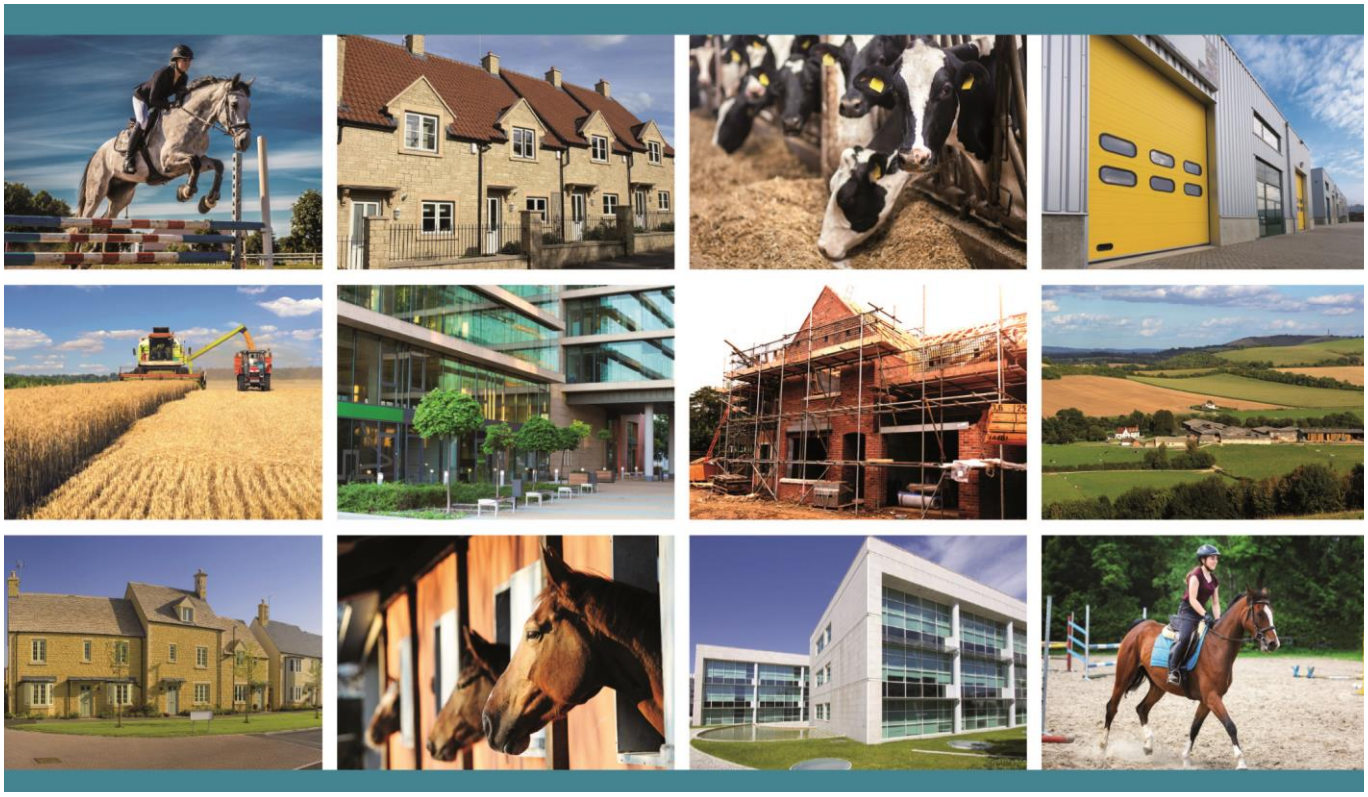
# RCC TOWN PLANNING CONSULTANCY



Site: Elm Tree Motor Company Ltd, Pelhams Court, London Road Marlborough, Wiltshire, SN8 2AG

Proposal: Demolition of all buildings on the site and erection of 13 dwellings, a new office building and associated works.

On behalf of: Mark Lovelace Ltd

Date of issue: November 2023

# PLANNING AND DESIGN AND ACCESS STATEMENT

RCC Town Planning Consultancy

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## 1.0 INTRODUCTION

1.1 RCC Town Planning Consultancy has been appointed by Mark Lovelace Ltd to achieve planning permission for the redevelopment of the Elm Tree Motor Company Ltd site in Marlborough.

1.2 The application proposes to demolish all of the existing buildings on site which relate to Elm Tree Motor Company Ltd, as well as a building containing 4 residential flats and replace them with 13 dwellings and a new office building. The proposals also incorporate associated car parking areas, gardens and landscaping (including the retention of many trees on the site).

1.3 This planning statement will examine how the proposed development relates to the site and its context. The statement will also provide an explanation and justification for the scheme having regard to the national and local plan policy context, as well as the previous pre-application advice of the Council and the community consultation that was carried out.

## 2.0 BACKGROUND AND SITE CONTEXT

2.1 This application relates to land largely associated with Elm Tree Motor Company Ltd in Marlborough, a used vehicle sales business. The site extends to just under 0.5 hectares and also includes a building containing 4 residential flats.

2.2 The business and wider site are now at an important junction in their future, with some buildings now requiring significant investment into their upkeep. Furthermore, the site is underutilised by the car sales business and given its central location within Marlborough, a more efficient use could be found.

2.3 The intention is to therefore redevelop the site for a mixed-use development and relocate the car sales and repair business elsewhere within Marlborough.

2.4 In terms of its wider context, the site lies within the 'Limits of Development' as defined within the Wiltshire Core Strategy. It is situated towards the south-eastern side of Marlborough Town Centre, north of the A4 London Road. Marlborough is located c. 12 miles south of Swindon and the M4 motorway. Nearby mainline railway stations can be found at Great Bedwyn and Pewsey respectively, both of which lie approximately 7 miles from Marlborough and can be accessed via local bus services.

2.5 Being within a central location, the site benefits from a close proximity to a wide range of services, facilities and employment opportunities available within the town.

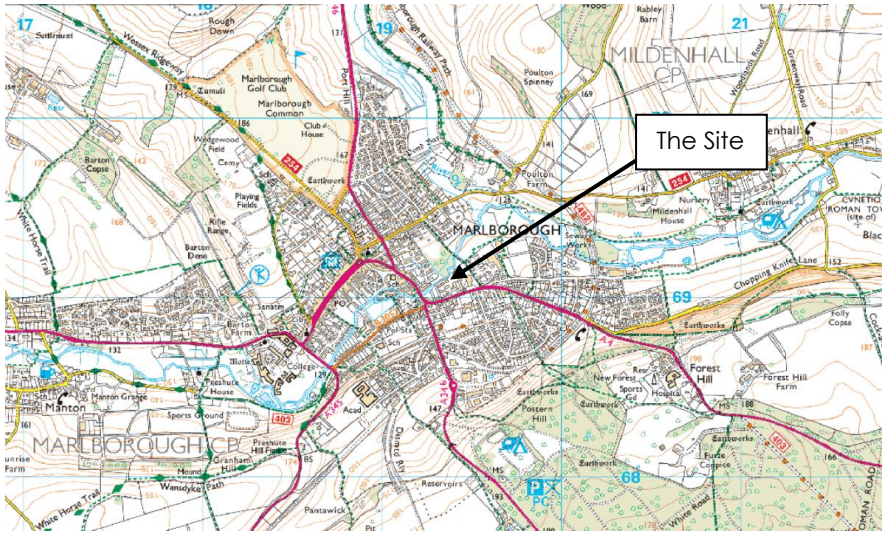


*Figure 1: Site Location plan – Marlborough context*




*Figure 2: Site location plan – London Road context*

2.6 Looking at site constraints, the site lies within areas designated as both Flood Zone 1 and Flood Zone 2 by the Environment Agency. That part which lies within flood zone 2 has been specifically excluded from the developable area, being instead utilised as the far extent of the riverside gardens. It is fairly level across most of the site and the level changes are only notable close to the northern boundary where the land slopes gently down to the River Kennet.

2.7 Beyond the eastern site boundary lies the storage yard associated with T H Whites. To the west, the site bounds Pelhams Court, a complex of buildings originally constructed as a suite of offices but now also includes a range of commercial uses, including a veterinary surgery and some residential units. To the southern extent of the site, residential properties generally neighbour the site boundaries. To the far north runs the River Kennet.

2.8 Elm Tree Motor Company Ltd forms part of a larger site designated as a 'Principal Employment Area' under policy CP35. Policy CP35 seeks to protect such sites for specific employment use classes (some E(g) uses as well as B2 and B8 uses). It is important to emphasise that Elm Tree Motor Company Ltd, being a car sales and repair business, is not classified as a protected 'use class' under the terms of CP35, instead being a '*sui generis*'[1] use class. The proposals would not therefore result in the loss of any uses which are protected by CP35.

2.9 The site is not situated within the designated Marlborough Conservation Area nor does it contain any listed buildings. However, there are a number of Grade II listed buildings within the wider vicinity and beyond the site boundaries – Kennet House, 45 and 46 London Road (to the south-east) and Albany Cottage to the south-west. The town is washed over by the North Wessex Downs Area of Outstanding Natural Beauty; though this particular site is well-contained within the built fabric of the town.

2.10 The site falls within the designated Air Quality Management Area for the town.

2.11 It is also important to highlight that the site entrance is positioned outside of, but opposite, the western edge of the Salisbury Road/London Road Area of Special Quality. However, the site is set back from this designated area and would not therefore impact upon this.

2.12 Within the site itself, there is a range of buildings, including car sales office and forecourt to the front of the site with ancillary car repairs and servicing buildings to the side/rear. A cabin style building houses office accommodation. The building containing the 4 flats sits just to the east of the centre. The site also contains large areas of hardsurfacing alongside the buildings.

2.13 The surrounding built form varies in scale, appearance and siting. Largely historic buildings front London Road but to the rear of these, backland development has evolved over the years for a variety of uses. In general, it

[1] *sui generis*, means 'of its own kind'

is notable that commercial and residential uses sit alongside each other along London Road, as is expected in a town centre location such as this.

2.14 Reference is also made to the specialist reports which are submitted in support of this planning application where relevant, including:

- Ecological appraisals & mitigation strategy by Herdwick Ecology and Stark Ecology.
- Transport Statement by Cole Easdon Consultants Limited, and
- Flood Risk Assessment and Drainage Strategy by Cole Easdon Consultants Limited.
- Tree Survey, Tree Constraints Plan and Arboricultural Impact Assessment by W H Landscape Ltd
- Waste Audit by PKA Architects
- Sustainable Energy Statement by PKA Architects
- Statement of Community Involvement by RCC Town Planning Consultancy

Photographs of site and context – immediate London Road Streetscene, including views into and out of the site and the block of flats (Mayfield) close to the junction.














Photographs of site and context – views within the site and towards neighbouring buildings, including Merlin Cottages, Pelhams Court as well as Mayfield and London Road properties











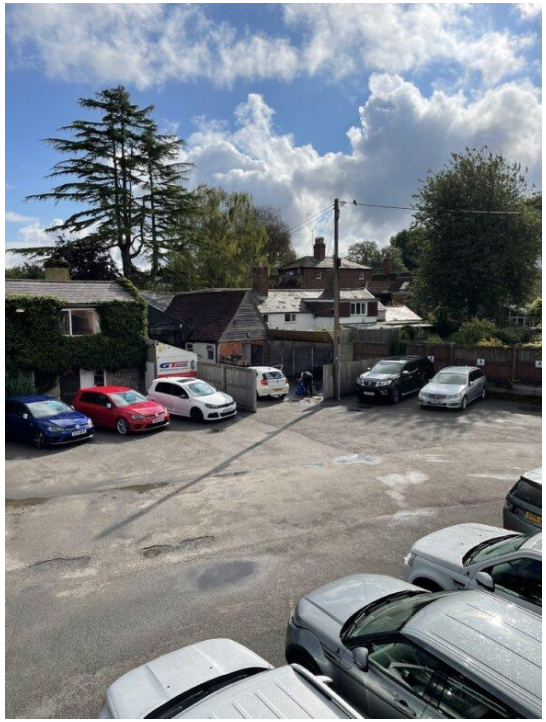

Photographs of site and context – views within the site and towards neighbouring buildings, including Merlin Cottages, Pelhams Court as well as Mayfield and London Road properties








## 3.0 PLANNING HISTORY

3.1 The planning history available on the Council's website details the following applications of relevance to the current use of the site:

| Ref. No | Description | Decision |
|---|---|---|
| 19/03207/FUL | Retention of single bedroom flat | 20/05/2019 Approve |
| 16/09657/CLE | Certificate of lawfulness to convert part of building into three flats | 01/12/2016 Approve |
| K/39596 | New body shop. | 06/04/2001 Approve |
| K/30744 | The change of use from car mechanical worskhop & Allied Retail to Stonemason workshop and Allied Retail | 21/12/1994 Approve |
| K/15965 | Change of use of coal storage yard and workshop to the sale, repair and hire of vehicles. Change of use of house to offices. alterations to workshop. | 0/08/1990 Approve |
| K/83/0426 | Conversion of pt residential to showroom and office | 23/06/1983 Approve |
| K/78/0006 | Use vacant dwelling as a showroom | 02/03/1978 Approve |

3.2 As part of the design process, the pre-application advice of the Council was sought.

3.3 The first pre-application scheme was submitted in August 2017; the purpose of which was to seek the views of the Council and the likely issues that would arise should an application be submitted. These initial plans showed the redevelopment of the site to include the erection of a new office building, 14 houses and sheltered housing for elderly residents (17/07424/PREAPP). The views of the Council can be summarised as:

- The dwellings are likely to be considered acceptable within the LoD of Marlborough.
- However, the proposal was considered to be contrary to CP35 as it results in the loss of employment land. However, it was stated that if the criteria of CP35 can be addressed / satisfied then there is a chance a mixed-use development could receive a favourable officer recommendation.
- The provision of office accommodation was therefore considered important to the success of an application.
- An assessment of housing need would be required to justify the provision of sheltered accommodation.
- There were urban design issues - primarily focused around the dominance of parking, the number of housing units proposed and the lack of vistas within the site i.e. views to the river.
- There may be scope under Policy PS6 of the Local Transport Plan to reduce the amount of parking

required, provided an exceptions case is made (i.e. the sustainability credentials of the site).

- Comments and advice regarding design, drainage, flooding ecology and heritage were specifically provided.

3.4 In response to the Council's comments, a second pre-application proposal was submitted in 2022. The Council responded under reference ENQ/2021/04587.

3.5 The revised scheme proposed a new office building, together with 13 houses. Following the Council's previous comments, the sheltered housing was removed. The Council's further advice can be summarised as:

- Conflict with CP35 and the loss of B Uses on the site was again referred to. The advice was that whilst a mixed-use scheme may be acceptable, any application would need to demonstrate compliance with the six criteria of CP35.
- Detailed advice was also provided on the matter of affordable housing requirements, flood risk, ecology, play space and sport revision as well as highway matters.

3.6 Further to the pre-application advice of the Council, a revised draft scheme was produced for the purposes of the community consultation, Public consultation, in the form of a mail drop and meeting with Marlborough Town Council took place in October 2023.

3.7 A letter outlining the proposals and a set of key drawings was sent to the neighbouring residential and commercial units, as well as Marlborough Town Council and the local Ward Member.

3.8 Full details on the consultation and the responses to the comments are contained within the Statement of Community Involvement document. The key changes were to the fenestration of the office to achieve a better neighbour relationship and provision of parking spaces and access ways for the benefit of the neighbouring dwellings.

## 4.0 PROPOSAL

4.1 The proposed layout has been heavily influenced by the extent of flood zone 2 and the need to exclude this from the developable area and the careful positioning of buildings in relation to the neighbouring properties. Furthermore, given the shape of the site, the design process also focussed on balancing making best use of the brownfield land against the need to create a safe and adequately sized internal access road and parking arrangement. Housing density was also important in terms of both viability and design.

4.2 The surrounding context, particularly Pelhams Court and the immediate vicinity of London Road, is characterised by the wide range of building scale, age and design. There is no overriding 'grain' or building style within the immediate streetscene to replicate or heavily influence the development of the site. Views into the site are extremely limited and would be from London Road as one passes the entrance into the site. Within these views, the scheme would be read against the historic and generally two-storey properties of London Road, the large three-storey corner building with a mansard roof as well as the three-storey modern office complex of Pelhams Court.

4.3 The River Kennet runs to the north of the site but there is no public footpath on either side of the river here or for a significant extent of its length in this part of the town. Views to the site from the river are not therefore available unless from a craft.

4.4 The design process has therefore created a unique and contemporary development that incorporates those elements that do unite the built form both on London Road and within Marlborough itself. For example, the use of red-brick, tile hanging and feature gables.

4.5 The submitted plans show a comprehensive redevelopment of the site to provide 13 dwellings created from a range of dwelling types. The plans show detached and semi-detached dwellings as well as a riverside apartment complex with a range of apartment types. These are accompanied by associated parking and amenity space, including a communal garden area. Domestic scale trees are shown in appropriate locations and help to soften views of the scheme and create an attractive living environment for future residents.

4.6 The three-storey apartment block has been purposely sited at the rear of the site so it is furthest away from the neighbouring residential dwellings. Furthermore, to the east, is the large-scale modern building relating to TH Whites and the building would be read alongside this. The shape and design of the building has been influenced by the extent of flood zone 2 whilst maximising use of the available space. This unit provides smaller maisonette properties for those individuals who do not want a typical house. The communal garden

offers an alternative area of outdoor space for residents to enjoy.

4.7 The scheme also proposes an office block, close to the site entrance. Early discussions particularly focused on the scale and position of this building in relation to the neighbouring residential dwellings. One response to the community consultation event raised a concern regarding overlooking. The scheme was subsequently revised to reposition and reduce the number of windows facing towards the neighbouring dwellings.

4.8 The design incorporates a material pallet and building forms characteristic of the architectural vernacular in Marlborough. Paragraph 3.1.10 of the draft Wiltshire Design Guide states that "…*clay vertical plain tile hanging is characteristic within the dense market town of Marlborough, thought to be historically linked to the refronting and cladding of medieval timber framed properties to be more fire resistant*". In order to reference and reflect traditional design in Marlborough, the scheme therefore includes the use of clay hanging tiles to upper stories, along with clay plain tile pitched roofs, gabled frontages, and classical proportions. This is combined with contemporary design elements including feature window detailing (for example glazed corner windows and glazed gables) and standing seam metal cladding to recessed elements. This will ensure the development will be 'of its time' whist respecting local building styles and materials.

4.9 Articulation and interest are achieved through incorporation of projecting elements (for example metal framed balcony structures), recessed elements, (for example the 2nd floor accommodation to block A) and feature clay hanging tile panels within areas of brickwork.

4.10 The use of the red brick and areas of clay tile on all proposed building will unify the scheme and harmonise with the surrounding existing buildings that incorporate similar materials.

4.11 As a whole, the scheme is of an appropriate residential density (circa 33 per hectare) and provides an ideal opportunity for a mixed-use development on a centrally located brownfield site. It is important that the best use of the site is made as sites such as this are now very rare within Marlborough. The scheme will create a small attractive development that relates well to both Pelhams Court and the more traditional building scales of London Road.

## 5.0 PLANNING POLICY

5.1 The main planning policy and guidance relevant to this proposal is as listed:

- The Wiltshire Core Strategy
- Saved Policies of the Kennet Local Plan
- Marlborough Area Neighbourhood Plan 2023
- Marlborough Town Character Study 2020
- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance Note (NPPG).
- Wiltshire Local Transport Plan 3
- Draft Wiltshire Design Guide (2023) (currently in draft form but holds some wight as a material consideration).

5.2 The relevant policies and guidance are set out in the associated tables:

### WILTSHIRE CORE STRATEGY

| POLICY | DESCRIPTION |
|---|---|
| CP1 | Settlement strategy |
| CP2 | Delivery strategy |
| CP14 | Marlborough area strategy |
| CP35 | Existing employment land |
| CP41 | Sustainable construction & low carbon energy |
| CP50 | Biodiversity and geodiversity |
| CP55 | Air Quality |
| CP57 | Ensuring high quality design & place shaping |
| CP58 | Conservation of the Historic Environment |
| CP60-64 | Transport & development policies |
| CP67 | Flood risk |

### KENNET LOCAL PLAN SAVED POLICIES

| CHAPTER | DESCRIPTION |
|---|---|
| HC35 | Recreation provision on small housing sites |

### MARLBOROUGH AREA NEIGHBOURHOOD PLAN

| CHAPTER | DESCRIPTION |
|---|---|
| MARL1 | Delivering Affordable Homes in Marlborough |
| MARL3 | Meeting Local Housing Needs |
| MARL13 | Protecting Local Heritage Assets |
| MARL17 | Conserving the Scenic Beauty of the AONB |
| MARL19: | Building to the PassivHaus Standard |

## NATIONAL PLANNING POLICY FRAMEWORK

| CHAPTER | DESCRIPTION |
|---|---|
| 2 | Achieving sustainable development |
| 5 | Delivering sufficient supply of homes |
| 8 | Healthy and safe communities |
| 9 | Sustainable transport |
| 11 | Making effective use of land |
| 12 | Well-designed places |
| 14 | Meeting the challenge of climate change, flooding and coastal change |
| 15 | Conserving and enhancing the natural environment |
| 16 | Conserving and enhancing the historic environment |

## 6.0 PLANNING ASSESSMENT

6.1 The key planning policy issues are considered to be:

- Principle
  - I. Housing Land Supply
  - II. Development Plan Policies
- Design
- Flooding
- Highway Safety
- Ecology and trees
- Neighbour amenity

### PRINCIPLE

#### *Housing Land Supply in Wiltshire*

6.2 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the advice and guidance contained within the National Planning Policy Framework (NPPF). The NPPF requires LPAs to identify a five-year supply of specific deliverable sites to meet housing needs, with an appropriate buffer. Where Council's are unable to demonstrate this, planning policies concerning housing delivery (including those within a made neighbourhood plan) are considered out of date and applications for housing development should be considered in line with paragraph 11d of the NPPF.

6.3 The 'Housing Land Supply Update' (May 2023) confirms that Wiltshire Council can only demonstrate 4.6 years of housing land supply (based on April 2022 data). As such, policies CP1, CP2 and CP14 of the WCS are considered out of date and applications for housing development should be considered in line with paragraph 11d of the NPPF. The relevant extract is set out below:

> For **decision-taking** this means:
>
> c) approving development proposals that accord with an up-to-date development plan without delay; or
>
> d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date[8], granting permission unless:
>
> i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed[7]; or
>
> ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.4 Whilst it is accepted that the triggering of paragraph 11d) of the NPPF does not mean out-of-date development plan policies should be ignored, the weight afforded to them is weakened and the 'tilted balance' is engaged. The term 'tilted balance' is used to define Paragraph 11 of the NPPF when engaged as the 'planning balance' is tilted from a neutral balancing exercise where if the harms outweigh the benefits planning permission is usually withheld, to a tilted balance where the harms should significantly and demonstrably outweigh the benefits for permission to be withheld.

6.5 Focussing now on the contents of subsection d) paragraph 11 of the NPPF, the application site does lie within the AONB (an area of particular importance) but does not contain any assets of particular importance (as defined by footnote 7). As the statement will now set out, the application of the policies in the NPPF that protect AONBs do not support refusal of the development. Moreover, any adverse impacts of approving the scheme would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. The proposal will therefore be assessed in terms of its 'benefits' and 'harms', using the planning policies of the local plan as a starting point. Section 5.0 of this statement will conclude with a discussion of the 'planning balance'

*Development Plan Policies*

6.6 Having regard to the principle of residential development in this location, core policy (CP)14 of the Wiltshire Core Strategy (WCS) identifies Marlborough as a 'Market Town' and policies CP1 and CP2 stipulate that redevelopment for residential purposes is acceptable here in principle. The site lies within the designated 'Limits of Development' (LOD) of the town, where there is a presumption in favour of permitting sustainable development.

6.7 However, at the pre-application stage, whilst recognising the position of the site within the LOD, the Council also referred to its location within a Principle Employment Area where CP35 applies. This policy states that:

*"Wiltshire's Principal Employment Areas (as listed in the Area Strategies) should be retained for employment purposes within use classes B1, B2 and B8 to safeguard their contribution to the Wiltshire economy and the role and function of individual towns."*

6.8 It then goes on to state that within the Principal Employment Area's proposals for the redevelopment of land or buildings currently or last used for activities falling within use classes B1, B2 and B8 must demonstrate that they meet and will be assessed against six listed criteria.

6.9 Both pre-application responses stated that the proposal would conflict with CP35 because of the loss of 'B' uses on the site

6.10 However, the original pre-application enquiry failed to make it clear that the proposal would not result in the loss of any B1 (now forming part of E Class), B2 or B8 Use Classes. The site in fact contains 4 residential units and a sui generis car sales and repair use. This site does not therefore contain any of the use classes protected under the terms of policy CP35 and it would be incorrect to assess the scheme as if it did. It therefore follows that the second part of the policy, listing six assessment criteria, should not be applied.

6.11 In addition, the scheme does in fact introduce an E Class (former B1) office use to the site. The proposed

plans show a mixed-use development comprising a new 254m² office building alongside the residential dwellings. At the pre-application stage, the LPA referred to the comments of the Economic Development team who accepted that there was a lack of good quality office space within the town centre and the provision of such was seen as an advantageous element of the scheme. We therefore submit that this application will address both a shortage in housing and the need for good quality office space.

6.12 The scheme represents the efficient redevelopment of a centrally located brownfield site. Such sites are now rare to come across in rural market town such as Marlborough, particularly those lying outside of conservation areas and, in the case of Marlborough, areas designated as an Area of Special Quality within the NP. Section 11 of the NPPF requires planning policies and decisions to promote an effective use of land in meeting the need for homes and other uses. In particular, paragraph 120(c) states that planning policies and decisions should: '*give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs*'. The proposed redevelopment of this soon to be vacant brownfield site, to provide much needed housing and office accommodation within a sustainable location, is therefore supported at all tiers.

6.13 The site also provides a range of house types, from detached dwellings to terraces and maisonettes. Although there are no 2 bedroom properties, as encouraged by MARL3 of the NP, there are a number of 3 bedroom units also highlighted by MARL3 as being the preferred unit size. These unit sizes are important to ensure the scheme is viable. Not only is this a brownfield site with higher build costs, but the business needs to relocate elsewhere in Marlborough.

6.14 The proposed development is therefore considered acceptable in principle.

Compliance with: CP1, CP2 and CP14 and CP35 of the WCS, MARL3 of the NP and chapters 2, 5, 9 and 11 of the NPPF.

AFFORDABLE HOUSING

6.15 Core Policy 43 of the WCS (as currently amended by the National Planning Policy Framework) sets out a requirement for 40% on-site affordable housing provision within the Affordable Housing Zone. on all sites of 10 or more dwellings; or on sites of between 5-9 dwellings if the development site is 0.5ha or greater,

6.16 The site area is less than 0.5 ha (as shown on the submitted plans).

6.17 The 'net' number of dwellings proposed is only 9 dwellings (i.e. 13 dwellings are proposed but the scheme would also result in the loss of 4 residential units through the demolition of existing buildings). At the pre-

application stage, the advice of the Council was specifically sought on the application of CP43 where the net gain of dwellings did not exceed the affordable housing threshold set out in this policy. The officers' opinion, in both cases, made it clear that they would look at the net gain in dwelling numbers when applying CP43.

6.18 As the site area is less than 0.5ha and the net gain of dwellings is less than 10, then there is no requirement to provide affordable housing as part of this proposal.

Compliance with: CP43 of the WCS, MARL3 of the NP and chapter 5of the NPPF.

DESIGN

6.19 CP57 states that a high standard of design is required in all new developments, and proposals are expected to create a strong sense of place, drawing on local context and being complimentary to the locality.

6.20 Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment, and should not have an unacceptable impact on the historic environment, particularly where this could be avoided or mitigated. The impact of the development on heritage assets is considered later in this statement.

6.21 Also of some relevance, is the Council's draft 'Wiltshire Design Guide'. The guide has been through a consultation stage but has yet to be formally adopted as a Supplementary Planning Document. Nonetheless, it holds some weight and its purpose is to ensure that developments in Wiltshire are consistently of a high-quality design. It is structured around the '10 characteristics of good design' as described in the National Design Guide, focusing on local priorities and qualities for Wiltshire.

6.22 The starting point for assessing the design of any scheme is the context in which it will be read. The application site, as previously described, is situated within the built area of Marlborough. It lies outside of the conservation area and does not fall within any of Marlborough's Areas of Special Quality as identified in MARL10 of the neighbourhood plan. It does, however, lie close to a number of listed buildings.

6.23 The site itself comprises previously developed land and contains a range of modern structures, some of brick construction whilst others are of a more 'functional' appearance and include portacabins and metal sheet buildings. The only building of any degree of architectural merit is the brick building containing the 4 flats but it has no heritage value. As, as a whole, the site lacks architectural cohesion and is of no value to the streetscene of London Road.

6.24 The vast majority of the site is screened from public view, with parts of the south-western extremity being visible as

one passes the site. Within these views, the modern three-storey buildings positioned at the access point, very much dominate views.

6.25 As detailed in Section 2.0 of this statement, the surrounding streetscene is generally characterised by its mix of modern and historic properties, in both residential and commercial use. Buildings of a range of height and scale are present within the streetscene, with the 'edge of centre' commercial uses residing 'cheek by jowl' with residential dwellings. Again, this mix in reflected in the range of materials and fenestration details present in the streetscene – although red-brick is a dominant feature.

6.26 Section 3.3 of the draft Wiltshire Design Guide refers to the public realm and those sites whose context is varied. It notes that opportunities should be made to enhance the appearance of the area. This is very much the case here where there is a very varied streetscene and the site itself is of a poor appearance. This application seeks to create a small modern development that makes the best use of this centrally located brownfield site. It sits discreetly at the rear of London Road and will significantly enhance the appearance of the site.

**3.3.1** Unless the context requires new development to 'subtly blend in', which may be the case for householder applications and small infill schemes, the design for new buildings should make use of the available opportunities for enhancing the identity of the place, potentially becoming distinctive in its own right, if appropriate.

**3.3.2** Depending on the context analysis, the character of a housing development should respond to local characteristics, e.g. utilise a predominant material, colour or built form that is distinctive for how it unifies the individual buildings.

Extract from the draft Wiltshire Design Guide

6.27 Backland development is very common along the entire length of London Road, with available land behind the typically 'tighter grain' frontage buildings often developed. The extract at figure 3 from Wiltshire Council's mapping system clearly shows the variety in the grain, scale and siting of built form surrounding the application site. Historic burgage plots lie adjacent modern dwellings and often larger commercial sites. The redevelopment of the site will sit comfortably within this context.



Figure 3: Plan showing the variety in the grain, scale and siting of the built environment at this part of London Road

6.28 The key design features of the scheme are:

- The three-storey apartment building is situated to the rear of the site and adjacent the larger-scale commercial buildings within the TH White site to the east and can be more easily assimilated into this context.
- The apartment building has an angled footprint so as to better relate to the shape of the site, avoid the flood zone and create a more 'intimate' relationship with the proposed houses which all front the shared space.
- The office building and dwellinghouses range in height from two to two-and-a-half storey. This height can be readily accommodated on the site, given the taller buildings at the site entrance and general range of building heights along London Road, as well as the limited views.
- The separation distances and window arrangements have specifically been designed to respect neighbour relationships – particularly those residential dwellings to the south of the site.
- Create a high-quality contemporary piece of architecture that reflect the distinctiveness of Marlborough through its use of materials and fenestration detail.
- Introduction of street trees within the development.
- Create a mixture of private, semi-private and communal spaces to reflect the nature of the development and to aid the creation of a 'sense of place' to be shared by future residents.
- Enhancement of site biodiversity.
- Offer a range of dwelling types to suit a range of needs and tastes for those wanting 'town centre living'.

6.29 The submitted plans clearly demonstrate how the proposed layout and overall scale of the development very much accords with the size and shape of the site. Moreover, the scheme represents an efficient use of this sustainable brownfield site, ensuring that the optimum density is achieved whilst still respecting other matters such as design and highway safety.

6.30 As previously noted, views into the site are limited from all aspects due to the existing built form and mature trees. The River Kennet is not visible from London Road at this point. The main viewpoint is from the site entrance

at London Road and view are of a large expanse of hardsurfacing, the cars for sale and a range of buildings of no architectural or historic merit. The proposed development would be of a very high-quality and would significantly improve views from London Road.

Compliance with: CP51, CP57 and CP58 of the WCS and chapters 8, 11 and 12 of the NPPF.

IMPACT ON HERITAGE ASSETS

6.31 Core Policy 58 'Ensuring the conservation of the historic environment' requires development to protect, conserve and where possible enhance the historic environment. This echoes the provision of Chapter 16 of the NPPF 'Conserving and enhancing the historic environment'.

6.32 It is noted that the site lies outside of Marlborough Conservation Area and does not contain any listed buildings or Scheduled Monuments. However, there are a number of listed buildings within the wider vicinity, the closest being three Grade II Listed Buildings on the northern side of London Road (Snettisham House/43 London Road and no's 45 and 46) as well as no's 95, 96 and 98 on the southern side of London Road (also all Grade II listed). All of these heritage assets are physically separated from the site by landscaping and in most cases intervening buildings. Furthermore, given the commercial context of the application site with its poor-quality buildings, along with the separation from these heritage assets, no harm to their setting will arise. The redevelopment of the site with a high-quality build would in fact have a positive impact upon their setting.

6.33 It is therefore concluded that the proposal will not cause demonstrable harm to matters of heritage importance.

Compliance with: CP57 and CP58 of the WCS and chapter 16 of the NPPF.

FLOODING ISSUES

6.34 The Environment Agency (EA) Flood Map for Planning indicates that the site is located within fluvial Flood Zones 1 (Low Risk), 2 (Medium Risk) and 3 (High Risk) relating to the adjacent River Kennet. The mapping shows that although the majority of the site area is within Flood Zone 1 (Low Risk), a narrow corridor of the site, adjacent to the River Kennet lies within Flood Zone 3 (High Risk), and a small area in the north of the site encroaches upon Flood Zone 2 (Medium Risk).

6.35 Cole Easdon (CE) were therefore employed, at a very early stage of the design process, to advise on flood related issues.

6.36 To mitigate flooding issues, minimum finished floor levels are set out in Section 6.0 and Appendix 1 of the FRA.

The scheme has been designed to accommodate these.

6.37 In terms of surface water run off rate, the proposals offer significant betterment over the existing brownfield state due to the reduction in runoff. This will reduce flood risk to the site and locality.

6.38 On site attenuation will be provided within a tanked permeable sub base SuDS, surfaced with permeable block paving.

6.39 The full FRA and drainage accompanying this submission contains the full assessment and mitigation measures and should therefore be read alongside this planning statement.

Compliance with: CP57 and CP67 of the WCS and chapter 14 of the NPPF.

HIGHWAY SAFETY

6.40 Having regard to matters of highway safety, policies CP60 and CP64 deal with the traffic impacts of development and parking standards. These policies aim to ensure developments adequately address matters of access arrangements and road safety alongside adequate parking provision.

6.41 Paragraph 111 of the NPPF states that:

"*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be* ***severe***" (our emphasis).

6.42 The Transport Statement by Cole Easdon addresses highway safety matters and the pre-application advice of the Council and should be read as part of the submission.

6.43 The submitted plans demonstrate that parking (including EV parking) and cycle spaces have been provided in accordance with the Wiltshire Local Transport Plan 2011 – 2026 Car Parking Strategy. Cycle parking is within sheds in the rear garden of properties or within communal bike stores.

6.44 Having regard to traffic generation, a TRICS exercise was undertaken and this is detailed in the report by Cole Easdon. This predicts that the development is expected to generate less traffic than the existing use, as explained in the relevant extract below:

> 4.22 From Table 4.11 it can be determined that, in comparison to the vehicle trip generation for the former use of the site, the proposed development is predicted to generate a decrease of one two-way vehicle trip in the AM peak hour and a decrease of two two-way vehicle trips in the PM peak hour period. Over the course of the 12-hour day, the proposed development is predicted to result in a net decrease of 88 two-way vehicle trips, which is on average seven fewer trips per hour. It could therefore be argued that the proposed development is likely to have a positive impact on the local highway network during the network peak hours and over the course of a typical weekday, therefore no further analysis is deemed necessary.

6.45 We therefore submit that the existing access arrangement onto London road is acceptable to accommodate the proposed development.

6.46 At the pre-application stage, the advice of the Council's highways department raised concerns regarding forward visibility within the site for vehicles. The comments stated:

> I do have concerns over the forward visibility within the site for vehicles, in particular around the office, a proper splay will need to be designed and secured, currently the corner of the building could impact on forward visibility.

6.47 This matter was looked at in detail at the early stages of the design process. The Transport Statement notes:

"*In accordance with the aforementioned pre-application advice, the enclosed CE Plan 7327/202 [Site Access Visibility Splays & Forward Visibility] demonstrates that 11m forward visibility is achieved at the first bend with the proposed office building in situ. This forward visibility is commensurate with 10mph (Manual for Streets). CE considers this to be sufficient as this part of the site will be a slow speed situation, with the bend and forward visibility helping to reduce vehicle speeds in this location. The swept path analysis included on this plan also shows that two large family-sized cars can comfortably pass each other at this corner in a safe and efficient manner*".

6.48 It is therefore considered that the proposal would not give rise to conditions prejudicial to highway safety and a sufficient level of parking is proposed, in accordance with the local and national planning policy and advice.

Compliance with: CP60, CP61 and CP64 of the WCS and chapters 2, 9 and 12 of the NPPF.

ECOLOGY AND TREES

6.49 Policy CP50 of the WCS recognises that Wiltshire's natural environment is one of its greatest assets and requires that development proposals must demonstrate how they protect features of nature conservation. The policy also advises that development should seek opportunities to enhance biodiversity. Chapter 15 of the NPPF provides further guidance on conserving and enhancing the natural environment.

6.50 Policy CP51 requires that development make a positive contribution through "the retention and enhancement of existing important landscaping and natural features, (e.g. trees, hedges, banks and watercourses)".

6.51 Survey work and the associated reports have been carried out by Herdwick Ecology and Stark Ecology. Herdwick Ecology carried out a Preliminary Ecology Survey in February 2022. This survey identified two of the buildings as having High potential to support roosting

bats. Stark Ecology therefore carried out emergence surveys for bats of those buildings, and others at the site that were visible during the survey.

6.52 The report by Stark Ecology is based on the subsequent two emergence surveys undertaken. It confirms that no bats were recorded emerging from or entering any part of the buildings within the site. Furthermore, high levels of disturbance were noted from security lighting which remains on throughout the night and which illuminates any potentially suitable roosting features in both buildings.

6.53 The results of these surveys show that the buildings do not support roosting bats and that the proposals to demolish them will not result in any impacts on roosting bats.

6.54 No additional surveys for roosting bats are required and roosting bats are not considered to pose a constraint to the proposals for this site.

6.55 Mitigation measures, which can be secured by means of a planning condition (if necessary), are detailed within the reports. The Stark Ecology Report also makes a number of recommendations for ecological enhancement measures – e.g. bird and bat boxes. These are shown on the submitted plans.

6.56 A tree survey and accompanying arboricultural impact assessment have also been undertaken and submitted in support of the application. This concludes@

*"Overall the arboricultural impacts of the scheme are assessed to be relatively low as the actual tree removal proposed as a consequence of the scheme is limited to the hedgerow H1".*

6.57 Taking all this into account, it can therefore be concluded that the proposal will not have any long-term adverse impact on wildlife within or adjacent to the application site and hence it is considered the development of the site does not contravene local planning policies and will instead deliver a net gain in biodiversity (through the bird and bat boxes as well as the addition of new landscaping).

Compliance with: CP50 of the WCS and chapter 15 of the NPPF.

NEIGHBOUR AMENITY

6.58 Having regard to neighbour amenity, Policy CP57 (vii) requires development to have regard to the compatibility of adjoining buildings and the impact on amenities of existing neighbouring occupants. In this case, the closest residential neighbours are positioned to the south of the site, facing London Road and opposite the site at Mayfield. The closest commercial properties are TH White to the east and the units at Pelham Court.

6.59 The design process has carefully considered the relationship between the proposed dwellings/office block and existing properties, ensuring that suitable separation distances are met and windows do not cause a direct and harmful level of overlooking.

6.60 Plots 1-6 and 9 are sited on the northern half of the site and are a significant distance from neighbouring dwellings.

6.61 At the community consultation stage, concerns were raised about the potential risk of complaints from future occupiers relating to the operations associated with TH White. Concern was raised from TH White, (a country store and agricultural machinery supply and repair company, who are positioned to the immediate east of the site.

6.62 In response, we note this is a town centre location where occupiers of dwellinghouses do not expect a peaceful and tranquil setting and where commercial and residential uses are closely sited. Any future occupiers would be 'buying' into this town centre living environment. Moreover, TH White have successfully operated from this site for 47 years close to both residential and other commercial uses. The entire length of their eastern boundary abuts residential properties at Stonebridge Close and those facing London Road and the south-western corner also abuts residential units. The proposed development would simply reflect this existing relationship and would not be introducing a new use or relationship to the area. Furthermore, there is dense landscaping separating the two sites as well as large buildings which will act as a further noise barrier. According to their website, TH White operate 08:00 – 17:30 Monday – Friday, 08:00 – 16:00 on Saturdays 09:00 – 15:00 on Sundays. It is clear that, on a general basis, they do not operate during unsociable hours and there are existing buildings and planting on the boundary which act as a natural noise barrier. There are no side facing windows in the elevation closest to the shared boundary other than a high level window serving the landing on the third floor. Within this context and given that TH White already operates within a mixed-use context and already has residential properties adjacent and close to the site boundaries, we consider the proposed development to have an acceptable relationship.

6.63 Plots 7 and 8 are positioned at an acute angle to the rear garden boundaries of no's 43 and 44 London Road. The boundaries of these garden boundaries are well treed and are over 40m in length. Views towards these neighbouring dwellings from the rear facing windows of plots 7 and 8 would be very long-distance, at a very acute angle and filtered by trees.

6.64 Plots 10-12 are constructed partially on the site of the workshop buildings attached to Merlin Cottages and the 'cottage' building containing the 4 flats. The rear elevations of these dwellings face towards the garden areas serving these cottages and 42 London Road. Merlin Cottages currently has two workshop buildings positioned on the shared boundary and the two-storey

building containing the 4 flats sat directly behind these. These buildings will be demolished as part of the proposal and replaced with 4 no. 2 and a half storey-dwellings. These properties have been set back from the shared boundary, particularly in comparison to the existing buildings and have been positioned so as to ensure they exceed the typically used standard 10.5m window to boundary separation distance. Although the windows will face towards these neighbouring dwellings, they are set back a satisfactory distance and will not therefore result in demonstrable harm. The resulting relationship will be one where a degree of 'mutual overlooking' occurs, very much reflecting the existing relationship between properties to the south of the site. It is also important to note that the windows in the roofspace are high-level and will not afford any overlooking. We also submit that the removal of the workshop structures and their use will be a material planning benefit to the occupiers of these neighbouring dwellings.

6.65 The proposed office building has been designed so as to be no taller than two-storey and, specifically, lower in height than 41 London Road. It is has been set-back circa 15m from the rear elevation of no.41. During the community consultation, concerns were raised from one resident of Mayfield (the flats on the opposite side of the access road) in that the windows will face towards them. In response, the number of windows has been reduced on all three elevations facing towards neighbouring residents. In respect of the blocks of flats opposite the site, these are already situated within the mixed-use development of Pelhams Court and face toward the car-sales forecourt and office space, all of which attract a high number of visitors to the site. The provision of a modest office building, particularly with the reduced number of windows, will not give rise to demonstrable harm to the amenities of the occupiers of the neighbouring dwellings.

6.66 In all other respects, the scheme represents a mixed-use development within a central location where residential and commercial sit 'cheek by jowl' and where amenity standards are typical less than standard. However, this scheme has been carefully designed to ensure no harm arises. In fact, the community consultation event evoked very little concern in respect of amenity.

6.67 Turning to the relationship between the proposed dwellings, the submitted scheme shows house there is sufficient space within the site to accommodate 13 dwellings, each with their own private and/or communal garden space and orientated and sited so as to respect each other. The gardens are generous in size given this town centre location.

Compliance with: CP57 of the WCS and chapters 8 and 12 of the NPPF.

## 7.0 PLANNING BALANCE AND CONCLUSION

7.1 The duty on the Local Planning Authority is to determine a planning application in accordance with the development plan, unless material considerations indicate otherwise. In this case, and as outlined in paragraphs 6.2-6.5 of this statement, as the Council cannot demonstrate a 5-year housing land supply, the relevant local plan policies are out of date and the 'tilted balance' as set out in Paragraph 11(d) is therefore engaged. Nonetheless, the relevant planning policies are the 'starting point' for assessing the scheme.

7.2 Policies CP1 and CP32 identify Marlborough as a market town where significant developments that increases jobs and homes are encouraged in the right locations. The application site lies within the LOD of Marlborough and is well placed so that future occupiers of the site will benefit from safe and convenient alternative modes of transport other than the car. The There is a wide range of facilities such as education, retail, health and leisure uses close to the site, the majority of which are within a reasonable two kilometre walking or five kilometre cycling distance. On that basis, it is clear that the location of the site is exceptionally well placed to maximise the number of shorter distance trips that can be undertaken by alternative methods of travel.

7.3 The development would therefore result in significant economic and social gains for the residents of Marlborough by creating new homes and new jobs, allowing the opportunity for the existing car sales and repairs businesses to hopefully relocate.

7.4 In summary, the benefits are:

- The proposed scheme fully accords with the core policies of the local plan and neighbourhood plan, being a windfall site within the LOD of Marlborough.
- Importantly, the proposal would contribute towards the persistent lack of housing land supply within Wiltshire and create a new 4 suite office complex.
- The development would also make the best use of a centrally located and highly accessible brownfield site. It is within walking distance of the Marlborough's services and facilities and adjacent bus stops linking to Swindon and Newbury.
- As shown on the submitted plans, the scheme is of a very high standard of design and would not result in any adverse impact upon the character and appearance of the surrounding area or heritage assets.
- Economic benefits also associated with the wider supply-chain to future businesses occupying the site, local spending associated with future employees, local employment through the construction phase and the additional business rate payments which would be attracted.
- Net gain in biodiversity;
- Furthermore, this statement has also demonstrated that the impact of the dwelling upon neighbours is

considered acceptable as are its impacts in terms of highway safety, flood risk, drainage and ecology.

7.5 In line with Paragraph 11 of the NPPF, a conclusion needs to be drawn as to whether the identified harms significantly and demonstrably outweigh the identified benefits as listed above. It is clearly evident that in this case there are no harms arising from the proposal but a wide range of benefit.

7.6 We therefore encourage the Council to approve the application.