

REPORT FOR EASTERN AREA PLANNING COMMITTEE

Date of Meeting	25 April 2019
Application Number	18/11759/VAR
Site Address	Dauntsey's School, High Street, West Lavington, SN10 4HE
Proposal	Variation of condition 2 of planning permission K/42974 to allow for different surface material for outdoor sports track, with proposed landscaping to reduce visual impact
Applicant	Dauntsey's School
Town/Parish Council	WEST LAVINGTON
Electoral Division	Councillor Richard Gamble - The Lavingtons and Erlestoke
Grid Ref	399976 153650
Type of application	Full Planning
Case Officer	Morgan Jones

In accordance with the Council's 'Scheme of Delegation Specific to Planning', this application is brought to committee at the request of Councillor Richard Gamble on the grounds of the visual impact on the surrounding area.

1. Purpose of Report

To assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation to grant planning permission.

The key issues for consideration are:-

- Principle of development;
- Design and landscape character & visual amenity;

2. Site Description & Planning History

The application site relates to the playing fields at Dauntsey's School, and in particular the athletics track, which was originally granted planning permission on the 5th November 2013 under planning application ref K/42974. The planning permission was granted for the "change of use of agricultural land to use of playing field and outdoor sports facilities". The planning permission was subject to conditions which required the approved new landscaping scheme to be installed around the periphery of the land along with its future maintenance and management. The planning permission also removed permitted development rights for the erection of any form of means of enclosure on the application land. The application clearly specified that the playing fields would be grassed over apart from the areas required for field events.

On the 9th May 2008 planning permission ref K58271/F was granted for landscaping and ground remodelling to facilitate planning permission K/42974. The planning permission also involved a new vehicular access to replace the existing access off Cheverell Road, creation of a new set down and pick up facility for students and staff car parking with associated

landscaping, drainage and lighting. The planning permission was subject to conditions which required the approved new landscaping scheme to be installed around the periphery of the land, and removed the ability to install any means of enclosure or lighting without further consent. The application clearly specified that the athletics track was going to be an eight lane grass running track.

These planning permissions permitted the change of use and alteration of the land, as defined in red on the location plan shown below, from agriculture to accommodate outdoor sports facilities. The approved plans showed the position of the athletics track and playing field which were all to be of a grass surface. On the 12th December 2017 a Non Material Amendment (NMA) application was approved which allowed the layout of the athletics track and playing fields to be re-configured. The rearrangement of the sports facilities did not involve any engineering works and it was not considered that there would be a material alteration to the planning permission, in particular as all the sports facilities were to be of a grass surface. The approved location of the athletics track is shown on the location plan below.



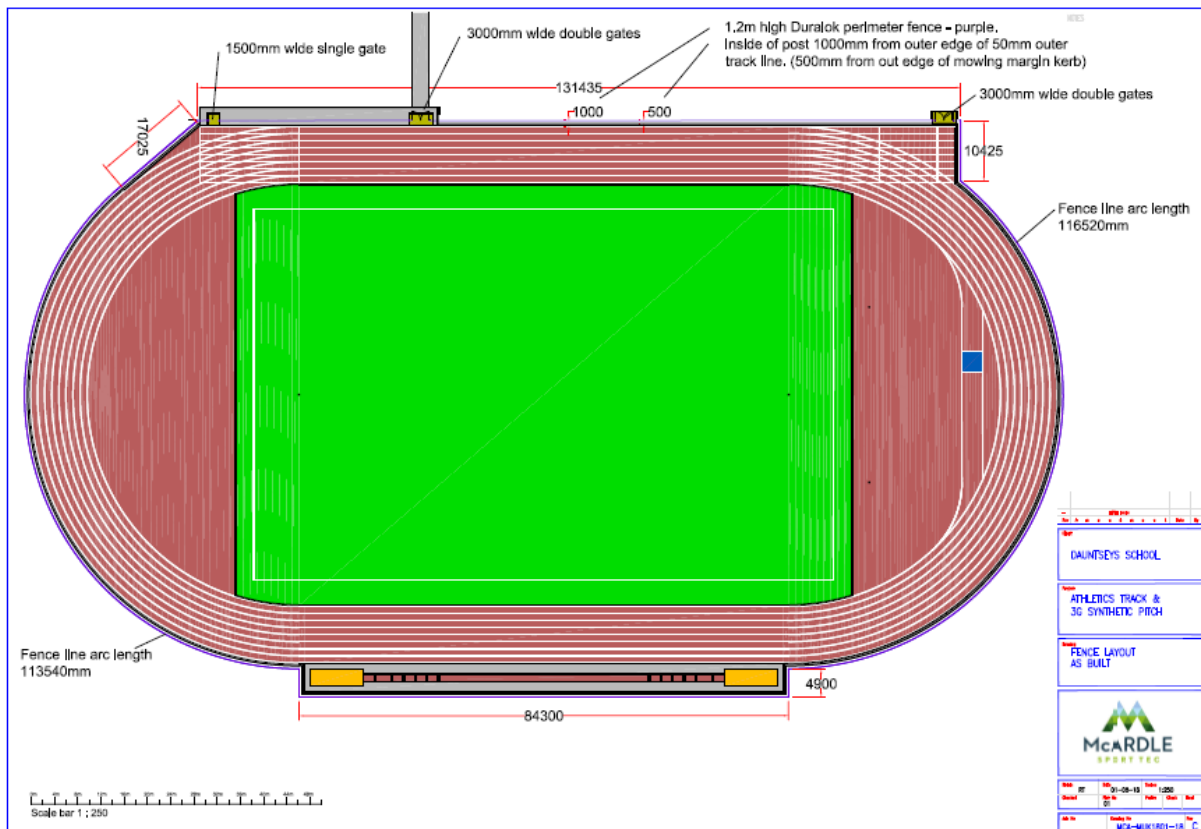
Site Location Plan

3. The Proposal

The athletics track has recently been installed in the approved location; however it has a synthetic surface and is surrounded by a white fence. The current application therefore seeks retrospective planning permission to regularise the appearance of the track and the associated fence. The application also proposes some new planting along the south western boundary of

the application site in order to screen the track and fence from views from public rights of way on higher ground to the south of the site.

The covering letter submitted in support of the application states that “This application is submitted as a Section 73A application for development already under way. The construction of the synthetic track is complete and its siting is lawful by virtue of the NMA granted in 2017 (ref: K/58271/F), which approved its relocation to the south of that originally granted planning permission in 2003 (ref: K/042974). This original planning permission did not explicitly specify the surface (i.e. grass or synthetic) in the decision notice or on the approved drawings. The synthetic track was built out on the understanding that the 2017 NMA secured the necessary consent for its location as it would not have been required if the grass track alone were being marked in a different location on the approved outdoor sports pitch land”.



Proposed Athletics Track

The application was amended on the 7th February 2019 via the submission of an updated landscaping plan and landscape management plan to address the comments and recommendations of the Council’s Landscape & Design Officer.

The Local Planning Authority requested that further amendments were made to the proposed development, in line with the recommendations of the Parish Council i.e. change the colour of the track to green, remove the fencing surrounding the track or paint it a less conspicuous colour, add further planting at the southern end of the site, and remove or camouflage the metal structure within the centre of the track. A reduction of the artificial terracotta surface where it does not form part of the actual running track was also requested. The purpose of the requests was to reduce the visual impact of the development.

The requests were however refused by the applicant. It was specified that it is not possible to change the colour of the track by a simple process of painting or dyeing it, the fencing surrounding the track cannot be removed given that it is required for health and safety reasons

to separate athletes from spectators, further landscaping is not deemed necessary because it has not been requested by the Council Landscape & Design Officer, and the metal structure referred to is a movable cover to protect the high jump mats from the weather and is therefore not development. The applicant's agent also reiterated that none of the terracotta surface can be removed or painted green because the colour of the surface is part of its make-up and therefore the only way to change the colour is to rip it up and relay. It was specified that this is not an economical or sustainable option.

The Parish Council replied stating that "applicant's rejections of West Lavington Parish Council's reasoned propositions by citing Health and Safety issues and costs (the former has been rejected by industry experts, the latter is not relevant) are not valid reasons not to undertake the required adjustments to meet Core Policy 51 and 57". It was also noted that there are no valid reasons submitted as to why the applicant should not be providing additional planting to help mitigate the adverse impact on the natural landscape of the area.



4. Planning Policy

The **National Planning Policy Framework (NPPF)** with particular regard to Chapters 4 'Decision-Making', 8 'Promoting Healthy and Safe Communities', 12 'Achieving Well-Designed Places', 15 'Conserving & Enhancing the Natural Environment' and '16 'Conserving & Enhancing the Historic Environment'.

The adopted **Wiltshire Core Strategy**, with particular regard to:

- Core Policy 51 Landscape;
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment
- Core Policy 67 Flood Risk.

The Kennet Landscape Conservation Strategy Supplementary Planning Guidance (May 2005) provides detailed information of the landscape enhancement priorities for each of the

different character areas in the former Kennet District Council Area. There are eleven different character areas as identified by the **Landscape Character Assessment** (1999). Although the former Kennet Local Plan has been replaced by the Wiltshire Core Strategy these documents continue to have full weight and are used for the purposes of implementing Core Policy 51 'Landscape' of the WCS as outlined within paragraph 6.74 of the WCS.

5. Consultations

Wiltshire Council Landscape Officer – No objection to the amended proposal.

Wiltshire Council Conservation Officer – No objection.

“The sports track is some distance from the boundaries of the conservation area and any listed buildings. The key issue is the impact on the special landscape area around the village rather than on the built heritage. I consider it more appropriate for our landscape colleagues to provide advice on this application to vary the condition”.

West Lavington Parish Council – Object to the proposal and recommends that planning permission is refused.

The Parish Council does not oppose the principle of the development but does object to the application as it currently stands. The consultation response stated that “In order to short-circuit what is manifestly a long-term solution proposed by the School, and which may never prove wholly achievable, West Lavington Parish Council considers that

- in the interests of **today's** community and its walkers' and ramblers' enjoyment of the spectacular vistas afforded by the natural environment, and
- equally importantly, in seeking to **avoid a delay** in use by students of the School and others of the track

the School should:

1. Commit immediately to making the track green in colour in a similar fashion as was required by the National Trust in relation to Stowe School's athletic track, described now as environment friendly
2. Remove the fencing altogether (as at Stowe) or camouflage it by repainting in a colour that ensures merger with the landscape – possibly brown
3. Commence planting in accordance with its supplemental proposed planting scheme, and to include planting at the southern end of the site (where no planting is proposed), the track being visible from the Ridgeway above Market Lavington (not only from Strawberry Hill) and needing eventual screening
4. Remove or disguise with a suitably coloured cladding or paintwork finish (camouflage) in place of the shiny metal, the metal structure within the circle of the track, already built without apparent planning permission, contrary to the explicit requirements of both K/042974 and K/58271/F – and not covered by the latest **Application 18/11759/VAR.**”

In addition to the above the Parish Council advised that the landscaping scheme approved under planning permissions ref K/42974 & K/58271/F was not carried out (except minimally) and the installed fence is a direct breach of one of the conditions of the aforementioned planning permissions which remove permitted development rights for means of enclosure. It was also asserted that the development should not be considered under a Minor Material Amendment application and a full planning application should be submitted for consideration.

6. Publicity

The application has been publicised via press and site notices and letters sent to properties within close proximity of the site. As a result of the original consultation exercise 1 letter of

support and 2 letters of objection were received. A re-consultation exercise was carried out following the submission of amended plans on the 7th February 2019, as a result 17 letters of support and 14 letters of objection were received.

The letters of support, which include letters from the Wiltshire Athletics Association, Wiltshire and Swindon Sport (WASP) (which is the County Sports Partnership for Wiltshire and Swindon) and Lavington - Track & Field Coaching Trust, are on the following grounds:

- It will be a very valuable and popular asset to our community as well as the school;
- Artificial tracks cost a vast amount of money and our community would be extremely lucky to have such a facility. The type of surface chosen is the most common and safest used by most of our industry, as any other type is liable to become very slippery from moss and algae build up which would be a big health and safety problem;
- The artificial surface will allow for year round use and the artificial athletics track surface is a welcome community amenity;
- An all weather surface will ensure that, amongst others, all the throwing, jumping and hurdling events can be done all year round in safety;
- The development of this athletics facility will be a benefit to the whole community as well as to the school and ensure that it is supported;
- The track will help children get into sport in the area not just in the school;
- The track is entirely appropriate, visually, within the context of the school buildings and grounds. No objection to either the red/terracotta/orange track or white railings;
- The new track is minimal when considered against and within the context of the existing and long standing visual impact of the whole site and village that can be seen from Strawberry Hill. Furthermore the track site will be mitigated over the next 5 years or so by the welcome addition of additional tree and shrub plantings.

The letters of objection are on the following grounds:-

- It has been built without the necessary planning process being followed and results in a severe visual impact on a designated special landscape;
- The process to legitimise the current build relies on changes being described as Minor Material amendments is not correct – a full plans submission should be made so that the final finish of the track and fence can be fully debated and consulted on.
- The proposed landscaping does not fully mitigate the impact the colour of the track and fence has on the landscape and will not be effective for many years. Any conditions placed on the delivery of this screen may be ignored;
- The proposal requires a number of conditions to be amended and the application does not specify which ones they wish to change or what the changes should be. It is therefore too imprecise to be a valid application;
- The wide, far-reaching views from Strawberry Hill toward Pewsey Vale are a significant visual benefit. This amenity has been adversely affected by the eye-sore red of the athletics track;
- The colour of the orange track could be changed to a less obnoxious colour;
- The development is totally out of keeping with the surrounding landscape;
- The colour of the white railing could be changed;
- The proposed landscaping will take years to mature;
- The pictures submitted on the planning website accurately reflect the huge impact it now has on the views across our parish and in particular across the Vale of Pewsey which is a protected landscape;
- The proposed landscaping indicates that what has currently been built would not be acceptable in planning terms had it been included as a new planning application;
- The landscape officer comments appear to take the starting point from the position of what has been built. In my view the negative impact which they are trying to mitigate has been caused by the building of the track without the necessary consent.

Therefore the landscape officer and the planning team must first determine whether the use of a variation clause is the correct approach;

- The landscape officer has raised no objection on the basis of Core policy 51 but I believe a comment on core policy 57 should be considered. In core policy 57 it states “*by ensuring that important views into, within and out of the site are to be retained and enhanced*” The current application does not address this important point and again this leads me to believe that the current application procedure is not correct.

Wiltshire Ramblers – Objection:-

“I would like to object to this planning application on behalf of Wiltshire Ramblers. The bright colour of the track surface is inappropriate on a site which is within the Vale of Pewsey Landscape Character Area. It does appear that, over time, the proposed landscaping will shield the track from views from Strawberry Hill but, however it will take some years to grow. Further, the site is surrounded by public footpaths on 3 sides and the landscaping proposals do not appear to address this aspect of the proposal. We would have no objection to a synthetic track if the colour was more in keeping with the surrounding landscape”.

7. Planning Considerations

The application seeks retrospective planning permission for the synthetic surface track by amending the original planning permission. Sections 73 and 73A of the Town and County Planning Act 1990 enable changes to be made to existing planning permissions. These changes are known as Minor Material Amendments i.e. changes that do not fundamentally change the scope of the original planning permission but are materially different and therefore require planning permission. In this case, planning permission is sought for a synthetic surface athletics track instead of the grass surface athletics track originally approved. The scheme also seeks retrospective planning permission for the fence that surrounds the athletics track. The fence cannot be considered ‘permitted development’ because the original planning permission removed permitted development rights via a condition for any means of enclosure. The purpose of the condition was to enable the Local Planning Authority to consider the landscape and visual impact of any new development within the application site.

The landscape and visual impacts of the development is the key material planning consideration. In terms of the planning policy background, the National Planning Policy Framework (NPPF) outlines that that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (par 170). Furthermore, Core Policy 51 ‘Landscape’ of the Wiltshire Core Strategy (WCS) outlines that “*development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and be sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies.*” Core Policy 57 ‘Ensuring high quality design and place shaping’ of the WCS seeks to ensure that development proposals enhance local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the exiting pattern of development.

The site lies within the Vale of Pewsey Landscape Character Area (Kennet Landscape Character Assessment (1999)) and the enhancement priorities relevant to this development which have been highlighted by the Council’s Landscape and Design Officer include the need to establish strong landscape structure to absorb existing or new development on the fringes of urban areas and settlements. The Officer has provided the following assessment of the amended proposal:-

“The athletics track is sited on the south western edge of the school on the fringes of West Lavington. To the south the land rises to Strawberry Hill, an outlying ridge along the escarpment bordering the northern extent of the Salisbury Plain. This ridge is crossed by the Wessex Ridgeway long distance footpath which affords extensive panoramic views northwards towards the athletics track which is particularly prominent. For this reason the LPA has requested that a robust woodland planting scheme to the site boundary is submitted, as mitigation to provide a screening and filtering function to lessen the harmful landscape and visual effects on the wider countryside.

The revised planting proposals comprise a clump of woodland planting bordering the north western edge of the athletics track and a 10 to 15m belt of proposed woodland along the existing hedge line. The native tree species include Oak, Hornbeam and Field Maple planted as large specimen trees at 4 to 5m high which will reach on average an expected 12 to 15m high at maturity given the exposed nature of the site. The native mix of scrub planting including Hawthorn, Hazel, Holly and Blackthorn will provide a dense understorey and an effective visual barrier. It is envisaged that this planting will over time become a substantial belt of woodland alongside the athletics track, which is characteristic of the wider landscape. The submitted information includes a Landscape Management Schedule for the longer term management of the woodland.

It is acknowledged that the proposed woodland planting may not screen the athletics track in its entirety from all elevated views, however it will provide an effective wooded edge to the athletics track and thereby lessening its prominence within the overall landscape. The proposed planting is also consistent with the enhancement priorities for the Vale of Pewsey LCA, and in particular to create a strong landscape edge to minimise impacts on the surrounding countryside. As such this proposed mitigation is considered to be adequate with regards to Core Policy 51”.

The synthetic athletics track has been installed on recreational land associated with Dauntsey’s School adjacent to the existing artificial multipurpose sports pitches, the majority of which are enclosed by fences and some have floodlighting. It is therefore considered there is no change to the actual character of the landscape in terms of land use and its function but there is a clear visual impact due to the terracotta colour of the synthetic surface and bright white perimeter fencing. The athletics track is not visible from the B3098 Cheverell Road or the A360 High Street which are within close proximity of Dauntsey’s School but it is visible and is a prominent feature within the landscape when viewed from higher ground to the south, although it is the larger terracotta surfaced areas within the track perimeter that draw the eye, rather than the track itself. The visual impact of these surfaced areas from direct and uninterrupted views is therefore primarily limited to what can be seen from higher ground leading to and around Strawberry Hill. This is recognised within the planning application which is why a comprehensive landscape scheme has been proposed along the south-west boundary of the recreational land to screen and soften the visual impact of the athletics track. Whilst it is recognised that the landscaping will not screen the entire track and will take a number of years to mature, it will provide an acceptable level of mitigation to the visual impact as confirmed by the Council Landscape & Design Officer. Furthermore, the athletics track is seen against the backdrop of the built up area of the School (with its red brick walls and tiled roofs) and the wider village and is not seen in isolation or against a countryside backdrop. In light of these reasons it is not considered that the landscape and visual impacts of the development are so significant that they would warrant a refusal of planning permission.

8. Planning Balance & Conclusion

The application seeks retrospective planning permissions for the synthetic athletics track and perimeter fencing via an amendment to the original planning permission (ref K/42974). The track has been installed within the approved position but the impact on landscape character and visual

amenity are key material planning considerations which now need to be considered afresh to determine the acceptability of the artificial track and associated fencing.

The athletics track will be a valuable facility to the School and wider community and will contribute towards one of the aims of both national and local planning policy which is to enable and support healthy lifestyles through the provision of safe and accessible green infrastructure and sports facilities. It is unfortunate however from a visual perspective the track itself, and more particularly, the area inset within the perimeter of the track, is of a terracotta colour, and a white fence has been installed around the track, because the facility as constructed has a much greater visual impact than the grass surface track originally approved.

The Local Planning Authority and Parish Council have both requested certain amendments to reduce the prominence of the athletics track within the landscape and its visual impact. Whilst it is disappointing that none of the recommendations have been carried forward by the applicant the application must be assessed as it stands and it is considered that a refusal of planning permission is, on balance not warranted.

The prominent views of the track are only experienced from higher ground and with time the proposed landscaping will provide an effective wooded edge to the athletics track which will reduce its prominence within the overall landscape. Furthermore, the track is seen against the backdrop of the built up area of the school and village rather than being an isolated feature within the landscape. Whilst it is considered the visual impact of the development could be reduced, the scheme must be assessed as submitted, albeit with some updates to the proposed landscape scheme, and on balance it is recommended that planning permission be granted to vary the original planning permission as follows:-

- Condition 1 provides a time limit for the commencement of development which can be removed because the development has commenced;
- Condition 2 lists the approved plans and can be updated to refer to the new plans and documents submitted as part of this current application;
- Conditions 3, 4 & 5 required the approval and implementation of a landscaping scheme along with a landscape management plan. These can be updated to refer to the landscaping scheme and landscape management plan submitted as part of this current application;
- Condition 6 removes permitted development rights for means of enclosure which should remain in place;
- Condition 7 referred to the re-grading of the land which should remain in place.

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions.

- 1 The development hereby permitted shall be carried out in accordance with the following approved documents and plans:
 - Drawing no. 1 001 Issue A (Mercers Field Proposed Site Location Plan), received 12.12.18;
 - Drawing no. 1743 2700 Issue A (Site Plan), received 12.12.18;
 - Drawing no. 1743 2710 Issue C (Proposed Planting Plan), received 07.02.19;
 - Document no. 1743-2960 Rev A (Tree & Planting Schedules), received 07.02.19;
 - Document no. 1743-3970 (Landscape Management Schedule), received 07.02.19;
 - Drawing no. MCA-MUK1801-18 Rev C (Fence Layout as Built), received 12.12.18;
 - Drawing no. MCA-MUK1801-02 Rev C (Setting Out as Built), received 12.12.18;
 - Drawing no. MCA-MUK1801-04 Rev D (Drainage Layout as Built), received 12.12.18;
 - Drawing title. Crowd barrier with half mesh, received 12.12.18;

- Drawing no.DAUNT09-OA (Proposed Sportsfield - Section Detail), approved under application K/42974;
- Drawing no.DAUNT09-OB (Proposed Sportsfield - Section Detail), approved under application K/42974.

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

- 2 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the development. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. The landscaping shall thereafter be maintained in accordance with the approved Landscape Management Schedule.

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: In the interests of visual amenity.

- 4 The regarding of the site shall only be carried out in accordance with the details shown on drawing DAUNT09-OA and DAUNT09-OB, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the visual amenity of this edge of the village site.