

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	29 th August 2012		
Application Number	N.11.04069.FUL		
Site Address	Land at Manor Farm, Corston, Malmesbury, Wiltshire, SN16 0HF		
Proposal	Erection of a Day Nursery with Associated Access & Parking Areas		
Applicant	J R and C Eavis		
Town/Parish Council	St Paul Malmesbury Without		
Electoral Division	Sherston	Unitary Member	Councillor Thomson
Grid Ref	392318 183778		
Type of application	FULL		
Case Officer	Christine Moorfield	01249 706 686	Christine.moorfield@wiltshire.gov.uk

Reason for the application being considered by Committee This application has been called in by Cllr Thompson in order to consider the impact of the development on the character and appearance of the village and highway safety.

1. Purpose of report

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

2. Report summary

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

- Principle of development
- Impact upon highway safety
- Impact upon visual amenity and landscape character
- Impact upon neighbour amenity

The application has generated objections from the Parish Council,

There have been 5 letters of support and 42 letters of objection.

A petition signed by 74 residents has also been received objecting to the development.

3. Site Description

This site is agricultural grazing land. It is located adjacent to the main street through the village of Corston. There is an existing access to the site which serves the adjacent property and a property to the north. The site is generally flat and is located in village of Corston.

4. Relevant Planning History – the application site itself has no planning history. However, land opposite the application site in the control of the applicant has the following history.

Application Number	Proposal	Decision
99/01991FUL 99/01992LBC	Conversion of barn to holiday lets	Permission
	Conversion of barn to holiday lets	Permission
06/02304FUL	B1 Business B8 Storage distribution Use of replacement Building	Permission
08/01802fFUL	Conversion of farm buildings to provide 5 new dwellings - Resubmission	Permission
08/01815LBC	Conversion of farm buildings to provide 5 new dwellings - Resubmission	Permission

5. Proposal

This proposal is for a purpose built nursery with associated car parking play area and access.

The proposed building would be single storey and have a footprint of 416m². The building is to be divided into 4 elements internally: a young toddler's playroom; a baby's playroom; older toddler's playroom and; a preschool playroom.

Each area has its own associated facilities i.e. toilets changing area.

The building which is 'L' shaped has an enclosed south facing play area, all four areas have doors facing out into the play area.

The proposal will be for children between the ages of 0-5. It will cater for 64 children and will be open between the hours of 8am to 6pm. The nursery will be open 51 weeks a year and will require up to 20 staff.

The scheme as submitted was considered to have an industrial appearance and this was discussed with the agent.

Subsequently the design was amended and the materials altered. The building as amended is considered to have an 'agricultural' appearance which is considered more appropriate as seen from the open countryside. The envelope of the building increased marginally.

The layout of the play area was amended in order to incorporate a landscaped buffer to reduce the noise breakout which may impact on the adjacent property.

It was not considered necessary to reconsult as a result of these changes given their limited nature and on the basis that substantive objections to the application from third parties would not be overcome

6. Planning Policy

North Wiltshire Local Plan: Policies NE15; C3; CF1 T1.

In terms of the Local Plan the site is located within the countryside as Corston does not have a settlement boundary.

Emerging Wiltshire Core Strategy Pre-Submission Document February 2012, Core Policy 2 National Planning Policy Framework

7. Consultations

As mentioned above, no further consultation was undertaken in respect of the amendments outlined above.

Malmesbury and St Pauls without Parish Council- the revised application was narrowly supported. The views of the highway engineer have been recognised in that a refusal on this basis would not be justifiable.

Highway Engineer- Initial objection on grounds of the proposal "being outside of planning policy guidelines and offers concerns with regards to sustainability and in turn raises a highway objection". The following reasons were cited:

- Increased use of existing access prejudicial to road safety;
- Increased journey time (PPG13);
- Access from national primary route.

Following the submission of amended plans and additional submitted information in May 2012, the officer has confirmed:

The proposal would not require a right hand turn lane and that the site as a whole can accommodate adequate parking and drop off areas. The nature of child care does mean that visitors to the site can be spread throughout the day, with possibly a busy morning and evening drop off.

In terms of the Policy T8 objection, this was reconsidered and the officer confirmed that due to this location and the fact that it can be argued that the site is within the built area of Corston, then a refusal on this basis would be difficult to defend.

"With regards to the PPG13 objection: It is acknowledged that the new NPPF is in place which though on the surface looks as if it blurs the boundaries for objections based on sustainability, does in fact allow many of the concerns raised under PPG13 to be maintained. However in this case, the location is outside policy framework boundary... it sits between two built up areas (though on a greenfield site). As the agent argues it lends itself to the relaxation that the new NPPF framework encourages. They suggest that most of the vehicle movements will be tied in to existing patterns (i.e. people going to work) and that levels of movement are sustainable. The site is can be accessed via lit footways and could be accessed easily by cycling from the adjacent village."

Environmental Health Officer - "The unit may result in a future problem in relation to noise disturbance for adjacent residents." The following amendments were suggested:

- Building play area moved away from adjacent residents.
- Facility should be for less children

- Screening of the 'L' shaped building to reduce noise disturbance.

However, the comments were caveated that on the basis of the proposal as it is, an objection would be raised on noise grounds.

Spatial Plans Officer – confirms the weight to be attached to existing and emerging policy. Comments are in full on the file and website and replicated below.

8. Publicity

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

The Malmesbury and St Pauls Residents Association objected to the proposal on highway grounds.

42 letters of objection have been received.

5 letters of support have been received.

One petition objecting to the scheme has been received signed by 74 residents.

Summary of key relevant points raised:

- Access
- Highway safety particularly at peak times and in addition to adjacent uses.
- No need for such a facility as there are already several within the locality.
- The village does not need this facility as there are not enough children in the village and therefore this will attract traffic into the village.
- Nursery in Christian Malford is not full.
- Increased traffic generation by parent's staff and deliveries.
- Unacceptable footpath access
- Green field site, setting a precedent for further development.
- Large unacceptable development in rural location
- Converted buildings within the locality should be considered before a new build is permitted.
- Loss of amenity for adjacent residents in terms of loss of privacy, noise disturbance and visual intrusion from an overbearing built form.
- Detrimental to the character of the village
- Protected designated zone- *the site is within the countryside as indicated within the local plan 2011*
- Ruined outlook for and loss in value of adjacent houses- *not a planning consideration*
- Loss of green belt- *this site is not within the green belt.*
- Comments have been made in respect of the financing and operation of the proposed nursery. *These comments are not a material consideration.*

9. Planning Considerations

Principle of development

Corston is primarily a linear village adjacent to the A429. The village does not have a framework/settlement boundary and there is no designated Conservation Area.

In the absence of a framework boundary, the site is within the countryside as stipulated within the Local Plan 2011.

Policy CF1 states that the provision of local community uses will be permitted within or adjoining framework boundaries of villages. However in this instance there is no framework boundary to Corston.

Development in the open countryside in principal is not generally supported and therefore this proposal is not in line with the North Wiltshire Local Plan 2011. Where development fails to accord with the development plan, material considerations need to be examined to ascertain if they outweigh policy.

Information submitted by the applicant indicates that nurseries within the locality are near capacity and therefore, it is considered that there is a need for such a facility in this location. Whilst there is an assumption that a local facility will serve people within the vicinity thereby limiting the need for people to travel by car this is not something that can be controlled by the Local Planning Authority.

The agents content the following:

- There will always be a need for residents within the countryside to use their car in the absence of a realistic alternative and therefore in this instance the ease of access to this site i.e. on a major route will enable car drivers to drop off pick up on their way to/from work.
- The National Planning Policy Framework focuses on the promotion of sustainable development and the provision of accessible local services is a key issue. Paragraph 28 of the NPPF confirms that to promote a strong rural economy local and neighbourhood plans should:
 - Support sustainable growth through the expansion of all types of business and enterprise rural areas through conversion and well designed new build.
 - Promote retention and development of local services and community facilities such as shops meeting places sports venues cultural buildings public houses and places of worship.

National Planning Policy Framework (NPPF)

New national level planning guidance has been introduced in the NPPF¹. This replaces the former planning policy guidance and statement notes. The NPPF is a key part of planning reforms that simplify the planning system and focus on promoting sustainable growth.

The NPPF includes a section focused on building a prosperous rural economy and states:

“Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development”.

It then sets out a number of objectives *that local and neighbourhood plans should achieve* and this includes the aim to:

“promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship” (paragraph 28).

¹ Published on the 27th March 2012.

It clearly promotes the provision of sustainable community facilities in villages. It states however that this must be encouraged through local and neighbourhood plans and these plans must ensure other planning factors are taken into account to ensure the facilities are in sustainable rural locations.

The NPPF also enables communities to have greater input in development in their area through neighbourhood planning.

Wiltshire Core Strategy Submission Document

The Wiltshire Core Strategy is now at submission stage. The Wiltshire Core Strategy Submission Document was formally approved for publication by Wiltshire Council on 26 June 2012. Following this decision Wiltshire Council submitted the Wiltshire Core Strategy to the Planning Inspectorate on 10 July 2012 for the purpose of initiating an independent public examination. The document carries greater weight as the process moves forward.

The NPPF was published during the development of the core strategy. As assessment has been carried out to ensure the document is in general conformity with the NPPF², the core strategy does therefore reflect the emphasis on enabling and promoting sustainable growth and development in the county in the right locations.

In rural areas the settlement strategy in the core strategy submission document identifies two tiers of rural villages: Large and Small Villages. Core Policy 1 states that development at Large and Small Villages will be limited to that needed to meet housing needs and improve employment opportunities, services and facilities.

Core Policy 2 sets out the delivery strategy and provides more detail on where and when in these Large and Small Villages development is acceptable in planning terms.

Corston is identified within the document as a Small Village. At Small Villages: **“development will be limited to infill within the existing built area”** (page 30). Proposals in the Small Villages for services and facilities can be supported where they meet a need for such a service or facility and provided they meet the following three criteria:

- i. Respects the existing character and form of the settlement.
- ii. The proposal does not elongate the village or impose development in sensitive landscape areas.
- iii. Does not consolidate an existing sporadic loose knit area of development.

The judgement has to be made as to whether there is a genuine need for the proposal and that these three criteria are met.

It is not considered that the development respects the existing character and form of the village as it creates a lung of development encroaching into the countryside. The existing site is an area of green within the length of Corston that is visible from the main road and does form an important part of the village's character.

The development results in the loss of this green area of land within the village's length. However it is recognised that the proposal does not elongate the village.

The draft Core Strategy Pre-Submission Document is still draft and in line with this it is necessary to judge whether this can be classed as infill development, or that the impact would not be greater than that of infill development.

² A report on the conformity of the core strategy pre-submission document to the NPPF can be found on the following link:

Whilst it is recognised that this site is located within the length of the village, the village is one that is predominantly linear with green areas encroaching in between the built areas. This site is quite noticeably an area where the development is sparse and where there is a clear gap in the built up area. The proposal is not considered to be justifiable as infill development as it is beyond the edge of the built up area. It proposes the development of a green field site which will create an area of development which encroaches into the countryside. It is recognised that this is a matter of judgement but it is considered that if a development boundary was in place this site would clearly be outside of that.

Consideration has to be given to whether the community and economic benefit this proposal would bring could justify the provision of a service that is not classed as infill.

As outlined above, notwithstanding that existing nurseries between Chippenham and Malmesbury are operating at or near capacity, there is nothing to suggest that this facility will serve the specific community of Corston, nor can it be controlled. It is accepted that the proposal has potential to increase employment opportunities but it is not considered that this should outweigh adopted and emerging development plan policies.

Community input

The Localism Bill and NPPF focus on empowering local communities and enabling them to have the opportunity to shape the development of the settlement they live within. The community opinion on this proposal should also be included in the decision making process. In this instance there has been an indication that numerous residents and the residents association are not in favour of this proposal.

It is recognised that for a proposal to be acceptable it must be shown to bring economic and community benefit to the village of Corston. Wiltshire is a predominantly rural county and sustainable development must be enabled in rural settlements to enable them to function effectively. The NPPF encourages sustainable growth in rural villages.

The draft Wiltshire Core Strategy Submission Document application of encouraging sustainable growth in rural villages is to enable growth in or on the edge of Large Villages, and for it to take the form of infill development at the smallest rural settlements identified as Small Villages. Corston is identified as a Small Village

Therefore, in the absence of specific policies in relation to such a proposal this development must be considered on its merits and in line with the spirit of local Plan policies, emerging policies and central government advice. This is a finely balanced decision, however, it is not considered that this site can be seen as an infill site and as such the principle of this development in the absence of local support cannot be justified as being acceptable.

Impact upon highway safety

The main issue raised by interested parties in relation to this application has been the impact that this proposal will have on traffic generation and the fact that this site is situated adjacent to the main A429 which is the main road between Malmesbury and Chippenham providing access to the M4.

Highways Officers had concerns in respect of this proposal in relation to the access to the site. The amended plans have addressed the issue of the access to the site. These submitted details are now considered to be acceptable. The access is located within the

30mph area and therefore vehicles manoeuvring into and out from this site should not create a traffic hazard.

A dedicated right hand turn lane was considered but it is not felt to be necessary given the speed limit in this area.

In addition, the Highway Engineer raised initial objections to the proposal on the basis that the proposal conflicted with the key aims of planning policy guidance PPG13 which seeks to reduce the growth in the number of journeys by car.

In March 2012 the National Planning Policy Framework cancelled PPG13. The main focus of this is to promote sustainable development and the provision of accessible local services is a key issue. The agent has stated that in relation to the desire to support a prosperous rural community paragraph 28 of the NPPF confirms that to promote a strong rural economy local and neighbourhood plans should:

- Support sustainable growth through the expansion of all types of business and enterprise rural areas through conversion and well designed new build.
- Promote retention and development of local services and community facilities such as shops meeting places sports venues cultural buildings public houses and places of worship.

It is recognised that there is no specific guidance given in relation to nurseries.

It is accepted that a use of this nature is likely to be used by residents in the surrounding villages who are likely to be travelling by car to adjacent towns or accessing the M4.

With regard to the Structure Plan policy T8 concerns were expressed by the highway engineer on the impact the development would have on the road which is classed as a 'National Primary Route' within the stretch of road where there are speed restrictions. On balance therefore the Highway Engineer has withdrawn this objection to this proposal.

It is not considered therefore that the proposal would create a traffic danger and the means of access is considered acceptable. No objection has been raised to the level of car parking and or the layout of the car park within the site. The site can be accessed by footpath and or cycles.

This proposed nursery in terms of its impact on highway safety is considered to comply with Policies T1 and C3 contained within the Local Plan 2011.

Impact upon visual amenity and landscape character

The scheme has been amended following discussions with the agents. The initial scheme submitted was considered to have an industrial appearance which was not considered appropriate in this location. The building design was amended to give a more agricultural appearance to the building as seen from the open countryside to the North and South West. This has been achieved through the greater use of vertical boarding and amendments to the fenestration.

The applicant has agreed to the planting of a landscaped belt outside the site but adjacent to the boundary and on land within the ownership of the applicant.

Sections through the site provide information in respect of the appearance of the building as seen from the road coupled with the impact on the adjacent dwelling.

The site is classed as being within the countryside (Local Plan 2011) with regard to its impact the development must be seen to conserve and enhanced the character and appearance of the countryside (Policy NE15). Development will be permitted if it does not adversely affect the character of an area and the features that contribute to its distinctiveness.

In this instance the distinctive character of the area is that of relatively level agricultural grazing land. There are native hedges delineating the boundaries between fields. This development results in agricultural land being developed and encroaches into the countryside at this point further than the surrounding buildings. This development is set away from the road and in this instance the rear boundary of the site protrudes into the countryside but it is accepted that it does not extend beyond the existing development limits of Barton Way to the South West.

The proposal, as a matter of principle conflicts Policies NE15 and C3 of the Local Plan in this respect.

Impact upon neighbour amenity

The Environmental Health Officer objected to the development given the position of the play area in relation to the adjacent residential units both on the main road and Barton Way.

A screen fence, as part of a landscaping belt is proposed which would offer limited protection for adjacent residents.

Limiting the number of children in the play area at one time in conjunction with the hours of operation is still being discussed with the agent.

As the property is in the applicants ownership it is proposed that the nursery manager would occupy the adjacent dwelling and therefore, the level of noise disturbance to the immediate neighbour would be considered to be less of an issue, but only on the basis that the dwelling were tied to the business. No tie has yet been agreed with the applicant.

The other surrounding residential units are at a distance (100m to Barton Way) from the proposal however it is considered on the basis of the scheme at present and the information available, that the proposed development would give rise to noise disturbance to neighbours adjacent to the site and therefore is contrary to Policy C3 of the Local Plan 2011.

With regard to outlook it is not considered that the development would impact on adjacent dwellings in terms of loss of privacy as the building is set well away from neighbours and is single storey. In this respect the proposed development complies with policy C3 of the Local Plan.

10. Conclusion

On balance it is considered that this proposal will not create a highway safety problem in terms of the numbers of vehicles it attracts and the position of the access in relation to the A249. The building is of an acceptable design. However a development of this nature without strong local community support cannot be justified. The site is within the countryside and is not considered to be an infill site within the built up limits of the village and therefore is contrary to Policies CF1 NE15 and C3 of the Local Plan 2011 and also Core Policy C2 of the emerging Wiltshire Core Strategy.

11. Recommendation

Planning Permission is REFUSED for the following reasons:

1. The proposed nursery development, in the absence of any framework boundary for Corston, is located within the open countryside. The site is not considered to be an infill site having regard to the character, built form and appearance of the area and is therefore, contrary to saved policies C3, CF1 and NE15 of the adopted Local Plan 2011 and Core Policy C2 of the emerging Wiltshire Core Strategy.
2. The proposed development would be likely to give rise to an unacceptable level of noise disturbance to adjacent residents to the detriment of their residential amenity and therefore does not comply with Policy C3 of the Local Plan 2011.

