

**MELKSHAM WITHOUT: PROPOSED CONSTRUCTION OF A REPLACEMENT  
GEORGE WARD SCHOOL FOR 1,350 PUPILS, INCLUDING ASSOCIATED PLAYING  
FIELDS, SITE ACCESS, PARKING AREAS AND OFF-SITE HIGHWAYS WORKS AT  
WOOLMORE FARM, DEVIZES ROAD, BOWERHILL, MELKSHAM.  
(Application No. W/07/09007)**

**Purpose of Report**

1. To consider the above application and to recommend that conditional planning permission be granted.

**Background**

2. This application was originally determined by the Committee on 19<sup>th</sup> September 2007 and, following referral to the Secretary of State who directed that she did not want to call in the application, the planning permission was granted on the 5<sup>th</sup> December 2007. The application is before the Committee again for redetermination as a consequence of the planning permission dated 5<sup>th</sup> December 2007 being quashed by the High Court on 4<sup>th</sup> April 2008. This was necessary due to the summary of reasons for approval not being included in the planning permission schedule. This resulted in failure to comply with the requirements of Article 22(1) of the Town and Country Planning (General Development Procedure) Order 1995. However, the application is still an extant application and now falls to be determined in the light of any changes in circumstances since the original determination 19<sup>th</sup> September 2007 and also so as to take into account concerns raised by the Claimant to the High Court proceedings.

**The Site**

3. The application site is within part of Woolmore Farm that is located to the south-east of the town of Melksham. The A365 (Devizes Road) runs immediately to the south-west of the proposal area, separating the application site from the large residential and mixed use expansion area of Bowerhill. To the east lies countryside that is largely in agricultural use whilst to the north lies Clackers Brook with the residential Snarlton Lane beyond. The Grade II\* listed Woolmore Farmhouse stands to the west of the site with the Grade II listed Spa houses further to the north. The application site comprises Grade 3 agricultural land; predominately flat with a number of established hedgerows and trees, the most notable of these being the protected Cromwell Oak.
4. Location and site plans are attached at **Appendices 1 and 2.**

**Proposals**

5. The proposed school is part of the Government's Building Schools for the Future (BSF) One School Pathfinder programme funded largely by the Department of Education and Skills (DfES). Under this programme Local Authorities were invited to bid for funding to build a single secondary school as a 'pathfinder' for the larger later programme in order to gain recent experience of the commissioning, design and construction of a new secondary school.

6. Building Schools for the Future is the Government's new approach to capital investment in schools. The intention of the programme is to promote a step-change in the quality of education provision and to address decades of underinvestment in school buildings. As part of the BSF programme, a number of Authorities who fall into later funding waves have been offered 'One School Pathfinders'. These pathfinder projects represent the opportunity to re-build one school in the county as a 'down-payment' on funding to be received in later years, in Wiltshire's case 2016 or later.
7. The submitted 'Design and Access Statement' asserts the five main design principles driving the proposal:
  - (i) The development of a form and location for the school that would be appropriate to and respects the nature of the site and its features.
  - (ii) The development of a plan that reflects the educational aspirations of the School and the County Council.
  - (iii) Architecture that would enhance and reflect the requirement for a low energy sustainable approach to design.
  - (iv) A design that would seek to mitigate the impact of the additional pedestrian and vehicular access that the new school will create on the surrounding area and also enhance safe routes to school for pupils.
  - (v) A design that promotes the idea of the school as a community resource.
8. A series of criteria were established by the Applicant to enable a shortlist of three schools to be further examined. The shortlisting process is referred to in more detail later in this report. The proposed site for the school on Woolmore Farm was selected by the Cabinet of Wiltshire County Council in March 2006.
9. Planning permission is sought for the construction of a replacement George Ward School for 1,350 pupils, consisting of 1,150 pupils and a sixth form of 200 students. The application site extends over approximately 19.7 hectares of land and includes associated playing fields, site access, parking areas and off-site highway works.
10. The proposed school would be predominately two storey with roof forms varying between flat and pitched, punctuated by roof lights and ventilation stacks. The design incorporates timber cladding with some areas of brick and render for the elevations and metal and glass for the roof. The buildings would be organised in a campus form as a series of 'villages' arranged around a central 'forum'. The larger spaces such as the hall, library, I.T. suites and lecture theatre are proposed as community facilities and are consequently arranged around the main visitor entrance. A plan showing the proposed layout of the school is attached at **Appendix 3**.
11. The sports facilities are intended for community use outside of school hours and would consist of one Multi-Use Games Area (MUGA), one All-Terrain Pitch (ATP), one athletics track with a large pitch and 2 medium sized pitches, 1 additional medium sized pitch and 4 small pitches.

12. The application site would be accessed from the A365 between the Bowerhill roundabout and the access to the new residential area to the south. The proposal predominately separates pedestrians and cyclists from vehicular traffic and also separates bus and car entry to provide priority to buses entering the site.
13. Parking is proposed at a level where staff and visitors are allocated 116 spaces and the parental drop off 58 spaces allocated for parents and pupils in the second year sixth. The pupil drop off area within the site would be used as a community car park out of school hours. The application also provides for covered and secure cycle facilities on site for pupils and staff.
14. A number of off-site works are also proposed involving three pedestrian crossings, bus stops, widening of existing footpaths and creation of new footpaths to serve the school, 'gateway' features along the A365 demarcating the school and the reduction of the current 60 mph speed limit to 40 mph in the vicinity of the proposed school.

### **Environmental Impact Assessment**

15. A request for a Screening Direction was made to the Secretary of State pursuant to regulation 22(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 in February 2007. The Secretary of State stated that she considered the proposed development of George Ward School at Woolmore Farm to be a 'Schedule 2 development' within the meaning of the 1999 Regulations. However, in her opinion and having taken account of the selection criteria in Schedule 3, the proposal would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Consequently, the Secretary of State directed that the proposal is not 'EIA development' within the meaning of the 1999 Regulations.

### **Planning Policy**

16. The following Development Plan policies are considered relevant to the determination of this planning application:
  - Policies EN1, EN3, RE1, RE2, RE6, TCS2 and TRAN10 of RPG 10: Regional Planning Guidance for the South West.
  - Policies C1, C3, C12, DP1, DP3, HE7, RLT1 and T5, of the Wiltshire and Swindon Structure Plan 2016 (Adopted April 2006).
17. Existing Local Plan policies were saved for three years following the Planning and Compulsory Purchase Act 2004, while new LDF planning policies were developed to replace them. In order to "save" any Local Plan policies beyond September 2007, local authorities have been required to make a request to the Secretary of State, justifying the retention of each. In deciding which policies to "save", the Secretary of State took into account various factors, including whether policies were locally distinctive, in conformity with the Regional Spatial Strategy, and not merely repetitive of national policy. The majority of policies from the West Wiltshire District Plan 1<sup>st</sup> Alteration 2004 were "saved" and those relevant to the proposal are set out below:
  - Policies C1, C6a, C31a, C32, C34a, C35, CF1, H6, R11, T10, U1a and U4 of the Adopted West Wiltshire District Plan 1<sup>st</sup> Alteration (June 2004).
18. All relevant planning policies are set out in the attached **Appendix 4**.

## **National Land Use Policy**

19. National Planning Policy comes in the form of Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs). PPGs and PPSs of relevance to the determination of this planning application are as follows:

- PPS1: Delivering Sustainable Development, 2005
- PPS 7: Sustainable Development in Rural Areas, 2004
- PPS 9: Biodiversity and Geological Conservation, 2005
- PPG13: Transport, 2001
- PPG15: Planning and the Historic Environment, 1994
- PPG 17: Planning for Open Space, Sport and Recreation 2002
- PPS 22: Renewable Energy, 2004
- PPS 25: Development and Flood Risk, 2006

## **Consultations**

20. **Local Member, Mr. R. While** – no comments received.
21. **Local Member, Mrs. M. White** – no comments received.
22. **Regional Planning Body** – advises that the application is not considered to be of a strategic nature and therefore makes no comments.
23. **West Wiltshire District Council** – welcomes the proposals in principle subject to the County Council being able to demonstrate justification for the school on this greenfield site. Particularly welcomes the community use of the school facilities to help meet local demand for sports pitches and the possibilities that arise with respect to joint indoor facilities. Query the levels of CO<sub>2</sub> emissions and use of renewable energy within the proposal. Expresses major concerns about the impact of the proposals on nearby listed buildings, most notably, Woolmore Farm, and their setting and the need to provide comprehensive mitigation measures to reduce this impact. Consider such measures would need to include securing an appropriate and viable future for existing farm buildings at Woolmore Farm and adjoining fields and paddocks to the north which are outside the application site but key to the setting of this listed building.

## **Policy**

The Local Development Framework supports the need for new educational facilities. However this is a greenfield site outside policy limits and is therefore a departure from the LDF. The applicant must fully justify the need for the development on this site.

## **Building Conservation**

Major concerns that the proposals do not fully recognize the significance of adjoining listed buildings at The Spa and Woolmore Farm, particularly the latter, and their setting. Currently these buildings have open country on their northern side. It is not considered that the submitted mitigation measures put forward were adequate. Further and more detailed measures are needed to secure the mitigation of the effects of the proposed school on the listed buildings which must include putting in place appropriate and viable future uses for existing farm buildings and retaining the associated fields to the north of Woolmore Farm.

## Leisure

The proposals offer a suitable package of community access to the sports facilities.

## Landscape

No objections subject to conditions relating to an arboricultural method statement, the submission and implementation of a detailed landscaping scheme and that the development would be in accordance with the submitted Landscape Management and Maintenance Plan.

24. **West Wiltshire District Council - Environmental Health Officer** – no objections subject to the imposition of a number of conditions relating to sewerage, contaminated water, noise and lighting.
25. **Melksham Town Council** – welcomes the application, considering it to present new and exciting designs. Feel it would be good for Melksham and would improve the educational environment for the pupils. However, the following concerns are raised:
  - The access to the site needs more consideration.
  - The speed limit on the A365 needs to be reduced from 40 mph to 20 mph during the school opening and closing times.
  - Further designs requested incorporating railings on parts of the A365 route to school and plans to address the narrowness of the footpath in places.
26. **Melksham Without Parish Council** – welcomes in principle the opportunity for Melksham to have a new secondary school but have a number of objections and comments as follows:
  - Objects to the school only having one entrance and not being sited further north to facilitate a second entrance from the proposed new distributor road.
  - The proposed 2.8 metres footways along the A365 with possible cycle use to the school are considered unfit for purpose.
  - Objects to the proposal to impose a 40 mph limit on the A365 outside the school, considers this should be lowered to 30 mph.
  - Consider there to be a lack of on-site parking for parent drop and are concerned about the possible parking in residential side roads that may occur as a result.
  - Suggest restrictions on hours of working during the construction period.
27. **English Heritage** – concerned that the new school would introduce a large complex of substantial buildings into close proximity with Woolmore Farmhouse. Considers that the proposal would result in the urbanisation of a rural site and has adverse impacts, most notably on the setting of Woolmore Farmhouse. Further considers that the initially proposed mitigation did not go far enough to offset the damaging impacts for the Grade II\* Listed Building and therefore wished to see the package of mitigation measures strengthened and extended in order to address the short-term and long-term implications of the proposal.

28. **Natural England** – no objection subject to planning conditions being put in place to ensure that the development is carried out to the recommendations noted in the ecological impact assessment and mitigation strategy.
29. **Environment Agency** – no objections but recommend a number of conditions pertaining to surface water drainage, surface water run-off and surface water storage capacity.
30. **Sport England** – supports the principle of the proposed new school and believe it would provide good quality opportunities for participation in a range of indoor and outdoor sports both within the curriculum and for the wider community. Considers that a Community Use Agreement or similar arrangement should be used to secure the community use of both the indoor and outdoor sports facilities.
31. **County Landscape Officer** – considers that despite being located on the edge of Bowerhill the site does have a rural feeling but notes this is predicted to become more sub-urban in character with the development of new housing allocation for Melksham to the north. Concurs with the conclusion of the Landscape and Visual Assessment report and has no objections in principle to the proposed development. Acknowledges that there has been a lot of consultation and thought put into the development of the masterplan for the new school environs and considers that the plan will be successful in achieving an attractive and stimulating environment. Considers that with the proposed management strategy in place for the grounds and the surrounding land the development should sit well in the landscape and bring biodiversity enhancement to the locality.
32. **County Ecologist** – satisfied that the level of survey undertaken in respect of the application is both appropriate to the habitats and species present at the site and also sufficient to be able to design mitigation and methods of working that will avoid significant adverse impact to local biodiversity.
33. **Local Highway Authority** – no objections subject to conditions to achieve compliance with specified changes and secure timely completion of the highway works and necessary Traffic Regulation Orders, and internal layout works to enable the school to be satisfactorily served from the day of opening.
34. **Rights of Way** – no objections but request that the surfacing of footpath 18 to the north be considered to encourage pupils who live on the east side of Melksham to use this footpath.
35. **County Archaeologist** – no comments.
36. **Wiltshire Wildlife Trust** – states that it is impressed with the commitment towards enhancing the area for biodiversity. No objections subject to a number of conditions relating to the recommendations of the mitigation strategy, management and maintenance of the site and the further newt surveys.
37. Copies of the consultation replies referred to above are available for inspection in the **Members' Room**.

## **Publicity**

38. The application has been publicised in the local press and by site notices. A neighbour notification exercise was also carried out. Fourteen letters of representation have been received raising the objections and concerns outlined below:-

- (i) Increase in traffic congestion in adjacent residential estate and on the Devizes Road.
- (ii) The safety of pupils walking and cycling to school.
- (iii) Inadequate road and pedestrian access.
- (iv) Development in the countryside.
- (v) The proposal is contrary to Planning Policy.
- (vi) Affect on the setting of adjacent Listed Buildings, particularly Woolmore Farmhouse.
- (vii) Position of the pedestrian controlled crossings.
- (viii) The 40 mph speed limit should be lowered to 30 mph.
- (ix) Absence of proposed parking restriction controls in adjacent roads.
- (x) Limited energy-saving features.
- (xi) Unsympathetic design.
- (xii) Increase risk of flooding
- (xiii) The loss of part of an organic farm.
- (xiv) Protection of the Cromwell Oak.
- (xv) Potential to increase crime in the area.
- (xvi) Perceived lack of transparency in the formulation of the proposal.
- (xvii) Loss of view.
- (xviii) Disposal of existing school site.
- (xix) Devaluation of property.

Copies of the representations received will be available in the **Members' Room**.

## **Planning Considerations**

39. This planning application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
40. Having regard to the consultation responses, letters of representation and Development Plan policies, it is considered that the main issues in the determination of this application are:
- Local Plan Policy
  - Highway considerations
  - Impact on the historic environment
  - Landscape impact and countryside protection
  - Ecological impact

- Sustainable energy strategy and design
- Sports facilities and community use
- Lighting
- Flood risk

#### Local Plan Policy

41. The proposed location of the new school is on agricultural land on the eastern edge of Melksham town and adjacent to the urban area of Bowerhill. The site lies south of an area allocated for considerable new residential development in the West Wiltshire District Plan, namely 'Clackers Brook'. The land is regarded as countryside in the District Plan; it being outside town and village policy limits. At the time the District Plan was approved, the need for a replacement Secondary School was not identified. There is a presumption against development in the countryside. Therefore, the principle of the use of the land is contrary to the proposals in the Development Plan. It will be necessary therefore, to refer the application to the Secretary of State if the Committee is minded to grant planning permission.
42. The application site is located at the urban fringes of Bowerhill and Melksham, within an area subject to countryside protection policies in the District Local Plan, comprising Policy C1. Policy C1 of the District Plan states that in order to maintain the quality and variety of the countryside, the rural landscape will be protected, conserved and enhanced through the control of development and positive planning measures. Development proposals in the open countryside will not be permitted, other than those which encourage diversification of the rural economy and rural recreation, unless there is an agricultural, forestry or other overriding justification such as essential transport improvements, schemes of national importance or overriding benefit to the local economy.
43. If, however, it can be demonstrated that this application is essential in providing community facilities (i.e. a school) for local people there may well be some exception to this type of proposal in the countryside under Policy CF1 of the District Plan. The District Council has commented that whilst the emerging Local Development Framework supports the need for new educational facilities, the development of the greenfield site must be fully justified.
44. Policy CF1 relates to the development of new community facilities, stating that proposals for the development of land for schools will be permitted provided the proposals are acceptable and having regard to scale, siting, design, access, highways, parking provision, residential amenities and other local environmental considerations. The aim of the District Plan is to meet and enhance the educational, social and other needs of existing and new communities. The supporting text to Policy CF1 states that the development of such facilities is essential to the District and is to be encouraged in both urban and rural areas.
45. The BSF Pathfinder programme is part of a key national Government objective to transform the quality of education provision and address longstanding under-investment in school buildings. The applicant has submitted a statement of need in support of the planning application setting out the rationale for this site coming forward as a replacement site for the George Ward School. A copy of this revised statement is attached at **Appendix 5**. Of particular note is that the existing George Ward School is currently poorly located in relation to its pupil catchment. It is understood that this poor relationship is set to deteriorate further with the development of the large urban extension at Clackers Brook to the east of the town. Officers understand that the granting of Outline Planning Permission for the site by West Wiltshire District Council is imminent pending the signing of a legal agreement relating to the Title for the Land.



46. The statement of need demonstrates why the Woolmore Farm site was selected for the new school project. It is clear from the process and constraints outlined in the statement, that the BSF programme's objectives cannot be achieved in Wiltshire without a requirement for new greenfield land. The applicant has stated that there are no appropriate alternative sites for the scheme in Melksham.
47. The town of Melksham is expanding to the east with the Clackers Brook allocation and to the south with the recent housing development at Bowerhill. The Woolmore Farm site sits on the south-east flank of Melksham, centrally located within the George Ward pupil catchment area. Officers consider the location to be urban edge rather than open countryside due to the street lighting along the A365, traffic noise emanating from the main road and the high density housing clearly visible to the south and housing visible to the west. This partially urbanised feel will increase with the housing development to the north at Clackers Brook. The proposal site affords the luxury of space, a dispersed design for the school and for effective mitigation of the scheme. The proposed campus would provide a spacious and rich teaching environment, influenced by the rural setting. The scheme includes horticultural gardens, an orchard and an open forum at the centre of the school.
48. Furthermore, the relocation of the school will result in the realisation of significant community benefits since it offers a whole range of facilities for community use out of school hours. The range and quality of these facilities significantly exceeds those available at the existing George Ward School. The site at Woolmore Farm also offers the opportunity to improve the balance of sustainable transport choices since it is more appropriately located within its catchment area and the forthcoming urban expansion at Clackers Brook.
49. West Wiltshire District Council, whilst supportive of the proposal in principle initially called for a more robust justification as to why the Woolmore Farm site was chosen for the proposal. This sentiment was echoed by English Heritage and a number of public representations. Planning Policy Statement 1 (Delivering Sustainable Development) states that planning authorities must take into account the needs of the community and support the promotion of health and wellbeing by making provision for physical activity. Officers consider that the revised statement detailed in **Appendix 5** forms a firm rationale as to why the new school has been proposed on the Woolmore Farm site. In light of the planning considerations, officers consider that the educational and leisure facilities that would be provided would be of overriding benefit to the wider community. The school proposal is in accordance with Policy CF1 of the Local Plan and would also act as a transition between the densely developed housing areas and the open countryside. Consequently an exception to Policy C1 can be justified in this case.

#### Highway Considerations

50. Access to the new school site would be gained from the A365 to the east of the Bowerhill roundabout. A Transport Assessment (TA) has been submitted with the planning application which considers the development proposals in context with the policy background, travel data for the existing school and the highways network adjacent to the proposed school site and its usage. An approved School Travel Plan for the existing George Ward School site, updated to take account of the BSF project, has also been submitted. The existing George Ward is poorly located in relation to its catchment and would become even more so with the Clackers Brook development. The Travel Plan projects an increase in the percentage of staff and pupils walking and cycling to the new school.

51. The application proposes a number of transport proposals for the school site and its surrounding area. These include the widening of footways, new footways, segregated pedestrian/cycle entrance into the school, the proposed lowering of the speed limit on the A365 from the national derestricted limit of 60 mph to 40 mph, a new priority junction to access the site, parental drop-off area, staff and visitors car park, coach only access, two Toucan crossings on Devizes Road and a further pedestrian crossing on Spa Road. It is proposed to separate pedestrians and cyclists from vehicular traffic as much as possible and also separate bus and car entry to help ease congestion within the site and to provide priority to buses entering the site. Car parking provision is in accordance with Wiltshire County Council's standards, which results in the staff and visitors car park having 116 spaces and the parental drop off having 58 spaces for parents and pupils in the second year of the sixth form.
52. The TA considers the road capacity at The Spa roundabout and the Bowerhill roundabout, as well as the entrance to the school. The models of these junctions illustrated that The Spa and Bowerhill roundabouts are able to cope with the additional traffic from the school. The TA establishes that the access junction is able to cope with the traffic predicted in the morning peak, but in the afternoon peak when there would be a large number of vehicles leaving in a 15 minute period, the junction would be slightly over-capacity. The applicant considers that this would provide a disincentive for car borne journeys. The TA concludes that the new school would have a minimum impact on the highway network with accessibility for pedestrians and cyclists improved at the new site due to the footway improvements and the Toucan crossings.
53. The A365 is not part of the National Primary Road Network, but it is a designated Local Lorry Route which has had 10 personal injury accidents (1 serious) in the vicinity of the site during the past 5 years. A significant number of objections and concerns have been raised regarding highway safety, with the proposed 40 mph limit said to be too high and the footways inadequate.
54. The A365 as a route for pedestrians/cyclists was debated early in the process and was considered to be acceptable with mitigating works. The Local Highway Authority (LHA) recommended that amendments be made to the detail of the scheme with regard to both on-site and off-site highway works. On-site works should include the raising of pedestrian crossing points, raised kerbs to prevent indiscriminate parking on the access routes, the inclusion of a shared pedestrian/cycle link from the visitor parking to the sports hall, the up-grading of the surface of footpath 18 to the north to improve pedestrian access and the provision of cycle stands. Off-site works should include the pursuance of a TRO to reduce the speed limit to 40 mph entering the urban area with the limit dropping to 30 mph outside the school access. In addition the LHA has requested the repositioning of the Toucan crossings and the widening of footways. The LHA does not object to the proposal subject to conditions to achieve compliance with the required amendments and to secure timely completion of the highway works and necessary TROs, and internal layout works such that the school is satisfactorily served from the day of opening. These revisions are all achievable and can be secured by condition.
55. Local residents have raised concerns as to the adequacy of the proposed on-site parking provision and any shortfall leading to on-street parking either on the A365 or on housing estate roads in the vicinity. The proposed parking provision has been agreed, as related to current maximum standards and being compatible with the targets in the School Travel Plan submitted as part of the application. If permission were granted, on-street parking would be controlled through the use of appropriate Traffic Regulation Order, i.e. waiting restrictions, together with provision of physical barriers to prevent parking on verges. A programme for the implementation of such can be secured by condition.

56. Officers consider that the new school site is in a more sustainable location than the existing school, taking into account the current and proposed residential areas to the east of Melksham. The TA has concluded that the new school would have a minimum impact on the highway network. Accessibility for pedestrians and cyclists would be improved at the new site with proposed widened footways and Toucan crossings. The LHA has proposed a number of amendments to the scheme that it considers fundamental to the success of the scheme. These amendments can be secured by condition and, together with the approved School Travel Plan, would ensure the proposal to be in accordance with the aims of PPG13 and Development Plan Policy.

#### Impact on the Historic Environment

57. The application site lies within close proximity to a number of listed buildings; most notably Woolmore Farmhouse (Grade II\* listed) and The Spa complex (a collection of Grade II listed buildings). In accordance with Planning Policy Guidance Note 15 (Planning and the Historic Environment), a historical assessment has been carried out and submitted with the application as a component of the Landscape and Visual Assessment.

#### *Woolmore Farmhouse*

58. Woolmore Farmhouse (as it is described on the listing citation) is situated immediately adjacent to the south-western corner of the application site. It is built of red brick in English bond with ashlar quoins and is believed to date back to 1631. In origin it is clearly quite a high status building, more of a manor house than a farmhouse, although like many such houses it probably always had its own dependent farm buildings. It is also likely that the site as a whole declined in social status from the date of the house's construction through to the 19<sup>th</sup> and 20<sup>th</sup> century when it clearly served as a farm. As is often found in such situations these farm buildings are now in separate ownership and no longer have any functional relationship with the house, although the close visual relationship of course survives. Nevertheless, there can be no doubt that the farm buildings form part of the setting of the listed buildings. The building retains many original features and is significant in terms of historic legacy, aesthetic value and conference of local identity. The Assessment identifies that at the time the house was built it would have been located in an entirely rural setting although the landscape would have been pre-enclosure with a far greater degree of tree cover. The Assessment records that the original setting of the house has been undermined over the years due to tree clearance, Enclosure, the development of Bowerhill, the residential expansion of Melksham and the upgrading of the road network. It is the open rural fields to the north and north-west of the farmhouse which defines its setting today. The Assessment establishes that the proposal would have adverse landscape and visual impacts, most notably on the rural setting of Woolmore House. However, the Assessment concludes that, with the extensive school grounds and the Applicant's surrounding landholding, substantial mitigation measures can be implemented which, in the long term, should counteract the adverse impacts.

### *The Spa*

59. The Melksham Spa complex is located approximately 250 metres to the north-west of the application site. The high density of listed buildings is due to the development of a Spa that centred on the eastern end of Spa Road at the beginning of the 19<sup>th</sup> Century. A cluster of 8 highly distinctive, (semi-detached), 3 storey houses were erected, together with 2 villa-style houses that formed the nucleus of what was intended to be a working, high-class Spa for the public to take the waters and was modelled on the Bath principles. The Spa pump room still exists in the house known as the Grove. It is acknowledged that the whole group has significance beyond the level of interest that might be attached to a single house of architectural or historic merit and that they are distinctive partly because they are regarded against a rural background, making their appearance from the road very dominant.

### *Impact of the School on the setting of Listed Buildings*

60. A fundamental consideration in the determination of this application is the duty placed on the Council by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving the setting of the protected building and, as such, is one of the few material considerations to be embodied in planning law. In addition, PPG15 advises that the setting is often an essential part of the buildings character and may well suffer if they become isolated from their surroundings.
61. Policy EN3 of RPG10 states that new development should preserve or enhance historic buildings and that Local Authorities should have regard to the advice in PPG15. Policy HE7 of the Wiltshire Structure Plan requires that the architectural and historic heritage of the plan area be safeguarded from inappropriate development.
62. The design concept for the new school responds to the sensitive setting of the listed buildings by exhibiting a dispersed two storey plan form in order to remain subservient to the adjacent historic buildings. The school has been designed to echo the character of large agricultural buildings with elevations facing Woolmore House being designed to complement the historic building in terms of materials, colouration and form, particularly in the use of brick, render and wood cladding.
63. The mitigation includes the layout of the build, i.e locating the school immediately to the north-east of Woolmore Farmhouse to maintain the rural aspect to the north and locating the floodlit pitches east of the group of school buildings so they would not be inter-visible with the house. Active mitigation, i.e. extensive tree planting within the school grounds and wider estate and its long-term management is also included. Two key elements of the proposed mitigation scheme to protect the historic environment are the retention of the fields immediately north of the house to be as farmland to preserve the wider rural character and the retention of the farmyard buildings and their agricultural use to preserve the immediate setting of the house and to reduce the inter-visibility of the house and the proposed school buildings.
64. However, English Heritage and West Wiltshire District Council had expressed strong concerns over the adequacy of the proposed mitigation measures to minimise the adverse impacts of the development on the setting of Woolmore Farmhouse and The Spa Houses. Concerns about the possible adverse impact on the setting of listed buildings have also been raised by local residents.

65. Discussions with English Heritage have identified that it is concerned that such a major proposal on an unallocated site will set a precedent for further large urban developments on the east side of Melksham, thus jeopardising the setting of Woolmore Farmhouse and raising the question as to viability of the agricultural holding. Similar concerns regarding the Spa complex have been put forward by the District Council. Officers believe that, following the housing developments to the south at Bowerhill and the housing allocation to the north at Clackers Brook, development pressure in Melksham is likely to be focused on the east and south-east of the town, hence one of the reasons the applicant has proposed the new school on this site. Consequently, any mitigation in relation to the school proposal must be robust and safeguard the historic buildings in the long-term.
66. Officers acknowledge that a new school is a significant proposal in this semi-rural setting and consider that, although sensitively designed and located, the school could cause some harm to the setting of Woolmore Farmhouse and, to a lesser degree, the Spa complex if robust mitigation measures were not provided.
67. Consequently, officers discussed with English Heritage the levels of mitigation required to safeguard the setting of the listed buildings. These discussions highlighted the following measures:
- (i) In consideration of the farmyard and its existing structures being critical to the setting of Woolmore Farmhouse, and for assisting in the screening of the views from Woolmore Farmhouse from the development and any future proposals on the land, the applicant should covenant:
    - To use all reasonable endeavours to ensure that the existing structures in the farmyard are maintained in no worse condition until such time as alternative proposals for the farmyard are made.
    - To ensure that any future proposals at the farmyard give special regard to the preservation and enhancement of the setting of Woolmore Farmhouse in accordance with an acceptable management strategy.
  - (ii) To secure the wider rural setting of Woolmore Farmhouse and The Spa houses, the two fields to the north east within the County Council's ownership to be kept in agricultural use until such time as the County Council considers that the unit is no longer economically viable. At this point the County Council to dedicate the fields as Public Open Space.
68. These measures have subsequently been secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990. The detailed content of the obligation has been formulated in direct consultation with representatives of both West Wiltshire District Council and English Heritage. The concerns have been addressed as far as legally possible.
69. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires '*special regard (to be paid) to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*'. Critically, there is no requirement to 'enhance' a listed building or its setting. This means that provided it can be shown that there is no 'demonstrable harm' caused to the setting of the listed building(s) in question and that there are no other factors militating against the grant of consent, planning permission should be granted for the development proposed. It is nevertheless the case that the close visual relationship between the farmyard and the house is important. This is fully recognised in the Section 106 Undertaking, in which the County Council - encouraged by English Heritage - in fact go beyond the statutory requirement and state with regard to the farmyard in paragraph 2.1.2 '*that any future proposals should give special regard to the preservation and if possible enhancement of the Setting in accordance with the Management Strategy*'.

70. Officers consider that the retention and managed re-use of the farm buildings and the safeguarding of the two fields as open space would mitigate the harm caused by the proposed school development in accordance with Government Planning Policy Guidance. This approach is endorsed by English Heritage, together with an enhanced tree planting scheme for the northern boundary of the school horticultural gardens which can be secured by planning condition. PPG15 advises that the historic environment is all-pervasive, and it cannot in practice be preserved unchanged. Paragraph 2.14 identifies that it is better that old buildings are not set apart, but are woven into the fabric of the living and working community, provided that the new buildings are carefully designed to respect their setting. It is considered that in this case, the presence of the listed buildings would contribute to the potential vitality of the teaching environment, allowing historical connections with the established urban fabric and enhancing local identity with which potential future pupils could identify.
71. Officers have taken professional advice on this matter and are advised that the mitigation measures included in the Section 106 Undertaking together with a commitment to retain in perpetuity the two large fields in agricultural use or as public open space secure an appropriate open setting for both Woolmore Farmhouse and the 'Spa Buildings'.

#### Landscape Impact and Countryside Protection

72. The planning application documents include a Landscape and Visual Impact Assessment in accordance with the guidance contained in Planning Policy Statement 7 (Sustainable Development in Rural Areas). The assessment identifies the site as lying within National Character Area 117 recorded as the Avon Vales; the key characteristics of the area including small woods, large historic parks and undulating clay vale with varied hedgerow pattern and a mixture of arable and pasture land. The application site does not fall within any statutory landscape designation but, the West Wiltshire Landscape Character Assessment (March 2007) recognises the general sense of openness throughout the area, whereby agricultural farmland is the dominant characteristic. The document's objectives include the screening of the visually intrusive urban edges of Melksham and Bowerhill and the conservation of open views across the clay vale to distant downland ridges.
73. The Landscape and Visual Impact Assessment (LVIA) established baseline conditions for the site, considered the landscape and visual impacts of the development proposals and the effectiveness of the proposed mitigation. The study acknowledges that the land to the south at Bowerhill has recently been developed for housing and land to the north of the site is allocated for housing and states that the school is directly related to this planned urbanisation since it is intended to serve existing and planned local communities, suggesting that the school proposal would act as a transition between the densely developed housing areas and the open countryside. The LVIA concludes that the proposal would result in the urbanisation of a rural site, following the trend in landscape change associated with the expansion of the east side of Melksham and resulting in inevitably adverse landscape and visual impacts. However, the extensive school grounds and surrounding WCC landholding allows substantial mitigation measures in terms of new tree and hedgerow planting which, in the long term, should counteract the adverse impacts. The assessment finally concludes that the proposal is predicted to result in either a neutral overall landscape and visual impact, or worst case, adverse impacts of minor significance.

74. Policy C1 of the WWDP states that the rural landscape must be protected through the control of development and positive planning measures. Policy C6a of the WWDP is also considered relevant and relates to the protection of landscape features and measures to secure their management via the use of planning conditions. The mitigation measures proposed and assessed through the LVIA are considered to be in accordance with the aims of Policy C32 which states that proposals for development should make provision for landscaping, including the protection of existing trees and hedges. The conclusions of the LVIA suggest that the proposal is in accordance with the landscape protection policies of the WWDP indicating that the new school could be accommodated on the Woolmore Farm site with minimal impact on the landscape in the long-term.
75. The County Landscape Officer confirms that the application site has a rural feeling, stating that the area would become more sub-urban in character with the development of the new housing allocation at Clackers Brook (West Wiltshire Local Plan Policy H6). Consequently the Landscape Officer concurs with the conclusion of the LVIA and does not object to the proposal. To secure the effective mitigation of the scheme and ensure the safeguarding of the existing landscaping, the District Landscape Officer requested that an Arboricultural Method Statement be submitted to specify tree protection methods during construction. In addition a landscaping scheme would be requested to detail the provision for landscape planting, planting programme and long-term maintenance. These would be made subject to condition and would ensure the proposal complies with the aims of PPS1 and Policies C6a and C32 of the West Wiltshire District Plan 1<sup>st</sup> Alteration (June 2004).

#### Ecological Impact

76. An extended Phase 1 habitat survey of the application site identified the actual or potential presence of a number of protected or notable habitats and species occurring within the site, including hedgerows, bats, barn owls, breeding birds, badgers, reptiles, great crested newts and invertebrate species. Further ecological surveys were subsequently carried out to identify the full assemblage and distribution of protected habitats and species on the site.
77. The results of these individual surveys have been used to prepare an Ecological Impact Assessment. The assessment concludes that the proposed development would cause disturbance, habitat loss and limited fragmentation of habitats used by wildlife within and immediately surrounding the application site. The nature and scale of the impacts are noted as differing between the construction phase and the operational phase of the development.
78. Planning Policy Statement 9 (Biodiversity and Geological Conservation) states that many individual wildlife species receive statutory protection under a range of legislative provision. Planning authorities should ensure that these species are protected from the adverse effects of development, where appropriate, by using planning conditions.
79. In recognition of the site's ecological sensitivities and in order to avoid and reduce any likely negative impacts on notable and protected species and habitats, a number of measures have been put forward. The most notable of these being the production of a Landscape and Ecological Management and Maintenance Plan. The Ecological Impact Assessment concludes that, subject to the implementation of the mitigation measures discussed within the Landscape and Ecological Management and Maintenance Plan, the proposed development of the Woolmore Farm site can be accommodated without significant negative impact on the identified ecologically sensitive receptors.

### *Hedgerows*

80. Twelve out of the thirteen hedgerows surveyed were found to be ancient and/or species rich in accordance with the UK Biodiversity Action Plan (BAP), but not important under the Hedgerow Regulations 1997. The proposal seeks to retain wherever possible the existing hedgerows. However, this is not possible in two locations on the site, consequently compensation would be required. The compensatory hedgerows proposed aim to achieve a net gain on the site in accordance with the BAP criteria.

### *Badgers*

81. The Extended Phase 1 habitat survey identified the extent of badger activity on the site. An outlier sett, comprising three entrances was found within a hedgerow to the south-east of the site. The Protection of Badgers Act 1992 makes it an offence to injure or kill a badger or interfere with a sett, consequently the proposed mitigation plan includes avoidance measures to ensure that the proposal would not present adverse ecological effects. The badger setts identified are situated well beyond the specified 30 metres of any proposed development works and would therefore not be subject to a Natural England licence.

### *Great Crested Newts*

82. The surveys confirmed the presence of great crested newts (GCN) in three ponds situated within 500 metres of the site boundary. Pond 4 in the north-east boundary of the Woolmore Farm site and ponds 9 and 12 to the south of the A365. The GCN is listed on Annex IV of the EC Habitats and Species Directive which is transposed into UK law via the Conservation (Natural Habitats & c) Regulations 1994. The GCN is also protected under the Wildlife and Countryside Act 1981 (as amended). The mitigation strategy is based on Natural England's Great Crested Newt Mitigation Guidelines (2001) and refers to the small population of GCN using Pond 4 in the north-east boundary of the Woolmore Farm site. The remaining two ponds with a recorded newt population to the south are severed from the site by the A365 and it is considered likely that this road acts as a significant barrier to the dispersal of newts from these ponds into the site.
83. The mitigation proposed involves the grassland within 500 metres of Pond 4 being kept short and thus be of low value as terrestrial habitat for GCN. Angled newt proof fencing would also be installed along the periphery of the construction area to enable any newts to migrate towards the pond(s) but not access the development site. An ecological watching brief would be in place during any ground stripping works between the newt fence and Pond 4. The production of a working method statement which would address the duration of the proposed works to ensure best environmental working practice in relation to sensitive habitats and wildlife (including siting of compounds/storage areas away from sensitive areas) on site would be made subject to a condition attached to any permission granted. The proposed mitigation strategy has been agreed with Natural England and Wiltshire Wildlife Trust and suggests that favourable conservation status would be maintained. The presence of GCN means that a European Protected Species Licence would be required to facilitate the construction of the school if permission is granted.



## *Bats*

84. No evidence of bats was found within any of the buildings at Woolmore Farm. However many foraging bats were recorded within the yard and area immediately surrounding the farm buildings. None of the nine trees surveyed were found to support bat roosts at the time of survey. It was evident from the assessment that Woolmore Farm provides valuable habitat for bats and the farmland is used intensively for foraging and commuting purposes throughout the summer and early autumn with eight species of bat being recorded within the site. Bats and their roost sites are protected under the Wildlife and Countryside Act 1981 and are included in Schedule 2 of the Habitats Regulations (1994). Consequently a number of mitigation and enhancement measures have been proposed and incorporated into the Ecological Management Plan including new hedgerow planting, the use of mercury-vapour lighting and bat friendly structures to be retained on site.
85. Surveys also concentrated on breeding birds, reptiles and flora. The potential impact was assessed and mitigation proposed and included within the Management and Maintenance Plan. The Management Plan outlines the on-going monitoring and maintenance that would be carried out to achieve successful mitigation, pre and post construction. The Landscape and Ecological Management and Maintenance Plan would be made subject to a condition attached to any permission granted.
86. The surveys and proposed mitigation measures submitted are considered appropriate by Natural England and the Wiltshire Wildlife Trust. The County Ecologist is also satisfied that the level of survey undertaken was appropriate and sufficient to enable the design of the mitigation which would avoid significant adverse impact to local biodiversity. Officers consider that the application is in accordance with Policy C3 of the Wiltshire and Swindon Structure Plan 2016 (Adopted April 2006) and is consistent with PPS 9 and the aims of the Wiltshire Biodiversity Action Plan (BAP).

## Sustainable Energy Strategy and Design

87. PPS 1 states that good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design should create an environment where everyone can access and benefit from the full range of opportunities available to members of society. Policy C31a of the West Wiltshire District Plan 1<sup>st</sup> Alteration (June 2004) states that proposals for new development will be required to respect or enhance landscape features and views, historic layout and spatial characteristics and the quality of the architecture of surrounding buildings. Development on sensitive or prominent sites must also pay particular attention to proportion, form and massing and integrate landscaping into the design as appropriate.
88. The submitted Design and Access Statement states that the current proposals for the new school are based on five fundamental linked architectural responses:
- (i) The development of a form and location for the school that is appropriate to and respects the nature of the site and its features.
  - (ii) The development of a plan that is legible and reflects the educational aspirations of the School and County.
  - (iii) The architecture enhances and reflects the requirements for a low energy, sustainable approach to the design.

- (iv) The design seeks to mitigate the impact of the additional pedestrian and vehicular access that the new school would create on the surrounding area and also ensure safe routes to the school for pupils.
  - (v) A design that promotes the idea of the school as a community resource.
89. The proposed design of the new school seeks to reduce the impact of what is a large building by creating the appearance of distinct elements no more than two storeys high. The school would be organised as a series of educational faculties or 'villages' arranged around a central 'forum' that is intended to be the heart of the school. As stated above, the concept for the school is firmly rooted in community with the larger spaces such as the hall, library, IT suites and lecture theatre arranged around the main visitor entrance for ease of access for community use. It is proposed that the materials would be informed by the more informal rural character of the site with a mixture of predominately timber cladding with some areas of brick being proposed for elevations facing Woolmore Farmhouse and pitched metal and grass roofs for the roofscape. The roofscape would be punctuated by rooflights and chimneys which are part of the proposals low energy strategy.
90. Concerns have been raised by West Wiltshire District Council and through a number of public representations with regard to the design of the proposal, stating that the mix of materials is in principle a good design but results in the elevations looking too busy with elements looking utilitarian in character. The District Council also expresses concerns regarding the lack of renewable energy installations proposed.
91. The design of the proposed new school is informed in many ways by its sustainable energy strategy. The applicant states that during the design process the options for use of renewable energy sources was considered. It is recognised that there is currently a considerable gap between energy costs and additional capital expenditure for new developments which is one the Government are looking to close over the next decade. Due to the financial constraints on the project, the applicant has proposed building profiles which would allow the retrofitting of renewable energy devices, such as roof mounted photo voltaic (PV) cells or biomass boilers. The approach has therefore been, in accordance with Government guidance, to ensure the efficient use of energy as central to the school's design. Consequently, the proposed school incorporates a well insulated building fabric, optimised design for daylight penetration, enhanced natural ventilation, minimal use of mechanical ventilation, use of the thermal mass of the structure to achieve efficient heating and cooling, heating supplied by high efficiency gas boilers, energy efficient lighting and efficient control systems and zoning to achieve appropriate comfort levels. These design measures would enable the school to have low CO<sub>2</sub> emissions in operation.
92. The proposal for the school does not include the use of renewable energy due to restrictive funding mechanisms; instead the building focuses on reducing carbon dioxide emissions in accordance with the Government's energy policy which is set out in the Energy White Paper (*Our energy future – creating a low carbon economy, Feb 2003*). This aim is to put the UK on a path to cut its carbon dioxide emissions by some 60% by 2050. Planning Policy Statement 22 (Renewable Energy) emphasises that development of renewable energy, alongside improvements in energy efficiency will make a vital contribution to these aims. Policy RE6 of Regional Planning Guidance 10 (RPG10) states that local authorities should support the region to meet the national target of a reduction of 20% in carbon dioxide emissions by 2010. The draft Regional Spatial Strategy (RSS) states that development must incorporate sustainable energy design. This will involve reducing building energy demand through energy efficiency and low energy design, before meeting the remaining demand from firstly renewable energy and then grid electricity. The proposed school development embodies this ethos as illustrated in **Appendix 6**.

This approach has been characterised as the 'Energy Hierarchy' within the south-west and ensures that energy efficiency opportunities are maximised before renewable energy is considered within proposals for new developments. The development is also in accordance with Policy G of the draft RSS which states that local authorities must achieve best practice in sustainable construction through a number of mechanisms including achieving high BREEAM ratings and minimising environmental impact and increasing energy efficiency in new buildings. It is noted that Policy RE5 of the draft RSS states that larger-scale developments should meet a proportion of their energy from renewable resources. Due to the financial constraints on the project, the applicant has proposed building profiles which would allow the retrofitting of renewable energy devices, such as roof mounted PV cells or biomass boilers. The energy efficiency measures proposed are in accordance with Policy C34a of the West Wiltshire District Plan 1<sup>st</sup> Alteration (June 2004) which encourages resource reduction.

93. Officers consider that the proposed design and energy saving mechanisms of the new school is in accordance with Government guidance and regional and local policy.

#### Sports Facilities and Community Use

94. The proposed development incorporates a sports hall, natural grass pitches, a floodlit ATP and a floodlit MUGA. The submitted External Sports Facilities Strategy states that one of the key aims of the development is to create 'improved opportunities to increase levels of participation for all ages, groups and individuals and to strengthen school-club and community links'. The location of the sports hall has been designed to facilitate community use of the hall and changing rooms out of school hours and includes a separate community entrance. The design also allows for the pupil drop off area to be used as a community car park out of school hours.
95. West Wiltshire District Council published a Recreational Land Survey in November 2000, which compared the existing recreation provision in the District's five urban areas against the adopted open space standards for the District. This study identified that within the District's urban areas there is a deficiency in formal and informal playing space accessible to the general public. The Recreation Land Survey identifies a number of ways to reduce the identified shortfall in provision in urban areas. These included maximising the use of dual use facilities and providing all weather pitches capable of intensive use.
96. Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation (2002) states that one of its objectives is ensuring that everyone has access to high quality and well maintained sports and recreational facilities. PPG17 also states that the urban fringe is important in delivering this objective as 'the countryside around towns provides a valuable resource of sport and recreation, particularly in situations where there is an absence of land in urban areas to meet provision'.
97. Sport England supports the principle of the proposal, stating that it would provide good quality opportunities for participation in a range of indoor and outdoor sports both within the curriculum and for the wider community. This stance is supported by the Leisure Manager at West Wiltshire District Council. Sport England request that, to maximize the opportunities the proposed new school could offer for improving sports provision for both the school and the local community, they would wish to see the commitment to community use of the facilities secured prior to any permission being granted. The submitted Design and Access Statement and the External Sports Facilities Strategy state that the school would be seen as a community resource and assert a management strategy to support this. Features of the proposed development can be secured by a condition stating the requirement for a Community Use Scheme to be submitted prior to development commencing.

This accords with Sport England Policy and would include details of hours of use, access and management responsibilities. A statement of commitment has also been drawn up between the School Head, the Head of Governors and the Children and Education Department and submitted as part of the planning application.

98. West Wiltshire District Council has also carried out a Leisure and Recreational Needs Assessment (LNRA) which culminated in an agreed action plan. This assessment identified a need for an ATP (Artificial Turf Pitch) in the district and sought to encourage schools to maximise community use of their sports facilities. The proposed new school would cater for this identified need. In light of comments from Sport England and the Leisure Manager at WWDC, officers consider the proposal to be in accordance with the objectives of PPG17.

### Lighting

99. The planning application proposes natural sports pitches extending to approximately 8.14 hectares of the site including a full size floodlit ATP and a smaller tarmac surfaced MUGA (Multi-Use Games Area). The provision of floodlighting is proposed to extend opportunities for outdoor use throughout the year. In addition low level lighting is proposed for the car park area.
100. The proposed ATP would have six columns each 13 metres high with a galvanised finish, whilst the MUGA would have 10 columns each 10 metres high. Policy C35 of the West Wiltshire District Plan 1<sup>st</sup> Alteration (June 2004) sets out guidelines for development which include lighting schemes. The Plan affirms the positive benefits that lighting provides; in particular that lighting can permit use of scarce sports and recreation resources for longer hours during winter months. However, the Plan also recognises that the spillage of light into the environment from poorly designed lights can have a number of adverse effects on the countryside and surrounding residents. To ensure that proposals which include lighting schemes do not have an adverse effect upon local amenity, highway safety and the surrounding environment, Policy C35 sets the criteria within which development will be permitted.
101. The proposal site is located on the outskirts of Melksham, on the edge of the urban area. There is open countryside to the east. The proposal site does not fall within an Area of Outstanding Natural Beauty (AONB) or a Special Landscape Area (SLA). Officers consider that the proposal is in accordance with Policy C35 in that the introduction of the proposed lighting would not have a significant effect on the wider environment due to the provision of the minimum number of lights required, the design of the luminaries to be employed and restricted hours the lights should be in operation.

### Flood Risk

102. The issue of flooding on the site has been raised by a number of objectors to the scheme. To assess the potential flood risk on the site in light of the proposal, a Flood Risk Assessment and Drainage Statement has been submitted to accompany the planning application in accordance with Planning Policy Statement 25 (Development and Flood Risk).
103. The topography of the proposal site is very flat with levels ranging from 50.40 m AOD along a crest running roughly east to west falling to about 43.40 m AOD to the north and south. The site is split across the head of two catchments which lead to two tributaries of the Avon; The Berryfield Brook and Clackers Brook. The site is shown on the Environment Agency's Flood Map as being located in Flood Zone 1, meaning that there is little or no risk of flooding to the site.

104. The assessment states that the potential for increased flood risk created by the development is to be mitigated by limiting the discharge off the site to at or below the Greenfield run-off rate, concluding that flooding downstream of the site would be as existing or reduced. The proposed drainage on the site would be a sustainable drainage system designed to mimic the existing situation and the scheme includes the use of detention basins, permeable paving and swales in accordance with guidance stated in PPS25.
105. The Environment Agency do not object in principle to the proposal subject to the inclusion of a number of conditions pertaining to surface water drainage works, surface water run-off and surface water storage capacity. The proposal is considered to be in accordance with the aims of PPS25.

### **Conclusion and Recommended Reasons for Granting Approval**

106. The proposed school is part of the Government's Building Schools for the Future One School Pathfinder programme. Building Schools for the Future is a new approach to capital investment in schools which promotes a step-change in the quality of education provision. Feasibility studies were carried out to establish which of three short-listed schools could best achieve the requirements of the 'One School Pathfinder programme. The rationale for the application site coming forward as a replacement site for the George Ward School has been demonstrated. No suitable alternative site has been identified.
107. The application site whilst located at the urban fringes of Bowerhill and Melksham, lies outside the town and village policy limits as defined in the West Wiltshire District Plan and as such is regarded as countryside. Whereas Policy C1 of the District Plan seeks to control development in the countryside to that which encourages diversification of the rural economy and rural recreation, Policy CF1 of the District Plan is aimed at meeting and enhancing the educational, social and other needs of existing and new communities and the development of new community facilities to be encouraged in both urban and rural areas. The existing George Ward school is poorly located in relation to its pupil catchment, and this relationship is set to deteriorate further with the development of the large urban extension at Clackers Brook to the east of the town. Consequently, the new school relates well to this planned urbanisation since it is intended to serve existing and planned local communities. It is considered the new school would act as a transition between the densely developed housing areas and the open countryside. The protection of the countryside has to be weighed against the community benefits that would result from the relocation of George Ward School to this urban-edge site.
108. The application site is considered to be a more sustainable location for a school than the existing site, taking into account the current and proposed residential areas to the east of Melksham. The School Travel Plan predicts an increase in the percentage of staff and pupils walking and cycling to the new school site. The Transport Assessment has not identified any significant concerns in relation to the capacity of the highway network to accommodate the traffic likely to be generated by the new school. The new site would offer improved accessibility for pedestrians and cyclists due to the footway improvements and the Toucan crossings. This is in accordance with the aims and objectives of PPGs.

109. The application site lies within close proximity to a number of listed buildings; most notably Woolmore Farmhouse (Grade II\* listed) and The Spa complex (a collection of Grade II listed buildings). Regard has been paid to the duty placed on the Council by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving the setting of the protected building. The Council has secured specific measures in order to safeguard the setting of listed buildings in the locality of the application site. The measures were identified as required by the County Council, initially following discussions with English Heritage, a consultee on the application. The measures have been secured through a Section 106 Undertaking, the detailed content of which has been formulated in direct consultation with representatives of West Wiltshire District Council and English Heritage. The presence of the listed buildings would contribute to the potential vitality of the teaching environment, allowing historical connections with the established urban fabric and enhancing local distinctiveness with which potential future pupils could identify.
110. The application site does not fall within any statutory landscape designation. A Landscape and Visual Impact Assessment of the proposals predicts a neutral overall landscape and visual impact, or at the worst case adverse impacts of minor significance. The development can be accommodated on the Woolmore Farm site with minimal impact on the landscape in the long-term and therefore accords with the Policies C1 and C6a of the West Wiltshire District Plan.
111. Ecological survey has been undertaken to an appropriate level to enable the design of mitigation measures that avoid significant adverse impact to local biodiversity interests. The development therefore accords with Policy C3 of the Wiltshire and Swindon Structure Plan 2016 and is also consistent with the aims of the Wiltshire Biodiversity Action Plan.
112. The design of the proposed new school is informed in many ways by its sustainable energy strategy. The design incorporates a number of design measures to enable the school to have low CO<sub>2</sub> emissions in operation. The proposed design and energy saving mechanisms of the new school is in accordance with Government guidance and local Policy C34a of the West Wiltshire District Plan.
113. The proposed development incorporates a sports hall, natural grass pitches, a floodlit ATP and a floodlit MUGA and so provides good quality opportunities for participation in a range of indoor and outdoor sports both within the curriculum and for the wider community and so accords with the planning policy objectives set out in PPG17.
114. The provision of floodlighting is proposed to extend opportunities for outdoor use throughout the year. The proposed lighting would not have a significant effect on the wider environment due to the provision of the minimum number of lights required, the design of the luminaries to be employed and restricted hours the lights should be switched on in accordance with Policy C35 of the West Wiltshire District Plan.
115. Potential flood risk has been assessed in accordance with PPS25. The site is located in Zone 1, meaning that there is little or no risk of flooding to the site. The proposed drainage on the site would be a sustainable drainage system designed to mimic the existing situation and the scheme includes the use of detention basins, permeable paving and swales in accordance with guidance stated in PPS25.

116. Whilst the principle of the use of the land as represented by the application is contrary to Development Plan policy, it is considered that subject to the imposition of appropriate conditions obligations, the development can be regarded as broadly acceptable in terms of highway considerations, impact on the historic environment, ecological impact, sustainable energy strategy and design, the principles of community use of the facilities within the development, lighting and flood risk. On balance, it is concluded that the community benefits are significant and sufficient to indicate that planning permission should be granted.

### **Recommendation**

117. That:

- (i) The application be referred to the Secretary of State informing her that the Committee is minded to grant planning permission for the reasons set out above.
- (ii) Should the Secretary of State direct that she does not wish to call-in the planning application for her determination, planning permission be granted for the reasons set out above and subject to the Planning Obligation given to West Wiltshire District Council by Wiltshire County Council and dated 2nd November 2007 and subject to the following conditions:

### **General**

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

*Reason: In accordance with Section 51(1) of the Town and Country and Compulsory Purchase Act 2004.*

2. Unless otherwise approved in writing by the County Planning Authority, the development shall be carried out in strict accordance with the details shown on approved plan Nos:

- 06/LD/1917/08RevC dated September 2006
- 07/LD/1917/9a dated March 2007
- 4628 D-010 Rev C dated March 2007
- 4628 D-011 Rev C dated March 2007
- 4628 D-012 Rev B dated March 2007
- 4628 D-020 dated March 2007
- 4628 D-021 dated March 2007
- 4628 D-022 dated March 2007
- 4628 D-023 dated March 2007

*Reason: To ensure the development is carried out in accordance with the approved plans.*

3. No development shall take place until samples of materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the County Planning Authority. Development shall be in accordance with approved details.

*Reason: In the interests of visual amenity.*

4. No development approved by this permission shall be commenced until details of construction traffic/contractor access and construction compound have been submitted to be approved in writing by the County Planning Authority. Development shall be carried out in accordance with the approved details.

*Reason: To ensure the safety of site users and in the interests of amenity.*

#### Highways

5. No development shall take place until a detailed engineering scheme for the layout of the site accesses, together with the associated highway works as shown generally on Plan No 120999 CH-14C, and for the avoidance of doubt to include any necessary up-grading of streetlighting, has been submitted to and agreed in writing by the County Planning Authority. The approved scheme must be implemented prior to the occupation of the development.

*Reason: In the interests of highway safety.*

6. No development shall take place until a detailed engineering scheme for the layout of the on-site access roads and routeing, pedestrian routes, cycle routes, car parks, means of controlling vehicular access and inappropriate parking, bus shelters and lighting has been submitted to and approved in writing by the County Planning Authority. The approved scheme must be in place prior to the occupation of the development.

*Reason: In the interests of the safe and satisfactory operation of the site, and to satisfy the requirements of the School Travel Plan.*

7. No development shall take place until a comprehensive programme for the undertaking of the off-site highway works, the processing of the necessary Traffic Regulation Orders for the lowering of speed limits and on-street waiting restrictions in the vicinity of the site has been submitted to and approved in writing by the County Planning Authority. The highway works and other detailed requirements shall be provided and undertaken strictly in accordance with the approved programme or any changes to the programme as may subsequently have been agreed by the County Planning Authority and implemented prior to occupation of the development.

*Reason: In the interests of highway safety.*

8. A scheme for the provision, programming, management and maintenance of a 3 metres wide surfaced permissive footpath within land under the control of the applicant to link with Footpath 18 to the north shall be submitted to and approved in writing by the County Planning Authority prior to the occupation of the development.

*Reason: In the interests of providing a convenient pedestrian route to the school from the north.*

#### Ecology

9. The development shall be carried out in accordance with the submitted revised Woolmore Farm Ecological Impact Assessment and Mitigation Strategy dated 19<sup>th</sup> July 2007.

*Reason: In the interests of wildlife conservation.*



10. The development shall be carried out in accordance with the submitted revised Woolmore Farm Landscape and Ecological Management and Maintenance plan dated 17<sup>th</sup> July 2007.

*Reason: In the interests of wildlife conservation.*

11. No development shall take place until an ecological Construction Environmental Management Plan (working method statement) has been prepared and submitted to the County Planning Authority. The statement will address the duration of the proposed works to ensure best environmental working practice in relation to sensitive habitats and wildlife (including siting of compounds/storage areas away from sensitive areas) on site and include details of construction access and compound location. The document will also include measures to prevent injury to wildlife. Development will be carried out in accordance with the approved working method statement.

*Reason: In the interests of wildlife conservation.*

### Landscape

12. No development shall commence until full details for the landscaping of the site have been submitted to and approved in writing by the County Planning Authority. The landscaping scheme shall include details of proposed tree and shrub planting, indicating the position or density, species, planting size and proposed times of planting. The scheme shall also include enhanced tree planting along the northern boundary of the horticultural and wildlife garden to provide a visual screen to protect the immediate setting of the adjacent listed building.

*Reason: In the interests of visual amenity, wildlife conservation and preservation of the historic environment.*

13. The approved landscaping scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive, following occupation of the development or in accordance with a timetable to be agreed in writing with the County Planning Authority.

*Reason: In the interests of visual amenity.*

14. All planting shall be carried out in accordance with British Standards (BS 5837:2005), including regard to plant storage and ground conditions at the time of planting.

*Reason: In the interests of visual amenity.*

15. Trees, shrubs and hedges planted in accordance with the approved scheme under condition 12 shall be maintained and any plants which within 5 years of planting 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.

*Reason: In the interests of visual amenity.*

16. No development shall take place until an arboricultural method statement prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the County Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. The method statement must provide the following:

- A specification for protective fencing to trees during construction which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing.
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2005.
- A schedule of tree works conforming to BS3998:1989.
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires.
- Plans and particulars showing the siting of the service and piping infrastructure.
- A full specification for the construction of any arboricultural sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access including details of the no-dig specification and extent of the areas of the access to be constructed using a no-dig specification.
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the County Planning Authority of the findings of the supervisory visits.
- Details of all other activities, which have implications for trees on or adjacent to the site.

*Reason: In the interests of visual amenity and wildlife conservation.*

17. No development approved by this permission shall be commenced until a plan indicating the positions, design, materials and type of boundary treatment including entrance gates to be erected shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of the amenities of the area.*

#### Water Environment

18. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water drainage works has been submitted to and approved in writing by the County Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

*Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.*

19. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

*Reason:* To prevent the increased risk of flooding.

20. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water storage capacity during a 1 in 100 year (climate change) conditions has been submitted to and agreed in writing by the County Planning Authority. The scheme shall be implemented in accordance with the approved details.

*Reason:* To alleviate the increased risk of flooding.

21. The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the County Planning Authority.

*Reason:* To ensure that the development can be adequately drained.

22. Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.

*Reason:* To minimise the risk of pollution of the water environment.

#### Sport Facilities

23. The development shall be carried out in accordance with the submitted External Sports Strategy dated March 2007.

*Reason:* To ensure the development is fit for purpose and subject to high quality design standards.

24. Prior to the commencement of the development a Community Use Scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non-school users, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of use of the development.

*Reason:* To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with national policy.

#### Lighting

25. The sports pitch floodlighting shall only be used between the following hours:

Monday to Friday	09.00 - 22.00
Saturday	09.00 - 21.00
Sunday and Bank Holidays	10.00 - 16.00

*Reason:* In order to minimise nuisance.

26. The development shall be carried out in accordance with the specifications detailed in the lighting analysis report.

*Reason: In the interests of visual amenity and the impact of the proposal.*

Noise

27. The development hereby approved shall not be commenced unless and until a scheme for the control of noise arising from the use of the site (including the building hereby approved) as a school has been submitted to and approved by the County Planning Authority. The approved scheme shall be implemented in accordance with a timescale to be agreed as part of the submitted scheme.

*Reason: In order to safeguard the amenities of the area in which the development is located.*

**GEORGE BATTEN**

Director of Environmental Services

Report Author

**MARI WEBSTER**

Principal Planning Officer

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**The following unpublished documents have been relied on in the preparation of this Report:**

Consultation replies and correspondence