

AGENDA

Meeting: Strategic Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 13 November 2019
Time: 10.30 am

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email roger.bishton@wiltshire.gov.uk

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

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Membership:

Cllr Fleur de Rhé-Philippe MBE (Chairman)		Cllr Sarah Gibson
Cllr Derek Brown OBE (Chairman)	(Vice-	Cllr Christopher Newbury
Cllr Andrew Bryant		Cllr Ian Thorn
Cllr Ernie Clark		Cllr Tony Trotman
Cllr Andrew Davis		Cllr Fred Westmoreland
Cllr Stewart Dobson		

Substitutes:

Cllr Ian Blair-Pilling	Cllr Chris Hurst
Cllr Clare Cape	Cllr Nick Murry
Cllr Christopher Devine	Cllr Stewart Palmen
Cllr David Halik	Cllr Stuart Wheeler
Cllr Russell Hawker	Cllr Graham Wright
Cllr Ruth Hopkinson	

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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 5 - 26*)

To approve and sign as a correct record the minutes of the meeting held on 11 September 2019. (Copy attached)

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 10.20am 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 **Wednesday 6 November 2019** 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 **Friday 8 November 2019**. 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 27 - 28*)

To receive details of completed and pending appeals, and any other updates as appropriate. (Copy attached)

7 **18/02037/FUL - Land at Rawlings Farm and Upper Peckingell Farm, Chippenham** (*Pages 29 - 54*)

A report by the Case Officer is attached.

8 **19/03329/DP3 - Melksham House, 27 Market Place, Melksham, Wiltshire, SN12 6ES** (*Pages 55 - 88*)

A report by the Case Officer is attached.

9 **19/03394/LBC - Melksham House, 27 Market Place, Melksham, Wiltshire, SN12 6ES** (*Pages 89 - 100*)

A report by the Case Officer is attached.

10 **Date of Next Meeting**

To note that the next meeting is due to take place on Wednesday 11 December 2019 at County Hall, Trowbridge, starting at 10.30am.

11 **Urgent Items**

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

Part II

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

None

STRATEGIC PLANNING COMMITTEE

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 11 SEPTEMBER 2019 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Fleur de Rhé-Philippe MBE (Chairman), Cllr Derek Brown OBE (Vice-Chairman), Cllr Andrew Bryant, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Stewart Dobson, Cllr Christopher Newbury, Cllr Tony Trotman, Cllr Fred Westmoreland and Cllr Stewart Palmen (Substitute)

Also Present:

Cllr Toby Sturgis, Cllr Chuck Berry and Cllr Mollie Groom

44 Apologies

An apology for absence was received from Cllr Sarah Gibson who was substituted by Cllr Stewart Palmen.

45 Minutes of the Previous Meetings

Resolved:

To confirm and sign the minutes of the previous meetings held on 19 & 20 June 2019 as a correct record.

46 Declarations of Interest

There were no declarations of interest made at the meeting.

47 Chairman's Announcements

There were no Chairman's announcements.

48 Public Participation

There were no questions or statements submitted.

49 Planning Appeals and Updates

An update on planning appeals and decisions was received.

Mr F Morland, a resident of Chapmanslade, referred to the Planning Inspector's decision regarding Application No 17/01798/FULL – Valley View, Dean Road, East Grimstead for the change of use of land for the stationing of one mobile home, one touring caravan, and a day/utility room building for residential purposes and considered that Core Policy 47 – Meeting the Needs of Gypsies and Travellers should be reviewed, as he thought it to be too submissive and that there should be placed a limit or assessment of need.

The Head of Development Management stated his disappointment in that although this Committee refused planning permission against the planning officer's advice, no committee member, Wiltshire Councillor, parish councillor or member of the public attended the hearing on 24 July 2019 to defend and support the reasons for refusal.

Resolved:

To note the contents of the update.

50 **19-07427-FUL: 30-36 Fisherton Street, Salisbury, Wiltshire, SP2 7RG - Demolition of the existing building at 30-36 Fisherton Street, currently used as retail. Erection of new building for library, gym and 86 room hotel.**

The Committee received a presentation from the Case Officer which set out the main issues in respect of the application. He drew attention to late representations he had received. The Committee noted that the application followed an earlier application for a similar description of development which was refused by this Committee in June. The new building now proposed was materially different in terms of its scale and design to that refused in the earlier application.

Members then had the opportunity to ask technical questions after which they heard statements from members of the public as follows:-

Mr Steve Fear, a local resident, who spoke against the proposal

Mr Ian Williams, the agent, who spoke in support of the proposal

Ms Amanda Foster, representing the Salisbury Chamber of Commerce, who spoke in support of the proposal

Cllr John Farquhar, Chair of Salisbury City Council's Planning Committee, who spoke in support of the proposal

Cllr Toby Sturgis spoke on behalf of Cllr Pauline Church, Cabinet Member for South Wiltshire Recovery, in which he reported her full support for the proposal. It was most important and critical for the recovery of Salisbury.

During discussion several Members stated that they considered that the current application was a considerable improvement on the previous one which was refused. On the proposal of the Chairman, which was seconded by the Vice-Chairman,

Resolved:

To grant planning permission, 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. Notwithstanding the details shown on the submitted application particulars, no development shall commence on site (other than demolition and related site clearance) until the exact details 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, in the interests of visual amenity and the character and appearance of the area, which is a conservation area.

- 3. No walls shall be constructed on site, until a sample wall panel (or panels), not less than 1 metre square, showing the external materials and mortar colours/depths/finishes, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel(s) shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.**

REASON: In the interests of visual amenity and the character and appearance of the area, which is a conservation area.

- 4. No development shall commence on site (other than demolition and related site clearance) until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers, canopies, parapet copings, roof details (inc. white metal 'crown'), building returns, vents, meters, and external plant 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 contains 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, which is a conservation area.

5. No development shall commence on site (other than demolition and related site clearance) 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 (where relevant) :-
- location and current canopy spread of all existing trees and hedgerows 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;
 - means of enclosure;
 - vehicle and pedestrian access and circulation areas;
 - all hard and soft surfacing materials, and their detailed arrangement on the site;
 - minor artefacts and structures (e.g. furniture, refuse and other storage units, signs, lighting etc);
 - proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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 setting for the development.

6. 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 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.

7. No part of the development hereby permitted shall be first 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.

8. No part of the development shall be first brought into use, until details of secure covered cycle parking, together with a timetable for their provision, have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and timetable, and shall be retained for use at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

9. No part of the development hereby permitted shall be first brought into use until an assessment of the acoustic impact arising from the operation of all proposed external plant at all uses within the development has been undertaken in accordance with BS 4142: 2014 and BS8233. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures as necessary to ensure the rating level of noise emitted from the proposed plant shall be at least 5dB less than lowest background level and is protective of local amenity. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented prior to first use of the development and thereafter be permanently retained.

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

10. No part of the gymnasium element of the development hereby permitted shall be first brought into use until a scheme of mitigation and validation for the gymnasium element has been undertaken that meets the noise requirements of NR25 (maximum noise rating level) and to so protect the hotel and library elements of the development. The scheme shall be submitted to and approved in writing by the Local Planning Authority and shall demonstrate substantial compliance over a 1

hour LAeq taking due account of frequency.

The scheme must include details of stages of validation during the construction phase and a post construction scheme of validation and measurement to demonstrate substantive compliance. The gymnasium use hereby permitted shall not commence until the approved details are fully implemented and details of post construction validation have been submitted to and approved in writing by the Local Planning Authority.

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

11. No part of the development hereby permitted shall be first brought into use until a scheme of works for the control and dispersal of atmospheric emissions, and in particular odour & fumes, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

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

12. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light 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.

13. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) - Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination (including asbestos) on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- **A survey of the extent, nature and scale of contamination on site;**
- **The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;**
- **If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;**
- **An assessment of the potential risks to**
 - **human health,**
 - **property (existing or proposed) including buildings, service lines and pipes,**
 - **adjoining land,**
 - **groundwater and surface waters,**
 - **ecological systems,**
 - **archaeological sites and ancient monuments.**

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) - Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) - Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) - Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) - Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) - Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14. The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
 - ii. A description of management responsibilities;
 - iii. A description of the construction programme;
 - iv. Site working hours and a named person for residents / interested parties to contact;
 - v. Detailed Site logistics arrangements;
 - vi. Details regarding parking, deliveries, and storage;
 - vii. Details regarding dust and noise mitigation;
 - viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
 - ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

There shall be no burning undertaken on site at any time.

Construction hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The CEMP shall be implemented at all times during the construction phase as approved.

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

15. The development hereby approved shall not commence (other than demolition and related site clearance) until an Air Quality Assessment (AQA) is carried out to assess the impact, if any, of the development on the Salisbury Air Quality Management Area. The AQA shall be carried out in accordance with the requirements of the Council's Air Quality SPD; and where impacts are predicted, shall set out mitigation and a programme

of implementation to address these. The development shall not commence until the AQA has been approved in writing by the local planning authority; and the development shall then be implemented and operated thereafter in accordance with the approved mitigation and related programme.

REASON: The application site is within an Air Quality Management Area where air quality objectives have been breached. In these circumstances Core Policy 55 of the Wiltshire Core Strategy requires new development to demonstrate that it will not exacerbate the situation and/or to propose mitigation measures as necessary, this in order to protect public health, environmental quality and amenity.

16. Notwithstanding the details sets out in the application particulars, no development shall commence on site (other than demolition and related site clearance) until a scheme for the discharge of surface water from the site (including the service yard), 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 contains 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.

INFORMATIVE:

In preparing the scheme for the discharge of surface water the applicant should have regard to the response to the application from WC Drainage; in particular, those comments relating to the shortcomings of the Flood Risk Assessment and Surface Water Management Plan accompanying the planning application.

17. No part of the development hereby permitted shall be first brought into use until a flood emergency plan (Flood Warning and Evacuation Plan) has been submitted to and approved in writing by the Local Planning Authority. The emergency plan shall address all sources of flooding (river, surface water, groundwater and sewer), and shall set out prevention and evacuation measures in the event of a flood event. Following first use of the development the flood emergency plan shall be implemented if and whenever flood events occur.

REASON: To ensure safe access and escape routes during times of flooding.

18. Notwithstanding the details set out in the application particulars, the finished floor levels of the development hereby permitted shall be set no lower than 47.2 metres above Ordnance Datum (AOD).

REASON: To reduce the risk of flooding and to accord with the terms of the Flood Risk Assessment which accompanies the planning application.

INFORMATIVE:

In view of the potential flood risks in this locality, the Environment Agency advises that the developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. Guidance is available within the Department for Communities and Local Government publication 'Improving the Flood Performance of New Buildings – Flood Resilient Construction, May 2007' available at:

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

19. No development approved by this permission shall commence (other than demolition and related site clearance) until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and climate change adaptation.

INFORMATIVE:

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition will include calculations to demonstrate how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

20. There shall be no surface water drainage connection to foul water drainage systems.

REASON: To reduce the risk of flooding.

21. No works shall commence on site until an appropriate programme of building recording (including architectural/historical analysis) of the existing building to be demolished has been carried out. This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the Local Planning Authority.

REASON: The application contains 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 secure the proper recording of the existing building.

22. No works for the demolition of the existing building or any part thereof shall commence on site until evidence that there is an interested party obliged to complete and/or occupy the replacement development (such as a valid Agreement for Lease of the replacement development) has been submitted to and approved in writing by the Local Planning Authority.

REASON: The application contains 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 the visual amenity of the locality, which is within a designated Conservation Area.

23. A written programme of archaeological investigation and mitigation, promoting better understanding of the impact of the proposed development, which should include both 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;

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.

24. Prior to commencement of the development hereby approved (other than demolition and related site clearance), a scheme for the incorporation of bat and bird boxes (including swift bricks) into the new building works shall be submitted to the local

planning authority for approval in writing. The bat and bird boxes / swift bricks shall be incorporated in accordance with the approved scheme and retained for nesting purposes in perpetuity thereafter.

REASON: To ensure enhancement of ecological interests in accordance with Core Policy 50 of the Wiltshire Core Strategy.

25. The development shall be carried out in accordance with the recommendations set out in the Preliminary Ecological Appraisal by Ecological Consultancy Services Ltd dated February 2019; in particular, those recommendations requiring further bat surveys to be undertaken at particular times of the year.

REASON: To safeguard ecological interests, notably bats.

26. No development shall take place until a plan detailing the protection and enhancement of the adjacent SAC (Hampshire Avon River) and its associated habitats and species has been submitted to and agreed in writing the local planning authority. The plan must consider the whole duration of the development, from the construction phase through to development completion. Any change to operational responsibilities, including management, shall be submitted to and approved in writing by the local planning authority. The species/habitat enhancement and protection plan shall be carried out in accordance with a timetable for implementation as approved.

REASON To protect the Hampshire Avon and its habitat within the development site, and to avoid damaging the site's nature conservation value.

27. The development hereby permitted shall be carried out in accordance with the following approved plans:

3097-A-1500 P02 (Site location plan) dated 31/07/19

3097-A-1600 P04 (Ground floor plan) dated 31/07/19

3097-A-1601 P04 (First floor plan) dated 31/07/19

3097-A-1602 P04 (Second floor plan) dated 31/07/19

3097-A-1603 P02 (Roof plan) dated 31/07/19

3097-A-1630 P02 (Elevations – sheet 1) dated 12/08/19

3097-A-1631 P02 (Elevations – sheet 2) dated 12/08/19

3097-A-1632 P02 (Elevations & sections – sheet 1) dated 12/08/19

3097-A-1633 P02 (Elevations & sections – sheet 2) dated 12/08/19

3097-A-1650 P02 (Elevation / section detail building A) dated 09/08/19

3097-A-1651 P02 (Elevation / section detail building B) dated 09/08/19

3097-A-1652 P02 (Elevation / section detail building C) dated

09/08/19

3097-A-1653 P02 (Elevation / section detail building D) dated 09/08/19

3097-A-1655 P02 (Elevation / section detail building E) dated 09/08/19

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

28. INFORMATIVE:

An environmental permit is required for any works within 8m of a main river, such as the River Avon. For more guidance on environmental permits, consult the Wiltshire Council website.

The Environment Agency issue environmental permits, however, as Wiltshire Council have the lead responsibility for surface water management, the discharge rate from the site must be agreed with the Council.

29. INFORMATIVE:

This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.

30. INFORMATIVE:

The applicant should note that the costs of carrying out a programme of building recording and archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.

31. INFORMATIVE:

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

If it is intended to carry out works in the vicinity of the site boundary, the applicant is also advised that it may be expedient to seek independent advice with regard to the requirements of the Party Wall Act 1996.

32. INFORMATIVE:

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.

33. INFORMATIVE:

The applicant is advised that Council offices do not have the facility to receive material samples. If samples are required then they should be delivered to site and the Planning Officer notified accordingly.

34. INFORMATIVE:

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.

- 51 **18/11739/FUL: The Paddock ,Hook, nr Royal Wootton Bassett Wiltshire SN4 8EA - Change of use of land to a residential caravan site consisting of 4 pitches each containing 1 mobile home, 1 touring caravan, 1 semi-detached utility building, car parking, access and children's play area.**

The Committee received a presentation from the Head of Development Management which set out the main issues in respect of the application. The purpose of the report was 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 subject to conditions.

Members then had the opportunity to ask technical questions after which they heard statements from members of the public as follows:-

Mr Mark Fisher, a local resident, who spoke against the proposal.

Mr Mike Drury, a local resident, who spoke against the proposal.

Mr Paul Wrathall, a local resident, who spoke against the proposal.

Cllr Robert Collis, Chairman of Lydiard Tregoze Parish Council, spoke against the proposal.

Members then heard the views of Cllr Mollie Groom, the local Member, who stated her objections to the application on account of the likely increase in size and volume of traffic on the road network, the potential for the flooding of adjacent gardens and the infringement of the human rights of the nearby neighbours.

In response, the Head of Development Planning informed the Committee that there was a 30mph speed limit on the road network and there had been no objections to the proposal received from the Highway Authority. He also stated that regarding drainage, a technical report had been received and no objections had been raised by Wessex Water.

During discussion, Members expressed concern at the wording of Core Policy 47 – Meeting the Needs of Gypsies and Travellers and considered that the Policy should be reviewed so that such planning applications could be considered in a similar way as when examining other applications.

After further discussion, on the proposal of Cllr Tony Trotman, which was seconded by Cllr Christopher Newbury,

Resolved:

To refuse planning permission for the following reasons:-

Proposals for new gypsy and traveller pitches are assessed against the criteria set out for such sites in policy CP47 of the Wiltshire Core Strategy. In this case, the proposal does not satisfy the following criteria in CP47:

vi) The proposed development of the site for the four pitches would have an unacceptable impact on the character and appearance of the landscape, harming the appearance of the countryside by the introduction of this urbanising development extending into the rural landscape. The development would also have an unacceptable impact on the amenity of neighbouring properties, due to the increased level of disturbance through the use of the access and the proximity of the development to nearby residential properties.

viii) The development of the site for gypsy and traveller pitches is inappropriate in this location to the character of its surroundings, where

the village is characterised by traditionally built permanent housing.

For the reasons set out in relation to vi) above, the development is also considered to conflict with Wiltshire Core Strategy policy CP57 (vii), due to the adverse impact on the amenities of neighbouring properties

2 INFORMATIVE TO APPLICANT:

The Council, in its latest Five Year Land Supply Statement for Gypsy and Traveller Sites, published in August 2019, can demonstrate a supply of 12.3 years as at 1st January 2018 in the Housing Market Area within which this site is located (with further sites granted planning permission since then).

52 19/04941/FUL: Thatado Farm, Braydon Road, Leigh, SN6 6RQ - Two standard gypsy & traveller plots and vehicle access

The Committee received a presentation from the Case Officer which set out the main issues in respect of the application. The purpose of the report was to assess the merits of the proposals against the policies of the Development Plan and other material considerations and to consider the recommendation that planning permission be granted subject to conditions.

Members then had the opportunity to ask technical questions after which they heard a statement from Mr Keech, the agent, in support of the application.

Members then heard the views of Cllr Chuck Berry, the local Member, who objected to the proposal. He explained that he had received representations from neighbours to the site including the proprietors of a successful bed and breakfast establishment stating that they considered that their businesses would be adversely affected. Cllr Berry also questioned the need for an additional site for gypsies and travellers as there appeared to be several extant permissions that had not been taken up.

After some discussion, on the proposal of the Chairman, which was seconded by Cllr Fred Westmoreland,

Resolved:

To grant planning permission, 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: Location Plan, 17/135 (i) and 17/135(ii) received on 21st May 2019.

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

- 3 No development shall commence on site until the exact details 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 existing trees and hedgerows 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 floor levels;
- * means of enclosure;
- * other vehicle and pedestrian access and circulation areas;
- * all hard and soft surfacing materials;
- * minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

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 The development hereby permitted shall not be occupied until the approved sewage disposal works proposed have been completed in accordance with the submitted and approved details contained within The Surface and Foul Water Drainage Strategy by Cole Easdon Consultants Limited. Once implemented the foul drainage strategy shall be retained and maintained in accordance with the approved details.

REASON: To ensure that the development is provided with a satisfactory means of foul drainage.

- 7 Notwithstanding the details in the Foul and Surface Water Drainage Strategy, 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 development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information regarding the riparian ownership of the drainage ditch 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.

- 8 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 gates, fences, walls or other means of enclosure or additional hardstanding, other than those shown on the approved plans or agreed as part of the landscaping scheme as required by conditions within this decision notice, shall be erected or placed anywhere on the site.

REASON: In the interests of visual amenity.

- 9 The site shall not be permanently occupied by persons other than gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites (DCLG, 2015).

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

- 10 There shall be no more than four (4) caravans as defined in the Caravan Sites and Control of Development Act 1960 and the caravans Sites Act 1968 stationed on the site edged in red, of which no more than two (2) shall be a static caravan or mobile home. For the avoidance of doubt there shall be no stationing of any mobile home on the land located outside the site outlined in red on the location plan.

REASON: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual, residential amenity and flood risk in accordance with policies CP47 of the Wiltshire Core Strategy.

11

No more than two commercial vehicles shall be kept on the site for use by the occupiers of the caravans hereby permitted, and shall not exceed 3.5 tonnes in weight.

- 12 REASON: In the interests of residential amenity, highway safety and the character of the countryside.

Except for the keeping of commercial vehicles as defined in condition 11, above, no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

- 13 **REASON:** In the interests of residential amenity, highway safety and the character of the countryside.

No external lighting shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light GN01:2011", 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.

- 14 **INFORMATIVE TO APPLICANT:**
Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

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

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

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

53 **Date of Next Meeting**

Resolved:

To note that the next scheduled meeting of this Committee is due to take place on Wednesday 16 October 2019 at County Hall, Trowbridge, starting at 10.30am.

54 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 12.35 pm)

The Officer who has produced these minutes is Roger Bishton of Democratic Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

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

**Wiltshire Council
Strategic Planning Committee
13th November 2019**

Planning Appeals Received between 30/08/2019 and 01/11/2019 relating to Decisions made at Strategic Committee

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
18/03524/FUL	Land to the Rear of The Paddock, Heath Lane Startley, Chippenham Wiltshire, SN15 5HH	GREAT SOMERFORD	Change of Use of Land to a Private Gypsy and Traveller Caravan Site Consisting of Three Pitches Each of Which Would Contain One Mobile Home, One Utility Dayroom and One Touring Caravan and Associated Works	SPC	Hearing	Refuse	19/09/2019	No
18/08571/FUL	Land West of Bushton Road, Hilmarton Calne, SN11 8TA	HILMARTON	Change of use of land to use as a residential caravan site for one gypsy family with 5 caravans, including no more than one static caravan/mobile home, together with laying of hardstanding, improvement of access and, erection of ancillary amenity building.	SPC	Hearing	Approve with Conditions	01/10/2019	Yes

There are no Planning Appeals Decided between 30/08/2019 and 01/11/2019 relating to Decisions made at Strategic Committee

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REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	13th November 2019
Application Number	18/02037/FUL
Site Address	Land at Rawlings Farm and Upper Peckingell Farm, Chippenham
Proposal	Construction of Bridge Over the Great Western Railway and Accommodation Works, Including Temporary Haul Road from Upper Peckingell Farm; Construction Compound; Bridge Beam Storage Compound; Cocklebury Link Road (Phase 1), and Associated Drainage Arrangements; Highway and Associated Landscaping.
Applicant	KBC Developments LLP
Town/Parish Council	Langley Burrell
Division	Kington
Grid Ref	393579 174709
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

The Application has been called for committee determination in the event of a recommendation to approve by the Division Member, Councillor Greenman to consider the visual impact on the surrounding area; relationship to neighbouring properties; design and highways impact.

1. Purpose of Report

1.1 To consider the proposals in the context of the development plan and all other material considerations and recommend that consent be granted subject to conditions.

2. Report Summary

2.1 The application has been the subject of two formal periods of consultation and in total 86 representations of objection and 5 general comments have been received.

2.2 Key issues include: -

The Principle of Development
 Impact to Highways
 Impact to Residential Amenity
 Impact on Heritage Assets
 Impact to the Character, Appearance & Visual Amenity of the Locality including Trees
 Impact to Ecology
 Impact to Drainage/Flood Risk

3. Site Description

3.1 The development site for the bridge is located off Parsonage Way and will form a crossing over the Great Western Railway Line. The bridge will provide access to approximately 51ha of mixed farmland to the north east of Chippenham. This area of land is allocated within the Council's formally adopted Chippenham Site Allocations Plan (CSAP). The temporary haul road runs to the eastern side of the rail line largely along a north south axis from Peckingell Lane to the location of the proposed bridge. There are several mature trees and hedgerows in the locality as well as watercourses/bodies. The Council holds records of surface water flooding in this locality, potential land contamination and protected species of mammal (voles). There are also several designated heritage assets in the vicinity of the site including the Langley Burrell Conservation Area, Upper and Lower Peckingell Farms, Rawlings Farm and Green Bridge which crosses the rail line to the north of parsonage Way / west of Upper Peckingell Farm. The locality is one of known archaeological interest and potential.

4. Planning History

15/11886/FUL	Construction of a Bridge Across the London to Bristol Railway Line, as an Extension to Parsonage Way to Serve the Proposed Housing Development at Rawlings Green Approved
15/12351/OUT	Outline Permission for up to 650 Dwellings, Including 5ha Employment Generating Space and a 2 Form Entry Primary School. Up to 10ha New Public Open Space Including Country Park, Landscaping, Stormwater & Foul Drainage Works, Substation and Associated Infrastructure Works. Access Using Parsonage Way - Over New Railway Bridge, Darcy Close and from Cocklebury Lane (for Pedestrian/Emergency Works). Not yet determined (awaiting completion of Section 106 agreement)
17/07793/FUL	Works to existing road to provide new road link connecting B4069 Langley Road and Parsonage Way, including the provision of a footway/cycleway and new landscaping. Construction of new gyratory junction on Langley Road. Stopping up of existing section of Parsonage Way and change of use to provide storage area. Construction of link to existing storage area and provision of security fencing. Strategic Planning Committee Resolution to grant subject to a S106 agreement

5. The Proposal

5.1 The proposal involves the construction of a bridge across the London – Bristol railway line and phase 1 of the Cocklebury Link Road. The development will form an extension to Parsonage Way so as to serve the proposed mixed-use development at Rawlings Green. The proposal also includes the construction of a temporary haul road to facilitate construction of the bridge; erection of a storage compound and ancillary drainage, highways and landscaping works.

6. Planning Policy

6.1 Wiltshire Core Strategy Jan 2015 (WCS):

Core Policy 1-	Settlement Strategy
Core Policy 2-	Delivery Strategy
Core Policy 3-	Infrastructure Requirements
Core Policy 10-	Spatial Strategy: Chippenham Community Area
Core Policy 50-	Biodiversity and Geodiversity
Core Policy 51-	Landscape
Core Policy 57-	Ensuring high quality design and place shaping
Core Policy 58-	Ensuring the Conservation of the Historic Environment
Core Policy 60-	Sustainable Transport
Core Policy 61-	Transport and Development
Core Policy 62-	Development impacts on the transport network
Core Policy 63-	Transport Strategies
Core Policy 67-	Flood Risk
Appendix D	
Appendix E	
Appendix G	

6.2 Saved Policies of the North Wiltshire Local Plan (NWLP):

NE14- Trees

NE18- Noise and Pollution

T5- Safeguarding

6.3 National Planning Policy Framework 2019 (The Framework/NPPF):

Chapter 2- Achieving sustainable development (Paragraphs 7, 11 & 17)

Chapter 4- Decision Making (Paragraphs 38 & 47)

Chapter 5- Delivering a wide choice of high quality homes (Paragraphs 59, 65, 72, 74 & 75)

Chapter 6- Building a strong, competitive economy (Paragraphs 80 & 83)

Chapter 8- Promoting healthy communities (Paragraph 91)

Chapter 9- Promoting Sustainable Transport (paragraphs 108, 109, 110 & 111)

Chapter 12- Requiring Good Design (Paragraphs 124, 127, 131)

Chapter 14- Meeting the challenge of climate change, flooding and coastal change (Paragraphs 162, 163 & 165)

Chapter 15- Conserving and enhancing the natural environment (Paragraphs 170 & 178)

Chapter 16- Conserving and enhancing the historic environment (Paragraphs 189, 190, 191, 193, 196 & 197)

6.4 Chippenham Site Allocations DPD (CSAP DPD):

Policy CH2- Rawlings Green

6.5 The Langley Burrell Neighbourhood Plan (LBNP):

PB1- Parish Build Policy 1

LP1- Landscape Policy 1

HP1- Heritage Policy 1 Preservation of Heritage Assets and their setting

HP2- Heritage Policy 2 Maud's Heath Causeway

HP3- Heritage Policy 3 Preservation of Langley Common

HP4- Heritage Policy 4 Preservation of the heritage setting of hamlets and isolated listed buildings

NE1- Natural Environment Policy 1 Encouraging nature conservation benefits

NE2- Promoting countryside amenity and the rural footpath network

7. Consultations

7.1 The following summary is the position arising following completion of the two consultation exercises undertaken and is not intended to be a verbatim account of the consultation responses received in totality. Matters are addressed further in this regard under the subject specific headings contained in the body of the report.

Wiltshire Council Highways – No objection subject to conditions

Wiltshire Council Trees Officer – No objection subject to conditions

Wiltshire Council Drainage Office – Support subject to conditions

Wiltshire Council Ecologist – Support subject to conditions

County Archaeologist – Support subject to condition

Wiltshire Council Rights of Way Team – No objection

Wiltshire Council Public Protection – No objection subject to conditions

Wiltshire Council Spatial Planning Team - The proposals conform to CSAP policies CH2 subject to evidence that establishes compliance with the landscaping and traffic issues identified. The landscape and visual impact assessment must provide evidence to satisfy LBNP policies LB1 and LP1. Proposals for a temporary haul road will need to be justified independently as an element contrary to WCS Core Policy 2.

Wiltshire Council Conservation Officer – No objection subject to appropriate measures to control timescales relating to the haul road and site restoration.

Wiltshire Council Landscape Officer - No comments or objections to this bridge and haul route application, subject to a condition requiring restoration of the field route lengths back to agricultural land, and the restoration of temporary vehicle passing places along the rural road network etc.

Environment Agency – No comment being outside their consultation remit. Defer to Wiltshire Council as Lead Local Flood Authority Wessex Water – No objections but the Haul road affects WW infrastructure and so the applicant will need to agree protection measures with WW.

Historic England - Concerns regarding the application on heritage grounds but are content that these could be resolved through minor amendments to the current scheme or via suitably worded planning conditions.

Natural England – No comments, proposals considered unlikely to have significant effects on the natural environment.

Network Rail - No objection in principle to the above proposal but due to location next to Network Rail land and infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway NR include asset protection comments in the response which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include these requirements as planning conditions if these matters have not been addressed in the supporting documentation submitted with this application.

Langley Burrell Parish Council (multiple detailed submissions) – Objection supported by technical assessment of submissions from highways consultant (ADL). Addressed in further detail in the body of the report but in summary concerns raised as to the deliverability of the proposed temporary passing places along the route through Langley Burrell; impact to residents of vehicular movements through the village given the size and scale of vehicles proposed; concerns raised as to impact to heritage assets including Maud Heath Causeway and the underbridge with potential disruption to mainline rail services; Highways safety concerns arising from vehicular movements of this scale and volume in particular the junction of B4069 with The Common; damage to the highway carriageway from such vehicle movements; concerns as to the need for overnight road closures.

Chippenham Town Council – No objection noting the previous consent for the bridge subject to multiple conditions including provision of haul road details now addressed by the current application but subject to various matters being addressed. Such matters to include the concerns raised by residents of Langley Burrell regarding the impact of construction traffic; agreement of an effective and comprehensive construction traffic management plan include notification to interested parties and completion of the ridge works in advance of commencement development of residential development at Rawlings Green.

Bremhill Parish Council - Objection. Wiltshire Council should reject this application for a haul road on the basis that it is outside the CSAP and too disruptive and dangerous to be justified and will result in harm to Maud's Heath Causeway, Highways Hazard, free flow of traffic, pedestrians, walkers and cyclists and residential amenity.

8. Publicity

8.1 The application was advertised by press notice, site notice neighbour notification, notification to Parish and Town Councils, publication of details on the Council's website and including on the weekly list of applications. The proposals and subsequent additional submissions were the subject of 2 formal periods of consultation.

8.2 Eighty-six representations of objection and five general comments were received in total with several parties making multiple submissions. The following is a summary of all the issues raised by these total submissions. This includes submissions from a range of interested parties and organisations including James Grey MP; CPRE; NFU; Trustees of the Maud Heath Trust.

- Conflict with the development plan including CSAP and LGNP alongside conflict with national policy. No provision within the CSAP for a haul road to support development at Rawlings Green.
- Harm to residential amenity through noise and disruption arising from large scale vehicular movement through the village of Langley Burrell.
- Inadequate road conditions and infrastructure to accommodate the projected vehicular movements from construction both in volume and type.
- Harm to free flow of traffic / creation of a highways hazard because of construction vehicle movements along the route proposed/use of the haul road.
- Harm to heritage assets by damage arising from large scale vehicular movements/construction traffic e.g. Maud Heath Causeway, conservation area and listed properties in the village of Langley Burrell.
- Harm to transport infrastructure e.g. rail over bridges being too narrow and low height to accommodate the scale of construction vehicles using the proposed haul road and access route.
- Conflict with and harm to Rights of way and pedestrian/walker accessibility.

- Harm to character, appearance and visual amenity of the locality including loss of mature trees.
- Construction of the bridge and related traffic should take place from and be via Parsonage Way as previously approved and as this has significantly less harmful impacts and risks associated and is a feasible and reasonable alternative.
- Damage to road surfaces through and adjacent the village of Langley Burrell.
- Harm to ecological habitat and protected species.
- The haul road will be used and retained for further development in the locality and as a long-term access to the development at Rawlings Farm.
- Will generate noise and air pollution and structural damage to properties through vibration.
- Supporting information and impact assessment data in the transport statement in particular is misleading, inaccurate and/or inadequate including a range of commitments made.
- Consideration should be given to alternate transportation solutions and methods for delivery of materials and construction works e.g. rail.
- There already exists a bridge crossing at Cocklebury Lane that provides access to Rawlings Green and this could be used as an alternative access.
- Harmful impact to local business through disturbance from large scale construction traffic (volume and scale of vehicles) and vehicular conflict.
- The proposed Country park is not in accordance with the CSAP allocation in terms of location or quantum. (*Officer comment: This matter relates to app ref 15/12351/OUT*)
- Inadequate consultation.
- Application and proposals give no consideration to the Langley Burrell Neighbourhood Plan.
- The route for the construction traffic is already a rat run for vehicles between the M4 and Calne and this will lead to further unsustainable harmful traffic and related highway safety issues for the residents of Langley Burrell.
- An alternative route for the construction traffic would be via Darcy Close through Chippenham.
- If consent is granted full provision for reinstatement linked to a comprehensive existing condition survey of the route should be a requirement alongside agreement of a comprehensive construction traffic management plan.

9. Planning Considerations

9.1 Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the guidance of the NPPF (i.e. para 2), applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); Chippenham Sites Allocation Development Plan Document (CSAP DPD) (Adopted May 2017); and the Langley Burrell Neighbourhood Plan (Made October 2017).

9.2 Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities in determining planning applications affecting a Listed Building or Conservation Area to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

9.3 The proposals constitute Environmental Impact Assessment development and have been supported by the submission of an Environmental Statement in accordance with the 2017 EIA Regulations.

The Principle of Development - Development Plan Conformity

9.4. Policies CP1, CP2 and CP10 define the development strategy in terms of the scale and distribution of housing and employment growth in the Chippenham area. The supporting text to CP10 at paras 5.55. – 5.57 identifies the broad strategic locations for meeting the identified level of growth and specifies that formal allocations to address requirements including supporting infrastructure needs will be advanced through the Chippenham Sites Allocation Development Plan Document (CSAP DPD).

9.5 The proposed bridge/rail crossing and the internal access road /Phase 1 of the Cocklebury Link Road which are the subject of this application are specifically identified as part of the proposals for the development of the Rawlings Green site allocation under CH2 of the CSAP DPD reflecting supporting text to CP10 of the WCS paras 5.5 – 5.57. The Langley Burrell Neighbourhood Plan recognises the allocation at Rawlings Green also at para 63 and inset map Figure 2.

9.6 The proposed Bridge/Rail Crossing benefits from an extant planning permission issued under application reference number 15/11886/FUL. This is a material consideration of significant weight in the determination of the current application.

9.7 In respect of the bridge and the phase 1 Cocklebury Link Road it is considered that the principle of development is acceptable being directly in accord with the adopted up to date development plan.

9.8 The temporary haul road and the construction compound are not specifically referenced in the development plan and in particular CH2 and its supporting text CSAP DPD. This is not however unusual, these are construction facilities of a temporary nature and most major site allocations do not identify and reference such facilities. The fact that these facilities are not referenced in the development plan does not necessarily render them in conflict with the plan in principle. There are no generic policies dealing with such temporary construction facilities as a matter of principle and as such they fall to be considered in terms of site-specific impacts in relation to relevant policies such as CP50, CP51, CP57 & CP58 of the WCS and PB1, PB1 LP1 HP1- HP4 NE1-NE2 LBNP. These matters are addressed under issue specific headings further below.

9.9 It is noteworthy that the CSAP DPD CH2 does identify that the road bridge and the Cocklebury Link Road from the rail bridge to Darcy Close must be completed and open for use as part of the first phase of residential development at Rawlings Green. The policy goes on to specify that the link between the Cocklebury Road and the B4069 should be open for use prior to the occupation of the 200th dwelling at Rawlings Green. Furthermore, that development beyond the first phase of 200 dwellings should not commence before a link road to the A350 is open for use or a set of comprehensive transport improvement measures of equivalent benefit is in place. The measures are necessary to provide acceptable access for the site at two points and to accommodate the traffic generated by the development.

9.10 To meet these requirements construction of the railbridge must commence at the earliest opportunity with the Cocklebury Link Road Phase 1 as soon as possible after completion and opening of the railbridge. This is also necessary in order to deliver the allocated housing to the trajectory envisaged in the Council's Housing Land Supply Statement. The railbridge cannot be physically constructed solely from the west of the rail line/Parsonage Way, some works including erection of the eastern abutments, including

pouring of concrete foundations, must take place from the eastern side of the rail line. Similarly, the Cocklebury Link Road phase 1 can only be constructed from the eastern side of the rail line.

9.11 The existing Cocklebury Road overbridge is not of sufficient scale to accommodate the vehicular traffic and loads associated with the railbridge and phase 1 link road construction. Similarly, Darcy Close does not provide an appropriate route for such construction vehicles involving use of internal residential estate roads and access through the centre of Chippenham with potential for significant disruption. Consideration of the traffic impacts of the Rawlings Green development to the central areas of Chippenham was a key consideration at the CSAP DPD examination and in part informed the approach to development of the site being tied to completion of the road infrastructure and two access points. It has also been suggested that the Rail line/rail services provide an alternative means of access for the rail bridge construction. This is not considered to be feasible given absence of a stopping point and facilities for offloading of materials in the vicinity of the site. Necessarily an alternative access route is required to facilitate as a minimum the construction of the eastern section of the rail bridge abutments and thereby meet the requirements of CH2 CSAP DPD to deliver the requisite road and access infrastructure which will deliver phase 1 of the residential development at Rawlings Green. In this context it is considered that there is some development plan support for the temporary haul road and construction compound, subject to consideration of site-specific impact matters.

9.12 The applicant has confirmed in further submissions that: -

- The Haul Road will only provide access for the construction of the eastern section of the rail bridge abutments with all other construction requirements taking place from Parsonage Way;
- The Haul Road will not be used for construction of the Cocklebury Link Road Phase 1;
- The Haul Road will not be used for construction of any of the residential or employment development at Rawlings Green and this will all take place via the rail bridge; and
- The Haul Road will be removed after the rail bridge has been opened for use.

9.13 Furthermore, the applicant has agreed to conditions that would address these matters and these are recommended below.

9.14 In this respect concerns have been raised that the proposed temporary haul road is designed to a standard that is significantly in excess of what is required to deliver the eastern railbridge structure and thereby results in unnecessary level of disruption to the locality and in particular the village of Langley Burrell. The details that are available would not confirm this to be the case, Highways Officers have reviewed the position in light of these concerns and confirm that the proposals are not excessive in relation to the projected level and nature of vehicular traffic that will use the road.

9.15 Concerns have also been raised that the Haul Road was not assessed as part of the allocation testing of the CSAP DPD at Public Examination and is not referenced in the CSAP DPD allocation CH2 and supporting text. A review of the Inspector's report confirms that the Inspector did not specifically consider and oppose use of a haul road. Consideration of traffic impacts and construction of the rail bridge and Cocklebury Link Road focusses on the impacts of traffic arising for the future residential and employment development on the locality with and without these access provisions. There is no specific mention of the construction approach and it is likely that this reflects the position referenced above that allocation planning and application determination in large part focus on the principle of development and potential impacts arising from the development once completed. The process of construction and implementation of development is rarely considered in detail as comprehensive information as to future construction arrangements and activities that could

inform such considerations are often not available at the development plan allocation/planning stage and as such matters are not generally considered material to the acceptability or otherwise of development in principle. Consequently, it is not considered that the absence of consideration of such proposals via the CSAP DPD examination itself presents an in-principle objection to, or a basis for refusing the application proposals, which must be considered on their own merits.

9.16 It is considered that there is sufficient justification for the provision of the haul road and a construction compound in terms of an identified requirement and no reasonable alternative approach that would meet the requirement without any or less impact and disruption. In this respect and given the relevant provisions of the development plan it is not considered that there is an in-principle objection to these elements of the proposals that would demonstrably support refusal on this basis.

Impact to Highways

Rail Bridge and Cocklebury Link Road Phase 1

9.17 As identified above the proposed rail bridge and Cocklebury Link Road Phase 1 are requirements of the development plan with specific timing elements in order to address the transportation/highways impacts of the development allocated under CH2 of the CSAP DPD. The Examiners report in respect of the CSAP DPD identifies at paras 80 - 85 that the supporting evidence and assessments informing the allocation demonstrate that the provision of these access and highways facilities and connections will mitigate traffic impact on the locality and potentially result in some degree of betterment over the existing situation in certain locations within Chippenham. This assessment is supported by the ES and Transport Statement submitted with the application. It is material to note that an extant consent exists for the rail bridge and the current proposals in that regard are identical to those already approved.

9.18 In respect of the CSAP DPD requirements it is also material to note that a resolution to grant consent for alterations to Parsonage Way highway layout has also been reached at Committee under application reference number 17/07793/FUL subject to signing of a S106 agreement. Work is well advanced in the latter respect. Submissions have been made by both parties in respect of technical details for the rail crossing and the revised layout of the Parsonage Way junction with the Rail bridge. These have been reviewed and assessed by Highways Officers and are considered to be sound and deliver an appropriate and safe highways route and connection. The applicant has had access to details of the Parsonage Way junction following concern being raised in this respect. Following provision of details, no further technical highways concerns have been raised by the applicant in this regard.

9.19 Highways Officers raise no objections or concerns with the proposals for the rail bridge or the Cocklebury Link Road Phase 1. These elements of the proposals are considered to accord with the development plan and raise no conflicts in respect of policies CP57 (x), CP60, CP61 and CP62 WCS; CSAP DPD policy CH2; or the provisions of the LBNP; or paras 108 109 & 110 of the Framework.

Haul Road and Compound

9.20 With respect to the Haul Road and the related storage compound Highways officers and a range of interested parties raised concerns in respect of the initial proposals as submitted. These concerns are summarised above and centre on highways safety and vehicular and other highway user conflicts and hazards alongside the adequacy of the highway network and related infrastructure (rail overbridge, verges, junctions etc) for the proposed routing of construction traffic that would utilise the Haul Road and provide for its

construction. In this context the initial submissions indicated two options for the haul road and its usage for a range of construction activities including delivery of large-scale elements of the rail bridge infrastructure. Various interested parties have also raised concerns regarding the long-term retention and use of the haul road.

9.21 Further to this and in response to these concerns the applicant has made further submissions through two technical notes and correspondence to clarify the following matters and which now forms the basis of the proposals:

- Route Option 2 for the Haul Road layout is proposed for approval
- Delivery of the large-scale rail bridge infrastructure such as the bridge deck will be via Parsonage Way and craned into position from the west side of the rail line
- The Haul Road will not be used for construction of residential properties and employment uses at Rawlings Green – access will be via the rail bridge
- The Haul Road will not be used for construction of the Cocklebury link road – access will be via the rail bridge
- All materials for the haul road itself and the eastern rail bridge abutment construction will be delivered during working hours and will not necessitate night time road closures
- The Haul Road will be removed once the rail bridge is open for use
- The construction traffic vehicle route for the haul road construction operation and decommissioning will be subject of pre-commencement and post completion condition surveys and all damage identified remediated under Highways Act provisions
- The route will be subject of a number of measures to provide vehicle passing places
- Large vehicle movements will be subject of banksmen control and management
- The construction vehicle route now does not pass under overbridge at Maud Heath Causeway/Kellaways and instead travels further north along Sutton Lane to the overbridge and returns back toward the Haul road along Sutton Lane

9.22 Many of these matters will be addressed through the preparation and agreement of a Construction Traffic Management Plan which will be secured by condition and to which the applicant has confirmed agreement. Separate conditions are proposed and have been agreed by the applicant regarding specific matters and requirements such as the removal of the haul road and the route condition survey.

9.23 Highway officers have considered the revised proposals and additional submissions and in particular have assessed in detail the operation proposals and potential highways impacts of construction traffic routing through the village of Langley Burrell and along Sutton Lane. The latest technical note from the applicant projects a worst case scenario for vehicle movements as follows:-

Construction Phase	Max Number of Trips (two-way) Maud's Heath Causeway Route	Max Number of Trips (two-way) Sutton Lane Route	Phase Duration (weeks)
Phase 1: Haul Road Construction	Up to 0 per hour	Up to 20 per hour	13
Phase 2: Haul Road Operation	Up to 0 per hour	Up to 10 per hour	38
Phase 3: Haul Road Removal	Up to 0 per hour	Up to 10 per hour	3

9.24 Furthermore, the maximum size of vehicle has now been reduced by the limitations on the materials that will be taken along this route to the eastern abutments of the rail bridge construction to a Tipper Wagon of 2.5 m width, 10.2 m length & 2.89 m in height. It is assessed that a vehicle of this size can pass under the identified rail overbridge and that with the passing places as proposed opposing vehicles can readily pass one another.

9.25 The applicant identifies a series of existing and proposed passing places along the route of the construction traffic with several identified in and adjacent to the Village.

9.26 Highways officers advise that subject to the agreement of a comprehensive Construction Traffic Management Plan; and the commitments for route enhancement and limitations on the construction activity, the proposals will not result in significant highway hazards or safety issues arising from vehicle and other road user conflicts such that consent ought to be refused on this basis. That is not to say that there will not be any impact or disruption - clearly construction on this scale will result in a degree of disruption to road users and the free flow of traffic. This however will be for a temporary period as identified above and it will deliver one of the main mixed-use allocations of the development plan with the benefits associated with so doing and as referenced in the conclusion and planning balance below.

9.27 These elements of the proposals are therefore also considered to accord with the development plan and raise no conflicts in respect of policies CP57 (x), CP60, CP 61 and CP62 WCS; CSAP DPD policy CH2; or the provisions of the Langley Burrell Neighbourhood Plan e.g. NE2; or paras 108, 109 & 110 of the Framework.

9.28 Taken together it is not considered that the cumulative impact of the proposals would result in significant harm and conflict with the identified policies of the plan and guidance in the framework such that consent ought to be refused on this basis.

Impact on Residential Amenity

Railbridge and Cocklebury Link Road Phase 1

9.29 It is material to note that these elements of the proposals are the subject of allocation in the Development Plan and intrinsic infrastructure requirements of the mixed-use development that is also subject of development plan allocation. The bridge itself is also the subject of an extant planning permission.

9.30 The application proposals are supported by an Environmental Statement that includes noise, vibration and air quality assessments. In addition, a technical note in respect of noise has also been submitted in the application. The submissions have been considered and reviewed by officers including Public Protection/Environmental Health. The assessment methodology and conclusions are considered to be sound and subject to the use of conditions Public Protection Officers raise no objection to the proposals. The recommended conditions are considered necessary and reasonable and are agreed by the applicant team. These are included in the recommendation below.

9.31 Given the location, form, layout and relationship to existing and proposed residential development it is not considered that the proposals will result in significant harm to existing or future residential amenity by virtue of disturbance, air or noise pollution, overbearing impact, loss of or inadequate privacy, overshadowing or loss of daylighting either during construction or during operation and use in the future, such that consent ought to be refused on this basis. The proposals are therefore considered to accord with CP57(vii) of the WCS; and para 127 of the Framework.

Haul Road and Compound

9.32 These elements of the proposals are similarly supported by the submitted Environmental Statement and Technical Note. Public Protection Officers have also considered these submissions and similarly consider them to be sound and so raise no objection subject to use of conditions on the grounds of harm through noise disturbance, vibration or air quality pollution. The conditions recommended are considered reasonable and necessary, are agreed by the applicant and are recommended below.

9.33 Given the location, form and scale of the proposed compound in relation to existing residential properties, alongside its temporary nature and the presence of infrastructure such as the nearby rail line it is not considered that harm to existing residential amenity will arise in respect of noise & vibration disturbance, overbearing impact, loss of privacy, overshadowing, loss of daylighting or overbearing impact such that a consent ought to be refused on this basis, subject to the use of appropriate and necessary conditions. In this respect this element of the proposals accords with CP57(vii) of the WCS; and para 127 of the Framework.

9.34 With respect to the Haul Road local residents and interested parties have raised concerns as to the impact on residential amenities of residents in and around the village of Langley Burrell. To a large degree, but not exclusively, this relates to the construction traffic (vehicle movements both in scale of vehicle and volume) routing through the village that will be required to construct the haul road itself and which will utilise the haul road for the construction of the eastern abutments of the rail bridge. It is also the case that the haul road itself along both the options advanced and that selected runs in the vicinity of existing residential properties including Upper and Lower Peckingell and Rawlings Farms. The concerns raised in respect of residential amenity in particular relate to disturbance and disruption arising from vehicular conflicts, restriction on access to and from properties, parking conflicts, conflicts for pedestrian cyclist, runners, horse riders and all road/pedestrian footway users in relation to construction vehicular traffic, noise and vibration disturbance and air pollution.

9.35 As noted above in the section addressing Highways Impacts it is considered that the proposals have been significantly revised in respect of the construction traffic that will be routed through the village. Conditions are proposed to require submission and agreement of a construction traffic management plan that will assist with the control of such vehicle movements and officers consider this will mitigate and minimise disturbance and disruption. It is the case that some level of disruption will occur given the scale of development and related volume of construction traffic. As already noted however it is not considered that there is a reasonable alternative access route that would achieve the same objectives and remove or further minimise such disruption. Whilst this is of little comfort to those affected it does also have to be borne in mind that the impacts are not permanent and are a consequence of a development plan allocation that will deliver significant benefits and meet identified needs and requirements for housing and employment development in this locality. In this regard it is not considered that the impacts result in such significant harm to residential amenity that development ought to be refused on this basis.

9.36 Similarly, Public Protection Officers have reviewed and assessed the submission in respect of noise, vibration and air quality impacts. Subject to the use of conditions, which are reasonable and necessary, and which are agreed by the applicant, no objection is raised. Again in this respect it must be acknowledged that the impacts are temporary and that there is no reasonable alternative route proposal that would remove or further minimise the level of impact identified. The conditions proposed do provide for monitoring in relation to noise throughout the construction period and if issues are identified, require mitigation proposals to

be agreed. the development will ultimately result in significant benefits and the implementation of a development plan allocation for major mixed use development.

9.37 In this respect it is also considered that that this element of the proposals will not result in significant harm to residential amenities such that consent ought to be refused on this basis. In this respect this element of the proposals accords with CP57(vii) of the WCS; and para 127 of the Framework.

9.38 Taken together it is not considered that the cumulative impact of the proposals would result in significant harm and conflict with the identified policies of the plan and guidance of the framework such that consent ought to be refused on this basis.

Impact on Heritage Assets

Railbridge and Cocklebury Link Road Phase 1

9.39 It is material to note that these elements of the proposals are the subject of allocation in the Development Plan and intrinsic infrastructure requirements of the mixed-use development that is also subject of a development plan allocation. The bridge itself is also the subject of an extant planning permission. The design and detail of the bridge as now proposed is identical to that already approved. There has been no material change in circumstances in relation to the designated heritage assets that could be affected by the bridge once constructed. In this context it is not considered that a different conclusion to the previous assessment and determination could reasonably and justifiably be reached.

9.40 In that respect the previous officer report for application reference 15/11886/FUL identifies harm to the setting of the Grade II listed Green Bridge and therefore conflict with WCS policy CP58. Other material considerations are then taken into account including the Framework and the requirement to consider and balance any such harm against any benefits of development. In so doing officers and ultimately the Council's Strategic Planning Committee concluded that the benefits of development outweighed the harm identified. No harm to the Langley Burrell or any other Conservation Area or the setting of other designated heritage assets in the locality e.g. the Upper and Lower Peckingell and Rawlings Farmhouses arising from the bridge was identified.

9.41 It should also be noted that in relation to this application the Council's Senior Conservation Officer, Archaeologist and Historic England raise no objection to the scheme proposal subject to some minor amendments, clarifications or additional information and assessment that can be addressed through the use of conditions.

Haul Road and Compound

9.42 Both the Haul Road and the proposed compound are located in the setting of designated heritage assets including Upper and Lower Peckingell Farm, Rawlings Farm, Maud Heath Causeway (Raised section each side of Kellaways Bridge) and Green Bridge. They are also in the vicinity but outside of the Langley Burrell Conservation area. The routing of the construction vehicular traffic for the construction of the haul road and the eastern abutments of the Rail bridge is through the Langley Burrell Conservation Area and at least in part along the Maud Heath Causeway (*A search of Council's GIS constraints mapping and the Historic England Website List of protected sites does not identify Maud's Heath Causeway as a Scheduled Ancient Monument*). The proposals include provision of passing places along this route to accommodate opposing vehicular movements.

9.43 In this context it is again important to note that Historic England and the Council's Senior Conservation Officer and Archaeologist do not raise objections or identify harm subject to use of conditions.

9.44 It is also important to note that the proposals are temporary and that mitigation is proposed in the form of removal of the haul road, the compound will also be removed, the land in question returned to its current condition, and the construction traffic route to be subject of pre-commencement and post completion condition surveys with full remediation of any degradation or impacts undertaken. These matters are to be secured by condition and this has been agreed with the applicant. In this context the impacts are considered to be neutral and consequently no conflict with the development plan or the framework arises. Even should it be considered that there is harm it is considered to be less than substantial under the terms of the guidance in the framework and in that respect to the lower end of the scale. Should that be the case and conflict with CP58 WCS; and HE1, HE2, HE3 & HE4 of the LBNP arise the balancing exercise defined by para 196 of the framework must be undertaken as a material consideration of significant weight. In this respect the benefits arising from development in relation to delivery identified housing and employment needs through implementation of a development plan mixed use allocation, alongside the economic benefits of construction, CIL provision and the employment opportunities arising from the mixed-use development allocation under CH2 of the CSAP DPD are considered to demonstrably outweigh this level of harm.

9.45 It is recognised that interested parties and many local residents identify a wide range of significant concerns arising from the submissions to date in relation to heritage assets. However, in large part these stemmed from the proposals as submitted and concerns that the haul road would be retained in perpetuity. It must be bore in mind that the proposals have been amended significantly as they relate to the construction traffic routing and use of the haul road which have significantly reduced the potential for harmful impacts. This is considered to be the case of designated heritage assets also. It has to be noted that the removal of the haul road is required by condition with a defined timeframe and that this has been agreed by the applicant.

9.46 Taken together it is not considered that the cumulative impact of the proposals would result in significant harm and conflict with the identified policies of the plan and guidance of the framework such that consent ought to be refused on this basis.

Impact to the Character, Appearance & Visual Amenity of the Locality including Trees

Railbridge and Cocklebury Link Road Phase 1

9.47 It is material to note that these elements of the proposals are the subject of allocation in the Development Plan and intrinsic infrastructure requirements of the mixed-use development that is also subject of development plan allocation. The bridge itself is also the subject of an extant planning permission. The design and detail of the bridge as now proposed is identical to that already approved. The site does not fall within a designated "valued" landscape as defined in the framework. There has been no material change in circumstances in relation to the Landscape character and designations that could be affected by the bridge once constructed since determination of the previous application. In this context it is not considered that a different conclusion to the previous assessment and determination could reasonably and justifiably be reached.

9.48 In that respect the previous officer report for application reference 15/11886/FUL identifies that the previous proposal resulted in some tree, shrub and hedgerow removal and with the development proposed some urbanising effect that resulted in change and some

degree of harm to the character, appearance and visual amenity of the area. However, it was assessed that these impacts could be effectively mitigated through additional and replacement planting and landscaping and that this could be controlled through the use of conditions. It is considered that this assessment is correct and remains appropriate. Relevant conditions are included in the recommendation below and these are agreed by the applicant.

9.49 It should be noted that neither the Council's Landscape officer or Tree officer raise objection to the scheme proposals subject to the use of conditions which are proposed in the recommendation below and which are agreed by the applicant.

9.50 On this basis it is not considered that these elements of the proposals result in such significant landscape harm or conflict with CP51, CP57 (I, ii, iii, iv) of the WCS; LB1 LBNP; or para170(b) of the framework such that consent ought to be refused on this basis.

Haul Road and Compound

9.51 It is material to note that both the haul road and the compound are temporary proposals and are subject of proposed conditions for removal and reinstatement. Similarly, highway work associated with the construction traffic routing and access requirements are subject of surveying and reinstatement requirements. The proposals will result in some alteration to the character, appearance and visual amenity of the locality from the present situation and this will result in some degree of harm. However, given their temporary nature and mitigation through conditional requirement for removal and reinstatement plus repair of any damage to landscape and heritage features and characteristics of the locality it is considered that this harm is capable of appropriate mitigation and resolution. Subject to conditions in this respect it is considered that these elements of the proposal would not result in such landscape harm or conflicts with WCS CP51 & CP57 (I, ii, iii, iv); LB1 LBNP; or para170(b) of the framework such that consent ought to be refused on this basis.

9.52 Taken together it is not considered that the cumulative impact of the proposals would result in significant harm and conflict with the identified policies of the plan and guidance of the framework such that consent ought to be refused on this basis.

9.53 It is noted that interested parties have raised concerns regarding the form and location of the proposed county park element of the mixed-use development at Rawlings Green that the rail bridge and Cocklebury Link Road phase 1 will service. This is however a matter that is relevant to and the subject of the separate application reference 15/12351/OUT.

Impact on Ecology

9.54 The application proposals are supported by Environmental Statement and Phase 1 Habitat and Protected Species Surveys. The assessments identify habitat and protected species including badgers and slow worms as impacted by the proposed rail bridge, haul road and compound. In this respect there is harm, however, mitigation is proposed in this respect through translocation and replacement badger sett and this is addressed by condition as proposed in the recommendation below and agreed by the applicant.

9.55 The Council's Ecologist supports the proposals subject to the use of the identified conditions. Natural England and The Environment Agency raise no objection or indeed comment in respect of the scheme proposals.

9.56 On this basis it is not considered that harm arises to Ecological interests such that consent ought to be refused on this basis and indeed the proposals including mitigation, planting, surface water drainage measures and use of conditions securing submission and

agreement of a Landscape and Ecological Management Plan which will provide for biodiversity enhancement. As such the proposals are considered to accord with CP50 CP57 (i, ii, iii, iv) WCS; NE1 LBNP; Paras 170 & 178 of the Framework.

Impact on Drainage/Flood Risk

9.57 The application proposals are supported by an Environmental Statement, Flood Risk Assessment and Drainage Strategy. These identify that a comprehensive SUDs proposal is required and that soakaways will not address requirements. In this context storage tanks, swales, attenuation ponds/detention basins are required alongside flow control devices and are part of the proposed drainage strategy. Based on this policy-based requirements to control surface water flows to greenfield run off rates, and requisite betterment to address climate change, would be achievable subject to the use of conditions.

9.58 It is noted that the construction storage compound includes welfare facilities and so has foul drainage implications even though temporary. It is considered that this can be appropriately addressed through the use of conditions.

9.59 It should be noted that the Council's Drainage Engineers support the proposals subject to the use of conditions which are proposed in the recommendation below and are agreed by the applicant.

9.60 Wessex Water raises no objection to the scheme proposals but identifies that they have infrastructure within the site that has the potential to be affected by the proposal and so protection measures will need to be agreed directly with Wessex Water. An informative is proposed in this respect in the recommendation below.

9.61 The Environment Agency raises no objection in respect of the scheme proposals and makes no recommendation for use of conditions.

9.62 On this basis it is considered that the proposals accord with CP67 of the WCS; and paras 162, 163 & 165 of the framework.

Other matters

Land ownership

9.63 The matter has been the subject of previous submissions both in the context of the previous application for the bridge and the examination and adoption of the CSAP DPD. The CSAP DPD Examining Inspector's report addresses the issue and concludes as follows: -

The remaining concern with deliverability of the rail bridge, that of disputed land ownership, was a matter raised as part of the resumed Examination. The small area of land in question lies between the built section of Parsonage Way which ends in a short spur adjacent to the top of the railway embankment and the ownership of Network Rail. The dispute is between Wiltshire Council and adjacent landowner, Messrs Wavin Plastics, each claiming a controlling interest in the land. The matter of land ownership is not a planning matter to be resolved within the Examination process, it is for the parties concerned to seek a resolution, ultimately through the courts. However, there are implications so far as deliverability of the rail bridge is concerned, and therefore completion of the development of the Rawlings Green site.

Counsel's Opinion submitted to the Examination, based on documentary evidence [CTAN/15], and legal advice obtained by KBC Developments Ltd [RM/7a], supports the Council's view that – on the balance of probabilities - the land between the kerb-line of

Parsonage Way and the boundary of Network Rail's ownership was adopted as highway maintainable at public expense. Even if this were not the case, Counsel's Opinion is that Wiltshire Council could exercise compulsory purchase powers to acquire the land in order to construct or extend an existing highway.

From the evidence, and using a common-sense approach to the matter, it appears that the physical layout of Parsonage Way took account of a potential rail crossing and that the narrow strip of land in dispute has no other obvious use. It also appears unlikely that, if the matter of ownership were so important, it has not been disputed in the 20 or so years since this section of Parsonage Way was adopted. In particular, it does not appear to have been the subject of dispute earlier in the process of developing the CSAP and its submission for Examination. For these reasons there do not appear to be insurmountable problems which would prevent the construction of the rail bridge.

The future possible electrification of the rail line was raised at the hearings as a potential problem for the construction of a bridge. However, the Council's evidence was that the depth of the cutting at the point of crossing would be more than adequate for the inclusion of electrification apparatus, and no contrary evidence was presented.

9.64 The work currently progressing on the S106 required to support permission to be issued under application reference 17/07793/FUL to Wavin will ensure that development does not prejudice implementation of the rail bridge as is required by the Committee's resolution.

10. Conclusion – The Planning Balance

10.1 It can be seen from the analysis in the body of the report that the proposed development is Development Plan compliant and indeed specifically delivers policy requirements of the plan. There is some conflict with CP58 of the WCS but when the proposal is considered against the provisions of the NPPF the benefits of the scheme, including delivery of development plan requirements and economic benefits, demonstrably outweigh any harm to the designated heritage assets.

10.2 The benefits of the scheme are clear. It would provide an opportunity to deliver the bridge required by CSAP at an early stage of the development and would help facilitate development within the site, furthermore, the proposal is consistent with the CSAP DPD and the benefits of granting consent are compelling. On balance, the public interest is best met by granting planning permission.

RECOMMENDATION

Approve subject to 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:

Highways Technical Note 2 Dated 30th August 2019.
5609-ATR-13-B (1 OF 2) Dated June 2019
5609-ATR-013-B (2 OF 2) Dated June 2019

5609-SK-020-B (1 OF 2)
5609-SK-020-B (2 OF 2)
70005609-FIG 1 (Bridge Construction Traffic Routes)
70005690-SK-021-A (1)
70005690-SK-021-A (2) Received 6/9/19
Tree Survey AIA & Method Statement 1st March 2019
Noise Assessment and Management Plan Received 08/03/2019
5609-GA-0009-B
BRL-PL151
BRL-PL200 Plant Schedule
Topographic Survey BRL PL150 (21/01/19)
BRL PL152 Plant Schedule
CB-SK-011 P01
245988-ARP-DRG-EST-00001 P03
5609-GA-005 REV A
5609-GA-007 REV A Received 29/02/2019

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

3. Prior to the commencement of the development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority. The CTMP shall set out the proposed programme for the construction of the works, the forecast number and timing of lorry movements associated with each element of the programme, methods to be employed on the site to ensure that detritus from the site is not deposited on the public roads, temporary road works to mitigate damage to the existing highway structure (carriageway and verges), construction traffic signage on the proposed haul route from the B4069, lorry and car parking on the site to accommodate construction traffic. The works shall be carried out in accordance with the approved CTMP at all times.

REASON: To ensure that a reasonable degree of control is exercised over construction traffic during the construction period, and to mitigate the impact of such traffic on the local communities affected.

4. Prior to the commencement of the development there shall be a full condition survey of the haul road between the B4069 junction with Maud Heaths Causeway at Langley Burrell to Upper Peckingell Farm, which shall be submitted for approval by the local planning authority no later than 14 days prior to the commencement of works. The survey shall detail all existing defects on the route, both in written and image form, in accordance with a scheme which shall first have been agreed by the local planning authority. When works have been completed, a further survey shall be undertaken and submitted to the local planning authority within 1 month of completion. Within one month of that survey being approved, a scheme of remedial works shall be submitted for approval, setting out detailed proposals for remediation of any damage and including a timeframe for implementation. The agreed works must be completed to the satisfaction of the Local Planning Authority in accordance with the approved timescale.

REASON: Pre-works and post-works surveys are required in order to establish the appropriate levels of remediation required to damage reasonably attributable to the construction traffic, and potentially enforced by the highway authority under the provisions of s59 Highways Act 1980.

5. Construction traffic to the site by way of the identified haul route Route Option 2 via Peckingell Lane shall be limited to use by construction traffic needing access to construct the site haul road, construction compounds, surface water attenuation pond and the railway bridge only. The site haul road shall not be used for the haulage of materials required in

connection with the site's permanent distributor road, which shall not be commenced until such time as the Parsonage Way railway bridge, or an approved alternative access from Darcy Close, can be used as a site haul route. The temporary haul road shall be removed in its entirety within 4 weeks of the bridge having been provided with a temporary road surface capable of carrying construction traffic. No construction materials of any sort shall be removed from the site via Peckingell Lane.

REASON: In order to minimise the amount of heavy traffic using what in other circumstances would be regarded as inappropriate on such narrow roads, in the interests of highway safety, and in the interests of the amenity of the Langley Burrell and Peckingell communities.

6. Prior to the commencement of the Cocklebury Link Road Phase 1 full details of the internal permanent site roads connecting to the Link Road shall first have been submitted to and approved by the local planning authority. Details shall include road construction details, vertical and horizontal alignment, drainage, lighting, signing, marking and all associated roadworks required to secure an adoptable distributor road. The roads shall be constructed in accordance with the approved details.

REASON: In order to ensure that internal site roads are appropriate to serve their intended function.

7. The bridge when completed shall only be used by vehicles associated with the construction of development allocated under Policy CH2 of the Chippenham Sites Allocation DPD, or by occupiers of the development following the provision of vehicle turning facilities, the details of which shall have been first submitted to and approved by the LPA.

REASON: In order to avoid unwanted encampment or parking in an area where a formal turning facility will not be provided, and in the interests of highway safety.

8. Prior to the commencement of the bridge/rail crossing hereby permitted details of the structural design of the bridge, including cladding and exposed surface materials, arrangements for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The proposed application contains insufficient information and the matter raised above require 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.

10. 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 a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. 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 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 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.

11. No works shall commence on the construction of the railway bridge until details of storm water drainage incorporating sustainable drainage details have been submitted to and approved by the LPA. The storm water drainage arrangements shall be completed in accordance with the approved details prior to the first length of distributor road being brought into use. The storm water drainage arrangements shall be completed in accordance with the approved details prior to the railway bridge being first brought into use. No works shall commence on the length of distributor road until details of the storm water drainage incorporating sustainable drainage details have been submitted to and approved by the LPA.

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

12. Prior to construction of any element of this application, an Ecological Construction Method Statement will be submitted to the LPA for approval. It will include all elements of the construction of the haul road, taking account of any phasing and temporary measures. The additional planting and any other features provided either as mitigation or enhancement for biodiversity must be integrated into the Landscape & Ecological Management Plan for the wider site and must be submitted for approval prior to the start of construction. Such features must be clearly labelled on the drawings as ecological mitigation or enhancement, with specific management prescribed.

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, priority species and priority habitats.

13. 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. The programme of investigation should be implemented in accordance with the scope of works set out in the approved Framework Archaeological Mitigation Strategy; and

b. The approved programme of archaeological work has been carried out in accordance with the approved details as set out in the Framework Archaeological Mitigation Strategy and the agreed Written Scheme of Investigation.

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

14. No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The means of foul water disposal from the construction compound welfare facilities;
- ii. The cutting or other processing of building materials on site;
- iii. The transportation and storage of waste and building materials;
- iv. The recycling of waste materials (if any);
- v. The loading and unloading of equipment and materials
- vi. The location and use of generators and temporary site accommodation;
- vii. Pile driving (If it is to be within 200m of residential properties);
- viii. Hours of Construction.

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: In the interests of residential amenity

15. No burning of waste or other materials shall take place on the development site at any time during development.

REASON: In the interests of residential amenity

16. Control of noise from construction work for the bridge and haul road and haul road operations shall be undertaken in accordance with BS8225 and the recommendations of report ref. 19-031 'Inacoustic' Noise Assessment & Management Plan Information dated 26th February 2019.

A suitably qualified person must undertake regular noise monitoring during construction works and operation of the haul road and keep a written record that is available to the LPA upon request.

Any planned departure from these requirements must be reported to the LPA in advance of works being undertaken and a scheme of mitigation agreed with the LPA.

REASON: In the interests of residential amenity.

17. Prior to the commencement of the bridge/rail crossing and Cocklebury Link Road Phase 1 hereby approved a scheme of soft landscaping related to that element of the development shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- full details of any tree 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;

- retained historic landscape features and proposed restoration, where relevant.
- details and location of any new or replacement trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

Prior to the removal of the Haul Road and Construction Compound a scheme of remedial soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- retained historic landscape features and proposed restoration, where relevant.
- details and location of any new or replacement trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

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.

18. All soft landscaping comprised in the approved details of landscaping for the bridge shall be carried out in the first planting and seeding season following the first use of the bridge or the substantial completion of the bridge whichever is the sooner; All soft landscaping comprised in the approved details of landscaping for the Cocklebury Link Road Phase 1 shall be carried out in the first planting and seeding season following the first use of the Cocklebury Link Road Phase 1 or the substantial completion of the Cocklebury Link Road Phase 1 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.

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

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

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

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it

may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

The proposed bridge will be subject to a legal agreement in respect of its adoption as highway and its future maintenance; the agreement will be made under the provisions of s38 and s278 of Highways Act, and the agreement should be concluded prior to the commencement of the works. The agreement will include a specific commitment to meet the costs of remediating unacceptable differential settlement at the bridge approaches, for a period of at least ten years.

INFORMATIVE TO APPLICANT:

Any works to, or within 8 Metres of a watercourse will require LDC which has a separate application process. Where the works may constitute a change to a flow rate into a watercourse, early application to prevent clashes with planning permissions/conditions is recommended

INFORMATIVE TO APPLICANT:

The available space at the eastern end of Parsonage Way for use by construction traffic is limited. It is likely that land outside the highway boundary might be required if any extensive operations are undertaken from the Parsonage Way side of the railway. The road itself will have to remain open to accommodate the traffic associated with operations at the Council depot, Bulk Hardware and Wavin. Occupation of any highway space will have to be agreed with Wiltshire Streetworks.

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.

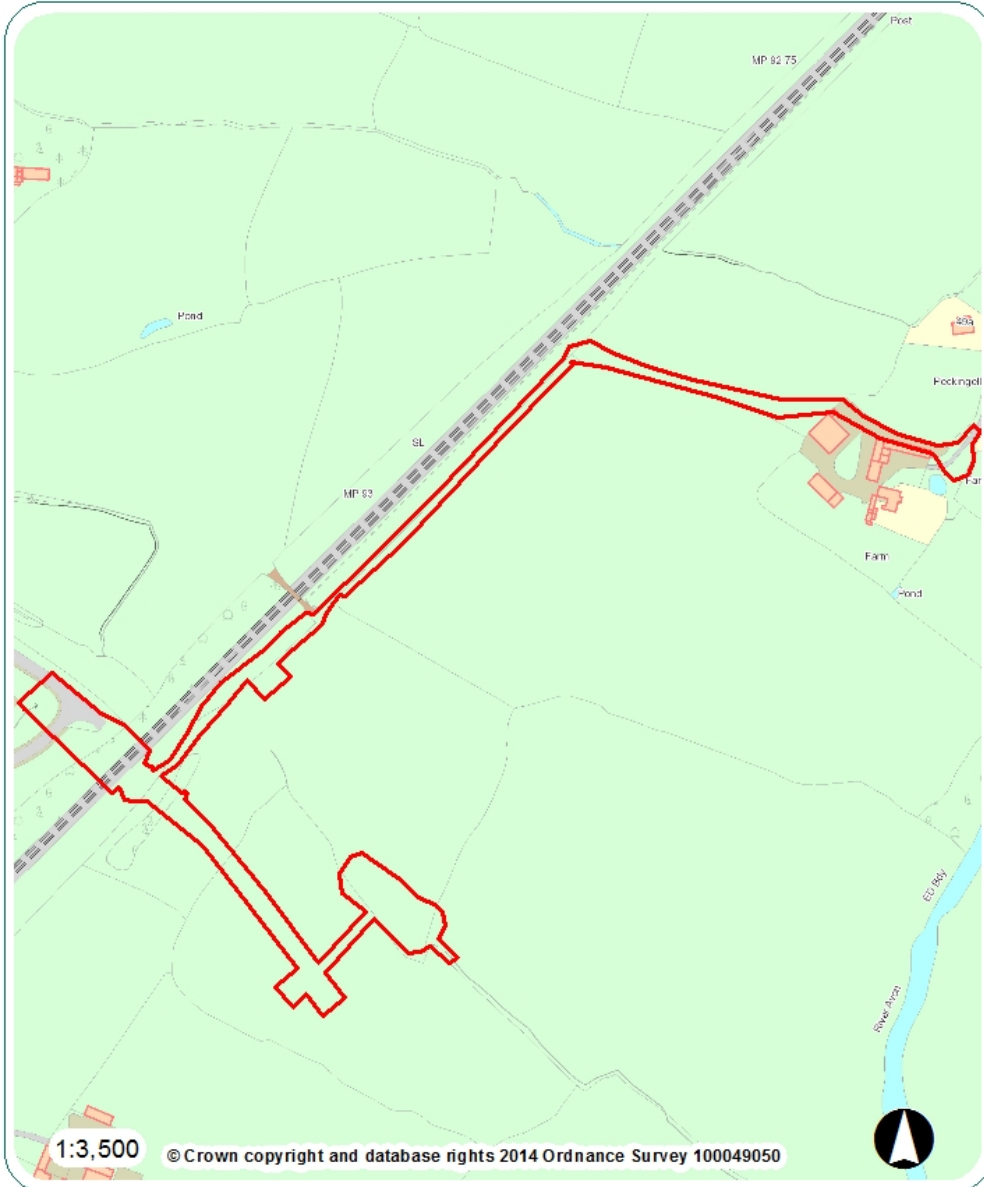
Appendices:

**Background Documents Used in the Preparation of this Report:
Wiltshire Core Strategy**

**Chippenham sites Allocation Development Plan Document
Langley Burrell Neighbourhood Plan
National Planning Policy Framework
National Planning Practice Guidance
Application Documents**

18/02037/FUL

Land at Rawlings Farm & Upper Peckingell Farm
Chippenham
Wilts



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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	13 November 2019
Application Number	19/03329/DP3
Site Address	Melksham House, 27 Market Place, Melksham, Wiltshire SN12 6ES
Proposal	Construction of Community Campus Building, including Demolition of Curtilage Listed Outbuildings of Melksham House (amended scheme)
Applicant	Wiltshire Council
Town/Parish Council	MELKSHAM (TOWN)
Electoral Division	Councillor Hubbard
Grid Ref	390280 163592
Type of application	Full Planning
Case Officer	Jemma Foster

Reason for the application being considered by Committee

This application is for a Community Campus Building at Melksham by Wiltshire Council which is a large-scale major development which has wider strategic implications and raises issues of more than local importance. It is presented to the committee as representations have been received from members of the public and as this is a Wiltshire Council application there is a requirement that the proposal be considered by the committee and not dealt with under delegated powers.

1. Purpose of Report

To consider the application against the policies of the Development Plan and other material considerations and to recommend that planning permission be granted.

2. Report Summary

The main issues to consider are:

- Principle
- Impact upon the character and appearance of the area

- Impact upon heritage assets including listed buildings and the conservation area
- Landscaping
- Flooding and Drainage
- Archaeology
- Ecology
- Impact upon Neighbouring Amenity
- Impact upon the Highway
- Other

3. Site Description

The site is located within the settlement boundary of the town and is allocated as recreational space. It measures 5.96 hectares and includes an existing building known as Melksham House alongside other ancillary buildings and recreation facilities such as Melksham Cricket Club, the Blue Pool, a Bowls Club, and a Tennis Club. To the rear of Melksham House are tennis courts and beyond the public footpath known as MELK 20 there are grassed pitches.

The site itself is relatively flat and lies within the Conservation Area and has several public footpaths running through it (MELK 20, MELK 21 & MELK 101). Vehicular access is via the Market Place which is located to the east of Melksham House.

Melksham House is a Grade II listed building, as are the pillars on the access road leading to it. There is a Tree Preservation Order on some of the trees to the front of the building.

To the north of the site lies St Michaels Church which is a Grade II* Listed Building and some residential properties. To the east lies the Assembly Hall, the Blue Pool, the vehicular access and a residential retirement home. To the south lies residential properties and to the west lies the cemetery. Beyond this cemetery is the A350.

4. Planning History

14/00726/FUL - Demolition of modern extensions to Melksham House, removal of existing swimming pool, internal alterations and extensions to Melksham House to provide a new community campus including leisure facilities (2 swimming pools, sports hall, fitness suite, activity studio, indoor bowls, climbing wall) public services (library, multipurpose rooms, offices, cafe) health facility and associated car parking and landscaping. – Approved by Strategic Planning Committee 14th May 2014.

14/02425/LBC – Proposed Campus Building (alterations to Melksham House) – Approved 2nd September 2014.

Neither of these associated permissions were implemented and they have both now lapsed.

5. The Proposal

This application is for a new leisure centre in the centre of Melksham located south of Melksham House on the former football pitch. The leisure centre will provide the following facilities at ground floor level: reception, sports hall, library, café, admin office, learner pool, pool, changing facilities (female, male and family). At first floor level a fitness suite and a studio room will be provided alongside further meeting rooms.

Proposed as part of this application are associated alterations to the access and car parking arrangements.

An associated listed building consent application is proposed for the demolition of former outbuildings to Melksham House, including the former stable block and remnants of the garden walls and outbuildings associated with the kitchen garden. Alterations to the entrance onto the Market Place is also proposed via the demolition and relocation of one of the separately listed gate piers.

Amended plans have been received as part of the application which reduce the

height of the proposed campus building by 1 metre and move the building further away from residential properties by 4 metres. Lighting has been significantly reduced, and tall boundary treatments have been removed, the access road layout has been amended and the proposed MUGA (Multi Use Games Area) and associated flood lights behind the campus building have been removed from the scheme (to protect the amenities of nearby residents). Sun path diagrams have also been submitted.

This application differs from the previously approved application as it is significantly smaller and does not include the nearby Grade II listed Melksham House, which in the previous scheme was integrated into the proposed new community campus building.

6. Planning Policy

Wiltshire Core Strategy

CP1 – Settlement Strategy

CP2 – Delivery Strategy

CP15 – Spatial Strategy Melksham Community Area

CP50 – Biodiversity and Geodiversity

CP51 - Landscape

CP52 – Green Infrastructure

CP57 – Ensuring High Quality Design and Place Shaping

CP58 – Ensuring the Conservation of the Historic Environment

CP60 – Sustainable Transport

CP61 – Transport and New Development

CP67 – Flood Risk

Saved Policies for the West Wiltshire District Local Plan (1st Alteration)

U1a Foul Water Disposal

U2 Surface Water Disposal

Wiltshire Leisure Services Strategy – Indoor Facilities Action Plan 2011 – 2025

adopted April 2012

Leisure and Recreation Development Plan Document (DPD)

National Planning Policy Framework 2019

Planning Practice Guidance

Wiltshire Car Parking Strategy

Circular 06/2005 – Biodiversity and Geological Conservation

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990
(preserving a Listed Building and its Setting)

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
(Conservation areas)

7. Consultations

Melksham Town Council – No objections

Melksham Without Parish Council – they would like to comment on the recent press release which reported that the MUGA (Multi Use Games Area) was to be removed. The Parish Council deplore the proposal to remove the MUGA and feel extremely strongly that it should be relocated within the Campus site for the use of all sports. It additionally wishes to query what is happening to the two tennis courts which are currently being used as a construction compound and suggest this could be explored as a possible MUGA location.

Previously requested the following clarification:

- *Is the parking provision exclusively for users of the Campus, or will it be open for parking in general for users of the Town?*
- *Will the parking be free for Staff, Tenants, and those visiting Tenants or attending meetings held by Tenants?*
- *Will the parking be free for users?*
- *If parking charges are to be applicable, will users of the Campus be able to get a refund when using the facilities?*

Wiltshire Council Public Protection Officer – No objection

Wiltshire Council Highways – No objections subject to conditions

Wiltshire Council Conservation Officer – Support subject to a condition limiting the occupation of the Campus until works to Melksham House have been approved.

Wiltshire Council Drainage Officer – Support

Wiltshire Council Rights of Way Officer – Support

Wiltshire Council Landscape Officer – Support subject to conditions

Wiltshire Council Urban Design Officer – The proposal could be improved and additional information should be submitted.

Wiltshire Council Archaeologist - recommends that a programme of archaeological investigation be made a condition of planning approval. Details about the most appropriate form will need to be discussed with this office but will likely include areas of strip, map and recording and monitoring of demolition works and other areas of belowground works

Historic England – Support subject to a condition limiting the occupation of the Campus until works to Melksham House have been approved.

Sport England – No objection

Wessex Water – No objection subject to conditions and informatives

Wiltshire Council Art Development Officer – Support

Melksham Town Council Tree Warden – The two trees to be removed are not in good condition and therefore welcome their replacement. We examined the area where the large drain is to be located which is running clear.

Society for the Protection of Ancient Buildings (SPAB) – Object – the scale and proximity of the new building will harm the setting of the grade II listed house. Furthermore, the proposed landscaping and extent of new car parking around the house will have a detrimental impact to the setting of the house

8. Publicity

The amended proposal was advertised via several site notices around and on the site and through newspaper advertisement. The consultation period expired on 27th September 2019. An initial consultation process was also carried out at the beginning of the application process.

No letters from the public have been received on the amended plans. However, 11 letters were received on the plans initially consulted on by the Local Planning Authority which raised the following comments:

Impact on Area

- What is happening to the listed pillars?
- Should we not be trying to preserve the conservation area instead of building a tin box in them?
- Bats are known to fly around in the evening
- Cladding is for industrial buildings and not sympathetic to the conservation area.
- Our gardens are prone to flooding – the proposed campus will exacerbate this
- Existing trees and shrubs should remain
- The wall bordering Place Rd has been left to deteriorate – repairs should be a priority
- The access from Place Rd should have a permanent bollard to prevent cars using it

Impact on Neighbour Amenity

- 12 metre high and 15 metres from the boundary will result in overshadowing, overlooking, overbearing loss of daylight, loss of privacy, light pollution and

noise

- Sport England guidance is clear that badminton courts should have a ceiling height of 7.5 metres so should not be higher than 10 metres high
- Loss of visual amenity
- Trees should be planted at least 5 metres away from neighbouring boundaries
- Chlorine fumes from the pool
- Noise will be loud from the MUGA, shouting from players, fire doors being open, air conditioning units

Impact on Highways

- Increase in traffic in town centre will cause pollution and concerns with highway safety
- Pedestrians in Market Place will be impacted due to the high volume of traffic
- Cars will park in nearby residential streets

Other

- No adjacency study or shadow/sun path
- Noise survey undertaken is completely inadequate
- No document is has been submitted as to how many people will actually use the sports facilities
- We would like assurance that the site will have 24hr security

9. Planning Considerations

9.1 Principle

The site is located within the limits of development of Melksham, which is defined as a market town in the settlement strategy of the WCS. In this location, there is a presumption in favour of sustainable development in accordance with policies CP1,

CP2 and CP15 of the Wiltshire Core Strategy.

Since the previously approved application, Wiltshire Council have approved application 13/06739/FUL and relocated Melksham Town Football Club and Rugby Club to Woolmore Farm from Melksham House in 2017. Due to these uses having other locations, there would be no loss of sports facilities as a result of this application and therefore Sport England raised no objection as it complies with policies contained in the Leisure and Recreation DPD and paragraph 97 of the NPPF.

9.2 Impact upon the character and appearance of the area

A landscape and visual impact assessment has been submitted with the application and confirms that the site is visually degraded due to the lack of management over the last few years. There are also a number of areas that are already lit on the site and these include the footpath known as MELK 20, the public car park, the amenity space located near the bar/skittle alley, outside of the existing pool. There are also flood lights on the bowls green, near the rugby pitch, on the tennis courts and there were also flood lights serving the football and rugby pitches.

The parkland setting at the front of the existing Grade II Listed Building is to be retained and reinforced with additional trees with some trees in poor health being removed. The historic pond is also proposed to be retained.

The majority of the proposed parking is to be on land previously used as tennis courts and by the football club and as such it is considered that the provision of parking would not have an adverse impact upon the immediate area.

Lighting on the proposed building and within the immediate area has been significantly reduced in the amended plans which will only improve the impact the proposal will have on the area. It also has to be taken into consideration that the former tennis courts and football club where parking and lighting is now proposed both had the use of floodlights which have since been removed. The proposed lighting is therefore considered not to be significantly different in impact to the

previous uses and would not warrant a refusal reason.

The proposed campus building is a large standalone building measuring approximately 11 metres tall (at the highest point) and 77 metres in length (at the longest point) 51 metres wide (at the widest point) and is to be built with a mixture of materials which include metal cladding, buff brickwork, coarse rubble stone, render panels and aluminium windows and doors. The differing materials and heights are considered to reduce the overall bulk of the building and add interest and although the materials are not taken from the immediate area, by its very nature and use as a community facility the materials are considered to be appropriate. However, due to the historic setting in which the proposed building sits it is considered appropriate to request samples of the materials for the proposed building and the access and parking areas to ensure that the development harmonises with the immediate area. It is also considered appropriate to condition that the proposed landscaping is carried out in accordance with the approved plans.

9.3 Archaeology

An archaeology report has been submitted with the application which covers a condition put on the previously approved application. The Council's Archaeologist on the previous application confirmed the following: The Wiltshire and Swindon Historic Environment Record indicates that the proposed development site is of archaeological interest. The site contains a known heritage asset which is a Grade II Listed Building (national ref. 1285783) which dates back to the 18th century. It is situated at the edge of the main area of medieval settlement and to the south of the Grade II* Listed Building of St. Michaels church (National ref. 1021707) which dates back to the Norman period. Archaeological discoveries just 100m to the north of the development site are highlighting the potential for prehistoric remains to lie within the area of the River Avon.

This department has provided advice prior to the planning application submission and the site has undergone an archaeological desk-based assessment, geophysical survey and trial trench evaluation. The investigations to date have established that the site contains a number of archaeological features mostly indicative of domestic

and agricultural activity from the 12th to 14th century. Evaluation has been limited due to access restrictions; nonetheless it has confirmed that heritage assets with archaeological interest lie within the site.

More recently, further evaluation in 2018 revealed features dating to the Late Bronze Age/Early Iron Age and Romano-British period. Based on the Desk Based Assessment, geophysical survey and trial trench evaluation undertaken at the site, archaeological interest has been shown to be present for activity relating to the prehistoric and medieval periods and post-medieval kitchen garden buildings and landscaped grounds relating to Grove/Melksham House.

Due to the impact of the development (all options) on heritage assets with archaeological interest, it is recommended that a programme of archaeological investigation be made a condition of planning approval. Details about the most appropriate form will need to be discussed with this office but will likely include areas of strip, map and recording and monitoring of demolition works and other areas of belowground works.

9.4 Flooding and Drainage

The site is located within Flood Zone 1 and is therefore not at risk of flooding. Due to the size of the application, a flood risk assessment was submitted with the application and the application form confirms that foul drainage will go to the main sewer and storm water will be via a sustainable drainage system. The Drainage Officer has raised no objections to the proposal subject to a condition regarding surface water discharge which is considered to be appropriate. Wessex Water have confirmed that they can agree for some surface areas to drain to the public surface water sewer but are not wholly satisfied with all of the details submitted at present for the surface water strategy and as such would recommend an informative to be added to any approval. Wessex Water also supported the surface water conditions recommended by the Wiltshire Council Drainage Engineer.

9.5 Ecology

An ecology report has been submitted with the application. The main habitats within the site boundary have been confirmed as close mown amenity grassland, mature trees, stone boundary walls, a pond and the existing buildings. Specific attention has been paid to the defunct water feature which is now a walled pond supporting

some domestic geese and ducks, and to the potential for bats to access and roost within trees and within parts of the existing buildings that will be affected by the works. The Ecologist on the previously supported the application and as such there are no concerns raised with regards to Ecology on this current application.

9.6 Public Art

The design and access statement includes the integration of public art into the scheme which is welcomed. The Arts Service have requested to work closely with and support the design team to define and approve the final public art scheme.

9.7 Impact upon Heritage Assets and Conservation Area

A primary consideration from an historic environment perspective is the requirement placed on the Council under section 66 (2) of the Planning (Listed Building and Conservation Areas) Act 1990, to have special regard to the desirability of preserving designated buildings, their settings and any features of special architectural or historic interest which they possess.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The Council's Core Strategy 'Core Policy 58: Ensuring the conservation of the historic environment' requires that designated heritage assets and their settings will be conserved and where possible enhanced. It also requires that distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced.

The Council's Core Strategy 'Core Policy 57: Ensuring high quality design and place shaping' requires a high standard of design in all new developments. The policy requires that new development should be sympathetic to and conserve historic buildings and landscapes.

The **NPPF** outlines government policy, including its policy in respect of the historic environment. Section 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. Paragraph 196 of the NPPF requires a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved.

Paragraph 189 requires that applicants should describe the significance of heritage assets affected, including the contribution made by their setting. In this case a Heritage Appraisal has been submitted and has been used to inform the development. This is thorough in describing the site and its historic development and identifying the heritage assets affected by the development. It also provides useful background historical information and an analysis of the significance of the assets.

Paragraph 193 of the NPPF requires that in considering the impact of a proposed development on the significance of a designated heritage asset "great weight should be given to the asset's conservationirrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Paragraph 194 requires that any "harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification".

Paragraph 196 of the NPPF requires that where a development proposal will "lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". In explanation the National Planning Policy Guidance advises that "Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, provided the harm is minimised".

Melksham House is a Grade II Listed building and incorporates the remnants of a

former three bay house of early-mid C17th which became the service core of an C18th house which turned its main elevation towards the church.

After the First World War, Melksham House and the grounds were acquired by Avon Tyres (later Cooper) in order to create a sports and social club and the site has been used for leisure purposes since. In 1920, Melksham House was badly damaged by fire and subsequently partially rebuilt and extended. Throughout the latter half of the 20th century the building was subject to further extensions with ancillary buildings constructed in the vicinity.

Melksham House is surrounded by lands which were once laid out as formal gardens and parkland and now have a mixed recreational and garden use. The gate piers associated with the house are independently Grade II listed.

The house dates to the early 18th century, although sits on the site of an earlier dwelling. It has undergone significant phases of alteration, including those in the 19th century and the substantial rebuild following the fire in the 20th century when it was in use as a social club.

Melksham House is significant as a high-status house with clear evidence of at least three phases of major remodelling in the 17th, 18th and 19th centuries. Further significance derives from the 20th century conversion and remodelling after fire as the sports and social club for Avon/Cooper Tyres. Remaining evidence and elements of the high status designed landscape to the 19th century house are of particular interest although eroded through the 20th century by the development of the sports facilities. The communal value of the site as a whole is high given many years of public involvement with the site.

Affected heritage assets when assessing the campus application include the listed Melksham House and its curtilage listed outbuildings and boundary walls; the separately listed gates and piers from the Market Place and from Place Road and attached walls. Outside the site, buildings to either side of the entrance from the Market Place are included upon the statutory List. Similarly, to the north of the site,

St Michael's Church (II*) and a number of associated churchyard monuments and St Michael's Court are also included upon the List. The whole site lies within the designated conservation area.

The Council's Conservation Officer has confirmed that the proposals are for a significant large stand-alone development within a sensitive setting that has no connection to Melksham House.

The previously approved application integrated Melksham House within the proposal and the view at that time was that the harm that would result from the development would be offset by the public benefits which would have accrued from a comprehensive and holistic scheme for the site and which would have secured the repair and viable use of Melksham House in its 'optimum viable use'. There are some benefits of the current scheme to the Grade II Listed building when compared to the previously approved application which include the omission of large extensions to the listed building and that the proposed campus building is now set further away and further back within the site than previously approved, which will reduce its visual impact from the areas around the house. The retention of the kitchen garden is also considered to be of benefit.

As the current application no longer integrates the Grade II Listed Building into the development, the Conservation Officer confirmed that the proposal would result in harm via the loss of historic fabric (some of the former outbuildings) and impinge on its setting, potentially significantly increasing the difficulty of securing a viable future for Melksham House. To deal with this issue, there is a need, confirmed by Historic England, to secure a firm commitment towards a scheme for the re-use of Melksham House to overcome these objections that would otherwise leave the proposal in conflict with national and local planning policy aimed at protecting designated heritage assets.

Following the recommendations from the Conservation Officer and Historic England, a report was sent to Wiltshire Council Cabinet on Tuesday 8th October requesting funding to ensure a viable end use for Melksham House. The proposed use for

Melksham House is by the Council's Care Commissioners for Children's and Adult Services which would meet established needs for children and young adults and would include the following:

- Residential care facility to support children and young people aged 10–18 years – Conversion of the main house
- Community Resource Centre – Refurbishment and use of dance hall to the rear.
- 16 Supported Living units – New build on land to rear of listed building

The minutes of this Cabinet meeting confirms:

b) Agree in principle, subject to a business case, to progress the scoping of development of Melksham House; to provide 16 units of supported living accommodation, a residential care facility to support children and young people aged 10–18 years and a community resource centre.

c) Note the estimated additional capital budget required for Melksham house of £5.000 million taking the total capital budget to £7.000 million.

d) Agree to receive a further report to Cabinet in January, with a full business case giving detailed capital breakdown and the revenue consequences of the agreed form of development, taking into account potential cost avoidance due to the provision of services from Melksham House.

As a result of these minutes, the Conservation Officer and Historic England have removed their objections subject to limiting the first use of the campus building until a further planning application and listed building consent application has been approved for Melksham House and a timetable for its implementation. This to ensure that the listed Melksham House would not be at risk of decay and left abandoned.

In these circumstances, with this commitment, whilst the proposed campus building is considered to harm the listed building and its setting, this harm is assessed as less than substantial harm to the Grade II Listed Building and its setting and also the wider setting (Grade II* Listed Church, Conservation Area etc), but the public benefits which include the provision of a large and much needed community facility together with the refurbishment and re-use of Melksham House would outweigh this less than substantial harm. Weighed in the balance, the proposal is therefore considered to comply with CP57, CP58 of the WCS and the relevant policies in the NPPF and the Planning (Listed Building and Conservation Areas) Act 1990.

9.8 Impact upon neighbouring amenity

The site has residential properties to the north east, south and south west of the site. It is considered that the residential properties to the south will not be affected by the proposal in terms of overlooking or overshadowing as the landscaped area adjacent to their properties remains alongside the high wall.

1, 2 and 3 Cedar Close are considered to be the most affected neighbours. They previously had Melksham Town Football Club to the rear of their properties which has since been relocated from the site. The area immediately to the rear of 1 -3 Cedar Close will not be opened to the public and a condition ensuring that the boundary treatment limiting this area is installed prior to occupation can be added to any approval.

In the amended plans, the rear boundary of these properties lies approximately 15 (closest point) to 20 metres (furthest point) to the proposed campus building which measures 11 metres in height. This is closer and taller than the previously approved application. It is acknowledged that the Campus building will be visible from these properties and others within the immediate vicinity and could be considered as overbearing to those properties in Cedar Close but due to the distance and the fact that the residential properties lie south of the proposed development it is considered that the proposed development would not result in a significant loss of light or amenity that would warrant refusal of the development.

There are first floor windows serving the fitness suite on the southern elevation of the proposed development which are not immediately opposite to 1-3 Cedar Close. These windows are to be fixed shut and glazed with obscure glass which can be conditioned to ensure that there is no overlooking of residential properties. If any additional windows were to be inserted on this elevation they would require further planning permission which would be determined on its own merits using the appropriate legislation.

The proposed eastern elevation measures approximately 11 metres in height and is approximately 21 metres from the residential boundary of 30 and 32 Orchard Gardens which are south east of the proposed Campus building. These properties are bungalows and do not have any particular boundary treatment. It is therefore considered that these two dwellings (particularly number 30) would experience some loss of light from the proposed development towards the end of the day but this would not be significant and would be no worse than would occur from a two-metre-high fence that could be erected on the boundary under their own permitted development rights. There are no first-floor windows on this elevation that would overlook these two properties.

An Acoustic report was submitted with the application which concludes that the proposal would not lead to a significant change in noise levels from sporting activities than previously existed. Any plant noise is also classed as “very low” at the site boundary. The Public Protection Officer has considered that the report has been carried out appropriately and has advised several conditions regarding noise levels to protect nearby residential properties which are considered to be appropriate.

The MUGA and associated floodlights which were considered to have a negative impact on neighbouring amenity have been removed from the proposal. Lighting on the building and around the site have also been significantly reduced in the revised plans and therefore are considered not to impact neighbouring amenity.

A concern has been raised regarding the smell of chlorine from the proposed swimming pool. There is an existing swimming pool on the site (Blue Pool) and

therefore the principle of a swimming pool on this site is considered to be appropriate. It is acknowledged that the swimming pool will be closer to properties at Cedar Close and Orchard Gardens but the Public Protection Team have confirmed that this is not a matter that can be dealt with under planning regulations but would be dealt with by the swimming pool management team and can be remedied by adjusting chlorine and PH levels within the water.

In conclusion it is considered that the Campus building would have a small overbearing impact upon the properties in Cedar Close but this is not considered significant in impact to warrant a refusal reason. There are also no other concerns regarding amenity resulting from this application. The proposal is therefore considered to comply with the relevant criteria of CP57.

9.9 Highway Impact

The site is located within the settlement boundary of Melksham and close to the town centre where there are parking and public transport facilities. By being located within the town centre, the proposed development should be easily accessible to residents from a wide area.

The site is accessed by vehicle traffic via a relatively narrow and constricted access between shops and the Old Town Hall. This is also the main pedestrian access, although other pedestrian accesses via Public Footpaths MELK20 and MELK 101 also exist. There is also a limited access onto the A350 in the south west corner of the site which is used by tractor mowers, emergency vehicles etc.

As part of the application the access road from the town centre will be widened and re-aligned, the junction between the internal access road and Melksham House is also be widened. A new footpath link will be provided from the site through to Orchard Gardens. The proposals also see the provision of 201 car parking spaces (including disabled and family parking) and 2 coach parking spaces.

The construction traffic is as per previously approved which uses the rear access to the A350 which will avoid use of The Market Place. This access will need upgrading

which is essential for safety reasons and to avoid undue delays on the A350. Also required is enforceable signs preventing right turn movements in and out of this access which will require a Traffic Order. Following completion of the campus, the constructed access must be removed, and the verge reinstated at the end of the construction period. Demolition and its associated vehicular movements will be via The Market Place.

A Transport Assessment has been submitted with the application which demonstrate that the traffic impact of this development will be similar to the previously approved application and the Highways Officer has confirmed that the development would not lead to a significant traffic impact on local junctions that would warrant a refusal reason.

Footpath MELK21 is unaffected by the proposals. Footpath MELK20 would be diverted onto the current tarmac route through the site – this seems reasonable rather than retaining the current situation. However, a footpath diversion order would need to be requested which is separate from the planning process.

The Highways Officer requested the cycle storage located near to the entrance of the site campus to be covered which can be achieved via an appropriate condition. The Highways Officer also requested additional covered cycle stores around the site (cricket pavilion, tennis courts etc) but as these are existing uses it is not considered reasonable to request this detail. Furthermore, they would also impact upon the setting of the nearby heritage assets.

In conclusion, the Highways Officer has raised no objections to the proposed scheme as subject to conditions would comply with CP60 and CP61 of the WCS.

Concerns have been raised regarding cars being parked in nearby residential streets. When compared to the previous uses on the site (football, rugby etc), the proposal provides substantial additional parking would be considered to be an improvement and as such would not warrant a refusal reason.

9.10 Other

A concern has been raised regarding whether the site will have 24hr security. This is not a material planning consideration when assessing this application.

10. Conclusion

The proposed development will result in a large standalone building that will be used for much needed community facilities in the centre of the town of Melksham. The large building will have some overbearing impact upon properties in Cedar Close and the application by reason of it not including Melksham House would result in less than substantial harm to the Grade II Listed Building and the setting of historic elements around it, however by including a condition requiring the applicant to achieve an approval for a final use for Melksham House prior to the occupation of the campus building, the less than substantial harm is considered to be sufficiently outweighed by the noted public benefits. As such the application is recommended for approval as the proposal is considered to comply with the relevant policies of the development plan and national guidance in the NPPF.

RECOMMENDATION: Approve with 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 approved shall not be first brought into use until proposals for the re-use and refurbishment of Melksham House have been submitted to and approved in writing by the Local Planning Authority. The proposals shall include a timetable for their implementation and the approved use and any necessary associated works. The development shall then be carried out in accordance with the approve details.

REASON: To secure a viable future for the main listed building within the

curtilage of which the campus works are proposed, to ensure that the designated heritage asset is not adversely affected by the proposed works

- 3 No demolition, site clearance or development shall commence on site until a Construction Management Plan has been submitted to and approved by the Local Planning Authority. The Construction Management Plan shall include:

The laying out and construction of the construction access including the surfacing of at least the first 20 metres of the access in a well bound consolidated material (not loose stone or gravel).

The cutting back of vegetation at the construction access to achieve visibility splays of 2.4 x 160 metres in each direction to the nearside road edge.

Measures to prevent excessive deliveries occurring at peak hour traffic times.

A scheme of Traffic Sign Regulation and General Direction chapter 8 roadwork signing to warn of the construction access.

Signing and measures to achieve safe use of footpath MELK21 where the end of it coincides with the construction access.

Measures to prevent excessive mud being carried onto the highway and a scheme for regular road sweeping of the highway to clean any mud deposits that do occur.

The development shall then 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 and in the interest of highway safety

- 4 No development shall commence on site other than demolitions until details of any temporary hoardings required during the construction phase on the site alongside provisions for their removal have been submitted to and approved in writing by the Local Planning Authority.

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 without harm to the historic buildings.

- 5 No demolition, site clearance or development shall commence on site until an Environmental Management Plan for both the demolition and construction phases have been submitted to and approved in writing. The plan shall include how dust and noise will be controlled, hours of demolition and construction activity and the location of noisy equipment (generators etc) to ensure minimal disturbance to local residents. The development shall then 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 and to ensure impact on neighbours is minimised.

- 6 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 all third party approvals to permit crossing third party land and discharges plus removal of storm water from foul drainage systems, has been submitted to and approved in writing by the Local Planning Authority. The development shall then not be first occupied until the 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, in the interests of ensuring that the development can be adequately drained.

- 7 No development shall commence on site until details of the raised landscaped mound identified on drawing annotated as proposed site plan has been submitted to and approved in writing by the Local Planning Authority. The development shall then 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 ensuring an appropriate landscape boundary on the site.

- 8 No development shall commence until 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;

The approved programme of archaeological work shall be carried out in accordance with the agreed programme, and in accordance with the timetable agreed as part of the written programme of investigation.

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

- 9 Prior to the construction access being brought into use, a temporary traffic order to prohibit right turning vehicle movements into and out from the access shall have been made and implemented. The order shall remain in use for the duration of the use of the construction access.

REASON: In the interest of highway safety and to ensure minimal disruption on the A350.

- 10 There shall be no development above slab level of the new campus building hereby approved until details and samples of the materials to be used for the external walls, roofs, windows and doors have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the Conservation Area and the Listed Buildings.

- 11 There shall be no development above slab level of the campus building hereby approved until a hard and soft landscaping scheme and implementation programme has been submitted to and approved in writing by the Local Planning Authority, details of which shall include:

- indications of all existing trees and hedgerows on the land;
- details of any to be retained, together with measures for their protection in the course of development;
- all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- finished levels and contours of the land;
- means of enclosure;
- car parking layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and

other storage units, signs, lighting etc);

All hard and soft landscape works shall be carried out in accordance with the approved details and shall be completed prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. 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.

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

- 12 The development hereby approved shall not be first brought into use until details of the noise levels of all plant and equipment associated with the campus building hereby approved has been submitted to and approved in writing by the Local Planning Authority. The submitted information should demonstrate that all plant and equipment is below 5dB below the background at the nearest residential properties. The development shall then 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 and to ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 13 No work to the footpaths, access roads, parking and pedestrian areas shall commence on site until details and samples of the materials to be used for these have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the Conservation Area and the Listed Buildings

- 14 No external lighting shall be installed on the car park serving 52 spaces adjoining the boundary of 30 and 32 Orchard gardens until plans showing the type of light appliance, the height and position of fitting, cowls, illumination levels and light 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)”, and details of how the light will impact on the neighbouring properties has 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 adjoining neighbours and to minimise unnecessary light spillage above and outside the development site.

- 15 The 24 cycle spaces allocated on the proposed site plan shall not be installed until details of how they will be covered (including materials and colour) have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: In the interest of future users and highway safety

- 16 The development hereby approved shall not be first brought into use until a car parking management plan has been submitted to and approved in writing by the Local Planning Authority and implemented in full in accordance with the approved details.

REASON: In the interests of achieving reasonable availability of on-site car parking spaces for users of the proposed development.

- 17 The development hereby approved shall not be first brought into use until the public footpath (MELK 20) running pass the campus building has been widened, resurfaced with tarmacadam and new lighting installed all in accordance with the approved details.

REASON: In the interests of safe and convenient pedestrian access to the proposed development.

- 18 The development hereby approved shall not be first brought into use until the vehicle parking and turning areas and cycle areas have been provided in accordance with the approved details. The areas shall then be maintained and kept available for the parking and turning of vehicles and cycles in perpetuity.

REASON: In the interest of safe and convenient operation of the development and to promote sustainable patterns of travel to and from the development.

- 19 The development hereby approved shall not be first brought into use 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.

- 20 The development hereby approved shall not be first brought into use until the first floor windows in the southern elevation serving the fitness suite shall be non opening and glazed with obscure glass only (to an obscurity

level of no less than level 4) and shall be permanently maintained as such in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 21 The development hereby approved shall not be first brought into use until a scheme for public art within the site alongside a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory environment for future users

- 22 The development hereby approved shall not be first brought into use until the boundary treatment between Cedar Close and the Southern elevation of the campus building hereby approved and the boundary treatment adjacent to 30-32 Orchard Gardens have been installed in accordance with the approved details.

REASON: In the interest of neighbouring amenity

- 23 Within 3 months of the development hereby approved first being put into use the construction access shall be fully and permanently closed to all vehicle movements associated with the construction of the campus building hereby approved, with the grass verge of the A350 being reinstated and the roadside full height kerbs being reinstated across the access position.

REASON: In the interests of highway safety, and the appearance of the area.

- 24 Within 6 months of first use of the development hereby approved a full travel plan shall be submitted based on the framework travel plan. The full travel plan when approved shall be implemented including the appointment of a travel plan co-ordinator for three years from the date of first appointment, provision of wayfinding signs to and from the town centre and rail station, and a contribution towards reprinting of the town

cycle map showing details of the new facility.

REASON: In the interests of promoting sustainable patterns of travel to and from the development.

- 25 During the construction phase no machinery shall be operated, no process shall be carried out and no delivery shall be taken or dispatched from the site outside of the following hours; Mon-Fri 07:30 to 18:00, Saturday 08:00 to 13:00, nor anytime on Sundays or public holidays.

REASON: In the interest of neighbouring amenity

- 26 The use hereby permitted shall only take place between the hours of 06:00 and 22:00 Mondays to Saturdays and between 07:00 and 22:00 on Sundays and Bank Holidays.

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

- 27 The development hereby approved shall be carried out in accordance with Part 4: Interpretation and Recommendations of the Ecological Appraisal Rev 2 by Clarke Webb Ecology Limited dated 4th July - 26th July 2018.

REASON: In the interest of Ecology

- 28 There shall be no burning of any materials on site.

REASON: In the interest of neighbouring amenity

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

Received by the Local Planning Authority on 11th April 2019

site plan building demolitions, site location plan, basement floor plan, site plan - existing, site elevations/sections - existing, building A - existing/demolition social club, building B - existing /demolitions store,

building G - existing/demolition, gate posts

Received by the Local Planning Authority on 27th August 2019

southern boundary context studies, proposed site elevations, proposed elevations south and west, proposed elevations north and east, section A-A B-B, proposed site plan, proposed roof plan, proposed first floor, proposed ground floor, Appendix G - External lighting

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

- 1 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.

- 2 INFORMATIVE TO APPLICANT: The applicant is reminded of the need to obtain separate listed building consent for the development hereby approved in addition to this planning permission before works commence on site.

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

- 4 INFORMATIVE TO APPLICANT: The Applicant should note the details contained in the consultation response from Wessex Water dated 14th October 2019.

- 5 INFORMATIVE TO APPLICANT: Historic England would like to be kept informed of progress on the Melksham House project following the January 2020 Cabinet meeting

19/03329/DP3 & 19/03394/LBC

Melksham House
27 Market Place
Melksham
Wiltshire
SN12 6ES



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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	13 November 2019
Application Number	19/03394/LBC
Site Address	Melksham House, 27 Market Place, Melksham, Wiltshire SN12 6ES
Proposal	Re-location of listed gate piers and demolition of curtilage listed outbuildings of Melksham House (amended scheme)
Applicant	Wiltshire Council
Town/Parish Council	MELKSHAM (TOWN)
Electoral Division	Councillor Hubbard
Grid Ref	390280 163592
Type of application	Full Planning
Case Officer	Jemma Foster

Reason for the application being considered by Committee

This listed building consent application is associated with a planning application for a Community Campus Building at Melksham by Wiltshire Council which is a large-scale major development which has wider strategic implications and raises issues of more than local importance. It is presented to the committee as representations have been received from members of the public and as this is a Wiltshire Council application there is a requirement that the proposal be considered by the committee and not dealt with under delegated powers.

1. Purpose of Report

To consider the application and recommend approval

2. Report Summary

The main issues to consider are:

- Impact on the historic buildings and setting

3. Site Description

The site is located within the settlement boundary of Melksham and is allocated as recreational space. It measures 5.96 hectares and includes an existing building known as Melksham House alongside other ancillary buildings and recreation facilities such as Melksham Cricket Club, the Blue Pool, a Bowls Club, Tennis Club. To the rear of Melksham House are tennis courts and beyond the public footpath known as MELK 20 lies grassed pitches.

The site itself is relatively flat, lies within the Conservation Area and has several public footpaths running through it (MELK 20, MELK 21 & MELK 101) and is accessed via the market place (vehicular) which is located to the front of Melksham House.

Melksham House is a Grade II listed building, as are the pillars on the access road leading to it. There is a Tree Preservation Order on some of the trees to the front of the building.

To the North of the site lies St Michaels Church which is a Grade II* Listed Building and some residential properties. To the East lies the Assembly Hall, the Blue Pool, the access and a residential retirement home. To the South lies residential properties and to the West lies a cemetery. Beyond this cemetery is the A350.

4. Planning History

14/00726/FUL - Demolition of modern extensions to Melksham House, removal of existing swimming pool, internal alterations and extensions to Melksham House to provide a new community campus including leisure facilities (2 swimming pools, sports hall, fitness suite, activity studio, indoor bowls, climbing wall) public services (library, multipurpose rooms, offices, cafe) health facility and associated car parking and landscaping. – Approved by Strategic Planning Committee 14th May 2014

14/02425/LBC – Proposed Campus Building – Approved 2nd September 2014

Neither of these permissions have been implemented and both have since lapsed.

5. The Proposal

This listed building application seeks consent to demolish former outbuildings to Melksham House including the former stable block and remnants of garden walls and outbuildings associated with the kitchen garden; and alterations to the entrance onto the Market Place via the demolition and relocation of one of the separately listed gate piers.

There is an associated planning application is for a new leisure centre/campus building in the centre of Melksham and is to be located south of Melksham House on the former football pitch.

6. Planning Policy

Wiltshire Core Strategy

CP58 – Ensuring the Conservation of the Historic Environment

Other

- National Planning Policy Framework 2019
- Planning Practice Guidance 2014
- Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (listed building consent for any works – preserving the building or its setting)
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Conservation areas)

7. Consultations

Melksham Town Council - Members, whilst not objecting to the demolition of the curtilage listed outbuildings, objected to the relocation of the gate piers, as they felt given the impact on highway safety, particularly for residents exiting Crown House, both pillars needed to be moved further back to allow for better sight lines for residents and asked that a review of the Traffic Management Plan be undertaken in this regard.

Wiltshire Council Conservation Officer – Support subject to a condition limiting the

occupation of the Campus until works to Melksham House have been approved (This is covered in the planning application).

Historic England – Support subject to a condition limiting the occupation of the Campus until works to Melksham House have been approved. (This is covered in the planning application).

Society for the Protection of Ancient Buildings (SPAB) – Object – the scale and proximity of the new building will harm the setting of the grade II listed house. Furthermore, the proposed landscaping and extent of new car parking around the house will have a detrimental impact to the setting of the house.

8. Publicity

The amended proposal was advertised via several site notices around and on the site and through a newspaper publication. The consultation period expired on 27th September 2019. An initial consultation process was also carried out at the beginning of the application process.

No letters of representation have been received from the general public.

9. Planning Considerations

9.1 Impact upon the Listed buildings and the historic area

A primary consideration from an historic environment perspective is the requirement placed on the Council under section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990, to have *special regard* to the desirability of preserving designated buildings, their settings and any features of special architectural or historic interest which they possess.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay *special attention* to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The Council's Core Strategy 'Core Policy 58: Ensuring the conservation of the

historic environment' requires that designated heritage assets and their settings will be conserved and where possible enhanced. It also requires that distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced.

The NPPF outlines government policy, including its policy in respect of the historic environment. Section 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. Paragraph 196 of the NPPF requires a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved.

Paragraph 189 requires that applicants should describe the significance of heritage assets affected, including the contribution made by their setting. In this case a Heritage Appraisal has been submitted to inform the pre-application enquiry. This is thorough in describing the site and its historic development and identifying the heritage assets affected by the development. It also provides useful background historical information and an analysis of the significance of the assets.

Paragraph 193 of the NPPF requires that in considering the impact of a proposed development on the significance of a designated heritage asset "great weight should be given to the asset's conservationirrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Paragraph 194 requires that any "harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification".

Paragraph 196 of the NPPF requires that where a development proposal will "lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where

appropriate, securing its optimum viable use". In explanation the National Planning Policy Guidance advises that "Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, provided the harm is minimised".

Melksham house incorporates the remnants of a former three bay house of early-mid C17th which became the service core of an C18th house which turned its main elevation towards the church. It is Grade II Listed.

After the First World War, Melksham House and the grounds were acquired by Cooper (later Avon) Tyres in order to create a sports and social club and the site has been used for leisure purposes since. In 1920, Melksham House was badly damaged by fire and subsequently partially rebuilt and extended. Throughout the latter half of the 20th century the building was subject to further extensions with ancillary buildings constructed in the vicinity. Since the last planning application for the Melksham Campus in 2014, the building has been left empty and has been vandalised which has resulted in the building being boarded up and utilities disconnected.

Melksham House is Grade II listed and is surrounded by lands which were once laid out as formal gardens and parkland and now have a mixed recreational and garden use. The gate piers associated with the house are independently Grade II listed.

The house dates to the early 18th century, although sits on the site of an earlier dwelling. It has undergone significant phases of alteration, including those in the 19th century and a substantial rebuild following a fire in the 20th century when it was in use as a social club.

Melksham House is significant as a high-status house with clear evidence of at least three phases of major remodelling in the 17th, 18th and 19th centuries. Further significance derives from the 20th century conversion and remodelling after fire as the sports and social club for Cooper/Avon Tyres. Remaining evidence and elements of the high status designed landscape to the 19th century house are of particular interest although eroded through the 20th century by the development of the sports

facilities. The communal value of the site as a whole is high given many years of public involvement with the site.

This Listed Building application was submitted with a Heritage Appraisal which describes the associated buildings and structures briefly and their contribution to the significance of the house. The submission also includes measured drawings and exterior photos of the buildings to be demolished.

The outbuildings proposed for demolition include a stable block and an outbuilding incorporating lengths of walling and a length of heated wall of a type typically built for the growing of peaches. A further outbuilding incorporates elements of historic fabric. The Heritage Appraisal notes (6.3) that the *“survival of the former kitchen garden and remnants of its associated outbuildings are of evidential and historic value. These surviving structures are important in terms of providing a sense of the former grand scale and high status of the former private house. They are part of an important phase of building construction and remodelling and for this reason are considered to be of high significance in terms of the overall significance of the site”*. It concludes that their *“loss would be regrettable and is likely to result in harm to the overall surviving building group”*. The demolition of the outbuildings is not strictly required in order to construct the centre as they do not occupy the same footprint as the new building, however it is considered to be required to facilitate an appropriate access and approach for the new facility. Whilst it is accepted that the stable block in particular is in poor condition and would require significant investment to retain and reuse it, there is no evidence that any consideration has been given to the retention and reuse of the whole or any part of the buildings (for example in a reduced form as a section of boundary walling in the case of Building B or even in terms of the re-use of materials within the new development).

The gate piers are not in their original location, having been moved during the later C20 to improve vehicular access to the site and there is no objection in principle from the Conservation Officer to the careful dismantling and relocation of one of the piers for a second time. The proposed entrance will remain as a legible entrance to the site and the function, context and relationship of the piers to each other and to the

house will be respected. As a result the Conservation Officer raises no objection to this aspect of the scheme although a detailed methodology would be required to support the relocation of the piers and could be secured via a condition in the event of a consent being granted.

However, the outbuildings and structures have been identified as being of significance to the overall building group and the submitted appraisal notes that their demolition will result in a level of harm to the listed Melksham House. As the buildings involved are curtilage listed buildings which form a modest part of the asset, the harm should be considered as 'less than substantial' for the purposes of interpreting the NPPF, albeit that the complete demolition of heritage assets should always be seen as a last resort and the application should not therefore be treated lightly. As the loss of historic buildings contributing to the understanding of a larger historic site which forms a key part of the conservation area, the proposal will also result in a small level of harm to that conservation area.

In the previously approved planning application which included Melksham House as part of its proposal, it was considered by officers at that time that the harm that would result from the demolition of these outbuildings would be offset by securing an appropriate record of the remaining buildings, by the re-use of reclaimed local stone within the site and by the public benefits which would have accrued from the scheme then proposed which, crucially, included a comprehensive and holistic scheme for the site and secured the repair and viable use of the principal designated asset, Melksham House, in its 'optimum viable use'.

If considered in isolation from any wider scheme which would secure the optimum viable use of the principle heritage asset, the proposed demolition would not be considered to be justified, taking into account the special regard to be given to the conservation of designated heritage assets under Sections 16 and 72 of the Act, the public benefits which will result from the construction of a leisure centre alone are insufficient to offset the harm caused. As a result, the application could then be in conflict with legislation, with the NPPF and with the Council's own policy CP58.

SPAB have objected to the proposal as in their opinion the campus will result in substantial harm to the setting of the Grade II Listed Building. Furthermore, it is their opinion that the proposed landscaping and extent of new car parking around the house will also have a detrimental impact to the setting of the house. It is important to note that SPAB have not commented on the individual matters that require listed building consent but on the campus project as a whole.

However, following advice from the Conservation Officer and Historic England concerning the need to find a use for the listed Melksham House now that it has been taken out of the campus scheme, a report was sent to Wiltshire Council Cabinet on Tuesday 8th October requesting £5 million pounds to ensure a viable end use for Melksham House. The proposed end use for Melksham House is by the Council's Care Commissioners for Children's and Adult Services which would meet established needs for children and young adults and would include the following:

- Residential care facility to support children and young people aged 10–18 years – Conversion of the main house
- Community Resource Centre – Refurbishment and use of dance hall to the rear.
- 16 Supported Living units – New build on land to rear of listed building

The minutes of this Cabinet meeting confirms:

b) Agree in principal, subject to a business case, to progress the scoping of development of Melksham House; to provide 16 units of supported living accommodation, a residential care facility to support children and young people aged 10–18 years and a community resource centre.

c) Note the estimated additional capital budget required for Melksham house of £5.000 million taking the total capital budget to £7.000 million.

d) Agree to receive a further report to Cabinet in January, with a full business case giving detailed capital breakdown and the revenue consequences of the agreed form

of development, taking into account potential cost avoidance due to the provision of services from Melksham House.

As a result of these minutes, the Conservation Officer and Historic England do not object to the listed building application, provided that the associated planning application is subject to limiting the first use of the campus building until a further planning application and listed building consent application has been approved for Melksham House and a timetable agreed for its implementation. This to ensure that the important designated heritage asset of Melksham House would not be left abandoned.

In this context, the proposed listed building works are considered to cause less than substantial harm to the Grade II Listed Building and its setting and also the wider setting (Grade II* Listed Church, Conservation Area etc), but are required to allow the campus building to move forward. The public benefits which mainly include the site being looked into as a holistic approach which will include the refurbishment and re-use of Melksham House (achieved via a condition on the planning application) and also the public benefit described in the planning application which is the provision of a large and much needed community facility would outweigh the less than substantial harm identified. The proposal is therefore considered to comply with CP58 of the WCS and the relevant policies in the NPPF and the Planning (Listed Building and Conservation Areas) Act 1990.

As SPAB have objected to this listed building consent application, the application, if the committee resolve to approve it, has first to be referred to the Secretary of State for a final decision.

10. Conclusion

The proposed works are considered to cause less than substantial harm. Whilst any level of harm is considered a serious matter, in this case, it is considered that the harm is outweighed by the public benefits identified above. Accordingly, it is recommended that listed building consent be granted for these works.

RECOMMENDATION: Recommend Approval subject to the following conditions and referral to the Secretary of State.

- 1 The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No works shall commence on the garden wall until a schedule of repair/alteration for the kitchen garden wall has been submitted to and approved in writing by the Local Planning Authority. The development shall then 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 protecting the listed building and its historic setting.

3. No works shall commence on the gate pier until a detailed methodology of how it will be relocated has been submitted to and approved in writing by the Local Planning Authority. The development shall then 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 protecting the listed building and its historic setting.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

gate posts P01, Building A - existing/demolition P01, Building B - existing/demolition P01, Building G - existing elevations P01, Site elevations/sections P01, Site plan - existing P03, Site Location Plan P03, Site Plan demolitions P01 all received on 1st April 2019.