

AGENDA

Meeting: Northern Area Planning Committee

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

Date: Wednesday 2 February 2022

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 (Chairman)

Cllr Howard Greenman (Vice-Chairman)

Cllr Chuck Berry

Cllr David Bowler

Cllr Steve Bucknell

Cllr Gavin Grant

Cllr Jacqui Lay

Cllr Dr Brian Mathew

Cllr Nic Puntis

Cllr Martin Smith

Cllr Elizabeth Threlfall

Substitutes:

Cllr Clare Cape

Cllr Ruth Hopkinson

Cllr Peter Hutton

Cllr Bob Jones MBE

Cllr Dr Nick Murry

Cllr Ashley O'Neill

Cllr Tom Rounds

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 31 January 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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Bourne Hill, Salisbury
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Public Participation

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

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

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

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

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 16*)

To approve as a true and correct record the minutes of the previous meeting held on 13 October 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 31 January 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 26 January 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 28 January 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 17 - 20*)

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 **PL/2021/05305 - Former Calne Youth Centre, Priestley Grove, Calne, SN11 8EF** (*Pages 21 - 36*)

Demolition of former youth centre (D1 Use) and redevelopment to form nine 2 & 3 bedroom dwellings (C3 Use) and associated works.

7b **PL/2021/04439 - 38 Stone Lane, Lydiard Millicent, SN5 3LD** (*Pages 37 - 48*)

Part retrospective change of use of section of agricultural land to residential.

7c **PL/2021/05198 - Key View, Stoke Common Lane, Purton Stoke, SN5 4JG** (*Pages 49 - 60*)

Extension to side and rear with link building to garage and conversion of garage.

7d **PL/2021/08970 - 135 High Street, Royal Wootton Bassett, SN4 7BH** (*Pages 61 - 76*)

Change of use from a Bank (Use Class A2) to a Hot Food Takeaway (Use Class A5) Together with External Alterations.

7e **20/11236/OUT - Land to the south west of The Street, Latton, SN6 6EH** (*Pages 77 - 100*)

Outline application (with all matters reserved) for a village recreation hall, all weather tennis court, parking, access and erection of six houses (Resubmission of 19/08877/OUT).

7f **PL/2021/10696 - Land Adjacent to Sherston C of E Primary School, Sherston, Malmesbury, SN16 0NJ** (*Pages 101 - 134*)

Outline planning application for Proposed erection of a GP Surgery (Class E(e)), car park and associated works (Outline application relating to access).

7g **PL/2021/05648 - 144 High Street, Royal Wootton Bassett, Swindon, SN4 7AB** (*Pages 135 - 152*)

Proposed Change of Use to Auction Rooms together with alterations to front elevation and first floor extension to provide Gallery and rooftop terrace.

8 **Urgent Items**

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

Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 13 OCTOBER 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 David Bowler, Cllr Gavin Grant, Cllr Dr Brian Mathew, Cllr Ashley O'Neill, Cllr Nic Puntis, Cllr Martin Smith and Cllr Jacqui Lay (Substitute)

Also Present:

Cllr Nick Botterill

81 **Apologies**

Apologies for absence were received from Councillor Steve Bucknell, who had arranged for Councillor Jacqui Lay to attend the meeting in his absence.

82 **Minutes of the Previous Meeting**

The minutes of the meeting held on 15 September 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 15 September 2021.

83 **Declarations of Interest**

There were no declarations of interest.

84 **Chairman's Announcements**

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

85 **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.

86 **Planning Appeals and Updates**

Councillor Gavin Grant moved that the Committee note the contents of the appeals report included within the agenda. It was seconded by Councillor Martin Smith.

Resolved:

To note the Planning Appeals Update Report for 13 October 2021.

87 **Planning Applications**

The Committee considered and determined the following planning applications:

88 **20/11605/FUL Kingsway Nurseries, Chippenham Road, Corston**

Public Participation

Simon Chambers spoke in support of the application.

Andrew Maltby spoke in support of the application.

Graeme Slaymaker spoke on behalf of Hullavington Parish Council.

Development Management Team Leader, Lee Burman, presented a report which outlined a partial redevelopment to provide a new warehouse development (Class B8) and ancillary design and administration accommodation (Class E(g)) and associated works.

Details were provided of the site and issues raised by the proposals, including the principle of development, scale, design and impact upon the character of the area, impacts upon the amenity of the area, access and parking, impact on highways. Attention was drawn to the agenda supplement, which was published as a late report in relation to Item 7a.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified that it had been the parish of St Pauls Malmesbury without who had shown support for the application, rather than the parish of Crudwell. It was questioned whether the proposal was consistent with the Hullavington neighbourhood plan, as well as with the Wiltshire Core Strategy and Spatial vision for Wiltshire; Lee Burman clarified that the proposal was not in accordance with Core Policies 1, 2, 10 and 34 of the WCS as well as not being in accordance with the Hullavington neighbourhood plan. It was additionally clarified that though the site is vacant it's extant use remained a horticultural site, there was however no detail available as to why the previous operation ceased and at what date. The officer also clarified that from a Highways perspective, the access arrangements as well as the nearby dip in the road and low bridge had been rigorously tested at length, with the Highways team content on the proposal. It was also clarified that regarding the site's historical use, the proposed application's traffic movement generated would not be substantively different to that in the past.

Additional technical questions were asked regarding the late report that was provided, which drew attention to the availability and suitability of the site at Malmesbury Garden Centre, amongst others. The officer explained to members that though there are constraints at the Malmesbury Garden Centre Site, there is no absolute barrier to the site accommodating the proposed use and it would be a matter of agreement between the parties involved and that this would be at the owner's discretion; therefore though it wouldn't be immediately available, the legal covenants would not be an absolute bar on use. Further questions were also asked regarding whether the permission of the site was restricted to be a horticultural site only, and additionally what Class B8 and Class (E(G)) meant for the application.

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

The Local Unitary Member, Councillor Nick Botterill, then spoke regarding the application. Key points included that the application had received wide ranging support and had not faced opposition from a range of bodies including Wiltshire Economic Development, Highways England, Wessex Water and Hullavington Parish Council. Councillor Botterill stated that whilst the status of the site was not technically brownfield, having conducted a site visit and from seeing the amount of concrete laid along with the derelict buildings; it could be concluded that the site would constitute itself as brownfield. Regarding Core Policies, Councillor Botterill noted that Core Policies 1, 2 and 10 were the main issues; however if approved the application would bring a sizeable workforce to the site, ancillary structures and economic development, which suggested that it would be a positive proposal.

Additionally, having reviewed the alternative sites that were listed in the late report that was provided, Councillor Botterill was of the opinion that there was no readily available alternative site for the application. Reasons for this included that some of the sites were not designed for the purpose of the application or were not available at this time, sites were only available for rent or sites were out of town and accessible only by bus or by car, which is the same as what had been proposed. Councillor Botterill did however state that the applicant had proposed ways of mitigating the negative impact identified by the location of the site, which would be reliant on private transport. Such methods of mitigation included a workforce incentive to use green travel options such as electric bikes and car leasing, 50% EV usage on site which would rise to 75% in 2030 and the installation of solar panels.

At the start of the debate a motion to move and accept the officer's recommendation was moved by Councillor Trotman and seconded by Councillor Berry, however when later voted upon the motion fell due to the number of votes against.

Consequently, a motion to reject the officer's recommendation was moved by Councillor Gavin Grant and seconded by Councillor Martin Smith. The reason for the decision being that following debate and receipt of representations at the meeting members considered that the sustainability and economic development

benefits of the proposals outweighed the harm arising from the conflict with the strategy of the plan as to the location of the development proposed, given Committee member's local knowledge of available alternative sites and demand for such sites. Furthermore, that the proposed development was considered to be partially supported under the provisions of CP34 (iv) and did not conflict with the subsequent tests at criteria v – ix.

During the debate the issues included that though local neighbourhood plans are supposed to underpin planning in Wiltshire, this application could be an exception to Core Policies and Neighbourhood Plan in the way that the proposal sought to be sustainable by means of green travel options for the workforce and the continuation of the site's previous horticultural use by targeting the sun for solar power. If granted, it was also recognised that the application could potentially provide an opportunity for environmental gains by means of delegating authority to the Head of Development Management with a clear brief to identify conditions that supported sustainable construction and operation with a target of achieving carbon neutrality. Concerns for flooding were also raised by Members, alongside a need if the application was approved to install height restriction signs on site for the adjacent rail bridge.

Additionally, the Committee referenced planning balance when basing decisions on Core Policies and that in the case of this application, though finely balanced, there was greater benefit for the application being granted, as suggested by the strong support from the local Parish and neighbours. It was also acknowledged by Members that this was a rare case as there had not been such an application before that had been recommended by officers for rejection, but had been backed by such an unanimity of support. It was argued that though previously cited as a reason for rejection, Wiltshire Core Policy 34 set out a strategy in areas for economic development for businesses and that this type of warehousing could potentially qualify. Additionally, it was argued that subclauses of Core Policy 34 had been met, with there being a clear social need to create employment opportunities, meaning that the application made a strong case for the wider strategic interest of economic development in Wiltshire.

Further points made included that as per sub-paragraphs within Core Policy 34, it could be argued that this application would not adversely affect nearby buildings and surrounding areas or detract from residential amenity; which could be demonstrated from the support provided by the local Parish and neighbours. It was also stated that no objections had been raised regarding the need for the application to be supported by adequate infrastructure, with the Highways team not raising concerns and that public transport would be enhanced as well as the owner supporting access to the site through use of electric vehicles.

At the conclusion of the debate, it was,

Resolved:

To Delegate Authority to the Head of Development Management to grant planning permission subject to appropriate conditions to be prepared by

Officers. Such conditions to deliver sustainability measures in construction and operation aimed and achieving net zero carbon emissions and signage advising of height restrictions on the adjacent rail bridge.

89 **21/00237/FUL Land at Noah's Ark, Garsdon, Malmesbury**

Public Participation

Peter Osgood spoke in objection of the application.

Stuart Masson spoke in objection of the application.

Henry Meakin spoke in objection of the application.

Marc Willis spoke in support of the application.

Marcus Smith spoke in support of the application.

Chris Pope spoke on behalf of Lea and Cleverton Parish Council.

Development Management Team Leader, Lee Burman, presented a report which outlined the erection of an agricultural building and yard along with alterations to access.

Details were provided of the site and issues raised by the proposals, including the 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.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on whether conditions had been proposed by the planning officer to mitigate any potential noise created. It was noted that conditions had been included in the officer's recommendation to mitigate noise production, such as use of hedgerows, boundary trees and timber fencing. Additionally, it was noted that Condition 6 of the recommendation would limit the hours of operation for woodwork machinery.

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 that the application had originally been called to committee by Councillor Threlfall's predecessor, Councillor Toby Sturgis due to vagueness in the original application documents as well as local concerns, which had since been addressed by a further information submission. The risk, if refused by the Committee, of the application being granted by appeal without imposing any conditions to compromise between the applicant and objectors was acknowledged. Additionally, Councillor Threlfall acknowledged that agricultural and forestry work would be permitted normally however to mitigate concerns of neighbours, additional tree planting to the east of the site would help further mitigate impact and Condition 8 could be used.

At the start of the debate a motion to accept the officer's recommendation was moved by Councillor Chuck Berry and seconded by Councillor Howard Greenman.

During the debate issues included that the nature of the business, if the planning application was to be granted, would be sustainable in the respect that it would be in close walking distance of the applicant's home. It was also acknowledged that if the application was to go to appeal, it would more than likely be approved potentially with significantly less conditions. Following a site visit, it was noted that initially, if approved, the building would stand out however with additional tree planting and screening it wouldn't be as obvious within the landscape. Additionally, it was agreed that the conditions proposed would be restrictive for the proposed application, with the hours of work restricted and noise attenuation boundary treatment to be completed if approved. It was also recognised that if these times were to be breached, enforcement could take place to ensure that any conditions would be adhered to.

At the conclusion of the debate, it was,

Resolved:

That planning permission be approved in accordance with the officer recommendation and recommended conditions subject to the following requirements:

In determining approval of details required for submission under condition 8 Approval of Landscaping Details, additional tree planting to the east of the proposed building be secured, and boundary treatments and landscaping to the west of the proposed building include measures for noise mitigation to the neighboring property.

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/communityinfrastucturelevy.

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.

90 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00pm – 5.23pm)

The Officer who has produced these minutes is Ben Fielding of Democratic Services, direct line, e-mail benjamin.fielding@wiltshire.gov.uk Press enquiries to Communications, direct line ((01225) 713114 or email communications@wiltshire.gov.uk

Wiltshire Council
Northern Area Planning Committee
2nd February 2022

Planning Appeals Received between 01/10/2021 and 21/01/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
20/04863/FUL	Land adjacent to Waitrose Malmesbury By-Pass Malmesbury Wiltshire, SN16 9FS	Malmesbury	Construction of Gabion Wall, Infilling and change of use from agricultural land to private amenity/recreation space	NAPC	Written Representations	Approved with Conditions	19/10/2021	Yes
20/05717/FUL	Land South of Crows Nest Farm, Cleverton Wiltshire, SN15 5BS	Lea and Cleverton	Erection of a timber American barn on a concrete base, there will also be an area of stone hardstanding for parking and a manure clamp. Change of use to equestrian.	DEL	Written Representations	Refuse	10/11/2021	No
20/09331/PNCOU	Barn at Lordswood Farm Lordswood, SN16 0JZ	Sherston	Notification for Prior Approval under Class Q for a change of use of Agricultural Building to a single dwelling house and associated operational development	DEL	Written Representations	Refuse	10/11/2021	No
20/09594/FUL	7 & 8-9 Nethercote Hill Lacock, SN15 2LD	Lacock	Proposed double garage with storage space at first floor level. New landscaping of existing gardens fronting Nethercote Hill to provide dropped access to gravel drive fronting proposed garage and additional 3 open parking spaces with dropped access	DEL	Written Representations	Refuse	10/11/2021	No
20/09711/FUL	The Manor House West Street Great Somerford SN15 5EH	Great Somerford	Replacement garage and garden implement store for manor house.	DEL	Written Representations	Refuse	15/11/2021	No
20/11086/OUT	Land Adj 52 Lowden Chippenham Wiltshire, SN15 2BE	Chippenham	Outline planning application for 2 no. three bedroom semi-detached dwellings (All Matters Reserved)	DEL	Written Representations	Refuse	08/12/2021	No
20/11118/FUL	The Mount Upper Seagry Wiltshire, SN15 5EX	Seagry	Demolition of existing outbuilding and part erection and part conversion to form 1no. dwelling; erection of attached double garage; creation of new access.	DEL	Written Representations	Refuse	08/11/2021	No
21/00940/FUL & 21/01546/LBC	Sundawn, Chapel Hill Lacock, SN15 2LA	Lacock	Proposed semi-underground extension and creation of a Garden-room in extension of an existing garage.	DEL	Written Representations	Refuse	06/12/2021	No
21/01357/FUL	Hulberts Cottage Braydonside Brinkworth, SN15 5AR	Brinkworth	Erection of carport and equine rug and laundry room.	DEL	Written Representations	Refuse	07/12/2021	No

PL/2021/03351	The stables east of Penrose, Tytherton Lucas, SN15 3RH	Bremhill	Contemporary vernacular conversion to dwelling incorporating the addition of a garage	DEL	Written Representations	Refuse	15/11/2021	No
PL/2021/04125	Land and Buildings at Highway Manor Highway, Hilmarton SN11 8SR	Hilmarton	Use of land for the purposes of agriculture, together with educational/therapy sessions by prior arrangement.	DEL	Written Reps	Refuse	17/01/2022	No
PL/2021/05303	4 Nore Marsh Road, Royal Wootton Bassett, Swindon, SN4 8BQ	Royal Wootton Bassett	Single storey extension to the rear elevation.	DEL	Written Reps	Refuse	13/01/2022	No
PL/2021/06470	10 Pickwick Road, Corsham, SN13 9BP	Corsham	Proposed external elevation and roof alterations together with replacement of rear conservatory for single storey rear extension.	DEL	Householder Appeal	Refuse	20/01/2022	No

Planning Appeals Decided between 01/10/2021 and 21/01/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
19/03199/OUT	Land At Green Farm Chippenham Road Lyneham Chippenham Wiltshire, SN15 4PA	Lyneham & Bradenstoke	Outline planning application for the demolition of agricultural buildings and the erection of up to 200 dwellings, up to 2,600m ² of B1 Business and up to 600m ² of D1 community uses as well as public open space, landscaping and sustainable drainage system	DEL	Written Reps	Refuse	Allowed with Conditions	22/11/2021	None
20/05717/FUL	Land South of Crows Nest Farm, Cleverton Wiltshire, SN15 5BS	Lea and Cleverton	Erection of a timber American barn on a concrete base, there will also be an area of stone hardstanding for parking and a manure clamp. Change of use to equestrian.	DEL	Written Reps	Refuse	Appeal Withdrawn	22/11/2021	None
20/06118/FUL	Cherry Tree Cottage Cloatley End Hankerton Malmesbury Wiltshire, SN16 9LH	Hankerton	Demolish dilapidated garages and build three garages and storage; change of use of field to allow garages to be built.	DEL	Householder Appeal	Refuse	Dismissed	21/12/2021	None
20/06884/OUT	Land to the South of Chilvester Hill Calne, Wiltshire	Calne Without	Outline application (all matters reserved except for main vehicular access from Chilvester Hill only) for up to 32 dwellings and associated infrastructure, landscape and biodiversity enhancements	DEL	Inquiry	Refuse	Allowed with Conditions	22/11/2021	None
20/10558/VAR	Lake 25, Spine Road East, Broadway Lane Gloucestershire South Cerney GL7 5UG	Ashton Keynes	Removal of condition 17 on 18/03300/FUL which restricts the periods of occupation which the holiday lodges can be occupied by the same person(s)	DEL	Written Reps	Refuse	Allowed with Conditions	22/11/2021	None
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 Reps	Refuse	Dismissed	23/12/2021	None
PL/2021/04122	Merlins Gate Broad Town Road Broad Town SN4 7RB	Broad Town	Notification for Prior Approval under Class Q for a Change of Use of Agricultural Building to a Dwelling (Use Class C3) and for Building Operations Reasonably Necessary to Convert the Building (Revision to 20/09825/PNCOU)	DEL	Written Reps	Refuse	Dismissed	23/12/2021	None

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	2 nd February 2022
Application Number	PL/2021/05305
Site Address	Former Calne Youth Centre, Priestley Grove, Calne, SN11 8EF
Proposal	Demolition of former youth centre (D1 Use) and redevelopment to form nine 2 & 3 bedroom dwellings (C3 Use) and associated works
Applicant	Stone Circle Development Company Ltd, County Hall, Bythesea Rd, Trowbridge BA14 8JN
Town/Parish Council	Calne
Division	Calne Central ED (Cllr Ian Thorn)
Grid Ref	51.435173, -1.995233
Type of application	Full
Case Officer	Charmian Eyre-Walker

Reason for the application being considered by Committee

The application is before the Northern Area Planning Committee for determination under the terms of paragraph 3 of Part 3, Section D3 ('Scheme of Delegation Specific to Planning') of the Wiltshire Council Constitution. The paragraph states the following –

There will be occasions where it would be possible to deal with certain applications under delegated powers but where the Director for Economic Development and Planning considers it inappropriate to do so, having considered any public representation and consultee responses. In these cases, the applications will be determined by an appropriate planning committee.

1. Purpose of Report

To consider the development proposed in relation to the policies of the development plan, provisions of national guidance and material circumstances and considerations, and the recommendation to approve subject to conditions.

2. Report Summary

Key issues include:-

- Principle of the application.
- Loss of the facility
- Highways matters
- Drainage

- Archaeology
- Design
- Impact on residential amenity
- Loss of playing field
- Impact on Heritage Assets
- Other matters raised

A total of 12 objections and 1 letter of support has been received.

Calne Town Council did not object to the proposal but made comments for consideration.

3. Site Description

The application site is known as the former Youth Centre, which is understood to have been vacant for some time.

The existing building on the site is of two storey height with a flat roof and is constructed from brick. There is an associated parking area to the front of the building with a playing area to the rear, all of which are hard surfaced. The boundaries are a mixture of hedging and fences. Access to the site is from Priestley Grove which also serves a number of residential dwellings.

The surrounding area is modern residential development with a large playing field to the west. The land was formerly agricultural land, but the only remaining remnant is the hedged western boundary, which will be retained.

The application site is not covered by any specific planning policy designation, but is part of the Calne settlement boundary, as defined within the Wiltshire Core Strategy.

4. Planning History

18/06370/PREAPP – Change of Use of Part of Former Sports Field to Provide Access Road, Car Parking and 60 - 80 Allotments.

16/00178/PREAPP – Development of Site for Residential Development (Phase 1 and 2). The application site is part of this.

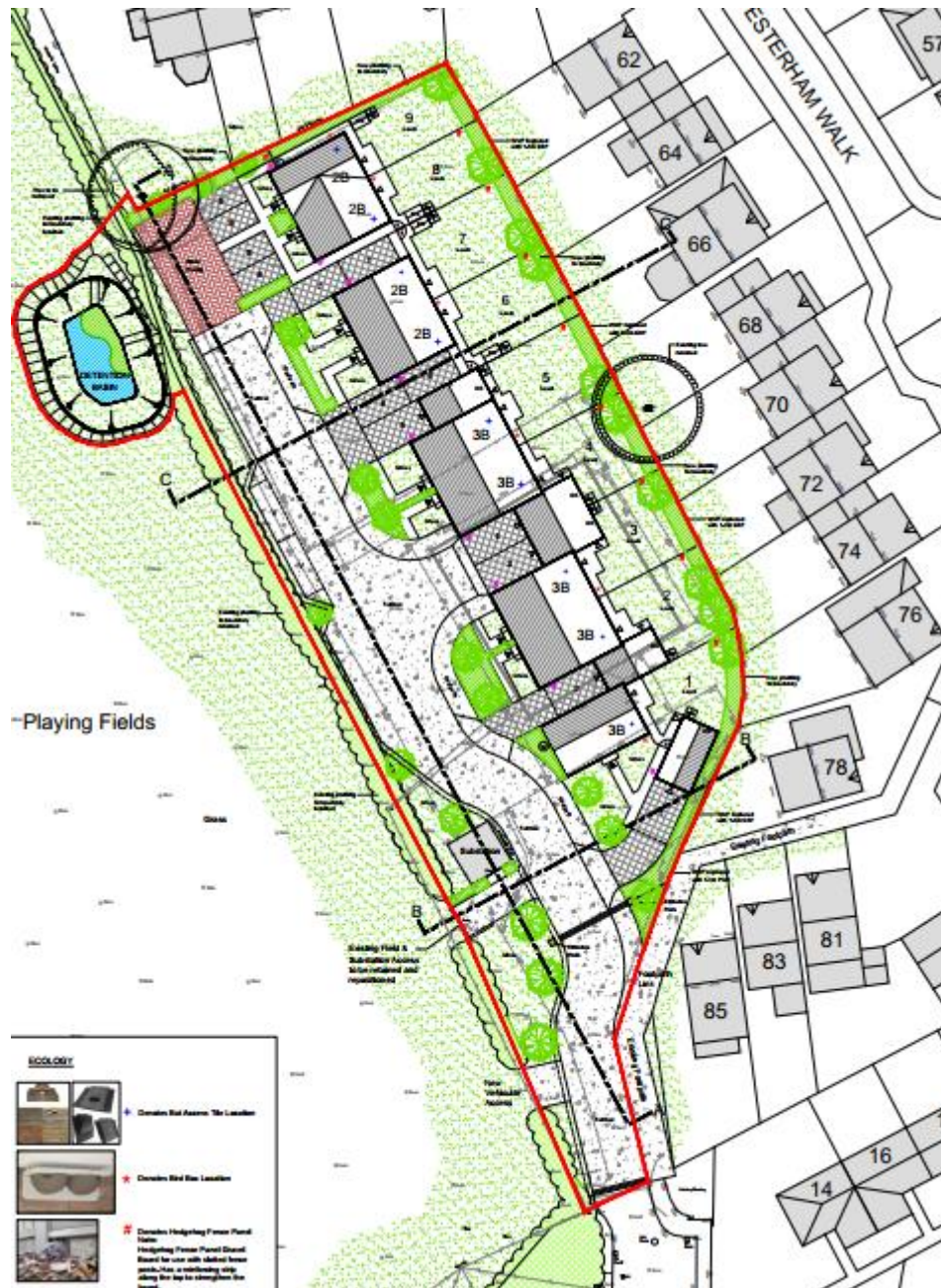
N/09/02204 - Repairs & Additions to Protective Netting Around Outdoor Court Area.

N/97/01726/FCM – Renewal of Planning Permission for the installation of floodlights.

5. The Proposal

The proposal is to demolish the existing building on site and erect 9 dwellings of either 2 or 3 bedrooms. There will be 4 pairs of semi-detached dwellings and a single 3 bed detached house. 4 of the dwellings will have garages and those that don't have sheds in their gardens for cycle storage.

The proposal includes an area of the development site that juts out into the playing field to act as a 'detention basin' associated with drainage.



The site and the former youth centre facilities are both owned by Wiltshire Council. The applicant is the Stone Circle Development Company Ltd which is a wholly owned subsidiary of Wiltshire Council.

6. Planning Policy

Wiltshire Core Strategy (WCS)

- Core Policy 1 – Settlement Strategy
- Core Policy 2 – Delivery Strategy
- Core Policy 8 – Spatial Strategy for The Calne Community Area
- Core Policy 43 – Providing Affordable Homes
- Core Policy 45 – Meeting Wiltshire's Housing Need

- Core Policy 50 – Biodiversity and Geodiversity
- Core Policy 51 – Landscape
- Core Policy 55 – Air Quality
- Core Policy 57 - Ensuring High Quality Design and Place Shaping
- Core Policy 60 – Sustainable Transport
- Core Policy 61 – Transport and Development

North Wiltshire Local Plan 2011(saved policies)

- Save policy NE14 – Trees and Development the Control of Development
- Saved Policy NE18 – Noise and Pollution

Calne Community Neighbourhood Plan (CCNP) (Made February 2018)

- Policies H3, H4, BE1, BE2 & BE3

NPPF 2021

7. Consultation

The application has been the subject a consultation exercises and the following is a summary of the position reached following these. This is a summary and does not purport to be a full recitation of all comments made.

Calne Town Council - No objections to the proposal, but made the following comments: -

- That a full traffic assessment be undertaken, and subsequent mitigation taken.
- Dog and litter bins be supplied and placed within or nearby the development.
- That the bland and uninspiring design of the properties be looked at again.
- The Planning Licensing and Highways Consultative Committee has approved a Sustainability Statement as part of the Climate Emergency and Climate and Environmental Pledge which we would ask is considered when determining this application.

Highway Engineer – No objection.

“The 2 bed units would each be provided with 2 surface car parking spaces and a cycle storage shed. The 3-bed units would have the benefit of a single garage which is appropriate dimensions to accommodate both car and cycle storage, together with additional surface parking. The development would also provide 2 visitor spaces within the carriageway layout.

On the original plans the officer requested additional information, which was received including clarification that the entrance piers are to be under the control of the management company, which is acceptable and there has also been amendment to the accesses into the adjoining playing field, such that there would be one pedestrian access only access and another for vehicular access.”

Drainage Engineer – Following submission of additional information – No objections subject to a condition.

Archaeologist – No objection

“The supporting information has identified a low potential for sub-surface archaeological features. Such features are likely to be the truncated remains of former ridge and furrow agriculture dating from the later medieval and post-medieval periods, although the site's location on the first terrace above the River Marden means that there is also potential for later prehistoric and Romano-British settlement.

As the exact nature of sub-surface deposits within the site is unclear at this stage, I would advise that those parts of the site not currently occupied by standing buildings should be subject to an archaeological trial trench evaluation prior to the determination of this application. I will then be in a position to offer a fully-informed opinion as to the need or otherwise for further investigative works in order to mitigate the impact of the proposed development upon the archaeological resource.

I would therefore advise the applicant to engage the services of an archaeological contractor in order to carry out this work, beginning with the submission of a Written Scheme of Investigation (WSI) to Wiltshire Council Archaeology Service (WCAS) for review and approval.”

Arboricultural Officer – No objection.

“I note the content of the Pre-development Arboricultural Report on Trees prepared by Sharples Tree Services dated 19th January 2021. Five trees were surveyed on site. T4 Leyland Cypress and T5 Cherry appear to be off-site trees.

I have no objection to this proposal in relation to trees. Can the following condition be included in any permission that may be given:-

The development shall be carried out as specified in the approved Pre-development Arboricultural Report on Trees prepared by Sharples Tree Services dated 19th January 2021 and shall be supervised by an arboricultural consultant.

Reason: To prevent trees on site from being damaged during construction works.”

Ecologist – No comment received.

Sport England – No objection

8. Publicity

The application was advertised by site notice, publication to the Council's website, neighbour notifications, and notification of interested local organisations and parties. The application has been the subject of a consultation exercise and the following is a summary of the position reached following these exercises. This is a summary and does not purport to be a full recitation of all comments made.

12 letters of objection raising the following:-

- Loss of community facility.
- Additional traffic on a narrow road with on road parking.
- Traffic slowing facilities are required.
- Consideration of residents parking for Priestley Grove.
- Anchor Road will be overloaded with this and the other recently granted development on Low Lane.

- The allotments to be delivered will also need parking.
- Bats can be seen flying in the area.
- Who is going to pay for the demolition of the existing building?
- Potential inclusion of a private fence.
- Removal of an 8m floodlight will be difficult.
- Who is responsible for maintenance of no-man's land area.
- Loss of privacy.
- Plot 9 is overbearing
- Inconsistency on plan boundaries.
- More dental/doctors' surgeries are what are required.

1 letter of support stating that the building has been empty for some time and is falling into disrepair. Any trees should not be allowed to grow too large.

North Wiltshire Swift Group – welcome house martin cups, but request swift bricks are also included.

9. Planning Considerations

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. The National Planning Policy Framework (NPPF) is a key material planning consideration. It states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

Principle of development

Core Policy 1 of the WCS identifies the most sustainable locations for growth within Wiltshire on the basis of a settlement hierarchy, with the focus on the Principal Settlements and Market Towns. Calne is designated a Principal Settlement within this hierarchy.

Core Policy 2 - the delivery strategy - in line with Core Policy 1, seeks to deliver development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 42,000 homes, distributed across the three housing market areas. The aim of this policy is to ensure development occurs in the most sustainable locations in conformity with the distribution set out within Core Policy 2. Within the development limits of Principal Settlements, Market Towns and Large Villages there is presumption in favour of sustainable development.

The site lies within the development limits of Calne and is previously developed land as its former use is as a Youth centre with associated hardstanding and parking. In such a location, there is a presumption in favour of the principle of new residential development subject to others site specific criteria. That assessment is carried out in the sections below.

Loss of the community facility

Representations have been received to the effect that the development will result in local facilities being lost. Those concerns are understood, and in that regard the proposal is assessed against the requirements of local and national planning policy below.

Policy CP49 of the WCS, which does touch upon the protection of community facilities, is not applicable in this case since it refers to community facilities in rural locations. The application site is unambiguously within an urban setting.

Para 93 of the NPPF refers to the need to provide social, recreational and cultural facilities and services to the community and unnecessary loss of valued facilities and services, particularly where they would reduce the community's ability to meet its day-to-day needs. In this case the youth facilities have been closed for some time and would not serve the day-to-day needs of the local residents. It is considered that there is a more pressing need for housing and that the policy in the NPPF should not preclude development of this facility.

Policy CF2 to the Calne Community Neighbourhood Plan confirms that proposal for development which would result in the loss of community facilities should be resisted. Unless it can be demonstrated that the facility is no longer viable or that adequate alternative provision is available. Although the application contains no evidence to confirm that the facility is no longer viable, its closure by Wiltshire Council is a demonstration of its status and there is no reason to dispute that the closure would take place if it were not considered to be a viable facility. Equally, Calne benefits from significant alternative community facilities in the town, including the large sports facility at Beversbrook where significant floorspace is available for similar uses. In this respect, the proposal would comply with policy CF2 since adequate alternative provision is available.

Critically, it is also important to note that a refusal of planning permission would not automatically lead to the re-opening of the facility.

Accordingly, and whilst the loss of the community facility is regrettable, it is understood to have been empty for some time and, conversely, will release much needed land for housing. For the above reasons, the proposed development is not considered to unacceptably result in the loss of community facilities in Calne when assessed against local and national planning policy.

Highways

Amended plans have been received which the Highways Officer is satisfied with. The carriageway layout to serve the 9 dwellings would need to be adopted as public highway, and the carriageway width of 5.5m, with a 2m footway is considered acceptable.

There is some widening of the carriageway opposite plots 2-5, of which part of this section accommodates the 2 visitor parking spaces, and the southern section aids vehicle manoeuvring for larger service vehicles.

The submitted Technical Note_Rev B Transport Statement provides information regarding the highway network surrounding the site and the suitability to serve the additional development. With regard to the trip generation, the proposed development of 9 dwellings is assessed to generate approximately 5 trips in the AM peak hour (approx. 1 vehicle every 12 minutes) and the same in the PM peak hour, with a total of 46 daily trips. This level of additional trips onto the local highway network is not considered to have a material impact on the operation and safety of the adjoining network.

The proposal is thus considered to accord with policies CP57, CP61 and CP62 of the WCS and advice in the NPPF and CCNP (2018)

Drainage

The application site is located wholly within a Flood Risk Zone 1 (are considered as having a low probability of flooding from rivers and seas). The proposed development is to be served by a sustainable drainage strategy, involving the implementation of SUDS, is proposed for

managing the disposal of surface water runoff from the proposed development on the site utilizing geo-cellular storage and permeable paving.

The initial submission met with objections from the Council's Drainage Engineer. They required, *inter alia*, that additional information and assurances be provided by the applicant so as to the storage capacity of the proposed drainage system. That information was duly provided.

Following submission of additional information, The Council's drainage engineer has removed their holding objection and has raised no objection to the development subject to the imposition of a planning condition which compels the delivery of the proposal drainage strategy.

Archaeology

The submitted 'Heritage Impact Assessment' identifies a low potential for sub-surface archaeological features to exist within the proposed development site. Such features are likely to be the truncated remains of former ridge and furrow agriculture dating from the later medieval and post-medieval periods. In their comments, the Council's Archaeologist confirm that the location of the application site on the first terrace above the River Marden may suggest that there is also potential for later prehistoric and Romano-British settlement.

In their initial comments and based on the submission, the Council's Archaeologist requested trial trenching and other works were undertaken prior to determination of the application. However, in light of the low potential for archaeological features to be found (indeed, the site is largely covered by either building or hard standing), it was not considered reasonable or necessary for that investigation to be compelled prior to the determination of the planning application. For this reason, it has been agreed with the Council's Archaeologist that the matter can reasonably be the subject of an appropriately worded condition in the event that planning permission is granted.

Such a condition will compel the carrying out of a programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results. That assessment should be agreed with the Local Planning Authority beforehand. Subject to the imposition of such a condition, the proposal is considered to comply with the requirements of policy CP58 to the Wiltshire Core Strategy.

Design

The design of the proposed dwellings as a mixture of semi-detached dwellings with a single detached dwelling in the materials identified is considered to sit well with the surrounding development. The comments of the Town Council about the design are noted, but it is considered that the design of the dwellings is appropriate for its location.

The surrounding residential development is modern and is mixed in detached, semi-detached. The proposed materials are brick with stone surrounds & hanging tiles together with concrete roof tiles. This can be conditioned to ensure the materials fit in with the wider area. Whilst new and innovative design in this location would not be inappropriate, a design which reflects the wider area is also considered to be appropriate and to comply with policy CP57 of the WCS and policies H3, BE1 & BE2 of the Calne Community Neighbourhood Plan.

Impact on residential amenity

Concerns have understandably raised by some local residents in respect of the possible impact upon their amenities and living conditions. The potential impact are assessed below against adopted local and national planning policy.

The proposed properties are designed to face onto the access road, so that they are back-to-back with the properties in Westerham Walk, except plot 9 which is perpendicular to a dwelling within Park Close. The back-to-back distances of facing windows are in excess of 20m which is considered to be a reasonable separation, and would mitigate against unacceptable overlooking and loss of amenity of existing or future occupiers. The gardens of the properties in Park Close are in excess of 10m and plot 9 is set off the boundary meaning that the gardens will not be overly dominated by the gable end of plot 9.

Plot 1 and its garage are orientated and sufficiently far off the boundary to not cause an unacceptable loss of amenity.

The retention and enhancement of existing vegetation around the application site would reinforce enclosure from the wider landscape and reduce the magnitude of potential landscape and visual effects whilst enhancing features of the landscape in accordance with the adopted Wiltshire Core Strategy, Core Policy 51: Landscape and Neighbourhood Plan Policy BE1 (Integration and Landscaping).

Whilst the existing occupants of Priestley Grove will be subject to an increase in traffic movements, those associated with an additional 9 dwellings is considered to be acceptable and the road is at the front of the dwellings and so having minimal impact on the rear garden areas of those houses.

Overall, the effect on amenity of existing residents is considered to be acceptable and for the residents of the new plots, the outlook over the existing playing fields is considered to be attractive. In this respect, the proposed development is considered to comply with the requirements of policy CP57 to the Wiltshire Core Strategy.

Impact on heritage

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 16 and 66) as well as giving special attention to preserving or enhancing the character or appearance of the conservation area (s.72).

Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 201 and 202 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset.

In this particular instance, the Calne Conservation Area lies some 100m distance to the west, and the site is not readily visible from it due to distance and intervening buildings and hedges. There are no listed buildings in proximity of the application site.

In such a context, it is not considered that there will be any impact on the character or appearance of it. Policy CP57 & CP58 of the WCS are complied with as is the relevant policy set out in the NPPF and Town and Country Listed Buildings and Conservation Areas) Act 1990.

Other Matters

AQMA – Calne has an Air Quality Management Area and the site lies within close proximity to it. Whilst no Air Quality Assessment has been submitted, the applicant has agreed to a condition to provide infrastructure for Ultra Low Energy Vehicles (ULEVs). Together with the site's relatively

close proximity to the town centre, the effect of such a condition is considered to render the proposal to comply with Calne Town Council's Climate Emergency pledge.

Loss of playing Field – The area to the west of the site is open land which is a playing field. The proposal will use a small proportion of this as a drainage basin and Sport England were consulted because of this. Sport England raised no concerns because they are satisfied that the Priestly former sports field was "replaced" by those pitches at Beversbrook Sports Facility.

Dog bins – There is no policy requirement for dog bins

Swift bricks – With the Environment Bill being recently past, it is considered that the inclusion of swift bricks to aid an increase in biodiversity is justified and can be conditioned.

Ecology have not commented on the application, but an informative will be added about the legal requirement regarding protected species including bats.

Matters to do with fence boundaries are a private legal matter. The plans indicate that a 1.8m high close boarded wooden fence will be erected on the site boundaries with hedge planting within the site. The additional planting will be subject to a planning condition.

Incidental green areas are to be managed by a Management Company set up by the developer. In view of the relatively small scale of the proposal, there is considered to be no requirement for the Local Planning Authority to request that the applicant enter into an agreement under s106 to The Act, so as to control such management arrangements.

10. Conclusion

Subject to the imposition of appropriately worded planning conditions, the proposal for 9 new dwellings is considered to be acceptable in principle under policies CP1, CP2 and CP8 of the WCS and the design, layout and highways matters are considered to be acceptable and in accordance with policies CP57, CP61 and CP62 of the WCS, policies and Saved Policies – NE14 of North Wiltshire Local Plan 2011 and Calne Community Neighbourhood Plan (CCNP)(Made February 2018) Policies H3, H4, BE1, BE2, BE3 and CF2 as well as relevant paragraphs within the NPPF.

RECOMMENDATION: That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 0001; RevA; 100; 120 RevD; 121 RevD; 125; 26; 127; 128; 129; 140; 141; 145; 150 RevA received 17th September 2021.

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

2. 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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (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.

4. No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, has been submitted to and agreed in writing by the Local Planning Authority. The Statement 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
- e) facilities for public viewing, where appropriate;
- f) wheel washing facilities;
- g) measures to control the emission of dust and dirt during construction;
- h) a scheme for recycling/disposing of waste resulting from demolition and construction
- i) works; and
- j) measures for the protection of the natural environment.
- k) hours of construction, including deliveries;
- l) pre-condition photo survey has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved
- m) construction method statement without the prior written permission of the Local Planning
- n) Authority.

The construction phase of the development shall be carried out in complete accordance with the agreed Statement.

REASON: 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. The developer/applicant will be expected to enter into a S38 Agreement with the Highway Authority before commencement of works hereby approved.

5. The development shall be carried out in accordance with the Updated Hydraulic Model & Drainage – Acl610-20053 / 5th November 2021 and the Surface Water Drainage Strategy contained within it.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

6. No development shall commence within the area indicated by application PL/2021/05305 until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

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

7. The development shall be carried out as specified in the approved Pre-development Arboricultural Report on Trees prepared by Sharples Tree Services dated 19th January 2021 and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works.

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 :-

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

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

9. All soft landscaping comprised in the approved details of landscaping 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 details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

11. Prior to the commencement of the development hereby permitted details of the number and location of swift bricks within the walls of the houses 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 enhance the biodiversity on site.

12. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

13. Prior to the commencement of the development hereby permitted, details of the method of management of open spaces within the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and managed in accordance with the approved details in perpetuity.

REASON: To secure residential amenity.

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 relation to condition 06, the archaeological evaluation should be carried out by qualified archaeologists following the standards and guidelines for such work as set out by the chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by the 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 <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.



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REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	2 nd February 2022
Application Number	PL/2021/04439
Site Address	38 Stone Lane, Lydiard Millicent, Swindon, SN5 3LD
Proposal	Part retrospective change of use of section of agricultural land to residential
Applicant	Mr Michael Kerlake
Town/Parish Council	Lydiard Millicent Parish Council/Purton Parish Council
Division	Royal Wootton Bassett East/Purton
Grid Ref	410858 186652
Type of application	Full Planning
Case Officer	Perry Lowson

Reason for the application being considered by Committee

The application has been called to committee by Cllr Steve Bucknell to assess the visual impact upon the surrounding area and relationship to adjoining properties. A minor discrepancy with the plans was noted, relating to the neighbours site boundary.

1. Purpose of Report

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

2. Report Summary

There were eight objection comments received from neighbouring parties. Additionally, two objection comments were received from Lydiard Millicent Parish Council and one no objection comment was received from Purton Parish Council. These are summarised within the Sections 7 (Consultations) and 8 (Publicity) of this report.

Those issues deemed to be most pertinent to the determination of the application are as follow:

- Principle of Development
- Impact on the Landscape & Character and Appearance of the Area
- Impact on Residential Amenities
- Other Matters

3. Site Description

The site is located outside any defined settlement boundary. Accordingly, for planning purposes, the site is considered to be within the open countryside.

The site constitutes a single detached two storey dwelling with associated single storey outbuildings to the side and rear. To the north of the site is an agricultural field under the ownership of the applicant. The field is bounded by those dwellings fronting Stone Lane on its southern/western boundary and those dwellings fronting Washpool on its east boundary. To the north of this field are further agricultural fields. It is noted that the site boundary to the agricultural field under the applicant's ownership is largely open.

It is noted that the site has been subject to enforcement investigation following an unauthorised change of use of part of the agricultural field. The works completed to date include the partial marking out of the area to be extended, though this does omit the area to the north of the garage. The area which has been marked out has been incorporated into the existing garden but is only marked with temporary fencing, understood to be for the purpose of keeping the applicant's dog(s) within their garden. The proposal is therefore partially retrospective.

In terms of physical constraints, it is noted that the land to the north of the site which is being extended into is Grade 3 agricultural land (good to moderate quality agricultural land).

In terms of policy constraints, a review of constraints mapping indicates that the site is not within any designated area.

4. Planning History

Note that the below is not necessarily an exhaustive list and only includes those applications deemed to be of relevance to the current proposal.

N/11/02637/FUL

Demolition of Existing Building and Erection of a Replacement Dwelling. Approved with conditions 14th December 2011.

N/12/00126/FUL

Erection of Detached Garage with Ancillary Accommodation Above, Following Demolition of Existing Garage. Approved with conditions 15th March 2012.

N/12/00540/FUL

Demolition of Existing Building and Erection of a Replacement Dwelling (Revision of 11/02637/FUL). Approved with conditions 21st June 2012.

N/12/02015/FUL

Demolition of Existing Dwelling & Construction of a Replacement Dwelling (Amendment to N/12/00540/FUL). Approved with conditions 27th September 2012.

There is no history of pre-application advice having been sought for the proposed development.

It is noted that there is an active enforcement case at the site for the unauthorised extension of the garden.

5. The Proposal

Planning permission is sought to regularise the change of use of a portion of the adjoining agricultural field to residential use to be included within the curtilage of 38 Stone Lane.

It is noted that the agent made a minor alteration to the plans to omit an error whereby the neighbour's garden was mistakenly extended north by circa 2.6m.

Under the revised block plan, the garden would be extended at full width by circa 5.6m on the east boundary, and not on the western boundary, forming a wedge shape of extended garden. The total size of this extended area is circa 87sqm.

The agent has confirmed that post and rail stock proof fence would be used to enclose this extended area. The post and rail stock proof fence has not yet been erected.

6. Planning Policy

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

Lydiard Millicent Neighbourhood Plan 2018-2036 (2021)

There are not considered to be any policies within the Neighbourhood Plan which are of direct relevance to the proposal in this instance. However, the overarching aims and objectives of the plan have been taken into consideration whilst determining this application.

Purton Neighbourhood Plan 2017-2026 (2018)

There are not considered to be any policies within the Neighbourhood Plan which are of direct relevance to the proposal in this instance. However, the overarching aims and objectives of the plan have been taken into consideration whilst determining this application.

Wiltshire Core Strategy (2015)

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 19: Spatial Strategy for the Royal Wootton Bassett and Cricklade Community Area

Core Policy 51: Landscape

Core Policy 57: Ensuring High Quality Design and Place Shaping

Wiltshire Housing Site Allocations Plan (2020)

Settlement Boundaries were reviewed as part of the adoption of the plan.

North Wiltshire Local Plan (2006)

H4 Residential Development in the Open Countryside

National Planning Policy Framework (2021)

Section 2 Achieving Sustainable Development (Paragraphs 2, 8, 11 and 12)

Section 12 Achieving Well Designed Places (Paragraphs 130 and 134)

Section 15 Conserving and Enhancing the Natural Environment (Paragraph 174)

7. Consultations

Note that the site straddles the boundaries of Lydiard Millicent Parish Council and Purton Parish Council and as such both Parishes have been contacted for comment. Also note that there are two responses from Lydiard Millicent Parish Council since they were involved in two rounds of consultation.

Lydiard Millicent Parish Council

Objection. Questioned the accuracy of the plans and identified that there is also a large decking area and trees that are not shown on the plans.

The Parish note that the residential area is not as shown on the plans.

Noted that the garage appears to be being used as an annexe for which there is no planning permission as far as the Parish are aware. It is identified that permission 20/08074 states at condition 5 that "The garage on the ground floor hereby permitted shall not be converted to habitable accommodation".

The decking currently installed has removed the neighbour's privacy.

Identified that Purton Parish Council have not yet been consulted despite the garden area being within the Purton Parish boundary.

Lydiard Millicent Parish Council

Objection. Concerns are raised that the block plan does not accurately reflect the plot, trees and decking are not shown and the boundary shown on the plans may not be accurate. The decking impacts the neighbour's privacy.

It is noted that the land also lies outside Lydiard Millicent boundaries, and that Purton Parish Council should also be contacted.

Planning Officers are also requested to investigate the use of the garage.

Purton Parish Council

No objection to change of use of the land from agricultural to residential.

Councillor Steve Bucknell (Royal Wootton Bassett East)

Called in to planning committee due to visual impact upon the surrounding area and relationship to adjoining properties. A minor discrepancy with the plans was noted, relating to the neighbours site boundary.

8. Publicity

There were eight neighbour responses received for the application, all of which were objections. The material concerns raised are summarised below:

Change of Use

- Applicant has repeatedly mown the agricultural land, which is not in agricultural production;
- At the time of the application for the replacement dwelling at 38 Stone Lane, it was considered that the existing land/garden was sufficient to allow the build;
- Extending the curtilage would be in contravention with Policy H4, which permits replacement dwellings provided that the dwelling is within the same curtilage.

Character and Appearance of the Area

- The proposal is not in keeping with the existing character of the neighbourhood;

Amenity

- The proposal would cause privacy issues to surrounding properties;
- Decking has been installed recently allowing for visibility into habitable rooms, namely that of the annexe associated with 39 Stone Lane;
- Impact on views from other gardens over open countryside;
- Introduction of noise and light pollution.

Other

- The application details are inaccurate, with inaccuracy between the site plan and location plan specifically relating to the northern boundary of The Conifers;

- Inaccuracies on the application form indicating that work has not started;
- Owner will park vehicles on the agricultural land to the rear;
- Reference is made to a breach of a restrictive covenant for the use of the land;
- Applicant may seek further extensions; and
- Conflict is identified with Policies C3, NE15 and H8.

Note that all comments are available to view in full on Wiltshire Council's website.

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); Wiltshire Housing Site Allocations Plan (Adopted February 2020); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); the Lydiard Millicent Neighbourhood Plan 2018-2036 (Made 2021); and the Purton Neighbourhood Plan 2017-2026 (Made 2018).

Principle of Development

For the avoidance of doubt this application relates solely to the change of use of the land hatched in red on the supporting Proposed Block Plan as received 13th October 2021. The application does not seek to establish the principle of any decked area as referred to by consultees and third parties, which is a separate matter, and is not an application for the erection of a new dwelling. It is simply an extension of the area of an existing dwelling.

The application would involve the regularisation of a change of use of agricultural land to residential curtilage, facilitating an extension to the garden associated with 38 Stone Lane. The land in question is approximately 87sqm. The agricultural land subject to the change of use is Grade 3 agricultural land and as such is not considered to be of particularly high value and is in any event limited in scale. Accordingly, the acceptability of the change of use lies in the impact upon the surrounding landscape (Core Policy 51) and the impact upon the character and appearance of the surrounding area (Core Policy 57) and whether the proposal would lead to an urbanisation of the existing open countryside. The proposal is considered to be acceptable in principle only where it accords with those aforementioned policies.

It is noted that concern has been raised by neighbouring third parties over the proposal's accordance with Policy H4. Whilst this is noted, Policy H4 is only relevant for the replacement of an existing dwelling application, unless related to the essential needs of an agricultural/forestry worker. Whilst the replacement dwelling must be within the same curtilage at such a time when the dwelling is being replaced, this does not restrict the boundaries of existing properties. Accordingly, if an applicant who secured a replacement dwelling under Policy H4 wished to extend their boundary, this would need to be completed under a separate application to allow the Council to consider the impact this boundary extension would have on a case-by-case basis. Accordingly, the current proposal is not considered to conflict with the provisions of Policy H4, since it does not include the replacement of a dwelling.

Impact on the Landscape & 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. Section ii states that regard should be had to the locally distinctive character of

settlements and their landscape setting. Further to this, NPPF paragraph 174 states decisions should contribute to and enhance the natural and local environment by recognising the intrinsic beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Core Policy 57 Section i states that development should enhance local distinctiveness by relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced. Section iii states that proposals should respond positively to the existing townscape and landscape features in terms of, but not limited to, plot size.

In order to assess landscape impact, regard is had to any existing public views of the area of land subject to the change of use. It is noted that Footpath PURT76 is located to the north of the site. However, given the distance from the site (circa 440m), the topography of the land and location of hedgerows between the footpath and site, views of the site from this footpath are not possible, as confirmed by a site visit conducted on 20th January 2022. Due to the topography of the land surrounding the site and arrangement of surrounding dwellings, it is not considered that there are any key public viewpoints of the site and as such it is concluded that the proposal would be largely secluded from public view.

Further to this, the extension of the residential curtilage represents only a 5.6m extension into open countryside on the east boundary, which in this instance given the site's seclusion from public views and the nature of the land which is being extended into, is not a significant intrusion. Additionally, the agent has specified that the boundary treatment would constitute post and rail stock proof fencing, contributing towards the retention of the agricultural character of the field. Details of this fencing to confirm its acceptability will be secured via an appropriate condition.

Accordingly, with direct reference to Core Policies 51 and 57 and NPPF paragraph 174, the proposal would appropriately conserve landscape character, through its limited scale and seclusion from public view; would not harm the locally distinctive character of settlements or the settlement's landscape setting; would not result in the loss of the best and most versatile agricultural land; would not impact important views; and would not result in a plot size which is wholly out of scale with those surrounding residential plots. Accordingly, it is considered that the proposal is in accordance with relevant policies of the plan and provisions of the framework and that there is no reasonable reason to refuse the application on the basis of its landscape impact or the impact upon the character and appearance of the area.

On this basis, the proposal is considered to accord with the provisions of Core Policies 51 and 57 and NPPF Paragraph 174.

Impact on Residential Amenities

Section vii of Core Policy 57 of the WCS refers to the need to protect the amenities of existing occupants and to make sure that appropriate levels of amenity are achievable within the development itself.

Whilst the concern of neighbours has been noted around the extension of the residential curtilage, it is not considered that the current retrospective arrangement has any additional impact in terms of amenities on any of the neighbouring properties when compared to the previous, non-extended, arrangement. The proposal would not lead to significant additional overlooking and the extension of a residential curtilage does not lead to an intrinsic increase in levels of noise or light pollution (it is noted that no lights are included in the plans).

Whilst regard is had to concern raised by neighbouring parties over the impact of the raised platform to the rear of the existing outbuilding, this does not form part of the current proposals, nor does any outdoor lighting affixed to said existing structures. If these works do not fall under the provisions of the General Permitted Development Order (England) 2015, it may leave the applicant liable to enforcement action.

Accordingly, the impact upon the amenities of the occupiers of relevant neighbouring dwellings and upon the occupiers of the host dwelling have been assessed and found to be acceptable. The proposal would not cause any loss of light, overshadowing, nor significant loss of privacy through overlooking or other harm to amenities of occupiers of either adjacent dwellings or the application property itself. The proposal therefore accords with the provisions of WCS Core Policy 57 and the relevant provisions of the framework in this regard.

Other Matters

It is noted that there were a number of non-material concerns raised from the consultation process. Those most prominent/recurring concerns are addressed below for clarity:

The application details are inaccurate, with inaccuracy between the site plan and location plan specifically relating to the northern boundary of The Conifers;

The inaccuracy of the plans was picked up on early in the process and the agent was contacted to address this issue. Following discussion, the agent agreed to amend the block plan to alter the boundary with The Conifers by circa 2.6m. The current, revised, Proposed Block Plan is considered to be an accurate representation of the site, as confirmed by a site visit on 20th January 2022.

Inaccuracies on the application form indicating that work has not started;

The Council was aware that the works had commenced for the entirety of the application, as made evident by the active enforcement case, and it is clear that neighbouring parties were also aware of this issue whilst being consulted. This discrepancy on the application form has had no impact on the assessment of the application and the recommendation.

Owner will park vehicles on the agricultural land to the rear;

It is noted that concerns have been raised over the parking of a vehicle on the field. However, this does not form part of the application and is therefore not a material concern. In any event this is not considered to result in significant harm to residential amenities nor visual amenity.

Reference is made to a breach of a restrictive covenant for the use of the land;

The presence of a restrictive covenant is not a consideration material to the grant of planning permission. Accordingly, the Council may not take this into account when coming to a decision as to the acceptability of the development proposed.

Applicant may seek further extensions;

Each application must be considered upon its own merits and regard cannot be had to what the applicant may or may not decide to propose in the future in this instance. Should any future applications be received for additional garden extensions to 38 Stone Lane, an assessment will be had of the cumulative impact of the garden extensions.

Conflict is identified with Policies C3, NE15 and H8;

Policies C3, NE15 and H8 form part of the North Wiltshire Local Plan 2011 (NWLP) which was superseded by the Wiltshire Core Strategy (WCS) in January 2015. Whilst it is noted that there are Saved Policies of the NWLP, Policies C3, NE15 and H8 are not included within the schedule of saved policies and as such no longer carry weight in decision making. However, it is noted that their relevant replacement policies which form part of the WCS have been taken into consideration when forming a recommendation for this application.

10. Conclusion

It is concluded that the proposed development is acceptable in principle and would have an acceptable impact upon the character and appearance of the landscape and locality in accordance with the provisions of WCS Core Policies 51 and 57 and NPPF Paragraph 174. The impact upon the occupiers of neighbouring dwellings is considered to be acceptable in accordance with the provisions of Core Policy 57. The proposal accords with the adopted development plan and as such should be granted permission.

RECOMMENDATION

Approve with conditions

CONDITIONS

1. The development hereby permitted but not yet implemented 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:

5059/03 Rev C Location Plan – Rec: 29th April 2021
5059/04 Rev B Proposed Block Plan – Rec: 13th October 2021

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

3. Within 3 calendar months of the date of this permission details of the boundary treatment to be used in the development shall have been submitted in writing to the Local Planning Authority in accordance with the email received 14th January 2022. Development shall be carried out in accordance with the approved details within one calendar month of approval of those details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

INFORMATIVES:

4. 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.

5. 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.
6. 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.

7. 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.
8. 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 <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

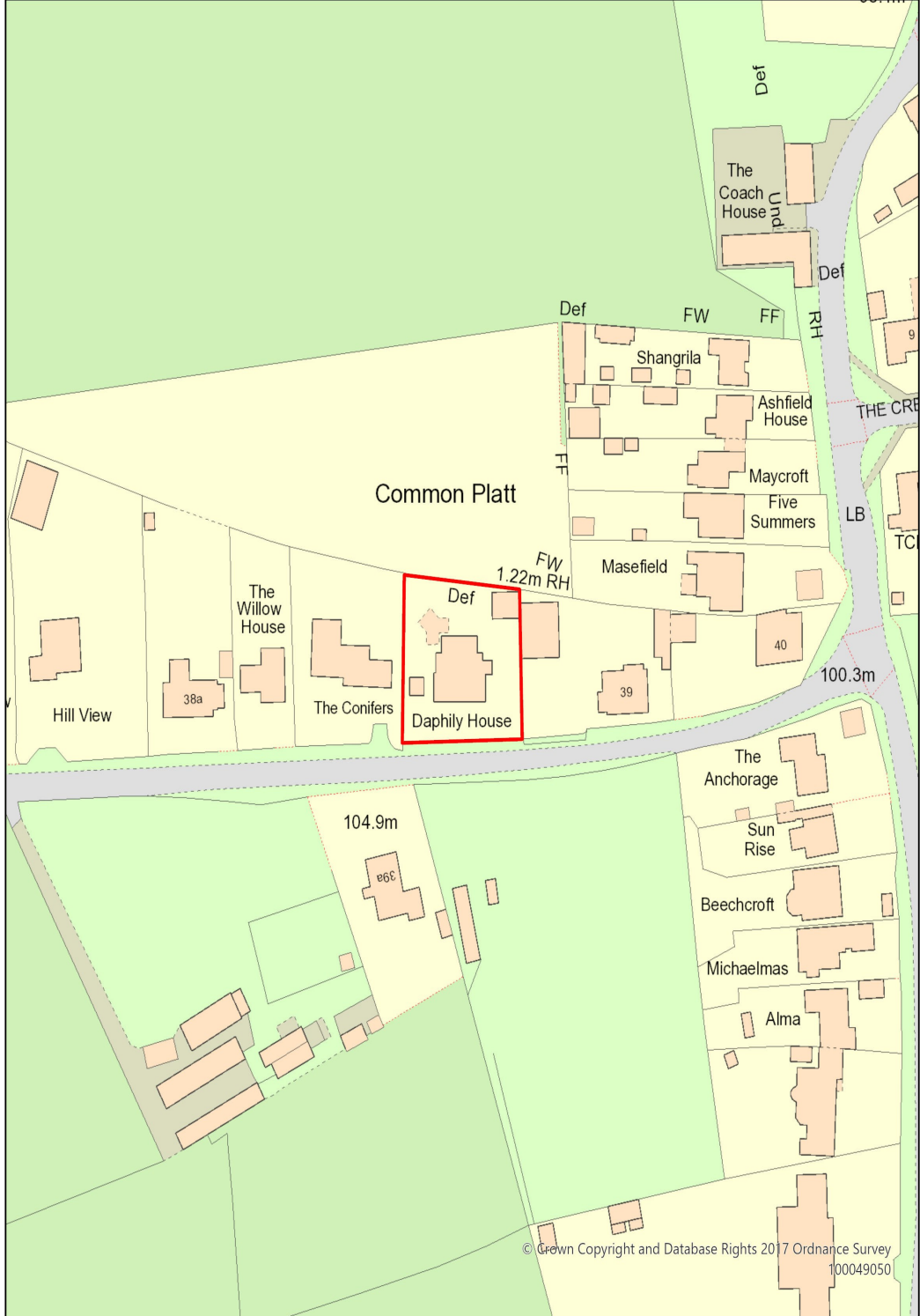
Background Documents Used in the Preparation of this Report:

Application Details and Submissions
Enforcement Site Investigation Photographs

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Wiltshire Council

PL/2021/04439
38 Stone Lane
Lydiard Millicent
Swindon



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	2 nd February 2022
Application Number	PL/2021/05198
Site Address	Key View Stoke Common Lane Purton Stoke SN5 4JG
Proposal	Extension to side and rear with link building to garage and conversion of garage
Applicant	Mr & Mrs Atherton-Ham
Town/Parish Council	PURTON
Electoral Division	Councillor Ms. Jacqui Lay
Grid Ref	683,678
Type of application	Householder Planning
Case Officer	Hilary Baldwin

Reason for the application being considered by Committee

The application is called in for committee determination by Councillor Jacqui Lay at the to consider concerns in relation to consideration of overbearing size in relation to adjacent properties, impact upon street scene and parking and compatibility with Wiltshire Core Policy 57 subsections i, iii, iv and vii, among others.

1. Purpose of Report

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

2. Report Summary

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

- Principle of development
- Impact on the character and appearance of nearby listed buildings
- Impact on the character, appearance, visual amenity of the locality
- Impact on the residential amenity
- Impact on Highway safety

Purton Parish Council objects to the proposals on the grounds of overdevelopment, loss of privacy for neighbouring properties, change to street scene and loss of parking

7 representations from members of the public were received all of which were objections.

3. Site Description

The application relates to a detached, brick built, two-storey dwelling located on the northern side of the highway known as Common Lane which runs through the settlement of Purton Stoke. The site benefits from highway access from Common Lane and there is an existing double garage within the front amenity space, with the side elevation of that structure forming part of front boundary wall. There is a large private rear garden which has an open outlook to fields at the rear and the dwelling is not overlooked.

Purton Stoke is designated as a Smaller Village within the Local Plan with no settlement boundary. There is an eclectic mix of dwellings within the village ranging from terraced cottages, which front directly onto the highway to larger, more spacious properties with frontage parking and detached garages.

There is no designated Conservation Area but there are listed buildings to the east of the site and both sides of the highway.

4. Planning History

The planning history of the site reveals that in 2012, permission was granted for a rear elevation conservatory and that the garage, subject of this proposal was already constructed.

N/12/03967/FUL – Erection of Conservatory
Approved with Conditions

5. The Proposal

The proposal comprises various works to enlarge the property by way of rear elevation extensions, a covered link to the garage structure from the kitchen and to convert the garage into a dining room. The roof above the front elevation porch would be revised to a gable end and a clock tower details is proposed above the former garage.

The existing property has an “L” shaped footprint, which a glazed conservatory located on the inner angle of the rear elevation. It is proposed to remove the conservatory and erect a two-storey extension to infill this area with a further single storey, flat roof extension spanning the width of the dwelling. The two-storey element would have a ridge roof profile to match the existing rear projection, whilst the single storey element would have a flat roof and glazed roof lanterns.

During the course of the application, revised drawings were received in relation to concerns raised with the garage building and its link, and the location and height of side and rear elevation windows. This assessment and recommendation is based upon those plans.

In terms of fenestration, the covered walkway and converted garage would have glazed walling opening inwards to the front amenity space. The two-storey extension on its western side would have high level, opaque windows at first floor level and the proposed new windows on the existing eastern side would also have two new high level, opaque glazed openings. At ground floor level, two sets of patio style doors are proposed within the two-storey element, with a further set in the single storey element. Glazed bi-fold doors are proposed to the rear elevation of the single storey projection.

The enlarged bedrooms at first floor level would have glazed openings with Juliet style balcony railings.

It is proposed to utilize the former garage and proposed link as a dining room and store/cellar area with a wood burning stove and associated external chimney on the eastern end of the structure.

The proposal would enlarge the habitable accommodation of the property but retain the number of bedrooms at four. Elevational materials are proposed in the form of render, brickwork and uPVC fenestration.

Off-street parking for up to three vehicles would be retained within the front amenity space.

6. Planning Policy

National Planning Policy Framework 2021

Paragraph 11 – Presumption in favour of sustainable development
Paragraph 130 - Function and form of Development
Para 195, 197 - Proposals affecting heritage assets

Section 16 'Conserving and enhancing the historic environment' of the National Planning Policy Framework sets out the Government's high-level policies concerning heritage and sustainable development. (The Historic Environment Planning Practice Guide published jointly by CLG, DCMS, and English Heritage provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and world heritage sites.) The National Planning Policy Framework can be awarded significant weight.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Wiltshire Core Strategy (WCS) (Adopted January 2015)

Core Policy 1: Settlement strategy
Core Policy 2: Delivery strategy
Core Policy 19: Spatial Strategy: Royal Wootton Bassett and Cricklade Community Area
Core Policy 57: Ensuring high quality design and place shaping
Core Policy 58: Ensuring the conservation of the historic environment
Core Policy 62 - Development impacts on the transport network

Wiltshire Housing Site Allocation Plan (WHSAP) (Adopted 25 February 2020)

The Plan allocates sites for housing development to support the WCS and provides for updated settlement boundaries.

Wiltshire Local Transport Plan 2011-2026

Purton Neighbourhood Plan – Made November 2018

Chapter 3 – Vision; to protect the distinct character and identity of history rural settlements of both Purton and Purton Stoke

7. Summary of consultation responses

Purton Parish Town Council: OBJECT

to the application due to a number of reasons which can be summarised as follows:-

- Over development
- Loss of privacy for neighbouring properties
- Change the street scene
- Loss of Parking

Wiltshire Council Highways officer:

No objection. The revised plans indicate 3 parking spaces which meet minimum standards. Stoke Common Lane is an unclassified part of the highway network, therefore will not insist demonstration of turning and satisfied that adequate parking is provided.

8. Publicity

The application was originally advertised by neighbour letters and Parish council notification. Revised plans were subsequently received and re-consultation undertaken by way of further neighbour letters, Parish Council notification and Highway consultation. This generated 7 letters of objection and no letters of support. A summary of the representations based upon the revised scheme is set out below:

Main reasons for Objection

Overdevelopment. Mass and volume of existing large dwelling would overwhelm adjacent cottages. Detrimental to street scene. Overdevelopment of already large property. Would set a precedent for other development up to the highway.

Street Scene Impact. Clocktower detrimental to village street scene. Rendered elevations would be out of character. Mismatched brickwork to front and public realm. Over development fronting public realm. Overspill of noise from proposed dining room. Cellar roof out of keeping and mismatched dining room roof.

Neighbour Impact. The site is higher than adjacent properties and would result in detrimental neighbour impact by way of overbearance. Loss of outlook. Loss of privacy by way of side elevation windows. Loss of privacy by way of glazed walling to front garden link. Noise impact from frontage dining room.

Parking. Glazed elevations to former garage would result in garden/courtyard and not parking. Street parking is already an issue. No visitor parking. Loss of garage parking. Danger to pedestrians navigating frontage parking. Result in on-street parking to detriment of village.

9. Planning Considerations

This proposal has been subject of revised plans following concerns raised by neighbouring occupiers and the Parish Council in relation to loss of privacy by way of proposed window location, overbearing impact by way of the height of the glazed link and parking provision.

Policy and principle of development

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. 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 WHSAP, (adopted February 2020) and the Purton Neighbourhood Plan (Made November 2018).

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in determining planning applications affecting a Listed Building 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.

Core policy 1 defines the settlement hierarchy in Wiltshire supporting the strategy for development and identifies smaller villages such as Purton Stoke to have a limited range of employment services and facilities. Development in such places will be limited to that need to help meet housing needs.

Core Policy 2 of the WCS states that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development. It advises that outside the defined limits of development that development will not be permitted other than in circumstances as permitted by other policies in the plan.

CP19 of the WCS states that development in the Royal Wootton Bassett and Cricklade Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

The extension of existing properties is acceptable in principle under these policies and the development strategy of the plan subject to site specific impact considerations. Such matters are addressed further below.

Impact on the Nearby Heritage Asset (Listed Buildings)

Paragraphs 195-197 of the NPPF, advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that the local planning authority 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 this case, the proposed development for extensions used in conjunction with the residential use of the site is considered to result in neutral impact to the identified heritage assets, which are nearby listed buildings located to the east of the site along Stoke Common Lane. The property itself is not listed and has been altered over time. There is an intervening residential property on the northern side of the highway and to the south, visual separation by way of the highway.

Core Policies 57 & 58 require that development should protect, preserve and where possible enhance heritage assets.

In this instance, the degree of separation between the two sites and the limited degree of development within the front amenity space is considered to result in a neutral impact and no harm would arise to the setting and significance of the aforementioned assets and the

proposals are therefore in compliance with WCS core policies CP57 and CP58 and the guidance and provisions as contained with the NPPF at paragraph 197.

Impact on the Character and Appearance of the Area.

Core Policy 57, amongst other things, requires that applications for development should respect the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal.

The Purton Neighbourhood Plan at Chapter 3: Paragraph 3.1 states that the vision and objectives of the plan are to protect the distinct character and identity of the historic rural settlement or both Purton and Purton Stoke.

The site already benefits from a large, two-storey dwelling which spans most of the width of the site. A detached double garage sits within the front amenity space and already forms part of the frontage boundary wall with the public realm. The dwelling is set back within the site and there are boundary fences to the sides of the front amenity space.

The works can be viewed in two parts, the works to the front of the property, which include the garage, the brick and glazed link and works to the porch; and those to the rear which comprise a two-storey and further single-storey extension and additional fenestration in the existing property.

In terms of the visual impact upon the street scene, the site already contains a large dwelling and detached garage located on the boundary. In this respect, the principle of a large outbuilding in this location has already been accepted. The additional work for the brick and glazed link, are considered to be subservient to that existing structure and only seen in conjunction with that structure. The link would be viewed from west from outside of the adjacent property to the west due to the siting of the adjacent property, itself close to the highway boundary, and only glimpses from the east, due to the location of the existing garage and backdrop of the side elevation of the adjacent dwelling. This is also considered to be similar for the revisions to the porch roof. Whilst the proposed clock tower and chimney would be viewed within the public realm, these are considered minor features that do not result in significant harm and so are not considered a reason for refusal in this instance.

The extensions to the rear would only be viewed from the adjacent dwellings with very limited impact upon the public realm. There are no public rights of way to the rear of the site and the site opens onto open agricultural land.

Concern has been raised by neighbours and the Parish Council in relation to visual impact of the development within the public realm and street scene. However, in this instance, the impact on the character and appearance of the site, the street scene, public realm and visual amenity of the locality would not be so significantly harmful such that consent ought to be refused on this basis. It is noted that the Parish Council has made no reference to the Made Neighbourhood Plan.

Therefore, the proposal on this basis is not considered to have a significantly adverse impact on the character appearance, visual amenity and openness of this part of the small village of Purton Stoke and is in accordance with WCS Core Policies 57 and guidance and principles of the NPPF, in particular paragraphs 11 and 130; and the vision and principles of the Purton Neighbourhood Plan.

Impact upon the residential amenity

Paragraph 130 of the Framework (July 2021) and CP57 of the WCS (Jan 2015) seek to secure high quality design and a good standard of amenity for current and future land occupants.

During the course of the proposal, concern was raised from neighbouring occupiers and the Parish Council in relation to loss of privacy from ground and first floor fenestration, bulk scale and massing and overbearing impact, particularly in relation to the brick and glass link and the projections to the rear and the proposed ground floor windows to the eastern side elevation. Revised plans were received which have revised the height of the brick and glazed link, proposes high level and opaque glazed openings to the ground floor eastern elevation and high level, opaque glazed windows to the proposed western elevation. These revisions were subject to further consultation and the objections still maintained.

However, the revisions are considered to have overcome the concerns in relation to overlooking and loss of privacy and the revised designs can be secured by way of a planning condition appended to any grant of permission.

It is noted that the properties to the west of the site are small and sited close to the highway. Whilst the garden to the directly adjacent property (No 13) is small and the garden to No 14 wraps around the rear of it, the garden at No 13, which is directly adjacent to the site, has a garage and further outbuildings long its eastern side and on the common boundary with the application site. There are no windows on the eastern side of that property and the private driveway adjacent to the common boundary leads to the garage only.

The proposed windows within the eastern elevation of the original section of the ground floor would be adjacent to the common boundary with the private rear amenity space of the adjacent dwelling to the east known as Sutherlea. The revised plans have revised the height of these windows and it is stated that they would be opaque glazed. A condition to secure this design can be attached to any grant of permission and is considered appropriate and necessary in this instance to secure the privacy of adjacent occupiers.

Concern was raised in relation to the extent of the two and single-storey extension to the rear of the dwelling in terms of bulk, scale and overbearing impact by adjacent occupiers. However, whilst considered a large addition, the location of outbuildings adjacent to the common boundary within the garden of the adjacent dwelling at No13, and the distance between the private section of that garden and the proposed development mitigate impacts such that the proposed development is not considered so overbearing as to justify a reason for refusal in this instance. Furthermore, the garden of the adjacent dwelling to the east at Sutherlea, is significantly larger and only the single storey projection would be visible. Again, this element is not considered to result in loss of outlook, overshadowing or overbearing impact to such a degree as to justify a reason for refusal.

Concern has also been raised in relation to the use of the garage as a dining room and the potential for noise impact and nuisance. However, there is a degree of separation between the garage structure and adjacent properties which are themselves close to the highway and other properties. Furthermore, the solid brick boundary wall between the site and the driveway between No13 would provide a noise barrier. Additional noise nuisance would be subject other legislation beyond the scope of planning legislation but in any event, it is not considered that the additional residential accommodation and use would result in such additional noise generation over and above the existing approved situation such that consent ought to be refused on this basis.

Access, Parking and Highways safety

Representations received and the Parish Council have raised concerns regarding the parking provision within the site. The revised plans have demonstrated to the satisfaction of

the Council's Highway Engineers that the parking provision is suitable for the size of the dwelling. Whilst representations received have commented on the provision of parking for visitors, this is not a provision that is required for individual residential extensions. The proposal does not increase the number of bedrooms and the Highway Engineer is satisfied that additional parking is not necessary.

Furthermore, comments have been received in relation to on-street highway parking. Again, the Council's Highway Engineers have assessed this element and have reported that Stoke Common Lane is an unclassified highway and that there is no requirement to demonstrate turning provision within the site.

As such the application and parking proposals were fully assessed and considered acceptable by the Council's Highways Officers in the context of the site circumstances. It is not considered that there is a sound and defensible basis for refusal in this regard. In addition, no objection is raised to this proposal by Highways Officers.

10. Conclusion (The Planning Balance)

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.

The proposal is set within a residential part of this designated small village and from the public realm the character is one of an eclectic mix of built form, with a variety of sizes of properties, architectural styles and elevational materials. Whilst there are listed buildings within the vicinity of the site, the degree of separation is not considered to result in harm to these heritage assets. The revised plans, which this report is based upon, are considered to have overcome previous concerns with regard to loss of privacy, overbearing impact and domestic parking requirements.

Regarding impact to the highway network and parking provision, the Council's Highways officers have not raised any objection with regard to impact upon this undesignated highway and have concurred that parking levels are suitable for this four-bedroom dwelling.

As such it is considered that the proposal is acceptable in planning terms and in accordance with the provisions of WCS CP1, CP2, CP19, CP57 (i), (iii) (iv) and (vii) & CP58 of the WCS; Chapter 3, paragraph 3.1 of the Purton Neighbourhood Plan and para 11, 130, section 16 of the Framework; and in addition section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990.

11. Recommendation

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

- 01 Location and Block Plan. Received on 02 August 2021
- 02 Existing Floor Plans. Received on 17 May 2021
- 03 Existing Elevations. Received on 17 May 2021
- 04 Existing Garage. Received on 17 May 2021
- 05 Proposed Ground Floor Plan. Received on 05 August 2021
- 06 Proposed First Floor Plan. Received on 02 August 2021
- 07 Proposed Elevations. Received on 05 August 2021
- 07 Proposed Garage Plan and Elevations. Received on 02 August 2021

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the approved plans and application form.

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

Informative's

CIL 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.

WP6 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.

WP13 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.

WP18 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

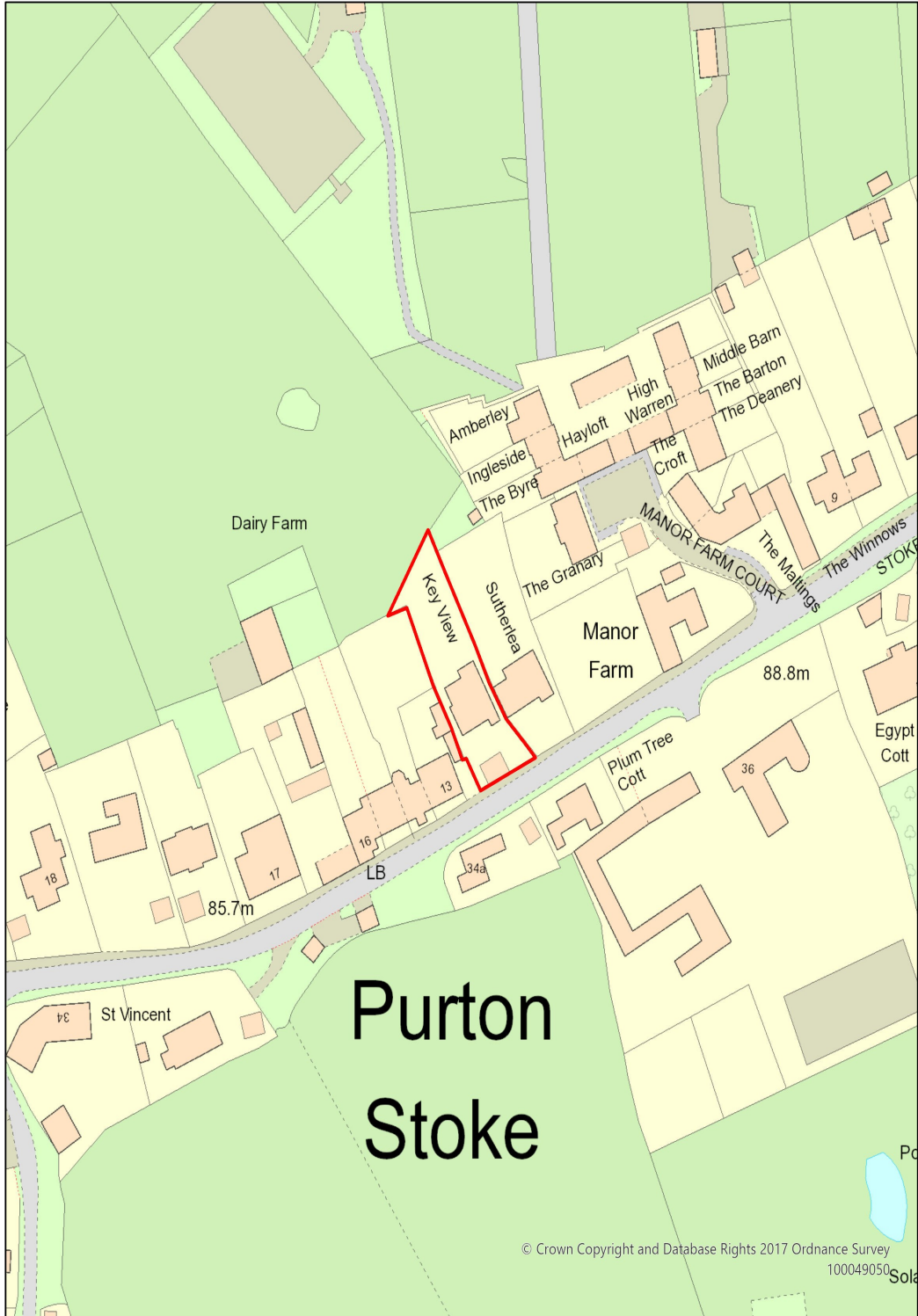
their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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.

Wiltshire Council

PL/2021/05198

Key View
Stoke Common Lane
Purton Stoke



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**REPORT OUTLINE FOR AREA PLANNING Report No.
COMMITTEES**

Date of Meeting	2 nd February 2022
Application Number	PL/2021/08970
Site Address	135 High Street Royal Wootton Bassett Swindon SN4 7BH
Proposal	Change of use from a Bank (Use Class A2) to a Hot Food Takeaway (Use Class A5) Together with External Alterations
Applicant	Dominos Pizza Group Ltd
Town/Parish Council	Royal Wootton Bassett
Electoral Division	Royal Wootton Bassett
Grid Ref	406772 182580
Type of application	Full Planning
Case Officer	Alison Williams

Reason for the application being considered by Committee

The application was called into Committee by Councillor Champion to consider the impact on the taxi rank, potential for deliveries outside of hours and impact on residential amenity.

1. Purpose of Report

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

2. Report Summary

The key issues in considering the application are as follows:

- Principle of development
- Impact on heritage assets and the character of the area

- Impact on neighbour amenity
- Parking/highways
- Waste and recycling

3. Site Description

The application relates to a former bank and now vacant building on the High Street in Royal Wootton Bassett. The adjoining unit to the north east is currently occupied by Prospect Hospice and the adjoining unit to the south west is currently utilised as a public house. There are a range of other commercial and retail uses on the High Street and the site adjoins a retirement village known as the Mulberrys to the rear. There is a taxi rank immediately in front of the site on the High Street.

The site is located in a Conservation Area and the adjacent public house is Grade II listed. The site is also in an area of archaeological potential and it is in a ground water vulnerability zone.

4. Planning History

N/88/00512/FUL	Installation of Barclay Bank cash dispenser and alterations to shopfront (approved)
N/00/02049/ADV	Internally illuminated fascia sign (refused)
N/00/02792/ADV	Externally illuminated fascia sign (approved)
N/03/01551/ADV	ATM signs (approved)
N/07/01399/ADV	Internally illuminated fascia sign and projecting sign (withdrawn)
N/07/01982/ADV	Display externally illuminated fascia sign and projecting sign (Revision of 07/01399/ADV) (approved)
20/09359/ADV	1no Externally illuminated fascia sign & 1no Externally illuminated projecting sign (withdrawn)
20/07551/FUL	Change of use from a Bank (Use Class E) to a Hot Food Takeaway (Sui Generis) Together with External Alterations (withdrawn)
PL/2021/11770	One fascia sign, one hanging sign, both externally illuminated and one LED digital window display. (not yet determined)

5. The Proposal

Planning permission is sought for the change of use of the building from a bank (use class E) to a hot food takeaway (Sui Generis) together with external alterations.

6. Local Planning Policy

Wiltshire Core Strategy (2015)

Core Policy 1 (Settlement Strategy)

Core Policy 2 (Delivery Strategy)

Core Policy 19 (Royal Wootton Bassett and Cricklade Community Area),

Core Policy 36 (Economic Regeneration),

Core policy 38 (Retail and Leisure)

Core Policy 57 (Ensuring high quality design and place shaping),

Core Policy 58 (Ensuring the conservation of the historic environment),

Core Policy 60 (Sustainable transport),

Core Policy 61 (Transport and development) and

Core Policy 64 (Demand management)

North Wiltshire Local Plan (2011)

Saved Policy R2 (Town Centre Secondary Frontage Areas)

NE18 (Noise and Pollution)

Royal Wootton Bassett Neighbourhood Plan (2018)

Policy 1 (Services and Facilities)

Policy 2 (Convenience and comparison retail)

Policy 7 (Design)

Policy 12 (Road safety, traffic and transport)

National Planning Policy Framework 2021:

Paragraphs 2, 11, 12 (Sustainable Development, Paragraph 47 (Determining Applications), Paragraph 81 (Economy), Paragraph 86 (Vitality of town centres), Paragraph 127 and 130, (Well designed places), Paragraphs 190, 191, 192, 194, 195, 197, 199, 200, 201, 202 (Heritage)

The Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 16, 66 and 72.

7. Summary of consultation responses

Royal Wootton Bassett Town Council

The Town Council raise concerns regarding the use of the taxi rank. It was noted that deliveries will be made off peak to avoid conflict with the taxi rank at the front of the building but questions were raised over where the delivery cars for takeaways will wait and how car parking will be managed at the front of the building. Concerns over the possibility of deliveries outside of the hours specified which would be a detriment to residential amenity

Highways

No objection. The Officer noted that the High Street is a busy A road and they advised that the Applicant should be mindful of arranging service vehicles to deliver at off-peak times to avoid conflict with the taxi rank immediately outside. They considered that there is ample on-street parking along the High Street for customers, and they noted that these spaces will be utilised for evening trade when parking for shopping has lessened.

They noted that the submission indicates that waste collection will be arranged at off peak times to avoid conflict with users of the taxi rank and parking bays closest to the site.

They considered that an additional takeaway restaurant would not lead to a severe cumulative impact on the public highway.

Public Protection

No objection subject to conditions regarding hours of operation, odour and noise. They advised that they were satisfied with the proposed waste collection arrangement from a food safety perspective.

Conservation

The Officer advised that they had no significant concerns regarding the proposed change of use. They noted that the key issue in this case would be considered at a later date in reference to the form of the proposed signage.

8. Summary of representations received

2 letters of objection were received during the consultation period. The main points raised were as follows:

- Concern about the proximity of the Mulberrys and the noise and disturbance caused by the proposal
- Waste storage will result in noise, smell and rodent/pest issues
- Concern about waste collection/delivery to the rear and associated disturbance caused
- Waste collection from the High Street would conflict with the taxi rank
- Noise and smell disturbance produced by fans, flue/extraction unit
- Proposed opening hours would cause disturbance
- There are enough fast food outlets on the High Street
- The proposal could damage the existing similar businesses in the area
- Concern about making deliveries to the front of the building and conflict with taxi rank
- Adverse impact of resident's ability to use/enjoy the communal garden serving the Mulberrys

9. Publicity

The publicity for the application was by way of a press advert, site notice, neighbour notification letters, notification to the Town Council and Local Ward Member, Publication of details to the Council's website and inclusion on the weekly list of applications also published to the public record.

10. Planning Considerations

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. 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 Wiltshire Housing Sites Allocation Plan (WHSAP) (Feb 2020); and the Royal Wootton Bassett Neighbourhood Plan (MNP) ('made' April 2018).

Principle of development

The site is located within the secondary frontage area for Royal Wotton Bassett as defined by the North Wiltshire Local Plan. Saved Policy R2 of the North Wiltshire Local Plan is therefore relevant. It states that:

Proposals for shops, financial and professional services, food premises, leisure facilities and night clubs (Use Class A, D1 and D2) will be permitted within the defined town centre secondary frontage areas of Chippenham, Calne, Wootton Bassett, Corsham, Malmesbury and Cricklade, subject to all the following criteria:

- i) They do not individually or cumulatively undermine the vitality or viability of the town centre.*
- ii) The proposal is consistent with the scale and function of the town centre. Consideration is given to ensuring that proposals do not eliminate separate access arrangements to the upper floors, which could be used for residential, community or employment uses.*

It should be noted that the Use Classes Order was amended 2020. Under the 1987 Use Class Order the proposed takeaway would have fallen under Class A5. However, the proposed takeaway is now designated as a sui generis use.

Notwithstanding the above, given that the proposal seeks permission for an A5 (now sui generis) use, the proposal falls within the category of uses which are acceptable in this location in accordance with the provisions of Saved Policy R2. The proposal is for a single takeaway of a relatively small scale. Therefore, whilst it is acknowledged that there are other similar businesses on the High Street, due to its nature and scale, the proposal would not undermine the vitality or viability of the town centre, nor would it have a significant adverse impact upon the viability of the existing similar businesses in the area. The planning statement confirms that the site has been vacant since July 2018, and it is considered that restoring the unit to an active business use would contribute to the vitality of the High Street. The proposal therefore complies with the first criterion of Policy R2.

The proposal seeks permission for a new takeaway, which is a use that is consistent with the scale and function of the town centre. The proposal therefore complies with Policy R2 ii). The submitted plans indicate that the proposal would have no impact upon the existing access arrangement for the first floor. Although the plans indicate that the building does not currently benefit from separate access to the first floor, the proposal plans indicate that the first floor would be used in association with the proposed takeaway. As such the proposal is considered to be in compliance with Policy R2 iii). For these reasons the proposal would comply with Saved Policy R2 of the North Wiltshire Local Plan.

In terms of broader development plan policies, the proposal is not of a scale or in a location that triggers requirements for retail impact assessment under WCS CP38. Also it is noted that the supporting text for Policies 1 and 2 of the Neighbourhood Plan sets out a desire to reduce the number of vacant units and support ground floor units remaining in use Classes A and D in order to support the vibrancy of the Town Centre. As outlined above, the current proposal would provide an A5 (now sui

generis use) and would therefore help to achieve the aspirations of the neighbourhood plan.

As such the principle of development is supported.

Impact on heritage assets and the character of the area

The site is located within the Royal Wootton Bassett Conservation Area and it is adjacent to a Grade II listed Public House known as The Cross Keys Inn. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 16 and 66) and the character or appearance of the conservation area (s.72). This duty is reflected in the National Planning Policy Framework which requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (paragraph 195). Local authorities are also required to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset (Paragraphs 199 and 200).

There is no conservation area appraisal currently published for the Royal Wootton Bassett Conservation Area. However, the significance of the conservation area is likely to arise primarily from its aesthetic (fortuitous) and historical (illustrative) values and by virtue of its designation, it is significant in heritage terms.

The listing for The Cross Keys Inn explains that the building may have been constructed before 1742. The listing notes the building's architectural features including dark brick with finer red brick dressings to openings, gauged brick arches to windows and sash windows. It is also the former site of a 17th century token issuer, John Knighton, Mercer. The significance of the building is therefore considered to arise primarily from its aesthetic (designed) and historical (illustrative) value. Given its designation it is of significant importance in these terms.

At present the application site is a vacant unit, which detracts from the vibrancy of the surrounding High Street. Due to the poor condition of the fenestration, the fascia board and the presence of a large to-let sign, it makes a negative contribution to the character and appearance of the conservation area and it has a negative impact upon the significance of the adjacent listed building.

The proposal would bring the building back into an active use. The existing fenestration on the front elevation would be rationalised, with new timber framed sash windows finished in white at the first floor and aluminium shop front glazing at ground floor finished in grey. It is also understood that the Applicant intends to erect new signage, however this does not form part of the current application and will be considered as through an application for advertisement consent. The alterations proposed to the front elevation would make a positive contribution to the character

and appearance of the conservation area and the significance of the adjacent listed building.

The alterations to the rear are confined to the installation of a new wall-mounted condensing unit, the installation of a flue and a fresh air intake grille. Whilst these additions would undoubtedly have a utilitarian appearance, given the nature and appearance of the existing rear addition and their limited public visibility, they would have a neutral impact upon the significance of designated heritage assets and the character and appearance of the area more generally. A condition can be applied to any consent given to require that the flue is painted black to reduce its prominence. Due to their location and size, the other additions proposed would not constitute prominent or incongruous features when viewed from the surrounding area and they would have no impact upon the significance of designated heritage assets.

On balance, the proposal would enhance the character and appearance of the conservation area and the significance of the adjacent listed building. The proposal therefore complies with Core Policies 57 and 58 of the Wiltshire Core Strategy, Policy 7 of the Neighbourhood Plan and paragraphs 195 and 196 of the NPPF.

Impact on neighbour amenity

Given its Town Centre location, the site is primarily surrounded by commercial and retail units. However, there are some residential units in this location including staff accommodation within the adjacent public house and opposite the site across the High Street is the retirement village known as The Mulberrys. This contains several residential units and is also positioned directly to the south east of the site. The impact of the proposal upon the amenity enjoyed by neighbouring properties was a key concern in the objection letters received. It was felt that the proposed waste storage arrangement, the flue/fans/extraction units and the proposed hours of operation would cause harm to the amenity enjoyed by these neighbours.

In response to the concerns raised, the proposed delivery and waste collection arrangements were altered. It is now proposed that deliveries will be made to the front of the unit, and that waste will also be collected from this location. This revised arrangement will ensure that deliveries and collections associated with the servicing of the building will not cause significant harm to neighbour amenity. Further protection can also be provided via a condition restricting the delivery times to between 10:00 and 21:00.

It is acknowledged that notwithstanding the revised arrangement described above, the use of the land to the rear of the unit for the storage of waste does still have the potential to cause harm to neighbour amenity through noise associated general staff activity, lighting, odour and the closing of bin lids. The planning statement outlines measures to mitigate this harm including using domestic sized bins rather than large

heavy lidded bins and staff will be advised to minimise the use of the bins after 9pm. There is space within the first floor of the building for a staff room and therefore the likelihood of staff congregating within the rear yard is limited. A condition is suggested to control the installation of external lighting, which would help to further protect the amenity enjoyed by neighbours in this respect.

Comments received during the public consultation period raised concern that the proposed waste storage arrangement would attract pests. However, the Planning Statement outlines measures which are designed to reduce this risk. For instance, the statement confirms that domestic sized bin and regular waste collections would reduce the accumulation of waste and would prevent vermin. Given that appropriate waste management measures have been outlined, it would not be reasonable to refuse the planning application on this basis.

It is acknowledged that concerns were raised by members of the public regarding the disturbance (through noise, smell and heat) produced by the proposed flue, condenser unit and fans. It was also felt that these elements of the proposal could release toxins into the air which would affect the occupants of the Mulberrys. The Environmental Health Officer reviewed the proposal and raised no objection subject to conditions. A condition is suggested to ensure that the sound associated with the proposed plant does not exceed 5Db below the existing background level, and the condition will compel the Applicant to provide a post installation noise assessment to demonstrate that this has been achieved. The Environmental Health Officer considered that this was achievable on the site and that the condition would ensure that the noise associated with plant would be of a negligible level and should not give rise to a loss of amenity.

A further condition is suggested to require that the development is carried out in accordance with the EMAQ technical guidance for the "Control of Odour and Noise from Commercial Kitchen Exhaust Systems" which would require a high level of odour control. This would compel the developer to carry out any measures which are deemed appropriate and necessary in order to achieve a *high* degree of odour control as specified in the guidance. The Environmental Health Officer also advised that regular food safety inspections would be carried out once the business is operating and part of this inspection would include the extraction system and its maintenance. The Officer also considered that other than the normal products of combustion, they did not consider that there would be any toxins discharged to the atmosphere by the proposed food business. Taken together, these controls are considered to minimise the impact of the proposal upon amenity enjoyed by neighbouring properties.

In response to the concerns raised, the proposed opening hours were reduced. It is now proposed that the hours of operation would be 11:00 to 23:00 Monday to Sundays and Bank Holidays. Although the concerns raised regarding the long hours

of operation are acknowledged, it is important to recognise that the site is in a town centre location where such uses are common. Moreover, the primary activity associated with the movements of delivery drivers and customers will occur on the High Street, away from The Mulberrys. It is also noted that the site is immediately adjacent to a Public House, the operation of which also produces a degree of noise and disturbance and within this wider context the proposed hours of operation are considered to be acceptable.

Subject to the use of conditions proposed it is not considered that significant harm to existing residential amenity will arise for the use proposed such that there is conflict with the relevant policies of the plan or provisions of the framework. As such it is also not considered that the application could be defensibly refused on this basis.

Parking/highways

Concern was raised during the public consultation period regarding the impact that the proposal would have on the surrounding highway network. In particular it was felt that the proposal would increase congestion, that the waste collection and delivery arrangement would conflict with the taxi rank, and that the proposal would reduce the availability of parking for the surrounding businesses.

The Highway Officer fully reviewed the proposal and raised no objection. They explained that the taxi rank and two-hour parking bays on the High Street are enforced by the Council's Parking Enforcement Officers. As such, any obstruction of the taxi rank or any inappropriate parking would be managed and enforced by that team. Notwithstanding this, it is important to note that both waste collections and deliveries do not generally take a significant amount of time and are not likely to cause a lengthy obstruction of either the highway or the taxi rank. Moreover, delivery vehicles could utilise the on-street parking available in order to prevent conflict with the taxi rank.

Many businesses on the High Street utilise the on-street parking spaces available and the proposed takeaway is not likely to attract such a high number of customers waiting over extended periods that the availability of this parking would be significantly reduced. It is understood that most Dominos customers have their food delivered, so general customer numbers are likely to be low, pre-order for collection is also possible. Moreover, most of the trade associated with the proposal is likely to take place in the evening and the Highway Officer explained that evening parking for employees and customers will be freely available when the shops on the High Street are closed and there is more parking capacity in the area.

The Highway Officer considered that the proposal would not result in a severe cumulative impact on the public highway. They confirmed that as parking surrounding the site is controlled and enforced, there was no need for additional

mitigation to be sought. The proposal would therefore comply with Policy 12 of the Neighbourhood Plan as well as Core Policy 60 of the Wiltshire Core Strategy.

Waste and recycling

It is noted that several comments received during the public consultation period raised concern regarding the revised waste collection arrangement. It was highlighted that the proposal to collect waste from the High Street would require waste to be brought through the proposed takeaway. The Environmental Health Officer confirmed that this arrangement was acceptable and did not raise any concerns with regarding to food hygiene or safety.

11. Conclusion (The Planning Balance)

The proposal would achieve the redevelopment and occupation of a vacant unit which is currently in a poor state of repair. This will contribute to the vitality of the Town Centre and will to achieve the aspirations of the Neighbourhood Plan in this respect. The proposal is acceptable in principle given its compliance with current planning policy, the external alterations proposed would be in-keeping with the character and appearance of the locality and they would not cause any harm to designated heritage assets. Whilst the concerns raised regarding neighbour amenity are appreciated, the Agent has provided additional information and measures to address any potential harm caused and this aspect of the proposal can be further managed through a suite of restrictive conditions. The Highway Officer is satisfied with the proposed delivery and servicing arrangement and the proposal is therefore acceptable in this respect.

Therefore, on balance it is considered that the benefits associated with the proposal would outweigh the harms. As such, it is recommended that planning permission is granted.

RECOMMENDATION: grant permission subject to the following conditions:

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

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

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

12477-AEW-PJ004106-XX-DR-0005, 12477-AEW-PJ004106-XX-DR-0006,
12477-AEW-PJ004106-ZZ-DR-0003, 12477-AEW-PJ004106-XX-DR-0004,
12477-AEW-PJ004106-ZZ-DR-PRELIM-0001

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

3. The Local Planning Authority approves the information detailed in RSK Acoustics Plant Noise Assessment 206/0418/R1 and this must be adhered to. The mitigation measures in section 5.3 of the report must be implemented prior to use of premises and permanently maintained for lifetime of the development.

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

4. The use of the development hereby permitted shall only take place between the hours of 11:00 in the morning and 23:00 in the evening Mondays to Sundays.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable. The proposed opening hours of 11am to 11pm have been used throughout this assessment, deviation from these hours would render the assessment unreliable, thus these hours must be adopted (with exemption of cold room condenser, which requires 27/7 operation).

5. The Odour Specification Details document prepared by Purified Air are approved by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

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

6. The external flue shall be finished in a matt black colour and maintained as such thereafter.

REASON: In the interests of preserving the character and appearance of the conservation area and its setting.

7. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone

standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

8. Deliveries to the development site shall only take place between the hours of 10:00hrs to 20:00hrs

REASON: In the interests of the amenities of the area and to minimise conflict with highway movements.

9. The site shall be used for a hot food takeaway (sui generis use) and for no other purpose (including any other purpose in Class (Sui generis] of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

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

INFORMATIVES

10. 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. 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.
12. 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. 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.

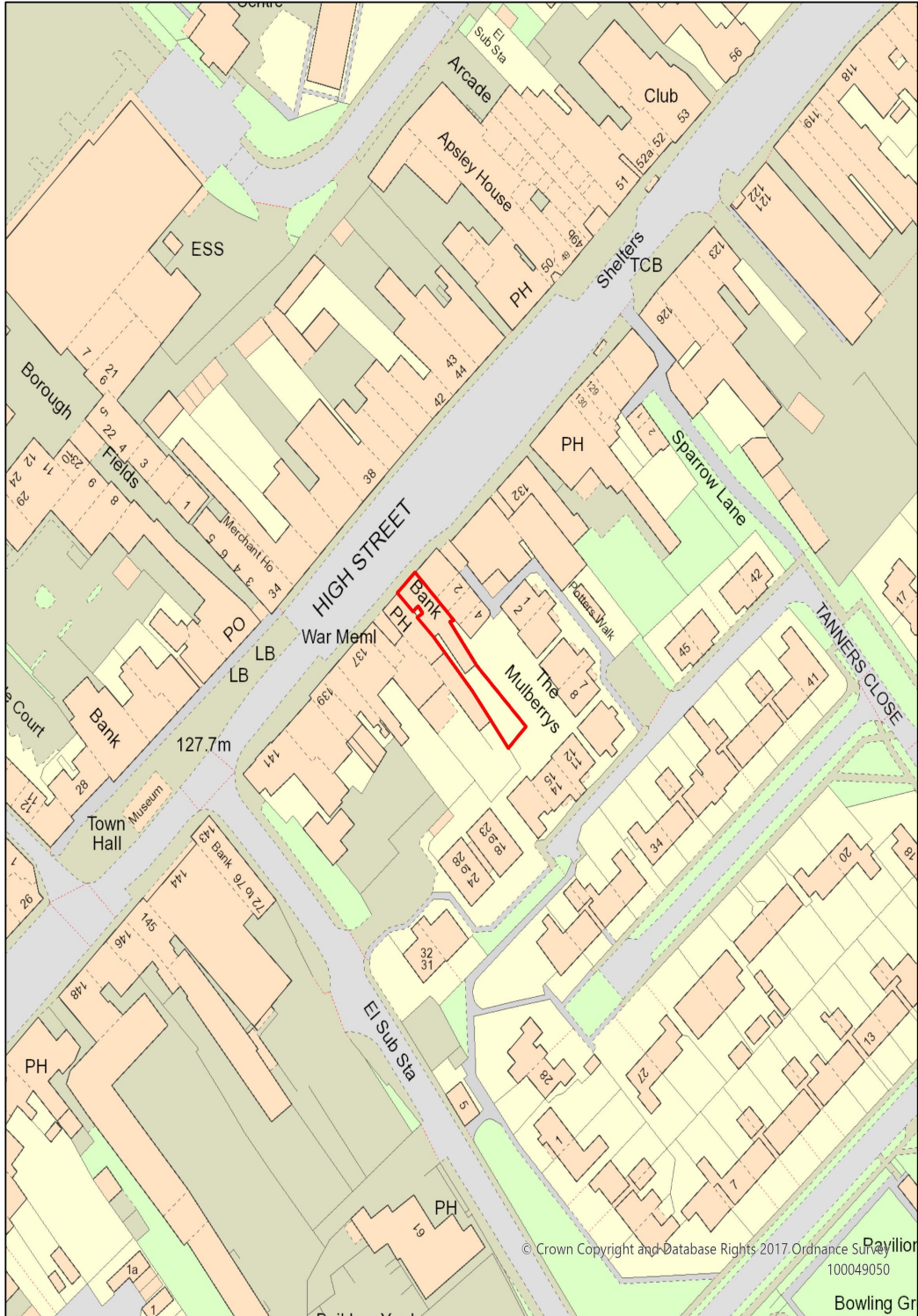
14. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not 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. 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.

Wiltshire Council

PL/2021/08970

135 HIGH STREET, ROYAL
WOOTTON BASSETT,
SWINDON, SN4 7BH



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REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	2 February 2022
Application Number	20/11236/OUT
Site Address	Land to the south west of The Street, Latton, Swindon, SN6 6EH
Proposal	Outline application (with all matters reserved) for a village recreation hall, all weather tennis court, parking, access and erection of six houses (Resubmission of 19/08877/OUT)
Applicant	Latton Parish Council/ Latton Parish Community Trust/ Oram Settlement Trust
Town/Parish Council	Latton Parish Council
Division	Cricklade and Latton
Grid Ref	409070 195512
Type of application	Outline Planning
Case Officer	Raymond Cole

Reason for the application being considered by Committee

The application has been called-in by the Division Member Councillor Jones because it is recommended for refusal when there is considered to be community benefit.

1. Purpose of Report

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

2. Report Summary

The application has been the subject of consultation and publicity, including neighbour notification, publication on the Council's website and the display of a site notice. Representations have been received from 21 people; 12 supporting and 9 objecting to the proposed development.

Latton Parish Council is one of the joint applicants and naturally supports the proposal.

The main issues for consideration are:

- Principle of the development;
- Heritage assets;
- Character and appearance;

- Flood risk and drainage;
- Transport and access;
- Ecology;
- Archaeology; and
- Community facilities.

3. Site Description

The site comprises 0.49 hectares of land forming part of a field on the south-west side of The Street, Latton. Latton is a small village and has no defined settlement boundary. Therefore, the site is in open countryside. The field is relatively flat and is currently grazed by horses. The site fronts The Street and is bordered to the south-west by the A419 dual carriageway. There is residential development to the north-west and south-east of the site, and on the opposite (north-east) side of the road. The site lies within the setting of three listed buildings; Cross, Gosditch Grade II, Street Farmhouse Grade II, and Elm Farm, 7, 8 and 8A Ermin Street Grade II. The site is within an area at risk of groundwater flooding with levels at or near 0.025m of the ground surface. A public right of way (bridleway LATT3) runs to the north-west of the site between The Street and a bridge over the A419 dual carriageway.

4. Planning History

19/08877/OUT – Outline application (with all matters except access reserved) for a village recreation hall, all weather tennis court, parking and erection of nine houses and construction of two vehicular accesses. Refused – 10 January 2020

The application was refused for the following reasons:

“1. The development is outside the defined limits of development as set out in the development plan and is not development that would be considered an exception to spatial strategy allowing permission to be granted outside the settlement boundary. The proposal does not consist of an infill development as set out in paragraph 4.34 of the WCS. The proposal is therefore contrary to policies CP1, CP2 and CP19 of the Wiltshire Core Strategy (2015), saved Policy H4 of the North Wiltshire Local Plan 2011, as well as the principles set out within NPPF (paragraph 9) which confirms that the planning system should play an active role in guiding development to sustainable locations and that planning should be genuinely plan-led (paragraph 15) and with paragraph 12 that states that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

2. The location of the proposals will result in the loss of part of an existing pastoral field through urbanisation which currently provides separating green space between loose knit village areas. The proposed development would result in an incongruous development in this village edge setting within Latton resulting in harm to the character, appearance and visual amenity of the locality. The proposed development would therefore be contrary to CP57 (iii, vii) and CP51 (ii) Wiltshire Core Strategy (2015) as well as paragraph 170(b) of the NPPF.

3. *Latton, a small village in terms of the Core Strategy, is an unsustainable location for the development proposed. The lack of local facilities, employment sites and the distance to the nurseries, primary, secondary schools would lead to an increased reliance on journeys by private motor car. Consequently, the proposal does not meet the aims of the NPPF and the Core Strategy which seek to reduce growth in the number of motorised car journeys. The development would be contrary to NPPF paragraphs 102, 103, 108 and 110 and policies CP1, CP2, CP60 and CP61 of the Wiltshire Core Strategy (2015).*

4. *The proposed development would harm the setting of the designated heritage assets, Elm Farm and Street Farmhouse, Grade II listed. The harm to the setting of the designated heritage assets would arise through the reduced intervisibility, urbanisation of the surroundings and erosion of the historic open space resulting in less than substantial harm to the setting of the designated heritage assets. The benefits of the proposal have been fully considered in accordance with the requirements of paragraph 196 of the NPPF, but are not considered to clearly and demonstrably outweigh the harm identified. The development would be contrary to section 66(1) of the Act, paragraphs 193, 194, 196 & 197 of the NPPF, as well as CP57 (i & iv) & CP58 of the Wiltshire Core Strategy.*

5. *The application site has the potential to include heritage assets of archaeological interest. The application contains insufficient information to enable a full assessment of the impact upon the archaeological features that could be affected by the development. In the absence of this information it is not possible to fully assess the archaeological value of the site, impact of development and any potential harm arising as a result. As such the proposals conflict with paragraph 189 of the NPPF and CP58 of the Wiltshire Core Strategy (2015)."*

5. The Proposal

The application seeks outline planning permission with all matters reserved for a village recreation hall, all-weather tennis court, parking, access and the erection of six houses. It seeks to establish the principle of the development only.

The application is accompanied by a location plan, illustrative site plan and street elevation, a planning, design and access statement (December 2020), a habitat and protected species survey report (October 2019) and a flood risk assessment (October 2019).

The illustrative site plan shows a single means of vehicular access from The Street, opposite the junction with Gosditch. A village hall, car park and tennis court are shown south of the intended access, adjacent to the south-eastern boundary. Two detached and two pairs of semi-detached houses are shown north of the access, in a line facing The Street. The houses would be served by an access road and car parking spaces to the rear. The indicative street scene shows two-storey houses, with accommodation also in the roof space.

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 3: Infrastructure Requirements
Core Policy 19: Spatial Strategy for the Royal Wootton Bassett and Cricklade Community Area
Core Policy 43: Providing Affordable Homes
Core Policy 45: Meeting Wiltshire's Housing Needs
Core Policy 48: Supporting Rural Life
Core Policy 50: Biodiversity and Geodiversity
Core Policy 51: Landscape
Core Policy 57: Ensuring High Quality Design and Place Shaping
Core Policy 58: Ensuring the Conservation of the Historic Environment
Core Policy 60: Sustainable Transport
Core Policy 61: Transport and New Development
Core Policy 62: Development Impacts on the Transport Network
Core Policy 64: Demand Management
Core Policy 67: Flood Risk

Saved Policies from the North Wiltshire Local Plan 2011 (NWLP)

H4 Residential development in the open countryside
NE14 Trees and the control of new development
NE18 Noise and pollution

Wiltshire Housing Site Allocations Plan 2020

Paragraph 4.12: Spatial Strategy

National Planning Policy Framework 2021 (NPPF)

Paragraphs 2, 8, 11, 12, 14, 38, 47, 55, 84, 85, 92, 93, 110, 111, 112, 130, 167, 174, 180, 194, 195, 197, 199, 200, 202-204.

7. Consultations

Highways England – No objection subject to Conditions

Highways England has no objection to the development in terms of traffic impact but does have concern about the proposed drainage strategy, which includes the use of a culvert beneath the A419. It also notes that an existing bund may provide a degree of mitigation from traffic noise, but consultation will be required on any additional measures that come forward with the potential to impact on the bund or the A419 highway boundary. Additionally, the proposed tennis court would be expected to be provided with perimeter netting. Highways England recommend that suitably worded conditions be imposed on any planning permission that may be granted to deal with the detailed design and maintenance of the drainage system and the erection and maintenance of suitable netting or fencing around the perimeter of the tennis court.

Thames Water - Comments

1. Would expect the developer to demonstrate the measures to be taken to minimise groundwater discharges into the public sewer.
2. Would have no objection if the developer follows the sequential approach to the disposal of surface water.

3. Has no objection with regard to capacity of the waste-water network and sewage treatment works.
4. Advises that the development is located within proximity of a strategic water main and requests the use of a condition to prevent construction works within 5m of the water main.
5. Advises that the site is within a Source Protection Zone for groundwater abstraction and highlights the Environment Agency's approach to groundwater protection.

Wiltshire Council Drainage Engineer – No objection subject to a condition

Wiltshire Council's latest Strategic Flood Risk Assessment shows this area to be at risk of groundwater flooding. However, the Flood Risk Assessment for this application already has some provisional findings demonstrating the depth of groundwater to be about 2.2m and also an alternative option should infiltration not be possible. A pre-commencement condition is recommended to deal with infiltration testing and soakaway design or an alternative method of surface water drainage.

Wiltshire Council Highways – Objection

No details have been provided regarding the access, which should have a minimum carriageway width of 5.5m and 4.5m radii and should allow priority for cyclists and pedestrians to cross safely without detour. However, this could be addressed at the reserved matters stage. Latton is classed as a small village in the Wiltshire Core Strategy and as such has no development boundary. Whilst sustainable transport can be offered by a single hourly bus service between Cirencester and Swindon, the site is considered to be development within the open countryside. There are no community services within the village (shops and school) and all future occupiers of the dwellings will be reliant on private car journeys to access daily services. Therefore, the proposal attracts a highways objection due to concern about the sustainability of the site for residential development.

Housing Enabling Team – Comment

It is noted that the proposed development includes 6 residential dwellings on a site of 0.49ha. As such there is no policy requirement to provide affordable housing.

Archaeologist – Objection

"As it stands, the application contains insufficient information to enable a full assessment of the impact upon the archaeological features that could be affected by the development. In the absence of this information it is not possible to fully assess the archaeological value of the site, impact of development and any potential harm arising as a result. As such the proposals conflict with paragraph [194] of the NPPF and CP58 of the Wiltshire Core Strategy (2015)."

Conservation Officer – Objection

The reduction in number of houses is not an adequate decrease in development to address concerns raised in the previous application. The proposals would harm the significance of the heritage assets and their setting, exacerbated by the suggested addition of rooflights on the front elevations of the new houses, and the height that these houses will need to be in order for the attic space to be habitable. The harm caused would be less than substantial, but that is harm nevertheless. The proposed development would be contrary to section 66(1) of the Act, the NPPF (paras. [197], [199], [200] & [202]) and the BS7913.

Ecologist – No objection subject to conditions

The Council's ecologist considered the habitat and protected species survey report (October 2019) as part of the previous application and raised no objection to the proposed development subject to the imposition of conditions requiring the submission, approval and subsequent implementation of:

1. A wildlife protection and enhancement scheme to secure net gains for biodiversity; and
2. A lighting design strategy to prevent disturbance to species sensitive to light pollution.

Dorset & Wiltshire Fire and Rescue Service – Recommend the use of sprinklers to improve safety and reduce property loss in the event of fire.

Latton Parish Council – Support

The Parish Council believes that the application, with the reduced number of houses, proposes a viable scheme that will deliver an asset to the community of Latton and the surrounding parish. They state that the current hall is in an extremely dilapidated state requiring much to be spent to remediate serious structural problems. It is not fit for purpose, with spaces that were designed for a very small school and not that of a useful and practical village hall. A purpose-built facility would greatly benefit the village as it would enable local people to use it for physical activity and community events without having to travel outside the parish. The Parish Council recognises that the site lies between two Grade II listed buildings. They state that Elm Farm is hidden from the site by recent development, while space between Street Farmhouse and the new housing is maintained by a reduction in the number of houses and size of the rear access road when compared with the previous application. They add that there is no view from Street Farmhouse to the site as there are no windows in the gable end of the house and hedgerows screening views from the front and rear of the property. They also consider that the proposal provides an opportunity to carry out highway improvements, to reduce traffic speed and improve the safety of cyclists and pedestrians.

8. Publicity

As a result of publicity, representations have been received from 21 people; 12 supporting and 9 objecting to the proposed development.

Comments made in support of the proposal include:

- The existing village hall facility, owned by the church, is beyond economic repair and no longer fit for purpose.
- The community needs a meeting place for social gatherings.
- The proposed hall will be large enough to provide indoor recreational facilities such as badminton and 5-a-side football.
- The hall and tennis courts would improve the sense of community and make the location more desirable for people to move to.
- The Community Trust will ensure that the proposed facilities are operated in a fair manner for the benefit of the whole community.
- The land on which the development is proposed is not suitable for agriculture and is not well maintained.

- The site is within easy walking distance of all parts of the village.
- The provision of housing would attract more families to a vibrant village.
- The housing would be a benefit to the village by screening noise from the A419 road surface.
- It would be a positive addition to a growing village.
- The proposed facilities will reduce the need to drive elsewhere.
- A generous gift to the community.

Comments made against the proposal include:

- Additional traffic.
- Inadequate road infrastructure.
- Traffic exceeding the speed limit.
- The proximity of public transport and bus stops to the site entrance, including their use by school buses.
- Lack of visibility due to parking in laybys.
- The proposed access should be relocated, and a mini roundabout provided at the monument.
- The proposed housing should be set back a good distance from the main road or built in the village.
- The village hall is a historic building and should be retained for the community.
- The proposed housing is in the wrong location in terms of road safety.
- Does not address the issues raised previously.
- Outside the development envelope for the village of Latton.
- The need for more housing in Latton is questioned.
- The proposed development is unsustainable as there are no shops, amenities, employment or school in the village.
- The lack of community support for the development.
- The lack of mains sewerage and odour from private systems.
- Increased noise, light and traffic pollution.
- Effect on the setting of adjacent listed buildings.
- Disruption to wildlife.
- Concerns about the potential for crime, fire risk and the choice of external materials.
- Inadequate car parking facilities.

The North Wiltshire Swift Group also commented that all new developments should provide habitat opportunities for those species such as swifts who prefer, or can adapt to, the built environment. The group noted that The Habitat & Protected Species Survey Report October 2019 has no provision at all for nesting birds. It recommends the use of a model condition to secure the installation of 6 integral swift nest bricks in the development.

9. Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Section 70(2) of the Town and Country Planning Act 1990 provides that:

In dealing with an application for planning permission, the authority shall have regard to:

- the provisions of the development plan, so far as material to the application,
- a post-examination draft neighbourhood development plan, so far as material to the application,
- any local finance considerations, so far as material to the application, and
- any other material considerations.

For the purpose of determining this application, the development plan comprises the Wiltshire Core Strategy Adopted January 2015, the Saved Policies of the North Wiltshire Local Plan 2011 and the Wiltshire Housing Site Allocations Plan 2020.

Principle of the development

Core Policy 1 of the Wiltshire Core Strategy sets out the settlement strategy for the County. It identifies a hierarchy of settlements to which development will be directed with the aim of achieving sustainable development. Core Policy 2 provides a delivery strategy for housing and employment development and states 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”. It continues that, other than in specified circumstances (none of which apply in this case), development will not be permitted outside the limits of development as, defined on the policies map.

Core Policy 19 identifies the settlements in the Royal Wootton Bassett and Cricklade Community Area and the category in which they appear in the hierarchy. Latton is categorised as a Small Village and it has no defined settlement boundary on the policies map.

Being outside a settlement boundary, the application site is in the open countryside. Saved Policy H4 of the North Wiltshire Local Plan 2011 tackles residential development in the open countryside and sets out the criteria against which proposals should be considered.

Policy H4 states:

“New Dwellings in the Countryside outside the Framework Boundaries, as defined on the proposals map, will be permitted provided that:

- i) It is in connection with the essential needs of agriculture or forestry or other rural based enterprise;
- ii) It is a replacement for an existing dwelling where:

- a. The residential use has not been abandoned; and
- b. the existing dwelling is incapable of retention in its current state, is unsightly or is out of character with its surroundings and
- c. the replacement dwelling is of a similar size and scale to the existing dwelling within the same curtilage.”

There is similar provision for new dwellings required to meet the employment needs of rural areas in Core Policy 48 Supporting Rural Life.

The applicant’s Planning, Design and Access Statement draws attention to the supporting text for Core Policy 48 which states that additional dwellings may be justified in certain circumstances. It is suggested that this is a case where such circumstances apply. However, the text explains that the relevant circumstances are where the dwellings are required “in the interests of supporting rural employment” and it provides equestrian activities as an example where accommodation for a worker may be needed on site. No evidence has been presented in the application to demonstrate that any of the proposed houses are connected with the needs of employment essential to the countryside.

Core Policy 48 supports the community ownership and/or management of local shops, pubs and other services where appropriate to retain a local facility through measures including appropriately scaled enabling development, where this is environmentally acceptable and justified through a supporting viability study and where it can help maintain and enhance the community uses provided. The “enabling development” in this instance is not sought to retain an existing local facility and it is not justified through a supporting viability study.

The applicant has also drawn attention to that part of Core Policy 2 which states that:

“At the Small Villages development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

- i) Respects the existing character and form of the settlement
- ii) Does not elongate the village or impose development in sensitive landscape areas
- iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.”

They state that the proposal meets these three policy requirements.

However, the proposal does not meet the definition of an infill site, as set out in paragraph 4.34 of the WCS. “Infill is defined as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling”. The site is not a small gap within the village but is part of a sizeable field at the edge of the village and the proposal is for a hall, car park, tennis court and six dwellings; in excess of what can reasonably be considered limited infill.

The proposed development does not accord with Core Policies 1, 2 and 19 of the Wiltshire Core Strategy 2015 and saved Policy H4 of the North Wiltshire Local Plan 2011.

It is however necessary to consider what, if any, material considerations would justify a decision otherwise than in accordance with the strategy of the plan. In this context there are several matters that must be taken in account. Firstly, the Council cannot currently demonstrate an NPPF compliant available and deliverable supply of land for housing for the requisite 5-year period plus buffer. The latest Housing Land Supply Statement (HLSS) identified that the number of years of supply is 4.56 years. As such the policies of the plan most relevant to the determination of the application are considered to be out of date and paragraph 11(d) of The Framework is engaged.

As set out in Supreme Court of Appeal decision *Suffolk Coastal District Council v Hopkins Homes Ltd & Anor* [2017] UKSC 37, even where paragraph 11(d) of The Framework is triggered through a lack of five-year housing land supply, the weight to be given to the relevant development plan policies and the NPPF remain questions of planning judgement for the decision-maker. The weighting of those will vary according to the particular circumstances of each case. This can include consideration of the extent of the shortfall of housing supply, as confirmed most recently by *Hallam Land Management v SoS DCLG* [2018] EWCA Civ 1808; the actions being taken by the local planning authority to address any shortfall, and/or the particular circumstances of the restrictive policy. In these respects, it must be noted that the shortfall is relatively limited as was confirmed by the Planning Inspector considering the Purton Road appeal (Ref APP/Y3940/W/18/3202551; 17/08188/OUT) which was tested through the courts and found to be sound by multiple justices. It is also material to note that the Council has an action plan in place for addressing the shortfall and is taking steps to do so. Importantly this has included granting permission for development on sites where no significant site-specific harm arises; there is reasonable access to services, facilities, and employment opportunities by virtue of good connectivity by a range of modes of transport and proximity to major settlements; and the scale of development proposed is proportionate to adjacent settlements. Indeed, this plan of action has already resulted in the grant of consent on other sites in this community area and elsewhere in this Housing Market Area as set out in the latest HLSS.

A team of officers meets regularly to keep under review other potential sites. Other actions include dedicating additional resource and priority to unlocking stalled strategic allocated sites such as Rawlings Green, Chippenham with a decision to approve now issued. The Wiltshire Housing Sites Allocation Plan has also been adopted since the Purton Road appeal decision identified the shortfall in housing and this will deliver additional sites in this housing market area.

Through the determination of the appeal at Purton Road the Council's Housing Land Supply position was considered and tested. At that time, it was agreed that the five-year housing land supply figure was between 4.42 and 4.62 years. See Inspector's decision letter paragraph 21, where he considered that even at the lower end of the agreed range there is a relatively modest shortfall in housing land in the Wiltshire Council area. The Council has since then published the Housing Land Supply Statement December 2020 (base date April 2019) which states that the Council can demonstrate 4.56 years of supply at the unitary level. This is at the midway point in the range of supply considered by the Inspector, and higher than the lowest end of the range which the Inspector considered and yet still attached significant weight to the conflict with the development plan policies 1, 2, 19, and moderate weight to saved policy H4.

It should be noted that the Wiltshire administrative area is one of the largest in the country in terms of geographical area. Therefore, in accordance with the spatial strategy set out in the WCS there is also a need to consider both the housing market area and community areas to fully comprehend the spatial distribution of homes in the administrative boundary. Although there is a deficit in housing provision within this HMA this is due to the under-provision in other community areas namely Corsham, Trowbridge and Warminster, all of which are substantial distances from the application site.

The latest HLSS, published in December 2020 (base date April 2019), shows that in the remainder of the Royal Wootton Bassett and Cricklade Community Area, 428 dwellings have been completed, with a further 254 units identified as being developable by 2026. This means that the indicative requirement has been exceeded by 297 dwellings (when the indicative requirement is 385 dwellings). There is also a surplus in Royal Wootton Bassett itself. This clearly demonstrates that the spatial strategy is delivering the requirement to meet the housing needs in a sustainable manner in this Community Area.

Since publication of the latest HLSS, the Council has resolved to grant planning permission (21/01155/OUT) for up to 47 dwellings on land at Restrop Road, Purton.

Additionally, an appeal (APP/Y3940/W/20/3253204) was allowed and planning permission granted on 22 November 2021 for the erection of up to 200 dwellings on land at Green Farm, Chippenham Road, Lyneham, in the same Community Area. Two further appeals have been allowed recently in this housing market area. Filands, Malmesbury 21/01641/OUT; 20/05470/106; 21/01363/OUT - 3278256, 3282365 and 3278923 including up to 70 dwellings; and Land to the south of Chilvester Hill, Calne 20/06684/OUT; APP/Y3940/W/21/3275477 for up to 32 dwellings.

The decision to allow the appeal in respect of 21/01363/OUT at Filands Malmesbury is the most recent decision 05.01.2022 and has confirmed that the Council has a shortfall in the housing land supply and this is 4.41 years. This is now the confirmed position for Wiltshire.

It is also material to note that the Council cannot demonstrate that affordable housing needs in Wiltshire and in this locality are being met.

As such the Council cannot demonstrate the available and deliverable supply of land for housing that is required by the NPPF and the tilted balance under paragraph 11d is engaged. The site, whilst in the open countryside, lies directly adjacent to the village of Latton and so cannot be considered remote or isolated. The amount of development is limited at 6 dwellings and this is considered reasonably well related to the scale of the settlement itself.

The overall planning balance is considered in the conclusion to this report. In summary though the proposals do conflict with the development plan in terms of the principle of development in this location.

Heritage Assets

Section 66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any special architectural or historic features it possesses.

Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset). Paragraphs 201 and 202 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to a heritage asset. Core Policy 57 of the WCS requires, among other matters, new development to be sympathetic to and conserve historic buildings. Core Policy 58 requires development to protect, conserve and where possible enhance the historic environment.

A Grade II listed wayside or preaching cross is located to the north-east of the site. The significance of the cross is derived from: its evidential value, identifying the settlement's historic associations with the medieval era. It is not considered that the proposal harms the cross.

Street Farmhouse Grade II listed, to north-west of the site, is believed to have been constructed around 1800. It is set back from the road and sits below road level. The former farm buildings associated with the house are now converted to separate residential units with shared driveway access along the historic farmyard track. The building's significance is derived from: its aesthetic value, in terms of appearance and architectural quality; in evidential value, in terms of its historic fabric and construction and its historic relationship with the village, with its separation from the main body of the settlement vital to the appreciation and preservation of the asset.

Elm Farm Grade II listed, is located to the south-east of the site. Given the list entry details, the building's significance is derived from: its aesthetic value, in terms of appearance and architectural quality; in evidential value, identifying historic associations with the village and farming; and its historical value, as an illustrative remnant of Latton on the village edge.

The Council's Conservation Officer objected to the proposal the subject of the previous application and concluded that the amount of development proposed with the removal of the historic open landscape would harm the setting and significance of the rural buildings. The reduction in the number of new houses has not addressed those earlier concerns.

The proposal would erode an historically open landscape within the setting of two listed buildings and would obscure views of that landscape in perpetuity. The proposal would harm Street Farmhouse in that it would erode the historic relationship with the village characterised by its separation from the main body of the settlement. Additionally, the proposal would harm Elm Farm in that it would erode its setting within the historic edge of the village. While it is appreciated that the scale and appearance of the Village Hall are reserved matters, a building with a gross internal floorspace of 200 square metres and the ability to accommodate a range of community activities would create a large mass in close proximity to the listed building, which would harm the appreciation of the asset within its setting. By creating a level of harm, the proposed development would be contrary to Core

Policies 57 and 58 of the WCS. There being conflict with the development plan in this respect, it is necessary to consider what, if any, material considerations might support a decision otherwise than in accordance with the plan. The NPPF is a material consideration of significant weight and paragraph 202 of the framework requires local planning authorities to weigh any identified harm to a designated heritage asset against the public benefits of the development proposed.

The NPPF is clear that where the impact of a proposed development will affect the significance of a designated heritage asset, great weight should be given to the asset's conservation. Further, it states where that harm is less than substantial this should be weighed against the public benefits of the scheme.

It is considered that the scale of harm identified is at the upper end of the range of "less than substantial".

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is clear that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposal has the public benefits of a village hall, land for a tennis court, 6 open market dwellings and construction jobs. The merits of each benefit are examined in detail in the planning balance section of this report. Whilst these are clearly public benefits, they are not considered to be so beneficial as to clearly and demonstrably outweigh the harm to the listed buildings identified above. It is also important to consider the presence of an existing general hall in the village; itself a Grade II listed building (former Village School). This facility could be retained for use if repaired. Details of the necessary repairs and costs have not been provided but there could be an option for a smaller scale of development than that proposed and no consequent requirement to build a new hall in this location with the harmful impact to heritage assets. In short, there could be an alternative scheme that would align more closely with the development strategy of the plan and secure a similar level of public benefit in terms of community facility provision with less harm to the designated heritage assets. This does not appear to have been rigorously considered by the applicant and demonstrably shown to be unachievable. Consequently, the development would be contrary to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 199, 200, & 202 of the NPPF, as well as Core Policy 57 (i & iv) and Core Policy 58 of the WCS.

Character and appearance

The core of Latton has a closely related built form, but a pattern of loose knit areas as one moves towards the edge of the village. Open spaces provide separation between the village and outer village dwellings or farms.

Core Policy 57 of the WCS states applications for new development must enhance local distinctiveness by relating positively to the landscape setting and the existing pattern of development and be sympathetic to and conserve historic buildings and historic landscapes.

Core Policy 51 of the WCS states that development should protect, conserve and where possible enhance the landscape character and must not have a harmful impact upon it. Any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

Paragraph 174 b) of the NPPF recognises the intrinsic character and beauty of the countryside.

As an outline application, with all matters reserved, the site layout is indicative only and shows how the site could be developed. However, the development of what has historically been open space would consolidate the built-up area, rather than maintain an existing loose knit pattern of development, eroding the village edge character currently experienced on the approach to Latton. It is not considered that alternative layouts for the amount of development proposed would address these matters, such that conflict with Core Policy 57 would not arise.

The potential urbanisation of this site is likely to generate a number of localised adverse landscape and visual effects. The proposal would also impact upon the setting of the heritage assets as already examined. Consequently, the proposal fails to meet the requirements of Core Policy 57 (iii, vii) and Core Policy 51 (ii) of the WCS, as well as paragraph 174(b) of the NPPF.

Flood risk and drainage

Core Policy 67 requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to the soil and ground unless site or environmental conditions make these measures unsuitable.

The submitted Flood Risk Assessment and Drainage Strategy states that, subject to on-site soil permeability testing and confirmation of groundwater levels, the use of infiltration SuDS will be the primary method to deal with surface water runoff generated from the development. If full infiltration is not possible due to low soil permeability or high/perched groundwater, surface water runoff will be discharged into the existing culverted watercourse at the western boundary of the site.

As required by Thames Water, the strategy follows the sequential approach to the disposal of surface water and therefore gives rise to no objection.

The Council's Drainage Engineer has also raised no objection and recommended the use of a pre-commencement condition to deal with infiltration testing and soakaway design or an alternative method of surface water drainage.

Thus, it is considered that the requirements of Core Policy 67 of the WCS and paragraph 167 of the NPPF have been met.

Transport and access

The location plan and illustrative site plan indicate a single point of vehicular access to the site from The Street. No details have been provided, as access is one of the reserved matters. Nonetheless, the Council's Highway Engineer has advised that a minimum carriageway width of 5.5 m with 4.5 m radii will be required and should allow for pedestrians and cyclists to cross safely without detour. This is capable of being addressed through the use of a planning condition and considered at the reserved matters stage.

Core Policy 60 of the WCS states that the Council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. One of the ways it seeks to achieve this is by planning developments in accessible locations. Paragraph 6.155 of the WCS adds: "Planning developments in locations that are, or can be made, accessible means that communities can access their needs (e.g. shops, schools and employment) easily and without always needing a car". Core Policy 61 states specifically that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

The applicant's Planning, Design and Access Statement highlights the existence of a bus stop adjacent to the site, with services connecting Latton to Cirencester, Cricklade, South Cerney and Swindon. The applicant states that the site is therefore in a location accessible to frequent bus services to larger settlements. As well as having good access to the public transport network, they add that the site is in a good location to minimise private car journeys and they state that the area is renowned for cycling activity.

The Council's Highway Engineer has commented that, while sustainable transport can be offered by a single hourly bus service between Cirencester and Swindon, there are no community services within the village in the form of shops or a school and all future occupiers of the dwellings will be reliant on private car journeys to access these services. Consequently, they object to the scheme on sustainability grounds.

It is agreed that the proposed housing is located where it would be difficult to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives. Therefore, the development would be contrary to Core Policies 1, 2, 19, 60 and 61 of the WCS and paragraphs 104, 105, 110 and 112 of the NPPF.

Ecology

The submitted habitat and protected species survey report describes the grass field as being of limited ecological value and confirms that virtually all of the boundary vegetation, which is scrappy or open, would be retained and protected. All plants recorded were common/widespread species and no notifiable invasive plant species were recorded. It found no protected species associated with the development site and concluded that no specific mitigation is necessary other than maintaining the grassland in its current grazed/low sward condition.

The Council's ecologist considered report in the determination of the previous application and raised no objection to the proposed development subject to the imposition of conditions requiring the submission, approval, and subsequent implementation of:

1. A wildlife protection and enhancement scheme to secure net gains for biodiversity; and
2. A lighting design strategy to prevent disturbance to species sensitive to light pollution.

The ecological enhancement scheme would include details of the provision of bat roosting features and nesting opportunities for birds, including but not exclusive to swifts.

The submitted report was up to date at the point of submission and registration of the application.

Thus, the proposal is considered to accord with Core Policy 50 of the WCS and paragraph 174(d) of the NPPF.

Archaeology

The County Archaeologist stated previously that the area is of high archaeological potential. The desk-based Heritage Impact Assessment, which accompanied the previous application, indicated the potential for archaeological remains to be present and impacted upon. Consequently, the Archaeologist advised that field evaluation by means of geophysical survey and trial trenching was required prior to determination of the application. No survey or trial trenching was carried out, so this became one of the reasons for refusal of the application.

In paragraph 7.9 of the Planning, Design and Access Statement submitted with their current application, the applicants state that they are "...prepared to undertake field evaluation by a geophysical survey and trial trenching prior to determination of the application should the Council resolve to permit the development and delegate the decision to officers subject to the outcome such archaeological investigations and the signing of a section 106 Agreement to secure provision of the village hall and tennis courts". They state that the costs for undertaking the type of survey requested by the archaeologist are expensive for an application when the outcome is uncertain. Nonetheless, paragraph 194 of the NPPF states that "where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation". The archaeologist considers that a field evaluation is necessary in this case prior to determination. At the time of preparing this report, no field evaluation has taken place.

Therefore, as with the previous application, there is insufficient information to enable a full assessment of the impact of the proposal on archaeological features that could be affected by the development. In the absence of this information, it is not possible to fully assess the archaeological value and impact of development, and so there is conflict with Core Policies 57 (i. & iv.) and 58 of the WCS and paragraph 194 of the NPPF.

Community facilities

Paragraph 84(d) of the NPPF states that planning decisions should enable development of accessible local services and community facilities. In paragraph 85, the NPPF states decisions should recognise that sites to meet community needs in rural areas may have to

be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. Paragraph 85 further notes, in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Latton Parish Council's website explains that the current village hall is owned by the Church of England and is no longer fit for purpose. It is beyond economic repair and its owners are minded to sell. The Oram Settlement Trust (OST) has offered the village an alternative hall. It proposes development, on part of the paddock opposite the preaching cross, including a village recreation hall, all-weather tennis court, six houses and associated car parking. The houses will not be started until the village hall has been provided. OST will gift the land required for the hall, tennis court and car park, construct the access road, utility services and drainage infrastructure, the costs of which are estimated to be in excess of £65,000, and will make a £100,000 contribution towards building costs. When completed, the facility will be managed by the Latton Parish Community Trust. The Parish Council states that there are various sources of funding available to support village halls and they will be submitting applications to them to raise the money to complete the build.

It should be noted that the agent has advised that the expected cost of construction of the hall has risen significantly since the previous application was made. Consequently, it is now proposed that the housing development will not commence until the hall is "substantially or externally complete". They have advised that the landowners would be willing to accept a condition of planning permission phasing the development in such manner.

The applicant's Planning, Design and Access Statement (at paragraph 9.3) explains the mechanism for delivering the community benefit. It states: "...discussions have taken place with Latton Parish Council and a charity, the Latton Parish Community Trust is being set up to control the land, the trustees of which have been appointed by Latton Parish Council. Funding will be provided to this charity for the construction of the hall. The precise details of this can be the subject of a Section 106 Agreement to ensure that the housing development provides the community benefit that is being offered". A draft section 106 agreement has not yet been submitted. Additionally, the Latton Parish Community Trust does not yet appear to have been registered with the Charity Commission for England and Wales.

An undertaking that a landowner pay money to a fund to provide for community benefits that are directly related to the proposed change in the character of the use of the development land would, as in this case, have a sufficient connection with the proposed development to qualify as a "material consideration" in relation to it. That said, in accordance with paragraph 57 of the NPPF, planning obligations must meet three tests. They must be:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

While the first two tests may be met, the application contains insufficient information to demonstrate that the contributions that have been offered are fairly and reasonably related in scale and kind to a development of six houses.

The estimated cost of constructing a village hall with a gross internal floorspace of 200 square metres and an all-weather tennis court, with perimeter fencing and lighting have not been provided. Nor has the total estimated sales value of the proposed housing been provided, as the floor area of the dwellings has yet to be determined. The Council's Strategic Projects and Development Manager has advised that the [NPPG] and RICS Guidance apply a range of 15-20% of Gross Development Value for developer profit. However, the actual figure will depend upon the level of risk associated with scheme. The absence of all of this information means it is not possible to carry out an appropriate assessment to determine whether the contributions are reasonably related in scale and kind.

Paragraph 85 of the NPPF states that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. The existing hall is well-related to the settlement; located approximately 380m north-east of the application site. It is situated next to the church and opposite a recreation ground with a playing pitch and play equipment. No structural or building survey report has been submitted with the application. No details of the works required to be carried out to make it fit for purpose have been submitted. Nor has the estimated cost of repairs been provided to demonstrate that it would be prohibitive against the cost of new build. Consequently, there is an absence of evidence to justify a departure from paragraph 85.

Planning balance

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, thus engaging the 'tilted balance' set out at paragraph 11d) of the NPPF. This means granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

An ascending scale can be adopted in terms of weighting – limited, moderate, significant, substantial.

The benefits of the proposal are considered to be the village hall, tennis court, six open market dwellings and construction jobs.

Village Hall

While the provision of land and funds for a hall would be considered a benefit of the scheme overall, there is a lack of information regarding how the hall will be managed, a supporting financial viability study and explanation why the existing hall repairs/remodelling have not been considered by the applicants. Given the lack of information and justification surrounding the Village Hall proposal, only moderate weight can be afforded to this benefit.

Land for a tennis court

A tennis court would provide benefit in terms of opportunities for residents to improve their physical health and well-being. However, it is not evident how full funding would be achieved to construct and maintain the facility. Therefore, given the lack of information the deliverability of this benefit is called into question. Consequently, it is afforded limited weight.

Six open market dwellings

While the provision of market housing would be considered a benefit of the scheme overall, it is given reduced weight by the Council because the proposed housing is not in a sustainable location. The proposal would contribute only six dwellings to the Government's objective of significantly boosting the supply of homes. The Council's housing land supply shortfall is relatively modest and the lack of supply is not persistent. Consequently, moderate weight is afforded to this benefit.

Creation of construction jobs

There is no guarantee that the construction jobs would be locally sourced. It is likely that some of the jobs would be sourced locally but this depends very much on market forces at the time and what skill levels are available locally. Furthermore, in the context of housing, the construction of six dwellings is a small development and therefore, will not generate a substantial number of construction jobs over a long period of time. Limited weight is given to this benefit.

The harms that arise are due to conflict with the spatial strategy of the WCS and with the policies set out in the NPPF.

Development Plan

The expansion of Latton, where existing services are limited, would conflict with the development strategy of the plan. It would perpetuate the need for future residents to travel by motor vehicles to access shops, schools, employment and other essential services. Therefore, additional residential development in this location would not contribute to a sustainable pattern of development. This attracts significant negative weight.

Setting of listed buildings

The Council's Conservation Officer has objected to the proposal and concluded that the amount of development proposed and the loss of historic open landscape would harm the setting and significance of the rural buildings. There is conflict with the development plan in this regard (Core Policies 57 and 58 of the WCS). Moreover, it would fail to preserve the setting of the listed buildings contrary to the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The NPPF is clear that where the impact of a proposed development will affect the significance of a designated heritage asset, great weight should be given to the asset's conservation. The public benefits of the proposal were not considered so beneficial as to clearly and demonstrably outweigh the harm to the listed buildings. The less than substantial harm to the heritage assets is afforded considerable importance and substantial weight.

Archaeology

The application contains insufficient information to enable a full assessment of the impact upon the archaeological features that could be affected by the development. In the absence of this information, it is not possible to fully assess the archaeological value of the site. The potential harm attracts moderate negative weight.

Character and appearance

There is also harm to the character, appearance and visual amenity of the locality arising from the loss of this undeveloped site in the open countryside to built development, which is afforded moderate weight.

The adverse environmental impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework and the development plan taken as a whole. The benefits identified could be met in a range of more sustainable locations without the harms that have been identified arising. As such the proposal is not considered to result in sustainable development. Some of the benefits of development could be achieved in different ways without some of the resulting harms from the current proposals. In weighing all the benefits and harms arising, the proposed benefits would not clearly and demonstrably outweigh the harms arising from the development.

10. Conclusion

In conclusion, the adverse impacts of the scheme and its distinct conflict with development plan policy outweigh any of the benefits expressed by the applicants. There are also no other material considerations that would warrant a departure from the statutory development plan, or the policies contained within the NPPF. Accordingly, the application is recommended for refusal in line with the reasons above.

RECOMMENDATION

That planning permission be REFUSED for the following reasons:

1. The site lies outside the defined limits of development as set out in the development plan and the proposal is not development that would be considered an exception to the spatial strategy allowing permission to be granted outside a settlement boundary. The proposal does not constitute infill development as set out in paragraph 4.34 of the Wiltshire Core Strategy (2015). The proposal is therefore contrary to Core Policies 1, 2 and 19 of the Wiltshire Core Strategy (2015) and saved Policy H4 of the North Wiltshire Local Plan 2011, as well as the principles set out in the NPPF which confirm that the planning system should play an active role in guiding development to sustainable locations (paragraphs 7, 8 & 9) and that planning should be genuinely plan-led (paragraph 15).
2. The location of the proposed development would result in the loss of part of an existing pastoral field through urbanisation which currently provides separating green space between loose knit village areas. The proposed development would result in an incongruous form of development in this village edge setting within Latton

resulting in harm to the character, appearance and visual amenity of the locality. The proposed development would therefore be contrary to Core Policy 57 (iii & vii) and Core Policy 51 (ii) of the Wiltshire Core Strategy (2015), as well as paragraph 174(b) of the NPPF.

3. Latton, a small village in terms of the Wiltshire Core Strategy, is an unsustainable location for the development proposed. The lack of local facilities, employment sites and the distance to nursery, primary, and secondary schools would lead to an increased reliance on journeys by private motor car. Consequently, the proposal does not meet the aims of the NPPF and the Wiltshire Core Strategy which seek to reduce growth in the number of motorised car journeys. The development would be contrary to Core Policies 1, 2, 19, 60 & 61 of the Wiltshire Core Strategy (2015) and paragraphs 104, 105, 110 and 112 of the NPPF.
4. The proposed development would harm the setting of the designated heritage assets, the village cross, Elm Farm and Street Farmhouse, Grade II listed, as well as the Scheduled settlement west of Latton and village cross. The harm to the setting of the designated heritage assets would arise through the reduced intervisibility, urbanisation of the surroundings and erosion of the historic open space resulting in harm to the setting of the designated heritage assets, albeit less than substantial harm. The benefits of the proposal have been fully considered, in accordance with the requirements of paragraph 202 of the NPPF, but are not considered to clearly and demonstrably outweigh the harm identified. Such benefits could be delivered by other means with less harm to the designated heritage assets. The proposed development would be contrary to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 199, 200 & 202 of the NPPF, Core Policy 57 (i & iv) and Core Policy 58 of the Wiltshire Core Strategy (2015).
5. The application site has the potential to include heritage assets with archaeological interest. The application contains insufficient information to enable a full assessment of the impact upon the archaeological features that could be affected by the development. In the absence of this information, it is not possible to fully assess the archaeological value of the site, impact of development and any potential harm arising as a result. As such, the proposals conflict with paragraph 194 of the NPPF and Core Policy 58 of the Wiltshire Core Strategy (2015).

Background Documents Used in the Preparation of this Report:

Application submissions (20/11236/OUT and 19/08877/OUT)

Wiltshire Core Strategy 2015

Wiltshire Housing Site Allocations Plan 2020

NPPF 2021

Housing Land Supply Statement December 2020

Planning appeal decision APP/Y3940/W/20/3253204

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Wiltshire Council

20/11236/OUT

Land to the south west of The Street, Latton, Swindon, SN6 6EH



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REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	2 February 2022 North Area Planning Committee
Application Number	PL/2021/10696
Site Address	Land Adjacent to Sherston C of E Primary School, Sherston, Malmesbury, SN16 0NJ
Proposal	Outline planning application for Proposed erection of a GP Surgery (Class E(e)), car park and associated works (Outline application relating to access)
Applicant	Wiltshire Council
Town/Parish Council	Sherston CP
Electoral Division	Sherston Cllr Martin Smith
Grid Reference	186070, 384970
Type of Application	Outline
Case Officer	Martin Broderick

Reason for the application being considered by Committee

Under the scheme of delegation relevant to planning applications submitted by Wiltshire Council, these are not to be dealt with under delegated powers where an objection has been received raising material planning considerations.

1. Purpose of Report

The purpose of this 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 should be approved.

2. Report Summary

The key determining planning issues are considered to be:

- principle of the development;
- design issues;
- impact upon the immediate area including the Cotswolds Area of Outstanding Natural Beauty (AONB);
- impact on heritage;
- impact on biodiversity; and
- highway and access considerations.

2 representations of support and 1 of objection received.

Sherston Parish Council raised no objection and support the principle.

3. Site Description

The 'Red Line Boundary' is a 'roughly rectangular' shaped piece of level land, approximately 7,735.75 m² in area, and is situated outside but adjoining the settlement boundary of Sherston.

Sherston is a village set in the north-west of Wiltshire. The large parish includes the hamlets of Pinkney/Sherston Parva, to the north east, and Willesley and Knockdown on the northern boundary. The village is approximately 5.5 miles from both Malmesbury and Tetbury. The older part is on a spur land formed by the Sherston branch of the River Avon, with the earliest settlement on the flat top of this spur around the church.

The Application site is located on the western edge of the village and would be accessed from Sopworth Road (Figure 2). The site comprises an open agricultural field lying within the designated Cotswold AONB. The site has a strong relationship with the existing settlement.



Figure 1 Application Site

The boundaries of the Application Site are all well defined. Existing public sports facilities (tennis courts and a football field) are situated to the north, to the east lies existing housing development and the village primary school, to the south the site is bordered by Sopworth Lane. The southern boundary is formed by a natural hedge beyond which are open fields, and to the west by a single dwelling i.e. Hillberry Lodge and its large domestic curtilage and further agricultural land.

There is a Public Right of Way (PRoW) crossing the site from a stone stile at the southwest corner, running along the western boundary and exiting at the base of the water tower in the north-west corner (Figure 3). This footpath affords open views

across the whole of the site area and over expansive areas of the open countryside to the west and south. Views within the site are dominated by the rear elevations of existing housing and the primary school to the east. The effects on the users of this footpath will need careful consideration in the design of development.



Figure 2 Aerial View of site

The site is located in close proximity to a wide range of local facilities within the village core which can be accessed using sustainable modes of transport (walking or cycling).

The topography of the site is slightly sloping, and it is located within flood zone 1 indicating the lowest risk of flooding. The land generally slopes down from the north western edge of the site towards the south. Levels range from approximately 126-116.5m AOD.

The general nature of the locality is medium density residential, and the grounds and adjacent properties contain a variety of maturing trees and shrubs.

The site area is greenfield, adjoining the school (Sherston C of E Primary School) and within close proximity of an existing residential area, consisting of detached, semi-detached and terraced housing.

The locality is one of known archaeological interest and potential. The access and a part of the southern section of the site falls within the Sherston Conservation Area and there are numerous listed buildings to the south east. There is a Country Wildlife Site

lies to the south and records of protected species in the locality including grass snake, European Water vole, Bats & Kingfishers. As note the site is within the Cotswolds AONB.

4. Planning History of Application site

There are no historic planning applications/permissions relevant to the application site itself.

The application site and wider site is the subject of proposed development under application reference 20/08205/FUL. The proposal is for residential development and a GP surgery, together with vehicle and pedestrian access including a new footway to Sopworth Lane, associated parking, open space, landscaping, drainage infrastructure and land safeguarded for educational use. The application is undetermined.

The site is allocated for development in the Sherston Neighbourhood Development Plan (SNP) Policy 4 (Land off Sopworth Lane).

5. The Application

The application is submitted for outline planning approval for the proposed erection of a GP Surgery (Class E(e)), car park and associated works with all matters reserved except in relation to site access for which full permission is sought.

The submission is supported by Proposed Site Plan as revised (Figure 3). This identifies the following:

- The existing, permitted and proposed development in the vicinity of the Application Site;
- The vehicular access serving the Application Site;
- The existing trees and proposed hedgerow planting on all boundaries of the Application Site and area to be grassed;
- Proposed detention basin;
- Existing chain link fence;
- Existing/ new stone wall;
- Safe crossing;
- Tarmac to all footpaths, access roads and parking facilities;
- Primary and secondary access doors;
- Footpath and Public Right Of Way (PROW);
- Service area;
- Public, disabled, parent and staff Parking;
- Electric car charging points; and
- Bin and cycle storage.

The proposed development is for a new GP Surgery consisting of 600 m² over 2 levels and is supported by indicative details. The submitted Illustrative Layout and Means of Access Plan indicates that the new GP Surgery is relatively uniform in shape. This will

be similar in size to other buildings within the local area and will feature an amenity area.

The proposed net internal gross areas comprise the following:

Ground Floor	300 m ²
First Floor	300 m ²
Total	600 m²

On-Site Parking Provision

17 No. spaces	Public Spaces
2 No. spaces	Disabled
1 No. spaces	Parent
6 No. spaces	Staff

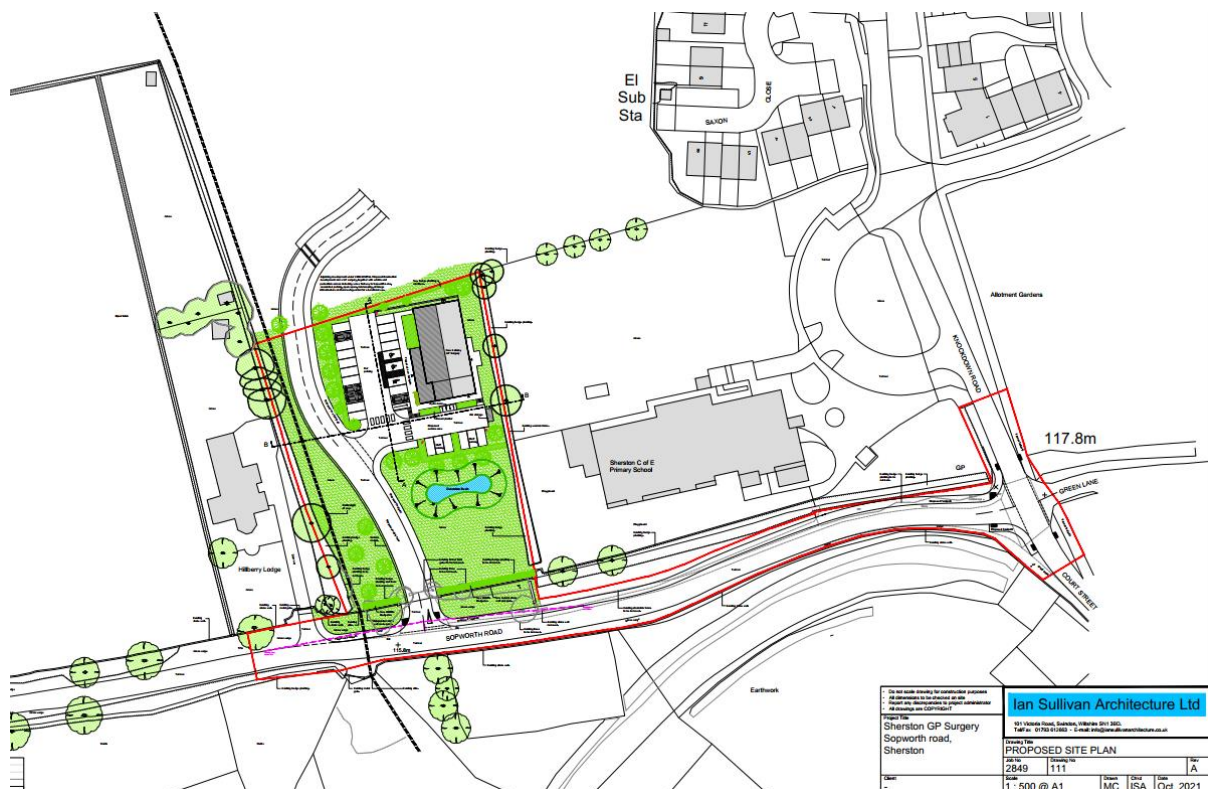


Figure 3 Proposed Layout 2849/112 Rev A

The submitted site layout indicates that the development proposal includes new proposed hedgerow planting on all boundaries (Figure 3).

The proposed new GP Surgery will be 2 storeys in height (Figure 4). Hedges, stonewalls and timber fences are a feature in the district forming boundaries between the road and properties.



Figure 4 Proposed Elevations 2849/116

6. Planning Policy

Wiltshire Core Strategy (Adopted 2015)

CP1 – Settlement Strategy

CP3 – Infrastructure Requirements

CP13 – Spatial Strategy for the Malmesbury Community Area

CP50 – Biodiversity and Geodiversity

CP51 - Landscape

CP52 – Green Infrastructure

CP57 – Ensuring High Quality Design and Place Shaping

CP58 – Ensuring the Conservation of the Historic Environment

CP60 – Sustainable Transport

CP61 – Transport and New Development

CP62 - Development Impacts on the Transport Network

CP64 – Demand Management

CP67 – Flood Risk

North Wiltshire District Plan (2011) – Saved policies.

NE14: Trees Site Features and Control of new development.

NE18: Noise and Pollution

Wiltshire Housing Site Allocation Plan (WHSAP) (Adopted 25 February 2020)

The Plan allocates sites for housing development to support the WCS and provides for updated settlement boundaries.

Sherston Neighbourhood Plan 2006-2026 (Made - May 2019).

Policy 4: Land off Sopworth Lane (Site 1)

National Planning Policy Framework 2021 (NPPF)

Paras 2, 3, 7, 8, 11, 12, 14, 38, 47, 92, 93, 96, 97, 110, 111, 112, 120, 130, 166, 167, 174, 176, 177, 180, 185, 197, 199, 200, 202, 203, 204

Other

- Planning Practice Guidance (PPG)
- Countryside & Rights of Way Act 2000 (CRoW Act 2000):
Section 85, Duty of Regard *“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”*
“The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.”
(Planning Practice Guidance – Natural Environment: Landscape Paragraph: 004 Reference ID: 8-004-20140306 Revision date: 06 03 2014)
- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023. www.cotswoldsaonb.org.uk/management-plan
- Cotswolds AONB Landscape Character Assessment
www.cotswoldsaonb.org.uk/lca
- Cotswolds AONB Landscape Strategy and Guidelines
www.cotswoldsaonb.org.uk/lsg
- Cotswolds AONB Local Distinctiveness and Landscape Change
www.cotswoldsaonb.org.uk/ldlc
- Cotswolds Conservation Board Position Statements
www.cotswoldsaonb.org.uk/ps1
www.cotswoldsaonb.org.uk/ps2
- Wiltshire Local Transport Plan LTP3 - Car Parking Strategy
- Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

7. Consultations

The application was advertised by:

- press notice,

- site notice,
- publication to the Council's website,
- neighbour notifications, and
- notification of interested local organisations and parties.

Sherston Parish Council (summarised): No objection. Support is given to the principle of what is being proposed for this site on the basis that the adopted Sherston Neighbourhood Plan (SNP) notes that:

“the existing GP surgery in the village is no longer considered to be fit for purpose over the long term” and that “there is clear evidence that, without a new purpose-designed building, there is a very real possibility that the existing surgery may be closed within a relatively short timescale.”

The Neighbourhood Plan Steering Group spent almost two years trying to identify a suitable site for the erection of a possible replacement new build facility. The conclusion eventually reached was that the only viable and deliverable option was to propose the allocation of this site for the erection of a new surgery as part of a broader mixed use development. This proposal seeks to ensure that a GP surgery can be and will be delivered on this site. Our full support is therefore given to this proposal in principle.

Wiltshire Council Highways: No objection subject to conditions.

Wiltshire Council Archaeology: No objection subject to conditions.

Wiltshire Council Drainage: No objection.

Wiltshire Urban Design: No objection.

Wiltshire Council Ecology: Holding objection seeking additional information to confirm location of replacement hedgerow and trees; all other matters no objection subject to conditions.

Wiltshire Council Landscape Officer: No objection in principle subject to conditions. Holding Objection seeking additional detail in respect of lighting and impact of highways works to secure visibility splays.

Wiltshire Council Environmental Protection: No objection subject to conditions.

Wiltshire Conservation Officer: No objection.

Wiltshire Public Rights of Way Team (PROW): No objection raised

Wiltshire Arboriculturist (Tees Officer): No objection raised

Wiltshire Waste & Recycling Team: No objection raised

Wessex Water: No objection

Cotswold Conservation Board (AONB): No objection, refers LPA to a arrange of advice documents. (*Referenced above under planning policy section*)

8. Representations

1 letter of support from a local resident.

2 letters of objection have been received which make the following comments (summarised):

- The proposal is contrary to the Neighbourhood Development Plan;
- The proposed foul drainage strategy is inadequate;
- The applicant will require third party land to deliver the proposed access to the site; and
- This application needs to consider the Neighbourhood Development Plan (SNP) especially Policy 4 in its entirety.

9. Planning Considerations

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. 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 Wiltshire Housing Sites Allocation Plan (WHSAP) (Feb 2020); and the Sherston Neighbourhood Plan (SNP) ('made' May 2019).

This application is for outline purposes only for the proposed erection of a GP Surgery (Class E(e)), car park and associated works.

9.1 Principle of the Development

In terms of relevant planning designations, the WCS policies map identifies Sherston as a 'Large Village' within its settlement hierarchy. A 'Large Village' is defined as settlements with a limited range of employment, services and facilities that have the potential for a limited level of development to support and retain the vitality of these communities. The WSHAP has reviewed the settlement boundary for Sherston and the site lies outside of but abutting the revised boundary and so is within the open countryside for planning policy purposes.

The site is located contiguous to the large village of Sherston. The site area is greenfield, adjoining a school (Sherston C of E Primary School) and within close proximity of an existing residential area, consisting of detached, semi-detached and terraced housing.

The site forms part of a larger parcel of land which currently has a submitted as yet undetermined planning application (Adjoining development under Application Ref:

20/08205/FUL proposing residential development and a GP surgery, together with vehicle and pedestrian access including a new footway to Sopworth Lane, associated parking, open space, landscaping, drainage infrastructure and land safeguarded for educational use).

Core Policy 1 of the Wiltshire Core Strategy notes that, at the settlements identified as large villages, a limited level of development will be supported in order to help retain the vitality of these communities.

The NPPF states that, at its heart, is the presumption in favour of sustainable development (Paragraph 10).

Paragraph 11 emphasises that proposed development that accords with an up-to-date Local Plan should be approved without delay, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF itself is a material consideration.

Section 8 of the NPPF (Promoting healthy and safe communities) Paragraph 93 emphasises the importance to provide the social, recreational and cultural facilities and services the community needs. Planning policies and decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

Sherston Neighbourhood Plan (SNP) 2006 to 2026

Paragraph 8.4.9 of the neighbourhood plan states that the existing GP surgery in the village is no longer considered to be fit for purpose over the long term. There is clear evidence that, without a new fit for purpose designed building, there is a very real possibility that the existing surgery may be closed within a relatively short timescale. A request was made by the GP practice therefore to try and identify a site for the erection of a new purpose-built facility somewhere in or around the village and to consider possible ways of funding such a proposal. This idea received a significant amount of local support. This matter was therefore given high priority by the Steering Group.

Paragraph 8.4.10 confirms that The Steering Group spent almost two years exploring all of the possible ways of achieving this objective. The conclusion reached was that the only viable and deliverable option was to propose the allocation of a site off Sopworth Lane (Site 1) for the erection of a new surgery as part of a broader mixed use development, which would help overcome the anticipated infrastructure costs of opening up the site. This proposal therefore forms part of a proposed mixed use allocation (Policy 4).

The principle of the development is established by Policy 4 of the SNP which states that approximately 3.3 hectares of land situated off Sopworth Lane (Site 1), is allocated for mixed use development as identified on Map 8 the SNP, to include the following:

- Sufficient land for the erection of a new enhanced GP surgery with associated parking and space for related mobile services.

- Sufficient land to allow for the future expansion of the existing Sherston C of E Primary School and staff parking together with a site suitable for the erection of a new pre-school facility with associated parking.
- Up to 45 dwellings to serve diverse residential needs of which 40% should comprise affordable housing.
- Strategic landscaping and open space to retain and reinforce existing hedgerows, and to establish new areas of substantial planting and landscaping so as to mitigate the impact of the proposed development on both the existing PROW and the wider AONB.
- Development of the site should conserve and/or enhance heritage assets in a manner appropriate to their significance.

The SNP is silent on the exact location of these allocations within the 3.3 ha site.

Reference is also made to strategic landscaping and open space to retain and reinforce existing hedgerows, and to establish new areas of substantial planting and landscaping so as to mitigate the impact of the proposed development on both the existing PROW and the wider AONB. Development of the site should conserve and/or enhance heritage assets in a manner appropriate to their significance.

It is noted that the policy confirms that any development will be subject to the following requirements:

- 1. Development must not increase the risk of flooding elsewhere;*
- 2. The provision of footpath and cycle links to both the proposed new surgery site and the western edge of the existing primary school as well as to the existing Parish playing fields to the north;*
- 3. A design and layout that protects and preserves the character of the settlement and conserves the landscape and scenic beauty of the AONB;*
- 4. A detailed Ecological and Mitigation Strategy that ensures that any future development of this site retains existing features and habitats of ecological value, minimises the impact on protected species and maximises the potential of retained habitats to enhance biodiversity; and*
- 5. An archaeological assessment.*

Development proposals should be supported by a masterplan taking account of the “Development Brief” and the “Design Brief” information set out in the supporting text to the plan which identified a range of requirements and material considerations.

2 letters of objection have been received which make the following comments (summarised):

- **The proposal is contrary to the Neighbourhood Development Plan (SNP):**
 - It is argued that the applicant’s analysis and consideration of the SNP and in particular Policy 4 is extremely limited. It is argued that the application’s

consideration of the requirements of Policy 4 is limited to confirming that the allocation seeks to secure the provision of a new GP surgery by allocating 'sufficient land' for that use. In objection they continue that the applicant does not acknowledge the Policy includes the following in the specific mix of uses that the site is allocated for:

“Sufficient land to allow for the future expansion of the existing Sherston C of E Primary School and staff parking together with a site suitable for the erection of a new pre-school facility with associated parking.”

Paragraph 1.10 of the applicants Planning Heritage and Design and Access Statement (Report No. 2849 Rev A published 06/01/22) does acknowledge the education allocation.

Wiltshire Council's education department consider that this land is not currently required for the expansion of the school. In their consultation response to 20/08205/FUL dated 16/10/20 they state:

“Existing provision in the area has been reviewed and is considered sufficient to meet the additional need for EY places and Sherston CE Primary can currently accommodate the pupil product of this development without the need for expansion. However, we welcome the inclusion in this planning application, of land to enable future expansion of this school, if and when required.”

- **The proposed foul drainage strategy is inadequate:**

- Wiltshire Council Drainage have reviewed (email dated 12/01/22) the submitted supplementary technical note (Acl619-21027) alongside previous comments, and the drainage strategy submitted as part of 20/08205/FUL.
- It is agreed that discharge rates for the site may be limited to 2l/s due to the limitations on this site in reducing discharge rates further; it is noted that this rate was previously accounted for and agreed as part of the wider development masterplan (submitted under 20/08205/FUL) and therefore this will not increase local flood risk. It is agreed that the proposed detention basin, and permeable paving within parking spaces will provide the required water quality & quantity controls, with the basin providing additional (even if limited) amenity and biodiversity function. We agree that the SuDS proposals on this application are proportional to the proposed development.
- Overall, the latest submission means that the LLFA's residual concerns have now been appropriately addressed.

- **The applicant will require third party land to deliver the proposed access to the site;**
 - Ownership Certificate B duly completed and Notice under Article 14 served on the relevant landowners on 15/11/21; and
- **This application needs to consider the Neighbourhood Plan (SNP) especially Policy 4 in its entirety – see above.**

Policy 3 of the SNP (High Speed Broadband) states that new development will be required to demonstrate, contributes to and compatibility with high quality communications. The SNP advises that high speed broadband is available in the village. Paragraph 8.4.7 confirms that:

‘The proposed new GP surgery on Site 1 (Sopworth Lane) will be heavily reliant on such technology. The inclusion of this policy in the plan it is hoped will ensure that the necessary provision is made for this important local facility from the outset.’

On this basis it is considered that the development proposed is acceptable in principle.

9.2 Design issues and impact upon the wider area including the Cotswolds AONB

Wiltshire Council Core Policy 57 (Ensuring High Quality Design and Place Shaping) confirms that a high standard of design is required in all new development which draws on local context in order to maintain or create a strong sense of place. Proposals should enhance local distinctiveness, retain existing landscape/natural features and be sympathetic to their surroundings, taking account of the needs of future occupants and using high standards of building materials.

WCS Core Policy 51 is also clear that where harm is identified to result from a new development proposal, the resulting harmful effects need to be mitigated as far as possible through sensitive design and landscaping measures. While a Landscape and Visual Impact Assessment (LVIA) has not been submitted in support of this application, a Landscape and Visual Appraisal (LVA) was submitted as part of submissions for 20/08205/FUL and that this has been subsequently revised and updated following previous landscape officer feedback for that separate application that also included the allocated GP surgery element. In this regard Officers would not request that a further LVA / LVIA assessment is additionally required in support of this application. The LVIA submitted and revised/resubmitted as part of application 20/08205/FUL considered development of maximum 2 storeys and the proposals subject of this application do not breach those considered development height parameters.

The made SNP forms part of the Development Plan alongside Wiltshire Core Strategy and the policies contained therein are material planning considerations alongside the NPPF.

Paragraph 126 of the NPPF stresses that good design is a key aspect of sustainable development. The NPPF also stresses that planning permission should be refused for poor design (Paragraph 134). Paragraph 130 seeks to achieve well designed places.

The design and layout of any new GP Surgery should be sympathetic to the location, both in terms of appearance and overall quality and should retain and reflect the character of the surrounding area.

The site benefits from established access to the southern boundary. The proposal is for the utilisation of the existing vehicular access with improvements to serve the new GP Surgery.

The positioning, form and layout of the proposed development takes into account site constraints and circumstances alongside the provisions of the concurrent application for the wider site and mixed use development. The layout is informed by the need to ensure suitable separation distances to surrounding residential properties and school which are respected. The separation distances required to protect privacy are achieved in the current design. The applicant is clear that the design is indicative and subject to change. Whilst in outline it is considered that the illustrative proposals indicate that the GP Surgery can be suitably and appropriately located on site without constraining wider site development objectives as defined by the neighbourhood plan. The indicative and illustrative details provide a sound basis for informing future reserved matters application(s) and it is considered that a high quality of design that also meets functional requirements can be achieved. The indicated mix of the currently presented palette of natural building materials will be important informing subsequent detailed reserved matters submissions. It is, however, considered the illustrated mix and use of materials and detailing in the design would help to visually break up potentially expansive bland elevational treatments and the scale and massing of the building itself.

The Council's Urban Design Officer has been consulted and raises no objections to the scheme proposals welcoming the illustrative details and proposed use of materials and boundary treatments. Reference is made to concerns in respect of the wider site development but these are not identified as a basis of objection with respect to this Outline application.

The site lies in the Cotswolds AONB (Nationally Protected Landscape). As such Wiltshire Council, have a duty of regard under Section 85 of the Countryside and Rights of Way Act 2000 (CRoW Act 2000) when exercising or performing any function in relation to or so as to affect the statutory purpose of this National Landscape Designation within any planning recommendations and decisions they make. In this regard new development proposals within the Cotswolds AONB will need to demonstrate that the AONB's natural beauty, its special landscape, visual and biodiversity qualities (i.e. its essence of place/what makes it locally and nationally valued) are conserved and enhanced. In practical terms this means that for necessary and essential new development within the AONB, it is appropriate in terms of its location, nature, scale, character and design quality.

This outline application does not include any likely necessary external lighting proposals, and neither did it consider or assess the urbanising change that will occur to Sopworth Lane itself, resulting from the introduction of the proposed new access footpath running east from the site entrance into the village along the southern edge of the existing school site.

A condition with respect to lighting has been imposed that would mitigate, as far as possible, these potentially additionally identified harmful urbanising changes. This is considered particularly important at this location given the valued dark skies and rural character of Sopworth Lane approaching the village from the west within this nationally designated AONB landscape fronting the Conservation Area.

Within Wiltshire Council's landscape officer comments for 20/08205/FUL it is highlighted that:

"The Doctors Surgery site still lacks any meaningful integrating landscaping. The site's building slab is cut to the north and filled to the south with the building slab elevated above the school site. The low embankment running along the southern edge of the site could be additionally landscaped which would soften the buildings southern elevation and its car park viewed from Sopworth Lane and the site entrance road."

The Landscape Officers specific comments on this separate application identify that:

....the proposals subject of this subsequent separate planning application better demonstrate that an appropriate and acceptable landscaping scheme could be incorporated within the illustrative layout for this part of the wider site which is welcomed. The proposed line of trees along the western edge of the GP surgery car park, which will be followed through to the Reserved Matters detailed landscape submissions, contribute valuable street trees as part of the proposed development and will in combination with lower level planting help filter otherwise exposed car parking areas and the western and southern building elevations.

The proposed southern boundary treatment fronting Sopworth Lane, is indicated to comprise natural drystone walling incorporating the existing stone stile at the south western corner of the wider site area. The use of local natural stone with an appropriate local coping finish would help to reinforce the characteristic local village vernacular and characteristic approach to settlement along this rural lane. This is welcomed and considered to be an important element to carry through to Reserved Matters in terms of supporting inherent local vernacular and local landscape character within the Cotswolds AONB.

The potential retention or relocation of the existing green metal mesh school fencing directly abutting the back edge of this new footway would form an inappropriate and uncharacteristic roadside boundary treatment as rural road frontage leading into the village and fronting the Conservation Area, so the stated removal of this green mesh fencing is welcomed as part of the linking footpath proposals on the submitted illustrative plans in landscape and visual terms.

There will be a degree of landscape and visual harm resulting from the landscape and visual change effects connected with this planned urban development into this green field site opposite the Conservation Area and within the Cotswolds AONB. It is important in the interests of 'conserving and enhancing' the statutory purpose and function of the national AONB designation that new development comprises high quality sensitive design and appropriate inherent design measures and landscaping

as mitigation to minimise these harmful landscape and visual change effects and to conserve and enhance the special qualities of the AONB and rural landscape character of this area.

On this basis the Landscape officer goes onto identify that:

In this regard Planning Conditions will be used to secure Reserved Matters for the hard and soft Landscaping of the site.

Further conditioned requirements pertaining to design and appearance, materials of the natural stone boundary walls and their coping details will be secured by means of a specific condition.

Details of Lighting connected with the operation of the building and car park will be secured by means of a specific condition.

The Council's Arboricultural Officer (trees) has not raised objections to the scheme proposals. Similarly with respect to the wider site application no objection was raised subject to a condition specific to those submissions, site circumstances and constraints and details.

The application is in outline however with landscaping reserved and as noted above it is considered that the potential impacts of lighting in respect of this development in landscape character terms can be controlled by use of condition. Similarly, it is also considered that the potential urbanising impacts of works to secure necessary visibility spays and highways enhancements are capable of adequate mitigation and that can be controlled through use of conditions given the available land area within the site and highway network.

Given the above it is considered that subject to the use of conditions the proposals do not result in significant harm to valued landscapes or the character, appearance and visual amenity of the locality. As such it is not considered that conflict with the relevant policies of the plan and provision of the framework or statute arises such that consent ought to be refused on this basis.

9.3 Heritage

Given the site constraints in respect of heritage assets, including a small are of the site falling within the Sherston Conservation Area; various Listed Buildings situated to the south and south east of the site and the locality being one of known archaeological potential; and as the proposal involve new build development and works to exiting site features there is potential for harm to arise. The application is also supported by a heritage statement. As such the following policies, guidance and legislation are of relevance (this is not intended as a definitive recital of all guidance): -

- Wiltshire Core Strategy policies 57 and 58;
- Sherston Neighbourhood Plan Policy 4 and related design brief
- National Planning Policy Framework (NPPF); and

- Planning (Listed Building & Conservation Areas) Act 1990 where “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*” [S.66 (1)]

Policy CP58 states that designated historic assets and their settings will be conserved, and where appropriate enhanced. These heritage assets include listed buildings and their settings, and the special character or appearance of conservation areas and their settings. The policy requires development to protect, conserve and where possible enhance the historic environment, avoiding “*unacceptable impact on historic environment particularly where this could be avoided or mitigated*”.

The NPPF (para. 189 of Part 16) Conserving and enhancing the historic environment states that:

“Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”.

Furthermore “*when considering the impact of proposed buildings on the significance of a designated heritage asset, great weight should be given to the asset’s conservation*”.

NPPF para 194 stipulates that, in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

The Revised NPPF (para 197) states that in determining applications, local planning authorities should take account of:

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

Paragraphs 199-202 (Considering potential impacts) indicates to consider the level of harm to assets and the weighing of that harm in the determination of applications. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The interest of the area as a whole is diverse and mixed with 20th century developments forming compatible elements within the historic village by virtue of design and material. The diversity of the area forms part of its character and appearance.

There are no listed buildings in close proximity to the proposal site and with direct intervisibility. The application site is located some distance from the grade II listed buildings and views between the grade II listed buildings and the application site would not be possible. As such harm to the setting of the nearest listed buildings is not considered to arise.

Although the application site is largely outside the Sherston Conservation Area, the site access and small section of the southern part of the application site falls within the designated area. As such, WCS Core Policies 57 & 58 are relevant. The policies confirm that development should protect, conserve and where possible enhance the historic environment and that designated heritage assets and their settings should be conserved, and where appropriate enhanced, in a manner appropriate to their significance.

This part of the Conservation Area is however at the outer limits of the designation and is considered to form part of the setting to the core historic area of the village with its heritage significance and value arising from and informed by this position. Given these circumstances and the extent and nature of the development proposals, with the limited works to an existing access forming the key direct elements within the conservation area, it is considered that the proposals will not harm the area's character appearance and heritage values and significance, impact is considered to be neutral.

Nor is it considered that the proposals disturb, harm or impact upon the historic layout, form and features, including street pattern of Sherston Conservation Area. The plot area enables the proposed erection of a GP surgery, car park and associated works without disturbing that pattern. The proposals will not cause detrimental impacts to local features that provide the area its distinctive identity character and appearance. Particularly given the intervening built form of the school adjacent the proposed site of the surgery.

The proposal will not lead to any detrimental impacts upon the architectural and historic interest of the village's buildings and other structures. The proposals are freestanding, beyond the setting of any listed buildings and would not disturb any historic features. The siting, massing, scale and form of the new building has been carefully considered in the context of the characteristics of the buildings continued within the Design and Access Statement. An extensive analysis has been undertaken of these characteristics as part of this submission prior to the formulation of the design. The design whilst in outline is of a traditional nature that responds positively to the site circumstances and does not result in harm.

The Council's Senior Conservation Officer has been consulted and raises no objection and does not identify a need for additional information at this stage. Details that are required for approval, with respect to the design and character of the building and landscaping and planting for example, are addressed by standard reserved matters

conditions. Matters such as lighting and highways works are addressed by other standard conditions.

With respect to undesignated Heritage Assets including archaeological potential the Council's Archaeologist has been consulted and identifies that investigations to date, including those in respect of 20/08205/FUL, have identified some archaeological interest in part of the site. Officers advise that no objection is raised in respect of the GP Surgery and related development and works proposed under this application, subject to a similar conditional approach proposed in respect of the wider site application, that being that a requirement for further investigation via a strip, map and recording be secured via use of condition.

On this basis it is considered that no conflict with the policies of the plan or the provisions of the framework and relevant legislation arises in respect of designated or undesignated heritage assets.

9.4 Ecology & Biodiversity

The locality is one of known Ecological interest with a County Wildlife Site and records of protected species of fauna in the vicinity; and there are existing features on and adjacent the site such as mature trees and hedgerows that provide potential ecological habitat. It should however be noted that the majority of the site itself is in agricultural use. The development proposed does have the potential to impact ecological interests and the application proposals have been informed by Ecological Assessment and a Biodiversity Net Gain report. As such WCS Core policy CP50 is of particular relevance, as is CP57 (i & ii).

WCS CP50 states that:

“Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource, and secure the integrity of local ecological networks and provision of ecosystem services.

All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.....”

The NPPF aims to minimise impacts on biodiversity and deliver net gains in biodiversity contributing to the Government's commitment to halt the overall decline in biodiversity, including the establishment of coherent ecological networks more resilient to current and future pressures.

The following is taken from the Sherston Neighbourhood Plan 2006 – 2026:

“Objective 7:

The Plan will encourage the sympathetic management of the countryside surrounding the village so as to retain and/or enhance it’s high quality, improve biodiversity and provide other longer term benefits to the local community by:

- Considering the creation of a community wood and/or orchard;*
- Identifying and safeguarding any sites identified in the locality that are considered to be of significant ecological or landscape quality;*
- Protecting, maintaining and enhancing the historic environment.*

Development will be subject to the production of a detailed Ecological and Mitigation Strategy that ensures that any future development of this site retains existing features and habitats of ecological value, minimises the impact on protected species and maximises the potential of retained habitats to enhance biodiversity.

The hedgerows situated in the southern half of the site are species rich and contain a number of trees. These will be where possible be retained. Some minor hedgerow removal will need to occur to facilitate the development. As compensation for the loss of any sections of hedgerow, new hedgerow planting will need to be incorporated into the development scheme.

The site is dominated by an arable habitat which is a common and widespread habitat type which is unlikely to support a diverse range of species in isolation. The hedgerow habitats were assessed to be the most ecologically important habitats on the site as they have the potential to support hedgehog, brown hare, polecat, bats and nesting birds. The development proposals show the retention of these habitats with the removal of features tied to enhancement of the existing access at the south of the site being replaced with a new hedgerow and stone wall. The proposals include areas of soft landscaping, water holding attenuation basin including grasslands and tree planting areas which are likely to improve the biodiversity value of the site from existing habitats.

The Environment Act 2021 includes provision for biodiversity net gain to be applied to every planning permission. Schedule 14 of the Act sets out amendments to the Town and Country Planning Act 1990 for the inclusion of biodiversity net gain as follows:

“Biodiversity gain objective

(1) The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage.

*(2) The biodiversity value attributable to the development is the total of—
(a) the post-development biodiversity value of the onsite habitat,
(b) the biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development, and*

*(c) the biodiversity value of any biodiversity credits purchased for the development.
(3) The relevant percentage is 10%.”*

The Environmental Act received Royal Assent in November 2021, meaning that by November 2023 the expectation for all planning permissions to include a biodiversity net gain of at least 10% will become a legal requirement.

Core Policy 50 of the WCS requires a biodiversity net gain (BNG) metric calculation but does not specify the quantum.

Submissions made identify that the existing baseline habitats are other neutral grassland, temporary grass and clover leys cropland, and existing urban land uses which total 0.56 ha and generate 1.50 biodiversity units and linear hedgerow habitats total 0.2 km and generate 1.2 biodiversity units. Grassland, hedgerows and urban habitats will be created on site. The proposed post-development habitats generate 3.01 biodiversity units and hedgerow habitats generate 1.63 biodiversity units from new hedgerow creation. Based on DEFRA biodiversity net gain metric 3.0 calculations, the proposed habitats on the site would result in a net gain of in biodiversity of 100.49% for habitats and net gain of 35.43% for hedgerows.

The Council's Ecologists have been consulted, including following additional submissions. The Ecologist identifies that all matters of concern are addressed subject to use of condition, excepting in respect of detail as to the location of replacement hedgerow and tree planting for that which is to be removed, including for the highways improvement works. This is however a matter that is capable of resolution given the site area involved and taking into account the wider development proposals. It is not considered that there is no scope for on site replacement planting and mitigation of impacts. It is not considered that the lack of full detail in this respect renders the proposals unacceptable and harmful such that consent ought to be refused on this basis. It should also be noted that the illustrative plans do indicate the location and extent of some on site replacement planting also. The application is submitted in Outline with all matters, except access, reserved, including site landscaping. Conditions are proposed regarding environmental construction plan safeguarding.

On this basis it is not considered that conflict with the policies of the plan, provisions of the framework or statute arises such that consent ought to be refused on this basis.

9.5 Access and highways

Whilst the application is in outline full permission is sought for the proposed works to the site access and is supported by a Transport Statement and initial highways works proposals. The development whilst limited in scale will generate a requirement for persons to access the site and this could involve significant use of private motor vehicle. The site is served by an existing vehicular access but this is for agricultural use and improvements are required. The site is also served by rights of way and existing roads in the locality but in the latter respect the immediate highway network has constraints. Reflecting the allocation of the site in the neighbourhood plan it is physically in close proximity and well related to a substantial proportion of the residential area of the village and lies adjacent the primary school.

Several WCS policies are relevant to such highways and parking matters including CP60, CP61, CP62 & CP64.

The Council's Highways Officer has been consulted in respect of this application and the application for mixed uses relating to this site and the adjoining wider site area. Following the receipt of additional information and initial detail as to proposed works Officers raise no objection subject to use of a suite of conditions. The conditions principally seek to secure full details of the necessary enhancements to and regulation of the immediate highway network. Other measures to mitigate impacts and secure sustainable transport objectives are also proposed to be addressed by use of condition.

In this respect the footway scheme provides 5.5m wide carriageway and 2m footway (Access arrangements and Proposed off-Site Highway works, SK01 A - Nov 2011). The footway in Knockdown Road from the junction of Sopworth Lane will need to be extended to the uncontrolled crossing related to the Sherston Primary School, as per the 20/08205/FUL drawings. The footway and carriageway works (scheme) will be subject to a full S278 agreement and a full technical submission under the Highways act 1980 will be required. As part of the footway scheme, the speed limit is to be extended and a Traffic Regulation Order (TRO) is required. The cost of the TRO is £6,000 and this is conditioned. The developer will cover this cost.

As part of the S278 package further details with regard to drainage, street lighting scheme and re-surfacing in Sopworth Lane will be required. The surface wearing course of Sopworth Lane will need to be re-surfaced for whole widths adjacent to the new footways. With regard to drainage only traditional gullies and connections system will be acceptable.

Additionally, a Swept path analysis of site entrance and GP surgery, has been provided and it is considered satisfactory. Car parking and cycle parking provision is considered reasonable and is conditioned.

The Council's Rights of Way Officers have raised no objections to the scheme proposals and submissions. Similarly, with respect to the wider site mixed use proposals no objections are raised following receipt of revisions and additional information submissions.

The Council's Waste & Recycling Team has raised no objections to the scheme proposals. Officers identify that this type of use is generally serviced by commercial arrangements but that Council provisions in conjunction with its principal contractor for waste disposal can be provided. Details as to storage and collection will be required but will be secured through reserved matters submissions. With respect to the wider site mixed use application no objections were raised but S106 contributions were sought for waste collection facilities. This was however specifically related to the residential elements of that scheme and which do not form a part of this proposal.

It is considered that the proposals including highways enhancement provisions are consistent with the wider scheme proposals and neighbourhood plan requirements and do not prevent achievement of those development objectives.

On this basis it is not considered that conflict with the relevant policies of the plan or provision of the framework arises such that consent ought to be refused on this basis.

9.5 Other matters

CIL obligations will be met in full. With respect to Drainage the Council's Engineers and Wessex Water raise no objection following consideration of initial and additional submissions. The Council's Public Protection Officers raise no objections in respect of land contamination, air quality and or other potential harm and disturbance to residential amenity or environmental interests subject to use of conditions.

10. Conclusion – The Planning Balance

The principle of the development is established by Policy 4 of the SNP which states that approximately 3.3 hectares of land situated off Sopworth Lane (Site 1), is allocated for mixed use development as identified on Map 8 of the SNP, to include the following:

- Sufficient land for the erection of a new enhanced GP surgery with associated parking and space for related mobile services.
- Sufficient land to allow for the future expansion of the existing Sherston C of E Primary School and staff parking together with a site suitable for the erection of a new pre-school facility with associated parking.
- Up to 45 dwellings to serve diverse residential needs of which 40% should comprise affordable housing.
- Strategic landscaping and open space to retain and reinforce existing hedgerows, and to establish new areas of substantial planting and landscaping so as to mitigate the impact of the proposed development on both the existing PROW and the wider AONB.
- Development of the site should conserve and/or enhance heritage assets in a manner appropriate to their significance.

The SNP is silent on the exact location of these allocations within the 3.3 ha site.

The Council's Education Department consider that this land is not currently required for the expansion of the school. In their consultation response to 20/08205/FUL dated 16/10/20 they state:

“Existing provision in the area has been reviewed and is considered sufficient to meet the additional need for EY places and Sherston CE Primary can currently accommodate the pupil product of this development without the need for expansion. However, we welcome the inclusion in this planning application, of land to enable future expansion of this school, if and when required.”

The proposals secure and meet the identified requirement for the GP surgery and do not prejudice the delivery of the other identified requirements and development objectives.

The benefits of the proposed development are:

- A new fit for purpose designed building, without which there is a very real possibility that the existing surgery may be closed within a relatively short timescale.
- Biodiversity - The development proposals for the site would result in a net gain of biodiversity. The metric calculations show a net gain in area-based habitats of 1.51 biodiversity units, or 100.49%. The proposals would result in a net gain for hedgerows linear habitats of 0.43 units, or 35.43%.

The delivery of the GP surgery in particular can be afforded substantial weight given the site is allocated in the Policy 4 of the SNP and the threat to the long term retention of existing provision in the village. Biodiversity net gain is a clear benefit of moderate weight given that it is a policy objective albeit with quantum not yet fully specified nationally or locally.

The potential harm resulting from the proposals arise from effects on:

- Landscape including the valued landscape of the AONB through urbanisation and potentially lighting.
- Removal of existing trees and hedgerows that provide potential Ecological habitat.

The level of harm is considered to be limited given the limited scale of development and scope for mitigation, which is proposed to be controlled and delivered through use of conditions. Whilst the Landscape Officer & Ecologist seek additional information in respect of lighting, highways proposals and the location of replacement trees and hedgerow at this stage the application is in Outline and site landscaping is a reserved matter. It is considered that the information can reasonably be secured through use of condition consistent with the approach of other consultees on these matters such as Highways. It is not considered that the potential impacts in these respects are of such significance as to have the potential to render the application wholly unacceptable and require refusal. There are substantial benefits of development as set out above and these are also considered to clearly and demonstrably outweigh the identified landscape & ecological impacts and potential impacts. When considered alongside use of conditions and scope for mitigation of impacts these are readily capable of satisfactory resolution.

With respect to other site specific considerations Wiltshire Council's Highways Officer has no objection subject to conditions. Drainage and Flooding - Wiltshire Council's Drainage Team in their response have confirmed that the development will not detrimentally impact on flood risk, and therefore have no objection. Wessex Water similarly raise no objections. The Council's Archaeologists raise no objection subject to condition and the Council's Senior Conservation Officers raises no objection. Trees, PROW and Waste/Recycling officers raise no objection.

Overall Balance

On balance, it is not considered that the adverse impacts identified significantly and demonstrably outweigh the benefits that the development would provide. Therefore, in accord with the provision of paragraphs 11 and 12 of the NPPF permission is recommended.

RECOMMENDATION:

Approve subject to the following conditions:

Conditions

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
 - (a) The scale of the development;
 - (b) The layout of the development;
 - (c) The external appearance of the development;
 - (d) The landscaping (non-strategic) of the site.

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

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

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

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

4. The development hereby permitted and reserved matters details shall be in accordance with the parameters illustrated in the following approved plans and documents:

Planning, Heritage, Design & Access Statement 2849 PHDA REV A Received 06.01.2022

Drainage Strategy & Supporting Information 21-027-003 REV A & Acl619-21027-TN Received 23.12.2021

Ecological Assessment Received 22.12.2021

Biodiversity Net Gain Report Received 13.12.2021

Transport Statement Received 15.11.2021

Location Plan 2849 001,
Existing Site Plans 2849 100, 2849 101, 2849 102,
Revised Proposed Site Plan 2840 111 REV A & 2849 112 REV A
Proposed Street Scenes 2849 115
Proposed Elevations 2849 115 & 2849 116

All Received 06.12.2021

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

5. No part of the development hereby approved shall be first occupied until the car and cycle parking provision has been suitably provided and laid out in accordance with the approved details (Proposed Site Plan, 2849-111 and 112 – Received 06.12.2021). Car parking spaces shall be properly consolidated and surfaced and shall be maintained and remain available for this use at all times thereafter. The car and cycle parking spaces shall not be used other than for the parking of vehicles or cycles or for the purpose of access.

REASON: To ensure that adequate provision is made for parking of cars and cycles within the site in the interests of highway safety.

6. No development shall commence on site until full technical details of the new site junction with Sopworth Lane have been submitted to and approved in writing by the Local Planning Authority. The new junction and visibility splays shall be provided in accordance with the approved details (Proposed Site Plan, 2849-111 and 112 - both Received 06.12.2021 and Access Arrangements and Proposed off site highway works, SK01 A Nov 2021) prior to first occupation (or timetable agreed with Local Planning Authority) and maintained thereafter. No part of the development shall be first occupied, until the visibility splays shown on the plans (2.4m x 43m) have been provided with no obstruction to visibility at or above a height of 0.6m above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

7. No part of the development hereby permitted shall be commenced until full technical details of the footway works and carriageway widening scheme for Sopworth Lane as detailed on Access Arrangements and Proposed off site highway works, SK01 A - Nov 2021 and Proposed Site Plan, 2849-111 and 112 both Received 06.12.2021 have been submitted to and approved by the Council. Unless otherwise agreed the development shall not be first occupied until the Sopworth Lane footway scheme have been completed in accordance with the details shown on the approved plans. This shall include streetlighting, drainage and full surfacing of wearing course, the surface wearing course of Sopworth Lane will need to be re-surfaced for whole widths adjacent to the new footways. The footway/ kerbing from the junction of Sopworth Lane/ Knockdown shall be extended from the junction north to connect with the uncontrolled crossing outside Sherston Primary school. No part of the development shall be first brought into use until the highway improvements have been completed in

accordance with the approved details (unless otherwise agreed by the Local Planning Authority).

REASON: To help encourage walking to and from the site and in the interests of highway safety

8. Prior to the development hereby permitted first being brought into use a Traffic Regulation Order (TRO) to amend the speed limit on Sopworth Lane shall have been prepared, consulted upon, and advertised, with a report recommending whether to proceed with the Order prepared for consideration by the Cabinet Member for Highways (Proposed TRO SK02 Rev A (Nov 21)). If the Cabinet Member for Highways approves the Order the amendments shall be implemented.

REASON: In the interests of highway safety

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

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

10. No part of the development shall be brought into use until full details of the visibility splays for the access to the approved GP Surgery access/egress have been submitted to the Local Planning Authority, approved and have been provided in accordance with those approved details. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- measures for the protection of the natural environment
- hours of deliveries
- pre-condition photo survey

- vehicle Routing Plan
- traffic Management Plan (including signage drawing(s))
- number (daily / weekly) and size of delivery vehicles to ensure appropriately size vehicles are being used for the highway network.
- number of staff vehicle movements.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: 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.

12. No external lighting, including security lighting, shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals. In addition, lux plots will demonstrate that light levels within 3m of the site boundary will be no more than 0.2 lux. The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to ensure lighting does not impact wildlife habitat.

13. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including supervision by an Ecological Clerk of Works who will keep a written log of dates of site visits, advice provided, impacts observed, and mitigation/remediation achieved and provide this to the Local Planning Authority on request. Methods statements will cover the following:
 - a) removal of hedgerows
 - b) location of protective fencing

c) minimising risks to protected species

d) erection of bat and bird boxes on the surgery building (including details of number, type and location)

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant.

14. 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;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.

The Landscaping scheme will accord with the Proposed Site Plan (2849-112-Rev A) the Landscaping Scheme will demonstrate that the development will achieve an overall net gain for biodiversity through the submission of a completed Natural England Biodiversity Metric (version 3.0 or subsequent version) spreadsheet (unlocked) based on the post construction landscape scheme, and a current survey of pre-construction habitats based on the UK Habitat Classification.

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.

15. 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.

16. No development shall commence within the application area until:
 - a) A written programme of archaeological investigation to include a strip, map and ample excavation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

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

17. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

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

18. In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed by a written verification report that confirms what works that have been undertaken to render the development suitable for use.

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

INFORMATIVES TO APPLICANT:

20. S278/ S38 - The developer/applicant will be required to enter into a S278 to cover the footway scheme /S38 Agreement for site with the Highway Authority before commencement of works hereby approved.

TRO - You are advised that a Traffic Regulation Order (TRO) is required for condition 8. You must submit a plan to a scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving the public advertisement of the proposal(s) and the resolution of any objections. You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process. We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Transport Development Management Team at highwaysdevelopment@wiltshire.gov.uk N.B. The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

Advance Payment Code - Please note that the road layout of the site will be subject to the Advanced Payment Code, relating to the Highways Act 1980. A bond will be required by the Highway Authority to cover highway works and will only be released subject to a suitable management company/other being secured for the site by the Developer.

22. 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.
23. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may 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.
24. 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.

25. 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.
27. 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.
28. 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.

29. 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.

Background Documents Used in the Preparation of this Report

Application Submissions PL/2021/10696 & 20/08205/FUL

Wiltshire Core Strategy

Sherston Neighbourhood Plan

NPPF 2021

Wiltshire Council

PL/2021/10696

Land Adjacent to Sherston C of
E Primary School, Sherston,
Malmesbury, SN16 0NJ



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REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	2nd February 2022
Application Number	PL/2021/05648
Site Address	144 High Street, Royal Wootton Bassett SN4 7AB
Proposal	Proposed Change of Use to Auction Rooms together with alterations to front elevation and first floor extension to provide Gallery and rooftop terrace.
Applicant	Steve Bucknell - RWB Auctions
Town/Parish Council	Royal Wootton Bassett
Division	Royal Wootton Bassett South and West
Grid Ref	406707 182515
Type of application	FULL
Case Officer	Lee Burman

Reason for the application being considered by Committee

The application is submitted by a member of the Council and is the subject of objections from interested parties. Under the Council's published scheme of delegation applications must be reported to and determined by Committee in these circumstances.

1. Purpose of Report

To consider the proposals in the context of the development plan and the relevant provisions of national guidance and legislation with the recommendation that permission, subject to conditions, be granted.

2. Report Summary

6 representations of objection (multiple by the same person) and 8 representations of support from interested parties have been submitted.

The Town Council raises no objection.

Key issues raised include:-

Principle of Development
 Impact to Heritage Assets
 Residential Amenity
 Highways Impact, Parking and Access

3. Site Description

The application site is located with the centre of Royal Wootton Bassett on the High Street and within the defined town centre. The building itself is comparatively modern and was

previously operated as a supermarket, most recently by the Co-op (Cooperative Group). The site lies within the RWB Conservation Area and there are multiple listed buildings adjacent and in the near vicinity. Other commercial uses are adjacent the site and there are residential properties adjacent and in the near vicinity also. The site features a car park to the rear and that lies adjacent to Station Road which leads to and from the High Street.

4. Planning History

N/03/02926/ADV Various Signs. Approved with Conditions

N/07/03128/FUL Installation of ATM Machine. Approved with Conditions

N/10/03428/ADV Display of 3No Externally Illuminated Fascia Signs and 1No Internally Illuminated Projecting Sign. Refused

N/10/02306/ADV Display of One Internally Illuminated Free Standing Double Sided Display Unit. Refused

N/13/01732/ADV Three Fascia Signs, One Projecting/Hanging Sign and Three Window Graphics. Approved with conditions

N/11/02971/FUL Installation of ATM Machine. Approved with conditions

N/13/01625/FUL Internal and External Alterations Including Removal of 1 Set of Entrance Doors and Installation of Replacement Air Conditioning Units. Approved With Conditions

N/13/01762/FUL Construction of Car Wash Facilities. Refused.

13/06958/FUL Construction of Car Wash Facilities (Resubmission of 13/01762/FUL) Refused

15/03568/FUL Erection of Restaurant and Takeaway. Withdrawn

19/09288/FUL Construction of residential block of flats providing 4 one bed and 2 two bed flats and associated change of use from carpark. Approved with Conditions

20/08410/FUL Construction of residential block of flats providing 4 one bed and 2 two bed flats and associated change of use from a carpark. Approved with Conditions

143 High Street

N/91/01752/FUL Change Of Use Of Part First Floor From Storage To Office Use. Approve

N/00/02394/COU Change Of Use Of First, Second And Third Floors To 5 No Flats (Residential). Approved with Conditions.

N/01/00418/COU Change Of Use Of First, Second And Third Floors To Five Flats (Amendment To Previous Approval 00.02394.COU). Approved with Conditions.

16/10108/FUL Change of use from professional services (Class A2) to a flexible retail (Class A1) or food and drink (Class A3) use. Approved with Conditions

Bassett Garage

PL/2021/03248 Redevelopment to provide 9 No New Flats. Undetermined.

5. The Proposal

The proposal is to change the use of the building to a mix of uses including auction rooms with a focus on art, ancillary exhibit spaces and a bistro/café facility. Further proposals involve the extension of the building to the rear and provision of a roof top terrace to facilitate events related to the auctions.

There is some debate and lack of certainty as to the use class within which an Auction Room could be considered to fall. It could be the new use class E(c iii) *any other services which it is appropriate to provide in a commercial, business, or service locality*; with the new use class E covering Commercial, Business and Service. Or alternatively it would not be unreasonable to consider this a Sui Generis use i.e. a use of its own/apart given the mix of retail, business and service elements. This is reflected in past definitions albeit predating the advent of Use class E. Other applications for Auction Rooms in Wiltshire have been treated as Sui Generis and on balance it is considered reasonable to maintain this position. The Café/Bistro falls within the new Use Class – E(b)

6. Planning Policy

Wiltshire Core Strategy (2015)

Core Policy 1 (Settlement Strategy)

Core Policy 2 (Delivery Strategy)

Core Policy 19 (Royal Wootton Bassett and Cricklade Community Area),

Core Policy 36 (Economic Regeneration),

Core Policy 38 (Retail and Leisure)

Core Policy 57 (Ensuring high quality design and place shaping),

Core Policy 58 (Ensuring the conservation of the historic environment),

Core Policy 60 (Sustainable transport),

Core Policy 61 (Transport and development) and

Core Policy 64 (Demand management)

North Wiltshire Local Plan (2011)

Saved Policy R2 (Town Centre Secondary Frontage Areas)

NE18 (Noise and Pollution)

Royal Wootton Bassett Neighbourhood Plan (2018)

Policy 1 (Services and Facilities)

Policy 2 (Convenience and comparison retail)

Policy 7 (Design)

Policy 12 (Road safety, traffic and transport)

National Planning Policy Framework 2021:

Paragraphs 2, 3, 7, 8, 11, 12 (Sustainable Development, Paragraphs 38, 47 (Determining Applications), Paragraph 81 (Economy), Paragraph 86 (Vitality of town centres), Paragraph 127 and 130, (Well designed places), Paragraphs 190, 191, 192, 194, 195, 197, 199, 200, 201, 202 (Heritage)

The Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 16, 66 and 72.

7. Consultations

Revised/Additional submissions were made and the following is a summary of the position following consideration of those details.

Public Protection – No objection subject to conditions.

Highways – No objections. No conditions or requirements recommended.

Conservation – Principle acceptable, harm identified in respect of the proposed works to the rear of the building. Harm identified less than substantial and at the lower end of the range.

Royal Wootton Bassett Town Council – Planning Committee raised No Objection.

8. Publicity

Revised/Additional submissions were made and published to the public record and have been available for an extended period. The following is a summary of the position following that publication.

8 representations of support have been received identifying benefits including job creation, increased footfall/expenditure, visual enhancement to the site and locality in the town. Previous uses of this property having repeatedly failed and the proposed alternate use is acceptable/appropriate in this location.

6 representations of objection have been received. The majority of these are by the same individual or from legal representatives on their behalf. The Solicitors representing the neighbour objector in their submission refer to an intention to submit an injunction against the applicant.

Submissions made are detailed and lengthy and so are summarised below. Full copies of the submissions made are available for viewing on the Council's website and have been for an extended period. The following is therefore not intended to be a full detailed recitation of the submissions made. Throughout the submissions reference is made to 144 High Street as the neighbouring property and the asserted harmful impacts identified upon said property. The application site is numbered 144 High Street, the neighbouring property which appears to be referenced is shown on baseline mapping as 145, 145A & Bassett Garage High Street. It is considered that the reference is to Bassett Garage given the content of the submissions.

- Auction House a good idea but further restaurant not required as limited demand/trade at this part of the high street and existing offer available.
- Revised/Additional Submissions do not address concerns regarding impacts to neighbouring amenities
- Fire Escape allows direct access to neighbouring property and has been used to gain access in the past
- Request that Committee members visit site and assess impact of first floor rear extension/events area on neighbouring properties and heritage value. Identifies debate of heritage value of neighbouring property.
- Harm to neighbouring residential amenity, loss of privacy and daylighting.
- Proposals conflict with the development plan, in particular WCS policies:

WCS CP65 due to inadequate parking and servicing provision;

WCS CP64 Inadequate provision for electrical charging and bicycle parking;

WCS CP61 – Range of uses proposed resulting in a range of parking demand requirements that are not fully assessed or provided for by the proposals and harm to access and parking for neighbouring businesses; harm to highways network resulting from the development not providing a suitable highways connection;

WCS CP60 – Development generates substantial vehicle movements, Transport assessment required, proposals do nothing to reduce vehicle movements as required by

the policy. Policy also requires sensitivity to heritage assets – stand-alone assessment by the Council’s conservation officer required.

WCS CP57 – proposals do not positively contribute to the character of the locality; does nothing to prevent crime, with the car park being likely to attract crime; conflicts with neighbouring uses by not preventing crime; and generates pollution.

WCS CP55 – Application submissions fail to assess impacts on air pollution and any requirements for mitigation.

- Harm to neighbouring amenity through loss of daylighting/right to light. Notice served of intent to submit an injunction against the applicant in accord with the judgement of *Beaumont Business Centres Ltd v Floral Properties Ltd* [2020] EWHC 550 (Ch).
- Conflict with the NPPF in respect of impacts to climate/climate change objectives form pollution resulting from increased traffic. Harm to neighbouring amenity; failure to improve the character and appearance of the area. Conflict with para 182 requesting that development proposals integrate with existing businesses. Harm to heritage assets.
- Harm to Highway Safety and highways conditions through traffic congestion. Inadequate supporting information assessing impact of development in highways / traffic generation terms.
- Application fails to assess and consider the impact of noise and vibration from vehicles access the site on heritage asset and any need for mitigation.
- Disputed rights of access.

9. Planning Considerations

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. 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 (NWLPL) 2011 (adopted June 2006); the Wiltshire Housing Sites Allocation Plan (WHSAP) (Feb 2020); and the Royal Wootton Bassett Neighbourhood Plan (MNP) (‘made’ April 2018).

Principle of development

The site is located within the secondary frontage area for Royal Wotton Bassett Town Centre as defined by the North Wiltshire Local Plan saved by the WCS. Saved Policy R2 of the North Wiltshire Local Plan is therefore relevant. It states that:

Proposals for shops, financial and professional services, food premises, leisure facilities and night clubs (Use Class A, D1 and D2) will be permitted within the defined town centre secondary frontage areas of Chippenham, Calne, Wootton Bassett, Corsham, Malmesbury and Cricklade, subject to all the following criteria:

- i) They do not individually or cumulatively undermine the vitality or viability of the town centre.*
- ii) The proposal is consistent with the scale and function of the town centre.*

Consideration is given to ensuring that proposals do not eliminate separate access arrangements to the upper floors, which could be used for residential, community or employment uses.

It should be noted that the Use Classes Order was amended 2020. The proposed restaurant/bistro/café is now designated as a Class E (b) and the auction rooms as set out above considered to be Sui Generis.

Notwithstanding the above, given that the proposal seeks permission for a mix of uses, the proposal falls within the category of uses which are acceptable in this location in accordance with the provisions of Saved Policy R2. The proposal is relatively limited in scale and makes use of an existing building. The supporting statements indicate that the building has been vacant for at least 12 months, with previous occupant serving notice of intent to break the lease in 2020. An offer was made to remain in operation and occupy on reduced terms but this was declined. The site has been subject of multiple operators for the approved use over an extended period and all have vacated. In the last 2 years Aldi has also opened a store in the town providing alternate convenience retail offer and there are other operators in the town, including within the high street itself. Taking into account the commercial nature of the operations and the change to the use classes order, alongside the extended unsuccessful efforts to operate a supermarket in this location, and other material considerations, it is not considered that the proposal for a bistro/café conflicts with the first criterion of Policy R2.

Similarly given the commercial nature of the proposals and the reuse of a vacant property, the permitted use of which has not succeeded over an extended period, it is considered that no significant conflict with Policy R2 ii) arises with respect to the Auction Rooms.

The submitted plans indicate that the proposal would make use of and maintain access to the first floor and as such no significant conflict with Policy R2 iii) is considered to arise in this respect.

For the above reasons the proposal is considered to comply with Saved Policy R2 of the North Wiltshire Local Plan; and the relevant policies of the WCS CP1 CP2 CP19. In terms of broader development plan policies, it is noted that the supporting text for Policies 1 and 2 of the Neighbourhood Plan sets out a desire to reduce the number of vacant units and support ground floor units remaining in use Classes A and D in order to support the vibrancy of the Town Centre. As outlined above, the current proposals would provide a mix of commercial operations within Use Class E and Sui Generis uses and would therefore help to achieve the aspirations of the neighbourhood plan.

As such the principle of development is supported.

Impact on Heritage Assets

The site is located within the Royal Wootton Bassett Conservation Area and it is adjacent to a Grade II listed property at 45 High Street. Multiple other listed buildings are located in the immediate and near vicinity. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 16 and 66) and the character or appearance of the conservation area (s.72). This duty is reflected in the National Planning Policy Framework which requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (paragraph 195). Local authorities are also required to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset (Paragraphs 199 and 200).

There is no conservation area appraisal currently published for the Royal Wootton Bassett Conservation Area. However, the significance of the conservation area is likely to arise primarily from its aesthetic (fortuitous) and historical (illustrative) values and by virtue of its designation, it is significant in heritage terms. The adjacent listed building has been the

subject of extensive alteration, particularly to the façade, over time but is still considered to retain historical (illustrative) value.

The application is supported by a Heritage Impact Assessment and the application has also been the subject of revision/additional submissions.

The Council's Senior Conservation Officer has been consulted in respect of both the original and revised/additional submissions and assessment and advice has been provided in respect of the totality of these submissions. The Conservation Officer supports the proposals as they are perceived from the high street, so including the works to the front elevation, identifying that they will help integrate the building into the character and appearance of the high street and thereby the conservation area. However, harm is identified in respect of the impact of the rear first floor extension and works for the provision of the roof terrace. The proposed additional structures are considered to add to the bulk and mass of the existing large scale discordant flat roofed structure making it more prominent and dominant in localised views. The harm identified is to the character and appearance of the Conservation Area though and no harm to the setting of adjacent listed buildings is identified. The Conservation Officer species that the harm is considered to be less than substantial and at the lower end of the range.

The wording of both policies WCS CP57 (i & iii) and CP58 and the supporting text to the CP58 is quite clear that if harm is identified, no matter what the level, it is in conflict with the plan. However, failure of the proposed development to comply with CP57 & CP58 is not necessarily fatal to the acceptability of the scheme. 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.

The NPPF is a material planning consideration of substantial weight and paragraphs 197, 199, 202 are relevant to the determination of the application. Paragraph 202 provides: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*.

In this case there are significant public benefits associated with the development. The proposal would provide economic benefits through the provision of jobs during the construction and operational phases; bring a vacant building in the town's high street back into active use supporting the vitality and viability of the town centre; and the proposals include enhancement to the front elevation of the building which will support improved integration with the character and appearance of the high street and the conservation area.

These are public benefits of the scheme to which substantial weight should be afforded and it is considered that these benefits clearly and demonstrably outweigh the less than substantial harm that is identified as arising from the development. Given this conclusion, in the context of the paragraph 202 balancing exercise, it is considered that the proposals are not in conflict with the NPPF and this is a material consideration of sufficient weight to indicate that in this instance a decision otherwise than in accord with the development plan is justified and planning permission can be granted.

Residential Amenity/Neighbouring Amenity

It is the case that there are residential properties in the adjoining building 143 High Street, with other residential properties opposite the site across Station Road. The adjacent property at 145, 145 A, Basset Garage appears from submission, site inspection and site history review to be largely in commercial use. Potentially there may be residential accommodation

established at first floor level in 145/145A. As noted above there is an application as yet undetermined at Bassett Garage for residential development which could potentially be granted permission.

Given these circumstances and the nature of the development proposed and application submissions the proposals have the potential to affect neighbouring amenity and/or existing residential amenity in a number of ways. The proposed roof top terrace at first floor level is to be used for external events supporting the auction room use and so could potentially result in overlooking/loss of privacy and noise disturbance from the gatherings and the activities taking place. It is noted in the submissions that no noise generating items will be displayed at events but it is unclear how this would be controlled or enforced. In any event the events themselves if well attended have the potential to generate noise and disturbance.

As noted in representations made there is potential for the built development element of the first floor extension and roof top terrace to impact neighbouring amenity and residential amenity through loss of daylighting and overbearing impact.

Additionally, there is the potential for required mechanical plant to serve the bistro/café use and the use itself to result in noise and odour disturbance to neighbouring properties.

Representations submitted raise concerns in respect of the existing and proposed fire escape arrangements at the rear side of the property allowing access to the neighbouring site and this raises concern for neighbours as to fear of crime and noise and general disturbance.

The application is not supported by noise or odour impact assessments. The plans submitted including revised/additional plans do not specify or include details in respect of the proposed mechanical plant. It is however material to note that the existing retail supermarket does already include substantial mechanical plant at the rear elevation. This is proposed for removal. Nearby uses in the vicinity similarly include such mechanical ventilation plant to varying degrees.

The revised/additional plans as submitted do include proposals for use of privacy screening in the rear rooftop terrace and fire escape and this, alongside proposed conditions on times of use, is considered to adequately address potential impacts for loss of privacy resulting from overlooking; subject to use of condition to secure full details in this regard. Given the scale and position of the proposed site screening / extension to the rear elevations and works to form the rear roof top terrace and their relationship to neighbouring properties, with the extension off set from the adjacent properties and at a significantly lower height than the existing property at 143, it is not considered that significant additional impact arises in respect of loss of daylighting or overshadowing effect over and above the permitted situation such that significant harm would arise to amenities/residential amenity.

The Council's Public Protection Officers have reviewed the scheme proposals and raise no objection subject to use of a suite of conditions that seek to address concerns regarding the various sources of potential noise impacts. In recommending use of condition in this instance Officers have considered the existing position regarding noise generation and noise sources at the site and in adjacent properties. With respect to the use of the roof top terrace and requirements for submission of noise and odour assessments alongside restrictions on hours/days of operation the conditions are considered entirely necessary and reasonable. Should operation of the site in future prove that the conditions are onerous and unwarranted they can be varied by further application. Conditions cannot however be imposed retrospectively should harm be found to arise. A precautionary approach is also necessary given the pending submission of impact assessments.

With respect to the operation of the uses proposed within the building it is considered that the conditions are not entirely consistent with those in other town centre properties and similar uses; and given consented use of the site and adjoining properties not entirely necessary. As such variation to the operational times of use are proposed and are considered reasonable. Again, there is also scope to vary such conditions via application at a later date should this be necessary and appropriate.

Regarding the fire exit the position and objections of neighbours are not entirely clear. Site Inspection indicates that the existing fire escape stairway is within the application site boundary and does not enter the neighbouring property. The submitted revised/additional plans do not indicate proposals to erect or alter the fire escape stairway such that it would provide access/egress within the neighbouring site/outside the red line boundary for the application site. As such it is not considered that significant harm arises in this respect.

On this basis it is not considered that conflict with the relevant policies of the plan, in particular WCS CP57, or the provision of the framework, arises such that consent ought to be refused on this basis.

Highways Impact, Parking and Access

The application proposes a change of use from a retail supermarket to a mix of auction rooms, including exhibition areas, and a bistro / café, with space for events related to the auction house activity to take place on the proposed rear rooftop terrace.

As is set out above in the summary of representations section significant concerns have been raised by interested parties with respect to highways, access and parking matters. The full submissions in this respect are available in the public domain. However, many of the concerns raised stem from an assumption that substantial volumes of traffic will be generated by the use proposed. Leading from this position concern is raised that the impact of development in this specific respect has not been assessed fully by the applicant and there is policy conflict as a consequence. Further concerns are raised in respect of the proposed access and parking arrangements potentially leading to highways congestion and on street parking.

Additionally, representations are made as to rights of access, impaired rights of access and air pollution. These particular matters are addressed below.

With respect to vehicle movements, parking and highways impacts and in terms of supporting information requirements there are key material considerations and circumstances that must be taken into account in this respect. Firstly, the consented use is for a retail superstore and this generates significant volumes of vehicular traffic both by customers and with respect to operational servicing. A wide range of vehicle types are therefore permitted to access the site including HGVs. This type of use is one that generates substantial volumes of vehicular traffic movement given the need to deliver and takeaway substantial purchased convenience goods.

Secondly the site is located in a town centre. This is a sustainable location for the types of uses now proposed and indeed a wide range of other types of land use. The town centre is substantial being at the heart of a historic market town. This Town Centre is served by significant levels of public transport services and there is extensive potential for multi-purpose journeys and for combined travel/shared transport by multiple persons. There is significant park provided along the length of the high street also.

The Council's Highways Officers have been consulted in respect of the application proposals, supporting submissions and representations received. Officers make clear that no

objection is raised, and the location is considered appropriate for the proposed use offering potential for access by a range of modes of transport and sustainable transport movement. Furthermore, that this is considered to reduce the need for on site parking. It is important to note that officers make no recommendation for use of conditions and do not require any additional information submissions. This advice is considered to be reflective and cognisant of the material circumstances and considerations referenced above.

It is not considered that the development and uses proposed will generate significant additional vehicular movements and demand over and above the consented use and such that transport assessment is required in this respect. Such a requirement is considered disproportionate given the material circumstances and considerations relevant here and as such it is not considered that there is conflict with the relevant policies of the plan in this regard.

As is set out further below the parking arrangements and site layout at ground floor level are subject of limited proposals for alteration reflecting the existing use and layout of the rear part of the site as a car park and servicing area with access. As such it is not considered that the proposals will result in or attract crime or anti-social behaviour over and above the existing approved position. The fact that the site is currently vacant and will be brought into active use is considered to reduce the risks arising from the current position. It should also be noted that the proposals include controlled access to the site and so do provide for some mitigation of the potential for crime and anti-social behaviour.

Given the position set out above it is not considered that the proposals result in conflict with the relevant policies of the plan or provisions of the framework such that consent ought to be refused on this basis.

Other matters

Air Quality & Vibration

As set out above it is not considered that the proposals will result in significant volumes of additional traffic movement over and above the consented situation. There is scope for combined journeys and sustainable transport movement given the town centre location. The proposals include the provision of electric vehicle charging points and this is an enhancement over the existing position. The site is already serviced and accessed by HGVs in respect of the existing consented use and it is not considered that the proposed alternate use will generate the same or additional requirements such that specific assessment is required. The Council's Public Protection, Highways and Conservation Officers have been consulted in respect of the proposals and none raise objection in these respects and do not seek further information or proposals for mitigation, either via use of planning obligation and / or conditions. Public Protection officers do seek odour impact assessment with respect to required ventilation extract and mechanical plant and propose use of condition in this regard. As such it is not considered that air quality or vibration will be significantly worsened over and above the consented situation such that conflict with the policies of the plan or provisions of the framework arise in this regard and consent ought to be refused on this basis.

Rights of Access

The position of interested parties in this regard is not entirely clear but the concern appears to be that the proposed development will restrict rights of access to neighbouring properties and/or utilise land not within the complete control of the applicant. Whilst to a large degree a civil matter between the parties it should be noted that no details or evidential submissions have been made to address these matters and confirm that land indicated within the red line

boundary either is not within the control of the applicant and/or provides for rights of access that would be restricted. The applicant themselves confirms that the land is within their control. The proposed site layout plan to the rear of the property still includes parking similar to the existing layout and the building itself is not proposed for extension at ground floor level with site boundaries to the rear and adjoining the neighbouring properties remaining as currently located. In effect the current layout at the rear ground floor level is not significantly changed and existing site area of the property is not indicated to be extended on the submitted details. It is therefore unclear how physical means of access to the neighbouring property are impaired. If there remains any dispute as to ownership and / or rights of access it is clear that interested parties are aware of the respective proposals and this application itself. Acceptable means of access are provided for the development and development proposed does not extend the site area onto adjacent means of site access and this is therefore considered to be a civil matter. As such no conflict with the relevant policies of the plan or provisions of the framework is considered to arise.

Conditions

At the time of writing the applicant has not confirmed agreement to use of precommencement conditions. The request has been made in accord with relevant regulations however and the conditions are considered to meet all the national test on the use of conditions and therefore defensible if subject of challenge.

10. Conclusion

The proposal would achieve the reuse and occupation of a substantial and significant vacant unit with a mix of uses that are considered appropriate to and acceptable within this town centre location. This will contribute to the vitality and viability of the town centre and will help to achieve the aspirations of the Neighbourhood Plan in this respect. The proposal is considered acceptable in principle given its broad compliance with current planning policy.

The external alterations proposed to the front elevation would be in-keeping with the character and appearance of the locality and they would not cause any harm to designated heritage assets. Indeed it is officer's opinion that an enhancement over the existing situation would be secured. Whilst development to the rear including extension and works to create a roof top terrace will have an harmful impact to heritage assets – the conservation area - this is less than substantial and at the lower end of the scale. The harm identified and related policy conflict is considered to be clearly and demonstrably outweighed by the benefits of development.

Whilst the concerns raised regarding neighbour amenities are appreciated, the Agent has provided revised proposals that address some of the concerns, including overlooking and loss of privacy. Public Protection officers recommend use of conditions to secure additional information in respect of noise and odour and to control the extent of the activities/uses taking place and in this way it is considered that potential noise and odour disturbance to neighbouring amenities are addressed. Given the scale and position of the proposed extension and the privacy screening and the relationship of both to neighbouring properties it is not considered that significant harm to amenity through loss of daylighting and overshadowing arises. It is not considered that the proposals in respect of the fire safety access result in harm to or loss of amenity or security concerns.

Given the form, scale and nature of the development proposed and the relevant material circumstances and considerations including the consented use and the town centre location it is not considered that significant additional impact or harm over and above the existing situation in respect of highways, parking, traffic generation, access, air pollution, vibration or crime and anti social behaviour arises. Similarly given the relevant material circumstances

and consideration it is not considered that additional information is required in these respects. The information submitted and development proposed does not indicate or confirm that the proposals result in harm to and loss of a means of access to the neighbouring properties.

In summary the development is acceptable in principle and the limited impacts of development are outweighed by the benefits of development and in many respects can be adequately and appropriately mitigated by use of conditions. Where additional information is required this can be secured by use of conditions.

Therefore, on balance it is considered that the benefits associated with the proposal would outweigh the harms. As such, it is recommended that planning permission is granted.

RECOMMENDATION

Approve subject to Conditions

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.

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

Location Plan P-0026-100b
Existing Elevations P-0026-103A
Existing Site Plan P-0026-101A
Existing Floor Plans P-0026-102A
Design and Access Statement
All Received 28.05.2021

Proposed Elevations 0026-115 REV C
Proposed Floor Plans 0026-111 REV B
Proposed Site Plan 0026-110 REV B
All Received 27.10.2021

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

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) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- g) 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, and dangers to highway safety, during the construction phase.

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.

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the approved plans, Design and Access Statement and application form.

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

The use of the roof top terrace hereby permitted shall not be first brought into use until full details of the proposed privacy screening to the rear roof top terrace have been submitted to the Local Planning Authority, approved in writing and erected in accordance with the approved details. The erected screening shall be retained in situ as approved as long as the use of the roof top terrace continues.

REASON: In the interests of visual amenity and the character and appearance of the area and ensuring high design and place shaping such that appropriate levels of amenity are achievable.

The site shall be used for an Auction House including ancillary spaces (sui generis use) and Bistro/Café E (b) for no other purpose (including any other purpose in Class (Sui generis) or (E) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

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

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

REASON: In the interests of highway safety.

No part of the development shall be brought into use until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

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

No part of the development shall be brought into use until the Electric Vehicle Charging Facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

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

No development shall commence on site until a scheme of works for the control and dispersal of atmospheric emissions, in particular odours, and including full details of required ventilation and extraction mechanical plant has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

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

Notes: In discharging this condition the applicant should ensure that the ventilation system discharges vertically at a height of at least 1m above the height of any nearby sensitive buildings or uses and not less than 1m above the eaves.

In discharging this condition the applicant should consult EMAQ ref "Control of odour and noise from commercial kitchen exhaust systems" (Gibson, 2018)

Prior to commencement an assessment of the acoustic impact arising from the operation of mechanical ventilation shall be undertaken in accordance with BS 4142: 2019. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to demonstrate the rated level of noise shall be: -5dB below background and is protective of local amenity.

Background levels are to be taken as a 15 minute LA90 at the boundary of the nearest residential noise-sensitive receptors.

The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

Notes: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a thorough background noise survey and noise assessment in accordance with:

BS4142:2019 (or any subsequent version) and demonstrate that the rated noise level is at least 5dB below the background noise level.

The Roof Terrace use hereby permitted shall only take place between the hours of 08:00 and 18:00 in the evening from Mondays to Fridays and between 09:00 and 17:00 in the evening on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.

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

There shall be no customers/members of the public on the Auction Rooms and inside spaces (excluding the café/bistro) outside the hours of 08:00 - 20:00 Monday - Saturday and 10:00 - 18:00 Sunday and Bank Holiday. With respect to the café/bistro customers/members of the public will be on site outside of the hours 08:00 – 23:00 Monday to Saturday and 10:00 – 22:00 Sundays and Bank Holidays.

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

No deliveries shall be made to or collections made from the development hereby approved except between the hours of:

08:00... and ..19:00... Monday to Saturday

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

INFORMATIVES TO APPLICANT:

CIL 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/communityinfrastructurerelevy.

WP6 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.

WP13 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.

WP18 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.

Background Documents Used in the Preparation of this Report:

Application Documents
Site History Files
Development Plan
NPPF

Wiltshire Council

PL/2021/05648

144 High Street, Royal
Wootton Bassett, Swindon.
SN4 7AB



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