

Report for the Western Area Planning Committee

Date of Meeting	Wednesday 3 rd July 2024
Application Number	PL/2024/02246
Type of application	Full planning permission
Site Address	Trowbridge Rugby Football Club, Paxcroft, Hilperton, Trowbridge, BA14 6JB
Proposal	Retrospective application to regularise the use of part of the rugby club car park for (a) The stationing of storage and collection lockers and (b) Heavy Goods Vehicle Driving Licence training area
Recommendation	Approve with Conditions
Applicant	Trowbridge Rugby Football Club
Town/Parish Council	Hilperton CP
Electoral Division	Hilperton ED – Cllr Ernie Clark
Case Officer	Jemma Foster

Reason for the application being considered by Committee

The application has been called to committee if recommended for Approval by Councillor Ernie Clark citing the following concerns:

- Visual impact upon the surrounding area
- Car parking

1. Purpose of Report

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

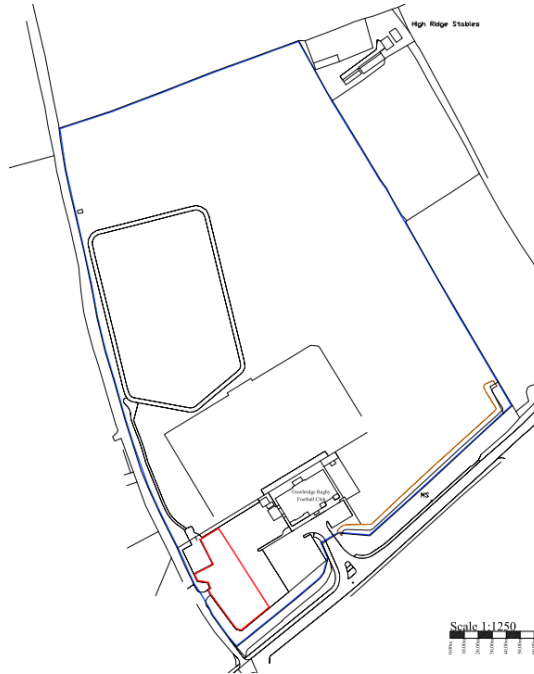
2. Report Summary

The key determining planning issue are considered to be:

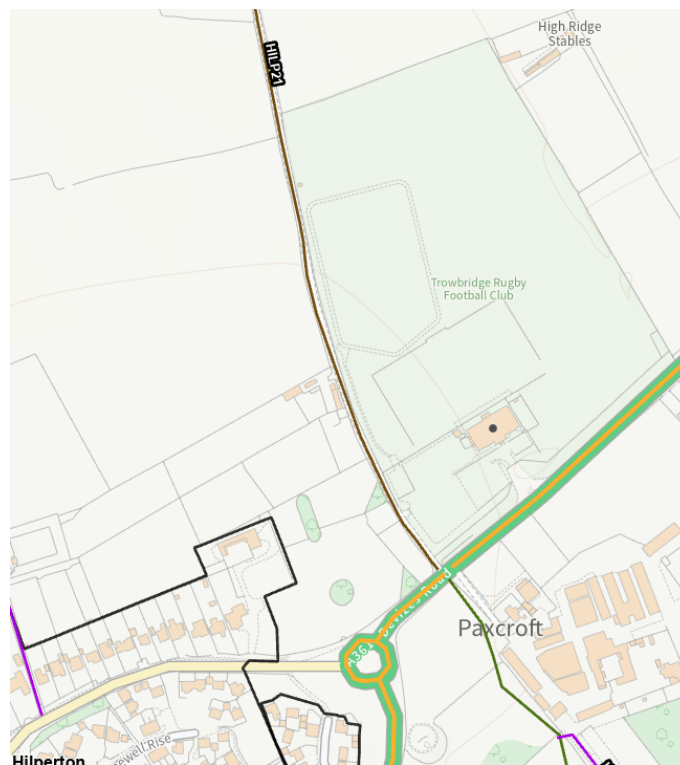
- Principle of Development
- Impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Highways

3. Site Description

The 0.17-hectare application site is shown below edged in red and forms part of the car park serving the Trowbridge Rugby Club which is located outside of the limits of development of Trowbridge and Hilperton.



A public byway runs to the west of the site known as HILP21. The settlement limits of Hilperton are shown by the black line below.



4. Planning History

19/10805/FUL – New sports facility to include a new fenced and floodlit 3G Artificial Grass Pitch and a new pavilion providing inclusive ancillary facilities to support the pitch, together with new community coaching and education rooms and a training room/gym for use by football and rugby club users. A new access road and additional parking is also proposed.- Approved with conditions

17/04354/FUL Construction of a 440m long, 3m wide path/training track around perimeter of floodlit pitch, consisting of geotechnical membrane covered with 125mm deep type 1 stone, topped with 25mm deep "Redgra" type cinder finish dressing contained by wooden edging – Approved with conditions

14/02933/FUL – Erection of two 5 metre lights at the entrance to the site – Approved with conditions

13/05726/ADV – 2 free standing entrance signs – Approved with conditions

W/12/01169/FUL – Proposed rugby ground including clubhouse, groundman's store, sports pitches with floodlighting and associated landscape bunding, access and parking – Approved with conditions:

Condition 18 of this permission states: The development hereby permitted shall be limited to D2 (Assembly and Leisure) and ancillary D1 (Non-residential Institutions) uses of the Schedule to the Town & Country Planning (Use Classes) Order, 1987, or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting that Order or without modification.

W/05/00822/FUL – Proposed rugby ground including clubhouse, groundman's store, sports pitches with floodlighting and associated landscape bunding, access and parking – Approved with conditions

5. Planning Proposal

This application seeks to regularise the use of part of the rugby club car park. At present there are three business operating from the car park. This current application has been submitted on behalf of two of the businesses – B&W Truck Training and ByBox. The unauthorised 'We Buy Any Car' office is subject to a separate planning application that is (at the time of writing this report) yet to be registered.

As part of the application submission, it is argued that in order to raise funds and support the ongoing costs and growth of the rugby club, small areas of the car park have been rented out for other business purposes.

The rugby club maintains that they were not aware that planning permission was required and have subsequently sought to regularise matters through this application (for two of the businesses).

B&W Truck Training and their sister company, B&W Recruitment (a recruitment agency specialising in HGV and non-HGV, vans and chauffeurs) operate from Paxcroft Farm, which provides employment floorspace on land also outside the settlement limits and located directly opposite the rugby club. The club car park is used Monday-Friday only by the training company who use the car park for the purpose of a vehicle manoeuvring area to train drivers to obtain Part A of their Heavy Goods Vehicle Driving Licence.

This takes place towards the western edge of the site, outside of the area of the demarcated rugby club car parking spaces. The proposed operating hours are as follows:

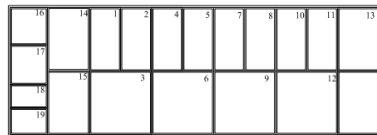
Monday 09:00hrs – 12:00hrs and 13:00hrs to 16:00hrs

Tuesday 08:00hrs – 12:00hrs

Wed/Thurs/Fri (providing ad hoc remedial/top up training as required) – 09:00hrs – 12:00hrs

The 2m high smart lockers are operated by ByBox Limited which monitor, and store equipment/parts required by businesses. A smart locker is a secure storage and distribution system with integrated computers and sensors that allows businesses and their engineers 24/7 access to the parts they need. The lockers offer the ability to scan items in and out using a mobile app and the inventory is then updated in real-time, allowing an efficient supply chain.

At the Trowbridge RFC site, a number of the lockers are used by British Gas. This means that the parts required regularly by engineers are stored in the lockers and their use is monitored. Previously, it is understood that engineers would pick up separate parcels from Royal Mail depots.



North East Elevation



South East Elevation

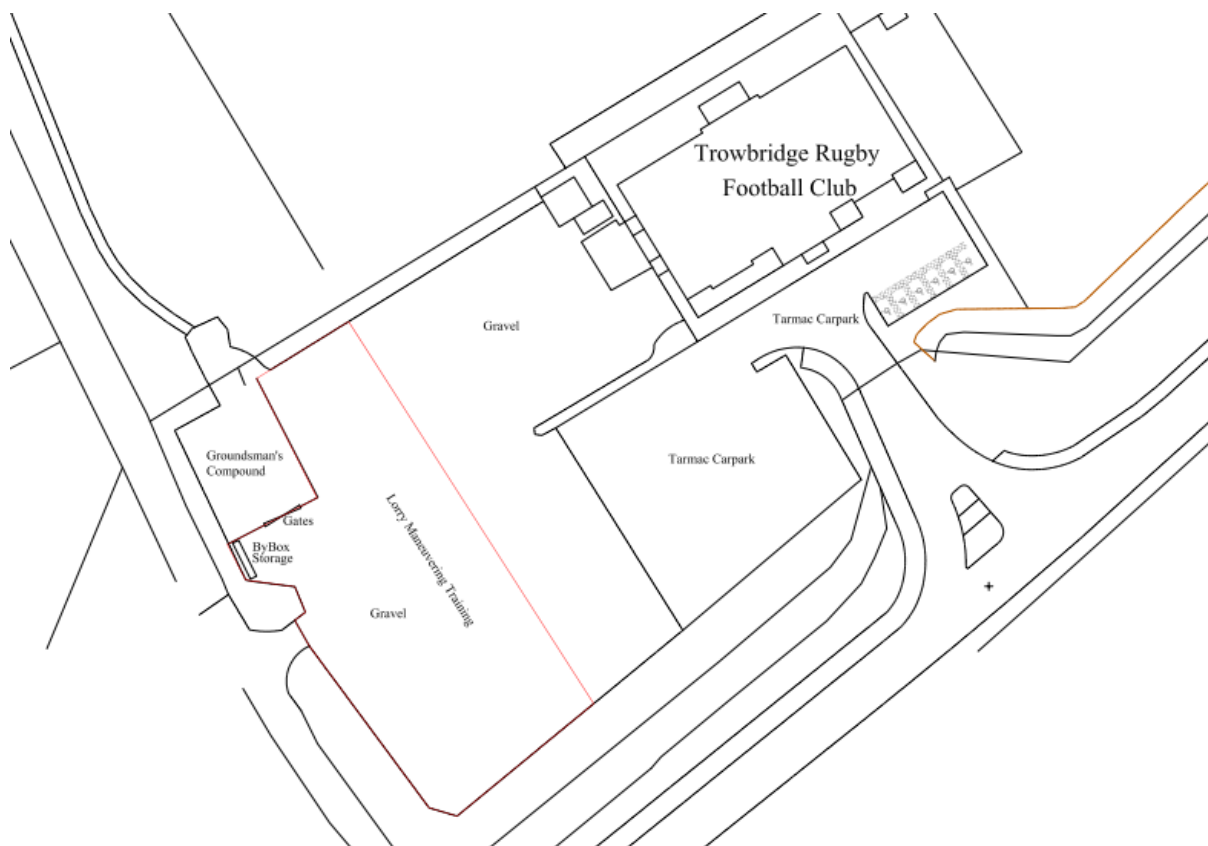


South West Elevation



North West Elevation

The ByBox storage lockers as shown above in plan form, provide a collection point for local engineers which is accessible 24/7. Although in the majority of cases, the lockers are accessed early morning or during the late evening for British Gas Engineers to collect spare parts that are dropped off overnight.





The storage locker facility (the grey cabinets) shown on extreme left of the above site photo. The lorry manoeuvring training area is immediately in front. The existing rugby club groundman's storage compound is behind the fencing adjacent to the lockers.

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

CP1 – Settlement Strategy, CP2 – Delivery Strategy, CP3 – Infrastructure Requirements, CP29 – Spatial Strategy for the Trowbridge Community Area, CP49 – Protection of rural services and community facilities, CP34 – Additional Employment Land, CP50 – Biodiversity and Geodiversity, CP51 – Landscape, CP52 – Green Infrastructure, CP57 – Ensuring High Quality Design and Place Shaping, CP58 – Ensuring the Conservation of the Historic Environment, CP60 – Sustainable Transport, CP61 – Transport and New Development, CP62 – Development Impacts on the Transport Network, CP64 – Demand Management,

Hilperton Neighbourhood Plan

The Hilperton Neighbourhood Development Plan was made on 5th November 2018 and covers the period 2017-2026

Other Material Considerations

- Wiltshire Local Transport Plan 2011 – 2026: Car Parking Strategy (March 2015)
- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- Trowbridge Bat Mitigation Strategy
- Habitat Regulations Assessment

7. Consultation Responses

Hilperton Parish Council: Objects for the following reasons:

- Safety in the fact HGV's mixing with children as there is a public play area
- Loss of car parking space would mean more vehicles using the overflow car park in Paxcroft Farm and increase in number of pedestrians (especially children) crossing the busy, 50mph A.361
- The original planning use is changed by apparent change to 'industrial' use
- Concern over possible future growth

Wiltshire Council Highways Officer: No objection

Wiltshire Council Ecology Officer: No objection

8. Publicity

2 letters of objection have been received which can be summarised as follows: -

- The existing parking is insufficient to cope with the growing demand for the normal running club and rugby club during weekend use which results in parked vehicles frequently mounting the grass verge outside the venue.
- Further overflow parking is by special arrangement with Paxcroft Farm opposite and also within the surrounding residential area causing inconvenience and congestion.
- The use of the overflow car park creates highway safety issues with large numbers of young participants and supporters/spectators at risk of an accident when crossing the main road
- The planning statement makes no reference to the on-site storage of a large B&W articulated lorry 24x7 used for training purposes which blocks at least 8 parking places.
- Should the trailer be stored off site at the weekends? Pictures of the site show no evidence of this activity.
- The list of neighbours notified is an extremely small sample. The issues of parking affect a much wider area and there are many more local residents who are not aware of this retrospective planning application.
- The proposal is contrary to a condition imposed on W/12/01169/FUL and therefore any commercial uses should be refused.

9. Planning Proposal

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.

9.1 Principle of Development

The site is located outside of, but in relatively close proximity to the limits of development for Hilperton. In granting permission for the rugby club to develop the land under application W/12/01169/FUL, the Council imposed a planning condition restricting the use of the site to be limited to D2 and ancillary D1 uses.

Both the unauthorised HGV training and the storage locker facilities are not within these use classes, and they are not ancillary to the main sporting function of the wider site, and as such, they require planning permission.

Adopted Wiltshire Core Strategy Core Policy 34 supports the use of employment development (primarily B1, B2 and/or B8) outside the principal settlements, market towns and local service centres where they are adjacent to these settlements and seek to retain or expand businesses currently located within or adjacent to the settlements.

The storage locker facility is considered as an associated B8 use and the HGV training facility use are considered to be a sui generis use.

Concerns have been raised by Hilperton Parish Council and local residents regarding changing the use of the consented sporting /leisure rugby club facility, and concerns are raised about the industrialisation of the site.

The planning condition imposed on application W/12/01169/FUL remains in place for the rugby club site, and the restrictive terms of the condition, which is copied again below, means that the Council must consider this application against policy as well as have due regard to any effects on the immediate and local area and consider the merits of the proposal.

This application site extends to about 0.17 hectares; however, the locker facility only takes up just over 12 square metres and is sited close to the fenced off groundsman's storage compound with a heavily treed backdrop as shown below.

This facility adds some additional clutter to the site's western boundary but by being sited along the perimeter of the car park, the storage facility is not considered obtrusive or inappropriate and does not compromise the essential use of the sporting/recreational use of the rugby club site.

The temporary use of the remaining part of the 0.17-hectare site would be a consistent land use when compared to the remainder of the car park. The HGV being parked on the car park should only be a short-term feature and existing planning conditions would control the use of the site when the training facility is not operational. Anything outside of the stated training hours, the site would be open for parking use associated to the rugby club.

It is important that the decision-making process for this application is only informed by material planning considerations relevant to the application. Any other proposals or other applications that are pending an assessment cannot influence the planning appraisal. Doing so would place the Council at risk of acting on an Ultra Vires basis and being exposed to an award of costs for unreasonable behaviour.

The principle of this application has been carefully considered by officers and is supported.

9.2 Visual and Environmental Impacts

Adopted WCS Core Policy 57 titled 'Ensuring High Quality Design and Place Shaping' sets out the requirements for good design.

The site is an existing loose gravel car park with unmarked parking spaces. As mentioned above, the location and extent of the storage locker facility is not considered harmful, and it does not have a deleterious impact upon the character of the site or the immediate area.

The use of the car park for HGV training is temporary in nature and when training is not operational, the site would be open to be used by other vehicles, as and when required. When travelling from Trowbridge, the existing roadside landscape treatment limits views of the extreme western part of the car park and this supplication site.

Views of the lorries when travelling west along the A361 can be obtained, but these glimpses do not manifest in substantive grounds to refuse the application. It is also noteworthy that the rugby club could have large vehicles, buses parked in association to the rugby club use for sporting events, and these would have a similar visual impact on the area.

Officers are fully satisfied that the application before the Council raises no substantive visual or environmental harm.

The following page includes some site photos illustrating the points made above.





9.3 Ecology Impacts

The site is located within the yellow 'medium' risk zone of the Trowbridge Bat Mitigation Strategy (TBMS) SPD (adopted Feb.2020). The yellow risk medium zone represents the areas where habitat has been shown to be of importance or is highly likely to be of importance for bats associated with the Bath and Bradford-on-Avon Bat SAC.

The application seeks to regularise uses of the car park which is surfaced in gravel and with there being no habitat removal or additional lighting forming part of the proposals, there are no ecology-based objections. The application has been screened out of Appropriate Assessment by the Councils ecologist who raises no objection to the scheme, subject to a planning condition on there being no external lighting installed unless subsequently approved.

The Council ecologist sought a biodiversity plan requiring additional hedgerow planting, but such a condition would not meet the legal tests for planning conditions. As shown above, the bund and existing landscape planting is considered sufficient to filter views of the existing car park and additional hedgerows are not required.

The proposal complies with the relevant parts of CP50 and does not conflict with the TBMS or the NPPF.

9.4 Impact on Local Amenity

Adopted WCS Core Policy CP57 requires that development should ensure the impact on the amenities of existing occupants is acceptable and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF (paragraph 130f) states that planning decisions should '*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.*'

The closest residential properties are approximately 150 metres to the west of the site which are considered to be of sufficient distance to ensure the ongoing uses do not cause material harm. It should also be fully appreciated that the A361 – a high volume main road, runs between the site and these nearest neighbouring dwellings.

The proposal therefore complies with CP57.

In response to the concern raised by Hilperton Parish Council regarding there being an increase in the number of pedestrians having to cross the A361 due to a lack of car parking spaces being available to the rugby club, that is a separate matter to this application proposal. The use of the HGV training facility is and would be (by condition) limited to weekdays when the club is at its quietest, when there is no demand for the off-site parking overspill area. The recommended condition would prohibit weekend use for the HGV training facility when the rugby club is at its busiest.

It is nevertheless acknowledged that the rugby club relies on use of the weekend overspill parking provision at Paxcroft Farm – which necessitates people crossing the A361. However, it is important

to appreciate that because this application would not reduce parking availability at weekends, the overspill parking issue is not a material consideration for this application, and it cannot be used as grounds to refuse the application.

9.5 Highway Impacts

Adopted WCS Core policy CP57 ix. states that proposals should ensure that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible.

The objectives of the Core Strategy as set out within policies 60 and 61 seek to reduce the need to travel particularly by private car, and to support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire; and, to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives

The NPPF at paragraph 115 states that *“development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

The site is located outside the village settlement limits but forms part of an existing consented car park and is used by the general public. The uses identified within this application cannot be said to be unsustainable.

The existing car park can accommodate approximately 170 vehicles, some within demarcated spaces. A referenced above, the rugby club have access to an overflow car park located opposite the rugby club, but this is only required irregularly. During the “working week” the car park is largely empty and used only for events taking place within the clubhouse.

The use of the car park by B&W HGV training facility would be limited in terms of Monday to Fridays and for clearly defined periods. The third party-based objection about weekend parking which would not be a material matter for this application. The parking of the training HGV/trailer would not be a permanent arrangement and the applicant has confirmed that they would accept the imposition of a planning condition to ensure it is removed from the site outside of the proposed restricted operational hours. This would then ensure that the car park would be fully available for the public during weekday evenings and at the weekends when the site is at its busiest.

The Councils Highway Officer fully supports this approach and on the basis of the above, the proposal complies with the adopted WCS CP60, CP61 and CP64, and there are no substantive highway grounds to refuse the application when tested against NPPF paragraph 115.

The Public Right of Way known as CHAP14 runs long the west side of the development and would not be affected.

9.6 Other Matters

The Parish Council have raised concerns regarding a conflict between the proposed uses and the children’s play park that is on site. The play park is on the opposite side of the rugby club site and due to the proposed operational hours of the HGV training facility, there are no substantive conflicts between the users of the training centre and the play park to warrant the refusal of the application.

10. Conclusion (The Planning Balance)

There are no adverse impacts upon the open countryside, neighbouring amenity or highways and such as, the application is recommended for approval subject to conditions.

11. Recommendation: To grant planning permission subject to the following conditions

1 The development hereby permitted retrospectively is based on the following approved plans and documents:

BDS-02-24-03 (proposed block plan), BDS-02-24-04 (storage lockers) received by the Local Planning Authority on 29th February 2024

**BDS-02-24-01 (location plan) received by the Local Planning Authority on 14th March 2024
Highways Note received by the Local Planning Authority on 10th April 2024**

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

2 The use hereby approved shall enure solely for B&W Truck Training and B&W Recruitment being identified as Lorry Manoeuvring Training on Drawing Number BDS-02-24-03 and shall operate only between the hours of 09:00 to 16:00 on Mondays and between 08:00 and 12:00 Tuesday to Fridays. No equipment including trucks and trailers associated with this consented use shall be present on the site outside of these hours. The use shall not operate on weekends or Bank Holidays.

REASON: In the interests of the users of the Trowbridge Rugby Club car park

3 The ByBox Storage area identified on drawing number BDS-02-24-03 shall only be used for the stationing of storage lockers as shown on drawing number BDS-02-24-04 and for no other use within Use Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: In the interest of parking, highway safety and neighbouring amenity

4 No external light fixtures or fittings shall be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved in writing by the Council. The submitted details must demonstrate how the proposed lighting would impact on bat habitat compared to the existing situation alongside measures to minimise light pollution. Any lighting shall then be carried out in accordance with the approved details.

REASON: to avoid illumination of habitat used by bats