

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Report No.**

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

**Reason for the application being considered by Committee**

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

**1. Purpose of Report**

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

**2. Report Summary**

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

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

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

**3. Site Description**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **5. The Proposal**

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

## **6. Planning Policy**

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

Paragraph 11 – Presumption in favour of sustainable development

Paragraph 38 – Decision-making

Paragraph 84 and 85 - Supporting a prosperous rural economy

Paragraph 130 – Achieving well-designed places

Paragraph 109 – 113 – Highways

Paragraph 174 – Conserving and Enhancing the Natural Environment

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

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

Core Policy 1- Settlement Strategy

Core Policy 2- Delivery Strategy

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

Core Policy 34 – Additional Employment Land

Core Policy 48 - Supporting Rural Life

Core Policy 51 - Landscape

Core Policy 57- Ensuring High Quality Design and Place Shaping

Core policy 58 – Ensuring the Conservation of the Historic Environment

Core Policy 60 – Sustainable Transport

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

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

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

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

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

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

**Wiltshire Council Highways officer:**

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

**Wiltshire Council Archaeologist:**

No objection to the scheme proposed

## **8. Publicity**

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

### **Objections**

Sixty-three received:

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

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

## **Support**

Two received:

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

## **9. Planning Considerations**

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application and site consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); the Wiltshire Housing Sites Allocation Plan (February 2020) and the Malmesbury Neighbourhood Plan (Made February 2015).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Impact upon residential amenity**

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **11. Recommendation**

That Planning Permission is GRANTED subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. INFORMATIVE TO APPLICANT:

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

10. INFORMATIVE TO APPLICANT:

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

11. INFORMATIVE TO APPLICANT:

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

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

12. INFORMATIVE TO APPLICANT:

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