

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER
Date: Wednesday 29 May 2013
Time: 6.00 pm

Please direct any enquiries on this Agenda to Alexa Smith, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01249) 706610 or email alexa.smith@wiltshire.gov.uk

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

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

Membership:

Cllr Christine Crisp	Cllr Mark Packard
Cllr Bill Douglas	Cllr Sheila Parker
Cllr Mollie Groom	Cllr Toby Sturgis
Cllr Chris Hurst	Cllr Anthony Trotman (Chairman)
Cllr Peter Hutton (Vice-Chair)	Cllr Philip Whalley
Cllr Howard Marshall	

Substitutes:

Cllr Desna Allen	Cllr Howard Greenman
Cllr Glenis Ansell	Cllr Simon Killane
Cllr Chuck Berry	Cllr Jacqui Lay
Cllr Mary Champion	Cllr Nick Watts

AGENDA

Part I

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

1 **Apologies**

To receive any apologies for absence.

2 **Minutes of the Previous Meeting** (*Pages 1 - 14*)

To approve and sign as a correct record the minutes of the meeting held on 24 April 2013.

3 **Declarations of Interest**

To receive any declarations of pecuniary or non-pecuniary interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person **no later than 5.50pm on the day of the meeting**.

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this **agenda no later than 5pm on Tuesday 21 May 2013**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides

that the matter is urgent.

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

6 Planning Appeals (Pages 15 - 16)

An appeals update report is attached for information.

7 Planning Applications (Pages 17 - 18)

To consider and determine planning applications in the attached schedule.

7a **N/13/00054/FUL - Field adjacent Old Inn, Upper Minety, Malmesbury, SN16 9PR (Pages 19 - 44)**

7b **N/11/04092/FUL - Malmesbury Garden Centre (Sainsburys application) (Pages 45 - 66)**

7c **N/12/00165/FUL- Land to Rear of Avon Mills (Waitrose application) (Pages 67 - 94)**

7d **N/12/03466/FUL and N12/03477/LBC - ITEM WITHDRAWN (Pages 95 - 100)**

This item has been withdrawn with the agreement of the chairman.

7e **N/13/00244/FUL - 8 Willowbrook and Ashgrove House, Purton, SN5 4AG (Pages 101 - 108)**

7f **N/13/00477/FUL & N/13/00478/LBC- Horse and Jockey, Public House, Gosditch, Ashton Keynes, SN6 6NZ (Pages 109 - 120)**

7g **N/13/00795/FUL & N/13/00870/LBC - 8 Monks Lane, Neston, Corsham, SN13 9PH (Pages 121 - 126)**

7h **N/13/00846/FUL - 8 New Road, Chippenham, SN15 1HH (Pages 127 - 130)**

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

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

None

NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 24 APRIL 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Chuck Berry (Substitute), Cllr Christine Crisp, Cllr Peter Davis, Cllr Alan Hill (Vice Chairman), Cllr Peter Hutton, Cllr Simon Killane, Cllr Mark Packard, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

Also Present:

Cllr Judy Rooke

37 Apologies

Apologies were received from Cllr Desna Allen, Cllr Peter Colmer and Cllr Peter Doyle.

Cllr Allen was substituted by Cllr Howard Marshall.

Cllr Colmer was substituted by Cllr Mollie Groom.

Cllr Doyle was substituted by Cllr Chuck Berry.

38 Minutes of the Previous Meeting

The minutes of the meeting held on 20 February 2013 were presented.

Resolved:

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

39 Declarations of Interest

Cllr Judy Rooke declared an interest in agenda items 7b and 7c because her property backed onto Rowden Lane. She declared she would participate in the debate and would not be voting.

40 **Chairman's Announcements**

Given the forthcoming election on 2 May 2013, the Chairman thanked all councillors for their contributions to the Northern Area Planning Committee. He especially thanked Cllr Peter Davis for his long-standing commitment and he wished him very well in his retirement.

41 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

42 **Planning Appeals**

The Committee noted the contents of the appeals update.

43 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of applications 7b, 7c and 7d as listed in the agenda pack.

The Planning Committee then determined the following applications:

43a 13/00040/S73A - 9 Saddleback Close, Calne, Wiltshire, SN11

Public Participation

Mr Alan Simpson spoke in support of the application.

The Area Development Manager presented a report which recommended permission to be granted subject to conditions. It was noted this was a retrospective application and the permitted development rights had been removed. The principle of the development, the impact on the character and appearance of the area and Conservation Area and the impact on existing neighbours and potential occupants were also noted. It was stated that while the building was not ideal, it would be considered acceptable with a different finish.

The Committee then had the opportunity to ask technical questions of the officer.

The local councillor, Cllr Howard Marshall, then spoke in objection to the application.

A discussion followed in which it was noted that a number of complaints had been received by the local councillor from neighbours in the wider area who found the structure not in keeping with the neighbourhood and its protrusion

from the building line as having a negative impact on views in the Conservation Area.

During the debate councillors raised concerns regarding the overbearing view from the neighbours' properties and that the building disrupted the design of the area.

Resolved:

For Application 13/00040/S73A

That planning permission be REFUSED for the following reason:

The car port, store and sun room was considered to be unacceptable in as much as it projected beyond the rear elevation of 9 Saddleback Close by about 3.0 metres. The resulting structure was considered to have a detrimental impact upon the appearance of the property and the immediate surroundings and the Conservation Area, particularly when viewed from the public footpath to the west and south of the property. The building subject to this application failed to comply with Policies C3 (i and ii) (Development Control Core Policy); HE1 (Development in Conservation Areas) and H8 (iii) (residential extensions).

43b 12/04160/FUL - Land Adj Rowden Lane, Chippenham, Wiltshire

Public Participation

Mr James Warner spoke in objection to the application.

Mr Colin Thomas spoke in objection to the application.

Ms Georgina Pepperdine spoke in objection to the application.

The Senior Planning Officer explained that since the report had been written, and following legal advice, it had come to light that tying this application to the legal agreement proposed by 13/00202/S106 was not possible and that 12/04160/FUL must be accompanied by its own legal agreement. The officer recommendation was subsequently altered to delegation to receive an updated ecological survey and to allow for the drawing up of a suitably worded S106 agreement. It was noted that the main change to the original application had been to allow for the oil pipeline to the west of parcel A and to allow for changes to the parking layout in parcel B to comply with Wiltshire current parking standards. The proposed reduction in affordable housing contributions would make the development viable at the present time and was supported by the Wiltshire Council housing team

The Committee then had the opportunity to ask technical questions of the officer. It was noted that the type of houses had not changed since the original application, but some dormer windows would be re-orientated.

Completion of an ecological survey had not been possible due to the weather and the late Spring.

Members of the public then had the opportunity to address the Committee with their views, as stated above.

The local councillor, Cllr Judy Rooke, then spoke in objection to the application.

A discussion followed regarding the extent to which the application had been changed since the application in 2002, the house types on the site and the education provisions involved. It was noted that Chippenham Town Council had no objection to the application.

Resolved:

For Application 12/04160/FUL

To DELEGATE authority to the Area Development Manager to grant PERMISSION subject to receipt and approval of an updated Ecological Survey and to allow the drawing up of a suitably worded S106 agreement to cover Affordable Housing, Public Open Space (including all the incidentals such as ditch and hedge maintenance), Highways and Education.

43c 13/00202/S106 - Land Adj Rowden Lane, Chippenham, Wiltshire

The Senior Planning Officer explained this application had been debated with the previous item. It was clarified that the revised Affordable Housing figures applied for were a total of 13 units with 4 in Parcel A and 9 in Parcel B and this was considered acceptable by the Wiltshire Council housing team.

The Committee then had the opportunity to ask technical questions of the officer. It was confirmed that a Section 106 agreement was specific to each planning application. A separate permission was therefore required from the agreement related to the earlier application. It was underlined the Government continually pushed local authorities for development to be viable.

The local councillor, Cllr Judy Rooke, then spoke in objection to the application.

Resolved:

For Application 13/00202/S106

That planning permission be DEFERRED for two cycles for information on

Application 12/04160/FUL to be received and considered.

43d 11/02763/FUL - Land at Moredon Bridge

Public Participation

Mr Peter Crawford spoke in support of the application.

Cllr Jeffrey Greenaway spoke in objection to the application.

The Area Team Leader explained that comments by email had been received from Haydon Wick Parish Council since the report had been written. His recommendation had been amended to delegate authority to grant planning permission to the Area Development Manager subject to the recommended conditions and the signing of a Section 106 agreement to cover the matters identified in the report. It was noted this was the second phase of a development which had earlier been agreed on appeal. The application had been influenced by changed circumstances and in particular the Secretary of State's decision with respect to Ridgeway Farm. The Spatial Plans team now had no in principle objection to the application with regards to ecological concerns.

The Committee then had the opportunity to ask technical questions of the officer. A flood risk assessment had been completed and found the scheme's mitigation sites would be suitable. In relation to drainage, drainage engineers would be aware of the Ridgeway Farm development and its implications, however assessment could only be made on the basis of what was already there.

Members of the public then had the opportunity to address the Committee with their views, as stated above.

The local councillor, Cllr Jacqui Lay, then spoke in objection to the application.

During the debate concerns were raised regarding flood risks.

Resolved:

For Application 11/02763/FUL

That planning permission be DELEGATED to the Area Development Manager subject to the recommended conditions and the signing of a Section 106 agreement to cover the matters identified in the report.

Subject to the following conditions:

- (1) WA1 FULL PLANNING PERMISSION -COMMENCEMENT 3 YEARS

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

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

(2) WB1 SUBSEQUENT APPROVAL OF MATERIALS FOR WALLS & ROOFS

No development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area.

Policy C3

(3) WC1 APPROVAL OF LANDSCAPING BEFORE COMMENCEMENT

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;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

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

POLICY-[C3]

(4) WC2 LANDSCAPING TO BE CARRIED OUT & MAINTAINED

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.

POLICY-[C3]

(5) WC6 PROTECTION OF RETAINED TREES

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

POLICY-[C3]

(6) WD8

The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

POLICY {C3}

(7) WD12

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.

POLICY {C3}

(8) WE3 NO ADDITIONS/EXTENSIONS OR EXTERNAL ALTERATIONS

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.

POLICY {C3}

(9) WE15 USE OF GARAGE

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

converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

POLICY-[C3]

(10) WG3 DISPOSAL OF SEWERAGE-SUBMITTED & IMPLEMENTED

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

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

POLICY-[C3]

(11) WG4 DISPOSAL OF SEWERAGE -IMPLEMENTED

The development hereby permitted shall not be occupied until the approved [sewage disposal] [drainage] works proposed have been completed in accordance with the submitted and approved details.

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

POLICY-[C3]

(12) WH2A CONTAMINATION INVESTIGATION - SUBMIT AND IMPLEMENT

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 should

be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLRII" 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: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

POLICY-[C3]

(13) WH6 FLOOD RISK ASSESSMENT (IMPLEMENTATION)

The mitigation measures detailed in the approved Flood Risk Assessment (FRA) dated 12/9/12 shall be carried out in full prior to the first occupation of the development and/or in accordance with the approved timetable detailed in the FRA.

REASON: In the interests of flood prevention.

POLICY: National Planning Policy Frameworks paragraphs 100-103.

(14) WM4 CONSTRUCTION METHOD STATEMENT

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: 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.

POLICY-[C3]

(15) WH8

Management and maintenance of all habitats shall be carried out in strict accordance with the management prescriptions set out in the approved Ecological Management Plan (Waterman, April 2013, Document ref: EED13466_R_1_4_4_LM), unless otherwise agreed in writing with the Local Planning Authority. Upon commencement of development, annual monitoring reports shall be submitted to the Local Planning Authority, as required by the Ecological Management Plan, annually for a period of at least five years.

Reason: To protect and enhance the nature conservation interests at the site

Policy NE7

(16) WH8

Prior to commencement of development, detailed proposals for the restoration of the River Ray (as approved by the Environment Agency) shall be submitted to and approved by the Local Planning Authority. The Detailed River Restoration Proposals shall be in accordance with the principles of the approved preliminary concept, as shown on Drawing Ref CPM2658a/20 (Figure 5 of the approved Ecological Management Plan), and shall include timescales for carrying out and completing the works. All restoration works shall be carried out in strict accordance with the approved Detailed River Restoration Proposals, and shall be completed within the approved timescales unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect and enhance the nature conservation interest of the River Ray

Policy NE7

(17) WM13 APPROVED PLANS

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

Archaeological Report 12/9/11
Arboricultural survey & Constraints Report 12/8/11
Design and Access Statement 12/8/11
Drainage Layout (Revised) 9/2/13
Flood Risk Assessment and Drainage Strategy 12/9/11
Ecological Assessment 12/9/11
Ecological Management Plan including plan Ref CPM2658a/20 4/4/13
Environmental Noise Assessment 12/9/11
Geo-Environmental & Geo-Technical Report 12/9/11
Landscape & Visual Appraisal 12/9/11
Landscape Specification 12/8/11
Statement of Community Involvement 25/8/11
Transport Statement 12/9/11
Waste Audit and Management Strategy 12/9/11
Site Location Plan 12/8/11
Topographical Survey 12/9/11
Highway Layout 9/4/13
Car Parking Schedule 14/3/12
Footpath Diversion 9/4/13
Revised Landscape Proposals WAIN17762-10 Sheets 1 to 3 15/3/12
House Type Planning Drawings – 1552 (1 – 27 various revisions – full list to follow) 18/10/11
Revised Site Layout 14/3/11
Revised Street Elevations 1552/103 REV B 18/10/11

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

POLICY-[C3]

44 Urgent Items

There were no urgent items.

(Duration of meeting: 6.00pm - 8.15pm)

The Officer who has produced these minutes is Alexa Smith, of Democratic Services, direct line (01249) 706610, e-mail alexa.smith@wiltshire.gov.uk

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

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**Wiltshire Council
Northern Area Planning Committee
29th May 2013**

Forthcoming Hearings and Public Inquiries between 16/05/2013 and 30/11/2013

Application No	Location	Parish	Proposal	Appeal Type	Date
09/01315/CLE & 11/00435/ENF	OS 7400, Hicks Leaze, Chelworth, Lower Green, Cricklade	Cricklade	Use of Land for Storage and Dismantling of Cars, Vans, Lorries, Plant and Machinery for Export and Recycling; Siting of One Caravan for Residential Use	Public Inquiry	15/07/2013
12/03740/FUL	Land off Stanier Road, Calne, Wiltshire	Calne	Erection of 34 Dwellings	Informal Hearing	24/07/2013

Planning Appeals Received between 08/04/2013 and 16/05/2013

Application No	Location	Parish	Proposal	DEL or COMM	Officer Recommendation	Appeal Type
12/03228/ADV	1a Blackcross, Chippenham, Wiltshire, SN15 3LD	Chippenham	One Externally Illuminated Fascia Sign and One Double Sided Freestanding Advertisement Display	DEL	Split Decision	Written Representations

Planning Appeals Decided between 08/04/2013 and 16/05/2013

Application No	Location	Parish	Proposal	DEL or COMM	Appeal Decision	Officer Recommendation	Appeal Type
11/04112/S73A	The Barn, Sodom Lane, Dauntsey, Wiltshire, SN15 4JA	Dauntsey	Lean to Extension, Generator Shed and Bin Store (Retrospective)	COMM	Allowed with Conditions	Permission	Written Representations
12/03239/FUL	7 Pickwick, Corsham, Wiltshire SN13 0JD	Corsham	New Secondary Vehicular Access	DEL	Allowed with Conditions	Refusal	Written Representations
12/00089/FUL	The Hirstfield, Hay Lane, Wroughton, Swindon, Wiltshire, SN4 9QS	Lydiard Tregoz/ Swindon BC	Erection of Barn/Implement Shed/Tractor Store & Access Track (Resubmission of 11/02648/FUL)	DEL	Appeal Dismissed	Refusal	Written Representations
12/00365/S73A	Lidats Meadow, Grittenham, Chippenham, Wiltshire, SN15 4JW	Brinkworth	Retention of Rural Occupation Workers Temporary Dwelling with Treatment Plant. Retention of Existing Caravan and Container. Retention of Hardcore Area and 3 Earth Bunds. Retention and Improvements of Existing Access (Revision of 11.02825/FUL)	DEL	Appeal Dismissed	Refusal	Informal Hearing
12/01862/FUL	Caerhays, The Hyde, Purton, Wiltshire, SN5 4DY	Purton	Detached Dwelling & Garage with Formation of New Access	DEL	Appeal Dismissed	Refusal	Written Representations

Agenda Item 6

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Agenda Item 7

INDEX OF APPLICATIONS ON 29/05/2013

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7a	13/00054/FUL	Field Adjacent Old Inn, Upper Minety, Malmesbury, Wiltshire, SN16 9PR	Erection of 10 Dwellings, Vehicular Access and Associated Works	Delegated to Area Development Manager
7b	11/04092/OUT	Malmesbury Garden Centre, Crudwell Road, Malmesbury, Wiltshire, SN16 9JL	Full Details For the Demolition of Existing Buildings & Construction of a Foodstore, Associated Customer Car Park, Petrol Filling Station & Associated Highway Works; Together With Outline Details for the Provision of a Builders Merchants & Premises for Employment Use (B1 & B2 Use Classes)	Refusal
7c	12/00165/FUL	Land to the Rear of Avon Mills, Malmesbury, Wiltshire	Redevelopment to Provide a New Foodstore (Class A1) with Associated Car Parking, Servicing, Pedestrian, Cycle and Vehicular Access (Including Associated Highway Works), Landscaping (to Include Cut & Fill & Formation of Landscaped Earth Berm) & Boundary Treatments.	Delegated to Area Development Manager
7d	12/03466/FUL	56 Bristol Street, Malmesbury, Wiltshire, SN16 0AX	Demolition of Rear Extension and Erection of New Rear Single Storey Extension, Construction of New Dormer Window and Removal of Chimney	Permission
	12/03467/LBC	56 Bristol Street, Malmesbury, Wiltshire, SN16 0AX	Demolition of Existing Rear Extension and Erection of New Rear Single Storey Extension, Construction of New Dormer Window and Removal of Existing Chimney.	Consent
7e	13/00244/FUL	8 Willowbrook & Ashgrove House, Purton, Wiltshire, SN5 4AG	Demolition of Existing Dwelling and Erection of New Building & Link to Adjacent Nursing Home.	Permission

7f	13/00477/FUL	The Horse and Jockey, Gosditch, Ashton Keynes, Wiltshire, SN6 6NZ	Change of Use of former Public House and associated land and buildings, together with refurbishment and conversion works to form a single private dwelling. Works include the demolition of modern flat-roofed extensions and the construction of a first floor extension; construction of front garden dry-stone wall; removal of commercial fixtures and fittings; and general repairs and re-decoration throughout.	Delegated to Area Development Manager
	13/00478/LBC	The Horse and Jockey, Gosditch, Ashton Keynes, Wiltshire, SN6 6NZ	Change of Use of Public House and Associated Land and Buildings to Residential, Refurbishment and Conversion Works to Form a Single Private Dwelling. Works include the Demolition of Modern Flat-Roofed Extensions and the Construction of a First Floor Extension; Construction of Front Garden Dry-Stone Wall; Removal of Commercial Fixtures and Fittings; and Repairs and Re-decoration Throughout.	Delegated to Area Development Manager
7g	13/00795/FUL	8 Monks Lane, Neston, Corsham, Wiltshire, SN13 9PH	Replacement of Garage & Outbuildings & Construction of Glazed Link	Refusal
	13/00870/LBC	8 Monks Lane, Neston, Corsham, Wiltshire, SN13 9PH	Replacement of Garage & Outbuildings & Construction of Glazed Link	Refusal
7h	13/00846/FUL	8 New Road, Chippenham, Chippenham, SN15 1HH	Change of Use from A3 with Ancilliary Takeaway use to A5	Permission

Agenda Item 7a

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	29 MAY 2013		
Application Number	N/13/00054/FUL		
Site Address	Field adjacent Old Inn, Upper Minety, Malmesbury, SN16 9PR		
Proposal	Erection of 10 Dwellings, Vehicular Access and Associated Works		
Applicant	Wiltshire Rural Housing Association Limited		
Town/Parish Council	Minety		
Electoral Division	Minety	Unitary Member	Councillor Chuck Berry
Grid Ref	400660 190865		
Type of application	FULL		
Case Officer	Christine Moorfield	01249 706 686	Christine.moorfield@wiltshire.gov.uk

The application was called to Committee by former division member Councillor Soden so that the committee may consider:

- The scale of the development
- The visual impact on the surrounding area.
- The relationship to adjoining properties
- The highway impact
- Potential flooding

Cllr Berry the current division member agrees with the need for the 'call-in':

1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions and following the signing of a 106 agreement.

2. Report summary

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

- Principle of development
- Site selection process
- Impact upon highway safety
- Impact upon drainage in the location
- Impact upon visual amenity and landscape character
- Impact upon neighbour amenity

The application has generated support from Minety parish council, support from 42 residents, and 47 letters of objection from residents.

3. Site Description

The site has an area of 4200sq m it is relatively flat but slopes slightly to the south. There is mature hedging around the site and within the east boundary hedging in particular there are some larger trees. The site is located adjacent to the junction of Crossing Lane and Flisteridge Road. The land is grassed and has been used for grazing/ agricultural purposes. There is a bus stop adjacent to the southern boundary. There is a drainage ditch which follows the the southern and eastern boundaries.

4. Relevant Planning History		
Application Number	Proposal	Decision
N83.0662F	Erection of House and Garage	REFUSED APPEAL DISMISSED
N84.01352 FUL	Erection of one dwelling and vehicle access	REFUSED
N99/2809OUT	Outline – Residential development and B1 industrial units	REFUSED
N89/1400F	20 no. dwellings	WITHDRAWN

The 1983 application for a House and garage was refused and the applicant appealed against the decision. The appeal was dismissed. The Inspector concluded that the development would result in isolated residential intrusion upon an attractive field. The development would not form an acceptable rounding off or infilling within the village. It would detract from the rural setting and would set a precedent for further houses on this large site.

The 1999 application was refused and the reasons for refusal were:

- the site is outside the framework boundary for Minety,
- the site is in the countryside away from services, and
- the junction is inadequate.

This application was for low cost market housing and in this respect the policies at the time were to restrict residential development outside village boundaries. The spirit of these policies has been further reflected in the North Wiltshire Local Plan 2011 in that residential development in the countryside outside village boundaries should be restricted to that required in connection with agriculture, forestry or other rural based enterprise only.

It is not considered that these previous applications and decisions are relevant to this scheme as the nature of the housing as now proposed is specific and the site has been chosen as an exception site where the issues raised previously in terms of the type of housing would not be relevant.

5. Proposal

This proposal is for the erection of 10 affordable units on a green field site within Upper Minety.

The overall site has an area of approximately 4200sqm. The houses are positioned at the north end of the site. To the south of the site a shared public amenity space is provided, with a gated accessible footpath linking the housing to the existing bus stop.

The 10 dwellings are arranged in four blocks, two blocks of larger semi detached dwellings and six smaller units in two terraces of three.

Each dwelling has a private garden,(approx 70sqm, containing a shed for cycle storage, water butt, composting facilities and fruit trees and bushes) and 2 accessible parking spaces (5.8m x 4.8m), accessed via a shared surface (approx 580sqm), with an additional 4 visitor parking spaces and shared bin store

The units are:

- 2 x 1bed 2person dwellings (Type 1) - 60 to 65sqm
- 4 x 2bed 3person dwellings (Type 2) - 72 to 75sqm
- 3 x 2bed 4person dwellings (Type 3) - 82 to 85sqm
- 1 x 3bed 5person dwelling (Type 4) - 97 to 100sqm

In support of the application the applicant has submitted the following information

- Extended Phase 1 Habitat Survey - Chalkhill
- Geotechnical Report - Integrale
- Housing Needs Survey - Wiltshire
- Notice on Landowners - WRHA
- Post Consultation Meeting Responses - Answers to Questions - WRHA
- Pre Consultation Meeting Handout - Questions and Answers - WRHA
- Statement of Community Involvement - WRHA
- – Tracking Plan
- –Flood Risk assessment
- Proposed Site Layout Revc - CEC

6. Planning Policy

- Regional Planning Guidance 10 (now revoked)¹
- Saved policies in the Joint Wiltshire and Swindon Structure Plan
- Saved policies in the North Wiltshire Local Plan 2011 H7, C3 and NE15
- Wiltshire Core Strategy Submission Document
- National Planning Policy Framework

7. Consultations

Environment Agency - No comment

Ecology - No objection however further comments received and a condition advised in respect of the POS hedgerows being managed favourably for the conservation of brown hairstreak butterflies.

WSBRC - Brown Hairstreak recorded nearby

Fire and Rescue - No payment required.

Public Open Space - This development generates a need for £20,130 in offsite Open Space Contribution to be used to upgrade facilities within the Parish of Minety. The Contribution would be secured by Section 106 agreement.

Wessex Water - No comment

Education - payment required total sum of £19,155 (due to a change in financial year this figure needs (to be confirmed).

Highways - No objection subject to amendments to the site layout plan and conditions this matter is addressed in detail within the planning judgment section of this report.

Footpath - No objection

¹ As of 20th May 2013;

Housing Officer - Supports the scheme stating that the homes being provided meet the housing needs of Minety as demonstrated through the housing need survey and register statistics and comply with Wiltshire Council affordable housing policies in terms of design and tenure.

Minety Parish Council - submitted a very detailed letter in support of the scheme and stated that:

Councillors fully support the application and have the following comments.

1) **Housing Needs.** *The site meets the need shown by the survey conducted recently and the unprecedented demand for the houses before any building work has started indicates that local people do want the site. As the applicants are all local residents they are aware of the lack of facilities.*

2) **Contained site.** *As this site has natural boundaries the development will not set a precedent for further development in the area.*

3) **Open Aspect.** *The low density of the site and in particular the green area at the junction will preserve the rural aspect of the site.*

4) **Sustainability.** *There are few facilities anywhere in Minety and the comments from opponents of the development about needing a car for shops and work apply to Minety as well as Upper Minety, so this would not change wherever the site was located. There are dedicated buses for both primary and secondary schools and as the bus stop is adjacent to the site and the green area will provide a safe waiting area there would be no increased risk for children.*

It is recognised that the sustainability of villages requires a mix of housing stock in order to allow the younger residents of the parish to remain in the village. This development will help to provide the balance required. In recent years there have been several developments of four / five bedroom properties in Upper Minety. The lack of facilities regarding the school and Playing fields etc existed then but the building was approved. Affordable housing should not be judged on different criteria.

Councillors believe that despite comments to the contrary this development does conform to Core policy 44 of Wiltshire Strategy for Rural exception sites. The site does have clear support and would meet a proven need. It is not isolated from the existing built up area and will not extend the main curtilage of the village. The road between Upper Minety and Minety is not a narrow lane as suggested by some but a 2 lane metalled road with adequate room for vehicles to pass. Whilst it is unlit and not ideal for walking at night it is frequently used by joggers and cyclists. The site would fail the policy criteria on the lack of employment but this is true for the whole of Minety not just Upper Minety.

5) **History.** *Whilst previous planning applications for development on this site have been refused the last was over twenty years ago and this application is for affordable housing only. The need for affordable housing has increased and in the current climate and the government's pressure to supply social housing this application should be supported.*

6) **Junction.** *Opponents to the proposal have claimed that the junction of the C90 and C76 is dangerous. As far as the Parish Council is aware there have been no accidents on this junction. It is within a 30mph speed limit and providing existing hedges are kept trimmed, visibility exiting the junction is reasonable. A lot of traffic using the road is through traffic and the development will not materially affect that.*

7) **Flooding.** *This remains a concern for many residents and the Parish Council. The field itself has only ever had minor water residue, in common with the majority of Minety fields and gardens. Considerable time has been spent investigating the problem, but Councillors and residents still require assurance that the development would not adversely impact on any existing property.*

8) **Building Materials.** *This is the main area that The Parish Council has some concerns. The proposed cladding would be out of character in the area. There are no buildings with this material in the vicinity. Whilst Councillors appreciate that it is a cost consideration it is felt strongly that the use of cladding in this area would be inappropriate.*

9) **Footpath.** *Councillors like the provision of the footpath to the bus stop as this would improve the safety of both the occupants of the site and other local residents. It would be beneficial to make the footpath extend to the access point on the road so that other residents do not feel they are intruding on the site when they use it.*

10) **Construction.** *Construction vehicles should be parked on site to avoid traffic congestion and inconvenience to existing residents in the area. Parishioners have also raised concerns about the reference to street lighting in the plans. The Council has always opposed street lighting as light pollution and trust there would be consultation before any lighting is installed.*

8. Publicity

The planning application was advertised by site notice, press advert and neighbour consultation. These means of consultation were carried out in accordance with the Council's code of practice which is in line with statutory requirements. Letters of consultation went out on the 17/01/13 and neighbours were given until the 21/02/13 to comment. The site notice was put on site on the 8/02/13 and neighbours were given until the 1/03/13 to comment. The application was advertised in the press on the 31/01/13.

Concerns have been expressed by interested parties that there was confusion in respect of the expiry date for the consultation period. It is not always possible for the expiry date for a site notice to coincide exactly with letters of consultation. In this instance the site notice expiry date was one week after the expiry date as stated in the consultation letters. In line with Council procedures all comments received to date have been taken into account.

47 letters of objection (13 objectors sent in more than one letter) and 42 letters of support have been received.

Summary of key relevant points raised in support:

- Self contained site which is not isolated, that will be managed by the Housing Association
- Layout density and design of the units is good and in keeping with character of the area and local context.(Use of cladding not supported)
- The proposal is in keeping with this part of the village and will not have a detrimental impact on visual amenity
- Green open space provided adjacent to the road.
- There is a need for affordable housing, this number, type and part buy part rent units of housing were proved by the housing needs survey.
- This type of accommodation for young people is needed in the village to sustain village life and support the community.
- A mix of people will improve social structure of the village.
- Village facilities such as school, hall, sports field and bus need young people to keep them going.
- Assumptions made by objectors on residents is unhelpful and biased
- The proposed footpath between the bus stop and Hovington Lease is a good thing and will improve safety.
- The access and impact on highway is considered safe and adequate parking is proposed.
- There is no intention to close Crossing Lane
- The land is free draining, there is a little bit of flooding so drainage must be addressed as soakaways are unlikely to work.

- There are some concerns in respect of facts contained within the letter from CPRE which are not considered to be fully accurate in respect of the facilities available in the village.
- Development of the site will remove casual dumping on the land
- Confirmation should be provided from the Parish Council that meetings were conducted fairly and correctly.

Summary of key relevant points raised objecting to the proposal:

Need and process

- Housing needs survey should have looked at Minety and Upper Minety separately and these surveys should be public documents.
- 10 houses are not needed as Minety (Upper Minety) has too many affordable units already, the tenure reduces demand.
- Community involvement indicates other sites were looked at. The site selection process should take into account other sites and no owners have been approached.
- Other better located sites should be considered such as the turkey farm
- The information seems biased towards those in favour.

Sustainability

- Issues of sustainability not addressed
- This is not the site closest to the amenities (other than church) 1.2 miles from Minety Village with the school etc.
- No job opportunities poor internet access/broadband
- No shops PO to benefit from this development
- Inadequate facilities available.
- Inevitable commuting to work and services will make units unaffordable.
- Not a sustainable site apart from the church there are no other amenities such as the school etc which can be accessed by a safe footpath. Minety is accessed along a dangerous lane and this is family housing.

Highways

- Not enough parking and manoeuvring space within the site.
- Increased traffic on unsuitable local road network dangerous junction
- New railway track will result in level crossing closing therefore more traffic at junction.
- Insufficient parking dangerous access if crossing lane closed then all traffic at this junction. Dangerous junction.
- There should be speed restrictions along the road and there are some issues in relation to the local road network.

Consultation

- Site notice went up after letters
- Consultation not adequately carried out. Cllr letters of support are not disclosed and the Parish Council has not carried out the process appropriately.
- Support from the scheme is not from the residents of Upper Minety.

History

- History of refusals for similar proposals on this site. (see history section above).
- Appeal decisions have indicated Upper Minety as an unsustainable location
- The site is not integrated into the village.

Design and layout

- Unacceptable in terms of design layout and materials

- Loss of rural character and detrimental impact on character of area
- Approval of this scheme would set a precedent for future development.
- Building up the ground level is not acceptable.
- The self contained nature of the site is irrelevant as solid boundaries are easily created.

Policy issues:

- Outside boundary limits
- Contrary to MNSG Draft neighbourhood plan
- Contrary to NWLDP framework document
- Contrary to Core Strategy and Local plan,
- Core Strategy must be a consideration.
- Contrary to Core Policy C1 and C3 of the NWLP.
- Core Policy - exception sites require a sequential test, it is not supported locally the site is not well related to the village, detrimental environmental impact, no employment opportunities, does not respects character.
- This is not an exception site.
- Contrary to C3 vi as it is a car dependant development
- H7 and NPPF require a sequential test to be carried out.
- Contrary to NPPF- limited bus services, not a safe environment, add to climate change. Proposal should seek opportunities to achieve economic, social and environmental elements to ensure sustainable development.
- This is a situation where the application fails to satisfy the sequential test impacts on one or more factors it should be refused.

Other

- Drainage/ flooding soil is clay, contrary to PPS25
- Lighting pollution
- Detrimental impact on adjacent listed buildings
- 10% increase in population possible
- 106 payments will be used for facilities not useable by these residents
- High percentage increase in Upper Minety 9%
- Ecology implications.
- Wasted resources in producing supporting documents.

9. Planning Considerations

PRINCIPLE OF DEVELOPMENT

The current strategic and local planning policy for the area is provided by the Wiltshire and Swindon Structure Plan 2016 and the North Wiltshire Local Plan 2011. The majority of the policies in the Structure Plan and Local Plan have been saved until further notice. National planning policy is provided by the National Planning Policy Framework (NPPF) which came into force on the 27th March 2012. The North Wiltshire Local Plan was adopted in June 2006 and paragraph 214 of the NPPF indicates that the Local Plan policies can continue to be given full weight for 12 months from the day of adoption of the NPPF, even where there is a limited degree of conflict with the NPPF. As this 12 month period has now lapsed paragraph 215 is now relevant, which provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

With regards to future planning policy, the Wiltshire Core Strategy Pre-submission Document has been submitted to the Secretary of State for independent examination. It is proposed that the Wiltshire Core Strategy will supersede all the Structure Plan policies which are relevant to Wiltshire, and that it will also replace a number of the policies in the North Wiltshire Local Plan. Paragraph 216 of the NPPF indicates that decision-takers may give weight to relevant policies in emerging plans according

to the stage of preparation of the plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

The Localism Act 2011 has introduced neighbourhood plans which, when formally adopted, will form part of the development plan for the area. A number of plans are under preparation in North Wiltshire.

Minety Parish Council would be the appropriate Neighbourhood Planning Body but to date no application for plan area designation has been made to Wiltshire Council.

The Parish does not form part of the N-W-Villages neighbourhood planning area which is currently preparing a plan. Neither does it form part of the Malmesbury Neighbourhood (steering group) Plan or the Sherston or Cricklade Neighbourhood Plan.

The Malmesbury Neighbourhood Plan covers the Malmesbury Town Council area along with the adjoining parishes of St Pauls Without and Brokenborough, as per area designation application that was submitted to Wiltshire Council on 24/10/2012 (and approved in December 2012). As no neighbourhood plan is being prepared in the Parish of Minety at the moment then neighbourhood planning bears no relevance in this case.

North Wiltshire Local Plan 2011

Upper Minety is defined as a settlement in the adopted North Wiltshire Local Plan. Upper Minety has a framework boundary as per saved North Wiltshire Local Plan (Policy H3). The proposed development is located outside the framework boundary, however the development is proposed on land directly adjacent to the settlement boundary, between the Old Inn Site, Crossing Lane and the junction with Flisteridge Road to the south.

In accordance with Policy H4 of the local plan residential development outside the settlement boundary is only considered acceptable where it is in connection with the essential needs of agriculture etc or is a replacement unit.

Policy H7 Affordable Housing on Rural Exceptions Sites allows small affordable housing developments (10 or less) within or adjoining villages provided there is a demonstrable local need for affordable housing which cannot be met otherwise.

The need is known in Minety due to up-to-date evidence that supports the emerging Wiltshire Core Strategy.

'Demonstrable local need' was assessed by a survey of residents conducted with the Parish Council, Housing Enabler and the Council. This was undertaken in Minety in December 2011. As a result 11 households were identified in housing need, with a mix of house types and tenures identified. Some objectors have questioned whether the recognised need could be accommodated elsewhere within the village and in particular in Minety as opposed to Upper Minety where the village amenities are centred. Objectors have indicated that in their opinion there are specific sites which given their location would be better suited to provide these units.

WRHA have submitted a document to indicate the process that is their standard approach and was undertaken to identify sites within Minety Parish, which were possibly suitable in terms of topography, location, access and availability and which fit the required policy criteria. Approval of this proposal will not prohibit or prejudice the consideration of any further sites which are presented or become known to the Council as the selection process is not seen to be exclusive.

In terms of policy it is considered that the need for affordable housing would outweigh the fact that the proposal lies abutting but outside the settlement boundary and that this proposal accords with policy H7.

Other Local Plan policies which are relevant to this proposal are core policies C1to3 and specific policies in relation to transport, community facilities and the natural environment. The specific policies are referred to in the relevant sections below.

- C1 Sustainability Core policy- The general focus of this policy is through development, to support the wellbeing of communities in terms of their economic health, social balance and protection of the environment.
- C2-Community Infrastructure Core Policy- this policy requires the contribution as necessary to the community infrastructure. The relevant contributions are covered below.
- C3-Development Control Core Policy – development should be acceptable in terms of its impact on the character and appearance of the locality.

These matters are covered in the judgement section of this report. In particular objectors have raised concerns in relation to C3 vi) which requires development to be sustainable in terms of seeking to reduce the need to travel by car.

The issue of sustainability is covered in detail in the relevant section below as this has been one of the main objections put forward by interested parties.

Wiltshire Core Strategy Pre-Submission Document February 2012.

The supply of affordable housing is a particular issue within Wiltshire which has been exacerbated by rising house prices in recent years. The Wiltshire Core Strategy once adopted will supersede the North Wiltshire Local Plan.

Policy H7 of the North Wiltshire Local Plan will be superseded by Core Policies 1 and 2 in the Wiltshire Core Strategy. Upper Minety is within the Malmesbury Community Area and is defined as a small village.

Core Policy 1- "Settlement Strategy" explains that small villages have a low level of services and facilities, and few employment opportunities. Development at small villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.

Core Policy 2- "Delivery Strategy" states that at small villages, development will be limited to infill within the existing built area.

However, Core Policy 44 "Rural Exceptions Sites" states that at settlements defined as small villages in Core Policy 1, a proactive approach to the provision of affordable housing will be sought in conjunction with Parish Councils and working with local communities and other parties. This is subject to a number of caveats, including that the housing is being delivered to meet an:

- identified and genuine local need;
- that the proposal is within, adjoining or well related to the existing settlement;
- and that the proposal consists of 10 dwellings or fewer.

The issue of identified and genuine local need is addressed in the site selection process section below and has been shown.

As stated above the site sits adjacent to the settlement boundary of Upper Minety but is some 1.2 miles from Minety where the local amenities are located, except for the church and 10 dwellings. Therefore, the proposal meets the caveats as listed above, and is considered to be acceptable in principle, in terms of the emerging Core Strategy.

In terms of policy therefore, it is concluded that for the reasons set out above, the proposal is considered to be acceptable where:-

1. The Parish Council and the local community are in principle supportive of the proposal; there is clear support for the scheme.
2. The development proposal satisfies requirements expressed in saved North Wiltshire Local Plan Core Policies 1 to 3.
3. Any planning permission granted will be controlled by an appropriate legal agreement or other appropriate means to ensure the dwelling(s) remain affordable in perpetuity.

4. The Highway Authority is satisfied that the proposal is in line with Policies T1toT4, and supports the proposed access arrangements.
5. The Highway Authority is satisfied that the proposal meets the county wide parking standards.
6. The proposed development complies with the affordable housing definition in the adopted Local Plan.
7. The units meet the standards and policies set out in the North Affordable Housing Supplementary Planning Document.

In relation to the criteria identified above officers views are as follows:

- 1- The Parish Council support the proposal although it is recognised that the view of residents is divided. There is a definite split between residents who are in favour of the scheme and those who object to the proposal and consider this to be the wrong location for such development. From the consultations received there is clear support from the Parish Council and many residents within Minety and the general area although it is recognised that there is strong objection from many residents primarily in Upper Minety. On balance it is considered that there is greater support for the scheme from the community as a whole than there is objection and officers consider clear support has been shown although it is clearly more balanced than overwhelming.
- 2- Core Policies 1-3 (addressed elsewhere in the report).
- 3- Any permitted affordable housing would be subject to a 106 agreement requiring the housing to stay as such in perpetuity.
- 4- matters covered in the highways section below.
- 5- matters covered in the highways section below.
- 6- The scheme of housing is supported by the Councils housing officers in terms of the location size and type of housing and its proposed tenure.

National Planning Policy Framework (NPPF) 2012

Given that this application is now being determined after the 27th March 2013 consideration needs to be given to paragraph 215 of the NPPF which provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Therefore, an assessment needs to be made as to the extent to which policy H7 of the NWLP 2011 accords with the NPPF.

The judgement in respect of this proposal rests on whether it is considered that the thrust of the NPPF along with the emerging Core Strategy are such that they indicate a move away from the policies within the Local Plan 2011 and in particular policy H7. If such a move is considered to be substantiated then a judgement must be made as to whether the weight given to policy H7 is reduced to such an extent that it is no longer pertinent to this proposal justifying approval of this scheme.

One of the main issues raised by interested parties is in respect of the requirement for development to be sustainable as this is a specific requirement and general theme within the NPPF. The NPPF states that in order to achieve sustainable development there are three key elements economic, social and environmental. The social role recognises the need to support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making and this means approving development proposals that

accord with the development plan without delay unless **any** adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or **specific** policies in the Framework that indicate that the development should be restricted.

Section 55 seeks to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and whilst this could possibly also be achieved through development in (Lower) Minety it is also specifically recognised within the NPPF that where there are groups of smaller settlements, development in one village may support services in a village nearby. This requirement accepts that not all new development will necessarily be located within walking/cycling distance or on a bus route from amenities. A positive approach is required in order to support thriving rural communities.

SITE SELECTION PROCESS

The process carried out in order to identify this site as suitable has been raised by interested parties. In accordance with the requirements of Policy H7 of the Local Plan 2011 this site is an exception to normal planning policies as in line with this policy small affordable housing developments will be considered within and adjoining the villages. This acceptance is on the provision that there is a demonstrable local need for affordable housing which cannot otherwise be met and proper management to ensure that the benefits of the provision of affordable housing to meet local needs will be held in perpetuity. Local needs for the purpose of policy H7 means locally resident people and those with a local connection. Local means the parish in which the site is located, together with adjoining rural parishes. A person with a local connection is someone for whom it is desirable to live in a particular parish because of family ties or support, because she or he was born and spent their formative years there, or to be near their work place, but is not resident in the parish. Demonstrable local need is normally assessed by a survey of residents conducted with the Parish Council, Rural Housing Enabler and Council. A rural housing need survey was undertaken in Minety in December 2011, which identified a housing need for 13 new affordable homes, a mix of rented and shared ownership. This proposal meets these requirements. The homes are to be built to a minimum of Code Level 3 and Homes and Communities Agency Design and Quality Standards. This proposal has been worked up with the support of the local parish council to provide much needed affordable housing within the village and is supported by the New Housing Team.

Policy H7 "Affordable Housing on Rural Exceptions Sites" is clear and states: As an exception to normal planning policies small affordable housing developments will be permitted outside and adjoining the Framework Boundaries of all villages in the District provided that:

- i) There is a demonstrable local need for affordable housing which cannot otherwise be met; and
- ii) The scheme must be capable of implementation and proper management to ensure that the benefits of the provision of affordable housing to meet local needs will be held in perpetuity.

Wiltshire Rural Housing Association (WRHA) submitted information to indicate the site search that was carried out. Unfortunately the initial information submitted was confidential in so much as the sites looked at were sites where the owners had not been approached and therefore WRHA considered it inappropriate for this information to be on the website in the public domain. It was promptly removed from the website and WRHA submitted alternative information which was placed on the Council's website at the end of March.

In order to support the choice of this site over others and to satisfy the requirement of Policy H7 to demonstrate local need for affordable housing which cannot otherwise be met the following process was undertaken. It was only after the opinion of the Council's planning officers, who confirmed in principle this proposal may be acceptable were known and the Parish Council agreed, that the owner of the preferred site was approached. Whilst the timing of this approach to landowners has been questioned by interested parties the WRHA have found through experience that it is not appropriate to approach landowners until the suitability of sites has been considered fully.

It should be noted that Wiltshire Rural Housing Association specialises in providing affordable homes in the rural areas of Wiltshire and Swindon for local people on exceptions sites. The Association has provided over 200 homes on 28 sites in 25 villages throughout Wiltshire and Swindon. The Association confirm that they work closely with individual Parish Council's to agree their preferred level of involvement in the site selection process.

In this instance the process started by the Parish Council approaching the Councils Housing Officer to undertake a survey to identify the housing need and in December 2011 a report was published. The 'Minety Parish Housing Needs Survey Report' (included within the planning submission) identified that "Housing development in Minety should take account of anticipated future housing need (as described in the Wiltshire Strategic Housing Market Assessment) as well as the number of households in immediate need for more suitable accommodation". This report identified a housing need for 13 new affordable homes.

The Rural Survey provides a thorough breakdown of the housing situation in Minety and why many people are not able to afford to live in the village, it does not just relate to people who are on the Council's waiting list. It also shows there have been *'zero re-let rate in 2010/11: from quarter 2 2010/11 to quarter 2 2011/12, no social homes were re-let in the parish. The low levels and turnover of social housing in Minety indicate that none of the respondents to section two of the survey who are in need of affordable housing could meet their needs through access to the existing social housing of the parish. The total social housing stock in the parish is 18 homes. These properties represent just over 3% of the total housing stock in the parish, which is extremely low: the average proportion of social housing in Wiltshire is 19.2%.'*

The report concluded by recommending the provision of affordable accommodation, and based on the responses to its survey outlined a need for up to 12 subsidised rented houses.

Objectors have raised concerns that Upper Minety should be looked at separately to Minety as in geographic terms the two elements of the village are separate and there is a 1.2m distance between the two. However, the Parish Council cover the whole area and as many villages in Wiltshire are of a spread out nature and sometimes comprise two or more settlement areas the usual practice of the WRHA is to consider the parish as a whole rather than as two or more settlements, in this respect the Parish Council's views are taken into account. The Parish Council has confirmed that all their involvement in relation to this application has been carried out in an appropriate manner.

A summary of the process undertaken by the Association to identify a suitable site for development is attached as an appendix 1 to this report. It should be noted that prior to the submission of this application the Councils housing officers have not been approached or asked to consider any alternative sites in Minety.

In particular objectors have stipulated that the applicants have not adequately addressed the issue of alternative sites being available to meet the need for affordable housing at Minety. They question that there needs to be evidence that all other suitable and available sites (including cross-subsidy sites) must be considered before an exception site can be considered. In addition objectors state that to meet the requirements of Policy H7 of the Local Plan the Council has to determine that there is a need for the affordable housing which cannot otherwise be met (policy H7) and it is quoted that there is evidence of at least two alternative sites in Minety being available to meet the need.

With reference to Policy C1 (ii) of the North Wiltshire Local Plan 2011 almost all of the existing 'community infrastructure' within the Parish of Minety is at Minety, not at Upper Minety. In this respect that any site on the edge of Minety village must score higher against issues of maintaining a socially inclusive community as well as in terms of access to community infrastructure compared to any site at Upper Minety. The Design and Access Statement does not appear to address this core policy.

There is no requirement in planning policy, either national or local, to carry out a formal "sequential test" in relation to rural housing exception sites, nor to submit documentation on such with the planning application. WRHA did undertake a site assessment process which is attached as appendix 1 but not a 'sequential test' as part of its site selection process, to demonstrate that the application site is the most suitable, sustainable location at Minety for the proposed affordable housing.

The NPPF does require a sequential test to be carried out in connection with the identification of urban housing sites but not rural housing sites. Officers are satisfied that the process for identifying this site has been reasonable and appropriately carried out and there is no reason to consider that there has been any inappropriate handling or misleading information submitted. As previously stated it is not considered that the acceptability of this site for affordable housing prohibits the development of other sites for affordable housing.

The site is seen to be acceptable as an exception site and it is likely that there may be other sites which as judged on their merits may also be acceptable as affordable housing sites given that the requirements for such units will be likely to continue to rise.

The retention of the housing as affordable housing in perpetuity would be ensured by the signing of a 106 agreement.

Within their selection process the Wiltshire Rural Housing Association stipulate that sites with specific identifiable boundaries are preferred. This criteria has been questioned by objectors as they have commented that it is very easy to recreate solid boundaries by planting hedging or putting up fencing. However, the WRHA consider this to be a relevant consideration as established boundaries help to retain the built form and reduce the likelihood of their scheme setting a precedent for other development outside the framework boundary of the village.

SUSTAINABILITY

The issue of whether or not this is a sustainable site has been one of the main issues raised by interested parties.

The Housing Needs Survey undertaken by the Councils Housing Officers, in its 'Parish Summary' does give a lot of detail about amenities in Minety which are as follows:

2 pubs one with a restaurant, Weekly post office operates from the sports pavilion, C of E primary school which is well supported and has achieved excellent reports and a thriving pre-school, Playing fields which are well used and support rugby, tennis and cricket clubs, Children's play area and Village hall providing facilities for a number of clubs which is in use most days. The Parish Church is in Upper Minety.

In terms of the highway network in the larger area there are good road links between nearby towns of Cirencester, Malmesbury, Cricklade and Royal Wootton Bassett and on to Swindon. Therefore, the site is accessible, all be it primarily by car, to work opportunities.

Upper and (Lower) Minety are one Parish and it is appropriate that they be treated as such, facilities in Minety are located primarily in Lower Minety but are available for residents of Upper Minety. Some residents will have groceries delivered and there is a small shop in Oaksey which is approximately 3 miles away.

There is a limited bus service serving Upper and Lower Minety and surrounding villages and towns as is typical of most villages. There is a bus stop immediately adjacent to the site.

It is of particular note that there is a school bus which runs from Upper Minety to the school in Lower Minety which parents have to pay for. In many of the villages where affordable housing is located homes are located about 1 and a half miles from the school and there is no such provision so in this respect this is a positive.

Minety is considered to be fairly typical of most villages of this size in the County and bearing in mind that the houses are for local people many will already live in the village so will be aware of the limited local amenities. The houses themselves can be seen as an amenity and will support and potentially improve the sustainability and viability of the village as a whole and its existing facilities.

Both Local Plan Policies, the emerging Core Strategy and the National Planning Policy Framework place great emphasis on the need for development to be sustainable. It is the location of this site at

Upper Minety a distance of 1.2 miles from Minety and the amenities it provides that is a major concern to objectors. The route between the two village sections is not one that can be promoted as a safe walking environment as it is recognised there are no footpaths and there are no speed restriction along most of the route.

Therefore it is accepted that walking from Upper Minety to Minety is not something that residents would be expected to do.

As stated there is a limited bus service and there is a school bus so total reliance on a car for access to the school in particular will not be necessary. It has been stated that tenants of affordable housing will have no or less access to cars and so have to be able to walk to local facilities. The Councils housing officer has confirmed that this is not the case. The car parking standards for affordable housing units are in line with those for any other residential development and this is in recognition of the likely access to a car of residents in affordable housing.

The reality is that any rural affordable housing is unlikely to have, within walking distance, basic facilities such as a shop and employment. This factor is specifically recognised in the Core Strategy policy 1 which recognises that development in small villages will be limited to that needed to help meet housing needs, and to improve employment opportunities, services and facilities.

In addition to the location of the site thought has been given within the proposal to sustainable building details. The dwellings have been orientated to allow for good sunlight, simple design and quality materials are proposed thereby reducing thermal loss, insulation and air source heat pumps are proposed with opening windows supported by environment extract fans. Room depths/window sizes provide good light and natural ventilation levels. Planting reduces solar gain on south elevations. Water butts and recycling facilities are to be installed. Existing topography and vegetation has formed an integral part of the scheme. The development is targeted minimum Code for Sustainable Homes level 4. To ensure high standards of sustainable design a Code and SAP assessor has been engaged.

PARISH COUNCIL COMMENTS

The Minety Parish Council submitted comprehensive comments in support of this scheme and these are provided in full in the consultation section above. Some residents have questioned the way the Parish Council have handled the site selection process and public discussions in relation to this site. The Parish Council have been involved in the consideration of sites for affordable housing within Minety with WRHA.

Concerns have been expressed in relation to the fact that within the Parish Council there is no Upper Minety representative, this is not a matter that the Local Planning Authority has any control over this is a matter for individuals within the Parish.

It has been expressed that when the scheme was considered at the Parish Council meeting the discussion is not reflected in the subsequent comments submitted to the local planning authority by the Parish Council and they are misleading. The way Parish Council meetings are run and organised are not a matter for the local planning authority to challenge and the Parish Council have confirmed that all matters have been dealt with in an appropriate manner. The comments submitted by the Parish Council are given some weight as they are seen to represent the general view of the population within the Parish. However, the local planning authority are aware that they will not reflect the view of all residents and therefore, all other matters and concerns raised by interested parties are taken into account and addressed throughout the consideration process. The recommendation made by officers is an 'on balance' opinion in the light of all comments received both for and against and in line with local and government policy and guidance.

ACCESS AND PARKING

When planning application N/99/2809 was considered the highways team raised concerns. The decision notice included concerns relating to sustainable transport concerns (formerly PPG 13 Transport) and the suitability of the Crossing Lane / Flisteridge Road junction (C90/ C76). However since that application both highway and planning policy has changed.

With regard to sustainable transport considerations, it is accepted that the proposal is being considered against Policy H7 of the Local Plan (Affordable Housing on Rural Exceptions Sites). On the basis that the proposal satisfies this Policy in the Local Plan, then no sustainable transport objection is raised by the highway engineer.

With regard to the suitability of the Crossing Lane / Flisteridge Road junction (C90/C76) to the south of the site, application N/99/2809 was subject to previous highway objection. The junction may not have altered, but the policy relating to highway visibility splay requirements in locations of this nature has now changed. Relevant guidance is in the Manual for Streets (2007) and companion document Manual for Streets 2 (2010). Manual for Streets has reduced the level of visibility splay requirements.

In the vicinity of the site Crossing Lane and Flisteridge Road has frontage residential development and these roads are subject to a 30mph limit therefore the relevant guidelines are contained within Manual for Streets and its companion guide Manual for Streets 2. In Manual for Streets, the "Status and application" section states:

"MfS focuses on lightly-trafficked residential streets, but many of its key principles maybe applicable to other types of street, for example high streets and lightly-trafficked lanes in rural areas.....MfS does not apply to the trunk road network. The design requirements for trunk roads are set out in the Design Manual for Roads and Bridges (DMRB)".

With regard to Manual for Streets 2 at section 1.3.6 it states:

"This new document does not supersede MfS1; rather it explains how the principle of MfS1 can be applied more widely".

At section 1.3.6 Manual for Streets 2 states:

"It is only where actual speeds are above 40mph for significant periods of the day that DMRB parameters for SSD are recommended. Where speeds are lower, MfS parameters are recommended."

With regard to the proposal, at the junction of Crossing Lane and Flisteridge lane (C90/C76) the visibility splay in the west direction is approximately 2.4m x 14m to the nearside carriageway; with regard to the vehicle track it measures approximately 2.4m x 24m. A visibility splay of 2.4m x 24m to the vehicle track, would comply with guidelines for a speed of 20mph in MfS.

The safety record at the junction indicates that there are no recorded personal injury accidents at the junction in the last ten years. On this basis there would not appear to be a major safety issue at the junction. However, it is acknowledged that it is feasible that there may have been un-recorded non-personal accidents at the junction. Interested parties have commented that speed restrictions are necessary in this locality, the requirement for such would not be considered necessary and or justifiable in relation to this scheme.

When Manual for Streets guidelines are considered against the existing level of use of Crossing Lane/ Flisteridge Road and the proposed additional movements as a result of the development, it is not consider that a highway objection on the grounds of increased use relating to the visibility splay could be substantiated at a planning appeal.

Interested parties have raised concerns in respect of possible future road works/closures to the north of the site. The Highways Engineers understanding is that the works to the railway line level crossing involve the erection of new gates and CCTV. The person in the level crossing building who operates the gates will no longer be in place in the future. The gates will then be operated remotely. The road will not be permanently closed. The impact of a temporary road closure to carry out these construction works cannot be considered a significant issue relating to vehicle movements from this area on the junction in question.

The number of parking spaces and road layout is in principle acceptable. However, the layout of the scheme has been amended to address minor issues raised by the highway engineer. These matters were in respect of the provision of a 0.5m service margin in order to satisfy requirements for a section 38. The first 5m have a tarmac finish; provision for the ditch will need to be conditioned.

With regard to refuse collection, a swept path analysis has been submitted to show how a refuse vehicle (2.6m x 10.8m) can enter and turning within the site. Bin storage areas have been suitably placed. A footway adjacent to the plot in the middle of the development has been removed due to shared surface.

Suitable width behind parking spaces for reversing and turning has been provided at a min. of 6m. The two telecom poles have been identified as being relocated as necessary should they impact on the required 2.4m x 43m visibility splays.

The possible relocation of the telegraph poles in order to provide adequate visibility has been indicated by the applicant.

With regard to the maintenance of the road on the site the highway engineer has commented that as the applicants have confirmed all onsite drains and permeable paving will be maintained by private management company as appointed by Wiltshire Rural Housing Association and that all on site roads and parking areas will be constructed with permeable paving then Wiltshire Highways will not adopt the site as they do not adopt sites with permeable paving. Therefore the site will remain private, and the highway authority will issue the Advance Payment Code (APC) under the Highways Act 1980 and a bond will be required. Highways will only consider discharging the bond at a stage when a suitable management company / agreement can be demonstrated.

As the road will be privately managed it is necessary for an on-site collection point to be provided for bins etc and the details of this can be the subject of a condition.

On the basis the on-site roads will remain private, the surface water issue relating to the roads is not a highway concern.

DRAINAGE

Concerns have been raised in connection with the site and its drainage. At present there is a drainage channel along the south and west boundaries. The application has been supported by the submission of a Land Drainage Report. The land is free draining, there is a little bit of flooding so drainage was recognised as an issue to be addressed as the soakaways as originally shown were unlikely to work. Subsequent details have been submitted and the detailed design attenuates the surface water flows by retaining excess water beneath the proposed access road and releasing it slowly to mimic greenfield runoff.

The Highway Engineer has commented that if the developer intends to drain the highway surface drainage by connecting to the water authority system then a S104 agreement will be required. If this is not proposed then it will be necessary for the Area Highway Engineer to be consulted as to whether there is suitable capacity/ or requirements within the highway drainage system.

The Land Drainage report has been considered by the Council's drainage engineer and as a result additional clarification and explanation has been required. This further information has been considered by the Council's drainage engineer who has confirmed that he is satisfied that this scheme is acceptable.

In the light of the information submitted and the views of the Council's drainage engineer it is considered that the scheme complies with policy C3 of the NWLP 2011.

It should be noted that "Atkins" have been instructed to undertake a drainage study following long held concerns about drainage in Minety and Upper Minety this is in the process of preparation.

DESIGN AND LAYOUT

The units are arranged in two blocks of three two storey houses in a terrace and two semi-detached blocks (4 houses). In general terms the development has been kept to the north of the site. The site and units have been designed to Homes and Communities Agencies (HCA) design criteria and Housing Quality Indicators (HQI) - and will achieve Lifetime Homes standards. The development offers fully inclusive access, and is designed such that future adaptations can be made to the properties to accommodate specific access needs and requirements for additional working or living space without extension of the building footprint (see unit plans). The size of each dwelling fulfils the HCA HQI's and WRHA's Development Protocols Space and Size Requirements.

The section submitted indicates that the southernmost terrace of units will have a marginally raised floor level in order to safeguard against any future drainage/flooding issues. This marginal raise in ffl is not considered to have an impact on the overall appearance of the development that would render the scheme unacceptable. The ridge height of this block will not exceed the other heights on the site. The dwellings are grouped into larger semi detached or terraced units to reflect the size and scale of recent and historic dwellings found within the immediate area and elsewhere throughout Wiltshire and the Cotswolds. Each dwelling has a private garden (approx 70sqm, containing a shed for cycle storage, water butt, composting facilities and fruit trees and bushes) and 2 accessible parking spaces (5.8m x 4.8m), accessed via a shared surface (approx 580sqm), with an additional 4 visitor parking spaces, and shared bin stores.

The site is not within a designated Conservation Area and the nearest Listed Buildings are located in excess of 70m away. Whilst the site is within the locality of a Listed Building it is not a site that would be considered to impact on the setting of a Listed Building.

The mass and bulk of the blocks has been kept as low as possible in order to ensure that the units are in keeping with the local context. The density of the development is low and the units have been located to the north of the site and set back from the road frontage in order to minimise their impact. The larger block is sited in the NE corner of the site.

The units are designed to read as a group whilst reflecting the character of the locality. A palette of three materials has been chosen stone facing, render and timber cladding. These materials provide cohesion to the scheme whilst respecting their location. The units are well designed and emphasis has been placed on making each unit identifiable in its own right whilst being part of a group.

Windows have been thoughtfully placed in order to provide passive surveillance of parking areas, the footpath and public open space. Care has been taken to ensure that the development sits comfortably on the site without having a dramatic presence. The built forms are set into the site and back from the main road. The open green space along the street frontage to the south retains the rural feel of this area and as such the scheme is seen to comply with policy NE15 of the local plan as well as Policy C3.

The timber cladding is an element of the scheme that was not considered acceptable to many residents including the Parish Council. Following discussions with the applicant it was considered that the removal of the timber cladding and its replacement with more stone and or render would give the scheme a less individual appearance. The timber is seen to provide a softer agricultural appearance of the scheme. However, in recognition of local concern the timber has been removed from the units near to the street and has been put on the block that sits perpendicular to the street, the backs of which will be visible across the POS and beyond the gardens. The boundary treatment of the units is considered important and a condition to this effect is considered necessary.

The design, mass, bulk and siting of the units and the layout of the development as a whole is seen to respect the local context whilst resulting in a distinctive new residential enclave and one that does not dominate the street scene or visual amenity of the locality. The scheme sits on a contained site and is not in close proximity to its neighbours. The block in the northern corner of the site sits closest to its neighbouring property. There is a bedroom window in the north elevation at second floor level however; given the distance to the neighbouring property this is not considered to create a loss of privacy problem.

In this respect the scheme is seen to comply with policy C3 of the Local Plan 2011.

PUBLIC OPEN SPACE

The Council's Leisure Services officer has concluded that in accordance with policy CF3 of the Local Plan 2011 this development generates a need for £20,130 in offsite Open Space Contribution to be used to upgrade facilities within the Parish of Minety. The Contribution would be secured by Section 106 agreement. The amenity land indicated within the site will need to be managed in perpetuity, the WRHA have confirmed that they will be responsible for this.

EDUCATION

In accordance with policy CF1 of the Local Plan 2011 a full developer contribution towards the additional secondary place required, at the current (2012/13) cost multiplier of £19,155 is required (sum to be confirmed in late observations due to change in financial year). This sum would be secured through the relevant 106 agreement.

ECOLOGY

In November 2012 an extended phase 1 habitat survey was completed and this was submitted with the planning application.

With regard to Ecology on the site the Council's ecologist has reviewed the available information and noted that the development will result in the loss of unimproved neutral grassland, and fragmentation of the local hedgerow and ditch network, although as none of these features meet BAP criteria there is no policy objection on these grounds. The proposals also pose a low risk to reptiles, breeding birds and great crested newt, however given the small size of the site and proposed mitigation measures this is low enough such that it does not trigger the need for detailed surveys or any statutory tests. The proposed scheme will therefore impact negatively upon the local natural environment, however not to a sufficient degree to uphold a policy or legislation related objection to the scheme on those grounds.

There is a mature hedge along the boundary of the site and in particular there are several trees within the mature hedge along the eastern boundary. The scheme indicates that the hedging adjacent to the boundaries is to be retained and will be incorporated within the scheme.

Within the Design and Access statement the applicant has confirmed that efforts have been made within the layout to minimise the overall impact on the existing character and habitats. There is a mature oak sited on the eastern boundary and the layout of the development has recognised the value of this tree and whilst development is within the tree canopy it is agreed that subject to suitable conditions in respect of excavation then no objection to this relationship is raised by the Council's tree officer.

It is considered appropriate for the landscaping of the site to be conditioned to ensure suitable planting within this site and particularly adjacent to this prominent corner.

GROUND CONTAMINATION

A Geotechnical Survey was undertaken in November 2012 (included within the planning submission). This concluded that there is no contamination on the site. However, the Council's Senior Environmental Health Officer- Public Protection has not raised any objection to this proposal but considers that a condition to ensure that no development 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 needs to be undertaken and where necessary appropriate action taken. Therefore a condition to this effect is proposed.

10. Conclusion

Having taken into account all matters the location, impact on the surrounding area, scale layout and detailed design of this modest scheme are seen to be acceptable and comply with the policy framework at this time.

11. Recommendation

That Authority to grant planning permission is delegated to the Area development Manager subject to the signing of a S.106 respect of the:

- **Retention of the dwellings as affordable housing in perpetuity**
- **Education contributions of - £19155 (sum to be confirmed in late observations).**
- **Public open space contributions of - £20,130**

for the following reason:

This proposed development for 10 affordable housing units is acceptable as it is considered to be an exception site in terms of policy H7 of the North Wiltshire Local Plan. It is considered acceptable in terms of its location, impact on the surrounding area in terms of its access and impact on the highway network and local drainage conditions, its scale layout and detailed design and complies with the policy framework at this time

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 implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

6229D Design & Access Statement RevA
6229D Site Analysis
6229D 7901 External Material Schedule

White Design Drawings

6229D 0101 Site Location Plan
6229D 0102 Site Context Plan
6229D 0103 Site Survey
6229D 0104C Site Proposed Layout *10th MAY 2013*

6229D 0111 Unit 1 Floor Plans
6229D 0112 Unit 2 Floor Plans
6229D 0113 Unit 3 Floor Plans
6229D 0114 Unit 4 Floor Plans

6229D 211 Unit 1 Sections
6229D 212 Unit 2 Sections
6229D 213 Unit 3 Sections
6229D 214 Unit 4 Sections

6229D 0301B Site Elevations Across Site *10th MAY 2013*
6229D 0302B Site Elevations - Through Site *10th MAY 2013*

6229D 0303 Site Elevations - Long *10th MAY 2013*

6229D 0311A Unit 1 Elevations *10th MAY 2013*
6229D 0312A Unit 2 Elevations *10th MAY 2013*
6229D 0313 Unit 3 Elevations
6229D 0314 Unit 4 Elevations

6229D TRADA Feather Edged Detail

6229D 0501 Site View

Other Drawings and Docs

- Extended Phase 1 Habitat Survey - Chalkhill
- Geotechnical Report - Integrale
- Housing Needs Survey - Wiltshire
- Notice on Landowners - WRHA
- Post Consultation Meeting Responses - Answers to Questions - WRHA
- Pre Consultation Meeting Handout - Questions and Answers - WRHA
- Statement of Community Involvement - WRHA
- – Tracking Plan
- –Flood Risk assessment
- Proposed Site Layout Revc – CEC

REASON: To ensure that the development is implemented as approved.

3. All boundary hedgerows to be managed as part of the public open space shall be managed favourably for the conservation of brown hairstreak butterfly. Favourable management practices shall include:
 - Hedgerows shall be trimmed no more than once every three years;
 - Hedgerows shall be layed or coppiced no more than once every seven years;
 - Hedgerow management shall be carried out in February; and
 - Chemical treatments shall not be applied within 5m of the base of hedgerows.

REASON: To conserve local populations of brown haristreak butterfly.

4. 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 undertaken and until:
 - a) The Local Planning Authority has been provided with written confirmation that, in the opinion of the developer, the site is likely to be free from contamination which may pose a risk to people, controlled waters or the environment. Details of how this conclusion was reached shall be included.
 - b) If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary.
 - c) In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

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

5. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict

accordance with the approved details. In particular, the method statement must provide the following:-

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2012;
- A schedule of tree works conforming to BS3998:2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the parking areas including details of the no-dig specification and extent of the areas of the parking areas to be constructed using a no-dig specification;
- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

6. 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:
 - (a) indications of all existing trees and hedgerows on the land;
 - (b) details of any to be retained, together with measures for their protection in the course of development;
 - (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - (d) car park layouts;
 - (e) other vehicle and pedestrian access and circulation areas;
 - (f) hard surfacing materials;
 - (g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - (h) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

7. 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.

8. No development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area.

POLICY- C3

9. No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

POLICY-C3

10. 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.

POLICY- C3

11. No development shall commence on site until details of the design location and proposed collection service for refuse and recycling facilities (including location and range of facilities) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the approved facilities have been completed and made available for use in accordance with the approved details and they shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety.

POLICY- C3

12. No development shall commence on site until a scheme for the proposed bridging and piping of the drainage ditches adjacent to the site, to include precise details of the construction of the proposed vehicular and pedestrian accesses have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until these works have been constructed in accordance with the approved scheme.

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

POLICY- C3

13. No part of the development hereby permitted shall be first brought into use until the access (including visibility splay), and parking spaces have been completed in accordance with the details shown on the approved plans (Drawing titled Site Layout – Proposed numbered 6229 D 0104 Rev c). The areas shall be maintained for those purposes at all times thereafter.

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

14. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and

existing highway. In line with (Drawing titled Site Layout – Proposed numbered 6229 D 0104 Rev c).

REASON: To ensure that the development is served by an adequate means of access.

APPENDIX 1.

Process

Firstly the Housing Needs Assessment was undertaken by Wiltshire Council and this determines the size of development for any parish and following discussion with the Parish Council the preferred size of the development to be provided is agreed.

In meeting this requirement the Association follows it's well established, and nationally accepted, practice of:

- Working closely with the Parish Council and Wiltshire Council staff to identify housing need and agree the most appropriate size for the development to meet the identified need
- Working closely with the Parish Council, taking advantage of their local knowledge, to identify potential sites
- Advising the Parish Council on the suitability of the sites identified.
- Liaising with Wiltshire Council over the suitability of the selected site or sites having regard to planning policy for the area.
- Taking into account of all the views expressed, bringing forward the most appropriate site.

Site requirements

In order to be able to produce affordable homes to benefit local people the Association concentrates on acquiring exceptions sites. The site therefore needs to meet the criteria of an exceptions site, set out in the relevant development plan.

The extant development plan for the Parish is considered and, in considering possible sites for development, regard is also taken of the emerging Wiltshire Core Strategy (WCS). Having regard to the policies in these plans for rural exception sites WRHA expects potential sites to meet the following criteria:

- (i) the site should be of sufficient size to accommodate the required homes, associated amenities and open space*;
- (ii) it needs to be within or adjoin the boundary of the village as shown in the development plan;
- (iii) it needs to be well related to existing development;
- (iv) it needs good access;
- (v) it should ideally be contained within natural boundaries and not set a precedent for further development.

*a site for a smaller number of houses might be considered if one of sufficient size could not be found if developing a smaller site would remain financially viable.

The Housing Needs Assessment undertaken by Wiltshire Council with the support of the Parish Council identified the housing need and determines the size of site required. For example 10 affordable homes would require a site of approximately 1 acre to enable associated amenities and open space to be provided.

Once a potential site or sites have been identified consideration is then given to specific aspects of the site and the subsequent development. Details are provided later in this report.

As many villages in Wiltshire are of a spread out nature and sometimes comprise two or more settlement areas our usual practice is to consider the parish as a whole rather than as two or more settlements. Again the Parish Council's views are taken into account.

Site specific considerations

Consideration was given to development issues relating to sites 1 and 12, for example:

- Whether other developments have been allowed in the vicinity in recent years – it is clear that there has been a significant level of development in the vicinity of both sites. .
- Location in relation to other social housing in the parish – it is a desire of Government to see affordable housing 'pepper potted' amongst open market development rather than concentrated in one location.
- The availability of amenities within the parish and access to them – as is typical of Wiltshire villages amenities vary widely from one parish to another and proximity to them from individual sites also varies widely. As we provide homes for people with a local connection to the Parish those for whom the homes are intended, will be aware of the amenities available to them.
- Sustainability – the homes will be built to high sustainability standards. Residents will to a certain extent rely on private cars, as do other residents in the vicinity of the sites. Bus services vary widely in Wiltshire villages, so it is difficult to rely on this as a determining factor. As residents will be drawn from the Parish travel to work considerations will not change significantly.
- Impact on surrounding properties – we aim to provide homes where the impact on adjacent properties is kept to a minimum and the designs we put forward therefore have regard to this. We provide good sized gardens and wherever possible a good amount of open space.
- Traffic - issues relating to traffic are always of concern. As these affect existing residents note is taken as to whether other developments have been allowed in the vicinity of the sites under consideration. This is the case with both sites. Therefore informal views of Highways Officers would be sought. We have on a number of occasions extended speed restriction areas at the request of Highways Officers and we are happy to work with Parish Councils and the Council over this.
- Flooding – issues relating to potential flooding are taken into account and information is obtained from the Environment Agency any local Parish flood plans and specialist advice may also be sought. This advice would be taken into account when deciding whether to proceed with a particular site.

The next step is to make further enquiries of Wiltshire Council Planners and Highways on the preferred sites.

Once their views are known and the PC agree an approach would be made to the owner of the preferred site or sites.

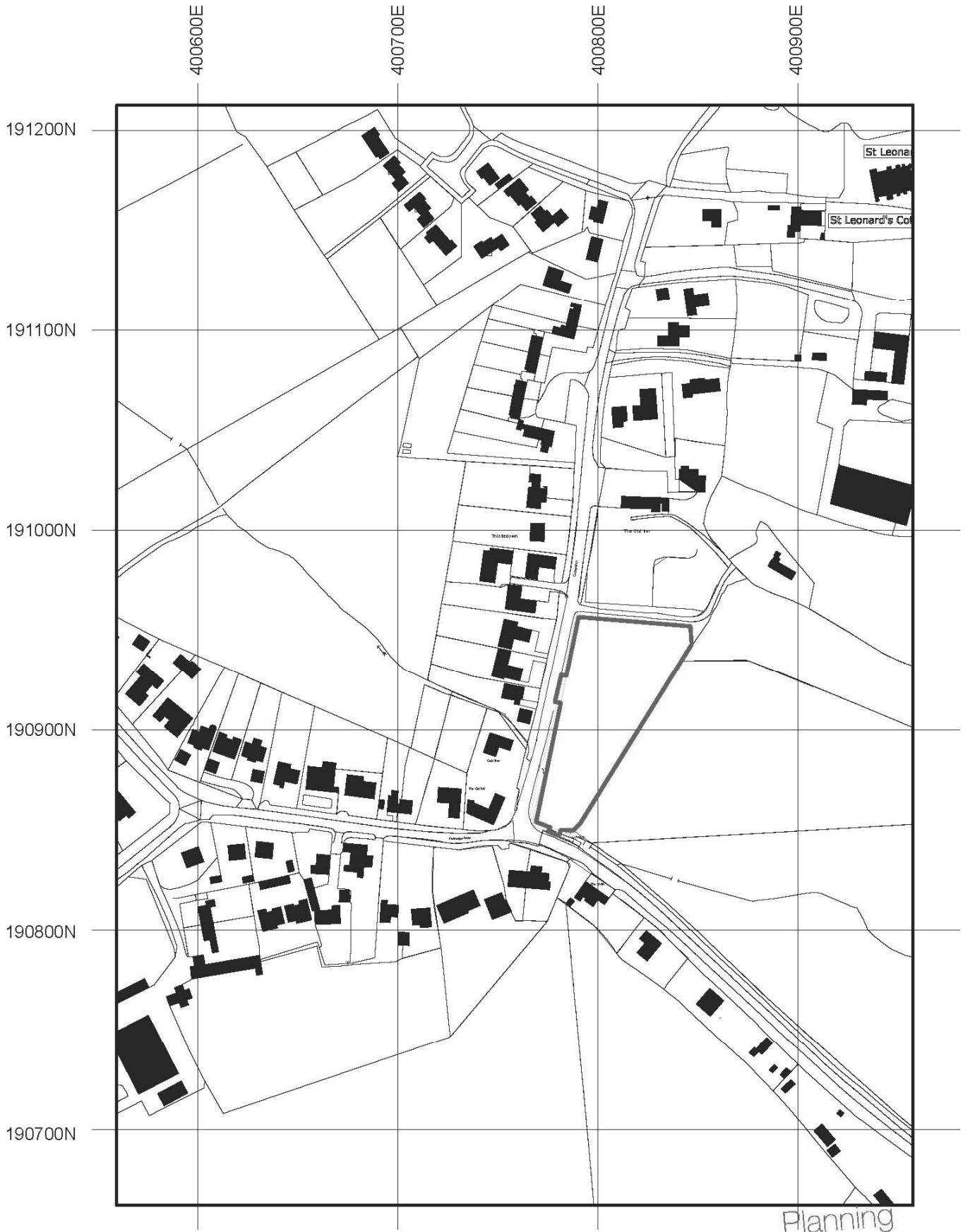
Throughout the process the Parish Council are kept advised of progress.

The Association considers that by following the above procedure it can be established that an exhaustive process to assess all possible sites has been undertaken which meets the criteria in the development plan for developments of this types and which will enable the Association to provide an affordable, attractive and well located development for local people.

In support of this proposal the Housing Officer commented that Wiltshire Rural Housing Association in partnership with the Parish Council and Cllr Soden worked through a number of alternative sites, which were deemed unsuitable for development or the parish council would not support.

The HNS showed that 81% of respondents supported the provision of housing in the village, the biggest majority 34%, supported 4 – 10 homes.

In summary WRHA have taken positive steps in line with policy to seek to secure this site for rural housing. This site is supported by the New Housing Team, to deliver more rural housing, which are noticeably being undelivered through s106 due viability issues and to enable the council to seek grant funding to deliver it and if it doesn't gain planning Wiltshire Council will have lost that investment.



Planning



Location Plan 1:2500

Minety Housing

Site Location Plan

WPH/A

Des:	Draw:	Checked:	Drawing No:	Amendment:
0/1/2013	MSS	ST	6229 D 0101	
Date:	Amended:	Checked:	Status + Work Stage:	
			Planning	
Scale:	Size:	Scale @ A3:	+44 (0) 117 954 7225	mal@white-design.co.uk
1:2500 @ A4	A4	A4	+44 (0) 117 954 7226	rebecca@white-design.co.uk
				the printing house 21 pavilion drive basel 652 3LP
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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	29th May 2013		
Application Number	11/04092/FUL		
Site Address	Malmesbury Garden Centre, Crudwell Road, Malmesbury, Wiltshire, SN16 9JL		
Proposal	Full Details For the Demolition of Existing Buildings & Construction of a Foodstore, Associated Customer Car Park and Associated Highway Works; Together With Outline Details for the Provision of a Builders Merchants & Premises for Employment Use (B1 & B2 Use Classes)		
Applicant	Sainsbury's Supermarkets Ltd and Grafton Merchandising GB Ltd		
Town/Parish Council	Malmesbury/St Paul Without		
Electoral Division	Malmesbury/ Sherston	Unitary Member	Cllr John Thomson
Grid Ref	394039 188359		
Type of application	Full		
Case Officer	Brian Taylor	01249 706683	<u>Brian.taylor@wiltshire.gov.uk</u>

Reason for the application being considered by Committee

Cllr John Thomson has requested that the application be determined by the Area Planning Committee as the proposal could represent a large change to the local area with a large number of local residents expressing their views.

1. Purpose of report

To consider the above application and to recommend that planning permission be REFUSED.

2. Report Summary

The main issues in the consideration of this application are the acceptability of:

- The principle of development in the context of the National Planning Policy Framework, North Wiltshire Local Plan, emerging Core Strategy and the Draft Malmesbury Neighbourhood Plan
- The impact in highway safety
- Loss of Employment land
- Design and scale of the development
- Impact on the character and appearance of the area
- Impact on residential amenity
- Ecological implications of the redevelopment of the site
- Impact of the development on archaeology;

Malmesbury St Paul Without Parish Council support the application

Malmesbury Town Council object to the application

305 letters of objection and 165 letters of support have been received.

3. Site Description

The site is located on the outskirts of Malmesbury approximately 1.2 km to the north-east of the defined 'Town Centre Primary Frontage Area'. Although it lies outside of the defined 'Framework of Settlements' boundary, it is specifically allocated for 'Business Development' in the adopted North Wiltshire Local Plan. The development site is currently used as a Garden Centre. It is located at the junction of the B4014 (Filands) and the A429 (Crudwell Road), a major distributor road, connecting J17 of the M4 at Chippenham through to the Midlands.

Historically the site was arable pasture land and has seen development from around 1970. This has developed into the Garden Centre seen today.

At least half of the site can be described as previously developed 'brownfield' land due to its existing use as a garden centre. The site is bounded by:

- Leylandii conifers up to 20m tall to the north with agricultural pasture beyond.
- A mixture of post and wire fencing and stone walling to the south with a Woodland Copse, Marsh Farm and agricultural pasture beyond.
- Native Hedgerow to the east with agricultural pasture beyond.
- Timber post and rail fencing and a section of Leylandii to the west and the A429 Crudwell Road beyond.

The site generally falls from south to north with a cross fall to the north east corner which has wetland characteristics. Malmesbury itself rises to high ground at the location of the Abbey from the River Bristol Avon to the south and the Tetbury Avon to the north. Generally, the site's topography is level, with the exception of the north east corner where the site drops locally by approximately 4m. In order to facilitate development, levels in concentrated areas of the site will need to be altered, the order of which is described within the proposals.

There are a number of residential properties within the vicinity of the site including Marsh Farm immediately to the south. Inglenook is located directly opposite the site and directly adjacent the junction to be substantially altered as part of the proposals. To the north west of the site, opposite on the A429 are Filands Gate and Filands Barn dwellings.

4. Relevant Planning History

The site is an established garden centre.

The history of the site is well documented in the applicants supporting information.

None is of direct and comparable relevance to this development proposal.

5. Proposal

The applicants have consulted with local residents both prior to submission and whilst the application has been under consideration by the Council, and have made a number of amendments to address concerns.

Members will be aware that the Council is considering two retail proposals for Malmesbury:

The first application is submitted by Sainsburys Supermarkets Ltd and Grafton Merchandising GB Ltd (Buildbase) and is the subject of this report (The Sainsbury Application).

The second application is submitted by Simons Developments Ltd and Waitrose Limited and is for a new foodstore comprising 2504 sq.m gross, 1672 sq.m net (including 251 sq.m net of comparison goods sales) together with associated car parking spaces, highway and landscape works. The application site comprises 2.34 hectares of undeveloped land to the east of High Street and Avon Mills on the south east edge of Malmesbury, accessed from the A429 (The Waitrose Application).

There are many documents, plans, drawings and other illustrative materials submitted by the applicants that support these applications. Members are encouraged to familiarise themselves with the proposals and accompanying material (all available online) prior to the Committee meeting.

The Sainsburys application proposes a mixed-use development comprising a foodstore, relocated builder's merchants and employment floor space (B1 and B2 use classes) as follows:

- A foodstore incorporating a customer café;
- Associated customer car parking.
- Serviced and adopted access road.
- A 0.55ha Employment site (B1 Use Class) and associated car parking.
- A 0.63ha Builders Merchant's site (Buildbase) and associated car parking.
- A 0.33ha Industrial site (B2 Use Class) and associated car parking.

The proposed Sainsbury's foodstore will have a gross footprint of 5,149 sq.m (55,429 sq.ft) and a net retail sales area of 2,744 sq.m (29,540 sq.ft).

In total 286 car parking spaces will be provided

A 0.55ha employment site (B1 use class) showing an indicative building footprint of 1977.5 sq.m (21,285 sq.ft) gross floor space and 101 associated parking spaces.

0.63ha builders merchants site (to be occupied by Buildbase who will relocate from their existing premises at Park Road in Malmesbury) showing an indicative building footprint of 1,620 sq.m (17,450 sq.ft) gross floor space and 14 associated parking spaces.

A 0.33ha industrial site (B2 use class) with an indicative building footprint of 900 sq.m (9,700 sq.ft) gross floor space and 24 associated parking spaces.

Revisions to the application

The scheme has been revised since its original submission in December 2011, the notable changes came in 16 July 2012 when the following was submitted:

Architectural Drawings

- Proposed Masterplan- 31086 PL003 Rev G
- Culvert Works Plan – 31086 PL004 Rev D
- Proposed Store Plan- 31086 PL005 Rev C
- Proposed Mezzanine Plan – 31086 PL006 Rev C
- Proposed Roof Plan- 31086 PL007 Rev C
- Proposed Store Elevations- 31086 PL008 Rev D
- Long Sections Existing and Proposed – 31086 PL009 Rev D
- Proposed Site Elevations 1 of 2– 31086 PLOIO Rev D
- Proposed Site Elevations 2 of 2– 31086 PLOIIRev D
- Artist's Impression Overhead – 31086 PL012 Rev D
- Artist's Impression Eye Level- 31086 PL013 Rev E

Landscape Drawings

- Tree Protection Plan – 40093_LP(90)001 Rev D
- Landscape Masterplan – 40093_LP(90)002 Rev D
- Landscape Plan: Food Store Site- 40093_LP(90)003 Rev E
- Planting Plan Sheet 1 – 40093_LP(90)004 Rev F
- Planting Plan Sheet 2 – 40093_LP(90)005 Rev F
- Typical Boundary Sections 1 – 40093_LP(90)006 Rev D

- Eastern Elevation: Existing and Proposed- 40093_LP(90)009 Rev A
- Typical Boundary Sections 2- 40093_LP(90)019 Rev A
- Visualisation B: Proposed Development with Proposed Landscaping after 5 Years Growth – 40093_LP(90)015 Rev A & 40093_LP(90)020 Rev A

The revised drawings sought to address the further comments raised by both the Urban Design and Landscape officers. The principal changes are set out below:

- The most significant change to the scheme is the intended removal of the proposed Petrol Filling Station (PFS) from the site. This has therefore enabled further space for additional car parking provision for the store, together with a substantial amount of additional landscaping which will be provided along the edges of the new entrance road into the site.
- As a result of the removal of the PFS from the site, an additional 12 car parking spaces have been provided for customers to the foodstore. The overall total of proposed car parking spaces for the store has therefore now been increased from 274 up to 286.
- Additional timber cladding has been added to the eastern (rear) elevation of the foodstore above the proposed service yard, together with an adjustment of the timber cladding to be applied to the northern elevation so as to help further blend the development with its surroundings and the local landscape.

Vehicular access to the site will be provided via a proposed roundabout in the location of the existing Filands B4014 /A429 Crudwell Road T-junction,

In terms of pedestrian accessibility to the site, footways on the southern side of B4014 Filands and the western side of A429 Crudwell Road connect the site with the local residential catchment areas. The proposed A429 site access roundabout will have dropped kerb and pedestrian refuge islands for crossing into the development site.

Public transport to the site is covered via Services 31 and 93 which currently pass the site. It is anticipated that these routes will be diverted into the site to serve the on-site uses.

The *applicant* considers the following benefits will be derived from the application:

- The provision of a new foodstore in Malmesbury will introduce genuine choice and competition for the residents of the town and the surrounding rural area. In addition, a new foodstore in this location will reduce the need for residents of Malmesbury having to travel to other towns such as Cirencester, Tetbury or Chippenham in order to be able to carry out a weekly food shop.
- Moreover, the development of the foodstore will act as a catalyst to help bring forward the further employment units proposed at this designated employment site by providing a fully serviced development site.
- The design of the new store is sensitive to its environment and sits comfortably in the landscape, providing areas of new planting and vegetation. It incorporates a large number of sustainable features and aims to achieve a BREEAM 'Very Good' rating.
- The proposal also includes significant highway improvements including a new access roundabout at the A429 (Crudwell Road) and B4014 (Filands) junction, which will greatly improve the safety of this junction whilst facilitating appropriate access to the application site and enhancing the infrastructure for Malmesbury
- The applicant considers the following benefits will be derived from the application:

- The provision of a new foodstore in Malmesbury will introduce genuine choice and competition for the residents of the town and the surrounding rural area. In addition, a new foodstore in this location will reduce the need for residents of Malmesbury having to travel to other towns such as Cirencester, Tetbury or Chippenham in order to be able to carry out a weekly food shop.
- Moreover, the development of the foodstore will act as a catalyst to help bring forward the further employment units proposed at this designated employment site by providing a fully serviced development site.
- The design of the new store is sensitive to its environment and sits comfortably in the landscape, providing areas of new planting and vegetation. It incorporates a large number of sustainable features and aims to achieve a BREEAM 'Very Good' rating.
- The proposal also includes significant highway improvements including a new access roundabout at the A429 (Crudwell Road) and B4014 (Filands) junction, which will greatly improve the safety of this junction whilst facilitating appropriate access to the application site and enhancing the infrastructure for Malmesbury.

6. Planning Policy

National Planning Policy Framework (NPPF) –In particular the sections relating to 'ensuring the vitality of town centres and paragraphs 24, 26 and 27

North Wiltshire Local Plan 2011- in particular:

- C2 – Community Infrastructure
- C3 – Development Control Policy
- BD1 – Employment Land
- NE15 The Landscape and character of the countryside
- R4 – Proposals outside town centre primary and town centre secondary areas

Wiltshire Core Strategy Submission Draft document July 2012

7. Consultations

Malmesbury St Paul Without Parish Council "We write to inform development services that our Council supports this application. Many residents have expressed the wish to see a supermarket in our Parish. It is considered that the supermarket would benefit residents on a financially restricted budget, not only in our Parish, but the nearside town of Malmesbury, and the countryside beyond.

This supermarket would reduce the need for commuting to nearby towns for supermarket shopping. The highways safety afforded by a roundabout at this junction A429 is welcomed, and would have been impossible without the redevelopment of this site. This site is situated in a rural area of the country, where there is a high dependency on cars, and competitively priced supermarket petrol would be widely welcomed.

A supermarket on this brownfield site would enhance the ambience of the area. The 200 full and part time jobs, together with the possibility of further employment possibilities on the site. The Council also commented that at its February meeting welcomed the application and went on to consider planning concerns and observations together with possible S106 conditions as follows:- The roundabout would be welcomed, and requested to be as large as possible for traffic clarity of approach; That for pedestrians walking to the store, a pavement be established on the east side of the A429 between the BP garage and the store site. (A cycleway would also be welcomed.) If the pavement is not possible then the safety of Milbourne pedestrians crossing the A429 at the BP garage, and back again to the store needs full consideration; For Community Involvement, a parish notice board in our current logo style near the store entrance would be appreciated; An

environmental contribution to our planned Cowbridge-Malmesbury cycleway in our parish, would be appreciated.

Observations and Concerns - The tall trees lining the A429 should be retained to completely reduce the visual impact of the store here in the countryside, and already agreed to be retained to the north of the site overlooking Charlton Park. If they are diseased then they should be replaced with like semi mature evergreen trees. Site lighting should be of low intensity and subdued in the car park etc, to minimise the visual impact. Consideration might be given to covering the walkway from the bus stop to the store for inclement weather conditions."

Malmesbury Town Council Object: The Council conclude that need for the application superstore has not been demonstrated as required by PPS 6 and North Wiltshire Local Plan Policy R4. Regarding PPS 4 Policy EC15 requiring a sequential "town-centre-first" test of site selection, we are unconvinced. Regarding PPS 4 Policy EC16.1(d) on town trade impact, we consider that the applicants' assessment is unconvincing and incomplete. Regarding PPS 4 Policy EI0.2 (e) on local employment, we believe the application may have a negative effect. We do not find North Wiltshire Local Plan Policy BD2 (ii), which safeguards existing business uses, to be satisfactorily countered. The sustainability profile is arguably negative against PPS 4 Policy EIO (a), (b) and (d) and North Wiltshire Local Plan Policies C3(vi), CI(i), CI(ii) and CI(iv).

Malmesbury Town Council believes that the application should be refused in accordance with PPS 4 Policy EI7.

Charlton Parish Council object on grounds of adverse economic impact on High Street and tourism; increased traffic through Charlton – even a small increase would compound existing problems; and lights and noise pollution

Malmesbury St Paul Without Residents Association: Object on grounds of prematurity due to the progress being made on the Neighbourhood Plan; Significant detrimental effect on High Street; no conclusive evidence of the need for further convenience store development; do not believe there will be any linked journey trade.

Malmesbury Civic Society: object to Application for a Supermarket on the Garden Centre site. The site lies well over a kilometre from the Town Centre and is remote from the main residential areas. The site, of course, is not in Malmesbury but in the adjacent and independent parish of St Paul's Without.

Transport Assessment shows part of Reed's Farm within 800m "walking" range. This area, however, does not have paved access to the site, only a right-of-way across agricultural land with stiles, mud and cattle to negotiate. The minimal number of cycle places indicates that even the applicants do not consider this a likely way of shopping. Only car access is therefore practical.

It is claimed that the site selection conforms to the "sequential approach" of PPS4. That approach shows that an out of town such as this is, in general terms, the least desirable option. The effect on non-food retail within the town will be negative to a degree which will be manifest only after the irreversible event. In a recent retail study of Wiltshire, Malmesbury's shopping centre, principally but not exclusively the High Street, was shown to have higher than average occupancy of its retail premises. The establishment of such a store, far from being "complementary" will have a lasting, harmful effect on the character and essence of the town.

We are at the stage of implementation of the Localism Bill and Malmesbury has been selected as a Front Runner to generate a Neighbourhood Plan. To commit to such a major change to our local facilities at this time is therefore manifestly wrong. While the Applicants have promised commitment to s106 for footways,etc., we must ensure that major retail changes serve the town and not vice-versa.

There is a speculative claim that the site will seed industrial development. This is too nebulous to be considered, and any jobs created by the store itself must be offset against loss of employment

in independent town centre retailers, the Garden Centre and existing Service Station. The possible improvement in junction A429/B4014 is too small a carrot to offset the overall harm to the town's character and natural development.

Spatial Plans – *The spatial plans team provided initial advice in April 2012 which concluded:*

“In summary the key factors are:

- Both sites are technically out of centres sites.
- Land at Avon Meads is sequentially preferable as it is well related and more accessible to the town centre.
- The GVA retail advice suggests that the Waitrose proposal on land at Avon Meads could function as an edge of centre site.
- There are no sequentially preferable sites in the town centre. Land at Avon Meads is sequentially preferable to the land at the Garden Centre. The Sainsbury's proposals on land at the Garden Centre therefore fail the sequential test.
- The retail advice suggests that the Waitrose proposals at Avon Meads would not have significant impact on the town centre and that any impact that does result will be outweighed by the potential for 'linked trips'.
- A further consideration with the location of the garden centre site is that it is an extant local plan allocation for employment that is being proposed to be taken forward in the core strategy. Whilst employment allocations should not be retained for the sake of it, in this case the location is not sequentially preferable for retail development and remains a good location for employment development.
- Both proposals are premature of the Wiltshire Core Strategy and the process for identifying specific sites for development.
- Specific sites for development, including retail, could be identified through the Malmesbury Neighbourhood Plan. There is a clear appetite to do this.
- Allowing this proposal could predetermine the location of retail development in the town and reduce the ability of local community to input into the allocation of specific sites in Malmesbury.
- However if land at Avon Meads is the only sequentially preferable site then consideration should be given to whether there is any justification for allowing the site to come forward ahead of the neighbourhood plan. The retail advice suggests that the Waitrose proposal on land at Avon Meads could meet retail need in a manner that is complimentary to the existing town centre function and this could bring significant benefit to the town. However this must be balanced against other site specific considerations such as the strong objection to development on the site because of the impact development would have on the historic setting of the Conservation Area and Abbey.
- In conclusion, my opinion would be that land at the Garden Centre is not sequentially preferable for retail development, it would be likely to lead to a negative impact on the town centre, and it is therefore contrary to policy.”

(The advice goes on to comment on the Waitrose proposal: “Land at Avon Meads could function as an edge of centre store and bring significant benefit to the town as it will meet retail need and potentially claw back trips for convenience shopping to other towns, in a location that has the potential for linked trips to the town centre and where impact on the function of the town centre is minimised. Ideally a site for retail should be brought forward with the local community through the neighbourhood planning process, but if this is the only sequentially preferable site, then consideration should be given to the benefits the proposals on land at Avon Meads could bring to the town. This must however be weighed up against site specific factors such as the landscape and urban design objection to development on this site. In my opinion this would need to be resolved if consideration was to be given to the site coming forward prior to the identification of a site in the neighbourhood plan.

Should you be minded to permit the development on land at Avon Meads it is essential that any proposal is complimentary to the existing uses in the town centre. GVA suggest that this could be achieved on land at Avon Meads by ensuring the car park is available for those using the town centre for linked trips, appropriate signage, way marking and linkages and the exclusion of, for

example, a coffee shop, pharmacy, post office and extensive range of non food shopping – see GVA retail advice for further information.”)

Wiltshire Council Highways:

“The Transport Assessment is accepted and I am satisfied that the proposal will *not* have an unacceptable effect on the surrounding highway network. The proposed roundabout at the site access is to an acceptable design.

I have looked in detail at the effect on the adjacent property, “Inglenook”, and am satisfied that access to that property is safely maintained. The tracking diagrams supplied show that the access can be used by all appropriate vehicles. Visibility at the two accesses is marginally changed but no more so than could be done by the degree of trimming of the adjacent hedge. In addition it must be remembered that traffic turning left from the main road will now have to be prepared to stop at the roundabout rather than having a free run and thus average approach speeds are likely to be lower. Visibility from the accesses to traffic circulating the roundabout is significantly better than that currently available to the left turning traffic and with the permitting of the right turn from the main road, left turning traffic off the main road is likely to be reduced. I do not consider that the effect on the access to “Inglenook” is significantly adverse to warrant further investigation of possible revised junction arrangements.

A statement has now been submitted addressing the policy issues raised in my previous response. I consider that the statement adequately addresses those policies and that an objection in respect of either of those policies is not appropriate. I have not identified any issues relating to the internal layout. I have examined the submitted information relating to the petrol station usage and am satisfied that its use will not cause queuing back onto the main access road (the petrol filling station has now been omitted from the scheme). Adequate provision has been made for bus services to access the site.

I notice that comments have been made about the lack of pedestrian routes to the store. There are footways along the roads from the residential areas although not to current width standards. The splitter islands on the roundabout will offer suitable informal crossing points for pedestrians. It would not be reasonable to request Sainsburys to improve all the existing footways although a requirement to provide a formal crossing on A429 should a demand be demonstrated within 3 years of opening would not be unreasonable.

The public transport contribution of £80,000 pa for 3 years has already been identified and, subject to a legal agreement to secure this and the possible provision of the pedestrian crossing, there is no highway objection to this application.”

Urban Design

Full version of the officers comments is available on the file – summary reported here)- *Comments on originally submitted details*: The proposal introduces buildings and areas of hardstanding that are of a substantially larger size and scale than present on the existing site or adjoining countryside. The proposed white cladding panels to the foodstore covering the ‘higher sided’ east elevation, and the north elevation, together with what appears to be a light coloured pitched roof covering will present a starkly contrasting colour in the landscape. These colours will emphasise the uncharacteristic bulk of the building, adversely affect the landscape setting; and will not respect the more traditional finishes and muted colours characteristic of the area which are consistent with the approach taken to analogous ‘farm’ buildings in the landscape.

In this context there is scope for suitably reducing the visual impact of the proposed buildings on the countryside, reflecting the intrinsic local character and distinctiveness. Suitable design approaches that Sainsbury’s have proposed and implemented on their developments elsewhere appear to be:

- A continuation of the proposed timber cladding around the building: The proposals have

introduced elements of timber panels as a response to the public view expressed in the applicant's pre application consultation. It is assumed the panels are natural timber that will tone down through weathering to a silver grey that will more readily blend with the tones of the boundary planting and local landscape. The recent Sainsbury's at Dawlish would appear to be largely clad in timber;

- Changing the remaining white cladding and roof to a non reflective mid grey: This is the approach Sainsbury's appear to have taken with their proposal for a similar sized foodstore at Marsh Lane, Hayle, Cornwall.

- Introducing significant use of natural stonework into the development: This would appear to have most benefit if incorporated as 'field' walling along the more open and public east boundary facing the A429 and as a creative design element to the wall face of the prominent Petrol Filling Station (PFS) Kiosk and Employment Uses alongside the site entrance reducing the uncharacteristic white cladding and extensive glazing respectively.

The artist impression drawing 31086 PL013-A indicates bushes of limited height being maintained along the A429 boundary replacing the existing tree screen and hedgerow. This will result in the expansive area of car parking/hardstanding and PFS being on full view. This does not respect or enrich the local character and distinctiveness of the area. Providing a similar tree screen at the northern end, and introducing a significant element of stone field height walling, and stone facings to buildings along this boundary would be an appropriate treatment to reduce the impact of the proposed car parking (while allowing the foodstore to be readily apparent in the background) and relate the development to the intrinsic rural character of the area.

It should be possible for the proposed foodstore with its first floor mezzanine to visually respect this local setting. In its public setting along the boundary with the A429 the proposed form of the Employment Use building conveyed by the equal length wings at the site entrance presents a readily apparent and uncharacteristic bulk, out of scale with the character of the area. A possible approach may be to express the form of the overall building as two or more linked rectangular buildings with one of the wings appearing subservient e.g. a significant drop in roof height.

Final comments on the revised proposals will be reported at Committee meeting.

WC Landscape Officer

Full version of the officer's comments is available on the file – summary reported here)-
Comments on originally submitted details:

The proposed development site '*Garden Centre, Malmesbury*' is identified as Employment Land (BD1) in the North Wiltshire Local Plan 2011. The site is relatively small rural employment site with direct access off the A429 Crudwell Road and which is surrounded on all sides by 'Countryside'.

The south eastern boundary of the designated Cotswold Area of Outstanding Natural Beauty is located approximately 2km to the West of the development site. The close proximity of the AONB indicates the outstanding quality and national significance of landscape character and scenic quality of nearby countryside. 'Malmesbury Abbey' is located approximately 1.2km to the south west of the site. The abbey is a significant heritage asset (Scheduled Ancient Monument) and a prominent local landmark feature and visitor attraction located within the historic core of Malmesbury. Charlton Manor House (Grade I Listed Building) and its associated historic Park Estate are located to the north and east of the development site and are important features of local landscape character.

I am concerned that the information submitted is inadequate to allow the full visual impact of this proposed development to be properly understood. I currently believe that the proposal will be far more prominent within the landscape than the submitted artist's impressions and the Landscape and Visual Impact Assessment imply and conclude. The current proposal represents a standard design solution with little or no design consideration for local vernacular or local character. I

suggest that the scheme needs to be better screened by reinforcing and widening the existing perimeter vegetation, with appropriate tree and woody shrub species to provide an effective visual screen to the countryside to the north and east, while the southern and western boundaries should be further strengthened to obscure built form and soften visual transitions with countryside. At the moment the layout does not allow sufficient space for a landscape scheme of this nature to be incorporated.

I am particularly concerned that the formal Leyland Cypress hedge is being relied upon to provide the entire landscape transition and buffer along the northern boundary with open countryside beyond. The resulting longer term visual impact and harm to local landscape character could be significantly reduced if more space is allowed to enable an appropriate and effective landscaping scheme to be included within the development site.

North Wiltshire Local Plan 2011 saved policies CI, C3, C4 & NE15 require that new development respects, promotes or maintains the quality of the natural environment and is in keeping and sensitive to the character of the local landscape and countryside. There is in my opinion a clear opportunity to provide a more sensitively designed scheme set within a strengthened landscape framework to reduce visual impact and better respect local character.

Final comments on the revised proposals will be reported at Committee meeting.

WC Archaeologist

This location has the potential to be archaeologically sensitive. Although there are no known archaeological sites or features within the proposed red line area itself, there is an extensive Roman settlement located immediately to the east of Marsh Farm. This site was identified and surveyed in 2001. I would advise there is a need here for archaeological evaluation to be undertaken prior to the determination of any planning application on this site. Depending on what is found during the evaluation, there may also be the subsequent need for further archaeological work to be done by condition.

Further information was submitted in the form of an archaeological assessment and no features of archaeological significance were discovered, partly because the site appears to have been largely disturbed in recent times. No further archaeological work is required.

WC Public Protection (Environmental Health)

Air Quality: With regard to the Mitigation of Construction Impacts contained in Section 5.8 of the report, I would recommend that these measures be required by attaching a suitably phrased condition to any consent.

With regard to the Traffic assessment, Section 5.9.1 states that the modelling has concluded that *'some residential properties will exceed the Air Quality Objective for Nitrogen Dioxide....and these areas have already been identified within the existing Air Quality Management Area (AQMA)'*. There are then recommendations for Cycle Hoops, Green Travel Plans etc. These statements do not correlate with the Traffic Assessment in Section 5.5 or the Conclusions in Section 6.0 and so I can only assume that this is a major 'typo'? I would expect the Applicant/White Young Green to confirm this and re-submit para. 5.9.1 for completeness, as I do not believe there are any air quality objective exceedances nor an AQMA in this area.

Land Contamination/Geotechnical reports: There are no major contamination issues, however in order to ensure that the conclusions and recommendations contained in the reports be instigated, I would recommend that a condition be attached to any approval.

Lighting: I have no 'lighting' concerns, however, for completeness I would recommend that a condition be attached to any approval, requiring compliance with the submitted scheme.

With regard to fixed plant associated with the Food Store, the Noise Consultant- White Young Green(WYG) has proven that building services plant and the biomass boiler can meet criteria of - SdB and -10dB respectively when assessed ('worst-case') in accordance with BS4142:1997. I would therefore recommend that an appropriately worded conditions be attached to any approval.

With regard to delivery noise associated with the Food Store, I have several adverse comments with the noise assessment regarding 'night-time' deliveries in particular. It is common practice to use BS4142:1997 for such an activity, which is a 5 minute assessment, but WYG have only used the BS8233:1999 guidelines, plus the Night Noise Guidelines for Europe(2009), which I feel is wholly inappropriate and in no way reflects the subjective impact of a night-time delivery. The source data for the 'night outside' on page 9 infers that WYG have assumed that there will be 1 delivery per night, 7 days a week, 365 days per year, whereas the delivery Night Noise Assessment on page 24 assumes that up to 6 deliveries per night may take place. In my opinion, this situation cannot be so 'open-ended', nor do I feel this is a correct assessment method for 'short-lived', impulsive disturbance during the night. The application form states that the Food Store opening hours are typically 07:00 to 22:00hrs Monday to Saturdays and 10:00 to 16:00hrs on Sundays/Bank Holidays and there is no mention of night-time deliveries. I am satisfied that any delivery at night would lead to an unacceptable adverse noise impact on nearby residential amenity and can only recommend that a condition be attached to any approval restricting night time deliveries.

WC Ecologist

Having reviewed the available information for the site, it appears to be of relatively limited ecological value at present with the exception of:

- *Bat roosts* and foraging areas on the eastern boundary of the site. These feature have been retained within the masterplan, therefore there are no direct significant impacts anticipated. Lighting could have indirect effects, although this could be addressed through a sensitive lighting scheme.
- *Several species of breeding bird are present*, however these are relatively common suburban species and most would continue to use the site. The extended phase 1 report includes recommendations for carefully timed removal of suitable vegetation and erection of bat boxes as mitigation.
- *Small numbers of slow worm* are present, however the extended phase 1 report includes recommendations to move the animals to a safe receptor.
- Although the over development of the site has resulted in scheme is a rather disappointing sterile scheme for biodiversity, I have no ecological grounds for objection and recommend that any permission granted be subject to two suitably worded conditions to secure to following:
- The recommendations of the extended phase 1 report should be implemented in full in order to protect breeding birds and reptiles.
- A sensitive lighting scheme should be submitted to the LPA demonstrating that bat roosts and foraging areas would not be adversely affected by light spill from the development.

Wessex Water

Petrol interceptors may be required to prevent contaminated flows polluting downstream discharges into land drainage systems. Petrol interceptors must be located on private drainage system to prevent polluting discharges into the public sewer system. New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

Environment Agency – No objections subject to conditions

WC Rights of Way Officer – No objection

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation. The applicants also carried out their own consultation and publicity exercise ensuring a high level of awareness of the proposals. The Malmesbury Neighbourhood Steering Group have engaged the community in discussion/consultation about retail provision in general.

165 letters of support received - summary of key relevant points raised:

- Brownfield site
- Highways improvements/safer junction with B4014/A429
- Generate employment
- Need for safe pedestrian access to site
- Cheaper shopping
- Good location
- Insufficient products available in town/ proposal will bring improved choice. Co-op not sufficient.
- Will prevent shoppers leaving Malmesbury to use stores elsewhere – stores are 20 minutes away from town
- Will bring competition
- Support, but need to protect butchers and bakers in town centre
- Products more affordable and greater selection than Waitrose
- Store needed to support residential growth
- There are no sites available within town centre

305 letters of objections received - summary of key relevant points raised:

- Adverse impact on Malmesbury High Street – shops and garage
- Adverse impact on junction of B4014 and A429 – safety and congestion
- Loss of garden centre
- Increase in traffic in locality
- Only accessible by private car
- Environmental impact due to the increased use of private car/ not within walking distance of town/residential properties
- Unlikely to bring trade to town centre
- Too large, wrong place
- Not sustainable development
- Site allocated for business
- Not a real brownfield site
- Impact on landscape and grade 1 listed house
- Overdevelopment of the site
- Disconnected from town centre
- Design and scale of store
- Major entrance to town
- Premature to neighbourhood planning process
- Adverse impact on access and amenity of neighbouring dwelling (Inglenook)
- Adverse impact on village shops
- Waitrose preferable – smaller; easier walking distance from town and homes.

Co-Op stores : Pegasus Planning on behalf of Co-op stores recommend that both applications be refused as they will have an adverse impact on the Town Centre contrary to current planning policy. They recommend that the outcome of the Neighbourhood planning process should establish the need for and location of any foodstore

9. Planning Considerations

The principle of retail development.

This section looks at the acceptability of retail development on this site.

The adopted North Wiltshire Local Plan 2011 (2006) provides the current statutory local level planning policy for North Wiltshire. The site lies outside the framework boundary and is therefore in countryside in policy terms. The plan defines the primary and secondary shopping retail frontage of Malmesbury town centre . Policy R4 only allows retail proposals on the edge or outside the defined town centre shopping areas when certain criteria are met. These criteria are that:

- I. There is a need for the development.
- II. It can be demonstrated the sequential approach has been followed.
- III. Proposals do not individually or cumulatively undermine the vitality of the existing centre.
- IV. The proposal is accessible by a range of walking, cycling and public transport.

Criteria I is no longer specifically contained within national policy. However criteria ii-iv and are reflected in the requirement to provide sequential and impact assessments.

With regards to future planning policy, the Wiltshire Core Strategy Pre-submission Document has been submitted to the Secretary of State for independent examination. It is proposed that the Wiltshire Core Strategy will supersede all the Structure Plan policies which are relevant to Wiltshire, and that it will also replace a number of the policies in the North Wiltshire Local Plan. Paragraph 216 of the NPPF indicates that decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation of the plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. In regard to retail the proposed core policy 38 requires all retail uses that are not within primary and secondary retail frontages to be accompanied by an impact assessment. It also requires such proposals to meet the sequential approach.

The site lies outside the defined development framework. It is a largely previously developed (brownfield site). Whilst occupied by a garden centre it is allocated in the North Wiltshire Local Plan for employment uses. The Pre-Submission Core Strategy also includes a strategy for each community area including Malmesbury. These strategies identify issues and considerations, as well as housing and employment requirements and the site is also allocated for employment uses (an approach that is supported in the draft Malmesbury Neighbourhood Plan). In regard to retail one consideration in the Core Strategy is:

“there is little capacity for additional convenience retail provision in Malmesbury. However, there has been market interest and as many residents from the town travel outside of the community area to shop, there may be scope for an appropriate scale of supermarket development at Malmesbury during the plan period, providing this contributes towards strengthening the town centre, be of high quality design and sensitive to the historic environment”.

It is acknowledged therefore that whilst there is little capacity for convenience retail use in the town there could be greater capacity if retail expenditure were clawed back from supermarkets in other towns such as Chippenham and Cirencester.

Core Policy 38 ('Retail and leisure') of the pre-submission draft Core Strategy sets out that "All proposals for retail or leisure uses on sites which are not within a Primary or Secondary Retail Frontage, including extension of existing units, must be accompanied by an impact assessment which meets the requirement of national guidance and established best practice, and demonstrates that the proposal will not harm the vitality or viability of any nearby centres. All such proposals must also comply with the sequential approach, as set out in national guidance, to ensure that development is on the most central site available."

In determining retail proposals the North Wiltshire Local Plan Policy R4 is still relevant (in that it accords with the NPPF policies in relation to the sequential test and assessment of impact). Policy R4 states that retail proposals outside of defined town centre shopping areas will only be permitted where: the sequential test has been followed and there are no other sequentially preferable sites; the proposal does not undermine the vitality and viability of the existing centre; and the proposal is accessible by a range of means.

The Council instructed consultants GVA (in January 2012) to prepare an independent review of two applications for new foodstore proposals in Malmesbury. A full report was received from GVA dated 27th March 2012. A full version is publicly available on the website. The report concludes in terms of 'need' that:

"we consider there is a case for a larger food store in Malmesbury in order to; increase market share and establish more sustainable convenience shopping patterns; provide additional choice and competition to the existing Co-op Stores; and provide an improved main food shopping offer."

And in terms of sequential test that:

"we consider that the Waitrose site could function as an edge of centre location in PPS4 terms with appropriate conditions. In any event, policy EC5.2 of PPS4 would suggest differentiating between out of centre proposals. The preference should be given to sites which are well served by choice of transport and which are closest to the centre and have a higher likelihood of forming links with the centre. In these circumstances, we consider that Waitrose would be regarded as a sequentially preferable site in the circumstances of Malmesbury."

And in terms of impact on the town centre:

"In these circumstances, while neither proposal is likely to result in the closure of the town centre Co- op, or undermine the wider strength and attractiveness of Malmesbury town centre, we consider there is a material difference between the Waitrose proposals and Sainsbury's."

The report concludes with these paragraphs:

"In these circumstances having regard to policy EC17, we do not consider the Waitrose store is likely to lead to any significant adverse impact on the vitality and viability of Malmesbury town centre. The proposal will have an impact on existing convenience retailers, and to a lesser extent comparison retailers but this will be mitigated by the possibility of linked trips. In these circumstances we would recommend the Council balances this negative impact of the proposals against the additional benefits of providing choice and competition, and addressing the identified need for improved convenience retail.

We consider the Sainsbury proposals raise more significant concerns against Policy EC17. Specifically, if the Council concludes that the Waitrose proposed site is suitable for new food store development (having regard to its wider policy consideration of conservation area, listed building, access and other issues) we consider this site would be sequentially preferable to Sainsburys. As such, the Sainsbury's proposals would fail to

comply with the sequential approach which would in itself be a reason for refusal. Furthermore, at the levels of impact indicated, we consider the Sainsbury proposal would have much more significant impact on both convenience and comparison retailers in the town centre. While the store would also provide choice and competition, and generate employment and other assets, we consider the impact implications of the centre are much more significant, which would shift the planning balance.”

It is clear from the above that the Council’s consultants (GVA) consider that the Waitrose application would be unlikely to lead to any significant adverse impact on the vitality and viability of Malmesbury town centre – (subject to comments discussed in the following report and is sequentially preferable to this application site.). Furthermore, at the levels of impact indicated, the Council’s consultants consider the Sainsbury proposal would have much more significant impact on both convenience and comparison retailers in the town centre. While the store would also provide choice and competition, and generate employment and other assets, they consider the impact implications of the centre are much more significant.

The applicants responded to the conclusions of the GVA and spatial plans comments and conclude:

- There is identified potential for and benefit to be had in providing for a new large foodstore in Malmesbury.
- Neither of the current proposals is assessed to have a significant adverse effect on the town centre since they would not result in the closure of the existing Co-op nor undermine the wider strength and attractiveness of the town centre.
- Whilst the Waitrose site is undoubtedly closer to the town centre, if, as seems likely, it is considered to be unsuitable to accommodate the development of a foodstore for conservation and visual impact reasons, it is evident that no site has been identified which can be considered sequentially preferable to the Sainsbury’s proposal.

Accordingly, the applicants argue, the Sainsbury’s proposal may be regarded as being compliant with prevailing retail planning policy. However, The Council are advised that the impact of the Sainsburys store on the High Street is likely to be significant and despite the heritage and landscape objections raised in relation to the Waitrose store, officers conclude that on balance the Waitrose proposal site is preferable (although no formal decision has been made on either application).

It should be noted that since the report was commissioned and delivered the National Planning Policy Framework (NPPF) has replaced Planning Policy Statement 4 as the guidance on retail planning matters. However, Policy EC17 which is referred to in the above conclusions is reflected in NPPF in paragraphs 24 to 27:

“24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”

“26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.”

The policy approach in the NPPF to assessing retail proposals, in terms of the sequential and impact assessments required, is therefore of similar effect to the previous policy in PSS4. On the basis of the assessment provided by the Council’s advisors the site of the Sainsburys proposal is not sequentially preferable and will have a greater adverse impact upon the town centre than the ‘competing’ application.

On this basis the application does not accord with the policies of the Local Plan or the NPPF.

The Neighbourhood Plan

The Malmesbury Neighbourhood Steering Group has recently Published for consultation ‘The Draft Malmesbury Neighbourhood Plan’. The consultation period for this document ended on 26th April. The content of the Draft Plan is important element of the Council’s consideration of the proposals and the Steering Group have committed to providing as much of the consultation responses as possible to members prior to making a decision. Members are encouraged to familiarise themselves with the contents of the whole of the Draft Plan but certain extracts are of particular relevance.

Section 3 of the Draft Plan refers to retail in the town, with the first section of the chapter dealing with the supermarket proposals. Reviewing potential sites for a supermarket was one of the key objectives identified. The Malmesbury Community Area Strategy identified in the draft Wiltshire Core Strategy suggests that there might be scope for a supermarket and initial public consultation by the MNSG:

“found that the majority of residents would support a new supermarket in the Malmesbury area (70% for, 30% against). However the majority would not support a supermarket if it had a negative impact on Malmesbury High Street (58% against, 42% for). So while residents want a new supermarket they also want to protect Malmesbury’s High Street shops.”

Having identified that there is both a need and support for a supermarket in Malmesbury the MNSG reviewed a number of sites and came to the conclusion that the most appropriate site is the site subject of this application:

“The Avon Mills (Land SE of) site is the preferred site out of five potential supermarket sites that were assessed in the MNSG site selection process. That process involves rating sites by reference to criteria for location, access, buildability, conservation and environment that address issues 5 to 8 above. That site selection process was endorsed by the MNSG Community Engagement.

We know that this site is available for development because it is the subject of a planning application

60% of respondents to the Community Engagement agreed with our preliminary ratings of five supermarket sites which placed this as a preferred site.

While other supermarket sites are being investigated, at the time of publication of this draft, the above site is both preferred and deliverable.”

As such the Draft Neighbourhood Plan includes a policy (Policy 6) to the effect that “*Permission will be given to develop a supermarket on the Avon Mills (Land SE of) site*”

The Draft Plan goes on to list requirements for the proposed supermarket: Including 218 car parking spaces; pedestrian and cycle links to and within Malmesbury Town Centre; Measures to minimise the impact on views and heritage setting; Measures to minimise the impact on Neighbours; Measure to minimise the of all the Avon Mills buildings, St John’s Street and the Lower High Street. And in order to integrate the store with the Town Centre financial contributions will be sought for: a shuttle bus into town; support for a ‘Town Team’ to manage the development of Malmesbury’s retail economy; Improvements to identified sites in the town to enhance its retail performance.

The Draft Neighbourhood Plan has made excellent progress as a frontrunner project. The work carried out by MNSG has been invaluable in seeking local views, identifying issues and proposing solutions. Wiltshire Council acknowledges the valuable work that has been done. However, it is also acknowledged that until the Plan is finally adopted it is considered to carry little weight in planning terms. Whilst the decision on the Filands residential planning appeal is currently the focus of some dispute between the appellants and the Secretary of State, the Inspectors comments are of some relevance to the weight that can be given to the Draft Neighbourhood Plan.

An assessment of the response to the Draft Neighbourhood Plan is not yet available. Officers will update Members at the Committee meeting when more detailed information is available.

Both the retail assessment and the Neighbourhood Plan carried out assessments of alternative locations including the Sainsburys application site and other potential development sites in and around Malmesbury. However none were found to provide the a site so well located in relation to the town centre and allowing for a size of store that would meet locally identified need.

Both the GVA retail assessment and the Draft Neighbourhood Plan identify benefits from a supermarket proposal on the Waitrose site. One of the key benefits for that site is the potential for linked trips and that the store will complement to the town centre. There is considered to be little potential for linked trips from the Sainsburys proposal.

Prematurity

The issue of prematurity in the context of the emerging Core Strategy and the Neighbourhood Plan has been raised by a number of parties. The NPPF, in particular paragraphs 14 and 216, provides the approach required when a LPA is progressing a new draft plan. The issue of prematurity is capable of constituting a potential form of harm to be considered in a decision-making process; it is another material consideration to be weighed in the balance.

The Council needs to consider whether this application is premature and if so what the consequences are. Members will be aware of a disputed Inspectors report relating to an appeal at Filands in relation to residential development. Whilst that decision is still in dispute the conclusions reached in terms of prematurity reflect the approach adopted elsewhere by the Inspectorate and the Secretary of State in planning appeals and reflects the policy approach of the NPPF . In this respect the Inspector’s approach at paragraph 90 is useful:

“I have considered whether allowing the development proposed now would have such a negative community effect, through prematurity, as to prejudice the ability of any future adopted [draft CS or NP], to influence the siting, location or phasing, of new development either within the wider district as a whole or as regards this market town in particular. But I have concluded that there are no such significant negative effects sufficient to outweigh the presumption in favour of sustainable development.”

Given that both draft Core Strategy (in proposing that additional retail development is required) and the DNP (by proposing this site for a food store) give strong indications of how the Council and community see retail development progressing there are considered to be no significant negative effects sufficient to outweigh the presumption in favour of sustainable development. Therefore officers consider that it would not be justifiable to refuse planning permission simply on the basis that the proposal is premature.

Wiltshire Council, in agreement with the applicants had intended that the application should only be reported to the Area Planning Committee after the consultation period on the draft Neighbourhood Plan had closed. The application was scheduled to be determined at the April 24th meeting. However, the consultation period was subsequently extended to take account of the Easter break and only ended on 26th April (two days after the April NAPC). It was recognised by Officers, members and the applicants (and the neighbourhood Plan Steering Group and other third parties) that it would be more appropriate to determine the application after the consultation period, so the application was rescheduled for this Committee.

Some objectors have argued that no decision should be taken on these applications until the Neighbourhood Plan is finalised and adopted. The Council has in the past indicated that it may favour that approach. However, it is clear that both the development control process (administered by the Council) and the policy formulation work undertaken by the Neighbourhood Plan steering Group has progressed to a stage whereby conclusions on key issues – relevant to both the Waitrose and Sainsbury's applications – can be made having regard to the overarching national policies set out in the NPPF.

Impact on landscape

The Council's landscape officer raised concerns about the impact of the proposal upon the landscape particularly in respect of the transition between the built form of the new store and associated buildings and the immediate countryside. The applicants have supplied additional information and made changes to the layout, landscaping and the design of the buildings. Further comments are awaited from the landscape officer in this respect and a further update will be given on this aspect at the Area Planning Committee.

Design

The Council's Urban design Officer made some detailed comments regarding the design of the site and the buildings. He was particularly critical of the materials to be used (suggesting the colours and materials used could be more muted to better reflect the rural setting). As detailed above (see 'The Proposal') the applicants made a number of changes to the overall layout (omitting the petrol filling station for example), landscaping and the design (notably changes to materials) of the buildings. Further comments are awaited from the Urban Design Officer with regard to these proposals and a further update will be given on this particular aspect at the Area Planning Committee.

Loss of Employment Land

Policy BD1 (Employment Land) of the North Wiltshire Local Plan 2011 states: "About 150 ha of land is made available for business development (Use classes B1, B2 and B8 uses) within the period 1991 to 2011." And with specific reference to names sites it states: "Development shall be permitted for business development (Use Classes B1, B2 and B8) on the following allocated sites, and outstanding allocations (from Adopted 2001 Local Plan): (*amongst others*) Garden Centre, Malmesbury (3.9 ha)"

The pre-submission draft of the Wiltshire Core Strategy states that one of the main issues for Malmesbury is the "diversification of the employment base which will help to strengthen the local economy and reduce out-commuting. A more flexible approach to allow economic development on the edge of the town will be considered, providing the scale of development is appropriate and sensitive to the historic environment". Core Policy 13 of the draft Core Strategy establishes that:

“The following Principal Employment Areas will be supported in accordance with Core Policy 35:

5 ha of employment land will be provided, including....Land at Garden Centre, Malmesbury -Saved North Wiltshire District Plan allocation- 4 ha”

Core Policy 35 (Existing Employment Sites) sets out that existing employment sites will be retained.

“Wiltshire’s Principal Employment Areas (as listed in the Area Strategies) will be retained for employment purposes within use classes B1, B2 and B8 to safeguard their contribution to the Wiltshire economy and the role and function of individual towns. Proposals for renewal and intensification of the above employment uses within these areas will be supported.”

The draft Malmesbury Neighbourhood Plan specifically supports the continued allocation of the ‘garden centre’ site for employment uses under the objective to “identify new sites for employment in addition to those already identified in the draft Wiltshire Core Strategy Feb 2012” it refers to the policy that “two sites have been already been identified for business development in the draft Wiltshire Core Strategy (Reference 2). They are: a 1 hectare site behind Persimmon; (and) a 3.9 hectare site on the Crudwell Road currently part occupied by the Garden Centre.”

The allocations in the North Wiltshire Local Plan 2011 and carried forward in the draft Core Strategy and supported by the draft Neighbourhood Plan amount to 3.9 hectares. The application proposal provides for around 1.5 hectares of ‘commercial’ uses in outline only, only the supermarket element of the proposals provides detailed information (0.55ha for B1 use classes; 0.63 ha for Builders Merchants; and 0.33 ha for B1 Use classes). The outline proposals would be 2.5 ha short of the current allocations. Whilst there is an argument that retail development will generate employment, this is not the only purpose of what the allocation is seeking to achieve (the policy seeks diversification and strengthening of the economic base of the town).

As the application fails to meet the requirements under the retail policies current applicable (as explained above) there is no overriding reason to accept the reduction in potential employment provision by reducing the allocated employment site by nearly two thirds.

The application proposals do not comply with Policy BD1 of the NWLP 2011, the emerging policies of the draft Core Strategy or the draft Malmesbury neighbourhood Plan.

Residential impact

As has been noted there are a number of residential properties located in close proximity to the site. Some of these have raised concerns regarding the impact of the proposal upon residential amenity. It should be remembered when assessing the impact of the proposals on these properties that the site is already part developed and well used – it is not an unused or ‘greenfield’ site. The existing uses generate activity, noise and disturbance associated with commercial and retail businesses. It is reasonable to assume that the existing uses may seek to expand or intensify these activities over time. In addition the site is allocated for business uses both in the Local Plan and the Core Strategy. This illustrates that some additional building and commercial activity is envisaged to continue on this site for the future.

Clearly the implementation of a food store alongside other B1 and B2 uses will intensify the use of the site. Highways Officers have commented on the impact on the local road network and the safety of the highways improvements proposed and found this to be acceptable. The Council’s Public Protection team have assessed the impact from lighting and noise, and subject to conditions have found this to be acceptable. The visual impact of the proposals upon the character of the countryside and public views is being carefully assessed by both the urban design officer and landscape officers.

Undoubtedly the outlook for nearby residents will change, but Officers consider that if all other aspects of the scheme were found to be acceptable, suitable conditions could be applied to ensure that any adverse impact upon residential amenity could be minimised, such that a refusal on this ground could not be justified.

Ecology

The Council's principal Ecologist has advised that the site has limited ecological value at present with the exception of *Bat roosts* and foraging areas on the eastern boundary of the site; *several* relatively common suburban *species of breeding bird; and small numbers of slow worm*. He confirms that there are no ecological grounds for objection and recommends that any permission granted be subject to suitably worded conditions to ensure that the extended phase 1 report should be implemented in full in order to protect breeding birds and reptiles and that a sensitive lighting scheme should be submitted to the LPA demonstrating that bat roosts and foraging areas would not be adversely affected by light spill from the development.

Archaeology

No features of archaeological significance were discovered, partly because the site appears to have been largely disturbed in recent times. No further archaeological work is required.

Highways

The highways officer is satisfied that the proposal will not have an unacceptable effect on the surrounding highway network and that the proposed roundabout at the site access is to an acceptable design.

A neighbouring property located at the junction of the A429 and B4014 (Inglenook) has raised concerns regarding the impact of the proposed roundabout and associated highways works on the access to the property. The objectors commissioned and submitted their own independent traffic assessment. This was thoroughly reviewed by the Council's highways officer who confirmed that he was satisfied that access to that property is safely maintained.

It would not be reasonable to request Sainsburys to improve all the existing footways although a requirement to provide a formal crossing on A429 should a demand be demonstrated within 3 years of opening would not be unreasonable.

The public transport contribution of £80,000 pa for 3 years has already been identified and, subject to a legal agreement to secure this and the possible provision of the pedestrian crossing.

Subject to a suitable legal agreement and conditions officers have raised no highway objection to the application.

10. Conclusion

There is an acknowledged need for additional retail floorspace in Malmesbury.

The site is located some 1.2 km to the north of the established town centre, where the Council would normally seek to locate new retail floorspace. It is however widely accepted that significant retail floorspace is unlikely to be accommodated within or immediately adjacent to the defined town centre shopping area for Malmesbury. The town's historic hilltop setting means that there are few sites that could be considered suitable for such development. However, the site of this application is located well beyond the town centre and beyond the framework of the town, on the eastern side of the A429. The applicants agree that the majority of the stores customers will be car bound, although they have made provision for access by other modes of transport (through cycle parking and offers to improve access by public transport). There is considered to be little opportunity for linked trips, certainly by anyone on foot, due to the distance between the site and the town centre and the difficulty of the route (not least crossing the A429). If this were to only site

that was available for the location of a store then it may be possible to take measures to mitigate some of this issues, and the applicants have set out some of these mitigations in their application. However, there is considered to be a sequentially preferable site (that is a site closer to the town centre with the possibility of enabling linked trips on foot). The Waitrose application was submitted a short time after the Sainsburys application and both applicants have engaged with local residents and groups. The Malmesbury Neighbourhood Plan Steering group looked at a number of potential sites around Malmesbury and considered that the Waitrose site was the most acceptable. The application fails the sequential test and is therefore contrary to Policy R4 of the Local Plan and the National Planning Policy framework. Whilst neither is yet formally adopted the policies of the pre-submission draft of the Core Strategy and the draft Neighbourhood Plan support this approach.

The 3.9 ha site is allocated for employment use (Policy BD1). The proposal would provide around 1.5 ha of employment uses. The retail store would provide additional employment, but it is not considered that retail uses would diversify or strengthen the local economy in the way the policy envisages.

The impact of the store on the landscape has been assessed by the Councils Urban Design and landscape officers. They have yet to comment on whether the amendments received address all their concerns although they have informally acknowledged that the increase in landscape planting and amended use of materials will have some overall benefit. An update on this situation will be given at the Committee.

Other technical issues have been discussed in the report and have been satisfactorily resolved (highways, ecology, archaeology, residential amenity)

11. Recommendation

Planning Permission be REFUSED for the following reasons:

1. "The proposed development will result in the creation of a food store in an out of town location some 1.2km from the existing Malmesbury shopping area. The proposed foodstore is considered to have an adverse impact upon the vitality of the existing town centre. The site is not sequentially preferable. The application does not comply with Policy R4 (Proposals Outside Town Centre Primary and Town Centre Secondary Areas) of the North Wiltshire Local Plan 2011; the retail element of the National Planning Policy framework (in particular paragraph 27; Policy 38 of the pre-submission draft Wiltshire Core Strategy and the policies in the draft Malmesbury Neighbourhood Plan."
2. "The 3.9 ha (approximate) site is allocated for B1 and B2 employment uses in the North Wiltshire Local plan and this allocation is continued in the pre-submission draft of the Wiltshire Core Strategy and is supported through the draft Malmesbury Neighbourhood Plan. Around 2.4 ha of the site will be given over to non-employment based uses, namely retail. A retail use does not comply with the long term aims of the current or emerging planning policies in local documents. The application is contrary to the requirements of Policy BD1 (Employment Land) of the North Wiltshire Local Plan 2011; Core policies 13 and 35 of the pre-submission draft Wiltshire Core Strategy and the objectives of the draft Malmesbury Neighbourhood Plan"

Further advice regarding the impact on the landscape and visual appearance will be reported at the Northern Area Planning committee and may result in additional reasons for refusal.

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	29 th May 2013		
Application Number	12/00165/FUL		
Site Address	Land to the Rear of Avon Mills, Malmesbury, Wiltshire		
Proposal	Redevelopment to Provide a New Foodstore (Class A1) with Associated Car Parking, Servicing, Pedestrian, Cycle and Vehicular Access (Including Associated Highway Works), Landscaping (to Include Cut & Fill & Formation of Landscaped Earth Berm) & Boundary Treatments.		
Applicant	Simons Developments Limited & Waitrose Limited		
Town/Parish Council	Malmesbury Town Council		
Electoral Division	Minety	Unitary Member	Cllr Simon Killane
Grid Ref	400802 190910		
Type of application	Full		
Case Officer	Brian Taylor	01249 706683	Brian.taylor@wiltshire.gov.uk

Cllr Killane requested that the application be determined by the Area Planning Committee as the proposal could potentially represent a large change to the local area with a large number of local residents expressing their views.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Report Summary

The main issues in the consideration of this application are the acceptability of:

- The principle of development in the context of the National Planning Policy Framework, North Wiltshire Local Plan, emerging Core Strategy and the Draft Malmesbury Neighbourhood Plan
- The impact on the historic environment
- The Impact on the landscape
- Design and scale of the development
- Impact on residential amenity
- Ecological implications of the redevelopment of the site
- Impact of the development on archaeology;
- Flooding and Drainage implications
- Impact on highways and highway safety
- Other material considerations

189 letters of objection and 97 letters of support have been received. (additional letters have been received, but have not yet been analysed and update will be reported to the Committee)

A petition supporting the application with 41 signatures and a petition with 66 signatures objecting have also been received.

Malmesbury Town Council object to the application

3. Site Description

The site is located to the north of the roundabout junction of the main A429 and B4042. The site is elevated above the road, although when approached from the south is largely screened by hedgelines and trees on the roadside and boundary of the site. It is within the Malmesbury Conservation Area forming part of the setting of the town, but is outside the framework boundary (it adjoins it, close to Avon Mills).

Approaching from the north the site is visible to the east of the road. This is particularly true when crossing the River Avon road bridge, where the field itself slopes gentle into the Avon valley and the site is clearly visible (rather than just the hedging on the boundary).

The site is also visible from vantage points within the town (such as St John's Street – particularly towards the eastern end – Silver Street which are discussed later within this report). However, because, of its elevated position, the site itself (in its undeveloped state) is not particularly prominent from the town, the most visible parts being the boundary hedging.

To the south and west of the site the B4014 leads down into Malmesbury, to Avon Mills (a complex of listed buildings). Between the road and the site is steep grassed verge which is for the most part heavily planted and treed.

Views across the site from the east of the A429 are possible from a public footpath. These give panoramic views of the historic town in the winter months through the hedges. The site itself (excepting the boundary hedges/trees), in its undeveloped state, is not particularly prominent or even visible.

The site is currently an agricultural field, with a field access from the main A429. It slopes gently to the north.

4. Relevant Planning History

There is no planning history of relevance to this application.

5. Proposal

The proposal is to provide a foodstore (Class A1) with associated car parking, servicing, pedestrian, cycle and vehicular access (including associated highway works), landscaping & boundary treatments.

The applicants have consulted with local residents both prior to submission and whilst the application has been under consideration by the Council, and have made a number of amendments to address concerns such as the impact of the store on the landscape and public and private views; and the impact of the car-parking element of the proposal.

Members will be aware that the Council is considering two retail proposals for Malmesbury:

The first application is submitted by Sainsburys Supermarkets Ltd and Grafton Merchandising GB Ltd (Buildbase) (reference 11/04092/FUL) and is considered elsewhere on this Committee agenda). That application is for full planning permission for a new foodstore, comprising 5, 101 sq. m, gross, 2,744 sq. m. net (including 329 sq.m net of comparison goods sales), associated car parking, petrol filling station and outline planning permission for new B1/B2 units and a unit for Buildbase. The application site is 3.7 hectares, located to the east of the Junction of Crudwell Road (A429) and the B4014, currently comprising Malmesbury Garden Centre which has been located on the site since 1983 (the Sainsbury Application).

The second application is the subject of this report (the Waitrose application).

There are many documents, plans, drawings and other illustrative materials submitted by the applicants that support these applications. Members are encouraged to familiarise themselves with the proposals and accompanying material (all available online) prior to the Committee meeting.

Since the original submission of the planning application in January 2012 there the applicants have sought to respond to concerns and issues that have been raised by consultees, local residents and the Council. A comprehensive set of amendments were received in January 2013. Those amendments are summarised as follows:

- Further traffic calming was required at the vehicular access to the site - the 30 mph zone to be extended farther along the A429 and creation of a 'gateway feature'
- Reinforce existing landscaping/planting with extensive planting within the boundary.
- The crest of the banks was duly raised slightly to ensure that the building is concealed in most views (even before the proposed planting establishes itself), and the planting will now include a large proportion of mature and semi-mature specimens.
- The earth bank in the northwestern corner was a little too steep and appeared artificial. This area will now be treated as a 'natural rock feature'.
- The service yard has been reduced in size, creating sufficient space to form a landscaped bank to mask views from the A429
- Surfacing materials in the car park have now been revised to focus on more natural finishes, such as bonded gravel, rather than tarmac. The planting has also been redesigned to substitute larger soft landscape areas capable of taking mature trees, rather than spreading a larger number of potentially vulnerable small trees around the area.
- Artificial lighting in the car park has been developed, using special fittings on short poles, to minimise spillage outside of the site.
- The car park has been redesigned to leave a large area of landscape intact around the Avon Mills buildings. It could retain much of its current appearance, or provide amenity space for the residents.
- A pelican crossing linking the bridge to the entry steps and ramps.

The application was supported by the following documents:

- Habitat Survey
- Bat Survey
- Arboriculture Assessment
- Landscape and Visual Appraisal
- Statement of Community Involvement
- Town Planning and Retail Statement
- Design and access statement
- Noise report
- Archaeological Assessment

and full plans including:

- Site Layout Plan
- Ground Floor Plan
- Full elevations
- Landscape Master plan
- Roof Plan
- Site Sections
- Landscape Cross Sections
- External Lighting Concept Plan

In addition the applicants have proposed the following matters to be dealt with via a legal agreement::

- Highways Works - Discussions with Highways Department have indicated a likely requirement for the following:
 1. New shared cycleway/pedestrian footway and upgraded bus shelter on the north side of High Street. (Indicative Cost- £75,000).
 2. New pedestrian crossing on High Street (Indicative Cost - £114,000).
 3. New traffic calming gateway feature on A429 north of the proposed site entrance (to act in tandem with introduction of a 30 mph speed limit Indicative Cost - £45,000).
- Travel Plan - A requirement for the preparation and submission of a staff travel plan for agreement by the Local Planning Authority prior to the store opening is acknowledged.
- Car Parking -Wiltshire Council Highways Department have indicated that a detailed Car Park Management Plan will be required to ensure that the proposed car parking spaces remain publicly available private spaces (in accordance with the Council's Car Parking Strategy) and are operated in accordance with the Council's prevailing regime with regard to charging policies etc.
- Town Centre Enhancement Strategy- proposed as the basis for further consultation.
 1. A capped financial contribution of £27,500 to fund the preparation of a bespoke town centre action plan for Malmesbury. The action plan to be prepared by The Retail Group following the approach as set out in the attached proposal document. Importantly, the approach will be inclusive with local stakeholders playing a key role. Ultimately, those stakeholders will form a Town Team to lead the implementation of the action plan (see below). This element would be triggered on commencement of development.
 2. A share of the proceeds of the Waitrose Car Park with a "top up" contribution capped at a maximum total payment of £20,000 per annum towards the implementation of the action plan. This element would be payable at store opening and thereafter the first, second and third anniversary of the store opening (i.e. £80,000 in total).
 3. A financial contribution of £3,000 per annum payable on the first, second, third and fourth anniversary of completion of the action plan (i.e. £12,000 in total) to fund ongoing support of the Town Team from The Retail Group in the form of attendance at a annual review meeting.

At this stage it is envisaged that the implementation contribution will be utilised by the Town Team and could include measures such as:

- public realm improvements at Cross Hayes to enhance the Conservation Area (as per Princes Trust recommendations - "Malmesbury String of Pearls"); or public realm enhancements elsewhere in the town such as new street furniture, signage of landscaping; or
- Christmas lights; or
- promoting the town centre which could include anything from further strategic advice or funds towards promoting events such as speciality markets etc.

6. Planning Policy

National Planning Policy Framework (NPPF) –In particular the sections relating to ensuring the vitality of town centres (paragraphs 24 to 27) and the protection of heritage assets (paragraphs 17 and 128 to 134)

North Wiltshire Local Plan 2011- in particular:

- C2 – Community Infrastructure
- C3 – Development Control Policy
- HE1 – Development in Conservation Areas
- NE15 - The Landscape and character of the countryside
- R4 – Proposals outside town centre primary and town centre secondary areas

Wiltshire Core Strategy Submission Draft document July 2012

Planning (Listed Buildings and Conservation Areas) Act 1990

7. Consultations

Malmesbury Town Council object on grounds of prematurity to the Neighbourhood Plan process; location outside of the framework boundary and within the Conservation Area; set a precedent for other greenfield developments; and not be best location for development and should work with the town to find a new one. The objection is supported by full detailed information which sets out the retail and environmental information. This is available to view on the file and website. (*Note : Malmesbury Town council have endorsed the draft Neighbourhood Plan*).

Malmesbury St Paul Without Parish Council: Object on grounds of prematurity due to the progress being made on the Neighbourhood Plan; The site is a greenfield site within a Conservation Area and in conflict with Policy HE 1; the character and distinctiveness of this site is that of a green field and part of the historic setting of the Silk Mills and the town the proposal is in conflict with Policy NE15; general concerns about the conservation, environmental and archaeological aspects of the application ; similarly on the highways aspects we note consultation has taken place with Wiltshire Highways, however we would wish that the Case Officer is provided with a clear statement that the arrangements being proposed are acceptable and will not cause the road safety environment in the area to deteriorate. Subsequent comments from MStPWPC maintain the objections but welcome the amendments that the applicants made during the process of the application to address local concerns (*Note: Malmesbury St Paul Without Parish Council have endorsed the draft Neighbourhood Plan*).

Charlton Parish Council object on grounds of adverse economic impact on High Street and tourism; Increased traffic through Charlton – even a small increase would compound existing problems; and lights and noise pollution

WC Highways: “The proposal takes access from the A429, a National Primary Route. Structure Plan Policy T8 and Core Policy CP62 will need to be considered, the tests being whether the site is within a built up area and, if not, has an over-riding need been demonstrated. As far as the first part is concerned, the site is currently open land at the edge of the built up area. It is not, in (the highway officers view) within the built up area. The second part of the test is,(in the highway

officers view) a planning issue in that an over-riding need can only be demonstrated in planning terms and never in highway terms as no alternative access to the site is available.

Another policy matter to be taken into consideration is Parking Strategy Policy (PSS) Managing publicly available private non-residential parking. The developers will need to address this policy and produce a Parking Management Plan.

As far as detail matters are concerned, the entrance to the service yard is very close to the site entrance with service vehicles having to give way to cars exiting the car park. There is a serious danger that service vehicles could block back on to the main road and the layout and priorities in this area need to be re-considered.

Walking routes to the store from the surrounding areas are very much dictated by the topography and consequently are not ideal. Similarly the walk from the adjacent bus stop involves an uphill walk and the need to cross the whole of the store car park, not a very attractive route. However it would be difficult to accommodate buses within the site, even if operators were able to divert services within timetable constraints.

Two proposed crossings are shown on High Street fronting the site. (The highway officer) considers that at least one of these will need to be a controlled crossing, ideally the one nearest to the bus stops. A shelter and raised kerbs will need to be provided for the new bus stop.

The off-site works, the new access and the Parking Management Plan will need to be secured by means of a legal agreement.”

Comments following revisions: Following amendments to the proposals and discussions the Highways Officers raise no objection subject to conditions and legal agreement.

Spatial Plans – *The spatial plans team provided initial advice in April 2012 which concluded:*

“In summary the key factors are:

- Both sites are technically out of centre sites.
- Land at Avon Meads is sequentially preferable as it is well related and more accessible to the town centre.
- The GVA retail advice suggests that the Waitrose proposal on land at Avon Meads could function as an edge of centre site.
- There are no sequentially preferable sites in the town centre. Land at Avon Meads is sequentially preferable to the land at the Garden Centre. The Sainsbury’s proposals on land at the Garden Centre therefore fails the sequential test.
- The retail advice suggests that the Waitrose proposals at Avon Meads would not have significant impact on the town centre and that any impact that does result will be outweighed by the potential for ‘linked trips’.
- A further consideration with the location of the garden centre site is that it is an extant local plan allocation for employment that is being proposed to be taken forward in the core strategy. Whilst employment allocations should not be retained for the sake of it, in this case the location is not sequentially preferable for retail development and remains a good location for employment development.
- Both proposals are premature of the Wiltshire Core Strategy and the process for identifying specific sites for development.
- Specific sites for development, including retail, could be identified through the Malmesbury Neighbourhood Plan. There is a clear appetite to do this.
- Allowing this proposal could predetermine the location of retail development in the town and reduce the ability of local community to input into the allocation of specific sites in Malmesbury.
- However if land at Avon Meads is the only sequentially preferable site then consideration should be given to whether there is any justification for allowing the site to come forward ahead of the neighbourhood plan. The retail advice suggests that the Waitrose proposal on

land at Avon Meads could meet retail need in a manner that is complimentary to the existing town centre function and this could bring significant benefit to the town. However this must be balanced against other site specific considerations such as the strong objection to development on the site because of the impact development would have on the historic setting of the Conservation Area and Abbey.

In conclusion, my opinion would be that land at the Garden Centre is not sequentially preferable for retail development, it would be likely to lead to a negative impact on the town centre, and it is therefore contrary to policy. Land at Avon Meads could function as an edge of centre store and bring significant benefit to the town as it will meet retail need and potentially claw back trips for convenience shopping to other towns, in a location that has the potential for linked trips to the town centre and where impact on the function of the town centre is minimised. Ideally a site for retail should be brought forward with the local community through the neighbourhood planning process, but if this is the only sequentially preferable site, then consideration should be given to the benefits the proposals on land at Avon Meads could bring to the town. This must however be weighed up against site specific factors such as the landscape and urban design objection to development on this site. In my opinion this would need to be resolved if consideration was to be given to the site coming forward prior to the identification of a site in the neighbourhood plan.

Should you be minded to permit the development on land at Avon Meads it is essential that any proposal is complimentary to the existing uses in the town centre. GVA suggest that this could be achieved on land at Avon Meads by ensuring the car park is available for those using the town centre for linked trips, appropriate signage, way marking and linkages and the exclusion of, for example, a coffee shop, pharmacy, post office and extensive range of non food shopping – see GVA retail advice for further information.”

The team asked for additional information relating to a sequential assessment of the Station Yard site and the impact of the comparison provision in the Waitrose application on the town centre . This additional information was submitted and in April 2013 the Spatial Plans team concluded:

“A sequential assessment of the Station Yard site

Further information demonstrates that the Station Yard site is unsuitable and unavailable for a new foodstore. Agents for Waitrose suggest that it would be difficult and constrained to develop and result in a sub-optimal location and a costly store to construct. A feasible site would be difficult to assemble and would not be available for some time, if at all.

Work by the neighbourhood planning group for Malmesbury supports the general conclusion that Station Yard is unsuited as a foodstore site. Arguably, it is also no more sequentially preferable than the location proposed by Waitrose. Their site at Avon Mills is also considered within the scope of ‘edge of centre’ by the draft neighbourhood plan and is its preferred location subject to several requirements and meeting design criteria.

Impact of the comparison provision in the Waitrose application of the town centre

Agents for Waitrose have submitted further information showing a minimal impact from Waitrose trading in comparison goods. They also indicate the limited range of comparison goods typically offered for sale. There would not seem to have any significant impacts upon the current style and form of shopping in Malmesbury town centre as result of selling comparison goods.

The addition of a foodstore represents quite a fundamental change for the town centre which can be said to bring with it some uncertainty for its vitality as well as opportunities. The future of the town centre is a focus for the emerging neighbourhood plan which will represent the most up to date and relevant detailed framework for future investment. This includes, subject to the current consultation, proposals to alter the town centre boundary taking account of the trading anchor a new foodstore represents. It would seem prudent to impose planning conditions that limit the scale and range of comparison goods a foodstore can offer in order to create greater certainty and confidence for investment by new and existing town centre retailers whilst they adapt to a quite profound change in trading conditions.”

Environment Agency – “We have reviewed the Flood Risk Assessment (FRA) undertaken by BWB (dated the 9th January 2012). We have also received and reviewed a FRA Addendum (Rev B, dated 29th February 2012). Following consideration of the submitted information I can confirm we are satisfied that the proposals will not increase flood risk on site or off site. We therefore have no objection to the planning application”, subject to appropriate conditions and informatives: (conditions detailed at end of report)

WC Principle Ecologist – No objection

WC Rights of Way Officer : Initial comments -“Footpath Malm19 comes in on the east side of the A429, there is then some demand to get towards the town centre. At the moment the routes people take can be quite random (and not very safe) as there are no crossing facilities on any of the arms.

The additional of new crossing facilities on the NW arm of the roundabout would provide a safer way of negotiating the roundabout for users of Malm19. This is likely to lead to more people going directly west from Malm19, across the A429 and linking onto the proposed footway/cycleway next to the NW arm of the roundabout, ie this development will focus footpath users to using this route. Therefore a 1.2m wide stone dusted path linking from where the ped/cycleway turns north into the store next to the roundabout, along to opposite Malm19 is felt to be justified from this development. The design of this path is to be approved by the rights of way section before construction begins, it is to be constructed at the same time as the ped/cycleway.” Following discussions with Highways Officers these requirements are not being pursued by Wiltshire Council.

WC Public Protection (Environmental Health): Air Quality: Whilst there is a Transport Assessment, I would have expected to have seen an Air Quality Assessment accompanying this document for such a development. *(NB: An Air Quality Assessment has been submitted and the Public Protection Officer has confirmed that this is acceptable, subject to the submission of a Construction Environment management Plan as indicated within the report.)*

Noise: In section 6.0 relating to Noise from mechanical services plant, the consultant is recommending a noise condition of NR30 at night, which equates to a Rating Level of 35dB. Whilst BS4142:1997 recognises these levels as being low, this would lead to an excess of Rating Level over background level of +9dB compared against the lowest background noise level of 26dB LA90. This would in my opinion, cause an adverse impact on these receptors and it is normal practice for supermarkets to design fixed plant in order to comply with a Rating Level of -5dB below the lowest background noise level on ‘new build’ designs . This should certainly be possible in terms of siting and plant selection.

I would therefore recommend that all fixed plant should be so sited and designed as to not exceed a Rating Level of 21dB at any noise sensitive receptor when measured in accordance with BS4142:1997.(ie -5dB below LA9026dB).

I also have a concern regarding the impact of night-time deliveries. I can see that the consultant has assessed the likely impact on nearby receptors in terms of LAMax’s received, but again it is normal for such activities to be assessed using BS4142:1997, which, at night, is a 5 minute assessment and may suggest that deliveries at night could provoke complaint. I am therefore minded to recommend that deliveries do not take place between the hours of 23:00hrs and 07:00hrs.

Wiltshire Council Archaeologist: The evaluation undertaken by Northamptonshire Archaeology revealed some good evidence for the Late Iron Age and Romano-British settlement in the southern half of the site. On this basis further investigation and excavation will be necessary if this site is to be developed. If planning permission is granted it is requested that a planning condition to be attached to enable this further work to be done – pre-commencement.

Wessex Water – Wessex Water: have confirmed that water supply can be provided; assume that surface water will be attenuated to 'greenfield run-off (see EA comments above); there should be separate systems for drainage of the site; there is capacity in the local public sewer, but a detailed engineering report will be required to confirm point of connection; and there is capacity available for sewerage treatment to serve the development (informatives to be added to any decision)

English Heritage: The full version of the comments is available on the file: Initial comments can be summarised

“It is our view that in its impact on the character and appearance of the conservation area and to the settings of the Grade II Listed St John's Bridge and Avon Mills the application will cause substantial harm to designated heritage assets. From a broader perspective the overall setting of the town will be substantially harmed to the extent that it is reasonable to conclude that the setting of the Abbey, a Grade I Listed Building and its defining feature, must also be compromised.

We do not believe that the application has presented a description of the significance of relevant heritage assets or their setting(s) in proportion to their importance in accordance with policy 128 of the National Planning Policy Framework (NPPF) and as a consequence the full scope of the impact on these from the development proposals is under-estimated. In that substantial harm will result policy 133 of the NPPF applies, and the application therefore needs to demonstrate that such harm is necessary and outweighed by substantial public benefits.”

Following further submitted information, whilst maintaining their 'in principle' objection, English Heritage commented that (in summary, a full version of their comments is available on the file):

“There have been further design changes to reduce the profile of the scheme. We are pleased that the relationship with Avon Mills has been improved.

The landscaping and planting regime has been modified. It is difficult to tell from what is provided whether this will actually fit comfortably in the surrounding landscape as well as eliminate all signs of the scheme from outside the site (entrances excluded), deaden noise and avoid being able to artificial lighting when dark, but we are happy to leave judgement on the efficacy of this to the discretion of your authority.

In accordance with policy 133 of the NPPF, substantial harm to heritage assets needs to be outweighed by substantial benefits. While such a foodstore will no doubt reverse some of the economic leakage the town currently experiences, it would seem that there may be some degree of trade draw from existing local outlets, and the value of preventing that leakage is presumably underpinned by a demonstration of linked journeys resulting in an uplift of trade to town centre businesses. It is therefore a question of whether the specific contributions identified in the Planning Obligation, though valid and welcome, when added to the economic impacts arising specifically from the nature of the scheme, will constitute benefits that are sufficiently substantial.”

(The Council, the applicants and English Heritage discussed what a package of benefits for the town might cover in the event of an approval. While that decision would only take place on the basis that the store would not harm the town's economic profile and performance and indeed help to redress trading leakage, English Heritage suggested that it is useful to think of such investment as a once-in-a-generation opportunity and exploit it as broadly as possible to help re-define the town's unique selling points and pro-actively add sustainable value to its offer. English heritage acknowledged the applicants offer to fund an Action Plan for the and suggested that the applicants provide further information to help demonstrate that the scheme will deliver substantial public benefits as a necessary NPPF response to the substantial harm (as interpreted by English Heritage) to heritage assets.)

WC Senior Conservation Officer: “Malmesbury is a unique historic town, the oldest Borough in England, created by charter c. 880AD. It is set in a dramatic location on a ridge between two

branches of the Avon. Large areas of the mediaeval and earlier fortifications are still clearly visible and the topography has ensured the retention, around the historic core, of a compact urban form, ringed by the rivers and the open, green land immediately beyond. The current integrity of this green ring, which has survived from Saxon times, can clearly be seen in Fig.14 of the Malmesbury Conservation Area Appraisal.

These green river valleys and adjoining open green/agricultural land are an essential component of the character and setting of the town, completing a scene within which the town can be seen and a backdrop when looking to the countryside beyond.

The conservation officer would have fundamental concerns about any urbanized development, with building, extensive remodelling of the terrain, lighting and large areas of hard standing on this very historic site, development of which would represent a huge sacrifice of over 1000 years of history, which once lost can never be regained for future generations (PPS 5 policy HE9.1).

The agricultural land forming the application site rises up from the valley to the east of the Avon Mills, forming a continuous green ring around the town. There are important views both into and out of the town over this land, where it is either a backdrop to the historic buildings or in the foreground of the view:

There are significant views out from Silver Street/Back Hill where the field acts as a backdrop to and integral component of the setting of the listed Avon Mills Complex, emphasizing the sharp division between the town and the countryside beyond. Similarly clear views may be obtained from Baskerville, east of St. John's Street, and the footpath descending to it from the north, where the field can again clearly be seen as the setting of the listed mills.

The view into the town over this field from the footpath on the far side of the bypass gives, even with full foliage on the trees and tall maize in the field, a panorama of the historic town including the Abbey and the Avon Mills. A very high proportion of the buildings seen are listed, the whole being an urban composition and setting of the highest quality and significance.

The inclusion of these fields in the conservation area is an obvious recognition of the very important role they play in forming and framing the setting of the historic town.

The unusual integrity of Malmesbury, its setting and its survival since Saxon times had led to frequent plaudits not least from John Betjeman, who said: "Malmesbury is a jewel in the crown North Wiltshire, the queen of hilltop towns."

In my view, lighting, substantial new building and hard-standing, alterations to the landform and substantially increased planting will fundamentally alter the green/open character and appearance of the conservation area at this point, destroy the integrity of the green ring around the town, as well as obscuring views both into and out of the town and preventing the ready appreciation of the relationship between the town and its setting. I consider that this will be to the gross detriment of the setting to the historic town and the many listed buildings and structures which it contains. In addition the ability to read the origins of the town and development as a fortified promontory would be critically diminished. Such an outcome would clearly be contrary to the provisions of PPS 5, in particular policies: HE 7.2; 7.4; 7.5; HE9.1; 9.2 & HE 1.1.

WC Urban Design/Landscape Officers - (these comments have been summarised - a full version of the comments is available on the file or website):

The applicant's submitted Design & Access Statement (says that they take full account of Malmesbury's historic environment, seeking to protect and enhance it through good design and appropriate mitigation strategies. The need for 'mitigation' emphasises the significant harm this development will have on the setting of the historic town. The key element of the applicant's mitigation strategy appears to be that the impact of the proposals can be moderated on the basis of screening the proposed foodstore building and car park from the immediate surroundings and from certain public viewpoints where the field can be clearly viewed. My comments indicate that

this fails to appreciate the importance of the local context, and the scale of the screening measures proposed will in themselves have an adverse impact on the historic setting, and are therefore inappropriate.

In recent years the importance of safeguarding this setting from modern development pressures has been recognized in town planning with the Development Framework Boundary in this area drawn tightly along the urban edge of the historic town on the 'north' side of the River Avon and the Malmesbury Conservation Area extending well beyond this boundary to encompass the 'green' landscape, including the application site. The Malmesbury Conservation Area Management Plan, adopted February 2010 as supplementary planning guidance (title abbreviated as 'CAMP' below), and the associated Malmesbury Conservation Area Appraisal (April 2007) (title abbreviated as 'CAA' below) emphasize the importance of protecting this unique setting and character in guiding the application of Local Plan policy.

In this context the North Wiltshire Local Plan Policies HE 1: Development in Conservation Areas and NE15: The Landscape Character of the Countryside are applicable to this site. HE1 says that development will only be permitted where the proposal will preserve or enhance the character or appearance of the area. NE15 similarly says that development will be permitted if it does not adversely affect the character of an area and features that contribute to local distinctiveness.

The proposal will not achieve this. Losing the open field to development will critically diminish the historic setting and character explained above in the following ways. These aspects will have a cumulative effect on eroding both the appearance and experience of this setting:

1. The foodstore bulk, its service yard, earth berms and extensive customer car parking will create a significant visual and physical barrier, and break in the ring of 'green' landscape around the base of the historic town mapped on the plan page 18 of the CAA as making a contribution to the character of the Conservation Area.
2. The field is also part of the green 'rural' buffer stretching between the historic town and its nearest defined settlement at Burton Hill,
3. The continuation of the green landscape through the site around the 'toe' of the historic town is a consistent and particularly apparent graphic feature on historic plans through the ages and aerial photographs (see page 13: Fig 14 of the CAA shown above). This association will be lost by development of the field:
4. The foodstore, associated earth berms and substantial planting on top of these berms will add a significant mass and height across the field which is already elevated in relation to the adjoining 'green' landscape. This will have the effect of diminishing the visual scale and drama of the historic town rising up from the river onto the plateau (including that of the grade II listed Avon Mills) within the setting of the site and where viewed with it (see point 6 below):
5. The proposed earth berms and planting on top of these berms will create an abrupt and distinctly unnatural change in the characteristic topography of the field and with that of the related green landscape on each side:
6. The mass, height and scale of the foodstore and associated earth berms will detract from and diminish the setting of the historic town including Avon Mills in views to and from the green landscape and countryside. Light levels and spill from external lighting necessary to adequately service the proposed function also has the potential to be visually intrusive on this setting:

The urban design officers comments have indicated how he considers the proposed development is inappropriate in this sensitive setting. Consideration of planning policy and guidance in relation to this setting together with the topography of the 'green' landscape would appear to have focused

modern development on the hinterland to the north of the town, distanced from the setting of the historic town rising up onto the plateau.

Possible additional long stay car park for the town: The applicant refers in their submitted D&A Statement page 4 2.3 para1 to the possible incorporation of a car park within the site made in the 'CAMP'. (see page 26 of the CAMP-development guideline number 4 which states "consideration of the land to the south of Avon Mills as a possible additional car park for Malmesbury to relieve the congestion in the main body of the Conservation Area.....").

This text in the CAMP in no way indicates that this location has been found suitable by Wiltshire Council for an overflow car park which the D&A Statement suggests. Furthermore the CAA (page73 3.18.14) indicates this "could be considered as one option" i.e. other sites may be found more appropriate.

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation. In addition the applicants carried out their own consultation activity and the Malmesbury Neighbourhood Steering Group have engaged the community in discussion/consultation about retail provision in general and this application in particular.

189 letters of **objection** have been received making the following points:

- Increased risk of flooding and pollution from surface water run-off
- Impact on views of Malmesbury from A429 and Baskerville
- Adverse impact on high street and Co-Op store
- Premature in terms of Neighbourhood Plan /Localism
- Will create jobs which will lead to pressure for new homes
- Development of a Greenfield site in open countryside – other brownfield sites are available
- Fails to preserve or enhance the Conservation Area or setting of the listed buildings
- Ecological concerns/impact on wildlife
- Additional traffic on A429 and High Street
- New pedestrian junction is close to road junction
- Pedestrian access is poor , particularly use of steps to site.
- Unsustainable development
- Overdevelopment of this historic town
- Potential for noise and light pollution
- Store is too small for Malmesbury and in the wrong location

Petition with 66 signatures objecting on following grounds: Greenfield site; no identified need; negative impact on Malmesbury; no need for extra parking; negative impact on environment due to traffic, noise, light pollution and loss of habitat.

97 letters of **support** have been received making the following points.

- May benefit town centre shops subject to requirements – footpath into town centre; pedestrian crossing at St John's Bridge; store parking to include public parking; no right turn on egress from site
- Will retain shoppers in and attract shoppers to Malmesbury
- No flood risk if plans properly carried out
- No negative impact on high street as restricted range of goods proposed and sensitive design
- Proposal will have less impact on town centre than Sainsbury's
- Co-op store is not adequate and competition will be good
- Site within walking distance of town centre
- Site is not of great amenity value (only to a limited number of residents)

- Support for Waitrose as a supermarket operator
- Will bring employment and economic growth
- If new supermarket is needed this is the best site
- Will reduce residents trips to Chippenham and to (in Gloucestershire) Cirencester and Tetbury

A petition supporting the application with 41 signatures has also been received

9. Planning Considerations

Environmental Impact Assessment

A screening opinion was sought in 2012 to establish whether an Environmental Impact Assessment (EIA) was required to accompany an application for the foodstore. At that time the Council considered that there was no requirement for an EIA and set out its reasons in a letter of 28/02/12. However, that opinion did not expressly address the concerns subsequently raised in terms of heritage and landscape issues. The applicants submitted a further request and the Council has produced a revised Screening Opinion addressing the relevant issues. The conclusion remains that an EIA is not required in support of this application.

The principle of retail development.

The adopted North Wiltshire Local Plan 2011 (2006) provides the current statutory local level planning policy for North Wiltshire. The site lies outside the framework boundary and is therefore in countryside in policy terms. The plan defines the primary and secondary shopping retail frontage of Malmesbury town centre. Policy R4 only allows retail proposals on the edge or outside the defined town centre shopping areas when certain criteria are met. These criteria are that:

- i. There is a need for the development.
- ii. It can be demonstrated the sequential approach has been followed.
- iii. Proposals do not individually or cumulatively undermine the vitality of the existing centre.
- iv. The proposal is accessible by a range of walking, cycling and public transport.

Criteria (i) is no longer specifically contained within national policy. However criteria ii-iv are reflected in the requirement to provide sequential and impact assessments.

With regards to future planning policy, the Wiltshire Core Strategy Pre-submission Document has been submitted to the Secretary of State for independent examination. It is proposed that the Wiltshire Core Strategy will supersede all the Structure Plan policies which are relevant to Wiltshire, and that it will also replace a number of the policies in the North Wiltshire Local Plan. Paragraph 216 of the NPPF indicates that decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation of the plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. In regard to retail the proposed core policy 38 requires all retail uses that are not within primary and secondary retail frontages to be accompanied by an impact assessment. It also requires such proposals to meet the sequential approach.

The site lies outside the defined development framework. It is a Greenfield site with no allocation. The Pre-Submission Core Strategy also includes a strategy for each community area including Malmesbury. These strategies identify issues and considerations, as well as housing and employment requirements. In regard to retail one consideration is:

“there is little capacity for additional convenience retail provision in Malmesbury. However, there has been market interest and as many residents from the town travel outside of the community area to shop, there may be scope for an appropriate scale of supermarket development at Malmesbury during the plan period, providing this contributes towards

strengthening the town centre, be of high quality design and sensitive to the historic environment”.

It is acknowledged therefore that whilst there is little capacity for convenience retail use in the town there could be greater capacity if retail expenditure were clawed back from supermarkets in other towns such as Chippenham and Cirencester.

Core Policy 38 (‘Retail and leisure’) of the pre-submission draft Core Strategy sets out that “All proposals for retail or leisure uses on sites which are not within a Primary or Secondary Retail Frontage, including extension of existing units, must be accompanied by an impact assessment which meets the requirement of national guidance and established best practice, and demonstrates that the proposal will not harm the vitality or viability of any nearby centres. All such proposals must also comply with the sequential approach, as set out in national guidance, to ensure that development is on the most central site available.”

In determining retail proposals the North Wiltshire Local Plan Policy R4 is still relevant (in that it accords with the NPPF policies in relation to the sequential test and assessment of impact). Policy R4 states that retail proposals outside of defined town centre shopping areas will only be permitted where: the sequential test has been followed and there are no other sequentially preferable sites; the proposal does not undermine the vitality and viability of the existing centre; and the proposal is accessible by a range of means.

The Council instructed consultants GVA (in January 2012) to prepare an independent review of two applications for new foodstore proposals in Malmesbury. A full report was received from GVA dated 27th March 2012. A full version is publicly available on the website. The report concludes in terms of ‘need’ that:

“we consider there is a case for a larger food store in Malmesbury in order to; increase market share and establish more sustainable convenience shopping patterns; provide additional choice and competition to the existing Co-op Stores; and provide an improved main food shopping offer.”

And in terms of the sequential test that:

“we consider that the Waitrose site could function as an edge of centre location in PPS4 terms with appropriate conditions. In any event, policy EC5.2 of PPS4 would suggest differentiating between out of centre proposals. The preference should be given to sites which are well served by choice of transport and which are closest to the centre and have a higher likelihood of forming links with the centre. In these circumstances, we consider that Waitrose would be regarded as a sequentially preferable site in the circumstances of Malmesbury.”

And in terms of impact on the town centre:

“In these circumstances, while neither proposal is likely to result in the closure of the town centre Co- op, or undermine the wider strength and attractiveness of Malmesbury town centre, we consider there is a material difference between the Waitrose proposals and Sainsbury’s.”

The report concludes with these paragraphs:

“In these circumstances having regard to policy EC17, we do not consider the Waitrose store is likely to lead to any significant adverse impact on the vitality and viability of Malmesbury town centre. The proposal will have an impact on existing convenience retailers, and to a lesser extent comparison retailers but this will be mitigated by the possibility of linked trips. In these circumstances we would recommend the Council balances this negative impact of the proposals against

the additional benefits of providing choice and competition, and addressing the identified need for improved convenience retail.

We consider the Sainsbury proposals raise more significant concerns against Policy EC17. Specifically, if the Council concludes that the Waitrose proposed site is suitable for new food store development (having regard to its wider policy consideration of conservation area, listed building, access and other issues) we consider this site would be sequentially preferable to Sainsburys. As such, the Sainsbury's proposals would fail to comply with the sequential approach which would in itself be a reason for refusal. Furthermore, at the levels of impact indicated, we consider the Sainsbury proposal would have much more significant impact on both convenience and comparison retailers in the town centre. While the store would also provide choice and competition, and generate employment and other assets, we consider the impact implications of the centre are much more significant, which would shift the planning balance."

It is clear from the above that the Council's consultants consider that this proposal (The Waitrose application) would be unlikely to lead to any significant adverse impact on the vitality and viability of Malmesbury town centre. There will be an impact on existing convenience and comparison retailers, although this adverse impact could be mitigated by linked trips. Any adverse impact that there may be also needs to be weighed against any benefits arising from provision of improved choice and competition and addressing the identified need for improved convenience retail.

It should be noted that since the report was commissioned and delivered the National Planning Policy Framework (NPPF) has replaced Planning Policy Statement 4 as the guidance on retail planning matters. However, Policy EC17 which is referred to in the above conclusions is reflected in NPPF in paragraphs 24 to 27:

"24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."

"26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

The policy approach in the NPPF to assessing retail proposals, in terms of the sequential and impact assessments required, is therefore of similar effect to the previous policy in PSS4. On

the basis of the assessment provided by the Council's advisors Officers consider the site of the Waitrose application is sequentially preferable and is unlikely to have any significant adverse impact upon the vitality and viability of Malmesbury town centre. Whilst it is likely the proposal will have an impact on existing convenience retailers, and to a lesser extent comparison retailers this will not be significant and is expected to be mitigated by the possibility of linked trips.

Therefore the proposal accords with Development Plan and national retail planning policy.

The Neighbourhood Plan

The Malmesbury Neighbourhood Steering Group has recently published for consultation 'The Draft Malmesbury Neighbourhood Plan'. The consultation period for this document ended on 26th April. The content of the Draft Plan is important element of the Council's consideration of the proposals and the Steering Group have committed to providing as much of the consultation responses as possible to members prior to making a decision. Members are encouraged to familiarise themselves with the contents of the whole of the Draft Plan but certain extracts are of particular relevance.

Section 3 of the Draft Plan refers to retail in the town, with the first section of the chapter dealing with the supermarket proposals. Reviewing potential sites for a supermarket was one of the key objectives identified. The Malmesbury Community Area Strategy identified in the draft Wiltshire Core Strategy suggests that there might be scope for a supermarket and initial public consultation by the MNSG:

"found that the majority of residents would support a new supermarket in the Malmesbury area (70% for, 30% against). However the majority would not support a supermarket if it had a negative impact on Malmesbury High Street (58% against, 42% for). So while residents want a new supermarket they also want to protect Malmesbury's High Street shops."

Having identified that there is both a need and support for a supermarket in Malmesbury the MNSG reviewed a number of sites and came to the conclusion that the most appropriate site is the site subject of this application:

"The Avon Mills (Land SE of) site is the preferred site out of five potential supermarket sites that were assessed in the MNSG site selection process. That process involves rating sites by reference to criteria for location, access, buildability, conservation and environment that address issues 5 to 8 above. That site selection process was endorsed by the MNSG Community Engagement.

We know that this site is available for development because it is the subject of a planning application

60% of respondents to the Community Engagement agreed with our preliminary ratings of five supermarket sites which placed this as a preferred site.

While other supermarket sites are being investigated, at the time of publication of this draft, the above site is both preferred and deliverable."

As such the Draft Neighbourhood Plan includes a policy (Policy 6) to the effect that "*Permission will be given to develop a supermarket on the Avon Mills (Land SE of) site*"

The Draft Plan goes on to list requirements for the proposed supermarket: Including 218 car parking spaces; pedestrian and cycle links to and within Malmesbury Town Centre; Measures to minimise the impact on views and heritage setting; Measures to minimise the impact on Neighbours; Measure to minimise the of all the Avon Mills buildings, St John's Street and the Lower High Street. And in order to integrate the store with the Town Centre financial contributions will be sought for: a shuttle bus into town; support for a 'Town Team' to manage the development

of Malmesbury's retail economy; Improvements to identified sites in the town to enhance its retail performance.

The Draft Neighbourhood Plan has made excellent progress as a frontrunner project. The work carried out by MNSG has been invaluable in seeking local views, identifying issues and proposing solutions. Wiltshire Council acknowledges the valuable work that has been done. However, it is also acknowledged that until the Plan is finally adopted it is considered to carry little weight in planning terms. Whilst the decision on the Filands residential planning appeal is currently the focus of some dispute between the appellants and the Secretary of State, the Inspectors comments are of some relevance to the weight that can be given to the Draft Neighbourhood Plan.

An assessment of the response to the Draft Neighbourhood Plan is not yet available. Officers will update Members at the Committee meeting when more detailed information is available.

Both the retail assessment and the Neighbourhood Plan carried out assessments of alternative locations including the Sainsburys application site and other potential development sites in and around Malmesbury. However none were found to provide the a site so well located in relation to the town centre and allowing for a size of store that would meet locally identified need.

Both the GVA retail assessment and the Draft Neighbourhood Plan identify benefits from a supermarket proposal on this site – the potential for linked trips and the store being complementary to the function of the town centre. Additional benefits such as highways improvements, pedestrian and cycle access improvements, travel plan and town centre enhancement strategy are also proposed as part of this proposal.

Prematurity

The issue of prematurity in the context of the emerging Core Strategy and the Neighbourhood Plan has been raised by a number of parties. The NPPF, in particular paragraphs 14 and 216, provides the approach required when a LPA is progressing a new draft plan. The issue of prematurity is capable of constituting a potential form of harm to be considered in a decision-making process; it is another material consideration to be weighed in the balance.

The Council needs to consider whether this application is premature and if so what the consequences are. Members will be aware of a disputed Inspectors report relating to an appeal at Filands in relation to residential development. Whilst that decision is still in dispute the conclusions reached in terms of prematurity reflect the approach adopted elsewhere by the Inspectorate and the Secretary of State in planning appeals and reflects the policy approach of the NPPF. In this respect the Inspector's approach at paragraph 90 is useful:

"I have considered whether allowing the development proposed now would have such a negative community effect, through prematurity, as to prejudice the ability of any future adopted [draft CS or NP], to influence the siting, location or phasing, of new development either within the wider district as a whole or as regards this market town in particular. But I have concluded that there are no such significant negative effects sufficient to outweigh the presumption in favour of sustainable development."

Given that both draft Core Strategy (in proposing that additional retail development is required) and the DNP (by proposing this site for a food store) give strong indications of how the Council and community see retail development progressing there are considered to be no significant negative effects sufficient to outweigh the presumption in favour of sustainable development. Therefore officers consider that it would not be justifiable to refuse planning permission simply on the basis that the proposal is premature.

Wiltshire Council, in agreement with the applicants had intended that the application should only be reported to the Area Planning Committee after the consultation period on the draft Neighbourhood Plan had closed. The application was scheduled to be determined at the April 24th meeting. However, the consultation period was subsequently extended to take account of the Easter break and only ended on 26th April (two days after the April NAPC). It was recognised by

Officers, members and the applicants (and the neighbourhood Plan Steering Group and other third parties) that it would be more appropriate to determine the application after the consultation period, so the application was rescheduled for this Committee..

Some objectors have argued that no decision should be taken on these applications until the Neighbourhood Plan is finalised and adopted. The Council has in the past indicated that it may favour that approach. However, it is clear that both the development control process (administered by the Council) and the policy formulation work undertaken by the Neighbourhood Plan steering Group has progressed to a stage whereby conclusions on key issues – relevant to both the Waitrose and Sainsbury’s applications – can be made having regard to the overarching national policies set out in the NPPF.

The impact in the historic environment

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for local planning authorities in assessing proposals that affect a heritage asset. Section 66 states:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

Section 72 states:

“... with respect to any buildings or other land in a conservation area..... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

The National Planning Policy Framework (NPPF) sets out the principles by which planning decisions should be made. Paragraph 17 states that planning should:

“conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”

The NPPF goes on (at paragraphs 128 -134) to elaborate on the requirements for applications that affect heritage assets:

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance...”

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal”

“In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.”

The NPPF goes on to advise that when considering the impact of a proposed development on the significance of a designated heritage asset (such as a conservation area, *great weight* should be given to the asset's conservation. The more important the asset, the greater the weight should be. It explains that 'significance' can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The NPPF provides that where a proposal will lead to substantial harm or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve *substantial* public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. At paragraph 138 the NPPF states that "Not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole."

The Councils own conservation and landscape officers have raised concerns about the principle of development of this site, as has English Heritage.

Malmesbury is a unique historic town, the oldest Borough in England, created by charter c. 880AD. It is set in a dramatic location on a ridge between two branches of the Avon. Large areas of the mediaeval and earlier fortifications are still clearly visible and the topography has ensured the retention, around the historic core, of a compact urban form, ringed by the rivers and the open, green land immediately beyond. The current integrity of this 'green ring', which has survived from Saxon times, can clearly be seen in Fig.14 of the Malmesbury Conservation Area Appraisal.

These green river valleys and adjoining open green/agricultural land have been identified as an essential component of the character and setting of the town, completing a scene within which the town can be seen and a backdrop when looking to the countryside beyond.

Concerns have been raised by the Council's own Conservation, Landscape and Urban Design Officers about *any* development here, with building, extensive remodelling of the terrain, lighting and large areas of hard standing on this very historic site.

The agricultural land forming the application site rises up from the valley to the east of the Avon Mills. There are views both into and out of the town over this land, where it is either a backdrop to the historic buildings or in the foreground of the view:

There are views from Silver Street/Back Hill where the field acts as a backdrop to and integral component of the setting of the listed Avon Mills Complex, emphasizing the sharp division between the town and the countryside beyond. Similarly clear views may be obtained from Baskerville, east of St. John's Street, and the footpath descending to it from the north, where the field can again clearly be seen as the setting of the listed mills.

The view into the town over this field from the footpath on the far side of the bypass gives, a view of the town including the Abbey and the Avon Mills. A very high proportion of the buildings seen are listed, the whole being an urban composition and setting of the highest quality and significance. The inclusion of these fields in the conservation area is an obvious recognition of the very important role they play in forming and framing the setting of the historic town.

In the adopted Malmesbury Conservation Area Management Plan General Proposal C states:

"That in considering development proposals account is to be taken of the comments relating to and features identified in the townscape and character analysis of the Malmesbury Conservation Area Appraisal."

In the Appraisal the significant features identified include “*The view south-east from Back Hill to open countryside*”: Policy HE1 of the North Wiltshire Local Plan 2011 states:

“In Conservation Areas, proposals for development..... will only be permitted where the proposal will preserve or enhance the character or appearance of the area. Open spaces, village greens, gaps between buildings, fields, gardens and trees that provide attractive views and vistas to, from and within public areas will be protected from development that would fail to preserve or enhance the character or appearance of a Conservation Area.”

However, the Malmesbury Conservation Area Management Plan does indicate that the site could be used for additional car parking):

“Area 18 (River Valley – Tetbury Branch) Development Guideline 4: Consider land to the south of Avon Mills as a possible additional car park for Malmesbury, to relieve the congestion in the main body of the Conservation Area which, at present, seriously detracts from its character. Any permission granted should however insist on very high standards of landscaping and screening to reduce the impact on the river valley and views of the town.”

English Heritage have also raised concerns. In their initial response to the submitted application the organisation made the following comments (extracts from a letter dated 17th May 2012):

“It is our view that in its impact on the character and appearance of the conservation area and to the settings of the Grade II Listed St John’s Bridge and Avon Mills the application will cause substantial harm to designated heritage assets. From a broader perspective the overall setting of the town will be substantially harmed to the extent that it is reasonable to conclude that the setting of the Abbey, a Grade I Listed Building and its defining feature, must also be compromised.

We do not believe that the application has presented a description of the significance of relevant heritage assets or their setting(s) in proportion to their importance in accordance with policy 128 of the National Planning Policy Framework (NPPF) and as a consequence the full scope of the impact on these from the development proposals is under-estimated. In that substantial harm will result policy 133 of the NPPF applies, and the application therefore needs to demonstrate that such harm is necessary and outweighed by substantial public benefits.”

and

“Policy 9 of the NPPF emphasises that sustainable development involves seeking positive improvements in the quality of the built, natural and historic environments taking account of local character (policies 17, 58 & 61), and policy 6 highlights that sustainable development constitutes compliance with policies 18 to 219 as a whole.

In that there is a significant departure from the policy provisions of the NPPF we do not believe that this application constitutes sustainable development and would endorse any decision of refusal.”

The applicant has met with English Heritage and the Council to attempt address the concerns summarised above, through additional assessments and revised plans. However, English Heritage has subsequently reaffirmed its ‘in principle objection’, but acknowledged that the revisions do constitute an improvement on the originally submitted design and reduce and mitigate impacts associated with the specifics of the scheme. EH also indicated that even where there is substantial harm the economic benefits that may arise from the scheme which secures the future of Malmesbury as a thriving centre are the type of benefits that could be weighed in the balance.

English Heritage made the following comments (summarised) on the proposals (without prejudice to their ‘in principle’ objection)

In terms of the design philosophy the approach taken is to "disguise" the scheme and minimise its presence and impact as much as possible. .

This is complemented and largely enabled by boundary treatment and particularly planting which will utilise existing vegetation and reinforce it where necessary to create a visually impermeable screen.

The spatial and relative disposition of access, car-park and store seems a logical response to site character and is appropriately simple in its conceptual handling. Within the site, treatment should further aim to minimise the degree of "urbanisation" through the beneficial use of planting and surface materials.

The shift in character of the site as a consequence of such a scheme will of course be the result of more than just physical change. The intensification of use through human and vehicular activity will be unavoidable; thought should therefore be given to how boundary treatment can minimise or even eliminate noise levels, and lighting should be designed to avoid not only spill outside the site but the ability to see light from outside the site looking in.

There have been further design changes to reduce the profile of the scheme. We are pleased that the relationship with Avon Mills has been improved.

The landscaping and planting regime has been modified. It is difficult to tell from what is provided whether this will actually fit comfortably in the surrounding landscape as well as eliminate all signs of the scheme from outside the site (entrances excluded), deaden noise and avoid being able to see artificial lighting when dark, but we are happy to leave judgement on the efficacy of this to the discretion of your authority.

In accordance with policy 133 of the NPPF, substantial harm to heritage assets needs to be outweighed by substantial benefits. While such a foodstore will no doubt reverse some of the economic leakage the town currently experiences, it would seem that there may be some degree of trade draw from existing local outlets, and the value of preventing that leakage is presumably underpinned by a demonstration of linked journeys resulting in an uplift of trade to town centre businesses. It is therefore a question of whether the specific contributions identified in the Planning Obligation, though valid and welcome, when added to the economic impacts arising specifically from the nature of the scheme, will constitute benefits that are sufficiently substantial.

There is undoubtedly significant concern regarding the effect that the proposals will have on the historic and landscape setting of Malmesbury and this should not be underestimated. However, the applicants have submitted a detailed appraisal and provided a response to the heritage objections raised (including an assessment by Cotswold Archaeology) which address the concerns expressed by English Heritage and the Councils own conservation, landscape and urban design officers.

It is not in dispute that the site makes a positive contribution to the significance of the conservation area and adjacent listed buildings. The NPPF states that "...the relative heritage significance of the element affected and its contribution to the significance of the Conservation Area....as a whole" needs to be considered when determining the suitability of a proposed development. In this regard, the applicants argue that the proposed development site is one of the least significant elements of the Conservation Area and the least significant part of the setting of Avon Mills listed building. The applicants argue that this position of relative significance is presented in the Conservation Area Appraisal (adopted February 2010), and further reinforced in the Conservation Area Management Plan (February 2010) in discussions concerning "development guidelines" and the creation of car parking within the site.

The applicants argue that the heritage significance of Malmesbury including many of its 'landmark' historic buildings can be appreciated from key vantage points within and towards the town. These 'important views and panoramas' are presented in the Conservation Area Appraisal. Although, the proposed development will be visible from one of the identified views (and

from other locations within and towards the town) the significance of the designated heritage assets when appreciated from these views would in no way be harmed.

The key assessment in this regard is whether the development will result in substantial harm to or total loss of significance of heritage assets. The applicants have argued that whilst the development of the site will clearly have an impact upon the setting of the listed buildings and the conservation area, there will not be substantial harm or loss to the heritage assets claimed by English Heritage and others. The proposed development site is not currently publicly accessible and does not lie on the direct route of any public footpaths. The site does not possess the same 'attractive' riverside characteristics enjoyed by the land parcels to its north (and west) i.e. those that lie immediately adjacent the river.

The proposed development would result in the loss of agricultural land that can be appreciated as providing an agricultural (or non-urban) setting to the town, and thus contributing to the Conservation Areas significance. The applicants have sought to make amendments to the scheme throughout the application process to address the concerns that the supermarket will be visible in key views. The applicants have reduced the height of the building, enhanced the planting and bunding/berms around the site. In many views (for example across the A429 from the east) the building itself will potentially have little impact, views still being gained across much of the site towards the town beyond; from the north it is the berm and additional planting that will be the significant addition to the landscape; from ground level to the south and west little of the building will be seen, although it is acknowledged that residents of Avon Mills will be looking directly across at or down onto the site, and these private views will change significantly.

There are two courses of action in assessing this aspect of the proposal. If the Council consider that the development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Alternatively, if the Council consider that the proposed development will lead to substantial harm to or the total loss of the significance of a designated heritage asset, the application should be refused, *unless* it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss.

Despite the advice from English Heritage and conservation and landscape officers your planning officers consider that taking account of the applicants' analysis and responses to the objections made, that the harm will not be substantial, and any harm that does arise therefore needs to be weighed against the benefits that might arise from the proposed development.

In particular, officers consider that the site is of relatively lesser significance when compared to other elements of the Conservation Area and is an area that contributes relatively little to the setting of specific designated heritage assets and that the proposed development would "*..lead to less than substantial harm to the significance of a designated heritage asset..*" . Therefore, in determining the suitability of the proposed development "*...this harm should be weighed against the public benefits of the proposal*" (NPPF, paragraph 133).

However, should Members agree with the views expressed by English Heritage and others, and consider that the proposed development **will** lead to substantial harm to or total loss of significance of a designated heritage asset, officers consider that the harm is necessary to achieve substantial public benefits that would outweigh that harm or loss.

The GVA report indicates that the store will enable linked trips and is likely to be complementary to the town centre (rather than competing with it or adversely affecting it). As such this could be seen as sustaining the longer term viability of the existing retail function of the town. There is clearly a desire and need for additional retail floorspace in Malmesbury and anecdotal evidence from many of those commenting on the applications indicate that residents do travel out of town for a weekly shop and that existing shops and stores cannot cater for this type of demand.

In addition the applicants have set out a series of actions and contributions (set out under 'The Proposal' heading) to be secured through a legal agreement. This includes: highways improvements; provision of pedestrian/cycleway; a pedestrian crossing; traffic calming on the A429; Travel Plan for staff; public car parking on the site to facilitate linked trips and a comprehensive town centre enhancement strategy.

The Applicants have presented a proposal for the foodstore that is tailored to the specific constraints on this site: its location within a conservation area; proximity to listed buildings; on a site that is on a busy main road. The store is largely screened from public views (not only by the proposed landscaping - including berms and bunds and planting that enhances existing hedgerows- but also by the building itself sitting low in the site. From outside it will in time become appear to become part of the natural landscape. Where the store is most visible, from within the site itself it presents a contemporary and high quality face.

Overall the economic benefits to the town centre will help secure its continuing role as a retail centre for the surrounding area. The benefits outlined above are significant and sufficient to outweigh the impact upon the heritage assets identified. This approach appears to have been endorsed in the draft Malmesbury Neighbourhood Plan

Impact on the Landscape.

Policy NE15 (The landscape character of the countryside) of the North Wiltshire Local Plan sets out states that "The landscape of North Wiltshire and its locally distinctive characteristics shall be conserved and enhanced, development will be permitted if it does not adversely affect the character of an area and features that contribute to local distinctiveness." It sets out that : "Development shall take into account.....the setting of, and relationship between, settlement and buildings and the landscape....."

The NPPF states that "The planning system should contribute to and enhance the natural and local environment by.... protecting and enhancing valued landscapes...". The NPPF refers to the need to carefully consider development proposals located in designated areas such as Areas of Outstanding Natural Beauty and National parks. Whilst the site is within the conservation area (as discussed above) it is not within any area designated for its landscape value. That is not to say that the landscape has no value.

In many aspects the concerns raised regarding the impact on the landscape are similar to those discussed above. The Councils landscape officer has commented that the proposals conflict with Policy NE15 as it will adversely affect the character of the area and features that contribute to its local distinctiveness. In his assessment (summarised above) the proposal will create a break in the 'ring of green' around the base of the historic town, will impact on the rural buffer between the town and Burton hill, the building and its earth berms will have the effect of diminishing the scale and drama of the town rising from the river onto a plateau and will be an abrupt and unnatural change in the topography.

The applicants have responded to these comments by amending the proposals to lower the height of the store, produce a more naturalistic appearance to the berms add more landscape planting around the site to break up the built form.

Design and scale of the development

This issue is related to the previous section. The approach taken by the applicants is to accept that this is a sensitive site and to ensure that as far as is possible the built form and the service areas, circulation and parking areas are able to be assimilated into the landscape. To this effect the building its self is very low lying, actually sunk into the site, with a berm or bund surrounding three of its sides. From many vantage points to the north, west and east the walls of the building will be entirely hidden from view by land form and landscaping. Only the front of the building will be fully 'exposed' presenting a contemporary glazed entrance. Much work has been undertaken to ensures that the car parking areas are kept as low key as possible.

Officers have concluded that, if the principle of a supermarket building is deemed acceptable on the site then the proposal is as good a solution as any, providing a contemporary building, set

within a well designed and landscaped site which makes every effort to minimise its impact upon the surrounding area, historic landscape and neighbouring listed buildings.

Impact on residential amenity

The site is immediately adjacent to the converted mill buildings of Avon Mill (the Avon MNills buildings comprise the Outer Silk Mills; Avon Lodge; Inner silk Mills and the Old Mill House). Not only will any development on this site have a potential impact on the setting of the listed building, but it will have an potential impact on the amenity of the residents of the mill buildings. There have been a high number of objections received from the residents of these buildings. This is understandable as the site is in an elevated position and development may be perceived to potentially overlook or dominate the neighbouring site; and the current greenfield outlook of many residents will be replaced by development.

The applicants have sought to address many of the concerns of local residents. They have submitted a visual analysis of the impact upon residential amenity of residents of Avon Mill. The applicants have also responded by making some very real changes to the proposal. The building has been reduced in height (by lowering it into the site and will be to a great extent screened from view by existing and proposed planning and a berm or bund. The most impact is likely to come from the car parking areas. Again in an attempt at reduce any disturbance through vehicle movement, noise and lights the applicants have redesigned the scheme to move the parking as far away from the boundary with the Avon Mills properties as possible. The closest parking space is around 18 metres away from the Outer Silk Mills building, but the main bulk of the parking is over 25 metres away and behind planting. The applicants have also indicated that they are willing to come to an agreement with the residents of Avon Mills as to how the area of land between the two sites can be used (it is currently sloping, unsuitable for any form of agriculture, outside and residential curtilage and beyond the requirements of the application proposals. Using this land for informal recreation by the residents may secure the long term management of this area and provide additional amenity land for Avon Mills residents.

Lighting of the scheme has also been referred to in objections, both in terms of impact on residential properties and the wider landscape. The applicants have submitted a 'External Lighting Strategy' which aims to reduce light spillage and avoid any adverse impact on residential properties. The submitted plans and strategy are considered acceptable and implementation of the strategy and proposals will be secured through conditions.

Undoubtedly the view from some of the properties on the Avon Mills site will change. However Officers are content that the applicants have made real and significant changes to the originally submitted scheme which will ensure that the residential amenity of these properties are not so adversely affected that it would justify a refusal on these grounds.

Impact on highways and highway safety

The site is accessed by vehicles from the main A429. This is a simple junction with stacking land for right turning vehicles. The access has been discussed and agreed with the local highways authority.

Pedestrian access is provided via the two routes from the B4014 which leads from the roundabout junction with A429 and the St Johns Bridge. There will be set of steps (close to the Outer Silk Mills) that lead up from proposed pelican crossing to the site. A ramped access (avoiding any steps) will provided along side the road towards the roundabout junction and then into the site close to the junction itself. Whilst the site is very elevated above the road when viewed from St Johns Bridge, for example, the road rises reasonably gently towards the roundabout and it is possible to achieve a very accessible route.

Malmesbury town centre is located on a hill, to access any part of the town that is not within what is perceived to be the town centre will involve moving down a hill; this topography is an accepted constraint of living in Malmesbury. Getting to and from the town centre to the site, will involve

negotiating a hill (leading down to St Johns Bridge, but as has been demonstrated there are no other sites within the town centre or walking distance of the town centre that are more accessible.

As part of the package of contributions that the applicants have agreed (through negotiation with Officers and the town) is provision of public car parking on the site; a footpath/cycleway; pedestrian crossing and traffic calming on the A429 by way of a gateway feature.

Ecological implications of the redevelopment of the site

Many objectors have raised concerns about the loss of habitat and impact on wildlife. However the Council principal Ecologist has reviewed the proposals and has raised no objections, as in the most part the site is an agricultural field and the majority of the planting around the site will be retained and enhanced.

Impact of the development on archaeology;

The evaluation undertaken by Northamptonshire Archaeology revealed some good evidence for the Late Iron Age and Romano-British settlement in the southern half of the site Further investigation and excavation will be necessary prior to any development commencing.

Flooding and Drainage implications

Both The Environment agency and Wessex Water have confirmed that subject to conditions the issues relating to flooding, surface runoff and foul sewer can be adequately addressed.

S106 Contributions

Earlier in the report the measures that the applicant has sought to provide via a legal agreement have been set out (under 'The Proposal') and these have been referred to throughout the report, principally to illustrate some of the 'public benefits' that may be secured in approving this scheme. These can be summarised as highways works, car parking, travel plan, and the town centre strategy

Regulation 122 of the Community Infrastructure Levy Regulations 2010 ("the CIL Regs") provides: This regulation applies where a relevant determination is made which results in planning permission being granted for development.

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development...

The effect of regulation 122(2) is that if a s.106 obligation does not comply with the requirements set out above, then it cannot be taken into account as a reason to grant planning permission, but that does not mean that such an obligation is unlawful, or unable to be taken into account.

Case Law has established that "... [t]here is nothing objectionable in principle in a council and a developer entering into an agreement to secure objectives which are regarded as desirable for the area, whether or not they are necessary to strengthen the planning case for a particular development."

Officers consider that each of the matters being secured through the proposed legal agreement are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

10. Conclusion

Despite its location above Malmesbury on a main thoroughfare the site itself is not particularly prominent, in that it is screened by hedges, but views tend to be afforded across it rather than into

or onto it. However, when approaching by road from the north or when viewed from the eastern end of St John's Street the field is clearly visible as it slopes towards the Avon valley. However, any development in this location will have an impact on the setting of this historic town. There are very clear and strong objections in principle from English Heritage and the Council's own Conservation and Landscape Officers. The site has been identified in the Conservation Area management Plan as a potential location for a public car park.

The Council's retail advisors in this case have clearly indicated that there is a need for additional retail development in the town. In an assessment of the two retail applications (Waitrose and Sainsbury's) those advisors have concluded that this application is sequentially preferable and would serve to support the existing town centre rather than harm it. Other potential sites (there are not many given the historic nature and topography of the town) have been assessed by the Council's advisors and the local Neighbourhood Plan Steering Group and the only site that would be deliverable, provide for linked trips into the town centre and potentially enhance the town centre is the site that is the subject of this application.

All other 'technical matters' have been resolved (to the satisfaction of officers) and the objections received and considerations of all the material considerations have not resulted in concerns that would lead officers to recommend refusal.

Although there are strong objections to the development of this site because of harm to the historic landscape setting of Malmesbury; on the other hand there are very strong economic and policy reasons that in order to ensure Malmesbury continues as a vibrant town additional retail development (on a scale akin to that proposed) is an essential requirement, and there are no other suitable sites readily available that perform that required function better.

If the Council considers that the proposed development would lead to less than substantial harm to or loss of a designated heritage asset, then any harm arising should be weighed against the public benefits of the proposal. Alternatively, should the Council consider that the proposed development would lead to substantial harm to or total loss of the significance of a designated heritage asset, the application should be refused, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss.

On balance officers consider that the development would harm the heritage asset (in particular the conservation area), but not substantial harm (for the reasons articulated in this report) and therefore Members need to weigh the harm against the public benefits of the proposal.

Officers have discussed this matter at some length with English Heritage. Whilst EH is clear that it objects to the proposals on heritage grounds, it acknowledges that the Council has a duty to take all material considerations into account in coming to a decision. They have acknowledged that securing the economic future of the town centre is potentially a substantial benefit to Malmesbury and therefore the whole of the conservation area..

The applicants have sought to address each of the concerns raised by the objectors and in particular in relation to 'heritage and landscape' comments. Significant changes have been made to the scheme to help it "blend" more effectively into the landscape (lowering of the store, additional landscaping, pulling activity away from site boundaries etc.)

The economic case for additional retail development in Malmesbury is clear cut. The site meets the sequential test and there are no other comparable sites that would meet the needs of the town. These facts weigh heavily in favour of the proposal. Whilst the heritage and landscape objections are understood, officers consider that the potential harm would be less than substantial. There are significant public benefits that are likely to accrue from this proposal. The site is such that it is considered it will complement the existing town centre. Through the provision of publicly available parking on the site the possibility of linked trips is encouraged. The applicants have offered a package of measures (secured through a legal agreement) that are considered beneficial to the economy and amenity of the town (including a town centre enhancement strategy; traffic calming measures on the A429; a pedestrian footway/cycleway; a pedestrian crossing and Travel Plan).

Coupled with the high quality of the design and landscape proposals, officers recommend that permission be granted subject to conditions a s106 legal agreement.

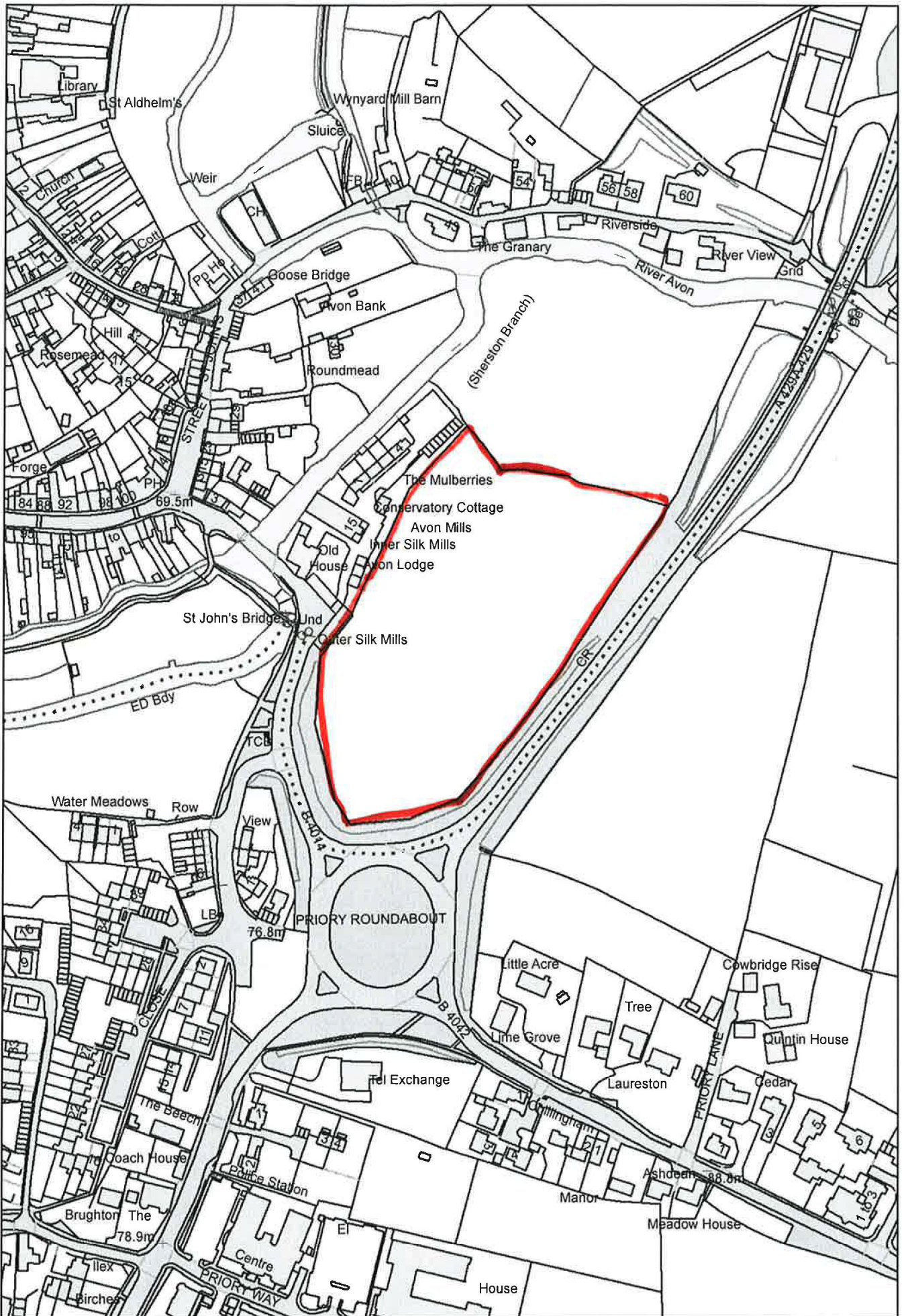
11. Recommendation

That authority be delegated to the Area Development Manager to GRANT Planning Permission subject to a legal agreement to secure community benefits including highways improvements; provision of pedestrian/cycleway; a pedestrian crossing; traffic calming on the A429; Travel Plan for staff; public car parking on the site to facilitate linked trips and a comprehensive town centre enhancement strategy.

For the following reason:

“The economic case for additional retail development in Malmesbury is clear cut. The site meets the sequential test and there are no other comparable sites that would meet the needs of the town. These facts weigh heavily in favour of the proposal. Whilst the heritage and landscape objections are understood, the Council has concluded that the potential harm would be less than substantial. However, there are significant public benefits that are likely to accrue from this proposal. The site’s location and the application proposal itself are considered to complement the existing town centre. Through the provision of publicly available parking on the site the possibility of linked trips is encouraged. The applicants have offered a package of measures (secured through a legal agreement) that are considered beneficial to the economy and amenity of the town (including a town centre enhancement strategy; traffic calming measures on the A429; a pedestrian footway/cycleway; a pedestrian crossing and Travel Plan). The proposal is considered to comply with policies C2 (Community Infrastructure); C3 – (Development Control Core Policy); HE1 (Development in Conservation Areas); NE15 (The Landscape and character of the countryside); and R4 (Proposals outside town centre primary and town centre secondary areas) of the North Wiltshire Local Plan 2011; The National Planning Policy framework (in particular In particular the sections relating to ensuring the vitality of town centres (paragraphs 24 to 27) and the protection of heritage assets (paragraphs 17 and 128 to 134); the policies of the Wiltshire Core Strategy pre-submission document and the Draft Malmesbury Neighbourhood Plan”

Subject to the following conditions (a detailed schedule of conditions will be provided prior to the Area Planning Committee):



Date of Meeting	29th May 2013		
Application Number	12/03466/FUL and 12/03477/LBC		
Site Address	56 Bristol Street Malmesbury SN16 0AX		
Proposal	Demolition of Existing Rear Extension, Erection of New Rear Single Storey Extension, New Dormer Window and Removal of Chimney		
Applicant	Mr Coppola		
Town/Parish Council	Malmesbury		
Electoral Division	Malmesbury	Unitary Member	Councillor Killane
Grid Ref	392900 187355		
Type of application	Planning Permission and Listed Building Consent		
Case Officer	Kate Backhouse	01249 706684	kate.backhouse@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Killane has called the applications in to make sure that the applicant is able to bring this application to committee to allow Councillors to have the opportunity hear neighbor concerns and decide the application.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Main Issues

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

- Principle of development
- Impact on the Listed Building and Conservation Area
- Neighbour amenity
- Size, scale and design

The application has generated objection from occupiers of an adjacent property, the Town Council and the Malmesbury St Pauls Without Residents Association

3. Site Description

The site is located within the framework settlement boundary for Malmesbury. The application building consists of both 54 and 56 Bristol Street, now being occupied as one dwelling. The rear garden slopes away steeply to the rear with there being a drop in levels to the adjacent property No 58-60 Bristol Street, to the west.

4. Relevant Planning History – None

5. Proposal

The applicant seeks permission for the demolition of an existing rear extension and replacement with a modern single storey extension spanning the back of the property. Internally, various minor

alterations are proposed and externally, the chimney is to be removed and a dormer window added. Revised plans have been submitted following concerns raised from adjacent occupiers to attempt to overcome concerns relating to overlooking.

6. Planning Policy

Adopted North Wiltshire Local Plan 2011

C3 - Development Control Policy

H8 - Residential Extensions

HE1 - Development in Conservation Areas

HE4 - Development, Demolition or Alterations Involving Listed Buildings

National Planning Policy Framework

7. Consultations

Conservation Officers – Amendments requested in respect of materials

Town Council – Objection to design and impact on privacy of occupiers of neighbouring property

8. Publicity

The application was advertised by press advert, site notice, and neighbour consultation.

Objections to the application primarily relate to issues regarding the potential for overlooking, given the drop in land levels between the application site and the neighbours property. Revised plans show the extension set further away from the boundary with the adjacent property

9. Planning Considerations

Principle of Development

The principle of extending the property into usable accommodation is acceptable subject to the scale, size and design of the proposal being acceptable additions. In the case of listed buildings a modern approach is often welcomed to highlight later additions rather than attempting to create a pastiche of an earlier style of building.

Size, Scale and Design

The proposed dormer window is to the same size and scale as the existing dormer, with materials to match and in this respect there are no objections raised, nor to the removal of the later chimney. The internal works are minimal and subject to appropriately worded conditions considered acceptable. The original features of the properties remain with any alterations not widening existing openings, but lengthening to create doorways.

The proposed extension is completely modern in design with aluminium framing and full height glazing to enable the original wall of the property to be seen. The departure in design style is welcomed given the existing unattractive extension and flat roof two storey extension to the neighbouring property. The agent has confirmed that the roof is to be zinc rather than the single ply membrane originally proposed. In the interests of privacy, render is proposed on side walls apart from the last 1 metre to the west elevation. The proposed addition spans the entire rear of the property and provides a new kitchen diner to property. The addition to the property is lightweight in nature with the height kept below that of the first floor windows. When viewed next to the substantial flat roof two storey extension to the adjacent property, the addition is considered in keeping with not just the size and scale of the existing property, but that of surrounding properties.

Amenity Issues

The revised plans show the proposed extension sited further away from the west boundary in the interests of neighbour amenity. In addition to this a 1.6 metre high boundary fence is proposed. It is considered that these amendments satisfactorily address amenity issues. To the east, the adjacent property has already developed along the boundary and the proposed extension will not therefore impact on the privacy or amenities of occupiers of this dwelling.

Impact on the listed building and Conservation Area

As noted in Policy H8 of the North Wiltshire Local Plan 2011, in the case of historic buildings, a change of style and / or materials may be desirable to indicate the evolution of the building. The modern lightweight structure proposed is clearly a departure from the existing property however this is an approach that should be encouraged where the original character of the property is maintained, as is the case in this proposal. In respect of the Conservation Area, whilst the site is not visible from public vantage points, the requirement for development to either preserve or enhance said area remains. The modern addition replaces a later unattractive addition whilst not detracting from the character of the original cottage or character of the row of cottages when viewed from the rear.

Conclusions

The proposed development is considered to accord with policies C3, H8, HE1 and HE4 of the North Wiltshire Local Plan 2011. The revised plans showing the extension set further away from the adjacent property and the introduction of a fence have on balance, adequately addressed issues of overlooking. The modern design is considered to preserve and enhance the Conservation Area. The internal alterations to the property are acceptable as is the removal of the later chimney and the introduction of a dormer window to match the existing. The proposal is therefore considered to preserve the special architectural interest of the listed building.

The application is therefore recommended for approval subject to conditions.

10. Recommendation

In respect of 12/03466/FUL

Planning Permission be **GRANTED** for the following reason:

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the environmental conditions of the area. The proposed extension and alterations are considered to be acceptable in the context of the surrounding area and would preserve the character and appearance of this part of the Malmesbury Conservation Area and the listed building. The proposals are therefore considered acceptable in this instance and in accord with policies C3, H8, HE4 and HE1 of the North Wiltshire Local Plan 2011.

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 implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans

1068.SU.110 date stamped 12.10.12
1068.SU.111 date stamped 12.10.12
1068.PL.112 date stamped 12.10.12
1068.PL.113 date stamped 12.10.12
1068.PL.114a date stamped 16.10.12
1068.PL.115 date stamped 16.10.12
1068.PL.116 date stamped 22.10.12
1068.PL.111b received 07.01.13
1068.PL.110a received 07.01.13

REASON: To ensure that the development is implemented as approved.

3. No development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area.

4. No development shall commence on site until details of the fence shown on drawing 1068.PL.110a received 07.01.13 have been submitted to and approved in writing by the Local Planning Authority. The fence shall be erected in accordance with the approved details prior to first use of the extension hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

In respect of 12/03467/LBC

Listed Building Consent be **GRANTED** for the following reason:

The proposed development by reason of its scale, design and siting is considered to be an acceptable addition to the property and the proposed alterations would not unduly affect the fabric or setting of the listed building. The proposed development is in keeping with the character and appearance of the area and would secure the future of the building and this will achieve objectives for preservation of the heritage asset in accordance with the National Planning Policy Framework and the North Wiltshire Local Plan 2011. The proposals are thus considered to comply with section 12 of the National Planning Policy Framework (2012) and with S16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Subject to the following conditions:

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans

1068.SU.110 date stamped 12.10.12

1068.SU.111 date stamped 12.10.12
1068.PL.112 date stamped 12.10.12
1068.PL.113 date stamped 12.10.12
1068.PL.114a date stamped 16.10.12
1068.PL.115 date stamped 16.10.12
1068.PL.116 date stamped 22.10.12
1068.PL.111b received 07.01.13
1068.PL.110a received 07.01.13

REASON: To ensure that the development is implemented as approved.

3. Notwithstanding the approved drawings, no works shall commence until details of the following matters have been submitted to and approved in writing by the Local Planning Authority:

- Large scale details of all external joinery including glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
- Large scale details of dormer window (1:5 elevation, 1:2 section)
- Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- Large scale details of proposed eaves and verges (1:5 section);
- Full details and samples of external materials.

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

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

4. No development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area.

5. No development shall commence on site until details of the fence shown on drawing 1068.PL.110a received 07.01.13 have been submitted to and approved in writing by the Local Planning Authority. The fence shall be erected in accordance with the approved details prior to first use of the extension hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.



PLANNING SERVICES
16 OCT 2012

f a p p
ASSOCIATES
Chartered architects

Winton Studio
1st Floor
100 Queen's Road
West, SHELTON
Maldenham DT97DQ/03466
Email: info@fappassociates.com

JOB
54 & 56 Bristol Street, Malmesbury,
Burren and Chas Coppola

DATE: Sep 2012

SCALE: 1:1000 @ A3

PROJECT
Location Plan
1068.PL.115

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	29 th May 2013		
Application Number	13/00244/FUL		
Site Address	8 Willowbrook and Ashgrove House, Purton, SN5 4AG		
Proposal	Demolition of Existing Dwelling and Erection of New Building & Link to Adjacent Nursing Home		
Applicant	Mr Trowbridge		
Town/Parish Council	Purton		
Electoral Division	Purton	Unitary Member	Councillor Lay
Grid Ref	409315 187932		
Type of application	FUL		
Case Officer	Kate Backhouse	01249 706684	Kate.backhouse@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Lay has called in the planning application to be considered by Committee to allow Councillors to have the opportunity to hear neighbour concerns as there is local concern from residents with regard to loss of light, noise, disturbance and added highway movements plus the loss of a residential property. The added provision of more Nursing Care is not seen as an advantage to the locality over the disturbance such a development will create to the immediate neighbours.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Main Issues

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

- Principle of development
- Impact on highway safety
- Neighbour amenity
- Size, scale and design

The application has generated 23 letters of objection from the public

3. Site Description

The site is situated within the village of Purton. The original building fronts onto Station Road with later additions to the rear. The site doglegs around onto Willowbrook where the site is currently occupied by No 8 Willowbrook, a detached bungalow. To the rear of the bungalow there is a drop in levels of approximately 0.75 metres where the rear garden of Willowbrook abuts the curtilage of Ashgrove house. To either side of No 8 Willowbrook are residential properties. To the west, a detached bungalow and to the east a semi-detached 2 storey dwelling. There are a range of house types and designs within Willowbrook. To the north west / rear of the property lies another residential property with Ashgrove house to the northeast.

4. Relevant Planning History		
Application Number	Proposal	Decision
09/00515/FUL	Erection of dormer windows, alterations to the roof and second floor extension	REF

5. Proposal

The applicant seeks permission for the demolition of 8 Willowbrook and the erection of a new two storey building with link to Ashgrove House. The building is to provide single occupier rooms instead of shared bedrooms for the facility. There is no net increase in the amount of bed spaces on site.

6. Planning Policy

Adopted North Wiltshire Local Plan 2011
 C3 - Development Control Policy
 H3 – Residential Development within Framework Boundaries

National Planning Policy Framework

7. Consultations

Highways – No objection subject to conditions

Adult Care – No objections

Parish Council – No objection

8. Publicity

The application was advertised by site notice, and neighbour consultation.

Following concerns from the Parish Council regarding the original site notices, new site notices were posted at the entrance to Willowbrook and Ashgrove House allowing 3 weeks from the date of posting for comments to be received. The neighbour notification process was undertaken in accordance with the Councils adopted policies.

22 letters of letters of objection have been received, and have been summarised into relevant categories below;

Size, scale and design

- Overpowering
- Out of keeping with surrounding buildings
- Will dominate street-scene
- Overdevelopment
- Loss of light

Change of use of residential to business

- Not appropriate for residential cul-de-sac
- Will lead to further business uses
- Will require more infrastructure

Highways

- Will cause parking problems in Willowbrook
- Result in additional traffic to estate from visitors, staff and emergency services
- Safety concerns

Amenity issues

- Overlooking
- Noise pollution
- Light pollution
- Disturbance to local residents from residents, visitors and lift

- Safety and security

Planning policy

- No identified need for additional care facilities

Other matters

- Deeds of properties state that they are residential
- Potential for acquisition of further residential properties by care home
- Party wall act implications
- Subsidence
- Lack of notification
- Precedent for future development
- Inaccuracies in numbering adjacent properties
- Restrictive covenants

9. Planning Considerations

Principle of Development

The planning application site lies within the defined framework boundary of Purton. As noted by the Councils Adult Care team, there is no particular shortfall in provision of care home spaces at present based on the home being occupied at full capacity of 34 beds. The resulting bed spaces will not exceed this figure. The proposed development is to facilitate private bedrooms rather than the existing situation where residents share rooms, the Adult Care team therefore support the application. The National Planning Policy Framework which is the key document on which planning decisions are made, refers to the need for supplying sufficient community and cultural facilities to meet local needs and not acting as an impediment to sustainable growth. There is no restriction within either the National Planning Policy Framework or the North Wiltshire Local Plan on having residential care facilities Class (D1), adjacent to residential dwellings Class (C3). Consideration is therefore given to the impact of the development in respect of size, scale and design; character of the locality; impact on the residential amenities of local residents; impact on the highway network and highway safety.

Size, Scale and Design

In respect of the design of the proposed building, the replacement of the bungalow with a two storey building is not considered out of keeping given the make-up of the surrounding properties. The building has a domestic appearance when viewed from Willowbank with materials to match the nearby properties. Reference has been made by an objector to the design and access statement referring to a 1 ½ times increase in floor space rather than doubling in size. In the interests of clarity, the total floor area is increasing from 111m² to 180m². To the side of the building a single storey element is proposed providing bedroom accommodation for residents. A link building is shown between the new building and the existing care home. In conclusion, no objections are raised in respect of size, scale and design to the proposed development. The increase in height is not viewed as out of keeping and the size and scale of the development is not considered to have over crowded the plot.

Amenity Issues

No windows are shown at first floor on the west side of this link building, with one high level window shown to the east. A further two windows are shown on the east elevation at first floor, one serving bedroom 4, a secondary window, and the other a stair well. Should it prove necessary the agent has indicated that these can be conditioned as obscure glazed. To the East elevation, bedroom 5 at first floor shows a window. However given the distances between the window and the property to the east of approximately 16 metres, no objection is raised.

Objection has been raised to the potential of noise from the site. The use is for a residential care home, not commercial business uses where heavy machinery may be operated. A care home within a residential location is therefore considered to be an entirely acceptable use. The potential of noise from residents and the lift are not considered to be reasons for refusal and any unacceptable disturbances could be addressed through the appropriate channels of the Environmental Health Officers. The potential for local residents seeing ambulances and body bags is an entirely moot point given that the access from Willowbank will serve two parking spaces, for care workers. All other traffic will remain using the existing access from Ashgrove House. In any event the potential for residents viewing such scenes is not a planning matter nor a reason for refusal.

Reference has also been made to the potential of light pollution from the site. There is no requirement for internal lights to be turned off in any domestic property and it would therefore seem entirely unreasonable to raise objection to internal lights serving a care home. The site is within a built up area and any external lighting can easily be controlled by way of a condition.

Safety and security matters have also been raised as an issue. Given that the site is to be accessed from the existing entrance, with the exception of the two spaces serving the carers, this is not considered to be of any concern. The only new door is in the link building therefore it is not considered that any additional pedestrian movements will impact unduly on occupiers of neighbouring properties. Visitors will have to come through the existing front access.

Impact on Highways

No objection has been issued to the proposal from Highways Officers subject to conditions and therefore in this respect no objection is raised. The access to the site, as stated on the design and access statement and made clear from the submitted plans will remain from Ashgrove House, with the exception of two staff parking spaces. All visitors will have to use the existing secure entrance and will not be able to gain entry from Willowbrook.

Flooding and drainage

The site lies within Flood Zone 1 where no FRA is required as the site does not lie within a flood plain. Notwithstanding this matter, the application will be conditioned in respect of a sustainable drainage system.

Change of use from residential to business

As noted above, the principle of change of use from residential to residential care home is considered entirely acceptable. The potential for future 'business' uses in the locality is not a consideration nor can a planning application be determined on what the owners future intentions may be. Each application is determined on its planning merits on a case by case basis. Any application for a business use in the locality, which are B1, B2 or B8 uses, would also be considered on a case by case basis however a residential care home, C2 use class, is subject to very different considerations to a business use and it therefore would seem improbable that such an application would be likely to be submitted.

Other matters

Comments have been received that insufficient neighbour letters were submitted and that no site notices were visible. The applications were advertised by site notices and neighbour letters. Neighbour letters were issued in accordance with the Councils adopted policy on neighbour consultation. (Available on request). As noted above, additional site notices were posted, extending the consultation period. There was also an independent Parish Council meeting which the agent for the application attended.

Issues in connection with boundaries in respect of party walls are separate civil matters which need to be addressed outside of any planning matters. Reference has also been made to an adjacent property suffering from subsidence, this would also need to be addressed independently.

Restrictive covenants or clauses in deeds to properties remain separate from consideration of planning applications. Again, these are civil issues. Any restrictions put on developments via condition of a planning application are however matters that we could become involved in to ensure compliance.

Objection has been raised to a submitted plan mislabelling No 7 as No 6 Willowbank. The Council uses its own mapping system to determine addresses and in any event it was apparent that the objector letter came from the occupiers of the property to the east of 8 Willowbrook therefore there was no confusion in this respect.

Conclusions

There appears to have been some confusion as to the purpose of the proposed development. This is for a physical expansion of the site, but not to increase staff or resident numbers, merely allow for single occupier rooms in accordance with the 34 spaces currently permitted by Wiltshire Council. The use of the site will therefore not intensify but will cover a larger area. The building itself is not considered to cause unacceptable loss of amenities to occupiers of adjacent properties nor is the design of the building out of keeping with the surrounding area. Highways matters have been addressed by the Councils Highway Officer

and the proposal is considered acceptable in this respect. The use of the building as a residential care home is considered entirely acceptable in a residential area.

The application is therefore recommended for approval subject to conditions.

10. Recommendation

13/00244/FUL

Planning Permission be **GRANTED** for the following reason:

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the environmental conditions of the area. The proposed conversion is considered to be acceptable in the context of the surrounding area and would preserve the character and appearance of this part of the Malmesbury Conservation Area. The property has been marketed for a period of over 24 months without success and therefore the change of use is considered to be acceptable in this instance and is in accord with policies C3 and H3 of the North Wiltshire Local Plan 2011.

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 implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans

LPC/3142/1
Location Plan
LPC/3142/EX/1 – Existing Plan
LPC/3142/EX/2 – Existing Elevation
LPC/3142/2A – Proposed Site Layout
LPC/3142/3A – Proposed Ground Floor Plan
LPC/3142/4A – Proposed First Floor Plan
LPC/3142/5A – Proposed Elevations

Received 29.01.13

REASON: To ensure that the development is implemented as approved.

3. No development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area.

4. No part of the development hereby approved shall be first brought into use until the parking area shown on the approved plan, LPC/3142/3A, has been consolidated, surfaced and laid out in accordance with the approved details. The use of the car parking spaces shall only be for the use staff car parking. There shall be no deliveries, visitor parking via this car parking space. 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.

5. Pursuant to condition 4, no part of the development hereby approved shall be first brought into use until details of a sign saying 'Staff Parking Only' has been submitted to and approved in writing by the Local Planning Authority. The sign shall be erected on site in a position agreed in writing with the Local Planning Authority and shall be retained on site in perpetuity.

REASON – To ensure the parking spaces remain available for staff parking at all times.

6. The extension (building) hereby permitted shall not be occupied at any time other than for purposes ancillary to the use of the site known as property known as Ashgrove House Nursing Home.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate / additional unit.

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

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

13/00244



lpc

Planning Consultants
Tel : 01285 841433



Client : Mr K and S Trowbridge

Project : Ashgrove House
Station Road
Purton

Drawing : Site Location Plan

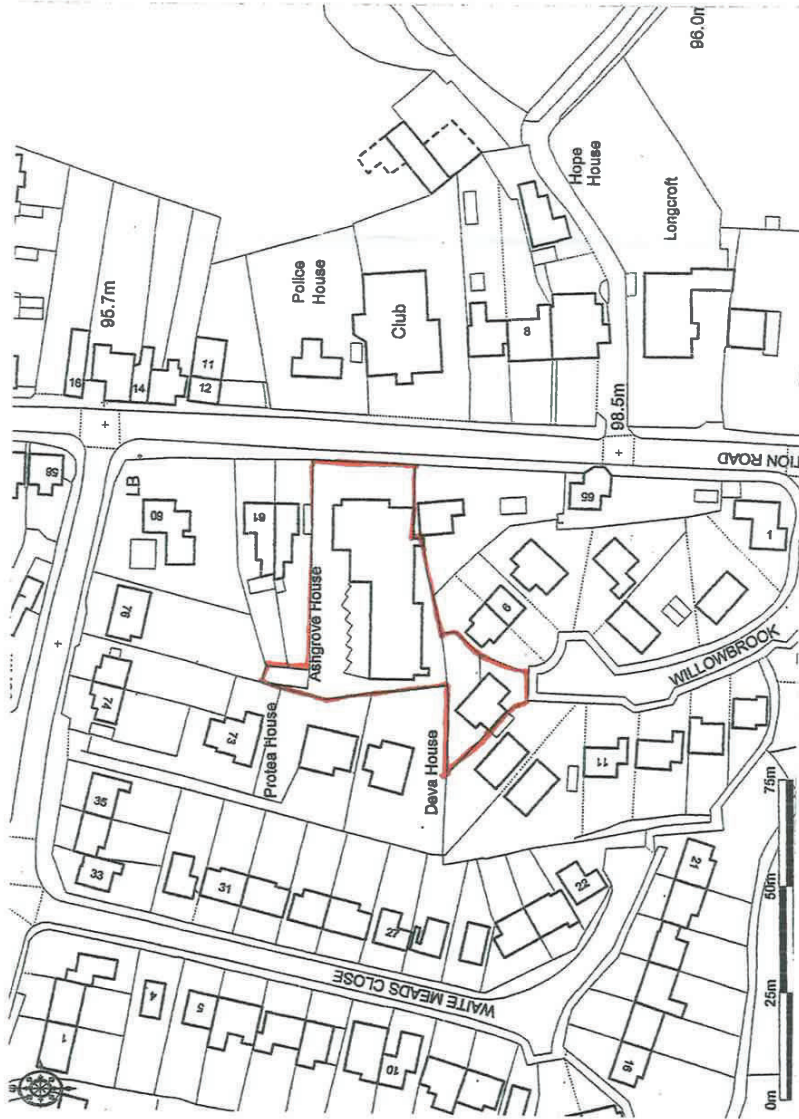


Date : November 2012

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	29th May 2013		
Application Number	N/13/00477/FUL & N/13/00478/LBC		
Site Address	The Horse and Jockey Public House, Gosditch, Ashton Keynes, SN6 6NZ		
Proposal	Change of Use of former Public House and associated land and buildings, together with refurbishment and conversion works to form a single private dwelling. Works include the demolition of modern flat-roofed extensions and the construction of a first floor extension; construction of front garden dry-stone wall; removal of commercial fixtures and fittings; and general repairs and re-decoration throughout.		
Applicant	Whitehouse and Pears		
Town/Parish Council	Ashton Keynes		
Electoral Division	Minety	Unitary Member	Councillor Berry
Grid Ref	404215 193817		
Type of application	Planning permission and Listed Building Consent		
Case Officer	Sarah Gostling	01249 706664	sarahgostling@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Soden requested that the committee consider:

- whether the pub was seriously marketed,
- Whether the pub would be viable,
- The loss of a village amenity.

1. Purpose of Report

To consider the above application and to recommend that planning permission and listed building consent be DELEGATED, subject to conditions.

Ashton Keynes Parish Council strongly objects to the change of use, which would result in the loss of a valued local facility. The Parish Council take strength in this view from a survey of parishioners, (590 leaflets distributed, 159 responses received) which showed a substantial level of support for this facility. The Parish Council also has a number of issues with regard to viability, interest shown in the pub, intent of the applicants when pub purchased, sustainable economic development in villages and use of planning system to overcome a poor business decision.

Separately from the Parish Council survey fifteen letters in support of the application have been received together with three letters of objection.

2. Main Issues

The main issues in considering the application are:

- Principle of development/policy setting;
- The loss of services and community facilities;

- Impact on designated heritage assets, being: the character and appearance of the Conservation Area and the architectural and historic interest of the listed building;
- Impact upon neighbouring residential properties;
- Access and highways;
- S106 contributions.

3. Site Description

The Horse and Jockey, listed grade II, lies on the south side of Gosditch, some 400m to the west of the village centre, within both the conservation area and the settlement development framework. The principal building sits back from the lane frontage, an open, tarmac car park to the front, bounded to the east by single-storey outbuildings. To the rear and west of the building are generous, grassed garden areas.

The oldest part of the building is the original, 2.5 storey, early 18thC cottage. The rear, 1.5 storey range was added, and then extended, in 19thC. Records suggest that the building was a public house by the late 18thC. The stable range, which dates from this period, was converted to a skittle alley in 20thC and extended to link to the main building. Also during the 20thC flat-roofed extensions were added to the north and south elevations to extend the trading and back of house areas. The ancillary domestic accommodation currently comprises four rooms (3 bedrooms) on the first and second floors.

The public house ceased to trade and was closed by the brewery in October 2011. The internal fittings were removed, following which it was sold on the open market to the applicants.

4. Relevant Planning History		
Application Number	Proposal	Decision
11/03879 PRAP	Change of use of public house to residential dwelling	
12/01280 FUL	Change of use of ground floor of public house to residential	Withdrawn
12/01281 LBC	Internal alterations associated with change of use to residential	Withdrawn

5. Proposal

The proposal comprises the change of use of use of the buildings and grounds to form a single, six bedroom dwelling.

Physically this will entail: the demolition of the two flat-roofed extensions; the removal of any remaining commercial impedimenta both inside and out, including signage, lighting, a large part of the tarmac parking area and various internal fittings eg. wcs; the construction of a first floor extension to the rear to form a bedroom and ensuite; repair and restoration to external walls, including new door and window openings; internal alterations and repairs and construction of a stone boundary wall to the north and west boundaries.

The planning application is accompanied by both a marketing report (which outlines the steps taken to market the property and the response) and a viability report (which considers the prospects for a resumption of a pub business at the premises).

Marketing Report

The property was marketed by two agents, the salient figures being as follows:

Agent 1 – 938 notifications sent, 25 viewings, 3 offers received.

Agent 2 – 768 notifications sent, 127 enquiries received, 5 viewings, 1 offer, now withdrawn.

Viability Report

The viability report concludes that the re-opening and re-establishing of the Horse and Jockey as a pub business has no sound financial basis and would be highly unlikely to be successful. This is based upon:

- The building is in poor condition, closed for business. The costs of re-establishing the business, both repairs/alterations to the building and re-equipping to modern standards, would be substantial, making it financially non-viable.
- There is already a public house in the village and re-opening a second, similar business could threaten the existence of both.
- Within a three mile radius there are 9 other public houses all providing for a different sector of the market. There are no noticeable gaps in which a new business could establish itself. In the face of this substantial competition re-opening would be a very risky undertaking.
- The likely annual running costs are estimated to be in the order of £160,500. In the light of current competition and the past track record of the Horse and Jockey achieving this figure would seem highly improbable.

6. Consultations

Environmental Health Officer – No adverse comments.

County Environment Services - This development would generate a need for a Public Open Space contribution of £1,580. The target site would be Ashton Keynes Recreation Ground.

Highway Officer – No objection, subject to the imposition of conditions to secure: the completion and proper surfacing of the access and parking area and inward opening gates.

Senior Conservation Officer – Initial comments indicated that the proposals were likely to be acceptable in principle, subject to modifications to both the design of the extension and alterations and the specification of works. More detailed comments are contained in the section on the impact of the proposals on heritage assets.

Ashton Keynes Parish Council – The Parish Council object strongly to the proposals, which represent the loss of a valued local facility.

A survey of 590 parishioners was undertaken to gauge local views on: a) the attitude to loss of this pub, b) likelihood of residents using the pub if reopened and c) the potential of the village to support two pubs.

The number of respondents was 159 (27%) of whom:

60% (95) said it would matter to them to some extent if the pub were to close;

55% (87) said they would be likely to use the pub and

50% (79) said they thought the village could support two pubs.

The Parish has a number of observations about specific issues:

- The viability test has to be objective and needs to show that a different owner could not make a success of the business;
- The marketing report shows that there was significant interest in the facility and the council is aware of at least one individual who would be interested in running it as a pub;
- The applicants bought the premises with a view to conversion so little weight can be attached to their attempts to market it, especially when a number of offers were made only to be rejected by the applicants.
- Government policy stresses the need for sustainable economic development in villages. It is important Ashton Keynes maintains a level of economic activity within the village. The loss of employment caused by the change of use is therefore considered unacceptable;
- The facility was a pub when sold and the market price should have reflected its business value. If the applicants paid more on the basis of getting a change of use it is not for a public service to facilitate such speculation.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

Three letters of objection and fifteen letters of support have been received

Summary of key relevant points raised:

In objection

- The Horse and Jockey has always been the most popular of the three village pubs and has flourished for most of the past 33 years.
- Bad management, poor landlords and lack of investment by the pub company have caused the decline.
- The village needs and can support two pubs.
- Pubs are an important part of village life and should be protected at all costs.
- The Horse and Jockey could offer facilities such as parking, outside space, pub games and a different, more traditional approach than the White Hart. So it could garner trade from those for whom the White Hart is not suited.
- The property was obviously bought with the idea of turning a fast buck.

In support

- The structure, building services and kitchen all need substantial and expensive upgrading. It is therefore no surprise that a tenant was not found as the necessary investment is likely to outweigh commercial viability. It is unlikely to have been put up for sale if the pub company could have made a profit.
- Feel that it has been proven over the past ten years that the village cannot sustain two pubs as viable businesses. If the Horse and Jockey were to have a new landlord it would only be a matter of time before both pubs closed.
- The White Hart struggles to survive as it is.
- This potentially attractive building is now an eyesore, having it cared for and restored would be a more attractive outcome for the village environment. There is a precedent in The Plough in Back Street, which is now a fine residential property.
- To protect the historic building use as a private dwelling is the only option.
- The front wall should be only 1.5m, like others on the lane.
- The boundary wall should not be built until the building work is completed so that lorries can turn easily.

8. Planning Considerations

Policy setting

- Policies C3 (general development control criteria), HE1(Development in conservation areas), HE4(Development or alterations affecting listed buildings), H3(Residential development within framework boundaries), R6(Existing local shops and services) and CF3(Provision of open space) of the adopted North Wiltshire Local Plan 2011.
- Core Strategy Submission Draft July 2012 Policies 2(Delivery strategy), 49(Protection of services and community facilities), 52(Green infrastructure), 57(Ensuring high quality design and place shaping), & 58(Ensuring the conservation of the historic environment). The Wiltshire Core Strategy is at an advanced stage, being now in process of Examination. There are currently outstanding objections to a number of policies, including 49, therefore only limited weight can be given to the emerging policies as they stand.

- Structure Plan Alteration 2016 policies HE7 (seeks to safeguard heritage assets and the historic environment) & DP9 (within or adjoining settlements previously developed land should be used in preference to undeveloped)
- National Planning Policy framework, sections: 3 (supporting a prosperous rural economy), 6 (delivering a wide choice of high quality homes), 8 (promoting healthy communities) & 12 (conserving and enhancing the historic environment).

Principle of development

The Horse and Jockey lies within the framework boundary of Ashton Keynes, and residential use is therefore acceptable in terms of the Local Plan policies for residential development and the Core Strategy and NPPF presumption in favour of sustainable development.

The loss of services and community facilities

The proposal would result in the loss of a community facility.

Policy R6 of the Local Plan allows changes of use provided that the business is no longer viable and every reasonable attempt to market the premises has been made and that there are alternative local facilities within walking distance.

The Core Strategy policy 49 states that

Proposals involving the loss of a community service or facility will only be supported where it can be demonstrated that the site/ building is no longer viable for an alternative community use.

Preference will be given to retaining the existing use in the first instance, then for an alternative community use.

Where this is not possible, a mixed use, which still retains a substantial portion of the community facility/service, will be supported. Redevelopment for non-community service/ facility use will only be permitted as a last resort and where all other options have been exhausted.

In order for such proposals to be supported, a comprehensive marketing plan will need to be undertaken and the details submitted with any planning application. Only where it can be demonstrated that all preferable options have been exhausted will a change of use to a non-community use be considered.

It is acknowledged that pub closure is a national trend, which is likely to continue unless their viability can be improved by encouraging sustainable communities and by taking a hard line on change of use applications. However the latter will not work without the former.

The NPPF requires that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

The community facilities currently available in Ashton Keynes comprise a village shop, hall, primary school, two pubs, one currently trading and a sports field and pavilion, which is available for private functions.

The marketing report has shown that, although the prospect of running a village pub is an attractive one, the particular circumstances of the Horse and Jockey have been sufficiently challenging to put off the vast majority of enquirers. The reasons behind this are suggested in the viability report: the cost of reinstatement, the high level of local competition, the presence of another pub in the village and the uncertainty, given past performance and current competition, that the business could be sustained.

It is therefore considered that a satisfactory case has been made that the business is no longer viable and that re-opening could jeopardise the future of the remaining public house, the White Hart.

The White Hart is within walking distance of the Horse and Jockey and, indeed, given its position in the village centre, it is more accessible to the village at large. So there is an alternative facility nearby and the community's ability to meet its day-to-day needs (as required by the NPPF) would not be reduced.

The emerging Core Strategy has more onerous criteria, requiring alternative community uses to be considered prior to change of use to non-community uses. As highlighted above this policy

remains subject to objections and therefore only limited weight can be accorded to it in its present form.

As outlined above Ashton Keynes is considered to have a full range of the type of community facility which could be expected to be supported by a large village. Accordingly it is felt to be unlikely that an alternative community facility could be found to occupy the building and to the extent that would provide for its satisfactory future maintenance.

Impact on designated heritage assets, being: the character and appearance of the Conservation Area and the architectural and historic interest of the listed building

The Local and Structure Plan policies (HE1, HE4 & HE7) seek to ensure that the significance of heritage assets is protected; that the character and appearance of conservation areas is preserved or enhanced and the special architectural or historic interest of listed buildings and their settings are preserved.

Core Strategy policy 58 encapsulates how development should protect, conserve and, where possible, enhance the historic environment.

The NPPF requires local authorities, inter alia, to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The optimum viable use will fund future maintenance and cause least harm to the significance of the asset (English Heritage).

Originally constructed as a dwelling the Horse and Jockey has been a public house for a considerable period of time. Originally built in two phases (18thC & 19thC) the most significant period of alteration of the original fabric has been in the latter part of the 20thC. Flat roofed extensions to front and rear, removal of internal, and parts of external, walls at ground level, a pitched roof extension to the east side, internal fittings and a tarmac surfaced car park; all have, to a greater or lesser extent, compromised the significance of this historic building and its setting. In recent time there has been a lack of investment in the fabric of the property which now requires considerable repair and refurbishment.

It is of considerable importance in conserving heritage assets that they are found a viable, long-term use, which can sustain their long-term maintenance. It is apparent that the public house use has ceased to generate sufficient funds to guarantee continuing investment in the building, accordingly, from an historic buildings point of view, the proposal to convert the building to residential would secure its long-term future.

The detailed proposals for the demolition of the flat roofed extensions, reinstatement of external walls, new first floor extension, alterations and repair/refurbishment have been the subject of detailed discussions with a senior conservation officer, and the proposals have been amended. The extension will be clad in stone to the rear elevation and render to the side under a natural slate roof, set below the existing ridge of the rear range. The openings where the flat roofed extensions are removed will be rebuilt in stone, with new windows and doors inserted. The internal plan form remains much as existing except for the removal of the pub toilets to accommodate the kitchen and the insertion of a bedroom and ensuite at the end of the former skittle alley in the stables.

The proposals will achieve significant enhancements of the building, by repairing the fabric and removing modern additions and paraphernalia which have obscured the historic form and detracted from the appearance of the building, its setting and the wider conservation area. The new extension and alterations have been designed to be subservient to the historic ranges of the building, enabling the historic progression to be read. They will enhance the accommodation and facilities whilst preserving the architectural and historic interest of the building.

It is proposed to remove of a large area of tarmac to the front of the property and to erect a natural stone boundary wall to the north and west of the site. There are already a number of stone boundary walls, with and without hedges, along Gosditch and the new walls will reinforce this characteristic and will greatly enhance both the setting of the building and the wider conservation area.

Impact upon neighbouring residential properties

The Horse and Jockey is situated centrally in its plot, in an area which is otherwise entirely residential, at some remove from the neighbouring properties. It is considered that there would be no detriment to the amenities of neighbouring occupiers should the residential use be permitted. Indeed, it could be anticipated that there would be an enhancement of residential amenities due to the reduction in traffic and potential disturbance.

Access and highways

County Highways raise no objection now that the access and parking proposals have been amended to come solely from Gosditch, rather than from the access drive to the residential properties behind. Two highways conditions are proposed.

S106 contributions.

Policy CF3 of the Local Plan requires new housing development to make provisions for open space. Where it is not possible to make that provision directly the Council will accept financial payments to remedy deficiencies in the quality or quantity of that space. County Environment Services have identified that the development would generate a need for a Public Open Space contribution of £1,580. The target site would be Ashton Keynes Recreation Ground.

9. Conclusion

Officers are satisfied that the business is no longer viable and every reasonable attempt to market the premises has been made. It is accepted that the future of the remaining active pub in the village could be compromised by the re-opening of the Horse and Jockey.

It is considered that a full range of conveniently sited, community facilities would remain available to the residents of Ashton Keynes and that, given the existing level of provision, it is unlikely that an alternative community use could be found to utilise the building on a full-time basis, sufficient to secure its long term maintenance.

The proposal is acceptable in the context of the surrounding area and indeed, would result in significant enhancements to the historic building, its setting and the conservation area, whilst not impacting upon residential amenity.

Sufficient car parking and manoeuvring space is provided within the site and the development would not be detrimental to pedestrian or highway safety.

10. Recommendation

In respect of 13/00477/FUL

Authority to grant planning permission be DELEGATED to the Area Development Manager, subject to the signing of a Section 106 agreement, for the following reason:

The Council is satisfied that the business is no longer viable and every reasonable attempt to market the premises has been made.

It is considered that a full range of conveniently sited, community facilities would remain available to the residents of Ashton Keynes and that, given the existing level of provision, it is unlikely that an alternative community use could be found to utilise the building on a full-time basis, sufficient to secure its long term maintenance.

The proposal is acceptable in the context of the surrounding area and indeed, would result in significant enhancements to the historic building, its setting and the conservation area, whilst not impacting upon residential amenity.

Sufficient car parking and manoeuvring space is provided within the site and the development would not be detrimental to pedestrian or highway safety.

The development is considered to comply with the relevant provisions of the NPPF, the Wiltshire Structure Plan Alteration 2016, policies C3, HE1, HE4, H3, R6 & CF3 of the North Wiltshire Local Plan 2011 and the Wiltshire Core Strategy February 2012.

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 sample panels of stonework for the walling to the house and boundaries, not less than 1 metre square, have been constructed on site, inspected and approved in writing by the Local Planning Authority. The panels shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved samples.

REASON: In the interests of the listed building, its setting, visual amenity and the character and appearance of the area.

3. No development shall commence on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of the listed building, its setting, visual amenity and the character and appearance of the area.

4. Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
- (ii) Large scale details of all internal joinery (1:5 elevation, 1:2 section);
- (iii) Full details of proposed rooflights, which shall be set in plane with the roof covering;
- (iv) Large scale details (1:5) of new chimney stack;
- (v) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- (vi) Full details of proposed meter and alarm boxes;
- (vii) Large scale details of proposed eaves and verges (1:5 section);
- (viii) Full details of proposed internal service routes;
- (ix) Full details of rainwater goods which shall be in cast metal;
- (x) Full details of external decoration to render, joinery and metalwork; and
- (xi) Full details and samples of all external materials;
- (xii) Large scale details (1:10) of the boundary wall.

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

REASON: In the interests of preserving the architectural and historic interest of the listed building and its setting.

5. The works shall be carried out in accordance with the approved Outline Specification of Work Rev. 17 April 2013.

REASON: In the interests of preserving the architectural and historic interest of the listed building and its setting.

6. Prior to the first use or occupation of the development hereby permitted all external signage, lighting, aerals and other commercial paraphernalia shall be removed from the buildings and their cutilage.

REASON: In the interests of the listed building, its setting, visual amenity and the character and appearance of the area.

7. 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: To ensure a satisfactory landscaped setting for the listed building and the protection of the character and appearance of the conservation area.

8. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first 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 listed building and the protection of the character and appearance of the conservation area.

9. No part of the development hereby permitted shall be first brought into use/occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The parking and turning area shall be properly consolidated and surfaced (not loose stone or gravel). The areas shall be maintained for those purposes at all times thereafter.

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

10. Any gates shall be erected to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

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

Outline Specification of Work dated 17 April 2013;

Location plan and 12.10.14, .15, .16 & .17 all dated 14 February 2013;
Site plan 12.10.19B dated 29 April 2013;
12.10.20D, .21D, .22C & .23D all dated 07 May 2013.

REASON: For the avoidance of doubt and in the interests of proper planning, the listed building and its setting.

In respect of 13/00478/LBC

Listed Building Consent be DELEGATED as works include those consequent upon the change of use.

Reason for granting Permission:

The proposed works of rehabilitation and extension, will enhance the essential architectural and historic character of the building and its setting and bring it back into beneficial use, in accordance with S.16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the National Planning Policy Framework.

Subject to the following conditions:

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
- (ii) Large scale details of all internal joinery (1:5 elevation, 1:2 section);
- (iii) Full details of proposed rooflights, which shall be set in plane with the roof covering;
- (iv) Large scale details (1:5) of new chimney stack;
- (v) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- (vi) Full details of proposed meter and alarm boxes;
- (vii) Large scale details of proposed eaves and verges (1:5 section);
- (viii) Full details of proposed internal service routes;
- (ix) Full details of rainwater goods which shall be in cast metal;
- (x) Full details of external decoration to render, joinery and metalwork; and
- (xi) Full details and samples of all external materials;
- (xii) Large scale details (1:10) of the boundary wall.

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

REASON: In the interests of preserving the architectural and historic interest of the listed building and its setting.

3. No works shall commence on site until sample panels of stonework for the walling to the house and boundaries, not less than 1 metre square, have been constructed on site, inspected and approved in writing by the Local Planning Authority. The panels shall then be left in position for comparison whilst the works are carried out. The works shall be carried out in accordance with the approved samples.

REASON: In the interests of the listed building and its setting

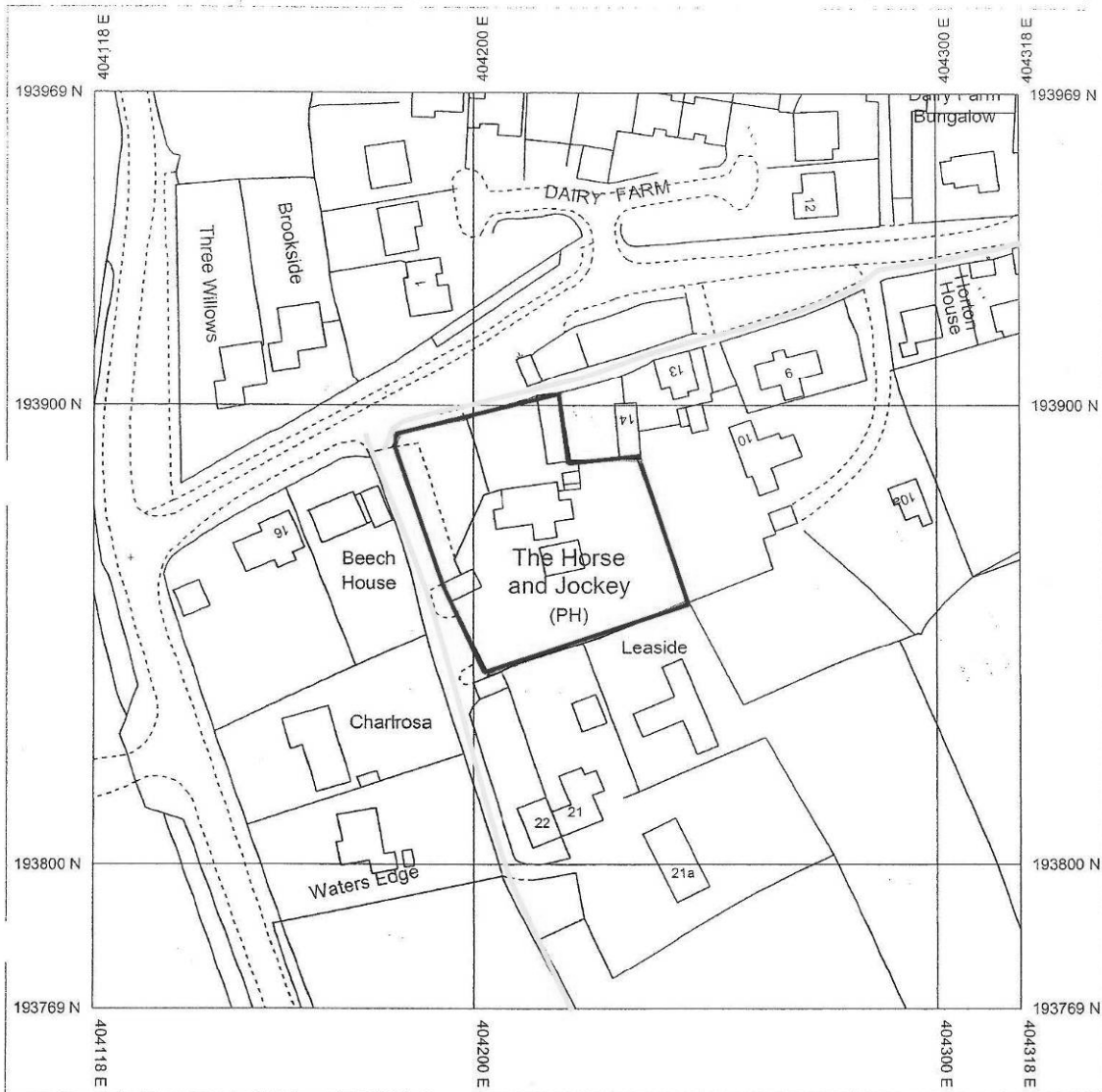
4. No works shall commence on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the works are carried out. The works shall be carried out in accordance with the approved sample.

REASON: In the interests of the listed building and its setting.

5. The works the subject of this consent shall be carried out in accordance with the following approved plans:

Outline Specification of Work dated 17 April 2013;
Location plan and 12.10.14, .15, .16 & .17 all dated 14 February 2013;
Site plan 12.10.19B dated 29 April 2013;
12.10.20D, .21D, .22C & .23D all dated 07 May 2013.

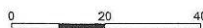
REASON: For the avoidance of doubt and in the interests of the listed building and its setting.



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Scale 1:1250

Public Footpaths AKEY 29 and14

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Supplied By: JJT Digital

The representation of a road, track or path is no evidence of a right of way.

Serial number: 001038895

The representation of features as lines is no evidence of a property boundary.

Plot Centre Coordinates: 404218, 193869

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	29th May 2013		
Application Number	N/13/00795/FUL & N/13/00870/LBC		
Site Address	8 Monks Lane, Neston, Corsham, Wiltshire SN13 9PH		
Proposal	Replacement of Garage & Outbuildings & Construction of Glazed Link		
Applicant	S Bagnall		
Town/Parish Council	Corsham Town Council		
Electoral Division	Corsham Without and Box Hill	Unitary Member	Cllr Dick Tonge
Grid Ref	387654 168157		
Type of application	Full and Listed Building Consent		
Case Officer	Chris Marsh	01249 706657	chris.marsh@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called in by Cllr Tonge in order to consider aspects of the design proposed.

1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED.

A comment of 'no objection' has been received from Corsham Town Council in respect of the development.

2. Main Issues

The main issues in considering the application are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on the privacy and amenity of existing neighbours and potential occupants
- Impact upon the Listed Building
- Impact on highway safety

3. Site Description

Monks Lane is a narrow road set in a semi-rural position between the villages of Neston and Gastard and is dotted with a series of historic properties, a number of which are Grade II-listed. The site is otherwise located in undesignated open countryside.

No.8 Monks Lane is a late 17thC cottage, the end of a terrace of three (now two). The building is finished in rubble stone with stone mullion windows, under a stone tile roof, and features a substantial 20thC extension to the North gable and a flat roofed addition to the rear. To the North of the cottage adjoining the highway is an open parking area, to the rear of which, lying roughly parallel to the house, is a flat-roofed, prefabricated garage with a shed alongside and connected to the side wall of the 1970s extension by a fence. Both structures are in a dilapidated condition and visible from the road and the northern end of the building from the approach along the lane, along with the associated parking area.

4. Relevant Planning History		
Application Number	Proposal	Decision
N/12/04107/FUL & N/12/04127/LBC	Replacement of Garage and Outbuildings and Construction of Glazed Link	Permitted

NB. The above permission relates solely to the garage and outbuildings, with the glazed link having been subsequently omitted from the scheme.

5. Proposal

The proposal comprises the wholesale removal of the external garage and shed and their replacement with a substantial extension, which is to be sited over the same land to the North of the dwelling. The replacement internal floorspace for the consolidated outbuildings is to be laid out over a footprint of 5.4 x 5.9m, providing a garage and separate store/workshop element, with a further partially-open log store on the South elevation of the building. A predominantly glazed linking section is to connect the garage and store to the external door on the northern gable end of the dwelling. This section is to be 2.3m in height, utilising a flat glazed roof, and will turn on acute and obtuse angles to address the space between the dwelling and garage/store, the closest elevations of which are not parallel, with an 'L' plan.

An asymmetrical pitched roof is to be used to cover the garage/store element, with a ridge height of 4.0m, dropping to 2.2m at the main eaves. Reclaimed clay double roman tiles are proposed for the roof surfaces, the northern of which is to contain a single conservation-type rooflight. Externally, the garage/store is to be clad in feather-edged timber with modest inset timber-framed windows and a pair of timber doors onto the driveway and rear and side timber doors. Conversely, the proposed 'link' section is to feature uPVC glazing throughout, with an initial width of 1.2m immediately adjacent to the earlier extension turning to a span of 2.4m to address the main outbuilding element. The principal North and West elevations are to be constructed from vertical glazed uPVC panels, each measuring 1900 x 700mm, mounted on a low plinth of natural stone. Timber doors with glazing in their upper part are to be positioned at the East and West ends, with a further perpendicular route between the doorways of the existing dwelling and workshop.

For planning purposes, the parking arrangements on site remain unchanged.

6. Consultations

Corsham Town Council – no objection

Conservation Officer – objects, owing to the detrimental impact of the extension on the listed building

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

No public comments have been received.

8. Planning Considerations

Principle of development

The current development plan is broadly supportive of ancillary development within the established curtilage of domestic properties, and it is agreed that the current array of ramshackle outbuildings offers an opportunity for a significant visual improvement at the site. The need for associated storage, even in conjunction with listed buildings, is recognised and therefore no objection is raised to the principle of the consolidation of these functions.

It is noted that the original cottage has previously been extended to a substantial degree, in a relatively sympathetic manner, to provide additional living accommodation. The proposal should be considered as a connected extension to the listed building, with its associated impact tested against the relevant development plan policies.

Impact on the character and appearance of the area

Insofar as the scheme impacts on the wider surrounding area, it is considered that the proposed combined outbuilding and link have only a relatively small effect. The scale of the development in relation to the existing extension has been contained, despite a slight differential in site levels that further reduces the apparent height of the timber-clad element when viewed from the East. There is also a degree of enclosure offered by the planting to the East and northeast of the site.

The apparent visual impact of the additional fabric is therefore much more localised, and principally relates to views from the immediate northwest, west and southwest. Regard should be paid, however, to the contextual comparison between the form of the proposed additions and those of a similar function in the immediate vicinity. Neighbouring ancillary structures and outbuildings are generally very simplistic and traditional in form, often simple timber sheds and lean-to's.

Impact on the privacy and amenity of existing neighbours and potential occupants

Owing to the relative position and orientation of the proposed development, no impact of overlooking or overbearing is anticipated as a result. Whilst the linking section accommodates a strong predominance of glazing, the function of this space as a through-route and non-habitable room will ensure that no meaningful impact on amenity is likely.

Impact upon the Listed Building

The appropriately understated proportions and detailing of the consolidated outbuilding are, unfortunately, undermined in the current scheme by the awkward form of the linking section, which not only introduces an alien material in the form of extensive uPVC glazing, but bears no resemblance to the design palette of the garage/store, host dwelling or surrounding area.

Whilst the earlier application maintained a suitable separation, both in physical and functional terms, between modest outbuilding and listed dwelling, it is highly likely that the development now proposed would become more 'domestic' in its use. This would fundamentally change the relationship and proportion of the listed building, to the detriment of the heritage asset and contrary to policy contained in the development framework.

It is considered that, unlike the previously-approved scheme that was subject to extensive negotiation at the time, the proposed 'link' extension would unduly detract from the character, appearance and setting of the listed building without offering any significant benefit.

Impact on highway safety

It is not considered that the proposed development will have any significant impact upon highway safety. The existing access and parking arrangements are to be replaced on a largely like-for-like basis.

Conclusion

Unlike the previously-approved scheme, the proposal amounts to a substantial extension to the listed building, rather than a straightforward consolidation of outbuildings, such that would detrimentally alter the character and appearance of the dwelling and its setting.

9. Recommendation

In respect of 13/00795/FUL

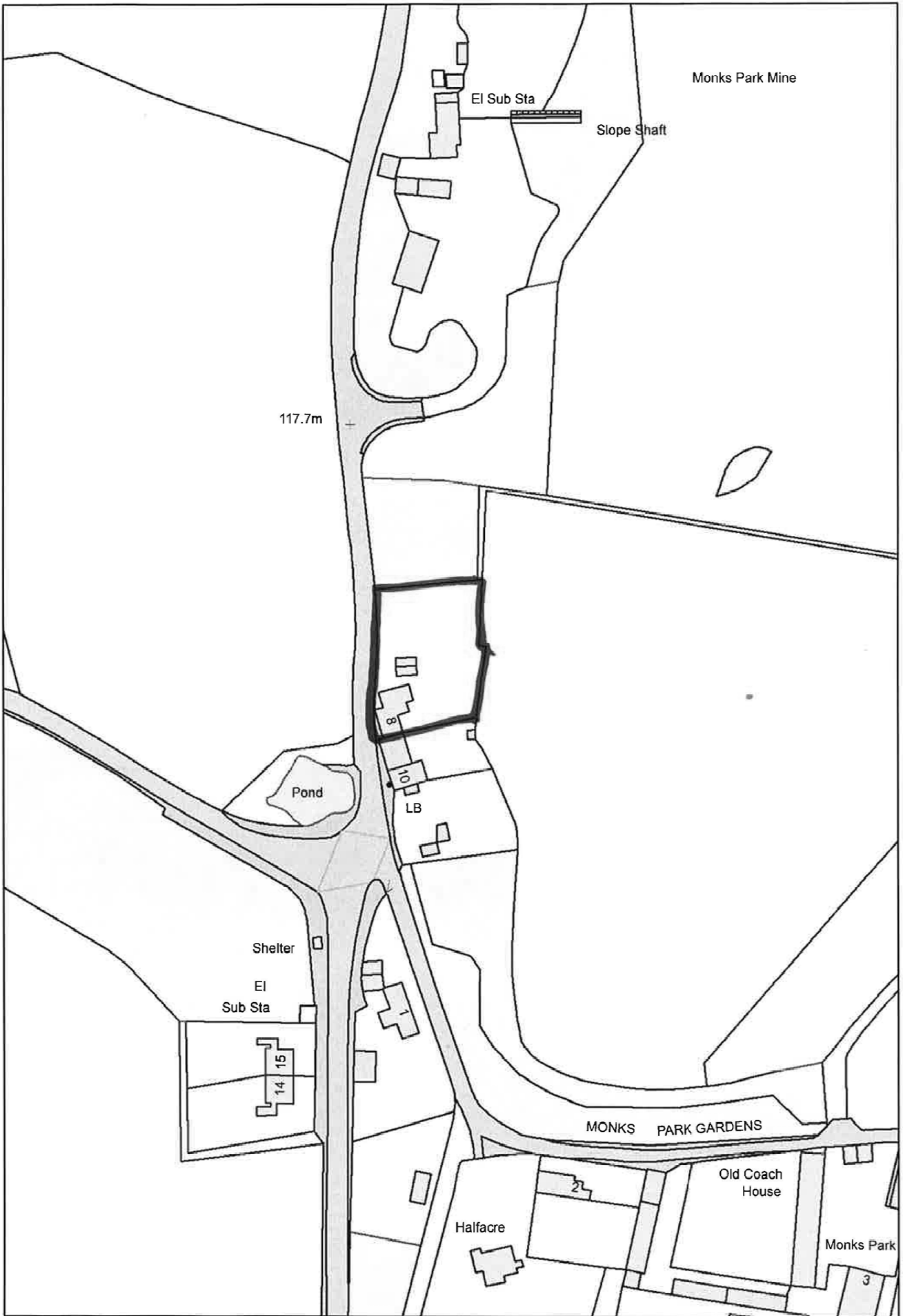
Planning Permission be REFUSED for the following reason:

The proposed development, by reason of its siting, scale, massing, design and materials, will fail to conserve or enhance the character or appearance of the listed building and its setting and therefore fails to accord with Policies C3, HE4 and H8 of the adopted North Wiltshire Local Plan 2011 and Sections 7 and 12 of the National Planning Policy Framework.

In respect of 13/00870/LBC

Listed Building Consent be REFUSED for the following reason:

The proposed works, by reason of their siting, scale, massing, design and materials, will have a detrimental impact on the listed building and its setting contrary to the provisions of The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	29 th May 2013		
Application Number	13/00846/FUL		
Site Address	8 New Road, Chippenham, Wilts. SN15 1HH		
Proposal	Change of Use from A3 to A5 Hot Food Takeaway		
Applicant	Mr Wordsworth, HPH Ltd., 6 Kingsmead Square, Bath. BA1 2AB		
Town/Parish Council	Chippenham		
Electoral Division	Chippenham Monkton	Unitary Member	Chris Caswill
Grid Ref	391883 173564		
Type of application	Full		
Case Officer	Mrs Emma Pickard	01249 706 637	emma.pickard@wiltshire.gov.uk

Reason for the application being considered by Committee

The application is being presented to the committee at the request of Councillor Caswill to consider the relationship to adjoining properties, environmental/highway impact and the loss of a restaurant opportunity and impact on the health of the commercial area.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

The Chippenham Town Council raise no objections to the application.

2. Main Issues

The main issues in considering the application are:

- The principle of development in relation to policies C3 (development control core policy) and R2 (town centre secondary retail frontage areas) of the adopted North Wiltshire Local Plan 2011; and
- Impact of additional takeaway use on the amenity of the area.

3. Site Description

The property is within the Chippenham town centre secondary retail frontage and is within a small parade of shops which includes two takeaways (nos. 9 and 10). The unit has recently been vacated by the Bridge Brasserie (A3 restaurant and cafe) which has relocated to the former Little George public house. Prior to that, the premises were occupied by a restaurant with ancillary takeaway use.

The site is also within the Chippenham Conservation Area.

4. Relevant Planning History - None

5. Proposal

This application is for change of use at 8 New Chippenham, from A3 (restaurants and cafes) to A5 (hot food takeaways). The applicant states that the premises have been marketed as an A3 use with no success to date but that there has been interest in the property as an A5 use.

The existing kitchen infrastructure will be used. The existing restaurant is equipped with extract ventilation which is at the rear of the property on a flank wall to a central courtyard and is then ducted to roof level.

The applicants are proposing the hours of use to be; Monday – Friday 10:00-00:00, Saturday 10:00-01:00 and Sundays and bank holidays 10:00-00:00.

A separate advertisement consent would be required for any new fascia signage.

6. Consultations

Chippenham Town Council has no objections.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation. No representations were received.

8. Planning Considerations

The proposal is within a Town Centre Secondary Frontage Area. The secondary shopping frontage designation (NWLP policy R2) extends over a large area from the bridge up to Langley Road and across to Hathaway Retail Park and Station Hill. In summary, the policy states that proposals for food premises (along with other A, D1 and D2 uses) will be permitted within the defined town centre secondary frontage areas of Chippenham provided that they;

- a) Do not individually or cumulatively undermine the vitality or viability of the town centre;
- b) The proposal is consistent with the scale and function of the town centre;
- c) Consideration is given to ensuring that proposals do not eliminate separate access arrangements to the upper floors, which could be used for residential, community or employment uses.

Whilst there would be a concentration of takeaway uses in this small row of units, there are a mix of uses in the surrounding area which includes a public house, charity shops, retail shops, financial offices and some takeaway premises. It is considered that, overall, the addition of an A5 use in this location would not be harmful to the vitality or viability of the town centre and would not lead to an overconcentration of takeaway facilities within the town centre.

The existing restaurant use has no time restrictions to its opening hours. In 2000, permission was granted for the change of use of no.7 New Road to a fast food takeaway. The hours of use were limited to 09:00 to 11:30 on any day. These opening hours are similar to those now proposed at no.8 (although the proposal is for a slightly later closing time). The existing takeaways at nos. 9 and 10 New Road have no opening hour restrictions. In this context, and having regard to the existing use, it is considered that the proposed opening hours would be acceptable.

With regard to impact on amenity, it is noted that there is an existing ventilation extract which will be used by the new occupants. In terms of the potential for noise and disturbance, in the context of the unrestricted existing use of the building and adjacent uses, it is considered that it would not be reasonable to refuse the application on this basis.

9. Conclusion

The proposed use would not be individually or cumulatively harmful to the vitality or viability of the town centre or to the existing amenity of the area.

10. Recommendation

Planning Permission is GRANTED for the following reason:

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development.

The proposed A5 use would not undermine the vitality or viability of the town centre and would not be unduly harmful in terms of the impact on the amenity of the area.

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 use hereby permitted shall only take place between the hours of 10:00-00:00 Monday to Friday, 10:00-01:00 Saturday and 10:00-00:00 Sundays and 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.

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

Ground floor plan scale 1:200 dated 20th March 2013.

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

