

AGENDA

Meeting: Northern Area Planning Committee

Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER

Date: Wednesday 13 October 2021

Time: 3.00 pm

Please direct any enquiries on this Agenda to Ben Fielding, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line or email benjamin.fielding@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Tony Trotman (Chair)

Cllr Howard Greenman (Vice-Chair)

Cllr Chuck Berry

Cllr David Bowler

Cllr Steve Bucknell

Cllr Gavin Grant

Cllr Dr Brian Mathew

Cllr Ashley O'Neill

Cllr Nic Puntis

Cllr Martin Smith

Cllr Elizabeth Threlfall

Substitutes:

Cllr Ruth Hopkinson

Cllr Peter Hutton

Cllr Bob Jones MBE

Cllr Jacqui Lay

Cllr Dr Nick Murry

Cllr Tom Rounds

Cllr Clare Cape

Covid-19 safety precautions for public attendees

To ensure COVID-19 public health guidance is adhered to, a capacity limit for public attendance at this meeting will be in place. **Please contact the officer named on this agenda no later than 5pm on Monday 11 October if you wish to attend this meeting.**

To ensure safety at the meeting, all present at the meeting are expected to adhere to the following public health arrangements to ensure the safety of themselves and others:

- Do not attend if presenting symptoms of, or have recently tested positive for, COVID-19
- Wear a facemask at all times (unless due to medical exemption)
- Maintain social distancing
- Follow one-way systems, signage and instruction

Where it is not possible for you to attend due to reaching the safe capacity limit at the venue, alternative arrangements will be made, which may include your question/statement being submitted in writing.

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County Hall, Trowbridge
Bourne Hill, Salisbury
Monkton Park, Chippenham

County Hall and Monkton Park have some limited visitor parking. Please note for

meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

Public Participation

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

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

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

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

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 22*)

To approve as a true and correct record the minutes of the previous meeting held on 15 September 2021 .

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**

Statements

Members of the public who wish to submit a statement in relation to an item on this agenda should submit this in writing to the officer named on this agenda no later than 5pm on Monday 11 September 2021.

Submitted statements should:

State whom the statement is from (including if representing another person or organisation);

State clearly whether the statement is in objection to or support of the application;

Be readable aloud in approximately three minutes (for members of the public and statutory consultees) and in four minutes (for parish council representatives – 1 per parish council).

Up to three objectors and three supporters are normally allowed for each item on the agenda, plus statutory consultees and parish councils.

Those submitting statements would be expected to join the online meeting to read the statement themselves, or to provide a representative to read the statement on their behalf.

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 electronically to the officer named on the front of this agenda no later than 5pm on Wednesday 6 October 2021 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 October 2021.

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 members prior to the meeting and made available at the meeting and on the Council's website. Questions and answers will normally be taken as read at the meeting.

6 **Planning Appeals and Updates** (*Pages 23 - 24*)

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

7 **Planning Applications**

To consider and determine the following planning applications.

7a **20/11605/FUL Kingsway Nurseries, Chippenham Road, Corston**
(*Pages 25 - 46*)

Partial redevelopment to provide new warehouse development (Class B8) and ancillary design and administration accommodation (Class E(g)) and associated works.

7b **21/00237/FUL Land at Noah's Ark, Garsdon, Malmesbury** (*Pages 47 - 74*)

Erection of agricultural building and yard: alterations to access.

8 **Urgent Items**

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

Part II

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

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Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 15 SEPTEMBER 2021 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chair), Cllr Howard Greenman (Vice-Chair), Cllr Chuck Berry, Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Dr Brian Mathew, Cllr Ashley O'Neill, Cllr Nic Puntis, Cllr Martin Smith and Cllr Bob Jones MBE (Substitute)

Also Present:

Cllr Liz Alstrom, Cllr Ian Thorn

70 **Apologies**

Apologies for absence were received from Councillor David Bowler, who arranged for Councillor Bob Jones MBE to attend as a substitute.

71 **Minutes of the Previous Meeting**

The minutes of the meeting held on 18 August 2021 were presented for consideration, and it was

Resolved:

To approve and sign as a true and correct record of the minutes of the meeting held on 18 August 2021.

72 **Declarations of Interest**

Councillor Elizabeth Threlfall declared that though allegations had been made towards herself regarding Item 7a, she had only been representing local residents and would approach the vote in a fair and openminded manner.

Councillor Tony Trotman declared an interest in Item 7d due to being part of Calne Town Council and would not take part in the vote.

73 **Chairman's Announcements**

The Chairman made those in attendance aware of the Covid regulations that were in place for the meeting.

74 **Public Participation**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

75 **Planning Appeals and Updates**

The Chairman moved that the Committee note the contents of the appeals report included within the agenda. It was,

Resolved:

To note the Planning Appeals Update Report for 15 September 2021.

76 **Planning Applications**

The Committee considered and determined the following planning applications:

77 **PL/2021/03412 - Unit 10, 11 & 12, Callow Park, Callow Hill, Brinkworth, SN15 5FD**

Public Participation

Andrew Fleet spoke in objection of the application.

Tony Apps spoke in objection of the application.

Tim Mayneord spoke in support of the application.

Cllr Owen Gibbs spoke on behalf of Brinkworth Parish Council.

Development Management Team Leader, Lee Burman, presented a report which outlined the Change of use of B1(a), B1(b) areas to sui generis use of car auction room storage facility with members area and reception. (B8 use class to remain) including extensions and alterations to the units.

Details were provided of the site including the principle of development, impact on the character, appearance and visual amenity of the locality/open countryside, impact on residential amenity, impact on highways/parking requirement, impact on heritage assets (archaeology).

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on the current operational hours of the units as well as the proposed extension of hours, as well as clarity regarding when the current conditions had previously been applied to unit 10.

Clarity was also sought regarding the permitted number of visitors each day, as well as whether vehicles would be permitted to be test driven and whether noise would be limited by conditions.

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

The Local Unitary Member, Councillor Elizabeth Threlfall, then spoke regarding the application. Key points included doubts regarding the business model with the virtual nature of the business meaning that buyers wouldn't view or start the car before purchasing. Councillor Threlfall cited that the design and access statement suggested two journeys in and out of the site for vehicles, however this would potentially ignore trips out of site for car maintenance.

Additionally, Councillor Threlfall questioned whether the three permitted members a day would include members of the P1 club and additionally it was unclear how visitor numbers would be monitored. Councillor Threlfall also stated concerns regarding the potential extension of opening hours from 8am-8pm, citing that in the summer this would be time for families to be outdoors, as well as the road being part of the Sus-Trans cycle way.

At the start of the debate a motion to move and accept the officer recommendation was moved by Councillor Chuck Berry and seconded by Councillor Grant. An amendment was accepted to Condition 3 regarding the permitted hours of operation for units 10,11 and 12. Additionally, it was agreed to amend Condition 5 to provide clarity regarding the three permitted daily visitors. Furthermore, a friendly amendment proposed by Councillor Bucknell to add a condition to prevent gathering events from being arranged was accepted.

During the debate the issues included, such as the opening hours of the units and whether these could be altered to appease both the applicant and public. It was also questioned as who would constitute the three visitors to the site a day. Concern was also raised regarding potential gatherings that might be organised on site 28 days per annum under permitted development rights, which would potentially cause noise.

At the conclusion of the debate, it was,

Resolved:

That Planning Permission is GRANTED 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: drg no.505.1.101 (proposed units floor plans) & drg no.505.4.100 (proposed unit's elevations) [Received by the LPA on the 26th of March 2021] & location plan [Received by the LPA on the 22nd of July 2021].

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

3. The sui generis use for car auctions at Unit 11 & 12, Callow Park, Callow Hill, Brinkworth, SN15 5FD shall only operate during the hours of 08:00 to 18:00 hours Monday to Friday; 08:00 and 13:00 hours on Saturdays and not at all on Sundays, bank and public holidays unless otherwise agreed in writing by the Local Planning Authority.

The B8 use in unit 10 of the same address and including delivery and dispatch of goods to and from the site shall be limited the hours of 07:00 and 20:00 Mondays to Saturdays and 10:00 and 17:00 on Sundays and Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of character and appearance of the site and residential Amenity.

4. There shall be no test driving of vehicles to or from the site or within the site; and the use of the members room detailed on the first floor in drg no.505.1.101 (proposed units floor plans) shall be limited to staff and three visiting members of the car auctions use hereby permitted per day.

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.

5. The development/business hereby permitted shall be carried out in accordance with the Design & Access Statement submitted for units 10, 11 & 12 at Callow Park: [Received by the LPA on the 22nd of July 2021] in that a maximum of 3 non employees / staff to the site per day is approved; Car Auctions held will be virtual/online and not in person on site; and the use permitted is solely for the purposes of virtual car auctions, storage of vehicles for sale in auctions and related offices and ancillary uses.

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

6. Noise emissions attributable to internal and external operations shall be limited to a level not exceeding the background sound level when measured at a height of 1.5 m above ground level using a fully calibrated class 1 sound level meter at the boundary of the nearest residential dwelling. The background sound level shall be expressed as an LA90 1 hour and the ambient sound levels shall be expressed as an LAeq 1 hour.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

7. The development shall operate in accordance with the Travel Strategy approved under application 18/04263/FUL [Received by the LPA on the 1st

of August 2018] and the Travel Strategy Addendum [Received by the LPA on the 22nd of July 2021] submitted under this application.

REASON: In the interests of reducing the amount of private car movements to and from the development.

8. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those listed on the application form received by the Local Planning Authority on the 26th of March 2021.

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no motorcar or motorcycle racing including trials of speed and practicing for these activities.

REASON: In the interests of residential amenity.

10. 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.

11. 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.

12. 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.

13. 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.

78 19/12002/FUL - Land Off Common Road, Corston

Public Participation

Angeli Dunkerley was unable to attend the meeting, therefore Democratic Services Officer Ben Fielding read out a statement that had been provided prior to the meeting in objection of the application.

Peter Gray spoke in objection of the application.

Ann Skinner spoke in objection of the application.

Sam Croft spoke in support of the application.

Cllr Roger Budgen spoke on behalf of St Paul Malmesbury Without Parish Council.

Development Management Team Leader, Lee Burman, presented a report which outlined the erection of four dwellings.

Details were provided of the site including the principle of development/development plan compliance, ecological impact, drainage impact, highways impact, impact on the character, appearance and visual amenity of the locality, impact on residential amenity.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on the case law within the officer's report and how the housing shortfall figures that were referenced would compare to Wiltshire, additionally that the housing land supply shortfall would not impact the recommendation for approval. It was also stated by Lee Burman that an Inspector at appeal would likely approve this application.

It was clarified that the ecology and Natural England reports had not raised objections to the application. It was stated that this site had not been approved to be a site within the Malmesbury Neighbourhood Area Plan, nor the Wiltshire allocation plan. Clarification was sought between the difference of the terms "infill" and "greenfield" site. It was also questioned where the Right of Way was located on the presentation provided.

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

The Local Unitary Member, Councillor Martin Smith, then spoke regarding the application. Key points included that this is only one of two local nature reserves in North Wiltshire, which would mean potentially halving biodiversity numbers. Additionally, Councillor Smith cited the Wiltshire Wildlife Trust where the need to where possible direct developments away from sensitive locations was drawn upon. It was also referenced that Natural England raised concerns about water

levels in the pond being disrupted, which was not mentioned along with the mitigation of flooding to house No.6.

Councillor Smith also questioned whether the nature of this development was sustainable, citing that Corston is isolated with infrequent public transport and little local employment or services. Given the evidence provided, Councillor Smith did not believe that the benefits outweighed the harm of the case.

At the start of the debate a motion to reject the officer recommendation was moved by Councillor Grant and seconded by Councillor Smith, with the reasoning that the proposal conflicted with CP2 of the Wiltshire Core Strategy that seeks to limit development in small villages to infill within the existing built area. Councillor Bucknell offered a friendly amendment regarding the reasons for refusal, which was accepted, on the grounds that the application conflicted with CP51 and CP50 that seek to conserve and enhance the landscape and protect features of nature conservation interest respectively.

During the debate issues included that the application site had not been included in the Malmesbury Area Plan, nor the next stage of the plan's development, potentially due to the site application conflicting with CP2 which seeks to limit development in small villages and infill within an existing built area. Additionally, the potential for the application to elongate the village and potentially harm a sensitive landscape was discussed due to the nearby local nature reserve.

At the conclusion of the debate, it was,

Resolved:

That planning permission be refused for the following reason:

The proposed residential development is located on a site outside of the existing built area of the village and is in an unsustainable location that would elongate the small village of Corston into the open countryside. This would result in harm to the character and appearance of the area and the ecological value of the adjacent Local Nature Reserve / Country Wildlife site. As such, the proposal conflicts with settlement policy CP2 of the Wiltshire Core Strategy that seeks to limit development in small villages to infill within the existing built area; and conflicts with policies CP51 and CP50 that seek to conserve and enhance the landscape and protect features of nature conservation interest respectively.

78a 21/01153/FUL - Land at Dyers Close, Chippenham

Public Participation

Mark Humphrey spoke in objection of the application

Peter Crozier spoke in support of the application.

Councillor Matthew Short spoke on behalf of Chippenham Town Council.

Development Management Team Leader, Simon Smith presented a report which outlined the demolition of existing garages; erection of detached bungalow with associated garage/parking and landscaped curtilage area and public turning space.

Details were provided of the site including the principle of development, design and layout, impact on amenity, impact on highways, impact on heritage assets, impact on ecology, impact on drainage.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought as to whether the property had windows that overlooked the property at the rear. It was additionally clarified that the area which acted as a turning head at the top of the road was owned, but had been agreed to be for resident's use. The use of the garages for residents in the locality was also questioned as well as when this would have been filed for original consent.

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

The Local Unitary Member, Councillor Liz Alstrom, then spoke regarding the application. Key points included that a gap between the hedging along the property which was an entrance way to property No.13 had been omitted from the applicant's proposed plans, which were formulated without prior consultation and included intention to create a new parking space directly in front of the No.13 entrance. The loss of off-street parking would mean having to find space in a neighbouring street, therefore exacerbating the local parking issue; whilst also being impractical to the owner of No.13 who is registered as disabled.

Additionally, Councillor Alstrom noted that the area proposed in the plans would not allow vehicles to turn, consequently causing road users to have to reverse, which would not be safe.

At the start of the debate a motion to move and accept the officer recommendation was moved by Councillor Trotman and seconded by Councillor Puntis. An amendment was agreed that an Informative would be added that the Council would have an expectation that the applicant would deliver alternative off-street parking arrangements for No.13 Dyers Close to replace that lost through development taking place.

During the debate issues included: whether it would be possible to arrange for a designated parking area for the residents of No.13 if the application was to be approved along with the potential for conditions. Additionally, potential enforcement was discussed as well as what might be the consequences of a potential breach of condition. It was also stressed that the civil matter within the application would remain outside of the planning process.

At the conclusion of the debate, it was,

Resolved:

That planning permission be GRANTED in accordance with the recommendation set out in the report, with the following additional informative:

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

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

3. 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 levels and contours;**
- means of enclosure;**
- car park layouts;**
- other vehicle and pedestrian access and circulation areas;**
- all hard and soft surfacing materials;**

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

4. 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.

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

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

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

- Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.**
- Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.**

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

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

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

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- e) wheel washing facilities;**
- f) measures to control the emission of dust and dirt during construction;**
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- h) measures for the protection of the natural environment. i) hours of construction, including deliveries;**

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The 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 minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to

the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

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

Proposed Plans, Elevations and Block Plan 20539-10A Received 25th June 2021.

Existing Topographical Survey
Existing Floor Plan
Existing Elevations and Sections
Location Plan
Received 3rd February 2021.

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

9. No occupation of the development shall commence until the access, parking and turning areas shown on drawing number No.200539-10 A, Site Plan & Block Plan, have been laid out and constructed with a bound and compacted surface (not loose stone or gravel). The turning space shall be kept clear of obstruction, and available for use as a turning space, at all times.

REASON: To ensure that vehicles can enter and leave the site in a forward gear, and users of Dyers Close have a means of manoeuvring at the end of the road, in the interests of highways safety.

INFORMATIVES 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.

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.

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.

In granting this planning permission, the Northern Area Planning Committee of Wiltshire Council has an expectation that the applicant will deliver alternative off-street parking arrangements for No.13 Dyers Close to replace that lost through development taking place. It is anticipated that the arrangements for that alternative parking will be informed by prior meaningful discussion with the owners of No.13 Dyers Close and delivered as part of the development and without cost to them

Councillor Puntis left the meeting after this item, the time being 6:05 pm.

79 **21/02390/FUL - Potters Field, Recreation Ground, Anchor Road, Calne**

Public Participation

Angel Lopes spoke in objection of the application

Paul Gill spoke in objection of the application

Development Management Team Leader, Simon Smith presented a report which outlined the relocation of existing rugby pitch on the Recreation Ground to former football pitch on Potters Field. Erection of 1.5m high permanent perimeter fencing & 4.5/6.0m high ball-stop netting. Installation of shipping container for storage use.

Details were provided of the site including the principle of development, design and layout, impact on neighbouring properties' amenity, highways impacts.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on which area of the application restrictions to temporary floodlighting would apply and whether this could be extended to cover the whole application as well as being delegated to officers. Additionally, the potential raising of the land was questioned due to the pitch dressing that would take place as well as the potential need for cross-sections to be provided.

Furthermore, it was clarified that it was the net and pole permissions that were being applied for as well as that the rugby team would be moved across to Potters Field in order for the Recreation Ground to be developed as a formal garden.

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

The Local Unitary Member, Councillor Ian Thorn, then spoke regarding the application. Key points included that the proposal was to create a private enclosed space within a public park to be used by a private club with a fee-based membership, therefore allowing no access to the wider community or residents. Councillor Thorn noted that funding for this proposal would come from a Section 106 agreement, which stipulated that funding would have to support and provide a resource for the community, however in this case the beneficiaries may only be the rugby club. Councillor Thorn questioned whether a condition could be placed in order to grant the wider community access.

Additionally, Councillor Thorn drew upon the Calne Neighbourhood plan, which aims to retain community facilities as well as to protect public space and parkland. These principles would be affected by both the privatisation of the area with the use of fencing as well as by placing a shipping container within the most attractive part of Calne town centre. Floodlighting was also identified as an issue for nearby residents.

At the start of the debate a motion to move and accept the officer recommendation was moved by Councillor Ashley O'Neill and seconded by Councillor Chuck Berry. An amendment was accepted to Condition 3, to state that no floodlighting would be placed on any of the land subject to the application. Additionally, a further amendment was agreed to state that no development would take place until full and complete details of any change to land level were submitted.

During the debate issues included: the health concerns caused by dog walkers not picking up after themselves and the need for a clean area for sports.

At the conclusion of the debate, it was,

Resolved:

That Planning permission be GRANTED 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 ball stopping netting hereby approved shall be only raised during and for a maximum of 1 hour before and 1 hour after any matches or training sessions.

REASON: In the interests of visual amenity.

3. There shall be no floodlighting whatsoever (including temporary and mobile lighting units) placed on any part of the land subject to this application.

REASON: In the interests of the amenity of local residents.

4. Prior to the commencement of the development hereby permitted, details of the methodology for securing community and public access to the pitch hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The agreed methodology shall be implemented in perpetuity thereafter.

REASON: To ensure that public land is not lost.

5. Prior to the commencement of the development hereby permitted, details of the posts and their exact spacing for the demountable netting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity.

6. Prior to siting the container hereby approved on the land in the agreed position, details of its exact size and colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The container shall be removed from the land within one month of the rugby club no longer using the facility for training or matches.

REASON: To define the permission

7. The pitch hereby approved shall only be used between the hours of 09:00 and 18:00 on any day.

REASON: To define the permission and protect residential amenity.

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

Revised site plan V3 showing fence position received 2nd September 2021
Ball stopping netting fence plan CTCPF6 (position of net only) received 16th April 2021
Location Plan CTCPF1
Ball stopping fence photo CTCPF3
Rugby pitch dimensions CTCPF5
Weldmesh roll top fencing example photo CTCPF4 received 8th March 2021.

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

9. Prior to the commencement of the development hereby permitted, details of the methodology for placing the posts for the weldmesh fence in the Root Protection Areas of any trees shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To protect the nearby trees in the interests of visual amenity.

10. No development shall take place until full and complete details of any change to land level or regrading of the application site has been

submitted and agreed in writing with the Local Planning Authority. Where deemed necessary, such details shall include cross-sections which demonstrates the existing and proposed level of the land in relation to the surrounding residential properties. Details shall also include any intended importation of fill to the application site, its quantum and method and routing of its delivery. The development shall be carried out in complete accordance with the approved details.

REASON: In the interests of securing a form of development that does not unacceptable raise ground levels to the detriment of the amenities and living conditions of surrounding residential occupiers and so as to ensure any importation of fill from outside of the site does not result in disturbance to those same occupiers.

INORMATIVES 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.

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer.

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.

80 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00pm – 6.48pm)

The Officer who has produced these minutes is Ben Fielding of Democratic Services,
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**Wiltshire Council
Northern Area Planning Committee
13th October 2021**

Planning Appeals Received between 03/09/2021 and 01/10/2021

| Application No | Site Location | Parish | Proposal | DEL or COMM | Appeal Type | Officer Recommend | Appeal Start Date | Overturn at Cttee |
|----------------|---|-----------------------------|--|-------------|-------------------------|-------------------|-------------------|-------------------|
| 20/00563/ENF | Land adjacent Hobbs Bottom Farm, Box, Corsham | Box | Alleged breach of 18/03944/FUL - development not in accordance with approved plans | DEL | Hearing | - | 10/09/2021 | No |
| 20/10523/OUT | Land at Purton Road Swindon | Purton | Outline Application for a Residential Development of up to 79 Dwellings and Associated Infrastructure with all Matters Reserved with the Exception of Access | DEL | Hearing | Refuse | 01/09/2021 | No |
| 21/00778/FUL | 41 Queens Avenue Corsham, Wiltshire SN13 0DX | Corsham | Extension to dwelling, garden wall, change of land to domestic curtilage (revised application) | DEL | Written Representations | Refuse | 08/09/2021 | No |
| 21/01363/OUT | Land at Filands/Jenner Lane, Malmesbury | St. Paul Malmesbury Without | Outline planning application (all matters reserved) for residential development and land for a nursery, associated infrastructure and public open space. | DEL | Inquiry | Refuse | 14/09/2021 | No |

Planning Appeals Decided between 03/09/2021 and 01/10/2021

| Application No | Site Location | Parish | Proposal | DEL or COMM | Appeal Type | Officer Recommend | Appeal Decision | Decision Date | Costs Awarded? |
|----------------|--|--------|---|-------------|--------------|-------------------|-----------------|---------------|----------------|
| 20/01846/OUT | Land At London Lane Minety, Wiltshire SN16 9QY | Minety | Erection of up to Four Dwellings with Parking, Gardens and Associated Infrastructure. | DEL | Written Reps | Refuse | Dismissed | 24/09/2021 | None |

CASE OFFICER'S REPORT

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

| | |
|----------------------------|---|
| Date of Meeting | 13 th October 2021 |
| Application Number | 20/11605/FUL |
| Site Address | Kingsway Nurseries Chippenham Road Corston Malmesbury Wiltshire SN16 0HW |
| Proposal | Partial redevelopment to provide new warehouse development (Class B8) and ancillary design and administration accommodation (Class E(g)) and associated works |
| Applicant | Mr Giles Redman |
| Town/Parish Council | HULLAVINGTON |
| Electoral Division | Councillor Nick Botterill |
| Grid Ref | 391363 182713 |
| Type of application | Full Planning |
| Case Officer | Catherine Blow |

REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE

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

The application has been called into Committee by Councillor Botterill as it is recommended for refusal when there are considered to be benefits to the proposal, including parking provision for the adjacent site and promotion of economic activity. This call in has been supported by Crudwell Parish Council.

REPORT SUMMARY

The application received representations from one of neighbour in support of the proposal and no objections; and Hullavington and St Paul without Parish Councils also support the proposals.

Issues to be addressed:

- Principle of the development.
- Scale, design, impact upon the character and appearance of the area
- Impacts upon the amenity of the area

- Access and parking/Impact on highways

SITE DESCRIPTION

The application site is located in the open countryside outside any settlement set out in the Core Strategy. Corston, a small village lies to the north, with Hullavington, a large village located to the west. The site is on the western side of Chippenham Road adjacent to the elevated railway line to the south and is bounded by residential properties to the east and west.

The site, which only forms a part of the total site of the former horticultural use, with the northern area excluded from the red line site boundary. This part of the site is currently occupied by three large, dual pitched horticultural greenhouses. The land owned by the applicant also includes two further greenhouses and other ancillary agricultural buildings but these are excluded from the proposed development. The site is currently vacant.

Access to the site is via a flat and open access located close to the railway bridge to the south and this access is shared with the residential property to the west known as Kingsway Barn. This part of Chippenham Road has a 60mph speed limit and the road is restricted in width and height under the railway bridge with a sharp drop in the adjacent road as it dips beneath the rail bridge.

The site is in an area susceptible to ground water flooding, with groundwater levels within 0.035 and 0.5 metres below the surface. There is also an area of surface water flooding close to the site, in the vicinity of the railway bridge, where ground levels lower. There are no other known physical constraints, although there is a watercourse located approximately 100 metres to the north and listed building located on the southern side of Chippenham Road. Information provided previously to the Council (through the desk based assessment provided previously) indicates the site may be subject to below ground archaeological remains that could be affected by the proposal.

PLANNING HISTORY

20/04646/PNCOU - Prior Notification under Class Q of a Proposed Change of Use of Agricultural (Horticultural) Buildings to 5 Dwellinghouses (Use Class C3) and Associated Building Operations - Withdrawn

20/7114/PNCOU - Prior Notification of Proposed Change of Use of Agricultural (Horticultural) Buildings to 5 Dwellinghouse (Use Class C3) and Associated Building Operations – refused

PL/2021/04632 - Notification for Prior Approval under Class R for a Proposed Change of Use of Agricultural Buildings to a Flexible Use Falling within Uses B1 and B8 – refused

THE PROPOSAL

The application seeks planning permission for partial redevelopment of this former horticultural site. It would result in the demolition of the three large glass houses located in the southern portion of the site and erection of new warehouse development (Class B8) and design and

administration accommodation (Class B1) and associated works. The total gross internal floor area would be 3365 sqm.

The proposed buildings would be arranged in a U-formation with the central area used for vehicle circulation and parking spaces. The proposed warehouse element to the south and west portions of the building, including the quality control element and ancillary space, would provide approximately 2,450 sq m of floor area, with the office development, reception and staff kitchen and toilets totalling approximately 920 sq m. There are a variety of roof coverings that have heights of approximately 7.7 – 10 metres in height.

The proposal also includes the provision of a new access onto Chippenham Road. The plans provided show the existing access to be relocated approximately 25 metres further from the railway bridge.

The supporting documentation identifies that the current proposals could be expanded in future on the remaining landholding and this is effectively a first development phase.

PLANNING POLICY

Wiltshire Core Strategy (2015):

Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 10: Spatial Strategy: Chippenham Community Area
Core Policy 34: Additional employment Land
Core Policy 35: Existing employment sites
Core Policy 38: Retail and leisure
Core Policy 48: Supporting Rural Life
Core Policy 51: Landscape
Core Policy 57: Ensuring high quality design and place shaping
Core Policy 58: Ensuring conservation of the historic environment
Core Policy 60: Sustainable transport
Core Policy 61: Transport and New Development
Core Policy 62: Development Impacts on the Transport network
Core Policy 64: Demand Management
Core Policy 65: Movement of Goods
Core Policy 66: Strategic Transport Network

Saved Policies from The North Wiltshire Local Plan (2011)

NE14 – trees and control of new development
NE18 – Noise and Pollution

Chippenham Site Allocations Plan DPD (Adopted May 2017)

Policy CH1 – South West Chippenham
Rowden Park – 18Ha of land for employment

Policy CH2 – Rawlings Green 5Ha of employment land

Hullavington Neighbourhood Development Plan – Made September 2019

Policy 1: Settlement Boundary

Policy 2: Allocation and delivery of Site 690 for development

Policy 3: Planning applications in the Parish, apart from Site 690

NPPF 2021

Achieving sustainable development – paragraphs 2, 3, 7, 8, 11, 12

Decision Making – paragraph 38, 39, 47, 55,

Building a strong and competitive economy – paragraphs 81, 83, 84, 85

Promoting sustainable transport – paragraphs 104, 105, 110, 111, 112, 113,

Making effective use of land – paragraphs 119, 120

Achieving well-designed places – paragraphs 126, 130, 134

Meeting the challenge of climate change, flooding and coastal change – paragraphs 152, 153, 157, 159, 167, 168, 169,

Conserving and enhancing the natural environment – paragraphs 174, 179, 180, 185

Conserving the historic environment – paragraph 203

CONSULTATION RESPONSES

Hullavington Parish Council

Support the proposal as would accord with Policies 1 and 2 of the Neighbourhood Plan

St Paul Malmesbury Without Parish Council (adjacent parish)

Support the application as it would align with a number of strategies such as Swindon and Wiltshire Strategic Economic Plan that support economic growth and local businesses, which tips the balance towards consent.

Spatial Planning

The response sets out the concern regarding the location of the site outside the principal settlements and the aim of the Core Strategy to ensure future growth is directed towards areas with the highest concentration of jobs, people and services, such as Chippenham. It also sets out the concern regarding the heavy reliance on private modes of transport with bus stops located some distance from the site. It also notes the potential for future growth at the site further exacerbating additional car journeys. Although Core Policy 34 does allow for additional employment it is not clear the proposal would accord with the criteria in relation to sustainable transport.

Economic Development

Support this proposal that would meet the demand for businesses in this location. The proposal would contribute to, or are aligned with, a number of policies and strategies supporting economic growth in the area, including for example the Swindon and Wiltshire Strategic Economic Plan which includes a strategic objective that is focussed on supporting business development.

The subsequent response accepts the assessment of alternative sites is light touch but due to the demand for employment units along the M4 corridor the demand outstrips supply. The response highlights examples of units sold prior to construction completion and they are unable to find alternative units for the occupation of the development proposed. However, the

response incorrectly assumes this relates to the redevelopment of a brownfield site, which is the site is not.

Wiltshire Council Highways

The original response raised concerns regarding the lack of information regarding intensification of the use of the access and lack of clarity on the existing traffic generation and proposed traffic generation of the entire site. Concern was also raised regarding visibility splays and the lack of a right turn lane to facilitate a safe access. The response also notes that lack sustainable transport links to the site, with a lack of of pedestrian access to enable use of public transport and the distance to the nearest railway station would preclude access via cycle and train.

The subsequent response in relation to additional information provided in the transport note regarding capacity assessments, trip generation and topography information concludes that the proposal would not result in severe or significant material impacts to the surrounding highway network in terms of capacity or safety but the response highlights the heavy reliance on private modes of transport to access the site with only mitigation in a travel plan. They do not raise an objection in relation to highway safety, subject to conditions.

Highways England

No objection

Their response is based on allowances for existing trip generation from historic uses on the site and those already on the network from the end users' existing activities and trip thresholds, previously accepted by Highways England in relation to other planning applications in the area. They consider therefore, the likely traffic impact on Junction 17 arising from this development will be low. Therefore, they are unable to sustain an objection on the basis of the development coming forward in advance of delivery of an improvements scheme at Junction 17 and a Grampian condition is not considered to be proportionate.

Network Rail

No objections in principle to the proposal but due to the proposal being next to Network Rail land and infrastructure and conditions recommended to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway.

Landscape Team

Support subject to conditions

Environment Agency

No objection, advice provided regarding permits required for foul drainage matters

Wessex Water

No objections

Drainage

Officers raise concerns regarding the feasibility of the proposed drainage scheme, which seeks to make use of soakaways, due to the lack of assessment of infiltration testing and ground water levels within the site. The information provided fails to demonstrate that infiltration via soakaway was feasible. Officers also raise concern regarding potential exacerbation of flooding that has taken place under the railway bridge and the lack of capacity in existing ditches. The submissions fail to address these risks and therefore no feasible drainage strategy has been provided.

Public Protection
No objections subject to conditions

Tree Officer
No objections subject to conditions

Archaeology
No objections subject to conditions requiring archaeological mitigation

REPRESENTATIONS

The application has been advertised by neighbour letter, site notice and press notice. One local resident who shares the access to the site supports the application for the following reasons:

- The development is acceptable subject to minor modifications regarding the design to reduce the visual impact
- The existing request stop on site/immediately opposite the site is used regularly by local residents

ASSESSMENT:

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

In this case, the Wiltshire Core Strategy (WCS), including those policies of the North Wiltshire Local Plan saved in the WCS; Chippenham Site Allocations DPD (CSAP); and the Hullavington Neighbourhood Development Plan (HNP) form the relevant development plan.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations, which can be afforded substantial weight.

Principle

Paragraph 12 of the NPPF confirms that the '*NPPF does not change the statutory status of the development plan as the starting point for decision making*' and proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The proposals are therefore to be considered in the context of the NPPF which sets out Central Government's planning policies but determined against the policies of the adopted WCS and HNP.

At the heart of the NPPF is a presumption in favour of sustainable development and the WCS seeks to build resilient communities and support rural communities but this must not be at the expense of sustainable development principles. The Settlement and Delivery Strategies of the WCS are designed to ensure new development fulfils the fundamental principles of sustainability. This means focusing growth at settlements with a range of facilities, where local housing, service and employment needs can be met in a sustainable manner and self

containment can be supported and out commuting minimised. A hierarchy has been identified based on the size and function of settlements, which is the basis for setting out how the Spatial Strategy will deliver the levels of growth anticipated in the plan period.

Development Plan

Core Policy 1 of the WCS sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries. Core Policy 1 advises that development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. Paragraph 4.17 explains that proposals for improved local opportunities outside the limits of development will not be supported unless they arise through neighbourhood plans, which are endorsed by the local community and accord with the Core Strategy.

Core Policy 2 of the WCS sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. Development proposals outside these defined limits would not be supported, except in certain specified circumstances set out in paragraph 4.25 of the WCS. These include Core Policy 34 Additional Employment Land.

In addition to Core Policies 1 and 2, Core Policy 10 also sets out the area strategy for the Chippenham Community Area. This advises that 26.5 Ha of new employment land, (in addition to that already provided or committed at April 2011) will be provided. Paragraph 5.55 advises that housing and employment growth should be identified on land adjoining the built up area. The policy advises that growth at Chippenham will be identified in the CSAP. The allocations in that plan include two sites that include a total of 23 ha of Land. These are included in Policy CH1 – South West Chippenham Rowden Park and Showell Farm which includes an allocation for 18Ha of land for employment. The other allocation is in Policy CH2 – Rawlings Green which includes 5Ha of employment land.

The aim of Core Policy 10 is to direct growth, including additional employment to Chippenham in the first instance. The site is also not in an existing allocated employment site nor does it seek to redevelop a site last used for business purposes (the former use was for horticulture). The application site is located a significant distance from the edge of Chippenham and remote from the villages of Hullavington and Corston and is therefore in conflict to the aims of Core Policies 1, 2 and 10 of the Core Strategy that seeks to direct growth towards existing settlements.

However, Core Policy 2 does refer to exceptions to the spatial vision that includes provision for additional employment land as set out in Core Policy 34. This policy seeks to support employment development within principal settlements, market towns and local service centres in addition to that allocated in the plan. It goes on to state that outside the larger settlements, which the site is, employment development will be supported in the following circumstances:

- i. are adjacent to these settlements and seek to retain or expand businesses currently located within or adjacent to the settlements; or*
- ii. support sustainable farming and food production through allowing development required to*

- adapt to modern agricultural practices and diversification; or*
- iii. are for new and existing rural based businesses within or adjacent to Large and Small Villages; or*
- iv. are considered essential to the wider strategic interest of the economic development of Wiltshire, as determined by the council.*

The proposal does not relate to the retention or expansion of a business currently located within or adjacent to any of the type of settlement types listed in Core Policy 34 above, namely a principal settlement, market town or local service centre. In addition, the site is not well related to the nearby settlements of either Corston or Hullavington. There are no apparent business links of the applicant's business, which is currently based near Calne, to the village of Hullavington or Corston and in any event the site is a significant distance from both those settlements. Therefore, development of this former horticultural site is not a development that is supported by Core Policy 34. Similarly, the proposal does not relate to sustainable farming, food production or adaption of modern agricultural practices. It relates to a warehouse and associated office space to enable the supply of architectural fixtures and fittings, which are related to the construction industry/interior design industry with no links to agriculture and therefore in and of itself does not require a rural location and arguably would be more appropriately located closer to centres of anticipated major development and growth such as Chippenham. Similarly, the applicant's business is not necessarily essential to the wider strategic interest of economic development such as a large prestigious employer or a business that is essential or linked to Wiltshire's target sectors set out in paragraph 6.10, recently updated in the Swindon and Wiltshire Economic Plan which identifies priority sectors as advanced engineering and high value manufacturing, health and life sciences, financial and professional services, digital and information and communications technology and land-based industries.

The proposal includes Use Class E(g) and Use Class B8 floorspace in the southern portion of the site. The remaining area of land in the same ownership is not proposed for development in this application. The planning statement advises the initial occupier will be the applicant but there is unlikely to be the ability to control the occupier in the long term should the current applicant cease to occupy the site. It should also be noted that a large portion of the site in the same ownership to the north of the current application site could also be subject to future significant expansion, which is referred to in the application submission and reflected in the revised access arrangements. As the proposal does not relate to development that accords with the points above, there is no need to assess points v-ix as it is not a development that would be supported in principle. The second part of Core Policy 34 regarding additional employment development that accords with points i-iv would also need to accord with the following criteria:

- v. meet sustainable development objectives as set out in the policies of this Core Strategy*
- vi. are consistent in scale with their location, do not adversely affect nearby buildings and the surrounding area or detract from residential amenity*
- vii. are supported by evidence that they are required to benefit the local economic and social needs*
- viii. would not undermine the delivery of strategic employment allocations*
- ix. are supported by adequate infrastructure.*

In terms of the sustainability objectives cited in point v above this relates to the spatial strategy that aims to concentrate growth towards existing settlements and reduce the need for travel. There is no locational requirement for this business to be sited in the open countryside and is

a fairly typical warehouse and office use that could readily be accommodated on numerous other allocated and permitted sites in the administrative boundary. The supporting employment site statement provides some information in relation to alternative sites considered.

The planning statement advises the development is sought for mainly a B8 use, with further floor space for ancillary offices, totalling 3,365 sq m of floor area on a site of 1.2 ha within a total site of 2.6 Ha. This application is sought by an existing local company who supply internal architectural fixtures to the market and currently operate from a site in Bremhill. This company currently employs 22 staff members. The application is also supported by information regarding employment land availability by Whitmarsh Lockhart. This information includes assessment of existing land available for employment uses in the area. The general matters for discounting sites are set out as follows:

- General shortage of sites for entrepreneurs for small business growth
- Site ownership by third parties
- Excessive rents
- Too large for the needs of a small company
- No suitable sites to purchase and develop

The assessment is summarised below:

| Site Scoped | Reason for discounting | Officer comment |
|--|---|--|
| Chippenham Gateway Junction 17 of the M4 17/03417/OUT several reserved matters applications 1 million sq ft of B8 Storage (27.3 Ha) | - Major scheme only being developed for units in excess of 80,000 sq ft rather than selling plots of land for the applicant | The units are larger than the applicant requires, although there is nothing in the consent that would prevent the future units being acquired and developed for smaller users. |
| Hunters Moon16/12493/FUL) Permission granted for up to 2.7Ha of land of two adjacent sites | -No services or utilities provided on site -Constrained site access for the smaller plot - Months until the site is available | The site is free from development and is currently being marketed for sale with flexibility for future development. |
| Methuen Park Chippenham | Development proposal for office use (permission granted for 20 units 19/07944/FUL unsuitable for the applicant | It is accepted the site area is constrained and recent permission granted would not be suitable for the applicant even with modifications were made and are aimed to accommodate starter units |
| Bumpers Farm, Methuen Park, Chippenham and Porte Marsh in Calne | Fully occupied | No comments |
| Southpoint (Showell Farm) (Consents granted N/13/00308/OUT 20/02511/REM 50,000 sq m of employment space) | -Available from 2022 - site controlled by developer - plots too large for a small business | The site will be available in the short term and the reserved matters applications granted show plots a mixture of plots available on the detailed |

| | | |
|--|---|---|
| | | planning consent granted. No detailed information has been provided to demonstrate why one of these plots is not suitable for the proposed business in both the short and long term. No detailed assessment of the appropriateness of this site |
| Birds Marsh View, Chippenham (N/12/00560/OUT) up to 12,710 sqm Employment Development (B1,B2,B8) | Location is attractive to roadside uses which would outcompete small companies | Limited information in relation to a detailed assessment of this site. discounted solely on the basis of cost, which is not fully evidenced in the applicant's submission in any event. |
| Garden Centre, Malmesbury | 6 acres of employment land with three acres for the retained garden centre and builders merchant with the remaining land likely to be more appropriate for trade related operations | It is not clear why a supplier of architectural fittings could not use the remaining areas of the site – limited explanation of reasons for discounting this site. There does not appear to be any sound basis for discounting this site. The outline consent and legal agreement makes this site immediately available for this type of use with no assessment as to why this is discounted. |
| High Penn Trade Park, Oxford Road, Calne | Currently under offer | It appears not to be available |

Although some information has been provided in relation to the scope for finding an alternative site on existing approved sites, the evidence provided is far from robust and appears to be a fairly high level scope of those sites and no information regarding detailed investigations with discounting sites without full consideration of development potential. For example the assessment of Hunters Moon is simply discounted due to the lack of development but this is contrary to those sites that have detailed planning permission such as Showell Farm and Junction 17 schemes which are discounted due to the size of the plots or due to excessive costs. A clear site could provide an opportunity to design the scheme in a similar manner to the current proposal and bespoke to the applicant. That site would present an existing employment site close to services and the excellent transport links in Chippenham, which is not provided by the application site. Similarly, other sites are discounted without any significant assessment of their suitability.

There are several sites discounted due to costs associated with their rent/purchase. This is not a material planning consideration for discounting alternative sites in favour of a new major commercial development in the open countryside, in conflict with the development plan. The cost of commercial land is not a material planning consideration to justify unsustainable and

inappropriate development in this location. It is not the role of the planning system to control land prices or market forces.

This is a fairly standard warehouse with ancillary office development that without any obvious niche constraints that would prevent occupation at some of the sites listed above. The assessment of those limited sites scoped is far from detailed or robust and there are sites that have not been scoped at all in terms of acceptability such as

- White Heath Business Park A429 north of Corsham
- Hullavington Airfield to the south of the application site
- Kemble Airfield Enterprise Park
- Interface in Royal Wootton Bassett

There are also a number of commercial employment units on former farmholdings with currently available premises in the locality which meet the requirement for smaller operations that have not been included in the assessment e.g. Whiteheath Farm, Corston to the north of this site. In addition, to the lack of scope of alternative sites it remains unclear how and where the current business operates as well as reasons for not expanding the operations of their existing business, which is at a site in Calne.

It is noted that the response from the Economic Development Team and both Parish Councils support the proposal. However, it is important to ensure that the development proposal represents sustainable development with the starting point being the development plan. The response from the Economic Development Team accepts that the scope of the sites assessed by the applicant is “light touch”, but they maintain the view that redevelopment of this brownfield site allows for economic growth in Wiltshire where there is high demand. However, they do not consider matters other than economic development aims and objectives and this advice is predicated on their view this is previously developed land. Horticulture is included in the definition of agriculture (as defined in section 336 of the Town and Country Planning Act) and therefore sites occupied by former horticultural buildings are specifically excluded from the definition of previously developed land as set out in the definitions in Annex 2 to the NPPF 2021 and therefore cannot be considered to be development of a previously developed site. The advice in this consultation response misinterprets the previous use of the site as previously developed and this consultee makes no reference to the development plan or its resultant impacts should the development be approved in conflict with the strategy and policies of the plan and so only concentrates on the strategic level economic benefits of the proposal, without consideration of the matter as a whole. The economic benefits are considered in the planning balance at the end of this report.

The only other justification for this site to be used for this purpose appears to be that the applicant has ownership of it. It does not seek to use the existing buildings on site, which would be demolished to make way for the proposal’s first phase with additional expansion at a later date. Information has been provided by the agent in relation to the expansion of the existing business in terms of potential for staff numbers employed. This advised the number of staff would rise from 22 currently employed to 45 by 2024 but there is limited information provided in terms of long term planning or business plan to fully demonstrate the benefits purported or whether this relies upon future expansion of the site not currently proposed in this application.

In addition, a further planning statement provided by Avison Young in August 2021 refers to the advice provided during the preapplication enquiry compared to the development currently

proposed. The preapplication advice was provided on the basis of a larger scheme of both employment and residential uses and this related to a larger site area than the existing application site boundary. The pre-application response pointed out the conflicts with the development plan and the concern regarding a large number of staff reliant on private modes of transport due to the lack of choice of other modes being readily accessible from the site itself. The response also raised concerns regarding the potential for a large scale commercial development in terms of the impact of the delivery of other strategic sites in Chippenham. If large scale employment generating uses are permitted outside Chippenham, this could undermine or delay existing strategic allocations in favour of development of this site. The planning statement focusses on the conclusion in the informal advice provided rather than the totality of that advice in relation to the conflict with the development plan. The response accepted that the Employment Land Review identified a shortage of employment sites.

However, that review was undertaken prior to the Covid 19 pandemic, and as such due to the change in business models, particularly for those with high levels of employees which will affect the needs for employment uses, with significant changes to business models nationally, it is not clear whether this review remains up to date based on future needs. The officer advised that there would need to be substantial justification regarding considerable economic benefits as well as further detail of the end user in order for a B8 storage use to be considered acceptable. The response advised that proposals for office use would not be supported. Although there is some information regarding alternative sites and also regarding the end user of the building it has not been demonstrated that the proposal would result in significant economic benefits to support the strategic aims of the plan which would this additional employment land in this location in conflict with the development plan strategy as an exception.

Since the pre-application advice was provided the scheme has been amended to exclude residential development previously proposed and the site area has been reduced to exclude some of the commercial development. The current application has also clarified the proportion of B1 business use compared to B8 storage use within the proposal. The information provided in the Avison Young statement confirms the site area has been reduced by 41.7%, the B1 proportion of the proposal has also been reduced and the quantum of B8 use has also been reduced. However, this reduction has only really been realised through a smaller site area with clear intentions for a further phase in the remaining areas, likely to be akin to the scale in the preapplication submission. However, irrespective of the advice provided on an alternative scheme, it remains the case that the proposal would result in a significant level of business use, employing 22 staff in a location remote from services and transport links with heavy reliance on the private vehicles to access the site when other sites are available. Although additional information has been provided in relation to alternative sites it is not convincingly demonstrated that the proposal would bring about the level of economic benefits or other benefits to the local community to justify development of this site in conflict with the development plan. There are numerous alternative sites in this community area within or close to existing settlements that are more appropriate and better connected, that have not been investigated fully with some examples referenced above.

Other criteria within Core Policy 34 also need to be complied with. Point vi requires developments to be consistent in scale to their location, and not adversely affect nearby buildings and the surrounding area or detract from residential amenity. The proposal would see the removal of three glass houses with the erection of a large U-shaped solid buildings clad in zinc roofing, larch and composite cladding and horizontally clad roller shutter doors. Although the glass houses are fairly large, they are transparent and have low level eaves minimising the visual impact of the proposal on the surrounding area, with the appearance of

a rural site when viewed from the highway. They could also be readily dismantled or indeed reused for horticulture. The proposal by contrast would introduce buildings of greater bulk and visual impact than those buildings. The buildings are designed to mimic a barn-style building they would clearly have an urbanising impact on this rural site. The proposal would be partially screened from the wider landscape by the elevated railway line to the south and vegetation to the eastern boundaries and the boundary with Chippenham Road, the proposal would likely be visible beyond the roofline of the existing dwellings to the east and from the site access. This material change would increase the appearance of the built form and would increase the scale and bulk of existing built form to the detriment of the rural character of the site in conflict with Core Policy 34, 51 (points ii, iii, and vi) and 57 (points I, iii, vi) of the Core Strategy.

Due to the nature of the proposed use it is not considered the proposal would result in any significant harm to the amenity of nearby residents so not conflict with this element of Core Policy 34 arises.

Point vii of Core Policy 34 requires development proposals to be supported by evidence that they are required to benefit the local economic and social needs. There is no specific information provided in this regard and any benefits can only be deduced. The proposal relates to an existing business based in Calne but there is no information regarding the existing business premises to allow for consideration of the current need for this business in relation to the development proposed, nor is there a great deal of information as to why the application site is specifically and locationally required to accommodate the existing business or expansion thereof with only general statements made in relation to the aspirations for the future. The existing business has an existing workforce with plans to expand the workforce but no firm business plan supports this aspiration. The Hullavington Neighbourhood Development Plan does not identify a need for additional employment in the parish nor is any site allocated for those purposes. Therefore, it is not clear whether the existing community will benefit from the scheme. The need for additional employment in this location and other sites where this development could be accommodated have not been fully investigated and are not demonstrated to be unavailable and/or unsuitable such that compliance with the exceptions approach to the development strategy of the plan allowed for under CP34 has been met. It is likely that there may be temporary construction jobs arising, but this has not been clearly evidenced in the submission and in any event would not justify the approval of the proposed development under CP34 in itself. It has not been demonstrated that this development would accord with Core Policy 34 in this regard.

The proposal would provide more than 3000 sq metres of new employment floorspace on a site area of more than 1Ha. This is of strategic significance and is akin to the size of site allocated for employment uses in the Chippenham Site Allocations DPD and the employment provision of strategic housing sites. As set out elsewhere, if the development proposal comes forward in advance of the development and occupation of this site this could undermine the delivery of those strategic sites in conflict with Core Policy 34.

The site is connected to power provision but the foul drainage would be provided by package treatment works with is not the preferred approach, with the preference of foul drainage to be provided by statutory undertakers. In addition, there is a lack of public transport links and pedestrian footpaths to service the site on foot further indicating the conflict with Core Policy 34. There is reference to a request bus stop located within the site but this is not clearly still available and no provision or space to allow for a bus stop is to be provided.

The HNP also contains the aims for future growth in the parish and as set out in paragraph 3.08 the community, as shown from the responses from the questionnaire, indicated they were not strongly in favour of business development especially large scale business and is only supported by the plan as long as it is consistent in scale with its location, does not adversely affect nearby buildings and the surrounding area or residential amenity and is supported by evidence that it will benefit local economic and social aspirations as set out in Policies 1 and 3. The plan also notes the recently developed Dyson site in Malmesbury and development at junction 17 that provide a significant level of additional employment opportunities.

Policy 1 of the HNP advises that development proposals outside the settlement boundary will be supported where

- *they are in accordance with the Development Plan Policies in respect of appropriate uses in the countryside;*
- *they relate to necessary utilities infrastructure and where no reasonable alternative location is possible; and*
- *they are in compliance with Policy 3 within this Neighbourhood Development Plan.*

As detailed above, it is not considered the proposal would accord with the provisions of the development plan in respect of this type, location and scale of development proposed and there appears to be reliance for a major application to be reliant on private means of foul drainage in the form of a package treatment works rather than foul water connection with limited detail as to how this could be provided.

Policy 3 relates to detailed design requirements for all developments. Some of these relate solely to residential schemes but the following criteria relate to all development including employment sites. These will be assessed in the relevant sections below.

In addition to the development plan policies, the NPPF also provides advice regarding the consideration of employment development in section 6. Paragraph 81 requires decisions to help create conditions where businesses can invest and advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Again, paragraph 83 seeks to ensure policies and decisions recognise the locational requirements for different sectors including provision of clusters or networks of knowledge and provision of storage and distribution at a variety of scales. This is an aim supported in the development plan and policies direct the right development to the right places in order to result in sustainable development, including the sites identified in the Chippenham Sites Allocations Plan and approval of various employment developments in this community area and throughout Wiltshire.

In a similar manner to the provisions of Core Policy 34, paragraph 84 seeks to specifically address issues for the rural economy, seeking to allow sustainable growth and expansion, permit diversification of land based businesses and farms, with paragraph 85 echoing the provisions of Core Policy 34 (as well as other exceptions relating to reuse of rural buildings set out in Core Policy 48) with allowances for employment uses beyond settlement boundaries. The development plan is considered to be consistent with the NPPF in this regard.

In concluding the in principle section the information provided by the applicant has been fully considered but it is clear that the proposal would be in conflict with the plan strategy and does not meet the exceptions set out in Core Policy 34 and so is unacceptable in principle. There is conflict with policies 1, 2 & 10 and failure to accord with Core Policy 34 of the WCS, and Policy 1 of the HNP, as well as paragraphs 8, 11, 12 81 83, 84 and 85 of the NPPF results in harm arising from the urbanisation of this rural site in the open countryside, in an unsustainable location, which would result in harm to the character and appearance of the area and would fail to provide a sustainable location where a variety of modes of transport are available for staff and visitors. The planning balance is set out in the concluding section of this report.

Scale, design, impact upon the character and appearance of the area

Core Policy 51 states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Core Policy 57 states that new development must relate positively to its landscape setting and the existing pattern of development by responding to local topography to ensure that important views into, within and out of the site are to be retained and enhanced. Development is required to effectively integrate into its setting and to justify and mitigate against any losses that may occur through the development.

Although the application site is not a “valued” landscape or a designated landscape specifically protected area such as an AONB for the purposes of the NPPF, there remains a need for the recognition of the site’s important contribution to the character, appearance and visual amenity of the locality and recognising the intrinsic character and beauty of the countryside and the wider benefits from the natural capital and ecosystem, including the economic and other benefits of the best and most versatile agricultural land and of trees and woodland, as required by Core Policy 51 and paragraph 174b of the NPPF.

Although the proposal would not have a significant impact on the wider landscape, it remains the case that the proposal would significantly change the character and appearance of this rural, horticultural site, arising from the need for the provision of a new site access, requiring additional engineering works to be provided at the entrance to the site and loss of the open green verge. The existing site entrance would be wholly redesigned and relocated approximately 25 metres further north, further from the railway bridge. This would remove the large open area adjacent to the road and would introduce a newly engineered access and a new urban building, in a dense form which has a greater presence than the existing glass houses present. This site currently retains its agricultural character due to the light and transparent glasshouses currently in existence. The proposal would result in a significant change to the character of the site, particularly when viewed from the site entrance from this prominent and busy road. Although there is provision of some mitigation there is limited space for significant buffering and softening particularly at the front of the site where visibility splays and manoeuvring space would be required. The proposal would therefore have a harmful urbanising effect on the character of this rural site in the open countryside for an unacceptable development that fails to integrate harmoniously into the surrounding rural landscape in conflict with Core Policy 51 points ii, iii and vi and 57 points i, iii, vi of the WCS as well as paragraph 174b of the NPPF.

Impacts on the Amenity of the Area

The proposal development would result in a newly created proposed access closer to the boundary of residential properties located to the north east of the site. The centre point of the access would be approximately 25 metres closer to the residential properties than the existing access. This would result in a change to the residential environment for those occupiers in terms of noise and disturbance associated with the proposed use. However, as the traffic generated by the lawful use of the site as well as existing road noise currently impacts the amenity of nearby residents. The new use is not likely to result in significant additional harm above the existing noise and disturbance to justify a refusal on this basis. No objections have been received from nearby residents regarding the proposal.

The proposed built form would be sited approximately 30 metres from the closest residential property, which is an acceptable distance that would not result in any overshadowing or overlooking to those occupiers. The proposed use, which could be restricted and controlled by conditions limiting the class of use only to B8 (with limitations on delivery hours) as well as E(g) (i) and E(g) (ii) only, is for storage and distribution and office uses, which are generally acceptable in residential environments.

Access and parking/Impact on highways

The proposal would result in the re-siting of the access further north east than the existing access to the site, further from the railway bridge and provision of visibility splays at the site entrance. The application is supported by a Transport Assessment, and addendum, green travel plan and visibility splay plan, including topographical information due to the change in land levels.

The initial response from the Highways Team raised concerns regarding the sustainability of the site and lack of pedestrian links to enable sustainable transport. There was also concern regarding the manner in which the traffic generation had been assessed, the lack of visibility splays provided due to topography, and the potential for queuing traffic due to the absence of a right turn lane.

Further information has been provided with further assessment of the traffic generation of the proposed development as well as further topographical information regarding sight splays. The most recent response from the Highways Team confirms that the manner of assessment, including junction capacity information and trip generation is robust and this demonstrates that a right turn lane would not be required. The visibility splays, including assessment of the drop in land level in the vicinity of the access have also been provided and considered acceptable by the Highways Team. The highway improvements recommended to be included require, warning signs on the approach to the access, as well as slow road markings and the Highways Officer recommends anti-skid surfacing on the approach to further highlight the junction for highway users to the south of the railway bridge. The Highways Team, subject to the provisions of the improved access arrangements raise no objection to the scheme on the basis of highway safety.

However, it remains the case that the application site is located in the open countryside remote from services and facilities and due to its location would be reliant on private modes of transport to access the site, with more sustainable locations for this development available in the vicinity and with/adjacent existing settlements that have either not been considered at all; have not been fully considered; and/ or have been discounted without sound reason in preference to promotion of this site. The location would also be contrary to the aims of Core Policies 60, 61 and 34 which seek to locate development where it reduces the need to travel.

The location poorly related to services. Although there is mitigation for aiming to reduce the level of traffic to the site, with provisions set out in the Green Plan Statement with the Transport Note to reduce single occupancy vehicle trips utilising and promoting Cycling and Car sharing as an alternative alongside the promotion of alternative fuelled vehicles, these are provisions required for all commercial development site in accordance with Core Policies 60 and 61 which seeks to reduce the need for private modes and encourage a modal shift. It remains the case that proposals should be located in a sustainable location in the first instance in line with the spatial policies in the development plan. It remains the case the alternative sustainable means of transport are limited and due to the quality of those links and their convenience would not present a real alternative that would necessarily encourage that modal shift.

The Council's Highways Officers have confirmed their view that the proposed new access arrangements replace an existing access at this site which served vehicle movements by similar vehicle types in its previous use. In this context Highways Officers are of the view that a wholly new or additional access to the primary route network is not created and therefore the proposal is not substantively in conflict with the provisions of WCS CP62 such that the proposals could defensibly be refused on this basis.

Given the above position the proposals are considered to accord with the relevant policies of the plan and provisions of the framework.

Flood Risk and Drainage

The site is located in Flood Risk Zone 1 but is in an area where ground water levels are close to the surface and the Chippenham Road, particularly under the railway bridge is also susceptible to surface water flooding.

The application is supported by a flood risk assessment, including a drainage strategy. This contains insufficient information regarding the ability to drain the site via soakaway, due to the lack of site investigation and the lack of consideration of the presence of groundwater close to the surface, that may affect those soakaways. In addition, there is limited information provided in terms of the potential impact of surface water migrating to the adjacent highway from surface water runoff and any reliance on nearby drainage ditches which have no capacity for additional surface water from the site. The Drainage Team objects to the proposal due to the lack of site investigation and feasible surface water drainage scheme due to this lack of consideration of the drainage constraints. However, it is likely there would be a feasible scheme that could be designed to enable appropriate mitigation for surface water, including prevention of surface water migrating to the highway and this could be controlled by Grampian condition, requiring additional technical details being submitted prior to the commencement of development, should planning permission be granted.

Heritage Assets

The site is located on the opposite side of the Chippenham Road to a Grade II listed Building, namely Barn at Kingsway Farm. In addition, a previous heritage desktop assessment provided to the Council for this site, also identifies potential buried remains.

In paragraph 197 of the NPPF there is guidance on how to determine applications relating to heritage assets. It advises local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

In accordance with the 16(2), 66(1) and 72(1) special regard is required to be paid to the desirability of preserving and enhancing the preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition, paragraph 199 advises that when considering the impacts great weight should be given to the asset's conservation. In accordance with paragraph 200 of the NPPF, 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.

Policy 58 in the Wiltshire Core Strategy seeks to ensuring conservation of the historic environment.

It is not considered that the proposal would have any effect on the setting of the nearby listed building due to the intervening distance as well as modern infrastructure, including the A429 and the raised railway line also nearby. Although there may be potential for below ground archaeological features, the detection and mitigation for these assets, could be controlled by suitably worded conditions, as set out in the recommendation from the Council's Archaeologist. This would accord with the provisions of the NPPF, the Planning and Listed Building Act and the guidance within Section 16 of the NPPF 2021.

Other Matters

The applicant also seeks to ensure the buildings would be energy efficient with the use of solar panels and energy efficiency matters. These are matters that would be required by central government policy in any event and by Policy 41 of the Core Strategy.

CONCLUSION:

The site is not allocated for any form of development and lies outside of the defined limits of development of any settlement. The site is therefore in the open countryside where the development strategy of the adopted up to date development plan and national guidance is to restrict development not least of all to recognise the intrinsic character and beauty of the open countryside and to focus development within and direct it to the most sustainable locations.

The proposed development would not accord with the spatial vision for Wiltshire which aims to concentrate new development within or adjacent to existing settlements in accordance with Core Policies 1, 2 10 of the WCS and also failure to accord with Core Policy 34, and Policy 1 of the HNP and paragraph 2, 12, 47 of the NPPF 2021. The proposal is in direct conflict with the development strategy of the plan.

The proposed development would also not comply with the requirements of any of the exceptions set out in the WCS, including the provisions of Core Policy 34 which relates to additional employment land, as it is not located adjacent to existing settlement, would not directly support sustainable farming or farm diversification or essential to the wider strategic interest of economic development of Wiltshire.

It is demonstrably the case that there are alternative sites and facilities in the locality that could accommodate the proposed development in a sustainable manner without the need for development of this new major employment facility proposed in the open countryside. The information provided with the application fails to properly consider those alternative sites in favour of the application site, which clearly conflicts with spatial strategy of the development plan. The development plan includes the made HNP and that does not require or allocate this site or any site within this parish for additional employment land.

The proposal also results in harm arising from the urbanisation of this rural site in the open countryside, in an unsustainable location, which would result in harm to the character and appearance of the area and would fail to provide a sustainable location where a variety of modes of transport are available for staff and visitors contrary to Core Policies 34, 51, 57, 60 and 61 of the WCS as well as NPPF paragraphs 2, 12, 47, 110 174b of the NPPF.

It is accepted that the proposal has economic benefits associated with the long term expansion of an existing business, operated elsewhere in Wiltshire. However, those benefits would arise from the location of the business in accordance with the spatial strategy and those alternative sites have not been fully considered prior to the consideration of this site. Furthermore other sites in the vicinity have not been considered at all and those that have been assessed have been discounted for no reason, other than preference and cost, which are not considered to be material to determination of the sustainability of a new development; compliance with the strategy of the plan and it's other relevant policies; and/or the consideration of the site specific impacts of development at this of this site. The information provided by the applicant has been fully considered but the proposed development needs are not so unique and specific to this locality as to justify a departure from the development plan and it is not considered that a robust assessment of more sustainable alternative locations has been provided.

The development proposed is unacceptable in principle, conflicts with the plan and the framework when considered as a whole, and conflicts with both in respect of various site specific impact considerations. The benefits of development can be realised in a wide range of alternate existing locations and more sustainably located locations that accord with the strategy and policies of the plan and provisions of the NPPF. As such the harmful impacts of development, including conflict with the made up to date neighbourhood plan clearly and demonstrably outweigh the benefits of development and in accord with paras 11 and 12 of the NPPF consent should be refused.

RECOMMENDATION:

Refuse for the following reasons:

1. The proposed development in the location identified would conflict with the development strategy of the Wiltshire Core Strategy (Jan 2015), as defined by policies CP1, CP2, CP13, CP60 and CP61; Policy 1 of the Hullavington Neighbourhood Development Plan (made September 2019); and with paragraphs 2, 12 and 47 of the NPPF (2021). Inadequate information has been provided to demonstrate that existing alternative sites have been fully assessed and demonstrated to be unsuitable and/or unavailable in order to justify the new development in the open countryside and as such the proposed development would not comply with the requirements of Core Policy 34 and constitute an exception to the development strategy of the plan.

2. The proposal results in harm arising from the urbanisation of this rural site in the open countryside to the character, appearance and visual amenity of the area; and would fail to provide a sustainable location for the development proposed accessible by a range of modes of transport are available for staff and visitors and thereby reliant on the private motor vehicle. The proposals are therefore contrary to Core Policies 34, 51 (ii, iii, and vi), 57 (i, iii, vi), 60 and 61 of the Wiltshire Core Strategy (Jan 2015) as well as NPPF (2021) paragraphs 8, 12, 110 and 174 (b).

20/11605/FUL Kingway Nurseries, Corston



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REPORT TO THE AREA PLANNING COMMITTEE

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| Date of Meeting | 13th October 2021 |
| Application Number | 21/00237/FUL |
| Site Address | Land at Noah's Ark Garsdon Malmesbury SN16 9NJ |
| Proposal | Erection of agricultural building and yard: alterations to access |
| Applicant | Mr Marcus Smith |
| Town/Parish Council | Lea & Cleverton Parish Council |
| Division | Brinkworth |
| Grid Ref | 396217 & 187789 |
| Type of application | FULL |
| Case Officer | Lee Burman |

Reason for the application being considered by Committee

The application is called in by the Division Member Cllr Threlfall to consider the impact of development on the character, appearance and visual amenity of the locality; potential harm to residential amenity; and the principle of development for the proposed uses in this location.

1. Purpose of Report

To consider compliance with the policies of the development plan and national guidance and the recommendation to approve subject to conditions.

2. Report Summary

The application has been publicised by neighbour notification, consultation with local organisations, site notice and publication to the Council's website. There have been two phases of consultation following submission of revised and additional details.

25 objections and 1 general comment have been received, including multiple submissions by the same persons. There have also been multiple representations by Lea & Cleverton Parish Council and one from St Paul's Without Parish Council.

Lea & Cleverton Parish Council object to the proposals as revised.

Key Issues raised:

Principle of Development

Impact to the Character, Appearance and Visual Amenity of the Locality
Impact to residential Amenity
Impact to Heritage Assets
Impact to Highways

3. Site Description

The site is located within the open countryside outside of any defined settlement. The small village of Lea is located to the south east, Milbourne to the west and Charlton to the north. The site is agricultural land which is relatively flat but with some variation in levels and features with post and rail fencing and established hedgerows containing some mature trees forming site boundaries. The proposed location of the building/development within the wider field/application site is adjacent the crossed roads fed by Tanners Bridge, Moor lane, Park Lane and Charlton Road. Some commercial activities lie to the north of the application field boundary, Garsdon Mill is to the WNW of the adjacent Charlton Road, western site boundary a large farm holding including Garsdon Manor a grade II* listed property to the south and a limited number of residential properties on the western boundary of the site adjacent the location of the proposed built development. Other more isolated residential properties are located in the wider area. The grade II listed Church of All Saints is located to the east. The site is in a location identified as susceptible to ground water flooding. A public Right of Way crosses the application site north of the proposed development LECL29. A Natural England priority habitat lies to the north east of the site – Lowland meadow/Unimproved natural grassland and this is a County Wildlife site – Church Farm, Garsdon. In the adjacent locality there are records of protected species of bats (various), northern crested newts, birds (red Kite), badgers, water vole, crayfish and slow worms.

4. Planning History

None of direct relevance to the application site and the application proposals.

5. The Proposal

A part of the concerns raised with the application proposals has been a perceived lack of clarity as to the exact nature of the activities intended to take place at the site and within the building. The description of development is set out above and the initial submissions indicated that the proposed development related to the creation of a new agricultural unit comprising the single field of the application site to be seeded with grass for future cattle grazing and hay production. The new building was proposed as a general purpose agricultural building and yard located close to an existing vehicular access but which needed minor enhancement. It was stated that the building had been designed to accommodate/over winter beef cattle, as a hay storage barn and general purpose store /workshop. It was also stated that part of the building would be used to store timber cut from local woodlands with some on site cutting/sawing to create planks. Further that a pre-fabricated cold store and office would be installed within the building. The cold store used for deer carcasses to be sold locally.

The scale and extent of the animal storage and timber cutting have been subject of concern and query from interested third parties, particularly with respect to noise disturbance, traffic generation and potential future business expansion with related increased disturbance.

The applicant team has sought to clarify the proposals with further details and revisions submitted and these have been the subject of further consultation.

The revised and additional details confirm that the proposal is not for a saw mill with felling and timber sawing taking place off site. The cold storage facility is delineated within the

proposed building and is limited in scale and extent with scope for limited on site butchery of approximately once per month. It is confirmed that there would be no retail sales from the site itself. There is no proposal or intention to farm deer at the site.

6. Planning Policy

Wiltshire Core Strategy (2015) (WCS)

CP1, CP2, CP13, CP34, CP50, CP51, CP57, CP58, CP60, CP61, CP67

Malmesbury Neighbourhood Plan (2015) (MNP)

Objectives 4.1.3, 5.6.3

Policy 13 & Volume II Design Guide

National Planning Policy Framework (2021) (NPPF)

2, 3, 8, 11, 12, 14, 38, 47, 83, 84, 85, 110, 111, 130, 167, 174, 180, 195, 197, 199, 200, 202-204.

7. Consultations

As noted the application has been subject of two rounds of consultation and the following is a summary of the outcome, this is not intended to be a complete recitation of all advice and comments received.

Public Protection – No objections subject to conditions

Highways – No objections subject to Informative

Lea & Cleverton Parish Council – Objection. Harm to residential amenity through noise and smell. Alternate location for a significant agricultural operation of this nature should be sought/inappropriate location. Inadequate access for anticipated large-scale vehicles. Inadequate security and surveillance will lead to a requirement for a permanent on site presence/residence. Following consideration of revised and additional details objections maintained.

8. Publicity

The following is a summary of the comments received during the two rounds of public consultation and is not intended to be a recitation of all comments made.

- Harm to residential amenity through disturbance from noise and odour pollution, overlooking and loss of privacy
- Harm to the character, appearance and visual amenity of the locality
- Ill-defined proposals and lack of information including for the use of the land e.g. “Deer Management” with likely need for additional development with additional visual impacts/harm, and in relation to the proposed use of the building.
- Harm to use of right of way crossing the site.
- Conflict with the policies of the development plan e.g. CP1 CP51 CP60 CP61 & paras 84, 85, 111, 130, 174 of the NPPF
- Harm to designated heritage assets.
- Creation of a highways hazard.
- Inadequate public consultation.
- Potential for future change of use.
- Inadequate information as to waste management.
- Loss of ancient hedgerow.

9. Planning Considerations

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 provisions 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); the policies of the Wiltshire Housing Sites Allocation Plan (Adopted Feb 2020); and the policies of the Malmesbury Neighbourhood Plan (Made Feb 2015)

Principle of Development

The development strategy of the plan is defined by core policies 1 and 2 which establish a settlement hierarchy to which most of the growth requirement identified is directed, with the most sustainable settlements offering a range of services and facilities accommodating the most growth. These are the principal towns and market towns. That growth and strategy is disaggregated to smaller parts of Wiltshire defined as community areas and in this case the relevant area is Malmesbury and the relevant policy CP13.

Outside of these settlements defined by boundaries/limits of development is defined as the open countryside where development is restricted to certain exceptions including those that require a rural location with the aim being to conserve the natural environment and open countryside for its own intrinsic character and beauty. This approach is in accord with that of the provisions NPPF and taken as whole is the local embodiment and interpretation of sustainable development aims and objectives defined in the NPPF.

The exceptions development types are broadly set out at para 4.25 of the plan and in a series of related core policies. Of particular relevance to the application proposals is additional employment land and policy CP34. The policy itself specifically allows for and supports sustainable farming and food production through allowing development required to adapt to modern agricultural practices and diversification. The proposals are considered to be fully in accordance with this exception provision.

Since the adoption of the WCS the NPPF has been revised in this particular regard with paras 84 and 85 (current referencing) amended to specify that planning decisions should enable the sustainable growth and expansion of all type of business in rural areas including though well-designed new buildings. Furthermore, providing explicit support at para 84(b) for the development of agricultural and other land-based businesses. Para 85 is clear that sites in locations outside of settlements and not well served by public transport may also be necessary, subject to consideration of site-specific impacts.

This further emphasises that the approach set out in CP34 is supportive of new rural land based agricultural development in rural areas. Given this very clear and substantive policy support for rural business development it is not considered reasonable or necessary to require submission of business development plans to demonstrate viability. Neither the plan nor the framework include such a requirement. The acceptability of such development is however subject to consideration of any potential site-specific impacts. These are matters addressed under issue specific headings below. However, it must be accepted that the proposed development in this location is acceptable in principle and there is no sound and defensible basis for refusal in this respect.

It is noted that some objection has been raised as to the potential for the proposals to result in further development that would be unacceptable, in part due to a lack of detail as to the nature of the operations and due to the need for a permanent on-site presence. Firstly it is not considered that the proposal are so ill defined as to be incapable of assessment. Sufficient information as to the intended operations has been provided. The proposals are acceptable in principle under national and local policy and it is not reasonable to require an applicant to specify in exact detail day to day operations in perpetuity prior to granting of permission. This is effectively a new business also and as such some degree of uncertainty inevitably arises whilst some degree of flexibility is required to allow the business to establish. Secondly it is unreasonable to determine applications on the basis of speculation as to what future proposals / additional development may take place. The Council is required to consider the proposal before it and this has been established at appeal and through the courts many times. Finally the applicant has provided information to confirm that he is resident in the near locality and the application site and buildings are readily accessible at all times. The building will also contain an office from which the applicant can work and take breaks. As such a permanent on site residence is confirmed as not being required. In any event the plan includes policies that address such a proposal and provides an exceptions test to support such provision, that being where a functional requirement can be demonstrated, and as such would not be wholly unacceptable in principle.

Impact to the Character, Appearance and Visual Amenity of the Locality

The proposals include the erection of an agricultural building and yard with enhanced access requiring some hedgerow removal. The proposals are in a visually prominent location in a localised context lying adjacent a local crossroads and with a right of way crossing the site to the north. The proposals will result in a change to the character and appearance of the locality.

This however does not automatically result in harm to visual amenity arising. The proposed building is designed and appears as an agricultural barn and this form of building is seen in rural locations throughout Wiltshire and indeed the region and nationally. It is entirely characteristic of the location and would not result in a discordant feature wholly out of character leading to harm to visual amenity. The building and yard are required to support the agricultural business and activity on the land which is acceptable in principle. The scale of building and yard is proportionate to the site and the activity and the requirements arising therefrom.

The proposed hedgerow removal to facilitate improvement to the access will result in further change to the character and appearance of the locality and this will result in a degree of harm. But the extent of hedgerow to be removed is limited and the minimum necessary. A substantial proportion of the existing hedgerow will be retained and that which is removed will to a large degree be replaced and set back within site. Details in this respect can be controlled by use of condition.

Proposed lighting on site is limited in scale and extent and is not considered to result in significant harm to visual amenity. A condition is proposed in this regard and to control any further on site lighting.

In these respects the impact of development on visual amenity and the change to the character of the locality from open field is capable of mitigation through landscaping and planting. Some initial information has been submitted in the revised details in this regard. A scheme of site landscaping is proposed to be subject of condition and this does include provision of submission and approval of boundary treatments. In this latter respect concerns as to the potential need for deer fencing and impacts to the right of way are noted but are

capable of being addressed through use of this condition and it has also been confirmed by the applicant team that there is no intention to farm / raise deer at this site.

It should also be borne in mind that permitted development rights exist for the erection of agricultural buildings subject to certain conditions being met and a similar form of development could take place with a similar level of visual impact and change to the character of the site under those provisions.

On this basis the proposals are considered to accord with the relevant policies of the plan and provisions of the framework and no significant harm arises in this respect such that consent ought to be refused on this basis.

Impact to residential Amenity

The proposed built development is located in the south west corner of the field adjacent the crossroads and near the existing field access. The building is significant in scale with external yard adjacent and will accommodate refrigeration unit, office, overwintering of cattle and storage. There are some existing residential properties in this location approximately 25 metres distant from the building. There is the potential for impact to existing residential amenities as a consequence and indeed significant levels of objection have been raised in this regard with particular reference to noise, odour and loss of privacy/overlooking.

Whilst the potential for impacts are noted it must be accepted that impact does not in and of itself equate to significant and substantial levels of harm that would warrant and provide a sound and defensible basis for refusal. In this context there are a number of considerations that should be taken into account.

Firstly, the site could be used to graze cattle and for forestry activities without the need for consent given established use. Work on site in this respect could result in some degree of intrusion, noise, odour and intervisibility/overlooking. Secondly permitted development rights exist for a range of agricultural development, including the erection of buildings for general agricultural activities. A similar form of development could take place without the need for consent and which would have the potential for some degree of impact through noise generation and overlooking. It is also notable that a 25 metre distance between residential properties is generally taken as an acceptable degree of separation to secure and maintain sufficient levels of privacy and avoid overlooking that would result in harm to residential amenity through loss of privacy.

It is also important to consider that this is a rural location where agricultural activity takes place. There must be some acceptance that in such a locality comes an attendant level of odour from livestock rearing, certain types of noise intrusion and disturbance from machinery during harvesting for example or noise from animals during birthing, and noise and general disturbance from activity taking place outside of office-based business working hours with much agricultural activity tied to daylight or animal / livestock rearing. In short the nature of residential amenity considerations in a rural location are somewhat different from within urban settings and the suggestion that the modern rural location is entirely tranquil to the point of very minimal / no level of disturbance and intrusion is not realistic.

As noted previously the proposals are capable of some mitigation in terms of visual impacts through agreement of a scheme of site landscaping controlled by condition and this would also allow for mitigation of the potential for overlooking.

Concern has been raised as to the lack of detail as to waste management on site and consequent potential for odour disturbance. Whilst some degree of odour is to be expected from agricultural activity, including that which would take place without the need for consent,

the management of waste arising from the operation of the building is a matter that can be appropriately controlled through use of condition and this is a common approach in such circumstances. The Council's Public Protection Department has been consulted and has suggested a condition in this respect and this is considered reasonable and necessary.

With respect to the noise arising of the operation of refrigeration units these will be located within the building, which at least in part includes concrete block walls to approximately half height with profiled steel sheet above and it is considered that this will provide for a significant degree of noise attenuation. In any event and as noted above a scheme of landscaping including boundary treatments is proposed and it is also proposed to seek further detail as to site landscaping and boundary treatment by use of condition so the matter is capable of further mitigation and control in this regard. It should however be borne in mind that the refrigeration units are not industrial in nature or scale and more akin to domestic refrigeration with limited noise generation. The Council's Public Protection Department has been consulted and has suggested conditions in this respect. However, these are conditions that are standard in urban settings and in relation to a wide range of Class E commercial business uses, especially hours of operation and no wood processing taking place on site. These are not considered to take account of the agricultural and forestry activities that could take place without the need for consent, or the needs of agricultural activities and so are not reasonable or enforceable. In this respect the applicant has identified that wood processing on site will be limited and will only be taking place within the building during limited day time hours during parts of each week and so has committed to a restrictive condition in this regard. As such any potential impacts to amenity are effectively mitigated to an acceptable level given context.

With respect to site lighting information has been provided as to lighting on the proposed building. The extent of proposed provision is limited in scale and positioned to minimise intrusion to residential amenity facing away from the nearest properties. A condition is proposed to control the extent of lighting on site and any additional lighting would require express permission.

On this basis the proposals are considered to accord with the relevant policies of the plan and provisions of the framework and no significant harm arises in this respect such that consent ought to be refused on this basis.

Impact to Heritage Assets

Section 66 (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.

Paras 197 and 199 of the framework require Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets; and that when considering the impact of development on the significance of an asset great weight should be given to its conservation.

The Church of All Saints lies to the west of the application site which is grade II listed. The listing description is as follows

Anglican Parish Church. Early C15 (tower), the remainder of 1856 by Coe & Goodwin. Squared and coursed rubble with stone dressings, ashlar buttresses and copings, Welsh slate roofs. Nave, chancel, west tower, south porch. Two-stage tower with diagonal buttresses with set-offs to first stage string course, north-east corner stair turret and pierced trefoil parapet with gargoyles below. West face has a 3-light C15 window under pointed head

*to first stage with beast stops to hoodmould: pig to left: single opening above. Two-trefoil-cusped-light bell opening with pierced louvres to all faces. Four-bay nave with 3-light C15 style windows under pointed heads and buttresses between. Two-bay chancel of similar windows; 3-light east window with face stops to hoodmould Gabled south porch with pointed-arched entrance and inner 2-leaf plank door. Interior: open rafter roofs to nave and chancel; 2-bay north arcade to vestry. Fittings: C19 Perpendicular style wooden pulpit and octagonal stone font; wall monument to Sir Laurence Washington of 1643 on chancel north wall: oval inscription panel surrounded by a wreath and barleysugar columns supporting an open segmental pediment with 2 allegorical figures. (N. Pevsner, *The Buildings of England: Wiltshire, 1975*)*

As can be seen much of its value and significance derives from its architectural features. There is some degree of intervisibility between the heritage asset and the application site and the open agricultural fields to the west and north form a part of the setting for the asset. It's significance is considered to arise from its evidential, historical, aesthetic and communal heritage values. As such there is the potential for the development to result in harm.

However, whilst there is some degree of intervisibility the distance between the structures is substantial at 483 metres. There are intervening fields between the structures and the application site also and as such the application site is not considered to form the direct setting of the asset rather the wider landscape within which it sits. That wider context contains other existing agricultural development of this nature and which also forms a part of the setting of the asset. As a rural church serving a rural community it's communal and historical values also derive from that relationship and as such additional agricultural development is not considered to harm or conflict with these values and elements of the significance of the asset. No harm to the structure itself arises in physical terms and as such the aesthetic and historical values and significance of the asset are unaffected. The building proposed is entirely agricultural in character and one that is found throughout rural Wiltshire locations and as already noted its visual prominence is capable of being reduced and mitigated by a scheme of landscaping that can be controlled by condition. As such it is considered that the proposal has a neutral impact on this particular designated heritage asset and therefore harm and related policy conflicts do not arise.

It should also be noted that a further heritage asset is located in the vicinity of the site – Garsdon Manor a grade II* listed building. This is however situated to the south of site with a range of buildings/rural structures and some level of mature vegetation and boundary treatments in the intervening area between them. As such there is no direct intervisibility and the setting of that heritage asset is already characterised by built rural/agricultural development. On this basis again the impact is considered to be neutral with no harm and related policy conflict arising.

Impact to Highways

The proposed development including the storage of animal carcasses for distribution to local outlets and hay and timber planks and fencing production will generate some level of vehicle movements. The site is also located adjacent to a crossroads and representations received have identified that this is used locally for access to a range of facilities including a local school. The proposals include enhancements to the site access to accommodate additional transportation requirements and movements. As such the proposals have the potential to affect highways conditions.

It is however important to note that the development is relatively limited in scale and the local highway network being within a rural locality is comparatively lightly used. In this context the advice of the NPPF at para 111 is crucial and it states that development should only be

refused if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

The Council's Highways officers have been consulted in respect of the proposals and identified that the site access as amended would be acceptable and the development would not result in harm to highways conditions. No objection is raised by the Council's highways officers and no conditions requiring any additional information or controls are proposed. Officers are content that minor matters of detail regarding the access arrangements can be addressed by use of informative referring to other controls. As such no significant harm or related policy conflict is considered to arise in this respect.

As noted above the development proposed would not have direct impacts on the public right of way affecting the site and any potential issues arising can be controlled by use of condition. Again no significant harm or related policy conflict is considered to arise in this respect.

Other Matters

Ecology

There is no identified ecological interest on the site itself and especially not in the location of the built development. The nearest area of interest is located to the north east adjacent the open field the proposed use of which for grazing of livestock and hay production could take place without the need for consent. As such it is not considered that the proposal will result in harm to ecological interests or related conflict with plan policies or the provisions of the NPPF or legislation.

Drainage

As noted above the locality is one with some susceptibility to groundwater flooding and the development proposed is significant in scale. The landholding and related site area is substantial however and it is considered that any potential issues are capable of mitigation and that this matter can be addressed by use of condition. Concerns have been raised as to lack of detail regarding foul drainage but the level of site occupancy is limited and the scale of requirement also proportionately limited and it is considered that this matter can be also safely be addressed by use of condition.

10. Conclusion

The proposals are considered to be sufficiently clear and articulated to allow consideration and assessment. The proposals are acceptable in principle and appropriate to the site location. It is not considered that the proposals result in significant harm to interests of acknowledged importance and it is considered that impacts that do arise can be satisfactorily and appropriately mitigated and controlled by use of condition. On this basis the proposals are considered to accord with the policies of the development plan and the relevant provisions of the framework and legislation. Therefore in accordance with paras 11 and 12 of the framework consent should be forthcoming and is so recommended.

RECOMMENDATION

Approve with Conditions

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

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

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

MS-JH-04-B Received 31/08/2021

Lighting Details (Zinc Slim LED PIR Floodlight IP65 20W 1600lm) Received 31/08/2021

Location Plan

Block Plan

Received 11 January 2021

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

3. No development shall commence on site until details of the arrangements for the storage and/or disposal of manure and other material derived from the keeping of horses or livestock have been submitted to and approved by the Local Planning Authority. The details are to include a plan illustrating where the material will be stored and details of the construction and design of the structure / enclosure within which the material will be stored. The storage of manure and other material derived from the keeping of horses or livestock shall only be carried out in accordance with the approved details.

REASON: Ensuring high quality design and place shaping and in the interests of residential amenity.

4. Notwithstanding the details of the single PIR-operated LED light to be fitted on the east gable of the building as shown on plan number MS-JH-04-B, no further external lighting shall be installed without the prior written approval of the local planning authority.

REASON. In the interests of amenity.

5. The preparation and storage of meat and meat products shall be limited to the area outlined in green on plan number MS-JH-04/B. There shall be no retail sales of meat or meat products from the application site.

REASON: In the interests of amenity and residential amenity.

6. Fixed and powered woodworking machinery shall not be operated outside the building at any time. Fixed and powered woodworking machinery shall not be operated within the building outside of the hours 8am to 6pm Monday-Friday and 8am to 1pm on Saturday, or at any time on Sundays or Bank or Public Holidays.

REASON: In the interest of amenity and residential amenity.

7. No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

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

8. 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 levels and contours;
- means of enclosure;
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.

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.

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

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

10. No 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 brought into use until surface water drainage has been constructed in accordance with the approved scheme.

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

11. No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. The office hereby permitted shall be not be first brought into use until the approved sewerage details have been fully implemented in accordance with the approved plans.

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

12 INFORMATIVE TO APPLICANT:

The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

13 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.

14 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.

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.

17 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.

18 INFORMATIVE TO APPLICANT:

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

Appendices:

Background Documents Used in the Preparation of this Report:

Application Documents & Correspondence

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21/00237/FUL Land at Noah's Ark, Garsdon, Malmesbury



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