DELEGATED REPORT

Application Reference: PL/2023/09648

PROPOSAL

The application is for the demolition of existing workshop, stores and office and construction of replacement workshop, stores and office, relating to land at Old Nethermore Pit, Naish Hill, Lacock.

SITE DESCRIPTION/CONTEXT

The application relates to an existing commercial site, originally granted under a certificate for lawful use in 1998. The site comprises a number of buildings and the workshop, stores and office are proposed to be demolished and replaced.

The site is located within the open countryside, east of Lacock, south east of Chippenham and south west of Calne. There is a Grade II listed farmhouse approximately 660m to the east, and Bowden Conservation Area lies approximately 775m to the south west.

PLANNING HISTORY

- N/98/02321/CLE - USE AS WORKSHOP, STORES AND OFFICE WITH ANCILLARY – Permitted Development
- N/98/01288/S73 - VARIATION OF CONDITION 4(1) AND 4(11) PURSUANT TO N.86.1696.F - RESTRICTION ON OCCUPANCY AND PERIOD TO BE REMOVED FROM SITE VARY OCCUPANCY RESTRICTION – Approved with Conditions
- N/98/01276/CLE - USE OF LAND AS PLANT HIRE PREMISES USE AS PLAN – Refused
- N/86/2466/ENF - Appeal against enforcement use of land - for siting mobile home – Appeal Allowed
- N/86/1696/F – Siting of Mobile Home – Refused, Appeal Allowed
- N/82/0859/OL - Outline - erection of bungalow - Refused

POLICIES

Wiltshire Core Strategy 2015 (WCS)

CP 1 Settlement Strategy
CP 2 Delivery Strategy
CP8 The Spatial Strategy: Calne Community Area
CP48 Supporting Rural Life
CP50 Biodiversity and Geodiversity
CP51 Landscape
CP57 Ensuring High Quality Design and Place Shaping
CP58 Ensuring the Conservation of the Historic Environment
CP61 Transport and New Development

CP64 Demand Management
CP67 Flood Risk

Calne Community Neighbourhood Plan (2018) (CCNP)
Policy WS1 – Employment
Policy BE1 – Integration and Landscaping
Policy BE2 – Design Principles for Local Distinctiveness
Policy NE2 – Setting of Calne and Calne Without
Policy NE3 - Biodiversity

North Wiltshire Local Plan 2011
No relevant policies

National Planning Policy Framework 2023 (NPPF)

ISSUES

The principal considerations in the determination of this application are:

- The principle of the replacement building;
- Impact on the character and appearance of the area and heritage assets;
- Residential amenity and Environmental Health;
- Impacts on highways;
- Ecology; and
- Flood Risk.

CONSULTATION

Calne Without Parish Council: No objection

Highways Engineer: No objection:

11/12/23:

> "*I refer to the above planning application regarding the demolition of existing workshop, stores and office and the construction of replacement workshop, office and stores. The site is located off the northern side of the unclassified road known as Naish Hill, and access is gained via a shared access with the property of Sunhaven, adjoining an access which serves telecommunication masts.*
> *It is noted that the application red line boundary does not extend to the public highway, and the applicant will need to demonstrate that they have control over the entire means of access to serve the site. See attached extract of Highway Records showing, cross hatched, the extent of the public highway.*
> *The access is in an isolated location and does not offer sustainable transport options, with no public transport or pedestrian facilities to offer sustainable travel choices to staff and visitors.*
>
> *The proposal seeks to replace the existing buildings with more modern structures, with a slightly greater floor area of 612sq.m, being an increase of 44sq.m.*
>
> *Whilst the existing site has not been in use for some time, the site is acknowledged to have a Certificate of Lawful Use for the former operations on the site.*

Whilst a new use such as this would be generally be resisted, the site is existing and therefore I would not be able to resist the principle of the replacement buildings.

However, the application submission does not provide detail of the proposed operations, internal access, parking and turning facilities to accommodate the required types and number of vehicles required, and I would be grateful for additional details in this respect.

Given that the road network to the west of the site, through Lacock, is of narrow and steep lanes, the applicant should also have a routeing arrangement for vehicles, such that they enter and leave the site to the east, where there is easier access to the higher category road network, being the A342.

Having regard to the above, I would offer a holding objection, at this stage, and request that
additional information is submitted, as detailed above."

20/12/23:

"It is understood that the applicant proposes to run the business in the same way as the previous owner, with the site operating as a civil engineering and ground works business.

The business operations would have up to nine employees, which due to the nature of the operations will generally involve employees visiting the site to collect machinery and materials to then leave to work on sites, with only a few staff based at the application site.

The vehicles operating from the site will be a maximum of four eight-wheeled lorries, which will enter and leave the site in an easterly direction, towards the A342.

A revised plan has been submitted to demonstrate that satisfactory parking and turning facilities can be provided within the site to accommodate 4 lorries and 12 cars.

With regard to the red line boundary of the application site, which does not extend sufficiently to meet with the boundary of the public highway, it is understood that the applicant has put in place measures to secure the ownership.

Having regard to the above additional information, and subject to the entire means of access from the public highway being included within the application site, I would recommend that no highway objection is raised."

20/02/23:

"*On the basis of the details of the operation of the site, provided by the applicant's Agent in December 2023, and with the means of access being shown fully within the applicant's control, I am now happy to recommend that no highway objection is raised"*

Public Protection: No objection:

"Part of the workshop complex appears from photographs as though it may be built from asbestos containing materials. To manage noise and dust in the construction phase, and to ensure safe removal of any ACM the following condition is suggested" Conditions proposed in relation to a construction management plan and in relation to contamination.

Ecology: No objection subject to condition:

"The report details a sufficient survey effort to determine the ecological baseline of the site and the suitable mitigation measures to ensure the continued functionality of the area for biodiversity.

The ecology survey effort is considered suitable to determine the ecological baseline of the site and confirmed the following within the Zone of Influence of the proposed development:

- No habitat of ecological significance will be lost as a result of the proposed work
- The likely absence of significant impact to protected species"

Conditions proposed in relation to lighting, compliance with submitted documents, and an informative.

Council Drainage Engineer: No objection subject to condition

- "*Flood Risk - There is no obvious change from the existing to proposed land use and no increase in vulnerability as a result of the works (e.g. they are not replacing commercial development with dwellings)*
- *Drainage –*
  o The impermeable area will not increase, and we know that the existing site must drain somehow – based on the latest submitted information it appears that the site currently drains via a SW gulley to the ordinary watercourse. On the statement that there was no flooding since the introduction of the gully, we need to understand when this was provided. Did the applicant apply for LDC ?
  o The applicant has indicated they will discharge via a soakaway (which may be feasible based on the soakaway tests – I have not seen the formal test results, or any details of groundwater) – it should also be noted that 2 tests indicated in the applicants submission would not be compliant with BRE365 so tests would need to be re-done.
  o Due to the proximity of the watercourse and the likelihood that the existing site discharges there we can be confident that a viable drainage strategy for the site does exist even if soakaways are later proved to be unviable.
  o At the moment the SW strategy is ambiguous but there would likely be no increase in flood risk to others as the impermeable area has not increased. As such I would suggest that a detailed SW drainage strategy including sizing of features, demonstration of compliance to the soakaway policy and all necessary consents could be secured under a pre-commencement condition."

REPRESENTATIONS

- North Wiltshire Swifts – recommending ecological enhancements in the form of swift boxes

ASSESSMENT

Principle

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be

made in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy (WCS), the Calne Community Neighbourhood Plan (CCNP), and any applicable saved policies of the North Wiltshire Local Plan, form the relevant development plan. The NPPF is a relevant material consideration.

The proposal is for the demolition of an existing workshop, stores and office, and the construction of replacement building to accommodate the same uses. There is no change of use proposed. The existing commercial use at the site was regularised by a previous Certificate of Lawful Use.

In considering development plan employment related policies, Core Policy 34 of the WCS relates to additional employment development, whereas this proposal is for replacement buildings of an existing use. As such, this policy is of limited relevance. Policy WS1 of the CCNP states that "Proposals for employment development within Calne & Calne Without will be supported subject to compliance with all relevant development plan policies. Proposals for the retention, regeneration and intensification of previously developed employment land are particularly encouraged." The proposal would replace 4 existing buildings, with a single larger building with more modern facilities. The new building would be larger than the existing massing of buildings on site, but it is not significantly larger. It is considered that the proposal would constitute regeneration and modest intensification of previously development employment land, and the proposal would accord with Policy WS2 of the CCNP. The proposal is consequently considered acceptable in principle.

Impact on the character and appearance of the area and heritage assets

WCS Core Policy 57 requires new development to be of a high standard of design and requires development to create a strong sense of place through drawing on the local context and being complimentary to the locality. This is closely reflected in CCNP BE2 which requires high quality design that reinforces local distinctiveness. WCS 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. CCNP BE1 states that development proposals should provide appropriate landscaping to integrate the new built form and landscape. CCNP NE1 states that proposals should consider their impact on the setting of Calne Without. Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment.

The application site is situated within the open countryside. There is a Grade II listed farmhouse approximately 660m to the east, and Bowden Conservation Area lies approximately 775m to the south west. The site is within the Avon Vale Countryside Character Area which is defined as an undulating, low-lying landscape of mixed, predominantly pastoral agriculture and small limestone-built towns.

There is a residential property to the north under the applicants ownership, and a telecommunications site to the south. The application site is situated off Naish Hill, which is connected via private drive to the south. The remaining surrounding area is agricultural. There is natural screening from trees around the site, and the topography of the land is flat.

The proposals comprise the demolition of 4 buildings which are spread around the site and replacement with 1 larger building to consolidate the uses of the 4 buildings within. The existing buildings comprise corrugated sheet clad structure which is understood to be unsafe and containing asbestos. The proposed building appearance is of typical employment use, constructed using steel portal frames with green composite profiled wall panels, roller shutter doors and a grey composite profiled roof covering. It would have an eaves height of 7m, a ridge height of 8.8m, and a floor area of 612 square metres. The massing of the replacement building is larger than the existing built form on site. However, this would be situated in a similar position to the largest existing building, and it is not a significant increase in floor area compared to the existing built form on site that would be demolished.

The proposed building is typically employment in appearance, which is acceptable in design terms in accordance with the lawful use of the site, according with CP57 of the WCS and BE2 of the CCNP. Given the proposed quantum of development would involve the removal of 4 buildings on site and overall result in a moderate increase to existing built form, it is not considered there would be a significant change in the character of the site. There is the existing natural screening of the site, and the topography of the land is relatively flat. It is considered that the proposal would not cause adverse harm to the character or appearance of the surrounding area and would accord with CP51 of the WCS and Policies BE1 and NE2 of the CCNP.

In respect of impact on heritage assets, there would not be any impact on, or any harm caused to, their setting given the distances, relatively flat topography and intervening foliage. The proposal would be acceptable in respect of CP58 of the WCS and section 16 to the NPPF.

Residential Amenity and Environmental Health

The existing use of the site is commercial. Whilst not currently in use, it could be used at any time. From the information the applicant has provided, the business is proposed to be operated in the same way as the previous owner, with the site operating as a civil engineering and ground works business. There is a residential property to the north of the commercial site, which is owned by the applicant. Given the commercial use at the site is existing, and the increase in floor area of the replacement building is only a moderate increase, it is considered that the proposed replacement building would not result in a greater impact on amenity than is already lawful at the site. As such, it is not considered that typical conditions associated with a new commercial use would be required at the site. The Council's Public Protection Officer has no objection to the proposals. No

objections have been received and given the residential property is within the same ownership, the applicant will have control over the impact to this dwelling, particularly during the construction process. There are no other residential properties within close proximity. The proposal is considered to be acceptable in accordance with CP57 of the WCS.

Asbestos has been identified within some of the existing buildings on site. The Council's Public Protection Officer has suggested a condition requiring a Construction Management Plan, to ensure safe removal of any asbestos, as well as to manage noise and dust. A condition is also recommended as a precaution in case of any contamination being found. There is 1 dwelling in close proximity of the site and this sits further north of the application site, meaning the construction traffic will use the same access, but construction traffic will not be travelling past the dwelling. The dwelling is within the applicant's ownership. It is not considered a Construction Management Plan would be required as the construction works will be undertaken by the same owner, and construction traffic will not be travelling past the dwelling. Consequently, there is low concern for impact on neighbour amenity during the construction process.

The need to ensure asbestos is dealt with adequately is appropriate, therefore in lieu of the proposed Construction Method Statement condition by the Public Protection Officer, the Council's standard informative in relation to asbestos will be applied.

Highways

The Council's Highways Engineer has been consulted on the application and initially requested more information about the proposed replacement business at the site and a revised red line to connect to the highway.

The applicant stated that the business would be a similar operation to the previous owner with up to nine employees, and involve employees visiting the site to collect machinery and materials, with a few staff based at the application site. Vehicles operating from the site will be a maximum of four eight-wheeled lorries. A revised plan has been submitted to demonstrate that satisfactory parking and turning facilities can be provided within the site to accommodate 4 lorries and 12 cars.

On the basis of the details of the operation of the site, and with the means of access being shown fully within the applicant's control, the Council's Highway Engineer had no objection to the proposal. The proposal would comply with CP61 and CP64 of the WCS.

Ecology

The applicant submitted an Ecology Report during the application period. The Council's Ecologist has reviewed this and states that the report details a sufficient survey effort to determine the

ecological baseline of the site and the suitable mitigation measures to ensure the continued functionality of the area for biodiversity. The report concludes no habitat of ecological significance will be lost as a result of the proposed work and the likely absence of significant impact to protected species. Subject to conditions in relation to lighting, compliance with submitted documents, and an informative, there is no objection. The proposal is considered acceptable in ecology terms in accordance with CP50 of the WCS.

Flood Risk and Drainage

The application site is within Flood Zone 1. Part of the site is in an area of increased surface water drainage risk and the applicant has undertaken a Flood Risk Assessment accordingly. The Council's Drainage Engineer has reviewed this and states that as there is no obvious change from the existing to proposed land use and no increase in vulnerability as a result of the works, no objections are raised. The buildings would result in a modest increase in footprint compared to the existing. Consequently, the proposal is considered to be acceptable in terms of CP67 subject to a suitable drainage strategy on site.

The Council's Drainage Engineer has stated that due to the proximity of the watercourse and likelihood that the existing site discharges there, we can be confident that a surface water drainage strategy does exist. However, the applicant has indicated that they will discharge via a soakaway, which may be viable but the formal test results and details of ground water have not be provided. It is noted that two tests indicated in the applicant's submission would not be compliance with BRE365 so these tests would need to be re-done. The Council's Drainage Engineer recommends that a detailed surface water drainage strategy including sizing of features, demonstration of compliance to the soakaway policy and all necessary consents could be secured under a pre-commencement condition.

CONCLUSION

The proposed demolition of buildings and replacement building for the existing commercial use is acceptable principle; there would be no harm to the character and appearance of the area or heritage assets, no concerns in respect of neighbour amenity; there would be no adverse parking/highway safety issues and no ecological or flooding/drainage concerns subject to conditions. With no material considerations indicating otherwise, the application is recommended for approval in accordance with the Wiltshire Core Strategy (2015) policies CP1, CP2, CP8, CP50, CP51, CP57, CP58, CP61 and CP64 and CP67; Calne Community Neighbourhood Plan (2018) policies WS1, BE1, BE2, NE2 and NE3, and the NPPF (2023).

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 and document:

   Plans as received by the LPA 07/11/23:
   Existing Plans and Elevations JW/01
   Proposed Floor Plan JW/02
   Proposed Plans and Elevations JW/03

   Plan received by the LPA 07/02/24:
   Location Plan and North Elevation JW/04 Rev A

   Report as received by the LPA 21/03/24:
   Section 7 (Biodiversity Net Gain) of the report: Preliminary Ecological Appraisal, Land At Old Nethermore Pit by Chalkhill Environmental Consultants

   The installation of the biodiversity mitigation and enhancement measures will be supervised by a professional ecologist and will continue to be available for wildlife for the lifetime of the development.

   REASON: For the avoidance of doubt, in the interests of proper planning, and for the protection, mitigation and enhancement of biodiversity

3. No development (excluding demolition) shall commence on site until a scheme for the discharge of surface water from the site, 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.

4. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing.

   The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 “Bats and artificial lighting at night”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

   REASON: To avoid illumination of habitat used by bats.

5. 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 be 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:

- The applicant should note that the works hereby approved involve the removal and disposal of asbestos. This should only be removed by a licenced contractor Asbestos waste is classified as 'special waste' and as such, can only be disposed of at a site licensed by the Environment Agency. Any contractor used must also be licensed to carry 'special waste'.

- The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2017) it is an offence to disturb or harm any protected

species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting.

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.