

# AGENDA

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**Meeting:** Eastern Area Planning Committee  
**Place:** Wessex Room, Corn Exchange, Market Place, Devizes SN10 1HS  
**Date:** Thursday 29 November 2018  
**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Tara Shannon, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

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## Membership:

Cllr Mark Connolly (Chairman)	Cllr Peter Evans
Cllr Paul Oatway QPM (Vice-Chairman)	Cllr Nick Fogg MBE
Cllr Ian Blair-Pilling	Cllr Richard Gamble
Cllr Stewart Dobson	Cllr James Sheppard

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## Substitutes:

Cllr Ernie Clark	Cllr Jerry Kunkler
Cllr Anna Cuthbert	Cllr Christopher Williams
Cllr George Jeans	Cllr Graham Wright

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## **Public Participation**

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

# AGENDA

## Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 20*)

To approve and sign as a correct record the minutes of the meeting held on 1 November 2018.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on 22 November 2018 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on 26 November 2018. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

## 6 **Planning Appeals and Updates** (*Pages 21 - 22*)

To receive details of the completed and pending appeals, and any other updates as appropriate.

## 7 **Planning Applications**

To consider and determine the following planning applications.

### 7a **18/02400/FUL - Former Naafi, Station Road, Tidworth, Salisbury, SP9 7NR** (*Pages 23 - 40*)

Construction of hardware and DIY store (with associated warehousing and open storage) and 8 residential units, with associated landscaping and parking.

### 7b **18/03498/FUL - Sports Field, Green Lane, Devizes** (*Pages 41 - 70*)

Provision of new football pavilion and changing facilities for Devizes Town Council and to form new headquarters for Wiltshire FA. Reconfiguration of car park and newly laid out football pitches.

### 7c **18/05252/FUL - Savernake Park Farm, Savernake, SN8 4NE** (*Pages 71 - 90*)

Change of use of redundant agricultural storage buildings into a flexible events space and associated development.



8 **Urgent items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

**Part II**

*Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed*

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## **EASTERN AREA PLANNING COMMITTEE**

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### **MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 1 NOVEMBER 2018 AT WESSEX ROOM, CORN EXCHANGE, MARKET PLACE, DEVIZES SN10 1HS.**

#### **Present:**

Cllr Mark Connolly (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Ian Blair-Pilling, Cllr Stewart Dobson, Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble and Cllr James Sheppard

#### **Also Present:**

Cllr Sue Evans, Cllr Laura Mayes

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#### **52. Apologies**

There were no apologies.

#### **53. Minutes of the Previous Meeting**

The minutes of the meeting held on 6 September 2018 were presented for consideration, and it was:

#### **Resolved:**

**To approve and sign as a true and correct record the minutes of the meeting held on 6 September 2018.**

#### **54. Declarations of Interest**

Cllr Richard Gamble declared a non-pecuniary interest in application 18/07000/FUL due to his current role as Portfolio Holder for Heritage, Arts and Tourism, as there were heritage considerations regarding the application. He declared he would consider the application on its merits with an open mind as he debated and voted on the item.

Cllr Mark Connolly declared a non-pecuniary interest in application 17/08775/FUL as he knew some of the residents of Bunnies Lane. He declared he would consider the application on its merits with an open mind as he debated and voted on the item.

55. **Chairman's Announcements**

There were no announcements.

56. **Public Participation**

The rules on public participation were noted.

57. **Planning Appeals and Updates**

The report on completed and pending appeals was presented for consideration.

The planning officer explained that application 17/00178/ENF in the parish of Wilcot, was shown as a split decision. However, this was an enforcement action and the decision went in Wiltshire Council's favour.

**Resolved:**

**To note the updates.**

58. **Planning Applications and Items**

The following planning applications were considered.

59. **17/08775/FUL - Malthouse Farm, 1 Bunnies Lane, Rowde, SN10 2QB**

**Public Participation**

Mr James McParland, local resident, spoke in objection to the application

Mr Jonathon Gray, local resident, spoke in objection to the application.

Mr John Kirkwood, of the Campaign to Protect Rural England, spoke in objection to the application.

Ms Adele Holmes, Applicant, spoke in support of the application.

Mr Charles Mann spoke in support of the application.

Mr David Stirling, Agent, spoke in support of the application.

Jonathan James, Senior Conservation/Planning Officer presented a report which recommended that planning permission be granted, subject to conditions, for the Hybrid Planning Application seeking: Part: Outline application for residential development of 3 market sector dwellings including siting, access and parking; and Part: Full Permission for the change of use of the retained buildings to form 3 market sector dwellings including external appearance and parking.

Key details were stated to include the following:

The scheme, which had originally been submitted in 2017, had been amended to reduce the number of units from 7 to 6. This was in response to concerns raised by various parties. The application was a hybrid application, composed of full details of the conversion of the existing traditional farm buildings to three residential dwellings; and outline details for the erection of the three new-build dwellings, including siting, access and parking. All other matters (namely

landscaping, scale and external appearance) were reserved for subsequent approval.

The main issues identified in the report were stated to include highway safety and accessibility; the impact on heritage assets; the potential impact on drainage and the visual impact of the scheme.

Attention was drawn to a late surface water flood assessment plan from the agent, which was received on the morning of the committee meeting. The report stated that surface water drainage would be to Summerham Brook and permeable surfaces would be used within the site to reduce the risk of run off. Due to the lateness of the report the Drainage Officer had not had an opportunity to provide further comments. The final drainage strategy would need to be agreed prior to works commencing if the application was approved.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on whether the application would be liable for the Community Infrastructure Levy (CIL). The planning officer stated that new units are almost always liable for CIL. However, as some of the units were conversions this may affect the total level of CIL payable.

Members of the public then had the opportunity to present their views, as detailed above.

Cllr Laura Mayes, on the behalf of the unitary division member, Cllr Anna Cuthbert, spoke in objection to the application.

In response to public statements the officer stated that although there was an application refused that included the field to the west of the site in 1997, the National Planning Policy Framework did not exist in 1997; the Development Plan background was different; and permitted development rights for the conversion of the farm buildings had been introduced. The national and local planning context was therefore different now.

A debate followed where key issues raised included concerns regarding the impact on highways and the need to improve pedestrian safety. A suggestion was raised that a 20mph speed limit could be imposed and a virtual pavement installed. In response to this suggestion it was stated that the Highways department would need to advise on these possibilities. A further suggestion was raised, that if approved, the local Community Area Transport Group may be able to liaise with Highways over this matter.

Other issues raised included the low intensity nature of the development which gave a low proportionate increase and the feeling that there were no grounds to refuse the application that would stand up at appeal.

During debate Cllr Richard Gamble proposed a motion to grant planning permission, with conditions, as per the officer recommendation. The motion was seconded by Cllr Ian Blair-Piling.

At the conclusion of the debate it was;

**Resolved:**

That planning permission be **GRANTED** with the following conditions:

**Conditions:**

1. Phase 1 (full element) of the development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. Phase 2 (the outline element) of the development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**REASON:** To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. No development in Phase 2 (the outline element) shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- a. The scale of the development;
- b. The external appearance of the development;
- c. The landscaping of the site;

The development shall be carried out in accordance with the approved details.

**REASON:** The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**REASON:** To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5. The development hereby permitted shall be carried out in accordance with the Application Form, Planning Statement Doc Ref. 113 01 40, Supplementary Planning Statement relating to change of use of farm buildings (doc ref. 11301 41, dated May 2018), Transport Statement, Ref. IMA-17-011 (dated Aug 2017), Flood Risk Strategy and Drainage Strategy (August 2018), Agents email and Addendum to FRA (received 15/10/2018), Agents email and supporting 'Drainage Letter' (received 15/10/2018), Tree Survey, Tree Protection and Landscaping Proposals, Ref 18.693 Rev B (dated Mar 2018), Protected Species Survey and Mitigation (dated 23 Sept 2016) and the following approved plans:

- Location Plan, Dwg No. 113 01 01 Rev 00
- Proposed site layout, Dwg No. 1658.02-E
- Site Sections, Dwg No. 1658.03-C
- Conversion Principles for Courtyard Buildings, Dwg No. 1658.04-A
- Proposed conversion ( Plots 2, 3 and 4), Dwg No. 1658.05
- Landscape Plan, Dwg No. Fig. 4 (18.693) Rev b
- Topographic Survey, Dwg No. 212091-SU-01
- Hay Loft survey, Dwg No. EL-01
- Barn elevations, Dwg no. EL-01
- Tree Plan Existing, Dwg No. 113 01 10 Rev 01

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

6. Notwithstanding the details set out in the application particulars, no development shall commence on site within any particular phase until details and samples of the materials to be used for the external walls and roofs within the particular phase have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

7. No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure the proper management of the landscaped areas in the interests of visual amenity.

**8. No development shall commence on site in any particular phase until a scheme of hard and soft landscaping for that particular phase has been first submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-**

- a. location and current canopy spread of all existing trees and hedgerows on the land;**
- b. full details of any to be retained, together with measures for their protection in the course of development;**
- c. a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
- d. finished levels and contours;**
- e. means of enclosure;**
- f. car park layouts;**
- g. other vehicle and pedestrian access and circulation areas;**
- h. all hard and soft surfacing materials;**

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

**9. All soft landscaping comprised in the approved details of landscaping for any particular phase of the development shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development within the particular phase whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping within a particular phase shall also be carried out in accordance with the approved details prior to the occupation of any part of the development within the phase or in accordance with a programme to be agreed in writing with the Local Planning Authority.**

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

**10. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:**

**Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused**



contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

**REASON:** To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

11. No development shall commence on site until details of the stopping up of the existing vehicular access onto Bunnies Lane, has been submitted to and approved in writing by the Local Planning Authority. The details shall include a programme for the timing of the stopping up of the access. The stopping up of the access shall take place in accordance with the approved details. On completion of the development, the means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

**REASON:** In the interests of highway safety.

12. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a. the parking of vehicles of site operatives and visitors;
- b. loading and unloading of plant and materials;
- c. storage of plant and materials used in constructing the development;
- d. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e. wheel washing facilities;
- f. measures to control the emission of dust and dirt during construction;

**g. a scheme for recycling/disposing of waste resulting from demolition and construction works; and**  
**h. measures for the protection of the natural environment.**  
**i. hours of construction, including deliveries;**  
has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period.

The development shall not be carried out otherwise than in accordance with the approved construction method statement.

**REASON:** The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

**13. Prior to the commencement of development including any demolition works, a mitigation strategy in the form of a site plan shall be submitted to and approved in writing by the local planning authority. The plan shall show the number, type and location of all bat and bird integral boxes to be included within the development. All works connected with the development hereby permitted shall be carried out in strict accordance with the recommendations for ecological mitigation (bats and birds) in Section 5 of the submitted Bat and Protected Species Survey (Malford Environmental Consulting, 23 September 2016) and the approved plan the subject of this condition.**

**REASON:** In the interests of protected species and their habitats.

**14. No development shall commence within the area indicated (the proposed development site) until:**  
**a. A written programme of archaeological investigation, which should include onsite work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and**  
**b. The approved programme of archaeological work has been carried out in accordance with the approved details.**

**REASON:** To enable the recording of any matters of archaeological interest.

**15. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.**

**REASON:** The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

**16.** No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of permeability test results to BRE365 with determination of top ground water levels taking into account seasonal variations and full catchment investigations with regards to existing flooding in/adjacent to the site together with all third party approvals. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

**REASON:** The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained without increasing flood risk to others.

**17.** The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

**REASON:** To ensure that the development is served by an adequate means of access.

**18.** No part of the development hereby permitted shall be brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

**REASON:** In the interests of highway safety.

**19.** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no first floor window, dormer window or rooflight shall be inserted in the rear (south facing) elevation of plot 6 of the development hereby permitted.

**REASON:** In the interests of residential amenity and privacy.

**20.** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without

modification), no first floor window shall be inserted in the north facing gable of plot 1 of the development hereby permitted.

**REASON:** In the interests of residential amenity and privacy.

**21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.**

**REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

**22. INFORMATIVE TO APPLICANT:** The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

**23. INFORMATIVE TO APPLICANT:** The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

**24. INFORMATIVE TO APPLICANT:** The proposed widening to the front of Cedarwood and on the corner of Bunnies Lane as shown on the drawing will be required to be conditioned and secured as adopted highway via a short form S278 agreement. The parking provision within the site shall

meet the minimum requirements in accordance with the Wiltshire Local Transport Plan 2011 – 2016: Car Parking Strategy (March 2011) and be provided as shown on the approved drawing. All accesses should be surfaced in a consolidated material for at least the first 2.5m. If the site is to be accessed by a refuse lorry under agreement the turning area for the lorry should be built to adoptable standards i.e. consolidated surfacing.

60. **18/07000/FUL - Land to the rear of Trinity Cottage, Castle Grounds, Snails Lane, Devizes, SN10 1DB**

Public Participation

Mr Howard Waters, Agent, spoke in support of the application.

Nick Clark, Senior Planning Officer presented a report which recommended that planning permission be refused for a Proposed dwelling on site of former horticultural buildings.

Key details were stated to include the following:

The application followed a previous proposal considered by the Committee in October 2017, which was refused. As with that proposal, the main issues to be considered were the impact of the development on the setting of Devizes Castle as a Scheduled Monument and the grade 1 listed Victorian castle, the associated grade 2 castle walls and the nearby grade 1 St John's Church and grade II Sexton Cottage, and impacts in terms of the archaeological potential of the site and the Devizes Area of Minimum Change.

The current application had been scaled down and was situated in a different location within the site, namely on the site of the former glass houses. It was stated that the current application addressed previous archaeological and ecological concerns, but not the impact on designated heritage assets and therefore the recommendation was to refuse planning permission.

Members of the committee then had the opportunity to ask technical questions of the officer. In response the officer stated that although the site itself was not in a conservation area, the setting of the surrounding conservation areas and heritage assets and the impact on them was still relevant. It was confirmed that the proposed building was intended as a dwelling to live in.

Members of the public then had the opportunity to present their views, as detailed above.

The unitary division member, Cllr Sue Evans, spoke in support of the application.

In response to public statements the officer stated that although the archaeologist was happy with regards to below ground archaeology, she still had objections due to the impact of the proposal on the setting of the historic monuments. Historic England also had objections. The agent had stated that the proposed scheme would be an improvement to the site, as the ruins of the

glass houses were unsightly. However, if approved, the application would result in a permanent change to the setting of the castle, rather than replacing derelict transient buildings with new transient buildings (e.g. glass houses). It was stated that the setting of the site was vital when considering the application.

In response to further questions from the committee, it was stated that if approved, the applicant would be able to fence in their garden. The origin of the Area of Minimum Change was confirmed as a saved policy from the Kennet Local Plan. The policy (Policy HH10) states that planning permission will not be granted for development that would materially damage the character of an Area of Minimum Change. The relatively undeveloped nature of the Area designated around the Castle was thus recognised and protected by the policy. It was stated that Devizes Town Council had no objections, rather than being supporters of the application. It was also stated that just because buildings had been allowed to fall into dereliction (in this case the glass houses) this should not enhance the chances of gaining planning permission.

A debate followed, whereby the key issues raised included the fact that in one members opinion the application met Wiltshire Council Core Policies 57 and 58, that the building enhanced the site and that officers objections were the same as those raised against the original application, not taking account of the changes that had been made to the application.

Other members disagreed stating that the original objections stand and that the building does not enhance the site, as evidenced by the formidable list of objectors.

Further points raised included the fact that much had been made of the attractiveness, or not, of the dwelling in the current application, however this was not felt to be relevant. The site should be considered, if approved a building and garden would be located there which would change the setting. The benefit of one house could not be seen and would have a negative impact on the setting. Other members stated that the Castle setting should always be preserved.

During debate a motion to refuse the application, as per the officer recommendation was moved by Cllr Mark Connolly and seconded by Cllr Paul Oatway.

At the conclusion of the debate it was;

**Resolved:**

**That planning permission be REFUSED as per the officer recommendation.**

**Reason**

**The application site occupies a sensitive heritage setting in the designated Area of Minimum Change on the slopes at the base of the**

**Devizes Castle mound, where the largely undeveloped nature of the land and its residual character as former gardens to the castle contribute to the heritage significance of the Scheduled Monument and Grade I listed castle. Within this setting, the proposed dwelling would be visible from a number of directions. The significant size and elevated position of the dwelling and the associated access and garden accoutrements would be detrimental the character and appearance of the site and would intrude upon the heritage setting of the castle and particularly the relationship between the castle and the grade I listed St John's Church, resulting in less than substantial harm to their heritage significance. As such, the development would be contrary to saved Kennet Local Plan policy HH10, Core Policies 57 and 58 of the Wiltshire Core Strategy, and in the absence of public benefits sufficient to outweigh the harm, the National Planning Policy Framework.**

#### **60.1 WILDLIFE AND COUNTRYSIDE ACT 1981 - The Town and County Planning Act 1990 Section 257 - The Wiltshire Council Marlborough 30 Diversion and Definitive Map Statement Modification Order 2018**

##### Public Participation

There were no public statements.

Craig Harlow, Acting Rights of Way Officer presented a report which recommended that the Wiltshire Council Marlborough 30 Diversion and Definitive Map and Statement Modification Order 2018, be forwarded to the Secretary of State with the recommendation that it is confirmed as made.

Key details were stated to include the following:

Wiltshire Council had received an application to divert a 65m section of the Marlborough 30 footpath at Salisbury Road, Marlborough. The footpath required diverting in conjunction with planning application 15/02026/OUT and 17/03219/REM. Wiltshire Council's planning officers had previously approved these applications with conditions. As permission had been granted for housing on the site, the current route of the footpath would be obstructed by vehicle parking bays. The current route and proposed route of the footpath was shown to the meeting. Seven objections had been received, one, from Marlborough Town Council had now been withdrawn.

Attention was drawn to the late representations received from local residents Caroline Heath and Sara Daw, both objecting to the footpath diversion. These had been forwarded to the committee for consideration.

No members of the public were at the meeting to present their views.

The unitary division member, Cllr Nick Fogg spoke regarding the order. It was suggested that we may be able to make replacing the hedgerows that had been removed a condition of the Order.

Cllr Stewart Dobson, member for Marlborough East, also spoke, stating that he felt it was important that the committee be aware of the history involved. The original planning applications received for the site did not require diverting the footpath. However, in response to concerns raised by Marlborough Town Council regarding the type of housing being provided, the applicant modified their reserve application to change the mix of housing. This modified proposal did result in the need for the footpath to be diverted. It was felt that some of the comments received were as a result of overzealous contractors possibly removing hedgerows and vegetation that should not have been touched.

In response, the officer stated that they would investigate enforcement action regarding the removal of hedgerows.

A short debate followed where the main issue raised was that it was not felt the committee could justify objecting to the proposal, if the footpath was not diverted it would go through parking bays which would not be safe.

During debate a motion to forward the Wiltshire Council Marlborough 30 Diversion and Definitive Map and Statement Modification Order 2018, to the Secretary of State for Environment, Food and Rural Affairs with a recommendation from Wiltshire Council that the Order be confirmed as made, was moved by Cllr Mark Connolly. The motion was seconded by Cllr Paul Oatway.

At the conclusion of the debate it was;

**Resolved:**

**That the Wiltshire Council Marlborough 30 Diversion and Definitive Map and Statement Modification Order 2018, be forwarded to the Secretary of State for Environment, Food and Rural Affairs with a recommendation from Wiltshire Council that the Order be confirmed as made.**

61. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.35 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115



**Wiltshire Council  
Eastern Area Planning Committee  
29<sup>th</sup> November 2018**

Planning Appeals Received between 19/10/2018 and 16/11/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
18/07314/TPO	11 The Orchard Urchfont, Devizes Wiltshire, SN10 4QX	URCHFONT	Fell Scots Pine	DEL	Hearing	Refuse	22/10/2018	No

Planning Appeals Decided between 19/10/2018 and 16/11/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
17/05938/FUL	Building / Land at Dragon Lane Manningford Bruce Pewsey, Wiltshire SN9 6JE	MANNINGFORD	Demolition of Existing Building and Construction of Single Dwelling on Existing Footprint	DEL	Written Reps	Refuse	Dismissed	26/10/2018	None
17/10801/PNCOU	Agricultural Building Dunkirk Hill Farm Dunkirk Hill, Devizes Wiltshire, SN10 2BD	DEVIZES	Notification for Prior approval for a Proposed Change of Use of Agricultural Building to a Dwellinghouse (Class C3), and for Associated Operational Development.	DEL	Written Reps	Refuse	Dismissed	26/10/2018	None
17/10956/FUL	Woodlands Woodborough SN9 5PG	WOODBOROUGH	Single storey and two storey extensions	DEL	House Holder Appeal	Refuse	Dismissed	29/10/2018	None
18/05072/TPO	11 The Orchard Urchfont, SN10 4QX	URCHFONT	Fell one Scots Pine.	DEL	Written Reps	Refuse	Withdrawn	22/10/2018	None

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## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 1

<b>Date of Meeting</b>	29 <sup>th</sup> November 2018
<b>Application Number</b>	18/02400/FUL
<b>Site Address</b>	Former Naafi, Station Road, Tidworth, Salisbury SP9 7NR
<b>Proposal</b>	Construction of hardware and DIY store (with associated warehousing and open storage) and 8 residential units, with associated landscaping and parking.
<b>Applicant</b>	Mr J Sherborne
<b>Town/Parish Council</b>	TIDWORTH
<b>Electoral Division</b>	Tidworth
<b>Grid Ref</b>	423864 148460
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Richard Nash

### Reason for the application being considered by Committee

This application was initially called-in by the local Member due to concerns over:

- The entrance to the store being to the rear of the building - against what the local partnership has tried to achieve in making Station Road the commercial centre of the Town and to improve its footfall.
- The frontage of the shop not having proper windows, which would not enhance the commercial centre of the town and would be to the detriment of the commercial centre.
- Overlooking from the windows of the nearest flats and stairwells to the East of the site.

Although these matters have been subsequently addressed by the applicant, the Call-In has been maintained due to the level of local representation on the proposal.

#### 1. Purpose of Report

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

#### 2. Report Summary

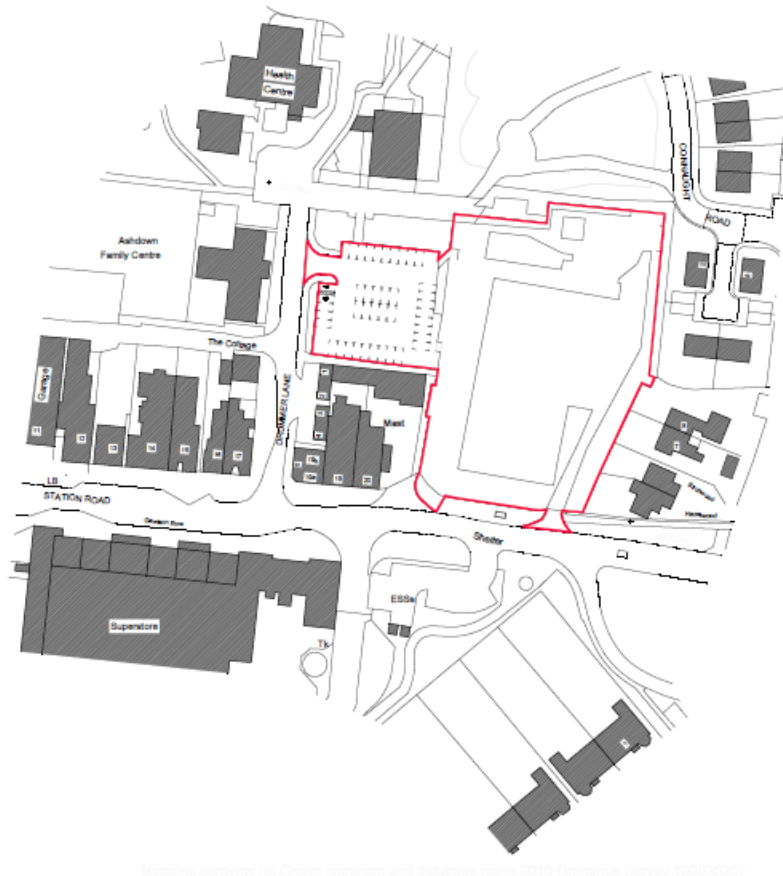
The key issues in considering this application are as follows:

- Principle of the development
- Character and Visual Amenity
- Neighbouring and Occupier Amenity

- Highways and Parking
- Ecology
- Drainage and Water Sources

### 3. Site Description

The site comprises a significant plot on the north side of Station Road and is currently vacant having formerly been occupied by the Tidworth NAAFI, which was demolished a number of years ago. Also included in the site is a car park accessed off Drummer Lane and located at the north-west corner of the site. Concrete floor slabs and external hard surfaces remain on the site, which is becoming overgrown with un-managed vegetation. The site is largely level but with a steep gradient and level change in the south west corner falling towards Station Road. There is a vehicular access from Station Road at the south east corner of the site. The Drummer Lane car park is also at a lower level than the adjoining part of the rest of the site.



*Site plan as existing*

### 4. Planning History

*K/58990/DEM*

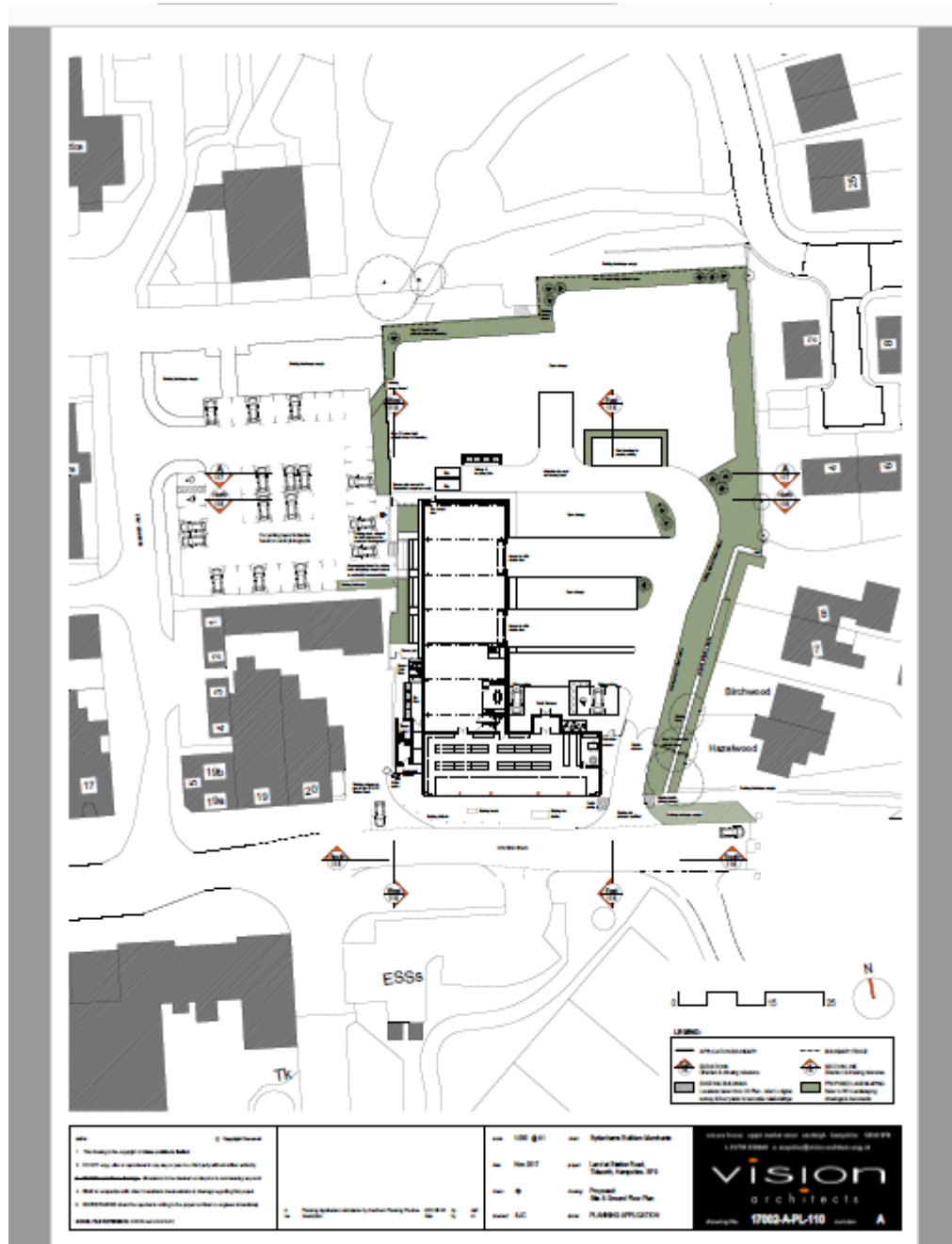
Demolition of former NAAFI building, including dwelling and two dwellings to rear:  
 Prior Approval Not Required

K/59002/F

Mixed retail and residential development: Withdrawn 2009.

## 5. The Proposal

The application proposes a ground floor retail showroom with a connected double storey height warehouse; associated external storage and parking; with four one bedroom & four two bedroom flats above the retail element and fronting Station Road.



Proposed Block Plan

## 6. Local Planning Policy

*Wiltshire Core Strategy*

Core Policy 1 (Settlement Strategy)

Core Policy 2 (Delivery Strategy)

Core Policy 3 (Infrastructure Requirements)

Core Policy 26 (Spatial Strategy for the Tidworth Community Area)

Core Policy 36 (Economic Regeneration)

Core Policy 38 (Retail and Leisure)

Core Policy 50 (Biodiversity and Geodiversity)

Core Policy 57 (Ensuring High Quality Design and Place Shaping)

Core Policy 58 (Ensuring the Conservation of the Historic Environment)

Core Policy 61 (Transport and Development)

Core Policy 68 (Water Resources)

*Saved Policies of the Kennet District Local Plan*

ED24 (New Development in Service Centres)

*Other Documents*

Wiltshire Local Transport Plan (Car Parking Strategy)

National Planning Policy Framework

National Planning Practice Guidance

## **7. Summary of Consultation Responses**

Tidworth Town Council: - Original scheme - Applicants claim ownership of whole Drummer Lane car park (42 spaces). MoD/DIO advised the Town Council they were only selling off half of the car park with the site – the other half being retained for residents' use. Note that Applicant envisages some of car park being available for people other than customers on a first-come basis – but need to establish whether all the car park belongs to Applicant or only half of it. No provision for pushchairs/buggies - flats only have stair access.

*Amended Plans* - Support application and see it as a welcome addition to town. Echo Councillor Connolly's request for application to be Called In to Committee, to allow residents who have objected to application to have full say. Also concerns over parking. Car park on Drummer Lane is already frequently used and Members are worried that if there is not sufficient parking this will have an effect and cause issues. Suggest owners speak with Tesco and encourage parking in their car park or have a time limit in the Drummer Lane car park.

Wiltshire Council Highways: No highway objection to principle of proposed development. Note analysis of assumed vehicle movements taken from TRICS and am generally satisfied that local highway network is able to accommodate additional trips. Site access, with some minor improvements, is considered as acceptable to serve the development with Drummer Lane being the main route to the car park.

*On amended plans*: Main concern is that the residential parking within the adjacent car park cannot be allocated and on that basis the future availability cannot be guaranteed. I have considered this matter and I note that this would be the sole reason to refuse the proposal.

I am concerned that this parking opportunity could be lost if the car park were to be redeveloped in the future. However, this would need to be addressed at that time when such proposal could be resisted on the loss of parking. Whilst it is not ideal to rely on other car parks for residential parking, it is noted that there are other car parks in the vicinity of the site which possibly could be used by residents, or visitors, if necessary.

The on-street parking on Station Road is restricted and therefore the impact on the public highway would be limited.

It is my opinion that I could not justify a refusal reason based on the residential parking if this is the sole refusal reason.

Wiltshire Council Archaeologist: Support Subject to Condition:

Site has some archaeological potential and this has been confirmed in desk assessment prepared as part of application. However, site is considered as partial brown field and there has been a good level of modern disturbance which would make pre-determination evaluation difficult to undertake.

Conditions: An archaeological condition should be attached to any grant of consent to allow for archaeological investigation and recording of any ground disturbance associated with this development. In the previously undisturbed parts of the site this should take the form of strip, map and record excavation.

Wiltshire Council Drainage: Support Subject to Conditions:

1: No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained.

2: The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

3: No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details together with location of top ground water level to ensure that the base of any soakaway can achieve at least 1m of unsaturated soil between its base and the agreed top level of ground water taking into account seasonal variations, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained.

4: The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

Wiltshire Council Public Protection (Noise): No concerns regarding proposal. Happy with Plant Noise Assessment that accompanies application. Would recommend Plant Noise Limits contained in Table 2 of section 4.9 are attached to any approval and would expect these Rating Levels to be applied to both existing and the proposed 8 flats:

Period and Rating Noise Level, dB

Daytime: (07:00-19:00): LAeq, 1 hour 34dB

Evening: (19:00-23:00): LAeq, 1 hour 31dB

Night Time: (23:00-07:00): LAeq, 15 minutes 25dB)

(Soil Contamination): Would expect to see potential land contamination assessed as part of application; site shows up on mapping as previously having been railway land so would seem to be potential source of contamination.

As such would ask for following condition to be applied:

WH2A No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

Wiltshire Council Waste: Support Subject to Conditions. Section 106 Contributions not required for this application as there are less than 11 residential dwellings.

Condition: Recommend a condition that does not allow commencement of development until details concerning how waste collections will function on the development are submitted to and agreed by the council, to meet the requirements of policies CP3 and WCS6.

Informative: The Council will only operate on private land where an indemnity is signed by the landowner. The Council will also require an indemnity to operate on any roads prior to their adoption.

Wiltshire Council Ecology: No Comments.

Environment Agency: None received.

## **8. Publicity**

The application has been advertised by press and site notice and neighbour letters.

1 Letter of Support received from the Community;

Original Plans: 17 Objections received from the Community on the following grounds;

No need for business



Proposed business is a lever to provide un-needed flats  
Overlooking from flats  
Traffic congestion  
Parking  
Highway safety  
Noise nuisance  
Fumes and pollution  
Reduction of light  
Excessive scale and height  
Risk that business hours will not be adhered to  
Insufficient width of access for delivery vehicles  
No benefit to community  
Disturbance to stability of dwellings during construction  
Impact on amenity and health during construction (particular conditions mentioned)  
Visual impact of industrial estate type development  
Will not enhance footfall of other shops  
Does not support regeneration of Tidworth  
Other uses and layouts suggested  
Loss of public parking in Drummer Lane car park  
Previous refusal of residential on site  
Tree heights incorrect and hedge photos misleading  
Ground disturbance during construction and deliveries  
Decrease in property value

#### Amended Plans

6 Objections received from the local community on the following grounds:

Insufficient on site publicity  
Overlooking from flats  
Traffic congestion  
Parking  
Highway safety  
Noise nuisance  
Fumes and pollution  
Reduction of light  
Excessive scale and height  
Insufficient width of access for delivery vehicles  
No benefit to community  
Impact on amenity and health during construction (particular conditions mentioned)  
Visual impact of industrial estate type development  
Will not enhance footfall of other shops  
Does not support regeneration of Tidworth  
Other uses and layouts suggested  
Loss of public parking in Drummer Lane car park  
Drainage and Flooding Issues

## **9. Planning Considerations**

## 9.1 Principle of Development

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

In the Wiltshire Core Strategy, Tidworth is identified as a Market Town under CP2 and CP26 and there is a presumption in favour of sustainable development in such settlements. The site lies well within the settlement boundaries. The proposed retail use of the site would be in accordance with the supporting text to Core Policy 26, which states (at paragraph 5.140) that *'further improvements to the retail offer of Tidworth and Ludgershall are a priority to help improve the self-sufficiency of the area'*

Furthermore, CP36 states that *'Regeneration of brownfield sites will be supported in...Market Towns...where the proposed uses help to deliver the overall strategy for that settlement, as identified in CP1...and/or enhance the vitality and viability of the town centre by introducing a range of active uses that complement the existing town centre. Saved Policy ED24 is supportive of new shops in the centre of Tidworth, provided that service arrangements are adequate.'*

For these reasons it is considered that the proposal is acceptable in principle, subject to more details and site specific policies as discussed below.

## 9.2 Character and Visual Impact

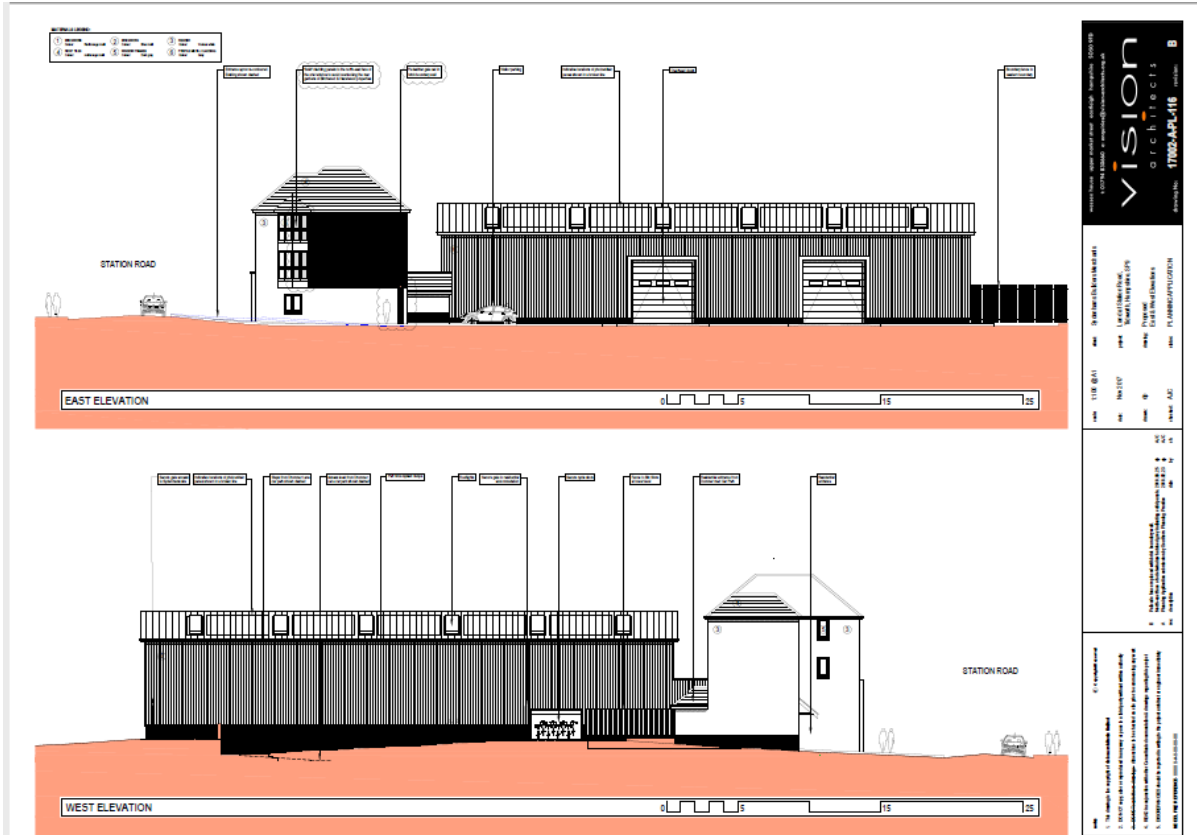
The local area comprises a number of land uses as would be expected in a town centre. There is a mix of uses along the western boundary of the site, in Station Road and Drummer Lane with public open space leading on to a leisure centre to the north, residential properties - at a higher ground level and bounded with a retaining wall, footpath and landscape margin - to the east and a superstore and parking area on the opposite side of Station Road.

A series of individual retail units face on to the south side of Station Road, largely concealing the superstore, with stepped parapets, set back and arcaded frontages and blank facades. The northern side of Station Road is composed of buildings with a variety of traditional forms – pitched roofs with eaves or gable ends, with a variety of windows, mouldings, bay windows, plinths, soldier courses and so on, depending on the age and quality of the individual buildings.

Buildings on the north side of Station Road generally occupy the full width of their plots and sit at the rear of the pavement, apart from a setback MOT premises, creating a terraced effect. The ground floors on both sides of the road are characterised by large display windows. On the northern side of the road there is largely residential accommodation on the upper floors of buildings, with the majority of roof spaces having been converted and featuring dormer windows or gable ends, whilst the superstore opposite has blind upper floors and signage at this level. The application proposes a ground floor retail showroom with a connected double storey height warehouse, associated external storage and parking with flats above the retail element and fronting Station Road.



South and North facing elevations



East and West elevations

There is no question that an appropriate redevelopment of the site would enhance the appearance of this long standing brownfield site, whose undeveloped state detracts from the character and appearance of the area and contributes nothing to the vitality and viability of Tidworth town centre.

The proposed development would have a significant scale but this is commensurate with the site and sits between the dominant superstore and more modest buildings in Station Road. The design has sought to reflect local character with a strong retail frontage with an access (included in amendments to the design following initial concerns) and large showroom windows to the street, and a second entrance, customer parking and a warehouse with external storage to the rear.

The rear warehouse would be connected to the retail element by a single storey link, allowing the business to function internally and externally separating the retail and residential uses from the warehouse. Setting the main residential entrance and stair core back from the rear of the Station Road pavement would have the effect of concealing the warehouse when viewed from Station Road, and in particular through the vehicle access to the rear of numbers 19 and 20 Station Road.

Details to the proposed design include references to and incorporation of details found on the north side of Station Road but also seeks to respond to the superstore in terms of its larger scale and simplicity of shop fronts. Particular features include: setbacks to parts of the façade reflecting the pattern of individual properties on Station Road; breaking the building line by introducing balconies at first floor level; roof hips, eaves and gable ends facing Station Road to bring an inconsistency to the eaves line; window mouldings; asymmetry in the facade to avoid formality; oriel windows; pitched canopy to the residential entrance on Station Road; use of brickwork and render to articulate the facades

The materials proposed are a direct response to those on the northern side of Station Road - red/orange and blue brickwork, red/orange and blue/grey roof tiles, and a range of 'white' renders across the elevation. The boundaries of the site would be enclosed with 2.4 metre high palisade fencing, supplement existing brick walls and as necessary to secure the commercial site and separately secure the residential part of the site. In response to initial concerns, the proposed security fencing to Station Road has been replaced by proposed brick walling to provide a more aesthetic appearance.

The delivery access from Station Road would be locked and unlocked around business hours. Staff who park in the Drummer Lane car park would enter the site via a secure gate on the western boundary using an existing flight of steps from the car park. The main entrance to the residential properties would be from a secure door to the rear of the pavement on Station Road. A secondary entrance to the residential properties would be available from the Drummer Lane car park for pedestrians and cyclists, via a new opening formed in the existing boundary wall. This would avoid the creation of a 'rat run' between the Drummer Lane car park and Station Road.

Any development on this site would be of a significant scale, whether in terms of bulk or density. On balance, it is considered that the current proposal would not have a detrimental impact on the character or visual amenity of the site or locality.

### 9.3 Neighbouring and Occupier Amenity

The building would be located closest to the west boundary of the site – mainly approximately 5 metres from the boundary and 8 metres from the nearest building – the MOT premises. The upper residential floors of nearby buildings would be located approximately 15 metres away, with wholly residential dwellings fronting Drummer Lane at approximately 25 metres away. The element of the building facing in this direction would be the warehouse, at approximately 9 metres in height – with the roof of the Station Road frontage rising to a height of 12 metres where it adjoins the MOT premises forecourt. A line of warehouse rooflights and two small secondary lounge windows would face in this direction (the latter across the MOT premises forecourt).

To the east, the warehouse element of the building would be in excess of 30 metres from the boundary, with the taller element at 15 metres from the boundary and 25 metres from the closest dwelling, which is at a higher ground level. There would be no upper floor windows facing in this direction – oriel windows are shown with the angle facing these residential properties as being blanked out.

There has been some concern over potential noise, dust, fumes and general disturbance during construction and in particular how this might exacerbate existing health issues. However, this is not a reason for withholding planning permission – the developer would have a duty of care and such pollution is subject of other legislation.

Any development of this site would have some impact on views from nearby residential properties. However, given the above, it is considered that the proposals would have no significant detrimental impact on neighbouring amenity in terms of overshadowing, overbearing effect or overlooking.

The layout of the site and proposed flats is such that residential occupier amenity should be protected. The Public Protection Officer has no concerns on this point, subject to the conditions noted above.

### 9.4 Highways and Parking

Whilst there was no objection to the proposal in terms of traffic generation and impact per se, the Highways Officer had initial concerns regarding parking.

In response the applicant advised that they had a right to park up to 28 vehicles within the southern half of the Drummer Lane car park. There is also provision for a further 8 spaces within the site of the store for customers (3 next to the store and a 5 bay overspill car park) – providing a total of 36 spaces within the applicant's control. Bearing in mind that staff and residents are likely to place demands on the car park at different times of the day and having regard to the fact that the car park has 42 spaces, and that there is a car park opposite the site, the applicant considers the proposed parking arrangements to be adequate, particularly given the town centre location of the site.

The applicant could invoke his rights to use the 28 spaces if there is an issue with long term parking. However, he could not specifically allocate the bays, as he does not own the car park, without the agreement of the owner. Furthermore, keeping all bays unallocated would allow the sharing of bays between residential and retail uses – in general terms resident parking demand is at night with commercial parking demand in the daytime during weekdays.

The final response from the councils highways officer as noted in the comments is above is not to raise an objection to the application. Whilst the highways officer does still have some concerns about where future residents of this development may park this is not such to warrant refusal of the application particularly as there are parking places elsewhere that could be used.

### 9.5 Other Matters

The Ecologist has no comments on the proposal. The Archaeologist, Drainage Engineer and Waste Officer have no objections subject to the conditions noted above. CP68 requires that development proposals within a Water Source Protection Zone must assess any risk to groundwater resources and groundwater quality and demonstrate that these would be protected throughout the construction and operational phases of development. This can also reasonably be dealt with by planning condition.

### **RECOMMENDATION**

Approve with Conditions:

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

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

- 2** The development hereby permitted shall be carried out in accordance with the following approved plans:

17002-A-PL-110 A (Location Plan)  
17002-A-PL-110 B (Proposed Site and Ground Floor Plan)  
17002-A-PL-111 B (Proposed Ground Floor Plan)  
17002-A-PL-112 B (Proposed First Floor Plan)  
17002-A-PL-113 B (Proposed Second Floor Plan)  
17002-A-PL-114 B (Proposed Roof Plan)  
17002-A-PL-115 B (Proposed North and South Elevations)  
17002-A-PL-116 B (Proposed East and West Elevations)  
17002-A-PL-120 B (Proposed Section A-A/North Elevation; Street Scene/South Elevation)  
17002-A-PL-125 B (Proposed Typical Perimeter, Cycle Shelter and Bin Enclosure)  
Planning Statement

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

- 3** No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 4** No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- location and current canopy spread of all trees on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- all hard and soft surfacing materials;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 5** All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

- 6** No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

- 7 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details together with location of top ground water level to ensure that the base of any soakaway can achieve at least 1 metre of unsaturated soil between its base and the agreed top level of ground water taking into account seasonal variations, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

- 8 The following Plant Noise Limits contained in Table 2 of Section 4.9 of the Noise Assessment (24 Acoustics, R7034-1 Rev 0, 21 August 2017) shall be adhered to at all times.

Period and Rating Noise Level, dB

Daytime: (07:00-19:00): LAeq, 1 hour 34dB

Evening: (19:00-23.00): LAeq, 1 hour 31dB

Night Time: (23:00-07:00): LAeq, 15 minutes 25dB)

REASON: In the interests of residential amenity.

- 9 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.



REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

- 10** No development shall commence on site until a scheme for the collection of waste from the development has been submitted to and approved in writing by the Local Planning Authority. The collection of waste shall subsequently only take place in accordance with the approved scheme.

REASON: In the interests of amenity.

- 11** No development shall commence until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

- 12** No development shall commence on site until an assessment of risk to any groundwater resources and groundwater quality, including evidence of how these would be protected throughout the construction and operational phases of development, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in full accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that groundwater resources and groundwater quality are protected.

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## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 2

<b>Date of Meeting</b>	29 <sup>th</sup> November 2018
<b>Application Number</b>	18/03498/FUL
<b>Site Address</b>	Sports Field, Green Lane, Devizes
<b>Proposal</b>	Provision of new football pavilion and changing facilities for Devizes Town Council and to form new headquarters for Wiltshire FA. Reconfiguration of car park and newly laid out football pitches
<b>Applicant</b>	Devizes Town Council
<b>Town/Parish Council</b>	DEVIZES
<b>Electoral Division</b>	Roundway – Cllr Mayes
<b>Grid Ref</b>	401399 160007
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Ruaridh O'Donoghue

### Reason for the application being considered by Committee

#### 1. Purpose of Report

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

#### 2. Report Summary

The main issues to be considered are:

- Whether the scheme is acceptable in principle;
- Whether the scheme constitutes high quality design;
- Whether the proposal would protect, conserve or enhance landscape character;
- Whether the proposal would have a negative effect upon highway safety, including if there is sufficient parking for the proposed use; and
- Whether the proposal would have a harmful impact upon ecology.

#### 3. Site Description

The sports field at Green Lane is located on the south-eastern edge of Devizes, off the A342. It is well-contained within its immediate visual envelope, with mature trees and hedging to its boundaries. The land is currently in regular use for football matches and also appears to be in overspill use for leisure/recreation activities such as dog walking and unstructured/informal sports/play.

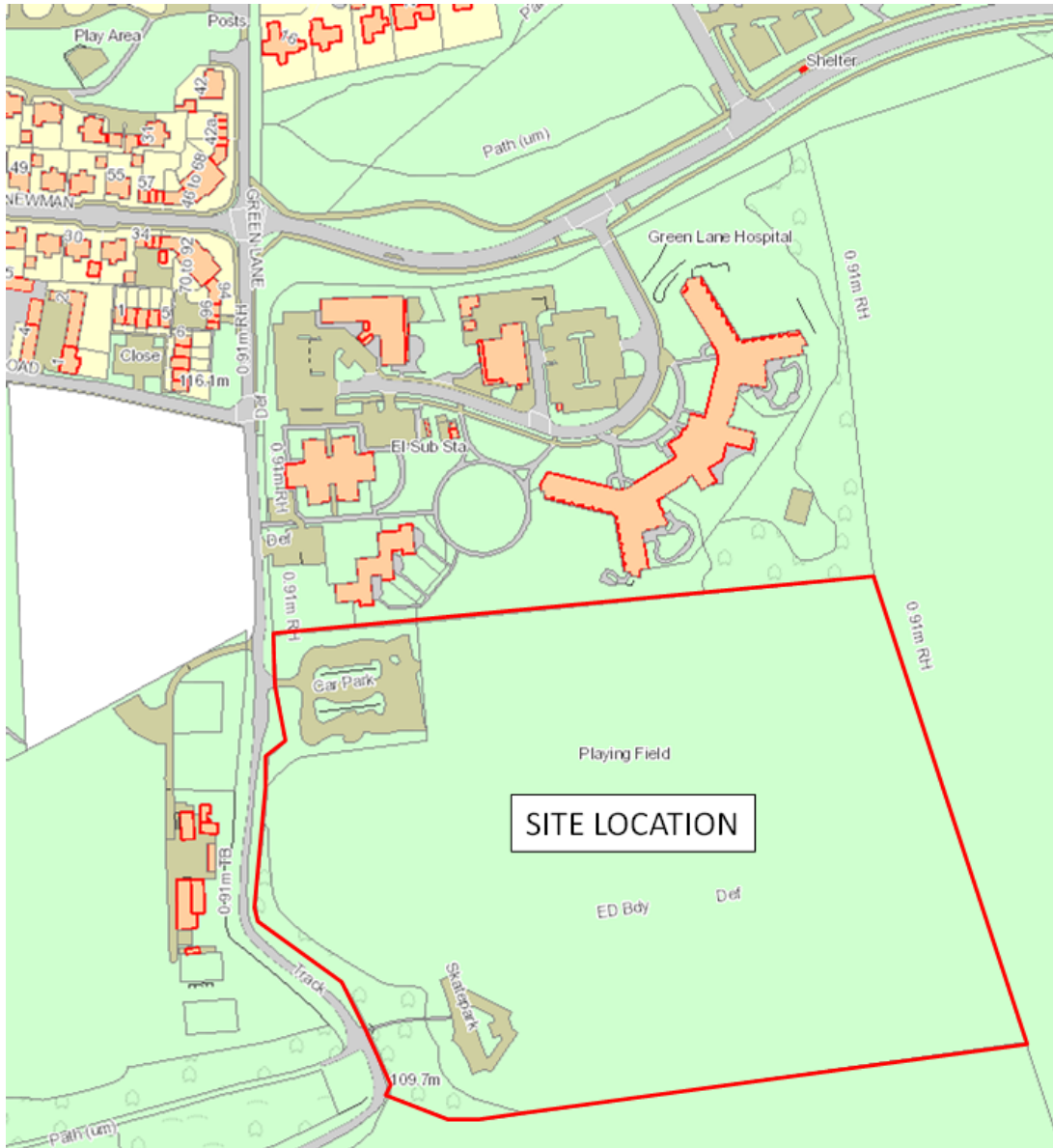
Green Lane hospital and rehabilitation centre lies to the north of the sports pitch; to the west of the sports pitch on the opposite side of Green Lane allotments can be found, and beyond these, lies Drews Pond Wood Nature Reserve.

Within the Drews Pond Wood Nature Reserve, Annex II bat species have been recorded.

Green Lane is recorded as a byway.

There are no landscape or heritage designations covering the site or other planning constraints.

Below is a location map with photographs that show the context of the site.







**View of playing field looking south-east**



**View from playing field looking to the north-west of the site towards the car park**



**View from playing field looking to the south-west of the site towards the skate park**



**View of existing car park**





**View of Green Lane towards proposed entrance**



**View of Green Lane at junction with Byron Road approaching the site**

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

K/31434	Variation of condition 24 on application K/19713, to allow the occupation of the adjacent Healthcare Facilities before the playing pitches have been completed.
K/33049	Variation of time limiting condition (No. 2) Ref K/19713/O (erection of community hospital, mental healthcare provision and access road) to extend period for submission of reserved
K/34117	Erection of prefabricated modular unit to provide changing rooms with facilities for the sports field users.
K/37538	Variation of condition 1 on K/33049 to submit reserved matters to 25 July 2002.
K/19712	Change of use from agricultural land to sports field and relocation of changing facilities
K/19713/O	Erection of community hospital and mental healthcare facilities and construction of access road



K/20347	Laying out of playing fields including regrading of land, drainage, car parking, relocation of changing rooms and landscaping
K/20639	Erection of 3 rehabilitation houses
K/21132/D	Erection of 60 bed acute mental illness unit, access road and car park
K/47364	Alterations and adaptation of existing entrance road, enlarged car parking areas to reduce incidence of on street parking.
K/47419/A	Erection of a free standing entrance sign
K/53452/F	Erection of 2.4m high security fence.
E/2012/1020/FUL	Erection of perimeter fencing and gate and creation of car parking area.
14/01071/FUL	Installation of skatepark
14/06529/FUL	Rain water holding tank
17/06672/PREAPP	Provision of new football pavilion and changing facilities for Devizes Town Council and to form new headquarters for Wiltshire FA. Reconfiguration of car park and newly laid out football pitches

## 5. The Proposal

The application proposes the provision of a new football pavilion and changing facilities for Devizes Town Council; and the formation of new headquarters for Wiltshire FA. The application also includes the reconfiguration of the car park and newly laid-out football pitches, including the provision of a 3G pitch with floodlighting.

The site is to be accessed off Green Lane, utilising the existing access into the current informal car park. The application proposes to resurface this car park, thus providing 105 car parking spaces.

To the east of the car park, it is proposed to construct a two storey pavilion building. This will have a footprint of approximately 330m<sup>2</sup> with a ridge height of 7.8m. It is to be constructed of a mixture of red bricks and profile sheeting (in 2 shades of grey). Windows are to be anthracite grey uPVC. At ground floor level, the building will contain changing rooms, toilets, service areas (including kitchen) and a club room. At first floor level, the building is to contain offices for use by Wiltshire FA.

The proposed 3G pitch will be a full-size, artificially-surfaced football pitch, measuring a total area of 113m x 74m. It is proposed to have 6 flood lighting columns, at a height of 15m.

Since the original application was submitted, the location of the 3G pitch has changed, in order to mitigate against ecological impacts i.e. minimising light spill for the local bat populations in Drews Pond Woods.

Dimensions must not be scaled from this drawing



**West elevation 1:100 @ A3**



**South elevation 1:100 @ A3**



**Key plan**



REVISIONS:

Dimensions must not be scaled from this drawing



**West elevation 1:100 @ A3**



**South elevation 1:100 @ A3**



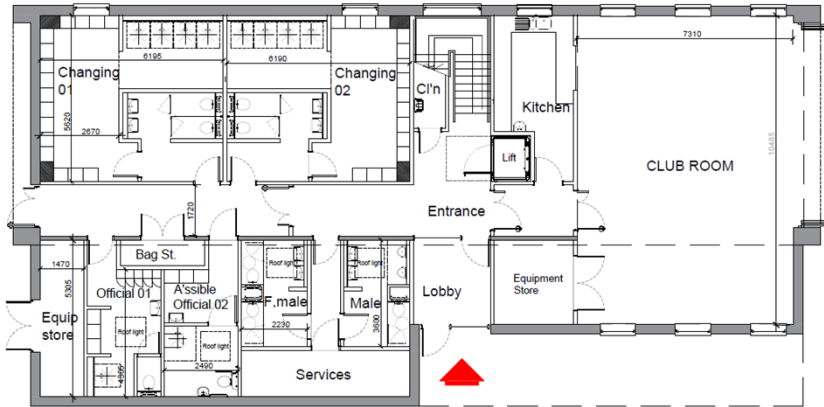
**Key plan**



REVISIONS:



Gross internal area 297m<sup>2</sup> (3195 Sqft)  
 Total gross internal area 471m<sup>2</sup> (5,069 Sqft)

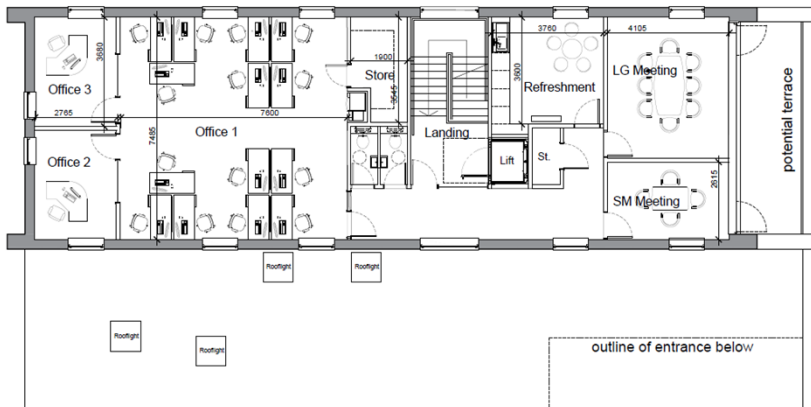


**Ground floor plan 1:100**

D 23.02.18 UPDATES RELATED TO ELEVATIONS  
 C 14.02.18 AMENDMENTS FOLLOWING CLIENT UPDATES  
 B 07.02.18 AMENDED TO CLIENTS REQUIREMENTS.  
 A 31.01.18 REDRAWN  
 REVISIONS:



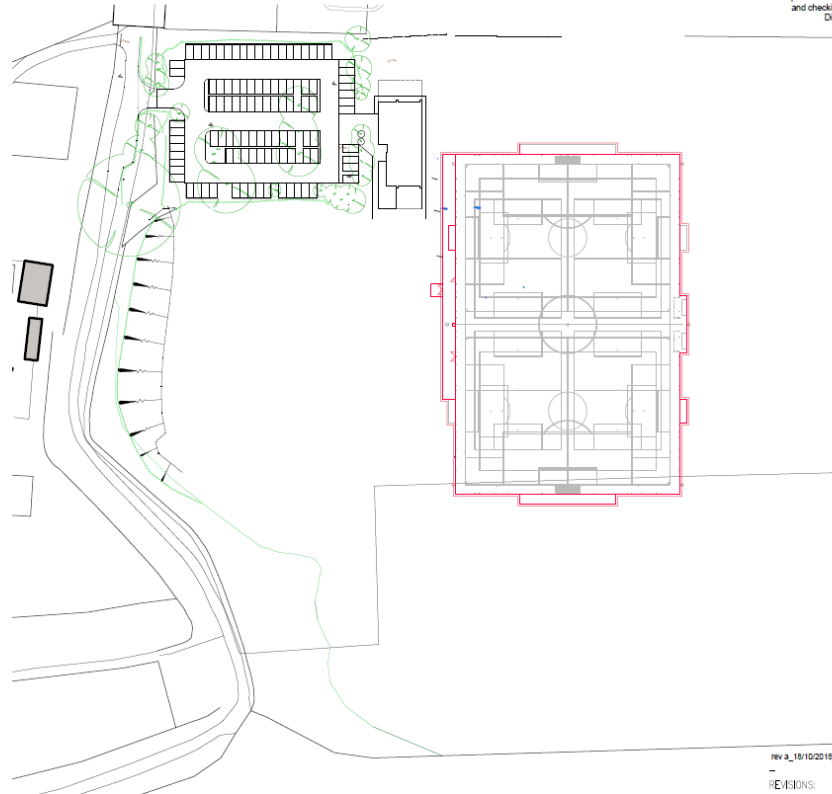
Gross internal area 174m<sup>2</sup> (1872 Sqft)



**First floor plan 1:100**

D 23.02.18 UPDATES RELATED TO ELEVATIONS  
 C 14.02.18 AMENDMENTS FOLLOWING CLIENT UPDATES  
 B 07.02.18 AMENDED TO CLIENTS REQUIREMENTS.  
 A 31.01.18 REDRAWN  
 REVISIONS:

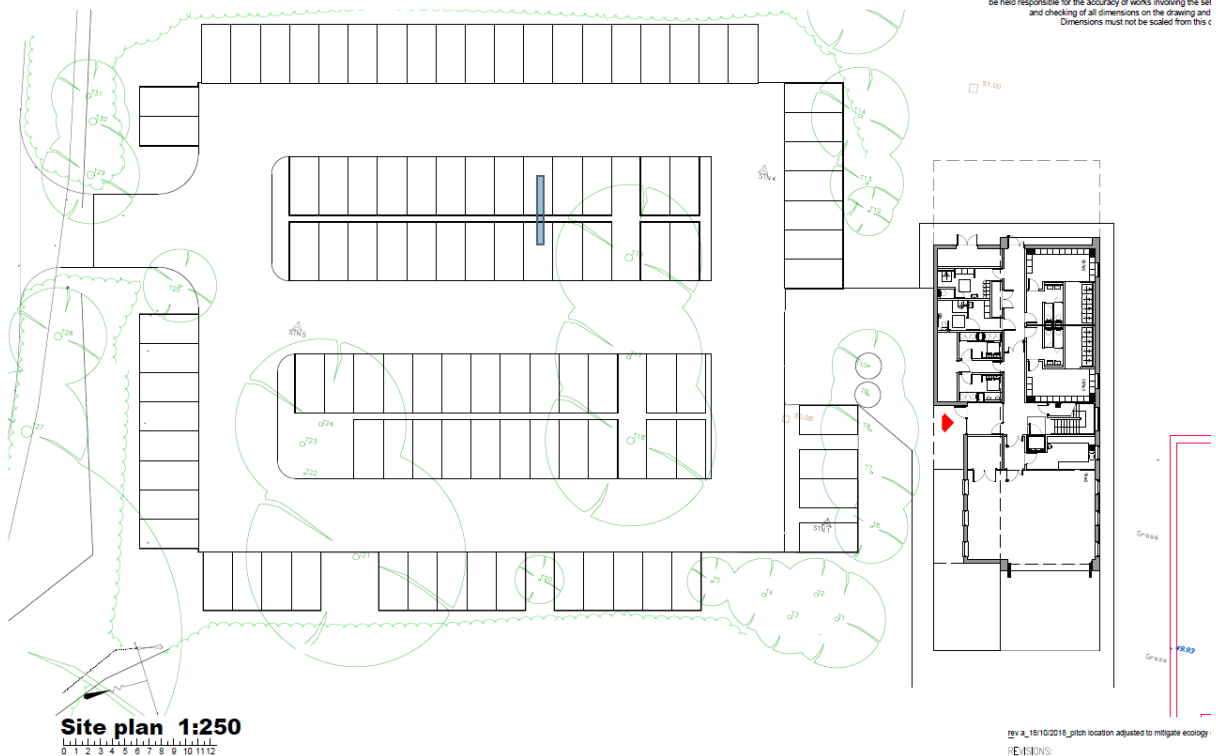
This drawing is copyright and is not to be reproduced. The contractor shall be held responsible for the accuracy of works involving the setting out and checking of all dimensions on the drawing and the drawing. Dimensions must not be scaled from this drawing.



**Site plan 1:1000**

rev\_a\_18/10/2018\_pitch location adjusted to mitigate ecology  
 REVISIONS:

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**Site plan 1:250**  
 0 1 2 3 4 5 6 7 8 9 10 11 12

rev\_a\_18/10/2018\_pitch location adjusted to mitigate ecology  
 REVISIONS:

## 6. Local Planning Policy

### Wiltshire Core Strategy 2015 (WCS):

- CP 1 – Settlement Strategy
- CP 2 – Delivery Strategy
- CP 12 – Devizes Community Area
- CP 38 – Retail and Leisure
- CP 41 – Sustainable Construction and low-carbon energy
- CP 51 – Landscape
- CP 52 – Green Infrastructure
- CP 57 – Ensuring high quality design and place shaping
- CP 58 – Ensuring the Conservation of the Historic Environment
- CP 61 – Transport and new development
- CP 64 – Demand Management
- CP 67 – Flood Risk

### National Planning Policy Framework 2012 (NPPF)

### Supplementary Planning Guidance:

- Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) – Maximum parking standards.
- Local Transport Plan 2011-2026 Cycling Strategy (March 2015) – Appendix 4

## 7. Summary of consultation responses (including amended scheme where received)

### Sport England

#### *'The Proposal and Impact on Playing Field*

Provision of new football pavilion and changing facilities for Devizes Town Council and to form new headquarters for Wiltshire FA. Reconfiguration of car park and newly laid-out football pitches, including creation of a 3G artificial grass pitch AGP.

#### *Assessment against Sport England Policy*

This application relates to the provision of a new indoor/outdoor sports facility or facilities on the existing playing field at the above site and a new pavilion. It therefore needs to be considered against exceptions 2 and 5 of the above policy, which states:

E2: 'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

E5: 'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exceptions 2 and 5.

Consideration of exception E2 is straight forward as the changing facility on site and the proposal will replace the temporary changing accommodation on site and remodel the

existing car park without negatively prejudging the playing fields. This is supported in table F of the Area Action Plan of the Wiltshire Playing Pitch Strategy (PPS)

Regarding exception E5, in this instance this is also straight forward: the current adopted playing pitch policy identifies a shortage of artificial grass pitches for football. Table C in the Area Action Plan of the Wiltshire PPS), identifies this site as one of the key sites for football and in Table F it suggests that this site should be considered for the creation of an AGP.

The Football Association are very supportive of this project and the Football Foundation have prioritised funding to the scheme.

#### *Conclusions and Recommendation*

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exceptions 2 and 5 of the above policy.

Normally Sport England would wish to see conditions attached to this type of project to ensure that the project is fit for purpose, however given there is public money being invested into the project, it does not make sense to do so in this instance.

I would like to make a few observations on the design of the pavilion, which I would be grateful if these could be passed on to the applicants:

- There is only one disabled toilet on the ground floor which is accessed via an officials' changing room; this is not good practice, especially if the changing room is occupied by a member of the opposite sex. It would be better to create a disabled WC elsewhere on the ground floor;
- It is not really acceptable to have disabled people go down a level to access a WC in the 21st century. It is better to have an accessible WC on the first floor to ensure the building is inclusive for people meeting and working on the first floor; and
- Communal showers do not cater for a number of sections of today's community, including some BME groups, transgender, shy male and female. I would suggest the end shower area in each of the changing rooms are created as cubicles to allow for private showering cum changing.

Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

#### Wiltshire Council Arboricultural Officer

'There are no objections in principle of the proposed development however, the mature Scots Pines adjacent to the existing car park are significant landscape features worthy of protection. The applicant would need to demonstrate that the rooting environment of these trees are adequately protected prior to and throughout the development.

The installation of Heras mesh weld fencing should be installed prior to any works and should

remain in situ until the landscape phases begin.

The site plan, P17-012, submitted by Barclay & Phillips Architects, indicate a minor incursion to the RPA of the large pine south west of the car park which would have no overall impact on the retained trees.

All the trees within the existing car park are considered to be of low landscape value and could easily be replaced by a suitable landscape scheme.'

Wiltshire Council Drainage Engineer

No objections, subject to the imposition of conditions to control foul and surface water drainage schemes.

Wiltshire Police

Allowing the proposal to go forward with the design shown has the potential to cause a detrimental increase in the burden of policing and calls upon other public services. Recommend that changes are made to the design of the scheme.

Wessex Water

The strategy is currently acceptable to Wessex Water, subject to agreement to detail with the local planning authority.

No comments to make on the revised plans.

Wiltshire Council Public Protection Officer

'Providing the proposed development is carried out in accordance with the submitted details and plans, including the opening hours, then I have no objections or conditions to recommend.'

Wiltshire Council Countryside Officer

'I note the above application for sports facilities and lighting on land adjacent to Drews Pond Wood Devides. Drews Pond Wood is a Wiltshire Council owned countryside site, managed by the Countryside Team with assistance from the Drews Pond Wood Project. Question 13 on the application form has been incorrectly answered because:

- Protected species have been recorded in Drews Pond Wood (Barbastelle and Bechstein's bats, both Annex II species)
- Drews Pond Wood is designated a CWS and also a Local Nature Reserve

Consequently it seems that no ecological survey has been submitted as part of this application, and one should have been. The lifecycle of bats impacts upon when in the year the survey can be properly conducted. Before any decision is made regarding this development proposal, an ecological survey must be undertaken by a suitably qualified professional in line with the BCT's Bat Survey Manual. The proposal should be allowed only if it can be demonstrated that, once in use, it will have no adverse impact on the adjoining habitats and their associated species.'

Wiltshire Wildlife Trust

'Thank you for the opportunity to comment on the above application. On viewing the documents submitted it is very concerning to see that there has been no ecological assessment of the impact of this planning application on the adjacent Drews Pond Wood Local Nature Reserve and the protected species that occur there.

Drews Pond Wood is a designated Local Nature Reserve, and County Wildlife Site. It is an extremely important site for wildlife. Recent surveys via extensive radio tracking has shown the presence of 12 species of protected bat using the area. In particular there are records of Annex 2 European protected bat species which use the wood, most notably Bechstein's bat and Barbastelle bat. It is essential that a full ecological survey of the bat species using the woodland and the adjacent field edge boundaries which surround the application site is undertaken. Bat species use both the woodland and the field edge boundaries as foraging and commuting corridors.

The proposals to install 15 metre high flood lighting is of great concern due to their potential detrimental impact on protected bat species, which are light averse. Such lighting has the potential to impact directly on commuting and foraging bats and also the potential to disrupt roosting sites, and therefore affecting populations of protected bats. This application needs to be assessed in the full context and understanding of the potential impact on protected bat species.

This location does not appear a sensible or appropriate location for this sort of facility, when the Town already has a football facility in the centre of town which it would appear could be developed and extended to accommodate such a facility without such a detrimental impact on protected species in the area around Drews Pond. Such green spaces on the edge of the town are already tremendously valued by local residents for the quiet and peaceful enjoyment of the designated Local Nature Reserve. The Trust believes that such spaces should be protected and expanded as an essential component of a comprehensive ecological network which works to enhance and further protect and expand wildlife populations, not further deplete them.'

#### Wiltshire Council Highways

'Marshall Road is able to accommodate the likely vehicle movements. Green Lane being a Byway takes both vehicles and pedestrians. As part of the adjacent Curo development Green lane has been improved in width and surface and I am happy that it can accommodate the vehicle movements. It should also be acknowledged that the site is currently being used for sporting use (in particular football) so there is an existing level of vehicle movements taking place without the requirement of planning permission. The main change will be the introduction on the site of the Adult football and the club-house which may attract social uses outside of the football games I am minded that the use of the site will be tidal and that the use of the pitches should not have a significant cumulative negative impact on the walking users of Green Lane (bearing in mind that there is a current use on site). Also, though I appreciate there may be a benefit to having a footway implemented between the access and Byron Road I am minded that there does not appear to be adequate width in the highway (ROW) and there would also be an impact on the rural nature of the hedgerow so based on both positions I am not minded to insist upon a link being provided.

I note that the applicant now proposes 100 spaces. This number seems reasonable but given the lack of information in regards to how each use will be utilising the site and when (I know



from personal experience youth football can attract a significant number of vehicle use) It will be useful to have a breakdown of movements so I can be satisfied that displaced parking will not take place on this section of Green Lane. (There are double yellow lines further into the rest of the housing estate). To ensure that proper use of all the spaces takes place, the parking area should be properly surfaced (tarmacked) and marked out.'

#### Wiltshire Council Ecology

Are satisfied that the survey work requested has been carried out to an acceptable standard by a suitably qualified ecologist and states that mitigation measures are possible to minimise the impacts to bats and other local ecology; and that these can be delivered via planning conditions. If the appropriate conditions are added to any permission given, then they believe that the scheme can be achieved without resulting in any significant adverse impact to protected habitats and species.

They are therefore able to support the application, but only if the following conditions are imposed:

- 1 The site will be constructed in strict accordance with the recommendations made in the two reports by Eclipse Ecology, covering the Phase I survey of the site and the subsequent bat surveys.
- 2 Prior to commencement of any works within the site, a suitable revised Landscape & Ecological Mitigation Plan will be submitted to the LPA for approval by their ecologists. This will show all recommendations for mitigation by both Eclipse Ecology but in addition will particularly address the provision of a secondary hedgerow 5m inside the existing hedgerow along the eastern boundary, with a rough grassland strip between the two. It will also address ways to reduce and prevent light spill from the building onto the car park and vegetation to the immediate west.
- 3 No lighting of the car park, or any other additional areas of the site will be permitted without first applying for approval to the LPA.
- 4 Prior to commencement of works within the site, a robust Landscape and Ecological Management Plan will be submitted to the LPA for approval by their ecologists. This will specifically (but not exclusively) address suitable management of the secondary hedgerow on the eastern side of the site to ensure it reaches a height of 3m in a reasonable length of time (to be indicated within the prescriptions) and the placement and maintenance of willow hurdles on the inside edge of the new hedge to ensure instant light baffle while the hedgerow grows.

#### **8. Publicity**

The application was advertised by way of a site notice and neighbour notification letters. As a result of this exercise, the following representations have been made:

- Loss of the open space would benefit less people than it would harm
- Do not want to see artificial grass pitches and a stadium
- Exiting car park does not accommodate the numbers they are suggesting (90)
- It is not accepted that overspill onto the surrounding network will not occur
- Already overspill from hospital site
- Where will the buses go after dropping off players
- Green lane is byway not a highway – it is not suitable for additional traffic

- The lane is much used by pedestrians, cyclists and horse riders given the lack of footpaths etc. it will become hazardous to use with increased vehicles on it
- Noise and environmental pollution from increased traffic
- Application is all about football and not much else when this is supposed to be a multi sports facility for the community
- It will have a bar and thus we can expect longer opening hours
- Floodlighting will be harmful to the environment, spoil the countryside and affect neighbouring properties
- Why does Wiltshire FA want to move to Devizes which is less accessible than Swindon
- Car parking provision will be inadequate given the existing users of the site
- Site is used by Devizes Bowman Archery Club
- Drainage strategy is of concern. Soakaways to car park would be best option
- The planning application submitted by Devizes Town Council contains factual errors, in that in Section 13 it wrongly states that there are no priority / protected species or designated sites / important habitats on the land adjacent to the proposed development.
- Bat populations will be adversely affected – notably by the light pollution
- Littering will increase
- Will toilet facilities be made available at the pavilion for uses of the skate park
- No enough parking
- The junction of Green Lane and Byron Road is already an accident waiting to happen
- No noise assessment
- The clubhouse will likely have events late into the evening causing noise and disturbance to local residents
- Inaccuracies in the plans as they do not show the recent housing development nearest the site or extensions to Green Lane Hospital
- A lit up sports field will ruin a local amateur astronomer's hobby
- They should only use the field during daylight hours and keep the skies dark
- The recreation ground should be a centre for many activities, and a proper plan for its development is needed, not the piecemeal approach we have at present where a skate park is tucked into one corner and a football pitch and pavilion into another. In both cases the availability of cash has spurred the development, not a coherent plan.
- It is regrettable that planning permission is being sought by Devizes Town Council, which has consulted football-oriented organisations, but not thought it necessary to engage with its own residents.
- The current football ground for Devizes FC should be expanded. This would be a better option.
- The sports ground is not neglected as the applicants state
- Alongside the proposed floodlit football pitch the NHS has Mental Health Partnership facilities. These two activities do not make good neighbours.
- The substantial pavilion building will add a large built element.
- The extensive car park will also be intrusive.
- The floodlighting will introduce tall, alien structures, and light pollution.

The revised location of the 3G pitch was consulted upon. Comments in addition to those mentioned above are summarised below:

- Light pollution from 15m floodlights will still occur despite additional lighting information
- This recent submission will selfishly exclude all sports except Football
- The FA should not be allowed to monopolize sporting venues or areas purely because "they" have better funding.
- Our primary concern is over the complete disregard to the needs of Devizes Bowmen for whom Green Lane has been home for the past 50 years.
- The proposed plans, as presented, will mean that Devizes Bowmen will probably have to be disbanded unless the Town Council can find another suitable venue for the club to shoot.
- The Devizes Town Council has placed itself under financial obligation to the Wiltshire FA, and has failed to consult all stakeholders of Green Lane about this planning application
- Archery club will be destroyed by the 3G pitch.
- Not enough space to accommodate an archery range anymore with the current proposals
- The drawings prepared and submitted fail to show the full extent of the site and how the facility might be best utilised by the local community, whom the Devizes Town Council are supposed to represent.
- The proposal fails to support the strategic objectives of Sport England in tackling inactivity in the community by ensuring the facility is developed as a 'multi-sport community facility' as originally set out by the Devizes Town Council brief, and are simply focussing on what is arguably the most active group in our community.
- The proposals fail to recognise the access and usability needs of other users of the facility. Our club has disabled members one of whom is a tetraplegic and as such specific access and use requirements have not been considered in the proposed plans for the archery club.
- The ground conditions on the site are poor and drainage is inadequate, with frequent waterlogging in the winter months, yet are not being improved as part of this proposal and additional surface water from the proposed building, re surfaced car park and 3G pitch will simply make the conditions worse.
- It is complete disbelief that Devizes Town Council have chosen to ignore a well-established and respected community group, and rail road the plans through with no consultation or consideration of other user groups at Green Lane.
- No facilities being provided for existing users if the site e.g. The Devizes Bowmen.
- Development of the site would be contrary to Sport England objectives.
- Loss of this facility would greatly sadden local people.
- Re-positioning the football pitch in a south-easterly direction would enable the continued use of the established archery range as part of the multi-sport community facility at the field.
- It seems Devizes Council have forgotten their obligation to provide sports facilities/opportunities for all, and not just those that have lots of money to spend.
- No accompanying documentation to show how the bats will be mitigated against or protected.
- It is perfectly feasible to develop the site with the new facilities positioned to meet both the ecology requirements and requirements of other sports clubs using the site - but only if consultation occurs with all the parties.

- As a pensioner I cannot play football and archery is an important way for me to get some exercise and fresh air.
- Access to the sports field is currently from Green Lane which is classed as a byway, not a highway and not suitable for increased traffic levels 7 days a week. There is no consideration of this within the Planning Document.
- Replacing two shipping containers with a substantial two-storey building that will be place of employment is not 'like for like' and whomever placed this within the Planning document is creating a false illusion and has stated a falsehood on what should be an accurate reflection on an application that is for 'Public Consumption'.
- Its usage has narrowed, whereas previously, this area has been used by the general public, is of high recreational value and used on a multi-purpose basis by families, dog walkers, cyclists, horse riders, multi-sports personnel etc.
- To my mind, the Town Council have not followed due process by failing to consult with all stakeholders in the site and have placed themselves under a financial obligation to the Wiltshire FA who have unduly influenced the proposed development. I believe this may contradict their own Code of Conduct.
- As a previous employee of Green Lane Hospital I am also concerned how the flood lights and football match noise so close to the inpatient wards will affect service users, some of whom have very serious mental illnesses and are detained in hospital under the Mental Health Act. This will cause unnecessary and avoidable distress to some of the most vulnerable people in our society.
- The proposal fails to support the strategic objectives of the National Planning Policy Framework July 2018 that states planning policies should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, for all sections of the community, through the provision of safe and accessible green infrastructure and sports facilities.

## 9. Planning Considerations

### Principle of Development

The site lies outside of the built-up part of Devizes and therefore, in planning terms, it is considered to be a countryside location. However, the site is currently in use as a D2 (leisure and recreation) playing field and there were no conditions imposed on the original consents (planning applications K/19712 and K/20347) restricting the use of the land to only grass sports pitches within the D2 use class. The proposed formal sport pitches and football pavilion would also be a D2 use, thus compatible with the wider use of the site, which includes the Devizes Skatepark.

The offices at first floor will be occupied by Wiltshire FA. Wiltshire FA will be running / managing the facilities at the site and therefore, these offices would be ancillary to / associated with the wider use of the site. As such, a separate B1 use is not being created here but rather ancillary / associated offices attached to a wider D2 use. The office element therefore, does not constitute a change of use and is therefore acceptable.

Although the application site lies just outside of the Limits of Development (LoD) of Devizes, where under Core Policy 2 development is strictly controlled i.e. limited to those exceptions identified at paragraph 4.25 of the WCS, the site is already in use as a sports field with some operational development e.g. a skatepark and steel shipping containers used by the Devizes Bowmen. The site is well-related to Devizes and easily accessible from the main centre /

residential areas such that it is not considered to be an isolated, unsustainable form of development e.g. access on foot or bicycle would be possible given the distances involved (to accord with IHT Guidance, the site is less than 2km from the centre for walking and 5km for cycling). Furthermore, a facility such as this is far more likely to be located on the outskirts of a town rather than within the main built-up area.

As such, the principle of development is considered to be acceptable, subject to compliance with other relevant policies of the development plan and national planning documents.

#### Loss of part of the playing field / inclusivity

Whilst the NPPF is supportive of the provision of community facilities such as this, it also seeks to protect existing sport and recreational provision from unnecessary development. It states in paragraph 97 that:

*“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

However, the loss of this land should not prohibit the wider use of the sports field for recreational activities as it is only a small area that is being given over to the building, and the car park is an existing feature, though now with a formalised surface. Furthermore, the building will help facilitate the use of the pitches and will be an associated recreational facility. The 3G pitch is considered to be an improvement on the existing situation as it would replace a grass pitch. As such, the proposal is considered to satisfy the latter criteria from paragraph 97 of the NPPF cited above.

In addition to the above, it is noted that Sport England has raised no objections to the application that would warrant the refusal of planning permission.

Concern has been raised that the proposed facilities simply cater for the footballing needs of the town, with the suggestion made that the views of the FA have been considered above all other users of the site. It should be noted that the LPA has control over the use of the site insofar as its Use Class is concerned i.e. that it is a D2 use and any activities on the site must accord with this. It is the operator of the site / owner who has control over what specific D2 uses would be allowed on the site. The LPA cannot police this provided that it does not amount to development and is in accordance with the D2 use of the site. In fact, irrespective of whether a planning permission exists on the site, the Town Council has the authority, as operator of the site, to deny access to any of the existing users should they wish to do so. That said, planning does have a role to play in shaping the social objectives of sustainable development providing accessible open spaces that support a communities health, social and cultural well-being. The applicants have provided a total site plan as part of the landscaping submission. This plan does show an alternative location on the site for the archery range and there would appear to be sufficient space for the operation of the boot camp that takes place here. Whilst the principle use of the site would appear to be football-

related, this has probably always been the case with the running of youth football here on an informal basis on many weekends of the year. However, this use does not appear to prohibit the existing users off the site from carrying out their activities. As such, the LPA considers that the site still benefits the wider community and not just those with an interest in football, and can therefore contribute to the health and well-being of the town in the same way that it does now.

### Design

Core Policy 57 of the WCS is the primary reference point for assessing the design of the scheme. This policy requires a high standard of design to be met across all new development proposals. It requires development to conform to the existing settlement pattern, and be respectful in terms of building form, layout, plot size, elevation treatment and neighbour amenity. Additionally, section 12 of the NPPF is relevant. The design of the scheme needs to be read in its context.

The design of the pavilion is akin to other sports pavilion-type buildings within the wider area. Its scale and height are considered to be acceptable given the required internal uses of the building, whilst ensuring it is not excessive in size. Furthermore, the building will sit within a large site that is covered in its entirety by a D2 use. It is located within the corner of the site so as to take advantage of existing screening and car parking facilities, to ensure unnecessary further development (e.g. access roads, pavements etc.) and to minimise the visual impact of siting it on more open ground.

Elevational treatment is considered to be acceptable. The materials are appropriate to the context of the site (rural fringe) and should ensure the building assimilates into the landscape rather than standing out in a prominent manner. However, whilst acceptable in principle, it will be necessary to control the materials via condition to ensure the finer details are acceptable. The arrangement of fenestration is considered appropriate, being in keeping with the contemporary look of the building; and helps to break up the massing of the elevations. Furthermore, the use of large format glazing helps to break the building up, giving it a more lightweight feel / appearance.

Sport England have made some comments with regards to the specifics of the internal layout e.g. use of communal showers and the placement of the disabled WC, however, the internal layout of the building is not subject to planning controls. Therefore, it is not a matter the LPA needs to address.

The Crime Prevention Officer has recommended some changes to the design of the scheme in the interests of reducing anti-social behaviour. Whilst it is acknowledged that these changes may help to reduce any actual or perceived opportunities for antisocial behaviour and that they may help to secure a higher standard of design, the scheme as presented is in broad accordance with Core Policy 57. As such, by not incorporating these changes into the design scheme, it is not considered that the development would be rendered unacceptable in design terms. These changes are more on the aspirational side; if they are not achieved, it is not considered that there would be sufficient grounds to refuse the application. Officers consider that such a reason would most likely be difficult to defend at appeal, particularly as the impacts are perceived. In reaching this conclusion, consideration has been given to the fact that the site will be managed by Wiltshire FA who will have offices on the site. Consequently, there will be surveillance provided, as a result of the building's daily use.

Furthermore, the site is to operate from 8am until 10pm on all days of the week. It is therefore not a sport pavilion that is only used on match days, for example. Such frequent use and long operation hours is likely to act as a deterrent to anti-social behaviour.

The 3G Pitch is of standard design; so too are the flood lights. There is little scope, therefore, for the design of these to be changed and consequently, they vary little between sport grounds across the country. The key consideration with these structures is whether the visual impact is acceptable – this issue will be discussed in the next section of the report.

#### Visual Impact / Loss of Green Infrastructure

The site falls within the landscape setting of Devizes, being on the edge, but outside of, the built-up area of the town. The site forms part of the existing sports field and the general ambience and appearance of its immediate surrounds are of a rural setting, with the public footpaths and Drews Pond Nature Reserve close by. Whilst the field is already in leisure use, it is accepted that the football pavilion could initially appear as an alien landscape feature, although not an unsurprising feature within the context of playing fields. However, the site is fairly level and well-contained within its own visual envelope, with mature trees and hedging at the boundaries. These would help to screen the football pavilion and filter any views experienced from public vantage points. The football pavilion has been designed with appropriate materials and coloration and subject to controls on external lighting (which can be controlled via condition), its visual impact would be limited. The visual impact of the building would need to be significant for it to be considered unacceptable on landscape grounds.

The only other form of development is the 3G pitch which arguably, along with the proposed floodlighting, would have the greatest visual impact. The pitch sits centrally in the field in order to ensure that any light spill does not fall outside of the application site, and the lighting is angled in such a way as to avoid upward light spill. It is, however, appreciated that when the flood lighting is on, the site will be visible, as currently there is no lighting present. Ambient lighting will be inevitable. That said, the site is close enough to the existing built form, which includes the adjacent well-lit Green Lane Hospital, such that the impact of the lighting would not be overtly harmful on the rural surrounds during dark hours operation – which, given the hours of operation of the site will not be year-round. A more isolated location would have a very different impact. In reaching this conclusion, consideration has been given to the fact that the site is not located within a sensitive / designated landscape e.g. AONB. Matters of lighting with regards to ecology and the sensitivity of nearby ecological areas is a separate issue that will be dealt with in a subsequent section of this report. Acceptance in landscape terms of the lighting is different to the ecology considerations.

The floodlights themselves, although visible development, due to their height and position in an edge-of-town location, are not considered to cause harm to the landscape character of the area such that a reason for refusal could be justified. Whilst the intrinsic character and beauty of the countryside must indeed be recognised, this landscape is not afforded the same weight of protection as designated landscapes such as the North Wessex Downs. The existing landscape is very much rural fringe and given the current use of the site as a sports field, the introduction of floodlighting will not have a fundamentally harmful change to the character of this landscape. Their greatest intrusion comes from when they are switched on and this, as detailed above, is not considered harmful enough to warrant a refusal.

The pitch itself will be surrounded by fencing and will obviously be of an artificial surface compared with the current grass surface. However, this level of development within a sports field that is well apportioned at the boundaries with natural hedging and trees, will not cause harm to the character of the landscape such that a refusal could be defended.

Core Policy 51 of the WCS requires development to protect, conserve and where possible, enhance Wiltshire's landscape character, whilst any negative effects must be mitigated as far as possible. Some additional planting is proposed, which will further help screen the development, and which is considered an appropriate level of mitigation to deal with the negative effects of the proposal in landscape terms. Overall, it is considered that the proposal would have a broadly neutral impact on the surrounding area in visual terms. As such, it would accord with the aims of this policy.

The site currently has a D2 use as a sports field and such sporting uses are considered to fall within Wiltshire's green infrastructure. Core Policy 52 requires that development should retain and enhance Wiltshire's green infrastructure network. The pavilion represents a very small loss of open green space, but will enhance this area by providing a facility that will aid the use of the space as a sports field. The formal pitches would also be seen as an enhancement to this space. As such, there is no conflict with Core Policy 52 of the WCS.

#### Highways Safety / Parking Standards

The Local Highway Authority (LHA) considers that Marshall Road is able to accommodate the likely vehicle movements associated with the development. Green Lane, being a Byway, takes both vehicles and pedestrians. As part of the adjacent Curo development, Green lane has been improved in width and surface and, therefore, the LHA are also satisfied that it can accommodate the vehicle movements associated with the development.

As part of this consideration, it is necessary to factor in the existing level of use of the site by youth football, archery and the bootcamp, all of which bring with them a level of traffic. There are also small numbers of dog walkers or other users of the playing field who may choose to drive to the site and park. Such uses occur on a weekly basis without any control and fall outside of the planning remit. The proposed use is adding to this, primarily through the development of adult football at the site. However, it is clear from this that the development is not creating traffic to a site that currently has none.

Paragraph 109 of the NPPF states that:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Officers do not consider that the cumulative impact on the surrounding road network would be 'severe' and therefore assert that a refusal on such grounds is not justified and could not be substantiated at appeal. This is because the LHA are satisfied that the surrounding road network can handle the volumes of traffic anticipated by the development and that, to a large



extent, much of the traffic is already coming to the site at weekends for youth football, and during the week and weekends for archery and the bootcamp.

The LHA did have some concerns over the amount of parking and whether this would be sufficient to accommodate all of the uses on the site. Since this concern was raised, the applicants have provided a Transport Statement (TS) to detail the likely vehicular movements throughout the week and thus what the required parking would be. Whilst there are no facilities as such being provided for spectators e.g. seating, it is anticipated that there will be some. Whilst the TS does not specifically address this, the LHA are not raising it as a concern. Any spectators for the youth football would most likely be parents who would be taking their children to the games anyway. Adult football games are likely to involve lift-sharing e.g. partners or friends would travel with players. As such, the LHA are accepting of the findings within the TS.

Furthermore, with Wiltshire FA running / manning the site, there is the opportunity for them to police / control parking there i.e. by limiting the amount of football played to suit the parking availability at different times of the week. In addition to this, the TS caters for the worst-case scenario i.e. everyone travelling to the site does so in their own car. The reality is that many players would lift-share, particularly 'away' teams, and there would be some dropped-off by coaches / minibuses. Therefore, the actual parking figures may be less.

Overall, the LHA raise no highway objection to the scheme subject to the parking and access being provided as demonstrated prior to the first use of the development. This condition can be reasonably imposed.

### Ecology

Annex II bat activity has been recorded around the area close to Drew's Pond Wood, Potterne and Easterton Wood, with probable commuting between these and other foraging sites, along suitable routes. Several other species of bat have also been recorded within Drew's Pond Wood and surrounding area.

The proposed development lies in close proximity to Drews Pond Wood and therefore, a potential for bats to be using the site as a commuting route or foraging route needed to be investigated. Ecological work subsequently took place over the course of the summer and early autumn to identify if bats were using the site and if so, how.

This survey work was undertaken by a suitably qualified ecologist and has been accepted by the Council's Ecologist. No roost for any species of bat was found within the site itself, however, the surveys have shown regular use of the boundary features of the site by more than one Annex II species. This is sufficient to indicate that substantial mitigation measures are required to achieve the proposed development without adverse impact to bats, particularly the use of lighting and the availability of habitat features used for foraging and commuting.

The Council's Ecologist is satisfied that subject to suitable mitigation, the scheme can be delivered without adverse impact to protected habitats and species. Mitigation measures outlined in their consultation response have been agreed by the applicants and can be delivered via suitably-worded planning conditions. With such conditions in place, the scheme would comply with the requirements of Core Policy 50, which seeks to protect features of

nature conservation and enhance biodiversity.

#### Neighbour Amenity

There are a number of residential properties in close proximity to the development and it also adjoins Green Lane Hospital. It is important, therefore, to consider the reasonable living conditions of these nearby residents and the patients of the Hospital to ensure there are no harmful impacts arising from the development.

With regard to the use of the site and the hours of operation, the Council's Public Protection Team has been consulted. They consider that there would be no significant impact to any of the neighbouring properties adjoining the site, subject to the development being carried out in accordance with the plans submitted, and operating under the hours specified (8am to 10pm). They also considered the impacts of introducing floodlighting to the site and reached the same conclusion i.e. no harmful impacts.

It can be concluded from this that there will be no significant impact by reason of noise or disturbance (including that from lighting). In the absence of an objection from Public Protection, officers consider that a refusal on such grounds would not be justified and could not be substantiated at appeal.

With regard to the physical development, this is sited a sufficient distance in from the boundaries of the field, such that it will not cause loss of light, overbearing impact or loss of privacy to the occupiers of neighbouring properties.

It can be concluded overall that there will be no detrimental impact on the reasonable living conditions of the adjoining residents. Hours of operation for the site can be conditioned, including the floodlighting.

It is also of note that no objection was received from Green Lane Hospital, which immediately adjoins the site to the north.

#### Drainage

Whilst a Drainage Strategy has been submitted, further study work / information is required before the Council's Drainage Team would be satisfied with the proposal. Accordingly, they have suggested that the imposition of conditions to cover foul and surface water drainage details would be sufficient to address their concerns. Such conditions are considered necessary to ensure the site is adequately drained in the interests of minimising flood risk and therefore officers suggest they are imposed on any planning permission given.

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

The site is an established D2 use which the proposal would form part of. It sits outside of the LoD of Devises but nevertheless, in a sustainable location. In principle, there is no objection to the proposals.

The proposed pavilion and 3G pitch are considered to meet the high standards of design that are required by Core Policy 57 of the WCS, with the more detailed aspects capable of being controlled through appropriate planning conditions.

As the site is located on the edge of the built-up area of the town, within an established D2 (playing field) site with sufficient existing and proposed landscaping, there would be no detrimental visual / landscape impacts. Compliance with the aims of Core Policy 51 is thus secured.

The Local Highway Authority is satisfied that the surrounding road network is capable of accommodating the increase in road traffic without causing severe harm to highway safety. As detailed in the report, the level of parking provision is considered acceptable and accords with the Council's maximum parking standards.

Suitable mitigation is possible to ensure that there will be no adverse impact on protected species and habitats - this can be delivered through appropriate planning conditions.

There are no other technical issues that would warrant a refusal of planning permission, or that cannot be mitigated through the use of appropriate planning conditions e.g. matters regarding ecology and drainage.

The LPA must also take account of any benefits the scheme would bring that weigh in favour of granting permission. The proposal will provide a modern community facility for the benefit of Devizes Town and its hinterland for football purposes. Both local and national planning policy is supportive of the provision of new community facilities, particularly where they are aimed at improving health and well-being (NPPF paragraph 92 and Core Policy 52). Whilst numerous comments have been made regarding the narrow extent of the facility (i.e. that it is just for footballers to enjoy), the benefits the scheme will bring cannot be overlooked. Arguably, the footballing community involves the greatest number of participants who would benefit from this scheme. Officers consider the benefits of the scheme to be significant and weigh in favour of the grant of planning permission.

No conflict has been identified with the policies of the WCS and thus, it is considered that the proposals accord with the development plan as a whole. Material considerations, including the policies of the NPPF, do not indicate that a decision should be made otherwise.

In the absence of any material harm, the balance lies in favour of approving the application.

## **RECOMMENDATION**

Approve subject to the following conditions:

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Drg No. P17-012-02-02-001 - Location Plan
- Drg No. P17-012-02-02-002A - Planning GA Site Plan
- Drg No. P17-012-02-02-003A - Planning GA Site Plan
- Drg No. P17-012-02-02-005 - LANDSCAPING Total Site
- Drg No. P17-012-02-03-001D - Planning GA Ground Floor Plan
- Drg No. P17-012-02-03-002D - Planning GA First Floor Plan
- Drg No. P17-012-02-05-001 - Planning GA Elevations (Sheet 1 of 2)
- Drg No. P17-012-02-05-002 - Planning GA Elevations (Sheet 2 of 2)
- Drg No. 04 Rev 02 - Proposed AGP Elevations
- Proposed Materials and Appearance - 3G Pitch
- SSL A Floodlighting Performance Results Rev 2
- Optivision - downlight performance - Optivision MVP507

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

3 No development shall commence on site above ground floor slab level until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

4 No development shall commence on site above ground floor slab level until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

5 Prior to commencement of any works within the site, a suitable revised Landscape & Ecological Mitigation Plan will be submitted to and approved in writing by the Local Planning Authority. The plan should show all recommendations for mitigation by both

Eclipse Ecology Reports but in addition, should particularly address the provision of a secondary hedgerow 5m inside the existing hedgerow along the eastern boundary, with a rough grassland strip between the two. It will also address ways to reduce and prevent light spill from the building onto the car park and vegetation to the immediate west.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species.

6 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before first use of the development hereby permitted. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Description and evaluation of features to be managed;
- b) Landscape and ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management - notably securing the secondary hedge on the eastern side of the site to a height of 3m in a reasonable length of time (to be indicated within the prescriptions) and the placement and maintenance of willow hurdles on the inside edge of the new hedge to ensure instant light baffle while the hedgerow grows.;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over an (X) year period;
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species.

- 7 No external lighting shall be installed on site other than that shown on the approved plans until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site primarily in the interests of ecology.

- 8 No development shall commence on site above ground floor slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 9 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

- 10 No part of the development hereby permitted shall be brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 11 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until tree protection fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been erected around the mature Scots Pines adjacent to the existing car park, and;

The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

- 12 The mitigation measures detailed in Section 5 of the approved Ecological Assessment by Eclipse Ecology dated 26th October 2018 shall be carried out in full prior to the first bringing into use of the development and in accordance with the approved timetable detailed in the Ecological Assessment.

REASON: To mitigate against the impacts of the development upon existing biodiversity and nature habitats, priority species and priority habitats.

- 13 The offices hereby approved shall be used for purposes ancillary to / associated with the D2 Use Class attached to the wider site as set out in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed office use is acceptable in an ancillary capacity but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

- 14 The use hereby permitted shall only take place between the hours of 8am in the morning and 10pm in the evening from Mondays to Sundays.

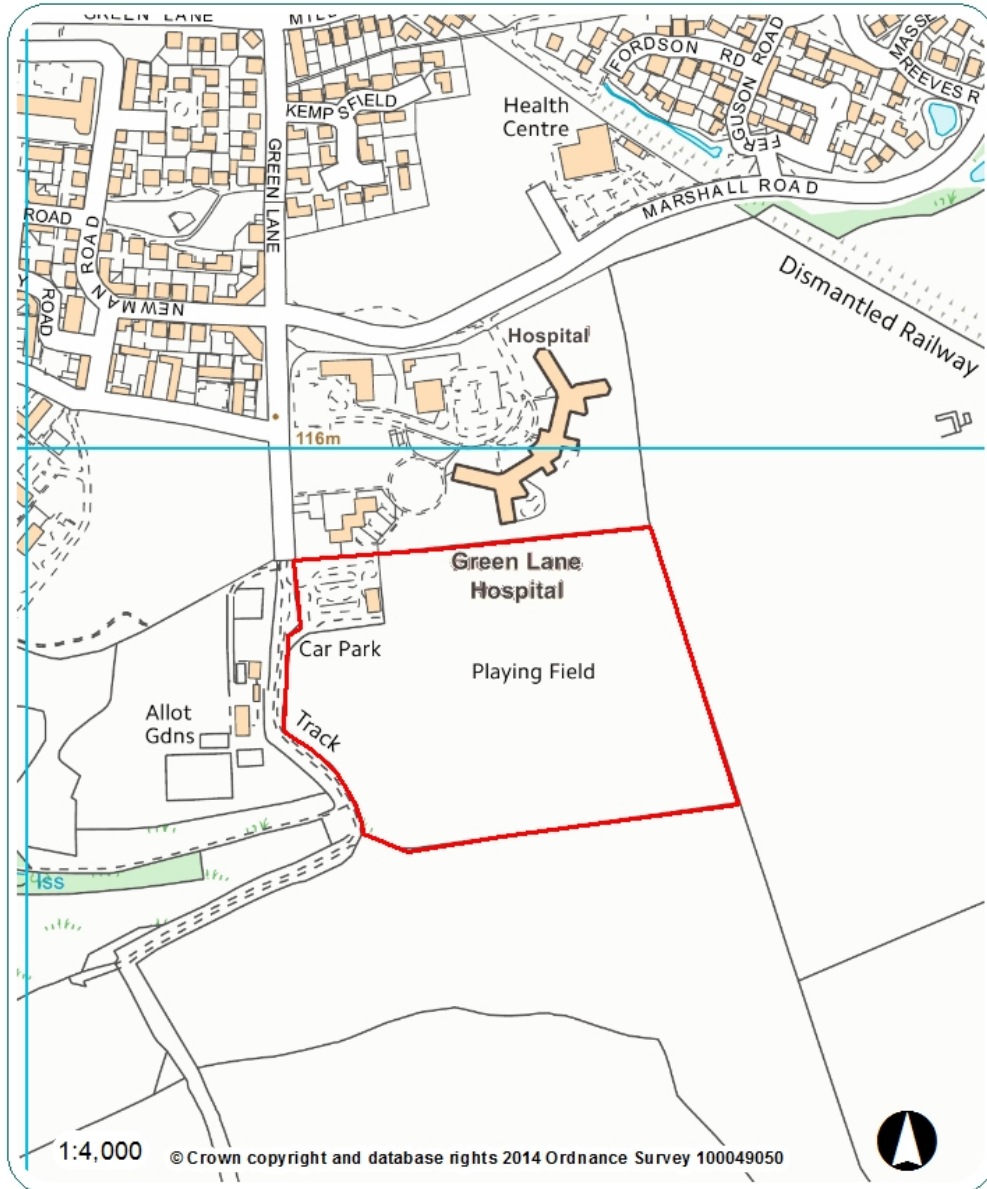
REASON:

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

- 15 The floodlights hereby approved shall only be illuminated when the 3G Pitch is in use within the permitted hours of operation, 8am to 10pm Monday to Sunday.

REASON: To minimise the impact of the floodlights in the interests of the amenity and ecology of the area.





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## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 3

<b>Date of Meeting</b>	29 <sup>th</sup> November 2018
<b>Application Number</b>	18/05252/FUL
<b>Site Address</b>	Savernake Park Farm, Savernake SN8 4NE
<b>Proposal</b>	Change of use of redundant agricultural storage buildings into a flexible events space and associated development
<b>Applicant</b>	Mr & Mrs Boyd
<b>Town/Parish Council</b>	SAVERNAKE
<b>Electoral Division</b>	WEST SELKLEY – Cllr Davies
<b>Grid Ref</b>	420500 165070
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Ruaridh O'Donoghue

### Reason for the application being considered by Committee:

This application is brought to committee at the request of Divisional Member, Cllr Davies. Cllr Davies has expressed concern over Core Policy 48 and its application in this case, and the perceived community benefits this development would bring to Cadley.

### 1. Purpose of Report

To consider the detail of the application against the policies of the development plan and other material considerations, and the recommendation that the application be refused.

### 2. Report Summary

The main issues to be considered are:

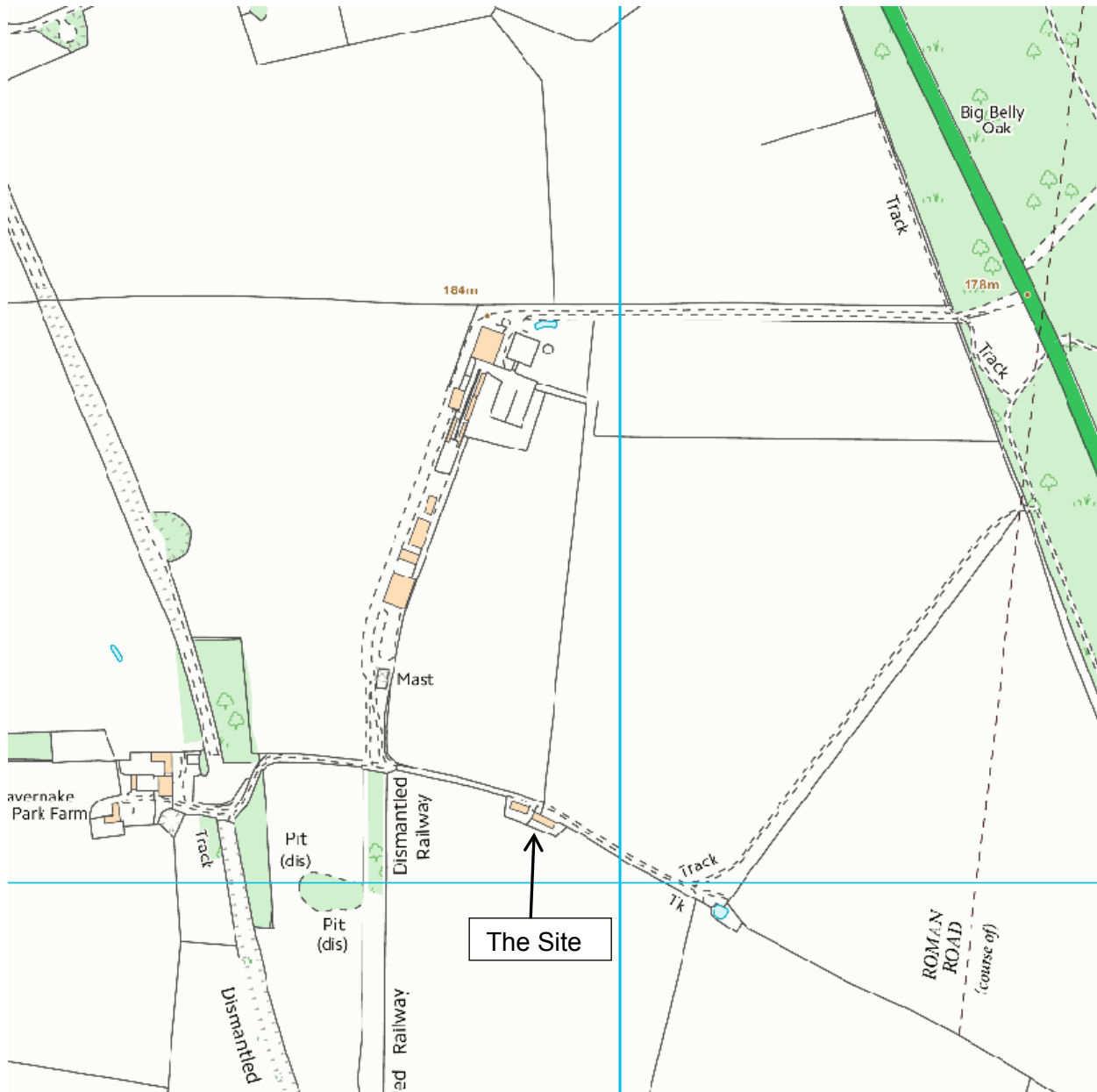
- Whether the buildings are structurally sound and capable of conversion (CP 48);
- Whether the use is acceptable in principle (CP 48);
- Whether the proposal is considered to be in a sustainable location (CP 48);
- Whether the scheme constitutes high quality design (CP 57);
- Whether the proposal would protect, conserve or enhance landscape character (CP 48 & CP 51);
- Whether the proposal would have a negative effect upon highway safety including if there is sufficient parking for the proposed use (CP 61 and 64); and
- Whether the proposal would have a harmful impact upon ecology (CP 50).

### 3. Site Description

The application relates to Savernake Park Farm. The two buildings subject to the proposed change of use sit in an isolated position some 200m away from the main farm complex.

The application site lies in the open countryside, within the North Wessex Downs AONB and the Savernake Plateau landscape. It is accessed via a single track that connects with the farm complex, which ultimately links to the A346.

Below is a location map with photographs that show the context of the site.





**Photo 1: View of South (side) Elevation of Barn No. 2**

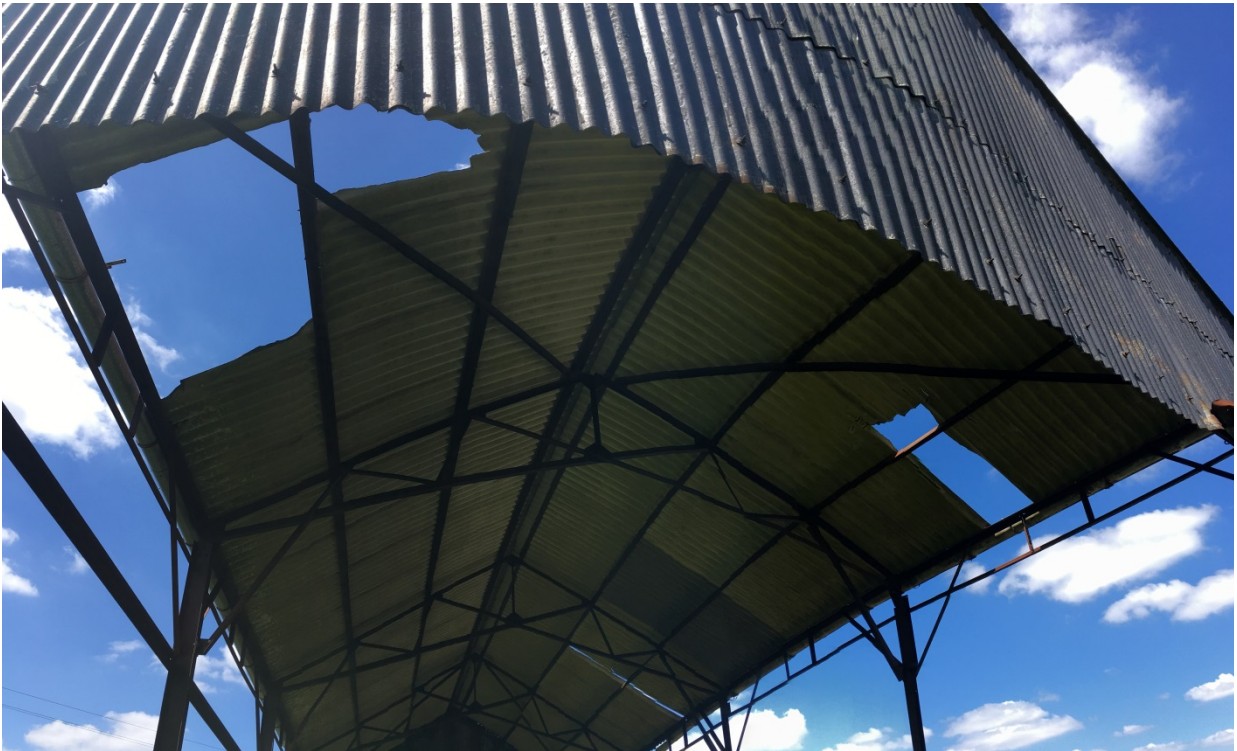


**Photo 2: View of East (end) elevation of Barn No. 2**





**Photo 3: View inside Barn No. 2**



**Photo 4: View of roof of Barn No. 2**





**Photo 5: View of North (side) elevation of Barn No. 1**



**Photo 6: View of South (side) elevation of Barn No. 1**





**Photo 7: View of West (end) elevation of Barn No. 1**



**Photo 8: View of East (end) elevation of Barn No. 1**





**Photo 9: View to the North of the site**



**Photo 10: View to the East of the site**

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

*18/00490/FUL      Change of use of redundant agricultural storage buildings into a flexible events space and associated development      Refused      (see below for reasons)*

1. The buildings are not structurally sound and capable of conversion without major rebuilding work. By virtue of the proposed use of the building and the changes sought under this application, the scheme is not considered to preserve the character of the original building and would detract from the character and appearance of the landscape.

Furthermore, the site does not have reasonable access to local services. As such, the scheme does not accord with points i, ii and iv of Core Policy 48 of the Wiltshire Core Strategy 2015.

2. The proposal by virtue of the change of use, the loss of the agrarian character through significant rebuilding works and the external changes to the site, would have a significantly harmful impact upon character and appearance of this part of the North Wessex Downs AONB. As such, the scheme is not considered to protect, conserve or enhance landscape character and is therefore contrary to Core Policy 51 of the Wiltshire Core Strategy 2015 and to central government policy contained within the National Planning Policy Framework 2012.
3. The proposal by virtue of its isolated rural location, remote from any nearby service centre and remote from access to public transport facilities means it is considered to be in an unsustainable location. The scheme is therefore considered contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy 2015 and to central government policy contained within the National Planning Policy Framework 2012.

#### 4. The Proposal

The application proposes the change of use of redundant agricultural storage buildings into a flexible events space and associated development. The proposal will require the following works to be undertaken to the barns to make them fit for the intended use.

##### *Barn 1*

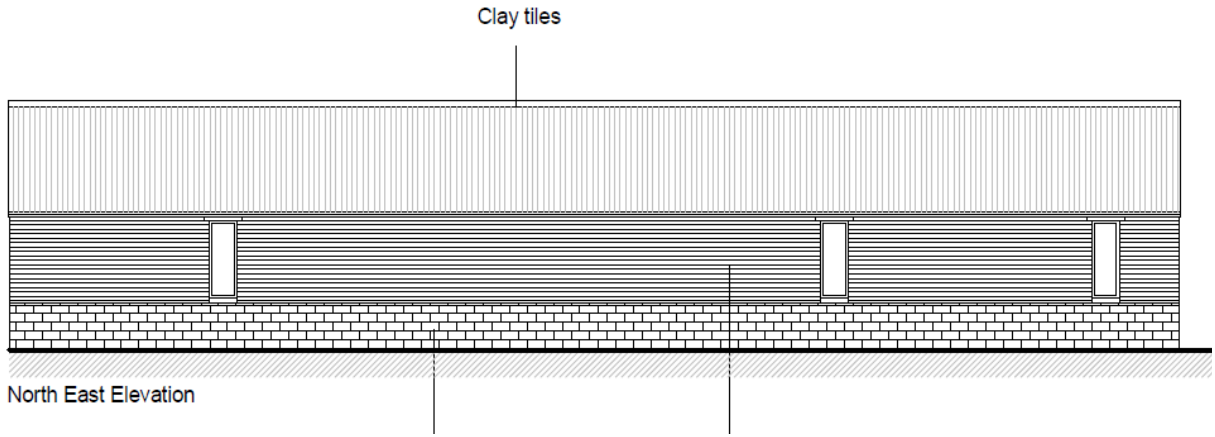
- Underpin / replace dwarf walls
- Extend or add posts where walls are removed to accommodate glazing
- Some repairs to existing timbers
- New horizontal timber feathered edge cladding to replace the vertical cladding presently on the building
- Significant amounts of new glazing on the south west elevation
- New roofing
- Roof at Western end of building substantially beyond repair / re-use
- Dished / cracked floor needs repairing

##### *Barn 2*

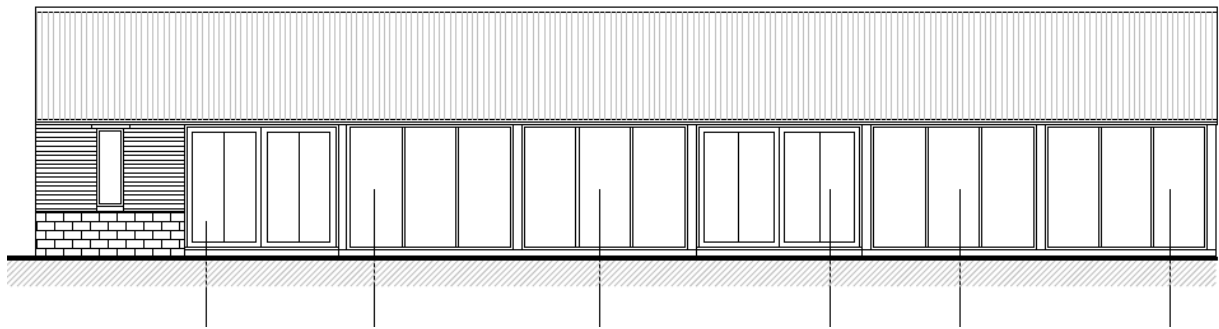
- Major repair / replace bottom of columns
- 4 new walls to Barn 2 where currently there is just high level corrugated iron cladding
- Significant amounts of glazing on the south west elevation
- Insert floor where presently there isn't one
- New roofing material (plain clay tiles) – current roof has significant holes in

A parking area sufficient for 20 cars is proposed at either ends of the buildings and an area of decking to the south west of them. The creation of a curtilage is also apparent.

Below are the existing and proposed plans and elevations of the scheme.



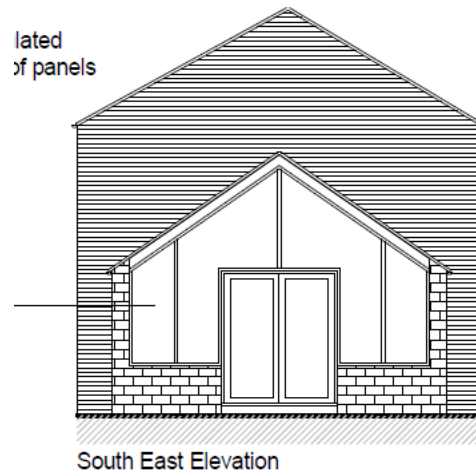
**North East Elevation Barn 1**



**South West Elevation Barn 1**



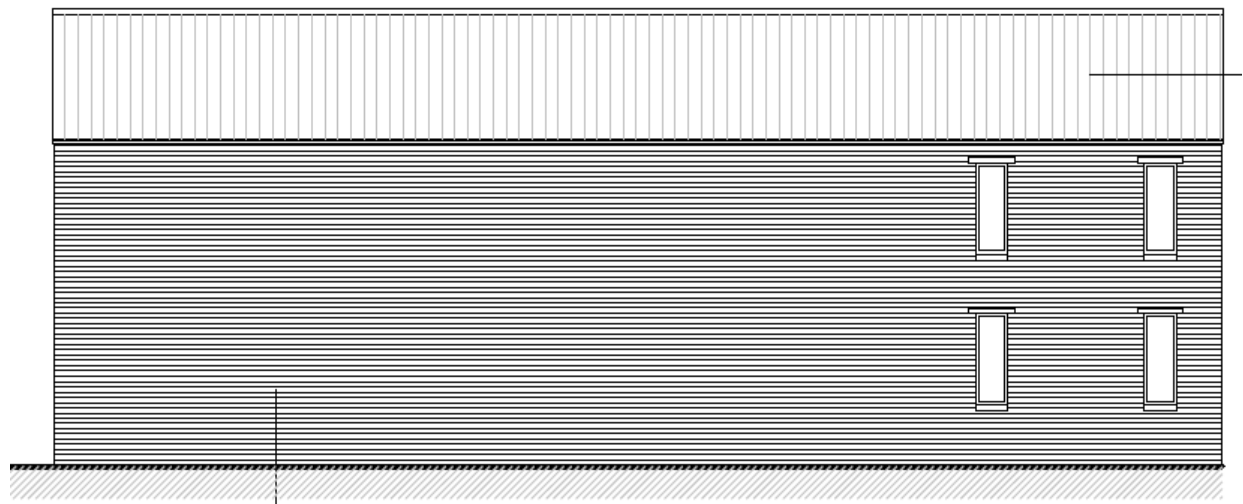
**North West Elevation Barn 1**



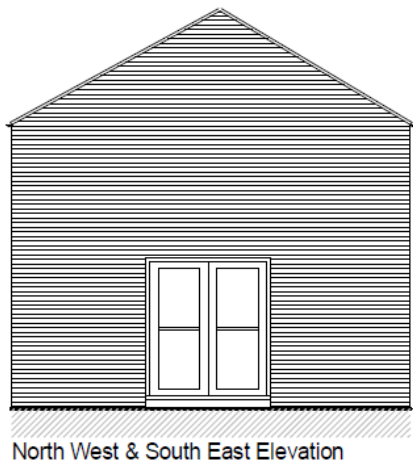
**South East Elevation Barn 1**



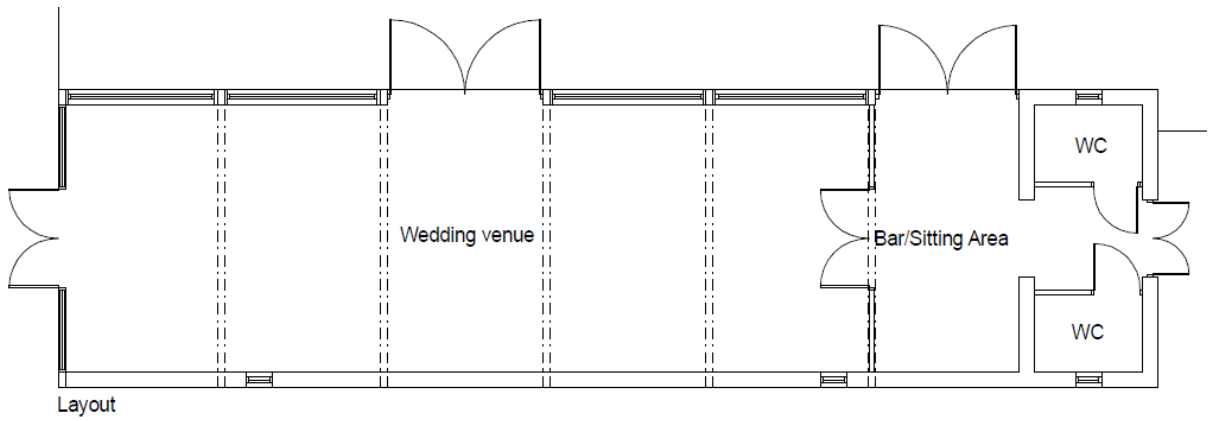
**South West Elevation Barn 2**



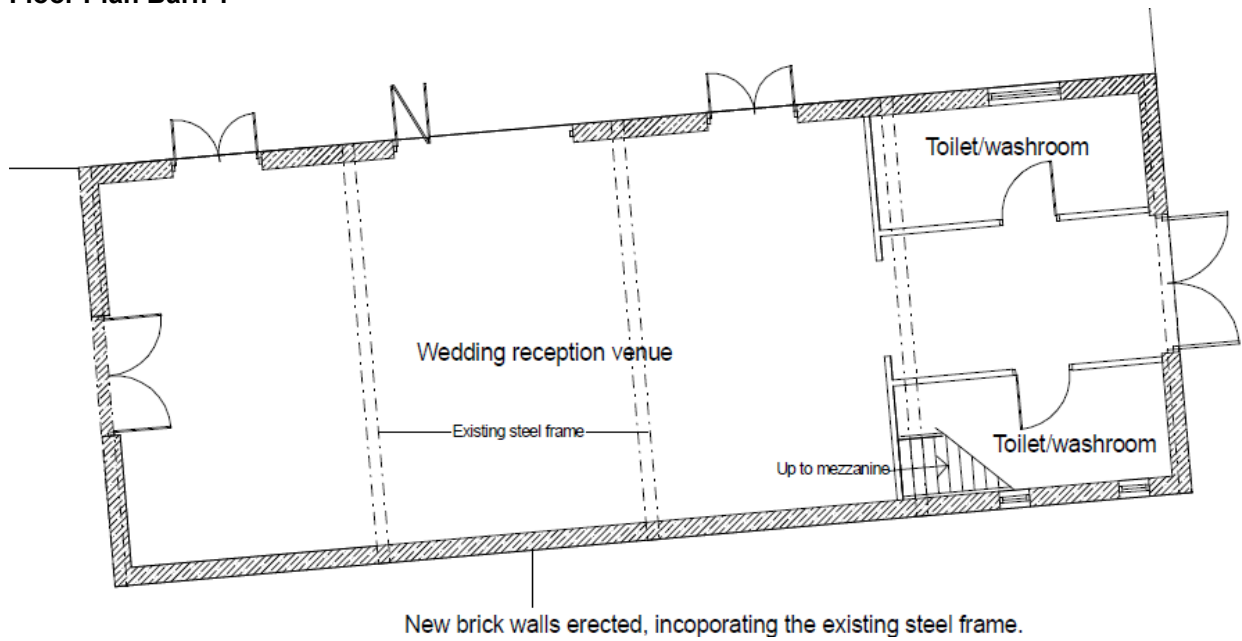
**North East Elevation Barn 2**



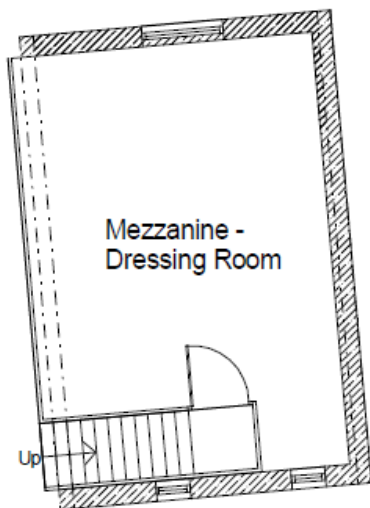
**North West and South East Elevation Barn 2**



**Floor Plan Barn 1**



**Floor Plan Barn 2**



**Mezzanine Floor Barn 2**



## **6. Planning Policy**

### Wiltshire Core Strategy 2015 (WCS):

CP 1 – Settlement Strategy

CP 2 – Delivery Strategy

CP 14 – Marlborough Community Area

CP 41 – Sustainable Construction and Low-Carbon Energy

CP 48 – Supporting Rural Life

CP 57 – Ensuring High Quality Design and Place Shaping

CP 60 – Sustainable Transport

CP 61 – Transport and New Development

CP 64 – Demand Management

### National Planning Policy Framework 2018 (NPPF)

### Supplementary Planning Guidance:

- Local Transport Plan 2011-2026 Car Parking Strategy (March 2015) – Maximum parking standards.
- North Wessex Downs AONB Management Plan

## **7. Consultations**

### Local Highway Authority

Is minded to adhere to the highway comments raised on the previous application 18/00490/FUL. For information purposes, the Highways Officer on the previous application objected on locational sustainability grounds. However, they concluded that, if minded to set aside this objection, then they would raise no technical objections to the D2 use.

### Wiltshire Council Ecology Officer

Was originally objecting to the scheme due to insufficient survey work to determine the presence of bats that may be within the vicinity of the site. After further survey work was conducted and additional information supplied to the Council's Ecology Officer, they are no longer objecting to the scheme given the scale and nature of the proposal. They have recommended conditions requesting the submission of a Construction Environmental Management Plan and a Landscape and Ecology Management Plan to maintain and protect the ecology of the site during and after construction. They also request that no external lighting is installed and that a scheme for biodiversity enhancement is submitted for approval.

### Savernake Parish Council

Savernake Parish Council has considered this application and is evenly split between objecting and supporting the application.

Those members objecting felt that the reasons given by Wiltshire Council for refusing the previous application have merit and do not believe that the current application is sufficiently different to merit approval.

Those members supporting the application feel that this proposal will help preserve jobs within the countryside and that this proposal should be approved, this support is subject to a request that if the previous consent for a Clay Pigeon Shoot which was run by a previous occupier of the farm is still valid, then as a condition of granting consent for this proposal would be that the shooting consent is cancelled. Access and egress to the site should also be off the A346 rather than the lane leading to Wootton Rivers.

## 8. Publicity

The application has been advertised by way of a site notice. There are no neighbours adjoining the site, therefore no consultations letters were required to be sent out. No comments were received as a result of this consultation exercise.

## 9. Planning Considerations

### Principle of Development

The site is located within the open countryside where under Core Policies 1 and 2 the only acceptable forms of development are those which accord with the exceptions policies listed at paragraph 4.25 of the WCS. The only relevant policy in this list would be Core Policy 48 – Supporting Rural Life. Compliance with this policy must therefore be secured if development is to be considered acceptable in principle.

Core Policy 48 of the WCS is supportive of the conversion and re-use of rural buildings for employment, tourism, cultural and community uses. The use proposed is considered to be an employment use and therefore, can be considered under this policy. This is the only relevant policy of the WCS for assessing whether the principle of the development is acceptable or not.

The policy contains a number of criteria that would need to be satisfied in order for compliance with it to be achieved. These are as follows:

- i. The building(s) is / are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building; and
- ii. The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas; and
- iii. The building can be served by adequate access and infrastructure; and
- iv. The site has reasonable access to local services, or
- v. The conversion or re-use of a heritage asset would lead to its viable long-term safeguarding

Each of the above points will be addressed below to conclude whether or not the scheme accords with this policy.

### *Point i*

Notwithstanding the conclusions of the submitted Structural Report, the Council does not consider that the buildings are structurally sound in their present condition. The report highlights significant points in relation to each barn and it is these points that the Council considers to be alterations of a structural nature. These points were covered above in the description of the proposal. Furthermore, the report is lacking in some information, for example:

- Would the existing trusses be capable of taking the increased weight of the new roofing material (Barn 1)?
- How is lateral wind load on an open building (Barn 2) catered for when it is to be closed in? i.e. to prevent building sway (will this require further structural works?)
- Is the dished / cracked floor in Barn 1 to be replaced?

In addition to this, the report identifies in places that further work is required. For example:

- it concludes in respect of Barn 2 that “Major repair or replacement of the bottom portion of the steel columns may be required and further investigation as above is advised”;
- it states that the ridge to Barn 1 was beyond the reach of the surveyor’s ladders and needs further investigation; and

- overall it concludes that the inspection was necessarily superficial and that certain structural elements that were buried, concealed, or inaccessible were not inspected and thus it cannot be concluded that they are free from defect.

Without a full investigation it cannot be concluded at this stage that the buildings are structurally sound. It is appreciated that the applicant states that these repair works could be undertaken without the need to obtain planning permission. This is correct in so far as repair on a like for like basis is concerned. Alterations and extensions to an agricultural building require either prior approval, if the work is considered reasonably necessary for the purposes of agriculture within that unit or planning permission, if not. It is clear that the works are not reasonably necessary for the purposes of agriculture and as such require consent along with the proposed use.

Aside from the test on structural soundness, the policy also requires that only necessary extension or modification is undertaken which preserves the character of the original building. The original buildings are still in agricultural use (albeit perhaps not active), and as such, have an agrarian character. The level of works proposed in this application would not preserve the character of either of these buildings. Although it is not proposed to physically alter the size or height of the buildings, the agrarian character of the buildings will be completely lost through these significant alterations. For example, the addition of significant amounts of glazing would be a feature uncommon to an agricultural building. Furthermore, the addition of an external decking area (with inevitable table and chairs and external lighting) and two parking areas would alter the character of the land around these buildings as once again, these are not features typical of agrarian buildings and their surrounds. In addition, the decking and parking areas would create a form of artificial curtilage to the barns that does not presently exist.

The proposal is not considered to be structurally sound without requiring major rebuilding works and the result of such works would not preserve the character of the original building.

#### *Point ii*

At present, the site has an agricultural use which is very much akin to the countryside and the AONB. Agricultural buildings generally sit unassuming in the landscape as they are common within the countryside, particularly in this area where there is a rich history of farming activity. The buildings are also similar in appearance to many other agricultural buildings within the locality, albeit maybe not in the best of states. They sit isolated from the main farm complex by some 200 metres with no concrete apron around them or indeed any other form of curtilage delineation. They sit on the edge of an arable field. They are not buildings of any particular merit that contribute to the character of the landscape and as such are not really buildings the Council would be looking to preserve under Core Policy 48. The basis of this policy is primarily focused on those buildings that have merit on their own and are considered worthy within the wider landscape of protection because of their contribution to it. Notwithstanding this point, the Council takes issue with their change of use away from agricultural to a D2 use.

Changing the use of the building, modifying its external appearance and extending it will upset this balance and impact upon the character and appearance of the landscape in a harmful manner. The introduction of alien features, such as decking and large parking areas would have an urbanising effect on an otherwise largely undeveloped landscape (save for the other agricultural buildings and associated farm dwelling situated some 200-300 metres away). Given that the proposal is within the AONB, this issue is particularly important as the NPPF places great weight on the protection of the scenic quality and beauty of AONB landscapes (paragraph 115).

The primary purpose of the AONB designation itself is to safeguard the natural beauty, views and visual amenity of this highly valued landscape for current and future generations. Core Policy 51, in addition to the requirements of this policy (CP 48), seeks to ensure development proposals protect, conserve and where possible enhance landscape character. It also states that development proposals must not have a harmful impact upon landscape character.



Given the concerns expressed above, the Council does not consider the landscape character of this part of the AONB to be protected or conserved. The loss of the agrarian character of the buildings that sit in an elevated and isolated position away from the main / original farm complex would introduce a harmful character change. This change would see urbanising influences and paraphernalia associated with a wedding venue use located in and around the buildings. It would also no doubt introduce a lighting scheme into a currently unlit area. The buildings, in their elevated and isolated position, with limited development visible within their view, greatly add to a sense of rural tranquility. The fundamental character change and loss of agrarian use would lead to the loss of the sense of tranquility that this landscape is characterised by and to a degree its sense of darkness. The point of tranquility is raised in the AONB Management Plan and is a key issue that poses a threat to this part of the North Wessex Downs (the area around the Savernake Plateau). The impacts from internal and external lighting upon dark skies are also a threat to the remoteness and tranquility of the AONB as highlighted in the Management Plan.

Whilst it is appreciated that an application has been allowed within the main farm complex (16/08272/FUL), the circumstances were very different. This application allowed for the conversion of two redundant agricultural buildings to B1 and B8 use. However, these buildings did not require significant alteration; such alterations would retain the agricultural character of them, they were within the existing farm complex and had an area of hard standing around them for the parking of a limited number of vehicles. Additionally, such uses are more likely to occur in the daytime when lighting would not have an impact upon the dark skies of the AONB. Furthermore, save for the AONB designation, it would have been possible to carry out such works under the prior approval procedure. This is not the case for the buildings which are the subject of the application, whereby under prior approval only the change of use is permitted, not any external alterations etc.

In addition to the above landscape concerns, the plans of the proposal do not show any storage space for paraphernalia such as tables and chairs and it does not show any kitchen area. Furthermore, there are no office / maintenance facilities for staff who would be employed to run the place as a wedding venue. In addition to this, limited parking has been provided (20 spaces). Such a venue is likely to require a far greater level of parking when one considers the potential for half of these spaces to be used by venue staff (anticipated to be between 15-20 as stated within the D&A), caterers, bar staff, musicians etc. This would indicate that future pressures to expand the venue to accommodate these elements are likely and this would only exacerbate the visual harm.

Overall, it is considered that the proposal would detract from the character and appearance of the landscape and would thus not accord with this part of the policy. Furthermore, it would conflict with the aims of Core Policy 51 (the Council's dedicated landscape policy).

As the use would be in an isolated, open countryside location, it would not be detrimental to the amenities of any residential areas.

*Point iii*

No information has been provided to suggest the necessary infrastructure is present at the site for it to be used as a wedding venue e.g. utilities. However, there are buildings not too far away that have such infrastructure. As such, it is probable that the site could be served from these existing infrastructure points.

The implications on the adequacy of the access will be addressed later in the report by the Council's Highways Engineer.

*Point iv*

Facilities that would complement a flexible event space use e.g. hotels, taxi services and shops

are most likely to be found in Marlborough and to a lesser extent in Pewsey. Marlborough, the nearest of the two, is over 5km away. The site is located down a narrow access track that is unpaved and unlit along all of its length before it joins the A346; a 50-60mph road that is also unlit with no pavements. These conditions are not conducive to cycling or walking and the nearest bus stop is approximately 20 minutes away on foot (also having to navigate these roads). Based on these considerations, access to services within these centres would most likely be entirely by private car, the implications of which are subject to separate consideration by the Local Highway Authority. However, with regard to Core Policy 48, officers do not consider the site to have reasonable access to local services.

#### *Point v*

The building is not considered to be a heritage asset and therefore, this point of the policy is not applicable.

It is, however, recognised that national planning policy is supportive of the sustainable growth and expansion of rural businesses through the conversion of existing buildings (NPPF paragraph 83). It is noted that point d of paragraph 83 states that planning decisions should enable the development of accessible local services and community facilities to which the applicant asserts this would be, presumably to serve the hamlet of Cadley. Paragraph 84 of the Framework follows on from this to states that planning decisions should recognise the constraints of rural areas when looking to meet the needs of the communities within it (e.g. locations outside of the existing settlements in areas poorly served by public transport). These points are indeed material considerations when looking at this application and, should be weighed accordingly in the planning balance.

However, it should be strongly acknowledged that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The primacy of the development plan is enshrined throughout the NPPF. The Core Strategy contains an up-to date policy to deal with the conversion and re-use of rural buildings which accords with the broad principles contained within the NPPF. As there is identified conflict with this policy, the proposal cannot be considered to comply with the development plan as a whole and thus should not be supported in principle.

#### Highway Safety / Parking

In terms of the sustainability of the site from a transportation perspective, the Local Highway Authority has raised concerns with the proposed development due to the location and the unsustainable nature of the site in relation to access to public transport, services, and facilities. Core Policies 60 'Sustainable Transport' and 61 'Transport and New Development' of the WCS seek to ensure that new developments are located within sustainable locations and are designed to encourage the use of sustainable transport facilities. The policies aim to reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people. The development would not accord with the aims of these policies due to the location of the site within the countryside where there is very limited access to public transport facilities and no services within walking distance. Marlborough sits over 5km away and is the nearest centre that offers a level of service provision one would expect to support a flexible event space e.g. taxis, hotels and shops and an employment base. At just over 5km it is beyond IHT guidance for maximum walking and cycling distances, and the nearest bus stop is some 2km away on a busy 'A' road that has no footpaths or street lighting.

Whilst it is not expected that such venues should be located within the town or on the edge, they should at least be in areas where there can be some semblance of sustainable travel / access to services and facilities.

The Local Highway Authority raises no technical objections to the use of the site for a D2 use. As such, aside from the unsustainable location there are no additional highway objections to the scheme that could not be otherwise addressed through appropriate planning conditions.

### Ecological Impact

The Council's Ecologist is no longer objecting to the scheme. The applicants submitted additional information and carried out some further survey work which has now satisfied the Ecology Team. They have recommended several conditions which are highlighted above in their summary of consultation responses. In the event that the Committee wish to approve the application, officers consider that these conditions should be imposed to adequately mitigate against the impacts to the ecology of the area, notably, Annex II bat species which are of higher conservation concern.

### Other Issues

The applicant has stated that permission was given for a flexible events space at Rushall Organics under application reference 15/04047/FUL, and that scheme was very similar to this. It is therefore alleged that there has been an inconsistent application of policy. However, a significant difference of the scheme is that at Rushall Organics, the building was considered to be structurally sound and capable of conversion. The application before this committee is not considered to be structurally sound nor is it capable of conversion without major rebuilding work. This site was also not in the AONB and therefore landscape considerations were very different.

In addition to this, it would appear that the converted building at Rushall Organics was primarily intended to be used in relation to existing activities at the farm (e.g. fishing, shooting, orienteering and nature trails) i.e. improving facilities to an existing business venture that already attracted people to the site. In contrast, this particular proposal is for a new use rather than building on established activities at the farm. Furthermore, applications should be determined on their individual merits on a case-by-case basis. Precedent alone is not a reason to grant planning permission.

### **10. Planning Balance / Conclusion**

In principle, the scheme conflicts with Core Policy 48 because the buildings are not structurally sound or capable of conversion without major rebuilding work, and because they are not located in a reasonably sustainable location to access local services and facilities. Due to the unsustainable nature, the proposal also conflicts with Core Policies 60 and 61 of the WCS. Significant weight should be given to the conflict with these policies as they form part of the statutory development plan which by law planning applications must be determined in accordance with.

It is acknowledged that the NPPF is supportive of the sustainable growth and expansion of rural businesses (paragraphs 83-84) and this should indeed be a material consideration. However, the Council, for reasons aforementioned above, does not consider this to be a sustainable location for a D2 use and this somewhat tempers this point of the Framework where the focus is on 'sustainable growth'. Whilst we have seen a revised NPPF (published July 2018) since the adoption of the WCS, this point has not changed from the 2012 version which, was the version the WCS and its policies was tested against for conformity. CP 48 is therefore still a sound policy in accordance with the NPPF and accordingly, conflict with development plan policy is not outweighed by this material consideration. Most importantly, the NPPF still advocates the primacy of the development plan.

In landscape terms, it is appreciated that the countryside is a living and working community and that farms do need to diversify to ensure ongoing viability etc. As such, the Council is mindful that a balance need to be struck between the interests of farming, and the primary purpose of the AONB designation itself (to safeguard the natural beauty, views and visual amenity of this highly valued landscape for current and future generations). In this case, it is considered that the right balance has not been struck. The Council has identified that significant harm would result to the landscape character of the area contrary to the requirements of Core Policies 48 and 51 of the WCS. This landscape harm is not outweighed by the merits of the re-use of the buildings in the interests of farm diversification. Significant weight should also be attributed to this conflict. Furthermore, it should be noted that other buildings within the main farm complex have been

allowed to be converted to non-agricultural uses as enabling the farm to diversify and maintain viability.

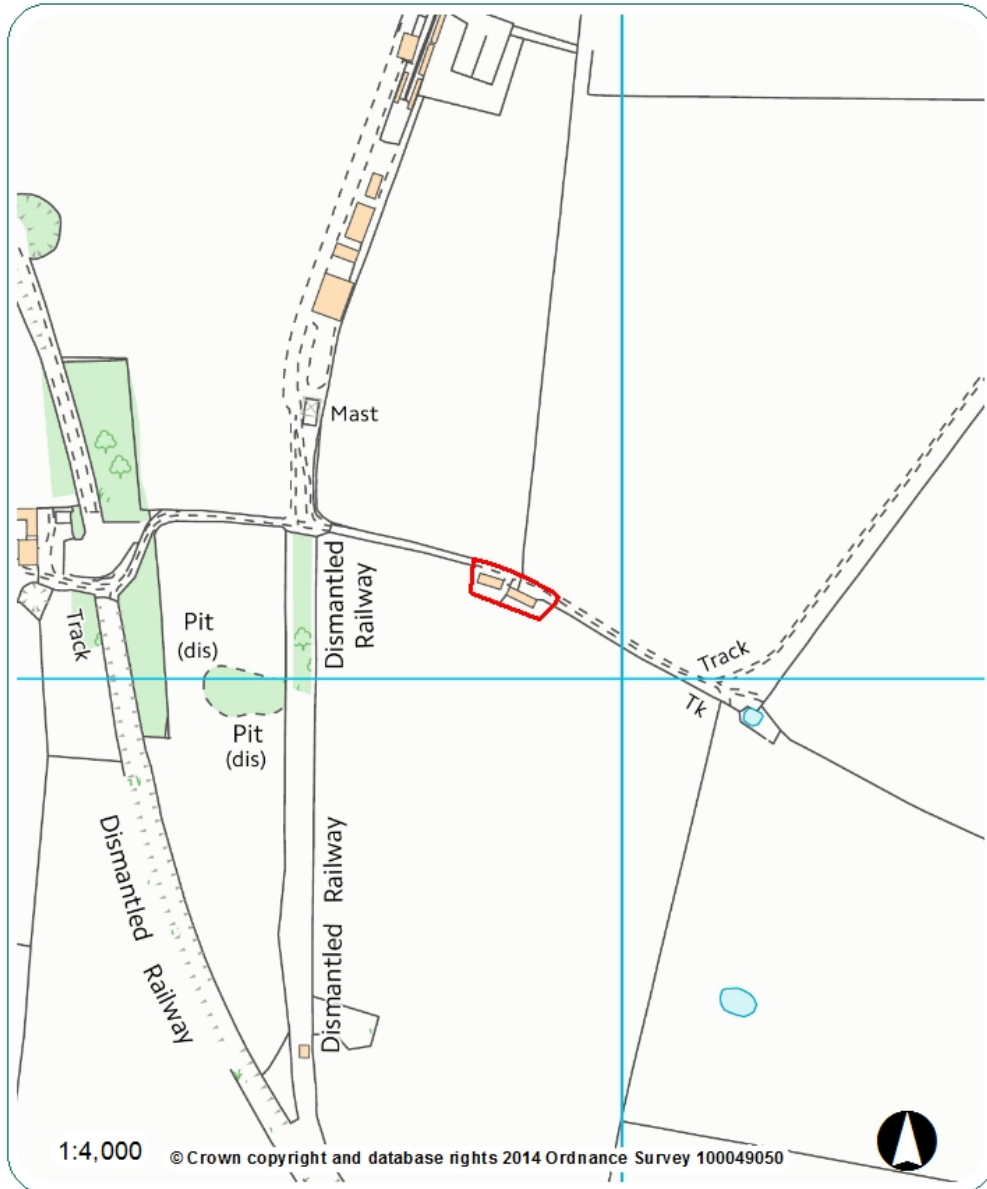
Ecologically, the impacts of the development can be adequately mitigated for through the use of appropriate planning conditions as outlined in this report.

The policies of the development plan that the scheme is in conflict (CP 48, 51, 60 and 61) are not aspirational or desirable requirements, they are in fact, fundamental to ensuring the Council delivers a sustainable pattern of development across Wiltshire. It is therefore imperative that they are adhered too in order ensure the Core Strategy can deliver its spatial strategy and vision – allowing this development would undermine this. Clear and evidential conflict, as identified above, with these policies means that the scheme cannot be considered to comply with the development plan as a whole. Material considerations, including the policies contained within the NPPF do not indicate a decision should be made otherwise. Accordingly, the scheme should be refused in line with the concerns raised above.

#### **RECOMMENDATION:**

That planning permission be refused for the following reasons:

1. The buildings are not structurally sound and capable of conversion without major rebuilding work. By virtue of the proposed use of the building and the changes sort under this application, the scheme is not considered to preserve the character of the original building and would detract from the character and appearance of the landscape. Furthermore, the site does not have reasonable access to local services. As such, the scheme does not accord with the points i, ii and iv of Core Policy 48 of the Wiltshire Core Strategy 2015.
2. The proposal by virtue of the change of use, the loss of the agrarian character through significant rebuilding works and the external changes to the site would have a significantly harmful impact upon the character and appearance of this part of the North Wessex Downs AONB. As such, the scheme is not considered to protect, conserve or enhance landscape character and is therefore contrary to Core Policy 51 of the Wiltshire Core Strategy 2015 and to central government policy contained within the National Planning Policy Framework 2018, notably, paragraph 172 that places great weight on the importance of conserving AONB landscapes.
3. The proposal by virtue of its isolated rural location, remote from any nearby service centre and remote from access to public transport facilities means it is considered to be in an unsustainable location. The scheme is therefore considered contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy 2015 which seek to ensure development is in accessible locations where reliance of the private car can be reduced, and to central government policy contained within the National Planning Policy Framework 2018.



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