DELEGATED REPORT

TIMBER YARD, BOX

Erection of 2.5m high timber fence
PL/2023/11105

Proposal

Planning permission is sought for the erection of a 2.5m tall timber fence around a 56m length of the perimeter of a residential site (known as the Timber Yard site), which is currently under construction following the grant of planning permission under reference 18/02346/FUL and later varying permissions.

The submission claims that the fence is required so as to mitigate the effect of activities associated with the occupation of the new residential development at the Timber Yard upon the ambient noise level around the external vicinity of the "writing room", a building to the immediate south-west of the Timber Yard site. Although an inference could be taken from its name, no detail is provided as to the activities carried out within the "Writing Room" beyond reference to the music recording studios of which it is part and their "noise sensitive" nature.

The application has been submitted complete with a Noise Impact Assessment and Noise Barrier Specification document (prepared by Sound Barrier Solutions Ltd, dated 13th November 2023), but it refers to, and undertakes an assessment of, a taller 3.5m acoustic fence positioned along the southern boundary of the Timber Yard site.

Site description

An active development site, the Timber Yard site is located to the north-west of Box, which is defined as a Large Village within the Wiltshire Core Strategy. The site is situated outside of the defined settlement limits of Box, and as such is considered to be within the open countryside.

The Timber Yard development is accessed off The Wharf which connects to London Road to the east. The site is situated within the Western Wiltshire Green Belt and Cotswold AONB (now National Landscape). The majority of the site is situated within Flood Zone 1, aside from small sections within zones 2 and 3 along the north-western boundary as the site immediately adjoins the Bybrook river. The site is situated outside of but adjacent to the Box Conservation area which sits to the west. There are no listed buildings in the immediate vicinity of the site.

The proposed timber fence is shown as being erected along the south-western edge of the site boundary as it adjoins a water course, the other side of which being the music recording studio complex. BOX21 public footpath runs at right angles to the proposed fence along the eastern boundary of the Timber Yard site.

Several concrete slabs have been embedded in an upright position along the route, and within the vicinity of, the proposed fence including along the boundary to the watercourse.

Issues

The key issues in considering the applications are as follows:

- Principle of the development
- Green Belt
- Scale, materials and appearance
- Flooding and drainage

- Public Rights of Way
- Ecology

Relevant planning History

18/02346/FUL – Redevelopment of existing Timber Yard to provide 20 new dwellings – Approved.

20/08387/VAR – Variation of condition 33 (approved plans) to planning permission 18/08387/VAR – Approved.

Local Planning Policy

Wiltshire Core Strategy (Jan 2015):

Core Policy 50 – Biodiversity and Geodiversity
Core Policy 51 – Landscape
Core Policy 57 - Ensuring high quality design and place shaping
Core Policy 67 – Flood Risk

Saved Policies of the North Wiltshire Local Plan:

NE14 – Trees and the Control of New Development
NE18 - Noise and Pollution

Consultation

Box Parish Council – No objections in principle, but make following comment:

> *The Box Parish Council has no objections in principle but dislike the proposed materials and would suggest that the applicant reconsiders using materials to match the existing stone walls*

Council Conservation Officer – No comment:

> *The development does not lie within our consultation remit and in view of the need to be selective in what can be given consideration by this team we have not examined this proposal in detail and do not intend to comment from a conservation viewpoint. This should not, however, be construed in any way as implying approval or endorsement of the proposal. If assessment indicates that detailed conservation input is required please re-consult us indicating the issues that you require particular guidance regarding.*

Council Ecologist – No comment received.

Council Environmental Health Officer – No comment received.

Council Drainage Engineer – No comment.

Environment Agency – No comment received.

Representations

The application was advertised by neighbour letter, site notices and press advert. 1no. representation received, repeated verbatim below:

> *I have no objections to the 2.5 timber fencing but do object to the use of the concrete retaining walls noted as forming part of the boundary details (Drawing 2103b-E-200) and which have already been constructed on site.(See also photographs attached) The concrete walls are unsightly and clearly visible to the public using the public right of way*
>
> *As noted in the Planning Design and Access Statement supporting this application , " Timber fencing was approved as an appropriate boundary treatment for the permitted applications and as listed in the Design and Access Statement ." Concrete retaining walls are not an appropriate boundary treatment in this sensitive location within the Cotswolds National Landscape.*
>
> *Whilst on site to look at proposals for the fence I also noted a gate which had been constructed in the corner of the site, where the fence joins the public right of way and near the bridge over the stream. This does not appear to be shown on the plans or elevations submitted. (Please refer to the attached photographs)*

Planning Considerations

Principle of development

The submission documents clam that the new fence is required so as to mitigate the potential for noise from the emerging residential development disturbing and impacting upon the "external vicinity" of the "Writing Room" building of the adjoining music recording complex.

Echoing the broad position adopted by para.191 to the NPPF, saved policy NE18 to the North Wiltshire Local Plan 2011 and Core Policy CP57(vii) require, *inter alia*, all new development to have regard to the compatibility of adjoining buildings and uses, including the consideration of noise. In that context, it may be inferred that the applicants seek to retrofit a solution to secure the operation and amenity of the adjoining music studio not previously considered when designing the Timber Yard residential development.

A noise assessment type document has been submitted in support of the application. However, that assessment does not explain how the "external vicinity" of the Writing Room is sensitive to noise being generated by a typical residential setting. Furthermore, the assessment considers the mitigating effect and recommends the erection of a 3.5m tall acoustic fence, which is some 1.0m taller than that proposed. For these reasons, the assessment is given very little weight as a justification of the fence. Since the original planning permission did not regard the development cause, or be the subject of, unacceptable noise impacts the absence of a comment from the Council's EHO is not considered to bar the determination of the application.

Nevertheless, the new timber fencing would be positioned on the perimeter of a residential development site (albeit not within a domestic curtilage – the Timber Yard development being open plan with undefined private garden areas) where such features are not unexpected. In that context, and despite the proposal seeking to secure the interests of an adjoining site and land use, the principle of a new fence could be reasonably considered to be ancillary to permitted residential development.

Despite the principle of new boundary treatments being established as acceptable in a residential setting, the detail of that treatment (height, construction, finish etc.) must also be considered against relevant planning policy. That consideration is set out below.

Green Belt

Most new development is considered to be inappropriate within the Green Belt. However, as was considered at the time of the earlier permissions at the site, the exception set out at paragraph 154(g) to the NPPF continues to be relevant.

In this particular case, the new fence is a relatively minor feature, replacing a consented metal railings in this location, and in the context of a wider development of the site which was previous developed. The new fencing is surrounded by substantial existing development of substantial scale and is not considered to cause substantial harm to the openness of the green belt.

Accordingly, the proposals are not considered to amount to in inappropriate development in the Western Wiltshire Green Belt.

Flooding and drainage

A section of the Timber Yard site alongside the Bybrook River is at elevated flood risk, but the location of the proposed fencing is not designated as rick of flooding, despite it being immediately adjacent to a watercourse (which also forms the boundary between the Timber Yard and the music studio sites).

Although no comments have been received from the Council's Drainage Engineer nor the Environment Agency, there is no suggestion that the proposed fencing would impede the flow of flood water or somehow increase the risk of flooding in the locality. For that reason, the proposal is considered to meet with the requirements of policy CP67 to the Wiltshire Core Strategy.

Scale, materials and appearance

The appearance of the proposed fence is considered to be typical of a garden boundary treatment – with timber close boarded fencing already being a treatment approved elsewhere at the Timber Yard site. At 2.5m tall, the height of the fence is perhaps at the upper end of what is typically expected for a domestic boundary, but it is not unprecedented or out of character with the residential context within which it sits and, being surrounded by built-up form, there is considered to be no impact on the Cotswolds National Landscape thereby complying with policy CP51 to the Wiltshire Core Strategy.

The location of the new fence is some distance from the nearest residents at the Timber Yard complex itself, as well as the Brunel House care home (positioned at an elevated level) to the south-east. For these reasons, the proposal is considered to be without unacceptable impacts on the amenities of surrounding residential occupiers, and will comply with the relevant criterial to policy CP57 to the Wiltshire Core Strategy.

Ecology

The Timber Yard site and surrounds is within the Bath and Bradford Bat SAC consultation zone and in proximity to the Box Mines SSSI (located some 490m to the East).

No ecological assessment has been submitted with the application, but the fencing is to be erected on a development site (which was itself previously developed land) and there is no suggestion that the new fencing would result in the removal of, or impact upon, any existing vegetation. The dense vegetation which can be seen on the opposite side of the watercourse on the music studio site remains untouched. Similarly, although the permission for residential development at the Timber Yard site specified estate type railings for this boundary, the more substantial timber fence now being proposed is not considered to result in detriment to any potential bat habitat. The relatively minor nature of the proposal is not thought to require an Appropriate Assessment under Habitat Regulations.

No comment has been received from the Council Ecologist which should alter the above conclusions and for that reason, the proposals are considered to comply with the requirements of policy CP50 to the Wiltshire Core Strategy as well as saved policy NE14 to the North Wiltshire Local Pan 2011.

Public Right of Way

Public footpath BOX21 runs along the southern boundary of the Timber Yard site and approximates a right-angle relationship to the proposed fencing. There is no suggestion that the new fencing would impede or impact upon BOX21. Similarly, and although never compelled to be delivered by the previous permissions 18/02346/FUL and 20/08387/VAR, neither is there any suggestion that the fencing would impact upon the ability to deliver a permissive link through the new residential development and across the Bybook River (so as to link to a spur of footpath BOX18).

For the above reasons, there is not considered to be any adverse impact upon the Public Rights of Way surrounding the site.

Other matters

It is evidence from photographs and representations that concrete slabs have been embedded into the ground along the line, and vicinity, of the proposed fence. It is unclear as to the purpose of the slabs along the route of the fence, but the applicant has separately confirmed that those positioned along the route of BOX21 are a retaining feature because of the difference in ground levels.

Although reference is made to the slabs on the submitted plans, that reference is made in the context of them being an existing feature. The applicant's description of development does not reference the slabs and the accompanying design and access statement silent on existence and purpose. For these reasons, retrospective planning permission is not sought for the slabs and it will be necessary for the applicant to satisfy themselves as to their lawfulness and, if necessary, to seek to regularise their status through a separate planning application. An informative should be added to the decision notice to confirm this matter.

Conclusion

The erection of a new close boarded timber fence along a portion of the south-western boundary of the Timber Yard site is analogous to a typical residential boundary treatment. Whilst perhaps taller than a typical domestic garden fence, its appearance and construction remain appropriate to its location as part of residential development site. In all other respects, the development is acceptable, and the proposal is therefore considered to comply with the requirements of policies CP50, CP51, CP57 and CP67 to the Wiltshire Core Strategy and saved policies NE14 and NE18 to the North Wiltshire Local Plan.

RECOMMENDATION: That Planning permission should be APPROVED subject to the following conditions:

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

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

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

   Location plan - 2103b-P-001 rev.A
   Site plan - 2103b-P-105 rev.A
   Elevations - 2103b-E-200 rev.A

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

Informatives:

Although reference is made to the slabs on the submitted plans, that reference is made in the context of them being an existing feature. The applicant's description of development does not reference the slabs and the accompanying design and access statement silent on existence and purpose. For these reasons, retrospective planning permission is not sought for the slabs and it will be necessary for the applicant to satisfy themselves as to their lawfulness and, if necessary, to seek to regularise their status through a separate planning application. An informative should be added to the decision notice to confirm this matter.