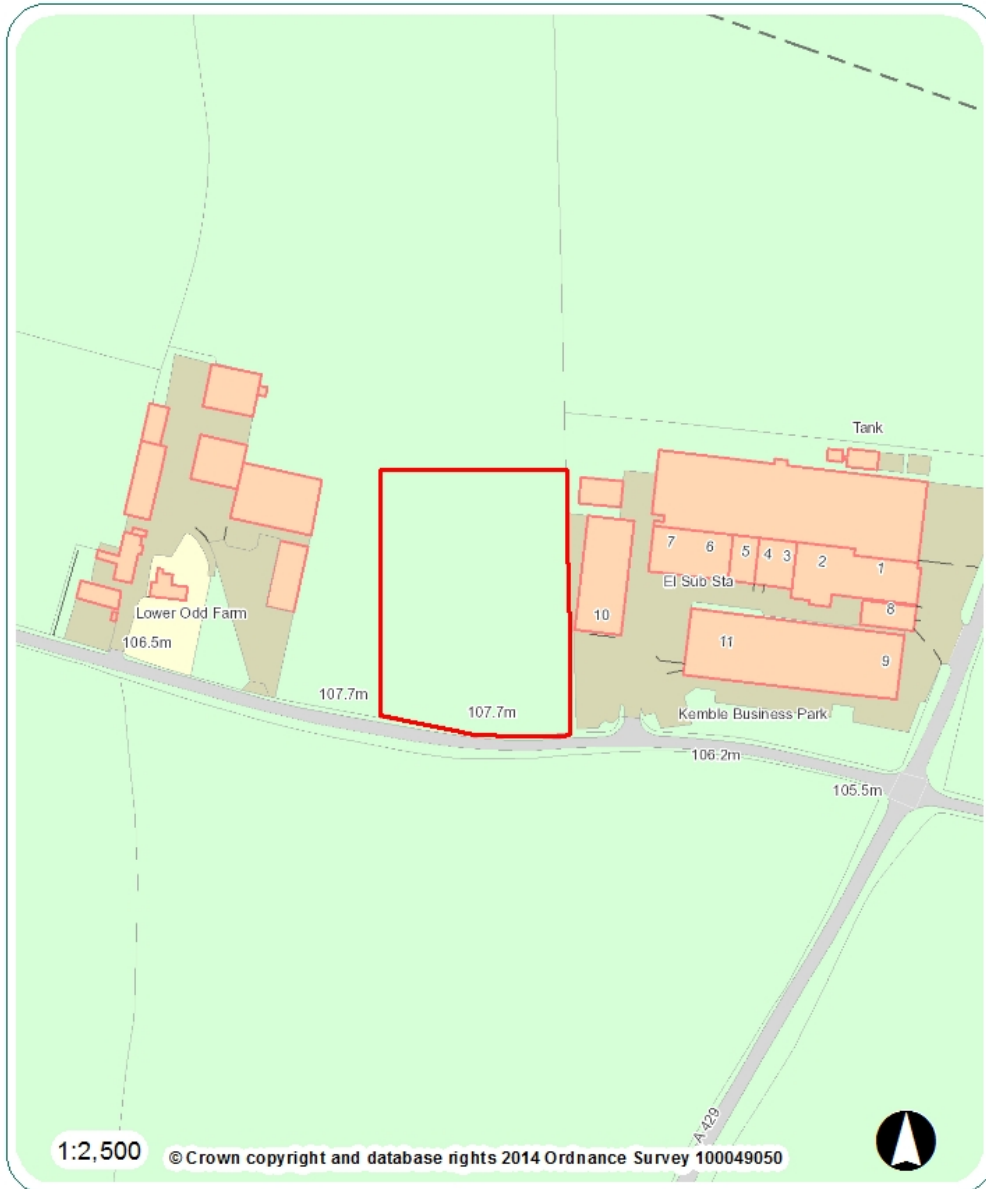
The proposed development would involve the provision of a large, metal clad building, extensive hardsurfacing and related expanses of vehicular parking, fencing, lighting which would be features that would have an urbanising effect on the site to the detriment of the character and appearance of the area, contrary to Core Policies 51 and 57 (i, iii, & vi), and NPPF para 170(b) (Feb 2019) which seek to conserve and enhance the locally distinctive character of settlements and landscape setting and transition between manmade and natural features.

RECOMMENDATION

Refuse planning permission for the following reasons:

- 1 The proposed development in the location identified would conflict with the development strategy of the development plan as defined by policies CP1, CP2 and CP13 of the Wiltshire Core Strategy (Jan 2015) and thereby conflict with paragraphs 2, 12 and 47 of the NPPF (Feb 2019). In addition, based on the information provided, the proposed development would not comply with the requirements of Core Policy 34. Based on the information provided, there are no material reasons making the development proposal so unique to justify a departure from development plan. The conflict with these policies results in harm as detailed in reason for refusal 2 and would fail to provide a sustainable location where a variety of modes of transport are available for staff and visitors, contrary to Core Policy 61.
- 2 The proposed development would result in harm to the character, appearance and visual amenity of the locality through the urbanisation of the landscape contrary to Wiltshire Core Strategy Policies CP51 and CP57 (i, iii, & vi);. and NPPF para 170(b) (Feb 2019).

19/05387/FUL
Land between Lower Odd Farm and Unit 10 Kemble Business Park
Culkerton Road
Crudwell
Wiltshire
SN16 9SH



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	Wednesday 4 September 2019
Application Number	19/03152/OUT
Site Address	Peacock Grove (adjacent to Brook Drive), Corsham, Wiltshire, SN13 9AZ
Proposal	Outline Application for the Erection of up to 27 dwellings Following the Demolition of 2 No. Existing Dwellings and attached domestic garage, and associated Access and landscaping works.
Applicant	RST Corsham Ltd C/O PlanningSphere Ltd
Town/Parish Council	CORSHAM
Electoral Division	CORSHAM TOWN – Cllr Philip Whalley
Grid Ref	387846 169689
Type of application	Outline Application
Case Officer	Paul Galpin

Reason for the application being considered by Committee

The application has been called in by the local Member in order to consider the scale of development, visual impact upon the surrounding area, relationship to adjoining properties, design – bulk/ height, general appearance, environmental or highway impact, flooding and affordable housing.

It is important to note that this application is outline with only access a matter to be considered at this stage.

Corsham Town Council object to the application.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that authority is delegated to the Head of Development Management to grant outline planning permission, subject to conditions and completion of the Unilateral Undertaking within six months, or otherwise to refuse the application.

2. Report Summary

The main issues in considering the application are as follows:

- Principle of development;
- Impacts on local highways;

- Impacts on site drainage and flooding;
- Impacts on ecology;
- Impacts on landscape character;
- Relationship to the Great Western Railway;
- Impact on residential amenity; and
- S106 contributions

3. Site Description

The 2.07ha application site is located on the southeast fringes of Corsham, immediately northward of a well-established mid-C20th development of suburban housing at Brook Drive/Broadmead. The site is largely comprised of an embankment of made ground formed through the extraction of material to create the Great Western Railway cutting, which runs along the northern boundary, and extending to include 1 semi-detached dwellings and garage at the corner of Brook Drive.

There is a public right of way, CORM105, leading from this corner through to the area known as The Batters, a wooded green link to the town centre owned and maintained by the Town Council. The southern site boundary is marked by the Byde Mill Brook running across the end of the rear gardens of Brook Drive to a modest bridge and culvert at Ladbrook Lane, upward of which the site's embankment is populated by a mixture of self-seeded trees. The higher part of the site has largely been cleared of trees and comprises a grassland meadow, with further trees lining the railway cutting boundary. A single property – 'Highlands', a large bungalow with generous garden – occupies the eastern end of the site, taking access from both Ladbrook Lane; a relatively narrow country lane linking the Lacock Road and Melksham Road to the East of Corsham, and a modest slab bridge at the far end of Brook Drive. The site is located outside of, though immediately adjacent to, the saved development framework boundary for Corsham.

4. Planning History

N/95/01622/FUL	Extensions to dwelling extensions (27 Brook Drive) – Approved
N/88/03024/OUT	Residential development (20 no dwellings) - Refused
14/01670/RWN	Reconstruction of Bridge Deck – Prior Approval granted
15/11544/OUT	Outline Application for the erection of up to 31 dwellings. Following the demolition of 6. Existing Dwellings and associated works - Allowed at appeal
18/07085/VAR	Variation of condition 4 (Revised vehicular access arrangement from Brook Road from – Refused with appeal pending

5. The Proposal

An application for planning permission is made in respect of the erection of up to 27 no. dwellings following demolition of 2 no. existing dwellings and attached domestic garage and associated access and landscaping works.

This outline application follows the earlier grant of planning permission at appeal under 15/11544/OUT. That permission allows for the erection of up to 31 dwellings following the demolition of 6 No. existing dwellings and associated access.

Comparison with the 2015 permission won at appeal reveals the following differences:

- A movement of the alignment of the principal vehicular access from Brook Drive by approximately 10m to the west. The centre line is relocating west by approximately 10m. The new priority junction access has similar characteristics as the approved access after amendment: (i) a 5.5m carriageway width; (ii) a 8m kerb radii at the junction; (iii) a 2.0m footway on the east side only; and (iv) a 10% gradient and carriageway narrowing at the brook crossing. With a clear span bridge. The geometry of the proposed new priority junction is shown on the plan prepared by Condon Drew Associates (1054-SK05 dated 13.06.19)
- A reduction in the quantum of existing dwellings to be demolished from 6 to 2 (reflecting the change in the description of development from “up to 31” to “up to 27”). Ultimately, the proposal continues to seek permission for a net increase of up to 25 new dwellings. The extent of demolition comprises one dwelling at the corner of (19) Brook Drive (as well as the garage serving No.21 Brook Drive) in order to create vehicle access, together with the existing bungalow property known as Highlands within the application site itself.

All other elements of the proposal remain substantively similar to the extant permission including the drainage, ecology, noise and flood risk mitigation. A revised illustrative ‘concept masterplan’ is included to show the position of the revised access from Brook Drive, and also demonstrates in illustrative terms how 27 new build dwellings could be accommodated on the site along with the proposed provision of 2 No. surface car parking spaces to replace the existing attached garage to No. 21 Brook Drive. As before, whilst the Ladbrook Lane and slab bridge access to the existing bungalow are to be re-used, most of the units are to be accessed via a new road bridge at the northwest corner of Brook Drive. The erection of the 27 units is indicatively shown as a mixture of detached, semi- detached and terraced dwellings.

The application is submitted in outline only with all matters except means of access reserved for later consideration.

6. Planning Policy

Wiltshire Core Strategy (WCS):

Core Policies 1 (Settlement strategy), 2 (Delivery strategy), 3 (Infrastructure requirements), 11 (Spatial strategy; Corsham Community Area), 41 (Sustainable construction and low carbon energy), 43 (Providing affordable homes), 50 (Biodiversity and geodiversity), 51 (Landscape), 52 (Green infrastructure), 57 (Ensuring high quality design and place shaping), 60 (Sustainable transport), 62 (Development impacts on the highway network), 67 (Flood risk)

The draft Wiltshire Housing Site Allocations Plan (WHSAP) was submitted to the Secretary of State for Examination in July 2018. The Examination into the soundness of the WHSAP is currently underway; the hearing sessions were held between 2nd -16th April 2019.

North Wiltshire Local Plan 2011, saved policies as per Appendix A to the Core Strategy, Saved policy NE14 (Trees, site features and the control of new development)

The draft Corsham Neighbourhood Plan –

This is also at the Examination stage and can be given limited weight at this stage, does not propose any further changes to the settlement boundary or allocate the application site for housing development. It is understood that the CNP has not progressed significantly since the Inspectors decision letter in respect of 15/11544/OUT.

National Planning Policy Framework:

Sections 5 (Delivering a sufficient supply of homes), 12 (Achieving well designed places), 15 (Conserving and enhancing the natural environment)

7. Summary of consultation responses

Corsham Town Council – Objections – Principle objections outside settlement. Contrary to WCS, Policies 1, 2, 50,51, 57. Contrary to draft Neighbourhood Plan – Policies H1, H2, H4, HW1, HW4. Detail issues flooding, traffic, privacy, greenfield, wildlife, education, health affordable housing.

Spatial Planning – Objections - but notes extant permission 15/11544/OUT.

Highways – No objection, subject to conditions.

Drainage – No objection, subject to conditions.

Ecology – Extant consent. Previous application concerns citing harm to protected and non-protected species. Conditions 4 (Parameters) and 13 (LEMP) are recommended to cover ecology issues.

Landscape – Concerns raised of adverse impacts. No objection.

Trees – No objection, subject to conditions.

Environmental Health – No objection, subject to conditions.

Environment Agency – No objection, subject to conditions.

Network Rail – No objection in principle, subject to proper consideration of railway impacts in respect of planting, fencing, stability, drainage, access, lighting, amenity and construction.

NOTE: the relationship of the development site to the rail line remains unchanged from that already granted planning permission.

The Council consultees' responses where planning contributions are recommended are set out at the 'S106 Contributions' section below.

8. Publicity

The application was advertised by neighbour notification, press advert and site notice. 57 letters of objection were received from neighbours, local residents and a local interest group. Raising the following issues:

- Proposal not acceptable in principle (contrary CP1, CP2 and CP3)
- Need and Impact does not outweigh benefits
- Contrary to draft Corsham Neighbourhood Plan (E2, E4, HW1, HE3, H4)
- Corsham already provided its fair share of the housing allocation target

- Inadequate highways infrastructure and/or adverse impact on highways/ traffic/ safety
- Impacts on local drainage and flood risk
- Greenfield site with Impacts/ ecology loss and protected species / Sensitive site / lack infrastructure
- Loss of trees/green infrastructure/ wildlife corridor (bats)
- Impact on amenity of 21 Brook Drive
- Impacts on local character of estate
- Inadequacy of local infrastructure for new development (ie schools and doctor provision)
- Impact on residential amenity on Brook Drive residents to rear of site
- Overdevelopment of the site
- Adverse impact from railway (noise)
- Reiterate previous concerns 15/11544/OUT
- Buildings need to characterise area (1, 1.5 and 2 stories)
- Lack of information, clarity of drawings/ details (access road/ streetscene/ trees/)
- Land contamination

9. Planning Considerations

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.

Principle of Development

Whilst the application site is located outside the limit of development indicated in the Wiltshire Core Strategy, at the time of determination of 15/11544/OUT, the Council could not demonstrate a 5 year supply of deliverable housing land, a consideration which weighed in favour of granting planning permission. In that context, the Inspector considering the subsequent appeal concluded that the proposal would comply with other policies within the Wiltshire Core Strategy and the NPPF; ultimately allowing the appeal in May 2017.

Planning permission 15/11544/OUT remains extant and capable of implementation. The existence of a planning permission for development of a substantive similarity (indeed quantum remains precisely the same) must be regarded as a significant material consideration weighing in favour of the proposal.

Unfortunately and in the above context, local objections based on the unacceptability of the principle of development, the need for housing or indeed a difference in the Council's five year land supply, cannot reasonably translate into reasonable grounds for the refusal of planning permission.

Highways

With regard to the alignment of the new access with Brook Drive, the Highways Officer is satisfied that this will not have a significant adverse impact on the wider highway network including on traffic flows through Broadmead/Brook Drive.

In detail, with regard to the existing planning consent, this proposal relocates the alignment, the centre line by approximately 10m. In the revised details, to address streetscene and amenity issues the alignment and radius of the revised access has been slightly tightened together with

the relocation of the proposed footway from the western side of the new carriageway to the eastern side. The parking spaces for No.21 has been raised as an issues by respondents and are set back sufficiently to provide a buffer between the carriageway and the parking spaces to facilitate a refuge for pedestrians accessing these parking spaces. These spaces are not considered a safety issue. The access has been demonstrated to adequately accommodate vehicle movement, with the submission of swept path analysis. The proposal will a require condition (9) in order that the structural integrity of both the bridge and the structure related to the carriageway is suitable.

On-street parking has been raised as a concern in representations received however this is a pre-existing situation borne in part out of the sporadic pattern of parking on either side of the road. With several private driveways enabling cars to pass one another where highway width and alignment is at its most restricted, it is not considered that the additional traffic generated will have a significant detrimental impact on highway safety or the living conditions of residents.

The potential impacts associated with the use of the Ladbrook Lane access has reduced as the number of dwellings served is only two and is the same as that associated with extant consent 15/11544/OUT. Similarly, the anticipated level of traffic and limited potential for conflict over the shared use of the existing Brook Drive slab bridge is not considered to be detrimental to the proposal subject to two units outlined. Both arrangements can be secured by planning condition, as can the upper limit on the number of dwellings served by either, and therefore no objection is raised in this respect.

As the layout and internal circulation of traffic is a reserved matter, no detailed consideration has been given to this at the current time. However, residential streets and parking should be provided in line with the adopted countywide standards. Conditions 4 and 7-9 cover highway issues.

Urban design and 21 Brook Drive

The application is submitted in outline only, with all matters other than means of access being reserved for later consideration. However, in view of the identified demolitions and location of the point of access, it is reasonable to reach conclusions as to the likely layout of development immediately adjacent to No.21.

Concern has been raised within representations regarding the potential impact of the access on the appearance of the streetscene and the amenity of property of 21 Brook Drive. However, the existing consent 15/11544/OUT includes erection of four new properties and it is reasonable to conclude that such an arrangement would lead to far more impact on the streetscene than that now proposed.

During the life of the application, the illustrative masterplan was amended. In comparison to that considered under 18/07085/VAR the arrangements next to No.21 are significantly altered, by relocating the footway from west to the east of the carriageway. The footway in proximity 21 Brook Drive provides additional physical space from the carriageway edge, now approximately 4m and is now considered suitable.

The footway and carriageway will be a raised structure. Representations have been received relating to its overbearing impact on the property of 21 Brook Drive. A detailed streetscene section has been supplied (Streetscene, B-B SK04 date June 2019). The detail supplied provides confidence that in planning terms, this is not a considered significant issue. It is considered no more intrusive than if there was a brick wall associated with a neighbouring property in this location. There is no windward overhang on ground floor, due to garage and the

existing window on the first floor is the landing. It is considered that it will create a reasonable boundary, although slightly raised in the front garden.

Concerns have also been raised relating to the visual appearance of the access arrangements in relation to the wider streetscene of Brook Drive. The carriageway and footway will be located in relative close proximity of the property but it does not raise highway and urban design objections. It is not considered that the proposal is contrary to any contemporary urban design or highway design guidance. Whilst it is acknowledged that in proximity the estate is laid out in relation to the 1960s era of design but this is not a substantive reason to refuse. In comparison it is not considered the tighter proximity of the access arrangements in streetscene or highway terms is an issue that would withstand appeal. In wider context, many access arrangements in contemporary housing estates will be laid out in this similar geometry compliant with guidance. In order that issues associated with the boundary treatment in terms of access, layout and appearance are thoroughly checked a condition is imposed to ensure that full technical details are supplied in order the boundary treatment are technically acceptable. This is covered in recommended condition 9.

Drainage

In allowing the appeal under reference 15/11544/OUT, the Inspector has in effect confirmed the acceptability of development on this site. There has been no change in circumstance with regard to drainage and flood risk since the grant of planning permission in 2017 and it would not be regarded as a reasonable matter upon which to base a reason for refusal of this new application. However, in light of local concerns raised, the matters of drainage, flood risk and the comments of relevant consultees are outlined below.

This is an understandable local concern due to the events in 2014 when several gardens on Brook Drive were flooded together with sections of Ladbrook Lane and the adjacent railway, both of which became temporarily impassable. Whilst there is evidence that a lack of maintenance of the downstream ditch/watercourse may have exacerbated these issues and it continues to be the case that surface runoff must be managed on site rather than relying upon any excess capacity in the downstream network.

The Environment Agency, has offered no objection subject to detail to properly manage flood risk. The Council Drainage Engineer has confirmed no objection subject to conditions requiring subsequent approval of suitable engineering details. Due to the constraints on the site, attenuation ponds are not appropriate in this instance and would be of limited efficacy in an extreme flood event. Instead, the applicant has indicated a tanking facility to be accommodated beneath a section of highway traversing the upper part of the site, from which flows can be piped through to the existing outfall at a controlled rate. It is this rate which needs to be agreed and this can be done via condition 16. It is considered that this offers a practical solution that will ensure a net reduction in peak runoff rates and suitable attenuation during extreme events.

In the above context, suggested conditions 15, 16 (surface water) and 17 are recommended to cover drainage and sewerage (Wessex). Condition 18, 19 and 20 cover Environment Agency issues associated with flood risk, water efficiency and remediation strategy.

Ecology

In allowing the appeal under reference 15/11544/OUT, the Inspector has in effect confirmed the acceptability of development on this site. Paragraphs 12-14 of his decision letter expressly considered the issue of biodiversity, concluding there to be no conflict with adopted local Plan Policy in this regard.

There is no evidence to suggest that the ecological value of the site has changed since the grant of planning permission in 2017 and, as a result, it would not be regarded as a reasonable matter upon which to base a reason for refusal of this new application.

The latest parameters plan (GOLD22344-15) is slightly adjusted which is not considered significant, where takes into account the alteration to access / reduced demolitions. The parameters plan continues to incorporate robust strategic landscaping proposals around the site periphery intended to achieve policy compliance in respect of conserving and enhancing priority habitats and species. The associated reduction in the developable envelope, which can be secured by condition, provides some degree of reassurance that the most sensitive ecological receptors can be conserved and other habitats mitigated/compensated within the site without the need to translocate species to a receptor site.

All previous conditions relating to ecology should be re-imposed on any new grant of planning permission.

Landscape

In allowing the appeal under reference 15/11544/OUT, the Inspector has, in effect, confirmed the acceptability of any impacts upon the landscape and vegetation at the site. In addition in quantum of development and above the new access point, the illustrative masterplan remains substantively similar that embedded within the 2017 permission and in such a circumstance, it would not be reasonable to base a reason for refusal on such matters. However, in light of local concerns raised, the general issue of landscaping, vegetation and the comments of relevant consultees are outlined below.

The supporting Landscape and Visual Impact Assessment (LVIA) provides a selection of viewpoints toward the application site. It is apparent from the reasonably limited public viewpoints that the site's wider visual impact would be most pronounced from surrounding private land and it is considered that the development would not be seen in any planned or important public views. The Council Landscape officer does raise concerns with the details supplied. However largely due to the Planning Inspector approval of the site, does not go forward to raise a landscape objection.

It is important to note that unlike the previous application, this application does not include Landscaping as a matter to be considered at this stage. Therefore landscaping mitigation measures can be fully assessed at the reserved matters stage, in combination with the quality of layout and landscaping of the scheme. Due to the scale of the development, it is not considered that the proposals will have any significant impact on the setting of the Cotswolds AONB, the closest edge of which is some distance beyond the brow of the land north of the site that eliminate any direct inter-visibility between the two. Condition 10 is included to ensure soft and hard landscaping measures are detailed and mitigated at reserved matters stage.

Trees

The Council's Arboricultural Officer has assessed the details supplied and has recommended that further detailed information is submitted as part of the reserved matters application, included as part of condition 10 to ensure mitigation. It should be recognised that the site itself, despite the recent removal of a significant number of trees, remains of value as a piece of green infrastructure together with The Batters serving as a transitional section between Corsham town and the countryside to the East. The value of the tree buffer to the Western and Southern of the site has recently been recognised through the designation of an area Tree Protection Order, which may be revised to a group Order in respect of managed improvement of these elements.

Character

Whilst landscaping, layout, scale, and appearance remain reserved matters, the infrastructure detailed at this stage (indicative 'Masterplan' supplied) – include ecological mitigation planting, access and drainage – provides some indication of the constraints to the site perimeter and thus the likely residual developable area. This can in turn be used to provide some assurance as regards the general form of development in terms of overall density and, in some instances, orientation of units as necessary to secure appropriate treatments to bat commuting corridors. The most significant landscape buffers – to the West and South site edges – are to be maintained and improved, reinforcing a recognised local feature whilst protecting neighbouring properties along Brook Drive in particular from an abrupt change in built character. There will be some change in character due to the introduction of the road bridge and increased activity associated with the right of way however it must also be recognised that the site falls within/adjacent to the built envelope of Corsham where neither is particularly out of keeping with the role of the area.

The final density and form of new dwellings has been raised as a concern in a number of responses, this partly covered in condition 6 restricting potential height of buildings. It is agreed that three- storey dwellings and/or large blocks of flats are inappropriate for this site and therefore the reduction in the quantum of development is likely to alleviate pressure for the inclusion of such units within the final layout. It is not considered that a quantum of 25 units – is unreasonable even given the evident constraints of the site. On a less complex site, a higher number would be expected in light of the policy desire for layout efficiency however the current number makes a practical concession proportionate to the constraints.

Residential Amenity

Reflexive of the potential for the development to impact on the safe operation of the railway line in this location is the prospect of the railway in turn affecting the residential amenity of future occupants. In the immediacy, the Council's Environmental Health Officer previously has recommended that any final scheme incorporates suitable acoustic measures (condition 14). Whilst design features such as acoustic glazing may be appropriate, the benchmark for occupation without undue noise incursion from the railway should be the peaceful enjoyment of dwellings with windows open. Although with electrification of the GWR shortly the likely noise levels associated with the railway are unknown, this matter can be addressed by condition.

Concerns have been raised in respect of the prospective loss of residential amenity to the occupants of Brook Drive, who currently enjoy open aspects to their rear gardens as these are orientated toward the brook and embankment to afford a degree of enclosure. It is considered that the similar considerations would discourage front elevations in the reserved matters application.

S106 Contributions

The Council's Housing Officer previously confirmed a requirement for the provision of 30% on-site affordable housing, equating to 8no. units on the basis of the net figure. This should be dispersed through the site with a range of unit and tenancy types. The housing officer confirmed, the requirement for Affordable Housing would remain the same ie: 30% Affordable Housing at nil subsidy (8 units) to be provided on site with a tenure split of 60% Affordable Rent (5 units) and 40% Shared Ownership (3 units) - as detailed in Schedule 1 and Schedule 3 of the Deed of Undertaking dated 21.4.17. The Deed of Understanding also states that the Affordable Housing mix detailed is indicative and would be confirmed at the time of any Reserved Matters planning application in order to ensure it meets the current demonstrable need at that time.

The development should also provide 2280m² of public open space, of which 225m² should be dedicated play space. This should include a useable link between The Batters and Ladbrook Lane and should be offered in the first instance for adoption by the Town Council in line with the Officer's recommendations.

The Council's Education Officer has confirmed that the previous requirements is unchanged from that in 15/11544/OUT, as secured by the S106 on the 2015 application i.e. it still stands. The development generates a need for 9 primary and 7 secondary school places, requiring a contribution of £152,811 in respect of the primary places, with the secondary element to be funded by CIL.

In line with the Council's Waste Strategy, developer contributions of £91/dwelling will be required in order to secure the provision of on-site waste containers, equating to a total contribution of £2,275 in this regard.

The scheme will also be liable for contributions under the Council's adopted Community Infrastructure Levy (CIL) Charging Schedule, equating to £55/m² for eligible floor space.

It should be noted that the applicant has lodged an appeal against the Council's refusal of application 18/07085/VAR. As part of that appeal, the applicant is preparing a Unilateral Undertaking to deliver required infrastructure. It is understood that such a UU will also reference this new application, should the Northern Area Planning Committee resolve to grant planning permission.

10. Conclusion

Planning permission 15/11544/OUT remains extant and capable of implementation. The existence of a planning permission for development of a substantive similarity (indeed quantum remains precisely the same) must be regarded as a significant material consideration weighing in favour of the grant of planning permission for this new application. Whilst the Council is now able to demonstrate a 5 year supply of deliverable housing land, the existence of an extant permission is considered to be determinative in this instance.

The application is submitted in outline only, with all matters except means of access reserved for later consideration. Consideration of the application must be confined to the matter of principle only and the means of access.

The proposed access arrangements and the relationship to existing property No.21 Brook Drive are considered to be acceptable.

In the absence of any other change in circumstance that should prohibit the grant of planning permission, the proposal is considered to continue to meet the requirements of policies listed in section 6 to this report.

RECOMMENDATION

That authority is delegated to the Head of Development Management to GRANT outline planning permission, subject to completion of the Unilateral Undertaking within a period of six months and the conditions set out below, or otherwise to refuse the application for the following reason:

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; Waste; Public Open Spaces; Air Quality Management and is

therefore contrary to Policies CP3 & CP43 of the Wiltshire Core Strategy adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

Conditions:

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

The scale of the development;

The layout of the development;

The external appearance of the development;

The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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

- Site Location Plan, 1001 Rev A. July 2017, Received 08.04.19
- FMW1379 - GA02 rev A - Horizontal And Vertical 2.4m x 27m Visibility Splays Received 15 March 2016
- GOLD22344-15 – Parameters Plan, March 2018. Received 08.04.19
- GOLD 22344-14-A – Buffer Cross Section, March 2018. Received 08.04.19
- CDA Proposed Brook Drive Site Access Arrangements_1054-SK05 – Rev C, dated 13.06.19. Received 05.07.19
- UBD ACO107 Landscape Strategy Plan_SK03 June 2019. Received 28.06.19
- UBD ACO107 Street Section B-B _SK04 June 2019. Received 28.06.19
- CDA Proposed Brook Lane Swept Path Analysis - 1054-SK06 - Rev B 13.06.19. received 28.06.19
- CDA Site Access Vertical Profile - 1054-SK08. 25.06.19. received 28.06.19
- CDA Cross Section Detail X-PR-Cross Section 55. Received 28.06.19

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

5. The reserved matters application shall be broadly in accordance with the indicative masterplan.

- UDB Concept Masterplan_ACO107_4002_Rev E. June 2018. Received 05.07.19

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

6. No building on any part of the development hereby permitted shall exceed two storeys in scale or 9m in height relative to the adjacent ground level.

REASON: In the interests of amenity having regard to the characteristics of the site and surrounding development.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the roads are laid out and constructed in a satisfactory manner.

8. No works shall commence on site until the access to Brook Drive has been provided in full accordance with the details contained in drawing 1054-SK05 C Proposed Brook Lane Site Access Arrangement, with the visibility splays being maintained free of obstruction at and above a height of 300mm at all times.

No dwellings reliant upon access from Ladbrook Lane shall be first occupied until the access, together with suitable turning areas as agreed pursuant to Condition 2, has been provided in full accordance with the details contained in drawing FMW1379 - GA02 rev A (Horizontal And Vertical 2.4m x 27m Visibility Splays, received 15 March 2016). Such areas shall be kept free of obstruction and maintained for those purposes at all times thereafter. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

9. Pursuant to condition 2, prior to the commencement of the development, details of the structural retaining wall and full details of the boundary treatment adjoining No.21 Brook Drive and the bridge over the brook, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include full plans, visual appearance details and supporting structural calculations.

REASON: To ensure the construction does not have an adverse impact on the structural integrity of the proposed highway and the appearance of streetscene.

10. Applications for reserved matters shall be supported by full details of both hard and soft landscape works and (Landscape Assessment), including a programme for implementation, have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structures such as street furniture, refuse or other storage units.

The details shall also include the location, size and condition of existing trees and hedgerows, shall identify those to be retained together with measures for their protection during construction and shall show details of new planting areas, tree and plant species, numbers and planting sizes.

- Plan to show trees to be retained and removed. Please highlight any trees that are planned for removal which are protected under TPO 2016/00009/MIXED;
- Plan to show all trees to be retained along with the canopy spread and root protection areas shown on the proposed layout;
- Detailed Arboricultural Method Statement;
- Tree Protection Plan.

The works shall be carried out as approved in accordance with the approved programme.

REASON: In order to secure a suitable landscaped setting to the development and in the interests of protecting retained trees and landscape features.

11. Applications for reserved matters shall be supported by a ground stability assessment and lighting modelling (including lux plots) in order to demonstrate that detailed proposals meet the requirements of the submitted Parameters Plan, Lighting Strategy, Ecology and Landscape Strategy, and Appropriate Assessment.

All details of landscaping submitted for approval as part of any reserved matters application shall be in accordance with the mitigation measures set out in the Appropriate Assessment, including advanced planting of the northern buffer area and restoration of woodland habitats following construction of the road and bridge.

REASON: In the interests of protected species, to mitigate against the loss of existing biodiversity and nature habitats.

12. Prior to commencement of development (including demolition, ground works, vegetation clearance), a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not necessarily be limited to, the following:

Risk assessment of potentially damaging construction activities including those highlighted in the Appropriate Assessment

Identification of construction excluding zones including the ecological buffers shown on the parameters plan

Detailed construction methods to be employed to avoid or reduce impacts during construction

Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period

Details of reptile mitigation measures including translocation, habitat manipulation / clearance and receptor areas

Measures to avoid damage or destruction of nesting birds

Details of an appointed Ecological Clerk of Works

Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by the appointed Ecological Clerk of Works certifying that the required mitigation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

13. Applications for reserved matters shall be supported by Prior to commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved LEMP shall include, but not necessarily be limited to, the following information:

- a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species
- b) Description and evaluation of features to be managed; including location shown on a site map
- c) Landscape and ecological trends and constraints on site that might influence management
- d) Aims and objectives of management
- e) Appropriate management options for achieving aims and objectives;
- f) Prescriptions for management actions;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward)
- h) Details of the body or organisation responsible for implementation of the plan;
- i) Ongoing bat and habitat monitoring and remedial measures;
- j) Timeframe for reviewing the plan

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

14. The reserved matters submitted pursuant to Condition 2 shall be accompanied by a suite of acoustic measures in respect of all dwellings adjacent to the Great Western Railway (i.e. unobstructed by other buildings). These measures shall include those detailed in the "Noise Assessment dated 16 Nov 2015 (RMA-C1398) for both the construction phase and the development phase and shall demonstrate that ingress of external noise can be reduced to a level whereby the Good standard of BS8233 for internal noise criteria can be achieved.

The development shall be carried out in accordance with the scheme prior to the first occupation of any affected unit and shall be maintained in accordance with the approved details at all times thereafter.

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

15. The reserved matters and details submitted pursuant to Conditions 2 and 16 shall be accompanied by a suitable engineering design for the creation of any subterranean surface water attenuation/storage to be provided on site. The said design shall incorporate ground stability information as necessary and ensure that any associated operations can and will be implemented in such a way as to comprise the extraction of material and shoring up in a vertical section not requiring additional cutting/backfilling.

The relevant works shall be carried out in full accordance with the approved details.

REASON: In the interests of ecological protection and ground stability.

16. 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 (together with any required off-site works to prevent any increased risk of flooding to downstream properties and any required permissions for connections to private drainage systems/land drainage consents), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage, including any off-site works, has been constructed in accordance with the approved scheme and as built drawings (CAD format) have been submitted to the Local Planning Authority.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained and that such systems installed will be adequately maintained to the standard required to meet the requirements of the submitted design and thus prevent any increased risk of flooding to properties on/off the site due to lack of maintenance. To comply with Core Policy 67: Flood Risk within Wiltshire Core Strategy.

17. No development shall commence on site until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. The Strategy shall include a drainage scheme providing detailed arrangements for the means of connection to the main sewer network and the capacity improvements required to serve the proposed development, including any phasing.

No dwelling shall be first occupied or other building brought into use until the drainage scheme has been completed in full, in accordance with the approved details and to a timetable agreed with the local planning authority.

REASON: The matter is required to be agreed with the local Planning Authority before development commences in order that the development is undertaken in an acceptable manner,

to ensure that the 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.

18. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) and Drainage Strategy –Proposed residential development Peacock Grove, land off brook drive, Corsham, Wiltshire, Prepared by GoldDev Limited, project number RMA-CA1948, RMA Environmental, 28th February 2019, and Drawing No's 1054-SK04 Rev B and 1054-SK03 Rev B and the following mitigation measures detailed within the FRA:

1. Finished flood levels are set no lower than 71.39 metres above Ordnance Datum
2. That the clear span bridge has a soffit level no lower than 70.8 metres above Ordnance Datum and a deck level of no lower than 72 metres above Ordnance Datum

The mitigation measure(s) shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the risk of flooding from blockages to the bridge and to ensure that the bridge is at an adequate height to not cause an increase in flooding to the development or surrounding area. To reduce the risk of flooding to the proposed development and future occupants.

19. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and climate change adaptation.

20. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, 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
 - 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 ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

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

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to
 - o human health
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwater and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;

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

Step (ii) Submission of Remediation Scheme:

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

Step (iii) Implementation of Approved Remediation Scheme:

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

Step (iv) Reporting of Unexpected Contamination:

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

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above.

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

Step (vi) Long Term Monitoring and Maintenance:

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

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

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;

- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) measures detailing drainage arrangements during the construction phase, The plan must make provision for the installation of attenuation storage prior to the installation of any upstream drainage infrastructure (for approval of LPA in consultation with Lead Local Flood Authority and sewerage undertaker

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

23. No construction activity whatsoever, including deliveries, shall take place outside the hours of 0730 and 1800 from Mondays to Fridays. No such activity shall take place at any time on Saturdays, Sundays and Bank or Public Holidays.

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

24. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

INFORMATIVE TO APPLICANT:

The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building, due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence.

FENCING - If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the

fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

DRAINAGE - Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure.

Proper provision must be made to accept and continue drainage discharging from Network Rail's property. (The Land Drainage Act) is to be complied with. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

Full details of the drainage plans are to be submitted for acceptance to the Network Rail Asset Protection Engineer. No works are to commence on site on any drainage plans without the acceptance of the Network Rail Asset Protection Engineers: Network Rail has various drainage standards that can be provided Free of Charge should the applicant/developer engage with Network Rail's Asset Protection Engineers.

SAFETY - Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. assetprotectionwestern@networkrail.co.uk

SITE LAYOUT - It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

FOUNDATIONS - Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

PILING - Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS - All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING - The proposal must not interfere with or obscure any signals that may be in the area.

NOISE - Network Rail would remind the council and the applicant of the potential for any noise/vibration impacts caused by the proximity of the proposed development and the existing

railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary.

The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.

There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise.

We therefore strongly recommend that all future residents are informed of the noise and vibration emanating from the railway, and of potential future increases in railway noise and vibration.

LANDSCAPING - It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

PLANT, SCAFFOLDING AND CRANES - Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

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

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

INFORMATIVE TO APPLICANT:

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

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

INFORMATIVE TO APPLICANT:

Any works within 8 metres of the Main River will need a Flood Risk Activity Permit to be granted by the Environment Agency, before works begin. The applicant can contact blandford.frap@environment-agency.gov.uk for further advice on applying for the Permit.

INFORMATIVE TO APPLICANT:

The development should include water efficient systems and fittings. These should include dualflush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

19/03152/OUT
Peacock Grove (land adjacent to) Brook Drive
Corsham
SN13 9AZ



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REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	04th September 2019
Application Number	18/08362/DP3
Site Address	Lea and Garsdon C of E Primary School The Street Malmesbury SN16 9PG
Proposal	Redevelopment of the existing 0.5FE size school site to provide a 1FE size school. This includes increasing the school site and providing a new building for three classrooms, a hall and kitchen.
Applicant	Wiltshire Council
Town/Parish Council	Lea & Cleverton
Division	Brinkworth
Grid Ref	396273 186985
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

The Application is reported to Committee as it is an application by the Council to itself which is the subject of objections by interested third parties. Under the Council's Scheme of Delegation applications must be reported for Committee determination in such circumstances.

1. Purpose of Report

To consider the application proposals in relation to the adopted development plan and national guidance and to recommend that permission be granted subject to conditions.

2. Report Summary

The application has been the subject of two periods of full consultation. In total 32 representations of objection; 28 representations making comments and raising concerns; and 22 representations of support have been received.

Lea & Cleverton Parish Council raise concerns which if addressed would result in support for the proposals (revised).

St Paul without Parish Council opposes the application with similar concerns as lea & Claverton PC identified as unresolved.

Malmesbury Town Council concur with the concerns raised by Lea & Cleverton Parish Council and similarly would only support the application if the concerns raised are addressed.

The key issues in the determination of the application are:-

Principle of Development/Development Plan compliance

Highways Impact; Parking Provision; Accessibility and Safety
 Impact to Residential Amenity
 Impact to the Character, Appearance and Visual amenity of the Locality
 Ecology
 Drainage
 Archaeology

3. Site Description

The application site is in large part an existing primary school located on the fringe of the village of Lea but does include open agricultural land immediately adjacent and to the north of the existing school boundary. The existing structures on site are limited in scale, predominantly single storey but with some structures of greater height than other elements. Buildings are of varying ages with some older stone built elements alongside more modern structures. The northern boundary features an established mature field boundary, to the east is a stone wall boundary with a mature hedgerow extending along the roadside northward. To the south are mixed boundaries with access points to the site from the adjoining school lane. There are existing mature trees within and adjacent the site some of which are the subject of tree preservation orders. A two storey residential property adjoins the site to the east which appears to have been the former school house; to the west is a small paddock with detached residential properties beyond. In the adjacent areas of the village to the south are residential properties of a mix of ages, form and character. The school lies adjacent the junction of School Lane and The Street with other property access points in close proximity. School Lane is a single track rural lane terminating approximately 265 Metres to the west.

The village of Lea is defined in the Wiltshire Core Strategy as a small village without a settlement framework boundary and as such the development is at least partially within the open countryside. The Council has some records of ground and surface water flooding in the vicinity. There are archaeological records and features in the agricultural field to the north of the site. There are records dating to 1998 of water vole in the stream adjacent the field boundary at the northern edge of the agricultural field adjoining the north of the site.

4. Planning History

N/99/01194/FUL	Siting Of Portable Building For Playgroup (Renewal) – Approved subject to conditions
N/99/02421/FUL	Erection Of Detached Domestic Garage – Approved subject to conditions
N/91/02046/SEC	Section 64 Determination - Extension – Proposal constituted development and approval required.
N/91/02263/SEC	Extension To Dwelling – Permitted development
N/89/01703/FUL	Vehicular/Pedestrian Access - Refused
N/91/00936/FUL	Vehicular Access - Approved
N/88/03102/FUL	New Pedestrian Access - Approved
N/96/01301/FUL	Siting Of Portable Building Portable Building – Approved subject to conditions
N/02/00395/FUL	Erection Of A Two Classroom Single Storey Block – Approved with conditions
N/02/01092/FUL	Extension To Existing Mobile Classroom – Approved with conditions
N/03/01410/S73A	Retain Mobile Unit And Extension – Approved with Conditions
N/08/01730/FUL	New Entrance Porch – Approved with Conditions
N/09/01869/FUL	Erection of 1.5 Metre High Natural Stone Wall – Approved with conditions
N/10/02046/FUL	First Floor Side Extension and Single Storey Rear Extension - Approved

N/12/00528/TPO	Tree Surgery to 2 Oak Trees – Approved with Conditions
N/12/01301/FUL	Provision of Single Mobile Classroom – Approved with conditions
N/13/01453/FUL	Proposed Covered Play Area – Approved with Conditions
15/02937/FUL	New External Entrance Canopy – Approved with Conditions

5. The Proposal

The proposed development is for the expansion of the existing school from 0.5 form of entry to a full form of entry with expansion of ancillary facilities. Essentially this is to support the increase of school pupil numbers by 60 places from 150 pupils to 210 pupils. Following initial consultation the scheme proposals were revised and parking and a range of additional highways related access measures included in the proposals. The additional facilities will include:-

- New school hall;
- New school kitchen;
- New hygiene room providing facilities for disabled pupils, staff and visitors;
- Conversion of the old small hall into a library and staffroom;
- Three new classrooms, including one to replace the mobile classroom;
- Three group rooms for one to one and small group teaching;
- A practical teaching room for science and food technology;
- Site security improvements;
- Additional parking including a dedicated coach collection point;
- A games court.

6. Planning Policy

Wiltshire Core Strategy Jan 2015 CP1 CP2 CP13 CP48 CP49 CP50 CP51 CP55 CP57 CP58 CP60 CP61 CP62 CP67

Saved Policies of the North Wiltshire Local Plan 2011 NE18

National Planning Policy Framework 2019

2, 8, 11, 12, 38, 46, 54, 56, 92, 94, 108, 109, 110, 127, 163, 170, 175, 193, 194, 196.

7. Consultations

The following is a summary of the position reached following all the consultation undertaken and is not a verbatim account of all comments received.

Highways Officer – No objection subject to conditions

School's Travel Plan Co-ordinator – No objections but sought clarifications and recommended amendments in relation to the submitted travel plan

Public Protection – No objection subject to conditions

Wessex Water – No objection and no conditions required

Drainage Officers – No objection subject to conditions

Trees Officer – No objection subject to conditions

Landscape Officer – No objection subject to conditions

Council Ecologist – No objection subject to conditions.

Council Archaeologist – No objection subject to conditions.

Lea & Cleverton Parish Council – Raises following concerns and issues, which if addressed would result in support:-

- Management of parking, drop-off and pick-up: in discussions, school staff appear confident that they have the resources and capability to implement the proposed travel management element of the “Travel and Management Plan” viz those “internal” soft measures aimed at encouraging reduction in the numbers of children travelling to school by car. However the school do not have the capacity or capability to implement the “external” traffic management proposals which will require effective and authoritative action at three key locations (a) the car parking/drop-off areas (b) parking in The Street (iii) the pedestrian/traffic crossing point at the entrance to School Lane. Safe traffic management undertaken by competent, trained and insured individuals with acknowledged authority will be essential; particularly where management of vexatious individuals and liability in the case of accidents will be key issues. As discussed previously we consider that the appropriate resources for trained traffic management wardens should be provided by Wiltshire Council.

Officer comment – the latter element of this has not been entirely resolved at this point in time as requested, funding is not available within the Council’s Education budgets for traffic wardens. The School Head is not currently in a position to confirm training for members of staff or school assistants to address this requirement. This can however be considered further through the travel plan review mechanism.

- Design layout of parking and drop-off area: we suggest that a more efficient use of land and parking spaces for traffic management could be considered, through a simple amendment to the proposed site plan. The proposed 20-space car park in the south-west corner of the site is a single entrance/single exit cul-de-sac arrangement. This single in-out arrangement will inevitably become congested, compounded by the effect of arriving, parking and departing cars competing for the limited space between opposing lines of parked vehicles. This area might be more effectively used if it were incorporated into the proposed overall circulatory system which would separate entering vehicles from departing vehicles. This could be achieved through upgrading an additional 30-40 metres of School Lane and relocating the main access to the site further to the west.

Officer Comment – the revised site layout provides for an in out circulatory arrangement. Adjusting this to encompass the totality of the off street parking / car park area would require the entrance to be relocated further along school lane bringing more vehicles further along this single track lane. This is not considered appropriate or necessary in respect of the concern raised.

- Maintenance of access along School Lane; the proposals are for all traffic to use the lower part of School Lane for access to the school site. Irrespective of plans to upgrade the road, this has major implications for (a) the residents of School Lane in terms of need and cost of long-term maintenance (b) ensuring access to the school at all times. As discussed previously, we suggest that WC consider the adoption of the lower part of School Lane in order that necessary maintenance work can be carried out as and when required.

Officer Comment – Highways Officers have confirmed that adoption of School Lane will be acceptable. This matter is addressed under the provisions of Highways Act 1980 and not through determination of a planning application or Planning obligation / S016 agreements.

8. Publicity

The application has been the subject of two separate periods of formal consultation and the following is a summary of the position reached following all the consultation undertaken and is not a verbatim account of all comments received. The application was publicised by site notice, neighbour notification correspondence, inclusion on the council's weekly list of applications published to the website, notification to the Parish Council and Local Ward Member and publication of documentation to the Council's website.

Malmesbury Town Council – Agrees with the concerns raised by Lea & Cleverton Parish Council

Malmesbury St Paul's Without Parish Council – Opposes the application on the basis that the proposed parking stewarding arrangements are inadequate and require a dedicated trained warden; and that a proportion of the car parking area would not be used as the site entrance is in a location that discourages use. The concerns reflect those of Lea & Cleverton Parish Council.

Representatives of the School Governors – Support the proposals endorsing the revised scheme submissions, including the parking and highways mitigation measures. The benefits of the expansion of the school both to pupil education and community infrastructure provision were referenced.

Local Residents – 20 Objections and a further 17 general comments received in total (several persons made multiple submissions including some duplicate submissions) – Summary of all issues raised:-

- The school as existing and proposed to be expanded is predominantly serving pupils from outside the village, this results in large volumes of private motor vehicles visiting the site at pupil drop off and collection times. This in turn results in a range of parking and access issues for local residents of the village with consequent harm to residential amenity and highway safety.
- Education facilities should be located in the communities they serve and in this instance that is Malmesbury.
- The proposals include inadequate provision for parking off street resulting in large peak time vehicular on street parking, disturbance to residents, vehicular and pedestrian conflict, highways hazards and harm to highway safety.
- The proposed school travel plan is inadequate and will not reduce numbers of pupils arriving and departing by private motor vehicle. Additional measures should be investigated and pursued including cycling to school for appropriate age groups.
- Assumptions in the travel plan as to certain measures such as car sharing are over estimated and/or poorly evidenced.
- The proposals will result in an increase in harmful vehicle emissions and air pollution though increased vehicular traffic
- The proposals do not address but worsen existing parking and access issues in the village/at the site. This will worsen the restrictions on accessibility of emergency vehicles in and through the village.
- The assumptions as to the operation of the off street parking arrangements including pupil drop off are unrealistic.
- Traffic survey data is not included with the submitted application documentation including the Travel Plan.
- Staff parking requirements not sufficiently and appropriately considered and addressed in the proposals.

- Inadequate and inaccurate supporting information across a range of matters and generalised undetailed assertions particularly in relation to the financial and educational need and benefits of expanding provision in the village instead of elsewhere. Clarifications sought.
- Temporary car park will result in harm to residential amenity and the proposals are poorly detailed as to longer term arrangements and could set a precedent for further expansion of the village.
- The field to the north of the site has been subject of flooding over recent years.
- Proposals conflict with the spatial strategy and community area policy for Malmesbury as set out in the WCS; CP55 Air Quality and a range of aims and objectives in the Malmesbury Neighbourhood Plan that seek to support educational provision in Malmesbury.
- Inadequate consultation in respect of the application by the Council.
- School Lane is a well used route by cyclist and walkers and the proposals will result in increased vehicular conflict.
- No safe road crossings for pupils and parents walking to school. Proposed Drop off point in a dangerous location directly in conflict with pupils and parents walking to school.
- Inadequate outdoor hard surfaced play areas for pupils. Consider using hard surfaced play areas for temporary parking at peak times.
- School place provision based on a short term approach and consideration of expansion at Malmesbury should be preferred approach.
- No detailed proposals for the upgrading of school lane which is required to support the expansion of the school and increased traffic volumes.
- Concerns over impact of external and vehicular lighting and mechanical plant impacts to neighbouring residents.
- Concern as to the impacts to residential amenity of the proposals in respect of construction/constructors compound.
- School lane inadequate for buses without widening; permanent parking provision to the north of the school should be considered.
- Inaccurate information in respect of proposed building heights and on site mature vegetation/trees.
- Dispute surveys, assumptions and assertions in the travel plans and the transport statement. Survey basis considered inadequate – small sample. The proposed arrangements for accommodating predicted vehicle numbers and drop off times supporting the proposals are overly optimistic/unrealistic. Minimum of 80 – 100 additional cars required to be accommodated and assumed 10 minute drop off times. Figures disputed, numbers will be much greater and vehicles will stay much longer resulting in large scale congestion and disruption.
- Disputes a wide range/large number of factual statements in the transport statement. On this basis considers the findings and proposals unsound and unrealistic.
- Relocation of the access further along School lane increases a range of access and vehicular conflict / safety issues alongside disturbance and harm to local residents and residential amenity whilst undermining and contradicting the proposals, assumptions and aims and objectives of the travel plan.
- Disputes the need for additional pupil places in the catchment area. Seagry and Somerford are more appropriate locations as they have lost pupil numbers.
- Inadequate outdoor play space and facilities for the increased number of pupils. Land not secured for the expansion.
- The revised proposals, additional information and additional mitigation do not address concerns raised previously.

Local Residents – 18 representations of support received in total

9. Planning Considerations

Principle of Development/Development Plan Compliance

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

WCS Core Policies CP1 & CP2, supported by a series of community area based policies, define a settlement hierarchy throughout Wiltshire and seek to direct employment and housing growth to the most sustainable locations within this hierarchy, supported by additional and retained infrastructure services and facilities. Lea falls within the Malmesbury Community area and so WCS CP13 is the relevant area based policy. CP1, CP2 & CP13 defined Lea as a small village which does not feature an established and defined settlement framework boundary. At such villages development is limited to that needed to help meet the housing employment need of the village and to improve services and facilities. The expansion of the existing School is considered to fall within this latter provision. CP13 identifies the area based requirement for housing and employment land over the plan period and directs the majority of this growth to Malmesbury as the market town/higher order settlement and most sustainable location for development in the community area. The policy specifies that development will need to demonstrate how the issues and considerations listed at supporting text para 5.73 have been met. The second bullet point of this paragraph identifies the limited availability of primary school places within the community area as one of these key issues for the locality. It is considered that the proposed development directly responds to and addresses this issue.

Core Policies CP48 and CP49 aim to support the provision and retention of community facilities and services in rural locations to meet the needs of rural communities in a sustainable manner supporting community cohesion and reducing the need to travel. CP48 in particular supports proposals that improve access to services.

Core Policy CP57 supports new development subject to a range of criteria addressing location and site specific impact issues; these are addressed in further detail under subject specific headings below.

It is also material to determination of the application that para 94 of the Framework strongly supports the provision of new school places to meet identified needs. The guidance expressly states that great weight in decision making should be given to the need to create, expand or alter schools. Furthermore, that LPAs should take a proactive, positive and collaborative approach to meeting the requirement to provide a sufficient choice of school places.

The above mentioned policies and national guidance are predicated on support for meeting identified needs. In this respect some concern has been raised through the consultation process that the Lea & Garsdon Primary School is meeting needs from a wider area than the village and immediate environs. Firstly it should be bore in mind that the relevant policies do not exclude such an approach or require that facilities only serve the settlement within which they are located, provision to serve the wider catchment area is appropriate in principle. In this instance it is accurate to identify that the existing and expanded school serves pupils drawn from Malmesbury with many pupils attending school by bus and private motor vehicle.

This has reflected the growth of Malmesbury through residential development which is directed to the market town under the provisions of WCS policies CP1 CP2 & CP13. It is also relevant to note that land is available in Malmesbury for the expansion of primary school provision as a result of the residential development that has been allocated and permitted at the town.

However, there are reasons why provision is not coming forward at these locations and why it is therefore necessary to consider other options such as expansion of Lea & Garsdon. Firstly the need for provision is pressing. Existing schools as noted in the WCS para 5.73 are at capacity. Since the plan was prepared further residential development has taken place and the Council's Education Department's ongoing assessments of needs and existing provision demonstrates that primary schools in the catchment are full or over capacity (including Lea & Garsdon) and additional provision is required. Secondly Lea and Garsdon is part of the Education provision within this catchment area. Thirdly options for additional school place provision in Malmesbury have been investigated at length over a 2+ year period and found not to be viable. In this context expansion of the existing Malmesbury CE Primary School has been considered. As identified the requirement is for an additional 0.5 form of entry expansion. The primary school governors do not support this expansion and require a full additional 1 form of entry expansion. This would put other schools in the catchment area at risk of closure in particular Lea & Garsdon. The other existing primary school in Malmesbury (St Jospeh's VA Primary) is on a heavily constrained small site and is not capable of expansion. Provision of a new 1 or 2 Form of Entry School on Land at Filands identified for Education provision has also been considered. However this again would result in over provision of pupil places and call into question the future of other schools including Lea & Garsdon. Additionally the funding for such over provision is not available within the Council's Education budget. In short of the available options expansion at Lea & Garsdon is the only deliverable solution to the identified requirement at this time.

In principle it is considered that the development proposal is in accord with the provisions of the development plan subject to site specific impact considerations and these are addressed in more detail below.

Highways Impact; Parking Provision; Accessibility and Safety

As will be evident from the summary of representations received, as set out above, parking provision to serve the school is a major concern for many local residents of the village. There is an existing problem with virtually no available off street parking or vehicular drop off points at the school and with the school serving a wide catchment area and in particular receiving pupils from Malmesbury for many years and in increasing numbers. The proposals for extension of the school are largely aimed at accommodating increased demand for pupil places in the catchment area arising from population growth largely through new residential development at Malmesbury. School bus services are provided and are proposed for provision to serve needs. However, there are concerns and a clear likelihood that a significant proportion of existing and additional pupil numbers will arrive and depart by private motor vehicle. The concerns and objections raised consequently have centred on and arise from the impacts of this situation as informed by the existing problems, which are peak time vehicular movements to and from the site and the consequent on street parking demand and impact that has to local resident through disturbance, disruption and conflicting highway user (car, pedestrian, cyclist, bus) conflict. Concerns and objections thereby also centre on the adequacy of assessed requirements and the proposed measures to mitigate existing and anticipated issues.

It should be noted that the proposals have been the subject of significant revisions during the life of the application with additional supporting assessment submissions also made. In large part this stems from the outcome of the consultation undertaken on the application and the

issues around parking, access and highways impacts that have been identified. The final highways related proposals can now be summarised as follows:-

- Provision of 52 off street parking spaces
- Off street Coach/Bus drop off
- One way in / out off street circulatory system
- On Highway Parking/Waiting Restrictions – Traffic Regulation Order
- Pedestrian Crossing
- Comprehensive School Travel Plan incorporating a wide range traffic demand management measures
- Improvements to School Lane through highway adoption process

It is considered that this constitutes a comprehensive package of measures in response to the issues raised and will result in an improvement over the existing situation. The increase in off street parking provision is substantive, going from a position of virtually no available existing provision. This will directly reduce the need and demand for on street parking. Similarly the provision of off street coach/bus drop off and one way circulatory access arrangement is a significant improvement over the existing situation that will assist with mitigating conflicting vehicular movements on street and demand for on street space usage. It is recognised that many interested parties retain concerns in these respects, in particular how the off street parking will operate and the related management of parking and drop arrangements. In this respect many remain concerned that the assessments and assumptions as to demand and parking usage are overly optimistic, unrealistic and/ or inaccurate. Whilst this is noted it remains the case that officers consider the proposals to be a significant improvement upon the existing situation and there is betterment in this regard. Clearly much depends on the behaviour of individuals and the success of demand management measures in the travel plan. In the latter respect the plan allows for and requires a review process. If issues persist provision and mitigation measures can be revisited and this is controlled by proposed conditions. In particular the management of drop off arrangements and parking demand on site can be subject of review.

It has to be accepted however that travel plans for any form of development are tools aimed at encouraging behavioural change and alternative travel choices. This requires all persons affected and interested parties to support proposals and reconsider their travel choices and behaviour. Ultimately the planning system and determination of planning applications cannot require and force this change in behaviour. These are also issues that affect a large number of schools throughout the area and indeed nationwide and it has to be accepted that school, place planning and provision and determination of planning applications can only go so far in affecting change and addressing this issue. There limited options available for the provision of school places, as is referenced above. In this case it is considered that the identified need is accurately assessed, the options for provision have been thoroughly investigated and the expansion of this primary school at Lea meets a range of objectives as informed by various constraints and material considerations. Provision at the site results in retention of a local community facility of significant importance but undoubtedly there are impacts arising that are not ideal and can be mitigated but may not completely addressed in their entirety and to the complete satisfaction of all interested parties. Highways and parking impacts are one such matter and it is considered that compromises are required in this respect, balancing the benefits of development against some level of impact. Again in this respect it has to be noted that the existing situation is improved by the proposals. The alternative is that provision has to be made elsewhere, most likely in Malmesbury, at significant additional cost and risk to the future of education facility provision in the village. Ultimately that may result in pupils from the village having to attend schools in Malmesbury with the potential attendant reverse highways impacts.

It must also be noted that Highways officers have had extensive involvement in respect of the evolution of the proposals and have fully considered and assessed the submissions made. Officers raise no objections subject to conditions and additionally identify that a range of measures can and will be addressed under Highways Act provisions including works to and adoption of School Lane alongside on highway waiting restriction and parking controls. Officers recommended addressing some requirements such as Traffic regulation order funding and road adoption through a Section 106 agreement but as the matter is dealt with under other legislative provision this is not necessary or appropriate. In addition the TRO funding will be sought from and provided by the Council to itself and again in this respect a S106 is not necessary. Similarly the Council's School Travel Plan Co-ordinator has also had significant input to the evolution of the application particularly in terms of the content and provisions of the travel plan. As noted above no objections are raised but it was considered that additional commitments could have been included, especially around the car park management and safety crossing. Education Officers have confirmed that there is no budget available for any school crossing wardens. Additionally they have advised that the head teacher is not currently in a position to confirm that a member of staff or school teaching assistant will be available and there is provision in the future schools budgets for training to address these requirements. As noted the Travel Plan does include provisions for future review and it is considered that these matters can be revisited and addressed if necessary once development has taken place and the operation of the expanded school has commenced. This will provide greater information as to any possible requirements and there will be greater certainty as to resource availability and necessary requirements at that time allowing a more informed response. This is considered to be a reasonable and proportionate approach in the context of the issues raised and material considerations.

It is noted that some interested parties have referred to alternative approaches toward parking provision at the site including provision to the north of the school and / or temporary use of hard surface areas/play areas within the school. Development to the north of the school is not appropriate from a highways perspective given the existing road conditions with access to a blind bend in the road being required. Additionally this would require hard surfacing and lighting within the agricultural field with consequent harm to the visual amenity, character and appearance of the area. There are no hard surfaced play areas to the south of the proposed school buildings and north of school lane in the revised layout that could be used for temporary parking. The concerns as to the positioning of the point of access and use of parking spaces to the left of this are noted but it is not considered that the risk is so significant as to necessitate repositioning further along school lane given that this would result in the access being closer to some of the residential properties in the lane whilst also bringing vehicles further down the lane itself. Officers do consider that the parking will still be utilised and it will not result in conflicting traffic movements to the extent feared and which would render the access as proposed inappropriate.

On balance and accepting that the expansion of the school in Lea and Garsdon is the appropriate and necessary approach to education facility provision to meet identified needs in this catchment area it is considered that the proposals do not result in significant harm to highways conditions such that consent ought to be refused on this basis and that the proposals do result in a level of betterment over the existing situation. The proposals are considered to accord with WCS core policies CP57 CP60 & CP61 and paras 108 109 110 of the Framework.

Impact to Residential Amenity

The application site lies adjacent to a number of existing residential properties with one directly adjoining the school buildings. The proposals entail the expansion of built form and pupil numbers with a commensurate increase in activity at the site and thereby have the potential to impact on residential amenity in a number of ways. However it is considered that

the design and layout of the proposed additional built development is of a form, scale and positional relationship with the nearest neighbouring properties that ensures that there will be no harm arising as a consequence of overbearing impact, loss of daylighting, overlooking or loss of privacy.

The impact of additional activity at the site through increased pupil numbers, particularly in terms of use of external spaces for play and recreation, will increase noise levels at the site and there is potential for disturbance. It is not however considered that the impact is such that consent ought to be refused on this basis. The noise increase associated with increased pupils and their activities at the site is limited to specific activities and periods during the day and is not a continuous feature of the use of the site. Impacts are therefore limited in extent. A significant proportion of local residents will be away from their properties during such daytime periods at work or shopping, leisure and recreation activities, visiting friends and family undertaking voluntary work etc. It must also be acknowledged that the school is a long standing feature of the village and serves the local community, the noise it generates is a known feature of the locality and is considered a part of the life of this and many other communities. In short this impact is to be expected to a certain extent. The increase over and above the existing situation must be acknowledged but it is not considered so significantly harmful as to warrant refusal.

Additionally the application is supported by a noise impact assessment dealing with the additional mechanical plant at the site and impact to noise sensitive receptors (adjacent residential properties). The assessment concludes that the calculated rating level at the identified nearest noise sensitive receptor is predicted to be 16 dB below the typical background noise level during daytime hours and 6 dB below typical background during night time hours, assuming all plant running concurrently at full power output. It should be noted that night-time operation is expected to occur only in exceptional circumstances and only intermittently. It can therefore be determined that the proposed plant installations are indicated to have a low impact on nearby noise sensitive receptors owing to the predicted rating level and context of the development location. Furthermore that the predicted internal ambient noise levels, due to the plant installations, inside the nearest residential windows, are predicted to comply with the recommended guidance and design notes of BS 8233:2014 even with windows partially open. The Council's Public Protection officers have reviewed and considered the submission and raise no objection in respect of noise impacts subject to use of a condition to verify the noise levels of the plant in operation. This is considered reasonable and necessary and is recommended below.

One of the key issues related to schools and especially primary school uses in the modern era is the impact of parents delivering and collecting their children from school by private motor vehicle. This issue is addressed further in relation to parking and highways considerations above. It is however the case that on street parking and the related vehicle movements associated with drop off and pick of pupils by parents occurs over morning and evening rush hour periods and in many instances causes localised disruption through noise and movement and difficulties accessing residential properties. This does result in harm to residential amenity through disturbance and disruption. This is an existing feature of the current operation of the school given the site circumstances with the school access from School lane and featuring very restricted off street parking. School lane is a narrow single lane rural track and this services several existing residential properties. On street parking occurs along this lane and in the locality and as can be seen from the consultation responses received there is disruption to neighbouring residents.

As noted above however the proposals include extensive additional off street parking provision, a one way in and out access system, coach drop off and use of a travel plan alongside proposals for a highway parking restrictions. The proposals are considered to achieve a level of betterment in relation to school pupil drop off and pick up arrangements,

with direct the benefit of reduced on street parking and thereby reduce disruption and localised peak time conflicting vehicular movements harmful to residential amenity. As such whilst there will be an increase in pupil numbers and thereby related access requirements is not considered that this will result in increased harm to and loss of residential amenity through disruption from vehicular traffic and on street parking.

It is recognised that the temporary car parking and construction compound alongside the construction works have the potential to impact on neighbour amenities. As such a condition is proposed in respect of submission and agreement of a detailed construction method statement.

As such it is considered that the scheme proposals are in accord with and meet the requirements of WCS CP57; NE18 of the NWLP 2011; and para 127 of the Framework.

Impact to the Character, Appearance and Visual amenity of the Locality

The proposals have been considered and assessed by the Council's Landscape officer alongside the case officer. Following receipt and review of revisions and additional information the Landscape Officer raises no objection to the scheme proposals with respect to impact to the character, appearance and visual amenity of the locality and the landscape.

In design terms it is considered that the scheme proposals make the optimum use of the available land area at the site providing the required facilities for the expanded school numbers whilst meeting a arrange of other requirements. As noted above it is considered that the facilities are designed and laid out to ensure no significant harm to existing residential amenities. The scale, bulk, mass and character of the proposed built development and external open spaces including parking provision are considered to sit well within the existing built form of this part of the village and respond to and respect the existing scale and form of development at and adjacent the site. The planting and landscaping proposals as noted by the Council's landscape officer, following revisions and additions, secure appropriate boundary treatments which also help to integrate the development within the landscape.

The temporary access proposals will require some hedgerow / mature vegetation removal and it is considered appropriate and necessary to attach a condition to secure submission and approval of details for reinstatement of the hedgerow alongside a separate condition to remove the parking provision once development is complete.

Overall the scheme is considered to achieve a high quality of design and it is not considered that any harm to the character, appearance and visual amenity of the locality arises from the development proposals. In this context the scheme is considered to accord with WCS CP51 CP57 and para 170 of the framework.

Ecology

As not above the site is in a locality where there are records of protected species present in the past. Additionally the site and adjoining areas contain features that provide potential habitat for protected species, including mature field boundaries and trees and watercourses. As noted the proposals involve the extension of the existing site area northward into the adjacent agricultural field which alongside the temporary car park entails removal of existing hedgerows, whilst the additional on-site parking involves provision of external lighting. The application proposals were supported by an Ecological Assessment and this was reviewed and assessed by the Council's Ecologist. Similarly the revised application proposals were also subject of review and assessment by the Council's Ecologists.

In the initial review of submissions officers advised that the applicant team had provided the necessary baseline assessments and made proposals for appropriate Ecological mitigation. This included the provision of appropriate and acceptable replacement boundary hedgerow and proposals for good practice construction and longer term design. The mitigation measures were where possible included within the scheme proposals. No objections were raised subject to use of two conditions, one of which required compliance with the mitigation measures proposed in the submitted ecological assessment and the other which required submission and approval of an external lighting plan demonstrating max lighting levels at 0.5 lux. The Council's Public Protection Team had no objections or concerns in respect of this requirement.

Following this advice additional and revised submissions were made in response to the outcome of the first round of consultation and this included a lighting plan for the revised car parking areas. This submission pack was reviewed by officers and it identified lighting levels in excess of that proposed in the previously recommended condition. On this basis objection was raised. A revised version of the Lighting plan has now been submitted and this confirms lighting levels below the recommended level. Ecological and Public Protection Officers have reviewed and assessed the submissions and raise no objections subject to appropriate conditions.

In this context the proposals are considered to accord with WCS CP51, CP57 (ii) & para 175 of the Framework.

Drainage

As noted above the site is in a location where the Council has some records of ground and surface water flooding and the development proposals involve the reduction in the permeable area through new hard surfacing and built development. The site is not in a location of high flood risk as defined by Environment Agency mapping though. The application was supported by drainage strategy and proportionate assessment of flood risk. This identified existing foul and surface water arrangements and that additional provision following detailed condition assessment would be necessary. It was proposed that this be dealt with via the use of standard drainage conditions.

The submissions were considered and assessed by the Council's Drainage Engineers and Wessex Water and no objection was raised subject to the use of conditions one of which sought surface water drainage provision that achieved betterment. However, revised and additional submissions including drainage strategy details were submitted following work on the site layout and additional parking provision arrangements in response to other consultation representations received. These altered the proposals for surface and foul drainage arrangements. In this respect the Council's Drainage Officers raised concerns that the previously identified need for betterment had not been addressed and that the revised arrangements did not confirm surface run off rates and therefore potential off site impacts. Further submissions were sought to specifically address and respond to the matters and further revised details have since been submitted. The Council's Drainage Officers have considered these details and raise no concerns or objections subject to the use of conditions considering that their previous concerns have been addressed. Wessex Water has also reviewed and assessed the revised submissions and advises that no objection is raised to the strategy and that available capacity and facilities in their infrastructure in this locality is sufficient to accommodate the proposed development. On this basis they also confirm that no further information or detail is required and so no conditions are necessary in respect of foul drainage.

On this basis it is considered that the proposals accord with the provision of WCS CP67 and para 163 of the Framework.

Archaeology

As noted above the proposals involve the extension of school facilities into the field to the north of the existing school, principally this entails additional outdoor sport and recreation provision with some planting and some intrusive groundworks for the development alongside the temporary car park. The field is known to feature archaeological remains albeit further north than the area of the proposed extension. As such the Council's Archaeologists were consulted and have confirmed that known remains comprise enclosures identified from aerial photography which have not been subject to any further archaeological investigation. The proposed extension of the school infrastructure into the northern area may impact on as yet unidentified archaeological remains. A programme of geophysical survey needs to be undertaken prior to any work starting on site, and this may need to be followed by a programme of archaeological monitoring and recording relating to any site stripping or disturbance relating to the proposed development in this part of the site. On this basis officers recommend that an archaeological condition is attached to any grant of consent to enable a programme of archaeological investigation and mitigation of the proposed extension of the school site into the northern field. This is considered reasonable and necessary.

As such the archaeological potential of the site affected by development can be investigated and any results revealed and protected. It is therefore not considered that the proposal results in harm to undesignated heritage assets such that consent ought to be refused on this basis or that there is a conflict with WCS CP57 (i) CP58 or paras 193, 194 & 196 of the Framework.

Other Matters

S106

Interested third parties have suggested that various provisions within the proposed travel plan and elements of the proposed highways and parking mitigation measures and arrangements require a planning obligation/S106 agreement to be prepared to ensure implementation. The framework and Planning Practice Guidance are clear that S106 agreements should only be used where necessary to mitigate the impact of development and make a proposal acceptable in circumstances where such matters cannot be addressed by the use of appropriate conditions. That is not considered to be the case in this instance, conditions can reasonably address requirements and indeed the use of the travel plan via condition requires review of implementation of its provisions and scope for revision and updating as necessary. In this respect it is considered that any requirements can readily be addressed.

It is also important to note that the Council is both Education and Highways Authority and so implementation of many of the identified measures in an appropriate manner and subject to review is entirely feasible. It is the case that a number of the travel plan and highways and parking mitigation measures will be operated by the school staff themselves but as noted these measures are addressed through the travel plan which requires monitoring and review and this is controlled by condition.

As noted above in the section dealing with Highways Matters, Highways officers suggested that a S106 would be necessary to require the applicant to enter into a S278 Highways Act agreement for School Lane adoption and to provide funding for a Traffic Regulation Order. Given that this is an application to the Council by itself and as these matters are addressed under separate legislation neither requirement is considered necessary or appropriate. Discussions with the Highways Officer have confirmed that the suggestions were made on a precautionary basis.

In addition a Local Planning Authority cannot enter into a Planning Obligation with itself on land that is within its ownership. As such a S106 agreement/Planning Obligation in those specific respects is not considered necessary and reasonable and so not in accord with the relevant regulations and guidance on the use of planning obligations as set out in CIL Regulations; Planning Practice Guidance and para 56 of the Framework.

The Council's Public Protection officers have reviewed the proposals and raise no objections or identify any requirements in respect of Air Quality. On this basis it is not considered that the proposal result in conflict with WCs Core Policies 55 or 57.

10. Conclusion

The proposed expansion of the primary school is considered to be in accord with the relevant policies of the Development plan and provisions of the National Planning Policy Framework. There is an identified requirement for the provision of school places in this catchment and the expansion of the primary school meets that requirement. Other options for addressing the identified need have been investigated at length and found to be undeliverable. It is considered that site specific impacts of development are addressed through the revised scheme proposals as controlled by the use of conditions. The significant level of concern raised as to on street parking in the vicinity of the school during pupil arrival and departure is considered to be sufficiently mitigated through the significant increase in off street parking within the school grounds; coach/bus drop off facilities on site and the transporting of pupils by coach; in / out one way access system; a range of on street highway control measures; and a comprehensive and detailed school travel plan controlled by the use of condition. It is considered that these provisions will result in some degree of betterment over the existing situation. It is however recognised that the proposals have the potential to result in additional traffic movements to and from the village and that the success of the proposed package of mitigation measures will be to a certain extent dependent upon co-operation and behavioural change from parents and pupils. As such there is the potential for some level of impact as with all forms of development and that this cannot be entirely avoided. In this context the alternatives of pursuing provision within Malmesbury also raise some concerns and potential negative impacts in terms of the potential for closure of the school and reverse transport demand from pupils in Lea travelling to Malmesbury.

It is considered that all other site specific impacts of development have been addressed through the revised proposals and use of appropriate conditions i.e. drainage, ecology, archaeology and landscape and visual impact. There is a pressing need for additional provision of primary school places in this catchment and in accordance with para 94 of the framework the LPA is required to give this great weight in the determination of planning applications.

On this basis it is not considered that there are any significant harmful impacts arising from the development that outweigh the benefits that arise from additional education facility provision and so in accordance with para 11 of the framework consent is recommended and should now be forthcoming.

RECOMMENDATION

Approve subject to conditions

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

REASON: To comply with the provisions of Section 91 of the Town and Country

Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

GDLS030_001PL_SOFT WORKS PLAN REV E
GDLS030_003PL_MAINTENANCE AND PLANTING SCHEDULES REV E
Site Plan 3375_L_011 REV L
Construction phase plan 3375_L_012 REV H
External Lighting Layout 5006016 RDG Z02 XX PL E 01 REV F & dia Lux chart
3375-HYD-00-XX-SK-C-7760 REV P01 & XXX-BFRR-PRE-IMP-A.xlsx
08963-HYD-XX-XX-DR-TP-0501 REV P02
All received 31.07.2019

08963-HYD-XX-XX-DR-TP-0101 REV P01
3375 - TBC - V2 - XX - DR - A – 2002 REV C
3375 - TBC - V2 - XX - DR - A – 0209 REV D
All Received 01.05.2019

3375_L_051 REV F
3375_L_052 REV C
GDLS030_002_PL REV B
GDLS030_004_PL
3375_L_010
3375_L_001
All received 02.10.2019

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

3. No part of the development shall be /first brought into use until all of the buildings to be removed on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area [and neighbouring amenities].

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

REASON: In the interests of highway safety.

5. Before occupation of the proposed development the applicant will have provided in writing and have approval of a design for a pedestrian crossing on School Lane, said crossing will be constructed by the applicant to the satisfaction of the Local Highway Authority.

REASON: In the interests of highway safety.

6. The Development hereby approved shall be operated in accordance with the provisions of the approved Travel and Parking Management Plan Received 01/05/2019 including identified implementation and monitoring provisions and requirements. 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.

7. Further to and in accordance with the Noise Impact Assessment received 02.10.2018 and within 12 months of the development first being brought into use an assessment of the acoustic impact arising from the operation of all internally and externally located plant shall be undertaken in accordance with BS 4142: 2014. The assessment shall be submitted to the Local Planning Authority and subject to its findings should include together with a scheme of attenuation measures to ensure the rating level of noise emitted from the proposed plant shall be at least 5dB less than background. The scheme shall be submitted to and approved in writing by the Local Planning Authority. Any scheme of mitigation applied to this development must be and approved by the Local Planning Authority shall be implemented within 3 months of the approval being issued prior to implementation and followed by verification prior to first occupation of the development and thereafter be permanently retained.

REASON: To protect the local amenity from any adverse effects of noise.

8. The development will be constructed in strict accordance with the recommendations given in Section 9 of the Ecological Survey Report by Ethos Environmental Planning, dated July 2018.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

9. No development shall commence within the area to the north of the existing northern site boundary until:

a. A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b. The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

10. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;
- A schedule of tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of the proposed car parking spaces including details of the no-dig specification;

- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

11. 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 and local landscape character.

12. Following the reinstatement of land in connection with its use as a temporary car park, the existing native roadside hedgerow fronting St Giles Road North East to 30 MPH (LEA) (removed to accommodate temporary highway visibility sightlines) shall be reinstated along its existing line and length with a replacement native hedgerow. The replacement hedgerow shall be planted to match the 'British Native Hedgerow Mix' as specified on drawing 'Landscape-Maintenance & Planting Schedules (Dwg.no. GDLS030_003_PL Maintenance & Planting Schedules)' or as otherwise agreed in writing with the LPA.

The replacement hedgerow planting shall be carried out in the first planting and seeding season following the reinstatement of land used for the temporary car park; All hedge planting and replacement tree 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.

REASON: To ensure a satisfactory landscaped setting for the development and to mitigate the adverse effects of removal of important landscape and biodiversity features, in accordance with NWLP Saved Policy NE14 & Core Policies 50 and 51 of the WCS.

13. The development will be constructed in strict accordance with the recommendations given in Section 9 of the Ecological Survey Report by Ethos Environmental Planning, dated July 2018.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

14. No development shall commence on site until a detailed scheme for the discharge of surface water from the site (including surface water from the access/hardstandings), incorporating sustainable drainage details together with permeability test results to BRE365, and showing a betterment in discharge rate of 20% over existing rate, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

15. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- g) measures for the protection of the natural environment.
- h) 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

17. Within 3 calendar months of the completion of the development hereby approved the temporary car parking to the north of the site shall be permanently removed and the land returned to its current condition.

REASON: In the interest of the character, appearance and visual amenity of the locality.

INFORMATIVES:-

If works or discharges are to or within 8m of a watercourse, LDC will be required from the Lead Local Flood Authority, which is Wiltshire Council

Forms and details of fees are available here: <http://www.wiltshire.gov.uk/civil-emergencies-land-drainage-ordinary-watercourse>

The applicant is advised to note that consent under the relevant provisions of the Highways Act is required in respect of adoption of and works to School Lane and it is recommended that submissions are made to the Council's Highways Department at the earliest opportunity to address these requirements. The application is also requested to note that funding will be required for the Traffic Regulation Order necessary for on street parking and waiting restrictions and that submission to the Highways Department are made at the earliest opportunity in advance of development to address this matter.

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.

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

The applicant should note that the costs of carrying out an archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.

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

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

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

Background Documents Used in the Preparation of this Report:

Application documentation
Wiltshire Core Strategy Jan 2015
North Wiltshire Local Plan 2011
National Planning Policy Framework
Planning Practice Guidance

18/08362/DP3

Lea and Garsdon C of E Primary School

The Street

Malmesbury

SN16 9PG



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