

# AGENDA

---

**Meeting:** Northern Area Planning Committee

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

**Date:** Wednesday 15 September 2021

**Time:** 3.00 pm

---

Please direct any enquiries on this Agenda to Ben Fielding, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line or email [benjamin.fielding@wiltshire.gov.uk](mailto:benjamin.fielding@wiltshire.gov.uk)

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

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

---

## Membership:

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

Cllr Dr Brian Mathew  
Cllr Ashley O'Neill  
Cllr Nic Puntis  
Cllr Martin Smith  
Cllr Elizabeth Threlfall

---

## Substitutes:

Cllr Ruth Hopkinson  
Cllr Peter Hutton  
Cllr Bob Jones MBE  
Cllr Jacqui Lay

Cllr Dr Nick Murry  
Cllr Tom Rounds  
Cllr Clare Cape

---

## **Covid-19 safety precautions for public attendees**

To ensure COVID-19 public health guidance is adhered to, a capacity limit for public attendance at this meeting will be in place. **Please contact the officer named on this agenda no later than 5pm on Monday 13 September if you wish to attend this meeting.**

To ensure safety at the meeting, all present at the meeting are expected to adhere to the following public health arrangements to ensure the safety of themselves and others:

- Do not attend if presenting symptoms of, or have recently tested positive for,
- COVID-19
- Wear a facemask at all times (unless due to medical exemption)
- Maintain social distancing
- Follow one-way systems, signage and instruction

Where it is not possible for you to attend due to reaching the safe capacity limit at the venue, alternative arrangements will be made, which may include your question/statement being submitted in writing.

## **Recording and Broadcasting Information**

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By submitting a statement or question for an online meeting you are consenting that you will be recorded presenting this, or this may be presented by an officer during the meeting, and will be available on the public record. The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request. Our privacy policy can be found [here](#).

## **Parking**

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

**County Hall, Trowbridge**  
**Bourne Hill, Salisbury**  
**Monkton Park, Chippenham**

County Hall and Monkton Park have some limited visitor parking. Please note for

meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

### **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 as a true and correct record the minutes of the previous meeting held on 18 August 2021.

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**

**Statements**

Members of the public who wish to submit a statement in relation to an item on this agenda should submit this in writing to the officer named on this agenda no later than 5pm on Monday 13 September 2021.

Submitted statements should:

State whom the statement is from (including if representing another person or organisation);

State clearly whether the statement is in objection to or support of the application;

Be readable aloud in approximately three minutes (for members of the public and statutory consultees) and in four minutes (for parish council representatives – 1 per parish council).

Up to three objectors and three supporters are normally allowed for each item on the agenda, plus statutory consultees and parish councils.

Those submitting statements would be expected to join the online meeting to read the statement themselves, or to provide a representative to read the statement on their behalf.

**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 electronically to the officer named on the front of this agenda no later than 5pm on Wednesday 8 September 2021 in order to be guaranteed of a written response.

In order to receive a verbal response questions must be submitted no later than 5pm on Friday 10 September 2021.

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 members prior to the meeting and made available at the meeting and on the Council's website. Questions and answers will normally be taken as read at the meeting.

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 **PL/2021/03412 - Unit 10, 11 & 12, Callow Park, Callow Hill, Brinkworth, SN15 5FD** (*Pages 19 - 36*)

Change of use of B1(a), B1(b) areas to sui generis use of, car auction room storage facility with members area and reception. (B8 use class to remain) including extensions and alterations to the units.

7b **19/12002/FUL - Land Off Common Road, Corston** (*Pages 37 - 58*)

Erection of 4 dwellings.

7c **21/01153/FUL - Land at Dyers Close, Chippenham** (*Pages 59 - 72*)

Demolition of existing garages; erection of detached bungalow with associated garage/parking and landscaped curtilage area and public turning space.

7d **21/02390/FUL - Potters Field, Recreation Ground, Anchor Road, Calne** (*Pages 73 - 86*)

Relocation of existing rugby pitch on the Recreation Ground to former football pitch on Potters Field. Erection of 1.5m high permanent perimeter fencing & 4.5/6.0m high ball-stop netting. Installation of shipping container for storage use.

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 18 AUGUST 2021 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.**

**Present:**

Cllr Tony Trotman (Chair), Cllr Howard Greenman (Vice-Chair), Cllr Chuck Berry, Cllr David Bowler, Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Ashley O'Neill, Cllr Nic Puntis, Cllr Elizabeth Threlfall and Cllr Martin Smith

---

58 **Apologies**

Apologies for absence were received from Councillor Dr Brian Mathew.

59 **Minutes of the Previous Meeting**

The minutes of the meeting held on 3 February 2021 were presented for consideration, and it was,

**Resolved:**

**To approve and sign as a true and correct record of the minutes of the meeting held on 3 February 2021.**

60 **Declarations of Interest**

Councillor Nic Puntis declared an interest in Item 7b as he knew the landowner, however he clarified that he would approach the vote in a fair and openminded manner.

61 **Chairman's Announcements**

The Chairman made those in attendance aware of the Covid regulations that were in place for the meeting.

The Chairman proposed that the meeting would follow an order different to that previously published in the agenda. It was,

**Resolved:**

**That the meeting would follow the following order of items; 7c, 7d, 7a and 7b.**

62 **Public Participation**

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

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

63 **Planning Appeals and Updates**

Clarity was sought regarding the applications which had received appeals against Non-Determination.

The Chairman moved that the Committee note the contents of the appeals report included within the agenda as Supplement One. It was,

**Resolved:**

**To note the Planning Appeals Update Report for 18 August 2021.**

64 **Planning Applications**

To consider and determine the following planning applications:

65 **20.09557.FUL - Ferncliffe, Wadswick, Box, Corsham, Wiltshire, SN13 8JD**

**Public Participation**

Dale Evans spoke in support of the application.

Cllr Richard Campbell spoke on behalf of Box Parish Council.

Development Management Team Leader, Simon Smith, presented a report which outlined ground floor extensions to provide enlarged garage, conversion of existing bedrooms into new lounge and office. Installation of dormer windows to provide first floor accommodation with new staircases.

Details were provided of the site including the principle of development, impact upon heritage assets, design and scale, impact on residential amenity and impact upon landscape.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on the additional height of the building if planning permission was to be granted as well as whether the property would be used for business purposes.

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

A debate then followed with the following issue being a central point of discussion. It was acknowledged that there are few houses in the area therefore the impacts on neighbours must be considered more than normal. It was also



acknowledged that negotiation had taken place between the Agent and Planning Officers, with a revision having taken place in Condition 4.

A motion to move and accept the officer recommendation was moved by Councillor Trotman and seconded by Councillor Bucknell. Amendments were accepted to restrict further development by the withdrawal of permitted development rights and a further amendment to Condition 4 to only refer to a specific window.

At the conclusion of the debate, it was,

**Resolved:**

**That Planning Permission and be GRANTED, subject to the following conditions:**

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

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

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

**Location, block plan and existing elevation – 010/2020/2A  
Block Plan – 010/2020/12A  
Proposed South West and North East elevation – 010/2020/10A  
Proposed North and South elevation – 010/2020/11B  
Proposed first floor plan – 010/2020/9A  
Proposed ground floor plan – 010/2020/  
Proposed sections – 010/2020/13**

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

**3 The reconstituted stone and clay tiles used for all new walls and roofs respectively shall match that of the existing building in material, colour, texture and method of laying.**

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

**4 Before the additional accommodation hereby permitted is first occupied, all new first floor windows in the North and South elevations as well as the new first floor bedroom dormer window closest to the boundary with Reapers Cottage in the North-East elevation (all specified elevations as labelled on the submitted plans) shall all be glazed with obscure**

glass only and to an obscurity level of no less than level 5. All said windows shall be permanently maintained with obscure glazing in perpetuity.

**REASON:** So as to prevent unacceptable overlooking into neighbouring properties and their gardens to the detriment of their amenity, privacy and living conditions.

**5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending this Orders with or without modification), no further development within Part 1, Classes A through to D (inclusive) shall take place on the dwelling house the subject of this planning permission.**

**REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for any further additions, extensions or enlargements in the context of this property where relatively extensive extensions have now been granted planning permission.

**INFORMATIVES:**

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.

66 **20.10382.FUL - Woodlands, The Street, Grittleton, Chippenham, Wiltshire, SN14 6AP**

Public Participation

Liz Matthews spoke in objection of the application.

Development Management Team Leader, Simon Smith, presented a report which outlined a retrospective erection of a summerhouse in the rear garden.

Details were provided of the site including the principle of development, impact upon heritage assets, design and scale, impact on residential amenity and impact upon landscape.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on whether the application would have been approved had it initially been presented as proposed now. Additionally, whether it would be possible to ensure that if permitted that the

slate could never be removed as well as whether Council Officers would be able to determine the wood colour used.

Additional details were also sought on what the enforcement process would be if the proposed works, if granted, had not been carried out within three months. Also, whether a Section 106 agreement could be used for positive engagement. The date of original construction was also questioned.

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

The local Unitary Member, Councillor Nick Botterill, was unable to attend the meeting, therefore Democratic Services Officer, Ben Fielding read out a statement regarding the application on his behalf

A debate then followed which centred on how the Committee believed that the summerhouse that had been constructed had breached Core Policies 57 and 58. Construction without permission as well as the impact upon the nearby Grade II\* listed chapel were discussed as well as the potential removal of trees within a conservation area.

Additionally, the importance of enforcement was discussed by the Committee and how enforcement must take place. It was suggested that the Chairman discuss this with the relevant Cabinet Member.

A motion to move and accept the officer's recommendation was moved by Councillor Tony Trotman, however no seconder was found, and the motion consequently fell.

A motion to refuse the officer's recommendation to grant planning subject to conditions was moved by Councillor Steve Bucknell and seconded by Councillor Gavin Grant. The reasonings for refusal were cited as being Core Policies 57 (i), (iii), (vii) and 58, as well as the requirement of sections 12 and 16 to the NPPF.

At the conclusion of the debate, it was,

**Resolved:**

**That planning permission be refused for the following reason:**

**By reason of its design, siting and exterior finish, the building is considered to be a poor and inappropriate form of development in this sensitive location inside of a Conservation Area and surrounded by listed buildings. In particular, the development is considered to adversely impact upon, and cause harm to, the setting of the Grade II listed "Woodlands" and Grade II\* listed Baptist Chapel, both of which are in immediate proximity of the building. No public benefit identified to outweigh that impact and harm. Accordingly, the development would be contrary to the requirements of policies CP57 (i), (iii) and (vii) and CP58 to**

**the Wiltshire Strategy as well as the requirement of sections 12 and 16 to the NPPF.**

67 **20.11568.FUL & 21/00220/LBC - The Doctors House, 21 Church Street, Sherston, SN16 0LR**

Public Participation

James Marshall spoke in support of the application.

Development Management Team Leader, Lee Burman and Senior Conservation Officer, Caroline Ridgwell presented a report which outlined a two-storey extension and internal alterations.

Details were provided of the site including the impact on heritage assets (Listed Buildings and Conservation Area), related development plan policy and national guidance compliance and the site history.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought regarding the height of the roof in relation to the original plan.

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

The Local Unitary Member, Cllr Martin Smith, then spoke regarding the application acknowledging that the decision was dependant on the potential harm and benefits to the property.

A debate then followed which centred on the importance of preserving and protecting listed heritage buildings. The lack of public comment on the application was also acknowledged.

A motion to move and accept the proposal to refuse the application for Full Planning Permission was moved by Councillor Tony Trotman and seconded by Councillor Ashley O'Neill.

A motion to move and accept the proposal to refuse the application for Listed Building Consent was moved by Councillor Tony Trotman and seconded by Councillor Nic Puntis.

**Resolved:**

**To refuse the application for Full Planning Permission for the following reason:**

**The development proposed by virtue of its scale, form, positioning and design character would result in harm to the significance and value of the Listed Building. The proposals are therefore in conflict with CP57 (i & iv) &**

**CP58 (iii) Wiltshire Core Strategy (2015); and paragraphs 194,199, 200 & 202 National Planning Policy Framework (2021).**

**To refuse the application for Listed Building Consent for the following reason:**

**The works proposed would harm the significance of the heritage assets and their setting through loss of historic fabric, architectural detail and understanding of the building's origin. There are less harmful ways to achieve improvements to the building. The works as shown would be contrary to section 16(2), 66(1) and 72(1) of The Planning (Listed Building and Conservation Area) Act 1990, the NPPF (paras 194,199, 200, 202 & 204 the BS7913, as well as CP58 of the Wiltshire Core Strategy.**

**68 21.00658.FUL - Land off Ashton Road, Minety**

Public Participation

Ian Cain spoke in objection of the application.

Tony Kernon spoke in support of the application.

Development Management Team Leader, Lee Burman, presented a report which outlined Change of use of land from agriculture to equestrian. Erection of agricultural storage barn with incorporated equestrian rehabilitation area. Siting of horse walker and rainwater harvesting tank and creation of hardstanding.

Details were provided of the site including the principle of development, impact on heritage assets, impact on highways, impact on character and appearance of the locality, impact on residential amenities and impact on ecological interest.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on whether ecology surveys had been completed and were up to date. Confirmation was provided that all necessary surveys had been completed including for newts, bats, protected species and hedgerows. Additionally, the designations of land for equestrian and agricultural use were questioned and queries were raised as to the agricultural permitted development rights which may apply to the wider landholding/site.

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

The Local Unitary Member, Councillor Chuck Berry, then spoke regarding the application, acknowledging the points made by both the applicant and main objector. Points made included the opportunity of using conditions to contain significant inconvenience to neighbouring properties as well as reference to the agricultural store.

A motion to move and accept the officer recommendation was moved by Councillor Howard Greenman and seconded by Councillor Gavin Grant. An amendment was accepted to add a condition to restrict the use of the use of the

barn and horse walker for equestrian rehabilitation activities to only take place between the hours 09:00 in the morning and – 18:00 in the evening from Monday to Sunday and including Bank Holidays.

At the conclusion of the debate, it was,

**Resolved:**

That permission is **GRANTED** subject to the following conditions:

**Conditions: (8)**

**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:**

**KCC2820/07 - Block plan**

**KCC2820/06 10/20se - Location plan**

**KCC2820/08 10/20se - Proposed storage/rehabilitation building: elevations and floor plan**

**KCC2820/09 10/20se - Proposed horse walker**

**KCC2820/10 01/21se - Proposed rainwater harvesting tank**

**Received 10/02/2021**

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

**3 The development hereby permitted shall only be operated solely on the basis of the approved full livery arrangements and at no time shall the site offer or provide for DIY livery services.**

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

**4 The facilities hereby approved including the horse walker, horse spa and horse treadmill shall be for the sole use of horses accommodated at the site under full livery. No other horses shall use the approved facilities at any time unless approved in writing by the Local Planning Authority.**

**REASON: to protect the amenity enjoyed by neighbouring properties and to control the number of vehicle movements associated with the site**

**5 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, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be**

**maintained in accordance with the approved details and no additional external lighting shall be installed.**

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

**6 The horse walker provided must be the Molenkoning walker, with glide rail system, push gates and rubber matting flooring. No other type of horse walker shall be installed on the site.**

**REASON: To protect residential amenity**

**7 The development shall be carried out in strict accordance with Sections 5 and 6 of the Ecological Construction Method Statement (prepared by Wild Service, 08/06/2020) and Appendix 1 of the Great Crested Newt Survey (Prepared by Astute Ecology, June 2019).**

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

**8 The approved construction method statement, received by the Local Planning Authority on 8<sup>th</sup> July 2021, shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.**

**REASON: To ensure 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.**

**9 The use of the barn and horse walker for equestrian rehabilitation activities shall only take place between the hours 09:00 in the morning and – 18:00 in the evening from Monday to Sunday and including Bank Holidays.**

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

**Informatives: (4)**

**10 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.**

11 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. 12 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.

### **13 INFORMATIVE TO APPLICANT:**

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply, and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

### **69 Urgent Items**

There were no urgent items.

(Duration of meeting: 3:00pm – 5:45pm)

The Officer who has produced these minutes is Ben Fielding of Democratic Services, direct line 01225 718656, e-mail [Benjamin.fielding@wiltshire.gov.uk](mailto:Benjamin.fielding@wiltshire.gov.uk)  
Press enquiries to Communications, direct line (01225) 713114/713115



**Wiltshire Council  
Northern Area Planning Committee  
15<sup>th</sup> September 2021**

Planning Appeals Received between 06/08/2021 and 03/09/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
19/09079/FUL	Land at Brewers Pit Sandy Furlong Hilmarton, Wiltshire SN11 8SS	Hilmarton	Change of use to 1 no. Gypsy Traveller pitch and associated works including, 1 no. mobile home, 1 no. touring caravan, conversion of stable to 1 no. dayroom and sealed septic system (Retrospective).	DEL	Hearing	Refuse	26/08/2021	No
20/10523/OUT	Land at Purton Road Swindon	Purton	Outline Application for a Residential Development of up to 79 Dwellings and Associated Infrastructure with all Matters Reserved with the Exception of Access	DEL	Hearing	Refuse	01/09/2021	No
PL/2021/04122	Merlins Gate, Broad Town Road, Broad Town, Swindon SN4 7RB	Broad Town	Notification for Prior Approval under Class Q for a Change of Use of Agricultural Building to a Dwelling (Use Class C3) and for Building Operations Reasonably Necessary to Convert the Building (Revision to 20/09825/PNCOU)	DEL	Written Representations	Refuse	26/08/2021	No

Planning Appeals Decided between 06/08/2021 and 03/09/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
20/05433/FUL	1 Radnor Park Corston SN16 0HE	St. Paul Malmesbury Without	Erection of bungalow and associated works	DEL	Written Reps	Refuse	Allowed with Conditions	20/08/2021	None
20/05588/FUL	Hambrook Farm Thornhill Royal Wootton Bassett, SN4 7RZ	Broad Town	Demolition of existing barn and erection of a new dwelling with associated works	DEL	Written Reps	Refuse	Allowed with Conditions	24/08/2021	Appellant applied for Costs - <b>REFUSED</b>
20/08732/OUT	Lower Stanton Farmhouse Avils Lane Lower Stanton St Quintin SN14 6BY	Stanton St Quintin	Outline application for erection of detached dwelling with means of access and siting not reserved.	DEL	Written Reps	Refuse	Dismissed	13/08/2021	None



## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	15 <sup>th</sup> September 2021
<b>Application Number</b>	PL/2021/03412
<b>Site Address</b>	Unit 10, 11 & 12, Callow Park, Callow Hill, Brinkworth, SN15 5FD
<b>Proposal</b>	Change of use of B1(a), B1(b) areas to sui generis use of, car auction room storage facility with members area and reception. (B8 use class to remain) including extensions and alterations to the units.
<b>Applicant</b>	Mr Priday
<b>Town/Parish Council</b>	Brinkworth
<b>Electoral Division</b>	Councillor Elizabeth Threlfall
<b>Grid Ref</b>	403632 184215
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Michael Akinola

### Reason for the application being considered by Committee

The application is called in for committee determination by Councillor Elizabeth Threlfall to consider the impact of development upon residential amenity and highways infrastructure and conditions.

#### 1. Purpose of Report

To consider the above application and to recommend **APPROVAL** subject to conditions

#### 2. Report Summary

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

- Principle of development
- Impact on the character, appearance and visual amenity of the locality/open countryside
- Impact upon residential amenity
- Impact on Highways/parking requirement
- Impact on heritage assets (archaeology)

Brinkworth Parish Council objects to the proposals. 65 representations from members of the public were received, 63 were objections, 2 were supportive.

#### 3. Site Description

The application site relates to Units 10, 11 & 12 Callow Park, the units were former agricultural buildings which were converted for B1 & B8 uses (Per the former Use classes order definitions,

these are now effectively use classes E(g) and B8 under the revised order). The site is located west of the small village of Brinkworth which has no settlement boundary and as such the site is classed as being within the open countryside. The site (Callow park) which contains 8 other units has established B1 business uses falling within the same use classes as above. Unit 10 was granted permission for B8 use (storage building), unit 11 was granted permission for B1a use (office building) & unit 12 was granted permission for B1b (research & development of products or processes) as part of the previous application (18/04263/FUL). The residential dwellings within the immediate vicinity are located north and west of the site. South and west of the site are open fields. The locality is also one of known archaeological interest and potential.

#### **4. Planning History**

N/00/02953/COU - Change of Use of Buildings to Class B1 (Business) Use – Approved

N/05/01289/COU – Conversion and Alterations of Existing Buildings for Employment Purposes in Respect of B1 (Business) Use [approved with conditions]

N/06/00313/FUL – Erection of Replacement Building for Employment Purposes (B1 Business) Use [approved with conditions]

N/07/02500/FUL – Replacement of existing buildings for B1 employment use [approved with conditions]

N/08/00681/FUL – Replacement of Existing Buildings for B1 Employment Use (Amendment to 07.02500.FUL) [Refused]

N/08/01914/FUL – Replacement of Existing Buildings for B1 Business Use (Retrospective But Including Alterations To External Materials) [Withdrawn]

N/08/01689/FUL – Erection of Replacement Building for Employment Purposes (B1 Business Use) (Amendment to 06.00313.FUL) [approved with conditions]

N/08/01915/S73A – Replacement of Existing Buildings for B1 Business Use (Retrospective) [Withdrawn]

N/08/02376/S73A – Replacement of Existing Buildings for B1 Employment Use (Amended Application of Previous Permission 07/02500/FUL) Including Extension for Stair/Lift Access Using Render/Laminate Finish & Hipped Roof [Refused]

N/08/01949/S73A – Replacement of Existing Buildings for B1 Employment Use (Amended Application of Previous Permission 07/02500/FUL) [Withdrawn]

N/08/02374/S73A – Replacement of Existing Buildings for B1 Employment Use (Amended Application of Previous Permission 07/02500/FUL) Including New Extension for Lift/Stair Access Using Render Finish and Hipped Roof [Refused]

N/10/04530/FUL – Erection of Employment Building B1 and Associated Works [approved with conditions]

N/10/04531/FUL - Erection of Employment Building B1 and Associated Works [approved with conditions]

13/05538/FUL – Erection of Employment Building B1 amendments to 10/04531/FUL [approved with conditions]

15/04765/FUL - Proposed Storage Building [approved with conditions]

18/04263/FUL – Proposed new building for research & development (Unit 12) and office building (Unit 11) [approved with conditions]

18/10894/FUL – Proposed overflow carparking for Callow Park Business Units [approved with conditions]

20/10815/FUL – Proposed subdivision of Unit 5 into 2No. units [approved with conditions]

PL/2021/04936 – Proposed subdivision of Unit 6A into 2No. units [approved with conditions]

## **5. The Proposal**

The proposal is for a change of use of existing units; B1(a) – (office building), B1(b) – (research & development of products or processes) areas to sui generis use of car auction room, storage facility with members area and reception. The B8 use for unit 10 would remain for car storage purposes, unit 11 & 12 would be used as a sui-generis car showroom. The proposal also involves minor changes proposed to the elevations such as the addition of a covered walkway which would include a balcony above, a single storey infill extension between unit 10 and units 11 & 12 which would form the reception area. A further single storey extension is also proposed for car inspection/wash facility to the side of the unit 10. The hours of operation are 08:00 to 20:00 Monday to Sunday and bank holiday. At ground floor, unit 10 would be used for storage, unit 11 & 12 would be used as a showroom. On the first floor, unit 11 would be used as an office and café and a small portion of unit 10 on the first floor would be used as additional office space.

## **6. Planning Policy**

### **National Planning Policy Framework July 2021:**

Paragraph 11 – Presumption in favour of sustainable development

Paragraph 38 – Decision-making

Paragraph 84 and 85 - Supporting a prosperous rural economy

Paragraph 130 – Achieving well-designed places

Paragraph 109 – 113 – Highways

Paragraph 174 – Conserving and Enhancing the Natural Environment

Paragraph 194, 199, 202, 203 & 204 – Archaeology/Heritage asset

### **Wiltshire Core Strategy adopted Jan 2015:**

Core Policy 1- Settlement Strategy

Core Policy 2- Delivery Strategy

Core Policy 19 – Spatial Strategy for the Royal Wootton Bassett and Cricklade Community Area

Core Policy 34 – Additional Employment Land

Core Policy 48 - Supporting Rural Life

Core Policy 51 - Landscape

Core Policy 57- Ensuring High Quality Design and Place Shaping

Core policy 58 – Ensuring the Conservation of the Historic Environment

Core Policy 60 – Sustainable Transport

NE18 Noise and Pollution Saved Policy of the North Wiltshire Local Plan 2006

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

**Brinkworth Parish Council:** OBJECT to the application due to a number of reasons which can be summarised as follows:

1. The change of use is unacceptable. The Parish Council have previously supported development of this site under conditions of B1 and B2 use which is suitable to the residential rural location; any change of use to create a public trading centre would not be in keeping with the residential amenity of the area.
2. Access to the site, being along a narrow rural road with no footpaths, is not suitable for the accommodation of increased traffic flow, in particular access by vehicle transportation. Previous applications for development at this site have demanded travel plans "in the interests of road safety and reducing vehicular traffic in the area." This development will only considerably increase traffic to the detriment of road safety.
3. This is a residential area and activity of this nature on the site would impose on the residential amenity of the area.
4. All activity on the site has previously been restricted to 8:00 to 1800 Monday to Friday, 8:00 to 1200 Saturday. This proposal is for 7 day a week access 8:00 to 20:00, which would be totally unacceptable for any application on this site as it would be to the detriment of the local amenity.
5. Objection is made to the application statement which states that no additional entrances would be necessary. Ahead of change of use or planning approval they have already created an additional tarmacked entrance from the road.
6. Signage on this B1 & B2 use site in a rural location would be totally out of keeping with the local amenity.

**Wiltshire Council Environmental/public protection officer:**

Raised no objection due to limited activities at the site and not anticipating significant noise disruption as a result of this activity subject to use of noise condition.

**Wiltshire Council Highways officer:**

Objected to the initial consultation given there were no travel plan or information detailing what was proposed. Following further submission of a travel plan and design & assessment statement, in addition to a revised redline boundary excluding the access built without permission, the Council Highways officer raised no objection given it would generate limited traffic movement subject to condition.

**Wiltshire Council Archaeologist:**

No objection to the scheme proposed

## **8. Publicity**

The application was advertised by neighbour letters, Parish council notification and site notice. This generated 63 letters of objection and 2 letters of support. A summary of the representations is set out below:

### **Objections**

Sixty-three received:

- Concerns over increase of vehicle movement particularly in lane where there is no public footpath, street light and limited parking spacing
- The intention is to house high value cars and hold on-line auctions and as such there is concerns as to all night illumination, movement responsive lighting, 24-hour guards, security cameras, and controlled access gates which would all have an impact on residents

- The opening hours of 8am-8pm including Sunday and bank holiday would result in increase of vehicle movement, noise and air pollution
- The application would best be suited to a larger centre and the road is not suitable for more traffic
- Concerns were raised about the member rooms and test drive on site resulting in noise pollution
- Erected access to the south is unlawful and unsafe
- Their website advertises the ability to apply Paint Protective Film to cars
- There is no justification for the proposal, and it would open the flood gates for similar type of applications to be proposed
- There are several anomalies on the application forms submitted and the application has already begun

### **Support**

Two received:

- No heavy good vehicle is proposed
- Auctions will be conducted on-line
- The proposal is a quality rural development
- It will provide employment

### **9. Planning 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 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 and site consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); the Wiltshire Housing Sites Allocation Plan (February 2020) and the Malmesbury Neighbourhood Plan (Made February 2015).

#### **Policy and principle of development**

The application site is located West of the small village of Brinkworth which is not identified in the settlement hierarchy and as such the site is defined as being within the open countryside in this instance. Core Policy 2 of the WCS states that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development. It advises that outside the defined limits of development that development will not be permitted other than in circumstances as permitted by other policies in the plan.

Core Policy 34 of the WCS states that Outside the Principal Settlements, Market Towns and Local Service Centres, developments that are adjacent to these settlements and seek to retain or expand businesses currently located within or adjacent to the settlement, will be supported where they:

- i) Meet sustainable development objectives as set out in the policies of this Core Strategy; and
- ii) Are consistent in scale with their location, do not adversely affect nearby buildings and the surrounding area or detract from residential amenity; and
- iii) Are supported by evidence that they are required to benefit the local economic and social needs; and
- iv) Would not undermine the delivery of strategic employment allocations; and
- v) Are supported by adequate infrastructure.

This reflective of para 84a of the Framework which requires planning policies and decisions to enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

The proposal relates to the change of use of existing buildings which are permitted to be used as offices, research & development of products or processes for sui generis use of car auction room storage. The existing units on site were used for:

- unit 10 – B8 (storage building),
- unit 11 – B1a (office building) &
- unit 12 – B1b (research & development of products or processes). It should be clarified that since the consent of this application in 2018, the use classes of B1a & B1b have been altered to E(g) (i) & (ii) respectively.

Unit 10 was granted permission under application 15/04765/FUL and units 11 & 12 were granted consent under application 18/04263/FUL. The proposal seeks to utilise the existing units for sui generis use of car auction room storage. Whilst confusion has been raised by the proposed development due to lack of information supporting the proposal, further information has been provided by the applicant in the form of a Design & access statement (D&AS) and travel plan submitted on the 22nd of July and it explains the model of the business and how it is intended to use to the units without resulting in harm to the existing residential or existing businesses on site or adjacent. It should also be noted that majority of the representations and comments of objection were received prior to the submission of the D&AS and travel plan and no adverse comments have been received since its submission.

To clarify some of the points raised by interested parties, the D&AS explains that the business is for a virtual auction platform for buyers and sellers of supercars and as a result, majority of their business takes places online. The D&AS, however, clarifies that the cars to be auctioned online would be showcased in units 11, readily stored in unit 10 and transported to winning bidders via a Ford Ranger attached to a trailer or alternatively by booking an appointment, the winning bidders can arrange their own collection. The D&AS asserts that there would only be 3 sales per day and each consignment will be on sale for 7 days. In summary, it is envisaged that each car will typically require just 2 movements to and from site over its 21day period.

The proposed hours of operation are from 8:00 to 20:00 for 7 day a week, however, the D&AS explains these longer hours are required for the logistics team to provide the content for the online forum after post sales of vehicles. In addition, the D&AS notes that there are adequate parking spaces available as part of the approved travel strategy document for 18/04263/FUL, with 53 total parking spaces giving permission for the staffs and visitor. The D&AS explains that the proposal would aim to encourage sustainable modes of transport to the site by providing showers and as well as utilising the existing bike sheds.

It is noted that from the information provided in the DAS, the maximum number of employees on site at any one time would be 15 and only 3 visitors via booking, therefore ample parking spaces as per the existing 53 parking spaces available.

In the context of CP34 of the WCS, the level of activity described above in terms of employed staff and traffic generation is not considered to materially increase or to be significantly different from that which already benefits from consent. Unit 10 (B8) is an existing storage unit and this use class would not be altered given it is proposed to be used for storing vehicles. In addition, the consented use of unit 11 & 12 was for a B1 office & research and development use, such activities and the intensity and nature of activities permitted within this use class are not considered to be significantly different from the sui generis for car auctions proposed in this application, if anything some uses permitted within the scope of the former B1 use class



(now E(g)) would be of a greater intensity with potential for greater impacts in terms of traffic movement, numbers of employees and related on site activity. As described above, this car auction would be based online with the onsite activity limited from the delivery/dispatch of cars for winning bidders, staff and a limited number of visitors per day, the café in question would be used staff as a break out room and refreshment facility and as such the proposed use intensity is considered to be limited and is ancillary to the main activity proposed. It is not considered that this ancillary refreshment facility is objectionable in principle or constitutes a separate land use in its own right and this is a matter that can be controlled by use of condition.

In addition, it should be noted that the units are currently empty and the D&AS states the applicant is seeking provision to employ local people. It is considered that this proposal would be beneficial for the longevity of the complex in the context of retaining and enhancing local employment and economic activity and as such there are economic benefits arising for the proposal which accord with the provisions of para 84 of the framework and CP34.

It is noted that multiple comments have been made in relation to the proposed signage as part of this proposal, however, these proposals are the subject of a separate advertisement consent application (PL/2021/04832) subject to separate determination. The application before the committee does not include advertisement proposals. The description of development has been amended to clarify this position and exclude reference to advertisements.

On this basis it is considered that the proposed uses of the existing units on site meet the provisions and requirements of para 84a of the Framework and CP1, CP2, CP19 & CP34 of the WCS. However, whilst the principle of this particular proposal may be viewed as acceptable, it is also necessary to undertake site specific assessment and related compliance with other policies as contained within the development plan.

### **Impact on the character, appearance and visual amenity of the locality/open countryside**

Core Policy 57 of the WCS sets out that a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. In addition, Core Policy 57, amongst other things, requires that applications for development should respect the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal. Core Policy 51 is also relevant as it requires that development should not cause harm to the locally distinctive character of settlements and their landscape setting.

In the context of visual amenity of the units, there are minor changes proposed to the elevations such as the addition of a covered walkway which would form a balcony above, a single storey extension (reception area) that would connect unit 10 to units 11 & 12 building/reception area and a single storey extension for car inspection/wash facility to the side of the unit 10. However, it is noted that these changes would not impact the character or visual amenity of the locality as views to the site from the street scene are contained within the curtilage of the site given the scale and height of the boundary treatment. Despite there being PROWs BRIN81 & WBAS29 adjacent of the site, it is considered that these PROWS are located some significant distance from the area of development. In addition, given the limited scale and use of matching materials, the extensions proposed would appear subordinate to and as a part of the host units when viewed from the wider setting or identified PROWS.

As such, the proposals are therefore not considered to be significantly harmful in relation to the character, appearance and visual amenity of the locality and thereby accord with the relevant policies of the plan and the provisions of the framework.

### **Impact upon residential amenity**

In respect of residential amenity representations received from interested third-parties have raised a number of concerns regarding the proposed development, particularly in the context of noise from test driving cars onsite, possibility of the members room being open to the public, the applying of Paint Protection Film (PPF) to cars, hours of operation (8:00 to 20:00) and the possibility of external lighting as a result.

Firstly, the proposed extensions and alterations would not result in harm upon residential amenity given the limited scale of the proposals, the degree of separation between the existing units and neighbouring properties and this not being altered as a consequence of the development proposed and existing mature hedges/boundary treatments in that location that helps obscure views to neighbouring properties.

In addition, as stated above, the proposal is for an online auction and the majority of the business or activities would be based online/virtual activities and not take place on site. Visitors to the showroom or site are limited to three per day and a condition can be attached in this regard. Furthermore, interested parties have raised concerns regarding associated noise from test driving, however, it is noted there no provision for test driving is included in the D&AS or submitted details and again conditions can be attached to ensure this does not take place on the site.

Similarly, concerns were raised about the possibility of the members room being open to the public, however, the DAS explains the members area in question will be used as a hot desking area for team members/staff with provision made for up to 3 (strictly by appointment only) visits from business members/visitors. This arrangement is similar to offices with cafes for their staff/visitors and it is not uncommon for this sort of provision to be available. However, this is also a matter that can be controlled by use of condition. Furthermore, given the proposed site is in an extant business/employment use as part of an established business park, there exists noise from the existing permitted activity on site. It is therefore not considered that the proposed change of use of the units and associated activities would not result in significant additional harm over and above the current situation enjoyed by occupants of the surrounding properties such that the proposal ought to be refused on this basis.

The hours of operation (8:00 to 20:00) has also been of concern to interested parties, however, it should be noted that the previous hours of operation were 8:00 to 18:00. The additional 2hrs to the closing time would not be significant given that majority of the activity would take place online/virtually, and the additional hours now proposed are required for the additional actions after post and pre-sale of the vehicles at the online auction. It has already been established that the previous use approved under application (18/04263/FUL) that the units and use would not result in harm to neighbouring properties. As the proposals are comparable in impacts to the consented uses it is considered that proposals would not result in significant additional associated noise impacts from the additional working hours. In this context it is also noteworthy that cars within the site are transported by a via dollies or skates, visitors to the site are limited to 3 and the number of vehicular movements are relatively small scale as a consequence. As such, the hours of operation and associated noises are not considered to result in such additional harmful impacts that consent ought to be refused on this basis and could be defended at appeal if it were.

The Council's Senior Environmental Health officer has been consulted and they raise no objection stating similar points detailed above. The majority of the business would be undertaken online, the number of visitors is limited to three and by appointments and vehicles

within the site will be moved using skates/dollies thereby minimising the noise from high performance engines. Additionally, they noted they would have no concerns with the use of external lighting given its impact has been assessed as part of the approved applications 15/04765/FUL and 18/04263/FUL.

In the context of applying Paint Protection Film (PPF) to cars, the D&AS explains a local company in Swindon (Aura) will carry out this specialist work and do so typically at their premises. This is however with the exception of small/limited applications that would be carried out on the site by Aura as exceptions. This process would be carried within the units where there is adequate existing ventilation, and it is noted that any waste material (backing film) will be taken away by Aura for correct disposal. The D&AS further details the products are mainly surface applied with very little wash/drain waste being produced. However, any chemical used [Autosmart] is compliant with BS EN ISO 9001 policy governance and meets all environmental legislative requirements. The Council's Senior Environmental Health officer did not raise an objection in this context.

### **Impact on highways/parking requirements**

Interested and third-party representations received have raised concerns that the existing road to access the development are unsuitable for increased number of vehicular movement (particular access by vehicle transportation) given there are no footpaths, on-street parking, or street lighting. In this respect, it was reasonable to consult the Council Highways officers. The Highways Officer noted that the proposed use of this lane in question would be acceptable given the intensification of the lane is not increased and in any case it has the potential to have slightly reduced impacts.

The reason being is that the D&AS explains that 18 staff were previously employed as part of the approved application 18/04263/FUL and this is in line with the proposed number of staff (15) and visitors (3) in this current application. In addition to this, the site features existing adequate access as well as ample parking arrangement:

Cars: 107 existing + Up to 28 additional with development of Unit 11 and 12 (18/04263/FUL)  
Bicycles: 15 existing + Up to a further 12 Sheltered and Secure Spaces with development of Unit 11 and 12 (with the exception of Units 1 and 10, all units are fitted with Shower and Locker facilities to encourage cycling) (18/04263/FUL). Further measures such as electric charging points were also proposed as part the approved application (18/04263/FUL).

In addition, although the concerns raised about vehicle movement are acknowledged, it is noted that this particular auction operates in a different manner from traditional auction house facilities. The majority of the business would be carried out online; there would only be 3 sales per day and each consignment will be on sale for 7 days. In summary, the number of vehicles movement being expected to be 21 per week (3 per day) for vehicles brought to the site for auction and then 21 per week (3 per day) for sold vehicles. The highways officer concluded that these number of vehicular movements is not significant or detrimental to the public highway to warrant a refusal on this basis.

Additionally, there are concerns that the use of large tow trucks would be inappropriate for the road given there are no pedestrian footpath or street lights. However, it is noted that the vehicles after being won would be transported to winning bidders via a Ford Ranger attached to a trailer and not a large tow truck. Alternatively, the winning bidders can arrange their own collection via booking an appointment. The Highways officer has also been consulted in this context and they raise no objection.

It is also noted that the site would not utilise street parking as there are existing 53 adequate parking spaces adjacent to unit 10, 11 & 12 as per the previous application approved 18/04263/FUL. It is observed in the D&AS that 15 staff are required and the occasionally

guests being limited to 3 would take the total needed parking spaces to 18 and this still leaves ample of parking spaces available. There is also storage within unit 10 and it is proposed that vehicles to be auctioned online would be stored in this unit and not on public highways.

As such, following the Highways officer response, the proposal would be in accordance with para 111 of the framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

In addition to this, the proposed use in this application and consented B8 use in the previous application (18/04263/FUL) is not materially different in transport terms and if anything, this current proposal has the potential to have slightly reduced impact on the road in question. The reason being is that there exist B8, E(g) (i) & (ii) uses as part of the previous application (18/04263/FUL) and potentially this would have generated significant Heavy Goods Vehicles movements and numerous office visitors given there were no conditions that limited vehicle or delivery movement. As describe above, the number of visitors and delivery of vehicles are known in this current application and they are considered to be limited by the Council Highways officer. As such, in highways term, the proposal cannot be considered to result in severe cumulative harm which is the test set out in para 111 of Framework.

It is also in accordance with para 110 (b) of the Framework which requires development to be safe and suitable access to the site can be achieved for all users. The site already as existing infrastructures and parking arrangement that have been deemed adequate as part of the approved application (18/04263/FUL).

Additionally, the access south of the site has been subject of concern given it was built without permission, however, it should be noted that the access in question has been removed from the redline application boundary and it is no longer part of the proposed development. The Council's enforcement team have been notified of the situation and the concerns being raised and will proceed to secure removal.

#### **Impact on heritage Assets (Archaeology)**

The locality is one of known archaeological potential and consultation with the Council's Archaeologists was undertaken as a consequence, they raise no objection to the scheme and do not recommend use of conditions.

#### **10. Conclusion (The Planning Balance)**

The proposed change of use and extensions at 10, 11 & 12 Callow Park in Brinkworth, in the context of the principle of development, are considered to be acceptable. The approved use of the existing units is for B1(a), B1(b) & B8 and it is considered that the level of activities in terms of employed staff and traffic generation is not likely to materially increase above the existing use. The site is served by adequate existing access and facility that have previously been deemed acceptable, the majority of the business would take place online and any visit to the site are via appointments only and are limited to three visitors a day. In addition, the units are currently empty, and it is considered that this proposal would be beneficial for the longevity of the complex in the context of retaining and enhancing local employment and economic activity. This is therefore in accordance with the objectives of CP1, CP2, CP19 and CP34 of the WSC and the relevant provisions of the framework including para 84a. Para 84 in particular emphasises that LPAs in their decision should enable the sustainable growth of all types of business in rural areas through conversion of existing buildings and well-designed new buildings.

In the context of harm to the highways safety, access and parking, the proposal has been assessed by the Council's Highways officer who raises no objection subject to use of condition. The officer noted that there are adequate parking spaces available at the site and

as such there would be no spillage of vehicles to the public highway. The use of the lane would not be intensified given the relative low numbers of car delivery and numbers of visitors and staff being limited. The proposals cannot demonstrably be considered to result in severe cumulative harm and impacts to the highway network.

The proposal is not considered to harm the character and appearance of the locality given that views of the proposal would be contained within the curtilage of the site and screened by mature boundary treatments and the existing built form. In addition, the proposal is limited in scale and the proposed materials match that of the existing and as such, the proposal would be subservient when viewed from the wider setting. Following the consultation response from the Council's Archaeologist there is no harm to archaeological interest or potential identified and as such no objection was raised.

In context of residential amenity, the proposal would not result in harmful overlooking or overshadowing impacts given that the level separation from the area of development is still maintained and there remains significant boundary treatment to the front of the site obscuring views to the development. The hours of operation and associated activities would also not impact the residential amenity given that the majority of the business would take place online and the activities proposed on-site would not result in significant additional noise over and above that already generated by the site and extant consented uses.

As such, when taking into consideration the location of the site, extant consent for the existing use of the units, previous approved travel plan, visual amenity and amenities enjoyed by the occupants of the surrounding buildings and in relation to both National and Locally adopted policies the proposal considered to accord with Core Policies 1, 2, 19, 34, 51, 57, 60 and 67 of the Wiltshire Core Strategy and the guidance and provision of the para 84a, 85, 109, 110 (b), 111, 112, 113, 130 (b, c & f), 174 (b), 194, 199, 202, 203 & 204 and section 12 of the Framework.

## **11. Recommendation**

That Planning Permission is GRANTED subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: drg no.505.1.101 (proposed units floor plans) & drg no.505.4.100 (proposed unit's elevations) [Received by the LPA on the 26th of March 2021] & location plan [Received by the LPA on the 22<sup>nd</sup> of July 2021]

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

3. The sui generis use for car auctions at Unit 10, 11 & 12, Callow Park, Callow Hill, Brinkworth, SN15 5FD shall only operate during the hours of 08:00 to 20:00 hrs Monday to Sunday and bank holiday and at no other time unless agreed in writing by the Local Planning Authority.

REASON: In the interests of character and appearance of the site and residential Amenity.

4. There shall be no test driving of vehicles to or from the site or within the site; and the use of the members room detailed on the first floor in drg no.505.1.101 (proposed units floor plans) shall be limited to staff and three visiting members of the car auctions use hereby permitted per 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.

5. The development/business hereby permitted shall be carried out in accordance with the Design & Access Statement submitted for units 10, 11 & 12 at Callow Park: [Received by the LPA on the 22<sup>nd</sup> of July 2021] in that a maximum of 3 visitors to the site per day is approved; Car Auctions held will be virtual/online and not in person on site; and the use permitted is solely for the purposes of virtual car auctions, storage of vehicles for sale in auctions and related offices and ancillary uses.

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

6. Noise emissions attributable to internal and external operations shall be limited to a level not exceeding the background sound level when measured at a height of 1.5 m above ground level using a fully calibrated class 1 sound level meter at the boundary of the nearest residential dwelling. The background sound level shall be expressed as an LA90 1 hour and the ambient sound levels shall be expressed as an LAeq 1 hour.

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

7. The development shall operate in accordance with the Travel Strategy approved under application 18/04263/FUL [Received by the LPA on the 1<sup>st</sup> of August 2018] and the Travel Strategy Addendum [Received by the LPA on the 22<sup>nd</sup> of July 2021] submitted under this application.

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

8. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those listed on the application form received by the Local Planning Authority on the 26<sup>th</sup> of March 2021.

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

9. **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.

10. **INFORMATIVE TO APPLICANT:**  
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.

11. 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.

12. 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.

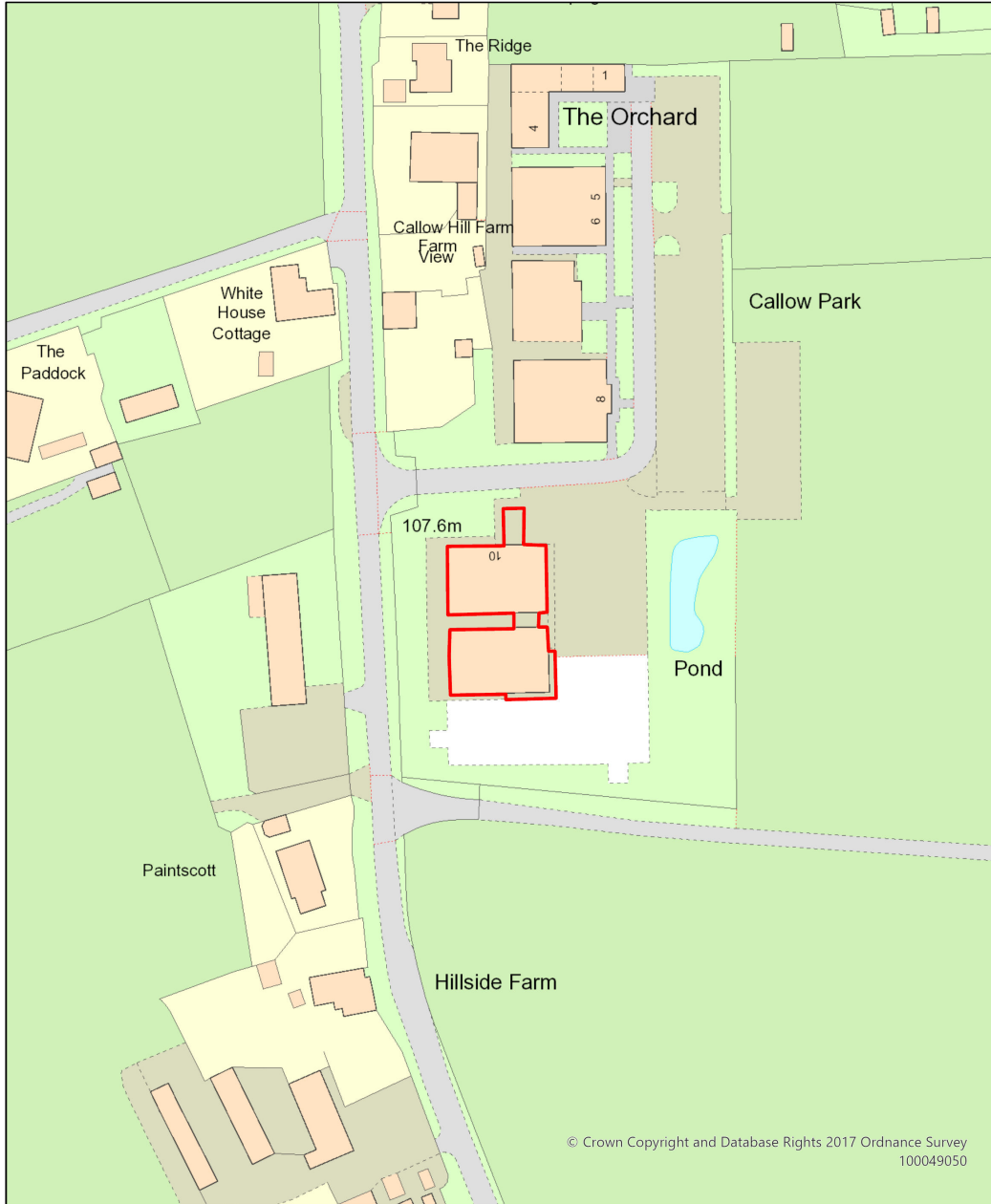
This page is intentionally left blank



PL/2021/03412 Units 10, 11 & 12 Callow Park, Brinkworth



This page is intentionally left blank



1:1,250



403633E 184227N m

© Crown Copyright and Database Rights 2021 Ordnance Survey Licence No 100049050

This page is intentionally left blank

## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>15 September 2021</b>
<b>Application Number</b>	<b>19/12002/FUL</b>
<b>Site Address</b>	<b>Land Off Common Road, Corston</b>
<b>Proposal</b>	<b>Erection of 4 dwellings</b>
<b>Applicant</b>	<b>Warden and Freeman of Malmesbury</b>
<b>Town/Parish Council</b>	<b>St Pauls Malmesbury Without</b>
<b>Division</b>	<b>Sherston</b>
<b>Grid Ref</b>	<b>392347 184414</b>
<b>Type of application</b>	<b>Full</b>
<b>Case Officer</b>	<b>Lee Burman</b>

### Reason for the application being considered by Committee

The application was called in for Committee determination by the former ward member (Cllr Thomson) to consider the principle of development and development plan compliance alongside Ecological and Drainage impacts. The new ward member (Cllr Smith) has re-confirmed the call in.

### 1. Purpose of Report

To consider the proposals against the relevant policies of the plan and national guidance and in the context of all material planning considerations and site circumstances and the recommendation to grant permission subject to completion of planning obligation and the conditions set out below.

### 2. Report Summary

Key issues include:-

- Principle of Development/Development Plan Compliance
- Ecological Impact
- Drainage Impact
- Highways Impact
- Impact on the Character, Appearance and Visual Amenity of the Locality
- Impact on Residential Amenity

79 Representations from interested parties have been received but including multiple submissions by the same individuals

The Parish Council objects to the scheme proposals

### 3. Site Description

The site lies on the northern fringes of the village of Corston which does not feature a defined settlement boundary and so is within the open countryside for planning policy purposes. The land is relatively flat, although with some changes in levels and featuring some mature vegetation at some of the site boundaries, others being more open with post and wire fencing. The site is bounded and accessed from Mill Lane and Common Road, the latter forming the northern extent of the site and to a large extent the village itself. Existing dwellings are situated to the west and east/north east. Open land including a pond and extensive mature vegetation and trees lies to the south, directly north is also principally open land. A property previously identified as builders yard and a substantial part of the village lies further to the south beyond the open field with pond.

There are some records of drainage constraints and flood risk in the immediate locality. Mill Lane to the immediate west is a Bridleway.

The land immediately to the south indicated as being a former quarry and featuring the pond and mature vegetation is a designated Local Nature Reserve and County Wildlife Site. Described as a disused limestone quarry managed as a community nature reserve, with mesotrophic open water, marginal swamp vegetation, species-rich calcareous grassland and scrub woodland. There are records of Badgers, Barn Owl, Common Kingfisher, Slow Worms, Grass Snake, North European Crested Newt, Bats (Chiroptera) and Eurasian Otter within the immediate vicinity including on the Local Nature Reserve/County Wildlife site.

#### **4. Planning History**

None of relevance to the proposals.

#### **5. The Proposal**

The application seeks full planning permission for the erection of 4 new dwellings, two of which will be affordable housing units, creation of an access and site landscaping.

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

##### **Wiltshire Core Strategy**

- Core Policy 1: Settlement strategy
- Core Policy 2: Delivery strategy
- Core Policy 3: Infrastructure Requirements
- Core Policy 13: Malmesbury Community Area
- Core Policy 43: Providing affordable homes
- Core Policy 45: Meeting Wiltshire's housing needs
- Core Policy 50: Biodiversity and geodiversity
- Core Policy 51: Landscape
- Core Policy 57: Ensuring high quality design and place shaping
- Core Policy 60: Sustainable transport
- Core Policy 61: Transport and new development
- Core Policy 62: Development impacts on the transport network
- Core Policy 63: Transport strategies
- Core Policy 67: Flood Risk

**The Wiltshire Housing Site Allocations Plan (WHSAP)** was adopted 25 February 2020.

Settlement Boundary Review & site allocations.

**Malmesbury Neighbourhood Plan (MNP) (Made Feb 2015)**

1.1.6 & 1.1.7 – Objectives and Policies  
Policy 1 – Back bridge Farm Allocation  
Policy 2 – Burton Hill Allocation  
Policy 4 – Local Need Assessment  
Policy 6 – Burnham House Allocation  
Policy 13 – Development in Accordance with MNP Volume II

**Saved policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).**

H4: Residential Development in the open countryside  
NE14 Trees and the control of new development  
NE18 Noise and Pollution

**National Planning Policy Framework 2021**

Paragraphs; 2, 8, 11, 12, 14, 38, 47, 77, 110, 111, 130, 167, 169, 174, 180.

**7. Consultations**

There have been multiple rounds of full consultation. The following is a summary of the position reached following those processes and receipt of revisions and additional information; this is not intended to be a complete recitation of all advice and comments received. Where necessary and appropriate initial advice received is set out in the main body of the report.

St Paul Malmesbury Without Parish Council

Objections maintained. Fully support the comments of the Local Nature Reserve warden – Anne Skinner (available on the public record and summarised below). Concern raised at lack of Hydrological Study to assess groundwater flows to the LNR, especially given Natural England comment and advice (see summary below). Concerned as to the efficacy of the “Buffer Zone”. Inappropriate site for this development due to flooding and highways impact issues, lack of need for housing, ecological impact and unsustainable location. Seek assurances that concerns raised are addressed or mitigated.

Natural England

No objections and welcome buffer zone proposals but concerns raised as to the level of detail available as to the hydrological impact of development and consequences for the Pond in the LNR. Concern over future management of the LNR. Considers that national and local policy indicate a requirement to avoid harmful impacts to ecological interest and enhancing biodiversity.

Environment Agency

Objection withdrawn but recommend that the applicant undertakes a risk assessment on the basis of their dwelling foundation design and depth to groundwater. The advice explicitly does not propose a condition in this regard.

Wessex Water

No objection.

Ecology

No objection subject to conditions regarding management of the buffer strip, hedgerows and trees and open spaces.

### Highways

No objections subject to conditions and Informatives

### Drainage

No objections subject to condition requiring drainage facilities to accord with the foul surface water drainage strategy.

### Urban Design

No Comment to make on this minor development proposal

### Trees Officer

No objections subject to condition

### Affordable Housing Team

No objections, whilst the scale of development doesn't trigger a requirement for affordable housing the proposed provision is welcomed. Query raised as to proposed/intended registered social landlord. Applicant has confirmed and officers support.

### Public Protection

No objection subject to conditions

### Rights of Way

Comments on initial scheme raised issue regarding obstruction on Right of Way. This issue is now resolved as a result of amended drawing.

## **8. Publicity**

As noted above there have been multiple rounds of consultation and as a consequence several interested parties have made multiple representations. The following is a summary of all representations received and is not intended to be a recitation of all comments made.

- Impact on drainage and surface water flooding
- Impact on residential amenity
- Traffic generation
- Contrary to Wiltshire Council Core Policies and Framework
- Outside curtilage of village
- Impact on ground levels and water table
- Flooding associated with construction
- Overlooking 6 Quarry House
- Traffic and Highway issues
- Affordable housing used as bartering / not for Corston Families
- Housing need not demonstrated
- Exceeds Malmesbury Neighbourhood Plan housing numbers
- Package treatment highlight issues



- Harm to Ecological Interest / LNR through disruption of groundwater flows; construction activity and re-routing of surface water drainage. Consequent conflict with national guidance in the NPPF.

Wiltshire Wildlife Trust – Objection on the basis that the proposals have the potential to disrupt groundwater level, flow and quality compromising the pond in the LNR/CWS.

## **9. Planning 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 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 and site consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); the Wiltshire Housing Sites Allocation Plan (February 2020) and the Malmesbury Neighbourhood Plan (Made February 2015).

### Principle of Development

The site is not allocated for the development proposed in the adopted development plan for this locality. Corston is defined a small village in the plan settlement hierarchy and does not feature a settlement boundary/limits of development and as such the site lies within the open countryside for planning policy purposes. In these situations, WCS CP2 restricts development to limited infilling. The development proposed does not meet one of the exceptions to the development strategy of the plan as set out at para 4.25 of the WCS or under the provisions of saved policy H4. The housing requirement for the Malmesbury Community area as set out in WCS CP13 has been met and exceeded. As such the proposal is in conflict with the development strategy of the plan as defined in this locality by CP1, CP2 & CP13, which must be read together alongside the relevant provisions of the MNP. However, it is arguable that the site could be considered as constituting limited infill development within the existing built form which is allowed for under the provisions of CP2 in villages without a settlement boundary. This limited to a location capable of accommodating a few dwellings and generally not more than 1 as defined in para 4.34 of the plan. However, at appeal up to 4 dwellings have been allowed under this policy in the past. As is discussed further below and in the site description above whilst on the outer fringes of the village the site features existing built form on at least two boundaries with Common Road to the north effectively forming a discernible boundary and limit to the extent of Corston.

It is also necessary to consider what if any material considerations would justify a decision otherwise than in accord with the strategy of the plan. In this context there are several matters that must be taken in account. Firstly, the Council cannot currently demonstrate an NPPF compliant available and deliverable supply of land of housing for the requisite 5 year period plus buffer. The latest HLS statement identified that the shortfall is 4.56 years. As such the policies of the plan most relevant to the determination of the application are considered to be out of date and para 11(d) of the framework is engaged. In this context the MNP is over two years old so the relevant period for HLS provision remains 5 years and not 3 and para 14 of the framework is not engaged.

As set out in Supreme Court of Appeal decision *Suffolk Coastal District Council v Hopkins Homes Ltd & Anor* [2017] UKSC 37 even where paragraph 11(d) of the Framework is triggered through a lack of five year housing land supply, the weight to be given to the relevant development plan policies and the NPPF remain questions of planning judgement for the decision-maker. The weighting of those will vary according to the particular

circumstances of each case. This can include consideration of the extent of the shortfall of housing supply, as confirmed most recently by *Hallam Land Management v SoS DCLG* [2018] EWCA Civ 1808; the actions being taken by the local planning authority to address any shortfall, and/or the particular circumstances of the restrictive policy. In these respects it must be noted that the shortfall is relatively limited as was confirmed by the Planning Inspector considering the Purton Road appeal (Ref APP/Y3940/W/18/3202551 - Land at Purton Road, Swindon - 17/08188/OUT) which was tested through the courts and found to be sound by multiple justices. It is also material to note that the Council has an action plan in place for addressing the shortfall and is taking steps to do so. Importantly this has included granting permission for development on sites where no significant site specific harm arises; there is reasonable access to services, facilities and employment opportunities by virtue of good connectivity by a range of modes of transport and proximity to major settlements; and the scale of development proposed is proportionate to adjacent settlements. Indeed this plan of action has already resulted in the grant of consent on land in nearby settlements in this housing market area and community area; and a team of officers meets regularly to keep under review other potential sites. Other actions include dedicating additional resource and priority to unlocking stalled strategic allocated sites such as Rawlings Green, Chippenham. The Wiltshire Housing Sites Allocation Plan has also been adopted since the Purton Road appeal decision identified the shortfall in housing and this will deliver additional sites in this housing market area.

It is also material to note that the Council cannot demonstrate that affordable housing needs in Wiltshire and in this locality are being met.

The planning balance is considered later in this report, site specific impact considerations and related development plan policy and framework guidance compliance/conflict assessments are addressed under issue specific headings below.

### Ecological Impact

The application proposals have generated extensive submissions of objection in relation to potential harm to the adjacent County Wildlife Site / Local Nature Reserve (CWS/LNR). Particular concern has been raised as to the impact of development on drainage in the immediate locality and to the pond which is at the heart of the CWS/LNR. Other concerns have been raised as to the scope of development at the northern boundary to have direct and indirect impacts to the LNR/CWS and its long term management.

In response to the issues raised the applicant team has made detailed submissions as to the drainage proposal for the development, which is discussed in further detail below, and proposals for a 10m wide landscape buffer strip between the development proposed and the LNR/CWS. In the latter respect the land is offered for management as part of the LNR/CWS or via alternate means such as a management company. The proposed Planning Obligation/S106 agreement will address this matter and it is considered most likely that this will be through a management company. The applicant has agreed these heads of terms.

Given the introduction of the landscape buffer zone and the positioning and layout of the proposed development in relation to the CWS/LNR it is not considered that the development will result in direct impacts to the Ecological interest and value of the site such that harm arises. The proposals involve no actual built development on the CWS/LNR and permitted development rights associated with the residential development can be controlled by use of condition to ensure harm does not arise in this context. The landscape zone between the dwellings and the CWS/LNR as the terminology indicates acts as a buffer between the development and the Ecological habitat. This is a common tool to minimise and mitigate impacts and the extent of the area involved at 10m in depth is generally taken as the appropriate and sufficient quantum for protecting ecological sites from impacts such as

domestic animal predation, domestic planting overgrowth, domestic lighting disturbance, refuse & domestic detritus overspill and residential curtilage creep.

As noted above concern has been raised by multiple parties that the development has the potential to substantially alter the hydrology of the locality resulting in harm to the LNR/CWS by altering and potential substantially reducing water flow to the pond which is a significant part of the ecological habitat. Whilst these concerns are appreciated the applicant has submitted drainage assessment and supporting strategy details for surface and foul water which show discharge to the Wessex Water infrastructure in the locality in the latter respect and on-site attenuation and flow control mechanism in the former. The proposals secure a betterment upon brownfield run off rates with a tolerance included for predicted climate change/1:100 year storm events.

The submitted details as revised and supplemented have been the subject of full consultation with all interested parties. The Council's Ecologist raises no objections subject to conditions (the relevant matters will however largely be addressed by use of planning obligation). Similarly, the Environment Agency and Natural England do not raise objection. Wessex Water raise no objection. Indeed it should be noted that Natural England has granted a provisional Great Crested Newt District Level Licence given the presence of ponds in the near vicinity, past records of GCNs and survey findings of presence of newts in the locality and the principle of compensatory conservation payment being agreed.

On this basis it is not considered that the proposals result in significant harm to ecological interests and consequent conflict with the relevant policies of the plan and provisions of the framework or other relevant legislation.

#### Drainage Impact

As noted above extensive submissions have been made in respect of the application proposals and objections raised as to the drainage and flood risk related impacts. Also as noted above the applicant has submitted details assessing impacts and proposing foul and surface water drainage strategy. The submissions address hydrology and hydrogeology of the site/locality and the risks of flooding from fluvial, pluvial, groundwater, overwhelmed systems and artificial sources.

The submitted assessment and strategy identifies the following key conclusions:-

- The site area is 0.6145 hectares and classified as a greenfield site.
- Current Environment Agency flood risk mapping identifies that the site is located in Flood Zone 1
- Flood risk from all sources has been reviewed.
- Development proposals are appropriate for the flood zone classifications and flood risk vulnerability.
- A viable surface water drainage strategy is shown for the site which implements SuDS.
- Surface water discharge from the site is to be restricted to 3l/s for all storm events which provides a significant betterment on existing brownfield runoff rates.
- Surface water is proposed to discharge to the ordinary watercourse located to the north of the site
- The implementation of a drainage strategy and permeable paving and ponds /detention basin reduces the surface water flood risk of the site by the effective management and attenuation of surface water flows.
- Foul drainage is proposed to discharge to the Wessex Water sewer to the north of the site subject to agreement with Wessex Water

As noted above in respect of surface water the SUDS hierarchy of preferred measures has been considered in the context of assessed site conditions. Due to groundwater levels infiltration is not viable and on site attenuation with use of flow control devices to limit discharge to the nearby watercourse, which will also be culverted, will be necessary. The strategy identifies the need for ongoing management and maintenance and this will need to be addressed in the management company provisions for the site/development which are to be agreed through the Planning Obligation/S106 agreement. The applicant has agreed to these heads of terms.

The revised and additional submissions have been the subject of full consultation with all interested parties. The Council's Drainage Engineers raise no objections to the scheme proposals subject to conditions requiring development takes place in accord with the drainage strategy details. Wessex Water similarly raise no objections subject to such conditions. The Environment Agency raises no objections but recommends use of an informative. The applicant has agreed use of conditions.

On this basis and subject to use of condition as recommended below and the planning obligation provisions it is not considered that significant harm arises in respect of increased on or off site flood risk. As such it is considered that the proposals accord with the relevant policies of the plan. The Framework has been recently revised and application of the sequential test in respect of sites subject of groundwater flood risk has been introduced. Whilst the locality like much of the north of Wiltshire is subject to high groundwater levels this site is not one that is subject of identified groundwater flood risk constraints. As such the proposals are still considered to accord with these provisions of the framework.

#### Highways Impact/Parking/Accessibility & PROW

It is noted that following the initial submission and consultation in that regard significant concern was raised by interested parties as to the sustainability of the site, adequacy of the access and traffic generation and public rights of way impacts. Similarly, the Council's Highways Officers and Public Rights of Way Team identified objections as to the impact to PROW and concerns as to the access arrangement given change in levels between the site and Common Road, the presence of a drainage ditch/watercourse and visibility splays. Highways Officers also raised concerns as to the sustainability of the site given its location and likely reliance on the private vehicle for most day to day journeys and requirements.

Additional details and revised submissions as to site layout and the access arrangement were submitted and have been the subject of full consultation with interested parties. The concerns of the PROW team have been addressed by the revisions. The revised access details are considered to demonstrate an acceptable and safe vehicular site access by highways officers and no objection is raised in this regard subject to use of conditions as recommended below and which are agreed by the applicant. On site parking is considered by Highways Officers to meet Council standards.

Highways Officers have raised some concerns which reflect those of some other interested third parties as to the sustainability of the location for the development and reliance on private vehicle for most journeys. Officers have indicated that this would usually attract an objection but as with other such applications defer to the case officer on matters of principle such as this and any other material considerations which may need to be weighed in the balance. This is addressed in the conclusion to the report but it should be borne in mind that the scale of development is limited at 4 dwellings and so vehicular movements are similarly limited in scale. Whilst limited there is some level of services and facilities within the village including the public house and a church. The market town of Malmesbury is not especially distant from Corston and the two settlements are linked by Public Transport (No 92 Buse Service), which onward connects to Chippenham also. The site is connected to the village by

a Public Right of Way that runs directly adjacent. It should also be noted that public protection officers have recommended use of condition to secure a scheme of Ultra Low Energy Vehicle infrastructure and this is proposed and this would provide some mitigation of the impact of vehicular movements. The condition is agreed by the applicant. The site arguably could be construed as limited infill and broadly in accord with the exception allowed for at small villages under CP2. The Council cannot identify a framework compliant supply of land for housing. The Council has received some appeal decisions recently for small scale development 1 - 2 dwellings which have allowed permission in such circumstances.

Whilst concerns are noted here and there is some impact in terms of unsustainable transport movement it is not considered that the harm is so substantial as to support a defensible basis for refusal on these grounds and the related conflict with the policies of the plan or provisions of the framework. In short the cumulative impact on highways conditions is not considered to be severe and there are considered to be other material considerations that weigh against a refusal on this basis.

#### Impact on the Character, Appearance and Visual Amenity of the Locality

The application site does not fall within a designated landscape but is within the open countryside for the purposes of planning policy given the absence of a defined settlement boundary for the village. The land is currently open and undeveloped and is in a visually prominent location in the immediate locality with Common Road and a public right of way directly adjacent. The application would result in irreversible change to the current character resulting in the loss of openness through urbanisation/addition of substantive built form. Irrespective of the landscaping and planting proposed there would be a clear change in character that is perceptible from the public realm. The impact would be localised and it is noteworthy that the Council's Trees officer raises no objections subject to conditions but nonetheless there is some degree of harm and conflict with the relevant policies of the plan and the provisions of the framework in this regard.

#### Other Matters

##### Residential Amenity

The application proposals are considered to secure an adequate level of amenity for future occupiers of the proposed dwellings. Given the revised positioning and layout of the site, the degree of separation to neighbouring properties, scale bulk and mass of the dwellings and the positioning and form of proposed fenestration it is not considered that significant harm to existing residential amenities of neighbouring properties arises such that consent ought to be refused on this basis.

##### Design Character

The proposals are for two detached 5 bedroom dwellings with detached garages and two semi detached 2 bedroom dwellings, the latter being the affordable units. The proposals have been the subject of revisions following initial consultation and officer comments. The revised proposals have been the subject of further consultation. The proposals are considered to accord with the provisions of CP43 WCS in terms of meeting local needs and the Council's Housing Team raise no objections in this respect. As noted above the site layout has been revised to address a range of requirements including drainage, highways, residential amenity, landscaping and ecology. The design character of the proposed dwellings themselves are considered to be achieve a good quality using a palette of materials that draws inspiration from the locality including natural stone. The properties feature use of chimneys, lintels porches and dormer windows. The proposed designs are considered to accord with and respect the design character of properties in the locality and not result in a development that is wholly out of character or results in a discordant form of development such that consent ought to be refused on this basis. Alongside the use of

conditions to restrict permitted development rights and the form and nature of planting and landscaping proposed it is considered that the proposals meet the Government's objectives for higher quality design as set out in the latest revisions to the framework.

#### Land Contamination

The locality is one of filled ground but with unknown material in the form of part of the infilled quarry intersecting with part of the site. As such the Council's Public Protection Officers have identified the risk of land contamination including ground gas. No objections are raised by officers in this respect but use of condition to investigate matters is recommended and this is considered reasonable and necessary and is agreed by the applicant.

### 10. Conclusion

The site is not allocated for the development proposed and falls within the open countryside for planning purposes. The development strategy of the plan seeks to direct most new development to higher order settlements within the defined hierarchy where a wider range of employment opportunities, services and facilities are located and there is greater scope for self-containment. The proposals do not constitute a form of development identified in the plan that would be supported in this location as an exception to the strategy of the plan.

The proposals result in some site specific harm in terms of the change to the character appearance and visual amenity of the locality though the urbanisation of the site and its loss of open character. Also, as the proposals will generate a degree of journeys by private vehicle. There are related conflicts with the development plan and national guidance in these respects.

It is therefore necessary to consider what, if any, material considerations should be taken into account and which may support a decision otherwise than in accord with the provisions of the plan. Firstly, it should be noted that CP2 allows for limited infill development in small villages which do not feature a settlement boundary. The application site lies between existing residential properties that form a part of the village and to the south of Common Road which forms an outer boundary of sorts to the northern extent of the village. Whilst open to the south where the LNR/CWS is located a significant part of the village does lie immediately beyond that feature. A public right of way linking to the village also borders the site. The plan defines limited infilling as a few dwellings, generally not more than 1. Appeal decisions have however allowed up to 4 dwellings under this policy in the past. On balance it is considered that in this instance it could be argued that the proposals do constitute limited infilling.

Secondly it is established in the Council's latest housing land supply statement that a framework compliant available and deliverable supply of land for housing cannot be demonstrated. The tilted balance is therefore engaged and development should therefore be approved unless the harmful impacts of doing so clearly and demonstrably outweigh the benefits of development. The proposals will deliver additional housing to add to the supply and this is a benefit of development that is given substantial weight at appeal.

Thirdly the proposals include the provision of 2 affordable housing units and the Council's housing officers have advised that it cannot be demonstrated that identified and assessed housing needs in this locality and Wiltshire have been met. The provision of affordable housing is a benefit of development that is given substantial weight at appeal.

Finally, whilst this is a small village with a limited range of service, facilities and employment opportunities it is serviced by public transport linking it to larger settlements with a wide range of such facilities. The development site is not considered to be isolated or remote and in these circumstances given the tilted balance some recent appeals decisions have

supported small scale residential developments on the basis that the conflict with the plan and national policies does not constitute harm that clearly and demonstrably outweighs the benefits of development. This is a matter of judgement for each application but the location of the site and site circumstances alongside other material considerations indicates that is also the case in this instance.

It is considered that the proposals have been amended and supplemented to address several issues identified by interested parties and consultees, including in respect of site access, public rights of way impact, impact to neighbours, drainage and ecological impacts; and that alongside the use of conditions recommended below and completion of a planning obligation/S106 agreement sufficient and appropriate mitigation is proposed such that significant harm and related plan conflict would not arise in respect of these site specific considerations.

In these circumstances the framework directs that consent should be forthcoming.

## **RECOMMENDATION**

It is recommended that authority be delegated to the Head of Development Management to GRANT planning permission, subject to conditions listed below and completion of a Planning Obligation/Section 106 legal agreement covering the areas outlined below, within six months of the date of the resolution of this Committee.

In the event that the applicant makes clear that they will not complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the reason set out below. This alternate provision to be subject to consideration of any other factors outside the control of the applicant and the Council that may result in unavoidable delay. If such circumstances are assessed by officers to arise then to allow for completion of the agreement after the 6 month period under delegated authority:-

The proposal does not provide for the delivery of the necessary infrastructure (e.g. affordable housing and landscape and drainage maintenance and management) required to mitigate the direct impacts of the development and thereby fails to comply with CP3 CP43 CP50 & CP52 of the Wiltshire Core Strategy, Saved policy CF3 NWLP, Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the National Planning Policy Framework.

Heads of Terms for Section 106 legal agreement to secure the following:

Affordable housing provisions  
Landscape Buffer Strip, Open Spaces, Trees, SUDS Management and maintenance provisions

## **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:

Site Location Plan 01 A4 Received 03/12/2019  
Street Elevation & Site Plan 50 A1 E Received 15/06/2020  
Site Layout 51 A1 E Received 30/04/2020  
Proposed Schemes – Plots 2 & 3 53 A1 B Received 30/04/2020  
Proposed Schemes – Plots 1 & 4 54 A1 03/12/2019  
Plot 1 – Proposed Garage 55 A1 A Received 19/03/2020  
Plot 4 – Proposed Garage 56 A1 A Received 19/03/2020  
Plot 1 – Outbuilding 57 A1 Received 03/12/2019  
Plot 4 – Outbuilding 58 A1 Received 03/12/2019  
Proposed Site Layout with Visibility Splays 59 A1 C Received 30/04/2020  
Drive Section 60 A1 A Received 13/07/2020  
Topographical Survey by D & H Surveys 03/12/2019

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

3. The development hereby permitted shall be carried out in accordance with the Approved Drainage Strategy SDS Consulting Ref 5340-RP01 and plan reference 5340-C-001. No dwelling shall be first occupied until the approved surface water drainage and sewerage details have been constructed and fully implemented in accordance with the approved details and plans.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslope(s) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General



Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

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

8. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those detailed on the approved drawings and application form.

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

9. No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity protection zones'
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialists ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) 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 a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority 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.

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

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

REASON: Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

11. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from

previous uses (including asbestos) has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: Core policy 56, To reduce the risks associated with land contamination

12. Hours of construction shall be limited to 0730hrs to 1800hrs Monday to Friday, 0730hrs to 1300 hrs Saturday and no working on Sundays or Bank Holidays. There shall be no burning on site at any time.

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

13. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

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 within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

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 enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

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

REASON: In the interests of highway safety

15. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

16. Any gates shall be set back 5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

17. No part of the development hereby approved shall be first occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

18. 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.

19. INFORMATIVE TO APPLICANT:

The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a

license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) for further details.

**20. INFORMATIVE TO APPLICANT:**

The applicant is requested to note and consider the recommendation of the Environment Agency that it would be sensible for the applicant to conduct a risk assessment on the basis of their foundation design and the depth to groundwater in order to consider any potential impacts to groundwater flow.

**21. 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.

**22. INFORMATIVE TO APPLICANT:**

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.

**23. 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.

**24. 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.

**25. INFORMATIVE TO APPLICANT:**

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).

**Appendices:**

**Background Documents Used in the Preparation of this Report:**

**Application submissions**

This page is intentionally left blank

Land off Common Road, Corston, Malmesbury



This page is intentionally left blank



Land off Common Road, Corston, Malmesbury



This page is intentionally left blank

## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	15 <sup>th</sup> September 2021
<b>Application Number</b>	21/01153/FUL
<b>Site Address</b>	Land at Dyers Close, Chippenham, SN15 3LG
<b>Proposal</b>	Demolition of existing garages; erection of detached bungalow with associated garage/parking and landscaped curtilage area and public turning space.
<b>Applicant</b>	Functional Property Ltd
<b>Town/Parish Council</b>	Chippenham
<b>Electoral Division</b>	Cllr Liz Alstrom
<b>Grid Ref</b>	
<b>Type of application</b>	Outline Planning
<b>Case Officer</b>	Charmian Eyre-Walker

### Reason for the application being considered by Committee

The application was called to committee to by Cllr Liz Alstrom to allow the Committee Members to assess the scale, relationship to adjoining properties and highways/parking impact of the proposal.

#### 1. Purpose of Report

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

#### 2. Report Summary

Issues to be addressed:

- Principle of the development
- Design and layout
- Impact on amenity
- Highways
- Impact on Heritage Assets
- Ecology
- Drainage

8 letters of objection have been received.

Chippenham Town Council (on amended plans) objects

### **3. Site Description**

The site is located at the end of Dyers Close, a residential cul-de-sac within an established residential area just north of London Road. The site is completely surrounded by residential development, although there is a small section of the eastern boundary (approx. 4m) which is formed from the rear boundary of no 164 London Road which is a Grade 2 listed building.

The site is generally flat with a mix of block walling, wooden fencing and hedging as boundary treatments.

There is currently 6 lock-up garages and 2 other garage/shed type buildings on the site, which would be demolished and removed as a result of development taking place.

It is understood that the existing garages are either vacant or tenanted to people outside Chippenham. There is no evidence to suggest that they provide parking or storage for residents in the immediate locality.

There are no planning policy designations which cover the site..

### **4. Planning History**

None

### **5. Planning Policy**

#### Wiltshire Core Strategy

CP1 Settlement Strategy

CP2 Delivery Strategy

CP3 Infrastructure

CP10 Spatial Strategy: Chippenham Community Area

CP50 Biodiversity and Geodiversity

CP51 Landscape

CP56 Contaminated Land

CP57 Ensuring High Quality Design and Place Shaping

CP58 Ensuring the Conservation of The Historic Environment

CP60 Sustainable Transport

CP61 Transport and Development

CP67 Flood Risk

#### North Wiltshire Local Plan 2011 Policies

NE14 Trees and the control of development

#### NPPF

Section 3 Plan-making  
Section 4 Decision-making  
Section 5 Delivering a sufficient supply of homes  
Section 8 Promoting healthy and safe communities  
Section 9 Promoting sustainable transport  
Section 12 Achieving well-designed places  
Section 14 Meeting the challenge of climate change, flooding and coastal change

## 6. The Proposal

The proposal is to demolish the existing garages and buildings on the site and erect a 3 bed 1.5 storey detached dwelling with garage and associated amenity space as well as providing an informal turning space for occupants of Dyers Close.

## 7. Consultations

Chippenham Town Council wishes to maintain its objection and please refer to our previous comments. We have seen the latest comments from Highways but do not understand how the amended plan (the only amendment being removal of part of the front boundary hedge of No. 13) alleviates their original concerns. Surely the Applicant would still need to demonstrate that the cul-de-sac is safe and useable for the public to manoeuvre around in, even if not to adoptable standard, and this can only be evidenced by vehicle tracking. The proposed development would still block access to No. 13's existing driveway and even if a section of front boundary hedge were to be removed as proposed (does the Applicant own the land the hedge is on? If not, they would have to serve notice on No. 13) it would be entirely unreasonable to expect No. 13 to pay for the cost of having to install a new relocated driveway as a result of the proposed development.

Highways – No objection to revised plan, subject to a condition securing the turning space for general use.

Public Protection – No objection.

Ecology – No comment.

## 8. Representations

8 letters have been received raising objections on the following grounds:-

- The current turning head is essential and should not be lost.
- The proposal is a 2 storey dwelling not a bungalow.
- Access to 13 Dyers Close removed/blocked despite historical easements.
- No suitable on-street parking/Dyers Close is narrow.
- Proposed turning head is not large enough.

- Turning head will be used to park due to inadequate on plot parking,
- Irregular positioning compared to other houses in street.
- Lack of play space.
- Overlooking
- Nesting bats- application makes incorrect and misleading statements
- The contamination report states that the site is in a 'environmentally sensitive location'.
- Removal of boundary hedge shown, that is not in applicant's control.
- Flooding potential.

## **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 the development

The proposal lies within the framework boundary of Chippenham, where, in accordance with policies CP1, CP2 and CP10 of the Wiltshire Core Strategy, new dwellings are permissible, subject to other policies contained within the plan. These will be addressed below.

### Design and layout

The proposal is for a detached dormer bungalow and detached single garage to the end of a cul-de-sac. Whilst Dyers Close itself is characterised by fairly uniform 2 storey dwellings there are other house styles in the area, so that the proposal is not considered to be overly out of character. The materials are proposed as reconstituted stone walls and concrete tiles, which are considered to be appropriate for this area.

The existing boundaries are to be retained. A turning area for public use is also to be retained to the front of the plot, as by developing this site the larger turning area provided (on private land) will be removed. However, this turning facility is required due to the narrow nature of Dyers Close and lack of other turning facilities. The comments about lack of on plot parking are noted, but the site contains a garage of size commensurate with a parking space and an additional space to the front of that providing the required 2 spaces. A reason for refusal on lack of parking could not, therefore be sustained.

The proposed dwelling has 2 ridge heights and they will measure approx. 6.5m and 7.5m, which is not considered excessive or dominant within the surrounding area. The proposal is considered to comply with the requirements of CP57 and CP61 of the WCS and guidance in the NPPF.

### Impact on amenity

The proposed dwelling lies in an established area of residential properties, where a degree of mutual overlooking occurs. The orientation of the proposed dwelling would not unduly add to this and the impact on neighbours is considered to be acceptable. The scale of the proposed dwelling is not considered to create a dwelling that will be overbearing to any of the other surrounding dwellings and is thus considered to be compliant with the requirements of Policy CP57 of the WCS and guidance in the NPPF .

### Highways

Evidence has been submitted that the garages are either vacant or tenanted to people outside Chippenham and therefore do not provide parking or storage for local residents. Their loss from a 'loss of parking' perspective is not, therefore, resisted. The Highways Officer raises no concerns to their loss.

The proposal has been amended since its first submission so that an informal (ie not to adoptable standard) turning head is retained for use. They have requested a planning condition to secure its retention free of obstruction and subject to that raise no objections.

### Impact on Heritage Assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 66) as well as giving special attention to preserving or enhancing the character or appearance of the conservation area (s.72).

Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 201 and 202 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset. Core Policy 57 requires, amongst other things, that new development must be sympathetic to and conserve historic buildings. Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment.

Whilst the development site shares a short section of boundary with 164 London Road (a Grade II listed building) but given the nature of the site as it is and the proposed development, it is not considered that the proposal causes any harm to the setting of that listed building and the requirements of the Act and policies CP57 and CP58 are complied with.

### Ecology

The application is accompanied by an 'Inspection for Bat Roost Potential' survey, which concluded that roosting bats were not present in the buildings, nor evidence of previously nesting birds. The Ecology Team has no comment. Policy CP50 of the WCS is complied with.

### Drainage

The site lies in Flood Zone 1 and is not at risk of flooding. All matters to do with drainage can appropriately be dealt with through the Building Regulations process.

### Other Matters Raised

The property, 13 Dyers Close, currently has access to a parking space through the site. It is understood that this access is not formal nor is it a 'right of access', but just an historical use. Whilst the ownership of the access to that parking space is a private legal matter, the applicant has sought to engage with the owner of the property to offer a solution of a revised parking access from the turning head of the proposed development. It is understood that this option has not been accepted.

The Council's Highways' Engineer is satisfied with the parking and provision of an informal turning head (although any turning facilities could currently be removed by the site owner) and it is not considered that any reason for refusal on highways or parking grounds can be sustained.

## **10. Conclusion**

The proposed dwelling is considered to be acceptable in terms of location, orientation and design. It is not considered to cause harm to any heritage assets and is thus considered to comply with policies CP1, CP2, CP10, CP50, CP57, CP58 and CP61 of the WCS and policy in the NPPF.

## **11. Recommendation**

**That Planning permission be GRANTED subject to the following conditions:**

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

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

2. 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 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

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 a satisfactory landscaped setting for the development and the protection of existing important landscape features.

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

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

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

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

6 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

- Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.
- Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.
- Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

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 land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

7 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) 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.

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

Proposed Plans, Elevations and Block Plan 20539-10A  
Received 25<sup>th</sup> June 2021.

Existing Topographical Survey  
Existing Floor Plan  
Existing Elevations and Sections  
Location Plan  
Received 3<sup>rd</sup> February 2021.

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

- 9 No occupation of the development shall commence until the access, parking and turning areas shown on drawing number No.200539-10 A, Site Plan & Block Plan, have been laid out and constructed with a bound and compacted surface (not loose stone or gravel). The turning space shall be kept clear of obstruction, and available for use as a turning space, at all times.

REASON: To ensure that vehicles can enter and leave the site in a forward gear, and users of Dyers Close have a means of manoeuvring at the end of the road, in the interests of highways safety.

INFORMATIVES TO APPLICANT:-

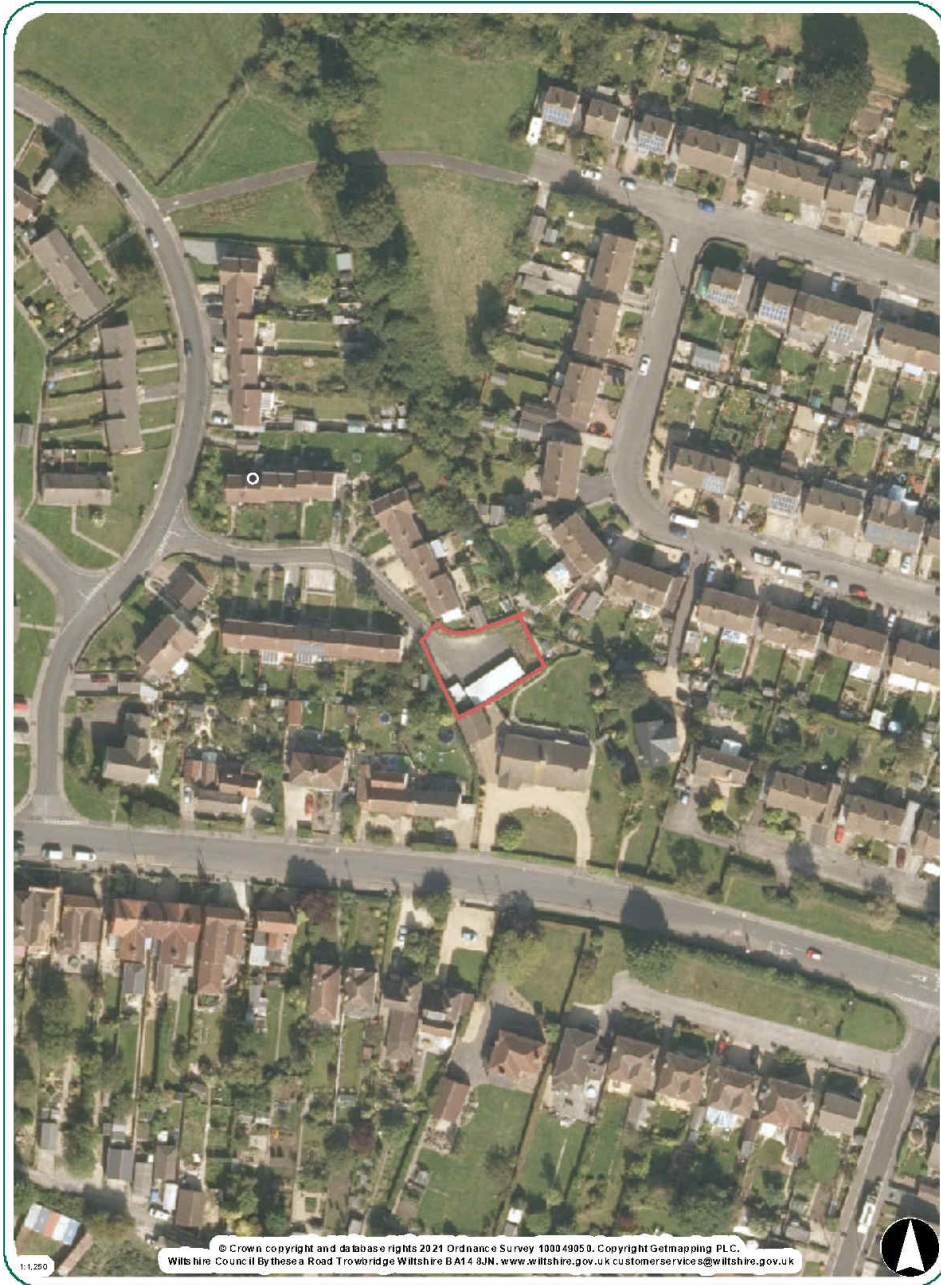
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

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.

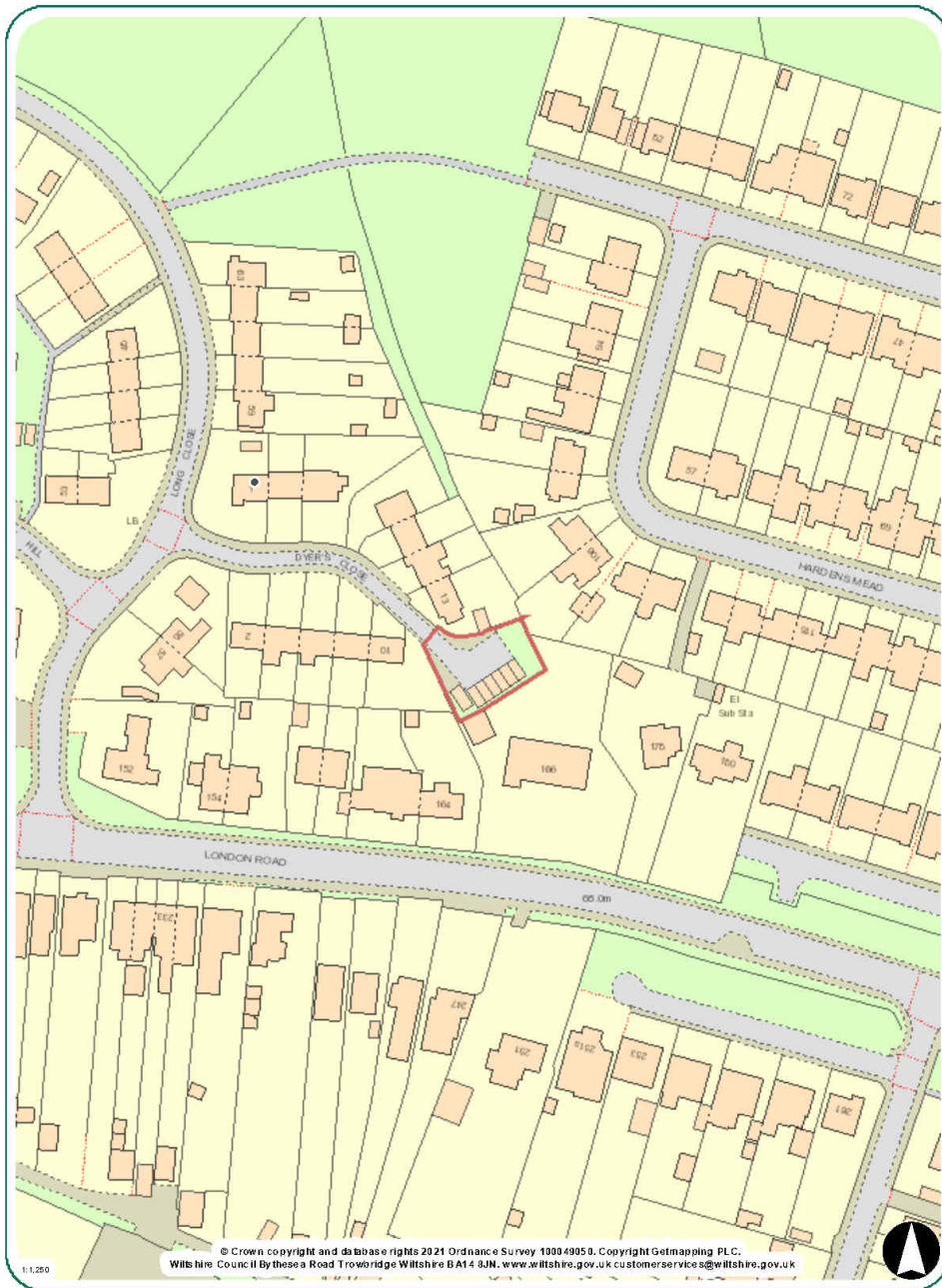
Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

Land at Dyers Close, Chippenham, SN15 3LG



This page is intentionally left blank

Land at Dyers Close, Chippenham, SN15 3LG



This page is intentionally left blank



## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	15 <sup>th</sup> September 2021
<b>Application Number</b>	21/02390/FUL
<b>Site Address</b>	Potters Field, Recreation Ground, Anchor Lane, Calne, SN11 8DX
<b>Proposal</b>	Relocation of existing rugby pitch on the Recreation Ground to former football pitch on Potters Field. Erection of 1.5m high permanent perimeter fencing & 4.5/6.0m high ball-stop netting. Installation of shipping container for storage use
<b>Applicant</b>	Calne Town Council
<b>Town/Parish Council</b>	Calne
<b>Electoral Division</b>	Cllr Ian Thorn
<b>Grid Ref</b>	
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Charmian Eyre-Walker

### Reason for the application being considered by Committee

The application was called to committee to by Cllr Ian Thorn to allow the Committee Members to assess the scale, visual impact, relationship to adjoining properties and design of the proposal.

### 1. Purpose of Report

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

### 2. Report Summary

Issues to be addressed:

- Principle of the development
- Design and layout
- Impact on neighbouring properties' amenity
- Highways impacts

20 letters of objection have been received. 1 letter of support has been received.

Calne Town Council has no objection.

### **3. Site Description**

The site is located to the north east of the recreation ground which lies to the north of Anchor Road in Calne, which is defined in the Wiltshire Core Strategy as a Market Town.

The site is relatively flat and currently used for informal recreation, hence its name – ‘The Rec’. Sports such as football, cricket and rugby have historically been played at different locations on The Rec. However, cricket has moved to Beversbrook Sport and Community Facility and the football team that used to play on the site has dissolved. Rugby is the only sport played.

There are no fenced areas on The Rec except for the dog-walk area on Hillcroft. Calne. Rugby Club currently play their games on Recreation Ground (see site plan). The existing pitch is part of the open area and is used by many people for recreation purposes as well as dog walking. The club check the site for dog fouling before each match, but due to its open nature there has been several instances of dogs running onto the pitch during games.

The land is owned and managed by the Calne Town Council.

### **4. Planning History**

No previous applications or decision relating to the application site itself. However, planning permission N/13/02833/OUT delivered S106 funding for the creation of sports pitches in this area.

### **5. Local Planning Policy**

#### Wiltshire Core Strategy

CP57 Ensuring High Quality Design and Place Shaping  
CP60 Sustainable Transport  
CP67 Flood Risk

#### North Wiltshire Local Plan 2011 Policies

NE14 – Trees and the Control of New Development.

#### Calne Community Neighbourhood Plan (Made February 2018)

Policy GA2 – Highways Impact  
Policy BE1 – Integration and Landscaping  
Policy BE2 – Design Principles and Local Distinctiveness  
Policy BE3 – Parking Provision

### **6. The Proposal**

The application seeks planning permission for the relocation of an existing rugby pitch on the Recreation Ground to former football pitch on Potters Field. The elements of the development will comprise:

- The installation of demountable, high ball-stop nylon mesh fencing to be used during rugby games to mitigate the risk of rugby balls entering nearby properties. Approximately 120metres of this fencing will 4.5m high, along the northern boundary and approximately 45metres of 6m high at the western end of the pitch. It is proposed that the poles for the ball-stop fencing be permanently fixed, but the netting is raised only during matches thus reducing the visual impact. The poles will be installed within the weldmesh perimeter fencing. An unfenced training area is to be sited to the south of the fence.
- The erection of two pedestrian entry gates and a pair of maintenance gates to the pitch area.
- The playing surface of the new pitch to be “professionally” renovated.
- The installation toward the South of the pitch of a shipping container for storage use – measuring approximately 6m(l) x 2.5m(w) x 2.5m(h) and painted dull green.

Upon the pitch relocation taking place, the submission explains that the Calne Town Council to revert that land to its originally intended purpose, described within the application as a “Pleasure Ground”.

There are two tranches of S106 funding available for the creation of sports pitches within this area (under planning permission N/13/02833/OUT), therefore the area will be accessible by the community.

## **7. Consultations**

Calne Town Council – No objection.

Highways Officer – No objection.

*Existing Parking provision is stated as a car park with access from Anchor Road, a provision of 32 spaces exists, including 4 accessible spaces, and it has been acknowledged that the parking is on a first come first served basis, it is also stated that a large proportion of spectators are local and walk to the area. An additional 20 spaces are proposed on Hillcroft for match days, this parking area is within an area of POS and as such it is proposed that stewards will marshal any vehicle movements, PROW footpath CLAN38 runs through the car park proposed at Hillcroft and adjacent to the proposals on Potters Field as such the PROW team have been consulted.*

*The vehicle parking provision and overflow parking are within the maximum parking standards for the use and therefore deemed acceptable.*

*Given that the rugby pitch is relocating within an area in which it already operates, I would not consider that traffic movements would be increased over that already experienced. Therefore I would not wish to raise an objection in terms of highways.*

Public Protection – No objection subject to a condition about construction and demolition.

Tree Officer – No objection subject to conditions

*I do not have any major concerns at this point regarding the touchline outside the edge of the canopy. However, I do have concerns that this tree may be under pressure from the Rugby Club in the future requiring the canopy to be reduced. This will need to be managed appropriately by the Town Council to ensure the longevity of this tree.*

*With regard to the posts for the fencing which will require concrete, can we ask that all posts which are in the root protection areas of trees be contained in sleeves.*

## **8. Publicity**

The application was advertised by way of site notices and neighbour letters.

20 Letters of objection have been received raising the following main issues :-

- Overlooking from spectators
- Noise and bad language
- Destruction of land used by many people in Calne
- There are other facilities in Calne.
- Potential floodlighting
- Fence will be an eyesore.
- Too close to homes.
- Balls will clear fence and cause damage – who will be responsible.
- Anchor Road cannot take the additional traffic
- Fencing off and therefore removing a significant green space.
- The area where the temp overflow carpark is proposed is used by children to play.
- Carpark area not got sufficient surveillance leading to anti-social behaviour.
- Green container inappropriate.
- The field hasn't had football played on it for some time.
- The pitch will be covered in standing water most of the winter.
- Failure to consult the locals on the proposal.
- The club uses portable floodlights for evening training sessions. They will be extremely close to residential properties.
- This is the loss of a green space for 14 home matches a year.

- Loss of biodiversity.
- It is 15 years since football was played on the pitch.
- Will there be enough space between the fence and the rear garden fences to allow pushchairs along the fence line?
- The fence removes the land from community use – against the gift of the Harris family.
- Creation of hidden areas.
- As all hospitality and changing would remain at clubhouse the impact of the match days would have a wider impact.

There has been one letter of support stating:-

*This area has been a sports pitch for many decades, serving Saturday and Sunday football as well as rugby.*

*As it appears that the only way for the CRFC to continue playing at this location (due to the CTC future plans to develop/repurpose the main area of the recreation ground) is to move onto this pitch, this proposal seems like a fair compromise all round.*

*There is a strong need for the pitch and in fact the entire site to be fenced off from the prolific dog fouling. As there is a designated dog walking area on a former football pitch, dog owners should be satisfied.*

*As the pitch is being moved from an existing area within the Rec there will not be any loss of space (subject to the CTC greater plan -TBC).*

## **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 the development

The site is currently open land as part of the larger facility of 'The Rec', a large open piece of land just off Anchor Road in Calne. There are no fenced-off areas, and the land is available for all types of recreation including dog walking and informal games. The Rugby Club both trains and plays at the site towards the middle part of 'The Rec'. This has led to problems of litter and dog faeces being found on the pitch, despite efforts to clear the site ahead of any game. Dogs are also free to run into the middle of a game, which is not satisfactory.

Potters Field is part of the larger site to the east side, and the proposal is to fence off an area for the rugby pitch with a 1.5m high fence roll top green weldmesh to protect the surface of the new pitch and prevent dog entry. The fence will have 2 pedestrian accesses and a further access wide enough for vehicles to enter. Additionally, demountable netting attached to high poles to be raised during match play will be used to prevent balls going into peoples' gardens. The demountable fencing will be 120m in length at 4.5m high along the eastern boundary and 45m

in length at 6m in height along the northern end. A shipping container measuring approx.. 6mx 2.5m and 2.5m in height is to be sited to the south of the pitch. This will be used for general storage associated with the rugby club.

The proposal involves spending some S106 funds secured via the planning permission for the nearby housing development to renovate the pitch. There is also a proposal to site a shipping container to store associated equipment to the south east of the pitch.

The use of the land will remain in some community use and provide a local club with a suitable match day pitch. However, as the S106 monies are for wholly community use, the land must have some other community uses and it is understood that the pitch will be available for hire for other uses. A methodology for controlling this can be achieved by a suitably worded condition.

### Design and layout

The siting of the fencing to the east boundary is close to (approx. 3-4m) from the rear fences of properties in Woodruff Square. There is an approx. 1m footpath directly outside those rear fences with access from the gardens to it. Concern has been raised by local residents about the restriction it would place on them accessing the recreation ground. It is considered that there would be some inconvenience to those residents, but access is not prevented and a short walk in either direction of no more than 80m will allow open access to the remainder of the ground.

The 1.5m weldmesh fence is not considered to be overly intrusive itself and is required to be of that height to prevent dogs jumping into the pitch area or people readily climbing over.

The higher fencing will be only in place during matches. The posts will be permanently in place, but they are not considered to be overly intrusive being lightweight poles (as shown in the submitted illustrative photo) spaced approx.6- 8m apart. The exact design and positioning of the poles can be conditioned.

Subject to the imposition of suitably worded planning conditions, the proposal is considered to comply with policies CP57 of the WCS and BE2 of the Calne NP in terms of design and layout.

### Impact on neighbouring properties' amenity

The impact of the 1.5 perimeter fence will be minimal on the residential amenity of the surrounding properties as it is lower than the garden fences. In terms of visual amenity to 'The Rec' users the ball-stopping fencing will only be used when games are played and is sufficiently lightweight to be almost totally see-through. It is not considered that a reason for refusal on loss of amenity can be sustained.

Many local residents are concerned about the impacts of having rugby played so close to their residential properties. This is not an unusual situation in a town location. However, the concerns raised concerning potential evening training and floodlighting are noted. It is considered that any

floodlighting in this area would not be acceptable and late evening games could be considered to be intrusive in terms of noise levels. It is understood that the rugby club currently trains under temporary floodlighting mid-week. They have been made aware that such training will not be possible under any floodlights on the new pitch. This can be controlled by way of a suitable planning conditions on hours of use of the pitch and a restriction on any lighting.

The proposal is considered to comply with policies CP57 of the WCS, saved policy NE18 of the NWLP 2011 and BE2 of the Calne NP in respect of impact on neighbouring properties' amenity.

### Highways impacts

Existing parking provision is a car park with access from Anchor Road, a provision of 32 spaces, including 4 accessible spaces, and it has been acknowledged that the parking is on a first come first served basis, it is also stated that a large proportion of spectators are local and walk to the area. An additional 20 spaces are proposed on Hillcroft for match days, this an existing parking area that is currently locked except for when access is required. as such it is proposed that stewards will marshal any vehicle movements. The club already plays and trains at The Rec, however, so no additional traffic is anticipated.

PROW footpath CLAN38 runs through the car park proposed at Hillcroft and adjacent to the proposals on Potters Field as such the PROW team have been consulted, but have not commented on this aspect. They have however raised concerns about CLAN 75 which runs along the west side of the proposed pitch. The applicant has confirmed that this PROW will be un-affected by the proposal, which indicatively runs in the line of trees. An informative will be added to remind the Town Council of the need to keep this right of way unfettered.

The rugby club currently operates from the site and it is not envisaged that the proposal will lead to expansion. There is no change in parking requirement, but the vehicle parking provision and overflow parking are within the maximum parking standards for the use and therefore deemed acceptable.

The proposal is considered to comply with policies CP57 and CP60 on the WCS and policies BE3 and GA2 of the Calne NP.

### Impact on Trees

The west of the proposed pitch is lined by a mature line of very attractive Purple Beech Trees. The tree officer does not object in principle, but is concerned about any activity that might put pressure on the trees to be cutback or felled. The applicant has stated that the touchline is outside the canopy of the trees and the fence posts can be hand dug. The Tree Officer has requested that the posts are fitted in sleeves. This can be conditioned.

It is considered that the impact of the fence on the trees can be appropriately conditioned and given that the Town Council is the owner of the site, the pressure for any works to the trees can be appropriately managed.

Subject to the imposition of planning conditions, it is considered that policies CP57 and saved policy NE14 of the NWLP 2011 are complied with.

#### Other Matters

The site is not in any designated flooding area and enhancements to the pitch will ensure that it drains correctly.

The green container, although of a temporary type nature in design, is not considered to be detrimental enough to refuse the application. Its siting can be conditioned to be only kept on site whilst the rugby club are based at the ground to ensure that it retains an appropriate purpose.

### **10. Conclusion**

The proposal is considered to provide a much-needed safe rugby pitch with additional community uses available in an area already used for recreational purpose. The fences are not in themselves considered to be visually intrusive and there is considered to be sufficient parking at the site. Overall, and subject to the imposition of planning conditions, the proposal is considered to comply with the requirements of CP57 & CP60 of the Wiltshire Core Strategy, Saved Policy NE18 of the North Wiltshire Local Plan 2011 and Policies BE2, BE3 and GA2 of the Calne Community Neighbourhood Plan.

### **11. Recommendation: That Planning permission be GRANTED subject to the following conditions:**

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

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

2. The ball stopping netting hereby approved shall be only raised during and for a maximum of 1 hour before and 1 hour after any matches or training sessions.

REASON: In the interests of visual amenity.



- 3 There shall be no floodlighting whatsoever (including temporary and mobile lighting units) of the pitch hereby permitted.

REASON: In the interests of the amenity of local residents.

- 4 Prior to the commencement of the development hereby permitted, details of the methodology for securing community and public access to the pitch hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The agreed methodology shall be implemented in perpetuity thereafter.

REASON: To ensure that public land is not lost.

- 5 Prior to the commencement of the development hereby permitted, details of the posts and their exact spacing for the demountable netting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity.

- 6 Prior to siting the container hereby approved on the land in the agreed position, details of its exact size and colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The container shall be removed from the land within one month of the rugby club no longer using the facility for training or matches.

REASON: To define the permission

- 7 The pitch hereby approved shall only be used between the hours of 09:00 and 18:00 on any day.

REASON: To define the permission and protect residential amenity.

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

Revised site plan V3 showing fence position received 2<sup>nd</sup> September 2021

Ball stopping netting fence plan CTCPF6 (position of net only) received 16<sup>th</sup> April 2021

Location Plan CTCPF1

Ball stopping fence photo CTCPF3

Rugby pitch dimensions CTCPF5

Weldmesh roll top fencing example photo CTCPF4 received 8<sup>th</sup> March 2021.

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

- 9 Prior to the commencement of the development hereby permitted, details of the methodology for placing the posts for the weldmesh fence in the Root Protection Areas of any trees shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To protect the nearby trees in the interests of visual amenity.

#### INFORMATIVES 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.

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer

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.

21.02390.FUL - Potters Field, Anchor Road, Calne



This page is intentionally left blank

21.02390.FUL - Potters Field, Anchor Road, Calne



This page is intentionally left blank