

Dear Sirs

S/19/1465

Erection of 2no. drive thru units (Use Classes A1/A3/A5) with circulatory routes, access, associated car parking, landscaping and other associated works

Land Off The A346 Chiseldon Swindon SN4 0NR

The Parish Council is disappointed to have received notification of this application without any prior approach from the applicant to discuss the suitability of the plans in the context of its location within the North Wessex Downs (NWD) Area of Outstanding Natural Beauty (AONB).

The Parish Council **objects** to the application on the following grounds:

1. The planned development does not accord with Paragraph 172 of the National Planning Policy Framework (February 2019) which states:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. [...] Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

Comments:

- The entire development is located within the NWD AONB.
- It is debatable whether a development of this size and character is a major development. Given both its scale and the traffic that would be generated by the site, the Parish Council disagrees with Paragraph 5.5 of the planning statement and, therefore, suggests that it is a major development within the context of the AONB.
- The Parish Council does not believe that the applicant has made a sufficiently robust case in favour of the development:
 - Rest and refreshment facilities are already available in the form of a bakery, sandwich shop, shop and “coffee to go” station at the existing Petrol Filling Station (PFS) to the north of the site.
 - While the addition of 70 jobs by the site is noted, Swindon is an economically active town nearby which can provide sufficient employment to the local population.
 - There are other sites that can accommodate this development outside of protected AONB land.
 - The detrimental effect of the development in terms of litter, noise, light pollution and traffic cannot be sufficiently mitigated to grant planning permission.

2. The development does not accord with Policy DE1 of the Swindon Borough Local Plan 2026 which states:

“High Quality Design

High standards of design are required for all types of development. Proposals for development should address the objectives of sustainable development through high quality design and place-making principles. To ensure this, proposals will be assessed against all the following design principles:

- a) *Context and character; in respect of:*
 - *existing built characteristics;*
 - *acknowledged features of importance; and*
 - *existing site conditions.*
- b) *Layout, form and function of the development, in respect of:*
 - *accessibility, connectivity, permeability, legibility, inclusivity, safety & security, efficiency and adaptability; and*
 - *siting, orientation, scale, massing, materials and detailing.*
- c) *Amenity, in respect of:*
 - *Light, privacy, outlook, noise, disturbance, smell, pollution and space.*
- d) *Quality of the public realm”*

Comments:

- The plans are an entirely speculative cut and paste of other EG Group owned facilities across the country. These “off the shelf” plans fail to take into account the existing built characteristics of the surrounding buildings (barns, farmhouses and a farm shop) and do not seek to enhance the area around it.
 - The buildings are cheaply constructed and have large glazed panels which will permit significant light spill during the hours of darkness into an area which is particularly sensitive to light pollution.
 - The sizing, orientation, scaling and massing of the development are out of character with the nearby buildings.
 - The development will create light pollution, noise, traffic, smells of fast food and general disturbance to the local area as a result of its everyday operations.
 - The lighting report suggests significant lighting overspill from the outdoor lighting, again, a situation that is unacceptable in an area which is light-pollution sensitive.
3. The development does not accord with Policy TR2 of the Swindon Borough Local Plan 2026 which states (in part):

“Transport and Development

- a) *New development should be located and designed to reduce the need to travel and to encourage the use of sustainable transport alternatives, particularly walking and cycling, and provide the potential to maximise bus travel.*

and

- f) *Development shall provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.”*

Comments:

- While the existence of a transport statement is noted, the document states in paragraph 4.5 that “it can be summarised that the site offers potential for some journeys, particularly those by staff, to be undertaken by modes other than car”. The Parish Council would argue that the number of trips to/from the site in a mode of transport other than a car/motorised vehicle is negligible. As such, the site does not meet the criteria of clause (a) of policy TR2.
 - The transport plan states “It is proposed that the site will be accessed and egressed from A346 Marlborough Road with a ghost-island arrangement proposed to allow all movements at the junction”. In essence, the plans show a “T” junction with a right turn filter lane. The Parish Council has the following concerns:
 - The addition of a “T” junction creates 4 junctions in quick succession of each other (The Ridgeway, The Development, The existing PFS and New Road). The existing layout causes significant issues on a fast busy road as vehicles slow suddenly to turn into the junctions.
 - At peak hours, the motorway junction fails to accommodate the traffic volume leading to queuing traffic up to and past the existing PFS. Adding traffic entering and exiting the development site is liable to cause gridlock.
 - The speed and frequency of traffic on the A346 Marlborough Road is such that traffic turning right out of the site will need to wait an extraordinarily long amount of time before a clear gap on both sides is achieved to accommodate the movement. A review of traffic turning right out of New Road at rush hour would show the danger that this traffic plan will create.
 - There council has concerns with HGVs entering the site forwards and reversing out onto a main “A” road. This is unacceptable. Other provisions would need to be made to facilitate deliveries to the site.
4. Policy EN4 of the Swindon Borough Local Plan 2026 states:

“Biodiversity and Geodiversity

- a) *Development will avoid direct and indirect negative impacts upon biodiversity and geodiversity sites as identified on the Policies Map. This will be achieved through sensitive site location and layout, and by maintaining sufficient buffers and ecological connectivity with the wider environment. Damage or disturbance to local sites will generally be unacceptable, other than in exceptional circumstances where it has been demonstrated that such impacts are:*
 - *unavoidable and reduced as far as possible or are outweighed by other planning considerations in the public interest, and*
 - *where appropriate compensation measures can be secured*
 - b) *All development, where appropriate shall protect and enhance biodiversity and provide net local biodiversity gain. Where this is demonstrably not achievable, mitigation and compensation measures will be agreed.”*
- The Parish Council was unable to locate any reference to biodiversity within the applicant’s package of documents. Has any assessment been made?
 - The Parish Council also notes that no landscape assessment has been completed other than referring to the site as “a fragment of unremarkable land between Chiseldon and The Ridgeway”.

5. The development is not in accordance with policy EN5 of the Swindon Borough Local Plan 2026 which states:

“Landscape Character and Historic Landscape

- a) *Proposals for development will only be permitted when:*
- *the intrinsic character, diversity and local distinctiveness of landscape within Swindon Borough are protected, conserved and enhanced;*
 - *the design of the development and materials used are sympathetic to the surrounding landscape;*
 - *unacceptable impacts upon the landscape are avoided; and,*
 - *where other negative impacts are considered unavoidable, they are satisfactorily mitigated.*
- b) *In meeting the requirements of EN5a, applicants for development should demonstrate how they have taken into account Landscape Character Assessments and assessed the potential impact of the proposal upon the following attributes of the landscape:*
- *existing landscape form, features, topography and character;*
 - *the contribution of the landscape to biodiversity and wildlife;*
 - *local geology and geo-diversity;*
 - *views, visual amenity and the landscape setting;*
 - *valuable historic and heritage areas and assets;*
 - *environmental amenity such as tranquillity & noise, pollution and light pollution; and,*
 - *the existing social, physical, economic and environmental roles and functions of the landscape at the local and strategic scale (for example as a place of cultural and leisure activity, living, employment and separation of settlements).*
- c) *The North Wessex Downs Area of Outstanding Natural Beauty (AONB) is a nationally recognised area of landscape protection. Proposals within the Borough which are within and or abuts the North Wessex Downs AONB must accord with relevant criteria set out in the AONB Management Plan and paragraph 115 and 116 of the NPPF. Proposals outside the AONB should not adversely affect its setting.”*

Comments:

- The applicant already has a successful food and drink establishment by way of the PFS to the north of the site; addition of further retail/food outlets indicates a significant overdevelopment of the area.
- We have significant concerns as to the impact on important local businesses. To the south of the site, there is the Three Trees Farm Shop, a locally owned business that is seen both by the community and this Parish Council as an important asset to the village of Chiseldon. Not only does it a source of local employment, it is a meeting place for locals and the owners of the Farm Shop do a lot of work to support the community. The proposed development would compete directly in the same space as the Farm Shop (i.e. both serve food and drink) and the Parish Council believes that the development may have a significant adverse impact on the Farm Shop. Any negative impact on the Farm Shop potentially puts this asset at risk, the loss of which would have an adverse impact on the village and its community.
- Per (2) above, the design and construction of the two units are not in keeping with the landscape or local area and will “stick out like a sore thumb”; it fails to enhance the area in any way, shape or form.

- The development is likely to create noise, litter, light pollution and smells which will disturb neighbours and adversely affect the local area, against which no mitigation can resolve. This also is against policy EN7 of the Swindon Local Plan 2026 which states: *“a) Development that is likely to lead to emissions of pollutants such as noise, light, vibration, smell, fumes, smoke, soot, ash, dust, grit or toxic substances that may adversely affect existing development and vulnerable wildlife habitats, shall only be permitted where such emissions are controlled to a point where there is no significant loss of amenity for existing land uses, or habitats.”*
- The AONB management have also objected on similar grounds.

Additional Comments:

- The Parish Council believes that the existing PFS exceeds the floorspace restrictions imposed under conditions 14 & 15 of the decision made in application S/03/03189CA.
- The applicant has already had to make retrospective applications for their existing PFS by way of S/16/0084, S/16/0891, S/16/0892 and S/16/0219. In S/16/0219, enforcement action was taken requiring them to remove and rebuild a storage area at the rear of the property which clearly shows that the applicant does not fully understand the importance and significance of both the PFS site and the proposed site in relation to the village of Chiseldon and/or the AONB. Similarly, section 5 of the planning statement shows scant regard for the AONB and the site in question.
- The PFS was subject to an application for a roadside restaurant in 1991 which went to appeal with a decision being handed down in T/APP/X3920/A/91/184233 and T/APP/X3920/A/91/184227/P8. The inspector’s comments were as follows:

“18. I accept that the proposed restaurant would undoubtedly be a popular attraction for motorists and that most of the existing catering facilities cited by the Council, being public houses and hotels, are not readily comparable with the appeal proposal. In some cases also they are not readily accessible, being off the main highway. Nevertheless I believe that the Council demonstrated that there is an adequate level of provision of such facilities along the A346 and connecting main roads particularly when it is taken into account that the towns of Marlborough and Swindon are respectively about 11 km (7 miles) to the south and 5 km (3 miles) to the north. In addition I note that it is envisaged that redevelopment of the filling station, to which the Council do not object in principle, would itself provide a range of motorists’ facilities including an improved shop and customer toilets and I regard these as capable of reasonably providing the related facilities referred to in Planning Policy Guidance Note No. 13 without the need for the more extensive restaurant development to the south.

19. Because of the importance of protecting the character and appearance of the AONB, and the significant landscape impact which the restaurant and car park elements of the appeal proposal would have, I take the view that it would be necessary to show a clear and unequivocal need for these elements in order to outweigh the harm caused. For the reasons outlined above I do not consider that such a need has been demonstrated in this case. Regardless of my conclusions on my second issue I consider that there are clear planning objections to your clients’ scheme in terms of the first which warrant dismissing the appeals.

20. In reaching my decision I have taken account of all other matters raised in the representations. Among these I include the loss of the dwelling on the site and the implications of the appeal proposal for highway safety. On the first matter I consider that

the draft Local Plan policy on housing loss is of very limited relevance and that, in any case, the loss of one dwelling would not cause material harm to the overall housing stock in the area. On the second matter I can understand the concern of the Parish Council and local residents about the conflicting traffic movements which could occur at the junction of the A346 and New Road, and the potential risk of accidents. However, taken as a whole the proposed access and circulation arrangements would clearly be a significant improvement on the present position. I see no reason to dissent from the highway authority's view that these arrangements would be acceptable in terms of highway safety subject to inclusion of the specified works within the highway boundary. However, neither these nor any other matters outweigh the considerations which lead to my conclusions.

21. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss these appeals."

While this decision is almost thirty years old, it clearly shows the great weight of importance given to the NWD AONB when making planning decisions. Similarly, it shows a requirement to demonstrate a need for the facility, with the Council believes is not the case. Most notably, there is a farm shop with a full service café to the south of the site, the existing PFS to the north of the site, The Bakers Arms in Badbury, the Plough on the Hill just before J15 of the M4, the Chiseldon Smokehouse and other facilities on the other side of the M4 such as the Spotted Cow at Coate and the Sainsburys Café and PFS at the junction with the A420.

Summary

In summary, the Parish Council sees the negative impacts of this development significantly outweighing the positive outcomes if it were to go ahead. The plans are ill-conceived, and wholly inappropriate for such a prominent location within an AONB. On the points above, the council objects to this application.

Call-in

This application has been incredibly unpopular with the general public, and therefore if the planning officer is minded to approve this application, the Parish Council respectfully requests that the matter is called in to the next available Planning Committee meeting.

Kind regards

Mrs Clair Wilkinson
Clerk and Responsible Financial Officer